

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 468

97TH GENERAL ASSEMBLY

1249H.04P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 43.265, 174.700, 174.703, 174.706, 302.302, 544.157, 566.093, 566.135, 575.060, 575.070, 575.130, 610.021, 632.505, 650.120, and 650.350, RSMo, and to enact in lieu thereof twenty-eight new sections relating to public safety, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 43.265, 174.700, 174.703, 174.706, 302.302, 544.157, 566.093, 566.135, 575.060, 575.070, 575.130, 610.021, 632.505, 650.120, and 650.350, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 43.265, 57.095, 106.273, 174.700, 174.703, 174.706, 174.709, 174.712, 302.302, 304.890, 304.892, 304.894, 429.371, 429.373, 429.376, 429.379, 544.157, 566.093, 566.135, 575.045, 575.060, 575.070, 575.130, 575.133, 610.021, 632.505, 650.120, and 650.350 to read as follows:

43.265. There is hereby created in the state treasury the "Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund", which shall be administered by the superintendent of the highway patrol. All funds received by the highway patrol from:

(1) Any source for purchase **and maintenance** of highway patrol motor vehicles, watercraft, watercraft motors, and trailers;

(2) Any source for reimbursement of costs associated with the official use of highway patrol vehicles;

(3) Any source for restitution for damage to or loss of a highway patrol vehicle or aircraft;

(4) Any other source for the purchase **and maintenance** of highway patrol aircraft or aircraft parts; and

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.

12 (5) Government agencies for the reimbursement of costs associated with aircraft flights  
13 flown on their behalf by the highway patrol;  
14  
15 shall be credited to the fund. The state treasurer is the custodian of the fund and shall approve  
16 disbursements from the fund subject to appropriation and as provided by law and the constitution  
17 of this state at the request of the superintendent of the highway patrol. The balances from this  
18 fund shall be used for the purchase, **maintenance, and fuel costs** of highway patrol motor  
19 vehicles, highway patrol watercraft, watercraft motors, and trailers, highway patrol aircraft or  
20 aircraft parts and operational costs. Any unexpended balance in the fund at the end of the fiscal  
21 year shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended  
22 balances to the general revenue fund.

**57.095. Notwithstanding section 537.600, sheriffs or any other law enforcement  
2 officers shall have immunity from any liability, civil or criminal, while conducting service  
3 of process at the direction of any court to the extent that the officers' actions do not violate  
4 clearly established statutory or constitutional rights of which a reasonable person would  
5 have known.**

**106.273. 1. For the purposes of this section, the following terms shall mean:**

- 2 (1) **"Chief", any non-elected chief law enforcement officer of any political  
3 subdivision, except any home rule city with more than four hundred thousand inhabitants  
4 and located in more than one county;**
- 5 (2) **"Just cause", exists when a chief:**
- 6 (a) **Is unable to perform his or her duties with reasonable competence or reasonable  
7 safety as a result of a mental condition, including alcohol or substance abuse;**
- 8 (b) **Has committed any act, while engaged in the performance of his or her duties,  
9 that constitutes a reckless disregard for the safety of the public or another law enforcement  
10 officer;**
- 11 (c) **Has caused a material fact to be misrepresented for any improper or unlawful  
12 purpose;**
- 13 (d) **Acts in a manner for the sole purpose of furthering his or her self-interest or  
14 in a manner inconsistent with the interests of the public of the chief's governing body; or**
- 15 (e) **Has been found to have violated any law, statute, or ordinance which constitutes  
16 a felony.**

17 **2. A chief shall be subject to removal from office or employment by the appointing  
18 authority or the governing body of the political subdivision employing the chief if:**

19           **(1) The governing body of the political subdivision employing the chief issues a**  
20 **written notice to the chief whose removal is being sought no fewer than ten business days**  
21 **prior to the meeting at which his or her removal will be considered;**

22           **(2) The chief has been given written notice as to the governing body's intent to**  
23 **remove him or her. Such notice shall include:**

24           **(a) Charges specifying just cause for which removal is sought;**

25           **(b) A statement of facts that are alleged to constitute just cause for the chief's**  
26 **removal; and**

27           **(c) The date, time, and location of the meeting at which the chief's removal will be**  
28 **considered;**

29           **(3) The chief is given an opportunity to be heard before the board, together with any**  
30 **witnesses, evidence and counsel of his or her choosing; and**

31           **(4) The board, by two-thirds majority vote, finds just cause for removing the chief.**

32           **3. Upon the satisfaction of the removal procedure under subsection 2 of this section,**  
33 **the chief shall be immediately removed from his or her office, shall be relieved of all duties**  
34 **and responsibilities of said office, and shall be entitled to no further compensation or**  
35 **benefits not already earned, accrued, or agreed upon.**

36           **4. Any chief removed pursuant to subsection 3 of this section shall be issued a**  
37 **written notice of the grounds of his or her removal within fourteen calendar days of the**  
38 **removal.**

174.700. The board of regents or board of governors of any state college or university  
2 may appoint and employ as many college or university police officers as it may deem necessary  
3 to **enforce regulations established under section 174.709 and general motor vehicle laws of**  
4 **this state in accordance with section 174.712**, protect persons, property, and to preserve peace  
5 and good order only in the public buildings, properties, grounds, and other facilities and locations  
6 over which it has charge or control and to respond to emergencies or natural disasters outside of  
7 the boundaries of university property and provide services if requested by the law enforcement  
8 agency with jurisdiction.

174.703. **1.** The college or university police officers, before they enter upon their duties,  
2 shall take and subscribe an oath of office before some officer authorized to administer oaths, to  
3 faithfully and impartially discharge the duties thereof, which oath shall be filed in the office of  
4 the board, and the secretary of the board shall give each college police officer so appointed and  
5 qualified a certificate of appointment, under the seal of the board, which certificate shall  
6 empower him or her with the same authority to maintain order, preserve peace and make arrests  
7 as is now held by peace officers.

8           **2. The college or university police officers shall have the authority to enforce the**  
9 **regulations established in section 174.709 and general motor vehicle laws in accordance**  
10 **with section 174.712 on the campus as prescribed in chapter 304.** The college or university  
11 police officer may in addition expel from the public buildings, campuses, and grounds, persons  
12 violating the rules and regulations that may be prescribed by the board or others under the  
13 authority of the board.

14           **3.** Such officer or employee of the state college or university as may be designated by  
15 the board shall have immediate charge, control and supervision of police officers appointed by  
16 authority of this section. Such college or university police officers shall have satisfactorily  
17 completed before appointment a training course for police officers as prescribed by chapter 590  
18 for state peace officers or, by virtue of previous experience or training, have met the  
19 requirements of chapter 590, **and have been certified under that chapter.**

          174.706. Nothing in sections 174.700 to 174.706 shall be construed as denying the board  
2 the right to appoint guards or watchmen who shall not be given the authority and powers  
3 authorized by sections 174.700 to [174.706] **174.712.**

**174.709. 1. For the purpose of promoting public safety, health, and general welfare**  
2 **and to protect life and property, the board of regents or board of governors of any state**  
3 **college or university may establish regulations to control vehicular traffic, including speed**  
4 **regulations, on any thoroughfare owned or maintained by the state college or university**  
5 **and located within any of its campuses. Such regulations shall be consistent with the**  
6 **provisions of the general motor vehicle laws of this state. Upon adoption of such**  
7 **regulations, the state college or university shall have the authority to place official traffic**  
8 **control signals, as defined in section 300.010, on campus property.**

