

FIRST REGULAR SESSION

HOUSE COMMITTEE BILL NO. 9

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

2377H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 43.505, 43.530, 167.117, 302.341, 302.441, 304.351, 476.385, 479.170, 488.029, 488.5320, 491.060, 491.075, 491.600, 492.304, 513.653, 544.250, 556.036, 556.037, 556.046, 556.061, 557.035, 557.036, 558.021, 558.046, 559.115, 559.117, 565.076, 565.091, 566.010, 566.030, 566.032, 566.060, 566.062, 566.125, 574.010, 575.280, 577.001, 577.010, 577.060, 589.414, 589.660, 589.663, 595.045, and 650.330, RSMo, and to enact in lieu thereof forty-seven new sections relating to criminal proceedings, with penalty provisions.

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

Section A. Sections 43.505, 43.530, 167.117, 302.341, 302.441, 304.351, 476.385, 479.170, 488.029, 488.5320, 491.060, 491.075, 491.600, 492.304, 513.653, 544.250, 556.036, 556.037, 556.046, 556.061, 557.035, 557.036, 558.021, 558.046, 559.115, 559.117, 565.076, 565.091, 566.010, 566.030, 566.032, 566.060, 566.062, 566.125, 574.010, 575.280, 577.001, 577.010, 577.060, 589.414, 589.660, 589.663, 595.045, and 650.330, RSMo, are repealed and forty-seven new sections enacted in lieu thereof, to be known as sections 43.505, 43.530, 167.117, 252.069, 302.341, 302.441, 304.351, 476.385, 479.170, 488.029, 488.5320, 491.060, 491.075, 491.600, 491.630, 492.304, 513.653, 544.250, 556.036, 556.037, 556.046, 556.061, 557.035, 557.036, 558.021, 558.046, 559.115, 559.117, 565.076, 565.091, 566.010, 566.030, 566.032, 566.060, 566.062, 566.123, 566.124, 574.010, 575.280, 577.001, 577.010, 577.060, 589.414, 589.660, 589.663, 595.045, and 650.330, to read as follows:

43.505. 1. The department of public safety is hereby designated as the central repository for the collection, maintenance, analysis and reporting of crime incident activity generated by law enforcement agencies in this state. The department shall develop and operate a uniform

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.

4 crime reporting system that is compatible with the national uniform crime reporting system
5 operated by the Federal Bureau of Investigation.

6 2. The department of public safety shall:

7 (1) Develop, operate and maintain an information system for the collection, storage,
8 maintenance, analysis and retrieval of crime incident and arrest reports from Missouri law
9 enforcement agencies;

10 (2) Compile the statistical data and forward such data as required to the Federal Bureau
11 of Investigation or the appropriate Department of Justice agency in accordance with the standards
12 and procedures of the national system;

13 (3) Provide the forms, formats, procedures, standards and related training or training
14 assistance to all law enforcement agencies in the state as necessary for such agencies to report
15 incident and arrest activity for timely inclusion into the statewide system;

16 (4) Annually publish a report on the nature and extent of crime and submit such report
17 to the governor and the general assembly. Such report and other statistical reports shall be made
18 available to state and local law enforcement agencies and the general public through an
19 electronic or manual medium;

20 (5) Maintain the privacy and security of information in accordance with applicable state
21 and federal laws, regulations and orders; and

22 (6) Establish such rules and regulations as are necessary for implementing the provisions
23 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
24 created under the authority delegated in this section shall become effective only if it complies
25 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
26 This section and chapter 536 are nonseverable and if any of the powers vested with the general
27 assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and
28 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
29 any rule proposed or adopted after August 28, 2000, shall be invalid and void.

30 3. Every law enforcement agency in the state shall:

31 (1) Submit crime incident reports to the department of public safety on forms or in the
32 format prescribed by the department; and

33 (2) Submit any other crime incident information which may be required by the
34 department of public safety.

35 ~~[4. Any law enforcement agency that violates this section may be ineligible to receive~~
36 ~~state or federal funds which would otherwise be paid to such agency for law enforcement, safety~~
37 ~~or criminal justice purposes.]~~

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 nine dollars per request for

3 criminal history record information not based on a fingerprint search. In each year beginning on
4 or after January 1, 2010, the superintendent may increase the fee paid by requesting entities by
5 an amount not to exceed one dollar per year, however, under no circumstance shall the fee paid
6 by requesting entities exceed fifteen dollars per request.

7 2. For each request requiring the payment of a fee received by the central repository, the
8 requesting entity shall pay a fee of not more than twenty dollars per request for criminal history
9 record information based on a fingerprint search, unless the request is required under the
10 provisions of subdivision (6) of section 210.481, section 210.487, or section 571.101, in which
11 case the fee shall be fourteen dollars.

12 3. A request made under subsections 1 and 2 of this section shall be limited to check and
13 search on one individual. Each request shall be accompanied by a check, warrant, voucher,
14 money order, or electronic payment payable to the state of Missouri-criminal record system or
15 payment shall be made in a manner approved by the highway patrol. The highway patrol may
16 establish procedures for receiving requests for criminal history record information for
17 classification and search for fingerprints, from courts and other entities, and for the payment of
18 such requests. There is hereby established by the treasurer of the state of Missouri a fund to be
19 entitled as the "Criminal Record System Fund". **No moneys may be expended from the fund**
20 **without approval of the director of the department of public safety. A portion of these**
21 **funds to be determined by the director of the department of public safety shall be made**
22 **available to local and county law enforcement agencies by way of a grant.** Notwithstanding
23 the provisions of section 33.080 to the contrary, if the moneys collected and deposited into this
24 fund are not totally expended annually for the purposes set forth in sections 43.500 to 43.543,
25 the unexpended moneys in such fund shall remain in the fund and the balance shall be kept in
26 the fund to accumulate from year to year.

167.117. 1. ~~In any instance when any person is believed to have committed an act
2 which if committed by an adult would be assault in the first, second or third degree, sexual
3 assault, or deviate sexual assault against a pupil or school employee, while on school property,
4 including a school bus in service on behalf of the district, or while involved in school activities,
5 the principal shall immediately report such incident to the appropriate local law enforcement
6 agency and to the superintendent, except in any instance when any person is believed to have
7 committed an act which if committed by an adult would be assault in the third degree and a
8 written agreement as to the procedure for the reporting of such incidents of third degree assault
9 has been executed between the superintendent of the school district and the appropriate local law
10 enforcement agency, the principal shall report such incident to the appropriate local law
11 enforcement agency in accordance with such agreement.~~

12 ~~———2.]~~ In any instance when a pupil is discovered to have on or about such pupil's person,
13 or among such pupil's possessions, or placed elsewhere on the school premises, including but not
14 limited to the school playground or the school parking lot, on a school bus or at a school activity
15 whether on or off of school property any controlled substance as defined in section 195.010 or
16 any weapon as defined in subsection 6 of section 160.261 in violation of school policy, the
17 principal shall ~~[immediately]~~ **as soon as reasonably practical** report such incident to the
18 appropriate local law enforcement agency and to the superintendent, **and in any instance when**
19 **a teacher becomes aware that a pupil is in possession of a controlled substance or any**
20 **weapon on school property, on any school bus in service on behalf of the school district, or**
21 **while involved in school activities, the teacher shall as soon as reasonably practical report**
22 **such incident to the principal.**

23 **2. In any instance when a pupil is believed to have committed an act listed in**
24 **subdivisions (1) to (25) of subsection 2 of section 160.261 on school property, on any school**
25 **bus in service on behalf of the school district, or while involved in school activities, the**
26 **principal shall as soon as reasonably practical report such incident to the appropriate law**
27 **enforcement agency and to the superintendent, and in any instance when a teacher**
28 **becomes aware that a pupil has committed an act listed in subdivisions (1) to (25) of**
29 **subsection 2 of section 160.261 on school property, on any school bus in service on behalf**
30 **of the school district, or while involved in school activities, the teacher shall as soon as**
31 **reasonably practical report such incident to the principal.**

32 ~~3. [In any instance when a teacher becomes aware of an assault as set forth in subsection~~
33 ~~1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth~~
34 ~~in subsection 2 of this section, the teacher shall immediately report such incident to the principal.~~

35 ~~———4.]~~ A school employee, superintendent, or such person's designee who in good faith
36 provides information to law enforcement or juvenile authorities pursuant to this section or
37 section 160.261 **or provides information to law enforcement or juvenile authorities**
38 **regarding an instance in which a pupil is believed to have committed an act which, if**
39 **committed by an adult, would be assault in the third degree as defined in section 565.054**
40 **or assault in the fourth degree as defined in section 565.056** shall not be civilly liable for
41 providing such information.

42 ~~[5-]~~ **4.** Any school official responsible for reporting pursuant to this section or section
43 160.261 who willfully neglects or refuses to perform this duty shall be subject to the penalty
44 established pursuant to section 162.091.

252.069. Any agent of the conservation commission may enforce the provisions of
2 **sections 577.070 and 577.080 and arrest violators only upon the water, the banks thereof,**
3 **or upon public land.**

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state or any county or municipality of this state fails to dispose of the charges of which the resident is accused through authorized prepayment of fine and court costs and fails to appear on the return date or at any subsequent date to which the case has been continued, or without good cause fails to pay any fine or court costs assessed against the resident for any such violation within the period of time specified or in such installments as approved by the court or as otherwise provided by law, any court having jurisdiction over the charges shall within ten days of the failure to comply inform the defendant by ordinary mail at the last address shown on the court records that the court ~~[will]~~ **may** order the director of revenue to suspend the defendant's driving privileges if the charges are not disposed of and fully paid within thirty days from the date of mailing **at the request of the prosecutor having original jurisdiction**. Thereafter, if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and court costs, the court ~~[shall]~~ **may** notify the director of revenue of such failure and of the pending charges against the defendant. Upon receipt of this notification, the director shall suspend the license of the driver, effective immediately, and provide notice of the suspension to the driver at the last address for the driver shown on the records of the department of revenue. Such suspension shall remain in effect until the court with the subject pending charge requests setting aside the noncompliance suspension pending final disposition, or satisfactory evidence of disposition of pending charges and payment of fine and court costs, if applicable, is furnished to the director by the individual. The filing of financial responsibility with the bureau of safety responsibility, department of revenue, shall not be required as a condition of reinstatement of a driver's license suspended solely under the provisions of this section.

2. The provisions of subsection 1 of this section shall not apply to minor traffic violations as defined in section 479.350.

302.441. 1. If a person is required to have an ignition interlock device installed on such person's vehicle, he or she may apply to the court for an employment exemption variance to allow him or her to drive an employer-owned vehicle not equipped with an ignition interlock device for employment purposes only. Such exemption shall not be granted to a person who is self-employed or who wholly or partially owns **or controls** an entity that owns an employer-owned vehicle. **Such exemption by the court may also require that the person submit to continuous alcohol monitoring, as defined in section 577.001, as an additional or alternative requirement to the use of an ignition interlock device.**

2. A person who is granted an employment exemption variance under subsection 1 of this section shall not drive, operate, or be in physical control of an employer-owned vehicle used for transporting children under eighteen years of age or vulnerable persons, as defined in section 630.005, or an employer-owned vehicle for personal use.

304.351. 1. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different highway, provided, however, there is no form of traffic control at such intersection.

2. When two vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one of such vehicles is attempting to or is making a left turn.

3. The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

4. (1) The state highways and transportation commission with reference to state highways and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection.

(2) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in this section:

(a) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection, indicated by a stop sign, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic in the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(b) The driver of a vehicle approaching a yield sign shall in obedience to the sign slow down to a speed reasonable to the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such traffic is moving across or within the intersection.

5. The driver of a vehicle about to enter or cross a highway from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on the highway to be entered.

37 6. The driver of a vehicle intending to make a left turn into an alley, private road or
38 driveway shall yield the right-of-way to any vehicle approaching from the opposite direction
39 when the making of such left turn would create a traffic hazard.

40 7. The state highways and transportation commission or local authorities with respect
41 to roads under their respective jurisdictions, on any section where construction or major
42 maintenance operations are being effected, may fix a speed limit in such areas by posting of
43 appropriate signs, and the operation of a motor vehicle in excess of such speed limit in the area
44 so posted shall be deemed prima facie evidence of careless and imprudent driving and a violation
45 of section 304.010.

46 8. Notwithstanding the provisions of section 304.361, violation of this section shall be
47 deemed a class C misdemeanor.

48 9. In addition to the penalty specified in subsection 8 of this section, any person who
49 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
50 have caused physical injury, there shall be assessed a penalty of up to ~~[two hundred]~~ **one**
51 **thousand** dollars, **but not less than five hundred dollars**. The court may issue an order of
52 suspension of such person's driving privilege for a period of thirty days.

53 10. In addition to the penalty specified in subsection 8 of this section, any person who
54 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
55 have caused serious physical injury, there shall be assessed a penalty of up to ~~[five hundred]~~
56 **three thousand** dollars, **but not less than one thousand dollars**. The court ~~[may]~~ **shall** issue
57 an order of suspension of such person's driving privilege for a period of ninety days.

58 11. In addition to the penalty specified in subsection 8 of this section, any person who
59 pleads guilty to or is found guilty of a violation of this section in which the offender is found to
60 have caused a fatality, there shall be assessed a penalty of up to ~~[one]~~ **ten** thousand dollars, **but**
61 **not less than five thousand dollars**. The court ~~[may]~~ **shall** issue an order of suspension of such
62 person's driving privilege for a period of **up to one year, but not less than** six months. **Such**
63 **person shall also be required to participate in and successfully complete a driver-**
64 **improvement program approved by the director of the department of revenue.**

65 12. As used in subsections 9 and 10 of this section, the terms "physical injury" and
66 "serious physical injury" shall have the meanings ascribed to them in section 556.061.

67 13. For any court-ordered suspension under subsection 9, 10, or 11 of this section, the
68 director of the department shall impose such suspension as set forth in the court order. The order
69 of suspension shall include the name of the offender, the offender's driver's license number,
70 Social Security number, and the effective date of the suspension. Any appeal of a suspension
71 imposed under subsection 9, 10, or 11 of this section shall be a direct appeal of the court order
72 and subject to review by the presiding judge of the circuit court or another judge within the

73 circuit other than the judge who issued the original order to suspend the driver's license. The
74 director of revenue's entry of the court-ordered suspension on the driving record is not a decision
75 subject to review under section 302.311. Any suspension of the driver's license ordered by the
76 court under this section shall be in addition to any other suspension that may occur as a result
77 of the conviction under other provisions of law.

