

JOURNAL OF THE HOUSE

Second Regular Session, 101st GENERAL ASSEMBLY

SIXTY-THIRD DAY, TUESDAY, MAY 3, 2022

The House met pursuant to adjournment.

Speaker Vescovo in the Chair.

Prayer by Reverend Monsignor Robert A. Kurwicki, Chaplain.

The heavens declare the glory of God; and the firmament showeth His handiwork. (Psalm 19:1)

Almighty God, our shepherd, who displays Your glory in the heavens and who reveals Your word, deliver us, as we draw near to You, from coldness of heart and wandering of mind that with steadfast thoughts and kindled affections we may worship You in spirit and in truth during these busy final days.

Bless these servants of our people as they give themselves in service to our fellow Missourians. Grant them clear vision to see what is needed in our society, creative wisdom to work at meeting the needs of our state, and courageous spirit to do something about it, building self-respect and cultivating joy among the citizens of our state.

May Your Holy Spirit move in our hearts. Give us wisdom to know Your will and the strength to do it. So rule our hearts and so reign in our minds that law and order, justice and peace may prevail everywhere, to the glory of Your name and the good of our beloved state.

And the House says, "Amen!"

The Pledge of Allegiance to the flag was recited.

The Journal of the sixty-second day was approved as printed by the following vote:

AYES: 114

| | | | | |
|------------|------------|------------|------------|-------------------|
| Anderson | Andrews | Atchison | Aune | Baker |
| Baringer | Barnes | Basye | Billington | Black 137 |
| Black 7 | Boggs | Bromley | Brown 27 | Buchheit-Courtway |
| Burger | Burnett | Burton | Busick | Butz |
| Clemens | Coleman 32 | Coleman 97 | Collins | Cook |
| Copeland | Cupps | Davidson | Davis | Deaton |
| Dinkins | Doll | Eggleston | Ellebracht | Evans |
| Falkner | Fitzwater | Fogle | Francis | Gray |
| Gregory 51 | Gregory 96 | Griffith | Gunby | Haden |
| Haffner | Haley | Hardwick | Henderson | Hicks |
| Houx | Hudson | Hurlbert | Johnson | Kalberloh |
| Kelley 127 | Kelly 141 | Knight | Lewis 25 | Lewis 6 |
| Lovasco | Mayhew | McCreery | McGauth | McGill |
| Morse | Mosley | Murphy | Nurrenbern | O'Donnell |
| Owen | Patterson | Person | Pike | Plocher |
| Pollitt 52 | Porter | Pouche | Quade | Railsback |
| Reedy | Riley | Roberts | Roden | Rone |

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|--------------|----------------|------------|-------------|-----------|
| Sander | Sassmann | Schnelting | Schwadron | Seitz |
| Sharpe 4 | Shaul | Shields | Simmons | Smith 155 |
| Smith 45 | Smith 67 | Tate | Taylor 139 | Taylor 48 |
| Terry | Toalson Reisch | Trent | Turnbaugh | Unsicker |
| Van Schoiack | Veit | Walsh 50 | Weber | West |
| Wiemann | Wright | Young | Mr. Speaker | |

NOES: 002

Adams Kidd

PRESENT: 002

Bland Manlove Windham

ABSENT WITH LEAVE: 038

| | | | | |
|----------|-----------|----------------|----------------|------------|
| Aldridge | Appelbaum | Bailey | Bangert | Bosley |
| Brown 16 | Brown 70 | Chipman | Christofanelli | DeGroot |
| Derges | Dogan | Fishel | Grier | Hovis |
| Ingle | Mackey | McDaniel | Merideth | Perkins |
| Phifer | Pietzman | Pollock 123 | Price IV | Proudie |
| Richey | Riggs | Rogers | Sauls | Schroer |
| Sharp 36 | Smith 163 | Stacy | Stephens 128 | Stevens 46 |
| Thomas | Thompson | Walsh Moore 93 | | |

VACANCIES: 007

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 1720, as amended**.

Senators: Bean, Bernskoetter, Hoskins, Razer, Washington

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS HB 2149, as amended**.

Senators: Eslinger, Riddle, Brown, Schupp, Beck

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 3002**.

Senators: Hegeman, Hough, Eslinger, Washington, Arthur

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 3003**.

Senators: Hegeman, Hough, Luetkemeyer, May, Arthur

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 3004**.

Senators: Hegeman, Hough, Cierpiot, Williams, Arthur

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 3005**.

Senators: Hegeman, Hough, Hoskins, Williams, Arthur

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 3006**.

Senators: Hegeman, Hough, Brown, Washington, Williams

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 3007**.

Senators: Hegeman, Hough, Cierpiot, May, Williams

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 3008**.

Senators: Hegeman, Hough, Brown, May, Arthur

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 3009**.

Senators: Hegeman, Hough, Hoskins, May, Washington

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 3010**.

Senators: Hegeman, Hough, Crawford, Washington, Arthur

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 3011**.

Senators: Hegeman, Hough, Crawford, Washington, May

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SS SCS HCS HB 3012**.

Senators: Hegeman, Hough, Luetkemeyer, Arthur, Washington

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 3013**.

Senators: Hegeman, Hough, Eslinger, Arthur, Washington

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SCS HCS HB 3015**.

Senators: Hegeman, Hough, Crawford, Arthur, Williams

BILLS IN CONFERENCE

SS SCS HCS HB 1720, as amended, relating to agricultural economic opportunities, was taken up by Representative Pollitt (52).

Representative Pollitt (52) moved that the House conferees be allowed to exceed the differences on **SS SCS HCS HB 1720, as amended**, specific to the sunset on tax credits.

Which motion was adopted.

THIRD READING OF HOUSE BILLS - INFORMAL

HCS HB 1559, relating to the protection of children, was taken up by Representative Davidson.

On motion of Representative Davidson, **HCS HB 1559** was read the third time and passed by the following vote:

AYES: 126

| | | | | |
|------------|-------------------|------------|------------|------------|
| Anderson | Andrews | Atchison | Aune | Baker |
| Baringer | Barnes | Basye | Billington | Black 137 |
| Black 7 | Bland Manlove | Boggs | Bromley | Brown 27 |
| Brown 70 | Buchheit-Courtway | Burger | Burnett | Burton |
| Busick | Butz | Chipman | Clemens | Coleman 32 |
| Coleman 97 | Collins | Cook | Cupps | Davidson |
| Deaton | DeGroot | Dinkins | Dogan | Doll |
| Eggleston | Ellebracht | Evans | Fitzwater | Fogle |
| Francis | Gray | Gregory 51 | Gregory 96 | Griffith |
| Gunby | Haden | Haffner | Haley | Hardwick |
| Hicks | Houx | Hovis | Hudson | Hurlbert |

| | | | | |
|------------|------------|--------------|--------------|----------------|
| Ingle | Johnson | Kalberloh | Kelley 127 | Kelly 141 |
| Kidd | Knight | Lewis 25 | Lewis 6 | Mayhew |
| McCreery | McGaugh | McGill | Merideth | Morse |
| Mosley | Murphy | Nurrenbern | O'Donnell | Owen |
| Perkins | Person | Pietzman | Pike | Plocher |
| Pollitt 52 | Porter | Pouche | Proudie | Quade |
| Railsback | Reedy | Richey | Riggs | Riley |
| Roberts | Roden | Rogers | Rone | Sander |
| Sassmann | Schnelting | Schroer | Schwadron | Seitz |
| Sharpe 4 | Shaul | Shields | Simmons | Smith 155 |
| Smith 163 | Smith 67 | Stephens 128 | Tate | Taylor 139 |
| Taylor 48 | Terry | Thomas | Thompson | Toalson Reisch |
| Trent | Turnbaugh | Unsicker | Van Schoiack | Veit |
| Walsh 50 | Weber | Wiemann | Wright | Young |

NOES: 000

PRESENT: 002

Davis Lovasco

ABSENT WITH LEAVE: 028

| | | | | |
|----------------|-----------|----------------|-------------|------------|
| Adams | Aldridge | Appelbaum | Bailey | Bangert |
| Bosley | Brown 16 | Christofanelli | Copeland | Derges |
| Falkner | Fishel | Grier | Henderson | Mackey |
| McDaniel | Patterson | Phifer | Pollock 123 | Price IV |
| Sauls | Sharp 36 | Smith 45 | Stacy | Stevens 46 |
| Walsh Moore 93 | West | Windham | | |

VACANCIES: 007

Speaker Vescovo declared the bill passed.

PERFECTION OF HOUSE BILLS - INFORMAL

HB 2487, HCS HB 2605, HB 2781, HB 2798, HCS HB 2913, HCS HB 2564, HCS HB 2583, HB 2611, HB 1547, HCS HB 1550, HB 1585, HCS HB 1595, HB 1601, and HCS HB 1614 were placed back on the House Bills for Perfection Calendar.

THIRD READING OF SENATE BILLS

SS SB 678, relating to the Kansas City board of police, was placed on the Informal Calendar.

HCS SS SCS SBs 775, 751 & 640, relating to judicial proceedings, was taken up by Representative Kelly (141).

On motion of Representative Kelly (141), the title of **HCS SS SCS SBs 775, 751 & 640** was agreed to.

Representative Lewis (6) offered **House Amendment No. 1.**

House Amendment No. 1

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"210.1500. 1. When a child is located by a police officer or law enforcement official and there is reasonable cause to suspect the child may be a victim of sex trafficking or severe forms of trafficking as those terms are defined under 22 U.S.C. Section 7102, the police officer or law enforcement official shall immediately cause a report to be made to the children's division in accordance with section 210.115. Upon receipt of a report by the children's division and if the children's division determines that the report merits an investigation, the reporting official and the children's division shall ensure the immediate safety of the child and shall coinvestigate the complaint to its conclusion.

2. If the police officer or law enforcement official has reasonable cause to believe that the child is in imminent danger of suffering serious physical harm or a threat to life as a result of abuse or neglect due to sex trafficking or sexual exploitation and such officer or official has reasonable cause to believe the harm or threat to life may occur before a juvenile court is able to issue a temporary protective custody order or before a juvenile officer is able to take the child into protective custody, the police officer or law enforcement official may take or retain temporary protective custody of the child without the consent of the child's parent or parents, guardian, or any other person legally responsible for the child's care, as provided under section 210.125.

3. If the child is already under the jurisdiction of the court under paragraph (a) of subdivision (1) of subsection 1 of section 211.031 and in the legal custody of the children's division, the police officer or law enforcement official, along with the children's division, shall secure placement for the child in the least restrictive setting in order to ensure the safety of the child from further sex trafficking or severe forms of trafficking.

4. The children's division and the reporting officer or official shall ensure a referral is made to the child advocacy center for a forensic interview and an evaluation, as necessary to ensure the medical safety of the child, by a SAFE CARE provider as defined under section 334.950. The child shall be assessed utilizing a validated screening tool specific to sex trafficking to ensure the appropriate resources are secured for the treatment of the child.

5. For purposes of this section, multidisciplinary teams shall be used when conducting an investigation. Multidisciplinary teams shall be used in providing protective or preventive social services, including the services of law enforcement upon the request by the department of social services, a liaison of the local public school, the juvenile officer, the juvenile court, and other agencies, both public and private, to secure appropriate services to meet the needs of the child.

210.1505. 1. There is hereby created the "Statewide Council on Sex Trafficking and Sexual Exploitation of Children" to consist of the following members:

(1) The following four members of the general assembly:

(a) Two members of the senate, with one member to be appointed by the president pro tempore of the senate and one member to be appointed by the minority floor leader of the senate; and

(b) Two members of the house of representatives, with one member to be appointed by the speaker of the house of representatives and one member to be appointed by the minority floor leader of the house of representatives;

(2) The director of the children's division or his or her designee;

(3) The director of the department of public safety or his or her designee;

(4) The director of the department of mental health or his or her designee;

(5) The director of the office of prosecution services or his or her designee;

(6) The superintendent of the Missouri state highway patrol or his or her designee;

(7) The executive director of the statewide network of child advocacy organizations specializing in the prevention of child abuse or neglect or his or her designee;

(8) The executive director of the statewide coalition against domestic and sexual violence or his or her designee;

(9) The executive director of the Missouri Juvenile Justice Association or his or her designee;

- (10) The director of the attorney general's human trafficking task force or his or her designee;
 - (11) Two representatives from agencies providing services to victims of child sex trafficking and sexual exploitation who reflect the geographic diversity of the state and who shall be appointed by the director of the department of social services; and
 - (12) A member of the judiciary, who shall be appointed by the supreme court.
2. A majority of the members of the council shall constitute a quorum. The council shall hold its first meeting within thirty days after the council's creation and organize by selecting a chair and a vice chair. The council shall meet at the call of the chair.
 3. The council shall:
 - (1) Collect and analyze data relating to sex trafficking and sexual exploitation of children, including the number of reports made to the children's division under section 210.115, any information obtained from phone calls to the national sex trafficking hotline, the number of reports made to law enforcement, arrests, prosecution rates, and any other data important for any recommendations of the council. State departments and council members shall provide relevant data as requested by the council to fulfill the council's duties; and
 - (2) Collect feedback from stakeholders, practitioners, and leadership throughout the state in order to develop best practices and procedures regarding the response to sex trafficking and sexual exploitation of children, including identification and assessment of victims; response and treatment coordination and collaboration across systems; trauma-informed, culturally competent victim-centered services; training for professionals in all systems; and investigating and prosecuting perpetrators.
 4. The department of social services shall provide administrative support to the council.
 5. On or before December 31, 2023, the council shall submit a report of the council's activities to the governor and general assembly and the joint committee on child abuse and neglect under section 21.771. The report shall include recommendations for priority needs and actions, including statutory or regulatory changes relating to the response to sex trafficking and sexual exploitation of children and services for child victims.
 6. The council shall expire on December 31, 2023.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family court in circuits that have a family court as provided in ~~sections 487.010 to 487.190~~ **chapter 487** shall have exclusive original jurisdiction in proceedings:

- (1) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:
 - (a) The parents, or other persons legally responsible for the care and support of the child, neglect or refuse to provide proper support, education which is required by law, medical, surgical or other care necessary for his or her well-being; except that reliance by a parent, guardian or custodian upon remedial treatment other than medical or surgical treatment for a child shall not be construed as neglect when the treatment is recognized or permitted pursuant to the laws of this state;
 - (b) The child is otherwise without proper care, custody or support;
 - (c) The child was living in a room, building or other structure at the time such dwelling was found by a court of competent jurisdiction to be a public nuisance pursuant to section 195.130; or
 - (d) The child is in need of mental health services and the parent, guardian or custodian is unable to afford or access appropriate mental health treatment or care for the child;
- (2) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because:
 - (a) The child while subject to compulsory school attendance is repeatedly and without justification absent from school;
 - (b) The child disobeys the reasonable and lawful directions of his or her parents or other custodian and is beyond their control;
 - (c) The child is habitually absent from his or her home without sufficient cause, permission, or justification;
 - (d) The behavior or associations of the child are otherwise injurious to his or her welfare or to the welfare of others; or
 - (e) The child is charged with an offense not classified as criminal, or with an offense applicable only to children; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, or any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(3) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of eighteen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen years of age who is alleged to have violated a state or municipal traffic ordinance or regulation, the violation of which does not constitute a felony, and except that the juvenile court shall have concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

(4) For the adoption of a person;

(5) For the commitment of a child to the guardianship of the department of social services as provided by law; ~~and~~

(6) Involving an order of protection pursuant to chapter 455 when the respondent is less than eighteen years of age; **and**

(7) Involving a child who has been a victim of sex trafficking or sexual exploitation.

2. Transfer of a matter, proceeding, jurisdiction or supervision for a child who resides in a county of this state shall be made as follows:

(1) Prior to the filing of a petition and upon request of any party or at the discretion of the juvenile officer, the matter in the interest of a child may be transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving court, to the county of the child's residence or the residence of the person eighteen years of age for future action;

(2) Upon the motion of any party or on its own motion prior to final disposition on the pending matter, the court in which a proceeding is commenced may transfer the proceeding of a child to the court located in the county of the child's residence, or the county in which the offense pursuant to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

(3) Upon motion of any party or on its own motion, the court in which jurisdiction has been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction of a child to the court located in the county of the child's residence for further action with the prior consent of the receiving court;

(4) Upon motion of any party or upon its own motion at any time following a judgment of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause may place the child under the supervision of another juvenile court within or without the state pursuant to section 210.570 with the consent of the receiving court;

(5) Upon motion of any child or his or her parent, the court having jurisdiction shall grant one change of judge pursuant to Missouri supreme court rules;

(6) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child, certified copies of all legal and social documents and records pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the transfer.