9           **2. The regulations established by the board of regents or board of governors of any**  
10 **state college or university under subsection 1 of this section shall be codified, printed, and**  
11 **distributed for public use. Adequate signs displaying the speed limit shall be posted along**  
12 **such thoroughfares.**

13           **3. Violations of any regulation established under this section shall have the same**  
14 **effect as a violation of municipal ordinances adopted under section 304.120, with penalty**  
15 **provisions as provided in section 304.570. Points assessed against any person under section**  
16 **302.302 for a violation of this section shall be the same as provided for a violation of a**  
17 **county or municipal ordinance.**

18           **4. The provisions of this section shall apply only to moving violations.**

**174.712. All motor vehicles operated upon any thoroughfare owned or maintained**  
2 **by the state college or university and located within any of its campuses shall be subject to**  
3 **the provisions of the general motor vehicle laws of this state, including chapters 301, 302,**

4 **303, 304, 307, and 577. Violations shall have the same effect as though such had occurred**  
5 **on public roads, streets, or highways of this state.**

302.302. 1. The director of revenue shall put into effect a point system for the  
2 suspension and revocation of licenses. Points shall be assessed only after a conviction or  
3 forfeiture of collateral. The initial point value is as follows:

4 (1) Any moving violation of a state law or county or municipal or federal traffic  
5 ordinance or regulation not listed in this section, other than a violation of vehicle  
6 equipment provisions or a court-ordered supervision as provided in  
7 section 302.303. . . . . 2 points  
8 (except any violation of municipal stop sign ordinance where no accident is  
9 involved. . . . . 1 point)

10 (2) Speeding  
11 In violation of a state law. . . . . 3 points  
12 In violation of a county or municipal ordinance. . . . . 2 points

13 (3) Leaving the scene of an accident  
14 in violation of section 577.060. . . . . 12 points  
15 In violation of any county or municipal ordinance. . . . . 6 points

16 (4) Careless and imprudent driving in  
17 violation of subsection 4 of section 304.016. . . . . 4 points  
18 In violation of a county or municipal ordinance. . . . . 2 points

19 (5) Operating without a valid license in violation of subdivision (1) or (2) of  
20 subsection 1 of section 302.020:

21 (a) For the first conviction. . . . . 2 points

22 (b) For the second conviction. . . . . 4 points

23 (c) For the third conviction. . . . . 6 points

24 (6) Operating with a suspended or revoked license prior to restoration of  
25 operating privileges. . . . . 12 points

26 (7) Obtaining a license by  
27 misrepresentation. . . . . 12 points

28 (8) For the first conviction of driving while in an intoxicated condition  
29 or under the influence of controlled substances or drugs. . . . . 8 points

30 (9) For the second or subsequent conviction of any of the following  
31 offenses however combined: driving while in an intoxicated condition, driving  
32 under the influence of controlled substances or drugs or driving with a blood  
33 alcohol content of eight-hundredths of one percent or more by weight. . . . . 12 points

34 (10) For the first conviction for driving with blood alcohol content

- 35 eight-hundredths of one percent or more by weight In violation of state law. . . . . 8 points
- 36 In violation of a county or municipal ordinance or federal law or regulation. . . . . 8 points
- 37 (11) Any felony involving the use of a motor vehicle. . . . . 12 points
- 38 (12) Knowingly permitting unlicensed operator to operate a motor vehicle. . 4 points
- 39 (13) For a conviction for failure to maintain financial responsibility pursuant to
- 40 county or municipal ordinance or pursuant to section 303.025. . . . . 4 points
- 41 (14) Endangerment of a highway worker
- 42 in violation of section 304.585. . . . . 4 points
- 43 (15) Aggravated endangerment of a
- 44 highway worker in violation of section 304.585. . . . . 12 points
- 45 (16) For a conviction of violating a municipal ordinance that prohibits tow truck
- 46 operators from stopping at or proceeding to the scene of an accident unless they have
- 47 been requested to stop or proceed to such scene by a party involved in such accident
- 48 or by an officer of a public safety agency. . . . . 4 points
- 49 **(17) Endangerment of an emergency**
- 50 **responder in violation of section 304.894. . . . . 4 points**
- 51 **(18) Aggravated endangerment of an emergency responder in violation of**
- 52 **section 304.894. . . . . 12 points**
- 53 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess
- 54 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section
- 55 302.020, when the director issues such operator a license or permit pursuant to the provisions
- 56 of sections 302.010 to 302.340.
- 57 3. An additional two points shall be assessed when personal injury or property damage
- 58 results from any violation listed in subdivisions (1) to (13) of subsection 1 of this section and if
- 59 found to be warranted and certified by the reporting court.
- 60 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this
- 61 section constitutes both a violation of a state law and a violation of a county or municipal
- 62 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an
- 63 offense arising out of the same occurrence could be construed to be a violation of subdivisions
- 64 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more
- 65 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for
- 66 offenses arising out of the same occurrence.
- 67 5. The director of revenue shall put into effect a system for staying the assessment of
- 68 points against an operator. The system shall provide that the satisfactory completion of a
- 69 driver-improvement program or, in the case of violations committed while operating a
- 70 motorcycle, a motorcycle-rider training course approved by the state highways and transportation

71 commission, by an operator, when so ordered and verified by any court having jurisdiction over  
72 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a  
73 violation committed in a commercial motor vehicle as defined in section 302.700 or a violation  
74 committed by an individual who has been issued a commercial driver's license or is required to  
75 obtain a commercial driver's license in this state or any other state, shall be accepted by the  
76 director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4)  
77 of subsection 1 of this section or pursuant to subsection 3 of this section. A court using a  
78 centralized violation bureau established under section 476.385 may elect to have the bureau order  
79 and verify completion of a driver-improvement program or motorcycle-rider training course as  
80 prescribed by order of the court. For the purposes of this subsection, the driver-improvement  
81 program shall meet or exceed the standards of the National Safety Council's eight-hour  
82 "Defensive Driving Course" or, in the case of a violation which occurred during the operation  
83 of a motorcycle, the program shall meet the standards established by the state highways and  
84 transportation commission pursuant to sections 302.133 to 302.137. The completion of a  
85 driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu  
86 of points more than one time in any thirty-six-month period and shall be completed within sixty  
87 days of the date of conviction in order to be accepted in lieu of the assessment of points. Every  
88 court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days  
89 after completion of the driver-improvement program or motorcycle-rider training course by an  
90 operator, forward a record of the completion to the director, all other provisions of the law to the  
91 contrary notwithstanding. The director shall establish procedures for record keeping and the  
92 administration of this subsection.

**304.890. As used in sections 304.890 to 304.894, the following terms shall mean:**

- 2       **(1) "Active emergency", any incident occurring on a highway, as the term**  
3 **"highway" is defined in section 302.010, that requires emergency services from any**  
4 **emergency responder;**
- 5       **(2) "Active emergency zone", any area upon or around any highway, which is**  
6 **visibly marked by emergency responders performing work for the purpose of emergency**  
7 **response, and where an active emergency, or incident removal, is temporarily occurring.**  
8 **This area includes the lanes of highway leading up to an active emergency or incident**  
9 **removal, beginning within three hundred feet of visual sighting of:**
- 10       **(a) Appropriate signs or traffic control devices posted or placed by emergency**  
11 **responders; or**
- 12       **(b) An emergency vehicle displaying active emergency lights or signals;**

13           (3) "Emergency responder", any law enforcement officer, paid or volunteer  
14 firefighter, first responder, emergency medical worker, tow truck operator, or other  
15 emergency personnel responding to an emergency on a highway.

