

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 600

AN ACT

To repeal sections 8.010, 8.170, 8.172, 8.177, 8.178, 32.056, 84.344, 94.900, 94.902, 160.665, 168.133, 190.092, 190.094, 190.100, 190.105, 190.143, 190.196, 192.2435, 217.735, 221.111, 270.400, 306.127, 307.179, 311.060, 311.293, 311.332, 311.660, 313.220, 320.091, 321.552, 545.140, 556.061, 557.021, 562.014, 565.002, 571.015, 571.070, 575.150, 575.180, 578.018, 578.030, 578.421, 578.423, 578.425, 579.040, 579.065, 579.068, 579.076, 589.400, 589.401, 589.404, 589.414, 590.207, 610.021, and 650.005, RSMo, and section 211.071 as enacted by senate bill no. 793 merged with senate bill no. 800, ninety-ninth general assembly, second regular session, and section 211.071 as enacted by house bill no. 215 merged with senate bill no. 36, ninety-seventh general assembly, first regular session, and to enact in lieu thereof eighty-six new sections relating to public safety, with penalty provisions, an emergency clause for a certain section, a delayed effective date for a certain section, and a contingent effective date for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 8.010, 8.170, 8.172, 8.177, 8.178, 32.056, 84.344, 94.900, 94.902, 160.665, 168.133, 190.092, 190.094, 190.100, 190.105, 190.143, 190.196, 192.2435, 217.735, 221.111, 270.400, 306.127, 307.179, 311.060, 311.293, 311.332, 311.660, 313.220, 320.091, 321.552, 545.140, 556.061, 557.021, 562.014, 565.002, 571.015, 571.070, 575.150, 575.180, 578.018,

1 578.030, 578.421, 578.423, 578.425, 579.040, 579.065, 579.068,
2 579.076, 589.400, 589.401, 589.404, 589.414, 590.207, 610.021,
3 and 650.005, RSMo, and section 211.071 as enacted by senate bill
4 no. 793 merged with senate bill no. 800, ninety-ninth general
5 assembly, second regular session, and section 211.071 as enacted
6 by house bill no. 215 merged with senate bill no. 36, ninety-
7 seventh general assembly, first regular session, are repealed and
8 eighty-six new sections enacted in lieu thereof, to be known as
9 sections 8.010, 8.111, 8.170, 8.172, 8.177, 8.178, 32.056,
10 40.003, 41.005, 45.010, 45.020, 45.030, 56.086, 67.142, 71.201,
11 84.344, 94.900, 94.902, 160.665, 168.133, 173.2700, 173.2703,
12 173.2706, 173.2709, 173.2712, 190.092, 190.094, 190.100, 190.105,
13 190.143, 190.196, 190.1005, 191.255, 192.2435, 195.815, 211.071,
14 217.697, 217.735, 217.850, 221.111, 270.400, 285.040, 306.127,
15 307.179, 311.060, 311.293, 311.332, 311.660, 313.220, 320.091,
16 321.552, 545.140, 556.061, 557.021, 557.045, 562.014, 565.002,
17 570.027, 571.015, 571.070, 575.150, 575.180, 577.011, 577.800,
18 578.018, 578.030, 578.419, 578.421, 578.423, 578.425, 579.040,
19 579.065, 579.068, 579.076, 589.400, 589.401, 589.404, 589.414,
20 590.207, 610.021, 632.460, 640.042, 640.142, 640.144, 640.145,
21 and 650.005, to read as follows:

22 8.010. 1. The governor, attorney general and lieutenant
23 governor constitute the board of public buildings. The governor
24 is chairman and the lieutenant governor, secretary. The speaker
25 of the house of representatives and the president pro tempore of
26 the senate shall serve as ex officio members of the board but
27 shall not have the power to vote. The board shall constitute a

1 body corporate and politic. Except as provided under [~~section~~]
2 sections 8.007 and 8.111, the board has general supervision and
3 charge of the public property of the state at the seat of
4 government, including the building located at 105 West Capitol
5 Avenue in Jefferson City, and other duties imposed on it by law.

6 2. The commissioner of administration shall provide staff
7 support to the board.

8 8.111. 1. There is hereby established the "Capitol Police
9 Board" which shall be composed of five members, as follows:

10 (1) The governor, or his or her designee;

11 (2) The speaker of the house of representatives, or his or
12 her designee;

13 (3) The president pro tempore of the senate, or his or her
14 designee;

15 (4) The chief justice of the Missouri supreme court, or his
16 or her designee; and

17 (5) The chair of the state capitol commission.

18
19 The lieutenant governor, the chief clerk of the house of
20 representatives, and the secretary of the senate, or their
21 designees, shall serve as ex officio members of the board but
22 shall not have the power to vote. At the first meeting of the
23 board and at yearly intervals thereafter, the members shall
24 select from among themselves a chair, a vice chair, and a
25 secretary.

26 2. The board shall be assigned to the house of
27 representatives with supervision by the house of representatives

1 only for budgeting and reporting. Such supervision shall not
2 extend to matters relating to policies, regulatory functions, or
3 appeals from activities of the board, and no member or employee
4 of the house of representatives shall participate in or interfere
5 with the activities of the board in any manner not specifically
6 provided by law, or at the direction of the board, and no member
7 or employee of the house of representatives shall interfere in
8 any manner with any budget request of or with respect to the
9 withholding of any moneys appropriated to the board by the
10 general assembly.

11 3. The board shall provide for public safety at the seat of
12 government and for the safety and security of elected officials,
13 government employees, and their guests as needed outside the seat
14 of government. The board shall hire police officers as described
15 in section 8.177.

16 4. The board shall hire a chief of police who shall be
17 certified under chapter 590 and serve subject to the supervision
18 of and at the pleasure of the board. The chief of police shall
19 be responsible for the administrative operations of the capitol
20 police and perform such other duties as may be delegated or
21 assigned to the chief by law or by the board. The chief of
22 police shall employ staff and retain such contract services as he
23 or she deems necessary, within the limits authorized by
24 appropriations of the general assembly.

25 5. The board may promulgate all necessary rules and
26 regulations for the administration of sections 8.111 to 8.178.
27 Any rule or portion of a rule, as that term is defined in section

1 536.010, that is created under the authority delegated in this
2 section shall become effective only if it complies with and is
3 subject to all of the provisions of chapter 536 and, if
4 applicable, section 536.028. This section and chapter 536 are
5 nonseverable, and if any of the powers vested with the general
6 assembly pursuant to chapter 536 to review, to delay the
7 effective date, or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking
9 authority and any rule proposed or adopted after August 28, 2020,
10 shall be invalid and void.

11 8.170. The ~~director~~ Missouri capitol police shall
12 prosecute, in the name of the state, for all trespasses and
13 injuries of every kind done to the public buildings and other
14 property, and shall attend to the suits relative to the same.
15 The attorney general shall give counsel, or prosecute suits, when
16 required by the ~~director~~ chief.

17 8.172. The ~~commissioner of administration~~ capitol police
18 board shall make rules and regulations for the regulation of
19 traffic and parking at all parking space upon the capitol grounds
20 and upon the grounds of other state buildings located within the
21 capital city. The regulations shall be enforced by the Missouri
22 capitol police.

23 8.177. 1. The ~~director of the department of public~~
24 ~~safety~~ capitol police board shall employ Missouri capitol police
25 officers for public safety at the seat of state government. Each
26 Missouri capitol police officer, upon appointment, shall take and
27 subscribe an oath of office to support the constitution and laws

1 of the United States and the state of Missouri and shall receive
2 a certificate of appointment, a copy of which shall be filed with
3 the secretary of state, granting such police officers all the
4 same powers of arrest held by other police officers to maintain
5 order and preserve the peace in all state-owned or leased
6 buildings, and the grounds thereof, at the seat of government and
7 such buildings and grounds within the county which contains the
8 seat of government.

9 2. The ~~【director of the department of public safety】~~
10 capitol police board shall appoint a sufficient number of
11 Missouri capitol police officers, with available appropriations,
12 as appropriated specifically for the purpose designated in this
13 subsection, so that the capitol grounds may be patrolled at all
14 times, and that traffic and parking upon the capitol grounds and
15 the grounds of other state buildings owned or leased within the
16 capital city and the county which contains the seat of government
17 may be properly controlled. Missouri capitol police officers may
18 make arrests for the violation of parking and traffic regulations
19 promulgated by the ~~【office of administration】~~ capitol police
20 board.

21 3. Missouri capitol police officers shall be authorized to
22 arrest a person anywhere in the county that contains the state
23 seat of government, when there is probable cause to believe the
24 person committed a crime within capitol police jurisdiction or
25 when a person commits a crime in the presence of an on-duty
26 capitol police officer.

27 8.178. Any person who violates sections 8.172 to 8.174, or

1 section 8.177, or any of the traffic or parking regulations of
2 the ~~[commissioner]~~ capitol police board shall be punished as
3 follows:

4 (1) Fines for traffic violations shall not, except as
5 provided by section 301.143, exceed five dollars for overparking,
6 fifteen dollars for double parking and fifty dollars for
7 speeding~~[τ]~~; and

8 (2) The circuit court of Cole County has authority to
9 enforce ~~[this law]~~ the traffic or parking regulations of the
10 capitol police board.

11 32.056. Except for uses permitted under 18 U.S.C. Section
12 2721(b)(1), the department of revenue shall not release the home
13 address of or any information that identifies any vehicle owned
14 or leased by any person who is a county, state or federal parole
15 officer~~[τ]~~; a federal pretrial officer~~[τ]~~; a peace officer
16 pursuant to section 590.010~~[τ]~~; a person employed by the Missouri
17 department of corrections; any jailer or corrections officer of
18 the state or any political subdivision of the state; a person
19 vested by Article V, Section 1 of the Missouri Constitution with
20 the judicial power of the state~~[τ]~~; a member of the federal
21 judiciary~~[τ]~~; or a member of such person's immediate family
22 contained in the department's motor vehicle or driver
23 registration records, based on a specific request for such
24 information from any person. Any such person may notify the
25 department of his or her status and the department shall protect
26 the confidentiality of the home address and vehicle records on
27 such a person and his or her immediate family as required by this

1 section. This section shall not prohibit the department from
2 releasing information on a motor registration list pursuant to
3 section 32.055 or from releasing information on any officer who
4 holds a class A, B or C commercial driver's license pursuant to
5 the Motor Carrier Safety Improvement Act of 1999, as amended, 49
6 U.S.C. 31309.

7 40.003. As of December 31, 2020, the powers, duties, and
8 functions vested in the office of the state judge advocate are
9 transferred by type I transfer to the department of defense
10 established under chapter 45.

11 41.005. As of December 31, 2020, the powers, duties, and
12 functions vested in the office of adjutant general and the state
13 militia are transferred by type I transfer to the department of
14 defense established under chapter 45; provided, however, nothing
15 herein shall be construed to interfere with the powers and duties
16 of the governor as provided in Article IV, Section 6 of the
17 Constitution of Missouri or this chapter.

18 45.010. There is hereby created a "Department of Defense"
19 to be headed by the adjutant general appointed by the governor,
20 by and with the advice and consent of the senate. All of the
21 general provisions, definitions, and powers enumerated in section
22 1 of the Omnibus State Reorganization Act of 1974 shall apply to
23 this department and its divisions, agencies, and personnel.

24 45.020. As of December 31, 2020, the powers, duties, and
25 functions vested in the office of adjutant general and the state
26 militia are transferred by type I transfer to the department of
27 defense; provided, however, nothing herein shall be construed to

1 interfere with the powers and duties of the governor as provided
2 in Article IV, Section 6 of the Constitution of Missouri or
3 chapter 41.

4 45.030. As of December 31, 2020, the powers, duties, and
5 functions vested in the office of the state judge advocate are
6 transferred by type I transfer to the department of defense.

7 56.086. 1. Each prosecuting attorney of a county or the
8 circuit attorney may develop, maintain, and coordinate the
9 services of one or more multidisciplinary adult protection teams.

10 As used in this section, the term "multidisciplinary adult
11 protection team" means a team of two or more persons who are
12 trained in the investigation, prosecution, prevention,
13 identification, and treatment of abuse and who are qualified to
14 provide a broad range of services related to the abuse of the
15 following persons who, at the time of the abuse, reside or are
16 located outside of any facility licensed under chapter 197 or
17 198:

18 (1) Vulnerable persons as defined in section 630.005;

19 (2) Elderly persons as defined in section 192.2005; or

20 (3) Persons with a disability.

21 2. Such teams may include, but are not limited to:

22 (1) Psychiatrists, psychologists, or other trained
23 counseling personnel;

24 (2) Police officers or other law enforcement officers;

25 (3) Medical personnel who have sufficient training to
26 provide health services;

27 (4) Adult protection personnel;

1 (5) Community-based personnel who have experience or
2 training in preventing the abuse of elderly or dependent persons;

3 (6) Guardians as described in chapter 475;

4 (7) A person qualified to review financial matters to
5 identify financial abuse; and

6 (8) An elderly ombudsman.

7 3. The prosecuting attorney or circuit attorney shall
8 utilize and convene the teams to facilitate the investigation and
9 prosecution of offenses against vulnerable or elderly persons or
10 persons with a disability and to supplement any protective
11 services provided by the department of health and senior
12 services.

13 4. This section shall not prevent a person from reporting,
14 under section 192.2405, all suspected or known cases of abuse,
15 neglect, or exploitation of a vulnerable or elderly person or a
16 person with a disability. The role of the multidisciplinary
17 adult protection team is to facilitate the investigation and
18 prosecution of offenses, to support protective services, and to
19 provide services deemed by the multidisciplinary adult protection
20 team to be necessary and appropriate to abused, neglected, and
21 exploited vulnerable or elderly persons or persons with a
22 disability, upon referral. Services shall be provided with the
23 consent of the vulnerable or elderly person, person with a
24 disability, or that person's guardian, or through court order.

25 5. If a multidisciplinary adult protection team is
26 providing certain services to abused, neglected, or exploited
27 vulnerable or elderly persons or persons with a disability, other

1 offices and departments shall avoid duplicating such services.

2 6. Adult protection personnel responding to a report under
3 section 192.2405 shall contact the appropriate law enforcement
4 agency immediately upon receipt of a report involving potential
5 criminal activity based on the adult protection personnel's
6 determination and provide the law enforcement agency with a
7 detailed description of the report received. In such cases, the
8 adult protection personnel shall request the assistance of the
9 local law enforcement agency in all aspects of the investigation
10 of the complaint. The appropriate law enforcement agency shall
11 either assist the adult protection personnel in the investigation
12 or provide the division, within twenty-four hours, an explanation
13 in writing detailing the reasons why it is unable to assist.

14 7. In conjunction with local law enforcement,
15 multidisciplinary adult protection teams shall be used whenever
16 responding to a report involving potential criminal activity
17 based on the adult protection personnel's determination.
18 Multidisciplinary adult protection teams shall be used in
19 providing protective or preventive social services, including the
20 services of law enforcement and other agencies, both public and
21 private.

22 8. (1) Except as otherwise permitted by law, records,
23 reports, and information concerning reports of abuse, neglect, or
24 exploitation of a vulnerable or elderly person or a person with a
25 disability shall be kept confidential among the multidisciplinary
26 adult protection team members.

27 (2) Notwithstanding section 192.2435, disclosure of

1 records, reports, and information under subdivision (1) of this
2 subsection may be made to persons and entities directly involved
3 in the work of the multidisciplinary adult protection team as
4 needed, including:

5 (a) Attorneys or other representatives of the adult client
6 who are legally authorized to receive such records, reports, and
7 information;

8 (b) Representatives of law enforcement;

9 (c) Grand juries or courts in the exercise of official
10 business;

11 (d) Members of the multidisciplinary adult protection team
12 as needed to conduct business; and

13 (e) Persons engaged in bona fide research or audit
14 purposes; provided that, only information in the aggregate
15 without identifying information may be provided for research or
16 audit purposes, and confidentiality of the data is maintained.

17 (3) Disclosures under this subsection shall be subject to
18 the limitations of the Health Insurance Portability and
19 Accountability Act of 1996.

20 (4) Unless necessary for the provision of medical, legal,
21 housing, social welfare, or other services, the name of the
22 potential or actual victim or client may only be shared outside
23 of the multidisciplinary adult protection team with
24 representatives of law enforcement and organizations devoted to
25 victims' services or advocacy.

26 (5) The multidisciplinary adult protection team and the
27 appropriate local law enforcement agency shall coordinate as

1 needed for the administration of this section.

2 (6) Identifying information of the person who reported a
3 case of suspected abuse, neglect, or exploitation of a vulnerable
4 or elderly person or a person with a disability shall be kept
5 strictly confidential. The identifying information shall not be
6 disclosed to any person or organization within or without the
7 multidisciplinary adult protection team unless the reporting
8 person expressly consents to disclosure.

9 (7) Work products of the multidisciplinary adult protection
10 team including, but not limited to, internal memoranda; summaries
11 or minutes of panel meetings; and written, audio recorded, or
12 electronic records and communications are not:

13 (a) Public records as defined in subdivision (6) of section
14 610.010;

15 (b) Available for public examination, reproduction, or
16 disclosure; and

17 (c) Admissible as evidence in any civil, criminal, or
18 administrative proceeding unless otherwise required by law.

19 9. Any person participating in good faith in any action or
20 omission authorized or required under this section shall be
21 immune from civil or criminal liability that may result by reason
22 of such action or omission.

23 10. Nothing in this section shall affect the current
24 authority of the department of health and senior services.

25 67.142. 1. Nothing in this chapter shall be construed to
26 limit in any manner the authority of any village; town; city,
27 including home rule city; or county to prohibit dogs from running

1 at large or to further control or regulate dogs within its
2 boundaries, provided that no such ordinance, order, policy, or
3 regulation is specific to breed.

4 2. The general assembly hereby occupies and preempts the
5 entire field of legislation regarding in any way the control or
6 regulation of specific breeds of dogs to the complete exclusion
7 of any order, ordinance, policy, or regulation by any village;
8 town; city, including any home rule city; or county in this
9 state. Any existing or future order, ordinance, policy, or
10 regulation in this field shall be null and void.

11 3. Nothing in this chapter shall infringe the ability of
12 any village; town; city, including any home rule city; or county
13 to enact and enforce a vicious dog order, ordinance, policy, or
14 regulation if the order, ordinance, policy, or regulation is not
15 specific to breed.

16 71.201. 1. For purposes of this section, the term "local
17 governmental unit" shall mean any city, village, town, county,
18 township, or the board of police established by section 84.020,
19 or the board of police commissioners established by section
20 84.350.

21 2. (1) No local governmental unit shall require, as a
22 condition of employment, that any currently employed or
23 prospective law enforcement officer reside within any
24 jurisdictional limit.

25 (2) If a local governmental unit has a residency rule or
26 requirement for law enforcement officers that is in effect on or
27 before August 28, 2020, the residency rule or requirement shall

1 not apply and shall not be enforced.

2 3. A local governmental unit may impose a residency rule or
3 requirement on law enforcement officers, but the rule or
4 requirement shall be no more restrictive than requiring such
5 personnel to reside within a one-hour response time.

6 4. The provisions of this section shall not apply to the
7 Missouri state highway patrol.

8 84.344. 1. Notwithstanding any provisions of this chapter
9 to the contrary, any city not within a county may establish a
10 municipal police force on or after July 1, 2013, according to the
11 procedures and requirements of this section. The purpose of
12 these procedures and requirements is to provide for an orderly
13 and appropriate transition in the governance of the police force
14 and provide for an equitable employment transition for
15 commissioned and civilian personnel.

16 2. Upon the establishment of a municipal police force by a
17 city under sections 84.343 to 84.346, the board of police
18 commissioners shall convey, assign, and otherwise transfer to the
19 city title and ownership of all indebtedness and assets,
20 including, but not limited to, all funds and real and personal
21 property held in the name of or controlled by the board of police
22 commissioners created under sections 84.010 to 84.340. The board
23 of police commissioners shall execute all documents reasonably
24 required to accomplish such transfer of ownership and
25 obligations.

26 3. If the city establishes a municipal police force and
27 completes the transfer described in subsection 2 of this section,

1 the city shall provide the necessary funds for the maintenance of
2 the municipal police force.

3 4. Before a city not within a county may establish a
4 municipal police force under this section, the city shall adopt
5 an ordinance accepting responsibility, ownership, and liability
6 as successor-in-interest for contractual obligations,
7 indebtedness, and other lawful obligations of the board of police
8 commissioners subject to the provisions of subsection 2 of
9 section 84.345.

10 5. A city not within a county that establishes a municipal
11 police force shall initially employ, without a reduction in rank,
12 salary, or benefits, all commissioned and civilian personnel of
13 the board of police commissioners created under sections 84.010
14 to 84.340 that were employed by the board immediately prior to
15 the date the municipal police force was established. Such
16 commissioned personnel who previously were employed by the board
17 may only be involuntarily terminated by the city not within a
18 county for cause. The city shall also recognize all accrued
19 years of service that such commissioned and civilian personnel
20 had with the board of police commissioners. Such personnel shall
21 be entitled to the same holidays, vacation, and sick leave they
22 were entitled to as employees of the board of police
23 commissioners.

24 6. Commissioned and civilian personnel who ~~["were previously~~
25 ~~employed by the board]~~ are employed by a municipal police force
26 established under this section shall ~~["continue to"]~~ not be
27 subject, throughout their employment for the city not within a

1 county, to a residency [~~rule no more restrictive than a~~
2 requirement of retaining a primary residence in a city not within
3 a county [~~for a total of seven years and of then allowing them to~~
4 ~~maintain a primary residence outside the city not within a~~
5 ~~county~~] so long as the primary residence is located within a
6 one-hour response time.

7 7. The commissioned and civilian personnel who retire from
8 service with the board of police commissioners before the
9 establishment of a municipal police force under subsection 1 of
10 this section shall continue to be entitled to the same pension
11 benefits provided under chapter 86 and the same benefits set
12 forth in subsection 5 of this section.

13 8. If the city not within a county elects to establish a
14 municipal police force under this section, the city shall
15 establish a separate division for the operation of its municipal
16 police force. The civil service commission of the city may adopt
17 rules and regulations appropriate for the unique operation of a
18 police department. Such rules and regulations shall reserve
19 exclusive authority over the disciplinary process and procedures
20 affecting commissioned officers to the civil service commission;
21 however, until such time as the city adopts such rules and
22 regulations, the commissioned personnel shall continue to be
23 governed by the board of police commissioner's rules and
24 regulations in effect immediately prior to the establishment of
25 the municipal police force, with the police chief acting in place
26 of the board of police commissioners for purposes of applying the
27 rules and regulations. Unless otherwise provided for, existing

1 civil service commission rules and regulations governing the
2 appeal of disciplinary decisions to the civil service commission
3 shall apply to all commissioned and civilian personnel. The
4 civil service commission's rules and regulations shall provide
5 that records prepared for disciplinary purposes shall be
6 confidential, closed records available solely to the civil
7 service commission and those who possess authority to conduct
8 investigations regarding disciplinary matters pursuant to the
9 civil service commission's rules and regulations. A hearing
10 officer shall be appointed by the civil service commission to
11 hear any such appeals that involve discipline resulting in a
12 suspension of greater than fifteen days, demotion, or
13 termination, but the civil service commission shall make the
14 final findings of fact, conclusions of law, and decision which
15 shall be subject to any right of appeal under chapter 536.

16 9. A city not within a county that establishes and
17 maintains a municipal police force under this section:

18 (1) Shall provide or contract for life insurance coverage
19 and for insurance benefits providing health, medical, and
20 disability coverage for commissioned and civilian personnel of
21 the municipal police force to the same extent as was provided by
22 the board of police commissioners under section 84.160;

23 (2) Shall provide or contract for medical and life
24 insurance coverage for any commissioned or civilian personnel who
25 retired from service with the board of police commissioners or
26 who were employed by the board of police commissioners and retire
27 from the municipal police force of a city not within a county to

1 the same extent such medical and life insurance coverage was
2 provided by the board of police commissioners under section
3 84.160;

4 (3) Shall make available medical and life insurance
5 coverage for purchase to the spouses or dependents of
6 commissioned and civilian personnel who retire from service with
7 the board of police commissioners or the municipal police force
8 and deceased commissioned and civilian personnel who receive
9 pension benefits under sections 86.200 to 86.366 at the rate that
10 such dependent's or spouse's coverage would cost under the
11 appropriate plan if the deceased were living; and

12 (4) May pay an additional shift differential compensation
13 to commissioned and civilian personnel for evening and night
14 tours of duty in an amount not to exceed ten percent of the
15 officer's base hourly rate.

16 10. A city not within a county that establishes a municipal
17 police force under sections 84.343 to 84.346 shall establish a
18 transition committee of five members for the purpose of:
19 coordinating and implementing the transition of authority,
20 operations, assets, and obligations from the board of police
21 commissioners to the city; winding down the affairs of the board;
22 making nonbinding recommendations for the transition of the
23 police force from the board to the city; and other related
24 duties, if any, established by executive order of the city's
25 mayor. Once the ordinance referenced in this section is enacted,
26 the city shall provide written notice to the board of police
27 commissioners and the governor of the state of Missouri. Within

1 thirty days of such notice, the mayor shall appoint three members
2 to the committee, two of whom shall be members of a statewide law
3 enforcement association that represents at least five thousand
4 law enforcement officers. The remaining members of the committee
5 shall include the police chief of the municipal police force and
6 a person who currently or previously served as a commissioner on
7 the board of police commissioners, who shall be appointed to the
8 committee by the mayor of such city.

9 94.900. 1. (1) The governing body of the following cities
10 may impose a tax as provided in this section:

11 (a) Any city of the third classification with more than ten
12 thousand eight hundred but less than ten thousand nine hundred
13 inhabitants located at least partly within a county of the first
14 classification with more than one hundred eighty-four thousand
15 but less than one hundred eighty-eight thousand inhabitants;

16 (b) Any city of the fourth classification with more than
17 four thousand five hundred but fewer than five thousand
18 inhabitants;

19 (c) Any city of the fourth classification with more than
20 eight thousand nine hundred but fewer than nine thousand
21 inhabitants;

22 (d) Any home rule city with more than forty-eight thousand
23 but fewer than forty-nine thousand inhabitants;

24 (e) Any home rule city with more than seventy-three
25 thousand but fewer than seventy-five thousand inhabitants;

26 (f) Any city of the fourth classification with more than
27 thirteen thousand five hundred but fewer than sixteen thousand

1 inhabitants;

2 (g) Any city of the fourth classification with more than
3 seven thousand but fewer than eight thousand inhabitants;

4 (h) Any city of the fourth classification with more than
5 four thousand but fewer than four thousand five hundred
6 inhabitants and located in any county of the first classification
7 with more than one hundred fifty thousand but fewer than two
8 hundred thousand inhabitants;

9 (i) Any city of the third classification with more than
10 thirteen thousand but fewer than fifteen thousand inhabitants and
11 located in any county of the third classification without a
12 township form of government and with more than thirty-three
13 thousand but fewer than thirty-seven thousand inhabitants; ~~[(e)]~~

14 (j) Any city of the fourth classification with more than
15 three thousand but fewer than three thousand three hundred
16 inhabitants and located in any county of the third classification
17 without a township form of government and with more than eighteen
18 thousand but fewer than twenty thousand inhabitants and that is
19 not the county seat of such county;

20 (k) Any city of the fourth classification with more than
21 four hundred fifty but fewer than five hundred inhabitants and
22 located in any county of the third classification without a
23 township form of government and with more than twenty-nine
24 thousand but fewer than thirty-three thousand inhabitants and
25 with a city of the fourth classification with more than four
26 hundred but fewer than four hundred fifty inhabitants as the
27 county seat;

1 (l) Any city of the fourth classification with more than
2 eight thousand but fewer than twelve thousand inhabitants and
3 located in any county of the first classification with more than
4 two hundred thousand but fewer than two hundred sixty thousand
5 inhabitants; or

6 (m) Any city of the fourth classification with more than
7 one thousand three hundred fifty but fewer than one thousand five
8 hundred inhabitants and located in any county of the first
9 classification with more than one hundred fifty thousand but
10 fewer than two hundred thousand inhabitants.

11 (2) The governing body of any city listed in subdivision
12 (1) of this subsection is hereby authorized to impose, by
13 ordinance or order, a sales tax in the amount of up to one-half
14 of one percent on all retail sales made in such city which are
15 subject to taxation under the provisions of sections 144.010 to
16 144.525 for the purpose of improving the public safety for such
17 city[7] including, but not limited to, expenditures on equipment,
18 city employee salaries and benefits, and facilities for police,
19 fire and emergency medical providers. The tax authorized by this
20 section shall be in addition to any and all other sales taxes
21 allowed by law, except that no ordinance or order imposing a
22 sales tax pursuant to the provisions of this section shall be
23 effective unless the governing body of the city submits to the
24 voters of the city, at a county or state general, primary, or
25 special election, a proposal to authorize the governing body of
26 the city to impose a tax.

27 2. If the proposal submitted involves only authorization to

1 impose the tax authorized by this section, the ballot of
2 submission shall contain, but need not be limited to, the
3 following language:

4 Shall the city of _____ (city's name) impose a
5 citywide sales tax of _____ (insert amount) for the
6 purpose of improving the public safety of the city?

7 YES NO

8 If you are in favor of the question, place an "X" in
9 the box opposite "YES". If you are opposed to the
10 question, place an "X" in the box opposite "NO".