3. In any proceeding involving any child taken into custody in a county other than the county of the child's residence, the juvenile court of the county of the child's residence shall be notified of such taking into custody within seventy-two hours.

4. When an investigation by a juvenile officer pursuant to this section reveals that the only basis for action involves an alleged violation of section 167.031 involving a child who alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child to verify that the child is being home schooled and not in violation of section 167.031 before making a report of such a violation. Any report of a violation of section 167.031 made by a juvenile officer regarding a child who is being home schooled shall be made to the prosecuting attorney of the county where the child legally resides.

5. The disability or disease of a parent shall not constitute a basis for a determination that a child is a child in need of care or for the removal of custody of a child from the parent without a specific showing that there is a causal relation between the disability or disease and harm to the child."; and

Further amend said bill, Page 4, Section 566.155, Line 14, by inserting after all of said section and line the following:

"567.020. 1. A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

2. The offense of prostitution is a class B misdemeanor unless the person knew prior to performing the act of prostitution that he or she was infected with HIV in which case prostitution is a class B felony. The use of condoms is not a defense to this offense.

3. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.

4. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class B misdemeanor offense, upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. The judge, however, has discretion to take into consideration successful completion of a drug or alcohol treatment program in determining the defendant's sentence.

5. ~~In addition to the affirmative defense provided in subsection 2 of section 566.223, it shall be an affirmative defense to prosecution pursuant to this section that the defendant~~ **A person shall not be certified as an adult or adjudicated as a delinquent for the offense of prostitution under this section if the person** was under the age of eighteen ~~and was acting under the coercion, as defined in section 566.200, of an agent~~ at the time ~~of~~ the offense ~~charged~~ **occurred**. In such cases where the ~~defendant~~ **person** was under the age of eighteen, the ~~defendant~~ **person** shall be classified as a victim of abuse, as defined under section 210.110, and such abuse shall be reported **immediately to the children's division**, as required under section 210.115 **and to the juvenile officer for appropriate services, treatment, investigation, and other proceedings as provided under chapters 207, 210, and 211. Upon request, the local law enforcement agency and the prosecuting attorney shall assist the children's division and the juvenile officer in conducting the investigation.**

573.010. As used in this chapter the following terms shall mean:

- (1) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;
- (2) "Characterized by", describing the essential character or dominant theme of an item;
- (3) "Child", any person under the age of fourteen;
- (4) "Child pornography":
 - (a) Any obscene material or performance depicting sexual conduct, sexual contact as defined in section 566.010, or a sexual performance and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor; or
 - (b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:
 - a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;
 - b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct; or
 - c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct. "Identifiable minor" means a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The term "identifiable minor" shall not be construed to require proof of the actual identity of the identifiable minor;
- (5) "Employ", "employee", or "employment", any person who performs any service on the premises of a sexually oriented business, on a full-time, part-time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises;
- (6) "Explicit sexual material", any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition;

- (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide;
- (8) "Material", anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, stored computer data and other latent representational objects;
- (9) "Minor", any person less than eighteen years of age;
- (10) "Nudity" or "state of nudity", the showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola;
- (11) "Obscene", any material or performance if, taken as a whole:
 - (a) Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
 - (b) The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
 - (c) A reasonable person would find the material lacks serious literary, artistic, political or scientific value;
- (12) "Operator", any person on the premises of a sexually oriented business who causes the business to function, puts or keeps the business in operation, or is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business whether or not such person is an owner, part owner, or licensee of the business;
- (13) "Performance", any play, motion picture film, videotape, dance or exhibition performed before an audience of one or more;
- (14) "Pornographic for minors", any material or performance if the following apply:
 - (a) The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and
 - (b) The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal, or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
 - (c) The material or performance, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;
- (15) "Premises", the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both;
- (16) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;
- (17) "Regularly", the consistent and repeated doing of the act so described;
- (18) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification;
- (19) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;
- (20) "Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;
- (21) "Sexually explicit conduct", actual or simulated:
 - (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;
 - (b) Bestiality;
 - (c) Masturbation;
 - (d) Sadistic or masochistic abuse; or
 - (e) Lascivious exhibition of the genitals or pubic area of any person;
- (22) "Sexually oriented business" includes:

(a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas. A principal business activity exists where the commercial establishment:

- a. Has a substantial portion of its displayed merchandise which consists of such items; or
- b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or
- c. Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or
- d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or
- e. Maintains a substantial section of its interior business space for the sale or rental of such items; or
- f. Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(b) An adult cabaret;

(c) An adult motion picture theater. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(d) A semi-nude model studio. "Semi-nude model studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

- a. By a college, junior college, or university supported entirely or partly by taxation;
- b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- c. In a structure:
 - (i) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
 - (ii) Where, in order to participate in a class, a student must enroll at least three days in advance of the class;

(e) A sexual encounter center. "Sexual encounter center" means a business or commercial enterprise that, as one of its principal purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between two or more persons when one or more of the persons is semi-nude;

(23) "Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than ~~seventeen~~ **eighteen** years of age;

(24) "Specified anatomical areas" include:

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(25) "Specified sexual activity", includes any of the following:

- (a) Intercourse, oral copulation, masturbation, or sodomy; or
- (b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision;

(26) "Substantial", at least thirty percent of the item or items so modified;

(27) "Visual depiction", includes undeveloped film and videotape, and data stored on computer disk or by electronic means which is capable of conversion into a visual image.

573.024. 1. A person commits the offense of enabling sexual exploitation of a minor if such person acting with criminal negligence permits or allows any violation of section 566.210, 566.211, 573.020, 573.023, 573.025, 573.030, 573.035, 573.200, or 573.205.

2. The offense of enabling sexual exploitation of a minor is a class E felony for the first offense and a class C felony for a second or subsequent offense.

3. If the person guilty of the offense of enabling sexual exploitation of a minor is an owner of a business or the owner's agent and the business provided the location or locations for such exploitation, the business location or locations shall be required to close for up to one year for the first offense, and the length of time shall be determined by the court. For a second offense, such business location or locations shall permanently close. As used in this section, "business" shall include, but is not limited to, a hotel or massage parlor and "owner's agent" shall include, but is not limited to, any person empowered to manage the owner's business location or locations.

573.206. 1. A person commits the offense of patronizing a sexual performance by a child if such person obtains, solicits, or participates in a sexual performance by a child under eighteen years of age.

2. The offense of patronizing a sexual performance by a child is a class C felony.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the chief law enforcement officer of the county or city not within a county if there is a change to any of the following information:

- (1) Name;
- (2) Residence;
- (3) Employment, including status as a volunteer or intern;
- (4) Student status; or
- (5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:

- (1) Vehicle information;
- (2) Temporary lodging information;
- (3) Temporary residence information;
- (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or
- (5) Telephone or other cellular number, including any new forms of electronic communication.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official annually in the month of their birth to verify the information contained in their statement made pursuant to section 589.407. Tier I sexual offenders include:

- (1) Any offender who has been adjudicated for the offense of:
 - (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;
 - (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and the punishment is less than one year;
 - (c) Sexual abuse in the second degree under section 566.101 if the punishment is less than a year;

- (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
- (e) Kidnapping in the third degree under section 565.130;
- (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is less than one year;
- (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;
- (h) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public duty** under section 566.145 if the victim is eighteen years of age or older;
- (i) Sex with an animal under section 566.111;
- (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;
- (k) Possession of child pornography under section 573.037;
- (l) Sexual misconduct in the first degree under section 566.093;
- (m) Sexual misconduct in the second degree under section 566.095;
- (n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the punishment is less than one year; or

(o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age;

(2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made pursuant to section 589.407. Tier II sexual offenders include:

- (1) Any offender who has been adjudicated for the offense of:
 - (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;
 - (b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;
 - (c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;
 - (d) Enticement of a child under section 566.151;
 - (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;
 - (f) Sexual exploitation of a minor under section 573.023;
 - (g) Promoting child pornography in the first degree under section 573.025;
 - (h) Promoting child pornography in the second degree under section 573.035;
 - (i) Patronizing prostitution under section 567.030;
 - (j) **Patronizing a sexual performance by a child under section 573.206;**
 - (k) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public duty** under section 566.145 if the victim is thirteen to seventeen years of age;
 - ~~(l)~~ **(l)** Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;
 - ~~(m)~~ **(m)** Sexual misconduct involving a child under section 566.083 if it is a first offense and the penalty is a term of imprisonment of more than a year; or
 - ~~(n)~~ **(n)** Age misrepresentation with intent to solicit a minor under section 566.153;
- (2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or
- (3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:

- (1) Any offender registered as a predatory sexual offender as defined in section ~~[566.123]~~ **566.125** or a persistent sexual offender as defined in section ~~[566.124]~~ **566.125**;
- (2) Any offender who has been adjudicated for the crime of:
 - (a) Rape in the first degree under section 566.030;
 - (b) Statutory rape in the first degree under section 566.032;
 - (c) Rape in the second degree under section 566.031;
 - (d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;
 - (e) Sodomy in the first degree under section 566.060;
 - (f) Statutory sodomy under section 566.062;
 - (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
 - (h) Sodomy in the second degree under section 566.061;
 - (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;
 - (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;
 - (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;
 - (l) Child kidnapping under section 565.115;
 - (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 if the punishment is greater than a year;
 - (n) Incest under section 568.020;
 - (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
 - (p) Child molestation in the first degree under section 566.067;
 - (q) Child molestation in the second degree under section 566.068;
 - (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
 - (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
 - (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
 - (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
 - (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
 - (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;
 - (x) Sexual trafficking of a child in the first degree under section 566.210;
 - (y) Sexual trafficking of a child in the second degree under section 566.211;
 - (z) Genital mutilation of a female child under section 568.065;
 - (aa) Statutory rape in the second degree under section 566.034;
 - (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;
 - (cc) Sexual abuse in the second degree under section 566.101 if the penalty is a term of imprisonment of more than a year;
 - (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;
 - (ee) Patronizing prostitution under section 567.030 if the victim is under eighteen years of age;**
 - ~~[(ee)]~~ **(ff)** Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;
 - ~~[(ff)] Sexual contact with a prisoner or offender under section 566.145 if the victim is under thirteen years of age;~~
 - (gg) Sexual ~~[intercourse with a prisoner or offender]~~ **conduct in the course of public duty** under section 566.145;
 - (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;
 - (ii) Use of a child in a sexual performance under section 573.200; or
 - (jj) Promoting a sexual performance by a child under section 573.205;

(3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425, or other comparable out-of-state failure to register offense, who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;

(4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

(5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.

8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person to the chief law enforcement officer in the area of the state where they work, including as a volunteer or unpaid intern, or attend any school or training and register in that state. "Part-time" in this subsection means for more than seven days in any twelve-month period.

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

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

On motion of Representative Lewis (6), **House Amendment No. 1** was adopted.

Representative Roberts offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 2, Section 491.015, Line 31, by inserting after said section and line the following:

"544.170. 1. All persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for any alleged breach of the peace or other criminal offense, or on suspicion thereof, shall be discharged from said custody within twenty-four hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense.

2. In any confinement to which the provisions of this section apply, the confinee shall be permitted at any reasonable time to consult with counsel or other persons acting on the confinee's behalf.

3. Any person who violates the provisions of this section, by refusing to release any person who is entitled to release pursuant to this section, or by refusing to permit a confinee to consult with counsel or other persons, or who transfers any such confinees to the custody or control of another, or to another place, or who falsely charges such person, with intent to avoid the provisions of this section, is guilty of a class A misdemeanor.

4. Notwithstanding the provisions of subsection 1 of this section to the contrary, all persons arrested and confined in any jail or other place of confinement by any peace officer, without warrant or other process, for a criminal offense involving a dangerous felony or deadly weapon as defined in section 556.061, or on suspicion thereof, shall be discharged from said custody within forty-eight hours from the time of such arrest, unless they shall be charged with a criminal offense by the oath of some credible person, and be held by warrant to answer to such offense."; and

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

Representative Pike offered **House Amendment No. 1 to House Amendment No. 2**.

House Amendment No. 1
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Line 2, by inserting after the number "640," the following:

"Page 1, Section A, Line 4, by inserting after all of the said section and line the following:

"204.300. 1. In all counties except counties of the first classification which have a charter form of government and which contain all or any portion of a city with a population of three hundred fifty thousand or more inhabitants, the governing body of the county, by resolution, order, or ordinance, shall appoint five trustees, the majority of whom shall reside within the boundaries of the district. In the event the district extends into any county bordering the county in which the greater portion of the district lies, the presiding commissioner or other chief executive officer of the adjoining county shall be an additional member of the appointed board of trustees. **Subject to the provisions of section 105.454,** the trustees may be paid reasonable compensation by the district for their services~~]; except that, any compensation schedule shall be approved by resolution of the board of trustees]~~ **outside their duties as trustees. Each trustee of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification, a trustee shall not be paid for attending more than four meetings in any calendar month. However, no trustee shall be paid more than one attendance fee if such trustee attends more than one board meeting in a calendar week. Each trustee of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.** The board of trustees shall be responsible for the control and operation of the sewer district. The term of each board member shall be five years; except that, members of the governing body of the county sitting upon the board shall not serve beyond the expiration of their term as members of such governing body of the county. The first board of trustees shall be appointed for terms ranging from one to five years so as to establish one vacancy per year thereafter. If the governing body of the county with the right of appointment under this section fails to appoint a trustee to fill a vacancy on the board within sixty days after receiving written notice from the common sewer district of the existence of such vacancy, then the vacancy may be filled by a majority of the remaining members then in office of the board of trustees of such common sewer district. **Subject to the provisions of section 105.454,** the trustees may be paid reasonable compensation by the district for their services~~]; except that, any compensation schedule shall be approved by resolution, order, or ordinance of the governing body of the county. Any and all expenses incurred in the performance of their duties shall be reimbursed by the district]~~ **outside their duties as trustees. Each trustee of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification, a trustee shall not be paid for attending more than four meetings in any calendar month. However, no trustee shall be paid more than one attendance fee if such trustee attends more than one board meeting in a calendar week. Each trustee of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district.** The board of trustees shall have the power to employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees shall select a treasurer, who may be either a member of the board of trustees or another qualified individual. The treasurer selected by the board shall give such bond as may be required by the board of trustees. The board of trustees shall appoint the sewer engineer for the county in which the greater part of the district lies as chief engineer for the district, and the sewer engineer shall have the same powers, responsibilities and duties in regard to planning, construction and maintenance of the sewers, and treatment facilities of the district as he now has by virtue of law in regard to the sewer facilities within the county for which he is elected. If there is no sewer engineer in the county in which the greater part of the district lies, the board of trustees may employ a registered professional engineer as chief engineer for the district under such terms and conditions as may be necessary to discharge the business and purposes of the district. The provisions of this subsection shall not apply to any county of the first classification which has a charter form of government and which contains all or any portion of a city with a population of three hundred fifty thousand or more inhabitants.

2. In any county of the first classification which has a charter form of government and which contains all or any portion of a city with a population of three hundred fifty thousand or more inhabitants, ~~and in any county of the first classification without a charter form of government and which has a population of more than sixty-three thousand seven hundred but less than seventy-five thousand,~~ there shall be a ten-member board of trustees to consist of the county executive, the mayors of the five cities constituting the largest users by flow during the previous fiscal year, the mayors of three cities which are not among the five largest users and who are members of the advisory board of the district established pursuant to section 204.310, and one member of the county legislature to be appointed by the county executive, with the concurrence of the county legislature. If the county executive does not appoint such members of the county legislature to the board of trustees within sixty days, the county legislature shall make the appointments. The advisory board members shall be appointed annually by the advisory board. In the event the district extends into any county bordering the county in which the greater portion of the district lies, the number of members on the board of trustees shall be increased to a total of eleven and the presiding commissioner or county executive of the adjoining county shall be an additional member of the board of trustees. **The trustees of a district with an eleven-member board and located in two counties shall receive no compensation for their services, but may be compensated for their reasonable expenses normally incurred in the performance of their duties. Each trustee of a ten-member board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month. However, no trustee of a ten-member board shall be paid more than one attendance fee if such trustee attends more than one board meeting in a calendar week. Each trustee of a ten-member board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Subject to the provisions of section 105.454, the trustees of a ten-member board may be paid reasonable compensation by the district for their services outside their duties as trustees.** The board of trustees may employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees may employ and fix the duties and compensation of an administrator for the district. The administrator shall be the chief executive officer of the district subject to the supervision and direction of the board of trustees and shall exercise the powers, responsibilities and duties heretofore exercised by the chief engineer prior to September 28, 1983. The administrator of the district may, with the approval of the board of trustees, retain consulting engineers for the district under such terms and conditions as may be necessary to discharge the business and purposes of the district. The provisions of this subsection shall only apply to counties of the first classification which have a charter form of government and which contain all or any portion of a city with a population of three hundred fifty thousand or more inhabitants.