476.385. 1. The judges of the supreme court may appoint a committee consisting of at
2 least seven associate circuit judges, who shall meet en banc and establish and maintain a
3 schedule of fines to be paid for violations of sections 210.104, 577.070, and 577.073, and
4 chapters 252, 301, 302, 304, 306, 307 and 390, with such fines increasing in proportion to the
5 severity of the violation. The associate circuit judges of each county may meet en banc and
6 adopt the schedule of fines and participation in the centralized bureau pursuant to this section.
7 Notice of such adoption and participation shall be given in the manner provided by supreme
8 court rule. Upon order of the supreme court, the associate circuit judges of each county may
9 meet en banc and establish and maintain a schedule of fines to be paid for violations of
10 municipal ordinances for cities, towns and villages electing to have violations of its municipal
11 ordinances heard by associate circuit judges, pursuant to section 479.040; and for traffic court
12 divisions established pursuant to section 479.500. The schedule of fines adopted for violations
13 of municipal ordinances may be modified from time to time as the associate circuit judges of
14 each county en banc deem advisable. No fine established pursuant to this subsection may exceed
15 the maximum amount specified by statute or ordinance for such violation.

16 2. In no event shall any schedule of fines adopted pursuant to this section include
17 offenses involving the following:

- 18 (1) Any violation resulting in personal injury or property damage to another person;
- 19 (2) Operating a motor vehicle while intoxicated or under the influence of intoxicants or
20 drugs;
- 21 (3) Operating a vehicle with a counterfeited, altered, suspended or revoked license;
- 22 (4) Fleeing or attempting to elude an officer.

23 3. There shall be a centralized bureau to be established by supreme court rule in order
24 to accept pleas of not guilty or guilty and payments of fines and court costs for violations of the
25 laws and ordinances described in subsection 1 of this section, made pursuant to a schedule of
26 fines established pursuant to this section. The centralized bureau shall collect, with any plea of
27 guilty and payment of a fine, all court costs which would have been collected by the court of the
28 jurisdiction from which the violation originated.

29 4. If a person elects not to contest the alleged violation, the person shall send payment
30 in the amount of the fine and any court costs established for the violation to the centralized
31 bureau. Such payment shall be payable to the central violations bureau, shall be made by mail

32 or in any other manner established by the centralized bureau, and shall constitute a plea of guilty,
33 waiver of trial and a conviction for purposes of section 302.302, and for purposes of imposing
34 any collateral consequence of a criminal conviction provided by law. By paying the fine and
35 costs, the person also consents to attendance either online or in person at any driver-improvement
36 program or motorcycle-rider training course ordered by the court and consents to verification of
37 such attendance as directed by the bureau. Notwithstanding any provision of law to the contrary,
38 the prosecutor shall not be required to sign any information, ticket or indictment if disposition
39 is made pursuant to this subsection. In the event that any payment is made pursuant to this
40 section by credit card or similar method, the centralized bureau may charge an additional fee in
41 order to reflect any transaction cost, surcharge or fee imposed on the recipient of the credit card
42 payment by the credit card company.

43 5. If a person elects to plead not guilty, such person shall send the plea of not guilty to
44 the centralized bureau. The bureau shall send such plea and request for trial to the prosecutor
45 having original jurisdiction over the offense. Any trial shall be conducted at the location
46 designated by the court. The clerk of the court in which the case is to be heard shall notify in
47 writing such person of the date certain for the disposition of such charges. The prosecutor shall
48 not be required to sign any information, ticket or indictment until the commencement of any
49 proceeding by the prosecutor with respect to the notice of violation.

50 6. In courts adopting a schedule of fines pursuant to this section, any person receiving
51 a notice of violation pursuant to this section shall also receive written notification of the
52 following:

53 (1) The fine and court costs established pursuant to this section for the violation or
54 information regarding how the person may obtain the amount of the fine and court costs for the
55 violation;

56 (2) That the person must respond to the notice of violation by paying the prescribed fine
57 and court costs, or pleading not guilty and appearing at trial, and that other legal penalties
58 prescribed by law may attach for failure to appear and dispose of the violation. The supreme
59 court may modify the suggested forms for uniform complaint and summons for use in courts
60 adopting the procedures provided by this section, in order to accommodate such required written
61 notifications.

62 7. Any moneys received in payment of fines and court costs pursuant to this section shall
63 not be considered to be state funds, but shall be held in trust by the centralized bureau for benefit
64 of those persons or entities entitled to receive such funds pursuant to this subsection. All
65 amounts paid to the centralized bureau shall be maintained by the centralized bureau, invested
66 in the manner required of the state treasurer for state funds by sections 30.240, 30.250, 30.260
67 and 30.270, and disbursed as provided by the constitution and laws of this state. Any interest

68 earned on such fund shall be payable to the director of the department of revenue for deposit into
69 a revolving fund to be established pursuant to this subsection. The state treasurer shall be the
70 custodian of the revolving fund, and shall make disbursements, as allowed by lawful
71 appropriations, only to the judicial branch of state government for goods and services related to
72 the administration of the judicial system.

73 8. Any person who receives a notice of violation subject to this section who fails to
74 dispose of such violation as provided by this section shall be guilty of failure to appear provided
75 by section 544.665; and may be subject to suspension of driving privileges in the manner
76 provided by section 302.341. The centralized bureau shall notify the appropriate prosecutor of
77 any person who fails to either pay the prescribed fine and court costs, or plead not guilty and
78 request a trial within the time allotted by this section, for purposes of application of section
79 544.665. The centralized bureau shall also notify the department of revenue of any failure to
80 appear subject to section 302.341, and the ~~[department shall thereupon]~~ **prosecutor shall**
81 **determine whether to** suspend the license of the driver in the manner provided by section
82 302.341 ~~[, as if notified by the court].~~

83 9. In addition to the remedies provided by subsection 8 of this section, the centralized
84 bureau and the courts may use the remedies provided by sections 488.010 to 488.020 for the
85 collection of court costs payable to courts, in order to collect fines and court costs for violations
86 subject to this section.

479.170. 1. If, in the progress of any trial before a municipal judge, it shall appear to the
2 judge that the accused ought to be put upon trial for an offense against the criminal laws of the
3 state and not cognizable before him as municipal judge, he shall immediately stop all further
4 proceedings before him as municipal judge and cause the complaint to be made before some
5 associate circuit judge within the county.

6 2. For purposes of this section, any offense involving the operation of a motor vehicle
7 in an intoxicated condition as defined in section 577.001 shall not be cognizable in municipal
8 court, if the defendant has been convicted, found guilty, or pled guilty to two or more previous
9 intoxication-related traffic offenses as defined in section ~~[577.023]~~ **577.001**, or has had two or
10 more previous alcohol-related enforcement contacts as defined in section 302.525.

488.029. There shall be assessed and collected a surcharge of one hundred fifty dollars
2 in all criminal cases for any violation of chapter 195 **or chapter 579** in which a crime laboratory
3 makes analysis of a controlled substance, but no such surcharge shall be assessed when the costs
4 are waived or are to be paid by the state or when a criminal proceeding or the defendant has been
5 dismissed by the court. The moneys collected by clerks of the courts pursuant to the provisions
6 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. All
7 such moneys shall be payable to the director of revenue, who shall deposit all amounts collected

8 pursuant to this section to the credit of the state forensic laboratory account to be administered
9 by the department of public safety pursuant to section 650.105.

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for
2 their services rendered in criminal cases and in all proceedings for contempt or attachment, as
3 required by law, the sum of seventy-five dollars for each felony case or contempt or attachment
4 proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, including
5 cases disposed of by a violations bureau established pursuant to law or supreme court rule. Such
6 charges shall be charged and collected in the manner provided by sections 488.010 to 488.020
7 and shall be payable to the county treasury; except that, those charges from cases disposed of by
8 a violations bureau shall be distributed as follows: one-half of the charges collected shall be
9 forwarded and deposited to the credit of the MODEX fund established in subsection 6 of this
10 section for the operational cost of the Missouri data exchange (MODEX) system, and one-half
11 of the charges collected shall be deposited to the credit of the inmate security fund, established
12 in section 488.5026, of the county or municipal political subdivision from which the citation
13 originated. If the county or municipal political subdivision has not established an inmate security
14 fund, all of the funds shall be deposited in the MODEX fund.

15 2. ~~[Notwithstanding subsection 1 of this section to the contrary, sheriffs, county~~
16 ~~marshals, or other officers in any county with a charter form of government and with more than~~
17 ~~nine hundred fifty thousand inhabitants or in any city not within a county shall not be allowed~~
18 ~~a charge for their services rendered in cases disposed of by a violations bureau established~~
19 ~~pursuant to law or supreme court rule.~~

20 ~~—————3.]~~ The sheriff receiving any charge pursuant to subsection 1 of this section shall
21 reimburse the sheriff of any other county or the City of St. Louis the sum of three dollars for each
22 pleading, writ, summons, order of court or other document served in connection with the case
23 or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum
24 amount of the total charge received pursuant to subsection 1 of this section.

25 [4.] 3. The charges provided in subsection 1 of this section shall be taxed as other costs
26 in criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant
27 in any criminal procedure. The clerk shall tax all the costs in the case against such defendant,
28 which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided,
29 that no such charge shall be collected in any proceeding in any court when the proceeding or the
30 defendant has been dismissed by the court; provided further, that all costs, incident to the issuing
31 and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses
32 of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri
33 facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for
34 attachments for witnesses shall be paid by such witnesses.

35 [5-] 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all
 36 services rendered pursuant to this section at the rate prescribed by the Internal Revenue Service
 37 for allowable expenses for motor vehicle use expressed as an amount per mile.

38 [6-] 5. (1) There is hereby created in the state treasury the "MODEX Fund", which shall
 39 consist of money collected under subsection 1 of this section. The fund shall be administered
 40 by the peace officers standards and training commission established in section 590.120. The
 41 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,
 42 the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon
 43 appropriation, money in the fund shall be used solely for the operational support and expansion
 44 of the MODEX system.

45 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
 46 remaining in the fund at the end of the biennium shall not revert to the credit of the general
 47 revenue fund.

48 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds
 49 are invested. Any interest and moneys earned on such investments shall be credited to the fund.

50 **6. The MODEX fund may accept funds from federal, state, local, and private**
 51 **entities which utilize the information from the fund to fight fraud and other activities**
 52 **which are in the best interest of law enforcement or the state of Missouri.**

53 **7. Any information in MODEX which is open under the provisions of chapter 610**
 54 **is considered open and is not Criminal Justice Information Services data. Any information**
 55 **in MODEX may be shared with any other law enforcement agency, division, or department**
 56 **of the state of Missouri, or other entity approved by the peace officer standards and**
 57 **training commission, for the purpose of anti-fraud efforts.**

491.060. The following persons shall be incompetent to testify:

2 (1) A person who is mentally incapacitated at the time of his or her production for
 3 examination;

4 (2) A child under ten years of age, who appears incapable of receiving just impressions
 5 of the facts respecting which the child is examined, or of relating them truly; provided, however,
 6 that except as provided in subdivision (1) of this section, a child under the age of ten who is
 7 alleged to be a victim of ~~an~~ **or witness to a criminal offense** ~~[pursuant to chapter 565, 566 or~~
 8 ~~568]~~ shall be considered a competent witness and shall be allowed to testify without qualification
 9 in any judicial proceeding involving such alleged offense. The trier of fact shall be permitted
 10 to determine the weight and credibility to be given to the testimony;

11 (3) An attorney, concerning any communication made to the attorney by such attorney's
 12 client in that relation, or such attorney's advice thereon, without the consent of such client;

13 (4) Any person practicing as a minister of the gospel, priest, rabbi or other person serving
14 in a similar capacity for any organized religion, concerning a communication made to him or her
15 in his or her professional capacity as a spiritual advisor, confessor, counselor or comforter;

16 (5) A physician licensed pursuant to chapter 334, a chiropractor licensed pursuant to
17 chapter 331, a licensed psychologist or a dentist licensed pursuant to chapter 332, concerning any
18 information which he or she may have acquired from any patient while attending the patient in
19 a professional character, and which information was necessary to enable him or her to prescribe
20 and provide treatment for such patient as a physician, chiropractor, psychologist or dentist.

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

6 (1) The court finds, in a hearing conducted outside the presence of the jury that the time,
7 content and circumstances of the statement provide sufficient indicia of reliability; and

8 (2) (a) The child or vulnerable person testifies at the proceedings; ~~[or]~~

9 (b) The child or vulnerable person is unavailable as a witness; ~~[or]~~

10 (c) The child or vulnerable person is otherwise physically available as a witness but the
11 court finds that the significant emotional or psychological trauma which would result from
12 testifying in the personal presence of the defendant makes the child or vulnerable person
13 unavailable as a witness at the time of the criminal proceeding; **or**

14 **(d) The statement is offered by the state at any proceeding other than a trial.**

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

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

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

28 5. For the purposes of this section, "vulnerable person" shall mean a person who, as a
 29 result of an inadequately developed or impaired intelligence or a psychiatric disorder that
 30 materially affects ability to function, lacks the mental capacity to consent, or whose
 31 developmental level does not exceed that of an ordinary child of fourteen years of age, **or any**
 32 **person in the custody, care, or control of the department of mental health who is receiving**
 33 **services from an operated, funded, licensed, or certified program.**

 491.600. 1. Any court with jurisdiction over any criminal matter may, in its discretion,
 2 upon substantial evidence, which may include hearsay, that intimidation or dissuading of any
 3 person who is a victim or who is a witness has occurred or is reasonably likely to occur, issue
 4 orders including but not limited to the following:

5 (1) An order that a defendant not engage in activity as defined by section 575.270 and
 6 maintain a prescribed geographic distance from a witness or victim;

7 (2) An order that a person before the court other than a defendant, including but not
 8 limited to a subpoenaed witness or other person entering the courtroom of said court, not engage
 9 in activity as defined by section 575.270, and maintain a prescribed geographic distance from
 10 a witness or victim;

11 (3) An order that any person described in subdivision (1) or (2) of this section have no
 12 connection whatsoever with any specified witness or any victim, except through an attorney
 13 under such reasonable restrictions as the court may impose.

