

## HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 774

AN ACT

1  
2  
3 To repeal sections 8.010, 8.170, 8.172, 8.177, 8.178,  
4 32.056, 84.344, 94.900, 94.902, 160.665, 168.133,  
5 190.092, 190.094, 190.100, 190.105, 190.143, 190.196,  
6 192.2435, 217.735, 221.111, 270.400, 301.560, 301.564,  
7 307.179, 311.060, 311.293, 311.332, 311.660, 313.220,  
8 320.091, 556.061, 565.002, 575.150, 575.180, 578.018,  
9 578.030, 579.040, 579.065, 579.068, 579.076, 589.400,  
10 589.401, 589.404, 589.414, 590.207, 610.021, and  
11 650.005, RSMo, and section 211.071 as enacted by senate  
12 bill no. 793 merged with senate bill no. 800, ninety-  
13 ninth general assembly, second regular session, and  
14 section 211.071 as enacted by house bill no. 215 merged  
15 with senate bill no. 36, ninety-seventh general  
16 assembly, first regular session, and to enact in lieu  
17 thereof seventy-eight new sections relating to public  
18 safety, with penalty provisions, a delayed effective  
19 date for a certain section, a contingent effective date  
20 for certain sections, and an emergency clause for a  
21 certain section.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
25 AS FOLLOWS:  
26

27 Section A. Sections 8.010, 8.170, 8.172, 8.177, 8.178,  
28 32.056, 84.344, 94.900, 94.902, 160.665, 168.133, 190.092,  
29 190.094, 190.100, 190.105, 190.143, 190.196, 192.2435, 217.735,  
30 221.111, 270.400, 301.560, 301.564, 307.179, 311.060, 311.293,  
31 311.332, 311.660, 313.220, 320.091, 556.061, 565.002, 575.150,  
32 575.180, 578.018, 578.030, 579.040, 579.065, 579.068, 579.076,  
33 589.400, 589.401, 589.404, 589.414, 590.207, 610.021, and  
34 650.005, RSMo, and section 211.071 as enacted by senate bill no.

1 793 merged with senate bill no. 800, ninety-ninth general  
2 assembly, second regular session, and section 211.071 as enacted  
3 by house bill no. 215 merged with senate bill no. 36, ninety-  
4 seventh general assembly, first regular session, are repealed and  
5 seventy-eight new sections enacted in lieu thereof, to be known  
6 as sections 8.010, 8.111, 8.170, 8.172, 8.177, 8.178, 32.056,  
7 40.003, 41.005, 45.010, 45.020, 45.030, 56.086, 67.142, 71.201,  
8 84.344, 94.900, 94.902, 160.665, 168.133, 173.2700, 173.2703,  
9 173.2706, 173.2709, 173.2712, 190.092, 190.094, 190.100, 190.105,  
10 190.143, 190.196, 190.1005, 191.255, 192.2435, 195.815, 211.071,  
11 217.697, 217.735, 217.850, 221.111, 270.400, 285.040, 301.560,  
12 301.564, 307.179, 311.060, 311.293, 311.332, 311.660, 313.220,  
13 320.091, 491.641, 556.061, 565.002, 570.027, 575.150, 575.180,  
14 577.011, 577.800, 578.018, 578.030, 579.040, 579.065, 579.068,  
15 579.076, 589.400, 589.401, 589.404, 589.414, 590.207, 610.021,  
16 632.460, 640.042, 640.142, 640.144, 640.145, and 650.005, to read  
17 as follows:

18 8.010. 1. The governor, attorney general and lieutenant  
19 governor constitute the board of public buildings. The governor  
20 is chairman and the lieutenant governor, secretary. The speaker  
21 of the house of representatives and the president pro tempore of  
22 the senate shall serve as ex officio members of the board but  
23 shall not have the power to vote. The board shall constitute a  
24 body corporate and politic. Except as provided under ~~[section]~~  
25 sections 8.007 and 8.111, the board has general supervision and  
26 charge of the public property of the state at the seat of  
27 government, including the building located at 105 West Capitol

1 Avenue in Jefferson City, and other duties imposed on it by law.

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

4 8.111. 1. There is hereby established the "Capitol Police  
5 Board" which shall be composed of five members, as follows:

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

7 (2) The speaker of the house of representatives, or his or  
8 her designee;

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

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

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

14  
15 The lieutenant governor, the chief clerk of the house of  
16 representatives, and the secretary of the senate, or their  
17 designees, shall serve as ex officio members of the board but  
18 shall not have the power to vote. At the first meeting of the  
19 board and at yearly intervals thereafter, the members shall  
20 select from among themselves a chair, a vice chair, and a  
21 secretary.

22 2. The board shall be assigned to the house of  
23 representatives with supervision by the house of representatives  
24 only for budgeting and reporting. Such supervision shall not  
25 extend to matters relating to policies, regulatory functions, or  
26 appeals from activities of the board, and no member or employee  
27 of the house of representatives shall participate in or interfere

1 with the activities of the board in any manner not specifically  
2 provided by law, or at the direction of the board, and no member  
3 or employee of the house of representatives shall interfere in  
4 any manner with any budget request of or with respect to the  
5 withholding of any moneys appropriated to the board by the  
6 general assembly.

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

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

21 5. The board may promulgate all necessary rules and  
22 regulations for the administration of sections 8.111 to 8.178.  
23 Any rule or portion of a rule, as that term is defined in section  
24 536.010, that is created under the authority delegated in this  
25 section shall become effective only if it complies with and is  
26 subject to all of the provisions of chapter 536 and, if  
27 applicable, section 536.028. This section and chapter 536 are

1 nonseverable, and if any of the powers vested with the general  
2 assembly pursuant to chapter 536 to review, to delay the  
3 effective date, or to disapprove and annul a rule are  
4 subsequently held unconstitutional, then the grant of rulemaking  
5 authority and any rule proposed or adopted after August 28, 2020,  
6 shall be invalid and void.

7 8.170. The ~~[director]~~ Missouri capitol police shall  
8 prosecute, in the name of the state, for all trespasses and  
9 injuries of every kind done to the public buildings and other  
10 property, and shall attend to the suits relative to the same.  
11 The attorney general shall give counsel, or prosecute suits, when  
12 required by the ~~[director]~~ chief.

13 8.172. The ~~[commissioner of administration]~~ capitol police  
14 board shall make rules and regulations for the regulation of  
15 traffic and parking at all parking space upon the capitol grounds  
16 and upon the grounds of other state buildings located within the  
17 capital city. The regulations shall be enforced by the Missouri  
18 capitol police.

19 8.177. 1. The ~~[director of the department of public~~  
20 ~~safety]~~ capitol police board shall employ Missouri capitol police  
21 officers for public safety at the seat of state government. Each  
22 Missouri capitol police officer, upon appointment, shall take and  
23 subscribe an oath of office to support the constitution and laws  
24 of the United States and the state of Missouri and shall receive  
25 a certificate of appointment, a copy of which shall be filed with  
26 the secretary of state, granting such police officers all the  
27 same powers of arrest held by other police officers to maintain

1 order and preserve the peace in all state-owned or leased  
2 buildings, and the grounds thereof, at the seat of government and  
3 such buildings and grounds within the county which contains the  
4 seat of government.

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

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

23 8.178. Any person who violates sections 8.172 to 8.174, or  
24 section 8.177, or any of the traffic or parking regulations of  
25 the ~~commissioner~~ capitol police board shall be punished as  
26 follows:

27 (1) Fines for traffic violations shall not, except as

1 provided by section 301.143, exceed five dollars for overparking,  
2 fifteen dollars for double parking and fifty dollars for  
3 speeding[7]; and

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

7 32.056. Except for uses permitted under 18 U.S.C. Section  
8 2721(b)(1), the department of revenue shall not release the home  
9 address of or any information that identifies any vehicle owned  
10 or leased by any person who is a county, state or federal parole  
11 officer[7]; a federal pretrial officer[7]; a peace officer  
12 pursuant to section 590.010[7]; a person employed by the Missouri  
13 department of corrections; any jailer or corrections officer of  
14 the state or any political subdivision of the state; a person  
15 vested by Article V, Section 1 of the Missouri Constitution with  
16 the judicial power of the state[7]; a member of the federal  
17 judiciary[7]; or a member of such person's immediate family  
18 contained in the department's motor vehicle or driver  
19 registration records, based on a specific request for such  
20 information from any person. Any such person may notify the  
21 department of his or her status and the department shall protect  
22 the confidentiality of the home address and vehicle records on  
23 such a person and his or her immediate family as required by this  
24 section. This section shall not prohibit the department from  
25 releasing information on a motor registration list pursuant to  
26 section 32.055 or from releasing information on any officer who  
27 holds a class A, B or C commercial driver's license pursuant to

1 the Motor Carrier Safety Improvement Act of 1999, as amended, 49  
2 U.S.C. 31309.

3 40.003. As of December 31, 2020, the powers, duties, and  
4 functions vested in the office of the state judge advocate are  
5 transferred by type I transfer to the department of defense  
6 established under chapter 45.

7 41.005. As of December 31, 2020, the powers, duties, and  
8 functions vested in the office of adjutant general and the state  
9 militia are transferred by type I transfer to the department of  
10 defense established under chapter 45; provided, however, nothing  
11 herein shall be construed to interfere with the powers and duties  
12 of the governor as provided in Article IV, Section 6 of the  
13 Constitution of Missouri or this chapter.

14 45.010. There is hereby created a "Department of Defense"  
15 to be headed by the adjutant general appointed by the governor,  
16 by and with the advice and consent of the senate. All of the  
17 general provisions, definitions, and powers enumerated in section  
18 1 of the Omnibus State Reorganization Act of 1974 shall apply to  
19 this department and its divisions, agencies, and personnel.

20 45.020. As of December 31, 2020, the powers, duties, and  
21 functions vested in the office of adjutant general and the state  
22 militia are transferred by type I transfer to the department of  
23 defense; provided, however, nothing herein shall be construed to  
24 interfere with the powers and duties of the governor as provided  
25 in Article IV, Section 6 of the Constitution of Missouri or  
26 chapter 41.

27 45.030. As of December 31, 2020, the powers, duties, and



1 functions vested in the office of the state judge advocate are  
2 transferred by type I transfer to the department of defense.

3 56.086. 1. Each prosecuting attorney of a county or the  
4 circuit attorney may develop, maintain, and coordinate the  
5 services of one or more multidisciplinary adult protection teams.  
6 As used in this section, the term "multidisciplinary adult  
7 protection team" means a team of two or more persons who are  
8 trained in the investigation, prosecution, prevention,  
9 identification, and treatment of abuse and who are qualified to  
10 provide a broad range of services related to the abuse of the  
11 following persons who, at the time of the abuse, reside or are  
12 located outside of any facility licensed under chapter 197 or  
13 198:

- 14 (1) Vulnerable persons as defined in section 630.005;
- 15 (2) Elderly persons as defined in section 192.2005; or
- 16 (3) Persons with a disability.

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

- 18 (1) Psychiatrists, psychologists, or other trained  
19 counseling personnel;
- 20 (2) Police officers or other law enforcement officers;
- 21 (3) Medical personnel who have sufficient training to  
22 provide health services;
- 23 (4) Adult protection personnel;
- 24 (5) Community-based personnel who have experience or  
25 training in preventing the abuse of elderly or dependent persons;
- 26 (6) Guardians as described in chapter 475;
- 27 (7) A person qualified to review financial matters to

1 identify financial abuse; and

2 (8) An elderly ombudsman.

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

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

21 5. If a multidisciplinary adult protection team is  
22 providing certain services to abused, neglected, or exploited  
23 vulnerable or elderly persons or persons with a disability, other  
24 offices and departments shall avoid duplicating such services.

25 6. Adult protection personnel responding to a report under  
26 section 192.2405 shall contact the appropriate law enforcement  
27 agency immediately upon receipt of a report involving potential

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

10 7. In conjunction with local law enforcement,  
11 multidisciplinary adult protection teams shall be used whenever  
12 responding to a report involving potential criminal activity  
13 based on the adult protection personnel's determination.

14 Multidisciplinary adult protection teams shall be used in  
15 providing protective or preventive social services, including the  
16 services of law enforcement and other agencies, both public and  
17 private.

18 8. (1) Except as otherwise permitted by law, records,  
19 reports, and information concerning reports of abuse, neglect, or  
20 exploitation of a vulnerable or elderly person or a person with a  
21 disability shall be kept confidential among the multidisciplinary  
22 adult protection team members.

23 (2) Notwithstanding section 192.2435, disclosure of  
24 records, reports, and information under subdivision (1) of this  
25 subsection may be made to persons and entities directly involved  
26 in the work of the multidisciplinary adult protection team as  
27 needed, including:

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

4       (b) Representatives of law enforcement;

5       (c) Grand juries or courts in the exercise of official  
6 business;

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

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

13       (3) Disclosures under this subsection shall be subject to  
14 the limitations of the Health Insurance Portability and  
15 Accountability Act of 1996.

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

22       (5) The multidisciplinary adult protection team and the  
23 appropriate local law enforcement agency shall coordinate as  
24 needed for the administration of this section.

25       (6) Identifying information of the person who reported a  
26 case of suspected abuse, neglect, or exploitation of a vulnerable  
27 or elderly person or a person with a disability shall be kept

1 strictly confidential. The identifying information shall not be  
2 disclosed to any person or organization within or without the  
3 multidisciplinary adult protection team unless the reporting  
4 person expressly consents to disclosure.

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

9 (a) Public records as defined in subdivision (6) of section  
10 610.010;

11 (b) Available for public examination, reproduction, or  
12 disclosure; and

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

15 9. Any person participating in good faith in any action or  
16 omission authorized or required under this section shall be  
17 immune from civil or criminal liability that may result by reason  
18 of such action or omission.

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

21 67.142. 1. Nothing in this chapter shall be construed to  
22 limit in any manner the authority of any village; town; city,  
23 including home rule city; or county to prohibit dogs from running  
24 at large or to further control or regulate dogs within its  
25 boundaries, provided that no such ordinance, order, policy, or  
26 regulation is specific to breed.

27 2. The general assembly hereby occupies and preempts the

1 entire field of legislation regarding in any way the control or  
2 regulation of specific breeds of dogs to the complete exclusion  
3 of any order, ordinance, policy, or regulation by any village;  
4 town; city, including any home rule city; or county in this  
5 state. Any existing or future order, ordinance, policy, or  
6 regulation in this field shall be null and void.

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

12 71.201. 1. For purposes of this section, the term "local  
13 governmental unit" shall mean any city, village, town, county,  
14 township, or the board of police established by section 84.020,  
15 or the board of police commissioners established by section  
16 84.350.

17 2. (1) No local governmental unit shall require, as a  
18 condition of employment, that any currently employed or  
19 prospective law enforcement officer reside within any  
20 jurisdictional limit.

21 (2) If a local governmental unit has a residency rule or  
22 requirement for law enforcement officers that is in effect on or  
23 before August 28, 2020, the residency rule or requirement shall  
24 not apply and shall not be enforced.

25 3. A local governmental unit may impose a residency rule or  
26 requirement on law enforcement officers, but the rule or  
27 requirement shall be no more restrictive than requiring such

1 personnel to reside within a one-hour response time.

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

4 84.344. 1. Notwithstanding any provisions of this chapter  
5 to the contrary, any city not within a county may establish a  
6 municipal police force on or after July 1, 2013, according to the  
7 procedures and requirements of this section. The purpose of  
8 these procedures and requirements is to provide for an orderly  
9 and appropriate transition in the governance of the police force  
10 and provide for an equitable employment transition for  
11 commissioned and civilian personnel.

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

22 3. If the city establishes a municipal police force and  
23 completes the transfer described in subsection 2 of this section,  
24 the city shall provide the necessary funds for the maintenance of  
25 the municipal police force.

26 4. Before a city not within a county may establish a  
27 municipal police force under this section, the city shall adopt

1 an ordinance accepting responsibility, ownership, and liability  
2 as successor-in-interest for contractual obligations,  
3 indebtedness, and other lawful obligations of the board of police  
4 commissioners subject to the provisions of subsection 2 of  
5 section 84.345.

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

20 6. Commissioned and civilian personnel who ~~【were previously~~  
21 ~~employed by the board】~~ are employed by a municipal police force  
22 established under this section shall ~~【continue to】~~ not be  
23 subject, throughout their employment for the city not within a  
24 county, to a residency ~~【rule no more restrictive than a】~~  
25 requirement of retaining a primary residence in a city not within  
26 a county ~~【for a total of seven years and of then allowing them to~~  
27 ~~maintain a primary residence outside the city not within a~~



1 ~~county]~~ so long as the primary residence is located within a  
2 one-hour response time.

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

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

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

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

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

19 (2) Shall provide or contract for medical and life  
20 insurance coverage for any commissioned or civilian personnel who  
21 retired from service with the board of police commissioners or  
22 who were employed by the board of police commissioners and retire  
23 from the municipal police force of a city not within a county to  
24 the same extent such medical and life insurance coverage was  
25 provided by the board of police commissioners under section  
26 84.160;

27 (3) Shall make available medical and life insurance

1 coverage for purchase to the spouses or dependents of  
2 commissioned and civilian personnel who retire from service with  
3 the board of police commissioners or the municipal police force  
4 and deceased commissioned and civilian personnel who receive  
5 pension benefits under sections 86.200 to 86.366 at the rate that  
6 such dependent's or spouse's coverage would cost under the  
7 appropriate plan if the deceased were living; and

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

12 10. A city not within a county that establishes a municipal  
13 police force under sections 84.343 to 84.346 shall establish a  
14 transition committee of five members for the purpose of:  
15 coordinating and implementing the transition of authority,  
16 operations, assets, and obligations from the board of police  
17 commissioners to the city; winding down the affairs of the board;  
18 making nonbinding recommendations for the transition of the  
19 police force from the board to the city; and other related  
20 duties, if any, established by executive order of the city's  
21 mayor. Once the ordinance referenced in this section is enacted,  
22 the city shall provide written notice to the board of police  
23 commissioners and the governor of the state of Missouri. Within  
24 thirty days of such notice, the mayor shall appoint three members  
25 to the committee, two of whom shall be members of a statewide law  
26 enforcement association that represents at least five thousand  
27 law enforcement officers. The remaining members of the committee

1 shall include the police chief of the municipal police force and  
2 a person who currently or previously served as a commissioner on  
3 the board of police commissioners, who shall be appointed to the  
4 committee by the mayor of such city.

5 94.900. 1. (1) The governing body of the following cities  
6 may impose a tax as provided in this section:

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

12 (b) Any city of the fourth classification with more than  
13 four thousand five hundred but fewer than five thousand  
14 inhabitants;

15 (c) Any city of the fourth classification with more than  
16 eight thousand nine hundred but fewer than nine thousand  
17 inhabitants;

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

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

22 (f) Any city of the fourth classification with more than  
23 thirteen thousand five hundred but fewer than sixteen thousand  
24 inhabitants;

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

27 (h) Any city of the fourth classification with more than

1 four thousand but fewer than four thousand five hundred  
2 inhabitants and located in any county of the first classification  
3 with more than one hundred fifty thousand but fewer than two  
4 hundred thousand inhabitants;

5 (i) Any city of the third classification with more than  
6 thirteen thousand but fewer than fifteen thousand inhabitants and  
7 located in any county of the third classification without a  
8 township form of government and with more than thirty-three  
9 thousand but fewer than thirty-seven thousand inhabitants; ~~[or]~~

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

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

24 (l) Any city of the fourth classification with more than  
25 eight thousand but fewer than twelve thousand inhabitants and  
26 located in any county of the first classification with more than  
27 two hundred thousand but fewer than two hundred sixty thousand

1 inhabitants; or

2 (m) Any city of the fourth classification with more than  
3 one thousand three hundred fifty but fewer than one thousand five  
4 hundred inhabitants and located in any county of the first  
5 classification with more than one hundred fifty thousand but  
6 fewer than two hundred thousand inhabitants.

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

23 2. If the proposal submitted involves only authorization to  
24 impose the tax authorized by this section, the ballot of  
25 submission shall contain, but need not be limited to, the  
26 following language:

27 Shall the city of \_\_\_\_\_ (city's name) impose a

1 citywide sales tax of \_\_\_\_\_ (insert amount) for the  
2 purpose of improving the public safety of the city?

3  YES  NO

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

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

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

1 in effect.

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

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



1 such funds shall be deposited with the city treasurer of each  
2 such city, and all expenditures of funds arising from the trust  
3 fund shall be by an appropriation act to be enacted by the  
4 governing body of each such city. Expenditures may be made from  
5 the fund for any functions authorized in the ordinance or order  
6 adopted by the governing body submitting the tax to the voters.

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

25 7. Except as modified in this section, all provisions of  
26 sections 32.085 and 32.087 shall apply to the tax imposed  
27 pursuant to this section.

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

3           (1) Any city of the third classification with more than  
4 twenty-six thousand three hundred but less than twenty-six  
5 thousand seven hundred inhabitants;

6           (2) Any city of the fourth classification with more than  
7 thirty thousand three hundred but fewer than thirty thousand  
8 seven hundred inhabitants;

9           (3) Any city of the fourth classification with more than  
10 twenty-four thousand eight hundred but fewer than twenty-five  
11 thousand inhabitants;

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

14           (5) Any city of the third classification with more than  
15 four thousand but fewer than four thousand five hundred  
16 inhabitants and located in any county of the first classification  
17 with more than two hundred thousand but fewer than two hundred  
18 sixty thousand inhabitants;

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

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

24           (8) Any city of the fourth classification with more than  
25 two thousand seven hundred but fewer than three thousand  
26 inhabitants and located in any county of the first classification  
27 with more than eighty-three thousand but fewer than ninety-two

1 thousand inhabitants; [~~or~~]

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

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

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

21 (12) Any village with more than one thousand three hundred  
22 fifty but fewer than one thousand five hundred inhabitants and  
23 located in any county of the first classification with more than  
24 two hundred thousand but fewer than two hundred sixty thousand  
25 inhabitants.

