

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2336, Page 1, Section A, Line 3, by inserting immediately after said
2 section and line the following:

3
4 "195.003. In any case where there is a violation of this chapter or chapter 579, a judge may,
5 upon a finding of guilt, order a defendant to pay for costs for testing of the substance or substances
6 at a private laboratory."; and

7
8 Further amend said bill, Page 3, Section 211.038, Line 28, by inserting immediately after said
9 section and line the following:

10
11 "303.025. 1. No owner of a motor vehicle registered in this state, or required to be
12 registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit
13 another person to operate such vehicle, unless the owner maintains the financial responsibility
14 which conforms to the requirements of the laws of this state. No nonresident shall operate or permit
15 another person to operate in this state a motor vehicle registered to such nonresident unless the
16 nonresident maintains the financial responsibility which conforms to the requirements of the laws of
17 the nonresident's state of residence. Furthermore, no person shall operate a motor vehicle owned by
18 another with the knowledge that the owner has not maintained financial responsibility unless such
19 person has financial responsibility which covers the person's operation of the other's vehicle;
20 however, no owner or nonresident shall be in violation of this subsection if he or she fails to
21 maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in
22 operation. The director may prescribe rules and regulations for the implementation of this section.

23 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
24 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
25 requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the
26 owner's financial responsibility which conforms to the requirements of the laws of the nonresident's
27 state of residence.

28 3. Any person who violates this section is guilty of a misdemeanor. A first violation of this
29 section shall be punishable as a class D misdemeanor. A second or subsequent violation of this
30 section shall be punishable [~~by imprisonment in the county jail for a term not to exceed fifteen days~~
31 ~~and/or a fine not to exceed five hundred dollars] as a class C misdemeanor. Prior pleas of guilty and
32 prior findings of guilty shall be pleaded and proven in the same manner as required by section
33 558.021. However, no person shall be found guilty of violating this section if the operator
34 demonstrates to the court that he or she met the financial responsibility requirements of this section
35 at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle
36 inspector wrote the citation. In addition to any other authorized punishment, the court shall notify~~

Action Taken _____ Date _____

1 the director of revenue of any person convicted pursuant to this section and shall do one of the
2 following:

3 (1) Enter an order suspending the driving privilege as of the date of the court order. If the
4 court orders the suspension of the driving privilege, the court shall require the defendant to
5 surrender to it any driver's license then held by such person. The length of the suspension shall be
6 as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue
7 the order of suspension of driving privilege and any license surrendered within ten days;

8 (2) Forward the record of the conviction for an assessment of four points;

9 (3) In lieu of an assessment of points, render an order of supervision as provided in section
10 302.303. An order of supervision shall not be used in lieu of points more than one time in any
11 thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this section
12 shall forward a record of conviction to the Missouri state highway patrol, or at the written direction
13 of the Missouri state highway patrol, to the department of revenue, in a manner approved by the
14 director of the department of public safety. The director shall establish procedures for the record
15 keeping and administration of this section; or

16 (4) For a nonresident, suspend the nonresident's driving privileges in this state in accordance
17 with section 303.030 and notify the official in charge of the issuance of licenses and registration
18 certificates in the state in which such nonresident resides in accordance with section 303.080.

19 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330
20 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions and
21 professional registration from approving or authorizing those exclusions and limitations which are
22 contained in automobile liability insurance policies and the uninsured motorist provisions of
23 automobile liability insurance policies.

24 5. If a court enters an order of suspension, the offender may appeal such order directly
25 pursuant to chapter 512 and the provisions of section 302.311 shall not apply."; and

26
27 Further amend said bill, Page 11, Section 452.400, Line 140, by inserting immediately after all of
28 said section and line the following:

29
30 "488.029. There shall be assessed and collected a surcharge of one hundred fifty dollars in
31 all criminal cases for any violation of chapter 195 or chapter 579 in which a crime laboratory makes
32 analysis of a controlled substance, but no such surcharge shall be assessed when the costs are
33 waived or are to be paid by the state or when a criminal proceeding or the defendant has been
34 dismissed by the court. The moneys collected by clerks of the courts pursuant to the provisions of
35 this section shall be collected and disbursed as provided by sections 488.010 to 488.020. All such
36 moneys shall be payable to the director of revenue, who shall deposit all amounts collected pursuant
37 to this section to the credit of the state forensic laboratory account to be administered by the
38 department of public safety pursuant to section 650.105.