204.610. 1. There shall be five trustees, appointed or elected as provided for in the circuit court decree or amended decree of incorporation for a reorganized common sewer district, who shall reside within the boundaries of the district. Each trustee shall be a voter of the district and shall have resided in said district for twelve months immediately prior to the trustee's election or appointment. A trustee shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of the trustee's election or appointment. Regardless of whether or not the trustees are elected or appointed, in the event the district extends into any county bordering the county in which the greater portion of the district lies, the presiding commissioner or other chief executive officer of the adjoining county shall be an additional member of the board of trustees, or the governing body of such bordering county may appoint a citizen from such county to serve as an additional member of the board of trustees. Said additional trustee shall meet the qualifications set forth in this section for a trustee.

2. ~~[The trustees shall receive no compensation for their services but may be compensated for reasonable expenses normally incurred in the performance of their duties.]~~ **Each trustee of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two meetings in any calendar month. However, no trustee shall be paid more than one attendance fee if such trustee attends more than one board meeting in a calendar week. Each trustee of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. Subject to the provisions of section 105.454, the trustees may be paid reasonable compensation by the district for their services outside their duties as trustees.** The board of trustees may employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees may employ and fix the duties and compensation of an administrator for the district. The administrator shall be the chief executive officer of the district subject to the supervision and

direction of the board of trustees. The administrator of the district may, with the approval of the board of trustees, retain consulting engineers for the district under such terms and conditions as may be necessary to discharge the business and purposes of the district.

3. Except as provided in subsection 1 of this section, the term of office of a trustee shall be five years. The remaining trustees shall appoint a person qualified under this section to fill any vacancy on the board. The initial trustees appointed by the circuit court shall serve until the first Tuesday after the first Monday in June or until the first Tuesday after the first Monday in April, depending upon the resolution of the trustees. In the event that the trustees are elected, said elections shall be conducted by the appropriate election authority under chapter 115. Otherwise, trustees shall be appointed by the county commission in accordance with the qualifications set forth in subsection 1 of this section.

4. Notwithstanding any other provision of law, if there is only one candidate for the post of trustee, then no election shall be held, and the candidate shall assume the responsibilities of office at the same time and in the same manner as if elected. If there is no candidate for the post of trustee, then no election shall be held for that post and it shall be considered vacant, to be filled under the provisions of subsection 3 of this section."; and

Further amend said bill,"; and

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

Representative Clemens raised a point of order that **House Amendment No. 1 to House Amendment No. 2** is not germane.

House Amendment No. 1 to House Amendment No. 2 was withdrawn.

Representative Lovasco offered **House Amendment No. 2 to House Amendment No. 2**.

House Amendment No. 2
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Line 21, by inserting after the number "**556.061**," the phrase "**as such offense relates to domestic violence or sexual assault**"; and

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

Representative Chipman assumed the Chair.

Speaker Vescovo resumed the Chair.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

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|-----------|----------|----------------|-------------------|------------|
| Andrews | Atchison | Basye | Billington | Black 137 |
| Black 7 | Boggs | Bromley | Buchheit-Courtway | Burger |
| Busick | Chipman | Christofanelli | Coleman 32 | Coleman 97 |
| Cook | Davidson | Davis | Deaton | DeGroot |
| Dinkins | Dogan | Eggleston | Evans | Falkner |
| Fitzwater | Francis | Gregory 51 | Gregory 96 | Grier |
| Griffith | Haden | Haffner | Haley | Henderson |

| | | | | |
|--------------|-------------|--------------|----------------|------------|
| Hicks | Houx | Hovis | Hudson | Hurlbert |
| Kalberloh | Kelley 127 | Kelly 141 | Lewis 6 | Lovasco |
| Mayhew | McGaugh | McGirl | Morse | Murphy |
| O'Donnell | Owen | Patterson | Perkins | Pike |
| Plocher | Pollitt 52 | Porter | Pouche | Railsback |
| Reedy | Richey | Riggs | Riley | Roberts |
| Roden | Rone | Sander | Sassmann | Schwadron |
| Seitz | Sharpe 4 | Shaul | Shields | Simmons |
| Smith 155 | Stacy | Stephens 128 | Tate | Taylor 139 |
| Taylor 48 | Thomas | Thompson | Toalson Reisch | Trent |
| Van Schoiack | Veit | Walsh 50 | West | Wiemann |
| Wright | Mr. Speaker | | | |

NOES: 045

| | | | | |
|----------|----------------|------------|----------|-------------|
| Adams | Aldridge | Anderson | Aune | Bailey |
| Baringer | Bland Manlove | Bosley | Brown 27 | Brown 70 |
| Burnett | Burton | Butz | Clemens | Collins |
| Doll | Ellebracht | Fogle | Gray | Gunby |
| Ingle | Kidd | Lewis 25 | McCreery | Merideth |
| Mosley | Nurrenbern | Person | Phifer | Pollock 123 |
| Price IV | Proudie | Rogers | Sauls | Sharp 36 |
| Smith 45 | Smith 67 | Stevens 46 | Terry | Turnbaugh |
| Unsicker | Walsh Moore 93 | Weber | Windham | Young |

PRESENT: 000

ABSENT WITH LEAVE: 019

| | | | | |
|-----------|------------|---------|-----------|----------|
| Appelbaum | Baker | Bangert | Barnes | Brown 16 |
| Copeland | Cupps | Derges | Fishel | Hardwick |
| Johnson | Knight | Mackey | McDaniel | Pietzman |
| Quade | Schnelting | Schroer | Smith 163 | |

VACANCIES: 007

On motion of Representative Lovasco, **House Amendment No. 2 to House Amendment No. 2** was adopted.

Representative Hicks offered **House Amendment No. 3 to House Amendment No. 2.**

House Amendment No. 3
to
House Amendment No. 2

AMEND House Amendment No. 2 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Line 2, after the number "640," by inserting in lieu thereof the following:

"Page 1, Section 476.418, Line 11, by inserting after all of said section and line the following:

"490.800. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such offense as a result of any evidentiary method except DNA profiling analysis may be paid restitution. The individual may receive an amount of one hundred dollars per day for each day of postconviction incarceration for the offense

for which the individual is determined to be actually innocent. The petition for the payment of such restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;
- (3) The individual was not serving any term of a sentence for any other offense concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the parole board in connection with the offense for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the offense for which the person is later determined to be actually innocent, when the court's or the parole board's sole stated reason for the revocation in its order is the conviction for the offense for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that the person's probation or parole was revoked in connection with the offense for which the person has been exonerated; and
- (4) The evidentiary method demonstrates the person's innocence of the offense for which the person is in custody.

Any individual who receives restitution under this section shall not also receive restitution under section 650.058 and shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. No individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. A petition for payment of restitution under this section may be filed only by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

3. An individual who is determined to be actually innocent of an offense under this section shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial, or conviction. Upon the court's granting the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and available only to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea, or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction, or expungement in response to any inquiry made of him or her for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement under this section."; and

Further amend said bill,"; and

Further amend said amendment and page, Line 23, by inserting after all of said line the following:

"Further amend said bill, Page 12, Section 595.226, Line 28, by inserting after all of said section and line the following:

"650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who was found guilty of a felony in a Missouri court and was later determined to be actually innocent of such crime solely as a result of DNA profiling analysis may be paid restitution. The individual may receive an amount of one hundred dollars per day for each day of postconviction incarceration for the crime for which the individual is determined to be actually innocent. The petition for the payment of said restitution shall be filed with the sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order of release have been exhausted;
- (3) The individual was not serving any term of a sentence for any other crime concurrently with the sentence for which he or she is determined to be actually innocent, unless such individual was serving another concurrent sentence because his or her parole was revoked by a court or the parole board in connection with the crime for which the person has been exonerated. Regardless of whether any other basis may exist for the revocation of the person's probation or parole at the time of conviction for the crime for which the person is later determined to be actually innocent, when the court's or the parole board's sole stated reason for the revocation in its order is the conviction for the crime for which the person is later determined to be actually innocent, such order shall, for purposes of this section only, be conclusive evidence that ~~their~~ **the person's** probation or parole was revoked in connection with the crime for which the person has been exonerated; and
- (4) Testing ordered under section 547.035, or testing by the order of any state or federal court, if such person was exonerated on or before August 28, 2004, or testing ordered under section 650.055, if such person was or is exonerated after August 28, 2004, demonstrates a person's innocence of the crime for which the person is in custody.

Any individual who receives restitution under this section shall be prohibited from seeking any civil redress from the state, its departments and agencies, or any employee thereof, or any political subdivision or its employees. This section shall not be construed as a waiver of sovereign immunity for any purposes other than the restitution provided for herein. The department of corrections shall determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such persons, the department shall pay each individual who has received an order awarding restitution a pro rata share of the amount appropriated. Provided sufficient moneys are appropriated to the department, the amounts owed to such individual shall be paid on June thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has been paid in full. However, no individual awarded restitution under this subsection shall receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest on unpaid restitution shall be awarded to the individual. No individual who has been determined by the court to be actually innocent shall be responsible for the costs of care under section 217.831.

2. If the results of the DNA testing confirm the person's guilt, then the person filing for DNA testing under section 547.035, shall:

- (1) Be liable for any reasonable costs incurred when conducting the DNA test, including but not limited to the cost of the test. Such costs shall be determined by the court and shall be included in the findings of fact and conclusions of law made by the court; and
- (2) Be sanctioned under the provisions of section 217.262.

3. A petition for payment of restitution under this section may ~~only~~ be filed **only** by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution under this section may be filed by the individual's heirs or assigns. An individual's right to receive restitution under this section is not assignable or otherwise transferrable. The state's obligation to pay restitution under this section shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

4. An individual who is determined to be actually innocent of a crime under this chapter shall automatically be granted an order of expungement from the court in which he or she pled guilty or was sentenced to expunge from all official records all recordations of his or her arrest, plea, trial or conviction. Upon **the court's** granting of the order of expungement, the records and files maintained in any administrative or court proceeding in an associate or circuit division of the court shall be confidential and ~~only~~ available **only** to the parties or by order of the court for good cause shown. The effect of such order shall be to restore such person to the status he or she occupied prior to such arrest, plea or conviction and as if such event had never taken place. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or

otherwise giving a false statement by reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response to any inquiry made of him or her for any purpose whatsoever, and no such inquiry shall be made for information relating to an expungement under this section.

5. Any individual who receives restitution under section 490.800 shall not also receive restitution under this section."; and"; and

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 091

| | | | | |
|--------------|-----------|--------------|----------------|-------------------|
| Andrews | Atchison | Basye | Billington | Black 137 |
| Black 7 | Boggs | Bromley | Brown 16 | Buchheit-Courtway |
| Burger | Busick | Chipman | Christofanelli | Coleman 32 |
| Coleman 97 | Cook | Copeland | Davidson | Davis |
| Deaton | DeGroot | Dinkins | Dogan | Eggleston |
| Evans | Falkner | Fitzwater | Francis | Gregory 51 |
| Gregory 96 | Grier | Griffith | Haden | Haffner |
| Haley | Henderson | Hicks | Houx | Hovis |
| Hudson | Hurlbert | Kalberloh | Kelley 127 | Kelly 141 |
| Knight | Lewis 6 | Lovasco | Mayhew | McGaugh |
| McGill | Murphy | O'Donnell | Owen | Patterson |
| Perkins | Pike | Plocher | Pollitt 52 | Porter |
| Pouche | Railsback | Reedy | Richey | Riley |
| Roberts | Rone | Sander | Sassmann | Schwadron |
| Seitz | Sharpe 4 | Shaul | Shields | Simmons |
| Smith 155 | Stacy | Stephens 128 | Tate | Taylor 139 |
| Taylor 48 | Thomas | Thompson | Toalson Reisch | Trent |
| Van Schoiack | Veit | West | Wiemann | Wright |
| Mr. Speaker | | | | |

NOES: 045

| | | | | |
|----------|----------------|----------|------------|----------|
| Adams | Aldridge | Anderson | Aune | Baringer |
| Barnes | Bosley | Brown 27 | Brown 70 | Burnett |
| Burton | Butz | Clemens | Collins | Doll |
| Fogle | Gray | Gunby | Ingle | Lewis 25 |
| McCreery | Merideth | Mosley | Nurrenbern | Person |
| Phifer | Pollock 123 | Price IV | Proudie | Quade |
| Roden | Rogers | Sauls | Sharp 36 | Smith 45 |
| Smith 67 | Stevens 46 | Terry | Turnbaugh | Unsicker |
| Walsh 50 | Walsh Moore 93 | Weber | Windham | Young |

PRESENT: 000

ABSENT WITH LEAVE: 020

| | | | | |
|-----------|--------|------------|----------|---------------|
| Appelbaum | Bailey | Baker | Bangert | Bland Manlove |
| Cupps | Derges | Ellebracht | Fishel | Hardwick |
| Johnson | Kidd | Mackey | McDaniel | Morse |
| Pietzman | Riggs | Schnelting | Schroer | Smith 163 |

VACANCIES: 007

Representative Hicks moved that **House Amendment No. 3 to House Amendment No. 2** be adopted.

Which motion was defeated.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 092

| | | | | |
|-------------------|--------------|-----------|-----------|----------------|
| Andrews | Atchison | Baker | Basye | Billington |
| Black 137 | Black 7 | Boggs | Bromley | Brown 16 |
| Buchheit-Courtway | Burger | Busick | Chipman | Christofanelli |
| Coleman 32 | Coleman 97 | Cook | Copeland | Davidson |
| Davis | Deaton | DeGroot | Dinkins | Dogan |
| Eggleston | Evans | Falkner | Fitzwater | Francis |
| Gregory 51 | Gregory 96 | Grier | Griffith | Haden |
| Haffner | Haley | Hardwick | Hicks | Houx |
| Hovis | Hudson | Hurlbert | Kalberloh | Kelley 127 |
| Kelly 141 | Knight | Lewis 6 | Lovasco | Mayhew |
| McGaugh | Morse | Murphy | O'Donnell | Owen |
| Patterson | Perkins | Pike | Plocher | Pollitt 52 |
| Porter | Pouche | Railsback | Reedy | Richey |
| Riley | Roberts | Rone | Sander | Sassmann |
| Schnelting | Schwadron | Seitz | Sharpe 4 | Shaul |
| Shields | Simmons | Smith 155 | Stacy | Stephens 128 |
| Taylor 139 | Taylor 48 | Thomas | Thompson | Toalson Reisch |
| Trent | Van Schoiack | Veit | West | Wiemann |
| Wright | Mr. Speaker | | | |

NOES: 046

| | | | | |
|------------|----------|----------------|-------------|-----------|
| Adams | Aldridge | Anderson | Aune | Bailey |
| Baringer | Barnes | Bosley | Brown 27 | Brown 70 |
| Burnett | Burton | Butz | Clemens | Collins |
| Doll | Fogle | Gray | Gunby | Ingle |
| Kidd | Lewis 25 | McCreery | Merideth | Mosley |
| Nurrenbern | Person | Phifer | Pollock 123 | Proudie |
| Quade | Roden | Rogers | Sauls | Sharp 36 |
| Smith 45 | Smith 67 | Stevens 46 | Terry | Turnbaugh |
| Unsicker | Walsh 50 | Walsh Moore 93 | Weber | Windham |
| Young | | | | |

PRESENT: 000

ABSENT WITH LEAVE: 018

| | | | | |
|------------|-----------|---------------|----------|--------|
| Appelbaum | Bangert | Bland Manlove | Cupps | Derges |
| Ellebracht | Fishel | Henderson | Johnson | Mackey |
| McDaniel | McGirl | Pietzman | Price IV | Riggs |
| Schroer | Smith 163 | Tate | | |

VACANCIES: 007

House Amendment No. 2, as amended, was withdrawn.

Representative Dinkins offered **House Amendment No. 3**.