14 **2. Such orders shall be issued by the court at the time of filing in every case**
 15 **involving a child victim, a felony offense under chapter 565, any offense under chapter 566,**
 16 **or any offense under chapter 573.**

 491.630. 1. For purposes of this section, the term "personal information" shall
 2 mean:

- 3 **(1) Dates of birth;**
- 4 **(2) Social Security numbers;**
- 5 **(3) Taxpayer identification numbers;**
- 6 **(4) Drivers' license numbers;**
- 7 **(5) Account numbers of financial accounts;**
- 8 **(6) Vehicle identification numbers;**
- 9 **(7) Home addresses;**
- 10 **(8) Personal telephone numbers;**
- 11 **(9) Work addresses; and**
- 12 **(10) Work phone numbers;**

13
 14 **of victims or witnesses.**

15 **2. Notwithstanding any other provision of law or court rule, the state shall, upon**
16 **written request of the defendant, disclose to defendant's counsel such part or all of the**
17 **following material and information within its possession or control:**

18 **(1) The names of persons whom the state intends to call as witnesses at any hearing**
19 **or at the trial;**

20 **(2) Any of such persons' written or recorded statements; and**

21 **(3) Existing memoranda that report or summarize part or all of such persons' oral**
22 **statements.**

23 **3. Except as provided under subsection 7 of this section, the state shall not provide**
24 **personal information of witnesses or victims.**

25 **4. If the state does provide the defendant's counsel with unredacted personal**
26 **information of a victim or witness, the defendant's counsel shall not disclose the unredacted**
27 **identifiers to the defendant or to any other person, directly or indirectly, except as ordered**
28 **by the court for good cause shown.**

29 **5. If the state provides statements, memoranda, or other documents to the**
30 **defendant's counsel that contain personal information redacted by the state, the state shall**
31 **provide notice to the defendant's counsel that such redactions have been made.**

32 **6. Any redaction of personal information by the state shall be by blacking out or**
33 **otherwise covering up such identifiers and shall not be by removal.**

34 **7. The defendant's counsel may petition the court to order disclosure of the**
35 **personal information of a victim or witness. Upon such a petition by the defendant's**
36 **counsel, the court may order disclosure of such personal information upon a showing of**
37 **good cause after notice and a hearing where the court considers the materiality of the**
38 **information to the defendant's defense and the privacy and safety interests of the victim**
39 **or witness.**

40 **8. If the state makes the witness available for an interview or deposition, there shall**
41 **be a rebuttable presumption that the defendant has no need for that witness's personal**
42 **identifying information.**

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

6 (1) No attorney for either party was present when the statement was made; except that,
7 for any statement taken at a state-funded child assessment center as provided for in subsection
8 2 of section 210.001, an attorney representing the state of Missouri in a criminal investigation

9 may, as a member of a multidisciplinary investigation team, observe the taking of such statement,
10 but such attorney shall not be present in the room where the interview is being conducted;

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

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

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

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

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

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

23 2. If the child **or vulnerable person** does not testify at the proceeding, the visual and
24 aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not
25 be admissible under this section unless the recording qualifies for admission under section
26 491.075, **or the recording is offered by the state at any proceeding other than trial.**

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

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

513.653. 1. Law enforcement agencies involved in using the federal forfeiture system
2 under federal law shall file a report regarding federal seizures and the proceeds therefrom. Such
3 report shall be filed annually by ~~[January thirty-first]~~ **February fifteenth** for the previous
4 calendar year with the ~~[department of public safety and the]~~ state auditor's office. The report for
5 the calendar year shall ~~[include the type and value of items seized and turned over to the federal~~
6 ~~forfeiture system, the beginning balance as of January first of federal forfeiture funds or assets~~
7 ~~previously received and not expended or used, the proceeds received from the federal~~
8 ~~government (the equitable sharing amount), the expenditures resulting from the proceeds~~
9 ~~received, and the ending balance as of December thirty-first of federal forfeiture funds or assets~~
10 ~~on hand. The department of public safety shall not issue funds to any law enforcement agency~~

11 ~~that fails to comply with the provisions of this section]~~ **consist of a copy of the federal form**
12 **entitled "ACA Form - Equitable Sharing Agreement and Certification" which is identical**
13 **to the form submitted in that year to the federal government.**

14 2. Intentional or knowing failure to comply with the reporting requirement contained in
15 this section shall be a class A misdemeanor, punishable by a fine of up to one thousand dollars.

544.250. 1. No prosecuting or circuit attorney in this state shall file any information
2 charging any person or persons with any felony, until such person or persons shall first have been
3 accorded the right of a preliminary examination before some associate circuit judge in the county
4 where the offense is alleged to have been committed in accordance with this chapter. And if
5 upon such hearing the associate circuit judge shall determine that the alleged offense is one on
6 which the accused may be released, the associate circuit judge may release him as provided in
7 section 544.455 conditioned for his appearance at a time certain before a circuit judge, or
8 associate circuit judge who is specially assigned, and thereafter as directed by the court to answer
9 such charges as may be preferred against him, abide sentence and judgment therein, and not to
10 depart the court without leave; provided, a preliminary examination shall in no case be required
11 where same is waived by the person charged with the crime, or in any case where an information
12 has been substituted for an indictment as authorized by section 545.300.

13 2. **The findings by the court shall be based on evidence, in whole or in part, in the**
14 **following forms:**

15 (1) **Testimony of witnesses, including testimony of a witness concerning the contents**
16 **of his or her sworn probable cause statement without further foundation; or**

17 (2) **Written reports of expert witnesses.**

556.036. 1. A prosecution for murder, rape in the first degree, forcible rape, attempted
2 rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy,
3 attempted sodomy in the first degree, attempted forcible sodomy, or any class A felony may be
4 commenced at any time.

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

7 (1) For any felony, three years, except as provided in subdivision (4) of this subsection;

8 (2) For any misdemeanor, one year;

9 (3) For any infraction, six months;

10 (4) For any violation of section 569.040, when classified as a class B felony, or any
11 violation of section 569.050 or 569.055, five years.

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

14 (1) Any offense a material element of which is either fraud or a breach of fiduciary
15 obligation within one year after discovery of the offense by an aggrieved party or by a person
16 who has a legal duty to represent an aggrieved party and who is himself or herself not a party to
17 the offense, but in no case shall this provision extend the period of limitation by more than three
18 years. As used in this subdivision, the term "person who has a legal duty to represent an
19 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having
20 jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections
21 407.511 to 407.556; and

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

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

29 4. An offense is committed either when every element occurs, or, if a legislative purpose
30 to prohibit a continuing course of conduct plainly appears, at the time when the course of
31 conduct or the person's complicity therein is terminated. Time starts to run on the day after the
32 offense is committed.

33 5. A prosecution is commenced for a misdemeanor or infraction when the information
34 is filed and for a felony when the complaint or indictment is filed.

35 6. The period of limitation does not run:

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

38 (2) During any time when the accused is concealing himself from justice either within
39 or without this state; [ø]

40 (3) During any time when a prosecution against the accused for the offense is pending
41 in this state; [ø]

42 (4) During any time when the accused is found to lack mental fitness to proceed pursuant
43 to section 552.020; or

44 **(5) During any period of time after which a DNA profile is developed from evidence**
45 **collected in relation to the commission of a crime and included in a published laboratory**
46 **report until the date upon which the accused is identified by name based upon a match**
47 **between that DNA evidence profile and the known DNA profile of the accused. For**
48 **purposes of this section, the term "DNA profile" means the collective results of the DNA**
49 **analysis of an evidence sample.**

556.037. 1. Notwithstanding the provisions of section 556.036, prosecutions for unlawful sexual offenses involving a person eighteen years of age or under ~~[must be commenced within thirty years after the victim reaches the age of eighteen unless the prosecutions are for rape in the first degree, forcible rape, attempted rape in the first degree, attempted forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, kidnapping in the first degree, attempted sodomy in the first degree, or attempted forcible sodomy in which case such prosecutions]~~ may be commenced at any time.

2. For purposes of this section, "sexual offenses" include, but are not limited to, all offenses for which registration is required under sections 589.400 to 589.425.

556.046. 1. A person may be convicted of an offense included in an offense charged in the indictment or information. An offense is so included when:

(1) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or

(2) It is specifically denominated by statute as a lesser degree of the offense charged; or

(3) It consists of an attempt to commit the offense charged or to commit an offense otherwise included therein.

2. The court shall not be obligated to charge the jury with respect to an included offense unless there is a **rational** basis for a verdict acquitting the person of the offense charged and convicting him of the included offense. An offense is charged for purposes of this section if:

(1) It is in an indictment or information; or

(2) It is an offense submitted to the jury because there is a **rational** basis for a verdict acquitting the person of the offense charged and convicting the person of the included offense.

3. The court shall be obligated to instruct the jury with respect to a particular included offense only if there is a **rational** basis in the evidence for acquitting the person of the immediately higher included offense and there is a **rational** basis in the evidence for convicting the person of that particular included offense.

4. For purposes of this section, "rational basis" means a basis wherein a reasonable juror could draw inferences from the evidence presented that an essential element of the greater offense has not been established and that would warrant convicting the defendant of the lesser offense.

5. It is the intent of the legislature to reject and abrogate earlier case law relating to required lesser-included offense instructions including, but not limited to, the holding in *State v. Jackson*, 433 S.W.3d 390 (Mo. banc 2014) and all cases citing, interpreting, applying, or following that case. It is the intent of the legislature to apply these provisions retroactively.

556.061. In this code, unless the context requires a different definition, the following
2 terms shall mean:

3 (1) "Access", to instruct, communicate with, store data in, retrieve or extract data from,
4 or otherwise make any use of any resources of, a computer, computer system, or computer
5 network;

6 (2) "Affirmative defense":

7 (a) The defense referred to is not submitted to the trier of fact unless supported by
8 evidence; and

9 (b) If the defense is submitted to the trier of fact the defendant has the burden of
10 persuasion that the defense is more probably true than not;

11 (3) "Burden of injecting the issue":

12 (a) The issue referred to is not submitted to the trier of fact unless supported by evidence;
13 and

14 (b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires
15 a finding for the defendant on that issue;

16 (4) "Commercial film and photographic print processor", any person who develops
17 exposed photographic film into negatives, slides or prints, or who makes prints from negatives
18 or slides, for compensation. The term commercial film and photographic print processor shall
19 include all employees of such persons but shall not include a person who develops film or makes
20 prints for a public agency;

21 (5) "Computer", the box that houses the central processing unit (CPU), along with any
22 internal storage devices, such as internal hard drives, and internal communication devices, such
23 as internal modems capable of sending or receiving electronic mail or fax cards, along with any
24 other hardware stored or housed internally. Thus, computer refers to hardware, software and data
25 contained in the main unit. Printers, external modems attached by cable to the main unit,
26 monitors, and other external attachments will be referred to collectively as peripherals and
27 discussed individually when appropriate. When the computer and all peripherals are referred to
28 as a package, the term "computer system" is used. Information refers to all the information on
29 a computer system including both software applications and data;

30 (6) "Computer equipment", computers, terminals, data storage devices, and all other
31 computer hardware associated with a computer system or network;

32 (7) "Computer hardware", all equipment which can collect, analyze, create, display,
33 convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or
34 data. Hardware includes, but is not limited to, any data processing devices, such as central
35 processing units, memory typewriters and self-contained laptop or notebook computers; internal
36 and peripheral storage devices, transistor-like binary devices and other memory storage devices,

37 such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard
38 drive, optical disks and digital memory; local area networks, such as two or more computers
39 connected together to a central computer server via cable or modem; peripheral input or output
40 devices, such as keyboards, printers, scanners, plotters, video display monitors and optical
41 readers; and related communication devices, such as modems, cables and connections, recording
42 equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers,
43 programmable telephone dialing or signaling devices and electronic tone-generating devices; as
44 well as any devices, mechanisms or parts that can be used to restrict access to computer
45 hardware, such as physical keys and locks;

46 (8) "Computer network", two or more interconnected computers or computer systems;

47 (9) "Computer program", a set of instructions, statements, or related data that directs or
48 is intended to direct a computer to perform certain functions;

49 (10) "Computer software", digital information which can be interpreted by a computer
50 and any of its related components to direct the way they work. Software is stored in electronic,
51 magnetic, optical or other digital form. The term commonly includes programs to run operating
52 systems and applications, such as word processing, graphic, or spreadsheet programs, utilities,
53 compilers, interpreters and communications programs;

54 (11) "Computer-related documentation", written, recorded, printed or electronically
55 stored material which explains or illustrates how to configure or use computer hardware,
56 software or other related items;

57 (12) "Computer system", a set of related, connected or unconnected, computer
58 equipment, data, or software;

59 (13) "Confinement":

60 (a) A person is in confinement when such person is held in a place of confinement
61 pursuant to arrest or order of a court, and remains in confinement until:

62 a. A court orders the person's release; or

63 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

64 c. A public servant having the legal power and duty to confine the person authorizes his
65 release without guard and without condition that he return to confinement;

66 (b) A person is not in confinement if:

67 a. The person is on probation or parole, temporary or otherwise; or

68 b. The person is under sentence to serve a term of confinement which is not continuous,
69 or is serving a sentence under a work-release program, and in either such case is not being held
70 in a place of confinement or is not being held under guard by a person having the legal power
71 and duty to transport the person to or from a place of confinement;

72 (14) "Consent": consent or lack of consent may be expressed or implied. Assent does
73 not constitute consent if:

74 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged
75 to constitute the offense and such mental incapacity is manifest or known to the actor; or

76 (b) It is given by a person who by reason of youth, mental disease or defect, intoxication,
77 a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable
78 to make a reasonable judgment as to the nature or harmfulness of the conduct charged to
79 constitute the offense; or

80 (c) It is induced by force, duress or deception;

81 (15) "Controlled substance", a drug, substance, or immediate precursor in schedules I
82 through V as defined in chapter 195;

83 (16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk that
84 circumstances exist or a result will follow, and such failure constitutes a gross deviation from
85 the standard of care which a reasonable person would exercise in the situation;

86 (17) "Custody", a person is in custody when he or she has been arrested but has not been
87 delivered to a place of confinement;

88 (18) "Damage", when used in relation to a computer system or network, means any
89 alteration, deletion, or destruction of any part of the computer system or network;

90 (19) "Dangerous felony", the felonies of arson in the first degree, assault in the first
91 degree, attempted rape in the first degree if physical injury results, attempted forcible rape if
92 physical injury results, attempted sodomy in the first degree if physical injury results, attempted
93 forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the
94 first degree, forcible sodomy, assault in the second degree if the victim of such assault is a
95 special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree,
96 kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree,
97 domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree,
98 statutory rape in the first degree when the victim is a child less than twelve years of age at the
99 time of the commission of the act giving rise to the offense, statutory sodomy in the first degree
100 when the victim is a child less than twelve years of age at the time of the commission of the act
101 giving rise to the offense, child molestation in the first or second degree, abuse of a child if the
102 child dies as a result of injuries sustained from conduct chargeable under section 568.060, child
103 kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the
104 child for not less than one hundred twenty days under section 565.153, and an
105 "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is
106 found to be a "habitual offender" or "habitual boating offender" as such terms are defined in
107 section 577.001;

108 (20) "Dangerous instrument", any instrument, article or substance, which, under the
 109 circumstances in which it is used, is readily capable of causing death or other serious physical
 110 injury;

111 (21) "Data", a representation of information, facts, knowledge, concepts, or instructions
 112 prepared in a formalized or other manner and intended for use in a computer or computer
 113 network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic
 114 storage media, punched cards and as may be stored in the memory of a computer;

115 (22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a
 116 shot, readily capable of producing death or serious physical injury, may be discharged, or a
 117 switchblade knife, dagger, billy club, blackjack or metal knuckles;

118 (23) "Digital camera", a camera that records images in a format which enables the
 119 images to be downloaded into a computer;

120 (24) "Disability", a mental, physical, or developmental impairment that substantially
 121 limits one or more major life activities or the ability to provide adequately for one's care or
 122 protection, whether the impairment is congenital or acquired by accident, injury or disease, where
 123 such impairment is verified by medical findings;

124 (25) "Elderly person", a person sixty years of age or older;

125 (26) "Felony", an offense so designated or an offense for which persons found guilty
 126 thereof may be sentenced to death or imprisonment for a term of more than one year;

127 (27) "Forcible compulsion" either:

128 (a) Physical force that overcomes reasonable resistance; or

129 (b) A threat, express or implied, that places a person in reasonable fear of death, serious
 130 physical injury or kidnapping of such person or another person;

131 (28) "Incapacitated", a temporary or permanent physical or mental condition in which
 132 a person is unconscious, unable to appraise the nature of his or her conduct, or unable to
 133 communicate unwillingness to an act;

134 (29) "Infraction", a violation defined by this code or by any other statute of this state if
 135 it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty,
 136 is authorized upon conviction;

137 (30) "Inhabitable structure", a vehicle, vessel or structure:

138 (a) Where any person lives or carries on business or other calling; or

139 (b) Where people assemble for purposes of business, government, education, religion,
 140 entertainment, or public transportation; or

141 (c) Which is used for overnight accommodation of persons.