39 556.061. In this code, unless the context requires a different definition, the following terms
40 shall mean:

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

43 (2) "Affirmative defense":

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

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

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

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

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

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

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

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

21 (7) "Computer hardware", all equipment which can collect, analyze, create, display, convert,
22 store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data.
23 Hardware includes, but is not limited to, any data processing devices, such as central processing
24 units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral
25 storage devices, transistor-like binary devices and other memory storage devices, such as floppy
26 disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks
27 and digital memory; local area networks, such as two or more computers connected together to a
28 central computer server via cable or modem; peripheral input or output devices, such as keyboards,
29 printers, scanners, plotters, video display monitors and optical readers; and related communication
30 devices, such as modems, cables and connections, recording equipment, RAM or ROM units,
31 acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling
32 devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can
33 be used to restrict access to computer hardware, such as physical keys and locks;

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

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

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

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

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

47 (13) "Confinement":

48 (a) A person is in confinement when such person is held in a place of confinement pursuant

1 to arrest or order of a court, and remains in confinement until:

- 2 a. A court orders the person's release; or
 3 b. The person is released on bail, bond, or recognizance, personal or otherwise; or
 4 c. A public servant having the legal power and duty to confine the person authorizes his
 5 release without guard and without condition that he return to confinement;

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

- 7 a. The person is on probation or parole, temporary or otherwise; or
 8 b. The person is under sentence to serve a term of confinement which is not continuous, or
 9 is serving a sentence under a work-release program, and in either such case is not being held in a
 10 place of confinement or is not being held under guard by a person having the legal power and duty
 11 to transport the person to or from a place of confinement;

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

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

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

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

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

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

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

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

30 (19) "Dangerous felony", the felonies of arson in the first degree, assault in the first degree,
 31 attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury
 32 results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if
 33 physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible
 34 sodomy, assault in the second degree if the victim of such assault is a special victim as defined in
 35 subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the
 36 second degree, assault of a law enforcement officer in the first degree, domestic assault in the first
 37 degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree
 38 [~~when~~] if the victim is a child less than twelve years of age at the time of the commission of the act
 39 giving rise to the offense, statutory sodomy in the first degree [~~when~~] if the victim is a child less
 40 than twelve years of age at the time of the commission of the act giving rise to the offense, child
 41 molestation in the first or second degree, abuse of a child if the child dies as a result of injuries
 42 sustained from conduct chargeable under section 568.060, child kidnapping, or parental kidnapping
 43 committed by detaining or concealing the whereabouts of the child for not less than one hundred
 44 twenty days under section 565.153 [~~, and an~~] . A "dangerous felony" shall also include any
 45 "intoxication-related traffic offense" or "intoxication-related boating offense" if:

46 (a) The [~~person~~] offender is found to be a "habitual offender" or "habitual boating offender"
 47 as such terms are defined in section 577.001; or

48 (b) The offender causes the death of any person while the offender had a blood alcohol

1 content of at least eighteen-hundredths of one percent by weight of alcohol such offender's blood;

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

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

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

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

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

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

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

21 (27) "Forcible compulsion" either:

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

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

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

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

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

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

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

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

36
37 Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually
38 present. If a building or structure is divided into separately occupied units, any unit not occupied by
39 the actor is an inhabitable structure of another;

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

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

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

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

48 (33) "Misdemeanor", an offense so designated or an offense for which persons found guilty

1 thereof may be sentenced to imprisonment for a term of which the maximum is one year or less;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not such
48 motor or machinery is a principal source of propulsion used or capable of being used as a means of

1 transportation on water, or any boat or craft more than twelve feet in length which is powered by
 2 sail alone or by a combination of sail and machinery, and used or capable of being used as a means
 3 of transportation on water, but not any boat or craft having, as the only means of propulsion, a
 4 paddle or oars;

5 (49) "Voluntary act":

6 (a) A bodily movement performed while conscious as a result of effort or determination.
 7 Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or
 8 having acquired control of it was aware of his or her control for a sufficient time to have enabled
 9 him or her to dispose of it or terminate his or her control; or

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

13 (50) "Vulnerable person", any person in the custody, care, or control of the department of
 14 mental health who is receiving services from an operated, funded, licensed, or certified program.

15 566.146. 1. A person commits the offense of sexual conduct in the course of public duty if
 16 he or she:

17 (1) Is a probation or parole officer, a police officer, or an employee of, or assigned to work
 18 in, any jail, prison, or correctional facility; and

19 (2) Engages in sexual conduct while on duty with a witness or with a person who is
 20 detained, arrested, or imprisoned.