House Amendment No. 3

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 5, Section 573.550, Line 26, by inserting after all of the said section and line the following:

"589.404. As used in sections 589.400 to 589.425, the following terms mean:

(1) "Adjudicated" or "adjudication", adjudication of delinquency, a finding of guilt, plea of guilt, finding of not guilty due to mental disease or defect, or plea of nolo contendere to committing, attempting to commit, or conspiring to commit;

(2) "Adjudicated delinquent", a person found to have committed an offense that, if committed by an adult, would be a criminal offense;

(3) "Chief law enforcement official", the sheriff's office of each county or the police department of a city not within a county;

(4) "Offender registration", the required minimum informational content of sex offender registries, which shall consist of, but not be limited to, a full set of fingerprints on a standard sex offender registration card upon initial registration in Missouri, as well as all other forms required by the Missouri state highway patrol upon each initial and subsequent registration;

(5) "Residence", any place where an offender sleeps for seven or more consecutive or nonconsecutive days or nights within a twelve-month period;

(6) "Sex offender", any person who meets the criteria to register under sections 589.400 to 589.425 or the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248;

(7) "Sex offense", any offense which is listed under section 589.414 or comparable to those listed under section 589.414 or otherwise comparable to offenses covered under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248;

(8) "Sexual act", any type or degree of genital, oral, or anal penetration;

(9) **"Sexual conduct", sexual intercourse, deviate sexual intercourse, or sexual contact;**

(10) "Sexual contact", any ~~[sexual touching of or contact with a person's body, either directly or through the clothing]~~ **touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, or causing semen, seminal fluid, or other ejaculate to come into contact with another person, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;**

~~[(10)]~~ (11) "Sexual element", used for the purposes of distinguishing if sexual contact or a sexual act was committed. Authorities shall refer to information filed by the prosecutor, amended information filed by the prosecutor, indictment information filed by the prosecutor, or amended indictment information filed by the prosecutor, the plea agreement, or court documentation to determine if a sexual element exists;

~~[(11)]~~ (12) "Signature", the name of the offender signed in writing or electronic form approved by the Missouri state highway patrol;

~~[(12)]~~ (13) "Student", an individual who enrolls in or attends the physical location of an educational institution, including a public or private secondary school, trade or professional school, or an institution of higher education;

~~[(13)]~~ (14) "Vehicle", any land vehicle, watercraft, or aircraft.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, within three business days, appear in person to the chief law enforcement officer of the county or city not within a county if there is a change to any of the following information:

(1) Name;

(2) Residence;

(3) Employment, including status as a volunteer or intern;

(4) Student status; or

(5) A termination to any of the items listed in this subsection.

2. Any person required to register under sections 589.400 to 589.425 shall, within three business days, notify the chief law enforcement official of the county or city not within a county of any changes to the following information:

- (1) Vehicle information;
- (2) Temporary lodging information;
- (3) Temporary residence information;
- (4) Email addresses, instant messaging addresses, and any other designations used in internet communications, postings, or telephone communications; or
- (5) Telephone or other cellular number, including any new forms of electronic communication.

3. The chief law enforcement official in the county or city not within a county shall immediately forward the registration changes described under subsections 1 and 2 of this section to the Missouri state highway patrol within three business days.

4. If any person required by sections 589.400 to 589.425 to register changes such person's residence or address to a different county or city not within a county, the person shall appear in person and shall inform both the chief law enforcement official with whom the person last registered and the chief law enforcement official of the county or city not within a county having jurisdiction over the new residence or address in writing within three business days of such new address and phone number, if the phone number is also changed. If any person required by sections 589.400 to 589.425 to register changes his or her state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence, the person shall appear in person and shall inform both the chief law enforcement official with whom the person was last registered and the chief law enforcement official of the area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction having jurisdiction over the new residence or address within three business days of such new address. Whenever a registrant changes residence, the chief law enforcement official of the county or city not within a county where the person was previously registered shall inform the Missouri state highway patrol of the change within three business days. When the registrant is changing the residence to a new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the Missouri state highway patrol shall inform the responsible official in the new state, territory, the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of residence within three business days.

5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official annually in the month of their birth to verify the information contained in their statement made pursuant to section 589.407. Tier I sexual offenders include:

- (1) Any offender who has been adjudicated for the offense of:
 - (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen years of age or older;
 - (b) Sexual misconduct involving a child under section 566.083 if it is a first offense and ~~the punishment is less than one year~~ **if the offense is a misdemeanor**;
 - (c) Sexual abuse in the second degree under section 566.101 ~~if the punishment is less than a year~~ **if the offense is a misdemeanor**;
 - (d) Kidnapping in the second degree under section 565.120 with sexual motivation;
 - (e) Kidnapping in the third degree under section 565.130;
 - (f) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 ~~if the punishment is less than one year~~ **if the offense is a misdemeanor**;
 - (g) Sexual conduct under section 566.116 with a nursing facility resident or vulnerable person;
 - (h) Sexual ~~contact with a prisoner or offender~~ **conduct in the course of public duty** under section 566.145 if the victim is eighteen years of age or older;
 - (i) Sex with an animal under section 566.111;
 - (j) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is eighteen years of age or older;
 - (k) Possession of child pornography under section 573.037;
 - (l) Sexual misconduct in the first degree under section 566.093;
 - (m) Sexual misconduct in the second degree under section 566.095;
 - (n) Child molestation in the second degree under section 566.068 as it existed prior to January 1, 2017, if the ~~punishment is less than one year~~ **offense is a misdemeanor**; ~~or~~
 - (o) Invasion of privacy under section 565.252 if the victim is less than eighteen years of age; **or**
 - (p) **Sexual contact with a student eighteen years of age or older under section 566.086**;

(2) Any offender who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an offense of a sexual nature or with a sexual element that is comparable to the tier I sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier I offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report semiannually in person in the month of their birth and six months thereafter to the chief law enforcement official to verify the information contained in their statement made pursuant to section 589.407. Tier II sexual offenders include:

- (1) Any offender who has been adjudicated for the offense of:
 - (a) Statutory sodomy in the second degree under section 566.064 if the victim is sixteen to seventeen years of age;
 - (b) Child molestation in the third degree under section 566.069 if the victim is between thirteen and fourteen years of age;
 - (c) Sexual contact with a student under section 566.086 if the victim is thirteen to seventeen years of age;
 - (d) Enticement of a child under section 566.151;
 - (e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is thirteen to seventeen years of age;
 - (f) Sexual exploitation of a minor under section 573.023;
 - (g) Promoting child pornography in the first degree under section 573.025;
 - (h) Promoting child pornography in the second degree under section 573.035;
 - (i) Patronizing prostitution under section 567.030;
 - (j) Sexual ~~contact with a prisoner or offender~~ **conduct in the course of public duty** under section 566.145 if the victim is thirteen to seventeen years of age;
 - (k) Child molestation in the fourth degree under section 566.071 if the victim is thirteen to seventeen years of age;
 - (l) Sexual misconduct involving a child under section 566.083 if it is a first offense and ~~the penalty is a term of imprisonment of more than a year~~ **if the offense is a felony**; ~~or~~
 - (n) **Sexual abuse in the first degree under section 566.100 if the victim is thirteen to seventeen years of age;**

(2) Any person who is adjudicated of an offense comparable to a tier I offense listed in this section or failure to register offense under section 589.425 or comparable out-of-state failure to register offense **or a violation of a restriction under section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426** and who is already required to register as a tier I offender due to having been adjudicated of a tier I offense on a previous occasion; or

(3) Any person who is or has been adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses listed in this subsection or, if not comparable to those in this subsection, comparable to those described as tier II offenses under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of this section, shall report in person to the chief law enforcement official every ninety days to verify the information contained in their statement made under section 589.407. Tier III sexual offenders include:

- (1) Any offender registered as a predatory sexual offender ~~[as defined in section 566.123]~~ or a persistent sexual offender as defined in section ~~566.124~~ **566.125**;
- (2) Any offender who has been adjudicated for the crime of:
 - (a) Rape in the first degree under section 566.030;
 - (b) Statutory rape in the first degree under section 566.032;
 - (c) Rape in the second degree under section 566.031;
 - (d) Endangering the welfare of a child in the first degree under section 568.045 if the offense is sexual in nature;
 - (e) Sodomy in the first degree under section 566.060;
 - (f) Statutory sodomy under section 566.062;
 - (g) Statutory sodomy under section 566.064 if the victim is under sixteen years of age;
 - (h) Sodomy in the second degree under section 566.061;

- (i) Sexual misconduct involving a child under section 566.083 if the offense is a second or subsequent offense;
 - (j) Sexual abuse in the first degree under section 566.100 if the victim is under thirteen years of age;
 - (k) Kidnapping in the first degree under section 565.110 if the victim is under eighteen years of age, excluding kidnapping by a parent or guardian;
 - (l) Child kidnapping under section 565.115;
 - (m) Sexual conduct with a nursing facility resident or vulnerable person in the first degree under section 566.115 ~~[if the punishment is greater than a year]~~ **if the offense is a felony**;
 - (n) Incest under section 568.020;
 - (o) Endangering the welfare of a child in the first degree under section 568.045 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of age;
 - (p) Child molestation in the first degree under section 566.067;
 - (q) Child molestation in the second degree under section 566.068;
 - (r) Child molestation in the third degree under section 566.069 if the victim is under thirteen years of age;
 - (s) Promoting prostitution in the first degree under section 567.050 if the victim is under eighteen years of age;
 - (t) Promoting prostitution in the second degree under section 567.060 if the victim is under eighteen years of age;
 - (u) Promoting prostitution in the third degree under section 567.070 if the victim is under eighteen years of age;
 - (v) Promoting travel for prostitution under section 567.085 if the victim is under eighteen years of age;
 - (w) Trafficking for the purpose of sexual exploitation under section 566.209 if the victim is under eighteen years of age;
 - (x) Sexual trafficking of a child in the first degree under section 566.210;
 - (y) Sexual trafficking of a child in the second degree under section 566.211;
 - (z) Genital mutilation of a female child under section 568.065;
 - (aa) Statutory rape in the second degree under section 566.034;
 - (bb) Child molestation in the fourth degree under section 566.071 if the victim is under thirteen years of age;
 - (cc) Sexual abuse in the second degree under section 566.101 ~~[if the penalty is a term of imprisonment of more than a year]~~ **if the offense is a felony**;
 - (dd) Patronizing prostitution under section 567.030 if the offender is a persistent offender;
 - (ee) Abuse of a child under section 568.060 if the offense is of a sexual nature and the victim is under thirteen years of age;
 - (ff) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public duty** under section 566.145 if the victim is under thirteen years of age;
 - (gg) Sexual ~~[intercourse with a prisoner or offender]~~ **conduct in the course of public duty** under section 566.145;
 - (hh) Sexual contact with a student under section 566.086 if the victim is under thirteen years of age;
 - (ii) Use of a child in a sexual performance under section 573.200; or
 - (jj) Promoting a sexual performance by a child under section 573.205;
- (3) Any offender who is adjudicated for a crime comparable to a tier I or tier II offense listed in this section or failure to register offense under section 589.425[;] or other comparable out-of-state failure to register offense[;] **or a violation of a restriction under section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426 and** who has been or is already required to register as a tier II offender because of having been adjudicated for a tier II offense, two tier I offenses, or combination of a tier I offense and failure to register offense, on a previous occasion;
- (4) Any offender who is adjudicated in any other state, territory, the District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of a sexual nature or with a sexual element that is comparable to a tier III offense listed in this section or a tier III offense under the Sex Offender Registration and Notification Act, Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or
- (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier II offense in this section.

8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school whether public or private, including any secondary school, trade school, professional school, or institution of higher education, on a full-time or part-time basis or have a temporary residence in this state shall be required to report in person to the chief law enforcement officer in the area of the state where they work, including as a volunteer or unpaid intern, or attend any school or training and register in that state. "Part-time" in this subsection means for more than seven days in any twelve-month period.

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

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

Representative Owen offered **House Amendment No. 1 to House Amendment No. 3.**

House Amendment No. 1
to
House Amendment No. 3

AMEND House Amendment No. 3 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Line 2, by inserting after the number "640," the following:

"Page 4, Section 566.155, Line 12, by inserting after the word "member" the phrase "**or shall not supervise or employ any child under eighteen years of age**"; and

Further amend said bill,"; and

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

On motion of Representative Owen, **House Amendment No. 1 to House Amendment No. 3** was adopted.

On motion of Representative Dinkins, **House Amendment No. 3, as amended**, was adopted.

Representative West offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section 476.418, Line 11, by inserting after said section and line the following:

"478.437. 1. Beginning in fiscal year [~~2015~~] **2024**, there shall be [~~twenty~~] **twenty-one** circuit judges in the twenty-first judicial circuit. These judges shall sit in [~~twenty~~] **twenty-one** divisions, and each of the judges shall separately try causes, exercise the powers and perform all the duties imposed upon circuit judges.

2. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the twenty-first judicial circuit. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional judgeships per county under section 478.320.

478.600. 1. There shall be four circuit judges in the eleventh judicial circuit. These judges shall sit in divisions numbered one, two, three and four. Beginning on January 1, 2007, there shall be six circuit judges in the eleventh judicial circuit and these judges shall sit in divisions numbered one, two, three, four, five, and seven. The division five associate circuit judge position and the division seven associate circuit judge position shall become circuit judge positions beginning January 1, 2007, and shall be numbered as divisions five and seven.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984. The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five and seven shall be elected for a six-year term in 2006.

3. Beginning January 1, 2007, the family court commissioner positions in the eleventh judicial circuit appointed under section 487.020 shall become associate circuit judge positions in all respects and shall be designated as divisions nine and ten respectively. These positions may retain the duties and responsibilities with regard to the family court. The associate circuit judges in divisions nine and ten shall be elected in 2006 for full four-year terms.

4. Beginning on January 1, 2007, the treatment court commissioner position in the eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge position in all respects ~~and shall be designated as division eleven. This position retains the duties and responsibilities with regard to the treatment court].~~ Such associate circuit judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320. Beginning in fiscal year 2019, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2020. This associate circuit judgeship shall not be included in the statutory formula for authorizing additional circuit judgeships per county under section 478.320.

6. Beginning in fiscal year 2023, there shall be one additional associate circuit judge position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2024. This associate circuit judgeship shall be included in the statutory formula for authorizing additional associate circuit judgeships per county under section 478.320.

7. Beginning in fiscal year 2023, there shall be a commissioner of the probate division under section 478.265. This commissioner of the probate division shall be included in the statutory formula for authorizing additional probate commissioners per county under section 478.265."; and

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

Representative Burnett offered **House Amendment No. 1 to House Amendment No. 4.**

*House Amendment No. 1
to
House Amendment No. 4*

AMEND House Amendment No. 4 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Line 2, by inserting after the number "1," the following:

"Section A, Line 4, by inserting after all of said section and line the following:

"66.010. 1. Any county framing and adopting a charter for its own government under the provisions of Section 18, Article VI of the Constitution of this state, may prosecute and punish violations of its county ordinances in the circuit court of such counties in the manner and to the extent herein provided or in a county municipal court. In addition, the county may prosecute and punish municipal ordinance violations in the county municipal court pursuant to a contract with any municipality within the county. Any county municipal court established pursuant to the provisions of this section shall have jurisdiction over violations of that county's ordinances and the ordinances of municipalities with which the county has a contract to prosecute and punish violations of municipal ordinances of the city. Costs and procedures in any such county municipal court shall be governed by the provisions of law relating to municipal ordinance violations in municipal divisions of circuit courts.

2. In any county which has elected to establish a county municipal court pursuant to this section, the judges for such court shall be appointed by the county executive of such county, subject to confirmation by the legislative body of such county in the same manner as confirmation for other county appointed officers. The number of judges appointed, and qualifications for their appointment, shall be established by ordinance of the county.

3. The number of divisions of such county municipal court and its term shall be established by ordinance of the county.

4. Except in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the county shall provide for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside the county seat. In any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, the ordinance of the county may provide for regular sessions of court in the evening hours after 6:00 p.m. and at locations outside the county seat.

5. Judges of the county municipal court shall be licensed to practice law in this state and shall be residents of the county in which they serve. Municipal court judges shall not accept or handle cases in their practice of law which are inconsistent with their duties as a municipal court judge and **full-time judges** shall not be a judge or prosecutor for any other court.

6. In establishing the county municipal court, provisions shall be made for appropriate circumstances whereby defendants may enter not guilty pleas and obtain trial dates by telephone or written communication without personal appearance, or to plead guilty and deliver by mail or electronic transfer or other approved method the specified amount of the fine and costs as otherwise provided by law, within a specified period of time.