142

143 Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually
144 present.

145

146 If a building or structure is divided into separately occupied units, any unit not occupied by the
147 actor is an inhabitable structure of another;

148 (31) "Knowingly", when used with respect to:

149 (a) Conduct or attendant circumstances, means a person is aware of the nature of his or
150 her conduct or that those circumstances exist; or

151 (b) A result of conduct, means a person is aware that his or her conduct is practically
152 certain to cause that result;

153 (32) "Law enforcement officer", any public servant having both the power and duty to
154 make arrests for violations of the laws of this state, and federal law enforcement officers
155 authorized to carry firearms and to make arrests for violations of the laws of the United States;

156 (33) "Misdemeanor", an offense so designated or an offense for which persons found
157 guilty thereof may be sentenced to imprisonment for a term of which the maximum is one year
158 or less;

159 (34) "Of another", property that any entity, including but not limited to any natural
160 person, corporation, limited liability company, partnership, association, governmental
161 subdivision or instrumentality, other than the actor, has a possessory or proprietary interest
162 therein, except that property shall not be deemed property of another who has only a security
163 interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or
164 other security arrangement;

165 (35) "Offense", any felony or misdemeanor;

166 (36) "Physical injury", slight impairment of any function of the body or temporary loss
167 of use of any part of the body;

168 (37) "Place of confinement", any building or facility and the grounds thereof wherein a
169 court is legally authorized to order that a person charged with or convicted of a crime be held;

170 (38) "Possess" or "possessed", having actual or constructive possession of an object with
171 knowledge of its presence. A person has actual possession if such person has the object on his
172 or her person or within easy reach and convenient control. A person has constructive possession
173 if such person has the power and the intention at a given time to exercise dominion or control
174 over the object either directly or through another person or persons. Possession may also be sole
175 or joint. If one person alone has possession of an object, possession is sole. If two or more
176 persons share possession of an object, possession is joint;

177 (39) "Property", anything of value, whether real or personal, tangible or intangible, in
178 possession or in action;

179 (40) "Public servant", any person employed in any way by a government of this state who
180 is compensated by the government by reason of such person's employment, any person appointed
181 to a position with any government of this state, or any person elected to a position with any
182 government of this state. It includes, but is not limited to, legislators, jurors, members of the
183 judiciary and law enforcement officers. It does not include witnesses;

184 (41) "Purposely", when used with respect to a person's conduct or to a result thereof,
185 means when it is his or her conscious object to engage in that conduct or to cause that result;

186 (42) "Recklessly", consciously disregarding a substantial and unjustifiable risk that
187 circumstances exist or that a result will follow, and such disregard constitutes a gross deviation
188 from the standard of care which a reasonable person would exercise in the situation;

189 (43) "Serious emotional injury", an injury that creates a substantial risk of temporary or
190 permanent medical or psychological damage, manifested by impairment of a behavioral,
191 cognitive or physical condition. Serious emotional injury shall be established by testimony of
192 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
193 medical or psychological certainty;

194 (44) "Serious physical injury", physical injury that creates a substantial risk of death or
195 that causes serious disfigurement or protracted loss or impairment of the function of any part of
196 the body;

197 (45) "Services", when used in relation to a computer system or network, means use of
198 a computer, computer system, or computer network and includes, but is not limited to, computer
199 time, data processing, and storage or retrieval functions;

200 (46) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality
201 by inclination, practice, identity or expression, or having a self-image or identity not traditionally
202 associated with one's gender;

203 (47) "Vehicle", a self-propelled mechanical device designed to carry a person or persons,
204 excluding vessels or aircraft;

205 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not
206 such motor or machinery is a principal source of propulsion used or capable of being used as a
207 means of transportation on water, or any boat or craft more than twelve feet in length which is
208 powered by sail alone or by a combination of sail and machinery, and used or capable of being
209 used as a means of transportation on water, but not any boat or craft having, as the only means
210 of propulsion, a paddle or oars;

211 (49) "Voluntary act":

212 (a) A bodily movement performed while conscious as a result of effort or determination.
213 Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed,

214 or having acquired control of it was aware of his or her control for a sufficient time to have
215 enabled him or her to dispose of it or terminate his or her control; or

216 (b) An omission to perform an act of which the actor is physically capable. A person is
217 not guilty of an offense based solely upon an omission to perform an act unless the law defining
218 the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by
219 law;

220 (50) "Vulnerable person", **a person who, as a result of an inadequately developed or**
221 **impaired intelligence or a psychiatric disorder that materially affects the ability to**
222 **function, lacks the mental capacity to consent, or whose developmental level does not**
223 **exceed that of an ordinary child of fourteen years of age; or** any person in the custody, care,
224 or control of the department of mental health who is receiving services from an operated, funded,
225 licensed, or certified program.

557.035. 1. For all violations of **section 565.054 or 565.090**, subdivision (1) of
2 subsection 1 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1
3 of section 571.030, which the state believes to be knowingly motivated because of race, color,
4 religion, national origin, sex, sexual orientation or disability of the victim or victims, the state
5 may charge the offense or offenses under this section, and the violation is a class D felony.

6 2. For all violations of section [~~565.054~~] **565.056**; [~~subdivisions (1), (3) and (4) of~~
7 ~~subsection 1 of section 565.090;~~] subdivision (1) of subsection 1 of section 569.090; subdivision
8 (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state
9 believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual
10 orientation or disability of the victim or victims, the state may charge the offense or offenses
11 under this section, and the violation is a class E felony.

12 3. The court shall assess punishment in all of the cases in which the state pleads and
13 proves any of the motivating factors listed in this section.

557.036. 1. Upon a finding of guilt, the court shall decide the extent or duration of
2 sentence or other disposition to be imposed under all the circumstances, having regard to the
3 nature and circumstances of the offense and the history and character of the defendant and render
4 judgment accordingly.

5 2. Where an offense is submitted to the jury, the trial shall proceed in two stages. At the
6 first stage, the jury shall decide only whether the defendant is guilty or not guilty of any
7 submitted offense. The issue of punishment shall not be submitted to the jury at the first stage.

8 3. If the jury at the first stage of a trial finds the defendant guilty of the submitted
9 offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall
10 be the punishment to be assessed and declared. Evidence supporting or mitigating punishment
11 may be presented. Such evidence may include, within the discretion of the court, evidence

12 concerning the impact of the offense upon the victim, the victim's family and others, the nature
13 and circumstances of the offense, and the history and character of the defendant. Rebuttal and
14 surrebuttal evidence may be presented. The state shall be the first to proceed. The court shall
15 instruct the jury as to the range of punishment authorized by statute for each submitted offense.
16 The attorneys may argue the issue of punishment to the jury, and the state shall have the right to
17 open and close the argument. The jury shall assess and declare the punishment as authorized by
18 statute.

19 4. A second stage of the trial shall not proceed and the court, and not the jury, shall
20 assess punishment if:

21 (1) The defendant requests in writing, prior to voir dire, that the court assess the
22 punishment in case of a finding of guilt; or

23 (2) The state pleads and proves the defendant is a prior offender, persistent offender,
24 dangerous offender, or persistent misdemeanor offender as defined in section 558.016[~~; or a~~
25 ~~persistent sexual offender or predatory sexual offender as defined in section 566.125~~]. If the jury
26 cannot agree on the punishment to be assessed, the court shall proceed as provided in subsection
27 1 of this section. If, after due deliberation by the jury, the court finds the jury cannot agree on
28 punishment, then the court may instruct the jury that if it cannot agree on punishment that the
29 court will assess punishment.

30 5. If the jury returns a verdict of guilty in the first stage and declares a term of
31 imprisonment in the second stage, the court shall proceed as provided in subsection 1 of this
32 section except that any term of imprisonment imposed cannot exceed the term declared by the
33 jury unless the term declared by the jury is less than the authorized lowest term for the offense,
34 in which event the court cannot impose a term of imprisonment greater than the lowest term
35 provided for the offense.

36 6. If the defendant is found to be a prior offender, persistent offender, dangerous offender
37 or persistent misdemeanor offender as defined in section 558.016:

38 (1) If he has been found guilty of an offense, the court shall proceed as provided in
39 section 558.016; or

40 (2) If he has been found guilty of a class A felony, the court may impose any sentence
41 authorized for the class A felony.

42 7. The court shall not seek an advisory verdict from the jury in cases of prior offenders,
43 persistent offenders, **or** dangerous offenders[~~; persistent sexual offenders or predatory sexual~~
44 ~~offenders~~]; if an advisory verdict is rendered, the court shall not deem it advisory, but shall
45 consider it as mere surplusage.

558.021. 1. The court shall find the defendant to be a prior offender, persistent offender,
2 **or** dangerous offender[~~; persistent sexual offender or predatory sexual offender~~] if:

3 (1) The indictment or information, original or amended, or the information in lieu of an
4 indictment pleads all essential facts warranting a finding that the defendant is a prior offender,
5 persistent offender, **or** dangerous offender~~]; persistent sexual offender or predatory sexual~~
6 ~~offender];~~ and

7 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
8 beyond a reasonable doubt that the defendant is a prior offender, persistent offender, **or**
9 dangerous offender~~]; persistent sexual offender or predatory sexual offender];~~ and

10 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
11 by the court that the defendant is a prior offender, persistent offender, **or** dangerous offender~~];~~
12 ~~persistent sexual offender or predatory sexual offender].~~

13 2. In a jury trial, the facts shall be pleaded, established and found prior to submission to
14 the jury outside of its hearing, except the facts required by subdivision (1) of subsection 4 of
15 section 558.016 may be established and found at a later time, but prior to sentencing, and may
16 be established by judicial notice of prior testimony before the jury.

17 3. In a trial without a jury or upon a plea of guilty, the court may defer the proof and
18 findings of such facts to a later time, but prior to sentencing. The facts required by subdivision
19 (1) of subsection 4 of section 558.016 may be established by judicial notice of prior testimony
20 or the plea of guilty.

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

23 5. The defendant may waive proof of the facts alleged.

24 6. Nothing in this section shall prevent the use of presentence investigations or
25 commitments under sections 557.026 and 557.031.

26 7. At the sentencing hearing both the state and the defendant shall be permitted to present
27 additional information bearing on the issue of sentence.

558.046. The sentencing court may, upon petition, reduce any term of sentence or
2 probation pronounced by the court or a term of conditional release or parole pronounced by the
3 state board of probation and parole if the court determines that:

4 (1) The convicted person was:

5 (a) Convicted of an offense that did not involve violence or the threat of violence; and

6 (b) Convicted of an offense that involved alcohol or illegal drugs; and

7 (2) Since the commission of such offense, the convicted person has successfully
8 completed a detoxification and rehabilitation program; and

9 (3) The convicted person is not:

10 (a) A prior offender, a persistent offender, a dangerous offender or a persistent
11 misdemeanor offender as defined by section 558.016; or

12 (b) A **predatory sexual offender as defined in section 566.123 or a prior sexual**
13 **offender or a persistent sexual offender as defined in section ~~566.125~~ 566.124**; or

14 (c) A prior offender, a persistent offender or a class X offender as defined in section
15 558.019.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between
2 the time the transcript on appeal from the offender's ~~conviction~~ **finding of guilt** has been filed
3 in appellate court and the disposition of the appeal by such court.

4 2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon
5 its own motion and not that of the state or the offender shall have the power to grant probation
6 to an offender anytime up to one hundred twenty days after such offender has been delivered to
7 the department of corrections but not thereafter. The court may request information and a
8 recommendation from the department concerning the offender and such offender's behavior
9 during the period of incarceration. Except as provided in this section, the court may place the
10 offender on probation in a program created pursuant to section 217.777, or may place the
11 offender on probation with any other conditions authorized by law.

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program under this subsection or order such placement under subsection
14 4 of section 559.036. Upon the recommendation or order of the court, the department of
15 corrections shall assess each offender to determine the appropriate one hundred twenty-day
16 program in which to place the offender, which may include placement in the shock incarceration
17 program or institutional treatment program. When the court recommends and receives placement
18 of an offender in a department of corrections one hundred twenty-day program, the offender shall
19 be released on probation if the department of corrections determines that the offender has
20 successfully completed the program except as follows. Upon successful completion of a
21 program under this subsection, the board of probation and parole shall advise the sentencing
22 court of an offender's probationary release date thirty days prior to release. The court shall
23 follow the recommendation of the department unless the court determines that probation is not
24 appropriate. If the court determines that probation is not appropriate, the court may order the
25 execution of the offender's sentence only after conducting a hearing on the matter within ninety
26 to one hundred twenty days from the date the offender was delivered to the department of
27 corrections. If the department determines the offender has not successfully completed a one
28 hundred twenty-day program under this subsection, the offender shall be removed from the
29 program and the court shall be advised of the removal. The department shall report on the
30 offender's participation in the program and may provide recommendations for terms and
31 conditions of an offender's probation. The court shall then have the power to grant probation or
32 order the execution of the offender's sentence.

33 4. If the court is advised that an offender is not eligible for placement in a one hundred
34 twenty-day program under subsection 3 of this section, the court shall consider other authorized
35 dispositions. If the department of corrections one hundred twenty-day program under subsection
36 3 of this section is full, the court may place the offender in a private program approved by the
37 department of corrections or the court, the expenses of such program to be paid by the offender,
38 or in an available program offered by another organization. If the offender is convicted of a class
39 C, class D, or class E nonviolent felony, the court may order probation while awaiting
40 appointment to treatment.

41 5. Except when the offender has been found to be a predatory sexual offender pursuant
42 to section ~~[566.125]~~ **566.123**, the court shall request the department of corrections to conduct a
43 sexual offender assessment if the defendant has been found guilty of sexual abuse when
44 classified as a class B felony. Upon completion of the assessment, the department shall provide
45 to the court a report on the offender and may provide recommendations for terms and conditions
46 of an offender's probation. The assessment shall not be considered a one hundred twenty-day
47 program as provided under subsection 3 of this section. The process for granting probation to
48 an offender who has completed the assessment shall be as provided under subsections 2 and 6
49 of this section.