26 2. The governing body of any city or village listed in  
27 subsection 1 of this section may impose, by order or ordinance, a

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

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

20 Shall the (city/village) of \_\_\_\_\_ (~~[city's]~~ insert  
21 name) impose a (citywide/villagewide) sales tax at a  
22 rate of \_\_\_\_\_ (insert ~~[rate of percent]~~ percentage)  
23 percent for the purpose of improving the public safety  
24 of the (city/village)?

25  YES  NO

26 If you are in favor of the question, place an "X" in  
27 the box opposite "YES". If you are opposed to the

1 question, place an "X" in the box opposite "NO".

2  
3 If a majority of the votes cast on the proposal by the qualified  
4 voters voting thereon are in favor of the proposal, then the  
5 ordinance or order and any amendments to the order or ordinance  
6 shall become effective on the first day of the second calendar  
7 quarter after the director of revenue receives notice of the  
8 adoption of the sales tax. If a majority of the votes cast on  
9 the proposal by the qualified voters voting thereon are opposed  
10 to the proposal, then the tax shall not become effective unless  
11 the proposal is resubmitted under this section to the qualified  
12 voters and such proposal is approved by a majority of the  
13 qualified voters voting on the proposal. However, in no event  
14 shall a proposal under this section be submitted to the voters  
15 sooner than twelve months from the date of the last proposal  
16 under this section.

17 4. Any sales tax imposed under this section shall be  
18 administered, collected, enforced, and operated as required in  
19 section 32.087. All sales taxes collected by the director of the  
20 department of revenue under this section on behalf of any city or  
21 village, less one percent for cost of collection which shall be  
22 deposited in the state's general revenue fund after payment of  
23 premiums for surety bonds as provided in section 32.087, shall be  
24 deposited in a special trust fund, which is hereby created in the  
25 state treasury, to be known as the "City Public Safety Sales Tax  
26 Trust Fund". The moneys in the trust fund shall not be deemed to  
27 be state funds and shall not be commingled with any funds of the

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

24 5. The director of [~~the department of~~] revenue may  
25 authorize the state treasurer to make refunds from the amounts in  
26 the trust fund and credited to any city or village for erroneous  
27 payments and overpayments made, and may redeem dishonored checks

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

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

20 Shall \_\_\_\_\_ (insert the name of the city or village)  
21 repeal the sales tax imposed at a rate of \_\_\_\_\_  
22 (insert [~~rate of percent~~] percentage) percent for the  
23 purpose of improving the public safety of the  
24 (city/village)?

25  YES  NO

26  
27 If a majority of the votes cast on the proposal are in favor of

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

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

25 8. Any sales tax imposed under this section by a city  
26 described under subdivision (6) of subsection 1 of this section  
27 that is in effect as of December 31, 2038, shall automatically



1 expire. No city described under subdivision (6) of subsection 1  
2 of this section shall collect a sales tax pursuant to this  
3 section on or after January 1, 2039. Subsection 7 of this  
4 section shall not apply to a sales tax imposed under this section  
5 by a city described under subdivision (6) of subsection 1 of this  
6 section.

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

10 160.665. 1. (1) This section shall be known and may be  
11 cited as the "Keep Our Schools Safe Act".

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

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

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

23 b. The organized militia of any state or territory of the  
24 United States, the Commonwealth of Puerto Rico, or the District  
25 of Columbia, not included within the definition of the National  
26 Guard as defined in 10 U.S.C. Section 101, as amended; and

27 c. The Armed Forces of the United States;

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

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

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

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

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

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

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

17        c. Serves or will serve a school district as a school  
18 protection officer on a paid or unpaid basis but not as an  
19 employee of the school district.

20        2. Any school district within the state may designate one  
21 or more [~~elementary or secondary school teachers or~~  
22 ~~administrators as a~~] school protection [~~officer~~] officers in each  
23 of the district's school buildings. A school protection officer  
24 may be a teacher or administrator as provided in this section or  
25 may be a volunteer. If a school protection officer is a teacher  
26 or administrator, the responsibilities and duties of a school  
27 protection officer are voluntary and shall be in addition to the

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

8 ~~[2.]~~ 3. Any ~~[person]~~ individual designated by a school  
9 district as a school protection officer shall ~~[be authorized to]~~  
10 carry a concealed ~~[firearms or]~~ firearm and a self-defense spray  
11 device in any school in the district. A self-defense spray  
12 device shall mean any device that is capable of carrying, and  
13 that ejects, releases, or emits, a nonlethal solution capable of  
14 incapacitating a violent threat. The school protection officer  
15 shall not be permitted to allow any firearm or device out of ~~[his~~  
16 ~~or her]~~ the officer's personal control while that firearm or  
17 device is on school property. Any school protection officer who  
18 violates this subsection may be removed immediately from the  
19 ~~[classroom]~~ building and subject to employment termination  
20 proceedings if the officer is a teacher or administrator, or  
21 subject to removal from the building and dismissal as a volunteer  
22 if serving as a volunteer school protection officer.

23 ~~[3.]~~ 4. A school protection officer has the same authority  
24 to detain or use force against any person on school property as  
25 provided to any other person under chapter 563.

26 ~~[4.]~~ Upon detention of a person under this subsection ~~[3 of~~  
27 ~~this section]~~, the school protection officer shall immediately

1 notify a school administrator and a school resource officer, if  
2 such officer is present at the school. If the person detained is  
3 a student then the parents or guardians of the student shall also  
4 be immediately notified by a school administrator.

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

9 6. Any teacher or administrator of an elementary or  
10 secondary school who seeks to be designated as a school  
11 protection officer shall request such designation in writing, and  
12 submit it to the superintendent of the school district which  
13 employs ~~[him or her]~~ such individual as a teacher or  
14 administrator. Along with this request, any teacher or  
15 administrator seeking to carry a concealed firearm on school  
16 property shall also submit proof that ~~[he or she]~~ such individual  
17 has a valid concealed carry endorsement or permit, and all  
18 teachers and administrators seeking the designation of school  
19 protection officer shall submit a certificate of school  
20 protection officer training program completion from a training  
21 program approved by the director of the department of public  
22 safety which demonstrates that such person has successfully  
23 completed the training requirements established by the POST  
24 commission under chapter 590 for school protection officers.

25 7. No school district ~~[may]~~ shall designate ~~[a teacher or~~  
26 ~~administrator]~~ any individual as a school protection officer  
27 unless such person has successfully completed a school protection

1 officer training program~~[, which]~~ that has been approved by the  
2 director of the department of public safety. No school district  
3 shall allow a school protection officer to carry a concealed  
4 firearm on school property unless the school protection officer  
5 has a valid concealed carry endorsement or permit.

6 8. (1) Any school district that designates a ~~[teacher or~~  
7 ~~administrator as a]~~ school protection officer shall, within  
8 thirty days of such designation, notify~~[,]~~ in writing~~[,]~~ the  
9 director of the department of public safety of the designation,  
10 which shall include the following:

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

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

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

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

21 9. A school district may revoke the designation of ~~[a~~  
22 ~~person]~~ an individual as a school protection officer for any  
23 reason and shall immediately notify the designated school  
24 protection officer in writing of the revocation. The school  
25 district shall also within thirty days of the revocation notify  
26 the director of the department of public safety in writing of the  
27 revocation of the designation of such ~~[person]~~ individual as a

1 school protection officer.  ~~[A person]~~ An individual who has had  
2 the designation of school protection officer revoked has no right  
3 to appeal the revocation decision.

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

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

20 168.133. 1. As used in this section, "screened volunteer"  
21 shall mean any person who assists a school by providing  
22 uncompensated service and who may periodically be left alone with  
23 students. The school district shall ensure that a criminal  
24 background check is conducted for all screened volunteers, who  
25 shall complete the criminal background check prior to being left  
26 alone with a student. Screened volunteers include, but are not  
27 limited to, persons who regularly assist in the office or

1 library, mentor or tutor students, coach or supervise a  
2 school-sponsored activity before or after school, or chaperone  
3 students on an overnight trip. Screened volunteers may only  
4 access student education records when necessary to assist the  
5 district and while supervised by staff members. Volunteers that  
6 are not screened shall not be left alone with a student or have  
7 access to student records.

8 2. (1) The school district shall ensure that a criminal  
9 background check is conducted on any person employed after  
10 January 1, 2005, authorized to have contact with pupils and prior  
11 to the individual having contact with any pupil. Such persons  
12 include, but are not limited to, administrators, teachers,  
13 substitute teachers, aides, paraprofessionals, assistants,  
14 secretaries, custodians, cooks, screened volunteers, and nurses.

15 (2) The school district shall also ensure that a criminal  
16 background check is conducted for school bus drivers. The  
17 district may allow such drivers to operate buses pending the  
18 result of the criminal background check. For bus drivers, the  
19 school district shall be responsible for conducting the criminal  
20 background check on drivers employed by the school district. For  
21 drivers employed by a pupil transportation company under contract  
22 with the school district, the criminal background check shall be  
23 conducted pursuant to section 43.540 and conform to the  
24 requirements established in the National Child Protection Act of  
25 1993, as amended by the Volunteers for Children Act.

26 (3) The school district shall also ensure that a criminal  
27 background check is conducted on any person who is eighteen years

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

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

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

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

25 4. The applicant or person requesting enrollment in a  
26 course as described in this section shall pay the fee for the  
27 state criminal history record information pursuant to section



1 43.530 and sections 210.900 to 210.936 and pay the appropriate  
2 fee determined by the Federal Bureau of Investigation for the  
3 federal criminal history record when he or she applies for a  
4 position authorized to have contact with pupils pursuant to this  
5 section or requests enrollment in a course as described in this  
6 section. The department shall distribute the fees collected for  
7 the state and federal criminal histories to the Missouri highway  
8 patrol.

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

23 ~~[The Missouri state highway patrol shall provide ongoing~~  
24 ~~electronic updates to criminal history background checks of those~~  
25 ~~persons previously submitted, both those who have an active~~  
26 ~~certificate and those who do not have an active certificate, by~~  
27 ~~the department of elementary and secondary education. This shall~~

1 ~~fulfill the annual check against the criminal history records in~~  
2 ~~the central repository under section 43.530.] State and federal~~  
3 ~~fingerprint-based criminal record checks submitted under section~~  
4 ~~43.540 shall satisfy the annual criminal background check and~~  
5 ~~sexual offender registry check required by this section.~~

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

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

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

21 9. For any teacher who is employed by a school district on  
22 a substitute or part-time basis within one year of such teacher's  
23 retirement from a Missouri school, the state of Missouri shall  
24 not require such teacher to be subject to any additional  
25 background checks prior to having contact with pupils. Nothing  
26 in this subsection shall be construed as prohibiting or otherwise  
27 restricting a school district from requiring additional

1 background checks for such teachers employed by the school  
2 district.

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

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

15 12. If, as a result of the criminal history background  
16 check mandated by this section, it is determined that a person  
17 who requested enrollment in a course as described in this section  
18 has pled guilty or nolo contendere to or been found guilty of a  
19 crime or offense listed in subsection 6 of section 168.071, or a  
20 similar crime or offense committed in another state, the United  
21 States, or any other country, regardless of imposition of  
22 sentence, the school district shall prohibit the person from  
23 enrolling in any course that takes place on school property  
24 during regular school hours and that includes students counted by  
25 the district for purposes of average daily attendance, as defined  
26 in section 163.011.

27 13. For all years beginning on or after January 1, 2021,

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

10 14. The state board of education may promulgate rules for  
11 criminal history background checks made pursuant to this section.  
12 Any rule or portion of a rule, as that term is defined in section  
13 536.010, that is created under the authority delegated in this  
14 section shall become effective only if it complies with and is  
15 subject to all of the provisions of chapter 536 and, if  
16 applicable, section 536.028. This section and chapter 536 are  
17 nonseverable, and if any of the powers vested with the general  
18 assembly pursuant to chapter 536 to review, to delay the  
19 effective date, or to disapprove and annul a rule are  
20 subsequently held unconstitutional, then the grant of rulemaking  
21 authority and any rule proposed or adopted after January 1, 2005,  
22 shall be invalid and void.

23 173.2700. 1. The provisions of sections 173.2700 to  
24 173.2712 shall be known and may be cited as the "Private College  
25 Campus Protection Act".

26 2. For purposes of sections 173.2700 to 173.2712, the  
27 following terms mean:

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

3       (2) "Private college" or "private university", any college  
4 or university that:

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

7       (b) Provides a program of education in residence leading to  
8 a baccalaureate degree, or provides a program of education in  
9 residence for which the baccalaureate degree is a prerequisite  
10 leading to an academic or professional degree;

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

13       (d) Is located within five miles of any city of the fourth  
14 classification with more than four thousand but fewer than four  
15 thousand five hundred inhabitants and located in any county of  
16 the first classification with more than fifty thousand but fewer  
17 than seventy thousand inhabitants.

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

21       (1) Enforce regulations established under section 173.2709  
22 and general motor vehicle laws of this state in accordance with  
23 section 173.2712, protect persons and property, and preserve  
24 peace and good order only in the buildings, properties, grounds,  
25 and other facilities and locations over which it has charge or  
26 control; and

27       (2) Respond to emergencies or natural disasters outside of

1 the boundaries of college or university property and provide  
2 services if requested by the law enforcement agency with  
3 jurisdiction.

4 173.2703. 1. The private college or private university  
5 police officers, before they enter upon their duties, shall take  
6 and subscribe an oath of office, before an officer authorized to  
7 administer oaths, to faithfully and impartially discharge the  
8 duties thereof, which oath shall be filed in the office of the  
9 board, and the secretary of the board shall give each college  
10 police officer so appointed and qualified a certificate of  
11 appointment, under the seal of the board, which certificate shall  
12 empower him or her with the same authority to maintain order,  
13 preserve peace, and make arrests as is now held by peace  
14 officers.

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

24 3. Such officer or employee of the private college or  
25 private university as may be designated by the board shall have  
26 immediate charge, control, and supervision of police officers  
27 appointed by authority of this section. Such college or

1 university police officers shall have satisfactorily completed  
2 before appointment a training course for police officers as  
3 prescribed by chapter 590 for state peace officers or, by virtue  
4 of previous experience or training, have met the requirements of  
5 chapter 590 and have been licensed under that chapter.

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

9 173.2706. Nothing in sections 173.2700 to 173.2712 shall be  
10 construed as denying the board the right to appoint guards or  
11 watchmen who shall not be given the authority and powers  
12 authorized by sections 173.2700 to 173.2712.

13 173.2709. 1. For the purpose of promoting public safety,  
14 health, and general welfare and to protect life and property, the  
15 governing board of any private college or private university may  
16 establish regulations to control vehicular traffic, including  
17 speed regulations, on any thoroughfare owned or maintained by the  
18 college or university and located within any of its campuses.  
19 Such regulations shall be consistent with the provisions of the  
20 general motor vehicle laws of this state. Upon adoption of such  
21 regulations, the private college or private university shall have  
22 the authority to place official traffic control signals, as  
23 defined in section 300.010, on campus property.

24 2. The regulations established by the governing board of  
25 the private college or private university under subsection 1 of  
26 this section shall be codified, printed, and distributed for  
27 public use. Adequate signs displaying the speed limit shall be

1 posted along such thoroughfares.

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

9 4. The provisions of this section shall apply only to  
10 moving violations.

11 173.2712. 1. All motor vehicles operated upon any  
12 thoroughfare owned or maintained by a private college or private  
13 university and located within any of its campuses shall be  
14 subject to the provisions of the general motor vehicle laws of  
15 this state, including chapters 301, 302, 303, 304, 307, and 577.  
16 Violations shall have the same effect as though such violations  
17 had occurred on public roads, streets, or highways of this state.

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

19 (1) The provisions of the program authorized under sections  
20 173.2700 to 173.2712 shall automatically sunset five years after  
21 the effective date of this section unless reauthorized by an act  
22 of the general assembly; and

23 (2) If the program is reauthorized, the program authorized  
24 under sections 173.2700 to 173.2712 shall automatically sunset  
25 five years after the effective date of the reauthorization of  
26 sections 173.2700 to 173.2712; and

27 (3) Sections 173.2700 to 173.2712 shall terminate on



1 September first of the calendar year immediately following the  
2 calendar year in which the program authorized under sections  
3 173.2700 to 173.2712 is sunset.

4 190.092. 1. This section shall be known and may be cited  
5 as the "Public Access to Automated External Defibrillator Act".

6 2. A person or entity that acquires an automated external  
7 defibrillator shall:

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

10 (2) Notify an agent of the local EMS agency of the  
11 existence, location, and type of all automated external  
12 defibrillators on the premises, including any changes in location  
13 of or removal of an automated external defibrillator;

14 (3) Ensure that the automated external defibrillator is  
15 maintained and tested according to the operation and maintenance  
16 guidelines set forth by the manufacturer;

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

19 (5) Ensure that an inspection is made of all automated  
20 external defibrillators on the premises at least every ninety  
21 days for potential issues related to operation of the device,  
22 including a blinking light or other obvious defect that may  
23 suggest tampering or that another problem has arisen with the  
24 functionality of the automated external defibrillator. [A person  
25 or entity who acquires an automated external defibrillator shall  
26 ensure that:

27 ~~—— (1) Expected defibrillator users receive training by the~~

~~American Red Cross or American Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;~~

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

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

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

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

~~—— 4.]~~ 3. Any person who gratuitously and in good faith renders emergency care by use of or provision of an automated external defibrillator shall not be held liable for any civil damages or subject to a criminal penalty as a result of such care or treatment, unless the person acts in a willful and wanton or

1 reckless manner in providing the care, advice, or assistance.  
2 The person or entity ~~[who]~~ that provides ~~[appropriate]~~ training  
3 to the person using an automated external defibrillator, the  
4 person or entity responsible for the site where the automated  
5 external defibrillator is located, and the person or entity that  
6 owns the automated external defibrillator ~~[, the person or entity  
7 that provided clinical protocol for automated external  
8 defibrillator sites or programs, and the licensed physician who  
9 reviews and approves the clinical protocol]~~ shall likewise not be  
10 held liable for civil damages or subject to a criminal penalty  
11 resulting from the use of an automated external defibrillator.

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

14 ~~[5.]~~ 4. All basic life support ambulances and stretcher  
15 vans operated in the state of Missouri shall be equipped with an  
16 automated external defibrillator and be staffed by at least one  
17 individual trained in the use of an automated external  
18 defibrillator.

19 ~~[6.]~~ 5. The provisions of this section shall apply in all  
20 counties within the state and any city not within a county.

21 190.094. 1. Any ambulance licensed in this state, when  
22 used as an ambulance and staffed with volunteer staff, shall be  
23 staffed with a minimum of one emergency medical technician and  
24 one other crew member who may be a licensed emergency medical  
25 technician, registered nurse, physician assistant, assistant  
26 physician, physician, or someone who has an emergency medical  
27 responder certification.

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

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

12           190.100. As used in sections 190.001 to 190.245, the  
13 following words and terms mean:

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

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

26           (3) "Ambulance", any privately or publicly owned vehicle or  
27 craft that is specially designed, constructed or modified,

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

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

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

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

22 (7) "Council", the state advisory council on emergency  
23 medical services;

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

26 (9) "Director", the director of the department of health  
27 and senior services or the director's duly authorized

1 representative;

2 (10) "Dispatch agency", any person or organization that  
3 receives requests for emergency medical services from the public,  
4 by telephone or other means, and is responsible for dispatching  
5 emergency medical services;

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

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

15 (b) Serious impairment to a bodily function;

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

17 (d) Inadequately controlled pain;

18 (12) "Emergency medical dispatcher", a person who receives  
19 emergency calls from the public and has successfully completed an  
20 emergency medical dispatcher course, meeting or exceeding the  
21 national curriculum of the United States Department of  
22 Transportation and any modifications to such curricula specified  
23 by the department through rules adopted pursuant to sections  
24 190.001 to 190.245;

25 (13) "Emergency medical responder", a person who has  
26 successfully completed an emergency first response course meeting  
27 or exceeding the national curriculum of the U.S. Department of

1 Transportation and any modifications to such curricula specified  
2 by the department through rules adopted under sections 190.001 to  
3 190.245 and who provides emergency medical care through  
4 employment by or in association with an emergency medical  
5 response agency;

6 (14) "Emergency medical response agency", any person that  
7 regularly provides a level of care that includes first response,  
8 basic life support or advanced life support, exclusive of patient  
9 transportation;

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

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

22 (17) "Emergency medical technician", a person licensed in  
23 emergency medical care in accordance with standards prescribed by  
24 sections 190.001 to 190.245, and by rules adopted by the  
25 department pursuant to sections 190.001 to 190.245;

26 (18) "Emergency medical technician-basic" or "EMT-B", a  
27 person who has successfully completed a course of instruction in

1 basic life support as prescribed by the department and is  
2 licensed by the department in accordance with standards  
3 prescribed by sections 190.001 to 190.245 and rules adopted by  
4 the department pursuant to sections 190.001 to 190.245;

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

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

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

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

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



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

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

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

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

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

25           (29) "Person", as used in these definitions and elsewhere  
26 in sections 190.001 to 190.245, any individual, firm,  
27 partnership, copartnership, joint venture, association,

1 cooperative organization, corporation, municipal or private, and  
2 whether organized for profit or not, state, county, political  
3 subdivision, state department, commission, board, bureau or  
4 fraternal organization, estate, public trust, business or common  
5 law trust, receiver, assignee for the benefit of creditors,  
6 trustee or trustee in bankruptcy, or any other service user or  
7 provider;

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

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

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

24 (33) "Proof of financial responsibility", proof of ability  
25 to respond to damages for liability, on account of accidents  
26 occurring subsequent to the effective date of such proof, arising  
27 out of the ownership, maintenance or use of a motor vehicle in

1 the financial amount set in rules promulgated by the department,  
2 but in no event less than the statutory minimum required for  
3 motor vehicles. Proof of financial responsibility shall be used  
4 as proof of self-insurance;

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

7 (35) "Regional EMS advisory committee", a committee formed  
8 within an emergency medical services (EMS) region to advise  
9 ambulance services, the state advisory council on EMS and the  
10 department;

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

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

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

4           (39) "State EMS medical directors advisory committee", a  
5 subcommittee of the state advisory council on emergency medical  
6 services formed to advise the state advisory council on emergency  
7 medical services and the department on medical issues;

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

13           (41) "STEMI care", includes education and prevention,  
14 emergency transport, triage, and acute care and rehabilitative  
15 services for STEMI that requires immediate medical or surgical  
16 intervention or treatment;

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

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

22           (44) "Stroke care", includes emergency transport, triage,  
23 and acute intervention and other acute care services for stroke  
24 that potentially require immediate medical or surgical  
25 intervention or treatment, and may include education, primary  
26 prevention, acute intervention, acute and subacute management,  
27 prevention of complications, secondary stroke prevention, and

1 rehabilitative services;

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

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

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

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

12 190.105. 1. No person, either as owner, agent or  
13 otherwise, shall furnish, operate, conduct, maintain, advertise,  
14 or otherwise be engaged in or profess to be engaged in the  
15 business or service of the transportation of patients by  
16 ambulance in the air, upon the streets, alleys, or any public way  
17 or place of the state of Missouri unless such person holds a  
18 currently valid license from the department for an ambulance  
19 service issued pursuant to the provisions of sections 190.001 to  
20 190.245.