11
12 If a majority of the votes cast on the proposal by the qualified
13 voters voting thereon are in favor of the proposal submitted
14 pursuant to this subsection, then the ordinance or order and any
15 amendments thereto shall be in effect on the first day of the
16 second calendar quarter after the director of revenue receives
17 notification of adoption of the local sales tax. If a proposal
18 receives less than the required majority, then the governing body
19 of the city shall have no power to impose the sales tax herein
20 authorized unless and until the governing body of the city shall
21 again have submitted another proposal to authorize the governing
22 body of the city to impose the sales tax authorized by this
23 section and such proposal is approved by the required majority of
24 the qualified voters voting thereon. However, in no event shall
25 a proposal pursuant to this section be submitted to the voters
26 sooner than twelve months from the date of the last proposal
27 pursuant to this section.

1 3. All revenue received by a city from the tax authorized
2 under the provisions of this section shall be deposited in a
3 special trust fund and shall be used solely for improving the
4 public safety for such city for so long as the tax shall remain
5 in effect.

6 4. Once the tax authorized by this section is abolished or
7 is terminated by any means, all funds remaining in the special
8 trust fund shall be used solely for improving the public safety
9 for the city. Any funds in such special trust fund which are not
10 needed for current expenditures may be invested by the governing
11 body in accordance with applicable laws relating to the
12 investment of other city funds.

13 5. All sales taxes collected by the director of [~~the~~
14 ~~department of~~] revenue under this section on behalf of any city,
15 less one percent for cost of collection which shall be deposited
16 in the state's general revenue fund after payment of premiums for
17 surety bonds as provided in section 32.087, shall be deposited in
18 a special trust fund, which is hereby created, to be known as the
19 "City Public Safety Sales Tax Trust Fund". The moneys in the
20 trust fund shall not be deemed to be state funds and shall not be
21 commingled with any funds of the state. The provisions of
22 section 33.080 to the contrary notwithstanding, money in this
23 fund shall not be transferred and placed to the credit of the
24 general revenue fund. The director of [~~the department of~~]
25 revenue shall keep accurate records of the amount of money in the
26 trust and which was collected in each city imposing a sales tax
27 pursuant to this section, and the records shall be open to the

1 inspection of officers of the city and the public. Not later
2 than the tenth day of each month the director of [~~the department~~
3 ~~of~~] revenue shall distribute all moneys deposited in the trust
4 fund during the preceding month to the city which levied the tax;
5 such funds shall be deposited with the city treasurer of each
6 such city, and all expenditures of funds arising from the trust
7 fund shall be by an appropriation act to be enacted by the
8 governing body of each such city. Expenditures may be made from
9 the fund for any functions authorized in the ordinance or order
10 adopted by the governing body submitting the tax to the voters.

11 6. The director of [~~the department of~~] revenue may make
12 refunds from the amounts in the trust fund and credited to any
13 city for erroneous payments and overpayments made, and may redeem
14 dishonored checks and drafts deposited to the credit of such
15 cities. If any city abolishes the tax, the city shall notify the
16 director of [~~the department of~~] revenue of the action at least
17 ninety days prior to the effective date of the repeal and the
18 director of [~~the department of~~] revenue may order retention in
19 the trust fund, for a period of one year, of two percent of the
20 amount collected after receipt of such notice to cover possible
21 refunds or overpayment of the tax and to redeem dishonored checks
22 and drafts deposited to the credit of such accounts. After one
23 year has elapsed after the effective date of abolition of the tax
24 in such city, the director of [~~the department of~~] revenue shall
25 remit the balance in the account to the city and close the
26 account of that city. The director of [~~the department of~~]
27 revenue shall notify each city of each instance of any amount

1 refunded or any check redeemed from receipts due the city.

2 7. Except as modified in this section, all provisions of
3 sections 32.085 and 32.087 shall apply to the tax imposed
4 pursuant to this section.

5 94.902. 1. The governing bodies of the following cities or
6 villages may impose a tax as provided in this section:

7 (1) Any city of the third classification with more than
8 twenty-six thousand three hundred but less than twenty-six
9 thousand seven hundred inhabitants;

10 (2) Any city of the fourth classification with more than
11 thirty thousand three hundred but fewer than thirty thousand
12 seven hundred inhabitants;

13 (3) Any city of the fourth classification with more than
14 twenty-four thousand eight hundred but fewer than twenty-five
15 thousand inhabitants;

16 (4) Any special charter city with more than twenty-nine
17 thousand but fewer than thirty-two thousand inhabitants;

18 (5) Any city of the third classification with more than
19 four thousand but fewer than four thousand five hundred
20 inhabitants and located in any county of the first classification
21 with more than two hundred thousand but fewer than two hundred
22 sixty thousand inhabitants;

23 (6) Any city of the fourth classification with more than
24 nine thousand five hundred but fewer than ten thousand eight
25 hundred inhabitants;

26 (7) Any city of the fourth classification with more than
27 five hundred eighty but fewer than six hundred fifty inhabitants;

1 (8) Any city of the fourth classification with more than
2 two thousand seven hundred but fewer than three thousand
3 inhabitants and located in any county of the first classification
4 with more than eighty-three thousand but fewer than ninety-two
5 thousand inhabitants; ~~[or]~~

6 (9) Any city of the fourth classification with more than
7 two thousand four hundred but fewer than two thousand seven
8 hundred inhabitants and located in any county of the third
9 classification without a township form of government and with
10 more than ten thousand but fewer than twelve thousand
11 inhabitants;

12 (10) Any city of the third classification with more than
13 nine thousand but fewer than ten thousand inhabitants and located
14 in any county of the third classification with a township form of
15 government and with more than twenty thousand but fewer than
16 twenty-three thousand inhabitants;

17 (11) Any city of the fourth classification with more than
18 one thousand fifty but fewer than one thousand two hundred
19 inhabitants and located in any county of the third classification
20 without a township form of government and with more than eighteen
21 thousand but fewer than twenty thousand inhabitants and with a
22 city of the fourth classification with more than two thousand one
23 hundred but fewer than two thousand four hundred inhabitants as
24 the county seat; or

25 (12) Any village with more than one thousand three hundred
26 fifty but fewer than one thousand five hundred inhabitants and
27 located in any county of the first classification with more than

1 two hundred thousand but fewer than two hundred sixty thousand
2 inhabitants.

3 2. The governing body of any city or village listed in
4 subsection 1 of this section may impose, by order or ordinance, a
5 sales tax on all retail sales made in the city or village which
6 are subject to taxation under chapter 144. The tax authorized in
7 this section may be imposed in an amount of up to one-half of one
8 percent, and the tax shall be imposed solely for the purpose of
9 improving the public safety for such city~~[7]~~ or village
10 including, but not limited to, expenditures on equipment~~[7]~~; city
11 or village employee salaries and benefits~~[7]~~; and facilities for
12 police, fire, and emergency medical providers. The tax
13 authorized in this section shall be in addition to all other
14 sales taxes imposed by law, and shall be stated separately from
15 all other charges and taxes. The order or ordinance imposing a
16 sales tax under this section shall not become effective unless
17 the governing body of the city or village submits to the voters
18 residing within the city or village, at a county or state
19 general, primary, or special election, a proposal to authorize
20 the governing body of the city or village to impose a tax under
21 this section.

22 3. The ballot of submission for the tax authorized in this
23 section shall be in substantially the following form:

24 Shall the (city/village) of _____ (~~[city's]~~ insert
25 name) impose a (citywide/villagewide) sales tax at a
26 rate of _____ (insert ~~[rate of percent]~~ percentage)
27 percent for the purpose of improving the public safety

1 of the (city/village)?

2 YES NO

3 If you are in favor of the question, place an "X" in
4 the box opposite "YES". If you are opposed to the
5 question, place an "X" in the box opposite "NO".

6
7 If a majority of the votes cast on the proposal by the qualified
8 voters voting thereon are in favor of the proposal, then the
9 ordinance or order and any amendments to the order or ordinance
10 shall become effective on the first day of the second calendar
11 quarter after the director of revenue receives notice of the
12 adoption of the sales tax. If a majority of the votes cast on
13 the proposal by the qualified voters voting thereon are opposed
14 to the proposal, then the tax shall not become effective unless
15 the proposal is resubmitted under this section to the qualified
16 voters and such proposal is approved by a majority of the
17 qualified voters voting on the proposal. However, in no event
18 shall a proposal under this section be submitted to the voters
19 sooner than twelve months from the date of the last proposal
20 under this section.

21 4. Any sales tax imposed under this section shall be
22 administered, collected, enforced, and operated as required in
23 section 32.087. All sales taxes collected by the director of the
24 department of revenue under this section on behalf of any city or
25 village, less one percent for cost of collection which shall be
26 deposited in the state's general revenue fund after payment of
27 premiums for surety bonds as provided in section 32.087, shall be

1 deposited in a special trust fund, which is hereby created in the
2 state treasury, to be known as the "City Public Safety Sales Tax
3 Trust Fund". The moneys in the trust fund shall not be deemed to
4 be state funds and shall not be commingled with any funds of the
5 state. The provisions of section 33.080 to the contrary
6 notwithstanding, money in this fund shall not be transferred and
7 placed to the credit of the general revenue fund. The director
8 shall keep accurate records of the amount of money in the trust
9 fund and which was collected in each city or village imposing a
10 sales tax under this section, and the records shall be open to
11 the inspection of officers of the city or village and the public.
12 Not later than the tenth day of each month the director shall
13 distribute all moneys deposited in the trust fund during the
14 preceding month to the city or village which levied the tax.
15 Such funds shall be deposited with the city or village treasurer
16 of each such city or village, and all expenditures of funds
17 arising from the trust fund shall be by an appropriation act to
18 be enacted by the governing body of each such city or village.
19 Expenditures may be made from the fund for any functions
20 authorized in the ordinance or order adopted by the governing
21 body submitting the tax to the voters. If the tax is repealed,
22 all funds remaining in the special trust fund shall continue to
23 be used solely for the designated purposes. Any funds in the
24 special trust fund which are not needed for current expenditures
25 shall be invested in the same manner as other funds are invested.
26 Any interest and moneys earned on such investments shall be
27 credited to the fund.

1 5. The director of [~~the department of~~] revenue may
2 authorize the state treasurer to make refunds from the amounts in
3 the trust fund and credited to any city or village for erroneous
4 payments and overpayments made, and may redeem dishonored checks
5 and drafts deposited to the credit of such cities or villages.
6 If any city or village abolishes the tax, the city or village
7 shall notify the director of the action at least ninety days
8 before the effective date of the repeal, and the director may
9 order retention in the trust fund, for a period of one year, of
10 two percent of the amount collected after receipt of such notice
11 to cover possible refunds or overpayment of the tax and to redeem
12 dishonored checks and drafts deposited to the credit of such
13 accounts. After one year has elapsed after the effective date of
14 abolition of the tax in such city or village, the director shall
15 remit the balance in the account to the city and close the
16 account of that city or village. The director shall notify each
17 city or village of each instance of any amount refunded or any
18 check redeemed from receipts due the city or village.

19 6. The governing body of any city or village that has
20 adopted the sales tax authorized in this section may submit the
21 question of repeal of the tax to the voters on any date available
22 for elections for the city or village. The ballot of submission
23 shall be in substantially the following form:

24 Shall _____ (insert the name of the city or village)
25 repeal the sales tax imposed at a rate of _____
26 (insert [~~rate of percent~~] percentage) percent for the
27 purpose of improving the public safety of the

1 (city/village)?

2 YES NO

3
4 If a majority of the votes cast on the proposal are in favor of
5 repeal, that repeal shall become effective on December thirty-
6 first of the calendar year in which such repeal was approved. If
7 a majority of the votes cast on the question by the qualified
8 voters voting thereon are opposed to the repeal, then the sales
9 tax authorized in this section shall remain effective until the
10 question is resubmitted under this section to the qualified
11 voters, and the repeal is approved by a majority of the qualified
12 voters voting on the question.

13 7. Whenever the governing body of any city or village that
14 has adopted the sales tax authorized in this section receives a
15 petition, signed by ten percent of the registered voters of the
16 city or village voting in the last gubernatorial election,
17 calling for an election to repeal the sales tax imposed under
18 this section, the governing body shall submit to the voters of
19 the city or village a proposal to repeal the tax. If a majority
20 of the votes cast on the question by the qualified voters voting
21 thereon are in favor of the repeal, that repeal shall become
22 effective on December thirty-first of the calendar year in which
23 such repeal was approved. If a majority of the votes cast on the
24 question by the qualified voters voting thereon are opposed to
25 the repeal, then the tax shall remain effective until the
26 question is resubmitted under this section to the qualified
27 voters and the repeal is approved by a majority of the qualified

1 voters voting on the question.

2 8. Any sales tax imposed under this section by a city
3 described under subdivision (6) of subsection 1 of this section
4 that is in effect as of December 31, 2038, shall automatically
5 expire. No city described under subdivision (6) of subsection 1
6 of this section shall collect a sales tax pursuant to this
7 section on or after January 1, 2039. Subsection 7 of this
8 section shall not apply to a sales tax imposed under this section
9 by a city described under subdivision (6) of subsection 1 of this
10 section.

11 9. Except as modified in this section, all provisions of
12 sections 32.085 and 32.087 shall apply to the tax imposed under
13 this section.

14 160.665. 1. (1) This section shall be known and may be
15 cited as the "Keep Our Schools Safe Act".

16 (2) As used in this section, the following terms mean:

17 (a) "Law enforcement officer", any officer or employee of
18 the United States, any state, any political subdivision of a
19 state, or the District of Columbia having both the power and duty
20 to make arrests for violations of the laws of this state, and
21 federal law enforcement officers authorized to carry firearms and
22 to make arrests for violations of the laws of the United States.
23 The term "law enforcement officer" shall specifically include,
24 but not be limited to, members of the following:

25 a. The National Guard as defined in 10 U.S.C. Section 101,
26 as amended;

27 b. The organized militia of any state or territory of the

1 United States, the Commonwealth of Puerto Rico, or the District
2 of Columbia, not included within the definition of the National
3 Guard as defined in 10 U.S.C. Section 101, as amended; and

4 c. The Armed Forces of the United States;

5 (b) "School building", any facility owned or leased by a
6 school district:

7 a. Over which the school board of the school district has
8 care, custody, or control; and

9 b. In which any pupils are physically present during a
10 school day, as such term is defined in section 160.041;

11 (c) "School protection officer", any elementary or
12 secondary school teacher or administrator designated by a school
13 district to serve as a school protection officer under this
14 section and sections 590.200 to 590.207, or any individual who is
15 a volunteer as provided in this section;

16 (d) "Volunteer", any individual who:

17 a. Was formerly employed as a law enforcement officer but
18 who has retired from such employment;

19 b. Is qualified as a school protection officer under
20 sections 590.200 to 590.207; and

21 c. Serves or will serve a school district as a school
22 protection officer on a paid or unpaid basis but not as an
23 employee of the school district.

24 2. Any school district within the state may designate one
25 or more ~~[elementary or secondary school teachers or~~
26 ~~administrators as a]~~ school protection ~~[officer]~~ officers in each
27 of the district's school buildings. A school protection officer

1 may be a teacher or administrator as provided in this section or
2 may be a volunteer. If a school protection officer is a teacher
3 or administrator, the responsibilities and duties of a school
4 protection officer are voluntary and shall be in addition to the
5 normal responsibilities and duties of the teacher or
6 administrator. If the school protection officer is a volunteer,
7 the individual may serve on an unpaid basis or may be provided
8 compensation by the school district. Any compensation for
9 [additional] duties relating to service as a school protection
10 officer shall be funded by the local school district, with no
11 state funds used for such purpose.

12 [2.] 3. Any [person] individual designated by a school
13 district as a school protection officer shall [~~be authorized to~~]
14 carry a concealed [~~firearms or~~] firearm and a self-defense spray
15 device in any school in the district. A self-defense spray
16 device shall mean any device that is capable of carrying, and
17 that ejects, releases, or emits, a nonlethal solution capable of
18 incapacitating a violent threat. The school protection officer
19 shall not be permitted to allow any firearm or device out of [~~his~~
20 ~~or her~~] the officer's personal control while that firearm or
21 device is on school property. Any school protection officer who
22 violates this subsection may be removed immediately from the
23 [~~classroom~~] building and subject to employment termination
24 proceedings if the officer is a teacher or administrator, or
25 subject to removal from the building and dismissal as a volunteer
26 if serving as a volunteer school protection officer.

27 [3.] 4. A school protection officer has the same authority

1 to detain or use force against any person on school property as
2 provided to any other person under chapter 563.

3 ~~[4.]~~ Upon detention of a person under this subsection ~~[3 of~~
4 ~~this section]~~, the school protection officer shall immediately
5 notify a school administrator and a school resource officer, if
6 such officer is present at the school. If the person detained is
7 a student then the parents or guardians of the student shall also
8 be immediately notified by a school administrator.

9 5. Any person detained by a school protection officer shall
10 be turned over to a school administrator or law enforcement
11 officer as soon as practically possible and shall not be detained
12 by a school protection officer for more than one hour.

13 6. Any teacher or administrator of an elementary or
14 secondary school who seeks to be designated as a school
15 protection officer shall request such designation in writing, and
16 submit it to the superintendent of the school district which
17 employs ~~[him or her]~~ such individual as a teacher or
18 administrator. Along with this request, any teacher or
19 administrator seeking to carry a concealed firearm on school
20 property shall also submit proof that ~~[he or she]~~ such individual
21 has a valid concealed carry endorsement or permit, and all
22 teachers and administrators seeking the designation of school
23 protection officer shall submit a certificate of school
24 protection officer training program completion from a training
25 program approved by the director of the department of public
26 safety which demonstrates that such person has successfully
27 completed the training requirements established by the POST

1 commission under chapter 590 for school protection officers.

2 7. No school district ~~[may]~~ shall designate ~~[a teacher or~~
3 ~~administrator]~~ any individual as a school protection officer
4 unless such person has successfully completed a school protection
5 officer training program~~[, which]~~ that has been approved by the
6 director of the department of public safety. No school district
7 shall allow a school protection officer to carry a concealed
8 firearm on school property unless the school protection officer
9 has a valid concealed carry endorsement or permit.

10 8. (1) Any school district that designates a ~~[teacher or~~
11 ~~administrator as a]~~ school protection officer shall, within
12 thirty days of such designation, notify~~[,]~~ in writing~~[,]~~ the
13 director of the department of public safety of the designation,
14 which shall include the following:

15 ~~[(1)]~~ (a) The full name, date of birth, and address of the
16 officer;

17 ~~[(2)]~~ (b) The name of the school district; and

18 ~~[(3)]~~ (c) The date such person was designated as a school
19 protection officer.

20 (2) Notwithstanding any other provisions of law to the
21 contrary, any identifying information collected under the
22 authority of this subsection shall not be considered public
23 information and shall not be subject to a request for public
24 records made under chapter 610.

25 9. A school district may revoke the designation of ~~[a~~
26 ~~person]~~ an individual as a school protection officer for any
27 reason and shall immediately notify the designated school

1 protection officer in writing of the revocation. The school
2 district shall also within thirty days of the revocation notify
3 the director of the department of public safety in writing of the
4 revocation of the designation of such ~~[person]~~ individual as a
5 school protection officer. ~~[A person]~~ An individual who has had
6 the designation of school protection officer revoked has no right
7 to appeal the revocation decision.

8 10. The director of the department of public safety shall
9 maintain a listing of all ~~[persons]~~ individuals designated by
10 school districts as school protection officers and shall make
11 this list available to all law enforcement agencies.

12 11. Before a school district may designate a ~~[teacher or~~
13 ~~administrator as a]~~ school protection officer, the school board
14 shall hold a public hearing on whether to allow such designation.
15 Notice of the hearing shall be published at least fifteen days
16 before the date of the hearing in a newspaper of general
17 circulation within the city or county in which the school
18 district is located. The board may determine at a closed
19 meeting, as "closed meeting" is defined under section 610.010,
20 whether to authorize the ~~[designated school protection officer to~~
21 ~~carry a concealed firearm or a self-defense spray device]~~
22 individual to serve the school district as a school protection
23 officer.

24 168.133. 1. As used in this section, "screened volunteer"
25 shall mean any person who assists a school by providing
26 uncompensated service and who may periodically be left alone with
27 students. The school district shall ensure that a criminal

1 background check is conducted for all screened volunteers, who
2 shall complete the criminal background check prior to being left
3 alone with a student. Screened volunteers include, but are not
4 limited to, persons who regularly assist in the office or
5 library, mentor or tutor students, coach or supervise a
6 school-sponsored activity before or after school, or chaperone
7 students on an overnight trip. Screened volunteers may only
8 access student education records when necessary to assist the
9 district and while supervised by staff members. Volunteers that
10 are not screened shall not be left alone with a student or have
11 access to student records.

12 2. (1) The school district shall ensure that a criminal
13 background check is conducted on any person employed after
14 January 1, 2005, authorized to have contact with pupils and prior
15 to the individual having contact with any pupil. Such persons
16 include, but are not limited to, administrators, teachers,
17 substitute teachers, aides, paraprofessionals, assistants,
18 secretaries, custodians, cooks, screened volunteers, and nurses.

19 (2) The school district shall also ensure that a criminal
20 background check is conducted for school bus drivers. The
21 district may allow such drivers to operate buses pending the
22 result of the criminal background check. For bus drivers, the
23 school district shall be responsible for conducting the criminal
24 background check on drivers employed by the school district. For
25 drivers employed by a pupil transportation company under contract
26 with the school district, the criminal background check shall be
27 conducted pursuant to section 43.540 and conform to the

1 requirements established in the National Child Protection Act of
2 1993, as amended by the Volunteers for Children Act.

3 (3) The school district shall also ensure that a criminal
4 background check is conducted on any person who is eighteen years
5 of age or older, who is not counted by the district for purposes
6 of average daily attendance, as defined in section 163.011, and
7 who requests enrollment in a course that takes place on school
8 district property during regular school hours and that includes
9 students counted by the district for purposes of average daily
10 attendance, as defined in section 163.011. The background check
11 shall be conducted before the person enrolls in any such course.

12 (4) Personnel who have successfully undergone a criminal
13 background check and a check of the family care safety registry
14 as part of the professional license application process under
15 section 168.021 and who have received clearance on the checks
16 within one prior year of employment shall be considered to have
17 completed the background check requirement.

18 (5) A criminal background check under this section shall
19 include a search of any information publicly available in an
20 electronic format through a public index or single case display.

21 3. In order to facilitate the criminal history background
22 check, the applicant or person requesting enrollment in a course
23 as described in this section shall submit a set of fingerprints
24 collected [~~pursuant to standards determined by the Missouri~~
25 ~~highway patrol~~] under section 43.540. The fingerprints shall be
26 used by the highway patrol to search the criminal history
27 repository and shall be forwarded to the Federal Bureau of

1 Investigation for searching the federal criminal history files.

2 4. The applicant or person requesting enrollment in a
3 course as described in this section shall pay the fee for the
4 state criminal history record information pursuant to section
5 43.530 and sections 210.900 to 210.936 and pay the appropriate
6 fee determined by the Federal Bureau of Investigation for the
7 federal criminal history record when he or she applies for a
8 position authorized to have contact with pupils pursuant to this
9 section or requests enrollment in a course as described in this
10 section. The department shall distribute the fees collected for
11 the state and federal criminal histories to the Missouri highway
12 patrol.

13 5. For each school district that is not enrolled in the
14 Missouri Rap Back program under chapter 43, the department of
15 elementary and secondary education shall facilitate an annual
16 check of employed persons holding current active certificates
17 under section 168.021 against criminal history records in the
18 central repository under section 43.530, the sexual offender
19 registry under sections 589.400 to 589.426, and child abuse
20 central registry under sections 210.109 to 210.183. The
21 department of elementary and secondary education shall facilitate
22 procedures for school districts to submit personnel information
23 annually for persons employed by the school districts who do not
24 hold a current valid certificate who are required by subsection 1
25 of this section to undergo a criminal background check, sexual
26 offender registry check, and child abuse central registry check.
27 ~~【The Missouri state highway patrol shall provide ongoing~~

1 ~~electronic updates to criminal history background checks of those~~
2 ~~persons previously submitted, both those who have an active~~
3 ~~certificate and those who do not have an active certificate, by~~
4 ~~the department of elementary and secondary education. This shall~~
5 ~~fulfill the annual check against the criminal history records in~~
6 ~~the central repository under section 43.530.] State and federal~~
7 ~~fingerprint-based criminal record checks submitted under section~~
8 ~~43.540 shall satisfy the annual criminal background check and~~
9 ~~sexual offender registry check required by this section.~~

10 6. The school district may adopt a policy to provide for
11 reimbursement of expenses incurred by an employee for state and
12 federal criminal history information pursuant to section 43.530.

13 7. If, as a result of the criminal history background check
14 mandated by this section, it is determined that the holder of a
15 certificate issued pursuant to section 168.021 has pled guilty or
16 nolo contendere to, or been found guilty of a crime or offense
17 listed in section 168.071, or a similar crime or offense
18 committed in another state, the United States, or any other
19 country, regardless of imposition of sentence, such information
20 shall be reported to the department of elementary and secondary
21 education.

22 8. Any school official making a report to the department of
23 elementary and secondary education in conformity with this
24 section shall not be subject to civil liability for such action.

25 9. For any teacher who is employed by a school district on
26 a substitute or part-time basis within one year of such teacher's
27 retirement from a Missouri school, the state of Missouri shall

1 not require such teacher to be subject to any additional
2 background checks prior to having contact with pupils. Nothing
3 in this subsection shall be construed as prohibiting or otherwise
4 restricting a school district from requiring additional
5 background checks for such teachers employed by the school
6 district.

7 10. A criminal background check and fingerprint collection
8 conducted under subsections 1 to 3 of this section shall be valid
9 for at least a period of one year and transferrable from one
10 school district to another district. A school district may, in
11 its discretion, conduct a new criminal background check and
12 fingerprint collection under subsections 1 to 3 of this section
13 for a newly hired employee at the district's expense. A
14 teacher's change in type of certification shall have no effect on
15 the transferability or validity of such records.

16 11. Nothing in this section shall be construed to alter the
17 standards for suspension, denial, or revocation of a certificate
18 issued pursuant to this chapter.

19 12. If, as a result of the criminal history background
20 check mandated by this section, it is determined that a person
21 who requested enrollment in a course as described in this section
22 has pled guilty or nolo contendere to or been found guilty of a
23 crime or offense listed in subsection 6 of section 168.071, or a
24 similar crime or offense committed in another state, the United
25 States, or any other country, regardless of imposition of
26 sentence, the school district shall prohibit the person from
27 enrolling in any course that takes place on school property

1 during regular school hours and that includes students counted by
2 the district for purposes of average daily attendance, as defined
3 in section 163.011.

4 13. For all years beginning on or after January 1, 2021,
5 any substitute teacher may, at the time such substitute teacher
6 submits the fingerprints and information required for the
7 Missouri criminal record review under subsections 2 and 3 of this
8 section, designate up to five school districts to which the
9 results of the substitute teacher's criminal history background
10 check and fingerprint collection shall be disseminated. The
11 substitute teacher shall pay an additional five-dollar fee for
12 such records to be disseminated for any additional school
13 district up to five additional school districts.

14 14. The state board of education may promulgate rules for
15 criminal history background checks made pursuant to this section.
16 Any rule or portion of a rule, as that term is defined in section
17 536.010, that is created under the authority delegated in this
18 section shall become effective only if it complies with and is
19 subject to all of the provisions of chapter 536 and, if
20 applicable, section 536.028. This section and chapter 536 are
21 nonseverable, and if any of the powers vested with the general
22 assembly pursuant to chapter 536 to review, to delay the
23 effective date, or to disapprove and annul a rule are
24 subsequently held unconstitutional, then the grant of rulemaking
25 authority and any rule proposed or adopted after January 1, 2005,
26 shall be invalid and void.

27 173.2700. 1. The provisions of sections 173.2700 to

1 173.2712 shall be known and may be cited as the "Private College
2 Campus Protection Act".

3 2. For purposes of sections 173.2700 to 173.2712, the
4 following terms mean:

5 (1) "Board", the governing board of a private college or
6 private university;

7 (2) "Private college" or "private university", any college
8 or university that:

9 (a) Is not owned or controlled by the state or any
10 political subdivision thereof;

11 (b) Provides a program of education in residence leading to
12 a baccalaureate degree, or provides a program of education in
13 residence for which the baccalaureate degree is a prerequisite
14 leading to an academic or professional degree;

15 (c) Is accredited by the Higher Learning Commission or
16 other nationally recognized accrediting agency; and

17 (d) Is located within five miles of any city of the fourth
18 classification with more than four thousand but fewer than four
19 thousand five hundred inhabitants and located in any county of
20 the first classification with more than fifty thousand but fewer
21 than seventy thousand inhabitants.

22 3. The governing board of any private college or private
23 university may appoint and employ as many college or university
24 police officers as it may deem necessary to:

25 (1) Enforce regulations established under section 173.2709
26 and general motor vehicle laws of this state in accordance with
27 section 173.2712, protect persons and property, and preserve

1 peace and good order only in the buildings, properties, grounds,
2 and other facilities and locations over which it has charge or
3 control; and

4 (2) Respond to emergencies or natural disasters outside of
5 the boundaries of college or university property and provide
6 services if requested by the law enforcement agency with
7 jurisdiction.