21 2. The offense of sexual conduct in the course of public duty is a class D felony.

22 577.001. As used in this chapter, the following terms mean:

23 (1) "Aggravated offender", a person who has been found guilty of:

24 (a) Three or more intoxication-related traffic offenses committed on separate occasions; or

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

29 (2) "Aggravated boating offender", a person who has been found guilty of:

30 (a) Three or more intoxication-related boating offenses; or

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

36 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-
 37 highway use which is fifty inches or less in width, with an unladen dry weight of one thousand
 38 pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be
 39 straddled by the operator, or with a seat designed to carry more than one person, and handlebars for
 40 steering control;

41 (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not
 42 any juvenile court or drug court;

43 (5) "Chronic offender", a person who has been found guilty of:

44 (a) Four or more intoxication-related traffic offenses committed on separate occasions; or

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

1 (c) Two or more intoxication-related traffic offenses committed on separate occasions where
2 both intoxication-related traffic offenses were offenses committed in violation of any state law,
3 county or municipal ordinance, any federal offense, or any military offense in which the defendant
4 was operating a vehicle while intoxicated and another person was injured or killed;

5 (6) “Chronic boating offender”, a person who has been found guilty of:

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

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

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

16 (7) “Continuous alcohol monitoring”, automatically testing breath, blood, or transdermal
17 alcohol concentration levels and tampering attempts at least once every hour, regardless of the
18 location of the person who is being monitored, and regularly transmitting the data. Continuous
19 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of
20 section 217.690;

21 (8) “Controlled substance”, a drug, substance, or immediate precursor in schedules I to V
22 listed in section 195.017;

23 (9) “Drive”, “driving”, “operates” or “operating”, physically driving or operating a vehicle
24 or vessel;

25 (10) “Flight crew member”, the pilot in command, copilots, flight engineers, and flight
26 navigators;

27 (11) “Habitual offender”, a person who has been found guilty of:

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

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

33 (c) Three or more intoxication-related traffic offenses committed on separate occasions
34 where at least two of the intoxication-related traffic offenses were offenses committed in violation
35 of any state law, county or municipal ordinance, any federal offense, or any military offense in
36 which the defendant was operating a vehicle while intoxicated and another person was injured or
37 killed;

38 (12) “Habitual boating offender”, a person who has been found guilty of:

39 (a) Five or more intoxication-related boating offenses; [Ø]

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

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

1 killed; ~~or~~

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

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

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

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

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

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

15 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive
16 blood alcohol content, driving under the influence of alcohol or drugs in violation of a state law,
17 county or municipal ordinance, any federal offense, or any military offense, or an offense in which
18 the defendant was operating a vehicle while intoxicated and another person was injured or killed in
19 violation of any state law, county or municipal ordinance, any federal offense, or any military
20 offense;

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

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

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

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

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

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

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

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

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

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

42 577.010. 1. A person commits the offense of driving while intoxicated if he or she operates
43 a vehicle while in an intoxicated condition.

44 2. The offense of driving while intoxicated is:

45 (1) A class B misdemeanor;

46 (2) A class A misdemeanor if:

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

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

- 1 (3) A class E felony if:
2 (a) The defendant is a persistent offender; or
3 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
4 physical injury to another person;
- 5 (4) A class D felony if:
6 (a) The defendant is an aggravated offender;
7 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
8 physical injury to a law enforcement officer or emergency personnel; or
9 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
10 serious physical injury to another person;
- 11 (5) A class C felony if:
12 (a) The defendant is a chronic offender;
13 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
14 serious physical injury to a law enforcement officer or emergency personnel; or
15 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the
16 death of another person;
- 17 (6) A class B felony if:
18 (a) The defendant is a habitual offender;
19 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
20 the death of a law enforcement officer or emergency personnel;
21 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the
22 death of any person not a passenger in the vehicle operated by the defendant, including the death of
23 an individual that results from the defendant's vehicle leaving a highway, as defined in section
24 301.010, or the highway's right-of-way;
- 25 (d) While driving while intoxicated, the defendant acts with criminal negligence to cause
26 the death of two or more persons; or
27 (e) While driving while intoxicated, the defendant acts with criminal negligence to cause the
28 death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of
29 one percent by weight of alcohol in such person's blood;
- 30 (7) A class A felony if the defendant has previously been found guilty of an offense under
31 paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a subsequent
32 violation of such paragraphs.
- 33 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of
34 the offense of driving while intoxicated as a first offense shall not be granted a suspended
35 imposition of sentence:
- 36 (1) Unless such person shall be placed on probation for a minimum of two years; or
37 (2) In a circuit where a DWI court or docket created under section 478.007 or other court-
38 ordered treatment program is available, and where the offense was committed with fifteen-
39 hundredths of one percent or more by weight of alcohol in such person's blood, unless the
40 individual participates and successfully completes a program under such DWI court or docket or
41 other court-ordered treatment program.
- 42 4. If a person is found guilty of a second or subsequent offense of driving while intoxicated,
43 the court may order the person to submit to a period of continuous alcohol monitoring or verifiable
44 breath alcohol testing performed a minimum of four times per day as a condition of probation.
- 45 5. If a person is not granted a suspended imposition of sentence for the reasons described in
46 subsection 3 of this section:
- 47 (1) If the individual operated the vehicle with fifteen-hundredths to twenty-hundredths of
48 one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be