50 6. Unless the offender is being granted probation pursuant to successful completion of
51 a one hundred twenty-day program the circuit court shall notify the state in writing when the
52 court intends to grant probation to the offender pursuant to the provisions of this section. The
53 state may, in writing, request a hearing within ten days of receipt of the court's notification that
54 the court intends to grant probation. Upon the state's request for a hearing, the court shall grant
55 a hearing as soon as reasonably possible. If the state does not respond to the court's notice in
56 writing within ten days, the court may proceed upon its own motion to grant probation.

57 7. An offender's first incarceration under this section prior to release on probation shall
58 not be considered a previous prison commitment for the purpose of determining a minimum
59 prison term under the provisions of section 558.019.

60 8. Notwithstanding any other provision of law, probation may not be granted pursuant
61 to this section to offenders who have been convicted of murder in the second degree pursuant
62 to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28,
63 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060
64 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory
65 rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant
66 to section 566.062; child molestation in the first degree pursuant to section 566.067 when
67 classified as a class A felony; abuse **or neglect** of a child pursuant to section 568.060 when
68 classified as a class A felony; or an offender who has been found to be a predatory sexual

69 offender pursuant to section [~~566.125~~] **566.123**; or any offense in which there exists a statutory
70 prohibition against either probation or parole.

559.117. 1. The director of the department of corrections is authorized to establish, as
2 a three-year pilot program, a mental health assessment process.

3 2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is
4 hearing the criminal case in a participating county may request that an offender be placed in the
5 department of corrections for one hundred twenty days for a mental health assessment and for
6 treatment if it appears that the offender has a mental disorder or mental illness such that the
7 offender may qualify for probation including community psychiatric rehabilitation (CPR)
8 programs and such probation is appropriate and not inconsistent with public safety. Before the
9 judge rules upon the motion, the victim shall be given notice of such motion and the opportunity
10 to be heard. Upon recommendation of the court, the department shall determine the offender's
11 eligibility for the mental health assessment process.

12 3. Following this assessment and treatment period, an assessment report shall be sent to
13 the sentencing court and the sentencing court may, if appropriate, release the offender on
14 probation. The offender shall be supervised on probation by a state probation and parole officer,
15 who shall work cooperatively with the department of mental health to enroll eligible offenders
16 in community psychiatric rehabilitation (CPR) programs.

17 4. Notwithstanding any other provision of law, probation shall not be granted under this
18 section to offenders who:

19 (1) Have been found guilty of, or plead guilty to, murder in the second degree under
20 section 565.021;

21 (2) Have been found guilty of, or plead guilty to, rape in the first degree under section
22 566.030 or forcible rape under section 566.030 as it existed prior to August 28, 2013;

23 (3) Have been found guilty of, or plead guilty to, statutory rape in the first degree under
24 section 566.032;

25 (4) Have been found guilty of, or plead guilty to, sodomy in the first degree under section
26 566.060 or forcible sodomy under section 566.060 as it existed prior to August 28, 2013;

27 (5) Have been found guilty of, or plead guilty to, statutory sodomy in the first degree
28 under section 566.062;

29 (6) Have been found guilty of, or plead guilty to, child molestation in the first degree
30 under section 566.067 when classified as a class A felony;

31 (7) Have been found to be a predatory sexual offender under section [~~566.125~~] **566.123**;
32 or

33 (8) Have been found guilty of, or plead guilty to, any offense for which there exists a
34 statutory prohibition against either probation or parole.

35 5. At the end of the three-year pilot, the director of the department of corrections and the
36 director of the department of mental health shall jointly submit recommendations to the governor
37 and to the general assembly by December 31, 2015, on whether to expand the process statewide.

 565.076. 1. A person commits the offense of domestic assault in the fourth degree if the
2 act involves a domestic victim, as the term "domestic victim" is defined under section 565.002,
3 and:

4 (1) The person attempts to cause or recklessly causes physical injury, physical pain, or
5 illness to such domestic victim;

6 (2) With criminal negligence the person causes physical injury to such domestic victim
7 by means of a deadly weapon or dangerous instrument;

8 (3) The person purposely places such domestic victim in apprehension of immediate
9 physical injury by any means;

10 (4) The person recklessly engages in conduct which creates a substantial risk of death
11 or serious physical injury to such domestic victim;

12 (5) The person knowingly causes physical contact with such domestic victim knowing
13 he or she will regard the contact as offensive; or

14 (6) The person knowingly attempts to cause or causes the isolation of such domestic
15 victim by unreasonably and substantially restricting or limiting his or her access to other persons,
16 telecommunication devices or transportation for the purpose of isolation.

17 2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless
18 the person has previously been found guilty of the offense of **domestic assault** [~~of a domestic~~
19 ~~victim~~], **of any assault offense under this chapter, or of any offense against a domestic**
20 **victim committed in violation of any county or municipal ordinance in any state, any state**
21 **law, any federal law, or any military law which if committed in this state two or more times,**
22 **would be a violation of this section,** in which case it is a class E felony. The offenses described
23 in this subsection may be against the same domestic victim or against different domestic victims.

 565.091. 1. A person commits the offense of harassment in the second degree if he or
2 she, without good cause, engages in any act with the purpose to cause emotional distress to
3 another person.

4 2. The offense of harassment in the second degree is a class A misdemeanor, **unless the**
5 **person has previously pleaded guilty to or been found guilty of a violation of this section,**
6 **of any offense committed in violation of any county or municipal ordinance in any state,**
7 **any state law, any federal law, or any military law which if committed in this state would**
8 **be chargeable or indictable as a violation of any offense listed in this subsection, in which**
9 **case it is a class E felony.**

10 **3. This section shall not apply to activities of federal, state, county, or municipal law**
11 **enforcement officers conducting investigations of violations of federal, state, county, or**
12 **municipal law.**

566.010. As used in this chapter and chapter 568, the following terms mean:

- 2 (1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:
3 (a) Inflicts serious physical injury on the victim; [øø]
4 (b) Displays a deadly weapon or dangerous instrument in a threatening manner; [øø]
5 (c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than
6 one person; [øø]
7 (d) Had previously been found guilty of an offense under this chapter or under section
8 573.200, child used in sexual performance; section 573.205, promoting sexual performance by
9 a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child
10 pornography in the first degree; section 573.035, promoting child pornography in the second
11 degree; section 573.037, possession of child pornography; or section 573.040, furnishing
12 pornographic materials to minors; or has previously been found guilty of an offense in another
13 jurisdiction which would constitute an offense under this chapter or said sections;
14 (e) Commits the offense as part of an act or series of acts performed by two or more
15 persons as part of an established or prescribed pattern of activity; or
16 (f) Engages in the act that constitutes the offense with a person the actor knows to be,
17 without regard to legitimacy, the actor's:
18 a. Ancestor or descendant by blood or adoption;
19 b. Stepchild while the marriage creating that relationship exists;
20 c. Brother or sister of the whole or half blood; or
21 d. Uncle, aunt, nephew, or niece of the whole blood;
22 (2) "Commercial sex act", any sex act on account of which anything of value is given
23 to or received by any person;
24 (3) "Deviate sexual intercourse", any act involving the genitals of one person and the
25 hand, mouth, tongue, or anus of another person or a sexual act involving the penetration,
26 however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done
27 for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of
28 terrorizing the victim;
29 (4) "Forced labor", a condition of servitude induced by means of:
30 (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that,
31 if the person does not enter into or continue the servitude, such person or another person will
32 suffer substantial bodily harm or physical restraint; or
33 (b) The abuse or threatened abuse of the legal process;

34 (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;

35 (6) "Sexual contact", any touching of another person with the genitals or any touching
36 of the genitals or anus of another person, or the breast of a female person, or such touching
37 through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or
38 for the purpose of terrorizing the victim;

39 (7) "Sexual intercourse", any penetration, however slight, of the female genitalia by the
40 penis.

566.030. 1. A person commits the offense of rape in the first degree if he or she has
2 sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the
3 capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use
4 of a substance administered without a victim's knowledge or consent which renders the victim
5 physically or mentally impaired so as to be incapable of making an informed consent to sexual
6 intercourse.

7 2. The offense of rape in the first degree or an attempt to commit rape in the first degree
8 is a felony for which the authorized term of imprisonment is life imprisonment or a term of years
9 not less than five years, unless:

10 (1) The offense is an aggravated sexual offense, in which case the authorized term of
11 imprisonment is life imprisonment or a term of years not less than fifteen years;

12 (2) The person is **a prior sexual offender or a persistent sexual offender as defined**
13 **in section 566.124** or **a predatory sexual offender as defined in section [566.125] 566.123** and
14 subjected to an extended term of imprisonment under said section;

15 (3) The victim is a child less than twelve years of age, in which case the required term
16 of imprisonment is life imprisonment without eligibility for probation or parole until the offender
17 has served not less than thirty years of such sentence or unless the offender has reached the age
18 of seventy-five years and has served at least fifteen years of such sentence, unless such rape in
19 the first degree is described under subdivision (4) of this subsection; or

20 (4) The victim is a child less than twelve years of age and such rape in the first degree
21 or attempt to commit rape in the first degree was outrageously or wantonly vile, horrible or
22 inhumane, in that it involved torture or depravity of mind, in which case the required term of
23 imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

24 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has
25 been found guilty of rape in the first degree or attempt to commit rape in the first degree when
26 the victim is less than twelve years of age, and "life imprisonment" shall mean imprisonment for
27 the duration of a person's natural life for the purposes of this section.

28 4. No person found guilty of rape in the first degree or an attempt to commit rape in the
29 first degree shall be granted a suspended imposition of sentence or suspended execution of
30 sentence.

 566.032. 1. A person commits the offense of statutory rape in the first degree if he or
2 she has sexual intercourse with another person who is less than fourteen years of age.

3 2. The offense of statutory rape in the first degree or an attempt to commit statutory rape
4 in the first degree is a felony for which the authorized term of imprisonment is life imprisonment
5 or a term of years not less than five years, unless:

6 (1) The offense is an aggravated sexual offense, or the victim is less than twelve years
7 of age in which case the authorized term of imprisonment is life imprisonment or a term of years
8 not less than ten years; or

9 (2) The person is **a prior sexual offender** or a persistent **sexual offender as defined**
10 **in section 566.124** or a predatory sexual offender as defined in section ~~[566.125 and subjected~~
11 ~~to an extended term of imprisonment under said section]~~ **566.123**.

 566.060. 1. A person commits the offense of sodomy in the first degree if he or she has
2 deviate sexual intercourse with another person who is incapacitated, incapable of consent, or
3 lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes
4 the use of a substance administered without a victim's knowledge or consent which renders the
5 victim physically or mentally impaired so as to be incapable of making an informed consent to
6 sexual intercourse.

7 2. The offense of sodomy in the first degree or an attempt to commit sodomy in the first
8 degree is a felony for which the authorized term of imprisonment is life imprisonment or a term
9 of years not less than five years, unless:

10 (1) The offense is an aggravated sexual offense, in which case the authorized term of
11 imprisonment is life imprisonment or a term of years not less than ten years;

12 (2) The person is **a prior sexual offender** or a persistent **sexual offender as defined**
13 **in section 566.124** or a predatory sexual offender as defined in section ~~[566.125 and subjected~~
14 ~~to an extended term of imprisonment under said section]~~ **566.123**;

15 (3) The victim is a child less than twelve years of age, in which case the required term
16 of imprisonment is life imprisonment without eligibility for probation or parole until the offender
17 has served not less than thirty years of such sentence or unless the offender has reached the age
18 of seventy-five years and has served at least fifteen years of such sentence, unless such sodomy
19 in the first degree is described under subdivision (4) of this subsection; or

20 (4) The victim is a child less than twelve years of age and such sodomy in the first degree
21 or attempt to commit sodomy in the first degree was outrageously or wantonly vile, horrible or

22 inhumane, in that it involved torture or depravity of mind, in which case the required term of
23 imprisonment is life imprisonment without eligibility for probation, parole or conditional release.

24 3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has
25 been found guilty of sodomy in the first degree or an attempt to commit sodomy in the first
26 degree when the victim is less than twelve years of age, and "life imprisonment" shall mean
27 imprisonment for the duration of a person's natural life for the purposes of this section.

28 4. No person found guilty of sodomy in the first degree or an attempt to commit sodomy
29 in the first degree shall be granted a suspended imposition of sentence or suspended execution
30 of sentence.

566.062. 1. A person commits the offense of statutory sodomy in the first degree if he
2 or she has deviate sexual intercourse with another person who is less than fourteen years of age.

3 2. The offense of statutory sodomy in the first degree or an attempt to commit statutory
4 sodomy in the first degree is a felony for which the authorized term of imprisonment is life
5 imprisonment or a term of years not less than five years, unless:

6 (1) The offense is an aggravated sexual offense or the victim is less than twelve years
7 of age, in which case the authorized term of imprisonment is life imprisonment or a term of years
8 not less than ten years; or

9 (2) The person is **a prior sexual offender** or a persistent **sexual offender as defined**
10 **in section 566.124** or a predatory sexual offender as defined in section ~~[566.125 and subjected~~
11 ~~to an extended term of imprisonment under said section]~~ **566.123**.

