

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1355
99TH GENERAL ASSEMBLY

4829S.04T

2018

AN ACT

To repeal sections 43.505, 43.507, 57.117, 57.450, 84.510, 87.135, 99.848, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 190.335, 191.630, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.050, 221.105, 260.391, 292.606, 302.176, 306.030, 306.126, 414.032, 488.5320, 513.653, 566.147, 559.600, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, 595.220, and 610.140, RSMo, and to enact in lieu thereof eighty-eight new sections relating to public safety, with penalty provisions.

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

Section A. Sections 43.505, 43.507, 57.117, 57.450, 84.510, 87.135, 99.848, 135.090,
2 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196,
3 190.246, 190.335, 191.630, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690,
4 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777,
5 217.810, 221.050, 221.105, 260.391, 292.606, 302.176, 306.030, 306.126, 414.032, 488.5320,
6 513.653, 566.147, 559.600, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035,
7 595.055, 595.220, and 610.140, RSMo, are repealed and eighty-eight new sections enacted in
8 lieu thereof, to be known as sections 21.851, 43.505, 43.507, 44.091, 44.098, 57.117, 57.450,
9 84.510, 87.135, 99.848, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142,

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.

10 190.143, 190.147, 190.165, 190.173, 190.196, 190.246, 190.335, 190.900, 190.903, 190.906,
11 190.909, 190.912, 190.915, 190.918, 190.921, 190.924, 190.927, 190.930, 190.933, 190.936,
12 190.939, 191.630, 217.015, 217.021, 217.030, 217.075, 217.361, 217.655, 217.665, 217.670,
13 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762,
14 217.777, 217.810, 221.050, 221.105, 260.391, 260.558, 292.606, 302.025, 302.176, 306.030,
15 306.126, 414.032, 455.095, 455.560, 488.5320, 513.653, 566.147, 559.600, 590.210, 590.1040,
16 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, 595.220, 610.140, 610.210, and
17 650.035, to read as follows:

**21.851. 1. There is hereby established a joint committee of the general assembly,
2 which shall be known as the "Joint Committee on Disaster Preparedness and Awareness"
3 and shall be composed of the following members:**

4 **(1) Three members of the senate to be appointed by the president pro tempore of
5 the senate;**

6 **(2) Two members of the senate to be appointed by the minority floor leader of the
7 senate;**

8 **(3) Three members of the house of representatives to be appointed by the speaker
9 of the house of representatives;**

10 **(4) Two members of the house of representatives to be appointed by the minority
11 floor leader of the house of representatives;**

12 **(5) The director of the department of public safety, or his or her designee;**

13 **(6) The director of the department of agriculture, or his or her designee; and**

14 **(7) The adjutant general of the state, or his or her designee.**

15 **2. A majority of the members of the committee shall constitute a quorum, but the
16 concurrence of a majority of the members shall be required for the determination of any
17 matter within the committee's duties.**

18 **3. The joint committee shall make a continuous study and investigation into issues
19 relating to disaster preparedness and awareness including, but not limited to, the following
20 areas:**

21 **(1) Natural and man-made disasters;**

22 **(2) State and local preparedness for floods;**

23 **(3) State and local preparedness for tornados, blizzards, and other severe storms;**

24 **(4) Food and energy resiliency;**

25 **(5) Cyber-security;**

26 **(6) The budget reserve fund established under Article IV, Section 27(a) of the
27 Missouri Constitution;**

28 **(7) The protection of vulnerable populations in intermediate care facilities and**
29 **skilled nursing facilities as those terms are defined in section 198.006; and**

30 **(8) Premises that have been previously contaminated with radioactive material.**

31 **4. The joint committee shall compile a full report of its activities for submission to**
32 **the general assembly. The report shall be submitted not later than January first of even-**
33 **numbered years and may include any recommendations which the committee may have for**
34 **legislative action. The report may also include an analysis and statement of the manner**
35 **in which statutory provisions relating to disaster preparedness and awareness are being**
36 **executed.**

37 **5. The joint committee may employ such personnel as it deems necessary to carry**
38 **out the duties imposed by this section, within the limits of any appropriation for such**
39 **purpose.**

40 **6. The members of the committee shall serve without compensation, but any actual**
41 **and necessary expenses incurred in the performance of the committee's official duties by**
42 **the joint committee, its members, and any staff assigned to the committee shall be paid**
43 **from the joint contingent fund.**

44 **7. This section shall expire on December 31, 2022.**

43.505. 1. The department of public safety is hereby designated as the central repository
2 for the collection, maintenance, analysis and reporting of crime incident activity generated by
3 law enforcement agencies in this state. The department shall develop and operate a uniform
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 **after December 31, 2021**, may
36 be ineligible to receive state or federal funds which would otherwise be paid to such agency for
37 law enforcement, safety or criminal justice purposes.

43.507. All criminal history information, in the possession or control of the central
2 repository, except criminal intelligence and investigative information, may be made available
3 to qualified persons and organizations for research, evaluative and statistical purposes under
4 written agreements reasonably designed to ensure the security and confidentiality of the
5 information and the protection of the privacy interests of the individuals who are subjects of the
6 criminal history. ~~[Prior to such information being made available, information that uniquely
7 identifies the individual shall be deleted. Organizations receiving such criminal history
8 information shall not reestablish the identity of the individual and associate it with the criminal
9 history information being provided.]~~

44.091. 1. For purposes of this section, the following terms mean:

2 (1) **"Law enforcement officer", any public servant having both the power and duty**
3 **to make arrests for violations of any ordinance or law of this state, and any federal law**
4 **enforcement officer authorized to carry firearms and to make arrests for violations of the**
5 **laws of the United States;**

6 (2) **"Requesting entity", any law enforcement agency or entity within this state**
7 **empowered by law to maintain a law enforcement agency;**

8 (3) **"Sending agency", a law enforcement agency that has been requested to provide**
9 **assistance by a requesting entity.**

10 **2. Whenever any law enforcement agency enters into a mutual aid arrangement or**
11 **agreement with another entity as provided in section 44.090, any law enforcement officer**
12 **assisting the requesting entity shall have the same powers of arrest as he or she has in his**
13 **or her own jurisdiction and the same powers of arrest as officers of the requesting entity.**
14 **Such powers shall be limited to the location where such services are requested to be**
15 **provided, for the duration of the specific event, and while acting under the direction of the**
16 **requesting entity's chief law enforcement officer or his or her designee.**

17 **3. Any law enforcement officer assisting a requesting entity under a mutual aid**
18 **arrangement or agreement under section 44.090 shall be deemed an employee of the**
19 **sending agency and shall be subject to the workers' compensation, overtime, and expense**
20 **reimbursement provisions provided to him or her as an employee of the sending agency.**

21 **4. Any law enforcement officer assisting a requesting entity under a mutual aid**
22 **arrangement or agreement under section 44.090 shall enjoy the same legal immunities as**
23 **an officer of the requesting entity, including sovereign immunity, official immunity, and**
24 **the public duty doctrine.**

25 **5. Nothing in this section shall be construed to limit the powers of arrest provided**
26 **to a law enforcement officer by any other law.**

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

2 **(1) "Critical incident", an incident that could result in serious physical injury or**
3 **loss of life;**

4 **(2) "Kansas border county", the county of Cherokee;**

5 **(3) "Law enforcement mutual aid region", the counties of Jasper and Newton,**
6 **including the Joplin metropolitan area, and the Kansas border county and Oklahoma**
7 **border counties as defined in this section;**

8 **(4) "Missouri border counties", the counties of Jasper and Newton;**

9 **(5) "Oklahoma border counties", the counties of Ottawa and Delaware.**

10 **2. All law enforcement officers in the law enforcement mutual aid region shall be**
11 **permitted in critical incidents to respond to lawful requests for aid in any other jurisdiction**
12 **in the law enforcement mutual aid region.**

13 **3. The on-scene incident commander, as defined by the National Incident**
14 **Management System, shall have the authority to make a request for assistance in a critical**
15 **incident and shall be responsible for on-scene management until command authority is**
16 **transferred to another person.**

17 **4. In the event that an officer makes an arrest or apprehension outside his or her**
18 **home state, the offender shall be delivered to the first officer who is commissioned in the**
19 **jurisdiction in which the arrest was made.**

20 **5. For the purposes of liability, all members of any political subdivision or public**
21 **safety agency responding under operational control of the requesting political subdivision**
22 **or public safety agency are deemed employees of such responding political subdivision or**
23 **public safety agency and are subject to the liability and workers' compensation provisions**
24 **provided to them as employees of their respective political subdivision or public safety**
25 **agency. Qualified immunity, sovereign immunity, official immunity, and the public duty**
26 **rule shall apply to the provisions of this section as interpreted by the federal and state**
27 **courts of the responding agency.**

28 **6. If the director of the Missouri department of public safety determines that the**
29 **state of Kansas has enacted legislation or the governor of Kansas has issued an executive**
30 **order or similar action that permits the Kansas border county to enter into a similar**
31 **mutual-aid agreement as described under this section, then the director shall execute and**
32 **deliver to the governor, the speaker of the house of representatives, and the president pro**
33 **tempore of the senate a written certification of such determination. Upon the execution**
34 **and delivery of such written certification and the parties receiving such certification**
35 **providing a unanimous written affirmation, the provisions of this section shall be effective**
36 **unless otherwise provided by law.**

37 **7. If the director of the Missouri department of public safety determines that the**
38 **state of Oklahoma has enacted legislation or the governor of Oklahoma has issued an**
39 **executive order or similar action that permits Oklahoma border counties to enter into a**
40 **similar mutual-aid agreement as described under this section, then the director shall**
41 **execute and deliver to the governor, the speaker of the house of representatives, and the**
42 **president pro tempore of the senate a written certification of such determination. Upon**
43 **the execution and delivery of such written certification and the parties receiving such**
44 **certification providing a unanimous written affirmation, the provisions of this section shall**
45 **be effective unless otherwise provided by law.**

46 **8. The director of the Missouri department of public safety shall notify the revisor**
47 **of statutes of any changes that would render the provisions of this section effective.**

57.117. Hereafter no sheriff in this state shall appoint any under sheriff or deputy sheriff
2 ~~[except]~~ **unless** the person so appointed shall be, at the time of his **or her** appointment, a bona
3 fide resident of ~~[the]~~ **this state or of an adjoining state. The provisions of this section**
4 **authorizing the appointment of a person as an under sheriff or deputy sheriff who is a**
5 **bona fide resident of an adjoining state shall not apply to a sheriff of any county with a**
6 **charter form of government and with more than six hundred thousand but fewer than**
7 **seven hundred thousand inhabitants or any city not within a county.**

57.450. All general laws relating and applicable to the sheriffs of the several counties of this state shall apply to the same officer in the City of St. Louis, except that the sheriff of the City of St. Louis shall not enforce the general criminal laws of the state of Missouri unless such enforcement shall be incidental to the duties customarily performed by the sheriff of the City of St. Louis. **The sheriff and sworn deputies of the office of sheriff of the city of St. Louis may be eligible for training and licensure by the peace officer standards and training commission under chapter 590, and such office shall be considered a law enforcement agency with the sheriff and sworn deputies considered law enforcement officers.** All acts and parts of acts providing for any legal process to be directed to any sheriff of any county shall be so construed as to mean the sheriff of the city of St. Louis as if such officer were specifically named in such act.

84.510. 1. For the purpose of operation of the police department herein created, the chief of police, with the approval of the board, shall appoint such number of police department employees, including police officers and civilian employees as the chief of police from time to time deems necessary.

2. The base annual compensation of police officers shall be as follows for the several ranks:

(1) Lieutenant colonels, not to exceed five in number, at not less than seventy-one thousand nine hundred sixty-nine dollars, nor more than ~~[one hundred thirty-three thousand eight hundred eighty-eight]~~ **one hundred forty-six thousand one hundred twenty four** dollars per annum each;

(2) Majors at not less than sixty-four thousand six hundred seventy-one dollars, nor more than ~~[one hundred twenty-two thousand one hundred fifty-three]~~ **one hundred thirty-three thousand three hundred twenty** dollars per annum each;

(3) Captains at not less than fifty-nine thousand five hundred thirty-nine dollars, nor more than ~~[one hundred eleven thousand four hundred thirty-four]~~ **one hundred twenty-one thousand six hundred eight** dollars per annum each;

(4) Sergeants at not less than forty-eight thousand six hundred fifty-nine dollars, nor more than ~~[ninety-seven thousand eighty-six]~~ **one hundred six thousand five hundred sixty** dollars per annum each;

(5) Master patrol officers at not less than fifty-six thousand three hundred four dollars, nor more than ~~[eighty-seven thousand seven hundred one]~~ **ninety-four thousand three hundred thirty-two** dollars per annum each;

(6) Master detectives at not less than fifty-six thousand three hundred four dollars, nor more than ~~[eighty-seven thousand seven hundred one]~~ **ninety-four thousand three hundred thirty-two** dollars per annum each;

26 (7) Detectives, investigators, and police officers at not less than twenty-six thousand six
27 hundred forty-three dollars, nor more than [~~eighty-two thousand six hundred nineteen~~] **eighty-**
28 **seven thousand six hundred thirty-six** dollars per annum each.

29 3. The board of police commissioners has the authority by resolution to effect a
30 comprehensive pay schedule program to provide for step increases with separate pay rates within
31 each rank, in the above-specified salary ranges from police officers through chief of police.

32 4. Officers assigned to wear civilian clothes in the performance of their regular duties
33 may receive an additional one hundred fifty dollars per month clothing allowance. Uniformed
34 officers may receive seventy-five dollars per month uniform maintenance allowance.

35 5. The chief of police, subject to the approval of the board, shall establish the total
36 regular working hours for all police department employees, and the board has the power, upon
37 recommendation of the chief, to pay additional compensation for all hours of service rendered
38 in excess of the established regular working period, but the rate of overtime compensation shall
39 not exceed one and one-half times the regular hourly rate of pay to which each member shall
40 normally be entitled. No credit shall be given nor deductions made from payments for overtime
41 for the purpose of retirement benefits.

42 6. The board of police commissioners, by majority affirmative vote, including the mayor,
43 has the authority by resolution to authorize incentive pay in addition to the base compensation
44 as provided for in subsection 2 of this section, to be paid police officers of any rank who they
45 determine are assigned duties which require an extraordinary degree of skill, technical
46 knowledge and ability, or which are highly demanding or unusual. No credit shall be given nor
47 deductions made from these payments for the purpose of retirement benefits.

48 7. The board of police commissioners may effect programs to provide additional
49 compensation for successful completion of academic work at an accredited college or university.
50 No credit shall be given nor deductions made from these payments for the purpose of retirement
51 benefits.

52 8. The additional pay increments provided in subsections 6 and 7 of this section shall not
53 be considered a part of the base compensation of police officers of any rank and shall not exceed
54 ten percent of what the officer would otherwise be entitled to pursuant to subsections 2 and 3 of
55 this section.

56 9. Not more than twenty-five percent of the officers in any rank who are receiving the
57 maximum rate of pay authorized by subsections 2 and 3 of this section may receive the additional
58 pay increments authorized by subsections 6 and 7 of this section at any given time. However,
59 any officer receiving a pay increment provided pursuant to the provisions of subsections 6 and
60 7 of this section shall not be deprived of such pay increment as a result of the limitations of this
61 subsection.

87.135. 1. Under such rules and regulations as the board of trustees shall adopt, each member who was a firefighter on and prior to the date of the establishment of the retirement system shall file a detailed statement of all service as a firefighter rendered by him or her prior to that date for which the firefighter claims credit.

2. The board of trustees shall fix and determine by proper rules and regulations how much service in any year is equivalent to one year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board of trustees allow credit as service for any period of more than one month's duration during which the member was absent without pay.

3. Subject to the above restrictions and to such other rules and regulations as the board of trustees may adopt, the board of trustees shall verify the service claims as soon as practicable after the filing of the statement of service.

4. Upon verification of the statements of service the board of trustees shall issue prior service certificates, certifying to each member the length of prior service with which the member is credited on the basis of his or her statement of service. So long as the holder of the certificate continues to be a member, a prior service certificate shall be final and conclusive for retirement purposes as to such service, except that any member may, within one year from the date of issuance or modification of the certificate, request the board of trustees to modify or correct the member's prior service certificate, and upon such request or of its own motion the board may correct the certificate. When any firefighter ceases to be a member his or her prior service certificate shall become void. Should he or she again become a member, he or she shall enter the retirement system as a member not entitled to prior service credit except as provided in section 87.215.

5. Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of creditable membership service rendered by him or her, and also if the member has a prior service certificate which is in full force and effect, the amount of the service certified on the member's prior service certificate. Service rendered by a firefighter after the operative date and prior to becoming a member shall be included as creditable membership service provided the service was rendered since he or she last became a firefighter.

6. The retirement system, with the approval of the board of trustees, may enter into cooperative agreements to transfer creditable service between the retirement system and any other retirement plan established by the state of Missouri or any political subdivision or instrumentality of the state when a member who has been employed in a position covered by one plan is employed in a position covered by another plan. The transfer of creditable service shall be in accordance with the provisions of section 105.691 and the policies and procedures established by the board of trustees.

99.848. 1. Notwithstanding subsection 1 of section ~~[99.847]~~ **99.845**, any district or
2 **county imposing a property tax for the purposes of** providing emergency services pursuant
3 to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the
4 amount of at least fifty percent ~~[not]~~ **but not** more than one hundred percent of the district's tax
5 increment. This section shall not apply to tax increment financing projects or districts approved
6 prior to August 28, 2004.

7 **2. Beginning August 28, 2018, an ambulance district board operating under chapter**
8 **190, a fire protection district board operating under chapter 321, or the governing body**
9 **of a county operating a 911 center providing emergency or dispatch services under chapter**
10 **190 or chapter 321 shall annually set the reimbursement rate under subsection 1 of this**
11 **section prior to the time the assessment is paid into the special allocation fund. If the**
12 **redevelopment plan, area, or project is amended by ordinance or by other means after**
13 **August 28, 2018, the ambulance or fire protection district board or the governing body of**
14 **a county operating a 911 center providing emergency or dispatch services under chapter**
15 **190 or chapter 321 shall have the right to recalculate the reimbursement rate under this**
16 **section.**

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

2 (1) "Homestead", the dwelling in Missouri owned by the surviving spouse and not
3 exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as
4 a home. As used in this section, "homestead" shall not include any dwelling which is occupied
5 by more than two families;

6 (2) "Public safety officer", any firefighter, police officer, capitol police officer, parole
7 officer, probation officer, correctional employee, water patrol officer, park ranger, conservation
8 officer, commercial motor **vehicle** enforcement officer, emergency medical technician,
9 **emergency medical responder, as defined in section 190.100**, first responder, or highway
10 patrolman employed by the state of Missouri or a political subdivision thereof who is killed in
11 the line of duty, unless the death was the result of the officer's own misconduct or abuse of
12 alcohol or drugs;

13 (3) "Surviving spouse", a spouse, who has not remarried, of a public safety officer.

14 2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be
15 allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax
16 imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property
17 taxes on the surviving spouse's homestead paid during the tax year for which the credit is
18 claimed. A surviving spouse may claim the credit authorized under this section for each tax year
19 beginning the year of death of the public safety officer spouse until the tax year in which the
20 surviving spouse remarries. No credit shall be allowed for the tax year in which the surviving

21 spouse remarries. If the amount allowable as a credit exceeds the income tax reduced by other
22 credits, then the excess shall be considered an overpayment of the income tax.

23 3. The department of revenue shall promulgate rules to implement the provisions of this
24 section.

25 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
26 under the authority delegated in this section shall become effective only if it complies with and
27 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
28 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
29 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
30 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
31 proposed or adopted after August 28, 2007, shall be invalid and void.

32 5. Pursuant to section 23.253 of the Missouri sunset act:

33 (1) The program authorized under this section shall expire on December 31, 2019, unless
34 reauthorized by the general assembly; and

35 (2) This section shall terminate on September first of the calendar year immediately
36 following the calendar year in which the program authorized under this section is sunset; and

37 (3) The provisions of this subsection shall not be construed to limit or in any way impair
38 the department's ability to redeem tax credits authorized on or before the date the program
39 authorized under this section expires or a taxpayer's ability to redeem such tax credits.

190.094. 1. Any ambulance licensed in this state, when used as an ambulance and
2 staffed with volunteer staff, shall be staffed with a minimum of one emergency medical
3 technician and one other crew member who may be a licensed emergency medical technician,
4 registered nurse, physician, or someone who has a ~~first~~ **emergency medical** responder
5 certification.

6 2. When transporting a patient, at least one licensed emergency medical technician,
7 registered nurse, or physician shall be in attendance with the patient in the patient compartment
8 at all times.

9 3. For purposes of this section, "volunteer" shall mean an individual who performs hours
10 of service without promise, expectation or receipt of compensation for services rendered.
11 Compensation such as a nominal stipend per call to compensate for fuel, uniforms, and training
12 shall not nullify the volunteer status.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

2 (1) **"Advanced emergency medical technician" or "AEMT", a person who has**
3 **successfully completed a course of instruction in certain aspects of advanced life support**
4 **care as prescribed by the department and is licensed by the department in accordance with**

5 **sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant**
6 **to sections 190.001 to 190.245;**

7 (2) "Advanced life support (ALS)", an advanced level of care as provided to the adult
8 and pediatric patient such as defined by national curricula, and any modifications to that curricula
9 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

10 ~~[(2)]~~ (3) "Ambulance", any privately or publicly owned vehicle or craft that is specially
11 designed, constructed or modified, staffed or equipped for, and is intended or used, maintained
12 or operated for the transportation of persons who are sick, injured, wounded or otherwise
13 incapacitated or helpless, or who require the presence of medical equipment being used on such
14 individuals, but the term does not include any motor vehicle specially designed, constructed or
15 converted for the regular transportation of persons who are disabled, handicapped, normally
16 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

17 ~~[(3)]~~ (4) "Ambulance service", a person or entity that provides emergency or
18 nonemergency ambulance transportation and services, or both, in compliance with sections
19 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001
20 to 190.245;

21 ~~[(4)]~~ (5) "Ambulance service area", a specific geographic area in which an ambulance
22 service has been authorized to operate;

23 ~~[(5)]~~ (6) "Basic life support (BLS)", a basic level of care, as provided to the adult and
24 pediatric patient as defined by national curricula, and any modifications to that curricula
25 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

26 ~~[(6)]~~ (7) "Council", the state advisory council on emergency medical services;

27 ~~[(7)]~~ (8) "Department", the department of health and senior services, state of Missouri;

28 ~~[(8)]~~ (9) "Director", the director of the department of health and senior services or the
29 director's duly authorized representative;

30 ~~[(9)]~~ (10) "Dispatch agency", any person or organization that receives requests for
31 emergency medical services from the public, by telephone or other means, and is responsible for
32 dispatching emergency medical services;

33 ~~[(10)]~~ (11) "Emergency", the sudden and, at the time, unexpected onset of a health
34 condition that manifests itself by symptoms of sufficient severity that would lead a prudent
35 layperson, possessing an average knowledge of health and medicine, to believe that the absence
36 of immediate medical care could result in:

37 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
38 woman or her unborn child, in significant jeopardy;

39 (b) Serious impairment to a bodily function;

40 (c) Serious dysfunction of any bodily organ or part;

41 (d) Inadequately controlled pain;

42 ~~[(11)]~~ **(12)** "Emergency medical dispatcher", a person who receives emergency calls
43 from the public and has successfully completed an emergency medical dispatcher course,
44 meeting or exceeding the national curriculum of the United States Department of Transportation
45 and any modifications to such curricula specified by the department through rules adopted
46 pursuant to sections 190.001 to 190.245;

47 **(13)** "Emergency medical responder", a person who has successfully completed an
48 emergency first response course meeting or exceeding the national curriculum of the U.S.
49 Department of Transportation and any modifications to such curricula specified by the
50 department through rules adopted under sections 190.001 to 190.245 and who provides
51 emergency medical care through employment by or in association with an emergency
52 medical response agency;

53 ~~[(12)]~~ **(14)** "Emergency medical response agency", any person that regularly provides
54 a level of care that includes first response, basic life support or advanced life support, exclusive
55 of patient transportation;

56 ~~[(13)]~~ **(15)** "Emergency medical services for children (EMS-C) system", the
57 arrangement of personnel, facilities and equipment for effective and coordinated delivery of
58 pediatric emergency medical services required in prevention and management of incidents which
59 occur as a result of a medical emergency or of an injury event, natural disaster or similar
60 situation;

61 ~~[(14)]~~ **(16)** "Emergency medical services (EMS) system", the arrangement of personnel,
62 facilities and equipment for the effective and coordinated delivery of emergency medical services
63 required in prevention and management of incidents occurring as a result of an illness, injury,
64 natural disaster or similar situation;

65 ~~[(15)]~~ **(17)** "Emergency medical technician", a person licensed in emergency medical
66 care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules
67 adopted by the department pursuant to sections 190.001 to 190.245;

68 ~~[(16)]~~ **(18)** "Emergency medical technician-basic" or "EMT-B", a person who has
69 successfully completed a course of instruction in basic life support as prescribed by the
70 department and is licensed by the department in accordance with standards prescribed by sections
71 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to
72 190.245;

73 ~~[(17)]~~ **(19)** "Emergency medical technician-community paramedic", "community
74 paramedic", or "EMT-CP", a person who is certified as an emergency medical
75 technician-paramedic and is certified by the department in accordance with standards prescribed
76 in section 190.098;

77 ~~[(18) "Emergency medical technician-intermediate" or "EMT-I", a person who has~~
78 ~~successfully completed a course of instruction in certain aspects of advanced life support care~~
79 ~~as prescribed by the department and is licensed by the department in accordance with sections~~
80 ~~190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections~~
81 ~~190.001 to 190.245;]~~

82 [(19)] **(20)** "Emergency medical technician-paramedic" or "EMT-P", a person who has
83 successfully completed a course of instruction in advanced life support care as prescribed by the
84 department and is licensed by the department in accordance with sections 190.001 to 190.245
85 and rules adopted by the department pursuant to sections 190.001 to 190.245;

86 [(20)] **(21)** "Emergency services", health care items and services furnished or required
87 to screen and stabilize an emergency which may include, but shall not be limited to, health care
88 services that are provided in a licensed hospital's emergency facility by an appropriate provider
89 or by an ambulance service or emergency medical response agency;

90 [(21)] "First responder", a person who has successfully completed an emergency first
91 response course meeting or exceeding the national curriculum of the United States Department
92 of Transportation and any modifications to such curricula specified by the department through
93 rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care
94 through employment by or in association with an emergency medical response agency;]

95 (22) "Health care facility", a hospital, nursing home, physician's office or other fixed
96 location at which medical and health care services are performed;

97 (23) "Hospital", an establishment as defined in the hospital licensing law, subsection 2
98 of section 197.020, or a hospital operated by the state;

99 (24) "Medical control", supervision provided by or under the direction of physicians ~~[to~~
100 ~~providers by written or verbal communications]~~ , **or their designated registered nurse,**
101 **including both online medical control, instructions by radio, telephone, or other means of**
102 **direct communications, and offline medical control through supervision by treatment**
103 **protocols, case review, training, and standing orders for treatment;**

104 (25) "Medical direction", medical guidance and supervision provided by a physician to
105 an emergency services provider or emergency medical services system;

106 (26) "Medical director", a physician licensed pursuant to chapter 334 designated by the
107 ambulance service or emergency medical response agency and who meets criteria specified by
108 the department by rules pursuant to sections 190.001 to 190.245;

109 (27) "Memorandum of understanding", an agreement between an emergency medical
110 response agency or dispatch agency and an ambulance service or services within whose territory
111 the agency operates, in order to coordinate emergency medical services;

112 (28) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
113 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
114 between private or public institutions, homes or cemeteries, and individuals declared dead prior
115 to the time an ambulance is called for assistance;

116 (29) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245,
117 any individual, firm, partnership, copartnership, joint venture, association, cooperative
118 organization, corporation, municipal or private, and whether organized for profit or not, state,
119 county, political subdivision, state department, commission, board, bureau or fraternal
120 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
121 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

122 (30) "Physician", a person licensed as a physician pursuant to chapter 334;

123 (31) "Political subdivision", any municipality, city, county, city not within a county,
124 ambulance district or fire protection district located in this state which provides or has authority
125 to provide ambulance service;

126 (32) "Professional organization", any organized group or association with an ongoing
127 interest regarding emergency medical services. Such groups and associations could include those
128 representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians,
129 communications specialists and instructors. Organizations could also represent the interests of
130 ground ambulance services, air ambulance services, fire service organizations, law enforcement,
131 hospitals, trauma centers, communication centers, pediatric services, labor unions and poison
132 control services;

133 (33) "Proof of financial responsibility", proof of ability to respond to damages for
134 liability, on account of accidents occurring subsequent to the effective date of such proof, arising
135 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules
136 promulgated by the department, but in no event less than the statutory minimum required for
137 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

138 (34) "Protocol", a predetermined, written medical care guideline, which may include
139 standing orders;

140 (35) "Regional EMS advisory committee", a committee formed within an emergency
141 medical services (EMS) region to advise ambulance services, the state advisory council on EMS
142 and the department;

143 (36) "Specialty care transportation", the transportation of a patient requiring the services
144 of an emergency medical technician-paramedic who has received additional training beyond the
145 training prescribed by the department. Specialty care transportation services shall be defined in
146 writing in the appropriate local protocols for ground and air ambulance services and approved
147 by the local physician medical director. The protocols shall be maintained by the local

148 ambulance service and shall define the additional training required of the emergency medical
149 technician-paramedic;

150 (37) "Stabilize", with respect to an emergency, the provision of such medical treatment
151 as may be necessary to attempt to assure within reasonable medical probability that no material
152 deterioration of an individual's medical condition is likely to result from or occur during
153 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

154 (38) "State advisory council on emergency medical services", a committee formed to
155 advise the department on policy affecting emergency medical service throughout the state;

156 (39) "State EMS medical directors advisory committee", a subcommittee of the state
157 advisory council on emergency medical services formed to advise the state advisory council on
158 emergency medical services and the department on medical issues;

159 (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which
160 impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in
161 electrocardiogram analysis, and as further defined in rules promulgated by the department under
162 sections 190.001 to 190.250;

163 (41) "STEMI care", includes education and prevention, emergency transport, triage, and
164 acute care and rehabilitative services for STEMI that requires immediate medical or surgical
165 intervention or treatment;

166 (42) "STEMI center", a hospital that is currently designated as such by the department
167 to care for patients with ST-segment elevation myocardial infarctions;

168 (43) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the
169 department;

170 (44) "Stroke care", includes emergency transport, triage, and acute intervention and other
171 acute care services for stroke that potentially require immediate medical or surgical intervention
172 or treatment, and may include education, primary prevention, acute intervention, acute and
173 subacute management, prevention of complications, secondary stroke prevention, and
174 rehabilitative services;

175 (45) "Stroke center", a hospital that is currently designated as such by the department;

176 (46) "Trauma", an injury to human tissues and organs resulting from the transfer of
177 energy from the environment;

178 (47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative
179 services for major single system or multisystem injuries that potentially require immediate
180 medical or surgical intervention or treatment;

181 (48) "Trauma center", a hospital that is currently designated as such by the department.