1 not less than forty-eight hours;

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

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

6 (1) ~~[As a prior offender, persistent offender, aggravated offender, chronic offender, or~~
7 ~~habitual offender]~~ Shall not be granted a suspended imposition of sentence or be sentenced to pay a
8 fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding, if:

9 (a) The offender is a prior offender, persistent offender, aggravated offender, chronic
10 offender, or habitual offender; or

11 (b) The offender causes the death of any person while the offender has a blood alcohol
12 content of at least eighteen-hundredths of one percent by weight of alcohol in such offender's blood;

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

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

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

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

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

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

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

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

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

38 577.013. 1. A person commits the offense of boating while intoxicated if he or she operates
39 a vessel while in an intoxicated condition.

40 2. The offense of boating while intoxicated is:

41 (1) A class B misdemeanor;

42 (2) A class A misdemeanor if:

43 (a) The defendant is a prior boating offender; or

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

45 (3) A class E felony if:

46 (a) The defendant is a persistent boating offender; or

47 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
48 physical injury to another person;

- 1 (4) A class D felony if:
2 (a) The defendant is an aggravated boating offender;
3 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
4 physical injury to a law enforcement officer or emergency personnel; or
5 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause
6 serious physical injury to another person;
- 7 (5) A class C felony if:
8 (a) The defendant is a chronic boating offender;
9 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
10 serious physical injury to a law enforcement officer or emergency personnel; or
11 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause
12 the death of another person;
- 13 (6) A class B felony if:
14 (a) The defendant is a habitual boating offender; or
15 (b) While boating while intoxicated, the defendant acts with criminal negligence to cause
16 the death of:
17 a. A law enforcement officer or emergency personnel; or
18 b. Any person while the defendant has a blood alcohol content of at least eighteen-
19 hundredths of one percent by weight of alcohol in such defendant's blood;
20 (7) A class A felony if the defendant is a habitual offender as a result of being found guilty
21 of an act described under paragraph (d) of subdivision (12) of section 577.001 and is found guilty of
22 a subsequent violation of such paragraph.
- 23 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of
24 the offense of boating while intoxicated as a first offense shall not be granted a suspended
25 imposition of sentence:
- 26 (1) Unless such person shall be placed on probation for a minimum of two years; or
27 (2) In a circuit where a DWI court or docket created under section 478.007 or other court-
28 ordered treatment program is available, and where the offense was committed with fifteen-
29 hundredths of one percent or more by weight of alcohol in such person's blood, unless the
30 individual participates in and successfully completes a program under such DWI court or docket or
31 other court-ordered treatment program.
- 32 4. If a person is found guilty of a second or subsequent offense of boating while intoxicated,
33 the court may order the person to submit to a period of continuous alcohol monitoring or verifiable
34 breath alcohol testing performed a minimum of four times per day as a condition of probation.
- 35 5. If a person is not granted a suspended imposition of sentence for the reasons described in
36 subsection 3 of this section:
- 37 (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one
38 percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not
39 less than forty-eight hours;
- 40 (2) If the individual operated the vessel with greater than twenty-hundredths of one percent
41 by weight of alcohol in such person's blood, the required term of imprisonment shall be not less
42 than five days.
- 43 6. A person found guilty of the offense of boating while intoxicated:
44 (1) As a prior boating offender, persistent boating offender, aggravated boating offender,
45 chronic boating offender or habitual boating offender shall not be granted a suspended imposition of
46 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the
47 contrary notwithstanding;
- 48 (2) As a prior boating offender shall not be granted parole or probation until he or she has