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

2 (1) **"Predatory sexual offense", statutory rape in the first degree, statutory sodomy**
3 **in the first degree, rape in the first degree, sodomy in the first degree, forcible rape,**
4 **forcible sodomy, rape, sodomy, child molestation in the first degree when classified as a**
5 **class A or B felony, child molestation in the second degree when classified as a class A or**
6 **B felony, sexual abuse when classified as a class B felony, sexual abuse in the first degree**
7 **when classified as a class B felony, or an attempt to commit any of these offenses, or the**
8 **commission of an offense in another jurisdiction that if committed in this state would**
9 **constitute the commission of any of the listed offenses;**

10 (2) **"Predatory sexual offender", any person who has been found guilty of**
11 **committing or attempting to commit a predatory sexual offense and who has, prior to that**
12 **finding:**

13 (a) **Committed another act that would constitute a predatory sexual offense,**
14 **regardless of whether the other act was charged or resulted in a finding of guilt; or**

15 **(b) Committed an act or acts against more than one victim that would constitute**
16 **a predatory sexual offense, whether the defendant was charged with an additional offense**
17 **or offenses as a result of such act or acts.**

18 **2. The court shall sentence a person to life without eligibility for probation or**
19 **parole if it finds the defendant is a predatory sexual offender. Subsection 4 of section**
20 **558.019 shall not apply to any person imprisoned under this subsection for the purposes**
21 **of determining the minimum prison term or the length of sentence as defined or used in**
22 **such subsection. Notwithstanding any other provision of law, in no event shall a person**
23 **found to be a predatory sexual offender receive a final discharge from parole.**

24 **3. Notwithstanding any provision of law, the department of corrections, or any**
25 **division thereof, shall not furlough an individual found to be and sentenced as a persistent**
26 **sexual offender as defined in section 566.124 or a predatory sexual offender.**

27 **4. The punishment imposed under this section shall be in addition to any**
28 **punishment provided by law for the offense, of which the defendant has been previously**
29 **found guilty, or the act which would constitute an offense, whether the act was charged or**
30 **resulted in a finding of guilt.**

31 **5. In determining whether a defendant is a predatory sexual offender:**

32 **(1) Prior findings of guilt shall be pleaded and proven in the same manner required**
33 **by the provisions of section 558.021;**

34 **(2) Acts that would constitute an offense that were not charged or did not result in**
35 **a finding of guilt shall be pleaded and proven as follows:**

36 **(a) In a trial without a jury or upon a plea of guilty, the acts shall be pleaded and**
37 **proven in the same manner required under section 558.021. The court may defer the proof**
38 **and findings establishing the defendant is a predatory sexual offender to a later time, but**
39 **prior to sentencing. The facts required to prove the defendant is a predatory sexual**
40 **offender may be established by judicial notice of prior testimony or the plea of guilty;**

41 **(b) Notwithstanding any other provision of law, if an offense is submitted to the**
42 **jury, the trial shall proceed in multiple stages. If the jury at the first stage of a trial finds**
43 **the defendant guilty of the submitted offense, the second stage of the trial shall proceed.**
44 **The issue at the second stage of the trial shall be whether the defendant is a predatory**
45 **sexual offender. The state shall be the first to proceed. The court shall instruct the jury.**
46 **The attorneys may argue the issue of whether the defendant is a predatory sexual offender**
47 **to the jury, and the state shall have the right to open and close the argument. The jury**
48 **shall determine whether the defendant is a predatory sexual offender beyond a reasonable**
49 **doubt. If the jury determines that the defendant is a predatory sexual offender, the court**
50 **shall not seek an advisory verdict from the jury. If the jury determines that the defendant**

51 is not a predatory sexual offender, a third stage of the trial shall proceed, unless jury
52 sentencing is removed under section 557.036. The issue at the third stage of the trial shall
53 be the punishment to be assessed and declared. The third stage of the trial shall proceed
54 in the same manner required under section 557.036. The parties may present additional
55 evidence in this stage and may argue evidence presented at the first stage or the second
56 stage.

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

- 2 (1) "Persistent sexual offender", a person who has been found guilty of two or more
3 sexual offenses;
 - 4 (2) "Prior sexual offender", a person who has been found guilty of one sexual
5 offense;
 - 6 (3) "Sexual offense", any offense under chapter 566, or an attempt to commit any
7 of these offenses, or the commission of an offense in another jurisdiction that if committed
8 in this state would constitute the commission of any of the listed offenses, or any offense
9 that requires registration under section 589.400.
- 10 2. No court shall suspend the imposition of sentence as to a prior or persistent
11 sexual offender under this section nor sentence such person to pay a fine in lieu of a term
12 of imprisonment, section 557.011 to the contrary notwithstanding, nor shall such person
13 be eligible for parole or probation until such person has served a minimum of three years'
14 imprisonment.
- 15 3. The court shall find the defendant to be a prior sexual offender or persistent
16 sexual offender, if:
- 17 (1) The indictment or information, original or amended, or the information in lieu
18 of an indictment pleads all essential facts warranting a finding that the defendant is a prior
19 sexual offender or persistent sexual offender;
 - 20 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a
21 finding beyond a reasonable doubt the defendant is a prior sexual offender or persistent
22 sexual offender; and
 - 23 (3) The court makes findings of fact that warrant a finding beyond a reasonable
24 doubt by the court that the defendant is a prior sexual offender or persistent sexual
25 offender.
- 26 4. In a jury trial, such facts shall be pleaded, established, and found prior to
27 submission to the jury outside of its hearing.
- 28 5. In a trial without a jury or upon a plea of guilty, the court may defer the proof
29 in findings of such facts to a later time, but prior to sentencing.

30 **6. The defendant shall be accorded full rights of confrontation and**
 31 **cross-examination, with the opportunity to present evidence, at such hearings.**

32 **7. The defendant may waive proof of the facts alleged.**

33 **8. Nothing in this section shall prevent the use of presentence investigations or**
 34 **commitments.**

35 **9. At the sentencing hearing both the state and the defendant shall be permitted to**
 36 **present additional information bearing on the issue of sentence.**

37 **10. The findings of guilt shall be prior to the date of commission of the present**
 38 **offense.**

39 **11. The court shall not instruct the jury as to the range of punishment or allow the**
 40 **jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in**
 41 **cases of prior sexual offenders or persistent sexual offenders.**

42 **12. Evidence of prior findings of guilt shall be heard and determined by the trial**
 43 **court out of the hearing of the jury prior to the submission of the case to the jury and shall**
 44 **include, but not be limited to, evidence of findings of guilt received by a search of the**
 45 **records of the Missouri uniform law enforcement system maintained by the Missouri state**
 46 **highway patrol. After hearing the evidence, the court shall enter its findings thereon.**

47 **13. The court shall sentence a person who has been found to be a prior sexual**
 48 **offender to the authorized term of imprisonment for the class one class step higher than**
 49 **the offense for which the person was found guilty.**

50 **14. The court shall sentence a person who has been found to be a persistent sexual**
 51 **offender to the authorized term of imprisonment for the class two steps higher than the**
 52 **offense for which the person was found guilty. A person found to be a persistent sexual**
 53 **offender who is found guilty of a class B felony shall be sentenced to the authorized term**
 54 **of imprisonment for a class A felony. A person found to be a prior or persistent sexual**
 55 **offender who is found guilty of a class A felony or a felony for which the maximum**
 56 **punishment is thirty years or more shall be sentenced to life imprisonment without the**
 57 **eligibility for probation or parole.**

574.010. 1. A person commits the offense of peace disturbance if he or she:

2 (1) Unreasonably and knowingly disturbs or alarms another person or persons by:

3 (a) Loud noise; or

4 (b) Offensive language addressed in a face-to-face manner to a specific individual and
 5 uttered under circumstances which are likely to produce an immediate violent response from a
 6 reasonable recipient; or

7 (c) Threatening to commit a felonious act against any person under circumstances which
 8 are likely to cause a reasonable person to fear that such threat may be carried out; or

- 9 (d) Fighting; or
- 10 (e) Creating a noxious and offensive odor;
- 11 (2) Is in a public place or on private property of another without consent and purposely
- 12 causes inconvenience to another person or persons by unreasonably and physically obstructing:
- 13 (a) Vehicular or pedestrian traffic; or
- 14 (b) The free ingress or egress to or from a public or private place.

15 **2. Notwithstanding the provisions of subdivision (1) of subsection 1 of this section,**
 16 **a person does not commit the offense of peace disturbance by creating a loud noise or**
 17 **creating a noxious or offensive odor if such alleged noise or odor arises from or is attendant**
 18 **to:**

- 19 (a) **Raising, maintaining, or keeping livestock as defined in section 277.020**
- 20 **including, but not limited to, any noise or odor made directly by or coming directly from**
- 21 **any livestock;**
- 22 (b) **Planting, caring for, maintaining, or harvesting crops or hay; or**
- 23 (c) **The engine of a vehicle or tractor while engaged in normal business related**
- 24 **activities.**

25 **3.** The offense of peace disturbance is a class B misdemeanor upon the first conviction.
 26 Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a
 27 third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one
 28 thousand dollars and no more than five thousand dollars.

575.280. 1. A person commits the offense of acceding to corruption if he or she:

- 2 (1) Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts,
- 3 or agrees to accept any benefit, direct or indirect, on the representation or understanding that it
- 4 will influence his or her official action in a judicial proceeding pending in any court or before
- 5 such official or juror;
- 6 (2) Is a witness or prospective witness in any official proceeding and knowingly solicits,
- 7 accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding
- 8 that he or she will disobey a subpoena or other legal process, absent himself or herself, avoid
- 9 subpoena or other legal process, withhold evidence, information or documents, or testify falsely.

10 **2.** The offense of acceding to corruption under subdivision ~~[(2)]~~ **(1)** of subsection 1 of
 11 this section ~~[is a class A misdemeanor. The offense, when committed under subdivision (1) of~~
 12 ~~subsection 1 of this section,] is a class C felony[; unless the offense is committed in a felony~~
 13 ~~prosecution, or on the representation or understanding of testifying falsely, in which case it is a~~
 14 ~~class E felony]. **The offense of acceding to corruption under subdivision (2) of subsection**- 15 **1 of this section in a felony prosecution or on the representation or understanding of**~~

16 **testifying falsely is a class D felony. Otherwise, acceding to corruption is a class A**
17 **misdemeanor.**

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

- 2 (1) "Aggravated offender", a person who has been found guilty of:
3 (a) Three or more intoxication-related traffic offenses committed on separate occasions;
4 or
5 (b) Two or more intoxication-related traffic offenses committed on separate occasions
6 where at least one of the intoxication-related traffic offenses is an offense committed in violation
7 of any state law, county or municipal ordinance, any federal offense, or any military offense in
8 which the defendant was operating a vehicle while intoxicated and another person was injured
9 or killed;
- 10 (2) "Aggravated boating offender", a person who has been found guilty of:
11 (a) Three or more intoxication-related boating offenses; or
12 (b) Two or more intoxication-related boating offenses committed on separate occasions
13 where at least one of the intoxication-related boating offenses is an offense committed in
14 violation of any state law, county or municipal ordinance, any federal offense, or any military
15 offense in which the defendant was operating a vessel while intoxicated and another person was
16 injured or killed;
- 17 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
18 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
19 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed
20 to be straddled by the operator, or with a seat designed to carry more than one person, and
21 handlebars for steering control;
- 22 (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but
23 not any juvenile court or drug court;
- 24 (5) "Chronic offender", a person who has been found guilty of:
25 (a) Four or more intoxication-related traffic offenses committed on separate occasions;
26 or
27 (b) Three or more intoxication-related traffic offenses committed on separate occasions
28 where at least one of the intoxication-related traffic offenses is an offense committed in violation
29 of any state law, county or municipal ordinance, any federal offense, or any military offense in
30 which the defendant was operating a vehicle while intoxicated and another person was injured
31 or killed; or
32 (c) Two or more intoxication-related traffic offenses committed on separate occasions
33 where both intoxication-related traffic offenses were offenses committed in violation of any state

34 law, county or municipal ordinance, any federal offense, or any military offense in which the
 35 defendant was operating a vehicle while intoxicated and another person was injured or killed;

36 (6) "Chronic boating offender", a person who has been found guilty of:

37 (a) Four or more intoxication-related boating offenses; or

38 (b) Three or more intoxication-related boating offenses committed on separate occasions
 39 where at least one of the intoxication-related boating offenses is an offense committed in
 40 violation of any state law, county or municipal ordinance, any federal offense, or any military
 41 offense in which the defendant was operating a vessel while intoxicated and another person was
 42 injured or killed; or

43 (c) Two or more intoxication-related boating offenses committed on separate occasions
 44 where both intoxication-related boating offenses were offenses committed in violation of any
 45 state law, county or municipal ordinance, any federal offense, or any military offense in which
 46 the defendant was operating a vessel while intoxicated and another person was injured or killed;

47 (7) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal
 48 alcohol concentration levels and tampering attempts at least once every hour, regardless of the
 49 location of the person who is being monitored, and regularly transmitting the data. Continuous
 50 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of
 51 section 217.690;

52 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to
 53 V listed in section 195.017;

54 (9) "Drive", "driving", "operates" or "operating", [~~means~~] physically driving or operating
 55 a vehicle or vessel;

56 (10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight
 57 navigators;

58 (11) "Habitual offender", a person who has been found guilty of:

59 (a) Five or more intoxication-related traffic offenses committed on separate occasions;
 60 or

61 (b) Four or more intoxication-related traffic offenses committed on separate occasions
 62 where at least one of the intoxication-related traffic offenses is an offense committed in violation
 63 of any state law, county or municipal ordinance, any federal offense, or any military offense in
 64 which the defendant was operating a vehicle while intoxicated and another person was injured
 65 or killed; or

66 (c) Three or more intoxication-related traffic offenses committed on separate occasions
 67 where at least two of the intoxication-related traffic offenses were offenses committed in
 68 violation of any state law, county or municipal ordinance, any federal offense, or any military

69 offense in which the defendant was operating a vehicle while intoxicated and another person was
 70 injured or killed; ~~or~~

71 ~~—— (d) While driving while intoxicated, the defendant acted with criminal negligence to:~~

72 ~~—— a. Cause the death of any person not a passenger in the vehicle operated by the~~
 73 ~~defendant, including the death of an individual that results from the defendant's vehicle leaving~~
 74 ~~a highway, as defined by section 301.010, or the highway's right-of-way; or~~

75 ~~—— b. Cause the death of two or more persons; or~~

76 ~~—— c. Cause the death of any person while he or she has a blood alcohol content of at least~~
 77 ~~eighteen-hundredths of one percent by weight of alcohol in such person's blood;]~~

78 (12) "Habitual boating offender", a person who has been found guilty of:

79 (a) Five or more intoxication-related boating offenses; or

80 (b) Four or more intoxication-related boating offenses committed on separate occasions
 81 where at least one of the intoxication-related boating offenses is an offense committed in
 82 violation of any state law, county or municipal ordinance, any federal offense, or any military
 83 offense in which the defendant was operating a vessel while intoxicated and another person was
 84 injured or killed; or

85 (c) Three or more intoxication-related boating offenses committed on separate occasions
 86 where at least two of the intoxication-related boating offenses were offenses committed in
 87 violation of any state law, county or municipal ordinance, any federal offense, or any military
 88 offense in which the defendant was operating a vessel while intoxicated and another person was
 89 injured or killed; or

90 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

91 a. Cause the death of any person not a passenger in the vessel operated by the defendant,
 92 including the death of an individual that results from the defendant's vessel leaving the water;
 93 or

94 b. Cause the death of two or more persons; or

95 c. Cause the death of any person while he or she has a blood alcohol content of at least
 96 eighteen-hundredths of one percent by weight of alcohol in such person's blood;

97 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
 98 alcohol, a controlled substance, or drug, or any combination thereof;

99 (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating
 100 while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which
 101 the defendant was operating a vessel while intoxicated and another person was injured or killed
 102 in violation of any state law, county or municipal ordinance, any federal offense, or any military
 103 offense;

104 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with
 105 excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of
 106 a **state law**, county or municipal ordinance, **any federal offense, or any military offense**, or an
 107 offense in which the defendant was operating a vehicle while intoxicated and another person was
 108 injured or killed in violation of any state law, county or municipal ordinance, any federal offense,
 109 or any military offense;

110 (16) "Law enforcement officer" or "arresting officer", includes the definition of law
 111 enforcement officer in section 556.061 and military policemen conducting traffic enforcement
 112 operations on a federal military installation under military jurisdiction in the state of Missouri;

113 (17) "Operate a vessel", to physically control the movement of a vessel in motion under
 114 mechanical or sail power in water;

115 (18) "Persistent offender", a person who has been found guilty of:

116 (a) Two or more intoxication-related traffic offenses committed on separate occasions;
 117 or

118 (b) One intoxication-related traffic offense committed in violation of any state law,
 119 county or municipal ordinance, federal offense, or military offense in which the defendant was
 120 operating a vehicle while intoxicated and another person was injured or killed;

121 (19) "Persistent boating offender", a person who has been found guilty of:

122 (a) Two or more intoxication-related boating offenses committed on separate occasions;
 123 or

124 (b) One intoxication-related boating offense committed in violation of any state law,
 125 county or municipal ordinance, federal offense, or military offense in which the defendant was
 126 operating a vessel while intoxicated and another person was injured or killed;

127 (20) "Prior offender", a person who has been found guilty of one intoxication-related
 128 traffic offense, where such prior offense occurred within five years of the occurrence of the
 129 intoxication-related traffic offense for which the person is charged;

130 (21) "Prior boating offender", a person who has been found guilty of one
 131 intoxication-related boating offense, where such prior offense occurred within five years of the
 132 occurrence of the intoxication-related boating offense for which the person is charged.