7. In a county municipal court established pursuant to this section, the county may provide by ordinance for court costs not to exceed the sum which may be provided by municipalities for municipal violations before municipal courts. The county municipal judge may assess costs against a defendant who pleads guilty or is found guilty except in those cases where the defendant is found by the judge to be indigent and unable to pay the costs. The costs authorized in this subsection are in addition to service costs, witness fees and jail costs that may otherwise be authorized to be assessed, but are in lieu of other court or judge costs or fees. Such costs shall be collected by the authorized clerk and deposited into the county treasury.

8. Provisions shall be made for recording of proceedings, except that if such proceedings are not recorded, then, in that event, a person aggrieved by a judgment of a traffic judge or commissioner shall have the right of a trial de novo. The procedures for perfecting the right of a trial de novo shall be the same as that provided under sections 512.180 to 512.320, except that the provisions of subsection 2 of section 512.180 shall not apply to such cases. In the event that such proceedings are recorded, all final decisions of the county municipal court shall be appealable on such record to the appellate court with appropriate jurisdiction.

9. Any person charged with the violation of a county ordinance in a county which has established a county municipal court under the provisions of this section shall, upon request, be entitled to a trial by jury before a county municipal court judge. Any jury trial shall be heard with a record being made.

10. In the event that a court is established pursuant to this section, the circuit judges of the judicial circuit with jurisdiction within that county may authorize the judges of the county municipal court to act as commissioners to hear in the first instance nonfelony violations of state law involving motor vehicles as provided by local rule."; and

Further amend said bill and page,"; and

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

House Amendment No. 1 to House Amendment No. 4 was withdrawn.

On motion of Representative West, **House Amendment No. 4** was adopted.

Representative Evans offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section A, Line 4, by inserting after said section and line the following:

- "455.073. 1. By July 1, 1996, the supreme court of the state of Missouri shall:
- (1) Develop and adopt uniform forms for petitions and orders of protection; and
 - (2) Provide the forms to each circuit clerk.

2. The following statements shall be printed in bold faced type or in capital letters on the order of protection:
(1) "Violation of this order may be punished by confinement in jail for as long as five years and by a fine of as much as five thousand dollars"; and

(2) "If so ordered by the court, the respondent is forbidden to enter or stay at the petitioner's residence".

3. The form prescribed by the supreme court for the notice of hearing required by subsection 2 of section 455.040 shall list all potential relief that can be granted by the court in any proceeding pursuant to sections 455.010 to 455.085 as described in section 455.050, and shall advise the respondent that such relief may be granted if the court finds for the petitioner, or if the respondent defaults to the petition.

4. **If a full order of protection is granted, all temporary orders shall continue in the full order of protection and shall remain in full force and effect unless otherwise ordered by the court.**

5. All orders of protection shall be issued on the form adopted pursuant to subsection 1 of this section.

455.075. The court may order a party to pay a reasonable amount to the other party for attorney's fees incurred prior to the commencement of the proceeding ~~or~~, **throughout the proceeding**, and after entry of judgment. The court shall consider all relevant factors, including the financial resources of both parties, and may order that the amount be paid directly to the attorney, who may enforce the order in his name.

455.085. 1. When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to domestic violence, as defined in section 455.010, against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer. When the officer declines to make arrest pursuant to this subsection, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

2. When a law enforcement officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this subsection.

3. When an officer makes an arrest, the officer is not required to arrest two parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party the officer believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:

- (1) The intent of the law to protect victims from continuing domestic violence;
- (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
- (3) The history of domestic violence between the persons involved.

No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two or more opposing parties, the officer shall evaluate each complaint separately to determine whether the officer should seek a warrant for an arrest.

4. In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and their employing entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

5. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.

6. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.

7. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.

8. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any division of the circuit court of violating an ex parte order of protection or a full order of protection within five years of the date of the subsequent violation, in which case the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the jury. If the court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if:

(1) The law enforcement officer responding to a call of a reported incident of domestic violence, stalking, sexual assault, or violation of an order of protection presented a copy of the order of protection to the respondent; **or**

(2) **Notice is given by actual communication to the respondent in a manner reasonably likely to advise the respondent.**

9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under section 575.270.

10. Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein."; and

Further amend said bill, Page 2, Section 491.015, Line 31, by inserting after said section and line the following:

"546.262. A court shall not compel a victim or member of the victim's family testifying in a criminal proceeding for a violation of sections 565.072 to 565.076 to disclose a residential address or place of employment on the record in open court unless the court finds that disclosure of the address or place of employment is necessary.

546.263. 1. A person may testify by video conference at a civil trial involving an offense under sections 565.072 to 565.076 if the person testifying is the victim of the offense. The circuit and associate circuit court judges for each circuit shall develop local rules and instructions for appearances by video conference permitted under this subsection, which shall be posted on the circuit court's internet website.

2. The circuit and associate circuit court judges for each circuit shall provide, and post on the circuit court's internet website, a telephone number for the public to call for assistance regarding appearances by video conference.

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

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

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

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

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

- (1) It is in an indictment or information; or
- (2) It is an offense submitted to the jury because there is a **rational** basis for a verdict acquitting the person of the offense charged and convicting the person of the included offense.

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

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

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

566.086. 1. A person commits the offense of sexual contact with a student if he or she has sexual contact with a student of the school and is:

- (1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104;
- (2) A student teacher; ~~[or]~~
- (3) An employee of the school; ~~[or]~~
- (4) A volunteer of the school or of an organization working with the school on a project or program who is not a student at the school; ~~[or]~~
- (5) An elected or appointed official of the school district; ~~[or]~~
- (6) A person employed by an entity that contracts with the school or school district to provide services; **or**
- (7) **A coach, assistant coach, director, or other adult with a school-aged team, club, or ensemble, regardless of whether such team, club, or ensemble is connected to a school or scholastic association. For**

purposes of this subdivision, "school-aged team, club, or ensemble" means any group organized for individual or group competition for the performance of sports activities or any group organized for individual or group presentation for fine or performing arts, by any child under eighteen years of age.

2. For the purposes of this section, "school" shall mean any public or private school in this state serving kindergarten through grade twelve or any school bus used by the school district.

3. The offense of sexual contact with a student is a class E felony.

4. It is not a defense to prosecution for a violation of this section that the student consented to the sexual contact."; and

Further amend said bill, Page 12, Section 595.226, Line 28, by inserting after said section and line the following:

"595.320. If a judge orders a person who has been convicted of an offense under sections 565.072 to 565.076 to attend any batterer intervention program, as defined in section 455.549, the person shall be financially responsible for any costs associated with attending such class."; and

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

Representative Christofanelli offered **House Amendment No. 1 to House Amendment No. 5.**

*House Amendment No. 1
to
House Amendment No. 5*

AMEND House Amendment No. 5 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Line 5, by deleting said line and inserting in lieu thereof the following:

"1.016. A secondary source, including a legal treatise, scholarly publication, textbook, or other explanatory text, does not constitute the law or public policy of this state to the extent its adoption would create, eliminate, expand, or restrict a cause of action, right, or remedy, or to the extent it is inconsistent with, or in conflict with, or otherwise not addressed by, Missouri statutory law or Missouri appellate case law precedent.

455.073. 1. By July 1, 1996, the supreme court of the state of Missouri shall:"; and

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

On motion of Representative Christofanelli, **House Amendment No. 1 to House Amendment No. 5** was adopted.

On motion of Representative Evans, **House Amendment No. 5, as amended**, was adopted.

Representative Shields offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

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

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter 579, or an offense previously listed in chapter 195, or for a class D or E felony, excluding sections 565.225, 565.252, 566.031, 566.061, 566.083, 566.093, 568.020, 568.060, offenses defined as sexual assault under section 589.015, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section 565.052, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;

(3) Supervised by the division of probation and parole; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) Involuntary manslaughter in the second degree;

(2) Assault in the second degree except under subdivision (2) of subsection 1 of section 565.052 or section 565.060 as it existed prior to January 1, 2017;

(3) Domestic assault in the second degree;

(4) Assault in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;

(5) Statutory rape in the second degree;

(6) Statutory sodomy in the second degree;

(7) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or

(8) Any case in which the defendant is found guilty of a felony offense under chapter 571;

the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section or at a hearing under subsection 5 of this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

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

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

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

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

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

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

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

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

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

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

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

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

12. The application of earned compliance credits shall be suspended upon entry into a treatment court, as described in sections 478.001 to 478.009, and shall remain suspended until the offender is discharged from such treatment court. Upon successful completion of treatment court, all earned compliance credits accumulated during the suspension period shall be retroactively applied, so long as the other terms and conditions of probation have been successfully completed."; and

Further amend said bill, Page 2, Section 491.015, Line 31, by inserting after all of said section and line the following:

"559.036. 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period[; unless otherwise specified by the Missouri court].

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. **Total time on any probation term shall not include time when the probation term is suspended under this section.** Procedures for termination, discharge and extension may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him or her on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

4. (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in ~~one of the~~ a department of corrections' one hundred twenty-day ~~[programs]~~ **program** so long as:

(a) The underlying offense for the probation is a class D or E felony or an offense listed in chapter 579 or an offense previously listed in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is involuntary manslaughter in the second degree, stalking in the first degree, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault in the third degree when the victim is a special

victim, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy, any case in which the defendant is found guilty of a felony offense under chapter 571, or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in **either the [appropriate] one hundred twenty-day structured cognitive behavioral intervention program [under subsection 3 of section 559.115] or the one hundred twenty-day institutional treatment program. The placement of the offender in the structured cognitive behavioral intervention program or institutional treatment program shall be at the sole discretion of the department based on the assessment of the offender. The program shall begin upon receipt of the offender by the department. The time between the court's order and receipt of the offender by the department shall not apply toward the program.**

(3) ~~[Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation.]~~ **Upon successful completion of a program under this subsection, as determined by the department, the division of probation and parole shall advise the sentencing court of the defendant's probationary release date thirty days prior to release. Once the defendant has successfully completed a program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation.**

(4) **If the department determines the defendant has not successfully completed a one hundred twenty-day program under this section, the division of probation and parole shall advise the prosecuting attorney and the sentencing court of the defendant's unsuccessful program exit and the defendant shall be removed from the program. The defendant shall be released from the department within fifteen working days after the court is notified of the unsuccessful program exit, unless the court has issued a warrant in response to the unsuccessful program exit to facilitate the return of the defendant to the county of jurisdiction for further court proceedings. If a defendant is discharged as unsuccessful from a one hundred twenty-day program, the sentencing court may modify, enlarge, or revoke the defendant's probation based on the same incident of the violation.**

(5) Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of probation and, if a condition was violated, whether revocation is warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record.

7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated. **Notwithstanding any other provision of the law, the probation term shall be tolled during the time period when the probation is suspended under this section. The court may grant the probationer credit on the probation term for any of the tolled period when reinstating the probation term.**

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period. **If the delay of the hearing is attributable to the probationer's actions or the probationer otherwise consents or acquiesces to the delay, the court shall have been found to have made every reasonable effort to conduct the hearing within the probation term.**

9. A defendant who was sentenced prior to January 1, 2017 to an offense that was eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection 4 of this section for the court ordered detention sanction shall continue to remain eligible for the sanction so long as the defendant meets all the other requirements provided under subsection 4 of this section.

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

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

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection ~~[or order such placement under subsection 4 of section 559.036]. [Upon the recommendation or order of the court,]~~ The department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the ~~[shock incarceration]~~ **structured cognitive behavioral intervention** program or institutional treatment program. **The placement of an offender in the structured cognitive behavioral intervention program or institutional treatment program shall be at the sole discretion of the department based on the assessment of the offender and available bed space.** When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the division of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the ~~[offender shall be removed from the program and the court shall be advised of the removal.]~~ **division of probation and parole shall advise the prosecuting attorney and the sentencing court of the defendant's unsuccessful program exit and the defendant shall be removed from the program.** The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

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

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

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

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

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section 566.125; **any offense under section 557.045**; or any offense in which there exists a statutory prohibition against either probation or parole."; and

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

On motion of Representative Shields, **House Amendment No. 6** was adopted.

Representative Cook offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 12, Section 595.226, Line 28, by inserting after all of said section and line the following:

"632.305. 1. An application for detention for evaluation and treatment may be executed by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, on a form provided by the court for such purpose, and must allege under oath, **without a notarization requirement**, that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself **or herself** or to others. The application must specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, shall authorize the applicant to bring the matter before the court on an ex parte basis to determine whether the respondent should be taken into custody and

transported to a mental health facility. The application may be filed in the court having probate jurisdiction in any county where the respondent may be found. If the court finds that there is probable cause, either upon testimony under oath or upon a review of affidavits, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself **or herself** or others, it shall direct a peace officer to take the respondent into custody and transport him **or her** to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

3. A mental health coordinator may request a peace officer to take or a peace officer may take a person into custody for detention for evaluation and treatment for a period not to exceed ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself **or herself** or others is imminent unless such person is immediately taken into custody. Upon arrival at the mental health facility, the peace officer or mental health coordinator who conveyed such person or caused him **or her** to be conveyed shall either present the application for detention for evaluation and treatment upon which the court has issued a finding of probable cause and the respondent was taken into custody or complete an application for initial detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be based upon his **or her** own personal observations or investigations and shall contain the information required in subsection 1 of this section.

4. If a person presents himself **or herself** or is presented by others to a mental health facility and a licensed physician, a registered professional nurse or a mental health professional designated by the head of the facility and approved by the department for such purpose has reasonable cause to believe that the person is mentally disordered and presents an imminent likelihood of serious harm to himself **or herself** or others unless he **or she** is accepted for detention, the licensed physician, the mental health professional or the registered professional nurse designated by the facility and approved by the department may complete an application for detention for evaluation and treatment for a period not to exceed ninety-six hours. The application shall be based on his **or her** own personal observations or investigation and shall contain the information required in subsection 1 of this section."; and

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

Representative Smith (45) offered **House Amendment No. 1 to House Amendment No. 7.**

*House Amendment No. 1
to
House Amendment No. 7*

AMEND House Amendment No. 7 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Lines 7 and 10, by deleting each occurrence of the word "must" and inserting in lieu thereof the words "~~must~~ **shall**"; and

Further amend said amendment, Page 2, Line 16, by deleting said line and inserting in lieu thereof the following:

"this section.

5. Any oath required by the provisions of this section shall be subject to the provisions of section 492.060."; and"; and

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

On motion of Representative Smith (45), **House Amendment No. 1 to House Amendment No. 7** was adopted.

On motion of Representative Cook, **House Amendment No. 7, as amended**, was adopted.

Representative Taylor (139) offered **House Amendment No. 8.**

House Amendment No. 8

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section 476.418, Lines 1-11, by deleting all of said section and lines; and

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

On motion of Representative Taylor (139), **House Amendment No. 8** was adopted.

Representative Aune offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section 476.418, Line 11, by inserting after all of said section and line the following:

"487.205. 1. As used in this section, "medical marijuana" means the use of medical marijuana in compliance with Article XIV of the Constitution of Missouri by a qualified patient with a valid medical marijuana certification.

2. If a family court participant requires treatment for a qualified medical condition in accordance with Article XIV of the Constitution of Missouri, a family court shall not prohibit such participant from participating in Missouri's medical marijuana program. A family court participant shall not be required to refrain from using medical marijuana as a term or condition of successful completion of the family court program.

3. A family court participant who is a qualified patient with a valid medical marijuana certification shall not be in violation of the terms or conditions of the family court on the basis of his or her participation in Missouri's medical marijuana program.

4. The status and conduct of a qualified patient who acts in accordance with Article XIV of the Constitution of Missouri shall not, by itself, be used to restrict or abridge custodial or parental rights to minor children in any action or proceeding under the jurisdiction of a family court under this chapter or a juvenile court under chapter 211."; and

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

House Amendment No. 9 was withdrawn.

Representative Brown (16) offered **House Amendment No. 10.**

House Amendment No. 10

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 2, Section 491.015, Line 31, by inserting after all of said section and line the following:

"535.012. No county, municipality, or other political subdivision shall impose or enforce a moratorium on eviction proceedings unless specifically authorized by state law."; and

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

Representative Clemens raised a point of order that **House Amendment No. 10** is not germane.

The Chair ruled the point of order not well taken.

On motion of Representative Brown (16), **House Amendment No. 10** was adopted.

Representative Veit offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 775, 751 & 640, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"435.300. As used in sections 435.300 to 435.312, the following terms mean:

(1) "Alternative dispute resolution communication", a statement, whether communicated orally, in writing, or by nonverbal conduct, that is either:

(a) Related to the subject matter of the dispute and made during an alternative dispute resolution process; or

(b) Made as part of considering, conducting, participating in, initiating, continuing, or reconvening an alternative dispute resolution process.