21 2. No ground ambulance shall be operated for ambulance  
22 purposes, and no individual shall drive, attend or permit it to  
23 be operated for such purposes in the state of Missouri unless the  
24 ground ambulance is under the immediate supervision and direction  
25 of a person who is holding a currently valid Missouri license as  
26 an emergency medical technician. Nothing in this section shall  
27 be construed to mean that a duly registered nurse, a duly

1 licensed physician assistant, a duly licensed assistant  
2 physician, or a duly licensed physician be required to hold an  
3 emergency medical technician's license. A physician assistant or  
4 assistant physician shall be exempt from any mileage requirement.

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

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

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

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

23 (2) Is operated from a location or headquarters outside of  
24 Missouri in order to transport patients who are picked up beyond  
25 the limits of Missouri to locations within or outside of  
26 Missouri, but no such outside ambulance shall be used to pick up  
27 patients within Missouri for transportation to locations within

1 Missouri, except as provided in subdivision (1) of this  
2 subsection.

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

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

20 6. In a county with a population of over nine hundred  
21 thousand inhabitants, the governing body of the county shall set  
22 the standards for all ambulance services which shall comply with  
23 subsection 5 of this section. All such ambulance services must  
24 be licensed by the department. The governing body of such county  
25 shall not prohibit a licensed ambulance service from operating in  
26 the county, as long as the ambulance service meets county  
27 standards.

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

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

11          9. A political subdivision that is authorized to operate a  
12 licensed ambulance service may establish, operate, maintain and  
13 manage its ambulance service, and select and contract with a  
14 licensed ambulance service. Any political subdivision may  
15 contract with a licensed ambulance service.

16          10. Except as provided in subsections 5 and 6, nothing in  
17 section 67.300, or subsection 2 of section 190.109, shall be  
18 construed to authorize any municipality or county which is  
19 located within an ambulance district or a fire protection  
20 district that is authorized to provide ambulance service to  
21 promulgate laws, ordinances or regulations related to the  
22 provision of ambulance services. This provision shall not apply  
23 to any municipality or county which operates an ambulance service  
24 established prior to August 28, 1998.

25          11. Nothing in section 67.300 or subsection 2 of section  
26 190.109 shall be construed to authorize any municipality or  
27 county which is located within an ambulance district or a fire



1 protection district that is authorized to provide ambulance  
2 service to operate an ambulance service without a franchise in an  
3 ambulance district or a fire protection district that is  
4 authorized to provide ambulance service which has enacted an  
5 ordinance making it unlawful to do so. This provision shall not  
6 apply to any municipality or county which operates an ambulance  
7 service established prior to August 28, 1998.

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

14 13. No provision of this section, other than subsections 5,  
15 6, 10 and 11 of this section, is intended to limit or supersede  
16 the powers given to ambulance districts pursuant to this chapter  
17 or to fire protection districts pursuant to chapter 321, or to  
18 counties, cities, towns and villages pursuant to chapter 67.

19 14. Upon the sale or transfer of any ground ambulance  
20 service ownership, the owner of such service shall notify the  
21 department of the change in ownership within thirty days of such  
22 sale or transfer. After receipt of such notice, the department  
23 shall conduct an inspection of the ambulance service to verify  
24 compliance with the licensure standards of sections 190.001 to  
25 190.245.

26 190.143. 1. Notwithstanding any other provisions of law,  
27 the department may grant a ninety-day temporary emergency medical

1 technician license to all levels of emergency medical technicians  
2 who meet the following:

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

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

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

15 (4) Have not been disciplined pursuant to sections 190.001  
16 to 190.245 and rules promulgated pursuant to sections 190.001 to  
17 190.245;

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

20 2. A temporary emergency medical technician license shall  
21 only authorize the license to practice while under the immediate  
22 supervision of a licensed emergency medical technician,  
23 registered nurse, physician assistant, assistant physician, or  
24 physician who is currently licensed, without restrictions, to  
25 practice in Missouri.

26 3. A temporary emergency medical technician license shall  
27 automatically expire either ninety days from the date of issuance

1 or upon the issuance of a five-year emergency medical technician  
2 license.

3 190.196. 1. No employer shall knowingly employ or permit  
4 any employee to perform any services for which a license,  
5 certificate or other authorization is required by sections  
6 190.001 to 190.245, or by rules adopted pursuant to sections  
7 190.001 to 190.245, unless and until the person so employed  
8 possesses all licenses, certificates or authorizations that are  
9 required.

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

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

- 23 (1) Child abuse or sexual abuse of a child;
- 24 (2) Crimes of violence; or
- 25 (3) Rape or sexual abuse.

26 4. Any licensee who has charges filed against him or her  
27 for the felony offenses in subsection 3 of this section shall

1 report such an occurrence to the department within seventy-two  
2 hours of the charges being filed.

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

5 190.1005. Notwithstanding any other provision of law, any  
6 training or course in cardiopulmonary resuscitation shall also  
7 include instruction on the proper use of automated external  
8 defibrillators. Such training or course shall follow the  
9 standards created by the American Red Cross or the American Heart  
10 Association, or equivalent evidence-based standards from a  
11 nationally recognized organization.

12 191.255. 1. Notwithstanding any other provision of law to  
13 the contrary, no state agency, including employees therein, shall  
14 disclose to the federal government, any federal government  
15 employee, or any unauthorized third party, the statewide list or  
16 any individual information of persons who have applied for or  
17 obtained a medical marijuana card.

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

19 192.2435. 1. Subject to section 56.086, reports made  
20 pursuant to sections 192.2400 to 192.2470 shall be confidential  
21 and shall not be deemed a public record and shall not be subject  
22 to the provisions of section 109.180 or chapter 610.

23 2. Such reports shall be accessible for examination and  
24 copying only to the following persons or offices, or to their  
25 designees:

26 (1) The department or any person or agency designated by  
27 the department;

- 1           (2) The attorney general;
- 2           (3) The department of mental health for persons referred to  
3 that department;
- 4           (4) Any appropriate law enforcement agency; and
- 5           (5) The eligible adult or such adult's legal guardian.

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

- 7           (1) Such reporter specifically authorizes disclosure of his  
8 name; and
- 9           (2) The department determines that disclosure of the name  
10 of the reporter is necessary in order to prevent further harm to  
11 an eligible adult.

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

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

25           6. Although reports to the central registry may be made  
26 anonymously, the department shall in all cases, after obtaining  
27 relevant information regarding the alleged abuse or neglect,

1 attempt to obtain the name and address of any person making a  
2 report.

3 195.815. 1. The department of health and senior services  
4 shall require all officers, managers, contractors, employees, and  
5 other support staff of licensed or certified medical marijuana  
6 facilities, and all owners of such medical marijuana facilities  
7 with access to the facilities or to the facilities' medical  
8 marijuana, to submit fingerprints to the Missouri state highway  
9 patrol for the purpose of conducting state and federal  
10 fingerprint-based criminal background checks.

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

17 3. Fingerprint cards and any required fees shall be sent to  
18 the Missouri state highway patrol's central repository. The  
19 fingerprints shall be used for searching the state criminal  
20 history repository and shall also be forwarded to the Federal  
21 Bureau of Investigation for the searching of the federal criminal  
22 history files under section 43.540. The Missouri state highway  
23 patrol shall notify the department of any criminal history  
24 information or lack of criminal history information on the  
25 individual. Notwithstanding the provisions of section 610.120,  
26 all records related to any criminal history information shall be  
27 available to the department.

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

14           211.071. 1. If a petition alleges that a child between the  
15 ages of twelve and eighteen has committed an offense which would  
16 be considered a felony if committed by an adult, the court may,  
17 upon its own motion or upon motion by the juvenile officer, the  
18 child or the child's custodian, order a hearing and may, in its  
19 discretion, dismiss the petition and such child may be  
20 transferred to the court of general jurisdiction and prosecuted  
21 under the general law; except that if a petition alleges that any  
22 child has committed an offense which would be considered first  
23 degree murder under section 565.020, second degree murder under  
24 section 565.021, first degree assault under section 565.050,  
25 forcible rape under section 566.030 as it existed prior to August  
26 28, 2013, rape in the first degree under section 566.030,  
27 forcible sodomy under section 566.060 as it existed prior to

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

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

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

25 4. Written notification of a transfer hearing shall be  
26 given to the juvenile and his or her custodian in the same manner  
27 as provided in sections 211.101 and 211.111. Notice of the



1 hearing may be waived by the custodian. Notice shall contain a  
2 statement that the purpose of the hearing is to determine whether  
3 the child is a proper subject to be dealt with under the  
4 provisions of this chapter, and that if the court finds that the  
5 child is not a proper subject to be dealt with under the  
6 provisions of this chapter, the petition will be dismissed to  
7 allow for prosecution of the child under the general law.

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

23 6. A written report shall be prepared in accordance with  
24 this chapter developing fully all available information relevant  
25 to the criteria which shall be considered by the court in  
26 determining whether the child is a proper subject to be dealt  
27 with under the provisions of this chapter and whether there are

1 reasonable prospects of rehabilitation within the juvenile  
2 justice system. These criteria shall include but not be limited  
3 to:

4 (1) The seriousness of the offense alleged and whether the  
5 protection of the community requires transfer to the court of  
6 general jurisdiction;

7 (2) Whether the offense alleged involved viciousness, force  
8 and violence;

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

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

15 (5) The record and history of the child, including  
16 experience with the juvenile justice system, other courts,  
17 supervision, commitments to juvenile institutions and other  
18 placements;

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

22 (7) The age of the child;

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

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

27 (10) Racial disparity in certification.

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

4           (1) Findings showing that the court had jurisdiction of the  
5 cause and of the parties;

6           (2) Findings showing that the child was represented by  
7 counsel;

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

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

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

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

20          10. If a petition has been dismissed thereby permitting a  
21 child to be prosecuted under the general law and the child is  
22 found not guilty by a court of general jurisdiction, the juvenile  
23 court shall have jurisdiction over any later offense committed by  
24 that child which would be considered a misdemeanor or felony if  
25 committed by an adult, subject to the certification provisions of  
26 this section.

27          11. If the court does not dismiss the petition to permit

1 the child to be prosecuted under the general law, it shall set a  
2 date for the hearing upon the petition as provided in section  
3 211.171.

4 211.071. 1. If a petition alleges that a child between the  
5 ages of twelve and seventeen has committed an offense which would  
6 be considered a felony if committed by an adult, the court may,  
7 upon its own motion or upon motion by the juvenile officer, the  
8 child or the child's custodian, order a hearing and may, in its  
9 discretion, dismiss the petition and such child may be  
10 transferred to the court of general jurisdiction and prosecuted  
11 under the general law; except that if a petition alleges that any  
12 child has committed an offense which would be considered first  
13 degree murder under section 565.020, second degree murder under  
14 section 565.021, first degree assault under section 565.050,  
15 forcible rape under section 566.030 as it existed prior to August  
16 28, 2013, rape in the first degree under section 566.030,  
17 forcible sodomy under section 566.060 as it existed prior to  
18 August 28, 2013, sodomy in the first degree under section  
19 566.060, first degree robbery under section 570.023, ~~[or]~~  
20 distribution of drugs under section 579.055, or vehicle hijacking  
21 under section 570.027, or has committed two or more prior  
22 unrelated offenses which would be felonies if committed by an  
23 adult, the court shall order a hearing, and may in its  
24 discretion, dismiss the petition and transfer the child to a  
25 court of general jurisdiction for prosecution under the general  
26 law.

27 2. Upon apprehension and arrest, jurisdiction over the

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

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

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

22 5. The juvenile officer may consult with the office of  
23 prosecuting attorney concerning any offense for which the child  
24 could be certified as an adult under this section. The  
25 prosecuting or circuit attorney shall have access to police  
26 reports, reports of the juvenile or deputy juvenile officer,  
27 statements of witnesses and all other records or reports relating

1 to the offense alleged to have been committed by the child. The  
2 prosecuting or circuit attorney shall have access to the  
3 disposition records of the child when the child has been  
4 adjudicated pursuant to subdivision (3) of subsection 1 of  
5 section 211.031. The prosecuting attorney shall not divulge any  
6 information regarding the child and the offense until the  
7 juvenile court at a judicial hearing has determined that the  
8 child is not a proper subject to be dealt with under the  
9 provisions of this chapter.

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

18 (1) The seriousness of the offense alleged and whether the  
19 protection of the community requires transfer to the court of  
20 general jurisdiction;

21 (2) Whether the offense alleged involved viciousness, force  
22 and violence;

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

26 (4) Whether the offense alleged is a part of a repetitive  
27 pattern of offenses which indicates that the child may be beyond

1 rehabilitation under the juvenile code;

2 (5) The record and history of the child, including  
3 experience with the juvenile justice system, other courts,  
4 supervision, commitments to juvenile institutions and other  
5 placements;

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

9 (7) The age of the child;

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

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

14 (10) Racial disparity in certification.

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

18 (1) Findings showing that the court had jurisdiction of the  
19 cause and of the parties;

20 (2) Findings showing that the child was represented by  
21 counsel;

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

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

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

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

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

14           11. If the court does not dismiss the petition to permit  
15 the child to be prosecuted under the general law, it shall set a  
16 date for the hearing upon the petition as provided in section  
17 211.171.

18           217.697. 1. Notwithstanding any other provision of law,  
19 any offender who:

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

22           (2) Is serving a sentence of life without parole for a  
23 minimum of fifty years or more and who was sentenced under  
24 section 565.008 for an offense committed prior to October 1,  
25 1984;

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

27           (4) Has no felony conviction for a dangerous felony, as



1 defined under section 556.061, prior to the conviction for which  
2 he or she is currently incarcerated; and

3 (5) Is not a convicted sex offender

4  
5 shall receive a parole hearing upon serving thirty years or more  
6 of his or her sentence.

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

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

14 (2) Demonstrated self-rehabilitation while incarcerated;

15 (3) A workable parole plan, including community and family  
16 support; and

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

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

22 4. Nothing in this section shall diminish the consideration  
23 of parole under any other provision of law applicable to the  
24 offender or the responsibility and authority of the governor to  
25 grant clemency, including pardons and commutation of sentences if  
26 necessary or desirable.

27 217.735. 1. Notwithstanding any other provision of law to

1 the contrary, the board shall supervise an offender for the  
2 duration of his or her natural life when the offender has been  
3 found guilty of an offense under:

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

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

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

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

24 4. A mandatory condition of lifetime supervision of an  
25 offender under this section is that the offender be  
26 electronically monitored. Electronic monitoring shall be based  
27 on a global positioning system or other technology that

1 identifies and records the offender's location at all times.

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

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

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

20 217.850. 1. A person commits the offense of unlawful use  
21 of unmanned aircraft over a correctional center if he or she  
22 purposely:

23 (1) Operates an unmanned aircraft within a vertical  
24 distance of four hundred feet over a correctional center's secure  
25 perimeter fence; or

26 (2) Allows an unmanned aircraft to make contact with a  
27 correctional center, including any person or object on the

1 premises of or within the facility.

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

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

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

6 (3) Any county or municipal jail.

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

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

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

13 (3) An employee of a law enforcement agency, fire  
14 department, or emergency medical service in the exercise of  
15 official duties;

16 (4) A government official or employee in the exercise of  
17 official duties;

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

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

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

24 (c) The person operating the unmanned aircraft does not  
25 physically enter the prohibited space without an escort provided  
26 by the correctional center;

27 (6) An employee of a railroad in the exercise of official

1 duties on any land owned or operated by a railroad corporation  
2 regulated by the Federal Railroad Administration; or

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

6 4. The offense of unlawful use of unmanned aircraft over a  
7 correctional center shall be punishable as an infraction unless  
8 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 an offender or  
11 correctional center employee, in which case the offense is a  
12 class B felony;

13 (2) Facilitating an escape from confinement under section  
14 575.210, in which case the offense is a class C felony; or

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

18 5. Each correctional center shall post a sign warning of  
19 the provisions of this section. The sign shall be at least  
20 eleven inches by fourteen inches and posted in a conspicuous  
21 place.

22 221.111. 1. A person commits the offense of possession of  
23 unlawful items in a prison or jail if such person knowingly  
24 delivers, attempts to deliver, possesses, deposits, or conceals  
25 in or about the premises of any correctional center as the term  
26 "correctional center" is defined under section 217.010, or any  
27 city, county, or private jail:

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

4           (2) Any other alkaloid of any kind or any intoxicating  
5 liquor as the term intoxicating liquor is defined in section  
6 311.020;

7           (3) Any article or item of personal property which a  
8 prisoner is prohibited by law, by rule made pursuant to section  
9 221.060, or by regulation of the department of corrections from  
10 receiving or possessing, except as herein provided;

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

15           (5) Any two-way telecommunications device or the component  
16 parts thereof.

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

24           3. The chief operating officer of a county or city jail or  
25 other correctional facility or the administrator of a private  
26 jail may deny visitation privileges to or refer to the county  
27 prosecuting attorney for prosecution any person who knowingly

1 delivers, attempts to deliver, possesses, deposits, or conceals  
2 in or about the premises of such jail or facility any personal  
3 item which is prohibited by rule or regulation of such jail or  
4 facility. Such rules or regulations, including a list of  
5 personal items allowed in the jail or facility, shall be  
6 prominently posted for viewing both inside and outside such jail  
7 or facility in an area accessible to any visitor, and shall be  
8 made available to any person requesting such rule or regulation.  
9 Violation of this subsection shall be an infraction if not  
10 covered by other statutes.

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

21 5. Subdivision (5) of subsection 1 of this section shall  
22 not apply to:

23 (1) Any law enforcement officer employed by a state agency,  
24 federal agency, or political subdivision lawfully engaged in his  
25 or her duties as a law enforcement officer;

26 (2) Any person authorized by the correctional center or  
27 city, county, or private jail to possess or use a two-way

1 telecommunications device in the correctional center or city,  
2 county, or private jail; or

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

11 270.400. 1. For purposes of this section, the following  
12 terms mean:

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

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

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

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

27 3. Any person may take or kill a feral hog on public land



1 or private land with the consent of the landowner [~~; except that,~~  
2 ~~during the firearms deer and turkey hunting season, the~~  
3 ~~regulations of the Missouri wildlife code shall apply~~]. Such  
4 person shall not be liable to the owner of the hog for the loss  
5 of such hog.

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

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

22 6. Russian and European wild boar and wild-caught swine may  
23 move only from a farm to a farm or directly to slaughter or to a  
24 slaughter-only market. The department shall promulgate rules for  
25 exemption permits and a fee structure to offset the actual and  
26 necessary costs incurred to enforce the provisions of this  
27 section.

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

9           (2) Notwithstanding the provisions of section 33.080 to the  
10 contrary, any moneys remaining in the fund at the end of the  
11 biennium shall not revert to the credit of the general revenue  
12 fund.

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

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

25           9. Any rule or portion of a rule, as that term is defined  
26 in section 536.010, that is created under the authority delegated  
27 in this section shall become effective only if it complies with

1 and is subject to all of the provisions of chapter 536 and, if  
2 applicable, section 536.028. This section and chapter 536 are  
3 nonseverable, and if any of the powers vested with the general  
4 assembly pursuant to chapter 536 to review, to delay the  
5 effective date, or to disapprove and annul a rule are  
6 subsequently held unconstitutional, then the grant of rulemaking  
7 authority and any rule proposed or adopted after August 28, 2010,  
8 shall be invalid and void.

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

11 285.040. No employee of any city not within a county shall  
12 be required, as a condition of employment, to reside within city  
13 limits.