1 served a minimum of ten days imprisonment:

2 (a) Unless as a condition of such parole or probation such person performs at least two
3 hundred forty hours of community service under the supervision of the court in those jurisdictions
4 which have a recognized program for community service; or

5 (b) The offender participates in and successfully completes a program established under
6 section 478.007 or other court-ordered treatment program, if available;

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

9 (a) Unless as a condition of such parole or probation such person performs at least four
10 hundred eighty hours of community service under the supervision of the court in those jurisdictions
11 which have a recognized program for community service; or

12 (b) The offender participates in and successfully completes a program established under
13 section 478.007 or other court-ordered treatment program, if available;

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

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

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

21 577.014. 1. A person commits the offense of boating with excessive blood alcohol content
22 if he or she operates a vessel while having eight-hundredths of one percent or more by weight of
23 alcohol in his or her blood.

24 2. As used in this section, percent by weight of alcohol in the blood shall be based upon
25 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be
26 shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of
27 determining the alcoholic content of a person's blood under this section, the test shall be conducted
28 in accordance with the provisions of sections 577.020 to 577.041.

29 3. The offense of boating with excessive blood alcohol content is:

30 (1) A class B misdemeanor;

31 (2) A class A misdemeanor if the defendant is alleged and proved to be a prior boating
32 offender;

33 (3) A class E felony if the defendant is alleged and proved to be a persistent boating
34 offender;

35 (4) A class D felony if the defendant is alleged and proved to be an aggravated boating
36 offender;

37 (5) A class C felony if the defendant is alleged and proved to be a chronic boating offender;

38 (6) A class B felony if the defendant is alleged and proved to be a habitual boating offender
39 or, at the time of the offense, the defendant acted with criminal negligence to cause the death of any
40 person while the defendant has a blood alcohol content of at least eighteen-hundredths of one
41 percent by weight of alcohol in the defendant's blood.

42 4. A person found guilty of the offense of boating with excessive blood alcohol content as a
43 first offense shall not be granted a suspended 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 court-
46 ordered treatment program is available, and where the offense was committed with fifteen-
47 hundredths of one percent or more by weight of alcohol in such person's blood unless the individual
48 participates in and successfully completes a program under such DWI court or docket or other

1 court-ordered treatment program.

2 5. When a person is not granted a suspended imposition of sentence for the reasons
3 described in subsection 4 of this section:

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

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

10 6. If a person is found guilty of a second or subsequent offense of boating with an excessive
11 blood alcohol content, the court may order the person to submit to a period of continuous alcohol
12 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as a
13 condition of probation.

14 7. A person found guilty of the offense of boating with excessive blood alcohol content:

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

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

21 (a) Unless as a condition of such parole or probation such person performs at least two
22 hundred forty hours of community service under the supervision of the court in those jurisdictions
23 which have a recognized program for community service; or

24 (b) The offender participates in and successfully completes a program established under
25 section 478.007 or other court-ordered treatment program, if available;

26 (3) As a persistent boating offender, shall not be granted parole or probation until he or she
27 has served a minimum of thirty days imprisonment:

28 (a) Unless as a condition of such parole or probation such person performs at least four
29 hundred eighty hours of community service under the supervision of the court in those jurisdictions
30 which have a recognized program for community service; or

31 (b) The offender participates in and successfully completes a program established under
32 section 478.007 or other court-ordered treatment program, if available;

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

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

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

40 579.065. 1. A person commits the offense of trafficking drugs in the first degree if, except
41 as authorized by this chapter or chapter 195, such person knowingly distributes, delivers,
42 manufactures, produces or attempts to distribute, deliver, manufacture or produce:

43 (1) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance containing
44 a detectable amount of heroin;

45 (2) More than one hundred fifty grams [~~but less than four hundred fifty grams~~] of a mixture
46 or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca
47 leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
48 cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives,

1 their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
2 any quantity of any of the foregoing substances;

3 (3) More than eight grams [~~but less than twenty-four grams~~] of a mixture or substance
4 described in subdivision (2) of this subsection which contains cocaine base;

5 (4) More than five hundred milligrams [~~but less than one gram~~] of a mixture or substance
6 containing a detectable amount of lysergic acid diethylamide (LSD);

7 (5) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance containing
8 a detectable amount of phencyclidine (PCP);

9 (6) More than four grams [~~but less than twelve grams~~] of phencyclidine;

10 (7) More than thirty kilograms [~~but less than one hundred kilograms~~] of a mixture or
11 substance containing marijuana;

12 (8) More than thirty grams [~~but less than ninety grams~~] of any material, compound, mixture,
13 or preparation containing any quantity of the following substances having a stimulant effect on the
14 central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
15 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its
16 salts; or methylphenidate; or

17 (9) More than thirty grams [~~but less than ninety grams~~] of any material, compound, mixture,
18 or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

19 2. The offense of trafficking drugs in the first degree is a class B felony.