8 173.2703. 1. The private college or private university
9 police officers, before they enter upon their duties, shall take
10 and subscribe an oath of office, before an officer authorized to
11 administer oaths, to faithfully and impartially discharge the
12 duties thereof, which oath shall be filed in the office of the
13 board, and the secretary of the board shall give each college
14 police officer so appointed and qualified a certificate of
15 appointment, under the seal of the board, which certificate shall
16 empower him or her with the same authority to maintain order,
17 preserve peace, and make arrests as is now held by peace
18 officers.

19 2. The private college or private university police
20 officers shall have the authority to enforce the regulations
21 established in section 173.2709 and general motor vehicle laws in
22 accordance with section 173.2712 on the campus as prescribed in
23 chapter 304. The private college or private university police
24 officer may, in addition, expel from the buildings, campuses, and
25 grounds persons violating the rules and regulations that may be
26 prescribed by the board or others under the authority of the
27 board.

1 3. Such officer or employee of the private college or
2 private university as may be designated by the board shall have
3 immediate charge, control, and supervision of police officers
4 appointed by authority of this section. Such college or
5 university police officers shall have satisfactorily completed
6 before appointment a training course for police officers as
7 prescribed by chapter 590 for state peace officers or, by virtue
8 of previous experience or training, have met the requirements of
9 chapter 590 and have been licensed under that chapter.

10 4. Records created by the private college or private
11 university police officers shall be accessible as other law
12 enforcement agency records are accessible under chapter 610.

13 173.2706. Nothing in sections 173.2700 to 173.2712 shall be
14 construed as denying the board the right to appoint guards or
15 watchmen who shall not be given the authority and powers
16 authorized by sections 173.2700 to 173.2712.

17 173.2709. 1. For the purpose of promoting public safety,
18 health, and general welfare and to protect life and property, the
19 governing board of any private college or private university may
20 establish regulations to control vehicular traffic, including
21 speed regulations, on any thoroughfare owned or maintained by the
22 college or university and located within any of its campuses.
23 Such regulations shall be consistent with the provisions of the
24 general motor vehicle laws of this state. Upon adoption of such
25 regulations, the private college or private university shall have
26 the authority to place official traffic control signals, as
27 defined in section 300.010, on campus property.

1 2. The regulations established by the governing board of
2 the private college or private university under subsection 1 of
3 this section shall be codified, printed, and distributed for
4 public use. Adequate signs displaying the speed limit shall be
5 posted along such thoroughfares.

6 3. Violation of any regulation established under this
7 section shall have the same effect as a violation of municipal
8 ordinances adopted under section 304.120, with penalty provisions
9 as provided in section 304.570. Points assessed against any
10 person under section 302.302 for a violation of this section
11 shall be the same as provided for a violation of a county or
12 municipal ordinance.

13 4. The provisions of this section shall apply only to
14 moving violations.

15 173.2712. 1. All motor vehicles operated upon any
16 thoroughfare owned or maintained by a private college or private
17 university and located within any of its campuses shall be
18 subject to the provisions of the general motor vehicle laws of
19 this state, including chapters 301, 302, 303, 304, 307, and 577.
20 Violations shall have the same effect as though such violations
21 had occurred on public roads, streets, or highways of this state.

22 2. Under section 23.253 of the Missouri sunset act:

23 (1) The provisions of the program authorized under sections
24 173.2700 to 173.2712 shall automatically sunset five years after
25 the effective date of this section unless reauthorized by an act
26 of the general assembly; and

27 (2) If the program is reauthorized, the program authorized

1 under sections 173.2700 to 173.2712 shall automatically sunset
2 five years after the effective date of the reauthorization of
3 sections 173.2700 to 173.2712; and

4 (3) Sections 173.2700 to 173.2712 shall terminate on
5 September first of the calendar year immediately following the
6 calendar year in which the program authorized under sections
7 173.2700 to 173.2712 is sunset.

8 190.092. 1. This section shall be known and may be cited
9 as the "Public Access to Automated External Defibrillator Act".

10 2. A person or entity that acquires an automated external
11 defibrillator shall:

12 (1) Comply with all regulations governing the placement of
13 an automated external defibrillator;

14 (2) Notify an agent of the local EMS agency of the
15 existence, location, and type of all automated external
16 defibrillators on the premises, including any changes in location
17 of or removal of an automated external defibrillator;

18 (3) Ensure that the automated external defibrillator is
19 maintained and tested according to the operation and maintenance
20 guidelines set forth by the manufacturer;

21 (4) Ensure that the automated external defibrillator is
22 tested at least biannually and after each use; and

23 (5) Ensure that an inspection is made of all automated
24 external defibrillators on the premises at least every ninety
25 days for potential issues related to operation of the device,
26 including a blinking light or other obvious defect that may
27 suggest tampering or that another problem has arisen with the

1 functionality of the automated external defibrillator. [~~A person~~
2 ~~or entity who acquires an automated external defibrillator shall~~
3 ~~ensure that:~~

4 ~~—— (1) Expected defibrillator users receive training by the~~
5 ~~American Red Cross or American Heart Association in~~
6 ~~cardiopulmonary resuscitation and the use of automated external~~
7 ~~defibrillators, or an equivalent nationally recognized course in~~
8 ~~defibrillator use and cardiopulmonary resuscitation;~~

9 ~~—— (2) The defibrillator is maintained and tested according to~~
10 ~~the manufacturer's operational guidelines;~~

11 ~~—— (3) Any person who renders emergency care or treatment on a~~
12 ~~person in cardiac arrest by using an automated external~~
13 ~~defibrillator activates the emergency medical services system as~~
14 ~~soon as possible; and~~

15 ~~—— (4) Any person or entity that owns an automated external~~
16 ~~defibrillator that is for use outside of a health care facility~~
17 ~~shall have a physician review and approve the clinical protocol~~
18 ~~for the use of the defibrillator, review and advise regarding the~~
19 ~~training and skill maintenance of the intended users of the~~
20 ~~defibrillator and assure proper review of all situations when the~~
21 ~~defibrillator is used to render emergency care.~~

22 ~~—— 3. Any person or entity who acquires an automated external~~
23 ~~defibrillator shall notify the emergency communications district~~
24 ~~or the ambulance dispatch center of the primary provider of~~
25 ~~emergency medical services where the automated external~~
26 ~~defibrillator is to be located.~~

27 ~~—— 4.]~~ 3. Any person who gratuitously and in good faith

1 renders emergency care by use of or provision of an automated
2 external defibrillator shall not be held liable for any civil
3 damages or subject to a criminal penalty as a result of such care
4 or treatment, unless the person acts in a willful and wanton or
5 reckless manner in providing the care, advice, or assistance.

6 The person or entity ~~[who]~~ that provides ~~[appropriate]~~ training
7 to the person using an automated external defibrillator, the
8 person or entity responsible for the site where the automated
9 external defibrillator is located, and the person or entity that
10 owns the automated external defibrillator ~~[, the person or entity
11 that provided clinical protocol for automated external
12 defibrillator sites or programs, and the licensed physician who
13 reviews and approves the clinical protocol]~~ shall likewise not be
14 held liable for civil damages or subject to a criminal penalty
15 resulting from the use of an automated external defibrillator.

16 ~~[Nothing in this section shall affect any claims brought pursuant
17 to chapter 537 or 538.]~~

18 ~~[5.]~~ 4. All basic life support ambulances and stretcher
19 vans operated in the state of Missouri shall be equipped with an
20 automated external defibrillator and be staffed by at least one
21 individual trained in the use of an automated external
22 defibrillator.

23 ~~[6.]~~ 5. The provisions of this section shall apply in all
24 counties within the state and any city not within a county.

25 190.094. 1. Any ambulance licensed in this state, when
26 used as an ambulance and staffed with volunteer staff, shall be
27 staffed with a minimum of one emergency medical technician and

1 one other crew member who may be a licensed emergency medical
2 technician, registered nurse, physician assistant, assistant
3 physician, physician, or someone who has an emergency medical
4 responder certification.

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

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

16 190.100. As used in sections 190.001 to 190.245, the
17 following words and terms mean:

18 (1) "Advanced emergency medical technician" or "AEMT", a
19 person who has successfully completed a course of instruction in
20 certain aspects of advanced life support care as prescribed by
21 the department and is licensed by the department in accordance
22 with sections 190.001 to 190.245 and rules and regulations
23 adopted by the department pursuant to sections 190.001 to
24 190.245;

25 (2) "Advanced life support (ALS)", an advanced level of
26 care as provided to the adult and pediatric patient such as
27 defined by national curricula, and any modifications to that

1 curricula specified in rules adopted by the department pursuant
2 to sections 190.001 to 190.245;

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

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

19 (5) "Ambulance service area", a specific geographic area in
20 which an ambulance service has been authorized to operate;

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

26 (7) "Council", the state advisory council on emergency
27 medical services;

1 (8) "Department", the department of health and senior
2 services, state of Missouri;

3 (9) "Director", the director of the department of health
4 and senior services or the director's duly authorized
5 representative;

6 (10) "Dispatch agency", any person or organization that
7 receives requests for emergency medical services from the public,
8 by telephone or other means, and is responsible for dispatching
9 emergency medical services;

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

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

19 (b) Serious impairment to a bodily function;

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

21 (d) Inadequately controlled pain;

22 (12) "Emergency medical dispatcher", a person who receives
23 emergency calls from the public and has successfully completed an
24 emergency medical dispatcher course, meeting or exceeding the
25 national curriculum of the United States Department of
26 Transportation and any modifications to such curricula specified
27 by the department through rules adopted pursuant to sections

1 190.001 to 190.245;

2 (13) "Emergency medical responder", a person who has
3 successfully completed an emergency first response course meeting
4 or exceeding the national curriculum of the U.S. Department of
5 Transportation and any modifications to such curricula specified
6 by the department through rules adopted under sections 190.001 to
7 190.245 and who provides emergency medical care through
8 employment by or in association with an emergency medical
9 response agency;

10 (14) "Emergency medical response agency", any person that
11 regularly provides a level of care that includes first response,
12 basic life support or advanced life support, exclusive of patient
13 transportation;

14 (15) "Emergency medical services for children (EMS-C)
15 system", the arrangement of personnel, facilities and equipment
16 for effective and coordinated delivery of pediatric emergency
17 medical services required in prevention and management of
18 incidents which occur as a result of a medical emergency or of an
19 injury event, natural disaster or similar situation;

20 (16) "Emergency medical services (EMS) system", the
21 arrangement of personnel, facilities and equipment for the
22 effective and coordinated delivery of emergency medical services
23 required in prevention and management of incidents occurring as a
24 result of an illness, injury, natural disaster or similar
25 situation;

26 (17) "Emergency medical technician", a person licensed in
27 emergency medical care in accordance with standards prescribed by

1 sections 190.001 to 190.245, and by rules adopted by the
2 department pursuant to sections 190.001 to 190.245;

3 (18) "Emergency medical technician-basic" or "EMT-B", a
4 person who has successfully completed a course of instruction in
5 basic life support as prescribed by the department and is
6 licensed by the department in accordance with standards
7 prescribed by sections 190.001 to 190.245 and rules adopted by
8 the department pursuant to sections 190.001 to 190.245;

9 (19) "Emergency medical technician-community paramedic",
10 "community paramedic", or "EMT-CP", a person who is certified as
11 an emergency medical technician-paramedic and is certified by the
12 department in accordance with standards prescribed in section
13 190.098;

14 (20) "Emergency medical technician-paramedic" or "EMT-P", a
15 person who has successfully completed a course of instruction in
16 advanced life support care as prescribed by the department and is
17 licensed by the department in accordance with sections 190.001 to
18 190.245 and rules adopted by the department pursuant to sections
19 190.001 to 190.245;

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

26 (22) "Health care facility", a hospital, nursing home,
27 physician's office or other fixed location at which medical and

1 health care services are performed;

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

5 (24) "Medical control", supervision provided by or under
6 the direction of physicians, or their designated registered
7 nurse, including both online medical control, instructions by
8 radio, telephone, or other means of direct communications, and
9 offline medical control through supervision by treatment
10 protocols, case review, training, and standing orders for
11 treatment;

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

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

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

23 (28) "Patient", an individual who is sick, injured,
24 wounded, diseased, or otherwise incapacitated or helpless, or
25 dead, excluding deceased individuals being transported from or
26 between private or public institutions, homes or cemeteries, and
27 individuals declared dead prior to the time an ambulance is

1 called for assistance;

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

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

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

18 (32) "Professional organization", any organized group or
19 association with an ongoing interest regarding emergency medical
20 services. Such groups and associations could include those
21 representing volunteers, labor, management, firefighters,
22 EMT-B's, nurses, EMT-P's, physicians, communications specialists
23 and instructors. Organizations could also represent the
24 interests of ground ambulance services, air ambulance services,
25 fire service organizations, law enforcement, hospitals, trauma
26 centers, communication centers, pediatric services, labor unions
27 and poison control services;

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

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

11 (35) "Regional EMS advisory committee", a committee formed
12 within an emergency medical services (EMS) region to advise
13 ambulance services, the state advisory council on EMS and the
14 department;

15 (36) "Specialty care transportation", the transportation of
16 a patient requiring the services of an emergency medical
17 technician-paramedic who has received additional training beyond
18 the training prescribed by the department. Specialty care
19 transportation services shall be defined in writing in the
20 appropriate local protocols for ground and air ambulance services
21 and approved by the local physician medical director. The
22 protocols shall be maintained by the local ambulance service and
23 shall define the additional training required of the emergency
24 medical technician-paramedic;

25 (37) "Stabilize", with respect to an emergency, the
26 provision of such medical treatment as may be necessary to
27 attempt to assure within reasonable medical probability that no

1 material deterioration of an individual's medical condition is
2 likely to result from or occur during ambulance transportation
3 unless the likely benefits of such transportation outweigh the
4 risks;

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

8 (39) "State EMS medical directors advisory committee", a
9 subcommittee of the state advisory council on emergency medical
10 services formed to advise the state advisory council on emergency
11 medical services and the department on medical issues;

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

17 (41) "STEMI care", includes education and prevention,
18 emergency transport, triage, and acute care and rehabilitative
19 services for STEMI that requires immediate medical or surgical
20 intervention or treatment;

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

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

26 (44) "Stroke care", includes emergency transport, triage,
27 and acute intervention and other acute care services for stroke

1 that potentially require immediate medical or surgical
2 intervention or treatment, and may include education, primary
3 prevention, acute intervention, acute and subacute management,
4 prevention of complications, secondary stroke prevention, and
5 rehabilitative services;

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

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

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

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

16 190.105. 1. No person, either as owner, agent or
17 otherwise, shall furnish, operate, conduct, maintain, advertise,
18 or otherwise be engaged in or profess to be engaged in the
19 business or service of the transportation of patients by
20 ambulance in the air, upon the streets, alleys, or any public way
21 or place of the state of Missouri unless such person holds a
22 currently valid license from the department for an ambulance
23 service issued pursuant to the provisions of sections 190.001 to
24 190.245.

25 2. No ground ambulance shall be operated for ambulance
26 purposes, and no individual shall drive, attend or permit it to
27 be operated for such purposes in the state of Missouri unless the

1 ground ambulance is under the immediate supervision and direction
2 of a person who is holding a currently valid Missouri license as
3 an emergency medical technician. Nothing in this section shall
4 be construed to mean that a duly registered nurse, a duly
5 licensed physician assistant, a duly licensed assistant
6 physician, or a duly licensed physician be required to hold an
7 emergency medical technician's license. A physician assistant or
8 assistant physician shall be exempt from any mileage requirement.

9 Each ambulance service is responsible for assuring that any
10 person driving its ambulance is competent in emergency vehicle
11 operations and has a safe driving record. Each ground ambulance
12 shall be staffed with at least two licensed individuals when
13 transporting a patient, except as provided in section 190.094.

14 In emergency situations which require additional medical
15 personnel to assist the patient during transportation, an
16 emergency medical responder, firefighter, or law enforcement
17 personnel with a valid driver's license and prior experience with
18 driving emergency vehicles may drive the ground ambulance
19 provided the ground ambulance service stipulates to this practice
20 in operational policies.

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

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

27 (2) Is operated from a location or headquarters outside of

1 Missouri in order to transport patients who are picked up beyond
2 the limits of Missouri to locations within or outside of
3 Missouri, but no such outside ambulance shall be used to pick up
4 patients within Missouri for transportation to locations within
5 Missouri, except as provided in subdivision (1) of this
6 subsection.

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

16 5. Sections 190.001 to 190.245 shall not preclude the
17 adoption of any law, ordinance or regulation not in conflict with
18 such sections by any city not within a county, or at least as
19 strict as such sections by any county, municipality or political
20 subdivision except that no such regulations or ordinances shall
21 be adopted by a political subdivision in a county with a
22 population of over nine hundred thousand inhabitants except by
23 the county's governing body.

24 6. In a county with a population of over nine hundred
25 thousand inhabitants, the governing body of the county shall set
26 the standards for all ambulance services which shall comply with
27 subsection 5 of this section. All such ambulance services must

1 be licensed by the department. The governing body of such county
2 shall not prohibit a licensed ambulance service from operating in
3 the county, as long as the ambulance service meets county
4 standards.

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

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

15 9. A political subdivision that is authorized to operate a
16 licensed ambulance service may establish, operate, maintain and
17 manage its ambulance service, and select and contract with a
18 licensed ambulance service. Any political subdivision may
19 contract with a licensed ambulance service.

20 10. Except as provided in subsections 5 and 6, nothing in
21 section 67.300, or subsection 2 of section 190.109, shall be
22 construed to authorize any municipality or county which is
23 located within an ambulance district or a fire protection
24 district that is authorized to provide ambulance service to
25 promulgate laws, ordinances or regulations related to the
26 provision of ambulance services. This provision shall not apply
27 to any municipality or county which operates an ambulance service

1 established prior to August 28, 1998.

2 11. Nothing in section 67.300 or subsection 2 of section
3 190.109 shall be construed to authorize any municipality or
4 county which is located within an ambulance district or a fire
5 protection district that is authorized to provide ambulance
6 service to operate an ambulance service without a franchise in an
7 ambulance district or a fire protection district that is
8 authorized to provide ambulance service which has enacted an
9 ordinance making it unlawful to do so. This provision shall not
10 apply to any municipality or county which operates an ambulance
11 service established prior to August 28, 1998.

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

18 13. No provision of this section, other than subsections 5,
19 6, 10 and 11 of this section, is intended to limit or supersede
20 the powers given to ambulance districts pursuant to this chapter
21 or to fire protection districts pursuant to chapter 321, or to
22 counties, cities, towns and villages pursuant to chapter 67.

23 14. Upon the sale or transfer of any ground ambulance
24 service ownership, the owner of such service shall notify the
25 department of the change in ownership within thirty days of such
26 sale or transfer. After receipt of such notice, the department
27 shall conduct an inspection of the ambulance service to verify

1 compliance with the licensure standards of sections 190.001 to
2 190.245.

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

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

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

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

19 (4) Have not been disciplined pursuant to sections 190.001
20 to 190.245 and rules promulgated pursuant to sections 190.001 to
21 190.245;

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

24 2. A temporary emergency medical technician license shall
25 only authorize the license to practice while under the immediate
26 supervision of a licensed emergency medical technician,
27 registered nurse, physician assistant, assistant physician, or

1 physician who is currently licensed, without restrictions, to
2 practice in Missouri.

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

7 190.196. 1. No employer shall knowingly employ or permit
8 any employee to perform any services for which a license,
9 certificate or other authorization is required by sections
10 190.001 to 190.245, or by rules adopted pursuant to sections
11 190.001 to 190.245, unless and until the person so employed
12 possesses all licenses, certificates or authorizations that are
13 required.

14 2. Any person or entity that employs or supervises a
15 person's activities as an emergency medical responder, emergency
16 medical dispatcher, emergency medical technician, registered
17 nurse, physician assistant, assistant physician, or physician
18 shall cooperate with the department's efforts to monitor and
19 enforce compliance by those individuals subject to the
20 requirements of sections 190.001 to 190.245.

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

27 (1) Child abuse or sexual abuse of a child;

1 (2) Crimes of violence; or

2 (3) Rape or sexual abuse.

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

7 5. The department will monitor these reports for possible
8 licensure action authorized pursuant to section 190.165.

9 190.1005. Notwithstanding any other provision of law, any
10 training or course in cardiopulmonary resuscitation shall also
11 include instruction on the proper use of automated external
12 defibrillators. Such training or course shall follow the
13 standards created by the American Red Cross or the American Heart
14 Association, or equivalent evidence-based standards from a
15 nationally recognized organization.

16 191.255. 1. Notwithstanding any other provision of law to
17 the contrary, no state agency, including employees therein, shall
18 disclose to the federal government, any federal government
19 employee, or any unauthorized third party, the statewide list or
20 any individual information of persons who have applied for or
21 obtained a medical marijuana card.

22 2. Any violation of this section is a class E felony.

23 192.2435. 1. Subject to section 56.086, reports made
24 pursuant to sections 192.2400 to 192.2470 shall be confidential
25 and shall not be deemed a public record and shall not be subject
26 to the provisions of section 109.180 or chapter 610.

27 2. Such reports shall be accessible for examination and

1 copying only to the following persons or offices, or to their
2 designees:

3 (1) The department or any person or agency designated by
4 the department;

5 (2) The attorney general;

6 (3) The department of mental health for persons referred to
7 that department;

8 (4) Any appropriate law enforcement agency; and

9 (5) The eligible adult or such adult's legal guardian.

10 3. The name of the reporter shall not be disclosed unless:

11 (1) Such reporter specifically authorizes disclosure of his
12 name; and

13 (2) The department determines that disclosure of the name
14 of the reporter is necessary in order to prevent further harm to
15 an eligible adult.

16 4. Any person who violates the provisions of this section,
17 or who permits or encourages the unauthorized dissemination of
18 information contained in the central registry and in reports and
19 records made pursuant to sections 192.2400 to 192.2470, shall be
20 guilty of a class A misdemeanor.

21 5. The department shall maintain a central registry capable
22 of receiving and maintaining reports received in a manner that
23 facilitates rapid access and recall of the information reported,
24 and of subsequent investigations and other relevant information.
25 The department shall electronically record any telephone report
26 of suspected abuse and neglect received by the department and
27 such recorded reports shall be retained by the department for a

1 period of one year after recording.

2 6. Although reports to the central registry may be made
3 anonymously, the department shall in all cases, after obtaining
4 relevant information regarding the alleged abuse or neglect,
5 attempt to obtain the name and address of any person making a
6 report.

7 195.815. 1. The department of health and senior services
8 shall require all officers, managers, contractors, employees, and
9 other support staff of licensed or certified medical marijuana
10 facilities, and all owners of such medical marijuana facilities
11 with access to the facilities or to the facilities' medical
12 marijuana, to submit fingerprints to the Missouri state highway
13 patrol for the purpose of conducting state and federal
14 fingerprint-based criminal background checks.

15 2. The department shall require that such fingerprint
16 submissions be made as a part of a medical marijuana facility
17 application for licensure or certification and an individual's
18 application for an identification card authorizing such
19 individual to be an owner, officer, manager, contractor,
20 employee, or other support staff of a medical marijuana facility.

21 3. Fingerprint cards and any required fees shall be sent to
22 the Missouri state highway patrol's central repository. The
23 fingerprints shall be used for searching the state criminal
24 history repository and shall also be forwarded to the Federal
25 Bureau of Investigation for the searching of the federal criminal
26 history files under section 43.540. The Missouri state highway
27 patrol shall notify the department of any criminal history

1 information or lack of criminal history information on the
2 individual. Notwithstanding the provisions of section 610.120,
3 all records related to any criminal history information shall be
4 available to the department.

5 4. The director may promulgate all necessary rules and
6 regulations for the administration of this section. Any rule or
7 portion of a rule, as that term is defined in section 536.010,
8 that is created under the authority delegated in this section
9 shall become effective only if it complies with and is subject to
10 all of the provisions of chapter 536 and, if applicable, section
11 536.028. This section and chapter 536 are nonseverable, and if
12 any of the powers vested with the general assembly pursuant to
13 chapter 536 to review, to delay the effective date, or to
14 disapprove and annul a rule are subsequently held
15 unconstitutional, then the grant of rulemaking authority and any
16 rule proposed or adopted after August 28, 2020, shall be invalid
17 and void.

18 211.071. 1. If a petition alleges that a child between the
19 ages of twelve and eighteen has committed an offense which would
20 be considered a felony if committed by an adult, the court may,
21 upon its own motion or upon motion by the juvenile officer, the
22 child or the child's custodian, order a hearing and may, in its
23 discretion, dismiss the petition and such child may be
24 transferred to the court of general jurisdiction and prosecuted
25 under the general law; except that if a petition alleges that any
26 child has committed an offense which would be considered first
27 degree murder under section 565.020, second degree murder under

1 section 565.021, first degree assault under section 565.050,
2 forcible rape under section 566.030 as it existed prior to August
3 28, 2013, rape in the first degree under section 566.030,
4 forcible sodomy under section 566.060 as it existed prior to
5 August 28, 2013, sodomy in the first degree under section
6 566.060, first degree robbery under section 569.020 as it existed
7 prior to January 1, 2017, or robbery in the first degree under
8 section 570.023, distribution of drugs under section 195.211 as
9 it existed prior to January 1, 2017, ~~[or]~~ the manufacturing of a
10 controlled substance under section 579.055, or vehicle hijacking
11 under section 570.027, or has committed two or more prior
12 unrelated offenses which would be felonies if committed by an
13 adult, the court shall order a hearing, and may in its
14 discretion, dismiss the petition and transfer the child to a
15 court of general jurisdiction for prosecution under the general
16 law.

17 2. Upon apprehension and arrest, jurisdiction over the
18 criminal offense allegedly committed by any person between
19 eighteen and twenty-one years of age over whom the juvenile court
20 has retained continuing jurisdiction shall automatically
21 terminate and that offense shall be dealt with in the court of
22 general jurisdiction as provided in section 211.041.

23 3. Knowing and willful age misrepresentation by a juvenile
24 subject shall not affect any action or proceeding which occurs
25 based upon the misrepresentation. Any evidence obtained during
26 the period of time in which a child misrepresents his or her age
27 may be used against the child and will be subject only to rules

1 of evidence applicable in adult proceedings.

2 4. Written notification of a transfer hearing shall be
3 given to the juvenile and his or her custodian in the same manner
4 as provided in sections 211.101 and 211.111. Notice of the
5 hearing may be waived by the custodian. Notice shall contain a
6 statement that the purpose of the hearing is to determine whether
7 the child is a proper subject to be dealt with under the
8 provisions of this chapter, and that if the court finds that the
9 child is not a proper subject to be dealt with under the
10 provisions of this chapter, the petition will be dismissed to
11 allow for prosecution of the child under the general law.

12 5. The juvenile officer may consult with the office of
13 prosecuting attorney concerning any offense for which the child
14 could be certified as an adult under this section. The
15 prosecuting or circuit attorney shall have access to police
16 reports, reports of the juvenile or deputy juvenile officer,
17 statements of witnesses and all other records or reports relating
18 to the offense alleged to have been committed by the child. The
19 prosecuting or circuit attorney shall have access to the
20 disposition records of the child when the child has been
21 adjudicated pursuant to subdivision (3) of subsection 1 of
22 section 211.031. The prosecuting attorney shall not divulge any
23 information regarding the child and the offense until the
24 juvenile court at a judicial hearing has determined that the
25 child is not a proper subject to be dealt with under the
26 provisions of this chapter.

27 6. A written report shall be prepared in accordance with

1 this chapter developing fully all available information relevant
2 to the criteria which shall be considered by the court in
3 determining whether the child is a proper subject to be dealt
4 with under the provisions of this chapter and whether there are
5 reasonable prospects of rehabilitation within the juvenile
6 justice system. These criteria shall include but not be limited
7 to:

8 (1) The seriousness of the offense alleged and whether the
9 protection of the community requires transfer to the court of
10 general jurisdiction;

11 (2) Whether the offense alleged involved viciousness, force
12 and violence;

13 (3) Whether the offense alleged was against persons or
14 property with greater weight being given to the offense against
15 persons, especially if personal injury resulted;

16 (4) Whether the offense alleged is a part of a repetitive
17 pattern of offenses which indicates that the child may be beyond
18 rehabilitation under the juvenile code;

19 (5) The record and history of the child, including
20 experience with the juvenile justice system, other courts,
21 supervision, commitments to juvenile institutions and other
22 placements;

23 (6) The sophistication and maturity of the child as
24 determined by consideration of his or her home and environmental
25 situation, emotional condition and pattern of living;

26 (7) The age of the child;

27 (8) The program and facilities available to the juvenile

1 court in considering disposition;

2 (9) Whether or not the child can benefit from the treatment
3 or rehabilitative programs available to the juvenile court; and

4 (10) Racial disparity in certification.

5 7. If the court dismisses the petition to permit the child
6 to be prosecuted under the general law, the court shall enter a
7 dismissal order containing:

8 (1) Findings showing that the court had jurisdiction of the
9 cause and of the parties;

10 (2) Findings showing that the child was represented by
11 counsel;

12 (3) Findings showing that the hearing was held in the
13 presence of the child and his or her counsel; and

14 (4) Findings showing the reasons underlying the court's
15 decision to transfer jurisdiction.

16 8. A copy of the petition and order of the dismissal shall
17 be sent to the prosecuting attorney.

18 9. When a petition has been dismissed thereby permitting a
19 child to be prosecuted under the general law and the prosecution
20 of the child results in a conviction, the jurisdiction of the
21 juvenile court over that child is forever terminated, except as
22 provided in subsection 10 of this section, for an act that would
23 be a violation of a state law or municipal ordinance.