          304.892. 1. Upon the first conviction, finding of guilt, or plea of guilty by any  
2 person for a moving violation, as the term "moving violation" is defined in section 302.010,  
3 or any offense listed in section 302.302, other than a violation described in subsection 2 of  
4 this section, if the violation or offense occurs within an active emergency zone, the court  
5 shall assess a fine of thirty-five dollars in addition to any other fine authorized by law.  
6 Upon a second or subsequent conviction, finding of guilt, or plea of guilty, the court shall  
7 assess a fine of seventy-five dollars in addition to any other fine authorized by law.

8           2. Upon the first conviction, finding of guilt, or plea of guilty by any person for a  
9 speeding violation under either section 304.009 or 304.010, or a passing violation under  
10 subsection 3 of this section, if the violation or offense occurs within an active emergency  
11 zone and emergency responders were present in such zone at the time of the offense or  
12 violation, the court shall assess a fine of two hundred fifty dollars in addition to any other  
13 fine authorized by law. Upon a second or subsequent conviction, finding of guilt, or plea  
14 of guilty, the court shall assess a fine of three hundred dollars in addition to any other fine  
15 authorized by law. However, no person assessed an additional fine under this subsection  
16 shall also be assessed an additional fine under subsection 1 of this section.

17           3. The driver of a motor vehicle shall not overtake or pass another motor vehicle  
18 within an active emergency zone. Violation of this subsection is a class C misdemeanor.

19           4. The additional fines imposed by this section shall not be construed to enhance  
20 the assessment of court costs or the assessment of points under section 302.302.

          304.894. 1. A person commits the offense of endangerment of an emergency  
2 responder for any of the following offenses when the offense occurs within an active  
3 emergency zone:

4           (1) Exceeding the posted speed limit by fifteen miles per hour or more;

5           (2) Passing in violation of subsection 3 of section 304.892;

6           (3) Failure to stop for an active emergency zone flagman or emergency responder,  
7 or failure to obey traffic control devices erected, or personnel posted, in the active  
8 emergency zone for purposes of controlling the flow of motor vehicles through the zone;

9           (4) Driving through or around an active emergency zone via any lane not clearly  
10 designated for motorists to control the flow of traffic through or around the active  
11 emergency zone;

12           (5) Physically assaulting, attempting to assault, or threatening to assault an  
13 emergency responder with a motor vehicle or other instrument;



14           **(6) Intentionally striking, moving, or altering barrels, barriers, signs, or other**  
15 **devices erected to control the flow of traffic to protect emergency responders and motorists**  
16 **unless the action was necessary to avoid an obstacle or an emergency or to protect the**  
17 **health and safety of an occupant of the motor vehicle or of another person; or**

18           **(7) Committing any of the following offenses for which points may be assessed**  
19 **under section 302.302:**

20           **(a) Leaving the scene of an accident in violation of section 577.060;**

21           **(b) Careless and imprudent driving in violation of subsection 4 of section 304.016;**

22           **(c) Operating without a valid license in violation of subdivision (1) or (2) of**  
23 **subsection 1 of section 302.020;**

24           **(d) Operating with a suspended or revoked license;**

25           **(e) Driving while in an intoxicated condition or under the influence of controlled**  
26 **substances or drugs or driving with an excessive blood alcohol content;**

27           **(f) Any felony involving the use of a motor vehicle.**

28           **2. Upon a finding of guilt or a plea of guilty for committing the offense of**  
29 **endangerment of an emergency responder under subsection 1 of this section, if no injury**  
30 **or death to an emergency responder resulted from the offense, the court shall assess a fine**  
31 **of not more than one thousand dollars, and four points shall be assessed to the operator's**  
32 **license under section 302.302.**

33           **3. A person commits the offense of aggravated endangerment of an emergency**  
34 **responder upon a finding of guilt or a plea of guilty for any offense under subsection 1 of**  
35 **this section if such offense results in the injury or death of an emergency responder. Upon**  
36 **a finding of guilt or a plea of guilty for committing the offense of aggravated endangerment**  
37 **of an emergency responder, in addition to any other penalty authorized by law, the court**  
38 **shall assess a fine of not more than five thousand dollars if the offense resulted in injury**  
39 **to an emergency responder, and ten thousand dollars if the offense resulted in the death**  
40 **of an emergency responder. In addition, twelve points shall be assessed to the operator's**  
41 **license under section 302.302.**

42           **4. Except for the offense established under subdivision (6) of subsection 1 of this**  
43 **section, no person shall be deemed to have committed the offense of endangerment of an**  
44 **emergency responder except when the act or omission constituting the offense occurred**  
45 **when one or more emergency responders were responding to an active emergency.**

46           **5. No person shall be cited for, or found guilty of, endangerment of an emergency**  
47 **responder or aggravated endangerment of an emergency responder, for any act or**  
48 **omission otherwise constituting an offense under subsection 1 of this section, if such act or**

49 omission resulted in whole or in part from mechanical failure of the person's vehicle or  
50 from the negligence of another person or emergency responder.

429.371. As used in sections 429.371 to 429.379, the following terms shall mean:

2 (1) "Federal official or employee", an appointed or elected official or any employee  
3 of the government of the United States or of any agency of such government as defined  
4 under 28 U.S.C. Section 2671;

5 (2) "Lien", an encumbrance on real or personal property as security for the  
6 payment of a debt or performance of an obligation;

7 (3) "Spurious document", any document that is forged or groundless, contains a  
8 material misstatement or false claim, or is otherwise patently invalid;

9 (4) "Spurious lien", a purported lien or claim of a lien that is not:

10 (a) Provided for by a specific state or federal statute or by a specific municipal  
11 ordinance;

12 (b) Created, suffered, assumed, or agreed to by the owner of the property it  
13 purports to encumber; or

14 (c) Imposed by order, judgment, or decree of a state or federal court;

15 (5) "State or local official or employee", an appointed or elected official or any  
16 employee of:

17 (a) The state of Missouri;

18 (b) Any agency, board, commission, or state department in any branch of state  
19 government;

20 (c) Any institution of higher education; or

21 (d) Any school district, political subdivision, county, municipality,  
22 intergovernmental agency, or other unit of local government in this state.

429.373. 1. Any state or local official or employee may accept or reject for  
2 recording or filing any document that the state or local official or employee reasonably  
3 believes is not presented by a financial or lending institution and in good faith may be a  
4 spurious lien or spurious document.

5 2. No state or local official or employee shall be:

6 (1) Liable to any person or claimant for either the acceptance or rejection for  
7 recording or filing of any document that the state or local official or employee reasonably  
8 believes in good faith may be a spurious lien or spurious document; or

9 (2) Obligated to accept for recording or filing any lien against a federal, state or  
10 local official or employee based upon the performance or nonperformance of that official's  
11 or employee's duties unless such lien or claim of lien is accompanied by a specific order

12 issued by a state or federal court authorizing the recording or filing of such lien or claim  
13 of lien.

429.376. 1. No spurious lien or spurious document shall hold or affect any real or  
2 personal property longer than thirty-five days after the lien or document has been  
3 recorded or filed in the office of any state or local official or employee unless within the  
4 thirty-five days:

5 (1) An action has been commenced to enforce such lien or document in either the  
6 state circuit court for the county or city not within a county in which the lien or document  
7 was recorded or filed or a federal district court in this state; or

8 (2) A notice of lis pendens stating that such an action has been commenced and has  
9 been recorded or filed in the office where the lien or document was recorded or filed.