190.103. 1. One physician with expertise in emergency medical services from each of
2 the EMS regions shall be elected by that region's EMS medical directors to serve as a regional

3 EMS medical director. The regional EMS medical directors shall constitute the state EMS
4 medical director's advisory committee and shall advise the department and their region's
5 ambulance services on matters relating to medical control and medical direction in accordance
6 with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections
7 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The
8 southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an
9 initial two-year term. The central, east central, and southeast regional EMS medical directors
10 shall be elected to an initial four-year term. All subsequent terms following the initial terms shall
11 be four years. The state EMS medical director shall be the chair of the state EMS medical
12 director's advisory committee, **and shall be elected by the members of the regional EMS**
13 **medical director's advisory committee, shall serve a term of four years, and shall seek to**
14 **coordinate EMS services between the EMS regions, promote educational efforts for agency**
15 **medical directors, represent Missouri EMS nationally in the role of the state EMS medical**
16 **director, and seek to incorporate the EMS system into the health care system serving**
17 **Missouri.**

18 2. A medical director is required for all ambulance services and emergency medical
19 response agencies that provide: advanced life support services; basic life support services
20 utilizing medications or providing assistance with patients' medications; or basic life support
21 services performing invasive procedures including invasive airway procedures. The medical
22 director shall provide medical direction to these services and agencies in these instances.

23 3. The medical director, in cooperation with the ambulance service or emergency
24 medical response agency administrator, shall have the responsibility and the authority to ensure
25 that the personnel working under their supervision are able to provide care meeting established
26 standards of care with consideration for state and national standards as well as local area needs
27 and resources. The medical director, in cooperation with the ambulance service or emergency
28 medical response agency administrator, shall establish and develop triage, treatment and
29 transport protocols, which may include authorization for standing orders. **Emergency medical**
30 **technicians shall only perform those medical procedures as directed by treatment protocols**
31 **approved by the local medical director or when authorized through direct communication**
32 **with online medical control.**

33 4. All ambulance services and emergency medical response agencies that are required
34 to have a medical director shall establish an agreement between the service or agency and their
35 medical director. The agreement will include the roles, responsibilities and authority of the
36 medical director beyond what is granted in accordance with sections 190.001 to 190.245 and
37 rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall

38 also include grievance procedures regarding the emergency medical response agency or
39 ambulance service, personnel and the medical director.

40 5. Regional EMS medical directors **and the state EMS medical director** elected as
41 provided under subsection 1 of this section shall be considered public officials for purposes of
42 sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

43 6. The state EMS medical director's advisory committee shall be considered a peer
44 review committee under section 537.035.

45 7. Regional EMS medical directors may act to provide online telecommunication
46 medical direction to **AEMTs**, EMT-Bs, [~~EMT-Is,~~] EMT-Ps, and community paramedics and
47 provide offline medical direction per standardized treatment, triage, and transport protocols when
48 EMS personnel, including **AEMTs**, EMT-Bs, [~~EMT-Is,~~] EMT-Ps, and community paramedics,
49 are providing care to special needs patients or at the request of a local EMS agency or medical
50 director.

51 8. When developing treatment protocols for special needs patients, regional EMS
52 medical directors may promulgate such protocols on a regional basis across multiple political
53 subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies
54 including, but not limited to, ambulance services, emergency response agencies, and public
55 health departments. Treatment protocols shall include steps to ensure the receiving hospital is
56 informed of the pending arrival of the special needs patient, the condition of the patient, and the
57 treatment instituted.

58 9. Multiple EMS agencies including, but not limited to, ambulance services, emergency
59 response agencies, and public health departments shall take necessary steps to follow the regional
60 EMS protocols established as provided under subsection 8 of this section in cases of mass
61 casualty or state-declared disaster incidents.

62 10. When regional EMS medical directors develop and implement treatment protocols
63 for patients or provide online medical direction for patients, such activity shall not be construed
64 as having usurped local medical direction authority in any manner.

65 11. Notwithstanding any other provision of law to the contrary, when regional EMS
66 medical directors are providing either online telecommunication medical direction to **AEMTs**,
67 EMT-Bs, [~~EMT-Is,~~] EMT-Ps, and community paramedics, or offline medical direction per
68 standardized EMS treatment, triage, and transport protocols for patients, those medical directions
69 or treatment protocols may include the administration of the patient's own prescription
70 medications.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate,
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business
3 or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any

4 public way or place of the state of Missouri unless such person holds a currently valid license
5 from the department for an ambulance service issued pursuant to the provisions of sections
6 190.001 to 190.245.

7 2. No ground ambulance shall be operated for ambulance purposes, and no individual
8 shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless
9 the ground ambulance is under the immediate supervision and direction of a person who is
10 holding a currently valid Missouri license as an emergency medical technician. Nothing in this
11 section shall be construed to mean that a duly registered nurse or a duly licensed physician be
12 required to hold an emergency medical technician's license. Each ambulance service is
13 responsible for assuring that any person driving its ambulance is competent in emergency vehicle
14 operations and has a safe driving record. Each ground ambulance shall be staffed with at least
15 two licensed individuals when transporting a patient, except as provided in section 190.094. In
16 emergency situations which require additional medical personnel to assist the patient during
17 transportation, [~~a first~~] **an emergency medical** responder, firefighter, or law enforcement
18 personnel with a valid driver's license and prior experience with driving emergency vehicles may
19 drive the ground ambulance provided the ground ambulance service stipulates to this practice
20 in operational policies.

21 3. No license shall be required for an ambulance service, or for the attendant of an
22 ambulance, which:

23 (1) Is rendering assistance in the case of an emergency, major catastrophe or any other
24 unforeseen event or series of events which jeopardizes the ability of the local ambulance service
25 to promptly respond to emergencies; or

26 (2) Is operated from a location or headquarters outside of Missouri in order to transport
27 patients who are picked up beyond the limits of Missouri to locations within or outside of
28 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for
29 transportation to locations within Missouri, except as provided in subdivision (1) of this
30 subsection.

31 4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245
32 shall not be construed so as to authorize any person to provide ambulance services or to operate
33 any ambulances without a franchise in any city not within a county or in a political subdivision
34 in any county with a population of over nine hundred thousand inhabitants, or a franchise,
35 contract or mutual-aid agreement in any other political subdivision which has enacted an
36 ordinance making it unlawful to do so.

37 5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or
38 regulation not in conflict with such sections by any city not within a county, or at least as strict
39 as such sections by any county, municipality or political subdivision except that no such

40 regulations or ordinances shall be adopted by a political subdivision in a county with a
41 population of over nine hundred thousand inhabitants except by the county's governing body.

42 6. In a county with a population of over nine hundred thousand inhabitants, the
43 governing body of the county shall set the standards for all ambulance services which shall
44 comply with subsection 5 of this section. All such ambulance services must be licensed by the
45 department. The governing body of such county shall not prohibit a licensed ambulance service
46 from operating in the county, as long as the ambulance service meets county standards.

47 7. An ambulance service or vehicle when operated for the purpose of transporting
48 persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or
49 contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad
50 safety.

51 8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor
52 vehicle used by an employer for the transportation of such employer's employees whose illness
53 or injury occurs on private property, and not on a public highway or property, nor to any person
54 operating such a motor vehicle.

55 9. A political subdivision that is authorized to operate a licensed ambulance service may
56 establish, operate, maintain and manage its ambulance service, and select and contract with a
57 licensed ambulance service. Any political subdivision may contract with a licensed ambulance
58 service.

59 10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection
60 2 of section 190.109, shall be construed to authorize any municipality or county which is located
61 within an ambulance district or a fire protection district that is authorized to provide ambulance
62 service to promulgate laws, ordinances or regulations related to the provision of ambulance
63 services. This provision shall not apply to any municipality or county which operates an
64 ambulance service established prior to August 28, 1998.

65 11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to
66 authorize any municipality or county which is located within an ambulance district or a fire
67 protection district that is authorized to provide ambulance service to operate an ambulance
68 service without a franchise in an ambulance district or a fire protection district that is authorized
69 to provide ambulance service which has enacted an ordinance making it unlawful to do so. This
70 provision shall not apply to any municipality or county which operates an ambulance service
71 established prior to August 28, 1998.

72 12. No provider of ambulance service within the state of Missouri which is licensed by
73 the department to provide such service shall discriminate regarding treatment or transportation
74 of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national
75 origin, ancestry, handicap, medical condition or ability to pay.

76 13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section,
77 is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter
78 or to fire protection districts pursuant to chapter 321, or to counties, cities, towns and villages
79 pursuant to chapter 67.

80 14. Upon the sale or transfer of any ground ambulance service ownership, the owner of
81 such service shall notify the department of the change in ownership within thirty days of such
82 sale or transfer. After receipt of such notice, the department shall conduct an inspection of the
83 ambulance service to verify compliance with the licensure standards of sections 190.001 to
84 190.245.

190.131. 1. The department shall accredit or certify training entities for ~~[first]~~
2 **emergency medical** responders, emergency medical dispatchers, **and** emergency medical
3 ~~[technicians-basic, emergency medical technicians-intermediate, and emergency medical~~
4 ~~technicians-paramedic]~~ **technicians**, for a period of five years, if the applicant meets the
5 requirements established pursuant to sections 190.001 to 190.245.

6 2. Such rules promulgated by the department shall set forth the minimum requirements
7 for entrance criteria, training program curricula, instructors, facilities, equipment, medical
8 oversight, record keeping, and reporting.

9 3. Application for training entity accreditation or certification shall be made upon such
10 forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245.
11 The application form shall contain such information as the department deems reasonably
12 necessary to make a determination as to whether the training entity meets all requirements of
13 sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

14 4. Upon receipt of such application for training entity accreditation or certification, the
15 department shall determine whether the training entity, its instructors, facilities, equipment,
16 curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules
17 promulgated pursuant to sections 190.001 to 190.245.

18 5. Upon finding these requirements satisfied, the department shall issue a training entity
19 accreditation or certification in accordance with rules promulgated by the department pursuant
20 to sections 190.001 to 190.245.

21 6. Subsequent to the issuance of a training entity accreditation or certification, the
22 department shall cause a periodic review of the training entity to assure continued compliance
23 with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to
24 sections 190.001 to 190.245.

25 7. No person or entity shall hold itself out or provide training required by this section
26 without accreditation or certification by the department.

190.142. 1. **(1) For applications submitted before the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect,** the department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license.

(2) For applications submitted after the recognition of EMS personnel licensure interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an emergency medical technician in this state shall submit to a background check by the Missouri state highway patrol and the Federal Bureau of Investigation through a process approved by the department of health and senior services. Such processes may include the use of vendors or systems administered by the Missouri state highway patrol. The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, of the recognition of EMS personnel licensure interstate compact. The department shall not issue a license until the department receives the results of an applicant's criminal background check from the Missouri state highway patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary license as provided under section 190.143. Any fees due for a criminal background check shall be paid by the applicant.

(3) The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical technicians, for a period of five years, if the applicant meets the requirements established pursuant to sections 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an emergency medical technician including but not limited to:

(1) Age requirements;

(2) **Emergency medical technician and paramedic** education and training requirements based on respective [~~national curricula of the United States Department of Transportation~~] **National Emergency Medical Services Education Standards** and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;

(3) **Paramedic accreditation requirements. Paramedic training programs shall be accredited by the Commission on Accreditation of Allied Health Education Program (CAAHEP) or hold a CAAHEP letter of review;**

35 (4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be
36 through the national registry of EMTs [~~or examinations developed and administered by the~~
37 ~~department of health and senior services~~];

38 [~~(4)~~] (5) Continuing education and relicensure requirements; and

39 [~~(5)~~] (6) Ability to speak, read and write the English language.

40 3. Application for all levels of emergency medical technician license shall be made upon
41 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to
42 190.245. The application form shall contain such information as the department deems
43 necessary to make a determination as to whether the emergency medical technician meets all the
44 requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001
45 to 190.245.

46 4. All levels of emergency medical technicians may perform only that patient care which
47 is:

48 (1) Consistent with the training, education and experience of the particular emergency
49 medical technician; and

50 (2) Ordered by a physician or set forth in protocols approved by the medical director.

51 5. No person shall hold themselves out as an emergency medical technician or provide
52 the services of an emergency medical technician unless such person is licensed by the
53 department.

54 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
55 under the authority delegated in this section shall become effective only if it complies with and
56 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
57 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
58 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
59 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
60 proposed or adopted after August 28, 2002, shall be invalid and void.

190.143. 1. Notwithstanding any other provisions of law, the department may grant a
2 ninety-day temporary emergency medical technician license to all levels of emergency medical
3 technicians who meet the following:

4 (1) Can demonstrate that they have, or will have, employment requiring an emergency
5 medical technician license;

6 (2) Are not currently licensed as an emergency medical technician in Missouri or have
7 been licensed as an emergency medical technician in Missouri and fingerprints need to be
8 submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal
9 history, or they are currently licensed and the license will expire before a verification can be
10 completed of the existence or absence of a criminal history;

11 (3) Have submitted a complete application upon such forms as prescribed by the
12 department in rules adopted pursuant to sections 190.001 to 190.245;

13 (4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules
14 promulgated pursuant to sections 190.001 to 190.245;

15 (5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to
16 190.245.

17 2. A temporary emergency medical technician license shall only authorize the license to
18 practice while under the immediate supervision of a licensed emergency medical
19 ~~[technician-basic, emergency medical technician-intermediate, emergency medical~~
20 ~~technician-paramedic]~~ **technician**, registered nurse, or physician who is currently licensed,
21 without restrictions, to practice in Missouri.

22 3. A temporary emergency medical technician license shall automatically expire either
23 ninety days from the date of issuance or upon the issuance of a five-year emergency medical
24 technician license.

190.147. 1. Emergency medical technician paramedics (EMT-Ps):

2 (1) **Who have completed a standard crisis intervention training course as endorsed**
3 **and developed by the state EMS medical director's advisory committee;**

4 (2) **Who have been authorized by their ground or air ambulance service's**
5 **administration and medical director under subsection 3 of section 190.103; and**

6 (3) **Whose ground or air ambulance service has developed and adopted**
7 **standardized triage, treatment, and transport protocols under subsection 3 of section**
8 **190.103, which address the challenge of treating and transporting behavioral health**
9 **patients who present a likelihood of serious harm to themselves or others as the term**
10 **"likelihood of serious harm" is defined under section 632.005 or who are significantly**
11 **incapacitated by alcohol or drugs; provided, that such protocols shall be reviewed and**
12 **approved by the state EMS medical director's advisory committee and that such protocols**
13 **shall direct the EMT-P regarding the proper use of patient restraint and coordination with**
14 **area law enforcement. Patient restraint protocols shall be based upon current applicable**
15 **national guidelines;**

16
17 **may make a good faith determination that such patients shall be placed into a temporary**
18 **hold for the sole purposes of transport to the nearest appropriate facility; provided, that**
19 **such determination shall be made in cooperation with at least one other EMT-P or other**
20 **medical professional involved in the transport. Once in a temporary hold, the patient shall**
21 **be treated with humane care in a manner that preserves human dignity, consistent with**

22 applicable federal regulations and nationally-recognized guidelines regarding the
23 appropriate use of temporary holds and restraints in medical transport.

24 **2. In any instance in which a good faith determination for a temporary hold of a**
25 **patient has been made, such hold shall be made in a clinically appropriate and adequately**
26 **justified manner, and shall be documented and attested to in writing. The writing shall be**
27 **retained by the ambulance service and included as part of the patient's medical file.**

28 **3. EMT-Ps who have made a good faith decision for a temporary hold of a patient**
29 **as authorized by this section shall no longer have to rely on the common law doctrine of**
30 **implied consent and therefore shall not be civilly liable for a good faith determination**
31 **made in accordance with this section and shall not have waived any sovereign immunity**
32 **defense, official immunity defense, or Missouri public duty doctrine defense if employed**
33 **at the time of the good faith determination by a government employer.**

34 **4. Any ground or air ambulance service that adopts the authority and protocols**
35 **provided for by this section shall have a memorandum of understanding with applicable**
36 **local law enforcement agencies in order to achieve a collaborative and coordinated**
37 **response to patients displaying symptoms of either a likelihood of serious harm to**
38 **themselves or others or significant incapacitation by alcohol or drugs, which require a**
39 **crisis intervention response. The memorandum of understanding shall include, but not be**
40 **limited to, the following:**

41 **(1) Administrative oversight, including coordination between ambulance services**
42 **and law enforcement agencies;**

43 **(2) Patient restraint techniques and coordination of agency responses to situations**
44 **in which patient restraint may be required;**

45 **(3) Field interaction between paramedics and law enforcement, including patient**
46 **destination and transportation; and**

47 **(4) Coordination of program quality assurance.**

48 **5. The physical restraint of a patient by an emergency medical technician under the**
49 **authority of this section shall be permitted only in order to provide for the safety of**
50 **bystanders, the patient, or emergency personnel due to an imminent or immediate danger,**
51 **or upon approval by local medical control through direct communications. Restraint shall**
52 **also be permitted through cooperation with on-scene law enforcement officers. All**
53 **incidents involving patient restraint used under the authority of this section shall be**
54 **reviewed by the ambulance service physician medical director.**

190.165. 1. The department may refuse to issue or deny renewal of any certificate,
2 permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the
3 provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the

4 department to implement its provisions as described in subsection 2 of this section. The
5 department shall notify the applicant in writing of the reasons for the refusal and shall advise the
6 applicant of his or her right to file a complaint with the administrative hearing commission as
7 provided by chapter 621.

8 2. The department may cause a complaint to be filed with the administrative hearing
9 commission as provided by chapter 621 against any holder of any certificate, permit or license
10 required by sections 190.100 to 190.245 or any person who has failed to renew or has
11 surrendered his or her certificate, permit or license for failure to comply with the provisions of
12 sections 190.100 to 190.245 or any lawful regulations promulgated by the department to
13 implement such sections. Those regulations shall be limited to the following:

14 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,
15 or alcoholic beverage to an extent that such use impairs a person's ability to perform the work
16 of any activity licensed or regulated by sections 190.100 to 190.245;

17 (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo
18 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
19 offense reasonably related to the qualifications, functions or duties of any activity licensed or
20 regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which
21 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether
22 or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate,
24 permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to
25 take any examination given or required pursuant to sections 190.100 to 190.245;

26 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by
27 fraud, deception or misrepresentation;

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
29 in the performance of the functions or duties of any activity licensed or regulated by sections
30 190.100 to 190.245;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
32 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to
33 sections 190.100 to 190.245;

34 (7) Impersonation of any person holding a certificate, permit or license or allowing any
35 person to use his or her certificate, permit, license or diploma from any school;

36 (8) Disciplinary action against the holder of a license or other right to practice any
37 activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal
38 agency or country upon grounds for which revocation or suspension is authorized in this state;

39 (9) For an individual being finally adjudged insane or incompetent by a court of
40 competent jurisdiction;

41 (10) Assisting or enabling any person to practice or offer to practice any activity licensed
42 or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice
43 pursuant to sections 190.100 to 190.245;

44 (11) Issuance of a certificate, permit or license based upon a material mistake of fact;

45 (12) Violation of any professional trust, confidence, or legally protected privacy rights
46 of a patient by means of an unauthorized or unlawful disclosure;

47 (13) Use of any advertisement or solicitation which is false, misleading or deceptive to
48 the general public or persons to whom the advertisement or solicitation is primarily directed;

49 (14) Violation of the drug laws or rules and regulations of this state, any other state or
50 the federal government;

51 (15) Refusal of any applicant or licensee to respond to reasonable department of health
52 and senior services' requests for necessary information to process an application or to determine
53 license status or license eligibility;

54 (16) Any conduct or practice which is or might be harmful or dangerous to the mental
55 or physical health or safety of a patient or the public;

56 (17) Repeated acts of negligence or recklessness in the performance of the functions or
57 duties of any activity licensed or regulated by sections 190.100 to 190.245.

58 3. If the department conducts investigations, the department, prior to interviewing a
59 licensee who is the subject of the investigation, shall explain to the licensee that he or she has
60 the right to:

61 (1) Consult legal counsel or have legal counsel present;

62 (2) Have anyone present whom he or she deems to be necessary or desirable~~[-except for~~
63 ~~any holder of any certificate, permit, or license required by sections 190.100 to 190.245];~~ and

64 (3) Refuse to answer any question or refuse to provide or sign any written statement.

65 The assertion of any right listed in this subsection shall not be deemed by the department to be
66 a failure to cooperate with any department investigation.

67 4. After the filing of such complaint, the proceedings shall be conducted in accordance
68 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
69 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
70 department may, singly or in combination, censure or place the person named in the complaint
71 on probation on such terms and conditions as the department deems appropriate for a period not
72 to exceed five years, or may suspend, for a period not to exceed three years, or revoke the
73 license, certificate or permit. Notwithstanding any provision of law to the contrary, the
74 department shall be authorized to impose a suspension or revocation as a disciplinary action only

75 if it first files the requisite complaint with the administrative hearing commission. **The**
76 **administrative hearing commission shall hear all relevant evidence on remediation**
77 **activities of the licensee and shall make a recommendation to the department of health and**
78 **senior services as to licensure disposition based on such evidence.**

79 5. An individual whose license has been revoked shall wait one year from the date of
80 revocation to apply for relicensure. Relicensure shall be at the discretion of the department after
81 compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of
82 an applicant for the first time. Any individual whose license has been revoked twice within a
83 ten-year period shall not be eligible for relicensure.

84 6. The department may notify the proper licensing authority of any other state in which
85 the person whose license was suspended or revoked was also licensed of the suspension or
86 revocation.

87 7. Any person, organization, association or corporation who reports or provides
88 information to the department pursuant to the provisions of sections 190.100 to 190.245 and who
89 does so in good faith shall not be subject to an action for civil damages as a result thereof.

90 8. The department of health and senior services may suspend any certificate, permit or
91 license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the
92 complaint with the administrative hearing commission as set forth in subsection 2 of this section,
93 if the department finds that there is an imminent threat to the public health. The notice of
94 suspension shall include the basis of the suspension and notice of the right to appeal such
95 suspension. The licensee may appeal the decision to suspend the license, certificate or permit
96 to the department. The appeal shall be filed within ten days from the date of the filing of the
97 complaint. A hearing shall be conducted by the department within ten days from the date the
98 appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings,
99 including review thereof, unless sooner withdrawn by the department, dissolved by a court of
100 competent jurisdiction or stayed by the administrative hearing commission.

190.173. 1. All complaints, investigatory reports, and information pertaining to any
2 applicant, holder of any certificate, permit, or license, or other individual are confidential and
3 shall only be disclosed upon written consent of the person whose records are involved or to other
4 administrative or law enforcement agencies acting within the scope of their statutory authority.
5 However, no applicant, holder of any certificate, permit, or license, or other individual shall have
6 access to any complaints, investigatory reports, or information concerning an investigation in
7 progress until such time as the investigation has been completed as required by subsection 1 of
8 section 190.248.

9 2. Any information regarding the identity, name, address, license, final disciplinary
10 action taken, currency of the license, permit, or certificate of an applicant for or a person

11 possessing a license, permit, or certificate in accordance with sections 190.100 to 190.245 shall
12 not be confidential.

13 **3. Any information regarding the physical address, mailing address, phone**
14 **number, fax number, or email address of a licensed ambulance service or a certified**
15 **training entity, including the name of the medical director and organizational contact**
16 **information, shall not be confidential.**

17 **4.** This section shall not be construed to authorize the release of records, reports, or other
18 information which may be held in department files for any holder of or applicant for any
19 certificate, permit, or license that is subject to other specific state or federal laws concerning their
20 disclosure.

21 **5. Nothing in this section shall prohibit the department from releasing aggregate**
22 **information in accordance with section 192.067.**

190.196. 1. No employer shall knowingly employ or permit any employee to perform
2 any services for which a license, certificate or other authorization is required by sections 190.001
3 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the
4 person so employed possesses all licenses, certificates or authorizations that are required.

5 **2.** Any person or entity that employs or supervises a person's activities as ~~[a first]~~ **an**
6 **emergency medical** responder, emergency medical dispatcher, emergency medical
7 ~~[technician-basic, emergency medical technician-intermediate, emergency medical~~
8 ~~technician-paramedic]~~ **technician**, registered nurse, or physician shall cooperate with the
9 department's efforts to monitor and enforce compliance by those individuals subject to the
10 requirements of sections 190.001 to 190.245.

11 **3.** Any person or entity who employs individuals licensed by the department pursuant
12 to sections 190.001 to 190.245 shall report to the department within seventy-two hours of their
13 having knowledge of any charges filed against a licensee in their employ for possible criminal
14 action involving the following felony offenses:

- 15 (1) Child abuse or sexual abuse of a child;
16 (2) Crimes of violence; or
17 (3) Rape or sexual abuse.

18 **4.** Any licensee who has charges filed against him or her for the felony offenses in
19 subsection 3 of this section shall report such an occurrence to the department within seventy-two
20 hours of the charges being filed.