14 301.560. 1. In addition to the application forms  
15 prescribed by the department, each applicant shall submit the  
16 following to the department:

17 (1) Every application other than a renewal application for  
18 a motor vehicle franchise dealer shall include a certification  
19 that the applicant has a bona fide established place of business.  
20 Such application shall include an annual certification that the  
21 applicant has a bona fide established place of business for the  
22 first three years and only for every other year thereafter. The  
23 certification shall be performed by a uniformed member of the  
24 Missouri state highway patrol or authorized or designated  
25 employee stationed in the troop area in which the applicant's  
26 place of business is located; except that in counties of the  
27 first classification, certification may be performed by an

1 officer of a metropolitan police department when the applicant's  
2 established place of business of distributing or selling motor  
3 vehicles or trailers is in the metropolitan area where the  
4 certifying metropolitan police officer is employed. When the  
5 application is being made for licensure as a boat manufacturer or  
6 boat dealer, certification shall be performed by a [~~uniformed~~  
7 ~~member of the Missouri state water patrol stationed in the~~  
8 ~~district area in which the applicant's place of business is~~  
9 ~~located or by a~~] uniformed member of the Missouri state highway  
10 patrol or authorized or designated employee stationed in the  
11 troop area in which the applicant's place of business is located  
12 or, if the applicant's place of business is located within the  
13 jurisdiction of a metropolitan police department in a first class  
14 county, by an officer of such metropolitan police department. A  
15 bona fide established place of business for any new motor vehicle  
16 franchise dealer, used motor vehicle dealer, boat dealer,  
17 powersport dealer, wholesale motor vehicle dealer, trailer  
18 dealer, or wholesale or public auction shall be a permanent  
19 enclosed building or structure, either owned in fee or leased and  
20 actually occupied as a place of business by the applicant for the  
21 selling, bartering, trading, servicing, or exchanging of motor  
22 vehicles, boats, personal watercraft, or trailers and wherein the  
23 public may contact the owner or operator at any reasonable time,  
24 and wherein shall be kept and maintained the books, records,  
25 files and other matters required and necessary to conduct the  
26 business. The applicant shall maintain a working telephone  
27 number during the entire registration year which will allow the

1 public, the department, and law enforcement to contact the  
2 applicant during regular business hours. The applicant shall  
3 also maintain an email address during the entire registration  
4 year which may be used for official correspondence with the  
5 department. In order to qualify as a bona fide established place  
6 of business for all applicants licensed pursuant to this section  
7 there shall be an exterior sign displayed carrying the name of  
8 the business set forth in letters at least six inches in height  
9 and clearly visible to the public and there shall be an area or  
10 lot which shall not be a public street on which multiple  
11 vehicles, boats, personal watercraft, or trailers may be  
12 displayed. The sign shall contain the name of the dealership by  
13 which it is known to the public through advertising or otherwise,  
14 which need not be identical to the name appearing on the  
15 dealership's license so long as such name is registered as a  
16 fictitious name with the secretary of state, has been approved by  
17 its line-make manufacturer in writing in the case of a new motor  
18 vehicle franchise dealer and a copy of such fictitious name  
19 registration has been provided to the department. Dealers who  
20 sell only emergency vehicles as defined in section 301.550 are  
21 exempt from maintaining a bona fide place of business, including  
22 the related law enforcement certification requirements, and from  
23 meeting the minimum yearly sales;

24 (2) The initial application for licensure shall include a  
25 photograph, not to exceed eight inches by ten inches but no less  
26 than five inches by seven inches, showing the business building,  
27 lot, and sign. A new motor vehicle franchise dealer applicant

1 who has purchased a currently licensed new motor vehicle  
2 franchised dealership shall be allowed to submit a photograph of  
3 the existing dealership building, lot and sign but shall be  
4 required to submit a new photograph upon the installation of the  
5 new dealership sign as required by sections 301.550 to 301.580.  
6 Applicants shall not be required to submit a photograph annually  
7 unless the business has moved from its previously licensed  
8 location, or unless the name of the business or address has  
9 changed, or unless the class of business has changed;

10 (3) Every applicant as a new motor vehicle franchise  
11 dealer, a used motor vehicle dealer, a powersport dealer, a  
12 wholesale motor vehicle dealer, trailer dealer, or boat dealer  
13 shall furnish with the application a corporate surety bond or an  
14 irrevocable letter of credit as defined in section 400.5-102,  
15 issued by any state or federal financial institution in the penal  
16 sum of fifty thousand dollars on a form approved by the  
17 department. The bond or irrevocable letter of credit shall be  
18 conditioned upon the dealer complying with the provisions of the  
19 statutes applicable to new motor vehicle franchise dealers, used  
20 motor vehicle dealers, powersport dealers, wholesale motor  
21 vehicle dealers, trailer dealers, and boat dealers, and the bond  
22 shall be an indemnity for any loss sustained by reason of the  
23 acts of the person bonded when such acts constitute grounds for  
24 the suspension or revocation of the dealer's license. The bond  
25 shall be executed in the name of the state of Missouri for the  
26 benefit of all aggrieved parties or the irrevocable letter of  
27 credit shall name the state of Missouri as the beneficiary;

1 except, that the aggregate liability of the surety or financial  
2 institution to the aggrieved parties shall, in no event, exceed  
3 the amount of the bond or irrevocable letter of credit. The  
4 proceeds of the bond or irrevocable letter of credit shall be  
5 paid upon receipt by the department of a final judgment from a  
6 Missouri court of competent jurisdiction against the principal  
7 and in favor of an aggrieved party. Additionally, every  
8 applicant as a new motor vehicle franchise dealer, a used motor  
9 vehicle dealer, a powersport dealer, a wholesale motor vehicle  
10 dealer, or boat dealer shall furnish with the application a copy  
11 of a current dealer garage policy bearing the policy number and  
12 name of the insurer and the insured;

13 (4) Payment of all necessary license fees as established by  
14 the department. In establishing the amount of the annual license  
15 fees, the department shall, as near as possible, produce  
16 sufficient total income to offset operational expenses of the  
17 department relating to the administration of sections 301.550 to  
18 301.580. All fees payable pursuant to the provisions of sections  
19 301.550 to 301.580, other than those fees collected for the  
20 issuance of dealer plates or certificates of number collected  
21 pursuant to subsection 6 of this section, shall be collected by  
22 the department for deposit in the state treasury to the credit of  
23 the "Motor Vehicle Commission Fund", which is hereby created.  
24 The motor vehicle commission fund shall be administered by the  
25 Missouri department of revenue. The provisions of section 33.080  
26 to the contrary notwithstanding, money in such fund shall not be  
27 transferred and placed to the credit of the general revenue fund

1 until the amount in the motor vehicle commission fund at the end  
2 of the biennium exceeds two times the amount of the appropriation  
3 from such fund for the preceding fiscal year or, if the  
4 department requires permit renewal less frequently than yearly,  
5 then three times the appropriation from such fund for the  
6 preceding fiscal year. The amount, if any, in the fund which  
7 shall lapse is that amount in the fund which exceeds the multiple  
8 of the appropriation from such fund for the preceding fiscal  
9 year.

10 2. In the event a new vehicle manufacturer, boat  
11 manufacturer, motor vehicle dealer, wholesale motor vehicle  
12 dealer, boat dealer, powersport dealer, wholesale motor vehicle  
13 auction, trailer dealer, or a public motor vehicle auction  
14 submits an application for a license for a new business and the  
15 applicant has complied with all the provisions of this section,  
16 the department shall make a decision to grant or deny the license  
17 to the applicant within eight working hours after receipt of the  
18 dealer's application, notwithstanding any rule of the department.

19 3. Except as otherwise provided in subsection 6 of this  
20 section, upon the initial issuance of a license by the  
21 department, the department shall assign a distinctive dealer  
22 license number or certificate of number to the applicant and the  
23 department shall issue one number plate or certificate bearing  
24 the distinctive dealer license number or certificate of number  
25 and two additional number plates or certificates of number within  
26 eight working hours after presentment of the application and  
27 payment by the applicant of a fee of fifty dollars for the first



1 plate or certificate and ten dollars and fifty cents for each  
2 additional plate or certificate. Upon renewal, the department  
3 shall issue the distinctive dealer license number or certificate  
4 of number as quickly as possible. The issuance of such  
5 distinctive dealer license number or certificate of number shall  
6 be in lieu of registering each motor vehicle, trailer, vessel or  
7 vessel trailer dealt with by a boat dealer, boat manufacturer,  
8 manufacturer, public motor vehicle auction, wholesale motor  
9 vehicle dealer, wholesale motor vehicle auction or new or used  
10 motor vehicle dealer. The license plates described in this  
11 section shall be made with fully reflective material with a  
12 common color scheme and design, shall be clearly visible at  
13 night, and shall be aesthetically attractive, as prescribed by  
14 section 301.130.

15 4. Notwithstanding any other provision of the law to the  
16 contrary, the department shall assign the following distinctive  
17 dealer license numbers to:

18	New motor vehicle franchise dealers	D-0 through D-999
19	New powersport dealers	D-1000 through D-1999
20	Used motor vehicle and used	
21	powersport dealers	D-2000 through D-9999
22	Wholesale motor vehicle dealers	W-0 through W-1999
23	Wholesale motor vehicle auctions	WA-0 through WA-999
24	New and used trailer dealers	T-0 through T-9999
25	Motor vehicle, trailer, and boat	
26	manufacturers	DM-0 through DM-999
27	Public motor vehicle auctions	A-0 through A-1999



1 retain the selling dealer's license number, the department shall  
2 issue the new dealer applicant a new dealer's license number and  
3 an equal number of plates or certificates as the department had  
4 issued to the selling dealer.

5 6. In the case of motor vehicle dealers, the department  
6 shall issue one number plate bearing the distinctive dealer  
7 license number and may issue one additional number plate to the  
8 applicant upon payment by the dealer of a fifty dollar fee for  
9 the number plate bearing the distinctive dealer license number  
10 and ten dollars and fifty cents for the additional number plate.  
11 The department may issue a third plate to the motor vehicle  
12 dealer upon completion of the dealer's fifteenth qualified  
13 transaction and payment of a fee of ten dollars and fifty cents.  
14 In the case of new motor vehicle manufacturers, powersport  
15 dealers, recreational motor vehicle dealers, and trailer dealers,  
16 the department shall issue one number plate bearing the  
17 distinctive dealer license number and may issue two additional  
18 number plates to the applicant upon payment by the manufacturer  
19 or dealer of a fifty dollar fee for the number plate bearing the  
20 distinctive dealer license number and ten dollars and fifty cents  
21 for each additional number plate. Boat dealers and boat  
22 manufacturers shall be entitled to one certificate of number  
23 bearing such number upon the payment of a fifty dollar fee.  
24 Additional number plates and as many additional certificates of  
25 number may be obtained upon payment of a fee of ten dollars and  
26 fifty cents for each additional plate or certificate. New motor  
27 vehicle manufacturers shall not be issued or possess more than

1 three hundred forty-seven additional number plates or  
2 certificates of number annually. New and used motor vehicle  
3 dealers, powersport dealers, wholesale motor vehicle dealers,  
4 boat dealers, and trailer dealers are limited to one additional  
5 plate or certificate of number per ten-unit qualified  
6 transactions annually. New and used recreational motor vehicle  
7 dealers are limited to two additional plates or certificate of  
8 number per ten-unit qualified transactions annually for their  
9 first fifty transactions and one additional plate or certificate  
10 of number per ten-unit qualified transactions thereafter. An  
11 applicant seeking the issuance of an initial license shall  
12 indicate on his or her initial application the applicant's  
13 proposed annual number of sales in order for the director to  
14 issue the appropriate number of additional plates or certificates  
15 of number. A motor vehicle dealer, trailer dealer, boat dealer,  
16 powersport dealer, recreational motor vehicle dealer, motor  
17 vehicle manufacturer, boat manufacturer, or wholesale motor  
18 vehicle dealer obtaining a distinctive dealer license plate or  
19 certificate of number or additional license plate or additional  
20 certificate of number, throughout the calendar year, shall be  
21 required to pay a fee for such license plates or certificates of  
22 number computed on the basis of one-twelfth of the full fee  
23 prescribed for the original and duplicate number plates or  
24 certificates of number for such dealers' licenses, multiplied by  
25 the number of months remaining in the licensing period for which  
26 the dealer or manufacturers shall be required to be licensed. In  
27 the event of a renewing dealer, the fee due at the time of

1 renewal shall not be prorated. Wholesale and public auctions  
2 shall be issued a certificate of dealer registration in lieu of a  
3 dealer number plate. In order for dealers to obtain number  
4 plates or certificates under this section, dealers shall submit  
5 to the department of revenue on August first of each year a  
6 statement certifying, under penalty of perjury, the dealer's  
7 number of sales during the reporting period of July first of the  
8 immediately preceding year to June thirtieth of the present year.

9 7. The plates issued pursuant to subsection 3 or 6 of this  
10 section may be displayed on any motor vehicle owned by a new  
11 motor vehicle manufacturer. The plates issued pursuant to  
12 subsection 3 or 6 of this section may be displayed on any motor  
13 vehicle or trailer owned and held for resale by a motor vehicle  
14 dealer for use by a customer who is test driving the motor  
15 vehicle, for use by any customer while the customer's vehicle is  
16 being serviced or repaired by the motor vehicle dealer, for use  
17 and display purposes during, but not limited to, parades, private  
18 events, charitable events, or for use by an employee or officer,  
19 but shall not be displayed on any motor vehicle or trailer hired  
20 or loaned to others or upon any regularly used service or wrecker  
21 vehicle. Motor vehicle dealers may display their dealer plates  
22 on a tractor, truck or trailer to demonstrate a vehicle under a  
23 loaded condition. Trailer dealers may display their dealer  
24 license plates in like manner, except such plates may only be  
25 displayed on trailers owned and held for resale by the trailer  
26 dealer.

27 8. The certificates of number issued pursuant to subsection

1 3 or 6 of this section may be displayed on any vessel or vessel  
2 trailer owned and held for resale by a boat manufacturer or a  
3 boat dealer, and used by a customer who is test driving the  
4 vessel or vessel trailer, or is used by an employee or officer on  
5 a vessel or vessel trailer only, but shall not be displayed on  
6 any motor vehicle owned by a boat manufacturer, boat dealer, or  
7 trailer dealer, or vessel or vessel trailer hired or loaned to  
8 others or upon any regularly used service vessel or vessel  
9 trailer. Boat dealers and boat manufacturers may display their  
10 certificate of number on a vessel or vessel trailer when  
11 transporting a vessel or vessels to an exhibit or show.

12 9. If any law enforcement officer has probable cause to  
13 believe that any license plate or certificate of number issued  
14 under subsection 3 or 6 of this section is being misused in  
15 violation of subsection 7 or 8 of this section, the license plate  
16 or certificate of number may be seized and surrendered to the  
17 department.

18 10. (1) Every application for the issuance of a used motor  
19 vehicle dealer's license shall be accompanied by proof that the  
20 applicant, within the last twelve months, has completed an  
21 educational seminar course approved by the department as  
22 prescribed by subdivision (2) of this subsection. Wholesale and  
23 public auto auctions and applicants currently holding a new or  
24 used license for a separate dealership shall be exempt from the  
25 requirements of this subsection. The provisions of this  
26 subsection shall not apply to current new motor vehicle franchise  
27 dealers or motor vehicle leasing agencies or applicants for a new

1 motor vehicle franchise or a motor vehicle leasing agency. The  
2 provisions of this subsection shall not apply to used motor  
3 vehicle dealers who were licensed prior to August 28, 2006.

4 (2) The educational seminar shall include, but is not  
5 limited to, the dealer requirements of sections 301.550 to  
6 301.580, the rules promulgated to implement, enforce, and  
7 administer sections 301.550 to 301.580, and any other rules and  
8 regulations promulgated by the department.

9 301.564. 1. Any person or his agent licensed or registered  
10 as a manufacturer, motor vehicle dealer, wholesale motor vehicle  
11 dealer, boat dealer, wholesale motor vehicle auction or a public  
12 motor vehicle auction pursuant to the provisions of sections  
13 301.550 to 301.580 shall permit an employee of the department of  
14 revenue or any law enforcement official to inspect, during normal  
15 business hours, any of the following documents which are in his  
16 possession or under his custody or control:

17 (1) Any title to any motor vehicle or vessel;

18 (2) Any application for title to any motor vehicle or  
19 vessel;

20 (3) Any affidavit provided pursuant to sections 301.550 to  
21 301.580 or chapter 407;

22 (4) Any assignment of title to any motor vehicle or vessel;

23 (5) Any disclosure statement or other document relating to  
24 mileage or odometer readings required by the laws of the United  
25 States or any other state;

26 (6) Any inventory and related documentation.

27 2. For purposes of this section, the term "law enforcement

1 official" shall mean any of the following:

2 (1) Attorney general, or any person designated by him to  
3 make such an inspection;

4 (2) Any prosecuting attorney or any person designated by a  
5 prosecuting attorney to make such an inspection;

6 (3) Any member or authorized or designated employee of the  
7 Missouri state highway patrol [~~or water patrol~~];

8 (4) Any sheriff or deputy sheriff;

9 (5) Any peace officer certified pursuant to chapter 590  
10 acting in his official capacity.

11 307.179. 1. As used in this section, the following terms  
12 shall mean:

13 (1) "Child booster seat", a seating system which meets the  
14 Federal Motor Vehicle Safety Standards set forth in 49 C.F.R.  
15 571.213, as amended, that is designed to elevate a child to  
16 properly sit in a federally approved safety belt system;

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

22 (3) "Driver", a person who is in actual physical control of  
23 a motor vehicle.

24 2. Every driver transporting a child under the age of  
25 sixteen years shall be responsible, when transporting such child  
26 in a motor vehicle operated by that driver on the streets or  
27 highways of this state, for providing for the protection of such



1 child as follows:

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

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

8 ~~[(2)]~~ (3) Children weighing less than forty pounds,  
9 regardless of age, shall be secured in a child passenger  
10 restraint system appropriate for that child;

11 ~~[(3)]~~ (4) Children at least four years of age but less than  
12 eight years of age, who also weigh at least forty pounds but less  
13 than eighty pounds, and who are also less than four feet, nine  
14 inches tall, shall be secured in a child passenger restraint  
15 system or booster seat appropriate for that child;

16 ~~[(4)]~~ (5) Children at least eighty pounds or children more  
17 than four feet, nine inches in height shall be secured by a  
18 vehicle safety belt or booster seat appropriate for that child;

19 ~~[(5)]~~ (6) A child who otherwise would be required to be  
20 secured in a booster seat may be transported in the back seat of  
21 a motor vehicle while wearing only a lap belt if the back seat of  
22 the motor vehicle is not equipped with a combination lap and  
23 shoulder belt for booster seat installation;

24 ~~[(6)]~~ (7) When transporting children in the immediate  
25 family when there are more children than there are seating  
26 positions in the enclosed area of a motor vehicle, the children  
27 who are not able to be restrained by a child safety restraint

1 device appropriate for the child shall sit in the area behind the  
2 front seat of the motor vehicle unless the motor vehicle is  
3 designed only for a front seat area. The driver transporting  
4 children referred to in this subsection is not in violation of  
5 this section.

6  
7 This subsection shall only apply to the use of a child passenger  
8 restraint system or vehicle safety belt for children less than  
9 sixteen years of age being transported in a motor vehicle.

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

23 4. The provisions of this section shall not apply to any  
24 public carrier for hire. The provisions of this section shall  
25 not apply to students four years of age or older who are  
26 passengers on a school bus designed for carrying eleven  
27 passengers or more and which is manufactured or equipped pursuant

1 to Missouri Minimum Standards for School Buses as school buses  
2 are defined in section 301.010.

3 5. The highways and transportation commission shall  
4 initiate and develop a program of public information to develop  
5 understanding of, and ensure compliance with, the provisions of  
6 this section.

7 311.060. 1. No person shall be granted a license hereunder  
8 unless such person is of good moral character and a qualified  
9 legal voter and a taxpaying citizen of the county, town, city or  
10 village, nor shall any corporation be granted a license hereunder  
11 unless the managing officer of such corporation is of good moral  
12 character and a qualified legal voter and taxpaying citizen of  
13 the county, town, city or village; and, except as otherwise  
14 provided under subsection 7 of this section, no person shall be  
15 granted a license or permit hereunder whose license as such  
16 dealer has been revoked, or who has been convicted, since the  
17 ratification of the twenty-first amendment to the Constitution of  
18 the United States, of a violation of the provisions of any law  
19 applicable to the manufacture or sale of intoxicating liquor, or  
20 who employs in his or her business as such dealer any person  
21 whose license has been revoked unless five years have passed  
22 since the revocation as provided under subsection 6 of this  
23 section, or who has been convicted of violating such law since  
24 the date aforesaid; provided, that nothing in this section  
25 contained shall prevent the issuance of licenses to nonresidents  
26 of Missouri or foreign corporations for the privilege of selling  
27 to duly licensed wholesalers and soliciting orders for the sale

1 of intoxicating liquors to, by or through a duly licensed  
2 wholesaler, within this state.

3 2. (1) No person, partnership or corporation shall be  
4 qualified for a license under this law if such person, any member  
5 of such partnership, or such corporation, or any officer,  
6 director, or any stockholder owning, legally or beneficially,  
7 directly or indirectly, ten percent or more of the stock of such  
8 corporation, or other financial interest therein, or ten percent  
9 or more of the interest in the business for which the person,  
10 partnership or corporation is licensed, or any person employed in  
11 the business licensed under this law shall have had a license  
12 revoked under this law except as otherwise provided under  
13 subsections 6 and 7 of this section, or shall have been convicted  
14 of violating the provisions of any law applicable to the  
15 manufacture or sale of intoxicating liquor since the ratification  
16 of the twenty-first amendment to the Constitution of the United  
17 States, or shall not be a person of good moral character.

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

22 ~~[Each employer shall report the identity of any employee~~  
23 ~~convicted of a felony to the division of liquor control.]~~ The  
24 division of liquor control shall promulgate rules to enforce the  
25 provisions of this subdivision.

26 (3) No wholesaler license shall be issued to a corporation  
27 for the sale of intoxicating liquor containing alcohol in excess

1 of five percent by weight, except to a resident corporation as  
2 defined in this section.

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

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

16           5. The supervisor shall by regulation require all  
17 applicants for licenses to file written statements, under oath,  
18 containing the information reasonably required to administer this  
19 section. Statements by applicants for licenses as wholesalers  
20 and retailers shall set out, with other information required,  
21 full information concerning the residence of all persons  
22 financially interested in the business to be licensed as required  
23 by regulation. All material changes in the information filed  
24 shall be promptly reported to the supervisor.

25           6. Any person whose license or permit issued under this  
26 chapter has been revoked shall be automatically eligible to work  
27 as an employee of an establishment holding a license or permit

1 under this chapter five years after the date of the revocation.

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

14 311.293. 1. Except for any establishment that may apply  
15 for a license under section 311.089, any person possessing the  
16 qualifications and meeting the requirements of this chapter, who  
17 is licensed to sell intoxicating liquor at retail, may apply to  
18 the supervisor of alcohol and tobacco control for a special  
19 license to sell intoxicating liquor at retail between the hours  
20 of ~~[9:00]~~ 6:00 a.m. ~~[and midnight]~~ on Sundays and 1:30 a.m. on  
21 Mondays. A licensee under this section shall pay to the director  
22 of revenue an additional fee of two hundred dollars a year  
23 payable at the same time and in the same manner as its other  
24 license fees.

25 2. In addition to any fee collected pursuant to section  
26 311.220, a city or county may charge and collect an additional  
27 fee not to exceed three hundred dollars from any licensee under

1 this section for the privilege of selling intoxicating liquor at  
2 retail between the hours of ~~[9:00]~~ 6:00 a.m. ~~[and midnight]~~ on  
3 Sundays and 1:30 a.m. on Mondays in such city or county; however  
4 the additional fee shall not exceed the fee charged by that city  
5 or county for a special license issued pursuant to any provision  
6 of this chapter which allows a licensee to sell intoxicating  
7 liquor by the drink for consumption on the premises of the  
8 licensee on Sundays.