The term "alternative dispute resolution communication" shall not include the notifications or reports made under subsection 2 of section 435.303 or subsection 8 of section 435.306 or a written agreement as described under section 435.312;

(2) "Alternative dispute resolution process", mediation, arbitration, or early neutral evaluation used in conjunction with a pending civil action, and any other alternative to trial that has been included in a local court rule applicable to a civil dispute;

(3) "Arbitration", a procedure in which a neutral or panel of neutrals hears and decides a dispute between two or more parties;

(4) "Conflict of interest", any direct or indirect financial or personal interest in the outcome of a dispute or any existing or prior financial, business, professional, family, or social relationship with any participant in an alternative dispute resolution process that is likely to affect the impartiality of the neutral or that may reasonably create an appearance of partiality or bias;

(5) "Early neutral evaluation", a process in which a neutral provides parties to a dispute with a nonbinding assessment of their dispute;

(6) "In camera", a proceeding held in a judge's chambers or in a courtroom from which the public is excluded;

(7) "Mandated reporter", an individual who is required to report abuse or neglect under the provisions of section 192.2405, 192.2475, 198.070, 208.912, 210.115, 352.400, 630.162, or 630.165;

(8) "Mediation", a process in which a neutral facilitates communications among the parties and assists the parties in their efforts to reach a voluntary agreement regarding the dispute;

(9) "Mediator", a neutral who conducts mediation;

(10) "Neutral", an individual who, acting independently and not as a representative, agent, or advocate of any of the parties, assists the parties in their efforts to reach a resolution of their dispute through an alternative dispute resolution process;

(11) "Participant", any person or entity, including any neutral or party, who participates in an alternative dispute resolution process;

(12) "Party", an individual or entity named as a party in a pending civil action, or in an agreement to use an alternative dispute resolution process as described under sections 435.309 and 435.312;

(13) "Person", an individual; a public or private corporation, business trust, estate, trust, partnership, limited liability company, or insurance company; an association; a joint venture; a governmental unit, subdivision, agency, or instrumentality of the state; or any other legal or commercial entity;

(14) "Proceeding", a judicial, administrative, arbitral, or other adjudicative process, including related prehearing and posthearing motions, conferences, hearings, and discovery;

(15) "Writing" or "written", a tangible or electronic record of a communication or representation, including handwriting, typewriting, printing, photostating, photography, audio or video recording, and electronic communication;

(16) "Written agreement", a writing that:

(a) Contains the essential terms of an agreement; and

(b) Is signed, executed, or adopted by the parties by any process described under subdivision (15) of this section, including electronic signatures as permitted by section 432.230, with the intent to sign and be bound by the writing and attached to or logically associated with the writing.

435.303. 1. A court may refer any individual civil case or category of civil cases to mediation or another nonbinding alternative dispute resolution process either by rule or court order.

2. Within thirty days of referral by a court to a nonbinding alternative dispute resolution process under subsection 1 of this section, or such longer time as may be set by the court, or with leave of the court, the parties may:

(1) Notify the court that all of the parties have chosen to pursue an alternative dispute resolution process different from the nonbinding alternative dispute resolution process ordered by the court if such choice is evidenced in a written agreement between the parties;

(2) Notify the court that all of the parties have agreed to delay such process until a date certain, which date may be subsequently modified by the court, to allow for the exchange of specified information, the identification of representatives with authority, or another identified action or event related to the ability of the parties to participate effectively in that process; or

(3) File a motion for relief from the referral setting forth the reasons for not participating if any party, after conferring with all other parties, concludes that referral to a nonbinding alternative dispute resolution process has no reasonable chance of helping the parties to better understand or resolve one or more of the procedural or substantive issues in the matter or there is a compelling circumstance for not participating in the alternative dispute resolution process. Once a motion for relief has been filed, the alternative dispute resolution process ordered by the court shall not occur until the court has ruled on the motion. If the court grants the motion, the matter shall not thereafter be referred by the court to an alternative dispute resolution process without compelling circumstances, which shall be set out by the court in any order referring the matter to an alternative dispute resolution process.

3. In an action referred to a nonbinding alternative dispute resolution process, discovery may proceed as in any other action before, during, and after the nonbinding alternative dispute resolution process is held. The court may stay discovery in whole or in part during the pendency of an alternative dispute resolution process in order to promote savings in time and expense without sacrificing the quality of justice.

4. A neutral who is appointed by the court or requested by the parties to serve in a nonbinding alternative dispute resolution process under sections 435.300 to 435.312 shall avoid any conflict of interest. If the neutral believes that no disqualifying conflict exists, the neutral shall:

(1) Make a reasonable inquiry to determine whether there are any facts that would cause a reasonable person to believe that the neutral has an actual or potential conflict of interest before agreeing to serve in a matter;

(2) Disclose to the parties, as soon as practicable, facts and information relevant to any actual or potential conflicts of interest that are reasonably known to the neutral; and

(3) If, after accepting a designation by the parties or the court, the neutral learns of any previously undisclosed information that could reasonably suggest a conflict of interest, promptly disclose the information to the parties.

5. After the neutral's disclosure of a conflict, the alternative dispute resolution process may proceed if either:

(1) All parties agree in writing to service by the neutral; or

(2) An organization independently administering the alternative dispute resolution process under rules of procedure that were adopted by a written agreement of the parties determines under such rules that the neutral may continue to serve.

6. Any party who believes a court-appointed neutral has a conflict of interest may request that the neutral recuse himself or herself if a conflict is disclosed or otherwise discovered. If the neutral declines, the party may timely file a motion with the court for disqualification of the neutral. Failure to file a motion waives that objection. On its own motion, the court may also review the choice of a neutral in any alternative

dispute resolution process involving a party that is not represented by counsel and require a change of neutral if necessary to protect the rights of the unrepresented party.

435.306. 1. Alternative dispute resolution communications shall not be admissible as evidence in any proceeding or subject to discovery, except as otherwise provided under subsections 2, 3, and 7 of this section. Exceptions shall be narrowly construed and only the portion of the communication necessary for the application of the exception to the general rule of nonadmissibility shall be admitted.

2. Evidence or information that is otherwise admissible or subject to discovery, including information that would be available to the public under sections 610.010 to 610.035, shall not become inadmissible or protected from discovery solely by reason of its disclosure or use in an alternative dispute resolution process.

3. A court may determine to admit an alternative dispute resolution communication upon motion of a party, which motion shall not reveal the substance of the communication, and following a hearing only if the court finds that one or more of the exceptions under this subsection apply and the communication is otherwise relevant and admissible. The party seeking admission shall ensure that timely notice is given to the neutral and parties that participated in the alternative dispute resolution process in which the alternative dispute resolution communication was made. Such hearing shall be conducted in camera if requested by a party or if the court determines on its own motion that an in camera proceeding is necessary to ensure the confidentiality of the communications that are the subject to the hearing. The only exceptions to the general rule of nonadmissibility of alternative dispute resolution communications stated under subsection 1 of this section are as follows:

- (1) The alternative dispute resolution communication was made in the presence of a mandated reporter and pertains to abuse or neglect that such person is required by state law or regulation to report;
- (2) The alternative dispute resolution communication is a substantial threat or statement of a plan to inflict bodily injury capable of causing death or substantial bodily harm that is reasonably certain to occur;
- (3) The alternative dispute resolution communication is intentionally used to plan a crime, attempt to commit an offense, or to conceal an ongoing crime or ongoing criminal activity; or
- (4) The alternative dispute resolution communication is necessary to establish or defend against a claim of professional misconduct or malpractice that is filed against or on behalf of a participant based on conduct occurring during the alternative dispute resolution process.

4. The admission of evidence in a proceeding under any of the exceptions stated under subsection 3 of this section shall not in itself render the evidence or any other alternative dispute resolution communication discoverable or admissible for any other purpose or proceeding.

5. Any participant in an alternative dispute resolution process has standing to intervene in any proceeding to object to the admissibility of an alternative dispute resolution communication made by that person during or relating to that alternative dispute resolution process. A neutral who participated in an alternative dispute resolution process also has standing to intervene in any proceeding to object to the admissibility of an alternative dispute resolution communication made by the neutral or an agent or employee of a neutral or of an organization through which the neutral provided the alternative dispute resolution services for such process, but the neutral is under no requirement to do so.

6. Except as provided under subsection 7 of this section, no neutral, agent or employee of that neutral, or agent or employee of an organization through which the neutral provided alternative dispute resolution services shall be subpoenaed or otherwise compelled to disclose any alternative dispute resolution communication, including any alternative dispute resolution communication that would otherwise fall within the exceptions identified under subsection 3 of this section. No neutral who is a licensed attorney, nor an agent or employee of such neutral or of an organization through which the neutral provided alternative dispute resolution services under sections 435.300 to 435.312, shall be required to disclose any alternative dispute resolution communication to which a reporting obligation might otherwise apply under the rules regulating the professional conduct of attorneys.

7. A neutral, an agent or employee of that neutral, or an agent or employee of an organization through which the neutral provided the alternative dispute resolution services may be subpoenaed in an action to enforce a written agreement as described under subsection 2 of section 435.309, but only for the limited purpose of testifying that the written agreement was signed by the parties in the presence of the neutral.

8. The court may request that the neutral or the parties provide the court with progress reports on alternative dispute resolution processes related to pending civil actions; provided that, such reports shall be limited to a statement that the matter has been resolved in its entirety, partially resolved, or not resolved and

whether future dates for an alternative dispute resolution process are scheduled. A neutral may also report to the court that a payment has not been received from one or more parties. A court shall not require the disclosure of alternative dispute resolution communication in any such report.

9. The court may order the party or parties seeking admission of an alternative dispute resolution communication to pay the costs and fees of the neutral or other person participating in an alternative dispute resolution process who intervenes to contest the disclosure and admission of alternative dispute resolution communication or who responds to a subpoena prohibited under subsection 6 of this section or a subpoena under subsection 7 of this section.

435.309. 1. Unless the parties have entered into a written agreement providing for entry into a binding alternative dispute resolution process, all alternative dispute resolution processes under sections 435.300 to 435.312 shall be nonbinding.

2. In order to be binding on the parties, a settlement agreement that is reached in an alternative dispute resolution process shall be in a written agreement.

3. Alternative dispute resolution processes included in consumer contracts for goods or services shall be independently administered.

435.312. 1. Except as provided under subsection 6 of this section, sections 435.300 to 435.312 shall apply only when the court has referred an individual civil case or category of cases to a nonbinding alternative dispute resolution process, either by rule or court order, or when the parties enter into a written agreement to resolve their dispute through a nonbinding alternative dispute resolution process expressly providing that sections 435.300 to 435.312 shall apply to such alternative dispute resolution process.

2. The parties to a dispute may enter into a written agreement to attempt to resolve their differences through an alternative dispute resolution process and may agree that sections 435.300 to 435.312 will apply to such alternative dispute resolution process prior to the filing of an action or after the entry of a judgment, as well as during the pendency of an action. If the matter resolves and the parties file a case to present the settlement for approval by the court, such case shall be exempted from any local rule that refers a class of cases to any alternative dispute resolution process.

3. Nothing in sections 435.300 to 435.312 shall preclude any court from referring any individual matter to a nonbinding alternative dispute resolution process so as to effectuate the timely, fair, and efficient administration of justice, subject only to subsection 2 of section 435.303.

4. Nothing in sections 435.300 to 435.312 is intended to undermine the right of litigants to a jury trial in the event that a resolution satisfactory to the parties is not achieved through a nonbinding alternative dispute resolution process.

5. Nothing in sections 435.300 to 435.312 shall be deemed to require:

(1) Any party or party representative who appears at an alternative dispute resolution process in compliance with a court order to settle all or part of any claim; or

(2) Any party to attend a mediation with counsel if such party is self-represented.

6. If the court has not referred a case to a nonbinding dispute resolution process pursuant to section 435.303 and if the parties do not elect to use sections 435.300 to 435.312, the process shall be regarded as settlement negotiations and subject to the rules of confidentiality that generally apply to such negotiations. If the parties to the dispute have agreed in writing to submit their dispute to that alternative dispute resolution process but have not invoked the protections of sections 435.300 to 435.312, no person who serves as a neutral in such process, nor any agent or employee of that person or of an organization through which the neutral provided the alternative dispute resolution process, shall be subpoenaed or otherwise compelled to disclose any matter revealed in the process of setting up or conducting such alternative dispute resolution process. All settlement agreements are required to be in writing as described under sections 435.300 to 435.312."; and

Further amend said bill, Page 2, Section 491.015, Line 31, by inserting after all of said section and line the following:

"494.455. 1. Each county or city not within a county may elect to compensate its jurors pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of this section.

2. Each grand and petit juror shall receive six dollars per day, for every day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county or a city not within a county. The governing body of

each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors, which additional compensation shall be paid from the funds of the county or a city not within a county. The governing body of each county or a city not within a county may authorize additional daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive the additional compensation and mileage allowance authorized by this subsection only if the governing body of the county or the city not within a county authorizes the additional compensation. The provisions of this subsection authorizing additional compensation shall terminate upon the issuance of a mandate by the Missouri supreme court which results in the state of Missouri being obligated or required to pay any such additional compensation even if such additional compensation is formally approved or authorized by the governing body of a county or a city not within a county. Provided that a county or a city not within a county authorizes daily compensation payable from county or city funds for jurors who serve in that county pursuant to this subsection in the amount of at least six dollars per day in addition to the amount required by this subsection, a person shall receive an additional six dollars per day to be reimbursed by the state of Missouri so that the total compensation payable shall be at least eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a particular case; or for each day that a person actually serves as a grand juror during a term of a grand jury. The state shall reimburse the county for six dollars of the additional juror compensation provided by this subsection.

3. (1) In any county of the first classification without a charter form of government and with a population of at least two hundred thousand inhabitants, no grand or petit juror shall receive compensation for the first two days of service, but shall receive fifty dollars per day for the third day and each subsequent day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county.

(2) **Except as provided in subdivision (1) of this subsection, in any county, upon adoption by the county commission, no grand or petit juror shall receive compensation for the first two days of service, but shall receive fifty dollars per day for the third day and each subsequent day he or she may actually serve as such, and seven cents for every mile he or she may necessarily travel going from his or her place of residence to the courthouse and returning, to be paid from funds of the county; except that, a county commission may authorize compensation to a grand or petit juror for the first two days of service not to exceed ten dollars per day.**

4. When each panel of jurors summoned and attending court has completed its service, the board of jury commissioners shall cause to be submitted to the governing body of the county or a city not within a county a statement of fees earned by each juror. Within thirty days of the submission of the statement of fees, the governing body shall cause payment to be made to those jurors summoned the fees earned during their service as jurors.

510.500. Sections 510.500 to 510.521 shall be known and may be cited as the "Uniform Interstate Depositions and Discovery Act".

510.503. As used in sections 510.500 to 510.521, the following terms mean:

- (1) "Foreign jurisdiction", a state other than this state;
- (2) "Foreign subpoena", a subpoena issued under authority of a court of record of a foreign jurisdiction;
- (3) "Person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or political subdivision, agency or instrumentality, or any other legal or commercial entity;
- (4) "State", a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States;
- (5) "Subpoena", a document, however denominated, issued under authority of a court of record requiring a person to:
 - (a) Attend and give testimony at a deposition;
 - (b) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible items in the possession, custody, or control of the person; or
 - (c) Permit inspection of premises under the control of the person.

510.506. 1. To request issuance of a subpoena under this section, a party shall submit a foreign subpoena to a clerk of court in the county in which discovery is sought to be conducted in this state. A request for the issuance of a subpoena under sections 510.500 to 510.521 shall not constitute an appearance in the courts of this state.

2. If a party submits a foreign subpoena to a clerk of court in this state, the clerk, in accordance with such court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

3. A subpoena under subsection 2 of this section shall:

- (1) Incorporate the terms used in the foreign subpoena; and
- (2) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

510.509. A subpoena issued by a clerk of court under section 510.506 shall be served in compliance with the Missouri supreme court rules of civil procedure and laws of this state.

510.512. The Missouri supreme court rules of civil procedure and laws of this state, and any amendments thereto, apply to subpoenas issued under section 510.506.

510.515. An application to the court for a protective order or to enforce, quash, or modify a subpoena issued by a clerk of court under section 510.506 shall comply with the Missouri supreme court rules of civil procedure and statutes of this state and be submitted to the court in the county in which discovery is to be conducted.