21 **5.** The department will monitor these reports for possible licensure action authorized
22 pursuant to section 190.165.

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

2 (1) "Eligible person, firm, organization or other entity", an ambulance service or
3 emergency medical response agency, [~~a certified first~~] **an emergency medical** responder,
4 [~~emergency medical technical basic~~] or **an emergency medical** [~~technician paramedic~~]
5 **technician** who is employed by, or an enrolled member, person, firm, organization or entity
6 designated by, rule of the department of health and senior services in consultation with other
7 appropriate agencies. All such eligible persons, firms, organizations or other entities shall be
8 subject to the rules promulgated by the director of the department of health and senior services;

9 (2) "Emergency health care provider":

10 (a) A physician licensed pursuant to chapter 334 with knowledge and experience in the
11 delivery of emergency care; or

12 (b) A hospital licensed pursuant to chapter 197 that provides emergency care.

13 2. Possession and use of epinephrine auto-injector devices shall be limited as follows:

14 (1) No person shall use an epinephrine auto-injector device unless such person has
15 successfully completed a training course in the use of epinephrine auto-injector devices approved
16 by the director of the department of health and senior services. Nothing in this section shall
17 prohibit the use of an epinephrine auto-injector device:

18 (a) By a health care professional licensed or certified by this state who is acting within
19 the scope of his or her practice; or

20 (b) By a person acting pursuant to a lawful prescription;

21 (2) Every person, firm, organization and entity authorized to possess and use epinephrine
22 auto-injector devices pursuant to this section shall use, maintain and dispose of such devices in
23 accordance with the rules of the department;

24 (3) Every use of an epinephrine auto-injector device pursuant to this section shall
25 immediately be reported to the emergency health care provider.

26 3. (1) Use of an epinephrine auto-injector device pursuant to this section shall be
27 considered first aid or emergency treatment for the purpose of any law relating to liability.

28 (2) Purchase, acquisition, possession or use of an epinephrine auto-injector device
29 pursuant to this section shall not constitute the unlawful practice of medicine or the unlawful
30 practice of a profession.

31 (3) Any person otherwise authorized to sell or provide an epinephrine auto-injector
32 device may sell or provide it to a person authorized to possess it pursuant to this section.

33 4. Any person, firm, organization or entity that violates the provisions of this section is
34 guilty of a class B misdemeanor.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency
2 telephone services, the county commission of any county may impose a county sales tax for the
3 provision of central dispatching of fire protection, including law enforcement agencies,

4 emergency ambulance service or any other emergency services, including emergency telephone
5 services, which shall be collectively referred to herein as "emergency services", and which may
6 also include the purchase and maintenance of communications and emergency equipment,
7 including the operational costs associated therein, in accordance with the provisions of this
8 section.

9 2. Such county commission may, by a majority vote of its members, submit to the voters
10 of the county, at a public election, a proposal to authorize the county commission to impose a
11 tax under the provisions of this section. If the residents of the county present a petition signed
12 by a number of residents equal to ten percent of those in the county who voted in the most recent
13 gubernatorial election, then the commission shall submit such a proposal to the voters of the
14 county.

15 3. The ballot of submission shall be in substantially the following form:

16 Shall the county of _____ (insert name of county) impose a county sales tax of _____
17 (insert rate of percent) percent for the purpose of providing central dispatching of fire protection,
18 emergency ambulance service, including emergency telephone services, and other emergency
19 services?

20 YES

NO

21

22 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
23 of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes
24 cast by the qualified voters voting are opposed to the proposal, then the county commission shall
25 have no power to impose the tax authorized by this section unless and until the county
26 commission shall again have submitted another proposal to authorize the county commission to
27 impose the tax under the provisions of this section, and such proposal is approved by a majority
28 of the qualified voters voting thereon.

29 4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from
30 the sale at retail of all tangible personal property or taxable services at retail within any county
31 adopting such tax, if such property and services are subject to taxation by the state of Missouri
32 under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior
33 to thirty-six months before operation of the central dispatching of emergency services.

34 5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
35 apply to the tax imposed under this section.

36 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year
37 in which the tax imposed pursuant to this section for emergency services is certified by the board
38 to be fully operational. Any revenues collected from the tax authorized under section 190.305
39 shall be credited for the purposes for which they were intended.

40 7. At least once each calendar year, the board shall establish a tax rate, not to exceed the
41 amount authorized, that together with any surplus revenues carried forward will produce
42 sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess
43 of that necessary within a given year shall be carried forward to subsequent years. The board
44 shall make its determination of such tax rate each year no later than September first and shall fix
45 the new rate which shall be collected as provided in this act. Immediately upon making its
46 determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall
47 notify every retailer by mail of the new rate.

48 8. Immediately upon the affirmative vote of voters of such a county on the ballot
49 proposal to establish a county sales tax pursuant to the provisions of this section, the county
50 commission shall appoint the initial members of a board to administer the funds and oversee the
51 provision of emergency services in the county. Beginning with the general election in 1994, all
52 board members shall be elected according to this section and other applicable laws of this state.
53 At the time of the appointment of the initial members of the board, the commission shall
54 relinquish and no longer exercise the duties prescribed in this chapter with regard to the
55 provision of emergency services and such duties shall be exercised by the board.

56 9. The initial board shall consist of seven members appointed without regard to political
57 affiliation, who shall be selected from, and who shall represent, the fire protection districts,
58 ambulance districts, sheriff's department, municipalities, any other emergency services and the
59 general public. This initial board shall serve until its successor board is duly elected and
60 installed in office. The commission shall ensure geographic representation of the county by
61 appointing no more than four members from each district of the county commission.

62 10. Beginning in 1994, three members shall be elected from each district of the county
63 commission and one member shall be elected at large, such member to be the chairman of the
64 board. Of those first elected, four members from districts of the county commission shall be
65 elected for terms of two years and two members from districts of the county commission and the
66 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
67 office shall be four years. Notwithstanding any other provision of law, if there is no candidate
68 for an open position on the board, then no election shall be held for that position and it shall be
69 considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only
70 one candidate for each open position, no election shall be held and the candidate or candidates
71 shall assume office at the same time and in the same manner as if elected.

72 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
73 in any county of the first classification with more than two hundred forty thousand three hundred
74 but fewer than two hundred forty thousand four hundred inhabitants or in any county of the third
75 classification with a township form of government and with more than twenty-eight thousand

76 but fewer than thirty-one thousand inhabitants **or in any county of the third classification**
77 **without a township form of government and with more than thirty-seven thousand but**
78 **fewer than forty-one thousand inhabitants and with a city of the fourth classification with**
79 **more than four thousand five hundred but fewer than five thousand inhabitants as the**
80 **county seat**, any emergency telephone service 911 board appointed by the county under section
81 190.309 which is in existence on the date the voters approve a sales tax under this section shall
82 continue to exist and shall have the powers set forth under section 190.339. Such boards which
83 existed prior to August 25, 2010, shall not be considered a body corporate and a political
84 subdivision of the state for any purpose, unless and until an order is entered upon an unanimous
85 vote of the commissioners of the county in which such board is established reclassifying such
86 board as a corporate body and political subdivision of the state. The order shall approve the
87 transfer of the assets and liabilities related to the operation of the emergency service 911 system
88 to the new entity created by the reclassification of the board.

89 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
90 contrary, in any county of the second classification with more than fifty-four thousand two
91 hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first
92 classification with more than fifty thousand but fewer than seventy thousand inhabitants that has
93 approved a sales tax under this section, the county commission shall appoint the members of the
94 board to administer the funds and oversee the provision of emergency services in the county.

95 (2) The board shall consist of seven members appointed without regard to political
96 affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one
97 of the following:

98 (a) The head of any of the county's fire protection districts, or a designee;

99 (b) The head of any of the county's ambulance districts, or a designee;

100 (c) The county sheriff, or a designee;

101 (d) The head of any of the police departments in the county, or a designee; and

102 (e) The head of any of the county's emergency management organizations, or a designee.

103 (3) Upon the appointment of the board under this subsection, the board shall have the
104 power provided in section 190.339 and shall exercise all powers and duties exercised by the
105 county commission under this chapter, and the commission shall relinquish all powers and duties
106 relating to the provision of emergency services under this chapter to the board.

107 (4) In any county of the first classification with more than fifty thousand but fewer than
108 seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall
109 be represented on the board by at least one member.

190.900. 1. The "Recognition of EMS Personnel Licensure Interstate Compact" (REPLICA) is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows in sections 190.900 to 190.939.

2. As used in sections 190.900 to 190.939, the following terms mean:

(1) "Advanced emergency medical technician" or "AEMT", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(2) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a state's laws that may be imposed against licensed EMS personnel by a state EMS authority or state court including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation, or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state EMS authority;

(3) "Certification", the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination;

(4) "Commission", the national administrative body of which all states that have enacted the compact are members;

(5) "Emergency medical technician" or "EMT", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(6) "EMS", emergency medical services;

(7) "Home state", a member state where an individual is licensed to practice emergency medical services;

(8) "License", the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic;

(9) "Medical director", a physician licensed in a member state who is accountable for the care delivered by EMS personnel;

(10) "Member state", a state that has enacted this compact;

(11) "Paramedic", an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model;

(12) "Privilege to practice", an individual's authority to deliver emergency medical services in remote states as authorized under this compact;

(13) "Remote state", a member state in which an individual is not licensed;

36 (14) "Restricted", the outcome of an adverse action that limits a license or the
37 privilege to practice;

38 (15) "Rule", a written statement by the interstate commission promulgated under
39 section 190.930 of this compact that is of general applicability; implements, interprets, or
40 prescribes a policy or provision of the compact; or is an organizational, procedural, or
41 practice requirement of the commission and has the force and effect of statutory law in a
42 member state and includes the amendment, repeal, or suspension of an existing rule;

43 (16) "Scope of practice", defined parameters of various duties or services that may
44 be provided by an individual with specific credentials. Whether regulated by rule, statute,
45 or court decision, it tends to represent the limits of services an individual may perform;

46 (17) "Significant investigatory information":

47 (a) Investigative information that a state EMS authority, after a preliminary
48 inquiry that includes notification and an opportunity to respond if required by state law,
49 has reason to believe, if proven true, would result in the imposition of an adverse action on
50 a license or privilege to practice; or

51 (b) Investigative information that indicates that the individual represents an
52 immediate threat to public health and safety, regardless of whether the individual has been
53 notified and had an opportunity to respond;

54 (18) "State", any state, commonwealth, district, or territory of the United States;

55 (19) "State EMS authority", the board, office, or other agency with the legislative
56 mandate to license EMS personnel.

190.903. 1. Any member state in which an individual holds a current license shall
2 be deemed a home state for purposes of this compact.

3 2. Any member state may require an individual to obtain and retain a license to be
4 authorized to practice in the member state under circumstances not authorized by the
5 privilege to practice under the terms of this compact.

6 3. A home state's license authorizes an individual to practice in a remote state
7 under the privilege to practice only if the home state:

8 (1) Currently requires the use of the National Registry of Emergency Medical
9 Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT
10 and paramedic levels;

11 (2) Has a mechanism in place for receiving and investigating complaints about
12 individuals;

13 (3) Notifies the commission, in compliance with the terms herein, of any adverse
14 action or significant investigatory information regarding an individual;

15 **(4) No later than five years after activation of the compact, requires a criminal**
16 **background check of all applicants for initial licensure, including the use of the results of**
17 **fingerprint or other biometric data checks compliant with the requirements of the Federal**
18 **Bureau of Investigation, with the exception of federal employees who have suitability**
19 **determination in accordance with 5 CFR 731.202 and submit documentation of such as**
20 **promulgated in the rules of the commission; and**

21 **(5) Complies with the rules of the commission.**

190.906. 1. Member states shall recognize the privilege to practice of an individual
2 **licensed in another member state that is in conformance with section 190.903.**

3 **2. To exercise the privilege to practice under the terms and provisions of this**
4 **compact, an individual shall:**

5 **(1) Be at least eighteen years of age;**

6 **(2) Possess a current unrestricted license in a member state as an EMT, AEMT,**
7 **paramedic, or state-recognized and licensed level with a scope of practice and authority**
8 **between EMT and paramedic; and**

9 **(3) Practice under the supervision of a medical director.**

10 **3. An individual providing patient care in a remote state under the privilege to**
11 **practice shall function within the scope of practice authorized by the home state unless and**
12 **until modified by an appropriate authority in the remote state, as may be defined in the**
13 **rules of the commission.**

14 **4. Except as provided in subsection 3 of this section, an individual practicing in a**
15 **remote state shall be subject to the remote state's authority and laws. A remote state may,**
16 **in accordance with due process and that state's laws, restrict, suspend, or revoke an**
17 **individual's privilege to practice in the remote state and may take any other necessary**
18 **actions to protect the health and safety of its citizens. If a remote state takes action, it shall**
19 **promptly notify the home state and the commission.**

20 **5. If an individual's license in any home state is restricted, suspended, or revoked,**
21 **the individual shall not be eligible to practice in a remote state under the privilege to**
22 **practice until the individual's home state license is restored.**

23 **6. If an individual's privilege to practice in any remote state is restricted,**
24 **suspended, or revoked, the individual shall not be eligible to practice in any remote state**
25 **until the individual's privilege to practice is restored.**

190.909. An individual may practice in a remote state under a privilege to practice
2 **only in the performance of the individual's EMS duties as assigned by an appropriate**
3 **authority, as defined in the rules of the commission, and under the following**
4 **circumstances:**

5 **(1) The individual originates a patient transport in a home state and transports the**
6 **patient to a remote state;**

7 **(2) The individual originates in the home state and enters a remote state to pick up**
8 **a patient and provides care and transport of the patient to the home state;**

9 **(3) The individual enters a remote state to provide patient care or transport within**
10 **that remote state;**

11 **(4) The individual enters a remote state to pick up a patient and provides care and**
12 **transport to a third member state; or**

13 **(5) Other conditions as determined by rules promulgated by the commission.**

190.912. Upon a member state's governor's declaration of a state of emergency or
2 **disaster that activates the Emergency Management Assistance Compact (EMAC), all**
3 **relevant terms and provisions of EMAC shall apply, and to the extent any terms or**
4 **provisions of this compact conflict with EMAC, the terms of EMAC shall prevail with**
5 **respect to any individual practicing in the remote state in response to such declaration.**

190.915. 1. Member states shall consider a veteran, active military service member,
2 **or member of the National Guard and Reserves separating from an active duty tour, or a**
3 **spouse thereof, who holds a current, valid, and unrestricted NREMT certification at or**
4 **above the level of the state license being sought as satisfying the minimum training and**
5 **examination requirements for such licensure.**

6 **2. Member states shall expedite the process of licensure applications submitted by**
7 **veterans, active military service members, or members of the National Guard and Reserves**
8 **separating from an active duty tour, or their spouses.**

9 **3. All individuals functioning with a privilege to practice under this section remain**
10 **subject to the adverse action provisions of section 190.918.**

190.918. 1. A home state shall have exclusive power to impose adverse action
2 **against an individual's license issued by the home state.**

3 **2. If an individual's license in any home state is restricted, suspended, or revoked,**
4 **the individual shall not be eligible to practice in a remote state under the privilege to**
5 **practice until the individual's home state license is restored.**

6 **(1) All home state adverse action orders shall include a statement that the**
7 **individual's compact privileges are inactive. The order may allow the individual to**
8 **practice in remote states with prior written authorization from both the home state and the**
9 **remote state's EMS authority.**

10 **(2) An individual currently subject to adverse action in the home state shall not**
11 **practice in any remote state without prior written authorization from both the home state**
12 **and remote state's EMS authority.**

13 **3. A member state shall report adverse actions and any occurrences that the**
14 **individual's compact privileges are restricted, suspended, or revoked to the commission in**
15 **accordance with the rules of the commission.**

16 **4. A remote state may take adverse action on an individual's privilege to practice**
17 **within that state.**

18 **5. Any member state may take adverse action against an individual's privilege to**
19 **practice in that state based on the factual findings of another member state, so long as each**
20 **state follows its own procedures for imposing such adverse action.**

21 **6. A home state's EMS authority shall coordinate investigative activities, share**
22 **information via the coordinated database, and take appropriate action with respect to**
23 **reported conduct in a remote state as it would if such conduct had occurred within the**
24 **home state. In such cases, the home state's law shall control in determining the**
25 **appropriate adverse action.**

26 **7. Nothing in this compact shall override a member state's decision that**
27 **participation in an alternative program may be used in lieu of adverse action and that such**
28 **participation shall remain nonpublic if required by the member state's laws. Member**
29 **states shall require individuals who enter any alternative programs to agree not to practice**
30 **in any other member state during the term of the alternative program without prior**
31 **authorization from such other member state.**

190.921. A member state's EMS authority, in addition to any other powers granted
2 **under state law, is authorized under this compact to:**

3 **(1) Issue subpoenas for both hearings and investigations that require the**
4 **attendance and testimony of witnesses and the production of evidence. Subpoenas issued**
5 **by a member state's EMS authority for the attendance and testimony of witnesses or the**
6 **production of evidence from another member state shall be enforced in the remote state**
7 **by any court of competent jurisdiction according to that court's practice and procedure in**
8 **considering subpoenas issued in its own proceedings. The issuing state's EMS authority**
9 **shall pay any witness fees, travel expenses, mileage, and other fees required by the service**
10 **statutes of the state where the witnesses or evidence is located; and**

11 **(2) Issue cease and desist orders to restrict, suspend, or revoke an individual's**
12 **privilege to practice in the state.**

190.924. 1. The compact states hereby create and establish a joint public agency
2 **known as the "Interstate Commission for EMS Personnel Practice".**

3 **(1) The commission is a body politic and an instrumentality of the compact states.**

4 **(2) Venue is proper and judicial proceedings by or against the commission shall be**
5 **brought solely and exclusively in a court of competent jurisdiction where the principal**

6 office of the commission is located. The commission may waive venue and jurisdictional
7 defenses to the extent it adopts or consents to participate in alternative dispute resolution
8 proceedings.

9 (3) Nothing in this compact shall be construed to be a waiver of sovereign
10 immunity.

11 2. Each member state shall have and be limited to one delegate. The responsible
12 official of the state EMS authority or his or her designee shall be the delegate to this
13 compact for each member state. Any delegate may be removed or suspended from office
14 as provided by the law of the state from which the delegate is appointed. Any vacancy
15 occurring in the commission shall be filled in accordance with the laws of the member state
16 in which the vacancy exists. In the event that more than one board, office, or other agency
17 with the legislative mandate to license EMS personnel at and above the level of EMT exists,
18 the governor of the state shall determine which entity shall be responsible for assigning the
19 delegate.

20 (1) Each delegate shall be entitled to one vote with regard to the promulgation of
21 rules and creation of bylaws, and shall otherwise have an opportunity to participate in the
22 business and affairs of the commission. A delegate shall vote in person or by such other
23 means as provided in the bylaws. The bylaws may provide for delegates' participation in
24 meetings by telephone or other means of communication.

25 (2) The commission shall meet at least once during each calendar year. Additional
26 meetings shall be held as set forth in the bylaws.

27 (3) All meetings shall be open to the public, and public notice of meetings shall be
28 given in the same manner as required under the rulemaking provisions in section 190.930.

29 (4) The commission may convene in a closed, nonpublic meeting if the commission
30 must discuss:

31 (a) Noncompliance of a member state with its obligations under the compact;

32 (b) The employment, compensation, discipline or other personnel matters,
33 practices, or procedures related to specific employees, or other matters related to the
34 commission's internal personnel practices and procedures;

35 (c) Current, threatened, or reasonably anticipated litigation;

36 (d) Negotiation of contracts for the purchase or sale of goods, services, or real
37 estate;

38 (e) Accusing any person of a crime or formally censuring any person;

39 (f) Disclosure of trade secrets or commercial or financial information that is
40 privileged or confidential;

41 (g) Disclosure of information of a personal nature if disclosure would constitute a
42 clearly unwarranted invasion of personal privacy;

43 (h) Disclosure of investigatory records compiled for law enforcement purposes;

44 (i) Disclosure of information related to any investigatory reports prepared by or
45 on behalf of or for use of the commission or other committee charged with responsibility
46 of investigation or determination of compliance issues pursuant to the compact; or

47 (j) Matters specifically exempted from disclosure by federal or member state
48 statute.

49 (5) If a meeting or portion of a meeting is closed under this section, the
50 commission's legal counsel or designee shall certify that the meeting may be closed and
51 shall reference each relevant exempting provision. The commission shall keep minutes that
52 fully and clearly describe all matters discussed in a meeting and shall provide a full and
53 accurate summary of actions taken and the reasons therefor, including a description of the
54 views expressed. All documents considered in connection with an action shall be identified
55 in such minutes. All minutes and documents of a closed meeting shall remain under seal,
56 subject to release by a majority vote of the commission or order of a court of competent
57 jurisdiction.

58 3. The commission shall, by a majority vote of the delegates, prescribe bylaws and
59 rules to govern its conduct as may be necessary or appropriate to carry out the purposes
60 and exercise the powers of the compact including, but not limited to:

61 (1) Establishing the fiscal year of the commission;

62 (2) Providing reasonable standards and procedures:

63 (a) For the establishment and meetings of other committees; and

64 (b) Governing any general or specific delegation of any authority or function of the
65 commission;

66 (3) Providing reasonable procedures for calling and conducting meetings of the
67 commission, ensuring reasonable advance notice of all meetings, and providing an
68 opportunity for attendance of such meetings by interested parties, with enumerated
69 exceptions designed to protect the public's interest, the privacy of individuals, and
70 proprietary information, including trade secrets. The commission may meet in closed
71 session only after a majority of the membership votes to close a meeting in whole or in part.
72 As soon as practicable, the commission shall make public a copy of the vote to close the
73 meeting revealing the vote of each member with no proxy votes allowed;

74 (4) Establishing the titles, duties and authority, and reasonable procedures for the
75 election of the officers of the commission;

76 **(5) Providing reasonable standards and procedures for the establishment of the**
77 **personnel policies and programs of the commission. Notwithstanding any civil service or**
78 **other similar laws of any member state, the bylaws shall exclusively govern the personnel**
79 **policies and programs of the commission;**

80 **(6) Promulgating a code of ethics to address permissible and prohibited activities**
81 **of commission members and employees;**

82 **(7) Providing a mechanism for winding up the operations of the commission and**
83 **the equitable disposition of any surplus funds that may exist after the termination of the**
84 **compact after the payment or reserving of all of its debts and obligations;**

85 **(8) The commission shall publish its bylaws and file a copy thereof, and a copy of**
86 **any amendment thereto, with the appropriate agency or officer in each of the member**
87 **states, if any;**

88 **(9) The commission shall maintain its financial records in accordance with the**
89 **bylaws; and**

90 **(10) The commission shall meet and take such actions as are consistent with the**
91 **provisions of this compact and the bylaws.**

92 **4. The commission shall have the following powers:**

93 **(1) To promulgate uniform rules to facilitate and coordinate implementation and**
94 **administration of this compact. The rules shall have the force and effect of law and shall**
95 **be binding on all member states;**

96 **(2) To bring and prosecute legal proceedings or actions in the name of the**
97 **commission; provided that, the standing of any state EMS authority or other regulatory**
98 **body responsible for EMS personnel licensure to sue or be sued under applicable law shall**
99 **not be affected;**

100 **(3) To purchase and maintain insurance and bonds;**

101 **(4) To borrow, accept, or contract for services of personnel including, but not**
102 **limited to, employees of a member state;**

103 **(5) To hire employees, elect or appoint officers, fix compensation, define duties,**
104 **grant such individuals appropriate authority to carry out the purposes of the compact, and**
105 **to establish the commission's personnel policies and programs relating to conflicts of**
106 **interest, qualifications of personnel, and other related personnel matters;**

107 **(6) To accept any and all appropriate donations and grants of money, equipment,**
108 **supplies, materials, and services, and to receive, utilize, and dispose of the same; provided**
109 **that, at all times the commission shall strive to avoid any appearance of impropriety and**
110 **conflict of interest;**

111 (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to
112 own, hold, improve, or use any property, real, personal, or mixed; provided that, at all
113 times the commission shall strive to avoid any appearance of impropriety;

114 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
115 dispose of any property, real, personal, or mixed;

116 (9) To establish a budget and make expenditures;

117 (10) To borrow money;

118 (11) To appoint committees, including advisory committees comprised of members,
119 state regulators, state legislators or their representatives, consumer representatives, and
120 such other interested persons as may be designated in this compact and the bylaws;

121 (12) To provide and receive information from, and to cooperate with, law
122 enforcement agencies;

123 (13) To adopt and use an official seal; and

124 (14) To perform such other functions as may be necessary or appropriate to achieve
125 the purposes of this compact consistent with the state regulation of EMS personnel
126 licensure and practice.

127 5. (1) The commission shall pay, or provide for the payment of, the reasonable
128 expenses of its establishment, organization, and ongoing activities.

129 (2) The commission may accept any and all appropriate revenue sources, donations,
130 and grants of money, equipment, supplies, materials, and services.

131 (3) The commission may levy on and collect an annual assessment from each
132 member state or impose fees on other parties to cover the cost of the operations and
133 activities of the commission and its staff, which shall be in a total amount sufficient to cover
134 its annual budget as approved each year for which revenue is not provided by other
135 sources. The aggregate annual assessment amount shall be allocated based upon a formula
136 to be determined by the commission, which shall promulgate a rule binding upon all
137 member states.

138 (4) The commission shall not incur obligations of any kind prior to securing the
139 funds adequate to meet the same; nor shall the commission pledge the credit of any of the
140 member states, except by and with the authority of the member state.

141 (5) The commission shall keep accurate accounts of all receipts and disbursements.
142 The receipts and disbursements of the commission shall be subject to the audit and
143 accounting procedures established under its bylaws. However, all receipts and
144 disbursements of funds handled by the commission shall be audited yearly by a certified
145 or licensed public accountant, and the report of the audit shall be included in and become
146 part of the annual report of the commission.