24 10. If a petition has been dismissed thereby permitting a
25 child to be prosecuted under the general law and the child is
26 found not guilty by a court of general jurisdiction, the juvenile
27 court shall have jurisdiction over any later offense committed by

1 that child which would be considered a misdemeanor or felony if
2 committed by an adult, subject to the certification provisions of
3 this section.

4 11. If the court does not dismiss the petition to permit
5 the child to be prosecuted under the general law, it shall set a
6 date for the hearing upon the petition as provided in section
7 211.171.

8 211.071. 1. If a petition alleges that a child between the
9 ages of twelve and seventeen has committed an offense which would
10 be considered a felony if committed by an adult, the court may,
11 upon its own motion or upon motion by the juvenile officer, the
12 child or the child's custodian, order a hearing and may, in its
13 discretion, dismiss the petition and such child may be
14 transferred to the court of general jurisdiction and prosecuted
15 under the general law; except that if a petition alleges that any
16 child has committed an offense which would be considered first
17 degree murder under section 565.020, second degree murder under
18 section 565.021, first degree assault under section 565.050,
19 forcible rape under section 566.030 as it existed prior to August
20 28, 2013, rape in the first degree under section 566.030,
21 forcible sodomy under section 566.060 as it existed prior to
22 August 28, 2013, sodomy in the first degree under section
23 566.060, first degree robbery under section 570.023, ~~[or]~~
24 distribution of drugs under section 579.055, or vehicle hijacking
25 under section 570.027, or has committed two or more prior
26 unrelated offenses which would be felonies if committed by an
27 adult, the court shall order a hearing, and may in its

1 discretion, dismiss the petition and transfer the child to a
2 court of general jurisdiction for prosecution under the general
3 law.

4 2. Upon apprehension and arrest, jurisdiction over the
5 criminal offense allegedly committed by any person between
6 seventeen and twenty-one years of age over whom the juvenile
7 court has retained continuing jurisdiction shall automatically
8 terminate and that offense shall be dealt with in the court of
9 general jurisdiction as provided in section 211.041.

10 3. Knowing and willful age misrepresentation by a juvenile
11 subject shall not affect any action or proceeding which occurs
12 based upon the misrepresentation. Any evidence obtained during
13 the period of time in which a child misrepresents his or her age
14 may be used against the child and will be subject only to rules
15 of evidence applicable in adult proceedings.

16 4. Written notification of a transfer hearing shall be
17 given to the juvenile and his or her custodian in the same manner
18 as provided in sections 211.101 and 211.111. Notice of the
19 hearing may be waived by the custodian. Notice shall contain a
20 statement that the purpose of the hearing is to determine whether
21 the child is a proper subject to be dealt with under the
22 provisions of this chapter, and that if the court finds that the
23 child is not a proper subject to be dealt with under the
24 provisions of this chapter, the petition will be dismissed to
25 allow for prosecution of the child under the general law.

26 5. The juvenile officer may consult with the office of
27 prosecuting attorney concerning any offense for which the child

1 could be certified as an adult under this section. The
2 prosecuting or circuit attorney shall have access to police
3 reports, reports of the juvenile or deputy juvenile officer,
4 statements of witnesses and all other records or reports relating
5 to the offense alleged to have been committed by the child. The
6 prosecuting or circuit attorney shall have access to the
7 disposition records of the child when the child has been
8 adjudicated pursuant to subdivision (3) of subsection 1 of
9 section 211.031. The prosecuting attorney shall not divulge any
10 information regarding the child and the offense until the
11 juvenile court at a judicial hearing has determined that the
12 child is not a proper subject to be dealt with under the
13 provisions of this chapter.

14 6. A written report shall be prepared in accordance with
15 this chapter developing fully all available information relevant
16 to the criteria which shall be considered by the court in
17 determining whether the child is a proper subject to be dealt
18 with under the provisions of this chapter and whether there are
19 reasonable prospects of rehabilitation within the juvenile
20 justice system. These criteria shall include but not be limited
21 to:

22 (1) The seriousness of the offense alleged and whether the
23 protection of the community requires transfer to the court of
24 general jurisdiction;

25 (2) Whether the offense alleged involved viciousness, force
26 and violence;

27 (3) Whether the offense alleged was against persons or

1 property with greater weight being given to the offense against
2 persons, especially if personal injury resulted;

3 (4) Whether the offense alleged is a part of a repetitive
4 pattern of offenses which indicates that the child may be beyond
5 rehabilitation under the juvenile code;

6 (5) The record and history of the child, including
7 experience with the juvenile justice system, other courts,
8 supervision, commitments to juvenile institutions and other
9 placements;

10 (6) The sophistication and maturity of the child as
11 determined by consideration of his home and environmental
12 situation, emotional condition and pattern of living;

13 (7) The age of the child;

14 (8) The program and facilities available to the juvenile
15 court in considering disposition;

16 (9) Whether or not the child can benefit from the treatment
17 or rehabilitative programs available to the juvenile court; and

18 (10) Racial disparity in certification.

19 7. If the court dismisses the petition to permit the child
20 to be prosecuted under the general law, the court shall enter a
21 dismissal order containing:

22 (1) Findings showing that the court had jurisdiction of the
23 cause and of the parties;

24 (2) Findings showing that the child was represented by
25 counsel;

26 (3) Findings showing that the hearing was held in the
27 presence of the child and his counsel; and

1 (4) Findings showing the reasons underlying the court's
2 decision to transfer jurisdiction.

3 8. A copy of the petition and order of the dismissal shall
4 be sent to the prosecuting attorney.

5 9. When a petition has been dismissed thereby permitting a
6 child to be prosecuted under the general law and the prosecution
7 of the child results in a conviction, the jurisdiction of the
8 juvenile court over that child is forever terminated, except as
9 provided in subsection 10 of this section, for an act that would
10 be a violation of a state law or municipal ordinance.

11 10. If a petition has been dismissed thereby permitting a
12 child to be prosecuted under the general law and the child is
13 found not guilty by a court of general jurisdiction, the juvenile
14 court shall have jurisdiction over any later offense committed by
15 that child which would be considered a misdemeanor or felony if
16 committed by an adult, subject to the certification provisions of
17 this section.

18 11. If the court does not dismiss the petition to permit
19 the child to be prosecuted under the general law, it shall set a
20 date for the hearing upon the petition as provided in section
21 211.171.

22 217.697. 1. Notwithstanding any other provision of law,
23 any offender who:

24 (1) Is incarcerated in a correctional facility after being
25 sentenced by a court of this state;

26 (2) Is serving a sentence of life without parole for a
27 minimum of fifty years or more and who was sentenced under

1 section 565.008 for an offense committed prior to October 1,
2 1984;

3 (3) Is sixty-five years of age or older;

4 (4) Has no felony conviction for a dangerous felony, as
5 defined under section 556.061, prior to the conviction for which
6 he or she is currently incarcerated; and

7 (5) Is not a convicted sex offender

8
9 shall receive a parole hearing upon serving thirty years or more
10 of his or her sentence.

11 2. During the parole hearing required under subsection 1 of
12 this section, the parole board shall determine whether there is a
13 reasonable probability the offender shall live and remain at
14 liberty without violating the law upon release. If the board
15 determines a reasonable probability exists, the offender shall be
16 eligible for release upon a finding that the offender has:

17 (1) A record of good conduct while incarcerated;

18 (2) Demonstrated self-rehabilitation while incarcerated;

19 (3) A workable parole plan, including community and family
20 support; and

21 (4) An institutional risk factor score and a mental health
22 score determined to be appropriate by the parole board.

23 3. Any offender granted parole under this section shall be
24 subject to a minimum of five years of supervision by the division
25 of probation and parole upon release.

26 4. Nothing in this section shall diminish the consideration
27 of parole under any other provision of law applicable to the

1 offender or the responsibility and authority of the governor to
2 grant clemency, including pardons and commutation of sentences if
3 necessary or desirable.

4 217.735. 1. Notwithstanding any other provision of law to
5 the contrary, the board shall supervise an offender for the
6 duration of his or her natural life when the offender has been
7 found guilty of an offense under:

8 (1) Section 566.030, 566.032, 566.060, 566.062, 566.067,
9 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or
10 568.090 based on an act committed on or after August 28, 2006; or

11 (2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or
12 573.205 based on an act committed on or after January 1, 2017,
13 against a victim who was less than fourteen years old and the
14 offender is a prior sex offender as defined in subsection 2 of
15 this section.

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

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

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

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

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

13 7. If an offender subject to lifetime supervision under
14 this section is supervised during the offender's probation,
15 parole, or conditional release in a receiving state under the
16 interstate compact authorized in sections 589.500 to 589.569 and
17 chapter 559, following completion of probation, parole, or
18 conditional release the offender shall be permitted to remain in
19 the receiving state, and the board shall defer to the standards
20 of supervision of the receiving state, including electronic
21 monitoring. If at any time the offender returns to Missouri for
22 more than thirty consecutive days, the offender shall be subject
23 to lifetime supervision required by this section.

24 217.850. 1. A person commits the offense of unlawful use
25 of unmanned aircraft over a correctional center if he or she
26 purposely:

27 (1) Operates an unmanned aircraft within a vertical

1 distance of four hundred feet over a correctional center's secure
2 perimeter fence; or

3 (2) Allows an unmanned aircraft to make contact with a
4 correctional center, including any person or object on the
5 premises of or within the facility.

6 2. For purposes of this section, "correctional center"
7 shall include:

8 (1) Any correctional center as defined in section 217.010;

9 (2) Any private jail as defined in section 221.095; and

10 (3) Any county or municipal jail.

11 3. The provisions of this section shall not prohibit the
12 operation of an unmanned aircraft by:

13 (1) An employee of the correctional center at the direction
14 of the chief administrative officer of the facility;

15 (2) A person who has written consent from the chief
16 administrative officer of the facility;

17 (3) An employee of a law enforcement agency, fire
18 department, or emergency medical service in the exercise of
19 official duties;

20 (4) A government official or employee in the exercise of
21 official duties;

22 (5) A public utility or a rural electric cooperative if:

23 (a) The unmanned aircraft is used for the purpose of
24 inspecting, repairing, or maintaining utility transmission or
25 distribution lines or other utility equipment or infrastructure;

26 (b) The utility notifies the correctional center before
27 flying the unmanned aircraft, except during an emergency; and

1 (c) The person operating the unmanned aircraft does not
2 physically enter the prohibited space without an escort provided
3 by the correctional center;

4 (6) An employee of a railroad in the exercise of official
5 duties on any land owned or operated by a railroad corporation
6 regulated by the Federal Railroad Administration; or

7 (7) A person operating an unmanned aircraft pursuant to and
8 in compliance with any waiver issued by the Federal Aviation
9 Authority under 14 C.F.R. Section 107.200.

10 4. The offense of unlawful use of unmanned aircraft over a
11 correctional center shall be punishable as an infraction unless
12 the person uses an unmanned aircraft for the purpose of:

13 (1) Delivering a gun, knife, weapon, or other article that
14 may be used in such manner to endanger the life of an offender or
15 correctional center employee, in which case the offense is a
16 class B felony;

17 (2) Facilitating an escape from confinement under section
18 575.210, in which case the offense is a class C felony; or

19 (3) Delivering a controlled substance, as that term is
20 defined under section 195.010, in which case the offense is a
21 class D felony.

22 5. Each correctional center shall post a sign warning of
23 the provisions of this section. The sign shall be at least
24 eleven inches by fourteen inches and posted in a conspicuous
25 place.

26 221.111. 1. A person commits the offense of possession of
27 unlawful items in a prison or jail if such person knowingly

1 delivers, attempts to deliver, possesses, deposits, or conceals
2 in or about the premises of any correctional center as the term
3 "correctional center" is defined under section 217.010, or any
4 city, county, or private jail:

5 (1) Any controlled substance as that term is defined by
6 law, except upon the written or electronic prescription of a
7 licensed physician, dentist, or veterinarian;

8 (2) Any other alkaloid of any kind or any intoxicating
9 liquor as the term intoxicating liquor is defined in section
10 311.020;

11 (3) Any article or item of personal property which a
12 prisoner is prohibited by law, by rule made pursuant to section
13 221.060, or by regulation of the department of corrections from
14 receiving or possessing, except as herein provided;

15 (4) Any gun, knife, weapon, or other article or item of
16 personal property that may be used in such manner as to endanger
17 the safety or security of the institution or as to endanger the
18 life or limb of any prisoner or employee thereof; or

19 (5) Any two-way telecommunications device or the component
20 parts thereof.

21 2. The violation of subdivision (1) of subsection 1 of this
22 section shall be a class D felony; the violation of subdivision
23 (2) or (5) of subsection 1 of this section shall be a class E
24 felony; the violation of subdivision (3) of subsection 1 of this
25 section shall be a class A misdemeanor; and the violation of
26 subdivision (4) of subsection 1 of this section shall be a class
27 B felony.

1 3. The chief operating officer of a county or city jail or
2 other correctional facility or the administrator of a private
3 jail may deny visitation privileges to or refer to the county
4 prosecuting attorney for prosecution any person who knowingly
5 delivers, attempts to deliver, possesses, deposits, or conceals
6 in or about the premises of such jail or facility any personal
7 item which is prohibited by rule or regulation of such jail or
8 facility. Such rules or regulations, including a list of
9 personal items allowed in the jail or facility, shall be
10 prominently posted for viewing both inside and outside such jail
11 or facility in an area accessible to any visitor, and shall be
12 made available to any person requesting such rule or regulation.
13 Violation of this subsection shall be an infraction if not
14 covered by other statutes.

15 4. Any person who has been found guilty of a violation of
16 subdivision (2) of subsection 1 of this section involving any
17 alkaloid shall be entitled to expungement of the record of the
18 violation. The procedure to expunge the record shall be pursuant
19 to section 610.123. The record of any person shall not be
20 expunged if such person has been found guilty of knowingly
21 delivering, attempting to deliver, possessing, depositing, or
22 concealing any alkaloid of any controlled substance in or about
23 the premises of any correctional center, or city or county jail,
24 or private prison or jail.

25 5. Subdivision (5) of subsection 1 of this section shall
26 not apply to:

27 (1) Any law enforcement officer employed by a state agency,

1 federal agency, or political subdivision lawfully engaged in his
2 or her duties as a law enforcement officer;

3 (2) Any person authorized by the correctional center or
4 city, county, or private jail to possess or use a two-way
5 telecommunications device in the correctional center or city,
6 county, or private jail; or

7 (3) Any person who is not an inmate possessing a two-way
8 telecommunications device or the component parts thereof in a
9 correctional center or city, county, or private jail if such
10 person lawfully acts without intent to conceal and without intent
11 to deliver to another person or deposit for the use of another
12 person; however, if such person refuses to comply with orders to
13 surrender such device or its component parts, he or she shall be
14 guilty of a class A misdemeanor.

15 270.400. 1. For purposes of this section, the following
16 terms mean:

17 (1) "Feral hog", any hog, including Russian and European
18 wild boar, that is not conspicuously identified by ear tags or
19 other forms of identification and is roaming freely upon public
20 or private lands without the landowner's permission;

21 (2) "Landowner's agent", any person who has permission from
22 a landowner to be present on the landowner's property;

23 (3) "Verifiable consent", consent received in any form
24 including, but not limited to, voice mail, telephone call, or
25 text message from the landowner that an agent of the conservation
26 commission is able to substantiate within seven calendar days
27 after contact with the landowner's agent.

1 2. A person may kill a feral hog roaming freely upon such
2 person's land and shall not be liable to the owner of the hog for
3 the loss of the hog.

4 3. Any person may take or kill a feral hog on public land
5 or private land with the consent of the landowner [~~; except that,~~
6 ~~during the firearms deer and turkey hunting season, the~~
7 ~~regulations of the Missouri wildlife code shall apply~~]. Such
8 person shall not be liable to the owner of the hog for the loss
9 of such hog.

10 4. No person except a landowner or such landowner's agent
11 with verifiable consent of the landowner on such landowner's
12 property shall take, attempt to take, or kill a feral hog with
13 the use of an artificial light. No provision of this section
14 shall be construed to prohibit a landowner or the landowner's
15 agent from using a night vision, infrared, or thermal imaging
16 device.

17 5. The director of the department of agriculture shall
18 promulgate rules for fencing and health standards for Russian and
19 European wild boar and wild-caught swine held alive on private
20 land. Any person holding Russian or European wild boar or
21 wild-caught swine on private land shall annually submit an
22 application to the department for a permit. Any applicant that
23 successfully meets the requirements under this section as
24 determined by the department and pays an application fee shall be
25 issued a permit.

26 6. Russian and European wild boar and wild-caught swine may
27 move only from a farm to a farm or directly to slaughter or to a

1 slaughter-only market. The department shall promulgate rules for
2 exemption permits and a fee structure to offset the actual and
3 necessary costs incurred to enforce the provisions of this
4 section.

5 7. (1) There is hereby created in the state treasury the
6 "Animal Health Fund", which shall consist of all fees and
7 administrative penalties collected by the department of
8 agriculture under this section and section 270.260. The state
9 treasurer shall be custodian of the fund. In accordance with
10 sections 30.170 and 30.180, the state treasurer may approve
11 disbursements. Upon appropriation, moneys in the fund shall be
12 used for the administration of this section and section 270.260.

13 (2) Notwithstanding the provisions of section 33.080 to the
14 contrary, any moneys remaining in the fund at the end of the
15 biennium shall not revert to the credit of the general revenue
16 fund.

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

20 8. Any person who violates subsection 2 of section 270.260
21 may, in addition to the penalty imposed under section 270.260, be
22 assessed an administrative penalty of up to one thousand dollars
23 per violation. Any person who is assessed an administrative
24 penalty under this section shall be notified in writing of the
25 right to appeal. Such person may request a hearing before the
26 director of the department of agriculture. Such request shall be
27 made in writing no later than thirty days after the date on which

1 the person was notified of the violation of section 270.260.

2 9. Any rule or portion of a rule, as that term is defined
3 in section 536.010, that is created under the authority delegated
4 in this section shall become effective only if it complies with
5 and is subject to all of the provisions of chapter 536 and, if
6 applicable, section 536.028. This section and chapter 536 are
7 nonseverable, and if any of the powers vested with the general
8 assembly pursuant to chapter 536 to review, to delay the
9 effective date, or to disapprove and annul a rule are
10 subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2010,
12 shall be invalid and void.

13 10. Nothing in this section shall be construed to apply to
14 domestic swine.

15 285.040. No employee of any city not within a county shall
16 be required, as a condition of employment, to reside within city
17 limits.

18 306.127. 1. Beginning January 1, 2005, every person born
19 after January 1, 1984, or as required pursuant to section
20 306.128, who operates a vessel on the lakes of this state shall
21 possess, on the vessel, a boating safety identification card
22 issued by the water patrol division or its agent which shows that
23 he or she has:

24 (1) Successfully completed a boating safety course approved
25 by the National Association of State Boating Law Administrators
26 and certified by the water patrol division. The boating safety
27 course may include a course sponsored by the United States Coast

1 Guard Auxiliary or the United States Power Squadron. The water
2 patrol division may appoint agents to administer a boater
3 education course or course equivalency examination and issue
4 boater identification cards under guidelines established by the
5 water patrol. The water patrol division shall maintain a list of
6 approved courses; or

7 (2) Successfully passed an equivalency examination prepared
8 by the water patrol division and administered by the water patrol
9 division or its agent. The equivalency examination shall have a
10 degree of difficulty equal to, or greater than, that of the
11 examinations given at the conclusion of an approved boating
12 safety course; or

13 (3) A valid master's, mate's, or operator's license issued
14 by the United States Coast Guard.

15 2. The water patrol division or its agent shall issue a
16 permanent boating safety identification card to each person who
17 complies with the requirements of this section which is valid for
18 life unless invalidated pursuant to law.

19 3. The water patrol division may charge a fee for such card
20 or any replacement card that does not substantially exceed the
21 costs of administering this section. The water patrol division
22 or its designated agent shall collect such fees. These funds
23 shall be forwarded to general revenue.

24 4. The provisions of this section shall not apply to any
25 person who:

26 (1) Is licensed by the United States Coast Guard to serve
27 as master of a vessel;

1 (2) Operates a vessel only on a private lake or pond that
2 is not classified as waters of the state;

3 (3) Until January 1, 2006, is a nonresident who is visiting
4 the state for sixty days or less;

5 (4) Is participating in an event or regatta approved by the
6 water patrol;

7 (5) Is a nonresident who has proof of a valid boating
8 certificate or license issued by another state if the boating
9 course is approved by the National Association of State Boating
10 Law Administrators (NASBLA);

11 (6) Is exempted by rule of the water patrol;

12 (7) Is currently serving in any branch of the United States
13 Armed Forces, reserves, or Missouri National Guard, or any spouse
14 of a person currently in such service; or

15 (8) Has previously successfully completed a boating safety
16 education course approved by the National Association of State
17 Boating Law Administrators (NASBLA).

18 5. The water patrol division shall inform other states of
19 the requirements of this section.

20 6. No individual shall be detained or stopped strictly for
21 the purpose of checking whether the individual possesses a
22 boating safety identification card or a temporary boater
23 education permit.

24 7. Any person or company that rents or sells vessels may
25 issue a temporary boating safety identification card to an
26 individual to operate a rented vessel or a vessel being
27 considered for sale, for a period of up to seven days, provided

1 that the individual meets the minimum age requirements for
2 operating a vessel in this state. In order to qualify for the
3 temporary boating safety identification card, the applicant shall
4 provide a valid driver's license and shall sign an affidavit that
5 he or she has reviewed the Missouri state highway patrol handbook
6 of Missouri boating laws and responsibilities. Any individual
7 holding a valid temporary boating safety identification card
8 shall be deemed in compliance with the requirements of this
9 section. The Missouri state highway patrol shall charge a fee of
10 nine dollars for such temporary boating safety identification
11 card. Individuals shall not be eligible for more than one
12 temporary boating safety identification card. No person or
13 company may issue a temporary boating safety identification card
14 to an individual under the provisions of this subsection unless
15 such person or company is capable of submitting the applicant's
16 temporary boating safety identification card information and
17 payment in an electronic format as prescribed by the Missouri
18 state highway patrol. The business entity issuing a temporary
19 boating safety identification card to an individual under the
20 provisions of this subsection shall transmit the applicant's
21 temporary boating safety identification card information
22 electronically to the Missouri state highway patrol, in a manner
23 and format prescribed by the superintendent, using an electronic
24 online registration process developed and provided by the
25 Missouri state highway patrol. The electronic online process
26 developed and provided by the Missouri state highway patrol shall
27 allow the applicant to pay the temporary boating safety

1 identification card fee by credit card or debit card.

2 Notwithstanding any provision in section 306.185 to the contrary,
3 all fees collected under the authority of this subsection shall
4 be deposited in the water patrol division fund. The Missouri
5 state highway patrol shall promulgate rules for developing the
6 temporary boating safety identification card and any requirements
7 necessary to the issuance, processing, and payment of the
8 temporary boating safety identification card. The Missouri state
9 highway patrol shall, by rule, develop a boating safety checklist
10 for each applicant seeking a temporary boating safety
11 identification card. Nothing in this subsection shall allow a
12 holder of a temporary boating safety identification card to
13 receive a notation on the person's driver's license or nondriver
14 identification under section 302.184. The provisions of this
15 subsection shall expire on December 31, ~~[2022]~~ 2032.

16 307.179. 1. As used in this section, the following terms
17 shall mean:

18 (1) "Child booster seat", a seating system which meets the
19 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.
20 571.213, as amended, that is designed to elevate a child to
21 properly sit in a federally approved safety belt system;

22 (2) "Child passenger restraint system", a seating system
23 which meets the Federal Motor Vehicle Safety Standards set forth
24 in 49 C.F.R. 571.213, as amended, and which is either permanently
25 affixed to a motor vehicle or is affixed to such vehicle by a
26 safety belt or a universal attachment system;

27 (3) "Driver", a person who is in actual physical control of

1 a motor vehicle.

2 2. Every driver transporting a child under the age of
3 sixteen years shall be responsible, when transporting such child
4 in a motor vehicle operated by that driver on the streets or
5 highways of this state, for providing for the protection of such
6 child as follows:

7 (1) Children shall be secured in a rear-facing child
8 passenger restraint system until the child reaches two years of
9 age;

10 (2) Children less than four years of age, regardless of
11 weight, shall be secured in a child passenger restraint system
12 appropriate for that child;

13 [~~2~~] (3) Children weighing less than forty pounds,
14 regardless of age, shall be secured in a child passenger
15 restraint system appropriate for that child;

16 [~~3~~] (4) Children at least four years of age but less than
17 eight years of age, who also weigh at least forty pounds but less
18 than eighty pounds, and who are also less than four feet, nine
19 inches tall, shall be secured in a child passenger restraint
20 system or booster seat appropriate for that child;

21 [~~4~~] (5) Children at least eighty pounds or children more
22 than four feet, nine inches in height shall be secured by a
23 vehicle safety belt or booster seat appropriate for that child;

24 [~~5~~] (6) A child who otherwise would be required to be
25 secured in a booster seat may be transported in the back seat of
26 a motor vehicle while wearing only a lap belt if the back seat of
27 the motor vehicle is not equipped with a combination lap and

1 shoulder belt for booster seat installation;

2 ~~[(6)]~~ (7) When transporting children in the immediate
3 family when there are more children than there are seating
4 positions in the enclosed area of a motor vehicle, the children
5 who are not able to be restrained by a child safety restraint
6 device appropriate for the child shall sit in the area behind the
7 front seat of the motor vehicle unless the motor vehicle is
8 designed only for a front seat area. The driver transporting
9 children referred to in this subsection is not in violation of
10 this section.

11
12 This subsection shall only apply to the use of a child passenger
13 restraint system or vehicle safety belt for children less than
14 sixteen years of age being transported in a motor vehicle.

15 3. Any driver who violates subdivision (1), (2), ~~[(3)]~~ (3),
16 or (4) of subsection 2 of this section is guilty of an infraction
17 and, upon conviction, may be punished by a fine of not more than
18 fifty dollars and court costs. Any driver who violates
19 subdivision ~~[(4)]~~ (5) of subsection 2 of this section shall be
20 subject to the penalty in subsection 6 of section 307.178. If a
21 driver receives a citation for violating subdivision (1), (2),
22 ~~[(3)]~~ (3), or (4) of subsection 2 of this section, the charges
23 shall be dismissed or withdrawn if the driver prior to or at his
24 or her hearing provides evidence of acquisition of a child
25 passenger restraint system or child booster seat which is
26 satisfactory to the court or the party responsible for
27 prosecuting the driver's citation.

1 4. The provisions of this section shall not apply to any
2 public carrier for hire. The provisions of this section shall
3 not apply to students four years of age or older who are
4 passengers on a school bus designed for carrying eleven
5 passengers or more and which is manufactured or equipped pursuant
6 to Missouri Minimum Standards for School Buses as school buses
7 are defined in section 301.010.

8 5. The highways and transportation commission shall
9 initiate and develop a program of public information to develop
10 understanding of, and ensure compliance with, the provisions of
11 this section.

12 311.060. 1. No person shall be granted a license hereunder
13 unless such person is of good moral character and a qualified
14 legal voter and a taxpaying citizen of the county, town, city or
15 village, nor shall any corporation be granted a license hereunder
16 unless the managing officer of such corporation is of good moral
17 character and a qualified legal voter and taxpaying citizen of
18 the county, town, city or village; and, except as otherwise
19 provided under subsection 7 of this section, no person shall be
20 granted a license or permit hereunder whose license as such
21 dealer has been revoked, or who has been convicted, since the
22 ratification of the twenty-first amendment to the Constitution of
23 the United States, of a violation of the provisions of any law
24 applicable to the manufacture or sale of intoxicating liquor, or
25 who employs in his or her business as such dealer any person
26 whose license has been revoked unless five years have passed
27 since the revocation as provided under subsection 6 of this

1 section, or who has been convicted of violating such law since
2 the date aforesaid; provided, that nothing in this section
3 contained shall prevent the issuance of licenses to nonresidents
4 of Missouri or foreign corporations for the privilege of selling
5 to duly licensed wholesalers and soliciting orders for the sale
6 of intoxicating liquors to, by or through a duly licensed
7 wholesaler, within this state.

8 2. (1) No person, partnership or corporation shall be
9 qualified for a license under this law if such person, any member
10 of such partnership, or such corporation, or any officer,
11 director, or any stockholder owning, legally or beneficially,
12 directly or indirectly, ten percent or more of the stock of such
13 corporation, or other financial interest therein, or ten percent
14 or more of the interest in the business for which the person,
15 partnership or corporation is licensed, or any person employed in
16 the business licensed under this law shall have had a license
17 revoked under this law except as otherwise provided under
18 subsections 6 and 7 of this section, or shall have been convicted
19 of violating the provisions of any law applicable to the
20 manufacture or sale of intoxicating liquor since the ratification
21 of the twenty-first amendment to the Constitution of the United
22 States, or shall not be a person of good moral character.

23 (2) No license issued under this chapter shall be denied,
24 suspended, revoked or otherwise affected based solely on the fact
25 that an employee of the licensee has been convicted of a felony
26 unrelated to the manufacture or sale of intoxicating liquor.

27 ~~Each employer shall report the identity of any employee~~

1 ~~convicted of a felony to the division of liquor control.]~~ The
2 division of liquor control shall promulgate rules to enforce the
3 provisions of this subdivision.