20 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity
21 involved is:

22 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
23 heroin; or

24 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
25 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
26 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
27 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
28 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any
29 of the foregoing substances; or

30 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of
31 this subsection which contains cocaine base; or

32 (4) One gram or more of a mixture or substance containing a detectable amount of lysergic
33 acid diethylamide (LSD); or

34 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
35 phencyclidine (PCP); or

36 (6) Twelve grams or more of phencyclidine; or

37 (7) One hundred kilograms or more of a mixture or substance containing marijuana; or

38 (8) Ninety grams or more of any material, compound, mixture, or preparation containing
39 any quantity of the following substances having a stimulant effect on the central nervous system:
40 amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts,
41 optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

42 (9) More than thirty grams of any material, compound, mixture, or preparation containing
43 any quantity of the following substances having a stimulant effect on the central nervous system:
44 amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts,
45 optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and
46 the location of the offense was within two thousand feet of real property comprising a public or
47 private elementary, vocational, or secondary school, college, community college, university, or any
48 school bus, in or on the real property comprising public housing or any other governmental assisted

1 housing, or within a motor vehicle, or in any structure or building which contains rooms furnished
 2 for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
 3 the public as a place where sleeping accommodations are sought for pay or compensation to
 4 transient guests or permanent guests; or

5 (10) Ninety grams or more of any material, compound, mixture or preparation which
 6 contains any quantity of 3,4-methylenedioxymethamphetamine; or

7 (11) More than thirty grams of any material, compound, mixture, or preparation which
 8 contains any quantity of 3,4-methylenedioxymethamphetamine and the location of the offense was
 9 within two thousand feet of real property comprising a public or private elementary, vocational, or
 10 secondary school, college, community college, university, or any school bus, in or on the real
 11 property comprising public housing or any other governmental assisted housing, within a motor
 12 vehicle, or in any structure or building which contains rooms furnished for the accommodation or
 13 lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where
 14 sleeping accommodations are sought for pay or compensation to transient guests or permanent
 15 guests.

16 579.068. 1. A person commits the offense of trafficking drugs in the second degree if,
 17 except as authorized by this chapter or chapter 195, such person knowingly possesses or has under
 18 his or her control, purchases or attempts to purchase, or brings into this state:

19 (1) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance containing
 20 a detectable amount of heroin;

21 (2) More than one hundred fifty grams [~~but less than four hundred fifty grams~~] of a mixture
 22 or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca
 23 leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
 24 cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives,
 25 their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
 26 any quantity of any of the foregoing substances;

27 (3) More than eight grams [~~but less than twenty-four grams~~] of a mixture or substance
 28 described in subdivision (2) of this subsection which contains cocaine base;

29 (4) More than five hundred milligrams [~~but less than one gram~~] of a mixture or substance
 30 containing a detectable amount of lysergic acid diethylamide (LSD);

31 (5) More than thirty grams [~~but less than ninety grams~~] of a mixture or substance containing
 32 a detectable amount of phencyclidine (PCP);

33 (6) More than four grams [~~but less than twelve grams~~] of phencyclidine;

34 (7) More than thirty kilograms [~~but less than one hundred kilograms~~] of a mixture or
 35 substance containing marijuana;

36 (8) More than thirty grams [~~but less than ninety grams~~] of any material, compound, mixture,
 37 or preparation containing any quantity of the following substances having a stimulant effect on the
 38 central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
 39 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its
 40 salts; or methylphenidate; or

41 (9) More than thirty grams [~~but less than ninety grams~~] of any material, compound, mixture,
 42 or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

43 2. The offense of trafficking drugs in the second degree is a class C felony.