10 2. The notice of lis pendens required by subdivision (2) of subsection 1 of this  
11 section must comply with the Missouri rules of civil procedure and must include the civil  
12 action number of the action that has been commenced to enforce the lien or document.  
13 Failure to comply with the requirements of this subsection shall render the notice of lis  
14 pendens invalid.

429.379. 1. Any person whose real or personal property is affected by a recorded  
2 or filed lien or document that the person believes is spurious may petition either the circuit  
3 court for the county or city not within a county in which the lien or document was recorded  
4 or filed or a federal district court in this state for an order to show cause why the lien or  
5 document should not be declared invalid. The petition shall set forth a concise statement  
6 of the facts upon which the petition is based and shall be supported by an affidavit of the  
7 petitioner. The order to show cause may be granted ex parte and shall:

8 (1) Direct any lien claimant and any person who recorded or filed the lien or  
9 document to appear as respondent before the court at a certain time and place not less than  
10 fourteen days nor more than twenty-one days after service of the order to show cause why  
11 the lien or document should not be declared invalid and why such other relief provided by  
12 this section should not be granted;

13 (2) State that, if the respondent fails to appear at the time and place specified, the  
14 spurious lien or spurious document will be declared invalid and released; and

15 (3) State that the court shall award costs, including reasonable attorney fees, to the  
16 prevailing party.

17 2. If, following the hearing on the order to show cause, the court determines that  
18 the lien or document is spurious, the court shall make findings of fact and enter an order  
19 and decree declaring the spurious lien or spurious document and entering a monetary  
20 judgment in the amount of the petitioner's costs, including reasonable attorney fees,

21 **against any respondent and in favor of the petitioner. A certified copy of such order may**  
22 **be recorded or filed in the office of any state or local official or employee.**

23 **3. If, following the hearing on the order to show cause, the court determines that**  
24 **the lien or document is not spurious, the court shall issue an order and enter a monetary**  
25 **judgment in the amount of any respondent's costs, including reasonable attorney fees,**  
26 **against any petitioner and in favor of the respondent.**

544.157. 1. Any law enforcement officer certified pursuant to chapter 590 of any  
2 political subdivision of this state, any authorized agent of the department of conservation, any  
3 commissioned member of the Missouri capitol police, **any college or university police officer,**  
4 and any commissioned member of the Missouri state park rangers in fresh pursuit of a person  
5 who is reasonably believed by such officer to have committed a felony in this state or who has  
6 committed, or attempted to commit, in the presence of such officer or agent, any criminal offense  
7 or violation of a municipal or county ordinance, or for whom such officer holds a warrant of  
8 arrest for a criminal offense, shall have the authority to arrest and hold in custody such person  
9 anywhere in this state. Fresh pursuit may only be initiated from within the pursuing peace  
10 officer's, conservation agent's, capitol police officer's, **college or university police officer's,** or  
11 state park ranger's jurisdiction and shall be terminated once the pursuing peace officer is outside  
12 of such officer's jurisdiction and has lost contact with the person being pursued. If the offense  
13 is a traffic violation, the uniform traffic ticket shall be used as if the violator had been  
14 apprehended in the municipality or county in which the offense occurred.

15 2. If such an arrest is made in obedience to a warrant, the disposition of the prisoner shall  
16 be made as in other cases of arrest under a warrant; if the violator is served with a uniform traffic  
17 ticket, the violator shall be directed to appear before a court having jurisdiction to try the offense;  
18 if the arrest is without a warrant, the prisoner shall be taken forthwith before a judge of a court  
19 with original criminal jurisdiction in the county wherein such arrest was made or before a  
20 municipal judge thereof having original jurisdiction to try such offense, who may release the  
21 person as provided in section 544.455, conditioned upon such person's appearance before the  
22 court having jurisdiction to try the offense. The person so arrested need not be taken before a  
23 judge as herein set out if given a summons by the arresting officer.

24 3. The term "fresh pursuit", as used in this section, shall include hot or fresh pursuit as  
25 defined by the common law and also the pursuit of a person who has committed a felony or is  
26 reasonably suspected of having committed a felony in this state, or who has committed or  
27 attempted to commit in this state a criminal offense or violation of municipal or county ordinance  
28 in the presence of the arresting officer referred to in subsection 1 of this section or for whom  
29 such officer holds a warrant of arrest for a criminal offense. It shall include also the pursuit of  
30 a person suspected of having committed a supposed felony in this state, though no felony has

31 actually been committed, if there is reasonable ground for so believing. "Fresh pursuit" as used  
32 herein shall imply instant pursuit.

33 4. A public agency electing to institute vehicular pursuits shall adopt a policy for the safe  
34 conduct of vehicular pursuits by peace officers. Such policy shall meet the following minimum  
35 standards:

36 (1) There shall be supervisory control of the pursuit;

37 (2) There shall be procedures for designating the primary pursuit vehicle and for  
38 determining the total number of vehicles to be permitted to participate at one time in the pursuit;

39 (3) There shall be procedures for coordinating operation with other jurisdictions; and

40 (4) There shall be guidelines for determining when the interests of public safety and  
41 effective law enforcement justify a vehicular pursuit and when a vehicular pursuit should not be  
42 initiated or should be terminated.

566.093. 1. A person commits the crime of sexual misconduct in the second degree if  
2 such person:

3 (1) Exposes his or her genitals under circumstances in which he or she knows that his  
4 or her conduct is likely to cause affront or alarm;

5 (2) Has sexual contact in the presence of a third person or persons under circumstances  
6 in which he or she knows that such conduct is likely to cause affront or alarm; or

7 (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence  
8 of a third person.

9 2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has  
10 previously been convicted of an offense under this chapter, in which case it is a class A  
11 misdemeanor.

12 **3. If such crime is committed by a person while incarcerated within a facility in the**  
13 **department of corrections system, it is a class D felony and shall impose a fine of at least**  
14 **one hundred dollars.**

566.135. 1. [Pursuant to a motion filed by the prosecuting attorney or circuit attorney  
2 with notice given to the defense attorney and for good cause shown,] In any criminal case in  
3 which a defendant has been charged by the prosecuting attorney's office or circuit attorney's  
4 office with any offense under this chapter or pursuant to section 575.150, 567.020, 565.050,  
5 565.060, 565.070, 565.072, 565.073, 565.074, 565.075, 565.081, 565.082, 565.083, 568.045,  
6 568.050, or 568.060, or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section  
7 191.677, **the prosecuting or circuit attorney shall upon the request of the victim, with notice**  
8 **given to the defense attorney, or upon his or her own initiative, with notice given to the**  
9 **defense attorney and for good cause shown, file a motion for court-ordered testing of the**  
10 **defendant for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia and any**

11 **follow-up testing determined to be medically necessary. If the court [may] finds that the**  
12 **victim requested the testing or that good cause is shown the court shall** order that the  
13 defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV,  
14 hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia **and that the testing occur within**  
15 **forty-eight hours of the date on which the defendant was charged. Pursuant to this same**  
16 **motion the court shall also order any follow-up testing that is requested and determined**  
17 **to be medically necessary.** The results of the defendant's HIV, hepatitis B, hepatitis C, syphilis,  
18 gonorrhea, and chlamydia tests **and the results of any follow-up testing** shall be released to the  
19 victim and his or her parent or legal guardian if the victim is a minor **as soon as practicable.**  
20 The results of the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia  
21 tests **and the results of any follow-up testing** shall also be released to the prosecuting attorney  
22 or circuit attorney and the defendant's attorney. The state's motion to obtain said testing **and**  
23 **follow-up testing**, the court's order of the same, and the test results **and follow-up test results**  
24 shall be sealed in the court file.