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

12 311.332. 1. It shall be unlawful for any wholesaler  
13 licensed to sell intoxicating liquor and wine containing alcohol  
14 in excess of five percent by weight to persons duly licensed to  
15 sell such intoxicating liquor and wine at retail, to discriminate  
16 between retailers or in favor of or against any retailer or group  
17 of retailers, directly or indirectly, in price, in discounts for  
18 time of payment, or in discounts on quantity of merchandise sold,  
19 or to grant directly or indirectly any discount, rebate, free  
20 goods, allowance or other inducement, excepting a discount not in  
21 excess of one percent for quantity of liquor and wine, and a  
22 discount not in excess of one percent for payment on or before a  
23 certain date. The delivery of manufacturer rebate coupons by  
24 wholesalers to retailers shall not be a violation of this  
25 subsection.

26 2. Manufacturers or wholesalers shall be permitted to  
27 donate or deliver or cause to be delivered beer, wine, distilled



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

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

24 311.660. 1. The supervisor of liquor control shall have  
25 the authority to suspend or revoke for cause all such licenses;  
26 and to make the following regulations, without limiting the  
27 generality of provisions empowering the supervisor of liquor

1 control as in this chapter set forth as to the following matters,  
2 acts and things:

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

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

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

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

22 (5) Prescribe the nature of the proof to be furnished and  
23 conditions to be observed in the issuance of duplicate licenses,  
24 in lieu of those lost or destroyed;

25 (6) Establish rules and regulations for the conduct of the  
26 business carried on by each specific licensee under the license,  
27 and such rules and regulations if not obeyed by every licensee

1 shall be grounds for the revocation or suspension of the license;

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

5 (8) To issue subpoenas and all necessary processes and  
6 require the production of papers, to administer oaths and to take  
7 testimony;

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

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

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

19 313.220. 1. The commission shall promulgate such rules and  
20 regulations governing the establishment and operation of a state  
21 lottery as it deems necessary and desirable to fully implement  
22 the mandate of the people expressed in the approval of the  
23 lottery amendment to Article III of the Missouri Constitution.  
24 Such rules and regulations shall be designed so that a lottery  
25 may be initiated at the earliest feasible and practicable time.  
26 No rule or portion of a rule promulgated under the authority of  
27 this chapter shall become effective unless it has been

1 promulgated pursuant to the provisions of section 536.024.

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

20 320.091. There shall be no cause of action against any fire  
21 protection district, volunteer fire protection association, or  
22 any fire department of any political subdivision, company, or  
23 organization ~~[which]~~ that donates equipment used to suppress fire  
24 or fire protection clothing to another department, association,  
25 ~~[or]~~ district, or fire training academy if one of the following  
26 conditions ~~[are]~~ is met:

27 (1) ~~[Such equipment is approved by the state fire marshal~~

1 ~~or the state fire marshal's designee;~~

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

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

7 ~~[(4)] (2) The donor [agency] informs the [receiving~~  
8 ~~agency] recipient in writing of any defects in the equipment or~~  
9 ~~clothing about which it [knows] knew or, by using ordinary care,~~  
10 ~~could have known at the time of donation.~~

11  
12 This immunity shall apply only to causes of action directly  
13 related to the equipment or clothing mentioned in this section.

14 491.641. 1. (1) There is hereby created in the state  
15 treasury the "Pretrial Witness Protection Services Fund", which  
16 shall consist of moneys collected under this section. The state  
17 treasurer shall be custodian of the fund. In accordance with  
18 sections 30.170 and 30.180, the state treasurer may approve  
19 disbursements. The fund shall be a dedicated fund and money in  
20 the fund shall be used solely by the department of public safety  
21 for the purposes of witness protection services pursuant to this  
22 section.

23 (2) Notwithstanding the provisions of section 33.080 to the  
24 contrary, any moneys remaining in the fund at the end of the  
25 biennium shall not revert to the credit of the general revenue  
26 fund.

27 (3) The state treasurer shall invest moneys in the fund in

1 the same manner as other funds are invested. Any interest and  
2 moneys earned on such investments shall be credited to the fund.

3 2. Any law enforcement agency may provide for the security  
4 of witnesses, potential witnesses, and their immediate families  
5 in criminal proceedings instituted or investigations pending  
6 against a person alleged to have engaged in a violation of state  
7 law. Providing for witnesses may include provision of housing  
8 facilities and for the health, safety, and welfare of such  
9 witnesses and their immediate families, if testimony by such a  
10 witness might subject the witness or a member of his or her  
11 immediate family to danger of bodily injury, and may continue so  
12 long as such danger exists. Subject to appropriations from the  
13 general assembly for the purposes provided for in this section,  
14 funds may be appropriated from the pretrial witness protection  
15 services fund.

16 3. The department of public safety may authorize funds to  
17 be disbursed to law enforcement agencies for the purchase,  
18 rental, or modification of protected housing facilities for the  
19 purpose of this section. The law enforcement agency may contract  
20 with any department of federal or state government to obtain or  
21 to provide the facilities or services to carry out this section.

22 4. The department of public safety may authorize  
23 expenditures for law enforcement agencies to provide for the  
24 health, safety, and welfare of witnesses and victims, and the  
25 families of such witnesses and victims, whenever testimony from,  
26 or a willingness to testify by, such a witness or victim would  
27 place the life of such person, or a member of his or her family

1 or household, in jeopardy. A law enforcement agency shall submit  
2 an application to the department of public safety which shall  
3 include, but not necessarily be limited to:

4 (1) Statement of conditions which qualify persons for  
5 protection;

6 (2) Precise methods the originating agency will use to  
7 provide protection, including relocation of persons and  
8 reciprocal agreements with other law enforcement agencies; and

9 (3) Statement of the projected costs over a specified  
10 period of time.

11 556.061. In this code, unless the context requires a  
12 different definition, the following terms shall mean:

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

16 (2) "Affirmative defense":

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

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

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

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

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

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

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

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

24           (7) "Computer hardware", all equipment which can collect,  
25 analyze, create, display, convert, store, conceal or transmit  
26 electronic, magnetic, optical or similar computer impulses or  
27 data. Hardware includes, but is not limited to, any data



1 processing devices, such as central processing units, memory  
2 typewriters and self-contained laptop or notebook computers;  
3 internal and peripheral storage devices, transistor-like binary  
4 devices and other memory storage devices, such as floppy disks,  
5 removable disks, compact disks, digital video disks, magnetic  
6 tape, hard drive, optical disks and digital memory; local area  
7 networks, such as two or more computers connected together to a  
8 central computer server via cable or modem; peripheral input or  
9 output devices, such as keyboards, printers, scanners, plotters,  
10 video display monitors and optical readers; and related  
11 communication devices, such as modems, cables and connections,  
12 recording equipment, RAM or ROM units, acoustic couplers,  
13 automatic dialers, speed dialers, programmable telephone dialing  
14 or signaling devices and electronic tone-generating devices; as  
15 well as any devices, mechanisms or parts that can be used to  
16 restrict access to computer hardware, such as physical keys and  
17 locks;

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

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

23 (10) "Computer software", digital information which can be  
24 interpreted by a computer and any of its related components to  
25 direct the way they work. Software is stored in electronic,  
26 magnetic, optical or other digital form. The term commonly  
27 includes programs to run operating systems and applications, such

1 as word processing, graphic, or spreadsheet programs, utilities,  
2 compilers, interpreters and communications programs;

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

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

9 (13) "Confinement":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           (19) "Dangerous felony", the felonies of arson in the first  
27 degree, assault in the first degree, attempted rape in the first

1 degree if physical injury results, attempted forcible rape if  
2 physical injury results, attempted sodomy in the first degree if  
3 physical injury results, attempted forcible sodomy if physical  
4 injury results, rape in the first degree, forcible rape, sodomy  
5 in the first degree, forcible sodomy, assault in the second  
6 degree if the victim of such assault is a special victim as  
7 defined in subdivision (14) of section 565.002, kidnapping in the  
8 first degree, kidnapping, murder in the second degree, assault of  
9 a law enforcement officer in the first degree, domestic assault  
10 in the first degree, elder abuse in the first degree, robbery in  
11 the first degree, vehicle hijacking punished as a class A felony,  
12 statutory rape in the first degree when the victim is a child  
13 less than twelve years of age at the time of the commission of  
14 the act giving rise to the offense, statutory sodomy in the first  
15 degree when the victim is a child less than twelve years of age  
16 at the time of the commission of the act giving rise to the  
17 offense, child molestation in the first or second degree, abuse  
18 of a child if the child dies as a result of injuries sustained  
19 from conduct chargeable under section 568.060, child kidnapping,  
20 parental kidnapping committed by detaining or concealing the  
21 whereabouts of the child for not less than one hundred twenty  
22 days under section 565.153, and an "intoxication-related traffic  
23 offense" or "intoxication-related boating offense" if the person  
24 is found to be a "habitual offender" or "habitual boating  
25 offender" as such terms are defined in section 577.001;

26 (20) "Dangerous instrument", any instrument, article or  
27 substance, which, under the circumstances in which it is used, is

1 readily capable of causing death or other serious physical  
2 injury;

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

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

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

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

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

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

26 (27) "Forcible compulsion" either:

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

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

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

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

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

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

16 (b) Where people assemble for purposes of business,  
17 government, education, religion, entertainment, or public  
18 transportation; or

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

20  
21 Any such vehicle, vessel, or structure is inhabitable regardless  
22 of whether a person is actually present. If a building or  
23 structure is divided into separately occupied units, any unit not  
24 occupied by the actor is an inhabitable structure of another;

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

26 (a) Conduct or attendant circumstances, means a person is  
27 aware of the nature of his or her conduct or that those

1 circumstances exist; or

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

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

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

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

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

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

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

26 (38) "Possess" or "possessed", having actual or  
27 constructive possession of an object with knowledge of its

1 presence. A person has actual possession if such person has the  
2 object on his or her person or within easy reach and convenient  
3 control. A person has constructive possession if such person has  
4 the power and the intention at a given time to exercise dominion  
5 or control over the object either directly or through another  
6 person or persons. Possession may also be sole or joint. If one  
7 person alone has possession of an object, possession is sole. If  
8 two or more persons share possession of an object, possession is  
9 joint;

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

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

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

24 (42) "Recklessly", consciously disregarding a substantial  
25 and unjustifiable risk that circumstances exist or that a result  
26 will follow, and such disregard constitutes a gross deviation  
27 from the standard of care which a reasonable person would



1 exercise in the situation;

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

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

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

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

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

23 (48) "Vessel", any boat or craft propelled by a motor or by  
24 machinery, whether or not such motor or machinery is a principal  
25 source of propulsion used or capable of being used as a means of  
26 transportation on water, or any boat or craft more than twelve  
27 feet in length which is powered by sail alone or by a combination

1 of sail and machinery, and used or capable of being used as a  
2 means of transportation on water, but not any boat or craft  
3 having, as the only means of propulsion, a paddle or oars;

4 (49) "Voluntary act":

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

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

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

20 565.002. As used in this chapter, unless a different  
21 meaning is otherwise plainly required the following terms mean:

22 (1) "Adequate cause", cause that would reasonably produce a  
23 degree of passion in a person of ordinary temperament sufficient  
24 to substantially impair an ordinary person's capacity for  
25 self-control;

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

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

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

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

10          (6) "Domestic victim", a household or family member as the  
11 term "family" or "household member" is defined in section  
12 455.010, including any child who is a member of the household or  
13 family;

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

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

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

23          (10) "Parent", either a biological parent or a parent by  
24 adoption;

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

27          (12) "Photographs" or "films", the making of any

1 photograph, motion picture film, videotape, or any other  
2 recording or transmission of the image of a person;

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

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

9 (a) A law enforcement officer assaulted in the performance  
10 of his or her official duties or as a direct result of such  
11 official duties;

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

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

20 (d) An elderly person;

21 (e) A person with a disability;

22 (f) A vulnerable person;

23 (g) Any jailer or corrections officer of the state or one  
24 of its political subdivisions assaulted in the performance of his  
25 or her official duties or as a direct result of such official  
26 duties;

27 (h) A highway worker in a construction or work zone as the

1 terms "highway worker", "construction zone", and "work zone" are  
2 defined under section 304.580;

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

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

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

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

25 (m) Any employee of a public school or charter school while  
26 in the performance of his or her job duties for the public school  
27 district or charter school;

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.

7 575.150. 1. A person commits the offense of resisting or  
8 interfering with arrest, detention, or stop if he or she knows or  
9 reasonably should know that a law enforcement officer is making  
10 an arrest or attempting to lawfully detain or stop an individual  
11 or vehicle, and for the purpose of preventing the officer from  
12 effecting the arrest, stop or detention, he or she:

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

16 (2) Interferes with the arrest, stop or detention of  
17 another person by using or threatening the use of violence,  
18 physical force or physical interference.

19 2. This section applies to:

20 (1) Arrests, stops, or detentions, with or without  
21 warrants;

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

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

26 3. A person commits the offense of resisting arrest by  
27 fleeing in a motor vehicle if he or she resists an arrest, a

1 stop, or a detention by fleeing in a motor vehicle from a law  
2 enforcement officer and, during the course of fleeing, drives at  
3 a speed or in a manner that demonstrates a disregard for the  
4 safety of any person or property, including that of the pursuing  
5 officer or other occupants of the fleeing vehicle.

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

15 5. A person is presumed to be fleeing a vehicle stop if he  
16 or she continues to operate a motor vehicle after he or she has  
17 seen or should have seen clearly visible emergency lights or has  
18 heard or should have heard an audible signal emanating from the  
19 law enforcement vehicle pursuing him or her.

20 ~~[4.]~~ 6. It is no defense to a prosecution pursuant to  
21 subsection 1, 3, or 4 of this section that the law enforcement  
22 officer was acting unlawfully in making the arrest. However,  
23 nothing in this section shall be construed to bar civil suits for  
24 unlawful arrest.

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



1 arrested.

2 ~~[5.]~~ 8. The offense of resisting or interfering with an  
3 arrest is a class E felony for an arrest for a:

4 (1) Felony;

5 (2) Warrant issued for failure to appear on a felony case;  
6 or

7 (3) Warrant issued for a probation violation on a felony  
8 case.

9  
10 The offense of resisting an arrest, detention or stop in  
11 violation of subdivision (1) or (2) of subsection 1 of this  
12 section is a class A misdemeanor ~~[, unless the person fleeing  
13 creates a substantial risk of serious physical injury or death to  
14 any person, in which case it is a class E felony]~~. The offense  
15 of resisting arrest by fleeing in a motor vehicle is a class E  
16 felony, unless the person has been previously convicted under  
17 subsection 3 of this section, in which case it is a class D  
18 felony. The offense of aggravated resisting arrest by fleeing in  
19 a motor vehicle is a class D felony, unless the person has been  
20 previously convicted under subsection 4 of this section, in which  
21 case it is a class C felony.

22 575.180. 1. A law enforcement officer commits the offense  
23 of failure to execute an arrest warrant if, with the purpose of  
24 allowing any person charged with or convicted of a crime to  
25 escape, he or she fails to execute any arrest warrant, capias, or  
26 other lawful process ordering apprehension or confinement of such  
27 person, which he or she is authorized and required by law to

1 execute. For purposes of this section, "escape" means to flee  
2 from; to avoid; to get away, as to flee to avoid arrest.

3 2. The offense of failure to execute an arrest warrant is a  
4 class A misdemeanor, unless the offense involved is a felony, in  
5 which case failure to execute an arrest warrant is a class E  
6 felony.

7 3. It shall be an affirmative defense to prosecution under  
8 this section that the law enforcement officer acted under exigent  
9 circumstances in failing to execute an arrest warrant on a person  
10 who has committed a misdemeanor offense under chapter 301, 302,  
11 304, or 307 or a misdemeanor traffic offense in another state;  
12 except that, the provisions of this subsection shall not apply to  
13 the following offenses:

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

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

18 (3) Operating a motor vehicle without a proper license  
19 under section 302.020; or

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

23 577.011. In addition to other terms and conditions imposed  
24 on a person who has pled guilty to or been found guilty of  
25 driving while intoxicated under section 577.010, except for good  
26 cause shown, such person shall complete a victim impact program  
27 approved by the court. Such person shall be responsible for any

1 charges imposed by the victim impact program.

2 577.800. 1. A person commits the offense of unlawful use  
3 of unmanned aircraft over an open-air facility if he or she  
4 purposely:

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

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

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

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

18 (1) An employee of an open-air facility at the direction of  
19 the president or chief executive officer of the open-air  
20 facility;

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

23 (3) An employee of a law enforcement agency, fire  
24 department, or emergency medical service in the exercise of  
25 official duties;

26 (4) A government official or employee in the exercise of  
27 official duties;

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

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

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

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

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

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

17           (1) Delivering a gun, knife, weapon, or other article that  
18 may be used in such manner to endanger the life of an employee or  
19 guest at an open-air facility, in which case the offense is a  
20 class B felony; or

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

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

27           578.018. 1. Any duly authorized public health official or

1 law enforcement official may seek a warrant from the appropriate  
2 circuit court to enable ~~[him or her]~~ the law enforcement official  
3 to enter private property in order to inspect, care for, or  
4 ~~[impound]~~ confiscate neglected or abused animals as set forth in  
5 such warrant. All requests for such warrants shall be signed,  
6 witnessed, and accompanied by an affidavit stating the probable  
7 cause to believe a violation of sections 578.005 to ~~[578.023]~~  
8 578.025 has occurred. All warrants shall be served in the  
9 presence of a law enforcement official. A person acting under  
10 the authority of a warrant shall:

11 (1) ~~[Be given]~~ Appear at a disposition hearing before the  
12 court through which the warrant was issued, within ~~[thirty]~~ ten  
13 days of ~~[the filing of the request]~~ confiscation for the purpose  
14 of granting immediate disposition of the animals ~~[impounded]~~. No  
15 animal shall be sterilized prior to the completion of such  
16 disposition hearing unless necessary to save life or relieve  
17 suffering;

18 (2) Place ~~[impounded]~~ animals in the care or custody of a  
19 veterinarian, the appropriate animal control authority, ~~[or]~~ an  
20 animal shelter, or a third party approved by the court. If no  
21 appropriate veterinarian, animal control authority, ~~[or]~~ animal  
22 shelter, or third party is available, the animal shall not be  
23 ~~[impounded]~~ confiscated unless it is diseased or disabled beyond  
24 recovery for any useful purpose;

25 (3) Humanely kill any animal ~~[impounded]~~ confiscated if it  
26 is determined by a licensed veterinarian that the animal is  
27 diseased or disabled beyond recovery for any useful purpose;

1 (4) Not be liable for any reasonable and necessary damage  
2 to property while acting under such warrant.

3 2. (1) The owner of any animal that has been confiscated  
4 under this section shall not be responsible for the animal's care  
5 and keeping prior to a disposition hearing if the owner is  
6 acquitted or there is a final discharge without conviction.

7 (2) After completion of the disposition hearing, the owner  
8 or custodian or any person claiming an interest in any animal  
9 that has been [~~impounded~~] confiscated because of neglect or abuse  
10 may prevent disposition of the animal after the disposition  
11 hearing and until final judgment, settlement, or dismissal of the  
12 case by posting reasonable bond or security within seventy-two  
13 hours of the disposition hearing in an amount sufficient to  
14 provide for the animal's care and keeping [~~for at least thirty~~  
15 ~~days, inclusive of the date on which the animal was taken into~~  
16 ~~eustody~~] and consistent with the fair market cost of boarding  
17 such an animal in an appropriate retail boarding facility.

18 Notwithstanding the fact that reasonable bond may be posted  
19 pursuant to this [~~subsection~~] subdivision, the authority having  
20 custody of the animal may humanely dispose of the animal at the  
21 end of the time for which reasonable expenses are covered by the  
22 bond or security, unless there is a court order prohibiting such  
23 disposition. Such order shall provide for a reasonable bond or  
24 other security in the amount necessary to protect the authority  
25 having custody of the animal from any cost of the care, keeping,  
26 or disposal of the animal.

27 (3) The authority taking custody of an animal shall give

1 notice of the provisions of this section ~~[by posting a copy of~~  
2 ~~this section at the place where the animal was taken into custody~~  
3 ~~or]~~ by delivering ~~[it]~~ a copy of this section to a person  
4 residing on the property.

5 3. The owner or custodian of any animal humanely killed  
6 pursuant to this section shall not be entitled to recover any  
7 damages related to nor the actual value of the animal if the  
8 animal was found by a licensed veterinarian to be diseased or  
9 disabled beyond recovery for any useful purpose, or if the owner  
10 or custodian failed to post bond or security for the care,  
11 keeping, and disposition of the animal after being notified of  
12 ~~[impoundment]~~ confiscation and after completion of the  
13 disposition hearing.

14 4. All animals confiscated under this section shall receive  
15 proper care as determined by state law and regulations for each  
16 specific animal and facility or organization where the animal is  
17 placed after such confiscation. Any such facility or  
18 organization shall be liable to the owner for damages for any  
19 negligent acts or abuse of such animal that occurs while the  
20 animal is in the care, custody, and control of the facility or  
21 organization.

22 5. In the event that the animal owner is not liable for the  
23 costs incurred for the placement and care of an animal or animals  
24 while charges were pending, such costs relating to placement and  
25 care, as well as liability for the life or death of the animal  
26 and for medical procedures performed while charges were pending,  
27 shall be the responsibility of and shall be borne and paid by the

1 confiscating agency. Such costs shall be consistent with the  
2 fair market value of boarding an animal at a retail establishment  
3 and with the usual and customary costs of veterinary medical  
4 services provided by a clinic licensed under chapter 340.

5 6. If the owner posted a sufficient bond and is acquitted  
6 or there is a final discharge without conviction, unless there is  
7 a settlement agreement, consent judgment, or a suspended  
8 imposition of sentence, the owner may demand the return of the  
9 animal held in custody. Any entity with care, custody, and  
10 control of such animal shall immediately return such animal to  
11 the owner upon demand and proof of such acquittal or final  
12 discharge without conviction. Upon acquittal or final discharge  
13 without conviction, unless there is a settlement agreement,  
14 consent judgment, or a suspended imposition of sentence, the  
15 owner shall not be liable for any costs incurred relating to the  
16 placement or care of the animal during the pendency of the  
17 charges.