510.518. In applying and construing sections 510.500 to 510.521, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

510.521. Sections 510.500 to 510.521 apply to requests for discovery in cases pending on August 28, 2022.

550.125. 1. There is hereby created in the state treasury the "Change of Venue for Capital Cases Fund", which shall consist of moneys appropriated to the fund by the general assembly. The office of state courts administrator shall administer and disburse moneys in the fund in accordance with subsection 2 of this section. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the administration of this section. Notwithstanding the provisions of section 33.080, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. In a capital case in which a change of venue is taken from one county to any other county, at the conclusion of such case the county from which the case was transferred may apply to the office of state courts administrator for the county to which the case was transferred to be reimbursed from the change of venue for capital cases fund any costs associated with the sequestering of jurors. The costs of reimbursement shall not exceed the then-approved state rates for travel reimbursement for lodging and meals.

3. Except as provided under subsection 4 of this section, the office of state courts administrator shall develop an application process and other procedures to determine if a county is eligible for reimbursement under this section. If a county is eligible for reimbursement, the office of state courts administrator shall disburse such moneys to the county as provided under subsection 4 of this section. In the event the amount disbursed is less than the county's actual costs associated with sequestering jurors, the original county shall reimburse the county to which the case was transferred for the difference. If the office of state courts administrator determines a county is not eligible for reimbursement under this section, the county in which the capital case originated shall be responsible for reimbursement.

4. Applications for reimbursement shall be submitted by May first of the current fiscal year, and disbursements shall be made by June thirtieth of the current fiscal year. Applications submitted after May first of the current fiscal year shall be reimbursed in the following fiscal year. If the total dollar amount of the claims in a given year exceeds the amount of money in the fund in the same year, the claims shall be reimbursed on a pro rata basis.

5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void."; and

Further amend said bill, Page 5, Section 573.550, Line 26, by inserting after all of said section and line the following:

"575.205. 1. A person commits the offense of tampering with electronic monitoring equipment if he or she intentionally removes, alters, tampers with, damages, ~~or~~ destroys, **fails to charge, or otherwise disables** electronic monitoring equipment which a court, the division of probation and parole or the parole board has required such person to wear.

2. This section does not apply to the owner of the equipment or an agent of the owner who is performing ordinary maintenance or repairs on the equipment.

3. The offense of tampering with electronic monitoring equipment is a class D felony.

4. The offense of tampering with electronic monitoring equipment if a person fails to charge or otherwise disables electronic monitoring equipment is a class E felony, unless the offense for which the person was placed on electronic monitoring was a misdemeanor, in which case it is a class A misdemeanor."; and

Further amend said bill, Page 12, Section 595.226, Line 28, by inserting after all of said section and line the following:

~~"[435.014. 1. If all the parties to a dispute agree in writing to submit their dispute to any forum for arbitration, conciliation or mediation, then no person who serves as arbitrator, conciliator or mediator, nor any agent or employee of that person, shall be subpoenaed or otherwise compelled to disclose any matter disclosed in the process of setting up or conducting the arbitration, conciliation or mediation.~~

~~2. Arbitration, conciliation and mediation proceedings shall be regarded as settlement negotiations. Any communication relating to the subject matter of such disputes made during the resolution process by any participant, mediator, conciliator, arbitrator or any other person present at the dispute resolution shall be a confidential communication. No admission, representation, statement or other confidential communication made in setting up or conducting such proceedings not otherwise discoverable or obtainable shall be admissible as evidence or subject to discovery.]"~~; and

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

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 086

| | | | | |
|-------------------|-----------|-----------|----------------|------------|
| Andrews | Atchison | Baker | Basye | Billington |
| Black 137 | Black 7 | Boggs | Bromley | Brown 16 |
| Buchheit-Courtway | Burger | Busick | Christofanelli | Coleman 32 |
| Coleman 97 | Cook | Copeland | Cupps | Davidson |
| Davis | Deaton | DeGroot | Dinkins | Dogan |
| Evans | Falkner | Francis | Gregory 51 | Gregory 96 |
| Griffith | Haffner | Haley | Hardwick | Henderson |
| Hicks | Houx | Hudson | Hurlbert | Kelley 127 |
| Kelly 141 | Knight | Lewis 6 | Lovasco | Mayhew |
| McGaugh | McGirl | Morse | Murphy | O'Donnell |
| Owen | Patterson | Perkins | Pike | Plocher |
| Pollitt 52 | Porter | Pouche | Railsback | Reedy |
| Richey | Riggs | Riley | Roberts | Rone |
| Sander | Sassmann | Schwadron | Seitz | Sharpe 4 |
| Shaul | Shields | Simmons | Smith 155 | Smith 163 |
| Stephens 128 | Tate | Taylor 48 | Thomas | Thompson |
| Toalson Reisch | Trent | Veit | West | Wiemann |
| Mr. Speaker | | | | |

NOES: 051

| | | | | |
|----------|----------|----------------|------------|------------|
| Adams | Aldridge | Anderson | Aune | Bailey |
| Baringer | Barnes | Bosley | Brown 27 | Brown 70 |
| Burnett | Burton | Butz | Chipman | Clemens |
| Collins | Doll | Eggleston | Ellebracht | Fogle |
| Gray | Gunby | Ingle | Johnson | Kidd |
| Lewis 25 | McCreery | Merideth | Mosley | Nurrenbern |
| Person | Phifer | Pollock 123 | Price IV | Proudie |
| Quade | Roden | Rogers | Sauls | Sharp 36 |
| Smith 45 | Stacy | Taylor 139 | Terry | Turnbaugh |
| Unsicker | Walsh 50 | Walsh Moore 93 | Weber | Windham |
| Young | | | | |

PRESENT: 000

ABSENT WITH LEAVE: 019

| | | | | |
|-----------|------------|---------------|------------|-----------|
| Appelbaum | Bangert | Bland Manlove | Derges | Fishel |
| Fitzwater | Grier | Haden | Hovis | Kalberloh |
| Mackey | McDaniel | Pietzman | Schnelting | Schroer |
| Smith 67 | Stevens 46 | Van Schoiack | Wright | |

VACANCIES: 007

Representative Veit moved that **House Amendment No. 11** be adopted.

Which motion was defeated.

Representative Plocher moved the previous question.

Which motion was adopted by the following vote:

AYES: 089

| | | | | |
|------------|------------|------------|----------------|-------------------|
| Andrews | Baker | Basye | Billington | Black 137 |
| Black 7 | Boggs | Bromley | Brown 16 | Buchheit-Courtway |
| Burger | Busick | Chipman | Christofanelli | Coleman 32 |
| Coleman 97 | Cook | Copeland | Cupps | Davidson |
| Davis | Deaton | DeGroot | Dinkins | Dogan |
| Eggleston | Evans | Falkner | Fitzwater | Francis |
| Gregory 51 | Gregory 96 | Grier | Griffith | Haffner |
| Haley | Hardwick | Henderson | Hicks | Houx |
| Hudson | Hurlbert | Kelley 127 | Kelly 141 | Knight |
| Lewis 6 | Lovasco | Mayhew | McGaugh | McGirl |
| Morse | Murphy | O'Donnell | Owen | Patterson |
| Perkins | Pike | Plocher | Pollitt 52 | Porter |
| Pouche | Railsback | Reedy | Richey | Riggs |
| Riley | Roberts | Rone | Sander | Sassmann |
| Schwadron | Seitz | Sharpe 4 | Shaul | Shields |
| Simmons | Smith 155 | Smith 163 | Stacy | Stephens 128 |
| Tate | Taylor 48 | Thomas | Thompson | Toalson Reisch |
| Trent | West | Wiemann | Mr. Speaker | |

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NOES: 045

| | | | | |
|------------|----------------|----------|-------------|------------|
| Adams | Aldridge | Anderson | Aune | Bailey |
| Baringer | Barnes | Bosley | Brown 27 | Burnett |
| Burton | Butz | Clemens | Doll | Ellebracht |
| Fogle | Gray | Gunby | Ingle | Johnson |
| Kidd | Lewis 25 | McCreery | Merideth | Mosley |
| Nurrenbern | Person | Phifer | Pollock 123 | Proudie |
| Quade | Rogers | Sauls | Sharp 36 | Smith 45 |
| Smith 67 | Taylor 139 | Terry | Turnbaugh | Unsicker |
| Walsh 50 | Walsh Moore 93 | Weber | Windham | Young |

PRESENT: 000

ABSENT WITH LEAVE: 022

| | | | | |
|-----------|------------|----------|---------------|--------------|
| Appelbaum | Atchison | Bangert | Bland Manlove | Brown 70 |
| Collins | Derges | Fishel | Haden | Hovis |
| Kalberloh | Mackey | McDaniel | Pietzman | Price IV |
| Roden | Schnelting | Schroer | Stevens 46 | Van Schoiack |
| Veit | Wright | | | |

VACANCIES: 007

On motion of Representative Kelly (141), **HCS SS SCS SBs 775, 751 & 640, as amended**, was adopted.

On motion of Representative Kelly (141), **HCS SS SCS SBs 775, 751 & 640, as amended**, was read the third time and passed by the following vote:

AYES: 123

| | | | | |
|------------|------------|----------------|-------------------|----------------|
| Adams | Aldridge | Anderson | Andrews | Atchison |
| Aune | Baker | Bangert | Baringer | Basye |
| Billington | Black 137 | Black 7 | Boggs | Bosley |
| Bromley | Brown 16 | Brown 27 | Buchheit-Courtway | Burger |
| Busick | Butz | Christofanelli | Coleman 32 | Coleman 97 |
| Cook | Copeland | Cupps | Davidson | Deaton |
| DeGroot | Dinkins | Dogan | Doll | Eggleston |
| Ellebracht | Evans | Falkner | Fitzwater | Francis |
| Gray | Gregory 51 | Gregory 96 | Grier | Griffith |
| Gunby | Haden | Haffner | Haley | Hardwick |
| Henderson | Hicks | Houx | Hudson | Hurlbert |
| Ingle | Johnson | Kalberloh | Kelley 127 | Kelly 141 |
| Knight | Lewis 6 | Mayhew | McCreery | McGaugh |
| McGirl | Morse | Mosley | Murphy | Nurrenbern |
| O'Donnell | Owen | Patterson | Perkins | Person |
| Phifer | Pietzman | Pike | Plocher | Pollitt 52 |
| Porter | Pouche | Proudie | Railsback | Reedy |
| Richey | Riggs | Riley | Roberts | Rogers |
| Rone | Sander | Sassmann | Sauls | Schroer |
| Schwadron | Seitz | Sharp 36 | Sharpe 4 | Shaul |
| Shields | Simmons | Smith 155 | Smith 163 | Smith 45 |
| Smith 67 | Stacy | Stephens 128 | Tate | Taylor 139 |
| Taylor 48 | Terry | Thomas | Thompson | Toalson Reisch |
| Trent | Turnbaugh | Van Schoiack | Veit | West |
| Wiemann | Young | Mr. Speaker | | |

NOES: 011

| | | | | |
|----------|---------|----------|-------------|----------|
| Bailey | Barnes | Burnett | Chipman | Davis |
| Kidd | Lovasco | Merideth | Pollock 123 | Unsicker |
| Walsh 50 | | | | |

PRESENT: 012

| | | | | |
|---------------|----------|--------|---------|----------------|
| Bland Manlove | Brown 70 | Burton | Clemens | Collins |
| Fogle | Lewis 25 | Quade | Roden | Walsh Moore 93 |
| Weber | Windham | | | |

ABSENT WITH LEAVE: 010

| | | | | |
|-----------|----------|------------|------------|--------|
| Appelbaum | Derges | Fishel | Hovis | Mackey |
| McDaniel | Price IV | Schnelting | Stevens 46 | Wright |

VACANCIES: 007

Speaker Vescovo declared the bill passed.

MOTION

Representative Plocher moved that Rule 22 be suspended.

Which motion was adopted by the following vote:

AYES: 098

| | | | | |
|-------------------|------------|--------------|-----------|----------------|
| Andrews | Atchison | Baker | Basye | Billington |
| Black 137 | Black 7 | Boggs | Bromley | Brown 16 |
| Buchheit-Courtway | Burger | Busick | Chipman | Christofanelli |
| Coleman 32 | Coleman 97 | Cook | Copeland | Cupps |
| Davidson | Davis | Deaton | DeGroot | Dinkins |
| Dogan | Eggleston | Evans | Falkner | Fitzwater |
| Francis | Gregory 51 | Gregory 96 | Grier | Griffith |
| Haden | Haffner | Haley | Hardwick | Henderson |
| Hicks | Houx | Hudson | Hurlbert | Kalberloh |
| Kelley 127 | Kelly 141 | Knight | Lewis 6 | Lovasco |
| Mayhew | McGaugh | McGirl | Morse | Murphy |
| O'Donnell | Owen | Patterson | Perkins | Pietzman |
| Pike | Plocher | Pollock 123 | Porter | Pouche |
| Railsback | Reedy | Richey | Riggs | Riley |
| Roberts | Roden | Rone | Sander | Sassmann |
| Schroer | Schwadron | Seitz | Sharpe 4 | Shaul |
| Shields | Simmons | Smith 155 | Smith 163 | Stacy |
| Stephens 128 | Tate | Taylor 139 | Thomas | Thompson |
| Toalson Reisch | Trent | Van Schoiack | Veit | Walsh 50 |
| West | Wiemann | Mr. Speaker | | |

NOES: 044

| | | | | |
|----------|----------|------------|--------|----------|
| Adams | Aldridge | Anderson | Aune | Bailey |
| Bangert | Baringer | Barnes | Bosley | Brown 27 |
| Brown 70 | Burnett | Burton | Butz | Clemens |
| Collins | Doll | Ellebracht | Fogle | Gray |

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| | | | | |
|----------------|----------|---------|------------|----------|
| Gunby | Ingle | Johnson | Kidd | Lewis 25 |
| McCreery | Merideth | Mosley | Nurrenbern | Person |
| Phifer | Proudie | Quade | Rogers | Sauls |
| Sharp 36 | Smith 45 | Terry | Turnbaugh | Unsicker |
| Walsh Moore 93 | Weber | Windham | Young | |

PRESENT: 001

Smith 67

ABSENT WITH LEAVE: 013

| | | | | |
|------------|---------------|------------|----------|------------|
| Appelbaum | Bland Manlove | Derges | Fishel | Hovis |
| Mackey | McDaniel | Pollitt 52 | Price IV | Schnelting |
| Stevens 46 | Taylor 48 | Wright | | |

VACANCIES: 007

On motion of Representative Plocher, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Speaker Vescovo.

Representative Plocher suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 048

| | | | | |
|------------|----------|--------------|------------|------------|
| Anderson | Atchison | Bailey | Basye | Billington |
| Bromley | Brown 27 | Burton | Busick | Cook |
| Cupps | Davidson | Evans | Gregory 51 | Haden |
| Haffner | Haley | Hardwick | Kalberloh | Kelley 127 |
| Kelly 141 | Lewis 6 | Lovasco | Mayhew | McGill |
| Morse | Mosley | Murphy | Owen | Patterson |
| Railsback | Reedy | Richey | Roberts | Rogers |
| Sander | Sassmann | Seitz | Sharpe 4 | Shields |
| Taylor 139 | Thompson | Van Schoiack | Veit | Walsh 50 |
| West | Wright | Young | | |

NOES: 002

Davis Kidd

PRESENT: 065

| | | | | |
|-----------|-----------|-------------------|------------|------------|
| Appelbaum | Aune | Baker | Baringer | Barnes |
| Black 137 | Black 7 | Buchheit-Courtway | Burger | Burnett |
| Butz | Chipman | Coleman 97 | Collins | Copeland |
| Deaton | Dinkins | Dogan | Eggleston | Ellebracht |
| Falkner | Fitzwater | Fogle | Francis | Gregory 96 |
| Grier | Griffith | Gunby | Henderson | Hicks |
| Houx | Hovis | Hudson | Hurlbert | Ingle |
| Knight | Lewis 25 | McCreery | Nurrenbern | O'Donnell |

| | | | | |
|-----------|-----------|----------|------------|----------------|
| Perkins | Pike | Plocher | Pollitt 52 | Porter |
| Pouche | Proudie | Riley | Roden | Sauls |
| Schwadron | Shaul | Smith 45 | Stacy | Stephens 128 |
| Tate | Taylor 48 | Terry | Thomas | Toalson Reisch |
| Turnbaugh | Unsicker | Weber | Wiemann | Mr. Speaker |

ABSENT WITH LEAVE: 041

| | | | | |
|-------------|------------|------------|----------|----------------|
| Adams | Aldridge | Andrews | Bangert | Bland Manlove |
| Boggs | Bosley | Brown 16 | Brown 70 | Christofanelli |
| Clemens | Coleman 32 | DeGroot | Derges | Doll |
| Fishel | Gray | Johnson | Mackey | McDaniel |
| McGaugh | Merideth | Person | Phifer | Pietzman |
| Pollock 123 | Price IV | Quade | Riggs | Rone |
| Schnelting | Schroer | Sharp 36 | Simmons | Smith 155 |
| Smith 163 | Smith 67 | Stevens 46 | Trent | Walsh Moore 93 |
| Windham | | | | |

VACANCIES: 007

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 742** entitled:

An act to repeal sections 288.132, 303.025, 303.041, 319.129, 375.159, 376.380, and 379.011, RSMo, and to enact in lieu thereof thirteen new sections relating to insurance, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Read the first time.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **SS SCS SBs 681 & 662, with HCS, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 820, as amended**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

Further, that the Senate conferees be allowed to exceed the differences on House Amendment No. 3 and House Amendment No. 6, as amended.