147 **6. (1) The members, officers, executive director, employees, and representatives of**
148 **the commission shall be immune from suit and liability, either personally or in their official**
149 **capacity, for any claim, damage to or loss of property, personal injury, or other civil**
150 **liability caused by or arising out of any actual or alleged act, error, or omission that**
151 **occurred or that the person against whom the claim is made had a reasonable basis for**
152 **believing occurred within the scope of commission employment, duties, or responsibilities;**
153 **provided that, nothing in this subdivision shall be construed to protect any such person**
154 **from suit or liability for any damage, loss, injury, or liability caused by the intentional,**
155 **willful, or wanton misconduct of that person.**

156 **(2) The commission shall defend any member, officer, executive director, employee,**
157 **or representative of the commission in any civil action seeking to impose liability arising**
158 **out of any actual or alleged act, error, or omission that occurred within the scope of**
159 **commission employment, duties, or responsibilities, or that the person against whom the**
160 **claim is made had a reasonable basis for believing occurred within the scope of commission**
161 **employment, duties, or responsibilities; provided that, nothing herein shall be construed**
162 **to prohibit that person from retaining his or her own counsel; and provided further, that**
163 **the actual or alleged act, error, or omission did not result from that person's intentional,**
164 **willful, or wanton misconduct.**

165 **(3) The commission shall indemnify and hold harmless any member, officer,**
166 **executive director, employee, or representative of the commission for the amount of any**
167 **settlement or judgment obtained against that person arising out of any actual or alleged**
168 **act, error, or omission that occurred within the scope of commission employment, duties,**
169 **or responsibilities, or that such person had a reasonable basis for believing occurred within**
170 **the scope of commission employment, duties, or responsibilities; provided that, the actual**
171 **or alleged act, error, or omission did not result from the intentional, willful, or wanton**
172 **misconduct of the person.**

190.927. 1. The commission shall provide for the development and maintenance
2 **of a coordinated database and reporting system containing licensure, adverse action, and**
3 **significant investigatory information on all licensed individuals in member states.**

4 **2. Notwithstanding any other provision of state law to the contrary, a member state**
5 **shall submit a uniform data set to the coordinated database on all individuals to whom this**
6 **compact is applicable as required by the rules of the commission, including:**

7 **(1) Identifying information;**

8 **(2) Licensure data;**

9 **(3) Significant investigatory information;**

10 **(4) Adverse actions against an individual's license;**

11 **(5) An indicator that an individual's privilege to practice is restricted, suspended,**
12 **or revoked;**

13 **(6) Nonconfidential information related to alternative program participation;**

14 **(7) Any denial of application for licensure and the reasons for such denial; and**

15 **(8) Other information that may facilitate the administration of this compact, as**
16 **determined by the rules of the commission.**

17 **3. The coordinated database administrator shall promptly notify all member states**
18 **of any adverse action taken against, or significant investigative information on, any**
19 **individual in a member state.**

20 **4. Member states contributing information to the coordinated database may**
21 **designate information that shall not be shared with the public without the express**
22 **permission of the contributing state.**

23 **5. Any information submitted to the coordinated database that is subsequently**
24 **required to be expunged by the laws of the member state contributing the information shall**
25 **be removed from the coordinated database.**

190.930. 1. The commission shall exercise its rulemaking powers pursuant to the
2 **criteria set forth in this section and the rules adopted thereunder. Rules and amendments**
3 **shall become binding as of the date specified in each rule or amendment.**

4 **2. If a majority of the legislatures of the member states rejects a rule by enactment**
5 **of a statute or resolution in the same manner used to adopt the compact, then such rule**
6 **shall have no further force and effect in any member state.**

7 **3. Rules or amendments to the rules shall be adopted at a regular or special meeting**
8 **of the commission.**

9 **4. Prior to promulgation and adoption of a final rule or rules by the commission,**
10 **and at least sixty days in advance of the meeting at which the rule or rules shall be**
11 **considered and voted upon, the commission shall file a notice of proposed rulemaking:**

12 **(1) On the website of the commission; and**

13 **(2) On the website of each member state's EMS authority or the publication in**
14 **which each state would otherwise publish proposed rules.**

15 **5. The notice of proposed rulemaking shall include:**

16 **(1) The proposed time, date, and location of the meeting at which the rule shall be**
17 **considered and voted upon;**

18 **(2) The text of the proposed rule or amendment and the reason for the proposed**
19 **rule;**

20 **(3) A request for comments on the proposed rule from any interested person; and**

21 **(4) The manner in which interested parties may submit notice to the commission**
22 **of their intention to attend the public hearing and any written comments.**

23 **6. Prior to adoption of a proposed rule, the commission shall allow persons to**
24 **submit written data, facts, opinions, and arguments that shall be made available to the**
25 **public.**

26 **7. The commission shall grant an opportunity for a public hearing before it adopts**
27 **a rule or amendment if a hearing is requested by:**

28 **(1) At least twenty-five persons;**

29 **(2) A governmental subdivision or agency; or**

30 **(3) An association having at least twenty-five members.**

31 **8. If a hearing is held on the proposed rule or amendment, the commission shall**
32 **publish the place, time, and date of the scheduled public hearing.**

33 **(1) All persons wishing to be heard at the hearing shall notify the executive director**
34 **of the commission or other designated member in writing of their desire to appear and**
35 **testify at the hearing not less than five business days before the scheduled date of the**
36 **hearing.**

37 **(2) Hearings shall be conducted in a manner providing each person who wishes to**
38 **comment a fair and reasonable opportunity to comment orally or in writing.**

39 **(3) No transcript of the hearing is required, unless a written request for a transcript**
40 **is made, in which case the person requesting the transcript shall bear the cost of producing**
41 **the transcript. A recording may be made in lieu of a transcript under the same terms and**
42 **conditions as a transcript. This subdivision shall not preclude the commission from**
43 **making a transcript or recording of the hearing if it so chooses.**

44 **(4) Nothing in this section shall be construed as requiring a separate hearing on**
45 **each rule. Rules may be grouped for the convenience of the commission at hearings**
46 **required by this section.**

47 **9. Following the scheduled hearing date, or by the close of business on the**
48 **scheduled hearing date if the hearing was not held, the commission shall consider all**
49 **written and oral comments received.**

50 **10. The commission shall, by majority vote of all members, take final action on the**
51 **proposed rule and shall determine the effective date of the rule, if any, based on the**
52 **rulemaking record and the full text of the rule.**

53 **11. If no written notice of intent to attend the public hearing by interested parties**
54 **is received, the commission may proceed with promulgation of the proposed rule without**
55 **a public hearing.**

56 **12. Upon determination that an emergency exists, the commission may consider and**
57 **adopt an emergency rule without prior notice, opportunity for comment, or hearing;**
58 **provided that, the usual rulemaking procedures provided in the compact and in this section**
59 **shall be retroactively applied to the rule as soon as reasonably possible, in no event later**
60 **than ninety days after the effective date of the rule. For the purposes of this provision, an**
61 **emergency rule is one that shall be adopted immediately in order to:**

62 **(1) Meet an imminent threat to public health, safety, or welfare;**

63 **(2) Prevent a loss of commission or member state funds;**

64 **(3) Meet a deadline for the promulgation of an administrative rule that is**
65 **established by federal law or rule; or**

66 **(4) Protect public health and safety.**

67 **13. The commission or an authorized committee of the commission may direct**
68 **revisions to a previously adopted rule or amendment for purposes of correcting**
69 **typographical errors, errors in format, errors in consistency, or grammatical errors.**
70 **Public notice of any revisions shall be posted on the website of the commission. The**
71 **revision shall be subject to challenge by any person for a period of thirty days after**
72 **posting. The revision may be challenged only on grounds that the revision results in a**
73 **material change to a rule. A challenge shall be made in writing and delivered to the chair**
74 **of the commission prior to the end of the notice period. If no challenge is made, the**
75 **revision shall take effect without further action. If the revision is challenged, the revision**
76 **may not take effect without the approval of the commission.**

190.933. 1. The executive, legislative, and judicial branches of state government in
2 **each member state shall enforce this compact and take all actions necessary and**
3 **appropriate to effectuate the compact's purposes and intent. The provisions of this**
4 **compact and the rules promulgated hereunder shall have standing as statutory law.**

5 **2. All courts shall take judicial notice of the compact and the rules in any judicial**
6 **or administrative proceedings in a member state pertaining to the subject matter of this**
7 **compact which may affect the powers, responsibilities, or actions of the commission.**

8 **3. The commission shall be entitled to receive service of process in any such**
9 **proceeding and shall have standing to intervene in such a proceeding for all purposes.**
10 **Failure to provide service of process to the commission shall render a judgment or order**
11 **void as to the commission, this compact, or promulgated rules.**

12 **4. If the commission determines that a member state has defaulted in the**
13 **performance of its obligations or responsibilities under this compact or the promulgated**
14 **rules, the commission shall:**

15 **(1) Provide written notice to the defaulting state and other member states of the**
16 **nature of the default, the proposed means of curing the default, or any other action to be**
17 **taken by the commission; and**

18 **(2) Provide remedial training and specific technical assistance regarding the**
19 **default.**

20 **5. If a state in default fails to cure the default, the defaulting state may be**
21 **terminated from the compact upon an affirmative vote of a majority of the member states,**
22 **and all rights, privileges, and benefits conferred by this compact may be terminated on the**
23 **effective date of termination. A cure of the default does not relieve the offending state of**
24 **obligations or liabilities incurred during the period of default.**

25 **6. Termination of membership in the compact shall be imposed only after all other**
26 **means of securing compliance have been exhausted. Notice of intent to suspend or**
27 **terminate shall be given by the commission to the governor, the majority and minority**
28 **leaders of the defaulting state's legislature, and each of the member states.**

29 **7. A state that has been terminated is responsible for all assessments, obligations,**
30 **and liabilities incurred through the effective date of termination, including obligations that**
31 **extend beyond the effective date of termination.**

32 **8. The commission shall not bear any costs related to a state that is found to be in**
33 **default or that has been terminated from the compact unless agreed upon in writing**
34 **between the commission and the defaulting state.**

35 **9. The defaulting state may appeal the action of the commission by petitioning the**
36 **United States District Court for the District of Columbia or the federal district where the**
37 **commission has its principal offices. The prevailing member shall be awarded all costs of**
38 **such litigation, including reasonable attorney's fees.**

39 **10. Upon a request by a member state, the commission shall attempt to resolve**
40 **disputes related to the compact that arise among member states and between member and**
41 **nonmember states.**

42 **11. The commission shall promulgate a rule providing for both mediation and**
43 **binding dispute resolution for disputes as appropriate.**

44 **12. The commission, in the reasonable exercise of its discretion, shall enforce the**
45 **provisions and rules of this compact.**

46 **13. By majority vote, the commission may initiate legal action in the United States**
47 **District Court for the District of Columbia or the federal district where the commission has**
48 **its principal offices against a member state in default to enforce compliance with the**
49 **provisions of the compact and its promulgated rules and bylaws. The relief sought may**
50 **include both injunctive relief and damages. In the event judicial enforcement is necessary,**

51 the prevailing member shall be awarded all costs of such litigation, including reasonable
52 attorney's fees.

53 14. The remedies herein shall not be the exclusive remedies of the commission. The
54 commission may pursue any other remedies available under federal or state law.

190.936. 1. The compact shall come into effect on the date on which the compact
2 statute is enacted into law in the tenth member state. The provisions, which become
3 effective at that time, shall be limited to the powers granted to the commission relating to
4 assembly and the promulgation of rules. Thereafter, the commission shall meet and
5 exercise rulemaking powers necessary to the implementation and administration of the
6 compact.

7 2. Any state that joins the compact subsequent to the commission's initial adoption
8 of the rules shall be subject to the rules as they exist on the date on which the compact
9 becomes law in that state. Any rule that has been previously adopted by the commission
10 shall have the full force and effect of law on the day the compact becomes law in that state.

11 3. Any member state may withdraw from this compact by enacting a statute
12 repealing the same.

13 (1) A member state's withdrawal shall not take effect until six months after
14 enactment of the repealing statute.

15 (2) Withdrawal shall not affect the continuing requirement of the withdrawing
16 state's EMS authority to comply with the investigative and adverse action reporting
17 requirements of this act prior to the effective date of withdrawal.

18 4. Nothing contained in this compact shall be construed to invalidate or prevent any
19 EMS personnel licensure agreement or other cooperative arrangement between a member
20 state and a nonmember state that does not conflict with the provisions of this compact.

21 5. This compact may be amended by the member states. No amendment to this
22 compact shall become effective and binding upon any member state until it is enacted into
23 the laws of all member states.

190.939. This compact shall be liberally construed so as to effectuate the purposes
2 thereof. If this compact shall be held contrary to the constitution of any member state
3 thereto, the compact shall remain in full force and effect as to the remaining member
4 states. Nothing in this compact supersedes state law or rules related to licensure of EMS
5 agencies.

191.630. As used in sections 191.630 and 191.631, the following terms mean:

2 (1) "Communicable disease", acquired immunodeficiency syndrome (AIDS), cutaneous
3 anthrax, hepatitis in any form, human immunodeficiency virus (HIV), measles, meningococcal
4 disease, mumps, pertussis, pneumonic plague, rubella, severe acute respiratory syndrome

5 (SARS-CoV), smallpox, tuberculosis, varicella disease, vaccinia, viral hemorrhagic fevers, and
6 other such diseases as the department may define by rule or regulation;

7 (2) "Communicable disease tests", tests designed for detection of communicable
8 diseases. Rapid testing of the source patient in accordance with the Occupational Safety and
9 Health Administration (OSHA) enforcement of the Centers for Disease Control and Prevention
10 (CDC) guidelines shall be recommended;

11 (3) "Coroner or medical examiner", the same meaning as defined in chapter 58;

12 (4) "Department", the Missouri department of health and senior services;

13 (5) "Designated infection control officer", the person or persons within the entity or
14 agency who are responsible for managing the infection control program and for coordinating
15 efforts surrounding the investigation of an exposure such as:

16 (a) Collecting, upon request, facts surrounding possible exposure of an emergency care
17 provider or Good Samaritan to a communicable disease;

18 (b) Contacting facilities that receive patients or clients of potentially exposed emergency
19 care providers or Good Samaritans to ascertain if a determination has been made as to whether
20 the patient or client has had a communicable disease and to ascertain the results of that
21 determination; and

22 (c) Notifying the emergency care provider or Good Samaritan as to whether there is
23 reason for concern regarding possible exposure;

24 (6) "Emergency care provider", a person who is serving as a licensed or certified person
25 trained to provide emergency and nonemergency medical care as a first responder, emergency
26 **medical responder**, ~~[EMT-B, EMT-I, or EMT-P]~~ **as defined in section 190.100, emergency**
27 **medical technician**, as defined in section 190.100, firefighter, law enforcement officer, sheriff,
28 deputy sheriff, registered nurse, physician, medical helicopter pilot, or other certification or
29 licensure levels adopted by rule of the department;

30 (7) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or
31 parenteral contact with blood or other potentially infectious materials that results from the
32 performance of an employee's duties;

33 (8) "Good Samaritan", any person who renders emergency medical assistance or aid
34 within his or her level of training or skill until such time as he or she is relieved of those duties
35 by an emergency care provider;

36 (9) "Hospital", the same meaning as defined in section 197.020;

37 (10) "Source patient", any person who is sick or injured and requiring the care or services
38 of a Good Samaritan or emergency care provider, for whose blood or other potentially infectious
39 materials have resulted in exposure.

217.015. 1. The department shall supervise and manage all correctional centers, and
2 probation and parole of the state of Missouri.

3 2. The department shall be composed of the **parole board and the** following divisions:

- 4 (1) The division of human services;
5 (2) The division of adult institutions;
6 (3) The ~~board~~ **division** of probation and parole; and
7 (4) The division of offender rehabilitative services.

8 3. Each division may be subdivided by the director into such sections, bureaus, or offices
9 as is necessary to carry out the duties assigned by law.

10 4. The department shall operate a women offender program to be supervised by a
11 director of women's programs. The purpose of the women offender program shall be to ensure
12 that female offenders are provided a continuum of **gender-responsive and trauma-informed**
13 supervision strategies and program services reflecting best practices for female probationers,
14 prisoners and parolees in areas including but not limited to classification, diagnostic processes,
15 facilities, medical and mental health care, child custody and visitation.

16 5. There shall be an advisory committee under the direction of the director of women's
17 programs. The members of the committee shall include the director of the office on women's
18 health, the director of the department of mental health or a designee and four others appointed
19 by the director of the department of corrections. The committee shall address the needs of
20 women in the criminal justice system as they are affected by the changes in their community,
21 family concerns, the judicial system and the organization and available resources of the
22 department of corrections.

**217.021. 1. The department shall establish and implement a community behavioral
2 health program to provide comprehensive community-based services for individuals under
3 the supervision of the department who have serious behavioral health conditions.**

4 **2. The department shall, in collaboration with the department of mental health:**

- 5 **(1) Establish a referral and evaluation process for access to the program;**
6 **(2) Establish eligibility criteria that include consideration of recidivism risk and
7 behavioral health condition severity;**
8 **(3) Establish discharge criteria and processes, with a goal of establishing a seamless
9 transition to post-program services to decrease recidivism; and**
10 **(4) Develop multidisciplinary program oversight, auditing, and evaluation
11 processes that shall include:**
12 **(a) Oversight authority of program case management services through the
13 department of mental health;**
14 **(b) Provider performance and outcome metrics; and**

15 **(c) Reports to the legislature and the governor on the status of the program as**
 16 **requested.**

17 **3. The department of mental health shall, in collaboration with the department of**
 18 **corrections:**

19 **(1) Contract for and pay behavioral health service providers under the program;**

20 **(2) Supervise, support, and monitor referral caseloads and the provision of services**
 21 **by contract behavioral health service providers;**

22 **(3) Require that contract behavioral health service providers:**

23 **(a) Accept all eligible referrals, provide individualized care delivered through**
 24 **integrated multidisciplinary care teams, and continue services on an ongoing basis until**
 25 **established discharge criteria are met;**

26 **(b) Accept reimbursement on a per-month, per-referral basis, and ensure that the**
 27 **payment schedule is based on a pay-for-performance model that includes consideration of**
 28 **identified outcomes and the level of services required; and**

29 **(c) Bill third parties for services.**

217.030. The director shall appoint the directors of the divisions of the department,
 2 except the chairman of the **parole** board [~~of probation and parole~~] who shall be appointed by the
 3 governor [~~and who shall serve as the director of the division of probation and parole~~]. Division
 4 directors shall serve at the pleasure of the director, except the chairman of the **parole** board [~~of~~
 5 ~~probation and parole~~] who shall serve in the capacity of chairman at the pleasure of the governor.
 6 The director of the department shall be the appointing authority under chapter 36 to employ such
 7 administrative, technical and other personnel who may be assigned to the department generally
 8 rather than to any of the department divisions or facilities and whose employment is necessary
 9 for the performance of the powers and duties of the department.

217.075. 1. All offender records compiled, obtained, prepared or maintained by the
 2 department or its divisions shall be designated public records within the meaning of chapter 610
 3 except:

4 (1) Any information, report, record or other document pertaining to an offender's
 5 personal medical history, which shall be a closed record;

6 (2) Any information, report, record or other document in the control of the department
 7 or its divisions authorized by federal or state law to be a closed record;

8 (3) Any internal administrative report or document relating to institutional security.

9 2. The court of jurisdiction, or the department, may at their discretion permit the
 10 inspection of the department reports or parts of such reports by the offender, whenever the court
 11 or department determines that such inspection is in the best interest or welfare of the offender.

12 3. ~~[The]~~ Department **records** may ~~[permit inspection of its files by]~~ **be automated and**
13 **made available to:**

14 (1) Treatment agencies working with the department in the treatment of the offender;

15 (2) **Law enforcement agencies; or**

16 (3) **Qualified persons and organizations for research, evaluative, and statistical**
17 **purposes under written agreements reasonably designed to ensure the security and**
18 **confidentiality of the information and the protection of the privacy interests of the**
19 **individuals who are subjects of the records.**

20 4. No department employee shall have access to any material closed by this section
21 unless such access is necessary for the employee to carry out his duties. The department by rule
22 shall determine what department employees or other persons shall have access to closed records
23 and the procedures needed to maintain the confidentiality of such closed records.

24 5. No person, association, firm, corporation or other agency shall knowingly solicit,
25 disclose, receive, publish, make use of, authorize, permit, participate in or acquiesce in the use
26 of any name or lists of names for commercial or political purposes of any nature in violation of
27 this section.

28 6. All health care providers and hospitals who have cared for offenders during the period
29 of the offender's incarceration shall provide a copy of all medical records in their possession
30 related to such offender upon demand from the department's health care administrator. The
31 department shall provide reasonable compensation for the cost of such copies and no health care
32 provider shall be liable for breach of confidentiality when acting pursuant to this subsection.

33 7. Copies of all papers, documents, or records compiled, obtained, prepared or
34 maintained by the department or its divisions, properly certified by the appropriate division, shall
35 be admissible as evidence in all courts and in all administrative tribunals in the same manner and
36 with like effect as the originals, whenever the papers, documents, or records are either designated
37 by the department of corrections as public records within the meaning of chapter 610 or are
38 declared admissible as evidence by a court of competent jurisdiction or administrative tribunal
39 of competent jurisdiction.

40 8. Any person found guilty of violating the provisions of this section shall be guilty of
41 a class A misdemeanor.

217.361. 1. The department shall adopt streamlined, validated risk and need
2 **assessment tools for men and women, and review the tools and scoring cutoffs every five**
3 **years for predictive validity across gender and racial groups.**

4 **2. This subsection applies to all programs operated with department funding. The**
5 **department shall develop procedures to promote the use of:**

- 6 (1) Risk and need assessment and appropriate risk and need levels to prioritize
7 access to programs;
- 8 (2) Consistent criteria for admission into programs; and
- 9 (3) Recidivism measurement by risk and need level as part of assessing the
10 effectiveness of programs.
- 11 **3. For offenders under supervision, the department shall:**
- 12 (1) Implement evidence-based cognitive-behavioral programs;
- 13 (2) Adopt behavior response policy guiding sanction and incentive responses; and
- 14 (3) Adopt policy for readministration of risk and need assessment tools to guide
15 case management practices and supervision level.
- 16 **4. For department staff in institutional and community settings, the department
17 shall:**
- 18 (1) Require periodic training on how to complete risk and need assessment tools
19 and apply the results in making decisions affecting client interactions and program
20 placements;
- 21 (2) Provide training on how to maximize client interactions and use of case plans;
22 and
- 23 (3) Measure staff performance against best practices.
- 24 **5. For community-based mental health treatment programs, the department shall
25 adopt a protocol to collect data on quality assurance.**
- 26 **6. The department shall adopt performance metrics to report on supervision
27 outcomes.**

- 217.655. 1. The **parole** board [~~of probation and parole~~] shall be responsible for
2 determining whether a person confined in the department shall be paroled or released
3 conditionally as provided by section 558.011. The board shall **receive administrative support
4 from the division of probation and parole. The division of probation and parole shall
5 provide supervision to all persons referred by the circuit courts of the state as provided by
6 sections 217.750 and 217.760. The board shall exercise independence in making decisions
7 about individual cases, but operate cooperatively within the department and with other
8 agencies, officials, courts, and stakeholders to achieve systemic improvement including the
9 requirements of this section.**
- 10 **2. The board shall adopt parole guidelines to:**
- 11 (1) Preserve finite prison capacity for the most serious and violent offenders;
- 12 (2) Release supervision-manageable cases consistent with section 217.690;
- 13 (3) Use finite resources guided by validated risk and needs assessments;
- 14 (4) Support a seamless reentry process;

15 **(5) Set appropriate conditions of supervision; and**

16 **(6) Develop effective strategies for responding to violation behaviors.**

17 **3. The board shall collect, analyze, and apply data in carrying out its**
18 **responsibilities to achieve its mission and end goals. The board shall establish agency**
19 **performance and outcome measures that are directly responsive to statutory**
20 **responsibilities and consistent with agency goals for release decisions, supervision,**
21 **revocation, recidivism, and caseloads.**

22 **4. The board shall publish parole data, including grant rates, revocation and**
23 **recidivism rates, length of time served, and successful supervision completions, and other**
24 **performance metrics.**

25 **5. The board shall provide for appropriate training to members and staff, including**
26 **communication skills.**

27 **6. The [board] division of probation and parole** shall provide such programs as
28 necessary to carry out its responsibilities consistent with its goals and statutory obligations.

217.665. 1. Beginning August 28, 1996, the **parole** board [~~of probation and parole~~] shall
2 consist of seven members appointed by the governor by and with the advice and consent of the
3 senate.

4 2. Beginning August 28, 1996, members of the board shall be persons of recognized
5 integrity and honor, known to possess education and ability in decision making through career
6 experience and other qualifications for the successful performance of their official duties. Not
7 more than four members of the board shall be of the same political party.

8 3. At the expiration of the term of each member and of each succeeding member, the
9 governor shall appoint a successor who shall hold office for a term of six years and until his
10 successor has been appointed and qualified. Members may be appointed to succeed themselves.

11 4. Vacancies occurring in the office of any member shall be filled by appointment by the
12 governor for the unexpired term.

13 5. The governor shall designate one member of the board as chairman and one member
14 as vice chairman. The chairman shall [~~be the director of the division and shall have charge of~~
15 ~~the division's operations, funds and expenditures~~] **establish the duties and responsibilities of**
16 **the members of the board and supervise their performance and may require reports from**
17 **any member as to his or her conduct and exercise of duties.** In the event of the chairman's
18 removal, death, resignation, or inability to serve, the vice chairman shall act as chairman upon
19 written order of the governor or chairman.

20 6. Members of the board shall devote full time to the duties of their office and before
21 taking office shall subscribe to an oath or affirmation to support the Constitution of the United

22 States and the Constitution of the State of Missouri. The oath shall be signed in the office of the
23 secretary of state.

24 7. The annual compensation for each member of the board whose term commenced
25 before August 28, 1999, shall be forty-five thousand dollars plus any salary adjustment, including
26 prior salary adjustments, provided pursuant to section 105.005. Salaries for board members
27 whose terms commence after August 27, 1999, shall be set as provided in section 105.950;
28 provided, however, that the compensation of a board member shall not be increased during the
29 member's term of office, except as provided in section 105.005. In addition to compensation
30 provided by law, the members shall be entitled to reimbursement for necessary travel and other
31 expenses incurred pursuant to section 33.090.

32 8. Any person who served as a member of the board of probation and parole prior to July
33 1, 2000, shall be made, constituted, appointed and employed by the board of trustees of the state
34 employees' retirement system as a special consultant on the problems of retirement, aging and
35 other state matters. As compensation for such services, such consultant shall not be denied use
36 of any unused sick leave, or the ability to receive credit for unused sick leave pursuant to chapter
37 104, provided such sick leave was maintained by the board of probation and parole in the regular
38 course of business prior to July 1, 2000, but only to the extent of such sick leave records are
39 consistent with the rules promulgated pursuant to section 36.350. Nothing in this section shall
40 authorize the use of any other form of leave that may have been maintained by the board prior
41 to July 1, 2000.

217.670. 1. The board shall adopt an official seal of which the courts shall take official
2 notice.

3 2. Decisions of the board regarding granting of paroles, extensions of a conditional
4 release date or revocations of a parole or conditional release shall be by a majority vote of the
5 hearing panel members. The hearing panel shall consist of one member of the board and two
6 hearing officers appointed by the board. A member of the board may remove the case from the
7 jurisdiction of the hearing panel and refer it to the full board for a decision. Within thirty days
8 of entry of the decision of the hearing panel to deny parole or to revoke a parole or conditional
9 release, the offender may appeal the decision of the hearing panel to the board. The board shall
10 consider the appeal within thirty days of receipt of the appeal. The decision of the board shall
11 be by majority vote of the board members and shall be final.

12 3. The orders of the board shall not be reviewable except as to compliance with the terms
13 of sections 217.650 to 217.810 or any rules promulgated pursuant to such section.

14 4. The board shall keep a record of its acts and shall notify each correctional center of
15 its decisions relating to persons who are or have been confined in such correctional center.

16 5. Notwithstanding any other provision of law, any meeting, record, or vote, of
17 proceedings involving probation, parole, or pardon, may be a closed meeting, closed record, or
18 closed vote.

19 6. Notwithstanding any other provision of law, when the appearance or presence of an
20 offender before the board or a hearing panel is required for the purpose of deciding whether to
21 grant conditional release or parole, extend the date of conditional release, revoke parole or
22 conditional release, or for any other purpose, such appearance or presence may occur by means
23 of a videoconference at the discretion of the board. Victims having a right to attend parole
24 hearings may testify either at the site where the board is conducting the videoconference or at the
25 institution where the offender is located. The use of videoconferencing in this section shall be
26 at the discretion of the board, and shall not be utilized if either ~~[the offender,]~~ the victim or the
27 victim's family objects to it.

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

5 2. Before ordering the parole of any offender, the board shall **conduct a validated risk**
6 **and needs assessment and evaluate the case under the rules governing parole that are**
7 **promulgated by the board. The board shall then** have the offender appear before a hearing
8 panel and shall conduct a personal interview with him, unless waived by the offender, **or if the**
9 **guidelines indicate the offender may be paroled without need for an interview. The**
10 **guidelines and rules shall not allow for the waiver of a hearing if a victim requests a**
11 **hearing. The appearance or presence may occur by means of a videoconference at the**
12 **discretion of the board.** A parole ~~[shall]~~ **may** be ordered ~~[only]~~ for the best interest of society
13 **when there is a reasonable probability, based on the risk assessment and indicators of**
14 **release readiness, that the person can be supervised under parole supervision and**
15 **successfully reintegrated into the community,** not as an award of clemency; it shall not be
16 considered a reduction of sentence or a pardon. ~~[An offender shall be placed on parole only
17 when the board believes that he is able and willing to fulfill the obligations of a law-abiding
18 citizen.]~~ Every offender while on parole shall remain in the legal custody of the department but
19 shall be subject to the orders of the board.