18 7. Any person or entity that intentionally euthanizes,  
19 other than as permissible under this section, or intentionally  
20 sterilizes an animal prior to a disposition hearing or during any  
21 period for which reasonable bond was secured for the animal's  
22 care is guilty of a class B misdemeanor and shall be liable to  
23 the owner of the animal for damages, including the actual value  
24 of the animal. Each individual animal for which a violation  
25 occurs is a separate offense. Any second or subsequent violation  
26 is a class A misdemeanor, and any entity licensed under state law  
27 shall be subject to licensure sanction by its governing body.



1           578.030. 1. The provisions of section 43.200  
2 notwithstanding, any member of the state highway patrol or other  
3 law enforcement officer may apply for and serve a search warrant,  
4 and shall have the power of search and seizure in order to  
5 enforce the provisions of sections 578.025 to 578.050. All  
6 requests for such warrants shall be signed, witnessed, and  
7 accompanied by an affidavit stating the probable cause to believe  
8 a violation of sections 578.025 to 578.050 has occurred.

9           2. Any member of the state highway patrol or other law  
10 enforcement officer making an arrest under section 578.025 shall  
11 lawfully take possession of all dogs or other animals in  
12 accordance with the provisions of section 578.018 and all  
13 paraphernalia, implements, or other property or things used or  
14 employed, or about to be employed, in the violation of any of the  
15 provisions of section 578.025. Such officer, after taking  
16 possession of such dogs, animals, paraphernalia, implements or  
17 other property or things, shall file with the court before whom  
18 the complaint is made against any person so arrested an affidavit  
19 stating therein the name of the person charged in such complaint,  
20 a description of the property so taken and the time and place of  
21 the taking thereof together with the name of the person from whom  
22 the same was taken and the name of the person who claims to own  
23 such property, if known, and that the affiant has reason to  
24 believe and does believe, stating the ground of such belief, that  
25 the property so taken was used or employed, or was about to be  
26 used or employed, in such violation of section 578.025. [~~He or~~  
27 ~~she~~] The officer shall thereupon deliver the property so taken to

1 the court, which shall, by order in writing, place the same in  
2 the custody of an officer or other proper person named and  
3 designated in such order, to be kept by ~~[him or her]~~ such officer  
4 or other proper person named and designated in such order until  
5 the conviction or final discharge of such person complained  
6 against, and shall send a copy of such order without delay to the  
7 prosecuting attorney of the county. The officer or person so  
8 named and designated in such order shall immediately thereupon  
9 assume the custody of such property and shall retain the same,  
10 subject to the order of the court before which such person so  
11 complained against may be required to appear for trial. If the  
12 property includes animals, the placement of the animals shall be  
13 handled in accordance with the provisions of section 578.018.

14 Upon the conviction of the person so charged, all property so  
15 seized shall be adjudged by the court to be forfeited and shall  
16 thereupon be destroyed or otherwise disposed of as the court may  
17 order. In the event of the acquittal or final discharge without  
18 conviction of the person so charged, such court shall, on demand,  
19 direct the delivery of such property so held in custody to the  
20 owner thereof.

21 579.040. 1. A person commits the offense of unlawful  
22 distribution, delivery, or sale of drug paraphernalia if he or  
23 she unlawfully distributes, delivers, or sells, or possesses with  
24 intent to distribute, deliver, or sell drug paraphernalia  
25 knowing, or under circumstances in which one reasonably should  
26 know, that it will be used to plant, propogate, cultivate, grow,  
27 harvest, manufacture, compound, convert, produce, process,

1 prepare, test, analyze, pack, repack, store, contain, conceal,  
2 inject, ingest, inhale, or otherwise introduce into the human  
3 body a controlled substance or an imitation controlled substance  
4 in violation of this chapter. Any entity registered with the  
5 department of health and senior services that possesses,  
6 distributes, or delivers hypodermic needles or syringes for the  
7 purpose of operating a syringe exchange program or otherwise  
8 mitigating health risks associated with unsterile injection drug  
9 use shall be exempt from the provisions of this section.

10 2. No entity shall be present within five hundred feet of  
11 any school building, unless such entity is in operation prior to  
12 the school building.

13 3. The offense of unlawful delivery of drug paraphernalia  
14 is a class A misdemeanor, unless done for commercial purposes, in  
15 which case it is a class E felony.

16 579.065. 1. A person commits the offense of trafficking  
17 drugs in the first degree if, except as authorized by this  
18 chapter or chapter 195, such person knowingly distributes,  
19 delivers, manufactures, produces or attempts to distribute,  
20 deliver, manufacture or produce:

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

23 (2) More than one hundred fifty grams [~~but less than four~~  
24 ~~hundred fifty grams~~] of a mixture or substance containing a  
25 detectable amount of coca leaves, except coca leaves and extracts  
26 of coca leaves from which cocaine, ecgonine, and derivatives of  
27 ecgonine or their salts have been removed; cocaine salts and

1 their optical and geometric isomers, and salts of isomers;  
2 ecgonine, its derivatives, their salts, isomers, and salts of  
3 isomers; or any compound, mixture, or preparation which contains  
4 any quantity of any of the foregoing substances;

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

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

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

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

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

18 (8) More than thirty grams [~~but less than ninety grams~~] of  
19 any material, compound, mixture, or preparation containing any  
20 quantity of the following substances having a stimulant effect on  
21 the central nervous system: amphetamine, its salts, optical  
22 isomers and salts of its optical isomers; methamphetamine, its  
23 salts, optical isomers and salts of its optical isomers;  
24 phenmetrazine and its salts; or methylphenidate; [~~or~~]

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

1           (10) One gram or more of flunitrazepam for the first  
2 offense;

3           (11) Any amount of gamma-hydroxybutyric acid for the first  
4 offense; or

5           (12) More than ten milligrams of fentanyl, or any  
6 derivative thereof, or any compound, mixture, or substance  
7 containing more than ten milligrams of fentanyl, carfentanyl, or  
8 their optical isomers or analogues.

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

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

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

15           (2) Four hundred fifty grams or more of a mixture or  
16 substance containing a detectable amount of coca leaves, except  
17 coca leaves and extracts of coca leaves from which cocaine,  
18 ecgonine, and derivatives of ecgonine or their salts have been  
19 removed; cocaine salts and their optical and geometric isomers,  
20 and salts of isomers; ecgonine, its derivatives, their salts,  
21 isomers, and salts of isomers; or any compound, mixture, or  
22 preparation which contains any quantity of any of the foregoing  
23 substances; or

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

27           (4) One gram or more of a mixture or substance containing a

1 detectable amount of lysergic acid diethylamide (LSD); or

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

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

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

7 (8) Ninety grams or more of any material, compound,  
8 mixture, or preparation containing any quantity of the following  
9 substances having a stimulant effect on the central nervous  
10 system: amphetamine, its salts, optical isomers and salts of its  
11 optical isomers; methamphetamine, its salts, optical isomers and  
12 salts of its optical isomers; phenmetrazine and its salts; or  
13 methylphenidate; or

14 (9) More than thirty grams of any material, compound,  
15 mixture, or preparation containing any quantity of the following  
16 substances having a stimulant effect on the central nervous  
17 system: amphetamine, its salts, optical isomers, and salts of  
18 its optical isomers; methamphetamine, its salts, optical isomers,  
19 and salts of its optical isomers; phenmetrazine and its salts; or  
20 methylphenidate, and the location of the offense was within two  
21 thousand feet of real property comprising a public or private  
22 elementary, vocational, or secondary school, college, community  
23 college, university, or any school bus, in or on the real  
24 property comprising public housing or any other governmental  
25 assisted housing, or within a motor vehicle, or in any structure  
26 or building which contains rooms furnished for the accommodation  
27 or lodging of guests, and kept, used, maintained, advertised, or

1 held out to the public as a place where sleeping accommodations  
2 are sought for pay or compensation to transient guests or  
3 permanent guests; or

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

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

20 (12) One gram or more of flunitrazepam for a second or  
21 subsequent offense; or

22 (13) Any amount of gamma-hydroxybutyric acid for a second  
23 or subsequent offense; or

24 (14) Twenty milligrams or more of fentanyl, or any  
25 derivative thereof, or any compound, mixture, or substance  
26 containing twenty milligrams or more of fentanyl, carfentanyl, or  
27 their optical isomers or analogues.

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

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

8           (2) More than one hundred fifty grams [~~but less than four~~  
9 ~~hundred fifty grams~~] of a mixture or substance containing a  
10 detectable amount of coca leaves, except coca leaves and extracts  
11 of coca leaves from which cocaine, ecgonine, and derivatives of  
12 ecgonine or their salts have been removed; cocaine salts and  
13 their optical and geometric isomers, and salts of isomers;  
14 ecgonine, its derivatives, their salts, isomers, and salts of  
15 isomers; or any compound, mixture, or preparation which contains  
16 any quantity of any of the foregoing substances;

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

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

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

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



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

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

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

13 (10) More than ten milligrams of fentanyl, or any  
14 derivative thereof, or any compound, mixture, or substance  
15 containing more than ten milligrams of fentanyl, carfentanyl, or  
16 their optical isomers or analogues.

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

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

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

23 (2) Four hundred fifty grams or more of a mixture or  
24 substance containing a detectable amount of coca leaves, except  
25 coca leaves and extracts of coca leaves from which cocaine,  
26 ecgonine, and derivatives of ecgonine or their salts have been  
27 removed; cocaine salts and their optical and geometric isomers,

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

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

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

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

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

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

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

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

24 (10) Ninety grams or more but less than four hundred fifty  
25 grams of any material, compound, mixture, or preparation which  
26 contains any quantity of 3,4-methylenedioxymethamphetamine; or

27 (11) Twenty milligrams or more of fentanyl, or any

1 derivative thereof, or any compound, mixture, or substance  
2 containing twenty milligrams or more of fentanyl, carfentanyl, or  
3 their optical isomers or analogues.

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

8 (1) Any quantity of the following substances having a  
9 stimulant effect on the central nervous system: amphetamine, its  
10 salts, optical isomers and salts of its optical isomers;  
11 methamphetamine, its salts, isomers and salts of its isomers;  
12 phenmetrazine and its salts; or methylphenidate; or

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

14 5. The offense of drug trafficking in the second degree is  
15 a class C felony for the first offense and a class B felony for  
16 any second or subsequent offense for the trafficking of less than  
17 one gram of flunitrazepam.

18 579.076. 1. A person commits the offense of unlawful  
19 manufacture of drug paraphernalia if he or she unlawfully  
20 manufactures with intent to deliver drug paraphernalia, knowing,  
21 or under circumstances where one reasonably should know, that it  
22 will be used to plant, propagate, cultivate, grow, harvest,  
23 manufacture, compound, convert, produce, process, prepare, test,  
24 analyze, pack, repack, store, contain, conceal, inject, ingest,  
25 inhale, or otherwise introduce into the human body a controlled  
26 substance or an imitation controlled substance in violation of  
27 this chapter or chapter 195. Any entity registered with the

1 department of health and senior services that delivers or  
2 manufactures hypodermic needles or syringes for the purpose of  
3 operating a syringe exchange program or otherwise mitigating  
4 health risks associated with unsterile injection drug use shall  
5 be exempt from the provisions of this section.

6 2. The offense of unlawful manufacture of drug  
7 paraphernalia is a class A misdemeanor, unless done for  
8 commercial purposes, in which case it is a class E felony.

9 589.400. 1. Sections 589.400 to 589.425 shall apply to:

10 (1) Any person who, since July 1, 1979, has been or is  
11 hereafter adjudicated for an offense referenced in section  
12 589.414, unless such person is exempt from registering under  
13 subsection 9 or 10 of this section or section 589.401;

14 (2) Any person who, since July 1, 1979, has been or is  
15 hereafter convicted of, been found guilty of, or pled guilty or  
16 nolo contendere to committing, attempting to commit, or  
17 conspiring to commit one or more of the following offenses:  
18 kidnapping or kidnapping in the first degree when the victim was  
19 a child and the defendant was not a parent or guardian of the  
20 child; abuse of a child under section 568.060 when such abuse is  
21 sexual in nature; felonious restraint or kidnapping in the second  
22 degree when the victim was a child and the defendant is not a  
23 parent or guardian of the child; sexual contact or sexual  
24 intercourse with a resident of a nursing home or sexual conduct  
25 with a nursing facility resident or vulnerable person in the  
26 first or second degree; endangering the welfare of a child under  
27 section 568.045 when the endangerment is sexual in nature;

1 genital mutilation of a female child, under section 568.065;  
2 promoting prostitution in the first degree; promoting  
3 prostitution in the second degree; promoting prostitution in the  
4 third degree; sexual exploitation of a minor; promoting child  
5 pornography in the first degree; promoting child pornography in  
6 the second degree; possession of child pornography; furnishing  
7 pornographic material to minors; public display of explicit  
8 sexual material; coercing acceptance of obscene material;  
9 promoting obscenity in the first degree; promoting pornography  
10 for minors or obscenity in the second degree; incest; use of a  
11 child in a sexual performance; or promoting sexual performance by  
12 a child; patronizing prostitution if the individual the person  
13 patronizes is less than eighteen years of age;

14 (3) Any person who, since July 1, 1979, has been committed  
15 to the department of mental health as a criminal sexual  
16 psychopath;

17 (4) Any person who, since July 1, 1979, has been found not  
18 guilty as a result of mental disease or defect of any offense  
19 referenced in section 589.414;

20 (5) Any juvenile certified as an adult and transferred to a  
21 court of general jurisdiction who has been adjudicated for an  
22 offense listed under section 589.414;

23 (6) Any juvenile fourteen years of age or older at the time  
24 of the offense who has been adjudicated for an offense which is  
25 equal to or more severe than aggravated sexual abuse under 18  
26 U.S.C. Section 2241, which shall include any attempt or  
27 conspiracy to commit such offense;

1           (7) Any person who is a resident of this state who has,  
2 since July 1, 1979, been or is hereafter adjudicated in any other  
3 state, territory, the District of Columbia, or foreign country,  
4 or under federal, tribal, or military jurisdiction for an offense  
5 which, if committed in this state, would constitute an offense  
6 listed under section 589.414, or has been or is required to  
7 register in another state, territory, the District of Columbia,  
8 or foreign country, or has been or is required to register under  
9 tribal, federal, or military law; or

10           (8) Any person who has been or is required to register in  
11 another state, territory, the District of Columbia, or foreign  
12 country, or has been or is required to register under tribal,  
13 federal, or military law and who works or attends an educational  
14 institution, whether public or private in nature, including any  
15 secondary school, trade school, professional school, or  
16 institution of higher education on a full-time or on a part-time  
17 basis or has a temporary residence in Missouri. "Part-time" in  
18 this subdivision means for more than seven days in any  
19 twelve-month period.

20           2. Any person to whom sections 589.400 to 589.425 apply  
21 shall, within three business days of adjudication, release from  
22 incarceration, or placement upon probation, register with the  
23 chief law enforcement official of the county or city not within a  
24 county in which such person resides unless such person has  
25 already registered in that county for the same offense. For any  
26 juvenile under subdivision (6) of subsection 1 of this section,  
27 within three business days of adjudication or release from

1 commitment to the division of youth services, the department of  
2 mental health, or other placement, such juvenile shall register  
3 with the chief law enforcement official of the county or city not  
4 within a county in which he or she resides unless he or she has  
5 already registered in such county or city not within a county for  
6 the same offense. Any person to whom sections 589.400 to 589.425  
7 apply if not currently registered in their county of residence  
8 shall register with the chief law enforcement official of such  
9 county or city not within a county within three business days.  
10 The chief law enforcement official shall forward a copy of the  
11 registration form required by section 589.407 to a city, town,  
12 village, or campus law enforcement agency located within the  
13 county of the chief law enforcement official.

14 3. The registration requirements of sections 589.400  
15 through 589.425 shall be as provided under subsection 4 of this  
16 section unless:

17 (1) All offenses requiring registration are reversed,  
18 vacated, or set aside; or

19 (2) ~~【The registrant is no longer required to register and~~  
20 ~~his or her name shall be removed from the registry under the~~  
21 ~~provisions of section 589.414; or~~

22 ~~—(3)】~~ The court orders the removal or exemption of such  
23 person from the registry under section 589.401.

24 4. The registration requirements shall be as follows:

25 (1) Fifteen years if the offender is a tier I sex offender  
26 as provided under section 589.414;

27 (2) Twenty-five years if the offender is a tier II sex

1 offender as provided under section 589.414; or

2 (3) The life of the offender if the offender is a tier III  
3 sex offender.

4 5. (1) The registration period shall be reduced as  
5 described in subdivision (3) of this subsection for a sex  
6 offender who maintains a clean record for the periods described  
7 under subdivision (2) of this subsection by:

8 (a) Not being adjudicated of any offense for which  
9 imprisonment for more than one year may be imposed;

10 (b) Not being adjudicated of any sex offense;

11 (c) Successfully completing any periods of supervised  
12 release, probation, or parole; and

13 (d) Successfully completing an appropriate sex offender  
14 treatment program certified by the attorney general.

15 (2) In the case of a:

16 (a) Tier I sex offender, the period during which the clean  
17 record shall be maintained is ten years;

18 (b) Tier III sex offender adjudicated delinquent for the  
19 offense which required registration in a sex offender registry  
20 under sections 589.400 to 589.425, the period during which the  
21 clean record shall be maintained is twenty-five years.

22 (3) In the case of a:

23 (a) Tier I sex offender, the reduction is five years;

24 (b) Tier III sex offender adjudicated delinquent, the  
25 reduction is from life to that period for which the clean record  
26 under paragraph (b) of subdivision (2) of this subsection is  
27 maintained.



1           6. For processing an initial sex offender registration the  
2 chief law enforcement officer of the county or city not within a  
3 county may charge the offender registering a fee of up to ten  
4 dollars.

5           7. For processing any change in registration required  
6 pursuant to section 589.414 the chief law enforcement official of  
7 the county or city not within a county may charge the person  
8 changing their registration a fee of five dollars for each change  
9 made after the initial registration.

10          8. Any person currently on the sexual offender registry or  
11 who otherwise would be required to register for being adjudicated  
12 for the offense of felonious restraint of a nonsexual nature when  
13 the victim was a child and he or she was the parent or guardian  
14 of the child, nonsexual child abuse that was committed under  
15 section 568.060, or kidnapping of a nonsexual nature when the  
16 victim was a child and he or she was the parent or guardian of  
17 the child shall be removed from the registry. However, such  
18 person shall remain on the sexual offender registry for any other  
19 offense for which he or she is required to register under  
20 sections 589.400 to 589.425.

21          9. The following persons shall be exempt from registering  
22 as a sexual offender upon petition to the court of jurisdiction  
23 under section 589.401; except that, such person shall remain on  
24 the sexual offender registry for any other offense for which he  
25 or she is required to register under sections 589.400 to 589.425:

26           (1) Any person currently on the sexual offender registry or  
27 who otherwise would be required to register for a sexual offense

1 involving:

2 (a) Sexual conduct where no force or threat of force was  
3 directed toward the victim or any other individual involved, if  
4 the victim was an adult, unless the adult was under the custodial  
5 authority of the offender at the time of the offense; or

6 (b) Sexual conduct where no force or threat of force was  
7 directed toward the victim, the victim was at least fourteen  
8 years of age, and the offender was not more than four years older  
9 than the victim at the time of the offense; or

10 (2) Any person currently required to register for the  
11 following sexual offenses:

12 (a) Promoting obscenity in the first degree under section  
13 573.020;

14 (b) Promoting obscenity in the second degree under section  
15 573.030;

16 (c) Furnishing pornographic materials to minors under  
17 section 573.040;

18 (d) Public display of explicit sexual material under  
19 section 573.060;

20 (e) Coercing acceptance of obscene material under section  
21 573.065;

22 (f) Trafficking for the purpose of slavery, involuntary  
23 servitude, peonage, or forced labor under section 566.206;

24 (g) Abusing an individual through forced labor under  
25 section 566.203;

26 (h) Contributing to human trafficking through the misuse of  
27 documentation under section 566.215; or

1 (i) Acting as an international marriage broker and failing  
2 to provide the information and notice as required under section  
3 578.475.

4 10. Any person currently on the sexual offender registry  
5 for having been adjudicated for a tier I or II offense or  
6 adjudicated delinquent for a tier III offense or other comparable  
7 offenses listed under section 589.414 may file a petition under  
8 section 589.401.

9 11. Any nonresident worker, including work as a volunteer  
10 or intern, or nonresident student shall register for the duration  
11 of such person's employment, including participation as a  
12 volunteer or intern, or attendance at any school of higher  
13 education whether public or private, including any secondary  
14 school, trade school, professional school, or institution of  
15 higher education on a full-time or part-time basis in this state  
16 unless granted relief under section 589.401. Any registered  
17 offender shall provide information regarding any place in which  
18 the offender is staying when away from his or her residence for  
19 seven or more days, including the period of time the offender is  
20 staying in such place. Any registered offender from another  
21 state who has a temporary residence in this state and resides  
22 more than seven days in a twelve-month period shall register for  
23 the duration of such person's temporary residency unless granted  
24 relief under section 589.401.

25 589.401. 1. A person on the sexual offender registry may  
26 file a petition in the division of the circuit court in the  
27 county or city not within a county in which the offense requiring

1 registration was committed to have his or her name removed from  
2 the sexual offender registry.

3 2. A person who is required to register in this state  
4 because of an offense that was adjudicated in another  
5 jurisdiction shall file his or her petition for removal according  
6 to the laws of the state, federal, territory, tribal, or military  
7 jurisdiction, the District of Columbia, or foreign country in  
8 which his or her offense was adjudicated. Upon the grant of the  
9 petition for removal in the jurisdiction where the offense was  
10 adjudicated, such judgment may be registered in this state by  
11 sending the information required under subsection 5 of this  
12 section as well as one authenticated copy of the order granting  
13 removal from the sexual offender registry in the jurisdiction  
14 where the offense was adjudicated to the court in the county or  
15 city not within a county in which the offender is required to  
16 register. On receipt of a request for registration removal, the  
17 registering court shall cause the order to be filed as a foreign  
18 judgment, together with one copy of the documents and  
19 information, regardless of their form. The petitioner shall be  
20 responsible for costs associated with filing the petition.