4 (3) No wholesaler license shall be issued to a corporation
5 for the sale of intoxicating liquor containing alcohol in excess
6 of five percent by weight, except to a resident corporation as
7 defined in this section.

8 3. A "resident corporation" is defined to be a corporation
9 incorporated under the laws of this state, all the officers and
10 directors of which, and all the stockholders, who legally and
11 beneficially own or control sixty percent or more of the stock in
12 amount and in voting rights, shall be qualified legal voters and
13 taxpaying citizens of the county and municipality in which they
14 reside and who shall have been bona fide residents of the state
15 for a period of three years continuously immediately prior to the
16 date of filing of application for a license, provided that a
17 stockholder need not be a voter or a taxpayer, and all the
18 resident stockholders of which shall own, legally and
19 beneficially, at least sixty percent of all the financial
20 interest in the business to be licensed under this law; provided,
21 that no corporation, licensed under the provisions of this law on
22 January 1, 1947, nor any corporation succeeding to the business
23 of a corporation licensed on January 1, 1947, as a result of a
24 tax-free reorganization coming within the provisions of Section
25 112, United States Internal Revenue Code, shall be disqualified
26 by reason of the new requirements herein, except corporations
27 engaged in the manufacture of alcoholic beverages containing

1 alcohol in excess of five percent by weight, or owned or
2 controlled, directly or indirectly, by nonresident persons,
3 partnerships or corporations engaged in the manufacture of
4 alcoholic beverages containing alcohol in excess of five percent
5 by weight.

6 4. The term "financial interest" as used in this chapter is
7 defined to mean all interest, legal or beneficial, direct or
8 indirect, in the capital devoted to the licensed enterprise and
9 all such interest in the net profits of the enterprise, after the
10 payment of reasonable and necessary operating business expenses
11 and taxes, including interest in dividends, preferred dividends,
12 interest and profits, directly or indirectly paid as compensation
13 for, or in consideration of interest in, or for use of, the
14 capital devoted to the enterprise, or for property or money
15 advanced, loaned or otherwise made available to the enterprise,
16 except by way of ordinary commercial credit or bona fide bank
17 credit not in excess of credit customarily granted by banking
18 institutions, whether paid as dividends, interest or profits, or
19 in the guise of royalties, commissions, salaries, or any other
20 form whatsoever.

21 5. The supervisor shall by regulation require all
22 applicants for licenses to file written statements, under oath,
23 containing the information reasonably required to administer this
24 section. Statements by applicants for licenses as wholesalers
25 and retailers shall set out, with other information required,
26 full information concerning the residence of all persons
27 financially interested in the business to be licensed as required

1 by regulation. All material changes in the information filed
2 shall be promptly reported to the supervisor.

3 6. Any person whose license or permit issued under this
4 chapter has been revoked shall be automatically eligible to work
5 as an employee of an establishment holding a license or permit
6 under this chapter five years after the date of the revocation.

7 7. Any person whose license or permit issued under this
8 chapter has been revoked shall be eligible to apply and be
9 qualified for a new license or permit five years after the date
10 of the revocation. The person may be issued a new license or
11 permit at the discretion of the division of alcohol and tobacco
12 control. If the division denies the request for a new permit or
13 license, the person may not submit a new application for five
14 years from the date of the denial. If the application is
15 approved, the person shall pay all fees required by law for the
16 license or permit. Any person whose request for a new license or
17 permit is denied may seek a determination by the administrative
18 hearing commission as provided under section 311.691.

19 311.293. 1. Except for any establishment that may apply
20 for a license under section 311.089, any person possessing the
21 qualifications and meeting the requirements of this chapter, who
22 is licensed to sell intoxicating liquor at retail, may apply to
23 the supervisor of alcohol and tobacco control for a special
24 license to sell intoxicating liquor at retail between the hours
25 of ~~9:00~~ 6:00 a.m. ~~[and midnight]~~ on Sundays and 1:30 a.m. on
26 Mondays. A licensee under this section shall pay to the director
27 of revenue an additional fee of two hundred dollars a year

1 payable at the same time and in the same manner as its other
2 license fees.

3 2. In addition to any fee collected pursuant to section
4 311.220, a city or county may charge and collect an additional
5 fee not to exceed three hundred dollars from any licensee under
6 this section for the privilege of selling intoxicating liquor at
7 retail between the hours of ~~[9:00]~~ 6:00 a.m. ~~[and midnight]~~ on
8 Sundays and 1:30 a.m. on Mondays in such city or county; however
9 the additional fee shall not exceed the fee charged by that city
10 or county for a special license issued pursuant to any provision
11 of this chapter which allows a licensee to sell intoxicating
12 liquor by the drink for consumption on the premises of the
13 licensee on Sundays.

14 3. The provisions of this section regarding the time of
15 closing shall not apply to any person who possesses a special
16 permit issued under section 311.174, 311.176, or 311.178.

17 311.332. 1. It shall be unlawful for any wholesaler
18 licensed to sell intoxicating liquor and wine containing alcohol
19 in excess of five percent by weight to persons duly licensed to
20 sell such intoxicating liquor and wine at retail, to discriminate
21 between retailers or in favor of or against any retailer or group
22 of retailers, directly or indirectly, in price, in discounts for
23 time of payment, or in discounts on quantity of merchandise sold,
24 or to grant directly or indirectly any discount, rebate, free
25 goods, allowance or other inducement, excepting a discount not in
26 excess of one percent for quantity of liquor and wine, and a
27 discount not in excess of one percent for payment on or before a

1 certain date. The delivery of manufacturer rebate coupons by
2 wholesalers to retailers shall not be a violation of this
3 subsection.

4 2. Manufacturers or wholesalers shall be permitted to
5 donate or deliver or cause to be delivered beer, wine, distilled
6 spirits, or brandy for nonresale purposes to any unlicensed
7 person or any licensed retail dealer who is a charitable or
8 religious organization as defined in section 313.005 or
9 educational institution, at any location or licensed premises,
10 provided, such beer, wine, distilled spirits, or brandy is
11 unrelated to the organization's or institution's licensed retail
12 operation. A charge for admission to an event or activity at
13 which beer, wine, distilled spirits, or brandy is available
14 without separate charge shall not constitute resale for the
15 purposes of this subsection. Wine used in religious ceremonies
16 may be sold by wholesalers to a religious organization as defined
17 in section 313.005. Any manufacturer or wholesaler providing
18 nonresale items shall keep a record of any deliveries made
19 pursuant to this subsection.

20 3. Manufacturers, wholesalers, retailers and unlicensed
21 persons may donate wine in the original package to a charitable
22 or religious organization as defined in section 313.005 or
23 educational institution for the sole purpose of being auctioned
24 by the organization or institution for fund-raising purposes,
25 provided the auction takes place on a retail-licensed premises
26 and all proceeds from the sale go into a fund of an organization
27 or institution that is unrelated to any licensed retail

1 operation.

2 311.660. 1. The supervisor of liquor control shall have
3 the authority to suspend or revoke for cause all such licenses;
4 and to make the following regulations, without limiting the
5 generality of provisions empowering the supervisor of liquor
6 control as in this chapter set forth as to the following matters,
7 acts and things:

8 (1) Fix and determine the nature, form and capacity of all
9 packages used for containing intoxicating liquor of any kind, to
10 be kept or sold under this law;

11 (2) Prescribe an official seal and label and determine the
12 manner in which such seal or label shall be attached to every
13 package of intoxicating liquor so sold under this law; this
14 includes prescribing different official seals or different labels
15 for the different classes, varieties or brands of intoxicating
16 liquor;

17 (3) Prescribe all forms, applications and licenses and such
18 other forms as are necessary to carry out the provisions of this
19 chapter, except that when a licensee substantially complies with
20 all requirements for the renewal of a license by the date on
21 which the application for renewal is due, such licensee shall be
22 permitted at least an additional ten days from the date notice is
23 sent that the application is deficient, in which to complete the
24 application;

25 (4) Prescribe the terms and conditions of the licenses
26 issued and granted under this law;

27 (5) Prescribe the nature of the proof to be furnished and

1 conditions to be observed in the issuance of duplicate licenses,
2 in lieu of those lost or destroyed;

3 (6) Establish rules and regulations for the conduct of the
4 business carried on by each specific licensee under the license,
5 and such rules and regulations if not obeyed by every licensee
6 shall be grounds for the revocation or suspension of the license;

7 (7) The right to examine books, records and papers of each
8 licensee and to hear and determine complaints against any
9 licensee;

10 (8) To issue subpoenas and all necessary processes and
11 require the production of papers, to administer oaths and to take
12 testimony;

13 (9) Prescribe all forms of labels to be affixed to all
14 packages containing intoxicating liquor of any kind; and

15 (10) To make such other rules and regulations as are
16 necessary and feasible for carrying out the provisions of this
17 chapter, as are not inconsistent with this law.

18 2. Notwithstanding subsection 1 of this section, the
19 supervisor of liquor control shall not prohibit persons from
20 participating in the sale of intoxicating liquor within the scope
21 of their employment solely on the basis of being found guilty of
22 any felony offense, except for prohibitions set forth in sections
23 311.191 and 311.193.

24 313.220. 1. The commission shall promulgate such rules and
25 regulations governing the establishment and operation of a state
26 lottery as it deems necessary and desirable to fully implement
27 the mandate of the people expressed in the approval of the

1 lottery amendment to Article III of the Missouri Constitution.
2 Such rules and regulations shall be designed so that a lottery
3 may be initiated at the earliest feasible and practicable time.
4 No rule or portion of a rule promulgated under the authority of
5 this chapter shall become effective unless it has been
6 promulgated pursuant to the provisions of section 536.024.

7 2. The commission shall have the authority to require a
8 fingerprint background check on any person seeking employment or
9 employed by the commission, any person seeking contract with or
10 contracted to the commission and any person seeking license from
11 or licensed by the commission. The background check shall
12 include a check of the Missouri criminal records repository and
13 when the commission deems it necessary to perform a nationwide
14 criminal history check, a check of the Federal Bureau of
15 Investigation's criminal records file. Fingerprints shall be
16 submitted to the Missouri criminal records repository as
17 required. Notwithstanding the provisions of section 610.120, the
18 commission shall have access to closed criminal history
19 information when fingerprints are submitted. The commission
20 shall not prohibit a person from participating in the sale of
21 lottery tickets solely on the basis of the person being found
22 guilty of any criminal offense; except that, the person shall not
23 be eligible to be a licensed lottery game retailer under
24 subsection 2 of section 313.260.

25 320.091. There shall be no cause of action against any fire
26 protection district, volunteer fire protection association, or
27 any fire department of any political subdivision, company, or

1 organization ~~[which]~~ that donates equipment used to suppress fire
2 or fire protection clothing to another department, association,
3 ~~[or]~~ district, or fire training academy if one of the following
4 conditions ~~[are]~~ is met:

5 (1) ~~[Such equipment is approved by the state fire marshal~~
6 ~~or the state fire marshal's designee;~~

7 ~~— (2) Motor vehicles so donated must pass a safety inspection~~
8 ~~by the Missouri state highway patrol;~~

9 ~~— (3)] The [receiving agency demonstrates to the state fire~~
10 ~~marshal's office] recipient certifies to the donor at the time of~~
11 ~~donation that the equipment received works properly; [and] or~~

12 ~~[-(4)] (2) The donor [agency] informs the [receiving~~
13 ~~agency] recipient in writing of any defects in the equipment or~~
14 ~~clothing about which it ~~[knows]~~ knew or, by using ordinary care,~~
15 ~~could have known at the time of donation.~~

16
17 This immunity shall apply only to causes of action directly
18 related to the equipment or clothing mentioned in this section.

19 321.552. 1. Except in any county of the first
20 classification with over two hundred thousand inhabitants, or any
21 county of the first classification without a charter form of
22 government and with more than seventy-three thousand seven
23 hundred but less than seventy-three thousand eight hundred
24 inhabitants; or any county of the first classification without a
25 charter form of government and with more than one hundred
26 eighty-four thousand but less than one hundred eighty-eight
27 thousand inhabitants; or any county with a charter form of

1 government with over one million inhabitants; or any county with
2 a charter form of government with over two hundred eighty
3 thousand inhabitants but less than three hundred thousand
4 inhabitants, the governing body of any ambulance or fire
5 protection district may impose a sales tax in an amount up to
6 ~~[one-half of]~~ one percent on all retail sales made in such
7 ambulance or fire protection district which are subject to
8 taxation pursuant to the provisions of sections 144.010 to
9 144.525 provided that such sales tax shall be accompanied by a
10 reduction in the district's tax rate as defined in section
11 137.073. The tax authorized by this section shall be in addition
12 to any and all other sales taxes allowed by law, except that no
13 sales tax imposed pursuant to the provisions of this section
14 shall be effective unless the governing body of the ambulance or
15 fire protection district submits to the voters of such ambulance
16 or fire protection district, at a municipal or state general,
17 primary or special election, a proposal to authorize the
18 governing body of the ambulance or fire protection district to
19 impose a tax pursuant to this section.

20 2. The ballot of submission shall contain, but need not be
21 limited to, the following language:

22 Shall _____ (insert name of ambulance or fire
23 protection district) impose a sales tax of _____
24 (insert amount up to ~~[one-half of]~~ one percent) for
25 the purpose of providing revenues for the operation of
26 the _____ (insert name of ambulance or fire protection
27 district) and the total property tax levy on properties

1 in the _____ (insert name of the ambulance or fire
2 protection district) shall be reduced annually by an
3 amount which reduces property tax revenues by an amount
4 equal to fifty percent of the previous year's revenue
5 collected from this sales tax?

6 YES NO

7 If you are in favor of the question, place an "X" in
8 the box opposite "YES". If you are opposed to the
9 question, place an "X" in the box opposite "NO".

10 3. If a majority of the votes cast on the proposal by the
11 qualified voters voting thereon are in favor of the proposal,
12 then the sales tax authorized in this section shall be in effect
13 and the governing body of the ambulance or fire protection
14 district shall lower the level of its tax rate by an amount which
15 reduces property tax revenues by an amount equal to fifty percent
16 of the amount of sales tax collected in the preceding year. If a
17 majority of the votes cast by the qualified voters voting are
18 opposed to the proposal, then the governing body of the ambulance
19 or fire protection district shall not impose the sales tax
20 authorized in this section unless and until the governing body of
21 such ambulance or fire protection district resubmits a proposal
22 to authorize the governing body of the ambulance or fire
23 protection district to impose the sales tax authorized by this
24 section and such proposal is approved by a majority of the
25 qualified voters voting thereon.

26 4. All revenue received by a district from the tax
27 authorized pursuant to this section shall be deposited in a

1 special trust fund, and be used solely for the purposes specified
2 in the proposal submitted pursuant to this section for so long as
3 the tax shall remain in effect.

4 5. All sales taxes collected by the director of revenue
5 pursuant to this section, less one percent for cost of collection
6 which shall be deposited in the state's general revenue fund
7 after payment of premiums for surety bonds as provided in section
8 32.087, shall be deposited in a special trust fund, which is
9 hereby created, to be known as the "Ambulance or Fire Protection
10 District Sales Tax Trust Fund". The moneys in the ambulance or
11 fire protection district sales tax trust fund shall not be deemed
12 to be state funds and shall not be commingled with any funds of
13 the state. The director of revenue shall keep accurate records
14 of the amount of money in the trust and the amount collected in
15 each district imposing a sales tax pursuant to this section, and
16 the records shall be open to inspection by officers of the county
17 and to the public. Not later than the tenth day of each month
18 the director of revenue shall distribute all moneys deposited in
19 the trust fund during the preceding month to the governing body
20 of the district which levied the tax; such funds shall be
21 deposited with the board treasurer of each such district.

22 6. The director of revenue may make refunds from the
23 amounts in the trust fund and credit any district for erroneous
24 payments and overpayments made, and may redeem dishonored checks
25 and drafts deposited to the credit of such district. If any
26 district abolishes the tax, the district shall notify the
27 director of revenue of the action at least ninety days prior to

1 the effective date of the repeal and the director of revenue may
2 order retention in the trust fund, for a period of one year, of
3 two percent of the amount collected after receipt of such notice
4 to cover possible refunds or overpayment of the tax and to redeem
5 dishonored checks and drafts deposited to the credit of such
6 accounts. After one year has elapsed after the effective date of
7 abolition of the tax in such district, the director of revenue
8 shall remit the balance in the account to the district and close
9 the account of that district. The director of revenue shall
10 notify each district of each instance of any amount refunded or
11 any check redeemed from receipts due the district.

12 7. Except as modified in this section, all provisions of
13 sections 32.085 and 32.087 shall apply to the tax imposed
14 pursuant to this section.

15 545.140. 1. Notwithstanding Missouri supreme court rule
16 24.06, two or more defendants may be charged in the same
17 indictment or information if they are alleged to have
18 participated in the same act or transaction or in the same series
19 of acts or transactions constituting an offense. Such defendants
20 may be charged in one or more counts together or separately and
21 all of the defendants need not be charged in each count.

22 2. Notwithstanding Missouri supreme court rule 24.07, two
23 or more offenses may be charged in the same indictment or
24 information in a separate count for each offense if the offenses
25 charged, whether felonies or misdemeanors or infractions, or any
26 combination thereof, are of the same or similar character or are
27 based on the same act or transaction or on two or more acts or

1 transactions connected together or constituting parts of a common
2 scheme or plan.

3 3. Two or more defendants shall not be charged in the same
4 indictment or information if substantial prejudice should result.
5 For purposes of this section, "substantial prejudice" shall mean
6 a bias or discrimination against one or more defendants or the
7 state which is actually existing or real and not one which is
8 merely imaginary, illusionary or nominal.

9 4. If two or more defendants are charged with being joint
10 participants in a conspiracy charged under section 562.014, it
11 shall be presumed that there is no substantial prejudice from
12 them being charged in the same indictment or information or from
13 them being tried together.

14 556.061. In this code, unless the context requires a
15 different definition, the following terms shall mean:

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

19 (2) "Affirmative defense":

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

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

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

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

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

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

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

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

27 (7) "Computer hardware", all equipment which can collect,

1 analyze, create, display, convert, store, conceal or transmit
2 electronic, magnetic, optical or similar computer impulses or
3 data. Hardware includes, but is not limited to, any data
4 processing devices, such as central processing units, memory
5 typewriters and self-contained laptop or notebook computers;
6 internal and peripheral storage devices, transistor-like binary
7 devices and other memory storage devices, such as floppy disks,
8 removable disks, compact disks, digital video disks, magnetic
9 tape, hard drive, optical disks and digital memory; local area
10 networks, such as two or more computers connected together to a
11 central computer server via cable or modem; peripheral input or
12 output devices, such as keyboards, printers, scanners, plotters,
13 video display monitors and optical readers; and related
14 communication devices, such as modems, cables and connections,
15 recording equipment, RAM or ROM units, acoustic couplers,
16 automatic dialers, speed dialers, programmable telephone dialing
17 or signaling devices and electronic tone-generating devices; as
18 well as any devices, mechanisms or parts that can be used to
19 restrict access to computer hardware, such as physical keys and
20 locks;

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

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

26 (10) "Computer software", digital information which can be
27 interpreted by a computer and any of its related components to

1 direct the way they work. Software is stored in electronic,
2 magnetic, optical or other digital form. The term commonly
3 includes programs to run operating systems and applications, such
4 as word processing, graphic, or spreadsheet programs, utilities,
5 compilers, interpreters and communications programs;

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

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

12 (13) "Confinement":

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

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

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

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

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

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

25 b. The person is under sentence to serve a term of
26 confinement which is not continuous, or is serving a sentence
27 under a work-release program, and in either such case is not

1 being held in a place of confinement or is not being held under
2 guard by a person having the legal power and duty to transport
3 the person to or from a place of confinement;

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

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

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

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

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

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

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

26 (18) "Damage", when used in relation to a computer system
27 or network, means any alteration, deletion, or destruction of any

1 part of the computer system or network;

2 (19) "Dangerous felony", the felonies of arson in the first
3 degree, assault in the first degree, attempted rape in the first
4 degree if physical injury results, attempted forcible rape if
5 physical injury results, attempted sodomy in the first degree if
6 physical injury results, attempted forcible sodomy if physical
7 injury results, rape in the first degree, forcible rape, sodomy
8 in the first degree, forcible sodomy, assault in the second
9 degree if the victim of such assault is a special victim as
10 defined in subdivision (14) of section 565.002, kidnapping in the
11 first degree, kidnapping, murder in the second degree, assault of
12 a law enforcement officer in the first degree, domestic assault
13 in the first degree, elder abuse in the first degree, robbery in
14 the first degree, armed criminal action, conspiracy to commit an
15 offense when the offense is a dangerous felony, vehicle hijacking
16 when punished as a class A felony, statutory rape in the first
17 degree when the victim is a child less than twelve years of age
18 at the time of the commission of the act giving rise to the
19 offense, statutory sodomy in the first degree when the victim is
20 a child less than twelve years of age at the time of the
21 commission of the act giving rise to the offense, child
22 molestation in the first or second degree, abuse of a child if
23 the child dies as a result of injuries sustained from conduct
24 chargeable under section 568.060, child kidnapping, parental
25 kidnapping committed by detaining or concealing the whereabouts
26 of the child for not less than one hundred twenty days under
27 section 565.153, and an "intoxication-related traffic offense" or

1 "intoxication-related boating offense" if the person is found to
2 be a "habitual offender" or "habitual boating offender" as such
3 terms are defined in section 577.001;

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

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

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

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

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

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

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

4 (27) "Forcible compulsion" either:

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

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

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

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

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

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

21 (b) Where people assemble for purposes of business,
22 government, education, religion, entertainment, or public
23 transportation; or

24 (c) Which is used for overnight accommodation of persons.
25 Any such vehicle, vessel, or structure is inhabitable regardless
26 of whether a person is actually present. If a building or
27 structure is divided into separately occupied units, any unit not

1 occupied by the actor is an inhabitable structure of another;

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

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

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

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

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

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

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

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

27 (37) "Place of confinement", any building or facility and

1 the grounds thereof wherein a court is legally authorized to
2 order that a person charged with or convicted of a crime be held;

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

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

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

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

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

6 (43) "Serious emotional injury", an injury that creates a
7 substantial risk of temporary or permanent medical or
8 psychological damage, manifested by impairment of a behavioral,
9 cognitive or physical condition. Serious emotional injury shall
10 be established by testimony of qualified experts upon the
11 reasonable expectation of probable harm to a reasonable degree of
12 medical or psychological certainty;

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

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

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

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

27 (48) "Vessel", any boat or craft propelled by a motor or by

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

8 (49) "Voluntary act":

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

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

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

24 557.021. 1. Any offense defined outside this code which is
25 declared to be a misdemeanor without specification of the penalty
26 therefor is a class A misdemeanor.

27 2. Any offense defined outside this code which is declared

1 to be a felony without specification of the penalty therefor is a
2 class E felony.

3 3. For the purpose of applying the extended term provisions
4 of section 558.016 and the minimum prison term provisions of
5 section 558.019 and for determining the penalty for attempts [~~and~~
6 ~~conspiracies~~], offenses defined outside of this code shall be
7 classified as follows:

8 (1) If the offense is a felony:

9 (a) It is a class A felony if the authorized penalty
10 includes death, life imprisonment or imprisonment for a term of
11 twenty years or more;

12 (b) It is a class B felony if the maximum term of
13 imprisonment authorized exceeds ten years but is less than twenty
14 years;

15 (c) It is a class C felony if the maximum term of
16 imprisonment authorized is ten years;

17 (d) It is a class D felony if the maximum term of
18 imprisonment exceeds four years but is less than ten years;

19 (e) It is a class E felony if the maximum term of
20 imprisonment is four years or less;

21 (2) If the offense is a misdemeanor:

22 (a) It is a class A misdemeanor if the authorized
23 imprisonment exceeds six months in jail;

24 (b) It is a class B misdemeanor if the authorized
25 imprisonment exceeds thirty days but is not more than six months;

26 (c) It is a class C misdemeanor if the authorized
27 imprisonment is thirty days or less;

1 (d) It is a class D misdemeanor if it includes a mental
2 state as an element of the offense and there is no authorized
3 imprisonment;

4 (e) It is an infraction if there is no authorized
5 imprisonment.

6 557.045. No person found guilty of, or pleading guilty to,
7 the following offenses shall be eligible for probation, suspended
8 imposition or execution of sentence, or conditional release, and
9 shall be sentenced to a term of imprisonment pursuant to
10 subdivision (1) of subsection 2 of section 557.011:

11 (1) Second degree murder when a person knowingly causes the
12 death of another person or, with the purpose of causing serious
13 physical injury to another person, causes the death of another
14 person, as defined in subdivision (1) of subsection 1 in section
15 565.021;

16 (2) Any dangerous felony, as the term is defined in section
17 556.061, where the person has been previously found guilty of a
18 class A or B felony or a dangerous felony; or

19 (3) Any dangerous felony, as the term is defined in section
20 556.061, where the commission of the felony involves the use of a
21 deadly weapon, as that term is defined in section 556.061.

22 562.014. 1. ~~【Guilt for an offense may be based upon a~~
23 ~~conspiracy to commit an offense when a person, with the purpose~~
24 ~~of promoting or facilitating the commission of an offense, agrees~~
25 ~~with another person or persons that they or one or more of them~~
26 ~~will engage in conduct which constitutes such offense】 A person
27 commits the offense of conspiracy to commit, in any manner or for~~

1 any purpose, an offense if the person agrees, with one or more
2 persons, to commit any class A, B, or C felony offense, or any
3 unclassified felony offenses if the maximum term of imprisonment
4 for such unclassified felony exceeds ten years or more, and one
5 or more of such persons do any act in furtherance of such an
6 agreement.

7 2. It is no defense to a prosecution for conspiring to
8 commit an offense that a person, who knows that a person with
9 whom he or she conspires to commit an offense has conspired with
10 another person or persons to commit the same offense, does not
11 know the identity of such other person or persons.

12 3. If a person conspires to commit a number of offenses, he
13 or she can be found guilty of only one offense of conspiracy so
14 long as such multiple offenses are the object of the same
15 agreement.

16 4. ~~[No person may be convicted of an offense based upon a~~
17 ~~conspiracy to commit an offense unless an overt act in pursuance~~
18 ~~of such conspiracy is alleged and proved to have been done by him~~
19 ~~or her or by a person with whom he or she conspired.]~~

20 ~~5.]~~ (1) No person shall be convicted of ~~[an offense based~~
21 ~~upon a]~~ conspiracy to commit an offense if, after conspiring to
22 commit the offense, he or she prevented the accomplishment of the
23 objectives of the conspiracy under circumstances manifesting a
24 renunciation of his or her criminal purpose.

25 (2) The defendant shall have the burden of injecting the
26 issue of renunciation of criminal purpose under subdivision (1)
27 of this subsection.

1 ~~[6.]~~ 5. For the purpose of time limitations on
2 prosecutions:

3 (1) A conspiracy to commit an offense is a continuing
4 course of conduct which terminates when the offense or offenses
5 which are its object are committed or the agreement that they be
6 committed is abandoned by the defendant and by those with whom he
7 or she conspired;

8 (2) If an individual abandons the agreement, the conspiracy
9 is terminated as to him or her only if he or she advises those
10 with whom he or she has conspired of his or her abandonment or he
11 or she informs the law enforcement authorities of the existence
12 of the conspiracy and of his or her participation in it.

13 ~~[7. A person shall not be charged, convicted or sentenced
14 on the basis of the same course of conduct of both the actual
15 commission of an offense and a conspiracy to commit that offense.~~

16 ~~8. Unless otherwise set forth in the statute creating the
17 offense, when guilt for a felony or misdemeanor is based upon a
18 conspiracy to commit that offense, the felony or misdemeanor
19 shall be classified one step lower than the class provided for
20 the felony or misdemeanor in the statute creating the offense]~~

21 6. The offense of conspiracy to commit an offense is a
22 class C felony.