20 3. The ~~[board]~~ **division of probation and parole** has discretionary authority to require
21 the payment of a fee, not to exceed sixty dollars per month, from every offender placed under
22 ~~[board]~~ **division** supervision on probation, parole, or conditional release, to waive all or part of
23 any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity
24 for fee collections services. All fees collected shall be deposited in the inmate fund established

25 in section 217.430. Fees collected may be used to pay the costs of contracted collections
26 services. The fees collected may otherwise be used to provide community corrections and
27 intervention services for offenders. Such services include substance abuse assessment and
28 treatment, mental health assessment and treatment, electronic monitoring services, residential
29 facilities services, employment placement services, and other offender community corrections
30 or intervention services designated by the ~~board~~ **division of probation and parole** to assist
31 offenders to successfully complete probation, parole, or conditional release. The board shall
32 adopt rules not inconsistent with law, in accordance with section 217.040, with respect to
33 sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.

34 4. The board shall adopt rules not inconsistent with law, in accordance with section
35 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
36 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
37 recite the conditions of such parole.

38 5. When considering parole for an offender with consecutive sentences, the minimum
39 term for eligibility for parole shall be calculated by adding the minimum terms for parole
40 eligibility for each of the consecutive sentences, except the minimum term for parole eligibility
41 shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

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

46 7. **A victim who has requested an opportunity to be heard shall receive notice that**
47 **the board is conducting an assessment of the offender's risk and readiness for release and**
48 **that the victim's input will be particularly helpful when it pertains to safety concerns and**
49 **specific protective measures that may be beneficial to the victim should the offender be**
50 **granted release.**

51 8. Parole hearings shall, at a minimum, contain the following procedures:

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

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

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

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

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

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

67 ~~[8-]~~ 9. The board shall notify any person of the results of a parole eligibility hearing if
68 the person indicates to the board a desire to be notified.

69 ~~[9-]~~ 10. The board may, at its discretion, require any offender seeking parole to meet
70 certain conditions during the term of that parole so long as said conditions are not illegal or
71 impossible for the offender to perform. These conditions may include an amount of restitution
72 to the state for the cost of that offender's incarceration.

73 **11. Special parole conditions shall be responsive to the assessed risk and needs of**
74 **the offender or the need for extraordinary supervision, such as electronic monitoring. The**
75 **board shall adopt rules to minimize the conditions placed on low risk cases, to frontload**
76 **conditions upon release, and to require the modification and reduction of conditions based**
77 **on the person's continuing stability in the community. Board rules shall permit parole**
78 **conditions to be modified by parole officers with review and approval by supervisors.**

79 ~~[10-]~~ 12. Nothing contained in this section shall be construed to require the release of an
80 offender on parole nor to reduce the sentence of an offender heretofore committed.

81 ~~[11-]~~ 13. Beginning January 1, 2001, the board shall not order a parole unless the
82 offender has obtained a high school diploma or its equivalent, or unless the board is satisfied that
83 the offender, while committed to the custody of the department, has made an honest good-faith
84 effort to obtain a high school diploma or its equivalent; provided that the director may waive this
85 requirement by certifying in writing to the board that the offender has actively participated in
86 mandatory education programs or is academically unable to obtain a high school diploma or its
87 equivalent.

88 ~~[12-]~~ 14. Any rule or portion of a rule, as that term is defined in section 536.010, that is
89 created under the authority delegated in this section shall become effective only if it complies
90 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
91 This section and chapter 536 are nonseverable and if any of the powers vested with the general
92 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
93 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
94 any rule proposed or adopted after August 28, 2005, shall be invalid and void.

217.703. 1. The division of probation and parole shall award earned compliance credits
2 to any offender who is:

- 3 (1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise
4 found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;
- 5 (2) On probation, parole, or conditional release for an offense listed in chapter 579, or
6 an offense previously listed in chapter 195, or for a class D or E felony, excluding ~~the offenses~~
7 ~~of stalking in the first degree, rape in the second degree, sexual assault, sodomy in the second~~
8 ~~degree]~~ **sections 565.225, 565.252, 566.031, 566.061, 566.083, 566.093, 568.020, 568.060,**
9 **offenses defined as "sexual assault" under section 589.015,** deviate sexual assault, assault in
10 the second degree under subdivision (2) of subsection 1 of section 565.052, ~~sexual misconduct~~
11 ~~involving a child,~~ endangering the welfare of a child in the first degree under subdivision (2)
12 of subsection 1 of section 568.045, ~~incest, invasion of privacy, abuse of a child,~~ and any offense
13 of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of
14 section 565.060 as such offenses existed prior to January 1, 2017;
- 15 (3) Supervised by the ~~board]~~ **division of probation and parole;** and
- 16 (4) In compliance with the conditions of supervision imposed by the sentencing court
17 or board.
- 18 2. If an offender was placed on probation, parole, or conditional release for an offense
19 of:
- 20 (1) Involuntary manslaughter in the second degree;
- 21 (2) Assault in the second degree except under subdivision (2) of subsection 1 of section
22 565.052 or section 565.060 as it existed prior to January 1, 2017;
- 23 (3) Domestic assault in the second degree;
- 24 (4) Assault in the third degree when the victim is a special victim or assault of a law
25 enforcement officer in the second degree as it existed prior to January 1, 2017;
- 26 (5) Statutory rape in the second degree;
- 27 (6) Statutory sodomy in the second degree;
- 28 (7) Endangering the welfare of a child in the first degree under subdivision (1) of
29 subsection 1 of section 568.045; or
- 30 (8) Any case in which the defendant is found guilty of a felony offense under chapter
31 571;
- 32
- 33 the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney,
34 make a finding that the offender is ineligible to earn compliance credits because the nature and
35 circumstances of the offense or the history and character of the offender indicate that a longer
36 term of probation, parole, or conditional release is necessary for the protection of the public or
37 the guidance of the offender. The motion may be made any time prior to the first month in which
38 the person may earn compliance credits under this section **or at a hearing under subsection 5**

39 **of this section.** The offender's ability to earn credits shall be suspended until the court or board
40 makes its finding. If the court or board finds that the offender is eligible for earned compliance
41 credits, the credits shall begin to accrue on the first day of the next calendar month following the
42 issuance of the decision.

43 3. Earned compliance credits shall reduce the term of probation, parole, or conditional
44 release by thirty days for each full calendar month of compliance with the terms of supervision.
45 Credits shall begin to accrue for eligible offenders after the first full calendar month of
46 supervision or on October 1, 2012, if the offender began a term of probation, parole, or
47 conditional release before September 1, 2012.

48 4. For the purposes of this section, the term "compliance" shall mean the absence of an
49 initial violation report **or notice of citation** submitted by a probation or parole officer during a
50 calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit
51 attorney, against the offender.

52 5. Credits shall not accrue during any calendar month in which a violation report, **which**
53 **may include a report of absconder status**, has been submitted, **the offender is in custody**, or
54 a motion to revoke or motion to suspend has been filed, and shall be suspended pending the
55 outcome of a hearing, if a hearing is held. If no hearing is held, **or if a hearing is held and the**
56 **offender is continued under supervision**, or the court or board finds that the violation did not
57 occur, then the offender shall be deemed to be in compliance and shall begin earning credits on
58 the first day of the next calendar month following the month in which the report was submitted
59 or the motion was filed. **If a hearing is held**, all earned credits shall be rescinded if:

60 (1) The court or board revokes the probation or parole or the court places the offender
61 in a department program under subsection 4 of section 559.036 **or under section 217.785; or**

62 (2) **The offender is found by the court or board to be ineligible to earn compliance**
63 **credits because the nature and circumstances of the violation indicate that a longer term**
64 **of probation, parole, or conditional release is necessary for the protection of the public or**
65 **the guidance of the offender.**

66 Earned credits, **if not rescinded**, shall continue to be suspended for a period of time during
67 which the court or board has suspended the term of probation, parole, or release, and shall begin
68 to accrue on the first day of the next calendar month following the lifting of the suspension.

69 6. Offenders who are deemed by the division to be absconders shall not earn credits. For
70 purposes of this subsection, "absconder" shall mean an offender under supervision **whose**
71 **whereabouts are unknown and** who has left such offender's place of residency without the
72 permission of the offender's supervising officer **and without notifying of their whereabouts**
73 for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder
74 when such offender is available for active supervision.

75 7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination
76 of time served in custody, if applicable, time served on probation, parole, or conditional release,
77 and earned compliance credits satisfy the total term of probation, parole, or conditional release,
78 the board or sentencing court shall order final discharge of the offender, so long as the offender
79 has completed **restitution and** at least two years of his or her probation [~~or~~] , parole, **or**
80 **conditional release**, which shall include any time served in custody under section 217.718 and
81 sections 559.036 and 559.115.

82 8. The award or rescission of any credits earned under this section shall not be subject
83 to appeal or any motion for postconviction relief.

84 9. At least twice a year, the division shall calculate the number of months the offender
85 has remaining on his or her term of probation, parole, or conditional release, taking into
86 consideration any earned compliance credits, and notify the offender of the length of the
87 remaining term.

88 10. No less than sixty days before the date of final discharge, the division shall notify
89 the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of
90 the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney
91 upon receiving such notice does not take any action under subsection 5 of this section, the
92 offender shall be discharged under subsection 7 of this section.

93 11. Any offender who was sentenced prior to January 1, 2017, to an offense that was
94 eligible for earned compliance credits under subsection 1 or 2 of this section at the time of
95 sentencing shall continue to remain eligible for earned compliance credits so long as the offender
96 meets all the other requirements provided under this section.

217.705. 1. The [~~chairman~~] **director of the division of probation and parole** shall
2 appoint probation and parole officers and institutional parole officers as deemed necessary to
3 carry out the purposes of the board.

4 2. Probation and parole officers shall investigate all persons referred to them for
5 investigation by the board or by any court as provided by sections 217.750 and 217.760. They
6 shall furnish to each offender released under their supervision a written statement of the
7 conditions of probation, parole or conditional release and shall instruct the offender regarding
8 these conditions. They shall keep informed of the offender's conduct and condition and use all
9 suitable methods to aid and encourage the offender to bring about improvement in the offender's
10 conduct and conditions.

11 3. The probation and parole officer may recommend and, by order duly entered, the court
12 may impose and may at any time modify any conditions of probation. The court shall cause a
13 copy of any such order to be delivered to the probation and parole officer and the offender.

14 4. Probation and parole officers shall keep detailed records of their work and shall make
15 such reports in writing and perform such other duties as may be incidental to those enumerated
16 that the board may require. In the event a parolee is transferred to another probation and parole
17 officer, the written record of the former probation and parole officer shall be given to the new
18 probation and parole officer.

19 5. Institutional parole officers shall investigate all offenders referred to them for
20 investigation by the board and shall provide the board such other reports the board may require.
21 They shall furnish the offender prior to release on parole or conditional release a written
22 statement of the conditions of parole or conditional release and shall instruct the offender
23 regarding these conditions.

24 6. The department shall furnish probation and parole officers and institutional parole
25 officers, including supervisors, with credentials and a special badge which such officers and
26 supervisors shall carry on their person at all times while on duty.

217.720. 1. At any time during release on parole or conditional release the [board]
2 **division of probation and parole** may issue a warrant for the arrest of a released offender for
3 violation of any of the conditions of parole or conditional release. The warrant shall authorize
4 any law enforcement officer to return the offender to the actual custody of the correctional center
5 from which the offender was released, or to any other suitable facility designated by the [board]
6 **division**. If any parole or probation officer has probable cause to believe that such offender has
7 violated a condition of parole or conditional release, the probation or parole officer may issue
8 a warrant for the arrest of the offender. The probation or parole officer may effect the arrest or
9 may deputize any officer with the power of arrest to do so by giving the officer a copy of the
10 warrant which shall outline the circumstances of the alleged violation and contain the statement
11 that the offender has, in the judgment of the probation or parole officer, violated conditions of
12 parole or conditional release. The warrant delivered with the offender by the arresting officer
13 to the official in charge of any facility designated by the [board] **division** to which the offender
14 is brought shall be sufficient legal authority for detaining the offender. After the arrest the parole
15 or probation officer shall present to the detaining authorities a similar statement of the
16 circumstances of violation. Pending hearing as hereinafter provided, upon any charge of
17 violation, the offender shall remain in custody or incarcerated without consideration of bail.

18 2. If the offender is arrested under the authority granted in subsection 1 of this section,
19 the offender shall have the right to a preliminary hearing on the violation charged unless the
20 offender waives such hearing. Upon such arrest and detention, the parole or probation officer
21 shall immediately notify the board and shall submit in writing a report showing in what manner
22 the offender has violated the conditions of his parole or conditional release. The board shall
23 order the offender discharged from such facility, require as a condition of parole or conditional

24 release the placement of the offender in a treatment center operated by the department of
25 corrections, or shall cause the offender to be brought before it for a hearing on the violation
26 charged, under such rules and regulations as the board may adopt. If the violation is established
27 and found, the board may continue or revoke the parole or conditional release, or enter such other
28 order as it may see fit. If no violation is established and found, then the parole or conditional
29 release shall continue. If at any time during release on parole or conditional release the offender
30 is arrested for a crime which later leads to conviction, and sentence is then served outside the
31 Missouri department of corrections, the board shall determine what part, if any, of the time from
32 the date of arrest until completion of the sentence imposed is counted as time served under the
33 sentence from which the offender was paroled or conditionally released.

34 3. An offender for whose return a warrant has been issued by the **[board] division** shall,
35 if it is found that the warrant cannot be served, be deemed to be a fugitive from justice or to have
36 fled from justice. If it shall appear that the offender has violated the provisions and conditions
37 of his parole or conditional release, the board shall determine whether the time from the issuing
38 date of the warrant to the date of his arrest on the warrant, or continuance on parole or
39 conditional release shall be counted as time served under the sentence. In all other cases, time
40 served on parole or conditional release shall be counted as time served under the sentence.

41 4. At any time during parole or probation, the **[board] division** may issue a warrant for
42 the arrest of any person from another jurisdiction, the visitation and supervision of whom the
43 **[board] division** has undertaken pursuant to the provisions of the interstate compact for the
44 supervision of parolees and probationers authorized in section 217.810, for violation of any of
45 the conditions of release, or a notice to appear to answer a charge of violation. The notice shall
46 be served personally upon the person. The warrant shall authorize any law enforcement officer
47 to return the offender to any suitable detention facility designated by the **[board] division**. Any
48 parole or probation officer may arrest such person without a warrant, or may deputize any other
49 officer with power of arrest to do so by issuing a written statement setting forth that the
50 defendant has, in the judgment of the parole or probation officer, violated the conditions of his
51 release. The written statement delivered with the person by the arresting officer to the official
52 in charge of the detention facility to which the person is brought shall be sufficient legal
53 authority for detaining him. After making an arrest the parole or probation officer shall present
54 to the detaining authorities a similar statement of the circumstances of violation.

217.722. 1. If any probation officer has probable cause to believe that the person on
2 probation has violated a condition of probation, the probation officer may issue a warrant for the
3 arrest of the person on probation. The officer may effect the arrest or may deputize any other
4 officer with the power of arrest to do so by giving the officer a copy of the warrant which will
5 outline the circumstances of the alleged violation and contain the statement that the person on

6 probation has, in the judgment of the probation officer, violated the conditions of probation. The
7 warrant delivered with the offender by the arresting officer to the official in charge of any jail
8 or other detention facility shall be sufficient authority for detaining the person on probation
9 pending a preliminary hearing on the alleged violation. Other provisions of law relating to
10 release on bail of persons charged with criminal offenses shall be applicable to persons detained
11 on alleged probation violations.

12 2. Any person on probation arrested under the authority granted in subsection 1 of this
13 section shall have the right to a preliminary hearing on the violation charged as long as the
14 person on probation remains in custody or unless the offender waives such hearing. The person
15 on probation shall be notified immediately in writing of the alleged probation violation. If
16 arrested in the jurisdiction of the sentencing court, and the court which placed the person on
17 probation is immediately available, the preliminary hearing shall be heard by the sentencing
18 court. Otherwise, the person on probation shall be taken before a judge or associate circuit judge
19 in the county of the alleged violation or arrest having original jurisdiction to try criminal offenses
20 or before an impartial member of the staff of the ~~[Missouri board]~~ **division** of probation and
21 parole, and the preliminary hearing shall be held as soon as possible after the arrest. Such
22 preliminary hearings shall be conducted as provided by rule of court or by rules of the ~~[Missouri]~~
23 **parole board** ~~[of probation and parole]~~. If it appears that there is probable cause to believe that
24 the person on probation has violated a condition of probation, or if the person on probation
25 waives the preliminary hearing, the judge or associate circuit judge, or member of the staff of the
26 ~~[Missouri board]~~ **division** of probation and parole shall order the person on probation held for
27 further proceedings in the sentencing court. If probable cause is not found, the court shall not
28 be barred from holding a hearing on the question of the alleged violation of a condition of
29 probation nor from ordering the person on probation to be present at such a hearing.

30 3. Upon such arrest and detention, the probation officer shall immediately notify the
31 sentencing court and shall submit to the court a written report showing in what manner the
32 person on probation has violated the conditions of probation. Thereupon, or upon arrest by
33 warrant, the court shall cause the person on probation to be brought before it without unnecessary
34 delay for a hearing on the violation charged. Revocation hearings shall be conducted as provided
35 by rule of court.

217.735. 1. Notwithstanding any other provision of law to the contrary, the ~~[board]~~
2 **division of probation and parole** shall supervise an offender for the duration of his or her
3 natural life when the offender has been found guilty of an offense under:

4 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.100, 566.151,
5 566.212, 566.213, 568.020, 568.080, or 568.090 based on an act committed on or after August
6 28, 2006; or

7 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act
8 committed on or after January 1, 2017, against a victim who was less than fourteen years old and
9 the offender is a prior sex offender as defined in subsection 2 of this section.

10 2. For the purpose of this section, a prior sex offender is a person who has previously
11 pleaded guilty to or been found guilty of an offense contained in chapter 566 or violating section
12 568.020 when the person had sexual intercourse or deviate sexual intercourse with the victim,
13 or violating subdivision (2) of subsection 1 of section 568.045.

14 3. Subsection 1 of this section applies to offenders who have been granted probation, and
15 to offenders who have been released on parole, conditional release, or upon serving their full
16 sentence without early release. Supervision of an offender who was released after serving his
17 or her full sentence will be considered as supervision on parole.

18 4. A mandatory condition of lifetime supervision of an offender under this section is that
19 the offender be electronically monitored. Electronic monitoring shall be based on a global
20 positioning system or other technology that identifies and records the offender's location at all
21 times.

22 5. In appropriate cases as determined by a risk assessment, the board may terminate the
23 supervision of an offender who is being supervised under this section when the offender is
24 sixty-five years of age or older.

25 6. In accordance with section 217.040, the board may adopt rules relating to supervision
26 and electronic monitoring of offenders under this section.

217.750. 1. At the request of a judge of any circuit court, the **[board] division of**
2 **probation and parole** shall provide probation services for such court as provided in subsection
3 2 of this section.

4 2. The **[board] division of probation and parole** shall provide probation services for
5 any person convicted of any class of felony. The **[board] division of probation and parole** shall
6 not provide probation services for any class of misdemeanor except those class A misdemeanors
7 the basis of which is contained in chapters 565 and 566 or in section 568.050, 455.085, 589.425,
8 or section 455.538.

217.755. The **[board] division of probation and parole** shall adopt general rules and
2 regulations, in accordance with section 217.040, concerning the conditions of probation
3 applicable to cases in the courts for which it provides probation service. Nothing herein,
4 however, shall limit the authority of the court to impose or modify any general or specific
5 conditions of probation.

217.760. 1. In all felony cases and class A misdemeanor cases, the basis of which
2 misdemeanor cases are contained in chapters 565 and 566 and section 577.023, at the request of
3 a circuit judge of any circuit court, the **[board] division of probation and parole** shall assign

4 one or more state probation and parole officers to make an investigation of the person convicted
5 of the crime or offense before sentence is imposed. In all felony cases in which the
6 recommended sentence established by the sentencing advisory commission pursuant to
7 subsection 6 of section 558.019 includes probation but the recommendation of the prosecuting
8 attorney or circuit attorney does not include probation, the **[board] division** of probation and
9 parole shall, prior to sentencing, provide the judge with a report on available alternatives to
10 incarceration. If a presentence investigation report is completed then the available alternatives
11 shall be included in the presentence investigation report.

12 2. The report of the presentence investigation or preparole investigation shall contain any
13 prior criminal record of the defendant and such information about his or her characteristics, his
14 or her financial condition, his or her social history, the circumstances affecting his or her
15 behavior as may be helpful in imposing sentence or in granting probation or in the correctional
16 treatment of the defendant, information concerning the impact of the crime upon the victim, the
17 recommended sentence established by the sentencing advisory commission and available
18 alternatives to incarceration including opportunities for restorative justice, as well as a
19 recommendation by the probation and parole officer. The officer shall secure such other
20 information as may be required by the court and, whenever it is practicable and needed, such
21 investigation shall include a physical and mental examination of the defendant.

217.762. 1. Prior to sentencing any defendant convicted of a felony which resulted in
2 serious physical injury or death to the victim, a presentence investigation shall be conducted by
3 the **[board] division** of probation and parole to be considered by the court, unless the court orders
4 otherwise.

5 2. The presentence investigation shall include a victim impact statement if the defendant
6 caused physical, psychological, or economic injury to the victim.

7 3. If the court does not order a presentence investigation, the prosecuting attorney may
8 prepare a victim impact statement to be submitted to the court. The court shall consider the
9 victim impact statement in determining the appropriate sentence, and in entering any order of
10 restitution to the victim.

11 4. A victim impact statement shall:

12 (1) Identify the victim of the offense;

13 (2) Itemize any economic loss suffered by the victim as a result of the offense;

14 (3) Identify any physical injury suffered by the victim as a result of the offense, along
15 with its seriousness and permanence;

16 (4) Describe any change in the victim's personal welfare or familial relationships as a
17 result of the offense;

18 (5) Identify any request for psychological services initiated by the victim or the victim's
19 family as a result of the offense; and

20 (6) Contain any other information related to the impact of the offense upon the victim
21 that the court requires.

217.777. 1. The department shall administer a community corrections program to
2 encourage the establishment of local sentencing alternatives for offenders to:

3 (1) Promote accountability of offenders to crime victims, local communities and the state
4 by providing increased opportunities for offenders to make restitution to victims of crime
5 through financial reimbursement or community service;

6 (2) Ensure that victims of crime are included in meaningful ways in Missouri's response
7 to crime;

8 (3) Provide structured opportunities for local communities to determine effective local
9 sentencing options to assure that individual community programs are specifically designed to
10 meet local needs;

11 (4) Reduce the cost of punishment, supervision and treatment significantly below the
12 annual per-offender cost of confinement within the traditional prison system; ~~and~~

13 (5) **Utilize community supervision centers to effectively respond to violations and**
14 **prevent revocations; and**

15 (6) Improve public confidence in the criminal justice system by involving the public in
16 the development of community-based sentencing options for eligible offenders.

17 2. The program shall be designed to implement and operate community-based restorative
18 justice projects including, but not limited to: preventive or diversionary programs,
19 community-based intensive probation and parole services, community-based treatment centers,
20 day reporting centers, and the operation of facilities for the detention, confinement, care and
21 treatment of adults under the purview of this chapter.

22 3. The department shall promulgate rules and regulations for operation of the program
23 established pursuant to this section as provided for in section 217.040 and chapter 536.

24 4. Any proposed program or strategy created pursuant to this section shall be developed
25 after identification of a need in the community for such programs, through consultation with
26 representatives of the general public, judiciary, law enforcement and defense and prosecution
27 bar.

28 5. In communities where local volunteer community boards are established at the request
29 of the court, the following guidelines apply:

30 (1) The department shall provide a program of training to eligible volunteers and develop
31 specific conditions of a probation program and conditions of probation for offenders referred to
32 it by the court. Such conditions, as established by the community boards and the department,

33 may include compensation and restitution to the community and the victim by fines, fees, day
34 fines, victim-offender mediation, participation in victim impact panels, community service, or
35 a combination of the aforementioned conditions;

36 (2) The term of probation shall not exceed five years and may be concluded by the court
37 when conditions imposed are met to the satisfaction of the local volunteer community board.

38 6. The department may staff programs created pursuant to this section with employees
39 of the department or may contract with other public or private agencies for delivery of services
40 as otherwise provided by law.

217.810. 1. The governor is hereby authorized and directed to enter into the interstate
2 compact for the supervision of parolees and probationers on behalf of the state of Missouri with
3 the commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any and all
4 other states of the United States legally joining therein and pursuant to the provisions of an act
5 of the Congress of the United States of America granting the consent of Congress to the
6 commonwealth of Puerto Rico, the Virgin Islands, the District of Columbia and any two or more
7 states to enter into agreements or compacts for cooperative effort and mutual assistance in the
8 prevention of crime and for other purposes, which compact shall have as its objective the
9 permitting of persons placed on probation or released on parole to reside in any other state
10 signatory to the compact assuming the duties of visitation and supervision over such probationers
11 and parolees; permitting the extradition and transportation without interference of prisoners,
12 being retaken, through any and all states signatory to the compact under such terms, conditions,
13 rules and regulations, and for such duration as in the opinion of the governor of this state shall
14 be necessary and proper and in a form substantially as contained in subsection 2 of this section.
15 The chairman of the board shall administer the compact for the state.

16 2. INTERSTATE COMPACT FOR THE
17 SUPERVISION OF PAROLEES AND PROBATIONERS

18 This compact shall be entered into by and among the contracting states, signatories
19 hereto, with the consent of the Congress of the United States of America, granted by an act
20 entitled "An act granting the consent of Congress to any two or more states to enter into
21 agreements or compacts for cooperative effort and mutual assistance in the prevention of crime
22 and for other purposes."

23 The contracting states solemnly agree:

24 (1) That it shall be competent for the duly constituted judicial and administrative
25 authorities of a state party to this compact (herein called "sending state") to permit any person
26 convicted of an offense within such state and placed on probation or released on parole to reside
27 in any other state party to this compact (herein called "receiving state"), while on probation or
28 parole, if

29 (a) Such a person is in fact a resident of or has his family residing within the receiving
30 state and can obtain employment there;

31 (b) Though not a resident of the receiving state and not having his family residing there,
32 the receiving state consents to such person being sent there.

33 Before granting such permission, opportunity shall be granted to the receiving state to
34 investigate the home and prospective employment of such person.

35 A resident of the receiving state, within the meaning of this section, is one who has been
36 an actual inhabitant of such state continuously for more than one year prior to his coming to the
37 sending state and has not resided within the sending state more than six continuous months
38 immediately preceding the commission of the offense for which he has been convicted.

39 (2) The receiving state shall assume the duties of visitation and supervision over
40 probationers or parolees of any sending state transferred under the compact and will apply the
41 same standards of supervision that prevail for its own probationers and parolees.

42 (3) That duly accredited officers of a sending state may at all times enter a receiving state
43 and there apprehend and retake any person on probation or parole. For that purpose no
44 formalities will be required other than establishing the authority of the officer and the identity
45 of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice
46 are hereby expressly waived on the part of states party hereto, as to such persons. The decision
47 of the sending state to retake a person on probation or parole shall be conclusive upon and not
48 reviewable within the receiving state. Provided, however, that if at the time when a state seeks
49 to retake a probationer or parolee there should be pending against him within the receiving state
50 any criminal charge, or he should be suspected of having committed within such state a criminal
51 offense, he shall not be retaken without the consent of the receiving state until discharged from
52 prosecution or from imprisonment for such offense.

53 (4) That the duly accredited officers of the sending state will be permitted to transport
54 prisoners being retaken through any and all states parties to this compact, without interference.

55 (5) Each state may designate an officer who, acting jointly with like officers of other
56 contracting states shall promulgate such rules and regulations as may be deemed necessary to
57 more effectively carry out the terms of this compact.

58 (6) That this compact shall become operative immediately upon its execution by any
59 state as between it and any other state or states so executing. When executed it shall have the
60 full force and effect of law within such state, the form of execution to be in accordance with the
61 laws of the executing state.