21 3. A person required to register as a tier III offender  
22 shall not file a petition under this section unless the  
23 requirement to register results from a juvenile adjudication.

24 4. The petition shall be dismissed without prejudice if the  
25 following time periods have not elapsed since the date the person  
26 was required to register for his or her most recent offense under  
27 sections 589.400 to 589.425:

- 1 (1) For a tier I offense, ten years;
- 2 (2) For a tier II offense, twenty-five years; or
- 3 (3) For a tier III offense adjudicated delinquent,
- 4 twenty-five years.

5 5. The petition shall be dismissed without prejudice if it  
6 fails to include any of the following:

7 (1) The petitioner's:

8 (a) Full name, including any alias used by the individual;

9 (b) Sex;

10 (c) Race;

11 (d) Date of birth;

12 (e) Last four digits of the Social Security number;

13 (f) Address; and

14 (g) Place of employment, school, or volunteer status;

15 (2) The offense and tier of the offense that required the  
16 petitioner to register;

17 (3) The date the petitioner was adjudicated for the  
18 offense;

19 (4) The date the petitioner was required to register;

20 (5) The case number and court, including the county or city  
21 not within a county, that entered the original order for the  
22 adjudicated sex offense;

23 (6) Petitioner's fingerprints on an applicant fingerprint  
24 card;

25 (7) If the petitioner was pardoned or an offense requiring  
26 registration was reversed, vacated, or set aside, an  
27 authenticated copy of the order; and

1           (8) If the petitioner is currently registered under  
2 applicable law and has not been adjudicated for failure to  
3 register in any jurisdiction and does not have any charges  
4 pending for failure to register.

5           6. The petition shall name as respondents the Missouri  
6 state highway patrol and the chief law enforcement official in  
7 the county or city not within a county in which the petition is  
8 filed.

9           7. All proceedings under this section shall be governed  
10 under the Missouri supreme court rules of civil procedure.

11           8. The person seeking removal or exemption from the  
12 registry shall provide the prosecuting attorney in the circuit  
13 court in which the petition is filed with notice of the petition.  
14 The prosecuting attorney may present evidence in opposition to  
15 the requested relief or may otherwise demonstrate the reasons why  
16 the petition should be denied. Failure of the person seeking  
17 removal or exemption from the registry to notify the prosecuting  
18 attorney of the petition shall result in an automatic denial of  
19 such person's petition.

20           9. The prosecuting attorney in the circuit court in which  
21 the petition is filed shall have access to all applicable records  
22 concerning the petitioner including, but not limited to, criminal  
23 history records, mental health records, juvenile records, and  
24 records of the department of corrections or probation and parole.

25           10. The prosecuting attorney shall make reasonable efforts  
26 to notify the victim of the crime for which the person was  
27 required to register of the petition and the dates and times of

1 any hearings or other proceedings in connection with such  
2 petition.

3 11. The court shall not enter an order directing the  
4 removal of the petitioner's name from the sexual offender  
5 registry unless it finds the petitioner:

6 (1) Has not been adjudicated or does not have charges  
7 pending for any additional nonsexual offense for which  
8 imprisonment for more than one year may be imposed since the date  
9 the offender was required to register for his or her current tier  
10 level;

11 (2) Has not been adjudicated or does not have charges  
12 pending for any additional sex offense that would require  
13 registration under sections 589.400 to 589.425 since the date the  
14 offender was required to register for his or her current tier  
15 level, even if the offense was punishable by less than one year  
16 imprisonment;

17 (3) Has successfully completed any required periods of  
18 supervised release, probation, or parole without revocation since  
19 the date the offender was required to register for his or her  
20 current tier level;

21 (4) Has successfully completed an appropriate sex offender  
22 treatment program as approved by a court of competent  
23 jurisdiction or the Missouri department of corrections; and

24 (5) Is not a current or potential threat to public safety.

25 12. In order to meet the criteria required by subdivisions  
26 (1) and (2) of subsection 11 of this section, the fingerprints  
27 filed in the case shall be examined by the Missouri state highway

1 patrol. The petitioner shall be responsible for all costs  
2 associated with the fingerprint-based criminal history check of  
3 both state and federal files under section 43.530.

4 13. If the petition is denied due to an adjudication in  
5 violation of subdivision (1) or (2) of subsection 11 of this  
6 section, the petitioner shall not file a new petition under this  
7 section until:

8 (1) Fifteen years have passed from the date of the  
9 adjudication resulting in the denial of relief if the petitioner  
10 is classified as a tier I offender;

11 (2) Twenty-five years have passed from the date of  
12 adjudication resulting in the denial of relief if the petitioner  
13 is classified as a tier II offender; or

14 (3) Twenty-five years have passed from the date of the  
15 adjudication resulting in the denial of relief if the petitioner  
16 is classified as a tier III offender on the basis of a juvenile  
17 adjudication.

18 14. If the petition is denied due to the petitioner having  
19 charges pending in violation of subdivision (1) or (2) of  
20 subsection 11 of this section, the petitioner shall not file a  
21 new petition under this section until:

22 (1) The pending charges resulting in the denial of relief  
23 have been finally disposed of in a manner other than  
24 adjudication; or

25 (2) If the pending charges result in an adjudication, the  
26 necessary time period has elapsed under subsection 13 of this  
27 section.



1           15. If the petition is denied for reasons other than those  
2 outlined in subsection 11 of this section, no successive petition  
3 requesting such relief shall be filed for at least five years  
4 from the date the judgment denying relief is entered.

5           16. If the court finds the petitioner is entitled to have  
6 his or her name removed from the sexual offender registry, the  
7 court shall enter judgment directing the removal of the name. A  
8 copy of the judgment shall be provided to the respondents named  
9 in the petition.

10          17. Any person subject to the judgment requiring his or her  
11 name to be removed from the sexual offender registry is not  
12 required to register under sections 589.400 to 589.425 unless  
13 such person is required to register for an offense that was  
14 different from that listed on the judgment of removal.

15          18. The court shall not deny the petition unless the  
16 petition failed to comply with the provisions of sections 589.400  
17 to 589.425 or the prosecuting attorney provided evidence  
18 demonstrating the petition should be denied.

19          589.404. As used in sections 589.400 to 589.425, the  
20 following terms mean:

21           (1) "Adjudicated" or "adjudication", adjudication of  
22 delinquency, a finding of guilt, plea of guilt, finding of not  
23 guilty due to mental disease or defect, or plea of nolo  
24 contendere to committing, attempting to commit, or conspiring to  
25 commit. "Adjudicated" or "adjudication" includes charges  
26 adjudicated as part of a multicount offense;

27           (2) "Adjudicated delinquent", a person found to have

1 committed an offense that, if committed by an adult, would be a  
2 criminal offense;

3 (3) "Chief law enforcement official", the sheriff's office  
4 of each county or the police department of a city not within a  
5 county;

6 (4) "Offender registration", the required minimum  
7 informational content of sex offender registries, which shall  
8 consist of, but not be limited to, a full set of fingerprints on  
9 a standard sex offender registration card upon initial  
10 registration in Missouri, as well as all other forms required by  
11 the Missouri state highway patrol upon each initial and  
12 subsequent registration;

13 (5) "Residence", any place where an offender sleeps for  
14 seven or more consecutive or nonconsecutive days or nights within  
15 a twelve-month period;

16 (6) "Sex offender", any person who meets the criteria to  
17 register under sections 589.400 to 589.425 or the Sex Offender  
18 Registration and Notification Act, Title I of the Adam Walsh  
19 Child Protection and Safety Act of 2006, P.L. 109-248;

20 (7) "Sex offense", any offense, including each individual  
21 charge adjudicated as part of a multicount offense, which is  
22 listed under section 589.414 or comparable to those listed under  
23 section 589.414 or otherwise comparable to offenses covered under  
24 the Sex Offender Registration and Notification Act, Title I of  
25 the Adam Walsh Child Protection and Safety Act of 2006, P.L.  
26 109-248;

27 (8) "Sexual act", any type or degree of genital, oral, or

1 anal penetration;

2 (9) "Sexual contact", any sexual touching of or contact  
3 with a person's body, either directly or through the clothing;

4 (10) "Sexual element", used for the purposes of  
5 distinguishing if sexual contact or a sexual act was committed.  
6 Authorities shall refer to information filed by the prosecutor,  
7 amended information filed by the prosecutor, indictment  
8 information filed by the prosecutor, or amended indictment  
9 information filed by the prosecutor, the plea agreement, or court  
10 documentation to determine if a sexual element exists;

11 (11) "Signature", the name of the offender signed in  
12 writing or electronic form approved by the Missouri state highway  
13 patrol;

14 (12) "Student", an individual who enrolls in or attends the  
15 physical location of an educational institution, including a  
16 public or private secondary school, trade or professional school,  
17 or an institution of higher education;

18 (13) "Vehicle", any land vehicle, watercraft, or aircraft.

19 589.414. 1. Any person required by sections 589.400 to  
20 589.425 to register shall, within three business days, appear in  
21 person to the chief law enforcement officer of the county or city  
22 not within a county if there is a change to any of the following  
23 information:

24 (1) Name;

25 (2) Residence;

26 (3) Employment, including status as a volunteer or intern;

27 (4) Student status; or

1           (5) A termination to any of the items listed in this  
2 subsection.

3           2. Any person required to register under sections 589.400  
4 to 589.425 shall, within three business days, notify the chief  
5 law enforcement official of the county or city not within a  
6 county of any changes to the following information:

7           (1) Vehicle information;

8           (2) Temporary lodging information;

9           (3) Temporary residence information;

10          (4) Email addresses, instant messaging addresses, and any  
11 other designations used in internet communications, postings, or  
12 telephone communications; or

13          (5) Telephone or other cellular number, including any new  
14 forms of electronic communication.

15          3. The chief law enforcement official in the county or city  
16 not within a county shall immediately forward the registration  
17 changes described under subsections 1 and 2 of this section to  
18 the Missouri state highway patrol within three business days.

19          4. If any person required by sections 589.400 to 589.425 to  
20 register changes such person's residence or address to a  
21 different county or city not within a county, the person shall  
22 appear in person and shall inform both the chief law enforcement  
23 official with whom the person last registered and the chief law  
24 enforcement official of the county or city not within a county  
25 having jurisdiction over the new residence or address in writing  
26 within three business days of such new address and phone number,  
27 if the phone number is also changed. If any person required by

1 sections 589.400 to 589.425 to register changes his or her state,  
2 territory, the District of Columbia, or foreign country, or  
3 federal, tribal, or military jurisdiction of residence, the  
4 person shall appear in person and shall inform both the chief law  
5 enforcement official with whom the person was last registered and  
6 the chief law enforcement official of the area in the new state,  
7 territory, the District of Columbia, or foreign country, or  
8 federal, tribal, or military jurisdiction having jurisdiction  
9 over the new residence or address within three business days of  
10 such new address. Whenever a registrant changes residence, the  
11 chief law enforcement official of the county or city not within a  
12 county where the person was previously registered shall inform  
13 the Missouri state highway patrol of the change within three  
14 business days. When the registrant is changing the residence to  
15 a new state, territory, the District of Columbia, or foreign  
16 country, or federal, tribal, or military jurisdiction, the  
17 Missouri state highway patrol shall inform the responsible  
18 official in the new state, territory, the District of Columbia,  
19 or foreign country, or federal, tribal, or military jurisdiction  
20 of residence within three business days.

21 5. Tier I sexual offenders, in addition to the requirements  
22 of subsections 1 to 4 of this section, shall report in person to  
23 the chief law enforcement official annually in the month of their  
24 birth to verify the information contained in their statement made  
25 pursuant to section 589.407. Tier I sexual offenders include:

26 (1) Any offender who has been adjudicated for the offense  
27 of:

1 (a) ~~Sexual abuse in the first degree under section 566.100~~  
2 ~~if the victim is eighteen years of age or older;~~

3 ~~(b) Sexual misconduct involving a child under section~~  
4 ~~566.083 if it is a first offense and the punishment is less than~~  
5 ~~one year;~~

6 ~~(c)]~~ Sexual misconduct in the first degree under section  
7 566.090 as it existed prior to August 28, 2013, or sexual abuse  
8 in the second degree under section 566.101 ~~[if the punishment is~~  
9 ~~less than a year],~~ if either offense is a misdemeanor;

10 ~~[(d) Kidnapping in the second degree under section 565.120~~  
11 ~~with sexual motivation;~~

12 ~~(e) Kidnapping in the third degree under section 565.130;]~~

13 ~~[(f)]~~ (b) Sexual conduct with a nursing facility resident  
14 or vulnerable person in the first degree under section 566.115  
15 ~~[if the punishment is less than one year]~~ if the offense is a  
16 misdemeanor;

17 ~~[(g)]~~ (c) Sexual conduct under section 566.116 with a  
18 nursing facility resident or vulnerable person;

19 ~~[(h)]~~ (d) Sexual ~~[contact]~~ conduct with a prisoner or  
20 offender under section 566.145 if the victim is eighteen years of  
21 age or older;

22 ~~[(i)]~~ (e) Sex with an animal under section 566.111;

23 ~~[(j)]~~ (f) Trafficking for the purpose of sexual  
24 exploitation under section 566.209 if the victim is eighteen  
25 years of age or older;

26 ~~[(k)]~~ (g) Possession of child pornography under section  
27 573.037;

1           ~~[(1)]~~ (h) Sexual misconduct in the second degree under  
2 section 566.093 as it existed prior to August 28, 2013, or sexual  
3 misconduct in the first degree under section 566.093;

4           ~~[(m)]~~ (i) Sexual misconduct in the third degree under  
5 section 566.095 as it existed prior to August 28, 2013, or sexual  
6 misconduct in the second degree under section 566.095;

7           ~~[(n)]~~ (j) Child molestation in the second degree under  
8 section 566.068 as it existed prior to January 1, 2017, ~~[if the~~  
9 ~~punishment is less than one year]~~ if the offense is a  
10 misdemeanor; ~~or~~

11 ~~——(e)]~~ (k) Invasion of privacy under section 565.252 if the  
12 victim is less than eighteen years of age; or

13           (1) Sexual assault in the second degree under section  
14 566.050 as it existed prior to August 28, 1994, if no force or  
15 threat of force was used and no injury was inflicted on any  
16 person;

17           (2) Any offender who is or has been adjudicated in any  
18 other state, territory, the District of Columbia, or foreign  
19 country, or under federal, tribal, or military jurisdiction of an  
20 offense of a sexual nature or with a sexual element that is  
21 comparable to the tier I sexual offenses listed in this  
22 subsection or, if not comparable to those in this subsection,  
23 comparable to those described as tier I offenses under the Sex  
24 Offender Registration and Notification Act, Title I of the Adam  
25 Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

26           6. Tier II sexual offenders, in addition to the  
27 requirements of subsections 1 to 4 of this section, shall report

1 semiannually in person in the month of their birth and six months  
2 thereafter to the chief law enforcement official to verify the  
3 information contained in their statement made pursuant to section  
4 589.407. Tier II sexual offenders include:

5 (1) Any offender who has been adjudicated for the offense  
6 of:

7 (a) Statutory sodomy in the second degree under section  
8 566.064 if the victim is sixteen to seventeen years of age;

9 (b) Child molestation in the third degree under section  
10 566.069 if the victim is between thirteen and fourteen years of  
11 age;

12 ~~(c) [Sexual contact with a student under section 566.086 if  
13 the victim is thirteen to seventeen years of age;~~

14 ~~——(d)]~~ Enticement of a child under section 566.151;

15 ~~[(e)]~~ (d) Abuse of a child under section 568.060 if the  
16 offense is of a sexual nature and the victim is thirteen to  
17 seventeen years of age;

18 ~~[(f)]~~ (e) Sexual exploitation of a minor under section  
19 573.023;

20 ~~[(g)]~~ (f) Promoting child pornography in the first degree  
21 under section 573.025;

22 ~~[(h)]~~ (g) Promoting child pornography in the second degree  
23 under section 573.035;

24 ~~[(i)]~~ (h) Patronizing prostitution under section 567.030;

25 ~~[(j)]~~ (i) Sexual contact with a prisoner or offender under  
26 section 566.145 if the victim is thirteen to seventeen years of  
27 age;



1           ~~[(k)]~~ (j) Child molestation in the fourth degree under  
2 section 566.071 if the victim is thirteen to seventeen years of  
3 age;

4           ~~[(l)]~~ (k) Sexual misconduct involving a child under section  
5 566.083 if it is a first offense ~~[and the penalty is a term of~~  
6 ~~imprisonment of more than a year]~~; ~~[or~~

7 ~~—(m)]~~ (l) Age misrepresentation with intent to solicit a  
8 minor under section 566.153; or

9           (m) Sexual misconduct in the first degree under section  
10 566.090 as it existed prior to August 28, 2013, if the offense  
11 was a felony;

12           (2) Any person who is adjudicated of an offense comparable  
13 to a tier I offense listed in this section or failure to register  
14 offense under section 589.425 or comparable out-of-state failure  
15 to register offense and who is already required to register as a  
16 tier I offender due to having been adjudicated of a tier I  
17 offense on a previous occasion; or

18           (3) Any person who is or has been adjudicated in any other  
19 state, territory, the District of Columbia, or foreign country,  
20 or under federal, tribal, or military jurisdiction for an offense  
21 of a sexual nature or with a sexual element that is comparable to  
22 the tier II sexual offenses listed in this subsection or, if not  
23 comparable to those in this subsection, comparable to those  
24 described as tier II offenses under the Sex Offender Registration  
25 and Notification Act, Title I of the Adam Walsh Child Protection  
26 and Safety Act of 2006, Pub. L. 109-248.

27           7. Tier III sexual offenders, in addition to the

1 requirements of subsections 1 to 4 of this section, shall report  
2 in person to the chief law enforcement official every ninety days  
3 to verify the information contained in their statement made under  
4 section 589.407. Tier III sexual offenders include:

5 (1) Any offender registered as a predatory sexual offender  
6 as defined in section ~~[566.123]~~ 566.125 or a persistent sexual  
7 offender as defined in section ~~[566.124]~~ 566.125;

8 (2) Any offender who has been adjudicated for the crime of:

9 (a) Rape in the first degree under section 566.030;

10 (b) Statutory rape in the first degree under section  
11 566.032;

12 (c) Rape in the second degree under section 566.031;

13 (d) Endangering the welfare of a child in the first degree  
14 under section 568.045 if the offense is sexual in nature;

15 (e) Sodomy in the first degree under section 566.060;

16 (f) Statutory sodomy under section 566.062;

17 (g) Statutory sodomy under section 566.064 if the victim is  
18 under sixteen years of age;

19 (h) Sodomy in the second degree under section 566.061;

20 (i) Sexual misconduct involving a child under section  
21 566.083 if the offense is a second or subsequent offense;

22 (j) Sexual abuse under section 566.100 as it existed prior  
23 to August 28, 2013, or sexual abuse in the first degree under  
24 section 566.100 ~~[if the victim is under thirteen years of age]~~;

25 (k) Kidnapping in the first degree under section 565.110 if  
26 the victim is under eighteen years of age, excluding kidnapping  
27 by a parent or guardian;

- 1 (l) Child kidnapping under section 565.115;
- 2 (m) Sexual conduct with a nursing facility resident or  
3 vulnerable person in the first degree under section 566.115 [~~if~~  
4 ~~the punishment is greater than a year~~] if the offense is a  
5 felony;
- 6 (n) Incest under section 568.020;
- 7 (o) Endangering the welfare of a child in the first degree  
8 under section 568.045 with sexual intercourse or deviate sexual  
9 intercourse with a victim under eighteen years of age;
- 10 (p) Child molestation in the first degree under section  
11 566.067;
- 12 (q) Child molestation in the second degree under section  
13 566.068;
- 14 (r) Child molestation in the third degree under section  
15 566.069 if the victim is under thirteen years of age;
- 16 (s) Promoting prostitution in the first degree under  
17 section 567.050 if the victim is under eighteen years of age;
- 18 (t) Promoting prostitution in the second degree under  
19 section 567.060 if the victim is under eighteen years of age;
- 20 (u) Promoting prostitution in the third degree under  
21 section 567.070 if the victim is under eighteen years of age;
- 22 (v) Promoting travel for prostitution under section 567.085  
23 if the victim is under eighteen years of age;
- 24 (w) Trafficking for the purpose of sexual exploitation  
25 under section 566.209 if the victim is under eighteen years of  
26 age;
- 27 (x) Sexual trafficking of a child in the first degree under

1 section 566.210;

2 (y) Sexual trafficking of a child in the second degree  
3 under section 566.211;

4 (z) Genital mutilation of a female child under section  
5 568.065;

6 (aa) Statutory rape in the second degree under section  
7 566.034;

8 (bb) Child molestation in the fourth degree under section  
9 566.071 if the victim is under thirteen years of age;

10 (cc) Sexual abuse in the second degree under section  
11 566.101 ~~[if the penalty is a term of imprisonment of more than a~~  
12 ~~year]~~ if the offense is a felony;

13 (dd) Patronizing prostitution under section 567.030 if the  
14 offender is a persistent offender;

15 (ee) Abuse of a child under section 568.060 if the offense  
16 is of a sexual nature and the victim is under thirteen years of  
17 age;

18 (ff) Sexual ~~[contact]~~ conduct with a prisoner or offender  
19 under section 566.145 if the victim is under thirteen years of  
20 age;

21 (gg) Sexual ~~[intercourse]~~ conduct with a prisoner or  
22 offender under section 566.145;

23 (hh) Sexual contact with a student under section 566.086 if  
24 the victim is ~~[under thirteen]~~ eighteen years of age or under;

25 (ii) Use of a child in a sexual performance under section  
26 573.200; ~~[or]~~

27 (jj) Felonious restraint under section 565.120 as it

1 existed prior to January 1, 2017, or kidnapping in the second  
2 degree under section 565.120 if either offense is sexual in  
3 nature;

4 (kk) False imprisonment under section 565.130 as it existed  
5 prior to January 1, 2017, or kidnapping in the third degree under  
6 section 565.130 if either offense is sexual in nature or if the  
7 victim is a minor and the offense is a felony;

8 (ll) Sexual assault in the second degree under section  
9 566.050 as it existed prior to August 28, 1994, if the offense is  
10 a class C felony; or

11 (mm) Promoting a sexual performance by a child under  
12 section 573.205;

13 (3) Any offender who is adjudicated for a crime comparable  
14 to a tier I or tier II offense listed in this section or failure  
15 to register offense under section 589.425, or other comparable  
16 out-of-state failure to register offense, who has been or is  
17 already required to register as a tier II offender because of  
18 having been adjudicated for a tier II offense, two tier I  
19 offenses, or combination of a tier I offense and failure to  
20 register offense, on a previous occasion;

21 (4) Any offender who is adjudicated in any other state,  
22 territory, the District of Columbia, or foreign country, or under  
23 federal, tribal, or military jurisdiction for an offense of a  
24 sexual nature or with a sexual element that is comparable to a  
25 tier III offense listed in this section or a tier III offense  
26 under the Sex Offender Registration and Notification Act, Title I  
27 of the Adam Walsh Child Protection and Safety Act of 2006, Pub.