23 565.002. As used in this chapter, unless a different
24 meaning is otherwise plainly required the following terms mean:

25 (1) "Adequate cause", cause that would reasonably produce a
26 degree of passion in a person of ordinary temperament sufficient
27 to substantially impair an ordinary person's capacity for

1 self-control;

2 (2) "Child", a person under seventeen years of age;

3 (3) "Conduct", includes any act or omission;

4 (4) "Course of conduct", a pattern of conduct composed of
5 two or more acts, which may include communication by any means,
6 over a period of time, however short, evidencing a continuity of
7 purpose. Constitutionally protected activity is not included
8 within the meaning of course of conduct. Such constitutionally
9 protected activity includes picketing or other organized
10 protests;

11 (5) "Deliberation", cool reflection for any length of time
12 no matter how brief;

13 (6) "Domestic victim", a household or family member as the
14 term "family" or "household member" is defined in section
15 455.010, including any child who is a member of the household or
16 family;

17 (7) "Emotional distress", something markedly greater than
18 the level of uneasiness, nervousness, unhappiness, or the like
19 which are commonly experienced in day-to-day living;

20 (8) "Full or partial nudity", the showing of all or any
21 part of the human genitals, pubic area, buttock, or any part of
22 the nipple of the breast of any female person, with less than a
23 fully opaque covering;

24 (9) "Legal custody", the right to the care, custody and
25 control of a child;

26 (10) "Parent", either a biological parent or a parent by
27 adoption;

1 (11) "Person having a right of custody", a parent or legal
2 guardian of the child;

3 (12) "Photographs" or "films", the making of any
4 photograph, motion picture film, videotape, or any other
5 recording or transmission of the image of a person;

6 (13) "Place where a person would have a reasonable
7 expectation of privacy", any place where a reasonable person
8 would believe that a person could disrobe in privacy, without
9 being concerned that the person's undressing was being viewed,
10 photographed or filmed by another;

11 (14) "Special victim", any of the following:

12 (a) A law enforcement officer assaulted in the performance
13 of his or her official duties or as a direct result of such
14 official duties;

15 (b) Emergency personnel, any paid or volunteer firefighter,
16 emergency room, hospital, or trauma center personnel, or
17 emergency medical technician, assaulted in the performance of his
18 or her official duties or as a direct result of such official
19 duties;

20 (c) A probation and parole officer assaulted in the
21 performance of his or her official duties or as a direct result
22 of such official duties;

23 (d) An elderly person;

24 (e) A person with a disability;

25 (f) A vulnerable person;

26 (g) Any jailer or corrections officer of the state or one
27 of its political subdivisions assaulted in the performance of his

1 or her official duties or as a direct result of such official
2 duties;

3 (h) A highway worker in a construction or work zone as the
4 terms "highway worker", "construction zone", and "work zone" are
5 defined under section 304.580;

6 (i) Any utility worker, meaning any employee of a utility
7 that provides gas, heat, electricity, water, steam,
8 telecommunications services, or sewer services, whether
9 privately, municipally, or cooperatively owned, while in the
10 performance of his or her job duties, including any person
11 employed under a contract;

12 (j) Any cable worker, meaning any employee of a cable
13 operator, as such term is defined in section 67.2677, including
14 any person employed under contract, while in the performance of
15 his or her job duties; ~~and~~

16 (k) Any employee of a mass transit system, including any
17 employee of public bus or light rail companies, while in the
18 performance of his or her job duties; or

19 (l) A sports official assaulted at a sporting event while
20 the sports official is performing his or her duties as a sports
21 official or as a direct result of such duties. A sporting event
22 shall include all levels of competition. A sports official shall
23 include, but not be limited to, a judge, linesman, official,
24 referee, or umpire. To qualify as a sports official, a person
25 shall be trained and certified or registered as such by an
26 organization engaged in the education, training, and certifying
27 or registering of sports officials;

1 (15) "Sudden passion", passion directly caused by and
2 arising out of provocation by the victim or another acting with
3 the victim which passion arises at the time of the offense and is
4 not solely the result of former provocation;

5 (16) "Trier", the judge or jurors to whom issues of fact,
6 guilt or innocence, or the assessment and declaration of
7 punishment are submitted for decision;

8 (17) "Views", the looking upon of another person, with the
9 unaided eye or with any device designed or intended to improve
10 visual acuity, for the purpose of arousing or gratifying the
11 sexual desire of any person.

12 570.027. 1. A person commits the offense of vehicle
13 hijacking when he or she knowingly uses or threatens the use of
14 physical force upon another person to seize or attempt to seize
15 possession or control of a vehicle, as defined in section
16 302.010, from the immediate possession or control of another
17 person.

18 2. The offense of vehicle hijacking is a class B felony
19 unless it meets one of the criteria listed in subsection 3 of
20 this section.

21 3. The offense of vehicle hijacking is a class A felony if,
22 in the course thereof, a person or another participant in the
23 offense:

24 (1) Causes serious physical injury to any person in
25 immediate possession, control, or presence of the vehicle;

26 (2) Is armed with a deadly weapon;

27 (3) Uses or threatens the immediate use of a dangerous

1 instrument against any person;

2 (4) Displays or threatens the use of what appears to be a
3 deadly weapon or dangerous instrument; or

4 (5) Seizes a vehicle, or attempts to seize a vehicle, in
5 which a child or special victim as defined in section 565.002 is
6 present.

7 571.015. 1. [~~Except as provided in subsection 4 of this~~
8 ~~section,~~] Any person who commits any felony under the laws of
9 this state by, with, or through the use, assistance, or aid of a
10 dangerous instrument or deadly weapon is also guilty of the
11 [~~crime~~] offense of armed criminal action and, upon conviction,
12 shall be punished by imprisonment by the department of
13 corrections [~~and human resources~~] for a term of not less than
14 three years and not to exceed fifteen years, unless the person is
15 unlawfully possessing a firearm, in which case the term of
16 imprisonment shall be for a term of not less than five years.

17 The punishment imposed pursuant to this subsection shall be in
18 addition to and consecutive to any punishment provided by law for
19 the crime committed by, with, or through the use, assistance, or
20 aid of a dangerous instrument or deadly weapon. No person
21 convicted under this subsection shall be eligible for parole,
22 probation, conditional release, or suspended imposition or
23 execution of sentence for a period of three calendar years.

24 2. Any person convicted of a second offense of armed
25 criminal action under subsection 1 of this section shall be
26 punished by imprisonment by the department of corrections [~~and~~
27 ~~human resources~~] for a term of not less than five years and not

1 to exceed thirty years, unless the person is unlawfully
2 possessing a firearm, in which case the term of imprisonment
3 shall be for a term not less than fifteen years. The punishment
4 imposed pursuant to this subsection shall be in addition to and
5 consecutive to any punishment provided by law for the crime
6 committed by, with, or through the use, assistance, or aid of a
7 dangerous instrument or deadly weapon. No person convicted under
8 this subsection shall be eligible for parole, probation,
9 conditional release, or suspended imposition or execution of
10 sentence for a period of five calendar years.

11 3. Any person convicted of a third or subsequent offense of
12 armed criminal action under subsection 1 of this section shall be
13 punished by imprisonment by the department of corrections [~~and~~
14 ~~human resources~~] for a term of not less than ten years, unless
15 the person is unlawfully possessing a firearm, in which case the
16 term of imprisonment shall be no less than fifteen years. The
17 punishment imposed pursuant to this subsection shall be in
18 addition to and consecutive to any punishment provided by law for
19 the crime committed by, with, or through the use, assistance, or
20 aid of a dangerous instrument or deadly weapon. No person
21 convicted under this subsection shall be eligible for parole,
22 probation, conditional release, or suspended imposition or
23 execution of sentence for a period of ten calendar years.

24 [~~4. The provisions of this section shall not apply to the~~
25 ~~felonies defined in sections 564.590, 564.610, 564.620, 564.630,~~
26 ~~and 564.640.~~]

27 571.070. 1. A person commits the offense of unlawful

1 possession of a firearm if such person knowingly has any firearm
2 in his or her possession and:

3 (1) Such person has been convicted of a felony under the
4 laws of this state, or of a crime under the laws of any state or
5 of the United States which, if committed within this state, would
6 be a felony; or

7 (2) Such person is a fugitive from justice, is habitually
8 in an intoxicated or drugged condition, or is currently adjudged
9 mentally incompetent.

10 2. Unlawful possession of a firearm is a class D felony,
11 unless a person has been convicted of a dangerous felony as
12 defined in section 556.061, in which case it is a class C felony.

13 3. The provisions of subdivision (1) of subsection 1 of
14 this section shall not apply to the possession of an antique
15 firearm.

16 575.150. 1. A person commits the offense of resisting or
17 interfering with arrest, detention, or stop if he or she knows or
18 reasonably should know that a law enforcement officer is making
19 an arrest or attempting to lawfully detain or stop an individual
20 or vehicle, and for the purpose of preventing the officer from
21 effecting the arrest, stop or detention, he or she:

22 (1) Resists the arrest, stop or detention of such person by
23 using or threatening the use of violence or physical force or by
24 fleeing from such officer; or

25 (2) Interferes with the arrest, stop or detention of
26 another person by using or threatening the use of violence,
27 physical force or physical interference.

1 2. This section applies to:

2 (1) Arrests, stops, or detentions, with or without
3 warrants;

4 (2) Arrests, stops, or detentions, for any offense,
5 infraction, or ordinance violation; and

6 (3) Arrests for warrants issued by a court or a probation
7 and parole officer.

8 3. A person commits the offense of resisting arrest by
9 fleeing in a motor vehicle if he or she resists an arrest, a
10 stop, or a detention by fleeing in a motor vehicle from a law
11 enforcement officer and, during the course of fleeing, drives at
12 a speed or in a manner that demonstrates a disregard for the
13 safety of any person or property, including that of the pursuing
14 officer or other occupants of the fleeing vehicle.

15 4. A person commits the offense of aggravated resisting
16 arrest by fleeing in a motor vehicle if he or she resists an
17 arrest, a stop, or a detention by fleeing in a motor vehicle from
18 a law enforcement officer and, during the course of fleeing,
19 drives at a speed or in a manner that demonstrates a disregard
20 for the safety of any person or property, including that of the
21 pursuing officer or other occupants of the fleeing vehicle, and
22 that results in serious bodily injury or death to another person,
23 including any officer.

24 5. A person is presumed to be fleeing a vehicle stop if he
25 or she continues to operate a motor vehicle after he or she has
26 seen or should have seen clearly visible emergency lights or has
27 heard or should have heard an audible signal emanating from the

1 law enforcement vehicle pursuing him or her.

2 ~~[4.]~~ 6. It is no defense to a prosecution pursuant to
3 subsection 1, 3, or 4 of this section that the law enforcement
4 officer was acting unlawfully in making the arrest. However,
5 nothing in this section shall be construed to bar civil suits for
6 unlawful arrest.

7 7. Nothing in this section shall be construed to require
8 the state to prove in a prosecution against a defendant that the
9 defendant knew why he or she was being stopped, detained, or
10 arrested.

11 ~~[5.]~~ 8. The offense of resisting or interfering with an
12 arrest is a class E felony for an arrest for a:

13 (1) Felony;

14 (2) Warrant issued for failure to appear on a felony case;

15 or

16 (3) Warrant issued for a probation violation on a felony
17 case.

18
19 The offense of resisting an arrest, detention or stop in
20 violation of subdivision (1) or (2) of subsection 1 of this
21 section is a class A misdemeanor ~~[, unless the person fleeing~~
22 ~~creates a substantial risk of serious physical injury or death to~~
23 ~~any person, in which case it is a class E felony]~~. The offense
24 of resisting arrest by fleeing in a motor vehicle is a class E
25 felony, unless the person has been previously convicted under
26 subsection 3 of this section, in which case it is a class D
27 felony. The offense of aggravated resisting arrest by fleeing in

1 a motor vehicle is a class D felony, unless the person has been
2 previously convicted under subsection 4 of this section, in which
3 case it is a class C felony.

4 575.180. 1. A law enforcement officer commits the offense
5 of failure to execute an arrest warrant if, with the purpose of
6 allowing any person charged with or convicted of a crime to
7 escape, he or she fails to execute any arrest warrant, capias, or
8 other lawful process ordering apprehension or confinement of such
9 person, which he or she is authorized and required by law to
10 execute. For purposes of this section, "escape" means to flee
11 from; to avoid; to get away, as to flee to avoid arrest.

12 2. The offense of failure to execute an arrest warrant is a
13 class A misdemeanor, unless the offense involved is a felony, in
14 which case failure to execute an arrest warrant is a class E
15 felony.

16 3. It shall be an affirmative defense to prosecution under
17 this section that the law enforcement officer acted under exigent
18 circumstances in failing to execute an arrest warrant on a person
19 who has committed a misdemeanor offense under chapter 301, 302,
20 304, or 307 or a misdemeanor traffic offense in another state;
21 except that, the provisions of this subsection shall not apply to
22 the following offenses:

23 (1) Failure to drive in a careful and prudent manner under
24 section 304.012;

25 (2) Driving with a cancelled, suspended, or revoked license
26 under section 302.321;

27 (3) Operating a motor vehicle without a proper license

1 under section 302.020; or

2 (4) Any offense committed in another state that is
3 comparable to the offenses listed under subdivisions (1), (2),
4 and (3) of this subsection.

5 577.011. In addition to other terms and conditions imposed
6 on a person who has pled guilty to or been found guilty of
7 driving while intoxicated under section 577.010, except for good
8 cause shown, such person shall complete a victim impact program
9 approved by the court. Such person shall be responsible for any
10 charges imposed by the victim impact program.

11 577.800. 1. A person commits the offense of unlawful use
12 of unmanned aircraft over an open-air facility if he or she
13 purposely:

14 (1) Operates an unmanned aircraft within a vertical
15 distance of four hundred feet from the ground and within the
16 property line of an open-air facility; or

17 (2) Uses an unmanned aircraft with the purpose of
18 delivering to a person within an open-air facility any object
19 described in subdivision (1) or (2) of subsection 4 of this
20 section.

21 2. For purposes of this section, "open-air facility" shall
22 mean any sports, theater, music, performing arts, or other
23 entertainment facility with a capacity of five thousand people or
24 more and not completely enclosed by a roof or other structure.

25 3. The provisions of this section shall not prohibit the
26 operation of an unmanned aircraft by:

27 (1) An employee of an open-air facility at the direction of

1 the president or chief executive officer of the open-air
2 facility;

3 (2) A person who has written consent from the president or
4 chief executive officer of the open-air facility;

5 (3) An employee of a law enforcement agency, fire
6 department, or emergency medical service in the exercise of
7 official duties;

8 (4) A government official or employee in the exercise of
9 official duties;

10 (5) A public utility or a rural electric cooperative if:

11 (a) The unmanned aircraft is used for the purpose of
12 inspecting, repairing, or maintaining utility transmission or
13 distribution lines or other utility equipment or infrastructure;

14 (b) The utility or cooperative notifies the open-air
15 facility before flying the unmanned aircraft, except during an
16 emergency; and

17 (c) The person operating the unmanned aircraft does not
18 physically enter the prohibited space without an escort provided
19 by the open-air facility; or

20 (6) An employee of a railroad in the exercise of official
21 duties on any land owned or operated by a railroad corporation
22 regulated by the Federal Railroad Administration.

23 4. The offense of unlawful use of unmanned aircraft over an
24 open-air facility shall be punishable as a class A misdemeanor
25 unless the person uses an unmanned aircraft for:

26 (1) Delivering a gun, knife, weapon, or other article that
27 may be used in such manner to endanger the life of an employee or

1 quest at an open-air facility, in which case the offense is a
2 class B felony; or

3 (2) Delivering a controlled substance, as that term is
4 defined under section 195.010, in which case the offense is a
5 class D felony.

6 5. Each open-air facility shall post a sign warning of the
7 provisions of this section. The sign shall be at least eleven
8 inches by fourteen inches and posted in a conspicuous place.

9 578.018. 1. Any duly authorized public health official or
10 law enforcement official may seek a warrant from the appropriate
11 circuit court to enable ~~[him or her]~~ the law enforcement official
12 to enter private property in order to inspect, care for, or
13 ~~[impound]~~ confiscate neglected or abused animals as set forth in
14 such warrant. All requests for such warrants shall be signed,
15 witnessed, and accompanied by an affidavit stating the probable
16 cause to believe a violation of sections 578.005 to ~~[578.023]~~
17 578.025 has occurred. All warrants shall be served in the
18 presence of a law enforcement official. A person acting under
19 the authority of a warrant shall:

20 (1) ~~[Be given]~~ Appear at a disposition hearing before the
21 court through which the warrant was issued, within ~~[thirty]~~ ten
22 days of ~~[the filing of the request]~~ confiscation for the purpose
23 of granting immediate disposition of the animals ~~[impounded]~~. No
24 animal shall be sterilized prior to the completion of such
25 disposition hearing unless necessary to save life or relieve
26 suffering;

27 (2) Place ~~[impounded]~~ animals in the care or custody of a

1 veterinarian, the appropriate animal control authority, ~~[or]~~ an
2 animal shelter, or a third party approved by the court. If no
3 appropriate veterinarian, animal control authority, ~~[or]~~ animal
4 shelter, or third party is available, the animal shall not be
5 ~~[impounded]~~ confiscated unless it is diseased or disabled beyond
6 recovery for any useful purpose;

7 (3) Humanely kill any animal ~~[impounded]~~ confiscated if it
8 is determined by a licensed veterinarian that the animal is
9 diseased or disabled beyond recovery for any useful purpose;

10 (4) Not be liable for any reasonable and necessary damage
11 to property while acting under such warrant.

12 2. (1) The owner of any animal that has been confiscated
13 under this section shall not be responsible for the animal's care
14 and keeping prior to a disposition hearing if the owner is
15 acquitted or there is a final discharge without conviction.

16 (2) After completion of the disposition hearing, the owner
17 or custodian or any person claiming an interest in any animal
18 that has been ~~[impounded]~~ confiscated because of neglect or abuse
19 may prevent disposition of the animal after the disposition
20 hearing and until final judgment, settlement, or dismissal of the
21 case by posting reasonable bond or security within seventy-two
22 hours of the disposition hearing in an amount sufficient to
23 provide for the animal's care and keeping ~~[for at least thirty~~
24 ~~days, inclusive of the date on which the animal was taken into~~
25 ~~custody]~~ and consistent with the fair market cost of boarding
26 such an animal in an appropriate retail boarding facility.

27 Notwithstanding the fact that reasonable bond may be posted

1 pursuant to this ~~[subsection]~~ subdivision, the authority having
2 custody of the animal may humanely dispose of the animal at the
3 end of the time for which reasonable expenses are covered by the
4 bond or security, unless there is a court order prohibiting such
5 disposition. Such order shall provide for a reasonable bond or
6 other security in the amount necessary to protect the authority
7 having custody of the animal from any cost of the care, keeping,
8 or disposal of the animal.

9 (3) The authority taking custody of an animal shall give
10 notice of the provisions of this section ~~[by posting a copy of~~
11 ~~this section at the place where the animal was taken into custody~~
12 ~~or]~~ by delivering ~~[it]~~ a copy of this section to a person
13 residing on the property.

14 3. The owner or custodian of any animal humanely killed
15 pursuant to this section shall not be entitled to recover any
16 damages related to nor the actual value of the animal if the
17 animal was found by a licensed veterinarian to be diseased or
18 disabled beyond recovery for any useful purpose, or if the owner
19 or custodian failed to post bond or security for the care,
20 keeping, and disposition of the animal after being notified of
21 ~~[impoundment]~~ confiscation and after completion of the
22 disposition hearing.

23 4. All animals confiscated under this section shall receive
24 proper care as determined by state law and regulations for each
25 specific animal and facility or organization where the animal is
26 placed after such confiscation. Any such facility or
27 organization shall be liable to the owner for damages for any

1 negligent acts or abuse of such animal that occurs while the
2 animal is in the care, custody, and control of the facility or
3 organization.

4 5. In the event that the animal owner is not liable for the
5 costs incurred for the placement and care of an animal or animals
6 while charges were pending, such costs relating to placement and
7 care, as well as liability for the life or death of the animal
8 and for medical procedures performed while charges were pending,
9 shall be the responsibility of and shall be borne and paid by the
10 confiscating agency. Such costs shall be consistent with the
11 fair market value of boarding an animal at a retail establishment
12 and with the usual and customary costs of veterinary medical
13 services provided by a clinic licensed under chapter 340.

14 6. If the owner posted a sufficient bond and is acquitted
15 or there is a final discharge without conviction, unless there is
16 a settlement agreement, consent judgment, or a suspended
17 imposition of sentence, the owner may demand the return of the
18 animal held in custody. Any entity with care, custody, and
19 control of such animal shall immediately return such animal to
20 the owner upon demand and proof of such acquittal or final
21 discharge without conviction. Upon acquittal or final discharge
22 without conviction, unless there is a settlement agreement,
23 consent judgment, or a suspended imposition of sentence, the
24 owner shall not be liable for any costs incurred relating to the
25 placement or care of the animal during the pendency of the
26 charges.

27 7. Any person or entity that intentionally euthanizes,

1 other than as permissible under this section, or intentionally
2 sterilizes an animal prior to a disposition hearing or during any
3 period for which reasonable bond was secured for the animal's
4 care is guilty of a class B misdemeanor and shall be liable to
5 the owner of the animal for damages, including the actual value
6 of the animal. Each individual animal for which a violation
7 occurs is a separate offense. Any second or subsequent violation
8 is a class A misdemeanor, and any entity licensed under state law
9 shall be subject to licensure sanction by its governing body.

10 578.030. 1. The provisions of section 43.200
11 notwithstanding, any member of the state highway patrol or other
12 law enforcement officer may apply for and serve a search warrant,
13 and shall have the power of search and seizure in order to
14 enforce the provisions of sections 578.025 to 578.050. All
15 requests for such warrants shall be signed, witnessed, and
16 accompanied by an affidavit stating the probable cause to believe
17 a violation of sections 578.025 to 578.050 has occurred.

18 2. Any member of the state highway patrol or other law
19 enforcement officer making an arrest under section 578.025 shall
20 lawfully take possession of all dogs or other animals in
21 accordance with the provisions of section 578.018 and all
22 paraphernalia, implements, or other property or things used or
23 employed, or about to be employed, in the violation of any of the
24 provisions of section 578.025. Such officer, after taking
25 possession of such dogs, animals, paraphernalia, implements or
26 other property or things, shall file with the court before whom
27 the complaint is made against any person so arrested an affidavit

1 stating therein the name of the person charged in such complaint,
2 a description of the property so taken and the time and place of
3 the taking thereof together with the name of the person from whom
4 the same was taken and the name of the person who claims to own
5 such property, if known, and that the affiant has reason to
6 believe and does believe, stating the ground of such belief, that
7 the property so taken was used or employed, or was about to be
8 used or employed, in such violation of section 578.025. [~~He or~~
9 ~~she~~] The officer shall thereupon deliver the property so taken to
10 the court, which shall, by order in writing, place the same in
11 the custody of an officer or other proper person named and
12 designated in such order, to be kept by [~~him or her~~] such officer
13 or other proper person named and designated in such order until
14 the conviction or final discharge of such person complained
15 against, and shall send a copy of such order without delay to the
16 prosecuting attorney of the county. The officer or person so
17 named and designated in such order shall immediately thereupon
18 assume the custody of such property and shall retain the same,
19 subject to the order of the court before which such person so
20 complained against may be required to appear for trial. If the
21 property includes animals, the placement of the animals shall be
22 handled in accordance with the provisions of section 578.018.
23 Upon the conviction of the person so charged, all property so
24 seized shall be adjudged by the court to be forfeited and shall
25 thereupon be destroyed or otherwise disposed of as the court may
26 order. In the event of the acquittal or final discharge without
27 conviction of the person so charged, such court shall, on demand,

1 direct the delivery of such property so held in custody to the
2 owner thereof.

3 578.419. Sections 578.419 to 578.437 shall be known and may
4 be cited as the "Missouri Criminal Street Gangs Prevention Act".

5 578.421. As used in sections 578.421 to 578.437, the
6 following terms mean:

7 (1) "Criminal street gang", any ongoing organization,
8 association, or group of three or more persons, whether formal or
9 informal, having as one of its ~~[primary]~~ motivating activities
10 the commission of one or more of the criminal acts enumerated in
11 subdivision (2) of this section, ~~[which has a common name or~~
12 ~~common identifying sign or symbol,]~~ whose members individually or
13 collectively engage in or have engaged in a pattern of criminal
14 gang activity;

15 (2) "Pattern of criminal street gang activity", the
16 commission, attempted commission, or solicitation of two or more
17 of the following offenses, provided at least one of those
18 offenses occurred after August 28, 1993, and the last of those
19 offenses occurred within three years after a prior offense, and
20 the offenses are committed on separate occasions, or by two or
21 more persons:

22 (a) Assault with a deadly weapon or by means of force
23 likely to cause serious physical injury, as provided in sections
24 565.050 and 565.052;

25 (b) Robbery, arson and those offenses under chapter 569
26 which are related to robbery and arson;

27 (c) Murder or manslaughter, as provided in sections 565.020

1 to 565.024;

2 (d) Any violation of the provisions of chapter 579 which
3 involves the distribution, delivery or manufacture of a substance
4 prohibited by chapter 579;

5 (e) Unlawful use of a weapon which is a felony pursuant to
6 section 571.030;

7 (f) Tampering with witnesses and victims, as provided in
8 section 575.270;

9 (g) Promoting online sexual solicitation, as provided in
10 section 566.103;

11 (h) Sexual trafficking of a child in the first degree, as
12 provided in section 566.210;

13 (i) Sexual trafficking of a child in the second degree, as
14 provided in section 566.211;

15 (j) Patronizing prostitution, as provided in subsection 4
16 of section 567.030;

17 (k) Promoting prostitution in the first degree, as provided
18 in section 567.050;

19 (l) Promoting prostitution in the second degree, as
20 provided in section 567.060;

21 (m) Abuse or neglect of a child, as provided in subsection
22 6 of section 568.060;

23 (n) Sexual exploitation of a minor, as provided in section
24 573.023;

25 (o) Child used in sexual performance, as provided in
26 section 573.200; [~~or~~]

27 (p) Promoting sexual performance by a child, as provided in

1 section 573.205; or

2 (g) Any dangerous felony, as defined in section 556.061.

3 578.423. Any person who actively participates in any
4 criminal street gang with knowledge that its members engage in or
5 have engaged in a pattern of criminal street gang activity, and
6 who willfully promotes, furthers, or assists in any felonious
7 criminal conduct by gang members shall be ~~[punished by~~
8 ~~imprisonment in the county jail for a period not to exceed one~~
9 ~~year, or by imprisonment in a state correctional facility for~~
10 ~~one, two, or three years]~~ guilty of a class B felony.

11 578.425. Any person who is convicted of a felony ~~[or a~~
12 ~~misdemeanor]~~ which is committed for the benefit of, at the
13 direction of, or in association with, any criminal street gang,
14 with the ~~[specific intent]~~ purpose to promote, further, or assist
15 in any criminal conduct by gang members, shall be punished in the
16 following manner:

17 (1) ~~[Any person who violates this section in the commission~~
18 ~~of a misdemeanor shall be punished by imprisonment in the county~~
19 ~~jail not to exceed one year, or by imprisonment in a state~~
20 ~~correctional facility for one, two, or three years;~~

21 ~~—(2)]~~ Any person who violates this section in the commission
22 of a felony shall, upon conviction of that felony, in addition
23 and consecutive to the punishment prescribed for the felony of
24 which he or she has been convicted, be punished by an additional
25 term of ~~[one,]~~ two~~[, or three]~~ years ~~[at the court's discretion].~~

26 If the underlying felony is committed on the grounds of, or
27 within one thousand feet of a public or private elementary,

1 vocational, junior high or high school, the additional term shall
2 be ~~[two,] three[, or four] years[, at the court's discretion.~~
3 ~~The court shall order the imposition of the middle term of the~~
4 ~~sentence enhancement, unless there are circumstances in~~
5 ~~aggravation or mitigation. The court shall state the reasons for~~
6 ~~its choice of sentence enhancements on the record at the time of~~
7 ~~sentencing];~~

8 (2) Any person who violates this section in the commission
9 of a dangerous felony shall, upon conviction of that dangerous
10 felony, in addition and consecutive to the punishment prescribed
11 for the dangerous felony of which he or she has been convicted,
12 be punished by an additional term of five years.

13 (3) Any person who violates this section in the commission
14 of a felony punishable by death or imprisonment for life shall
15 not be paroled until a minimum of fifteen calendar years have
16 been served ~~[in the custody of the department of corrections].~~

17 579.040. 1. A person commits the offense of unlawful
18 distribution, delivery, or sale of drug paraphernalia if he or
19 she unlawfully distributes, delivers, or sells, or possesses with
20 intent to distribute, deliver, or sell drug paraphernalia
21 knowing, or under circumstances in which one reasonably should
22 know, that it will be used to plant, propagate, cultivate, grow,
23 harvest, manufacture, compound, convert, produce, process,
24 prepare, test, analyze, pack, repack, store, contain, conceal,
25 inject, ingest, inhale, or otherwise introduce into the human
26 body a controlled substance or an imitation controlled substance
27 in violation of this chapter. Any entity registered with the

1 department of health and senior services that possesses,
2 distributes, or delivers hypodermic needles or syringes for the
3 purpose of operating a syringe exchange program or otherwise
4 mitigating health risks associated with unsterile injection drug
5 use shall be exempt from the provisions of this section.

6 2. No entity shall be present within five hundred feet of
7 any school building, unless such entity is in operation prior to
8 the school building.

9 3. The offense of unlawful delivery of drug paraphernalia
10 is a class A misdemeanor, unless done for commercial purposes, in
11 which case it is a class E felony.

12 579.065. 1. A person commits the offense of trafficking
13 drugs in the first degree if, except as authorized by this
14 chapter or chapter 195, such person knowingly distributes,
15 delivers, manufactures, produces or attempts to distribute,
16 deliver, manufacture or produce:

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

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

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

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

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

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

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

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

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

24 (10) One gram or more of flunitrazepam for the first
25 offense;

26 (11) Any amount of gamma-hydroxybutyric acid for the first
27 offense; or

1 (12) More than ten milligrams of fentanyl, or any
2 derivative thereof, or any compound, mixture, or substance
3 containing more than ten milligrams of fentanyl, carfentanyl, or
4 their optical isomers or analogues.