62 (7) That this compact shall continue in force and remain binding upon each executing
63 state until renounced by it. The duties and obligations hereunder of a renouncing state shall
64 continue as to parolees or probationers residing therein at the time of withdrawal until retaken

65 or finally discharged by the sending state. Renunciation of this compact shall be by the same
66 authority which executed it, by sending six months' notice in writing of its intention to withdraw
67 from the compact to the other states party hereto.

68 3. If any section, sentence, subdivision or clause within subsection 2 of this section is
69 for any reason held invalid or to be unconstitutional, such decision shall not affect the validity
70 of the remaining provisions of that subsection or this section.

71 4. All necessary and proper expenses accruing as a result of a person being returned to
72 this state by order of a court or the **parole** board [~~of probation and parole~~] shall be paid by the
73 state as provided in section 548.241 or 548.243.

221.050. Persons confined in jails shall be separated and confined according to sex.
2 Persons confined under civil process or for civil causes shall be kept separate from criminals.
3 **Nothing in this section shall be construed to prohibit the housing of persons on probation**
4 **or parole with offenders or persons being held on criminal charges.**

221.105. 1. The governing body of any county and of any city not within a county shall
2 fix the amount to be expended for the cost of incarceration of prisoners confined in jails or
3 medium security institutions. The per diem cost of incarceration of these prisoners chargeable
4 by the law to the state shall be determined, subject to the review and approval of the department
5 of corrections.

6 2. When the final determination of any criminal prosecution shall be such as to render
7 the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the
8 clerk of the circuit court or court of common pleas in which the case was determined the total
9 number of days any prisoner who was a party in such case remained in the county jail. It shall
10 be the duty of the county commission to supply the cost per diem for county prisons to the clerk
11 of the circuit court on the first day of each year, and thereafter whenever the amount may be
12 changed. It shall then be the duty of the clerk of the court in which the case was determined to
13 include in the bill of cost against the state all fees which are properly chargeable to the state. In
14 any city not within a county it shall be the duty of the superintendent of any facility boarding
15 prisoners to certify to the chief executive officer of such city not within a county the total number
16 of days any prisoner who was a party in such case remained in such facility. It shall be the duty
17 of the superintendents of such facilities to supply the cost per diem to the chief executive officer
18 on the first day of each year, and thereafter whenever the amount may be changed. It shall be
19 the duty of the chief executive officer to bill the state all fees for boarding such prisoners which
20 are properly chargeable to the state. The chief executive may by notification to the department
21 of corrections delegate such responsibility to another duly sworn official of such city not within
22 a county. The clerk of the court of any city not within a county shall not include such fees in the

23 bill of costs chargeable to the state. The department of corrections shall revise its criminal cost
24 manual in accordance with this provision.

25 3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable
26 to the state, including those incurred for a prisoner who is incarcerated in the county jail because
27 the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has,
28 violated any condition of the prisoner's parole or probation, and such parole or probation is a
29 consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri
30 department of corrections or otherwise held at the request of the Missouri department of
31 corrections regardless of whether or not a warrant has been issued shall be the actual cost of
32 incarceration not to exceed:

33 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

34 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

35 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
36 prisoner, subject to appropriations, but not less than the amount appropriated in the previous
37 fiscal year.

38 **4. The presiding judge of a judicial circuit may propose expenses to be**
39 **reimbursable by the state on behalf of one or more of the counties in that circuit. Proposed**
40 **reimbursable expenses may include pretrial assessment and supervision strategies for**
41 **defendants who are ultimately eligible for state incarceration. A county may not receive**
42 **more than its share of the amount appropriated in the previous fiscal year, inclusive of**
43 **expenses proposed by the presiding judge. Any county shall convey such proposal to the**
44 **department, and any such proposal presented by a presiding judge shall include the**
45 **documented agreement with the proposal by the county governing body, prosecuting**
46 **attorney, at least one associate circuit judge, and the officer of the county responsible for**
47 **custody or incarceration of prisoners of the county represented in the proposal. Any**
48 **county that declines to convey a proposal to the department, pursuant to the provisions of**
49 **this subsection, shall receive its per diem cost of incarceration for all prisoners chargeable**
50 **to the state in accordance with the provisions of subsections 1, 2, and 3 of this section.**

260.391. 1. There is hereby created in the state treasury a fund to be known as the
2 "Hazardous Waste Fund". All funds received from hazardous waste permit and license fees,
3 generator fees or taxes, penalties, or interest assessed on those fees or taxes, taxes collected by
4 contract hazardous waste landfill operators, general revenue, federal funds, gifts, bequests,
5 donations, or any other moneys so designated shall be paid to the director of revenue and
6 deposited in the state treasury to the credit of the hazardous waste fund. The hazardous waste
7 fund, subject to appropriation by the general assembly, shall be used by the department as
8 provided by appropriations and consistent with rules and regulations established by the

9 hazardous waste management commission for the purpose of carrying out the provisions of
10 sections 260.350 to 260.430 and sections 319.100 to 319.127, and 319.137, and 319.139 for the
11 management of hazardous waste, responses to hazardous substance releases as provided in
12 sections 260.500 to 260.550, corrective actions at regulated facilities and illegal hazardous waste
13 sites, prevention of leaks from underground storage tanks and response to petroleum releases
14 from underground and aboveground storage tanks and other related activities required to carry
15 out provisions of sections 260.350 to 260.575 and sections 319.100 to 319.127, and for payments
16 to other state agencies for such services consistent with sections 260.350 to 260.575 and sections
17 319.100 to 319.139 upon proper warrant issued by the commissioner of administration, and for
18 any other expenditures which are not covered pursuant to the federal Comprehensive
19 Environmental Response, Compensation and Liability Act of 1980, including but not limited to
20 the following purposes:

21 (1) Administrative services as appropriate and necessary for the identification,
22 assessment and cleanup of abandoned or uncontrolled sites pursuant to sections 260.435 to
23 260.550;

24 (2) Payments to other state agencies for such services consistent with sections 260.435
25 to 260.550, upon proper warrant issued by the commissioner of administration, including, but
26 not limited to, the department of health and senior services for the purpose of conducting health
27 studies of persons exposed to waste from an uncontrolled or abandoned hazardous waste site or
28 exposed to the release of any hazardous substance as defined in section 260.500;

29 (3) Acquisition of property as provided in section 260.420;

30 (4) The study of the development of a hazardous waste facility in Missouri as authorized
31 in section 260.037;

32 (5) Financing the nonfederal share of the cost of cleanup and site remediation activities
33 as well as postclosure operation and maintenance costs, pursuant to the federal Comprehensive
34 Environmental Response, Compensation and Liability Act of 1980; ~~and~~

35 (6) Reimbursement of owners or operators who accept waste pursuant to departmental
36 orders pursuant to subdivision (2) of subsection 1 of section 260.420; **and**

37 **(7) Transfer of funds, upon appropriation, into the radioactive waste investigation**
38 **fund in section 260.558.**

39 2. The unexpended balance in the hazardous waste fund at the end of each fiscal year
40 shall not be transferred to the general revenue fund of the state treasurer, except as directed by
41 the general assembly by appropriation, and shall be invested to generate income to the fund. The
42 provisions of section 33.080 relating to the transfer of funds to the general revenue fund of the
43 state by the state treasurer shall not apply to the hazardous waste fund.

44 3. There is hereby created within the hazardous waste fund a subaccount known as the
45 "Hazardous Waste Facility Inspection Subaccount". All funds received from hazardous waste
46 facility inspection fees shall be paid to the director of revenue and deposited in the state treasury
47 to the credit of the hazardous waste facility inspection subaccount. Moneys from such
48 subaccount shall be used by the department for conducting inspections at facilities that are
49 permitted or are required to be permitted as hazardous waste facilities by the department.

50 4. The fund balance remaining in the hazardous waste remedial fund shall be transferred
51 to the hazardous waste fund created in this section.

52 5. No moneys shall be available from the fund for abandoned site cleanup unless the
53 director has made all reasonable efforts to secure voluntary agreement to pay the costs of
54 necessary remedial actions from owners or operators of abandoned or uncontrolled hazardous
55 waste sites or other responsible persons.

56 6. The director shall make all reasonable efforts to recover the full amount of any funds
57 expended from the fund for cleanup through litigation or cooperative agreements with
58 responsible persons. All moneys recovered or reimbursed pursuant to this section through
59 voluntary agreements or court orders shall be deposited to the hazardous waste fund created
60 herein.

61 7. In addition to revenue from all licenses, taxes, fees, penalties, and interest, specified
62 in subsection 1 of this section, the department shall request an annual appropriation of general
63 revenue equal to any state match obligation to the U.S. Environmental Protection Agency for
64 cleanup performed pursuant to the authority of the Comprehensive Environmental Response,
65 Compensation and Liability Act of 1980.

**260.558. 1. There is hereby created in the state treasury the "Radioactive Waste
2 Investigation Fund". The state treasurer shall be custodian of the fund. In accordance
3 with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund
4 shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely
5 by the department of natural resources to investigate concerns of exposure to radioactive
6 waste. Upon written request by a local governing body expressing concerns of radioactive
7 waste contamination in a specified area within its jurisdiction, the department of natural
8 resources shall use moneys in the radioactive waste investigation fund to develop and
9 conduct an investigation, using sound scientific methods, for the specified area of concern.
10 The request by a local governing body shall include a specified area of concern and any
11 supporting documentation related to the concern. The department shall prioritize requests
12 in the order in which they are received, except that the department may give priority to
13 requests that are in close proximity to federally designated sites where radioactive
14 contaminants are known or reasonably expected to exist. The investigation shall be**

15 performed by applicable federal or state agencies or by a qualified contractor selected by
16 the department through a competitive bidding process. In conducting an investigation
17 under this section, the department shall work with the applicable government agency or
18 approved contractor, as well as local officials, to develop a sampling and analysis plan to
19 determine if radioactive contaminants in the area of concern exceed federal standards for
20 remedial action due to contamination. Within a residential area, this plan may include
21 dust samples collected inside residential homes only after obtaining permission from the
22 homeowners. The samples shall be analyzed for the isotopes necessary to correlate the
23 samples with the suspected contamination, as described in the sampling and analysis plan.
24 Within forty-five days of receiving the final sampling results, the department shall report
25 the results to the attorney general and the local governing body that requested the
26 investigation and make the finalized report and testing results publicly available on the
27 department's website.

28 **2. The transfer to the fund shall not exceed one hundred fifty thousand dollars per**
29 **fiscal year. Investigation costs expended from this fund shall not exceed one hundred fifty**
30 **thousand dollars per fiscal year. Any moneys remaining in the fund at the end of the**
31 **biennium shall revert to the credit of the hazardous waste fund.**

32 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
33 **funds are invested. Any interest and moneys earned on such investments shall be credited**
34 **to the fund.**

292.606. 1. Fees shall be collected for a period of six years from August 28, [2012]
2 **2018.**

3 2. (1) Any employer required to report under subsection 1 of section 292.605, except
4 local governments and family-owned farm operations, shall submit an annual fee to the
5 commission of one hundred dollars along with the Tier II form. Owners or operators of
6 petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any
7 person, firm or corporation selling, delivering or transporting petroleum or petroleum products
8 and whose primary business deals with petroleum products or who is covered by the provisions
9 of chapter 323, if such person, firm or corporation is paying fees under the provisions of the
10 federal hazardous materials transportation registration and fee assessment program, shall deduct
11 such federal fees from those fees owed to the state under the provisions of this subsection. If the
12 federal fees exceed or are equal to what would otherwise be owed under this subsection, such
13 employer shall not be liable for state fees under this subsection. In relation to petroleum
14 products "primary business" shall mean that the person, firm or corporation shall earn more than
15 fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum
16 products. For the purpose of calculating fees, all grades of gasoline are considered to be one

17 product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and
18 all other heavy distillate products except for grades of gasoline are considered to be one product,
19 and all varieties of motor lubricating oil are considered to be one product. For the purposes of
20 this section "facility" shall mean all buildings, equipment, structures and other stationary items
21 that are located on a single site or on contiguous or adjacent sites and which are owned or
22 operated by the same person. If more than three hazardous substances or mixtures are reported
23 on the Tier II form, the employer shall submit an additional twenty dollar fee for each hazardous
24 substance or mixture. Fees collected under this subdivision shall be for each hazardous chemical
25 on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances
26 on hand at any one time in excess of five hundred pounds or the threshold planning quantity,
27 whichever is less, or for explosives or blasting agents on hand at any one time in excess of one
28 hundred pounds. However, no employer shall pay more than ten thousand dollars per year in
29 fees. Moneys acquired through litigation and any administrative fees paid pursuant to subsection
30 3 of this section shall not be applied toward this cap.

31 (2) Employers engaged in transporting hazardous materials by pipeline except local gas
32 distribution companies regulated by the Missouri public service commission shall pay to the
33 commission a fee of two hundred fifty dollars for each county in which they operate.

34 (3) Payment of fees is due each year by March first. A late fee of ten percent of the total
35 owed, plus one percent per month of the total, may be assessed by the commission.

36 (4) If, on March first of each year, fees collected under this section and natural resources
37 damages made available pursuant to section 640.235 exceed one million dollars, any excess over
38 one million dollars shall be proportionately credited to fees payable in the succeeding year by
39 each employer who was required to pay a fee and who did pay a fee in the year in which the
40 excess occurred. The limit of one million dollars contained herein shall be reviewed by the
41 commission concurrent with the review of fees as required in subsection 1 of this section.

42 3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to subsection
43 1 of section 292.605 may request that the commission distribute that employer's Tier II report
44 to the local emergency planning committees and fire departments listed in its Tier II report. Any
45 employer opting to have the commission distribute its Tier II report shall pay an additional fee
46 of ten dollars for each facility listed in the report at the time of filing to recoup the commission's
47 distribution costs. Fees shall be deposited in the chemical emergency preparedness fund
48 established under section 292.607. An employer who pays the additional fee and whose Tier II
49 report includes all local emergency planning committees and fire departments required to be
50 notified under subsection 1 of section 292.605 shall satisfy the reporting requirements of
51 subsection 1 of section 292.605. The commission shall develop a mechanism for an employer
52 to exercise its option to have the commission distribute its Tier II report.

53 4. Local emergency planning committees receiving funds under section 292.604 shall
54 coordinate with the commission and the department in chemical emergency planning, training,
55 preparedness, and response activities. Local emergency planning committees receiving funds
56 under this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section
57 640.235 shall provide to the commission an annual report of expenditures and activities.

58 5. Fees collected by the department and all funds provided to local emergency planning
59 committees shall be used for chemical emergency preparedness purposes as outlined in sections
60 292.600 to 292.625 and the federal act, including contingency planning for chemical releases;
61 exercising, evaluating, and distributing plans, providing training related to chemical emergency
62 preparedness and prevention of chemical accidents; identifying facilities required to report;
63 processing the information submitted by facilities and making it available to the public; receiving
64 and handling emergency notifications of chemical releases; operating a local emergency planning
65 committee; and providing public notice of chemical preparedness activities. Local emergency
66 planning committees receiving funds under this section may combine such funds with other local
67 emergency planning committees to further the purposes of sections 292.600 to 292.625, or the
68 federal act.

69 6. The commission shall establish criteria and guidance on how funds received by local
70 emergency planning committees may be used.

**302.025. All driver training programs offered within this state shall include
2 instruction concerning law enforcement procedures for traffic stops, including a
3 demonstration of the proper actions to be taken during a traffic stop and appropriate
4 interactions with law enforcement. Such programs shall also present enrollees with the
5 information provided by the department of revenue pursuant to section 302.176. As used
6 in this section, "driver training programs" shall include private drivers' education
7 programs and driver training programs taught by an instructor holding a valid driver
8 education endorsement on a teaching certificate issued by the state department of
9 elementary and secondary education.**

302.176. 1. Upon successful completion of the requirements of this chapter to obtain
2 a driver's license, all first-time licensees in this state shall receive information from the
3 department of revenue relating to:

4 (1) The dangers of operating a motor vehicle while in an intoxicated or drugged
5 condition;

6 (2) **Law enforcement procedures for traffic stops, the proper actions to be taken
7 during a traffic stop, and appropriate interactions with law enforcement; and**

8 **(3) A description of drivers' and passengers' constitutional and other legal rights**
9 **as they relate to a traffic stop, including but not limited to, searches and seizures, the right**
10 **to remain silent, and the right to an attorney.**

11 **2. The director of revenue shall, in consultation with the superintendent of the**
12 **Missouri state highway patrol and attorney general of this state, promulgate rules and**
13 **regulations to administer the provisions of this section. Any rule or portion of a rule, as**
14 **that term is defined in section 536.010 that is created under the authority delegated in this**
15 **section shall become effective only if it complies with and is subject to all of the provisions**
16 **of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are**
17 **nonseverable and if any of the powers vested with the general assembly pursuant to**
18 **chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are**
19 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
20 **proposed or adopted after August 28, 2018, shall be invalid and void.**

306.030. 1. The owner of each vessel requiring numbering by this state shall file an
2 application for number with the department of revenue on forms provided by it. The application
3 shall contain a full description of the vessel, factory number or serial number, together with a
4 statement of the applicant's source of title and of any liens or encumbrances on the vessel. For
5 good cause shown the director of revenue may extend the period of time for making such
6 application. The director of revenue shall use reasonable diligence in ascertaining whether the
7 facts stated in such application are true, and, if satisfied that the applicant is the lawful owner of
8 such vessel, or otherwise entitled to have the same registered in his or her name, shall thereupon
9 issue an appropriate certificate of title over the director's signature and sealed with the seal of the
10 director's office, procured and used for such purpose, and a certificate of number stating the
11 number awarded to the vessel. The application shall include a provision stating that the applicant
12 will consent to any inspection necessary to determine compliance with the provisions of this
13 chapter and shall be signed by the owner of the vessel and shall be accompanied by the fee
14 specified in subsection 10 of this section. The owner shall paint on or attach to each side of the
15 bow of the vessel the identification number in a manner as may be prescribed by rules and
16 regulations of the division of water safety in order that it may be clearly visible. The number
17 shall be maintained in legible condition. The certificate of number shall be pocket size and shall
18 be available at all times for inspection on the vessel for which issued, whenever the vessel is in
19 operation. The operator of a vessel in which such certificate of number is not available for
20 inspection by the water patrol division or, if the operator cannot be determined, the person who
21 is the registered owner of the vessel shall be subject to the penalties provided in section 306.210.
22 Vessels owned by the state or a political subdivision shall be registered but no fee shall be
23 assessed for such registration.

24 2. Each new vessel sold in this state after January 1, 1970, shall have die stamped on or
25 within three feet of the transom or stern a factory number or serial number.

26 3. The owner of any vessel already covered by a number in full force and effect which
27 has been awarded to it pursuant to then operative federal law or a federally approved numbering
28 system of another state shall record the number prior to operating the vessel on the waters of this
29 state in excess of the sixty-day reciprocity period provided for in section 306.080. The
30 recordation and payment of registration fee shall be in the manner and pursuant to the procedure
31 required for the award of a number under subsection 1 of this section. No additional or substitute
32 number shall be issued unless the number is a duplicate of an existing Missouri number.

33 4. In the event that an agency of the United States government shall have in force an
34 overall system of identification numbering for vessels within the United States, the numbering
35 system employed pursuant to this chapter by the department of revenue shall be in conformity
36 therewith.

37 5. All records of the department of revenue made and kept pursuant to this section shall
38 be public records.

39 6. Every certificate of number awarded pursuant to this chapter shall continue in force
40 and effect for a period of three years unless sooner terminated or discontinued in accordance with
41 the provisions of this chapter.

42 Certificates of number may be renewed by the owner in the same manner provided for in the
43 initial securing of the same or in accordance with the provisions of sections 306.010 to 306.030.

44 7. The department of revenue shall fix the days and months of the year on which
45 certificates of number due to expire during the calendar year shall lapse and no longer be of any
46 force and effect unless renewed pursuant to this chapter and may stagger such dates in order to
47 distribute the workload.

48 8. When applying for or renewing a vessel's certificate of number, the owner shall submit
49 a paid personal property tax receipt for the tax year which immediately precedes the year in
50 which the application is made or the year in which the renewal is due and which reflects that the
51 vessel being renewed is listed as personal property and that all personal property taxes, including
52 delinquent taxes from prior years, have been paid, or a statement certified by the county or
53 township in which the owner's property was assessed showing that the state and county tangible
54 personal property taxes for such previous tax year and all delinquent taxes due have been paid
55 by the applicant or that no such taxes were due.

56 9. When applying for or renewing a certificate of registration for a vessel documented
57 with the United States Coast Guard under section 306.016, owners of vessels shall submit a paid
58 personal property tax receipt for the tax year which immediately precedes the year in which the
59 application is made or the renewal is due and which reflects that the vessel is listed as personal

60 property and that all personal property taxes, including delinquent taxes from prior years, have
61 been paid, or a statement certified by the county or township in which the owner's property was
62 assessed showing that the state and county tangible personal property taxes for such previous tax
63 year and all delinquent taxes due have been paid by the applicant or that no such taxes were due.

- 64 10. The fee to accompany each application for a certificate of number is:
- 65 For vessels under 16 feet in length.. \$25.00
- 66 For vessels at least 16 feet in length but less than 26 feet in length. \$55.00
- 67 For vessels at least 26 feet in length but less than 40 feet in length. \$100.00
- 68 For vessels at least 40 feet and over.. \$150.00

69 11. The certificate of title and certificate of number issued by the director of revenue
70 shall be manufactured in a manner to prohibit as nearly as possible the ability to alter,
71 counterfeit, duplicate, or forge such certificate without ready detection.

72 12. **For fiscal years ending before July 1, 2019**, the first two million dollars collected
73 annually under the provisions of this section shall be deposited into the state general revenue
74 fund. All fees collected under the provisions of this section in excess of two million dollars
75 annually shall be deposited in the water patrol division fund and shall be used exclusively for the
76 water patrol division.

77 13. **Beginning July 1, 2019, the first one million dollars collected annually under**
78 **the provisions of this section shall be deposited into the state general revenue fund. All fees**
79 **collected under the provisions of this section in excess of one million dollars annually shall**
80 **be deposited in the water patrol division fund and shall be used exclusively for the water**
81 **patrol division.**

82 14. Notwithstanding the provisions of subsection 10 of this section, vessels at least
83 sixteen feet in length but less than twenty-eight feet in length, that are homemade, constructed
84 out of wood, and have a beam of five feet or less, shall pay a fee of fifty-five dollars which shall
85 accompany each application for a certification number.

306.126. 1. The operator of a motorboat shall not allow any person to ride or sit on the
2 gunwales, decking over the bow, railing, top of seat back or decking over the back of the
3 motorboat while under way, unless such person is inboard of adequate guards or railing provided
4 on the motorboat to prevent a passenger from being lost overboard. As used in this section, the
5 term "adequate guards or railing" means guards or railings having a height parameter of at least
6 six inches but not more than eighteen inches. Nothing in this section shall be construed to mean
7 that passengers or other persons aboard a motorboat cannot occupy the decking over the bow of
8 the boat to moor it to a mooring buoy or to cast off from such a buoy, or for any other necessary
9 purpose. The provisions of this section shall not apply to vessels propelled by sail **or vessels**

10 **propelled by jet motors or propellers operating on a stretch of waterway not created or**
11 **widened by impoundment.**

12 2. Whenever any person leaves any watercraft, other than a personal watercraft, on the
13 waters of the Mississippi River, the waters of the Missouri River or the lakes of this state and
14 enters the water between the hours of 11:00 a.m. and sunset, the operator of such watercraft shall
15 display on the watercraft a red or orange flag measuring not less than twelve inches by twelve
16 inches. The provisions of this subsection shall not apply to watercraft that is moored or
17 anchored. The flag required by this subsection shall be visible for three hundred sixty degrees
18 around the horizon when displayed and shall be displayed only when an occupant of the
19 watercraft has left the confines of the watercraft and entered the water. The flag required by this
20 subsection shall not be displayed when the watercraft is engaged in towing any person, but shall
21 be displayed when such person has ceased being towed and has reentered the water.

22 3. No operator shall knowingly operate any watercraft within fifty yards of a flag
23 required by subsection 2 of this section at a speed in excess of a slow-no wake speed.

 414.032. 1. All kerosene, diesel fuel, heating oil, aviation turbine fuel, gasoline,
2 gasoline-alcohol blends and other motor fuels shall meet the requirements in the annual book of
3 ASTM standards and supplements thereto. The director may promulgate rules and regulations
4 on the labeling, standards for, and identity of motor fuels and heating oils.

5 2. The director may inspect gasoline, gasoline-alcohol blends or other motor fuels to
6 insure that these fuels conform to advertised grade and octane. In no event shall the penalty for
7 a first violation of this section exceed a written reprimand.