577.010. 1. A person commits the offense of driving while intoxicated if he or she
 2 operates a vehicle while in an intoxicated condition.

3 2. The offense of driving while intoxicated is:

4 (1) A class B misdemeanor;

5 (2) A class A misdemeanor if:

6 (a) The defendant is a prior offender; or

7 (b) A person less than seventeen years of age is present in the vehicle;

- 8 (3) A class E felony if:
- 9 (a) The defendant is a persistent offender; or
- 10 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 11 physical injury to another person;
- 12 (4) A class D felony if:
- 13 (a) The defendant is an aggravated offender;
- 14 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 15 physical injury to a law enforcement officer or emergency personnel; or
- 16 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 17 serious physical injury to another person;
- 18 (5) A class C felony if:
- 19 (a) The defendant is a chronic offender;
- 20 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 21 serious physical injury to a law enforcement officer or emergency personnel; or
- 22 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 23 the death of another person;
- 24 (6) A class B felony if:
- 25 (a) The defendant is a habitual offender; [ø]
- 26 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
- 27 the death of a law enforcement officer or emergency personnel;
- 28 (c) **While driving while intoxicated, the defendant acts with criminal negligence to**
- 29 **cause the death of any person not a passenger in the vehicle operated by the defendant,**
- 30 **including the death of an individual that results from the defendant's vehicle leaving a**
- 31 **highway, as defined in section 301.010, or the highway's right-of-way;**
- 32 (d) **While driving while intoxicated, the defendant acts with criminal negligence to**
- 33 **cause the death of two or more persons; or**
- 34 (e) **While driving while intoxicated, the defendant acts with criminal negligence to**
- 35 **cause the death of any person while he or she has a blood alcohol content of at least**
- 36 **eighteen-hundredths of one percent by weight of alcohol in such person's blood;**
- 37 (7) A class A felony if the defendant ~~[is a habitual offender as a result of being]~~ **has**
- 38 **previously been** found guilty of an ~~[act described under paragraph (d) of subdivision (11) of~~
- 39 ~~section 577.001]~~ **offense under paragraphs (a) to (e) of subdivision (6) of this subsection and**
- 40 **is found guilty of a subsequent violation of such [paragraph] paragraphs.**
- 41 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty
- 42 of the offense of driving while intoxicated as a first offense shall not be granted a suspended
- 43 imposition of sentence:

44 (1) Unless such person shall be placed on probation for a minimum of two years; or

45 (2) In a circuit where a DWI court or docket created under section 478.007 or other
46 court-ordered treatment program is available, and where the offense was committed with
47 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless
48 the individual participates and successfully completes a program under such DWI court or docket
49 or other court-ordered treatment program.

50 4. If a person is found guilty of a second or subsequent offense of driving while
51 intoxicated, the court may order the person to submit to a period of continuous alcohol
52 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as
53 a condition of probation.

54 5. If a person is not granted a suspended imposition of sentence for the reasons described
55 in subsection 3 of this section:

56 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths
57 of one percent by weight of alcohol in such person's blood, the required term of imprisonment
58 shall be not less than forty-eight hours;

59 (2) If the individual operated the vehicle with greater than twenty-hundredths of one
60 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be
61 not less than five days.

62 6. A person found guilty of the offense of driving while intoxicated:

63 (1) As a prior offender, persistent offender, aggravated offender, chronic offender, or
64 habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay
65 a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

66 (2) As a prior offender shall not be granted parole or probation until he or she has served
67 a minimum of ten days imprisonment:

68 (a) Unless as a condition of such parole or probation such person performs at least thirty
69 days of community service under the supervision of the court in those jurisdictions which have
70 a recognized program for community service; or

71 (b) The offender participates in and successfully completes a program established under
72 section 478.007 or other court-ordered treatment program, if available, and as part of either
73 program, the offender performs at least thirty days of community service under the supervision
74 of the court;

75 (3) As a persistent offender shall not be eligible for parole or probation until he or she
76 has served a minimum of thirty days imprisonment:

77 (a) Unless as a condition of such parole or probation such person performs at least sixty
78 days of community service under the supervision of the court in those jurisdictions which have
79 a recognized program for community service; or

80 (b) The offender participates in and successfully completes a program established under
 81 section 478.007 or other court-ordered treatment program, if available, and as part of either
 82 program, the offender performs at least sixty days of community service under the supervision
 83 of the court;

84 (4) As an aggravated offender shall not be eligible for parole or probation until he or she
 85 has served a minimum of sixty days imprisonment;

86 (5) As a chronic or habitual offender shall not be eligible for parole or probation until
 87 he or she has served a minimum of two years imprisonment; and

88 (6) Any probation or parole granted under this subsection may include a period of
 89 continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four
 90 times per day.

577.060. 1. A person commits the offense of leaving the scene of an accident when:

2 (1) Being the operator of a vehicle or a vessel involved in an accident resulting in injury
 3 or death or damage to property of another person; and

4 (2) Having knowledge of such accident he or she leaves the place of the injury, damage
 5 or accident without stopping and giving the following information to the other party or to a law
 6 enforcement officer, or if no law enforcement officer is in the vicinity, then to the nearest law
 7 enforcement agency:

8 (a) His or her name;

9 (b) His or her residence, including city and street number;

10 (c) The registration or license number for his or her vehicle or vessel; and

11 (d) His or her operator's license number, if any.

12 2. For the purposes of this section, all law enforcement officers shall have jurisdiction,
 13 when invited by an injured person, to enter the premises of any privately owned property for the
 14 purpose of investigating an accident and performing all necessary duties regarding such accident.

15 3. The offense of leaving the scene of an accident is:

16 (1) A class A misdemeanor; ~~or~~

17 (2) A class E felony if:

18 (a) Physical injury was caused to another party; or

19 (b) Damage in excess of one thousand dollars was caused to the property of another
 20 person; or

21 (c) The defendant has previously been found guilty of any offense in violation of this
 22 section; or committed in another jurisdiction which, if committed in this state, would be a
 23 violation of an offense of this section; or

24 **(3) A class D felony if a death has occurred as a result of the accident.**

25 4. A law enforcement officer who investigates or receives information of an accident
26 involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall
27 make a written report of the investigation or information received and such additional facts
28 relating to the accident as may come to his or her knowledge, mail the information to the
29 department of public safety, and keep a record thereof in his or her office.

30 5. The provisions of this section shall not apply to the operation of all-terrain vehicles
31 when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.

 589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, not
2 later than three business days after each change of name, residence within the county or city not
3 within a county at which the offender is registered, employment, or student status, appear in
4 person to the chief law enforcement officer of the county or city not within a county and inform
5 such officer of all changes in the information required by the offender. The chief law
6 enforcement officer shall immediately forward the registrant changes to the Missouri state
7 highway patrol within three business days.

8 2. If any person required by sections 589.400 to 589.425 to register changes such
9 person's residence or address to a different county or city not within a county, the person shall
10 appear in person and shall inform both the chief law enforcement official with whom the person
11 last registered and the chief law enforcement official of the county or city not within a county
12 having jurisdiction over the new residence or address in writing within three business days of
13 such new address and phone number, if the phone number is also changed. If any person
14 required by sections 589.400 to 589.425 to register changes their state of residence, the person
15 shall appear in person and shall inform both the chief law enforcement official with whom the
16 person was last registered and the chief law enforcement official of the area in the new state
17 having jurisdiction over the new residence or address within three business days of such new
18 address. Whenever a registrant changes residence, the chief law enforcement official of the
19 county or city not within a county where the person was previously registered shall inform the
20 Missouri state highway patrol of the change within three business days. When the registrant is
21 changing the residence to a new state, the Missouri state highway patrol shall inform the
22 responsible official in the new state of residence within three business days.

23 3. In addition to the requirements of subsections 1 and 2 of this section, the following
24 offenders shall report in person to the chief law enforcement agency every ninety days to verify
25 the information contained in their statement made pursuant to section 589.407:

26 (1) Any offender registered as a predatory **sexual offender as defined in section**
27 **566.123** or a **prior sexual offender** or a persistent sexual offender [~~under the definitions found~~
28 ~~in section 566.125]~~ **as defined in section 566.124;**

29 (2) Any offender who is registered for a crime where the victim was less than eighteen
 30 years of age at the time of the offense; and

31 (3) Any offender who has pled guilty or been found guilty pursuant to section 589.425
 32 of failing to register or submitting false information when registering.

33 4. In addition to the requirements of subsections 1 and 2 of this section, all registrants
 34 shall report semiannually in person in the month of their birth and six months thereafter to the
 35 chief law enforcement agency to verify the information contained in their statement made
 36 pursuant to section 589.407. All registrants shall allow the chief law enforcement officer to take
 37 a current photograph of the offender in the month of his or her birth to the chief law enforcement
 38 agency.

39 5. In addition to the requirements of subsections 1 and 2 of this section, all Missouri
 40 registrants who work or attend school or training on a full-time or part-time basis in any other
 41 state shall be required to report in person to the chief law enforcement officer in the area of the
 42 state where they work or attend school or training and register in that state. "Part-time" in this
 43 subsection means for more than seven days in any twelve-month period.

44 6. If a person, who is required to register as a sexual offender under sections 589.400 to
 45 589.425, changes or obtains a new online identifier as defined in section 43.651, the person shall
 46 report such information in the same manner as a change of residence before using such online
 47 identifier.

589.660. As used in sections 589.660 to 589.681, the following terms mean:

2 (1) "Address", a residential street address, school address, or work address of a person,
 3 as specified on the person's application to be a program participant;

4 (2) "Application assistant", an employee of a state or local agency, or of a nonprofit
 5 program that provides counseling, referral, shelter, or other specialized service to **crime** victims
 6 [~~of domestic violence, rape, sexual assault, human trafficking, or stalking,~~] who has been
 7 designated by the respective agency or program, and who has been trained and registered by the
 8 secretary of state to assist individuals in the completion of program participation applications;

9 (3) "Designated address", the address assigned to a program participant by the secretary;

10 (4) "Mailing address", an address that is recognized for delivery by the United States
 11 Postal Service;

12 (5) "Program", the address confidentiality program established in section 589.663;

13 (6) "Program participant", a person certified by the secretary of state as eligible to
 14 participate in the address confidentiality program;

15 (7) "Secretary", the secretary of state;

16 (8) "**Victim**", a natural person who suffers direct or threatened physical, emotional,
 17 or financial harm as the result of the commission or attempted commission of an offense.

18 **The term "victim" also includes family members of the victim who are minors or**
 19 **incapacitated; or a family member of a homicide victim;**

20 **(9) "Witness", any victim who has been or is expected to be summoned to testify**
 21 **for the prosecution in any felony proceeding regardless of whether any action or**
 22 **proceeding has yet been commenced.**

589.663. There is created in the office of the secretary of state a program to be known
 2 as the "Address Confidentiality Program" to protect victims ~~[of domestic violence, rape, sexual~~
 3 ~~assault, human trafficking, or stalking]~~ , **individuals residing in the same household of a**
 4 **victim, and witnesses** by authorizing the use of designated addresses for such ~~[victims and their~~
 5 ~~minor children]~~ **individuals**. The program shall be administered by the secretary under the
 6 following application and certification procedures:

7 (1) An adult person, a parent or guardian acting on behalf of a minor, or a guardian
 8 acting on behalf of an incapacitated person may apply to the secretary to have a designated
 9 address assigned by the secretary to serve as the person's address or the address of the minor or
 10 incapacitated person;

11 (2) The secretary may approve an application only if it is filed with the office of the
 12 secretary in the manner established by rule and on a form prescribed by the secretary. A
 13 completed application shall contain:

14 (a) The application preparation date, the applicant's signature, and the signature and
 15 registration number of the application assistant who assisted the applicant in applying to be a
 16 program participant;

17 (b) A designation of the secretary as agent for purposes of service of process and for
 18 receipt of first-class mail, legal documents, and certified mail;

19 (c) ~~[A sworn statement by the applicant that the applicant]~~ **Either an application signed**
 20 **by the applicant before an application assistant that the applicant** has good reason to believe
 21 that he or she:

22 a. Is a victim ~~[of domestic violence, rape, sexual assault, human trafficking, or stalking];~~
 23 and

24 b. Fears ~~[further violent acts from his or her assailant]~~ **future harm; or**

25 **(c) Has been certified by a prosecuting attorney that the individual is a witness;**

26 (d) The mailing address where the applicant may be contacted by the secretary or a
 27 designee and the telephone number or numbers where the applicant may be called by the
 28 secretary or the secretary's designee; and

29 (e) One or more addresses that the applicant requests not be disclosed for the reason that
 30 disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant
 31 or members of the applicant's household;

32 (3) Upon receipt of a properly completed application, the secretary may certify the
33 applicant as a program participant. A program participant is certified for four years following
34 the date of initial certification unless the certification is withdrawn or cancelled before that date.
35 The secretary shall send notification of lapsing certification and a reapplication form to a
36 program participant at least four weeks prior to the expiration of the program participant's
37 certification;

38 (4) The secretary shall forward first class mail, legal documents, and certified mail to the
39 appropriate program participants.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
2 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
3 proceeding filed in any court in the state in all criminal cases including violations of any county
4 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
5 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding
6 in any court when the proceeding or the defendant has been dismissed by the court or when costs
7 are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents
8 shall be assessed as costs in a juvenile court proceeding in which a child is found by the court
9 to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

10 2. Notwithstanding any other provision of law to the contrary, the moneys collected by
11 clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected
12 and disbursed in accordance with sections 488.010 to 488.020 and shall be payable to the
13 director of the department of revenue.