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

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

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

11 (2) Four hundred fifty grams or more of a mixture or
12 substance containing a detectable amount of coca leaves, except
13 coca leaves and extracts of coca leaves from which cocaine,
14 ecgonine, and derivatives of ecgonine or their salts have been
15 removed; cocaine salts and their optical and geometric isomers,
16 and salts of isomers; ecgonine, its derivatives, their salts,
17 isomers, and salts of isomers; or any compound, mixture, or
18 preparation which contains any quantity of any of the foregoing
19 substances; or

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

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

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

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

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

3 (8) Ninety grams or more of any material, compound,
4 mixture, or preparation containing any quantity of the following
5 substances having a stimulant effect on the central nervous
6 system: amphetamine, its salts, optical isomers and salts of its
7 optical isomers; methamphetamine, its salts, optical isomers and
8 salts of its optical isomers; phenmetrazine and its salts; or
9 methylphenidate; or

10 (9) More than thirty grams of any material, compound,
11 mixture, or preparation containing any quantity of the following
12 substances having a stimulant effect on the central nervous
13 system: amphetamine, its salts, optical isomers, and salts of
14 its optical isomers; methamphetamine, its salts, optical isomers,
15 and salts of its optical isomers; phenmetrazine and its salts; or
16 methylphenidate, and the location of the offense was within two
17 thousand feet of real property comprising a public or private
18 elementary, vocational, or secondary school, college, community
19 college, university, or any school bus, in or on the real
20 property comprising public housing or any other governmental
21 assisted housing, or within a motor vehicle, or in any structure
22 or building which contains rooms furnished for the accommodation
23 or lodging of guests, and kept, used, maintained, advertised, or
24 held out to the public as a place where sleeping accommodations
25 are sought for pay or compensation to transient guests or
26 permanent guests; or

27 (10) Ninety grams or more of any material, compound,

1 mixture or preparation which contains any quantity of
2 3,4-methylenedioxymethamphetamine; or

3 (11) More than thirty grams of any material, compound,
4 mixture, or preparation which contains any quantity of
5 3,4-methylenedioxymethamphetamine and the location of the offense
6 was within two thousand feet of real property comprising a public
7 or private elementary, vocational, or secondary school, college,
8 community college, university, or any school bus, in or on the
9 real property comprising public housing or any other governmental
10 assisted housing, within a motor vehicle, or in any structure or
11 building which contains rooms furnished for the accommodation or
12 lodging of guests, and kept, used, maintained, advertised, or
13 held out to the public as a place where sleeping accommodations
14 are sought for pay or compensation to transient guests or
15 permanent guests; or

16 (12) One gram or more of flunitrazepam for a second or
17 subsequent offense; or

18 (13) Any amount of gamma-hydroxybutyric acid for a second
19 or subsequent offense; or

20 (14) Twenty milligrams or more of fentanyl, or any
21 derivative thereof, or any compound, mixture, or substance
22 containing twenty milligrams or more of fentanyl, carfentanyl, or
23 their optical isomers or analogues.

24 579.068. 1. A person commits the offense of trafficking
25 drugs in the second degree if, except as authorized by this
26 chapter or chapter 195, such person knowingly possesses or has
27 under his or her control, purchases or attempts to purchase, or

1 brings into this state:

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

4 (2) More than one hundred fifty grams [~~but less than four~~
5 ~~hundred fifty grams~~] of a mixture or substance containing a
6 detectable amount of coca leaves, except coca leaves and extracts
7 of coca leaves from which cocaine, ecgonine, and derivatives of
8 ecgonine or their salts have been removed; cocaine salts and
9 their optical and geometric isomers, and salts of isomers;
10 ecgonine, its derivatives, their salts, isomers, and salts of
11 isomers; or any compound, mixture, or preparation which contains
12 any quantity of any of the foregoing substances;

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

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

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

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

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

26 (8) More than thirty grams [~~but less than ninety grams~~] of
27 any material, compound, mixture, or preparation containing any

1 quantity of the following substances having a stimulant effect on
2 the central nervous system: amphetamine, its salts, optical
3 isomers and salts of its optical isomers; methamphetamine, its
4 salts, optical isomers and salts of its optical isomers;
5 phenmetrazine and its salts; or methylphenidate; ~~[or]~~

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

9 (10) More than ten milligrams of fentanyl, or any
10 derivative thereof, or any compound, mixture, or substance
11 containing more than ten milligrams of fentanyl, carfentanyl, or
12 their optical isomers or analogues.

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

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

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

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

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

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

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

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

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

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

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

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

23 (11) Twenty milligrams or more of fentanyl, or any
24 derivative thereof, or any compound, mixture, or substance
25 containing twenty milligrams or more of fentanyl, carfentanyl, or
26 their optical isomers or analogues.

27 4. The offense of trafficking drugs in the second degree is

1 a class A felony if the quantity involved is four hundred fifty
2 grams or more of any material, compound, mixture or preparation
3 which contains:

4 (1) Any quantity of the following substances having a
5 stimulant effect on the central nervous system: amphetamine, its
6 salts, optical isomers and salts of its optical isomers;
7 methamphetamine, its salts, isomers and salts of its isomers;
8 phenmetrazine and its salts; or methylphenidate; or

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

10 5. The offense of drug trafficking in the second degree is
11 a class C felony for the first offense and a class B felony for
12 any second or subsequent offense for the trafficking of less than
13 one gram of flunitrazepam.

14 579.076. 1. A person commits the offense of unlawful
15 manufacture of drug paraphernalia if he or she unlawfully
16 manufactures with intent to deliver drug paraphernalia, knowing,
17 or under circumstances where one reasonably should know, that it
18 will be used to plant, propagate, cultivate, grow, harvest,
19 manufacture, compound, convert, produce, process, prepare, test,
20 analyze, pack, repack, store, contain, conceal, inject, ingest,
21 inhale, or otherwise introduce into the human body a controlled
22 substance or an imitation controlled substance in violation of
23 this chapter or chapter 195. Any entity registered with the
24 department of health and senior services that delivers or
25 manufactures hypodermic needles or syringes for the purpose of
26 operating a syringe exchange program or otherwise mitigating
27 health risks associated with unsterile injection drug use shall

1 be exempt from the provisions of this section.

2 2. The offense of unlawful manufacture of drug
3 paraphernalia is a class A misdemeanor, unless done for
4 commercial purposes, in which case it is a class E felony.

5 589.400. 1. Sections 589.400 to 589.425 shall apply to:

6 (1) Any person who, since July 1, 1979, has been or is
7 hereafter adjudicated for an offense referenced in section
8 589.414, unless such person is exempt from registering under
9 subsection 9 or 10 of this section or section 589.401;

10 (2) Any person who, since July 1, 1979, has been or is
11 hereafter convicted of, been found guilty of, or pled guilty or
12 nolo contendere to committing, attempting to commit, or
13 conspiring to commit one or more of the following offenses:
14 kidnapping or kidnapping in the first degree when the victim was
15 a child and the defendant was not a parent or guardian of the
16 child; abuse of a child under section 568.060 when such abuse is
17 sexual in nature; felonious restraint or kidnapping in the second
18 degree when the victim was a child and the defendant is not a
19 parent or guardian of the child; sexual contact or sexual
20 intercourse with a resident of a nursing home or sexual conduct
21 with a nursing facility resident or vulnerable person in the
22 first or second degree; endangering the welfare of a child under
23 section 568.045 when the endangerment is sexual in nature;
24 genital mutilation of a female child, under section 568.065;
25 promoting prostitution in the first degree; promoting
26 prostitution in the second degree; promoting prostitution in the
27 third degree; sexual exploitation of a minor; promoting child

1 pornography in the first degree; promoting child pornography in
2 the second degree; possession of child pornography; furnishing
3 pornographic material to minors; public display of explicit
4 sexual material; coercing acceptance of obscene material;
5 promoting obscenity in the first degree; promoting pornography
6 for minors or obscenity in the second degree; incest; use of a
7 child in a sexual performance; or promoting sexual performance by
8 a child; patronizing prostitution if the individual the person
9 patronizes is less than eighteen years of age;

10 (3) Any person who, since July 1, 1979, has been committed
11 to the department of mental health as a criminal sexual
12 psychopath;

13 (4) Any person who, since July 1, 1979, has been found not
14 guilty as a result of mental disease or defect of any offense
15 referenced in section 589.414;

16 (5) Any juvenile certified as an adult and transferred to a
17 court of general jurisdiction who has been adjudicated for an
18 offense listed under section 589.414;

19 (6) Any juvenile fourteen years of age or older at the time
20 of the offense who has been adjudicated for an offense which is
21 equal to or more severe than aggravated sexual abuse under 18
22 U.S.C. Section 2241, which shall include any attempt or
23 conspiracy to commit such offense;

24 (7) Any person who is a resident of this state who has,
25 since July 1, 1979, been or is hereafter adjudicated in any other
26 state, territory, the District of Columbia, or foreign country,
27 or under federal, tribal, or military jurisdiction for an offense

1 which, if committed in this state, would constitute an offense
2 listed under section 589.414, or has been or is required to
3 register in another state, territory, the District of Columbia,
4 or foreign country, or has been or is required to register under
5 tribal, federal, or military law; or

6 (8) Any person who has been or is required to register in
7 another state, territory, the District of Columbia, or foreign
8 country, or has been or is required to register under tribal,
9 federal, or military law and who works or attends an educational
10 institution, whether public or private in nature, including any
11 secondary school, trade school, professional school, or
12 institution of higher education on a full-time or on a part-time
13 basis or has a temporary residence in Missouri. "Part-time" in
14 this subdivision means for more than seven days in any
15 twelve-month period.

16 2. Any person to whom sections 589.400 to 589.425 apply
17 shall, within three business days of adjudication, release from
18 incarceration, or placement upon probation, register with the
19 chief law enforcement official of the county or city not within a
20 county in which such person resides unless such person has
21 already registered in that county for the same offense. For any
22 juvenile under subdivision (6) of subsection 1 of this section,
23 within three business days of adjudication or release from
24 commitment to the division of youth services, the department of
25 mental health, or other placement, such juvenile shall register
26 with the chief law enforcement official of the county or city not
27 within a county in which he or she resides unless he or she has

1 already registered in such county or city not within a county for
2 the same offense. Any person to whom sections 589.400 to 589.425
3 apply if not currently registered in their county of residence
4 shall register with the chief law enforcement official of such
5 county or city not within a county within three business days.
6 The chief law enforcement official shall forward a copy of the
7 registration form required by section 589.407 to a city, town,
8 village, or campus law enforcement agency located within the
9 county of the chief law enforcement official.

10 3. The registration requirements of sections 589.400
11 through 589.425 shall be as provided under subsection 4 of this
12 section unless:

13 (1) All offenses requiring registration are reversed,
14 vacated, or set aside; or

15 (2) ~~【The registrant is no longer required to register and~~
16 ~~his or her name shall be removed from the registry under the~~
17 ~~provisions of section 589.414; or~~

18 ~~——(3)】~~ The court orders the removal or exemption of such
19 person from the registry under section 589.401.

20 4. The registration requirements shall be as follows:

21 (1) Fifteen years if the offender is a tier I sex offender
22 as provided under section 589.414;

23 (2) Twenty-five years if the offender is a tier II sex
24 offender as provided under section 589.414; or

25 (3) The life of the offender if the offender is a tier III
26 sex offender.

27 5. (1) The registration period shall be reduced as

1 described in subdivision (3) of this subsection for a sex
2 offender who maintains a clean record for the periods described
3 under subdivision (2) of this subsection by:

4 (a) Not being adjudicated of any offense for which
5 imprisonment for more than one year may be imposed;

6 (b) Not being adjudicated of any sex offense;

7 (c) Successfully completing any periods of supervised
8 release, probation, or parole; and

9 (d) Successfully completing an appropriate sex offender
10 treatment program certified by the attorney general.

11 (2) In the case of a:

12 (a) Tier I sex offender, the period during which the clean
13 record shall be maintained is ten years;

14 (b) Tier III sex offender adjudicated delinquent for the
15 offense which required registration in a sex offender registry
16 under sections 589.400 to 589.425, the period during which the
17 clean record shall be maintained is twenty-five years.

18 (3) In the case of a:

19 (a) Tier I sex offender, the reduction is five years;

20 (b) Tier III sex offender adjudicated delinquent, the
21 reduction is from life to that period for which the clean record
22 under paragraph (b) of subdivision (2) of this subsection is
23 maintained.

24 6. For processing an initial sex offender registration the
25 chief law enforcement officer of the county or city not within a
26 county may charge the offender registering a fee of up to ten
27 dollars.

1 7. For processing any change in registration required
2 pursuant to section 589.414 the chief law enforcement official of
3 the county or city not within a county may charge the person
4 changing their registration a fee of five dollars for each change
5 made after the initial registration.

6 8. Any person currently on the sexual offender registry or
7 who otherwise would be required to register for being adjudicated
8 for the offense of felonious restraint of a nonsexual nature when
9 the victim was a child and he or she was the parent or guardian
10 of the child, nonsexual child abuse that was committed under
11 section 568.060, or kidnapping of a nonsexual nature when the
12 victim was a child and he or she was the parent or guardian of
13 the child shall be removed from the registry. However, such
14 person shall remain on the sexual offender registry for any other
15 offense for which he or she is required to register under
16 sections 589.400 to 589.425.

17 9. The following persons shall be exempt from registering
18 as a sexual offender upon petition to the court of jurisdiction
19 under section 589.401; except that, such person shall remain on
20 the sexual offender registry for any other offense for which he
21 or she is required to register under sections 589.400 to 589.425:

22 (1) Any person currently on the sexual offender registry or
23 who otherwise would be required to register for a sexual offense
24 involving:

25 (a) Sexual conduct where no force or threat of force was
26 directed toward the victim or any other individual involved, if
27 the victim was an adult, unless the adult was under the custodial

1 authority of the offender at the time of the offense; or

2 (b) Sexual conduct where no force or threat of force was
3 directed toward the victim, the victim was at least fourteen
4 years of age, and the offender was not more than four years older
5 than the victim at the time of the offense; or

6 (2) Any person currently required to register for the
7 following sexual offenses:

8 (a) Promoting obscenity in the first degree under section
9 573.020;

10 (b) Promoting obscenity in the second degree under section
11 573.030;

12 (c) Furnishing pornographic materials to minors under
13 section 573.040;

14 (d) Public display of explicit sexual material under
15 section 573.060;

16 (e) Coercing acceptance of obscene material under section
17 573.065;

18 (f) Trafficking for the purpose of slavery, involuntary
19 servitude, peonage, or forced labor under section 566.206;

20 (g) Abusing an individual through forced labor under
21 section 566.203;

22 (h) Contributing to human trafficking through the misuse of
23 documentation under section 566.215; or

24 (i) Acting as an international marriage broker and failing
25 to provide the information and notice as required under section
26 578.475.

27 10. Any person currently on the sexual offender registry

1 for having been adjudicated for a tier I or II offense or
2 adjudicated delinquent for a tier III offense or other comparable
3 offenses listed under section 589.414 may file a petition under
4 section 589.401.

5 11. Any nonresident worker, including work as a volunteer
6 or intern, or nonresident student shall register for the duration
7 of such person's employment, including participation as a
8 volunteer or intern, or attendance at any school of higher
9 education whether public or private, including any secondary
10 school, trade school, professional school, or institution of
11 higher education on a full-time or part-time basis in this state
12 unless granted relief under section 589.401. Any registered
13 offender shall provide information regarding any place in which
14 the offender is staying when away from his or her residence for
15 seven or more days, including the period of time the offender is
16 staying in such place. Any registered offender from another
17 state who has a temporary residence in this state and resides
18 more than seven days in a twelve-month period shall register for
19 the duration of such person's temporary residency unless granted
20 relief under section 589.401.

21 589.401. 1. A person on the sexual offender registry may
22 file a petition in the division of the circuit court in the
23 county or city not within a county in which the offense requiring
24 registration was committed to have his or her name removed from
25 the sexual offender registry.

26 2. A person who is required to register in this state
27 because of an offense that was adjudicated in another

1 jurisdiction shall file his or her petition for removal according
2 to the laws of the state, federal, territory, tribal, or military
3 jurisdiction, the District of Columbia, or foreign country in
4 which his or her offense was adjudicated. Upon the grant of the
5 petition for removal in the jurisdiction where the offense was
6 adjudicated, such judgment may be registered in this state by
7 sending the information required under subsection 5 of this
8 section as well as one authenticated copy of the order granting
9 removal from the sexual offender registry in the jurisdiction
10 where the offense was adjudicated to the court in the county or
11 city not within a county in which the offender is required to
12 register. On receipt of a request for registration removal, the
13 registering court shall cause the order to be filed as a foreign
14 judgment, together with one copy of the documents and
15 information, regardless of their form. The petitioner shall be
16 responsible for costs associated with filing the petition.

17 3. A person required to register as a tier III offender
18 shall not file a petition under this section unless the
19 requirement to register results from a juvenile adjudication.

20 4. The petition shall be dismissed without prejudice if the
21 following time periods have not elapsed since the date the person
22 was required to register for his or her most recent offense under
23 sections 589.400 to 589.425:

- 24 (1) For a tier I offense, ten years;
- 25 (2) For a tier II offense, twenty-five years; or
- 26 (3) For a tier III offense adjudicated delinquent,
27 twenty-five years.

1 5. The petition shall be dismissed without prejudice if it
2 fails to include any of the following:

3 (1) The petitioner's:

4 (a) Full name, including any alias used by the individual;

5 (b) Sex;

6 (c) Race;

7 (d) Date of birth;

8 (e) Last four digits of the Social Security number;

9 (f) Address; and

10 (g) Place of employment, school, or volunteer status;

11 (2) The offense and tier of the offense that required the
12 petitioner to register;

13 (3) The date the petitioner was adjudicated for the
14 offense;

15 (4) The date the petitioner was required to register;

16 (5) The case number and court, including the county or city
17 not within a county, that entered the original order for the
18 adjudicated sex offense;

19 (6) Petitioner's fingerprints on an applicant fingerprint
20 card;

21 (7) If the petitioner was pardoned or an offense requiring
22 registration was reversed, vacated, or set aside, an
23 authenticated copy of the order; and

24 (8) If the petitioner is currently registered under
25 applicable law and has not been adjudicated for failure to
26 register in any jurisdiction and does not have any charges
27 pending for failure to register.

1 6. The petition shall name as respondents the Missouri
2 state highway patrol and the chief law enforcement official in
3 the county or city not within a county in which the petition is
4 filed.

5 7. All proceedings under this section shall be governed
6 under the Missouri supreme court rules of civil procedure.

7 8. The person seeking removal or exemption from the
8 registry shall provide the prosecuting attorney in the circuit
9 court in which the petition is filed with notice of the petition.
10 The prosecuting attorney may present evidence in opposition to
11 the requested relief or may otherwise demonstrate the reasons why
12 the petition should be denied. Failure of the person seeking
13 removal or exemption from the registry to notify the prosecuting
14 attorney of the petition shall result in an automatic denial of
15 such person's petition.

16 9. The prosecuting attorney in the circuit court in which
17 the petition is filed shall have access to all applicable records
18 concerning the petitioner including, but not limited to, criminal
19 history records, mental health records, juvenile records, and
20 records of the department of corrections or probation and parole.

21 10. The prosecuting attorney shall make reasonable efforts
22 to notify the victim of the crime for which the person was
23 required to register of the petition and the dates and times of
24 any hearings or other proceedings in connection with such
25 petition.

26 11. The court shall not enter an order directing the
27 removal of the petitioner's name from the sexual offender

1 registry unless it finds the petitioner:

2 (1) Has not been adjudicated or does not have charges
3 pending for any additional nonsexual offense for which
4 imprisonment for more than one year may be imposed since the date
5 the offender was required to register for his or her current tier
6 level;

7 (2) Has not been adjudicated or does not have charges
8 pending for any additional sex offense that would require
9 registration under sections 589.400 to 589.425 since the date the
10 offender was required to register for his or her current tier
11 level, even if the offense was punishable by less than one year
12 imprisonment;

13 (3) Has successfully completed any required periods of
14 supervised release, probation, or parole without revocation since
15 the date the offender was required to register for his or her
16 current tier level;

17 (4) Has successfully completed an appropriate sex offender
18 treatment program as approved by a court of competent
19 jurisdiction or the Missouri department of corrections; and

20 (5) Is not a current or potential threat to public safety.

21 12. In order to meet the criteria required by subdivisions
22 (1) and (2) of subsection 11 of this section, the fingerprints
23 filed in the case shall be examined by the Missouri state highway
24 patrol. The petitioner shall be responsible for all costs
25 associated with the fingerprint-based criminal history check of
26 both state and federal files under section 43.530.

27 13. If the petition is denied due to an adjudication in

1 violation of subdivision (1) or (2) of subsection 11 of this
2 section, the petitioner shall not file a new petition under this
3 section until:

4 (1) Fifteen years have passed from the date of the
5 adjudication resulting in the denial of relief if the petitioner
6 is classified as a tier I offender;

7 (2) Twenty-five years have passed from the date of
8 adjudication resulting in the denial of relief if the petitioner
9 is classified as a tier II offender; or

10 (3) Twenty-five years have passed from the date of the
11 adjudication resulting in the denial of relief if the petitioner
12 is classified as a tier III offender on the basis of a juvenile
13 adjudication.

14 14. If the petition is denied due to the petitioner having
15 charges pending in violation of subdivision (1) or (2) of
16 subsection 11 of this section, the petitioner shall not file a
17 new petition under this section until:

18 (1) The pending charges resulting in the denial of relief
19 have been finally disposed of in a manner other than
20 adjudication; or

21 (2) If the pending charges result in an adjudication, the
22 necessary time period has elapsed under subsection 13 of this
23 section.

24 15. If the petition is denied for reasons other than those
25 outlined in subsection 11 of this section, no successive petition
26 requesting such relief shall be filed for at least five years
27 from the date the judgment denying relief is entered.

1 16. If the court finds the petitioner is entitled to have
2 his or her name removed from the sexual offender registry, the
3 court shall enter judgment directing the removal of the name. A
4 copy of the judgment shall be provided to the respondents named
5 in the petition.

6 17. Any person subject to the judgment requiring his or her
7 name to be removed from the sexual offender registry is not
8 required to register under sections 589.400 to 589.425 unless
9 such person is required to register for an offense that was
10 different from that listed on the judgment of removal.

11 18. The court shall not deny the petition unless the
12 petition failed to comply with the provisions of sections 589.400
13 to 589.425 or the prosecuting attorney provided evidence
14 demonstrating the petition should be denied.

15 589.404. As used in sections 589.400 to 589.425, the
16 following terms mean:

17 (1) "Adjudicated" or "adjudication", adjudication of
18 delinquency, a finding of guilt, plea of guilt, finding of not
19 guilty due to mental disease or defect, or plea of nolo
20 contendere to committing, attempting to commit, or conspiring to
21 commit. "Adjudicated" or "adjudication" includes charges
22 adjudicated as part of a multicount offense;

23 (2) "Adjudicated delinquent", a person found to have
24 committed an offense that, if committed by an adult, would be a
25 criminal offense;

26 (3) "Chief law enforcement official", the sheriff's office
27 of each county or the police department of a city not within a

1 county;

2 (4) "Offender registration", the required minimum
3 informational content of sex offender registries, which shall
4 consist of, but not be limited to, a full set of fingerprints on
5 a standard sex offender registration card upon initial
6 registration in Missouri, as well as all other forms required by
7 the Missouri state highway patrol upon each initial and
8 subsequent registration;

9 (5) "Residence", any place where an offender sleeps for
10 seven or more consecutive or nonconsecutive days or nights within
11 a twelve-month period;

12 (6) "Sex offender", any person who meets the criteria to
13 register under sections 589.400 to 589.425 or the Sex Offender
14 Registration and Notification Act, Title I of the Adam Walsh
15 Child Protection and Safety Act of 2006, P.L. 109-248;

16 (7) "Sex offense", any offense, including each individual
17 charge adjudicated as part of a multicount offense, which is
18 listed under section 589.414 or comparable to those listed under
19 section 589.414 or otherwise comparable to offenses covered under
20 the Sex Offender Registration and Notification Act, Title I of
21 the Adam Walsh Child Protection and Safety Act of 2006, P.L.
22 109-248;

23 (8) "Sexual act", any type or degree of genital, oral, or
24 anal penetration;

25 (9) "Sexual contact", any sexual touching of or contact
26 with a person's body, either directly or through the clothing;

27 (10) "Sexual element", used for the purposes of

1 distinguishing if sexual contact or a sexual act was committed.
2 Authorities shall refer to information filed by the prosecutor,
3 amended information filed by the prosecutor, indictment
4 information filed by the prosecutor, or amended indictment
5 information filed by the prosecutor, the plea agreement, or court
6 documentation to determine if a sexual element exists;

7 (11) "Signature", the name of the offender signed in
8 writing or electronic form approved by the Missouri state highway
9 patrol;

10 (12) "Student", an individual who enrolls in or attends the
11 physical location of an educational institution, including a
12 public or private secondary school, trade or professional school,
13 or an institution of higher education;

14 (13) "Vehicle", any land vehicle, watercraft, or aircraft.

15 589.414. 1. Any person required by sections 589.400 to
16 589.425 to register shall, within three business days, appear in
17 person to the chief law enforcement officer of the county or city
18 not within a county if there is a change to any of the following
19 information:

20 (1) Name;

21 (2) Residence;

22 (3) Employment, including status as a volunteer or intern;

23 (4) Student status; or

24 (5) A termination to any of the items listed in this
25 subsection.

26 2. Any person required to register under sections 589.400
27 to 589.425 shall, within three business days, notify the chief

1 law enforcement official of the county or city not within a
2 county of any changes to the following information:

3 (1) Vehicle information;

4 (2) Temporary lodging information;

5 (3) Temporary residence information;

6 (4) Email addresses, instant messaging addresses, and any
7 other designations used in internet communications, postings, or
8 telephone communications; or

9 (5) Telephone or other cellular number, including any new
10 forms of electronic communication.

11 3. The chief law enforcement official in the county or city
12 not within a county shall immediately forward the registration
13 changes described under subsections 1 and 2 of this section to
14 the Missouri state highway patrol within three business days.

15 4. If any person required by sections 589.400 to 589.425 to
16 register changes such person's residence or address to a
17 different county or city not within a county, the person shall
18 appear in person and shall inform both the chief law enforcement
19 official with whom the person last registered and the chief law
20 enforcement official of the county or city not within a county
21 having jurisdiction over the new residence or address in writing
22 within three business days of such new address and phone number,
23 if the phone number is also changed. If any person required by
24 sections 589.400 to 589.425 to register changes his or her state,
25 territory, the District of Columbia, or foreign country, or
26 federal, tribal, or military jurisdiction of residence, the
27 person shall appear in person and shall inform both the chief law

1 enforcement official with whom the person was last registered and
2 the chief law enforcement official of the area in the new state,
3 territory, the District of Columbia, or foreign country, or
4 federal, tribal, or military jurisdiction having jurisdiction
5 over the new residence or address within three business days of
6 such new address. Whenever a registrant changes residence, the
7 chief law enforcement official of the county or city not within a
8 county where the person was previously registered shall inform
9 the Missouri state highway patrol of the change within three
10 business days. When the registrant is changing the residence to
11 a new state, territory, the District of Columbia, or foreign
12 country, or federal, tribal, or military jurisdiction, the
13 Missouri state highway patrol shall inform the responsible
14 official in the new state, territory, the District of Columbia,
15 or foreign country, or federal, tribal, or military jurisdiction
16 of residence within three business days.