8 **3. The director may waive specific requirements in this section and in regulations**
9 **promulgated according to this section, or may establish temporary alternative**
10 **requirements for fuels as determined to be necessary in the event of an extreme and**
11 **unusual fuel supply circumstance as a result of a petroleum pipeline or petroleum refinery**
12 **equipment failure, emergency, or a natural disaster as determined by the director for a**
13 **specified period of time. If any action is taken by the director under this section, the**
14 **director shall:**

15 **(1) Advise the U.S. Environmental Protection Agency of such action;**

16 **(2) Review the action after thirty days; and**

17 **(3) Notify industry stakeholders of such action.**

18 **4. Any waiver issued or action taken under subsection 3 of this section shall be as**
19 **limited in scope and applicability as necessary, and shall apply equally and uniformly to**
20 **all persons and companies in the impacted petroleum motor fuel supply and distribution**
21 **system, including but not limited to petroleum producers, terminals, distributors, and**
22 **retailers.**

455.095. 1. For purposes of this section, the following terms mean:

2 **(1) "Electronic monitoring with victim notification", an electronic monitoring**
3 **system that has the capability to track and monitor the movement of a person and**
4 **immediately transmit the monitored person's location to the protected person and the local**
5 **law enforcement agency with jurisdiction over the protected premises through an**
6 **appropriate means, including the telephone, an electronic beeper, or paging device**
7 **whenever the monitored person enters the protected premises as specified in the order by**
8 **the court;**

9 **(2) "Informed consent", the protected person is given the following information**
10 **before consenting to participate in electronic monitoring with victim notification:**

11 **(a) The protected person's right to refuse to participate in such monitoring and the**
12 **process for requesting the court to terminate his or her participation after it has been**
13 **ordered;**

14 **(b) The manner in which the electronic monitoring technology functions and the**
15 **risks and limitations of that technology;**

16 **(c) The boundaries imposed on the person being monitored during the electronic**
17 **monitoring;**

18 **(d) The sanctions that the court may impose for violations of the order issued by**
19 **the court;**

20 **(e) The procedure that the protected person is to follow if the monitored person**
21 **violates an order or if the electronic monitoring equipment fails;**

22 **(f) Identification of support services available to assist the protected person in**
23 **developing a safety plan to use if the monitored person violates an order or if the electronic**
24 **monitoring equipment fails;**

25 **(g) Identification of community services available to assist the protected person in**
26 **obtaining shelter, counseling, education, child care, legal representation, and other help**
27 **in addressing the consequences and effects of domestic violence; and**

28 **(h) The non-confidential nature of the protected person's communications with the**
29 **court concerning electronic monitoring and the restrictions to be imposed upon the**
30 **monitored person's movements.**

31 **2. When a person is found guilty of violating the terms and conditions of an ex**
32 **parte or full order of protection under sections 455.085 or 455.538, the court may, in**
33 **addition to or in lieu of any other disposition:**

34 **(1) Sentence the person to electronic monitoring with victim notification; or**

35 **(2) Place the person on probation and, as a condition of such probation, order**
36 **electronic monitoring with victim notification.**

37 **3. When a person charged with violating the terms and conditions of an ex parte**
38 **or full order of protection under sections 455.085 or 455.538 is released from custody**
39 **before trial pursuant to section 544.455, the court may, as a condition of release, order**
40 **electronic monitoring of the person with victim notification.**

41 **4. Electronic monitoring with victim notification shall be ordered only with the**
42 **protected person's informed consent. In determining whether to place a person on**
43 **electronic monitoring with victim notification, the court may hold a hearing to consider the**
44 **likelihood that the person's participation in electronic monitoring will deter the person**
45 **from injuring the protected person. The court shall consider the following factors:**

46 **(1) The gravity and seriousness of harm that the person inflicted on the protected**
47 **person in the commission of any act of domestic violence;**

48 **(2) The person's previous history of domestic violence;**

49 **(3) The person's history of other criminal acts, if any;**

50 **(4) Whether the person has access to a weapon;**

51 **(5) Whether the person has threatened suicide or homicide;**

52 **(6) Whether the person has a history of mental illness or has been civilly**
53 **committed; and**

54 **(7) Whether the person has a history of alcohol or substance abuse.**

55 **5. Unless the person is determined to be indigent by the court, a person ordered to**
56 **be placed on electronic monitoring with victim notification shall be ordered to pay the**
57 **related costs and expenses. If the court determines the person is indigent, the person may**
58 **be placed on electronic monitoring with victim notification, and the clerk of the court in**
59 **which the case was determined shall notify the department of corrections that the person**
60 **was determined to be indigent and shall include in a bill to the department the costs**
61 **associated with the monitoring. The department shall establish by rule a procedure to**
62 **determine the portion of costs each indigent person is able to pay based on a person's**
63 **income, number of dependents, and other factors as determined by the department and**
64 **shall seek reimbursement of such costs.**

65 **6. An alert from an electronic monitoring device shall be probable cause to arrest**
66 **the monitored person for a violation of an ex parte or full order of protection.**

67 **7. The department of corrections, department of public safety, Missouri state**
68 **highway patrol, the circuit courts, and county and municipal law enforcement agencies**
69 **shall share information obtained via electronic monitoring conducted pursuant to this**
70 **section.**

71 **8. No supplier of a product, system, or service used for electronic monitoring with**
72 **victim notification shall be liable, directly or indirectly, for damages arising from any**

73 **injury or death associated with the use of the product, system, or service unless, and only**
74 **to the extent that, such action is based on a claim that the injury or death was proximately**
75 **caused by a manufacturing defect in the product or system.**

76 **9. Nothing in this section shall be construed as limiting a court's ability to place a**
77 **person on electronic monitoring without victim notification under sections 544.455 or**
78 **557.011.**

79 **10. A person shall be found guilty of the offense of tampering with electronic**
80 **monitoring equipment under section 575.205 if he or she commits the actions prohibited**
81 **under such section with any equipment that a court orders the person to wear under this**
82 **section.**

83 **11. The department of corrections shall promulgate rules and regulations for the**
84 **implementation of subsection 5 of this section. Any rule or portion of a rule, as that term**
85 **is defined in section 536.010 that is created under the authority delegated in this section**
86 **shall become effective only if it complies with and is subject to all of the provisions of**
87 **chapter 536, and, if applicable, section 536.028. This section and chapter 536 are**
88 **nonseverable and if any of the powers vested with the general assembly pursuant to**
89 **chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are**
90 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
91 **proposed or adopted after August 28, 2018, shall be invalid and void.**

92 **12. The provisions of this section shall expire on August 28, 2024.**

455.560. 1. A prosecuting attorney or circuit attorney may impanel a domestic
2 **violence fatality review panel for the county or city not within a county in which he or she**
3 **serves to investigate the deaths of victims of homicides determined to be related to domestic**
4 **violence, as the term is defined in section 455.010.**

5 **2. Members of the panel may include any representative of programs or**
6 **organizations that provide services and responses to victims of domestic violence within the**
7 **county or city not within a county. The panel shall include, but shall not be limited to, the**
8 **following members:**

9 **(1) The prosecuting or circuit attorney;**

10 **(2) The coroner or medical examiner for the county or city not within a county;**

11 **(3) A representative of law enforcement personnel in the county or city not within**
12 **a county;**

13 **(4) A provider of public health care services;**

14 **(5) A provider of emergency medical services or other medical or health care**
15 **providers;**

16 **(6) A representative of any victim assistant unit for the prosecuting or circuit**
17 **attorney, law enforcement organization, or court of the county or city not within a county;**

18 **(7) A representative of shelters for victims of domestic violence, as defined in**
19 **section 455.200, or domestic violence services organizations that provide services for**
20 **victims within the county or city not within a county; and**

21 **(8) A representative of rape crisis centers, as defined in section 455.003, that**
22 **provide sexual assault services for victims within the county or city not within a county.**

23 **3. A prosecuting or circuit attorney shall organize the panel and shall call the first**
24 **organizational meeting of the panel. The panel shall elect a chairperson who shall convene**
25 **the panel to meet to review all deaths of victims of homicides determined to be related to**
26 **domestic violence.**

27 **4. The executive officer of any municipality or county may request that a domestic**
28 **violence fatality review panel be convened in response to any fatality which occurs within**
29 **the boundaries of the municipality or county.**

30 **5. Work products of the domestic violence fatality review panel other than the final**
31 **report required by subsection 6 of this section, including, but not limited to internal**
32 **memoranda, summaries or minutes of panel meetings, and written, audio recorded, or**
33 **electronic records and communications, are not public records as defined by subdivision**
34 **(6) of section 610.010 and are not available for public examination, reproduction, or**
35 **disclosure, and are not admissible as evidence in any civil, criminal, or administrative**
36 **proceeding.**

37 **6. The panel shall issue a final report, which shall be a public record as defined by**
38 **subdivision (6) of section 610.010, of each investigation. The final report shall include the**
39 **panel's findings and recommendations for enhanced practices, protocols, and**
40 **collaborations to address domestic violence and prevent homicides, and a copy shall be**
41 **provided to the governor, the speaker of the house of representatives, the president pro**
42 **tempore of the senate, the executive leadership of the government of the political**
43 **subdivision of the state of Missouri in which the panel operates, and the statewide domestic**
44 **violence coalition, as such is recognized by the United States Department of Justice and the**
45 **United States Department of Health and Human Services. The final report shall also**
46 **include a summary.**

2 488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for
3 their services rendered in criminal cases and in all proceedings for contempt or attachment, as
4 required by law, the sum of seventy-five dollars for each felony case or contempt or attachment
5 proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, including
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]~~ 5 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
22 each pleading, writ, summons, order of court or other document served in connection with the
23 case or proceeding by the sheriff of the other county or city, and return made thereof, to the
24 maximum 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.

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~~
15 ~~in this section shall be a class A misdemeanor, punishable by a fine of up to one thousand~~
16 ~~dollars.]~~ **Any law enforcement agency that intentionally or knowingly fails to comply with**
17 **the reporting requirement contained in this section shall be ineligible to receive state or**
18 **federal funds which would otherwise be paid to such agency for law enforcement, safety,**
19 **or criminal justice purposes.**

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has been found
2 guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
4 incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of
5 section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a
6 sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205,
7 promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor;
8 section 573.025, promoting child pornography in the first degree; section 573.035, promoting

9 child pornography in the second degree; section 573.037, possession of child pornography, or
10 section 573.040, furnishing pornographic material to minors; or

11 (2) Any offense in any other jurisdiction which, if committed in this state, would be a
12 violation listed in this section;

13

14 shall not reside within one thousand feet of any public school as defined in section 160.011, any
15 private school giving instruction in a grade or grades not higher than the twelfth grade, or any
16 child care facility that is licensed under chapter 210, or any child care facility as defined in
17 section 210.201 that is exempt from state licensure but subject to state regulation under section
18 210.252 and holds itself out to be a child care facility, where the school or facility is in existence
19 at the time the individual begins to reside at the location. **Such person shall also not reside**
20 **within one thousand feet of the property line of the residence of a former victim of such**
21 **person.**

22 2. If such person has already established a residence and a public school, a private
23 school, or child care facility is subsequently built or placed within one thousand feet of such
24 person's residence, **or a former victim subsequently resides on property with a property line**
25 **within one thousand feet of such person's residence**, then such person shall, within one week
26 of the opening of such public school, private school, or child care facility, **or the former victim**
27 **residing on the property**, notify the county sheriff where such public school, private school,
28 ~~or~~ child care facility, **or residence of a former victim** is located that he or she is now residing
29 within one thousand feet of such public school, private school, ~~or~~ child care facility, **or**
30 **property line of the residence of a former victim**, and shall provide verifiable proof to the
31 sheriff that he or she resided there prior to the opening of such public school, private school, or
32 child care facility, **or the former victim residing on the property.**

33 3. For purposes of this section, "resides" means sleeps in a residence, which may include
34 more than one location and may be mobile or transitory.

35 4. **For the purposes of the section, one thousand feet shall be measured from the**
36 **edge of the offender's property nearest the public school, private school, child care facility,**
37 **or former victim to the nearest edge of the public school, private school, child care facility,**
38 **or former victim's property.**

39 5. Violation of the provisions of subsection 1 of this section is a class E felony except
40 that the second or any subsequent violation is a class B felony. Violation of the provisions of
41 subsection 2 of this section is a class A misdemeanor except that the second or subsequent
42 violation is a class E felony.

559.600. 1. In cases where the board of probation and parole is not required under
2 section 217.750 to provide probation supervision and rehabilitation services for misdemeanor

3 offenders, the circuit and associate circuit judges in a circuit may contract with one or more
4 private entities or other court-approved entity to provide such services. The court-approved
5 entity, including private or other entities, shall act as a misdemeanor probation office in that
6 circuit and shall, pursuant to the terms of the contract, supervise persons placed on probation by
7 the judges for class A, B, C, and D misdemeanor offenses, specifically including persons placed
8 on probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be
9 construed to prohibit the board of probation and parole, or the court, from supervising
10 misdemeanor offenders in a circuit where the judges have entered into a contract with a
11 probation entity.

12 **2. In all cases, the entity providing such private probation service shall utilize the**
13 **cutoff concentrations utilized by the department of corrections with regard to drug and**
14 **alcohol screening for clients assigned to such entity. A drug test is positive if drug presence**
15 **is at or above the cutoff concentration or negative if no drug is detected or if drug presence**
16 **is below the cutoff concentration.**

17 **3. In all cases, the entity providing such private probation service shall not require**
18 **the clients assigned to such entity to travel in excess of fifty miles in order to attend their**
19 **regular probation meetings.**

590.210. Notwithstanding any other provision of law, any law enforcement agency
2 **in this state may supplement such agency's workforce as necessary with qualified retired**
3 **peace officers as defined in subsection 12 of section 571.030 when a disaster or emergency**
4 **has been proclaimed by the governor or when there is a national emergency. Retirees**
5 **assisting law enforcement agencies under the provisions of this section shall be in**
6 **compliance with the annual firearms training and qualification standards for retired law**
7 **enforcement officers carrying concealed firearms established by the department of public**
8 **safety under section 650.030. Any compensation awarded to retirees for service under this**
9 **section shall be paid by the law enforcement agency.**

590.1040. 1. For purposes of this section, the following terms mean:

2 **(1) "Emergency services personnel", any employee or volunteer of an emergency**
3 **services provider who is engaged in providing or supporting fire fighting, dispatching**
4 **services, and emergency medical services;**

5 **(2) "Emergency services provider", any public employer that employs persons to**
6 **provide fire fighting, dispatching services, and emergency medical services;**

7 **(3) "Employee assistance program", a program established by a law enforcement**
8 **agency or emergency services provider to provide professional counseling or support**
9 **services to employees of a law enforcement agency, emergency services provider, or a**
10 **professional mental health provider associated with a peer support team;**

11 (4) "Law enforcement agency", any public agency that employs law enforcement
12 personnel;

13 (5) "Law enforcement personnel", any person who by virtue of office or public
14 employment is vested by law with a duty to maintain public order or to make arrests for
15 violation of the laws of the state of Missouri or ordinances of any municipality thereof, or
16 with a duty to maintain or assert custody or supervision over persons accused or convicted
17 of a crime, while acting within the scope of his or her authority as an employee or volunteer
18 of a law enforcement agency;

19 (6) "Peer support counseling session", any session conducted by a peer support
20 specialist that is called or requested in response to a critical incident or traumatic event
21 involving the personnel of the law enforcement agency or emergency services provider;

22 (7) "Peer support specialist", a person who:

23 (a) Is designated by a law enforcement agency, emergency services provider,
24 employee assistance program, or peer support team leader to lead, moderate, or assist in
25 a peer support counseling session;

26 (b) Is a member of a peer support team; and

27 (c) Has received training in counseling and providing emotional and moral support
28 to law enforcement officers or emergency services personnel who have been involved in
29 emotionally traumatic incidents by reason of his or her employment;

30 (8) "Peer support team", a group of peer support specialists serving one or more
31 law enforcement providers or emergency services providers.

32 2. Any communication made by a participant or peer support specialist in a peer
33 support counseling session, and any oral or written information conveyed in or as the
34 result of a peer support counseling session, are confidential and may not be disclosed by
35 any person participating in the peer support counseling session.

36 3. Any communication relating to a peer support counseling session that is made
37 between peer support specialists, between peer support specialists and the supervisors or
38 staff of an employee assistance program, or between the supervisors or staff of an employee
39 assistance program, is confidential and may not be disclosed.

40 4. The provisions of this section shall apply only to peer support counseling sessions
41 conducted by a peer support specialist.

42 5. The provisions of this section shall apply to all oral communications, notes,
43 records, and reports arising out of a peer support counseling session. Any notes, records,
44 or reports arising out of a peer support counseling session shall not be public records and
45 shall not be subject to the provisions of chapter 610. Nothing in this section limits the
46 discovery or introduction into evidence of knowledge acquired by any law enforcement

47 **personnel or emergency services personnel from observation made during the course of**
48 **employment, or material or information acquired during the course of employment, that**
49 **is otherwise subject to discovery or introduction into evidence.**

50 **6. The provisions of this section shall not apply to any:**

51 **(1) Threat of suicide or criminal act made by a participant in a peer support**
52 **counseling session, or any information conveyed in a peer support counseling session**
53 **relating to a threat of suicide or criminal act;**

54 **(2) Information relating to abuse of spouses, children, or the elderly, or other**
55 **information that is required to be reported by law;**

56 **(3) Admission of criminal conduct;**

57 **(4) Disclosure of testimony by a participant who received peer support counseling**
58 **services and expressly consented to such disclosure; or**

59 **(5) Disclosure of testimony by the surviving spouse or executor or administrator**
60 **of the estate of a deceased participant who received peer support counseling services and**
61 **such surviving spouse or executor or administrator expressly consented to such disclosure.**

62 **7. The provisions of this section shall not prohibit any communications between**
63 **peer support specialists who conduct peer support counseling sessions or any**
64 **communications between peer support specialists and the supervisors or staff of an**
65 **employee assistance program.**

66 **8. The provisions of this section shall not prohibit communications regarding**
67 **fitness of an employee for duty between an employee assistance program and an employer.**

595.010. 1. As used in sections 595.010 to 595.075, unless the context requires
2 otherwise, the following terms shall mean:

3 (1) "Child", a dependent, unmarried person who is under eighteen years of age and
4 includes a posthumous child, stepchild, or an adopted child;

5 (2) "Claimant", a victim or a dependent, relative, survivor, or member of the family, of
6 a victim eligible for compensation pursuant to sections 595.010 to 595.075;

7 (3) "Conservator", a person or corporation appointed by a court to have the care and
8 custody of the estate of a minor or a disabled person, including a limited conservator;

9 (4) "Counseling", problem-solving and support concerning emotional issues that result
10 from criminal victimization licensed pursuant to section 595.030. Counseling is a confidential
11 service provided either on an individual basis or in a group. Counseling has as a primary purpose
12 to enhance, protect and restore a person's sense of well-being and social functioning after
13 victimization. Counseling does not include victim advocacy services such as crisis telephone
14 counseling, attendance at medical procedures, law enforcement interviews or criminal justice
15 proceedings;

16 (5) "Crime", an act committed in this state which, ~~[if committed by a mentally~~
17 ~~competent, criminally responsible person who had no legal exemption or defense, would~~
18 ~~constitute a crime; provided that, such act]~~ **regardless of whether it is adjudicated**, involves
19 the application of force or violence or the threat of force or violence by the offender upon the
20 victim but shall include the crime of driving while intoxicated, vehicular manslaughter and hit
21 and run; and provided, further, that no act involving the operation of a motor vehicle except
22 driving while intoxicated, vehicular manslaughter and hit and run which results in injury to
23 another shall constitute a crime for the purpose of sections 595.010 to 595.075, unless such
24 injury was intentionally inflicted through the use of a motor vehicle. A crime shall also include
25 an act of terrorism, as defined in 18 U.S.C. Section 2331, which has been committed outside of
26 the United States against a resident of Missouri;

27 (6) "Crisis intervention counseling", helping to reduce psychological trauma where
28 victimization occurs;

29 (7) "Department", the department of public safety;

30 (8) "Dependent", mother, father, spouse, spouse's mother, spouse's father, child,
31 grandchild, adopted child, illegitimate child, niece or nephew, who is wholly or partially
32 dependent for support upon, and living with, but shall include children entitled to child support
33 but not living with, the victim at the time of his injury or death due to a crime alleged in a claim
34 pursuant to sections 595.010 to 595.075;

35 (9) "Direct service", providing physical services to a victim of crime including, but not
36 limited to, transportation, funeral arrangements, child care, emergency food, clothing, shelter,
37 notification and information;

38 (10) "Director", the director of public safety of this state or a person designated by him
39 for the purposes of sections 595.010 to 595.075;

40 (11) "Disabled person", one who is unable by reason of any physical or mental condition
41 to receive and evaluate information or to communicate decisions to such an extent that the
42 person lacks ability to manage his financial resources, including a partially disabled person who
43 lacks the ability, in part, to manage his financial resources;

44 (12) "Emergency service", those services provided ~~[within thirty days]~~ to alleviate the
45 immediate effects of the criminal act or offense, and may include cash grants of not more than
46 one hundred dollars;

47 (13) "Earnings", net income or net wages;

48 (14) "Family", the spouse, parent, grandparent, stepmother, stepfather, child, grandchild,
49 brother, sister, half brother, half sister, adopted children of parent, or spouse's parents;

50 (15) "Funeral expenses", the expenses of the funeral, burial, cremation or other chosen
51 method of interment, including plot or tomb and other necessary incidents to the disposition of
52 the remains;

53 (16) "Gainful employment", engaging on a regular and continuous basis, up to the date
54 of the incident upon which the claim is based, in a lawful activity from which a person derives
55 a livelihood;

56 (17) "Guardian", one appointed by a court to have the care and custody of the person of
57 a minor or of an incapacitated person, including a limited guardian;

58 (18) "Hit and run", the crime of leaving the scene of a motor vehicle accident as defined
59 in section 577.060;

60 (19) "Incapacitated person", one who is unable by reason of any physical or mental
61 condition to receive and evaluate information or to communicate decisions to such an extent that
62 he lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care
63 such that serious physical injury, illness, or disease is likely to occur, including a partially
64 incapacitated person who lacks the capacity to meet, in part, such essential requirements;

65 (20) "Injured victim", a person:

66 (a) Killed or receiving a personal physical injury in this state as a result of another
67 person's commission of or attempt to commit any crime;

68 (b) Killed or receiving a personal physical injury in this state while in a good faith
69 attempt to assist a person against whom a crime is being perpetrated or attempted;

70 (c) Killed or receiving a personal physical injury in this state while assisting a law
71 enforcement officer in the apprehension of a person who the officer has reason to believe has
72 perpetrated or attempted a crime;

73 (21) "Law enforcement official", a sheriff and his regular deputies, municipal police
74 officer or member of the Missouri state highway patrol and such other persons as may be
75 designated by law as peace officers;

76 (22) "Offender", a person who commits a crime;

77 (23) "Personal ~~[physical]~~ injury", ~~[actual bodily harm only with respect to the victim.~~
78 ~~Personal physical injury may include mental or nervous shock]~~ **physical, emotional, or mental**
79 **harm or trauma** resulting from the ~~[specific incident]~~ **crime** upon which the claim is based;

80 (24) "Private agency", a not-for-profit corporation, in good standing in this state, which
81 provides services to victims of crime and their dependents;

82 (25) "Public agency", a part of any local or state government organization which
83 provides services to victims of crime;

84 (26) "Relative", the spouse of the victim or a person related to the victim within the third
85 degree of consanguinity or affinity as calculated according to civil law;

86 (27) "Survivor", the spouse, parent, legal guardian, grandparent, sibling or child of the
87 deceased victim of the victim's household at the time of the crime;

88 (28) "Victim", a person who suffers personal ~~[physical]~~ injury or death as a direct result
89 of a crime, as defined in subdivision (5) of this subsection;

90 (29) "Victim advocacy", assisting the victim of a crime and his dependents to acquire
91 services from existing community resources.

92 2. As used in ~~[sections 565.024 and 565.060 and]~~ sections 595.010 to 595.075, the term
93 "alcohol-related traffic offense" means those offenses defined by sections 577.001, 577.010, and
94 577.012, and any county or municipal ordinance which prohibits operation of a motor vehicle
95 while under the influence of alcohol.

595.015. 1. The department of public safety shall, pursuant to the provisions of sections
2 595.010 to 595.075, have jurisdiction to determine and award compensation to, or on behalf of,
3 victims of crimes. In making such determinations and awards, the department shall ensure the
4 compensation sought is reasonable and consistent with the limitations described in sections
5 595.010 to 595.075. Additionally, if compensation being sought includes medical expenses, the
6 department shall further ensure that such expenses are medically necessary. The department of
7 public safety may pay directly to the provider of the services compensation for medical or funeral
8 expenses, or expenses for other services as described in section 595.030, incurred by the
9 claimant. The department is not required to provide compensation in any case, nor is it required
10 to award the full amount claimed. The department shall make its award of compensation based
11 upon independent verification obtained during its investigation.

12 2. Such claims shall be made by filing an application for compensation with the
13 department of public safety. The application form shall be furnished by the department ~~[and the~~
14 ~~signature shall be notarized]~~. The application shall include:

15 (1) The name and address of the victim;

16 (2) If the claimant is not the victim, the name and address of the claimant and
17 relationship to the victim, the names and addresses of the victim's dependents, if any, and the
18 extent to which each is so dependent;

19 (3) The date and nature of the crime or attempted crime on which the application for
20 compensation is based;

21 (4) The date and place where, and the law enforcement officials to whom, notification
22 of the crime was given;

23 (5) The nature and extent of the injuries sustained by the victim, the names and addresses
24 of those giving medical and hospital treatment to the victim and whether death resulted;

25 (6) The loss to the claimant or a dependent resulting from the injury or death;

26 (7) The amount of benefits, payments or awards, if any, payable from any source which
27 the claimant or dependent has received or for which the claimant or dependent is eligible as a
28 result of the injury or death;

29 (8) Releases authorizing the surrender to the department of reports, documents and other
30 information relating to the matters specified under this section; and

31 (9) Such other information as the department determines is necessary.

32 3. In addition to the application, the department may require that the claimant submit
33 materials substantiating the facts stated in the application.

34 4. ~~[If the department finds that an application does not contain the required information~~
35 ~~or that the facts stated therein have not been substantiated, it shall notify the claimant in writing~~
36 ~~of the specific additional items of information or materials required and that the claimant has~~
37 ~~thirty days from the date of mailing in which to furnish those items to the department. Unless~~
38 ~~a claimant requests and is granted an extension of time by the department, the department shall~~
39 ~~reject with prejudice the claim of the claimant for failure to file the additional information or~~
40 ~~materials within the specified time.~~

41 ~~5. The claimant may file an amended application or additional substantiating materials~~
42 ~~to correct inadvertent errors or omissions at any time before the department has completed its~~
43 ~~consideration of the original application.~~

44 ~~6.] The claimant, victim or dependent shall cooperate with law enforcement officials in~~
45 ~~the apprehension [and prosecution] of the offender in order to be eligible, or the department has~~
46 ~~found that the failure to cooperate was for good cause.~~

47 ~~[7.]~~ 5. Any state or local agency, including a prosecuting attorney or law enforcement
48 agency, shall make available without cost to the fund all reports, files and other appropriate
49 information which the department requests in order to make a determination that a claimant is
50 eligible for an award pursuant to sections 595.010 to 595.075.

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

3 (1) A victim of a crime;

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

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

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

8 (a) A dependent of the victim;

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

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

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

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

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

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

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

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

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

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

43 ~~———7.]~~ **5.** A Missouri resident who suffers personal ~~[physical]~~ injury or, in the case of death,
44 a dependent of the victim or any member of the family who legally assumes the obligation, or
45 who pays the medical or burial expenses incurred as a direct result thereof, in another state,

46 possession or territory of the United States may make application for compensation in Missouri
47 if:

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

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

595.025. 1. A claim for compensation may be filed by a person eligible for
2 compensation or, if the person is an incapacitated or disabled person, or a minor, by the person's
3 spouse, parent, conservator, or guardian.

4 2. A claim shall be filed not later than two years after the occurrence of the crime or the
5 discovery of the crime upon which it is based.

6 3. Each claim shall be ~~filed in person or by mail~~ **submitted to the department**. The
7 department of public safety shall investigate such claim, prior to the opening of formal
8 proceedings. The claimant shall be notified of the date and time of any hearing on such claim.
9 In determining the amount of compensation for which a claimant is eligible, the department shall
10 consider the facts stated on the application filed pursuant to section 595.015, and:

11 (1) Need not consider whether or not the alleged assailant has been apprehended or
12 brought to trial or the result of any criminal proceedings against that person; however, if any
13 person is convicted of the crime which is the basis for an application for compensation, proof
14 of the conviction shall be conclusive evidence that the crime was committed;

15 (2) Shall determine the amount of the loss to the claimant, or the victim's survivors or
16 dependents;

17 (3) Shall determine the degree or extent to which the victim's acts or conduct provoked,
18 incited, or contributed to the injuries or death of the victim.

19 4. The claimant may present evidence and testimony on his own behalf or may retain
20 counsel. The department of public safety may, as part of any award entered under sections
21 595.010 to 595.075, determine and allow reasonable attorney's fees, which shall not exceed
22 fifteen percent of the amount awarded as compensation under sections 595.010 to 595.075,
23 which fee shall be paid out of, but not in addition to, the amount of compensation, to the attorney
24 representing the claimant. No attorney for the claimant shall ask for, contract for or receive any
25 larger sum than the amount so allowed.

26 5. The person filing a claim shall, prior to any hearing thereon, submit reports, if
27 available, from all hospitals, physicians ~~or~~ , surgeons, **or other health care providers** who

28 treated or examined the victim for the injury for which compensation is sought. **A hospital,**
29 **physician, surgeon, or other health care provider may submit reports on behalf of the**
30 **person filing a claim.** If, in the opinion of the department of public safety, an examination of
31 the injured victim and a report thereon, or a report on the cause of death of the victim, would be
32 of material aid, the department of public safety may appoint a duly qualified, impartial physician
33 to make such examination and report.

34 6. Each and every payment shall be exempt from attachment, garnishment or any other
35 remedy available to creditors for the collection of a debt.

36 7. Payments of compensation shall not be made directly to any person legally
37 incompetent to receive them but shall be made to the parent, guardian or conservator for the
38 benefit of such minor, disabled or incapacitated person.

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

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

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

12 ~~——2.] No compensation shall be paid unless the department of public safety finds that a~~
13 ~~crime was committed, that such crime directly resulted in personal [physical] injury to, or the~~
14 ~~death of, the victim, and that police, court, or other official records show that such crime was~~
15 ~~[promptly] reported to the proper authorities. [In no case may compensation be paid if the police~~
16 ~~records show that such report was made more than forty-eight hours after the occurrence of such~~
17 ~~crime, unless the department of public safety finds that the report to the police was delayed for~~
18 ~~good cause.] In lieu of other records the claimant may provide a sworn statement by the~~
19 **applicant under paragraph (c) of subdivision (2) of section 589.663 that the applicant has**
20 **good reason to believe that he or she is a victim of domestic violence, rape, sexual assault,**
21 **human trafficking, or stalking, and fears further violent acts from his or her assailant.** If
22 the victim is under eighteen years of age such report may be made by the victim's parent,
23 guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the
24 children's division personnel; or by any other member of the victim's family. In the case of a
25 sexual offense, filing a report of the offense to the proper authorities may include, but not be

26 limited to, the filing of the report of the forensic examination by the appropriate medical
27 provider, as defined in section 595.220, with the prosecuting attorney of the county in which the
28 alleged incident occurred, **receiving a forensic examination, or securing an order of**
29 **protection.**

30 ~~[3-]~~ 2. No compensation shall be paid for medical care if the service provider is not a
31 medical provider as that term is defined in section 595.027, and the individual providing the
32 medical care is not licensed by the state of Missouri or the state in which the medical care is
33 provided.