25       2. **All charges for such sexually transmitted disease testing and follow-up testing**  
26 **by the state-, city-, or county-operated HIV clinic shall be billed to and paid by the**  
27 **department of public safety out of appropriations made for that purpose.**

28       3. As used in this section, "HIV" means the human immunodeficiency virus that causes  
29 acquired immunodeficiency syndrome.

**575.045. 1. A person commits the crime of false identification to a law enforcement**  
2 **officer if such person falsely represents or identifies himself or herself as another person**  
3 **or as a fictitious person to a law enforcement officer upon a lawful stop or a lawful**  
4 **detention, or an arrest of the person, either for the purpose of evading the process of the**  
5 **court, or for the purpose of evading the proper identification of the person by the law**  
6 **enforcement officer if:**

7       (1) **The false information is given while the law enforcement officer is engaged in**  
8 **the performance of his or her duties as a law enforcement officer; and**

9       (2) **The person providing the false information knows or should have known that**  
10 **the person receiving the information is a law enforcement officer.**

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**  
13 **person took 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. **False identification to a law enforcement officer is a class B misdemeanor.**

- 575.060. 1. A person commits the crime of making a false declaration if, with the purpose to mislead a public servant in the performance of his **or her** duty, [he] **such person**:
- (1) Submits any written false statement, which he **or she** does not believe to be true
    - (a) In an application for any pecuniary benefit or other consideration; or
    - (b) On a form bearing notice, authorized by law, that false statements made therein are punishable; or
  - (2) Submits or invites reliance on:
    - (a) Any writing which he **or she** knows to be forged, altered or otherwise lacking in authenticity; or
    - (b) Any sample, specimen, map, boundary mark, or other object which he **or she** knows to be false; **or**
  - (3) Provides any verbal false statement regarding their identity, which he or she believes or knows not to be true.**
2. The falsity of the statement or the item under subsection 1 of this section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under subsection 1 of this section.
3. It is a defense to a prosecution under subsection 1 of this section that the actor retracted the false statement or item but this defense shall not apply if the retraction was made after:
- (1) The falsity of the statement or item was exposed; or
  - (2) The public servant took substantial action in reliance on the statement or item.
4. The defendant shall have the burden of injecting the issue of retraction under subsection 3 of this section.
5. For the purpose of this section, "written" shall include filings submitted in an electronic or other format or medium approved or prescribed by the secretary of state.
6. Making a false declaration is a class B misdemeanor.
- 575.070. No person shall be convicted of a violation of section 575.040, **575.045**, 575.050 or 575.060 based upon the making of a false statement except upon proof of the falsity of the statement by:
- (1) The direct evidence of two witnesses; or
  - (2) The direct evidence of one witness together with strongly corroborating circumstances; or
  - (3) Demonstrative evidence which conclusively proves the falsity of the statement; or
  - (4) A directly contradictory statement by the defendant under oath together with
    - (a) The direct evidence of one witness; or

10 (b) Strongly corroborating circumstances; or  
11 (5) A judicial admission by the defendant that he made the statement knowing it was  
12 false. An admission, which is not a judicial admission, by the defendant that he made the  
13 statement knowing it was false may constitute strongly corroborating circumstances.

575.130. 1. A person commits the crime of simulating legal process if, with purpose to  
2 mislead the recipient and cause him to take action in reliance thereon, he delivers or causes to  
3 be delivered:

4 (1) A request for the payment of money on behalf of any creditor that in form and  
5 substance simulates any legal process issued by any court of this state; or

6 (2) Any purported summons, subpoena or other legal process knowing that the process  
7 was not issued or authorized by any court.

8 2. This section shall not apply to a subpoena properly issued by a notary public.

9 3. Simulating legal process is a class B misdemeanor, **unless the victim of a violation**  
10 **of this section is a law enforcement officer, peace officer, or first responder, in which case,**  
11 **simulating legal process is a class D felony.**

12 4. No person shall file a nonconsensual common law lien as defined in section 428.105.

13 5. A violation of subsection 4 of this section is a class B misdemeanor.

14 6. Subsection 4 of this section shall not apply to a filing officer as defined in section  
15 428.105 that is acting in the scope of employment.

**575.133. 1. A person commits the crime of filing a false lien if he or she:**

2 **(1) Files, attempts to file, or conspires to file in any public or private record that is**  
3 **available to the public any false lien or encumbrance against the real or personal property**  
4 **of any person; and**

5 **(2) Has knowledge or should have knowledge that the lien or encumbrance is false**  
6 **or contains materially false, fictitious, or fraudulent statements or representations.**

7 **2. Filing a false lien is a class D felony.**

610.021. Except to the extent disclosure is otherwise required by law, a public  
2 governmental body is authorized to close meetings, records and votes, to the extent they relate  
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body  
5 and any confidential or privileged communications between a public governmental body or its  
6 representatives and its attorneys. However, any minutes, vote or settlement agreement relating  
7 to legal actions, causes of action or litigation involving a public governmental body or any agent  
8 or entity representing its interests or acting on its behalf or with its authority, including any  
9 insurance company acting on behalf of a public government body as its insured, shall be made  
10 public upon final disposition of the matter voted upon or upon the signing by the parties of the



11 settlement agreement, unless, prior to final disposition, the settlement agreement is ordered  
12 closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the  
13 action clearly outweighs the public policy considerations of section 610.011, however, the  
14 amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed;  
15 provided, however, in matters involving the exercise of the power of eminent domain, the vote  
16 shall be announced or become public immediately following the action on the motion to  
17 authorize institution of such a legal action. Legal work product shall be considered a closed  
18 record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where public  
20 knowledge of the transaction might adversely affect the legal consideration therefor. However,  
21 any minutes, vote or public record approving a contract relating to the leasing, purchase or sale  
22 of real estate by a public governmental body shall be made public upon execution of the lease,  
23 purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public  
25 governmental body when personal information about the employee is discussed or recorded.  
26 However, any vote on a final decision, when taken by a public governmental body, to hire, fire,  
27 promote or discipline an employee of a public governmental body shall be made available with  
28 a record of how each member voted to the public within seventy-two hours of the close of the  
29 meeting where such action occurs; provided, however, that any employee so affected shall be  
30 entitled to prompt notice of such decision during the seventy-two-hour period before such  
31 decision is made available to the public.