44 3. The offense of trafficking drugs in the second degree is a class B felony if the quantity
 45 involved is:

46 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
 47 heroin; or

48 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable

1 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
 2 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
 3 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
 4 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any
 5 of the foregoing substances; or

6 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of
 7 this subsection which contains cocaine base; or

8 (4) One gram or more of a mixture or substance containing a detectable amount of lysergic
 9 acid diethylamide (LSD); or

10 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
 11 phencyclidine (PCP); or

12 (6) Twelve grams or more of phencyclidine; or

13 (7) One hundred kilograms or more of a mixture or substance containing marijuana; or

14 (8) More than five hundred marijuana plants; or

15 (9) Ninety grams or more but less than four hundred fifty grams of any material, compound,
 16 mixture, or preparation containing any quantity of the following substances having a stimulant
 17 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical
 18 isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
 19 and its salts; or methylphenidate; or

20 (10) Ninety grams or more but less than four hundred fifty grams of any material,
 21 compound, mixture, or preparation which contains any quantity of 3,4-
 22 methylenedioxymethamphetamine.

23 4. The offense of trafficking drugs in the second degree is a class A felony if the quantity
 24 involved is four hundred fifty grams or more of any material, compound, mixture or preparation
 25 which contains:

26 (1) Any quantity of the following substances having a stimulant effect on the central
 27 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
 28 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
 29 methylphenidate; or

30 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

31 595.030. 1. ~~[No compensation shall be paid unless the claimant has incurred an out-of-~~
 32 ~~pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from~~
 33 ~~gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or~~
 34 ~~indebtedness reasonably incurred:~~

35 ~~——(1) For medical care or other services, including psychiatric, psychological or counseling~~
 36 ~~expenses, necessary as a result of the crime upon which the claim is based, except that the amount~~
 37 ~~paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two~~
 38 ~~thousand five hundred dollars; or~~

39 ~~——(2) As a result of personal property being seized in an investigation by law enforcement.~~
 40 ~~Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal to~~
 41 ~~the loss sustained, but shall not exceed two hundred fifty dollars.~~

42 ~~——2.] No compensation shall be paid unless the department of public safety finds that a crime~~
 43 ~~was committed, that such crime directly resulted in personal [physical] injury to, or the death of, the~~
 44 ~~victim, and that police, court, or other official records show that such crime was [promptly] reported~~
 45 ~~to the proper authorities. [In no case may compensation be paid if the police records show that such~~
 46 ~~report was made more than forty-eight hours after the occurrence of such crime, unless the~~
 47 ~~department of public safety finds that the report to the police was delayed for good cause.] In lieu~~
 48 ~~of other records, the claimant may provide a sworn statement by the claimant under paragraph (c) of~~

1 subdivision (1) of section 589.663 that the claimant has good reason to believe that he or she is a
 2 victim of domestic violence, rape, sexual assault, human trafficking, or stalking, and fears further
 3 violent acts from his or her assailant. If the victim is under eighteen years of age such report may
 4 be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital
 5 emergency room personnel; by the children's division personnel; or by any other member of the
 6 victim's family. In the case of a sexual offense, filing a report of the offense to the proper
 7 authorities may include, but not be limited to, the filing of the report of the forensic examination by
 8 the appropriate medical provider, as defined in section 595.220, with the prosecuting attorney of the
 9 county in which the alleged incident occurred, receiving a forensic examination, or securing an
 10 order of protection.

11 ~~[3-]~~ 2. No compensation shall be paid for medical care if the service provider is not a
 12 medical provider as that term is defined in section 595.027, and the individual providing the
 13 medical care is not licensed by the state of Missouri or the state in which the medical care is
 14 provided.

15 ~~[4-]~~ 3. No compensation shall be paid for psychiatric treatment or other counseling services,
 16 including psychotherapy, unless the service provider is a:

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

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

21 (3) Clinical social worker licensed pursuant to chapter 337;

22 (4) Professional counselor licensed pursuant to chapter 337; or

23 (5) Board-certified psychiatric-mental health clinical nurse specialist or board certified
 24 psychiatric-mental health nurse practitioner licensed under chapter 335 or licensed in the state in
 25 which the service is provided.

26 ~~[5-]~~ 4. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal
 27 injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or
 28 support from gainful employment, not to exceed four hundred dollars per week, resulting from such
 29 injury or death. In the event of death of the victim, a claim for an award may be made for
 30 reasonable and necessary expenses actually incurred for preparation and burial not to exceed five
 31 thousand dollars by the funeral home or a relative of the victim.