34 ~~[4-]~~ 3. No compensation shall be paid for psychiatric treatment or other counseling
35 services, including psychotherapy, unless the service provider is a:

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

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

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

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

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

45 ~~[5-]~~ 4. Any compensation paid pursuant to sections 595.010 to 595.075 for death or
46 personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of
47 earnings or support from gainful employment, not to exceed four hundred dollars per week,
48 resulting from such injury or death. In the event of death of the victim, an award may be made
49 for reasonable and necessary expenses actually incurred for preparation and burial not to exceed
50 five thousand dollars.

51 ~~[6-]~~ 5. Any compensation for loss of earnings or support from gainful employment shall
52 be in an amount equal to the actual loss sustained not to exceed four hundred dollars per week;
53 provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed
54 twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of
55 the death of a person which is the direct result of a crime or in the case of a sexual assault, the
56 compensation shall be apportioned by the department of public safety among the claimants in
57 proportion to their loss.

58 ~~[7-]~~ 6. The method and timing of the payment of any compensation pursuant to sections
59 595.010 to 595.075 shall be determined by the department.

60 [8-] 7. The department shall have the authority to negotiate the costs of medical care or
61 other services directly with the providers of the care or services on behalf of any victim receiving
62 compensation pursuant to sections 595.010 to 595.075.

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

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

21 (1) From or on behalf of the offender;

22 (2) Under private or public insurance programs, including [~~ehampus~~] **Tricare**, Medicare,
23 Medicaid and other state or federal programs, but not including any life insurance proceeds; or

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

26 3. In determining the amount of compensation payable, the department of public safety
27 shall determine whether, because of the victim's consent, provocation, incitement or negligence,
28 the victim contributed to the infliction of the victim's injury or death, and shall reduce the
29 amount of the compensation or deny the claim altogether, in accordance with such determination;
30 provided, however, that the department of public safety may disregard the responsibility of the
31 victim for his or her own injury where such responsibility was attributable to efforts by the
32 victim to aid a victim, or to prevent a crime or an attempted crime from occurring in his or her

33 presence, or to apprehend a person who had committed a crime in his or her presence or had in
34 fact committed a felony.

35 4. In determining the amount of compensation payable pursuant to sections 595.010 to
36 595.075, monthly Social Security disability or retirement benefits received by the victim shall
37 not be considered by the department as a factor for reduction of benefits.

38 ~~[5. The department shall not be liable for payment of compensation for any out-of-pocket~~
39 ~~expenses incurred more than three years following the date of the occurrence of the crime upon~~
40 ~~which the claim is based.]~~

595.055. ~~[1. No public or private agency shall provide service to a victim of crime~~
2 ~~pursuant to any contract made under section 595.050 unless the incident is reported to an~~
3 ~~appropriate law enforcement office within forty-eight hours after its occurrence or within~~
4 ~~forty-eight hours after the victim of crime, a dependent, or a member of the family of the victim~~
5 ~~reasonably could be expected to make such a report.~~

6 ~~—————2.]~~ No service may be provided under section 595.050 if the victim of crime:

7 (1) Was the perpetrator or a principal or accessory involved in the commission of the
8 crime for which he otherwise would have been eligible for assistance under the provisions of
9 section 595.050; or

10 (2) Is injured as a result of the operation of a motor vehicle, boat or airplane unless the
11 same was used as a weapon in a deliberate attempt to inflict personal injury upon any person or
12 unless the victim is injured as a result of the crime of driving while intoxicated or vehicular
13 manslaughter.

595.220. 1. The department of public safety shall make payments to appropriate medical
2 providers, out of appropriations made for that purpose, to cover the reasonable charges of the
3 forensic examination of persons who may be a victim of a sexual offense if:

4 (1) The victim or the victim's guardian consents in writing to the examination; and

5 (2) The report of the examination is made on a form approved by the attorney general
6 with the advice of the department of public safety.

7 The department shall establish maximum reimbursement rates for charges submitted under this
8 section, which shall reflect the reasonable cost of providing the forensic exam.

9 2. A minor may consent to examination under this section. Such consent is not subject
10 to disaffirmance because of minority, and consent of parent or guardian of the minor is not
11 required for such examination. The appropriate medical provider making the examination shall
12 give written notice to the parent or guardian of a minor that such an examination has taken place.

13 3. The ~~[attorney general]~~ **department of public safety**, with the advice of the
14 ~~[department of public safety]~~ **attorney general**, shall develop the forms and procedures for
15 gathering, **transmitting, and storing** evidence during **and after** the forensic examination under

16 the provisions of this section. The department of health and senior services shall develop a
17 checklist, protocols, and procedures for appropriate medical providers to refer to while providing
18 medical treatment to victims of a sexual offense, including those specific to victims who are
19 minors. **The procedures for transmitting and storing examination evidence shall include**
20 **the following requirements:**

21 **(1) An appropriate medical provider shall provide electronic notification to the**
22 **appropriate law enforcement agency when the provider has a reported or anonymous**
23 **evidentiary collection kit;**

24 **(2) Within fourteen days of notification from the appropriate medical provider, the**
25 **law enforcement agency shall take possession of the evidentiary collection kit;**

26 **(3) Within fourteen days of taking possession, the law enforcement agency shall**
27 **provide the evidentiary collection kit to a laboratory;**

28 **(4) A law enforcement agency shall secure an evidentiary collection kit for a period**
29 **of thirty years if the offense has not been adjudicated.**

30 4. Evidentiary collection kits shall be developed and made available, subject to
31 appropriation, to appropriate medical providers by the highway patrol or its designees and
32 eligible crime laboratories. Such kits shall be distributed with the forms and procedures for
33 gathering evidence during forensic examinations of victims of a sexual offense to appropriate
34 medical providers upon request of the provider, in the amount requested, and at no charge to the
35 medical provider. All appropriate medical providers shall, with the written consent of the victim,
36 perform a forensic examination using the evidentiary collection kit, or other collection
37 procedures developed for victims who are minors, and forms and procedures for gathering
38 evidence following the checklist for any person presenting as a victim of a sexual offense.

39 5. In reviewing claims submitted under this section, the department shall first determine
40 if the claim was submitted within ninety days of the examination. If the claim is submitted within
41 ninety days, the department shall, at a minimum, use the following criteria in reviewing the
42 claim: examination charges submitted shall be itemized and fall within the definition of forensic
43 examination as defined in subdivision (3) of subsection 8 of this section.

44 6. All appropriate medical provider charges for eligible forensic examinations shall be
45 billed to and paid by the department of public safety. No appropriate medical provider
46 conducting forensic examinations and providing medical treatment to victims of sexual offenses
47 shall charge the victim for the forensic examination. For appropriate medical provider charges
48 related to the medical treatment of victims of sexual offenses, if the victim is an eligible claimant
49 under the crime victims' compensation fund, the victim shall seek compensation under sections
50 595.010 to 595.075.

51 7. The department of public safety shall establish rules regarding the reimbursement of
52 the costs of forensic examinations for children under fourteen years of age, including establishing
53 conditions and definitions for emergency and nonemergency forensic examinations and may by
54 rule establish additional qualifications for appropriate medical providers performing
55 nonemergency forensic examinations for children under fourteen years of age. The department
56 shall provide reimbursement regardless of whether or not the findings indicate that the child was
57 abused.

58 8. For purposes of this section, the following terms mean:

59 (1) **"Anonymous evidentiary collection kit", an evidentiary collection kit collected**
60 **from a victim, or his or her designee, who has consented to the collection of the evidentiary**
61 **collection kit, and to participate in the criminal justice process, but who wishes to remain**
62 **anonymous;**

63 (2) "Appropriate medical provider":

64 (a) Any licensed nurse, physician, or physician assistant, and any institution employing
65 licensed nurses, physicians, or physician assistants, provided that such licensed professionals are
66 the only persons at such institution to perform tasks under the provisions of this section; or

67 (b) For the purposes of any nonemergency forensic examination of a child under fourteen
68 years of age, the department of public safety may establish additional qualifications for any
69 provider listed in paragraph (a) of this subdivision under rules authorized under subsection 7 of
70 this section;

71 ~~[(2)]~~ (3) **"Consent", the electronically documented authorization by the victim, or**
72 **his or her designee, to allow the evidentiary collection kit to be analyzed;**

73 (4) "Emergency forensic examination", an examination of a person under fourteen years
74 of age that occurs within five days of the alleged sexual offense. The department of public safety
75 may further define the term emergency forensic examination by rule;

76 ~~[(3)]~~ (5) "Evidentiary collection kit", a kit used during a forensic examination that
77 includes materials necessary for appropriate medical providers to gather evidence in accordance
78 with the forms and procedures developed by the ~~[attorney general]~~ **department of public safety**
79 for forensic examinations;

80 ~~[(4)]~~ (6) "Forensic examination", an examination performed by an appropriate medical
81 provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection
82 kit or using other collection procedures developed for victims who are minors;

83 ~~[(5)]~~ (7) "Medical treatment", the treatment of all injuries and health concerns resulting
84 directly from a patient's sexual assault or victimization;

85 ~~[(6)]~~ (8) "Nonemergency forensic examination", an examination of a person under
86 fourteen years of age that occurs more than five days after the alleged sexual offense. The

87 department of public safety may further define the term nonemergency forensic examination by
88 rule;

89 **(9) "Reported evidentiary collection kit", an evidentiary collection kit collected**
90 **from a victim, or his or her designee, who has consented to the collection of the evidentiary**
91 **collection kit and has consented to participate in the criminal justice process;**

92 **(10) "Unreported evidentiary collection kit", an evidentiary collection kit collected**
93 **from a victim, or his or her designee, who has consented to the collection of the evidentiary**
94 **collection kit but has not consented to participate in the criminal justice process.**

95 **9. The attorney general shall establish protocols and an electronic platform to**
96 **implement an electronic evidence tracking system that:**

97 **(1) Identifies, documents, records, and tracks evidentiary collection kits and their**
98 **components, including individual specimen containers, through their existence from**
99 **forensic examination, to possession by a law enforcement agency, to testing, to use as**
100 **evidence in criminal proceedings, and until disposition of such proceedings;**

101 **(2) Assigns a unique alphanumeric identifier to each respective evidentiary**
102 **collection kit, and all its respective components, and to each respective person, or his or her**
103 **designees, who may handle an evidentiary test kit;**

104 **(3) Links the identifiers of an evidentiary collection kit and its components, which**
105 **shall be machine-readable indicia;**

106 **(4) Allows each person, or his or her designees, who is properly credentialed to**
107 **handle an evidentiary test kit to check the status of an evidentiary test kit or its**
108 **components and to save a portfolio of identifiers so that the person, or his or her designees**
109 **may track, obtain reports, and receive updates of the status of evidentiary collection kits**
110 **or their components; and**

111 **(5) Allows sexual assault victims or their designees access in order to monitor the**
112 **current status of their evidentiary test kit.**

113 **10.** The department shall have authority to promulgate rules and regulations necessary
114 to implement the provisions of this section. Any rule or portion of a rule, as that term is defined
115 in section 536.010, that is created under the authority delegated in this section shall become
116 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
117 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
118 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
119 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
120 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid
121 and void.

610.140. 1. Notwithstanding any other provision of law and subject to the provisions
2 of this section, any person may apply to any court in which such person was charged or found
3 guilty of any offenses, violations, or infractions for an order to expunge records of such arrest,
4 plea, trial, or conviction. Subject to the limitations of subsection 12 of this section, a person may
5 apply to have one or more offenses, violations, or infractions expunged if such offense, violation,
6 or infraction occurred within the state of Missouri and was prosecuted under the jurisdiction of
7 a Missouri municipal, associate circuit, or circuit court, so long as such person lists all the
8 offenses, violations, and infractions he or she is seeking to have expunged in the petition and so
9 long as all such offenses, violations, and infractions are not excluded under subsection 2 of this
10 section. If the offenses, violations, or infractions were charged as counts in the same indictment
11 or information or were committed as part of the same course of criminal conduct, the person may
12 include all the related offenses, violations, and infractions in the petition, regardless of the limits
13 of subsection 12 of this section, and the petition shall only count as a petition for expungement
14 of the highest level violation or offense contained in the petition for the purpose of determining
15 future eligibility for expungement.

16 2. The following offenses, violations, and infractions shall not be eligible for
17 expungement under this section:

18 (1) Any class A felony offense;

19 (2) Any dangerous felony as that term is defined in section 556.061;

20 (3) Any offense that requires registration as a sex offender;

21 (4) Any felony offense where death is an element of the offense;

22 (5) Any felony offense of assault; misdemeanor or felony offense of domestic assault;
23 or felony offense of kidnapping;

24 (6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478,
25 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991,
26 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130,
27 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045,
28 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055,
29 569.060, 569.065, 569.067, 569.072, 569.100, 569.160, 570.025, 570.030, 570.090, 570.100,
30 570.130, 570.180, 570.223, 570.224, 570.310, 571.020, ~~571.030,~~ 571.060, 571.063, 571.070,
31 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153,
32 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350,
33 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;

34 (7) Any offense eligible for expungement under section 577.054 or 610.130;

35 (8) Any intoxication-related traffic or boating offense as defined in section 577.001, or
36 any offense of operating an aircraft with an excessive blood alcohol content or while in an
37 intoxicated condition;

38 (9) Any ordinance violation that is the substantial equivalent of any offense that is not
39 eligible for expungement under this section; ~~and]~~

40 (10) Any ~~violations]~~ **violation** of any state law or county or municipal ordinance
41 regulating the operation of motor vehicles when committed by an individual who has been issued
42 a commercial driver's license or is required to possess a commercial driver's license issued by
43 this state or any other state; **and**

44 **(11) Any offense of section 571.030, except any offense under subdivision (1) of**
45 **subsection 1 of section 571.030 where the person was convicted or found guilty prior to**
46 **January 1, 2017.**

47 3. The petition shall name as defendants all law enforcement agencies, courts,
48 prosecuting or circuit attorneys, municipal prosecuting attorneys, central state repositories of
49 criminal records, or others who the petitioner has reason to believe may possess the records
50 subject to expungement for each of the offenses, violations, and infractions listed in the petition.
51 The court's order of expungement shall not affect any person or entity not named as a defendant
52 in the action.

53 4. The petition shall include the following information:

54 (1) The petitioner's:

55 (a) Full name;

56 (b) Sex;

57 (c) Race;

58 (d) Driver's license number, if applicable; and

59 (e) Current address;

60 (2) Each offense, violation, or infraction for which the petitioner is requesting
61 expungement;

62 (3) The approximate date the petitioner was charged for each offense, violation, or
63 infraction; and

64 (4) The name of the county where the petitioner was charged for each offense, violation,
65 or infraction and if any of the offenses, violations, or infractions occurred in a municipality, the
66 name of the municipality for each offense, violation, or infraction; and

67 (5) The case number and name of the court for each offense.

68 5. The clerk of the court shall give notice of the filing of the petition to the office of the
69 prosecuting attorney, circuit attorney, or municipal prosecuting attorney that prosecuted the
70 offenses, violations, or infractions listed in the petition. If the prosecuting attorney, circuit

71 attorney, or municipal prosecuting attorney objects to the petition for expungement, he or she
72 shall do so in writing within thirty days after receipt of service. Unless otherwise agreed upon
73 by the parties, the court shall hold a hearing within sixty days after any written objection is filed,
74 giving reasonable notice of the hearing to the petitioner. If no objection has been filed within
75 thirty days after receipt of service, the court may set a hearing on the matter and shall give
76 reasonable notice of the hearing to each entity named in the petition. At any hearing, the court
77 may accept evidence and hear testimony on, and may consider, the following criteria for each of
78 the offenses, violations, or infractions listed in the petition for expungement:

79 (1) It has been at least seven years if the offense is a felony, or at least three years if the
80 offense is a misdemeanor, municipal offense, or infraction, from the date the petitioner
81 completed any authorized disposition imposed under section 557.011 for each offense, violation,
82 or infraction listed in the petition;

83 (2) The person has not been found guilty of any other misdemeanor or felony, not
84 including violations of the traffic regulations provided under chapters 304 and 307, during the
85 time period specified for the underlying offense, violation, or infraction in subdivision (1) of this
86 subsection;

87 (3) The person has satisfied all obligations relating to any such disposition, including the
88 payment of any fines or restitution;

89 (4) The person does not have charges pending;

90 (5) The petitioner's habits and conduct demonstrate that the petitioner is not a threat to
91 the public safety of the state; and

92 (6) The expungement is consistent with the public welfare and the interests of justice
93 warrant the expungement.

94

95 A pleading by the petitioner that such petitioner meets the requirements of subdivisions (5) and
96 (6) of this subsection shall create a rebuttable presumption that the expungement is warranted
97 so long as the criteria contained in subdivisions (1) to (4) of this subsection are otherwise
98 satisfied. The burden shall shift to the prosecuting attorney, circuit attorney, or municipal
99 prosecuting attorney to rebut the presumption. A victim of an offense, violation, or infraction
100 listed in the petition shall have an opportunity to be heard at any hearing held under this section,
101 and the court may make a determination based solely on such victim's testimony.

102 6. A petition to expunge records related to an arrest for an eligible offense, violation, or
103 infraction may be made in accordance with the provisions of this section to a court of competent
104 jurisdiction in the county where the petitioner was arrested no earlier than three years from the
105 date of arrest; provided that, during such time, the petitioner has not been charged and the
106 petitioner has not been found guilty of any misdemeanor or felony offense.

107 7. If the court determines that such person meets all the criteria set forth in subsection
108 5 of this section for each of the offenses, violations, or infractions listed in the petition for
109 expungement, the court shall enter an order of expungement. In all cases under this section, the
110 court shall issue an order of expungement or dismissal within six months of the filing of the
111 petition. A copy of the order of expungement shall be provided to the petitioner and each entity
112 possessing records subject to the order, and, upon receipt of the order, each entity shall close any
113 record in its possession relating to any offense, violation, or infraction listed in the petition, in
114 the manner established by section 610.120. The records and files maintained in any
115 administrative or court proceeding in a municipal, associate, or circuit court for any offense,
116 infraction, or violation ordered expunged under this section shall be confidential and only
117 available to the parties or by order of the court for good cause shown. The central repository
118 shall request the Federal Bureau of Investigation to expunge the records from its files.

119 8. The order shall not limit any of the petitioner's rights that were restricted as a collateral
120 consequence of such person's criminal record, and such rights shall be restored upon issuance
121 of the order of expungement. Except as otherwise provided under this section, the effect of such
122 order shall be to restore such person to the status he or she occupied prior to such arrests, pleas,
123 trials, or convictions as if such events had never taken place. No person as to whom such order
124 has been entered shall be held thereafter under any provision of law to be guilty of perjury or
125 otherwise giving a false statement by reason of his or her failure to recite or acknowledge such
126 arrests, pleas, trials, convictions, or expungement in response to an inquiry made of him or her
127 and no such inquiry shall be made for information relating to an expungement, except the
128 petitioner shall disclose the expunged offense, violation, or infraction to any court when asked
129 or upon being charged with any subsequent offense, violation, or infraction. The expunged
130 offense, violation, or infraction may be considered a prior offense in determining a sentence to
131 be imposed for any subsequent offense that the person is found guilty of committing.

132 9. Notwithstanding the provisions of subsection 8 of this section to the contrary, a
133 person granted an expungement shall disclose any expunged offense, violation, or infraction
134 when the disclosure of such information is necessary to complete any application for:

135 (1) A license, certificate, or permit issued by this state to practice such individual's
136 profession;

137 (2) Any license issued under chapter 313 or permit issued under chapter 571;

138 (3) Paid or unpaid employment with an entity licensed under chapter 313, any
139 state-operated lottery, or any emergency services provider, including any law enforcement
140 agency;

141 (4) Employment with any federally insured bank or savings institution or credit union
142 or an affiliate of such institution or credit union for the purposes of compliance with 12 U.S.C.
143 Section 1829 and 12 U.S.C. Section 1785;

144 (5) Employment with any entity engaged in the business of insurance or any insurer for
145 the purpose of complying with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar
146 law which requires an employer engaged in the business of insurance to exclude applicants with
147 certain criminal convictions from employment; or

148 (6) Employment with any employer that is required to exclude applicants with certain
149 criminal convictions from employment due to federal or state law, including corresponding rules
150 and regulations.

151

152 An employer shall notify an applicant of the requirements under subdivisions (4) to (6) of this
153 subsection. Notwithstanding any provision of law to the contrary, an expunged offense,
154 violation, or infraction shall not be grounds for automatic disqualification of an applicant, but
155 may be a factor for denying employment, or a professional license, certificate, or permit; except
156 that, an offense, violation, or infraction expunged under the provisions of this section may be
157 grounds for automatic disqualification if the application is for employment under subdivisions
158 (4) to (6) of this subsection.

159 10. A person who has been granted an expungement of records pertaining to a
160 misdemeanor or felony offense, an ordinance violation, or an infraction may answer "no" to an
161 employer's inquiry into whether the person has ever been convicted of a crime if, after the
162 granting of the expungement, the person has no public record of a misdemeanor or felony
163 offense, an ordinance violation, or an infraction. The person, however, shall answer such an
164 inquiry affirmatively and disclose his or her criminal convictions, including any offense or
165 violation expunged under this section or similar law, if the employer is required to exclude
166 applicants with certain criminal convictions from employment due to federal or state law,
167 including corresponding rules and regulations.

168 11. If the court determines that the petitioner has not met the criteria for any of the
169 offenses, violations, or infractions listed in the petition for expungement or the petitioner has
170 knowingly provided false information in the petition, the court shall enter an order dismissing
171 the petition. Any person whose petition for expungement has been dismissed by the court for
172 failure to meet the criteria set forth in subsection 5 of this section may not refile another petition
173 until a year has passed since the date of filing for the previous petition.

174 12. A person may be granted more than one expungement under this section provided
175 that during his or her lifetime, the total number of offenses, violations, or infractions for which
176 orders of expungement are granted to the person shall not exceed the following limits:

177 (1) Not more than two misdemeanor offenses or ordinance violations that have an
178 authorized term of imprisonment; and

179 (2) Not more than one felony offense.

180

181 A person may be granted expungement under this section for any number of infractions. Nothing
182 in this section shall prevent the court from maintaining records to ensure that an individual has
183 not exceeded the limitations of this subsection. Nothing in this section shall be construed to
184 limit or impair in any way the subsequent use of any record expunged under this section of any
185 arrests or findings of guilt by a law enforcement agency, criminal justice agency, prosecuting
186 attorney, circuit attorney, or municipal prosecuting attorney, including its use as a prior offense,
187 violation, or infraction.

188 13. The court shall make available a form for pro se petitioners seeking expungement,
189 which shall include the following statement: "I declare under penalty of perjury that the
190 statements made herein are true and correct to the best of my knowledge, information, and
191 belief."

192 14. Nothing in this section shall be construed to limit or restrict the availability of
193 expungement to any person under any other law.

**610.210. Notwithstanding any other provisions of law to the contrary, information
2 in law enforcement agency records that would enable the provision of health care to a
3 person in contact with law enforcement may be released for the purpose of health care
4 coordination to any health care provider, as defined in the Health Insurance Portability
5 and Accountability Act of 1996 as amended, that is providing or may provide services to
6 the person.**

**650.035. 1. There is hereby created the "Missouri Law Enforcement Assistance
2 Program" within the department of public safety.**

**3 2. The purpose of this program is to provide state financial and technical assistance
4 to create or improve local law enforcement pilot programs that may include:**

**5 (1) Reimbursement for overtime required to enhance specialized, non-routine
6 training opportunities;**

7 (2) Analytical capacity for targeting enforcement efforts; and

8 (3) Community policing efforts derived from research-based models.

**9 3. Distribution of state funds or technical assistance shall be by contractual
10 arrangement between the department and each recipient law enforcement agency. Terms
11 of the contract shall be negotiable each year. The state auditor shall periodically audit all
12 law enforcement agencies receiving state funds.**

13 **4. Nothing in this section shall prohibit any law enforcement agency from receiving**
14 **federal or local funds should such funds become available.**

15 **5. All law enforcement agencies, municipal and county, located in any county of the**
16 **first classification with more than one hundred fifty thousand but fewer than two hundred**
17 **thousand inhabitants, any county of the first classification with more than eighty-three**
18 **thousand but fewer than ninety-two thousand inhabitants and with a home rule city with**
19 **more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the**
20 **county seat, and any county of the third classification without a township form of**
21 **government and with more than forty-one thousand but fewer than forty-five thousand**
22 **inhabitants shall be eligible to receive funding hereunder, according to standards adopted**
23 **by the department of public safety, unless otherwise restricted by statute.**

24 **6. No state funds shall be expended unless appropriated by the general assembly**
25 **for this purpose.**

~~[589.303. The "Missouri Crime Prevention Information Center" is hereby~~
2 ~~established within the department of public safety. The center, subject to~~
3 ~~appropriation and within the limits of available funds from private sources, gifts,~~
4 ~~donations, or moneys generated by center-sponsored activities, may:~~

5 ~~_____ (1) Develop, plan and implement a comprehensive, long-range,~~
6 ~~integrated program which will mobilize all Missouri residents, including the~~
7 ~~youth of this state, in a year-round preventive effort to reduce crime, violence,~~
8 ~~drug abuse and delinquency;~~

9 ~~_____ (2) Provide a mechanism to support, unify, promote, implement, and~~
10 ~~evaluate crime prevention efforts;~~

11 ~~_____ (3) Act as an information clearinghouse for crime prevention efforts;~~

12 ~~_____ (4) Provide a means by which law enforcement and prevention-related~~
13 ~~agencies, civilian personnel, and the education community may acquire the~~
14 ~~resource materials, technical assistance, knowledge, and skills necessary to~~
15 ~~develop, implement and evaluate crime prevention and intervention programs;~~

16 ~~_____ (5) Provide ongoing, programmatic support to crime prevention efforts~~
17 ~~of law enforcement and local crime prevention organizations, enabling them to~~
18 ~~develop programs within their jurisdiction or community;~~

19 ~~_____ (6) Assist law enforcement agencies and local crime prevention~~
20 ~~organizations to increase the awareness of communities, businesses, and~~
21 ~~governments regarding the need for crime prevention while offering information~~
22 ~~on current and future programming in their communities and in this state;~~

23 ~~_____ (7) Increase the availability of resource materials which may be utilized~~
24 ~~by local crime prevention programs, analyze data, evaluate needs, and develop~~
25 ~~specific crime prevention strategies;~~

26 ~~_____ (8) Act as a liaison between local, state, and national agencies concerning~~
27 ~~crime prevention issues;~~

- 28 ~~_____ (9) Coordinate efforts with any statewide associations or organizations~~
29 ~~which are also concerned with reducing crime, violence, drug abuse, and~~
30 ~~delinquency and receive from such associations or organizations advice and~~
31 ~~direction for the operation of the center and related activities;~~
32 ~~_____ (10) Operate as a resource for local governments and, upon the request~~
33 ~~of any local agency, may:~~
34 ~~_____ (a) Provide technical assistance in the form of resource development and~~
35 ~~distribution, consultation, community resource identification, utilization, training,~~
36 ~~and distribution, consultation, community resource identification, utilization,~~
37 ~~training, and promotion of crime prevention programs or activities;~~
38 ~~_____ (b) Provide assistance in increasing the knowledge of community,~~
39 ~~business, and governmental leaders concerning the theory and operation of crime~~
40 ~~prevention and how their involvement will assist in efforts to prevent crime; and~~
41 ~~_____ (c) Provide resource materials to, and assistance in developing the skills~~
42 ~~of, law enforcement personnel, which materials and skills are necessary to create~~
43 ~~successful crime prevention strategies which meet the needs of specific regions~~
44 ~~and communities throughout the state.]~~

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