17 5. Tier I sexual offenders, in addition to the requirements
18 of subsections 1 to 4 of this section, shall report in person to
19 the chief law enforcement official annually in the month of their
20 birth to verify the information contained in their statement made
21 pursuant to section 589.407. Tier I sexual offenders include:

22 (1) Any offender who has been adjudicated for the offense
23 of:

24 (a) ~~Sexual abuse in the first degree under section 566.100~~
25 ~~if the victim is eighteen years of age or older;~~

26 ~~(b) Sexual misconduct involving a child under section~~
27 ~~566.083 if it is a first offense and the punishment is less than~~

1 ~~one year;~~

2 ~~——(e)] Sexual misconduct in the first degree under section~~
3 ~~566.090 as it existed prior to August 28, 2013, or sexual abuse~~
4 ~~in the second degree under section 566.101 [if the punishment is~~
5 ~~less than a year], if either offense is a misdemeanor;~~

6 ~~[(d) Kidnapping in the second degree under section 565.120~~
7 ~~with sexual motivation;~~

8 ~~——(e) Kidnapping in the third degree under section 565.130;]~~

9 ~~[(f)] (b) Sexual conduct with a nursing facility resident~~
10 ~~or vulnerable person in the first degree under section 566.115~~
11 ~~[if the punishment is less than one year] if the offense is a~~
12 ~~misdemeanor;~~

13 ~~[(g)] (c) Sexual conduct under section 566.116 with a~~
14 ~~nursing facility resident or vulnerable person;~~

15 ~~[(h)] (d) Sexual ~~contact~~ conduct with a prisoner or~~
16 ~~offender under section 566.145 if the victim is eighteen years of~~
17 ~~age or older;~~

18 ~~[(i)] (e) Sex with an animal under section 566.111;~~

19 ~~[(j)] (f) Trafficking for the purpose of sexual~~
20 ~~exploitation under section 566.209 if the victim is eighteen~~
21 ~~years of age or older;~~

22 ~~[(k)] (g) Possession of child pornography under section~~
23 ~~573.037;~~

24 ~~[(l)] (h) Sexual misconduct in the second degree under~~
25 ~~section 566.093 as it existed prior to August 28, 2013, or sexual~~
26 ~~misconduct in the first degree under section 566.093;~~

27 ~~[(m)] (i) Sexual misconduct in the third degree under~~

1 section 566.095 as it existed prior to August 28, 2013, or sexual
2 misconduct in the second degree under section 566.095;

3 ~~[(n)]~~ (j) Child molestation in the second degree under
4 section 566.068 as it existed prior to January 1, 2017, [if the
5 punishment is less than one year] if the offense is a
6 misdemeanor; [or

7 ~~—(o)]~~ (k) Invasion of privacy under section 565.252 if the
8 victim is less than eighteen years of age; or

9 (l) Sexual assault in the second degree under section
10 566.050 as it existed prior to August 28, 1994, if no force or
11 threat of force was used and no injury was inflicted on any
12 person;

13 (2) Any offender who is or has been adjudicated in any
14 other state, territory, the District of Columbia, or foreign
15 country, or under federal, tribal, or military jurisdiction of an
16 offense of a sexual nature or with a sexual element that is
17 comparable to the tier I sexual offenses listed in this
18 subsection or, if not comparable to those in this subsection,
19 comparable to those described as tier I offenses under the Sex
20 Offender Registration and Notification Act, Title I of the Adam
21 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

22 6. Tier II sexual offenders, in addition to the
23 requirements of subsections 1 to 4 of this section, shall report
24 semiannually in person in the month of their birth and six months
25 thereafter to the chief law enforcement official to verify the
26 information contained in their statement made pursuant to section
27 589.407. Tier II sexual offenders include:

1 (1) Any offender who has been adjudicated for the offense
2 of:

3 (a) Statutory sodomy in the second degree under section
4 566.064 if the victim is sixteen to seventeen years of age;

5 (b) Child molestation in the third degree under section
6 566.069 if the victim is between thirteen and fourteen years of
7 age;

8 (c) ~~Sexual contact with a student under section 566.086 if~~
9 ~~the victim is thirteen to seventeen years of age;~~

10 ~~(d)]~~ Enticement of a child under section 566.151;

11 ~~(e)]~~ (d) Abuse of a child under section 568.060 if the
12 offense is of a sexual nature and the victim is thirteen to
13 seventeen years of age;

14 ~~(f)]~~ (e) Sexual exploitation of a minor under section
15 573.023;

16 ~~(g)]~~ (f) Promoting child pornography in the first degree
17 under section 573.025;

18 ~~(h)]~~ (g) Promoting child pornography in the second degree
19 under section 573.035;

20 ~~(i)]~~ (h) Patronizing prostitution under section 567.030;

21 ~~(j)]~~ (i) Sexual contact with a prisoner or offender under
22 section 566.145 if the victim is thirteen to seventeen years of
23 age;

24 ~~(k)]~~ (j) Child molestation in the fourth degree under
25 section 566.071 if the victim is thirteen to seventeen years of
26 age;

27 ~~(l)]~~ (k) Sexual misconduct involving a child under section

1 566.083 if it is a first offense [~~and the penalty is a term of~~
2 ~~imprisonment of more than a year~~]; [~~or~~

3 ~~—(m)~~] (1) Age misrepresentation with intent to solicit a
4 minor under section 566.153; or

5 (m) Sexual misconduct in the first degree under section
6 566.090 as it existed prior to August 28, 2013, if the offense
7 was a felony;

8 (2) Any person who is adjudicated of an offense comparable
9 to a tier I offense listed in this section or failure to register
10 offense under section 589.425 or comparable out-of-state failure
11 to register offense and who is already required to register as a
12 tier I offender due to having been adjudicated of a tier I
13 offense on a previous occasion; or

14 (3) Any person who is or has been adjudicated in any other
15 state, territory, the District of Columbia, or foreign country,
16 or under federal, tribal, or military jurisdiction for an offense
17 of a sexual nature or with a sexual element that is comparable to
18 the tier II sexual offenses listed in this subsection or, if not
19 comparable to those in this subsection, comparable to those
20 described as tier II offenses under the Sex Offender Registration
21 and Notification Act, Title I of the Adam Walsh Child Protection
22 and Safety Act of 2006, Pub. L. 109-248.

23 7. Tier III sexual offenders, in addition to the
24 requirements of subsections 1 to 4 of this section, shall report
25 in person to the chief law enforcement official every ninety days
26 to verify the information contained in their statement made under
27 section 589.407. Tier III sexual offenders include:

1 (1) Any offender registered as a predatory sexual offender
2 as defined in section ~~[566.123]~~ 566.125 or a persistent sexual
3 offender as defined in section ~~[566.124]~~ 566.125;

4 (2) Any offender who has been adjudicated for the crime of:

5 (a) Rape in the first degree under section 566.030;

6 (b) Statutory rape in the first degree under section
7 566.032;

8 (c) Rape in the second degree under section 566.031;

9 (d) Endangering the welfare of a child in the first degree
10 under section 568.045 if the offense is sexual in nature;

11 (e) Sodomy in the first degree under section 566.060;

12 (f) Statutory sodomy under section 566.062;

13 (g) Statutory sodomy under section 566.064 if the victim is
14 under sixteen years of age;

15 (h) Sodomy in the second degree under section 566.061;

16 (i) Sexual misconduct involving a child under section
17 566.083 if the offense is a second or subsequent offense;

18 (j) Sexual abuse under section 566.100 as it existed prior
19 to August 28, 2013, or sexual abuse in the first degree under
20 section 566.100 ~~[if the victim is under thirteen years of age]~~;

21 (k) Kidnapping in the first degree under section 565.110 if
22 the victim is under eighteen years of age, excluding kidnapping
23 by a parent or guardian;

24 (l) Child kidnapping under section 565.115;

25 (m) Sexual conduct with a nursing facility resident or
26 vulnerable person in the first degree under section 566.115 ~~[if~~
27 ~~the punishment is greater than a year]~~ if the offense is a

1 felony;

2 (n) Incest under section 568.020;

3 (o) Endangering the welfare of a child in the first degree
4 under section 568.045 with sexual intercourse or deviate sexual
5 intercourse with a victim under eighteen years of age;

6 (p) Child molestation in the first degree under section
7 566.067;

8 (q) Child molestation in the second degree under section
9 566.068;

10 (r) Child molestation in the third degree under section
11 566.069 if the victim is under thirteen years of age;

12 (s) Promoting prostitution in the first degree under
13 section 567.050 if the victim is under eighteen years of age;

14 (t) Promoting prostitution in the second degree under
15 section 567.060 if the victim is under eighteen years of age;

16 (u) Promoting prostitution in the third degree under
17 section 567.070 if the victim is under eighteen years of age;

18 (v) Promoting travel for prostitution under section 567.085
19 if the victim is under eighteen years of age;

20 (w) Trafficking for the purpose of sexual exploitation
21 under section 566.209 if the victim is under eighteen years of
22 age;

23 (x) Sexual trafficking of a child in the first degree under
24 section 566.210;

25 (y) Sexual trafficking of a child in the second degree
26 under section 566.211;

27 (z) Genital mutilation of a female child under section

1 568.065;

2 (aa) Statutory rape in the second degree under section

3 566.034;

4 (bb) Child molestation in the fourth degree under section

5 566.071 if the victim is under thirteen years of age;

6 (cc) Sexual abuse in the second degree under section

7 566.101 ~~[if the penalty is a term of imprisonment of more than a~~

8 ~~year]~~ if the offense is a felony;

9 (dd) Patronizing prostitution under section 567.030 if the

10 offender is a persistent offender;

11 (ee) Abuse of a child under section 568.060 if the offense

12 is of a sexual nature and the victim is under thirteen years of

13 age;

14 (ff) Sexual ~~[contact]~~ conduct with a prisoner or offender

15 under section 566.145 if the victim is under thirteen years of

16 age;

17 (gg) Sexual ~~[intercourse]~~ conduct with a prisoner or

18 offender under section 566.145;

19 (hh) Sexual contact with a student under section 566.086 if

20 the victim is ~~[under thirteen]~~ eighteen years of age or under;

21 (ii) Use of a child in a sexual performance under section

22 573.200; ~~[or]~~

23 (jj) Felonious restraint under section 565.120 as it

24 existed prior to January 1, 2017, or kidnapping in the second

25 degree under section 565.120 if either offense is sexual in

26 nature;

27 (kk) False imprisonment under section 565.130 as it existed

1 prior to January 1, 2017, or kidnapping in the third degree under
2 section 565.130 if either offense is sexual in nature or if the
3 victim is a minor and the offense is a felony;

4 (ll) Sexual assault in the second degree under section
5 566.050 as it existed prior to August 28, 1994, if the offense is
6 a class C felony; or

7 (mm) Promoting a sexual performance by a child under
8 section 573.205;

9 (3) Any offender who is adjudicated for a crime comparable
10 to a tier I or tier II offense listed in this section or failure
11 to register offense under section 589.425, or other comparable
12 out-of-state failure to register offense, who has been or is
13 already required to register as a tier II offender because of
14 having been adjudicated for a tier II offense, two tier I
15 offenses, or combination of a tier I offense and failure to
16 register offense, on a previous occasion;

17 (4) Any offender who is adjudicated in any other state,
18 territory, the District of Columbia, or foreign country, or under
19 federal, tribal, or military jurisdiction for an offense of a
20 sexual nature or with a sexual element that is comparable to a
21 tier III offense listed in this section or a tier III offense
22 under the Sex Offender Registration and Notification Act, Title I
23 of the Adam Walsh Child Protection and Safety Act of 2006, Pub.
24 L. 109-248; or

25 (5) Any offender who is adjudicated in Missouri for any
26 offense of a sexual nature requiring registration under sections
27 589.400 to 589.425 that is not classified as a tier I or tier II

1 offense in this section.

2 8. In addition to the requirements of subsections 1 to 7 of
3 this section, all Missouri registrants who work, including as a
4 volunteer or unpaid intern, or attend any school whether public
5 or private, including any secondary school, trade school,
6 professional school, or institution of higher education, on a
7 full-time or part-time basis or have a temporary residence in
8 this state shall be required to report in person to the chief law
9 enforcement officer in the area of the state where they work,
10 including as a volunteer or unpaid intern, or attend any school
11 or training and register in that state. "Part-time" in this
12 subsection means for more than seven days in any twelve-month
13 period.

14 9. If a person who is required to register as a sexual
15 offender under sections 589.400 to 589.425 changes or obtains a
16 new online identifier as defined in section 43.651, the person
17 shall report such information in the same manner as a change of
18 residence before using such online identifier.

19 590.207. Notwithstanding any other provision of law to the
20 contrary, any person designated as a school protection officer
21 under the provisions of section 160.665 who allows any such
22 firearm out of ~~[his or her]~~ such officer's personal control while
23 that firearm is on school property as provided under ~~[subsection~~
24 ~~2-of]~~ section 160.665 shall be guilty of a class B misdemeanor
25 and may be subject to employment termination proceedings within
26 the school district if such school protection officer is an
27 elementary or secondary school teacher or administrator or

1 dismissal if such school protection officer is a volunteer under
2 section 160.665.

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

7 (1) Legal actions, causes of action or litigation involving
8 a public governmental body and any confidential or privileged
9 communications between a public governmental body or its
10 representatives and its attorneys. However, any minutes, vote or
11 settlement agreement relating to legal actions, causes of action
12 or litigation involving a public governmental body or any agent
13 or entity representing its interests or acting on its behalf or
14 with its authority, including any insurance company acting on
15 behalf of a public government body as its insured, shall be made
16 public upon final disposition of the matter voted upon or upon
17 the signing by the parties of the settlement agreement, unless,
18 prior to final disposition, the settlement agreement is ordered
19 closed by a court after a written finding that the adverse impact
20 to a plaintiff or plaintiffs to the action clearly outweighs the
21 public policy considerations of section 610.011, however, the
22 amount of any moneys paid by, or on behalf of, the public
23 governmental body shall be disclosed; provided, however, in
24 matters involving the exercise of the power of eminent domain,
25 the vote shall be announced or become public immediately
26 following the action on the motion to authorize institution of
27 such a legal action. Legal work product shall be considered a

1 closed record;

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

9 (3) Hiring, firing, disciplining or promoting of particular
10 employees by a public governmental body when personal information
11 about the employee is discussed or recorded. However, any vote
12 on a final decision, when taken by a public governmental body, to
13 hire, fire, promote or discipline an employee of a public
14 governmental body shall be made available with a record of how
15 each member voted to the public within seventy-two hours of the
16 close of the meeting where such action occurs; provided, however,
17 that any employee so affected shall be entitled to prompt notice
18 of such decision during the seventy-two-hour period before such
19 decision is made available to the public. As used in this
20 subdivision, the term "personal information" means information
21 relating to the performance or merit of individual employees;

22 (4) The state militia or national guard or any part
23 thereof;

24 (5) Nonjudicial mental or physical health proceedings
25 involving identifiable persons, including medical, psychiatric,
26 psychological, or alcoholism or drug dependency diagnosis or
27 treatment;

1 (6) Scholastic probation, expulsion, or graduation of
2 identifiable individuals, including records of individual test or
3 examination scores; however, personally identifiable student
4 records maintained by public educational institutions shall be
5 open for inspection by the parents, guardian or other custodian
6 of students under the age of eighteen years and by the parents,
7 guardian or other custodian and the student if the student is
8 over the age of eighteen years;

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

12 (8) Welfare cases of identifiable individuals;

13 (9) Preparation, including any discussions or work product,
14 on behalf of a public governmental body or its representatives
15 for negotiations with employee groups;

16 (10) Software codes for electronic data processing and
17 documentation thereof;

18 (11) Specifications for competitive bidding, until either
19 the specifications are officially approved by the public
20 governmental body or the specifications are published for bid;

21 (12) Sealed bids and related documents, until the bids are
22 opened; and sealed proposals and related documents or any
23 documents related to a negotiated contract until a contract is
24 executed, or all proposals are rejected;

25 (13) Individually identifiable personnel records,
26 performance ratings or records pertaining to employees or
27 applicants for employment, except that this exemption shall not

1 apply to the names, positions, salaries and lengths of service of
2 officers and employees of public agencies once they are employed
3 as such, and the names of private sources donating or
4 contributing money to the salary of a chancellor or president at
5 all public colleges and universities in the state of Missouri and
6 the amount of money contributed by the source;

7 (14) Records which are protected from disclosure by law;

8 (15) Meetings and public records relating to scientific and
9 technological innovations in which the owner has a proprietary
10 interest;

11 (16) Records relating to municipal hotlines established for
12 the reporting of abuse and wrongdoing;

13 (17) Confidential or privileged communications between a
14 public governmental body and its auditor, including all auditor
15 work product; however, all final audit reports issued by the
16 auditor are to be considered open records pursuant to this
17 chapter;

18 (18) Operational guidelines, policies and specific response
19 plans developed, adopted, or maintained by any public agency
20 responsible for law enforcement, public safety, first response,
21 or public health for use in responding to or preventing any
22 critical incident which is or appears to be terrorist in nature
23 and which has the potential to endanger individual or public
24 safety or health. Financial records related to the procurement
25 of or expenditures relating to operational guidelines, policies
26 or plans purchased with public funds shall be open. When seeking
27 to close information pursuant to this exception, the public

1 governmental body shall affirmatively state in writing that
2 disclosure would impair the public governmental body's ability to
3 protect the security or safety of persons or real property, and
4 shall in the same writing state that the public interest in
5 nondisclosure outweighs the public interest in disclosure of the
6 records;

7 (19) Existing or proposed security systems or procedures
8 and structural plans of real property owned or leased by a public
9 governmental body including, but not limited to, evacuation and
10 lockdown procedures for the buildings on such real property, and
11 information that is voluntarily submitted by a nonpublic entity
12 owning or operating an infrastructure to any public governmental
13 body for use by that body to devise plans for protection of that
14 infrastructure including, but not limited to, software or
15 surveillance companies that secure access to such buildings, the
16 public disclosure of which would threaten public safety:

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

20 (b) When seeking to close information pursuant to this
21 exception, the public governmental body shall affirmatively state
22 in writing that disclosure would impair the public governmental
23 body's ability to protect the security or safety of persons or
24 real property, and shall in the same writing state that the
25 public interest in nondisclosure outweighs the public interest in
26 disclosure of the records;

27 (c) Records that are voluntarily submitted by a nonpublic

1 entity shall be reviewed by the receiving agency within ninety
2 days of submission to determine if retention of the document is
3 necessary in furtherance of a state security interest. If
4 retention is not necessary, the documents shall be returned to
5 the nonpublic governmental body or destroyed;

6 (20) The portion of a record that identifies security
7 systems or access codes or authorization codes for security
8 systems of real property;

9 (21) Records that identify the configuration of components
10 or the operation of a computer, computer system, computer
11 network, or telecommunications network, and would allow
12 unauthorized access to or unlawful disruption of a computer,
13 computer system, computer network, or telecommunications network
14 of a public governmental body. This exception shall not be used
15 to limit or deny access to otherwise public records in a file,
16 document, data file or database containing public records.
17 Records related to the procurement of or expenditures relating to
18 such computer, computer system, computer network, or
19 telecommunications network, including the amount of moneys paid
20 by, or on behalf of, a public governmental body for such
21 computer, computer system, computer network, or
22 telecommunications network shall be open;

23 (22) Credit card numbers, personal identification numbers,
24 digital certificates, physical and virtual keys, access codes or
25 authorization codes that are used to protect the security of
26 electronic transactions between a public governmental body and a
27 person or entity doing business with a public governmental body.

1 Nothing in this section shall be deemed to close the record of a
2 person or entity using a credit card held in the name of a public
3 governmental body or any record of a transaction made by a person
4 using a credit card or other method of payment for which
5 reimbursement is made by a public governmental body; and

6 (23) Records submitted by an individual, corporation, or
7 other business entity to a public institution of higher education
8 in connection with a proposal to license intellectual property or
9 perform sponsored research and which contains sales projections
10 or other business plan information the disclosure of which may
11 endanger the competitiveness of a business.

12 632.460. 1. A person commits the offense of unlawful use
13 of unmanned aircraft over a mental health hospital if he or she
14 purposely:

15 (1) Operates an unmanned aircraft within a vertical
16 distance of four hundred feet over the mental health hospital's
17 property line; or

18 (2) Uses an unmanned aircraft to deliver to a person
19 confined in a mental health hospital any object described in
20 subdivision (1) or (3) of subsection 6 of this section.

21 2. For the purposes of subsection 1 of this section,
22 vertical distance extends from ground level.

23 3. For purposes of this section, "mental health hospital"
24 shall mean a facility operated by the department of mental health
25 to provide inpatient evaluation, treatment, or care to persons
26 suffering from a mental disorder, as defined under section
27 630.005; mental illness, as defined under section 630.005; or

1 mental abnormality, as defined under section 632.480.

2 4. The provisions of this section shall not prohibit the
3 operation of an unmanned aircraft by:

4 (1) An employee of the mental health hospital at the
5 direction of the chief administrative officer of the mental
6 health hospital;

7 (2) A person who has written consent from the chief
8 administrative officer of the mental health hospital;

9 (3) An employee of a law enforcement agency, fire
10 department, or emergency medical service in the exercise of
11 official duties;

12 (4) A government official or employee in the exercise of
13 official duties;

14 (5) A public utility or a rural electric cooperative if:

15 (a) The unmanned aircraft is used for the purpose of
16 inspecting, repairing, or maintaining utility transmission or
17 distribution lines or other utility equipment or infrastructure;

18 (b) The utility notifies the mental health hospital before
19 flying the unmanned aircraft, except during an emergency; and

20 (c) The person operating the unmanned aircraft does not
21 physically enter the prohibited space without an escort provided
22 by the mental health hospital;

23 (6) An employee of a railroad in the exercise of official
24 duties on any land owned or operated by a railroad corporation
25 regulated by the Federal Railway Administration; or

26 (7) A person operating an unmanned aircraft pursuant to and
27 in compliance with any waiver issued by the Federal Aviation

1 Authority under 14 C.F.R. Section 107.200.

2 5. Each mental health hospital shall post a sign warning of
3 the provisions of this section. The sign shall be at least
4 eleven inches by fourteen inches and posted in a conspicuous
5 place.

6 6. The offense of unlawful use of unmanned aircraft over a
7 mental health hospital shall be punishable as an infraction
8 unless the person uses an unmanned aircraft for the purpose of:

9 (1) Delivering a gun, knife, weapon, or other article that
10 may be used in such manner to endanger the life of a patient or
11 mental health hospital employee, in which case the offense is a
12 class B felony;

13 (2) Facilitating an escape from commitment or detention
14 under section 575.195, in which case the offense is a class C
15 felony; or

16 (3) Delivering a controlled substance, as that term is
17 defined under section 195.010, in which case the offense is a
18 class D felony.

19 640.042. 1. As used in this section, the term "hazardous
20 waste site" means:

21 (1) Any site on the registry of confirmed abandoned or
22 uncontrolled hazardous waste disposal sites as described in
23 section 260.440;

24 (2) Any hazardous waste facility, as defined in section
25 260.360; or

26 (3) Any site that once contained hazardous waste, as
27 defined in section 260.360, that is under long-term stewardship

1 in order to prevent residual contamination from posing a risk to
2 the public.

3 2. The department of natural resources shall create and
4 make available on its website an interactive map of hazardous
5 waste sites in Missouri. The map shall contain links to
6 additional information on each hazardous waste site and a method
7 for members of the public to sign up to receive updates on any
8 hazardous waste site. The information shall appear together in
9 one document or web page that is easily accessible.

10 3. Before January 1, 2021, each hazardous waste site shall
11 post an informational sign in a conspicuous place at each
12 entrance to the site. The department of natural resources shall
13 develop the language for the sign, which shall declare that the
14 site contains hazardous waste and shall indicate that more
15 information can be found at the website described in subsection 2
16 of this section.

17 640.142. 1. Within twelve months of the effective date of
18 this section, each public water system shall create a plan that
19 establishes policies and procedures for identifying and
20 mitigating cyber risk. The plan shall include risk assessments
21 and implementation of appropriate controls to mitigate identified
22 cyber risks.

23 2. Public water systems that do not use an internet-
24 connected control system are exempt from the provisions of this
25 section.

26 3. The provisions of this section shall not apply to any
27 state parks, cities with a population of more than thirty

1 thousand inhabitants, a county with a charter form of government
2 and with more than six hundred thousand but fewer than seven
3 hundred thousand inhabitants, a county with a charter form of
4 government and with more than nine hundred fifty thousand
5 inhabitants, or a public service commission regulated utility
6 with more than thirty thousand customers.

7 640.144. 1. All public water systems shall be required to
8 create a valve inspection program that includes:

9 (1) Inspection of all valves every ten years;

10 (2) Scheduled repair or replacement of broken valves; and

11 (3) Within five years of the effective date of this
12 section, identification of each shut off valve location using a
13 geographic information system or an alternative physical mapping
14 system that accurately identifies the location of each valve.

15 2. All public water systems shall be required to create a
16 hydrant inspection program that includes:

17 (1) Annual testing of every hydrant in the public water
18 system;

19 (2) Scheduled repair or replacement of broken hydrants;

20 (3) A plan to flush every hydrant and dead-end main;

21 (4) Maintenance of records of inspections, tests, and
22 flushings for six years; and

23 (5) Within five years of the effective date of this section,
24 identification of each hydrant location using a geographic
25 information system or an alternative physical mapping system that
26 accurately identifies the location of each hydrant.

27 3. The provisions of this section shall not apply to any

1 state parks, cities with a population of more than thirty
2 thousand inhabitants, a county with a charter form of government
3 and with more than six hundred thousand but fewer than seven
4 hundred thousand inhabitants, a county with a charter form of
5 government and with more than nine hundred fifty thousand
6 inhabitants, or a public service commission regulated utility
7 with more than thirty thousand customers.

8 640.145. 1. Public water systems shall submit a report
9 upon request of the department of natural resources that shall
10 certify compliance with all regulations regarding:

11 (1) Water quality sampling, testing, and reporting;

12 (2) Hydrant and valve inspections under section 640.144;

13 and

14 (3) Cyber security plans and policies, if required under
15 section 640.142.

16 2. The provisions of this section shall not apply to any
17 state parks, cities with a population of more than thirty
18 thousand inhabitants, a county with a charter form of government
19 and with more than six hundred thousand but fewer than seven
20 hundred thousand inhabitants, a county with a charter form of
21 government and with more than nine hundred fifty thousand
22 inhabitants, or a public service commission regulated utility
23 with more than thirty thousand customers.

24 650.005. 1. There is hereby created a "Department of
25 Public Safety" in charge of a director appointed by the governor
26 with the advice and consent of the senate. The department's role
27 will be to provide overall coordination in the state's public

1 safety and law enforcement program, to provide channels of
2 coordination with local and federal agencies in regard to public
3 safety, law enforcement and with all correctional and judicial
4 agencies in regard to matters pertaining to its responsibilities
5 as they may interrelate with the other agencies or offices of
6 state, local or federal governments.

7 2. All the powers, duties and functions of the state
8 highway patrol, chapter 43 and others, are transferred by type II
9 transfer to the department of public safety. The governor by and
10 with the advice and consent of the senate shall appoint the
11 superintendent of the patrol. With the exception of sections
12 43.100 to 43.120 relating to financial procedures, the director
13 of public safety shall succeed the state highways and
14 transportation commission in approving actions of the
15 superintendent and related matters as provided in chapter 43.
16 Uniformed members of the patrol shall be selected in the manner
17 provided by law and shall receive the compensation provided by
18 law. Nothing in the Reorganization Act of 1974, however, shall
19 be interpreted to affect the funding of appropriations or the
20 operation of chapter 104 relating to retirement system coverage
21 or section 226.160 relating to workers' compensation for members
22 of the patrol.

23 3. All the powers, duties and functions of the supervisor
24 of liquor control, chapter 311 and others, are transferred by
25 type II transfer to the department of public safety. The
26 supervisor shall be nominated by the department director and
27 appointed by the governor with the advice and consent of the

1 senate. The supervisor shall appoint such agents, assistants,
2 deputies and inspectors as limited by appropriations. All
3 employees shall have the qualifications provided by law and may
4 be removed by the supervisor or director of the department as
5 provided in section 311.670.

6 4. All the powers, duties and functions of the safety and
7 fire prevention bureau of the department of public health and
8 welfare are transferred by type I transfer to the director of
9 public safety.

10 5. All the powers, duties and functions of the state fire
11 marshal, chapter 320 and others, are transferred to the
12 department of public safety by a type I transfer.

13 6. All the powers, duties and functions of the law
14 enforcement assistance council administering federal grants,
15 planning and the like relating to Public Laws 90-351, 90-445 and
16 related acts of Congress are transferred by type I transfer to
17 the director of public safety. The director of public safety
18 shall appoint such advisory bodies as are required by federal
19 laws or regulations. The council is abolished.

20 7. The director of public safety shall promulgate motor
21 vehicle regulations and be ex officio a member of the safety
22 compact commission in place of the director of revenue and all
23 powers, duties and functions relating to chapter 307 are
24 transferred by type I transfer to the director of public safety.

25 8. ~~【The office of adjutant general and the state militia~~
26 ~~are assigned to the department of public safety; provided,~~
27 ~~however, nothing herein shall be construed to interfere with the~~

1 ~~powers and duties of the governor as provided in Article IV,~~
2 ~~Section 6 of the Constitution of the state of Missouri or chapter~~
3 ~~41.~~

4 ~~—9.]~~ All the powers, duties and functions of the Missouri
5 boat commission, chapter 306 and others, are transferred by type
6 I transfer to the "Missouri State Water Patrol", which is hereby
7 created, in the department of public safety. The Missouri boat
8 commission and the office of secretary to the commission are
9 abolished. All deputy boat commissioners and all other employees
10 of the commission who were employed on February 1, 1974, shall be
11 transferred to the water patrol without further qualification.
12 Effective January 1, 2011, all the powers, duties, and functions
13 of the Missouri state water patrol are transferred to the
14 division of water patrol within the Missouri state highway patrol
15 as set out in section 43.390.

16 ~~[10.]~~ 9. The Missouri veterans's commission, chapter 42,
17 is assigned to the department of public safety.

18 ~~[11.]~~ 10. Any rule or portion of a rule, as that term is
19 defined in section 536.010, that is created under the authority
20 delegated in this section shall become effective only if it
21 complies with and is subject to all of the provisions of chapter
22 536 and, if applicable, section 536.028. This section and
23 chapter 536 are nonseverable and if any of the powers vested with
24 the general assembly pursuant to chapter 536 to review, to delay
25 the effective date, or to disapprove and annul a rule are
26 subsequently held unconstitutional, then the grant of rulemaking
27 authority and any rule proposed or adopted after August 28, 2009,

1 shall be invalid and void.

2 Section B. Because immediate action is necessary to ensure
3 that all owners, officers, managers, contractors, employees, and
4 other support staff of medical marijuana facilities be subjected
5 to state and federal fingerprint-based criminal background checks
6 to insure the integrity of the Missouri medical marijuana
7 industry, the enactment of section 195.815 of this act is deemed
8 necessary for the immediate preservation of the public health,
9 welfare, peace, and safety, and the enactment of section 195.815
10 of this act is hereby declared to be an emergency act within the
11 meaning of the constitution, and the enactment of section 195.815
12 of this act shall be in full force and effect on July 1, 2020, or
13 upon its passage and approval, whichever occurs later.

14 Section C. The repeal and reenactment of section 650.005 of
15 section A and the enactment of sections 40.003, 41.005, 45.010,
16 45.020, and 45.030, of section A of this act shall become
17 effective only upon the passage and approval by the voters of a
18 constitutional amendment submitted to them by the general
19 assembly regarding the creation of the department of defense.

20 Section D. The repeal and reenactment of the first
21 occurrence of section 211.071 of this act shall become effective
22 on January 1, 2021, and the repeal and reenactment of the second
23 occurrence of section 211.071 of this act shall become effective
24 on August 28, 2020.