32 As used in this subdivision, the term "personal information" means information relating to the  
33 performance or merit of individual employees;

34 (4) The state militia or National Guard or any part thereof;

35 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,  
36 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or  
37 treatment;

38 (6) Scholastic probation, expulsion, or graduation of identifiable individuals, including  
39 records of individual test or examination scores; however, personally identifiable student records  
40 maintained by public educational institutions shall be open for inspection by the parents,  
41 guardian or other custodian of students under the age of eighteen years and by the parents,  
42 guardian or other custodian and the student if the student is over the age of eighteen years;

43 (7) Testing and examination materials, before the test or examination is given or, if it  
44 is to be given again, before so given again;

45 (8) Welfare cases of identifiable individuals;

- 46 (9) Preparation, including any discussions or work product, on behalf of a public  
47 governmental body or its representatives for negotiations with employee groups;
- 48 (10) Software codes for electronic data processing and documentation thereof;
- 49 (11) Specifications for competitive bidding, until either the specifications are officially  
50 approved by the public governmental body or the specifications are published for bid;
- 51 (12) Sealed bids and related documents, until the bids are opened; and sealed proposals  
52 and related documents or any documents related to a negotiated contract until a contract is  
53 executed, or all proposals are rejected;
- 54 (13) Individually identifiable personnel records, performance ratings or records  
55 pertaining to employees or applicants for employment, except that this exemption shall not apply  
56 to the names, positions, salaries and lengths of service of officers and employees of public  
57 agencies once they are employed as such, and the names of private sources donating or  
58 contributing money to the salary of a chancellor or president at all public colleges and  
59 universities in the state of Missouri and the amount of money contributed by the source;
- 60 (14) Records which are protected from disclosure by law;
- 61 (15) Meetings and public records relating to scientific and technological innovations in  
62 which the owner has a proprietary interest;
- 63 (16) Records relating to municipal hotlines established for the reporting of abuse and  
64 wrongdoing;
- 65 (17) Confidential or privileged communications between a public governmental body  
66 and its auditor, including all auditor work product; however, all final audit reports issued by the  
67 auditor are to be considered open records pursuant to this chapter;
- 68 (18) Operational guidelines [and] , policies **and specific response plans** developed,  
69 adopted, or maintained by any public agency responsible for law enforcement, public safety, first  
70 response, or public health for use in responding to or preventing any critical incident which is  
71 or appears to be terrorist in nature and which has the potential to endanger individual or public  
72 safety or health. [Nothing in this exception shall be deemed to close information regarding  
73 expenditures, purchases, or contracts made by an agency in implementing these guidelines or  
74 policies. When seeking to close information pursuant to this exception, the agency shall  
75 affirmatively state in writing that disclosure would impair its ability to protect the safety or health  
76 of persons, and shall in the same writing state that the public interest in nondisclosure outweighs  
77 the public interest in disclosure of the records. This exception shall sunset on December 31,  
78 2012] **Financial records related to the procurement of or expenditures relating to**  
79 **operational guidelines, policies or plans purchased with public funds shall be open. When**  
80 **seeking to close information pursuant to this exception, the public governmental body shall**  
81 **affirmatively state in writing that disclosure would impair the public governmental body's**

82 **ability to protect the security or safety of persons or real property, and shall in the same**  
83 **writing state that the public interest in nondisclosure outweighs the public interest in**  
84 **disclosure of the records;**

85 (19) Existing or proposed security systems and structural plans of real property owned  
86 or leased by a public governmental body, and information that is voluntarily submitted by a  
87 nonpublic entity owning or operating an infrastructure to any public governmental body for use  
88 by that body to devise plans for protection of that infrastructure, the public disclosure of which  
89 would threaten public safety:

90 (a) Records related to the procurement of or expenditures relating to security systems  
91 purchased with public funds shall be open;

92 (b) When seeking to close information pursuant to this exception, the public  
93 governmental body shall affirmatively state in writing that disclosure would impair the public  
94 governmental body's ability to protect the security or safety of persons or real property, and shall  
95 in the same writing state that the public interest in nondisclosure outweighs the public interest  
96 in disclosure of the records;

97 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the  
98 receiving agency within ninety days of submission to determine if retention of the document is  
99 necessary in furtherance of a state security interest. If retention is not necessary, the documents  
100 shall be returned to the nonpublic governmental body or destroyed;

101 [(d) This exception shall sunset on December 31, 2012;]

102 (20) **The portion of a record that identifies security systems or access codes or**  
103 **authorization codes for security systems of real property;**

104 (21) Records that identify the configuration of components or the operation of a  
105 computer, computer system, computer network, or telecommunications network, and would  
106 allow unauthorized access to or unlawful disruption of a computer, computer system, computer  
107 network, or telecommunications network of a public governmental body. This exception shall  
108 not be used to limit or deny access to otherwise public records in a file, document, data file or  
109 database containing public records. Records related to the procurement of or expenditures  
110 relating to such computer, computer system, computer network, or telecommunications network,  
111 including the amount of moneys paid by, or on behalf of, a public governmental body for such  
112 computer, computer system, computer network, or telecommunications network shall be open;

113 [(21)] (22) Credit card numbers, personal identification numbers, digital certificates,  
114 physical and virtual keys, access codes or authorization codes that are used to protect the security  
115 of electronic transactions between a public governmental body and a person or entity doing  
116 business with a public governmental body. Nothing in this section shall be deemed to close the  
117 record of a person or entity using a credit card held in the name of a public governmental body

118 or any record of a transaction made by a person using a credit card or other method of payment  
119 for which reimbursement is made by a public governmental body; and

120        ~~[(22)]~~ **(23)** Records submitted by an individual, corporation, or other business entity to  
121 a public institution of higher education in connection with a proposal to license intellectual  
122 property or perform sponsored research and which contains sales projections or other business  
123 plan information the disclosure of which may endanger the competitiveness of a business.

632.505. 1. Upon determination by a court or jury that the person's mental abnormality  
2 has so changed that the person is not likely to commit acts of sexual violence if released, the  
3 court shall place the person on conditional release pursuant to the terms of this section. The  
4 primary purpose of conditional release is to provide outpatient treatment and monitoring to  
5 prevent the person's condition from deteriorating to the degree that the person would need to be  
6 returned to a secure facility designated by the director of the department of mental health.

7        2. The department of mental health is authorized to enter into an interagency agreement  
8 with the department of corrections for the supervision of persons granted a conditional release  
9 by the court. In conjunction with the department of corrections, the department of mental health  
10 shall develop a conditional release plan which contains appropriate conditions for the person to  
11 be released. The plan shall address the person's need for supervision, counseling, medication,  
12 community support services, residential services, vocational services, and alcohol and drug  
13 treatment. The department of mental health shall submit the proposed plan for conditional  
14 release to the court.

15        3. The court shall review the plan and determine the conditions that it deems necessary  
16 to meet the person's need for treatment and supervision and to protect the safety of the public.  
17 The court shall order that the person shall be subject to the following conditions and other  
18 conditions as deemed necessary:

19        (1) Maintain a residence approved by the department of mental health and not change  
20 residence unless approved by the department of mental health;

21        (2) Maintain employment unless engaged in other structured activity approved by the  
22 department of mental health;

23        (3) Obey all federal and state laws;

24        (4) Not possess a firearm or dangerous weapon;

25        (5) Not be employed or voluntarily participate in an activity that involves contact with  
26 children without approval of the department of mental health;

27        (6) Not consume alcohol or use a controlled substance except as prescribed by a treating  
28 physician and to submit, upon request, to any procedure designed to test for alcohol or controlled  
29 substance use;

- 30 (7) Not associate with any person who has been convicted of a felony unless approved  
31 by the department of mental health;
- 32 (8) Not leave the state without permission of the department of mental health;
- 33 (9) Not have contact with specific persons, including but not limited to, the victim or  
34 victim's family, as directed by the department of mental health;
- 35 (10) Not have any contact with any child without specific approval by the department  
36 of mental health;
- 37 (11) Not possess material that is pornographic, sexually oriented, or sexually stimulating;
- 38 (12) Not enter a business providing sexually stimulating or sexually oriented  
39 entertainment;
- 40 (13) Submit to a polygraph, plethysmograph, or other electronic or behavioral  
41 monitoring or assessment;
- 42 (14) Submit to electronic monitoring which may be based on a global positioning system  
43 or other technology which identifies and records a person's location at all times;
- 44 (15) Attend and fully participate in assessment and treatment as directed by the  
45 department of mental health;
- 46 (16) Take all psychiatric medications as prescribed by a treating physician;
- 47 (17) Authorize the department of mental health to access and obtain copies of  
48 confidential records pertaining to evaluation, counseling, treatment, and other such records and  
49 provide the consent necessary for the release of any such records;
- 50 (18) Pay fees to the department of mental health and the department of corrections to  
51 cover the costs of services and monitoring;
- 52 (19) Report to or appear in person as directed by the department of mental health and the  
53 department of corrections, and to follow all directives of such departments;
- 54 (20) Comply with any registration requirements under sections 589.400 to 589.425; and
- 55 (21) Comply with any other conditions that the court determines to be in the best interest  
56 of the person and society.
- 57 4. The court shall provide a copy of the order containing the conditions of release to the  
58 person, the attorney general, the department of mental health, the head of the facility housing the  
59 person, and the department of corrections.
- 60 5. A person who is conditionally released and supervised by a probation and parole  
61 officer employed by the department of corrections remains under the control, care, and treatment  
62 of the department of mental health.
- 63 6. The court may modify conditions of release upon its own motion or upon the petition  
64 of the department of mental health, the department of corrections, or the person on conditional  
65 release.