14 3. The director of revenue shall deposit annually the amount of two hundred fifty
15 thousand dollars to the state forensic laboratory account administered by the department of public
16 safety to provide financial assistance to defray expenses of crime laboratories if such analytical
17 laboratories are registered with the federal Drug Enforcement Agency or the Missouri department
18 of health and senior services. Subject to appropriations made therefor, such funds shall be
19 distributed by the department of public safety to the crime laboratories serving the courts of this
20 state making analysis of a controlled substance or analysis of blood, breath or urine in relation
21 to a court proceeding.

22 4. The remaining funds collected under subsection 1 of this section shall be denoted to
23 the payment of an annual appropriation for the administrative and operational costs of the office
24 for victims of crime and, if a statewide automated crime victim notification system is established
25 pursuant to section 650.310, to the monthly payment of expenditures actually incurred in the
26 operation of such system. Additional remaining funds shall be subject to the following
27 provisions:

28 (1) On the first of every month, the director of revenue or the director's designee shall
29 determine the balance of the funds in the crime victims' compensation fund available to satisfy
30 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
31 595.050 and 595.055;

32 (2) Beginning on September 1, 2004, and on the first of each month, the director of
33 revenue or the director's designee shall deposit fifty percent of the balance of funds available to
34 the credit of the crime victims' compensation fund and fifty percent to the services to victims'
35 fund established in section 595.100.

36 5. The director of revenue or such director's designee shall at least monthly report the
37 moneys paid pursuant to this section into the crime victims' compensation fund and the services
38 to victims fund to the department of public safety.

39 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
40 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five percent
41 of such moneys shall be payable to the city treasury of the city from which such funds were
42 collected. The remaining ninety-five percent of such moneys shall be payable to the director of
43 revenue. The funds received by the director of revenue pursuant to this subsection shall be
44 distributed as follows:

45 (1) On the first of every month, the director of revenue or the director's designee shall
46 determine the balance of the funds in the crime victims' compensation fund available to satisfy
47 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
48 595.050 and 595.055;

49 (2) Beginning on September 1, 2004, and on the first of each month the director of
50 revenue or the director's designee shall deposit fifty percent of the balance of funds available to
51 the credit of the crime victims' compensation fund and fifty percent to the services to victims'
52 fund established in section 595.100.

53 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
54 audit shall include all records associated with crime victims' compensation funds collected, held
55 or disbursed by any state agency.

56 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court
57 shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
58 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
59 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~[œ]~~ , D, or
60 E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor under
61 Missouri law except for those in chapter 252 relating to fish and game, chapter 302 relating to
62 drivers' and commercial drivers' license, chapter 303 relating to motor vehicle financial
63 responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to watercraft

64 regulation and licensing, and chapter 307 relating to vehicle equipment regulations. Any clerk
65 of the court receiving moneys pursuant to such judgments shall collect and disburse such crime
66 victims' compensation judgments in the manner provided by sections 488.010 to 488.020. Such
67 funds shall be payable to the state treasury and deposited to the credit of the crime victims'
68 compensation fund.

69 9. The clerk of the court processing such funds shall maintain records of all dispositions
70 described in subsection 1 of this section and all dispositions where a judgment has been entered
71 against a defendant in favor of the state of Missouri in accordance with this section; all payments
72 made on judgments for alcohol-related traffic offenses; and any judgment or portion of a
73 judgment entered but not collected. These records shall be subject to audit by the state auditor.
74 The clerk of each court transmitting such funds shall report separately the amount of dollars
75 collected on judgments entered for alcohol-related traffic offenses from other crime victims'
76 compensation collections or services to victims collections.

77 10. The department of revenue shall maintain records of funds transmitted to the crime
78 victims' compensation fund by each reporting court and collections pursuant to subsection 16 of
79 this section and shall maintain separate records of collection for alcohol-related offenses.

80 11. The state courts administrator shall include in the annual report required by section
81 476.350 the circuit court caseloads and the number of crime victims' compensation judgments
82 entered.

83 12. All awards made to injured victims under sections 595.010 to 595.105 and all
84 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
85 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
86 remaining in the crime victims' compensation fund at the end of each biennium shall not be
87 subject to the provision of section 33.080 requiring the transfer of such unexpended balance to
88 the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund.
89 In the event that there are insufficient funds in the crime victims' compensation fund to pay all
90 claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime
91 victims' compensation fund, then no claim shall be paid until funds have again accumulated in
92 the crime victims' compensation fund. When sufficient funds become available from the fund,
93 awards which have not been paid shall be paid in chronological order with the oldest paid first.
94 In the event an award was to be paid in installments and some remaining installments have not
95 been paid due to a lack of funds, then when funds do become available that award shall be paid
96 in full. All such awards on which installments remain due shall be paid in full in chronological
97 order before any other postdated award shall be paid. Any award pursuant to this subsection is
98 specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime
99 victims' compensation fund.

100 13. When judgment is entered against a defendant as provided in this section and such
101 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
102 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to
103 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be
104 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall
105 be entered on the court record. Under no circumstances shall the general revenue fund be used
106 to reimburse court costs or pay for such judgment. The director of the department of corrections
107 shall have the authority to pay into the crime victims' compensation fund from an offender's
108 compensation or account the amount owed by the offender to the crime victims' compensation
109 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering
110 a correctional facility of the department of corrections.

111 14. All interest earned as a result of investing funds in the crime victims' compensation
112 fund shall be paid into the crime victims' compensation fund and not into the general revenue of
113 this state.

114 15. Any person who knowingly makes a fraudulent claim or false statement in
115 connection with any claim hereunder is guilty of a class A misdemeanor.

116 16. The department may receive gifts and contributions for the benefit of crime victims.
117 Such gifts and contributions shall be credited to the crime victims' compensation fund as used
118 solely for compensating victims under the provisions of sections 595.010 to 595.075.

650.330. 1. The committee for 911 service oversight shall consist of sixteen members,
2 one of which shall be chosen from the department of public safety who shall serve as chair of the
3 committee and only vote in the instance of a tie vote among the other members, and the other
4 members shall be selected as follows:

5 (1) One member chosen to represent an association domiciled in this state whose primary
6 interest relates to counties;

7 (2) One member chosen to represent the Missouri public service commission;

8 (3) One member chosen to represent emergency medical services;

9 (4) One member chosen to represent an association with a chapter domiciled in this state
10 whose primary interest relates to a national emergency number;

11 (5) One member chosen to represent an association whose primary interest relates to
12 issues pertaining to fire chiefs;

13 (6) One member chosen to represent an association with a chapter domiciled in this state
14 whose primary interest relates to issues pertaining to public safety communications officers;

15 (7) One member chosen to represent an association whose primary interest relates to
16 issues pertaining to police chiefs;

17 (8) One member chosen to represent a league or association domiciled in this state whose
18 primary interest relates to issues pertaining to municipalities;

19 (9) One member chosen to represent an association domiciled in this state whose primary
20 interest relates to issues pertaining to sheriffs;

21 (10) One member chosen to represent 911 service providers in counties of the second,
22 third and fourth classification;

23 (11) One member chosen to represent 911 service providers in counties of the first
24 classification, with and without charter forms of government, and cities not within a county;

25 (12) One member chosen to represent telecommunications service providers with at least
26 one hundred thousand access lines located within Missouri;

27 (13) One member chosen to represent telecommunications service providers with less
28 than one hundred thousand access lines located within Missouri;

29 (14) One member chosen to represent a professional association of physicians who
30 conduct with emergency care; and

31 (15) One member chosen to represent the general public of Missouri who represents an
32 association whose primary interest relates to education and training, including that of 911, police
33 and fire dispatchers.

34 2. Each of the members of the committee for 911 service oversight shall be appointed
35 by the governor with the advice and consent of the senate for a term of four years; except that,
36 of those members first appointed, four members shall be appointed to serve for one year, four
37 members shall be appointed to serve for two years, four members shall be appointed to serve for
38 three years and four members shall be appointed to serve for four years. Members of the
39 committee may serve multiple terms.

40 3. The committee for 911 service oversight shall meet at least quarterly at a place and
41 time specified by the chairperson of the committee and it shall keep and maintain records of such
42 meetings, as well as the other activities of the committee. Members shall not be compensated
43 but shall receive actual and necessary expenses for attending meetings of the committee.

44 4. The committee for 911 service oversight shall:

45 (1) Organize and adopt standards governing the committee's formal and informal
46 procedures;

47 (2) Provide recommendations for primary answering points and secondary answering
48 points on statewide technical and operational standards for 911 services;

49 (3) Provide recommendations to public agencies concerning model systems to be
50 considered in preparing a 911 service plan;

51 (4) Provide requested mediation services to political subdivisions involved in
52 jurisdictional disputes regarding the provision of 911 services, except that such committee shall
53 not supersede decision-making authority of local political subdivisions in regard to 911 services;

54 (5) Provide assistance to the governor and the general assembly regarding 911 services;

55 (6) Review existing and proposed legislation and make recommendations as to changes
56 that would improve such legislation;

57 (7) Aid and assist in the timely collection and dissemination of information relating to
58 the use of a universal emergency telephone number;

59 (8) Perform other duties as necessary to promote successful development,
60 implementation and operation of 911 systems across the state; and

61 (9) Advise the department of public safety on establishing rules and regulations
62 necessary to administer the provisions of sections 650.320 to 650.340.

63 5. The department of public safety shall provide staff assistance to the committee for 911
64 service oversight as necessary in order for the committee to perform its duties pursuant to
65 sections 650.320 to 650.340.

66 6. The department of public safety is authorized to adopt those rules that are reasonable
67 and necessary to accomplish the limited duties specifically delegated within section 650.340.
68 Any rule or portion of a rule, as that term is defined in section 536.010, shall become effective
69 only if it has been promulgated pursuant to the provisions of chapter 536. This section and
70 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
71 to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
72 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
73 or adopted after August 28, 1999, shall be invalid and void.

74 **7. The director of the department of public safety shall be the state of Missouri's**
75 **state 911 coordinator and the director may designate an employee of the department of**
76 **public safety to act as his or her designee in accomplishing the responsibilities of the**
77 **Missouri state 911 coordinator.**

78

~~2 [566.125. 1. The court shall sentence a person to an extended term of
3 imprisonment if it finds the defendant is a persistent sexual offender and has been
4 found guilty of attempting to commit or committing the following offenses:~~

~~5 (1) Statutory rape in the first degree or statutory sodomy in the first
6 degree;~~

~~7 (2) Rape in the first degree or sodomy in the first degree;~~

~~8 (3) Forcible rape;~~

~~9 (4) Forcible sodomy;~~

~~10 (5) Rape;~~

~~(6) Sodomy.~~

11 ~~2. A "persistent sexual offender" is one who has previously been found~~
12 ~~guilty of attempting to commit or committing any of the offenses listed in~~
13 ~~subsection 1 of this section or one who has previously been found guilty of an~~
14 ~~offense in any other jurisdiction which would constitute any of the offenses listed~~
15 ~~in subsection 1 of this section.~~

16 ~~3. The term of imprisonment for one found to be a persistent sexual~~
17 ~~offender shall be imprisonment for life without eligibility for probation or parole.~~
18 ~~Subsection 4 of section 558.019 shall not apply to any person imprisoned under~~
19 ~~this subsection, and "imprisonment for life" shall mean imprisonment for the~~
20 ~~duration of the person's natural life.~~

21 ~~4. The court shall sentence a person to an extended term of imprisonment~~
22 ~~as provided for in this section if it finds the defendant is a predatory sexual~~
23 ~~offender and has been found guilty of committing or attempting to commit any~~
24 ~~of the offenses listed in subsection 1 of this section or committing child~~
25 ~~molestation in the first or second degree or sexual abuse when classified as a~~
26 ~~class B felony.~~

27 ~~5. For purposes of this section, a "predatory sexual offender" is a person~~
28 ~~who:~~

29 ~~(1) Has previously been found guilty of committing or attempting to~~
30 ~~commit any of the offenses listed in subsection 1 of this section, or committing~~
31 ~~child molestation in the first or second degree, or sexual abuse when classified~~
32 ~~as a class B felony; or~~

33 ~~(2) Has previously committed an act which would constitute an offense~~
34 ~~listed in subsection 4 of this section, whether or not the act resulted in a~~
35 ~~conviction; or~~

36 ~~(3) Has committed an act or acts against more than one victim which~~
37 ~~would constitute an offense or offenses listed in subsection 4 of this section;~~
38 ~~whether or not the defendant was charged with an additional offense or offenses~~
39 ~~as a result of such act or acts.~~

40 ~~6. A person found to be a predatory sexual offender shall be imprisoned~~
41 ~~for life with eligibility for parole, however subsection 4 of section 558.019 shall~~
42 ~~not apply to persons found to be predatory sexual offenders for the purposes of~~
43 ~~determining the minimum prison term or the length of sentence as defined or~~
44 ~~used in such subsection. Notwithstanding any other provision of law, in no event~~
45 ~~shall a person found to be a predatory sexual offender receive a final discharge~~
46 ~~from parole.~~

47 ~~7. Notwithstanding any other provision of law, the court shall set the~~
48 ~~minimum time required to be served before a predatory sexual offender is eligible~~
49 ~~for parole, conditional release or other early release by the department of~~
50 ~~corrections. The minimum time to be served by a person found to be a predatory~~
51 ~~sexual offender who:~~

52 ~~(1) Has previously been found guilty of committing or attempting to~~
53 ~~commit any of the offenses listed in subsection 1 of this section and is found~~

54 ~~guilty of committing or attempting to commit any of the offenses listed in~~
 55 ~~subsection 1 of this section shall be any number of years but not less than thirty~~
 56 ~~years;~~

57 ~~(2) Has previously been found guilty of child molestation in the first or~~
 58 ~~second degree, or sexual abuse when classified as a class B felony and is found~~
 59 ~~guilty of attempting to commit or committing any of the offenses listed in~~
 60 ~~subsection 1 of this section shall be any number of years but not less than fifteen~~
 61 ~~years;~~

62 ~~(3) Has previously been found guilty of committing or attempting to~~
 63 ~~commit any of the offenses listed in subsection 1 of this section, or committing~~
 64 ~~child molestation in the first or second degree, or sexual abuse when classified~~
 65 ~~as a class B felony shall be any number of years but not less than fifteen years;~~

66 ~~(4) Has previously been found guilty of child molestation in the first~~
 67 ~~degree or second degree, or sexual abuse when classified as a class B felony, and~~
 68 ~~is found guilty of child molestation in the first or second degree, or sexual abuse~~
 69 ~~when classified as a class B felony shall be any number of years but not less than~~
 70 ~~fifteen years;~~

71 ~~(5) Is found to be a predatory sexual offender pursuant to subdivision (2)~~
 72 ~~or (3) of subsection 5 of this section shall be any number of years within the~~
 73 ~~range to which the person could have been sentenced pursuant to the applicable~~
 74 ~~law if the person was not found to be a predatory sexual offender.~~

75 ~~8. Notwithstanding any provision of law to the contrary, the department~~
 76 ~~of corrections, or any division thereof, may not furlough an individual found to~~
 77 ~~be and sentenced as a persistent sexual offender or a predatory sexual offender.]~~

✓