32 ~~[6-]~~ 5. Any compensation for loss of earnings or support from gainful employment shall be
 33 in an amount equal to the actual loss sustained not to exceed four hundred dollars per week;
 34 provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed twenty-five
 35 thousand dollars. If two or more persons are entitled to compensation as a result of the death of a
 36 person which is the direct result of a crime or in the case of a sexual assault, the compensation shall
 37 be apportioned by the department of public safety among the claimants in proportion to their loss.

38 ~~[7-]~~ 6. The method and timing of the payment of any compensation pursuant to sections
 39 595.010 to 595.075 shall be determined by the department.

40 ~~[8-]~~ 7. The department shall have the authority to negotiate the costs of medical care or
 41 other services directly with the providers of the care or services on behalf of any victim receiving
 42 compensation pursuant to sections 595.010 to 595.075.

43 595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
 44 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
 45 proceeding filed in any court in the state in all criminal cases including violations of any county
 46 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
 47 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in
 48 any court when the proceeding or the defendant has been dismissed by the court or when costs are to

1 be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be
2 assessed as costs in a juvenile court proceeding in which a child is found by the court to come
3 within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

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

8 3. The director of revenue shall deposit annually the amount of at least two hundred fifty
9 thousand dollars but no more than one million dollars to the state forensic laboratory account
10 administered by the department of public safety to provide financial assistance to defray expenses of
11 crime laboratories if such analytical laboratories are registered with the federal Drug Enforcement
12 Agency or the Missouri department of health and senior services. Subject to appropriations made
13 therefor, such funds shall be distributed by the department of public safety to the crime laboratories
14 serving the courts of this state making analysis of a controlled substance or analysis of blood, breath
15 or urine in relation to a court proceeding.

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

21 (1) On the first of every month, the director of revenue or the director's designee shall
22 determine the balance of the funds in the crime victims' compensation fund available to satisfy the
23 amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
24 595.050 and 595.055;

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

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

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

37 (1) On the first of every month, the director of revenue or the director's designee shall
38 determine the balance of the funds in the crime victims' compensation fund available to satisfy the
39 amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
40 595.050 and 595.055;

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

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

48 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court

1 shall enter a judgment in favor of the state of Missouri, payable to the crime victims' compensation
2 fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class A or B felony;
3 forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~[or]~~ , D, or E felony; and ten
4 dollars upon a plea of guilty or a finding of guilt for any misdemeanor under Missouri law except
5 for those in chapter 252 relating to fish and game, chapter 302 relating to drivers' and commercial
6 drivers' license, chapter 303 relating to motor vehicle financial responsibility, chapter 304 relating to
7 traffic regulations, chapter 306 relating to watercraft regulation and licensing, and chapter 307
8 relating to vehicle equipment regulations. Any clerk of the court receiving moneys pursuant to such
9 judgments shall collect and disburse such crime victims' compensation judgments in the manner
10 provided by sections 488.010 to 488.020. Such funds shall be payable to the state treasury and
11 deposited to the credit of the crime victims' compensation fund.

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

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

23 11. The state courts administrator shall include in the annual report form required by section
24 ~~[476.350]~~ 476.412 the circuit court caseloads and the number of crime victims' compensation
25 judgments entered.

26 12. All awards made to injured victims under sections 595.010 to 595.105 and all
27 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
28 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
29 remaining in the crime victims' compensation fund at the end of each biennium shall not be subject
30 to the provision of section 33.080 requiring the transfer of such unexpended balance to the ordinary
31 revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event
32 that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all
33 claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation
34 fund, then no claim shall be paid until funds have again accumulated in the crime victims'
35 compensation fund. When sufficient funds become available from the fund, awards which have not
36 been paid shall be paid in chronological order with the oldest paid first. In the event an award was
37 to be paid in installments and some remaining installments have not been paid due to a lack of
38 funds, then when funds do become available that award shall be paid in full. All such awards on
39 which installments remain due shall be paid in full in chronological order before any other postdated
40 award shall be paid. Any award pursuant to this subsection is specifically not a claim against the
41 state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

42 13. When judgment is entered against a defendant as provided in this section and such sum,
43 or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment,
44 benefit, compensation, salary, or other transfer of money from the state of Missouri to such
45 defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid
46 forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered
47 on the court record. Under no circumstances shall the general revenue fund be used to reimburse
48 court costs or pay for such judgment. The director of the department of corrections shall have the

1 authority to pay into the crime victims' compensation fund from an offender's compensation or
2 account the amount owed by the offender to the crime victims' compensation fund, provided that the
3 offender has failed to pay the amount owed to the fund prior to entering a correctional facility of the
4 department of corrections.

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

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

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

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.