66           7. The following provisions shall apply to violations of conditional release:

67           (1) If any probation and parole officer has reasonable cause to believe that a person on  
68 conditional release has violated a condition of release or that the person is no longer a proper  
69 subject for conditional release, the officer may issue a warrant for the person's arrest. The  
70 warrant shall contain a brief recitation of the facts supporting the officer's belief. The warrant  
71 shall direct any peace officer to take the person into custody immediately so that the person can  
72 be returned to a secure facility;

73           (2) If the director of the department of mental health or the director's designee has  
74 reasonable cause to believe that a person on conditional release has violated a condition of  
75 release or that the person is no longer a proper subject for conditional release, the director or the  
76 director's designee may request that a peace officer take the person into custody immediately, or  
77 request that a probation and parole officer or the court which ordered the release issue a warrant  
78 for the person's arrest so that the person can be returned to a secure facility;

79           (3) At any time during the period of a conditional release, the court which ordered the  
80 release may issue a notice to the released person to appear to answer a charge of a violation of  
81 the terms of the release and the court may issue a warrant of arrest for the violation. Such notice  
82 shall be personally served upon the released person. The warrant shall authorize the return of  
83 the released person to the custody of the court or to the custody of the director of mental health  
84 or the director's designee;

85           (4) No peace officer responsible for apprehending and returning the person to the facility  
86 upon the request of the director of the department of mental health or the director's designee or  
87 a probation and parole officer shall be civilly liable for apprehending or transporting such person  
88 to the facility so long as such duties were performed in good faith and without negligence;

89           (5) The department of mental health shall promptly notify the court that the person has  
90 been apprehended and returned to a secure facility;

91           (6) Within seven days of the person's return to a secure facility, the department of mental  
92 health must either request that the attorney general file a petition to revoke the person's  
93 conditional release or continue the person on conditional release;

94           (7) If a petition to revoke conditional release is filed, the person shall remain in custody  
95 until a hearing is held on the petition. The hearing shall be given priority on the court's docket.  
96 If upon hearing the evidence, the court finds by preponderance of the evidence that the person  
97 has violated a condition of release and that the violation of the condition was sufficient to render  
98 the person no longer suitable for conditional release, the court shall revoke the conditional  
99 release and order the person returned to a secure facility designated by the director of the  
100 department of mental health. If the court determines that revocation is not required, the court

101 may modify or increase the conditions of release or order the person's release on the existing  
102 conditions of release;

103 (8) A person whose conditional release has been revoked may petition the court for  
104 subsequent release pursuant to sections 632.498, 632.501, and 632.504 no sooner than six  
105 months after the person's return to a secure facility.

106 8. The department of mental health may enter into agreements with the department of  
107 corrections and other departments and may enter into contracts with private entities for the  
108 purpose of supervising a person on conditional release.

109 9. The department of mental health and the department of corrections may require a  
110 person on conditional release to pay a reasonable fee to cover the costs of providing services and  
111 monitoring while the person is released. Each department may adopt rules with respect to  
112 establishing, waiving, collecting, and using fees. Any rule or portion of a rule, as that term is  
113 defined in section 536.010, that is created under the authority delegated in this section shall  
114 become effective only if it complies with and is subject to all of the provisions of chapter 536  
115 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
116 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
117 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
118 grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be  
119 invalid and void.

120 10. In the event a person on conditional release escapes from custody, the department  
121 of mental health shall notify the court, the department of corrections, the attorney general, the  
122 chief law enforcement officer of the county or city not within a county from where the person  
123 escaped or absconded, and any other persons necessary to protect the safety of the public or to  
124 assist in the apprehension of the person. The attorney general shall notify victims and witnesses.  
125 Upon receiving such notice, the attorney general shall file escape from commitment charges  
126 under section 575.195.

127 **11. When a person who has been granted conditional release under this section is**  
128 **being electronically monitored and remains in the county, city, town, or village where the**  
129 **facility is located that released the person, the department of corrections shall provide,**  
130 **upon request, the chief of the local law enforcement agency of such county, city, town, or**  
131 **village with access to the information gathered by the global positioning system or other**  
132 **technology used to monitor the person. This access shall include, but not be limited to, any**  
133 **user name or password needed to view any real-time or recorded information about the**  
134 **person and any alert or message generated by the technology. The access shall continue**  
135 **while the person is being electronically monitored and is living in the county, city, town,**  
136 **or village where the facility that released the offender is located. The information obtained**

137 **by the chief of the local law enforcement agency shall be closed and shall not be disclosed**  
138 **to any person outside the law enforcement agency except upon an order of the court**  
139 **supervising the conditional release.**

650.120. 1. There is hereby created in the state treasury the "Cyber Crime Investigation  
2 Fund". The treasurer shall be custodian of the fund and may approve disbursements from the  
3 fund in accordance with sections 30.170 and 30.180. Beginning with the 2010 fiscal year and in  
4 each subsequent fiscal year, the general assembly shall appropriate three million dollars to the  
5 cyber crime investigation fund. The department of public safety shall be the administrator of the  
6 fund. Moneys in the fund shall be used solely for the administration of the grant program  
7 established under this section. Notwithstanding the provisions of section 33.080 to the contrary,  
8 any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the  
9 general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as  
10 other funds are invested. Any interest and moneys earned on such investments shall be credited  
11 to the fund.

12 2. The department of public safety shall create a program to distribute grants to  
13 multijurisdictional Internet cyber crime law enforcement task forces, multijurisdictional  
14 enforcement groups, as defined in section 195.503, that are investigating Internet sex crimes  
15 against children, and other law enforcement agencies. The program shall be funded by the cyber  
16 crime investigation fund created under subsection 1 of this section. Not more than three percent  
17 of the money in the fund may be used by the department to pay the administrative costs of the  
18 grant program. The grants shall be awarded and used to pay the salaries of detectives and  
19 computer forensic personnel whose focus is investigating Internet sex crimes against children,  
20 including but not limited to enticement of a child, possession or promotion of child pornography,  
21 provide funding for the training of law enforcement personnel and prosecuting and circuit  
22 attorneys as well as their assistant prosecuting and circuit attorneys, and purchase necessary  
23 equipment, supplies, and services. The funding for such training may be used to cover the travel  
24 expenses of those persons participating.