1 L. 109-248; or

2 (5) Any offender who is adjudicated in Missouri for any  
3 offense of a sexual nature requiring registration under sections  
4 589.400 to 589.425 that is not classified as a tier I or tier II  
5 offense in this section.

6 8. In addition to the requirements of subsections 1 to 7 of  
7 this section, all Missouri registrants who work, including as a  
8 volunteer or unpaid intern, or attend any school whether public  
9 or private, including any secondary school, trade school,  
10 professional school, or institution of higher education, on a  
11 full-time or part-time basis or have a temporary residence in  
12 this state shall be required to report in person to the chief law  
13 enforcement officer in the area of the state where they work,  
14 including as a volunteer or unpaid intern, or attend any school  
15 or training and register in that state. "Part-time" in this  
16 subsection means for more than seven days in any twelve-month  
17 period.

18 9. If a person who is required to register as a sexual  
19 offender under sections 589.400 to 589.425 changes or obtains a  
20 new online identifier as defined in section 43.651, the person  
21 shall report such information in the same manner as a change of  
22 residence before using such online identifier.

23 590.207. Notwithstanding any other provision of law to the  
24 contrary, any person designated as a school protection officer  
25 under the provisions of section 160.665 who allows any such  
26 firearm out of ~~[his or her]~~ such officer's personal control while  
27 that firearm is on school property as provided under ~~[subsection~~

1 ~~2-ef]~~ section 160.665 shall be guilty of a class B misdemeanor  
2 and may be subject to employment termination proceedings within  
3 the school district if such school protection officer is an  
4 elementary or secondary school teacher or administrator or  
5 dismissal if such school protection officer is a volunteer under  
6 section 160.665.

7 610.021. Except to the extent disclosure is otherwise  
8 required by law, a public governmental body is authorized to  
9 close meetings, records and votes, to the extent they relate to  
10 the following:

11 (1) Legal actions, causes of action or litigation involving  
12 a public governmental body and any confidential or privileged  
13 communications between a public governmental body or its  
14 representatives and its attorneys. However, any minutes, vote or  
15 settlement agreement relating to legal actions, causes of action  
16 or litigation involving a public governmental body or any agent  
17 or entity representing its interests or acting on its behalf or  
18 with its authority, including any insurance company acting on  
19 behalf of a public government body as its insured, shall be made  
20 public upon final disposition of the matter voted upon or upon  
21 the signing by the parties of the settlement agreement, unless,  
22 prior to final disposition, the settlement agreement is ordered  
23 closed by a court after a written finding that the adverse impact  
24 to a plaintiff or plaintiffs to the action clearly outweighs the  
25 public policy considerations of section 610.011, however, the  
26 amount of any moneys paid by, or on behalf of, the public  
27 governmental body shall be disclosed; provided, however, in

1 matters involving the exercise of the power of eminent domain,  
2 the vote shall be announced or become public immediately  
3 following the action on the motion to authorize institution of  
4 such a legal action. Legal work product shall be considered a  
5 closed record;

6 (2) Leasing, purchase or sale of real estate by a public  
7 governmental body where public knowledge of the transaction might  
8 adversely affect the legal consideration therefor. However, any  
9 minutes, vote or public record approving a contract relating to  
10 the leasing, purchase or sale of real estate by a public  
11 governmental body shall be made public upon execution of the  
12 lease, purchase or sale of the real estate;

13 (3) Hiring, firing, disciplining or promoting of particular  
14 employees by a public governmental body when personal information  
15 about the employee is discussed or recorded. However, any vote  
16 on a final decision, when taken by a public governmental body, to  
17 hire, fire, promote or discipline an employee of a public  
18 governmental body shall be made available with a record of how  
19 each member voted to the public within seventy-two hours of the  
20 close of the meeting where such action occurs; provided, however,  
21 that any employee so affected shall be entitled to prompt notice  
22 of such decision during the seventy-two-hour period before such  
23 decision is made available to the public. As used in this  
24 subdivision, the term "personal information" means information  
25 relating to the performance or merit of individual employees;

26 (4) The state militia or national guard or any part  
27 thereof;



1 (5) Nonjudicial mental or physical health proceedings  
2 involving identifiable persons, including medical, psychiatric,  
3 psychological, or alcoholism or drug dependency diagnosis or  
4 treatment;

5 (6) Scholastic probation, expulsion, or graduation of  
6 identifiable individuals, including records of individual test or  
7 examination scores; however, personally identifiable student  
8 records maintained by public educational institutions shall be  
9 open for inspection by the parents, guardian or other custodian  
10 of students under the age of eighteen years and by the parents,  
11 guardian or other custodian and the student if the student is  
12 over the age of eighteen years;

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

16 (8) Welfare cases of identifiable individuals;

17 (9) Preparation, including any discussions or work product,  
18 on behalf of a public governmental body or its representatives  
19 for negotiations with employee groups;

20 (10) Software codes for electronic data processing and  
21 documentation thereof;

22 (11) Specifications for competitive bidding, until either  
23 the specifications are officially approved by the public  
24 governmental body or the specifications are published for bid;

25 (12) Sealed bids and related documents, until the bids are  
26 opened; and sealed proposals and related documents or any  
27 documents related to a negotiated contract until a contract is

1     executed, or all proposals are rejected;

2             (13) Individually identifiable personnel records,  
3     performance ratings or records pertaining to employees or  
4     applicants for employment, except that this exemption shall not  
5     apply to the names, positions, salaries and lengths of service of  
6     officers and employees of public agencies once they are employed  
7     as such, and the names of private sources donating or  
8     contributing money to the salary of a chancellor or president at  
9     all public colleges and universities in the state of Missouri and  
10    the amount of money contributed by the source;

11            (14) Records which are protected from disclosure by law;

12            (15) Meetings and public records relating to scientific and  
13    technological innovations in which the owner has a proprietary  
14    interest;

15            (16) Records relating to municipal hotlines established for  
16    the reporting of abuse and wrongdoing;

17            (17) Confidential or privileged communications between a  
18    public governmental body and its auditor, including all auditor  
19    work product; however, all final audit reports issued by the  
20    auditor are to be considered open records pursuant to this  
21    chapter;

22            (18) Operational guidelines, policies and specific response  
23    plans developed, adopted, or maintained by any public agency  
24    responsible for law enforcement, public safety, first response,  
25    or public health for use in responding to or preventing any  
26    critical incident which is or appears to be terrorist in nature  
27    and which has the potential to endanger individual or public

1 safety or health. Financial records related to the procurement  
2 of or expenditures relating to operational guidelines, policies  
3 or plans purchased with public funds shall be open. When seeking  
4 to close information pursuant to this exception, the public  
5 governmental body shall affirmatively state in writing that  
6 disclosure would impair the public governmental body's ability to  
7 protect the security or safety of persons or real property, and  
8 shall in the same writing state that the public interest in  
9 nondisclosure outweighs the public interest in disclosure of the  
10 records;

11 (19) Existing or proposed security systems or procedures  
12 and structural plans of real property owned or leased by a public  
13 governmental body including, but not limited to, evacuation and  
14 lockdown procedures for the buildings on such real property, and  
15 information that is voluntarily submitted by a nonpublic entity  
16 owning or operating an infrastructure to any public governmental  
17 body for use by that body to devise plans for protection of that  
18 infrastructure including, but not limited to, software or  
19 surveillance companies that secure access to such buildings, the  
20 public disclosure of which would threaten public safety:

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

24 (b) When seeking to close information pursuant to this  
25 exception, the public governmental body shall affirmatively state  
26 in writing that disclosure would impair the public governmental  
27 body's ability to protect the security or safety of persons or

1 real property, and shall in the same writing state that the  
2 public interest in nondisclosure outweighs the public interest in  
3 disclosure of the records;

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

10 (20) The portion of a record that identifies security  
11 systems or access codes or authorization codes for security  
12 systems of real property;

13 (21) Records that identify the configuration of components  
14 or the operation of a computer, computer system, computer  
15 network, or telecommunications network, and would allow  
16 unauthorized access to or unlawful disruption of a computer,  
17 computer system, computer network, or telecommunications network  
18 of a public governmental body. This exception shall not be used  
19 to limit or deny access to otherwise public records in a file,  
20 document, data file or database containing public records.  
21 Records related to the procurement of or expenditures relating to  
22 such computer, computer system, computer network, or  
23 telecommunications network, including the amount of moneys paid  
24 by, or on behalf of, a public governmental body for such  
25 computer, computer system, computer network, or  
26 telecommunications network shall be open;

27 (22) Credit card numbers, personal identification numbers,

1 digital certificates, physical and virtual keys, access codes or  
2 authorization codes that are used to protect the security of  
3 electronic transactions between a public governmental body and a  
4 person or entity doing business with a public governmental body.  
5 Nothing in this section shall be deemed to close the record of a  
6 person or entity using a credit card held in the name of a public  
7 governmental body or any record of a transaction made by a person  
8 using a credit card or other method of payment for which  
9 reimbursement is made by a public governmental body; and

10 (23) Records submitted by an individual, corporation, or  
11 other business entity to a public institution of higher education  
12 in connection with a proposal to license intellectual property or  
13 perform sponsored research and which contains sales projections  
14 or other business plan information the disclosure of which may  
15 endanger the competitiveness of a business.

16 632.460. 1. A person commits the offense of unlawful use  
17 of unmanned aircraft over a mental health hospital if he or she  
18 purposely:

19 (1) Operates an unmanned aircraft within a vertical  
20 distance of four hundred feet over the mental health hospital's  
21 property line; or

22 (2) Uses an unmanned aircraft to deliver to a person  
23 confined in a mental health hospital any object described in  
24 subdivision (1) or (3) of subsection 6 of this section.

25 2. For the purposes of subsection 1 of this section,  
26 vertical distance extends from ground level.

27 3. For purposes of this section, "mental health hospital"

1 shall mean a facility operated by the department of mental health  
2 to provide inpatient evaluation, treatment, or care to persons  
3 suffering from a mental disorder, as defined under section  
4 630.005; mental illness, as defined under section 630.005; or  
5 mental abnormality, as defined under section 632.480.

6 4. The provisions of this section shall not prohibit the  
7 operation of an unmanned aircraft by:

8 (1) An employee of the mental health hospital at the  
9 direction of the chief administrative officer of the mental  
10 health hospital;

11 (2) A person who has written consent from the chief  
12 administrative officer of the mental health hospital;

13 (3) An employee of a law enforcement agency, fire  
14 department, or emergency medical service in the exercise of  
15 official duties;

16 (4) A government official or employee in the exercise of  
17 official duties;

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

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

22 (b) The utility notifies the mental health hospital before  
23 flying the unmanned aircraft, except during an emergency; and

24 (c) The person operating the unmanned aircraft does not  
25 physically enter the prohibited space without an escort provided  
26 by the mental health hospital;

27 (6) An employee of a railroad in the exercise of official

1 duties on any land owned or operated by a railroad corporation  
2 regulated by the Federal Railway Administration; or

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

6 5. Each mental health hospital shall post a sign warning of  
7 the provisions of this section. The sign shall be at least  
8 eleven inches by fourteen inches and posted in a conspicuous  
9 place.

10 6. The offense of unlawful use of unmanned aircraft over a  
11 mental health hospital shall be punishable as an infraction  
12 unless 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 a patient or  
15 mental health hospital employee, in which case the offense is a  
16 class B felony;

17 (2) Facilitating an escape from commitment or detention  
18 under section 575.195, in which case the offense is a class C  
19 felony; or

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

23 640.042. 1. As used in this section, the term "hazardous  
24 waste site" means:

25 (1) Any site on the registry of confirmed abandoned or  
26 uncontrolled hazardous waste disposal sites as described in  
27 section 260.440;

1       (2) Any hazardous waste facility, as defined in section  
2 260.360; or

3       (3) Any site that once contained hazardous waste, as  
4 defined in section 260.360, that is under long-term stewardship  
5 in order to prevent residual contamination from posing a risk to  
6 the public.

7       2. The department of natural resources shall create and  
8 make available on its website an interactive map of hazardous  
9 waste sites in Missouri. The map shall contain links to  
10 additional information on each hazardous waste site and a method  
11 for members of the public to sign up to receive updates on any  
12 hazardous waste site. The information shall appear together in  
13 one document or web page that is easily accessible.

14       3. Before January 1, 2021, each hazardous waste site shall  
15 post an informational sign in a conspicuous place at each  
16 entrance to the site. The department of natural resources shall  
17 develop the language for the sign, which shall declare that the  
18 site contains hazardous waste and shall indicate that more  
19 information can be found at the website described in subsection 2  
20 of this section.

21       640.142. 1. Within twelve months of the effective date of  
22 this section, each public water system shall create a plan that  
23 establishes policies and procedures for identifying and  
24 mitigating cyber risk. The plan shall include risk assessments  
25 and implementation of appropriate controls to mitigate identified  
26 cyber risks.

27       2. Public water systems that do not use an internet-



1 connected control system are exempt from the provisions of this  
2 section.

3 3. The provisions of this section shall not apply to any  
4 state parks, cities with a population of more than thirty  
5 thousand inhabitants, a county with a charter form of government  
6 and with more than six hundred thousand but fewer than seven  
7 hundred thousand inhabitants, a county with a charter form of  
8 government and with more than nine hundred fifty thousand  
9 inhabitants, or a public service commission regulated utility  
10 with more than thirty thousand customers.

11 640.144. 1. All public water systems shall be required to  
12 create a valve inspection program that includes:

- 13 (1) Inspection of all valves every ten years;
- 14 (2) Scheduled repair or replacement of broken valves; and
- 15 (3) Within five years of the effective date of this  
16 section, identification of each shut off valve location using a  
17 geographic information system or an alternative physical mapping  
18 system that accurately identifies the location of each valve.

19 2. All public water systems shall be required to create a  
20 hydrant inspection program that includes:

- 21 (1) Annual testing of every hydrant in the public water  
22 system;
- 23 (2) Scheduled repair or replacement of broken hydrants;
- 24 (3) A plan to flush every hydrant and dead-end main;
- 25 (4) Maintenance of records of inspections, tests, and  
26 flushings for six years; and
- 27 (5) Within five years of the effective date of this section,

1 identification of each hydrant location using a geographic  
2 information system or an alternative physical mapping system that  
3 accurately identifies the location of each hydrant.

4 3. The provisions of this section shall not apply to any  
5 state parks, cities with a population of more than thirty  
6 thousand inhabitants, a county with a charter form of government  
7 and with more than six hundred thousand but fewer than seven  
8 hundred thousand inhabitants, a county with a charter form of  
9 government and with more than nine hundred fifty thousand  
10 inhabitants, or a public service commission regulated utility  
11 with more than thirty thousand customers.

12 640.145. 1. Public water systems shall submit a report  
13 upon request of the department of natural resources that shall  
14 certify compliance with all regulations regarding:

15 (1) Water quality sampling, testing, and reporting;

16 (2) Hydrant and valve inspections under section 640.144;

17 and

18 (3) Cyber security plans and policies, if required under  
19 section 640.142.

20 2. The provisions of this section shall not apply to any  
21 state parks, cities with a population of more than thirty  
22 thousand inhabitants, a county with a charter form of government  
23 and with more than six hundred thousand but fewer than seven  
24 hundred thousand inhabitants, a county with a charter form of  
25 government and with more than nine hundred fifty thousand  
26 inhabitants, or a public service commission regulated utility  
27 with more than thirty thousand customers.

1           650.005. 1. There is hereby created a "Department of  
2 Public Safety" in charge of a director appointed by the governor  
3 with the advice and consent of the senate. The department's role  
4 will be to provide overall coordination in the state's public  
5 safety and law enforcement program, to provide channels of  
6 coordination with local and federal agencies in regard to public  
7 safety, law enforcement and with all correctional and judicial  
8 agencies in regard to matters pertaining to its responsibilities  
9 as they may interrelate with the other agencies or offices of  
10 state, local or federal governments.

11           2. All the powers, duties and functions of the state  
12 highway patrol, chapter 43 and others, are transferred by type II  
13 transfer to the department of public safety. The governor by and  
14 with the advice and consent of the senate shall appoint the  
15 superintendent of the patrol. With the exception of sections  
16 43.100 to 43.120 relating to financial procedures, the director  
17 of public safety shall succeed the state highways and  
18 transportation commission in approving actions of the  
19 superintendent and related matters as provided in chapter 43.  
20 Uniformed members of the patrol shall be selected in the manner  
21 provided by law and shall receive the compensation provided by  
22 law. Nothing in the Reorganization Act of 1974, however, shall  
23 be interpreted to affect the funding of appropriations or the  
24 operation of chapter 104 relating to retirement system coverage  
25 or section 226.160 relating to workers' compensation for members  
26 of the patrol.

27           3. All the powers, duties and functions of the supervisor

1 of liquor control, chapter 311 and others, are transferred by  
2 type II transfer to the department of public safety. The  
3 supervisor shall be nominated by the department director and  
4 appointed by the governor with the advice and consent of the  
5 senate. The supervisor shall appoint such agents, assistants,  
6 deputies and inspectors as limited by appropriations. All  
7 employees shall have the qualifications provided by law and may  
8 be removed by the supervisor or director of the department as  
9 provided in section 311.670.

10 4. All the powers, duties and functions of the safety and  
11 fire prevention bureau of the department of public health and  
12 welfare are transferred by type I transfer to the director of  
13 public safety.

14 5. All the powers, duties and functions of the state fire  
15 marshal, chapter 320 and others, are transferred to the  
16 department of public safety by a type I transfer.

17 6. All the powers, duties and functions of the law  
18 enforcement assistance council administering federal grants,  
19 planning and the like relating to Public Laws 90-351, 90-445 and  
20 related acts of Congress are transferred by type I transfer to  
21 the director of public safety. The director of public safety  
22 shall appoint such advisory bodies as are required by federal  
23 laws or regulations. The council is abolished.

24 7. The director of public safety shall promulgate motor  
25 vehicle regulations and be ex officio a member of the safety  
26 compact commission in place of the director of revenue and all  
27 powers, duties and functions relating to chapter 307 are

1 transferred by type I transfer to the director of public safety.

2 8. ~~【The office of adjutant general and the state militia~~  
3 ~~are assigned to the department of public safety; provided,~~  
4 ~~however, nothing herein shall be construed to interfere with the~~  
5 ~~powers and duties of the governor as provided in Article IV,~~  
6 ~~Section 6 of the Constitution of the state of Missouri or chapter~~  
7 ~~41.~~

8 ~~—9.]~~ All the powers, duties and functions of the Missouri  
9 boat commission, chapter 306 and others, are transferred by type  
10 I transfer to the "Missouri State Water Patrol", which is hereby  
11 created, in the department of public safety. The Missouri boat  
12 commission and the office of secretary to the commission are  
13 abolished. All deputy boat commissioners and all other employees  
14 of the commission who were employed on February 1, 1974, shall be  
15 transferred to the water patrol without further qualification.  
16 Effective January 1, 2011, all the powers, duties, and functions  
17 of the Missouri state water patrol are transferred to the  
18 division of water patrol within the Missouri state highway patrol  
19 as set out in section 43.390.

20 ~~【10.】~~ 9. The Missouri veterans's commission, chapter 42,  
21 is assigned to the department of public safety.

22 ~~【11.】~~ 10. Any rule or portion of a rule, as that term is  
23 defined in section 536.010, that is created under the authority  
24 delegated in this section shall become effective only if it  
25 complies with and is subject to all of the provisions of chapter  
26 536 and, if applicable, section 536.028. This section and  
27 chapter 536 are nonseverable and if any of the powers vested with

1 the general assembly pursuant to chapter 536 to review, to delay  
2 the effective date, or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking  
4 authority and any rule proposed or adopted after August 28, 2009,  
5 shall be invalid and void.

6 Section B. The repeal and reenactment of the first  
7 occurrence of section 211.071 of this act shall become effective  
8 on January 1, 2021, and the repeal and reenactment of the second  
9 occurrence of section 211.071 of this act shall become effective  
10 on August 28, 2020.

11 Section C. The repeal and reenactment of section 650.005 of  
12 section A and the enactment of sections 40.003, 41.005, 45.010,  
13 45.020, and 45.030 of section A of this act shall become  
14 effective only upon the passage and approval by the voters of a  
15 constitutional amendment submitted to them by the general  
16 assembly regarding the creation of the department of defense.

17 Section D. Because immediate action is necessary to ensure  
18 that all owners, officers, managers, contractors, employees, and  
19 other support staff of medical marijuana facilities be subjected  
20 to state and federal fingerprint-based criminal background checks  
21 to insure the integrity of the Missouri medical marijuana  
22 industry, the enactment of section 195.815 of this act is deemed  
23 necessary for the immediate preservation of the public health,  
24 welfare, peace, and safety, and the enactment of section 195.815  
25 of this act is hereby declared to be an emergency act within the  
26 meaning of the constitution, and the enactment of section 195.815  
27 of this act shall be in full force and effect on July 1, 2020, or

1 upon its passage and approval, whichever occurs later.