25 3. A panel is hereby established in the department of public safety to award grants under  
26 this program and shall be comprised of the following members:

- 27 (1) The director of the department of public safety, or his or her designee;  
28 (2) Two members [shall be] appointed by the director of the department of public safety  
29 from a list of six nominees submitted by the Missouri Police Chiefs Association;  
30 (3) Two members [shall be] appointed by the director of the department of public safety  
31 from a list of six nominees submitted by the Missouri Sheriffs' Association;



32 (4) Two members of the state highway patrol [shall be] appointed by the director of the  
33 department of public safety from a list of six nominees submitted by the Missouri State Troopers  
34 Association;

35 (5) One member of the house of representatives [who shall be] appointed by the speaker  
36 of the house of representatives; and

37 (6) One member of the senate [who shall be] appointed by the president pro tem. The  
38 panel members who are appointed under subdivisions (2), (3), and (4) of this subsection shall  
39 serve a four-year term ending four years from the date of expiration of the term for which his or  
40 her predecessor was appointed. However, a person appointed to fill a vacancy prior to the  
41 expiration of such a term shall be appointed for the remainder of the term. Such members shall  
42 hold office for the term of his or her appointment and until a successor is appointed. The  
43 members of the panel shall receive no additional compensation but shall be eligible for  
44 reimbursement for mileage directly related to the performance of panel duties.

45 4. Local matching amounts, which may include new or existing funds or in-kind  
46 resources including but not limited to equipment or personnel, are required for  
47 multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement  
48 agencies to receive grants awarded by the panel. Such amounts shall be determined by the state  
49 appropriations process or by the panel.

50 5. When awarding grants, priority should be given to newly hired detectives and  
51 computer forensic personnel.

52 6. The panel shall establish minimum training standards for detectives and computer  
53 forensic personnel participating in the grant program established in subsection 2 of this section.

54 7. Multijurisdictional Internet cyber crime law enforcement task forces and other law  
55 enforcement agencies participating in the grant program established in subsection 2 of this  
56 section shall share information and cooperate with the highway patrol and with existing Internet  
57 crimes against children task force programs.

58 8. The panel may make recommendations to the general assembly regarding the need for  
59 additional resources or appropriations.

60 9. The power of arrest of any peace officer who is duly authorized as a member of a  
61 multijurisdictional Internet cyber crime law enforcement task force shall only be exercised during  
62 the time such peace officer is an active member of such task force and only within the scope of  
63 the investigation on which the task force is working. Notwithstanding other provisions of law  
64 to the contrary, such task force officer shall have the power of arrest, as limited in this  
65 subsection, anywhere in the state and shall provide prior notification to the chief of police of a  
66 municipality or the sheriff of the county in which the arrest is to take place. If exigent  
67 circumstances exist, such arrest may be made and notification shall be made to the chief of police

68 or sheriff as appropriate and as soon as practical. The chief of police or sheriff may elect to work  
69 with the multijurisdictional Internet cyber crime law enforcement task force at his or her option  
70 when such task force is operating within the jurisdiction of such chief of police or sheriff.

71 10. [Under section 23.253 of the Missouri sunset act:

72 (1) The provisions of the new program authorized under this section shall sunset  
73 automatically six years after June 5, 2006, unless reauthorized by an act of the general assembly;  
74 and

75 (2) If such program is reauthorized, the program authorized under this section shall  
76 sunset automatically twelve years after the effective date of the reauthorization of this section;  
77 and

78 (3) This section shall terminate on September first of the calendar year immediately  
79 following the calendar year in which the program authorized under this section is sunset] **This**  
80 **section shall expire on August 28, 2023.**

650.350. 1. There is hereby created within the department of public safety the "Missouri  
2 Sheriff Methamphetamine Relief Taskforce" (MoSMART). MoSMART shall be composed of  
3 five sitting sheriffs **and one active member of the Missouri Deputy Sheriff's Association.**  
4 Every two years, the Missouri Sheriffs' Association board of directors will submit twenty names  
5 of sitting sheriffs to the governor. The governor shall appoint five members from the list of  
6 twenty names, having no more than three from any one political party, to serve a term of two  
7 years on MoSMART. **Every two years the Missouri Deputy Sheriff's Association will**  
8 **submit five names of active members of the Missouri Deputy Sheriff's Association to the**  
9 **governor. The governor shall appoint one member from the list of five names to serve a**  
10 **term of two years on MoSMART.** The members shall elect a chair from among their  
11 membership. Members shall receive no compensation for the performance of their duties  
12 pursuant to this section, but each member shall be reimbursed from the MoSMART fund for  
13 actual and necessary expenses incurred in carrying out duties pursuant to this section.

14 2. MoSMART shall meet no less than twice each calendar year with additional meetings  
15 called by the chair upon the request of at least two members. A majority of the appointed  
16 members shall constitute a quorum.

17 3. A special fund is hereby created in the state treasury to be known as the "MoSMART  
18 Fund". The state treasurer shall invest the moneys in such fund in the manner authorized by law.  
19 All moneys received for MoSMART from interest, state, and federal moneys shall be deposited  
20 to the credit of the fund. The director of the department of public safety shall distribute at least  
21 fifty percent but not more than one hundred percent of the fund annually in the form of grants  
22 approved by MoSMART.

23           4. Except for money deposited into the deputy sheriff salary supplementation fund  
24 created under section 57.278, all moneys appropriated to or received by MoSMART shall be  
25 deposited and credited to the MoSMART fund. The department of public safety shall only be  
26 reimbursed for actual and necessary expenses for the administration of MoSMART, which shall  
27 be no less than one percent and which shall not exceed two percent of all moneys appropriated  
28 to the fund, except that the department shall not receive any amount of the money deposited into  
29 the deputy sheriff salary supplementation fund for administrative purposes. The provisions of  
30 section 33.080 to the contrary notwithstanding, moneys in the MoSMART fund shall not lapse  
31 to general revenue at the end of the biennium.

32           5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
33 under the authority delegated in this section shall become effective only if it complies with and  
34 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
35 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
36 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule  
37 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
38 proposed or adopted after August 28, 2003, shall be invalid and void.

39           6. Any county law enforcement entity or established task force with a memorandum of  
40 understanding and protocol may apply for grants from the MoSMART fund on an application  
41 to be developed by the department of public safety with the approval of MoSMART. All  
42 applications shall be evaluated by MoSMART and approved or denied based upon the level of  
43 funding designated for methamphetamine enforcement before 1997 and upon current need and  
44 circumstances. No applicant shall receive a MoSMART grant in excess of one hundred thousand  
45 dollars per year. The department of public safety shall monitor all MoSMART grants.

46           7. MoSMART's anti-methamphetamine funding priorities are as follows:

47           (1) Sheriffs who are participating in coordinated multijurisdictional task forces and have  
48 their task forces apply for funding;

49           (2) Sheriffs whose county has been designated HIDTA counties, yet have received no  
50 HIDTA or narcotics assistance program funding; and

51           (3) Sheriffs without HIDTA designations or task forces, whose application justifies the  
52 need for MoSMART funds to eliminate methamphetamine labs.

53           8. MoSMART shall administer the deputy sheriff salary supplementation fund as  
54 provided under section 57.278.

Section B. Because immediate action is necessary to protect sensitive public records  
2 relating to public agency plans to prevent and respond to possible terrorist incidents and to  
3 protect security system plans for certain critical public and private buildings and facilities, the  
4 repeal and reenactment of section 610.021 of this act is deemed necessary for the immediate

5 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an  
6 emergency act within the meaning of the constitution, and the repeal and reenactment of section  
7 610.021 of this act shall be in full force and effect upon its passage and approval.

✓