THIRD READING OF SENATE CONCURRENT RESOLUTIONS

SCR 34, relating to a size increase of Wilson's Creek Newtonia Battlefields, was placed on the Informal Calendar.

SCR 28, relating to a state funeral for the last surviving World War II Medal of Honor recipient, was taken up by Representative Griffith.

On motion of Representative Griffith, **SCR 28** was truly agreed to and finally passed by the following vote:

AYES: 139

| | | | | |
|--------------|----------------|-------------------|-------------|----------------|
| Adams | Aldridge | Anderson | Andrews | Appelbaum |
| Atchison | Aune | Bailey | Baker | Bangert |
| Baringer | Barnes | Basye | Billington | Black 137 |
| Black 7 | Bland Manlove | Boggs | Bromley | Brown 16 |
| Brown 27 | Brown 70 | Buchheit-Courtway | Burger | Burnett |
| Burton | Busick | Butz | Chipman | Christofanelli |
| Clemens | Coleman 32 | Coleman 97 | Collins | Cook |
| Copeland | Cupps | Davidson | Davis | Deaton |
| Dinkins | Dogan | Doll | Eggleston | Ellebracht |
| Evans | Falkner | Fitzwater | Fogle | Francis |
| Gray | Gregory 51 | Gregory 96 | Grier | Griffith |
| Gunby | Haden | Haffner | Haley | Hardwick |
| Henderson | Houx | Hovis | Hudson | Hurlbert |
| Ingle | Johnson | Kalberloh | Kelley 127 | Kelly 141 |
| Kidd | Knight | Lewis 25 | Lewis 6 | Lovasco |
| Mayhew | McCreery | McGirl | Morse | Mosley |
| Murphy | Nurrenbern | O'Donnell | Owen | Patterson |
| Perkins | Person | Phifer | Pike | Plocher |
| Pollitt 52 | Pollock 123 | Porter | Pouche | Proudie |
| Quade | Railsback | Reedy | Richey | Riggs |
| Riley | Roberts | Roden | Rogers | Sander |
| Sassmann | Sauls | Schnelting | Schroer | Schwadron |
| Seitz | Sharpe 4 | Shaul | Shields | Simmons |
| Smith 155 | Smith 163 | Smith 45 | Stacy | Stephens 128 |
| Tate | Taylor 139 | Taylor 48 | Terry | Thomas |
| Thompson | Toalson Reisch | Trent | Turnbaugh | Unsicker |
| Van Schoiack | Veit | Walsh 50 | Weber | West |
| Wiemann | Wright | Young | Mr. Speaker | |

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 017

| | | | | |
|----------------|----------|----------|----------|------------|
| Bosley | DeGroot | Derges | Fishel | Hicks |
| Mackey | McDaniel | McGaugh | Merideth | Pietzman |
| Price IV | Rone | Sharp 36 | Smith 67 | Stevens 46 |
| Walsh Moore 93 | Windham | | | |

VACANCIES: 007

Speaker Vescovo declared the bill passed.

BILLS CARRYING REQUEST MESSAGES

HCS SS SCS SBs 681 & 662, as amended, relating to elementary and secondary education, was taken up by Representative Basye.

Representative Basye moved that the House refuse to recede from its position on **HCS SS SCS SBs 681 & 662, as amended**, and grant the Senate a conference.

Which motion was adopted.

COMMITTEE REPORTS

Special Committee on Public Policy, Chairman Cupps reporting:

Mr. Speaker: Your Special Committee on Public Policy, to which was referred **SJR 39**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(a) be referred to the Committee on Rules - Administrative Oversight by the following vote:

Ayes (4): Bailey, Baker, Chipman and Cupps

Noes (0)

Absent (3): Ellebracht, Kelly (141) and Sharp (36)

Special Committee on Tourism, Chairman Hudson reporting:

Mr. Speaker: Your Special Committee on Tourism, to which was referred **SS SCR 36**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 24(28)(a) be referred to the Committee on Rules - Legislative Oversight by the following vote:

Ayes (10): Burnett, Hudson, Morse, Pike, Riggs, Sassmann, Seitz, Smith (155), Thomas and Weber

Noes (0)

Absent (1): Barnes

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR HOUSE BILL NO. 2149

The Conference Committee appointed on Senate Substitute for House Bill No. 2149, with Senate Amendment No. 1, Senate Amendment No. 1 to Senate Amendment No. 3, Senate Amendment No. 3, as amended, and Senate Amendment No. 5, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for House Bill No. 2149, as amended;

2. That the House recede from its position on House Bill No. 2149;
3. That the attached Conference Committee Substitute for Senate Substitute for House Bill No. 2149, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Representative Brenda Shields
/s/ Representative John Black
/s/ Representative David Evans
/s/ Representative Jo Doll
/s/ Representative Patty Lewis

FOR THE SENATE:

/s/ Senator Karla Eslinger
/s/ Senator Justin Brown
/s/ Senator Jeanie Riddle
/s/ Senator Doug Beck
/s/ Senator Jill Schupp

REFERRAL OF SENATE BILLS

The following Senate Bill was referred to the Committee indicated:

SS#2 SB 761 - Special Committee on Government Oversight

REFERRAL OF CONFERENCE COMMITTEE REPORTS

The following Conference Committee Report was referred to the Committee indicated:

CCR SS HB 2149, as amended - Fiscal Review

ADJOURNMENT

Representative Plocher moved that the House stand adjourned until 10:00 a.m., Wednesday, May 4, 2022.

Which motion was adopted by the following vote, the ayes and noes having been demanded by Representative Hovis:

AYES: 086

| | | | | |
|------------|------------|-------------------|-----------|--------------|
| Anderson | Atchison | Baker | Bangert | Baringer |
| Barnes | Basye | Billington | Black 137 | Black 7 |
| Bromley | Brown 16 | Buchheit-Courtway | Burger | Busick |
| Butz | Chipman | Clemens | Cook | Copeland |
| Cupps | Davidson | Deaton | Dinkins | Dogan |
| Eggleston | Ellebracht | Evans | Falkner | Fitzwater |
| Gregory 51 | Griffith | Haffner | Haley | Hardwick |
| Henderson | Houx | Hovis | Hudson | Hurlbert |
| Ingle | Kalberloh | Kelley 127 | Kelly 141 | Lewis 6 |
| Mayhew | McCreery | Morse | Murphy | O'Donnell |
| Owen | Perkins | Phifer | Pike | Plocher |
| Pollitt 52 | Pouche | Quade | Railsback | Reedy |
| Richey | Riggs | Riley | Roberts | Rogers |
| Sassmann | Schwadron | Seitz | Sharpe 4 | Shaul |
| Shields | Smith 155 | Smith 45 | Stacy | Stephens 128 |

| | | | | |
|-------------|--------------|--------|----------------|-----------|
| Taylor 48 | Terry | Thomas | Thompson | Turnbaugh |
| Unsicker | Van Schoiack | Veit | Walsh Moore 93 | West |
| Mr. Speaker | | | | |

NOES: 024

| | | | | |
|------------|----------------|----------|---------------|-----------|
| Aldridge | Aune | Bailey | Bland Manlove | Brown 27 |
| Coleman 97 | Collins | Davis | Grier | Haden |
| Kidd | Lewis 25 | Lovasco | Nurrenbern | Patterson |
| Pietzman | Pollock 123 | Roden | Sander | Schroer |
| Taylor 139 | Toalson Reisch | Walsh 50 | Young | |

PRESENT: 016

| | | | | |
|--------|-----------|----------|---------|----------|
| Adams | Appelbaum | Brown 70 | Burnett | Burton |
| Doll | Fogle | Gray | Gunby | Johnson |
| Mosley | Person | Proudie | Sauls | Smith 67 |
| Weber | | | | |

ABSENT WITH LEAVE: 030

| | | | | |
|------------|----------|---------|----------------|------------|
| Andrews | Boggs | Bosley | Christofanelli | Coleman 32 |
| DeGroot | Derges | Fishel | Francis | Gregory 96 |
| Hicks | Knight | Mackey | McDaniel | McGaugh |
| McGill | Merideth | Porter | Price IV | Rone |
| Schnelting | Sharp 36 | Simmons | Smith 163 | Stevens 46 |
| Tate | Trent | Wiemann | Windham | Wright |

VACANCIES: 007

COMMITTEE HEARINGS

CONFERENCE COMMITTEE ON BUDGET

Wednesday, May 4, 2022, 8:00 AM, Joint Hearing Room (117).

Conference Committee on Budget for SS SCS HCS HB 3002, SS SCS HCS HB 3003, SCS HCS HB 3004, SCS HCS HB 3005, SCS HCS HB 3006, SCS HCS HB 3007, SS SCS HCS HB 3008, SCS HCS HB 3009, SS SCS HCS HB 3010, SS SCS HCS HB 3011, SS SCS HCS HB 3012, SCS HCS HB 3013 and SCS HCS HB 3015.

CONFERENCE COMMITTEE ON SS SCS HCS HB 1720

Wednesday, May 4, 2022, 3:00 PM, House Hearing Room 5.

Conference Committee for SS SCS HCS HB 1720.

CONSERVATION AND NATURAL RESOURCES

Thursday, May 5, 2022, 8:00 AM, House Hearing Room 1.

Executive session will be held: SB 984

FISCAL REVIEW

Wednesday, May 4, 2022, 9:45 AM, House Hearing Room 4.

Executive session may be held on any matter referred to the committee.

Pending bill referral.

HIGHER EDUCATION

Thursday, May 5, 2022, 9:00 AM, House Hearing Room 6.

Public hearing will be held: HB 2763

PENSIONS

Wednesday, May 4, 2022, 8:00 AM, House Hearing Room 5.

Public hearing will be held: HB 2825

RULES - LEGISLATIVE OVERSIGHT

Wednesday, May 4, 2022, 4:00 PM or upon adjournment (whichever is later), House Hearing Room 4.

Executive session will be held: HJR 110

Executive session may be held on any matter referred to the committee.

SPECIAL COMMITTEE ON GOVERNMENT OVERSIGHT

Wednesday, May 4, 2022, 3:00 PM or upon adjournment (whichever is later), House Hearing Room 1.

Public hearing will be held: SS#2 SB 761

Executive session will be held: SS SB 812

Time change.

Added SS#2 SB 761.

AMENDED

SPECIAL COMMITTEE ON REDISTRICTING

Wednesday, May 4, 2022, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 6.

Public hearing will be held: HB 2909

Executive session will be held: HB 2909

Time change.

CORRECTED

SPECIAL COMMITTEE ON URBAN ISSUES

Wednesday, May 4, 2022, 12:00 PM or upon morning recess (whichever is later), House Hearing Room 7.

Public hearing will be held: SS SB 798

SPECIAL COMMITTEE ON URBAN ISSUES

Thursday, May 5, 2022, 9:00 AM, House Hearing Room 7.

Executive session will be held: SS SB 798

HOUSE CALENDAR

SIXTY-FOURTH DAY, WEDNESDAY, MAY 4, 2022

HOUSE JOINT RESOLUTIONS FOR PERFECTION

HCS HJR 82 & 106 - Black (137)
HCS HJR 88 - McGirl
HJR 80 - Coleman (32)
HCS HJR 134 - Taylor (139)
HJR 137 - Eggleston
HJR 128 - O'Donnell
HJR 107 - Dinkins
HJR 125 - Christofanelli
HCS HJR 123 - Kidd

HOUSE BILLS FOR PERFECTION

HCS HB 1593 & 1959 - Walsh (50)
HCS HB 2704 - Hicks
HCS HB 1546 - Richey
HB 1581 - Mayhew
HCS HB 1678 - Toalson Reisch
HCS HB 1997 - Haden
HB 2003 - Pouche
HB 2845 - Riley
HB 1616 - Van Schoiack
HCS HB 1833 - Basye
HB 2009 - Pollock (123)
HB 2474 - Hicks
HB 1762 - Sander
HB 1864 - Thomas
HCS HB 1875 - Haffner
HB 2095 - Kelly (141)
HB 2123 - Taylor (139)
HB 2169 - Trent
HCS HB 2246 - Copeland
HB 2515 - Perkins
HCS HB 1854 - Schroer
HCS HB 1747 - Basye
HB 2050 - Schroer
HB 1455 - Billington
HCS HB 1464 - Schnelting
HB 1478 - Dinkins
HCS HB 1716 - Riley

HCS HBs 1904 & 1575 - Murphy
HB 2085 - Cook
HB 2156 - Perkins
HCS HB 2208 - Christofanelli
HCS HB 2499 - Eggleston
HB 2590 - Evans
HB 1480 - Dinkins
HB 1563 - Griffith
HCS HB 1641 - Coleman (32)
HB 1721 - Shields
HCS HB 1905 - Shaul
HCS HBs 1972 & 2483 - Copeland
HB 2056 - Evans
HB 2164 - Buchheit-Courtway
HB 2165 - Buchheit-Courtway
HCS HB 2220 - Falkner
HB 2255 - Bailey
HB 2327 - Riggs
HB 2359 - Basye
HCS HB 2450 - Reedy
HB 1471 - Pike
HCS HB 1556 - Gregory (96)
HCS HB 1613 - Lovasco
HCS HB 1670 - Seitz
HCS HB 1918 - Hovis
HCS HB 2011 - Smith (155)
HCS HB 2052 - Riggs
HCS HB 2138 - Kelley (127)
HB 2290 - Andrews
HCS HB 2369 - Hurlbert
HCS HB 2389 - Cook
HB 2544 - Patterson
HB 2589 - Evans
HB 2615 - Coleman (32)
HB 2674 - Tate
HCS HB 2810 - Seitz
HCS HB 1553 - Hudson
HCS HB 1753 - Basye
HB 1960 - Murphy
HCS HB 2008 - Schwadron
HB 2487 - West
HCS HB 2605 - Gregory (51)
HB 2781 - Evans
HB 2798 - Reedy
HCS HB 2913 - Plocher
HCS HB 2564 - Riggs

HCS HB 2583 - Riggs
HB 2611 - Richey
HB 1547 - Veit
HCS HB 1550 - Veit
HB 1585 - Murphy
HCS HB 1595 - Hudson
HB 1601 - Chipman
HCS HB 1614 - Lovasco

HOUSE BILLS FOR PERFECTION - INFORMAL

HB 2209 - Hurlbert
HB 1680 - Sharp (36)
HB 1736 - Roberts
HCS HB 1740 - Dogan
HB 1804 - Veit
HCS#2 HB 1992 - Coleman (97)
HCS HB 2013 - Kelly (141)
HCS HB 2118 - Taylor (139)
HCS HB 2142 - Mayhew
HB 2145 - Murphy
HB 2172 - Francis
HB 2174 - Mayhew
HB 2293 - Knight
HCS HB 2363 - McGirl
HB 2371 - Smith (155)
HB 2391 - Buchheit-Courtway
HCS HB 2434 - Grier
HCS HB 2453 - McDaniel
HCS HB 2543 - O'Donnell
HB 2568 - Perkins
HB 2576 - Bromley
HB 2603 - Patterson
HCS HB 1974 - Murphy
HCS HB 2758 - Evans
HB 2782 - Young
HCS HB 1608 - Wiemann
HCS HB 1712 - Pollock (123)
HB 1741 - Dogan
HCS HB 1770 - Lewis (6)
HB 1956 - Richey
HB 1994 - Richey
HB 2397 - Aldridge
HCS HB 2510 - Simmons
HCS HB 2614 - DeGroot

HB 2731 - Shields
HB 2820 - Stephens (128)
HCS HB 2616 - Coleman (32)
HCS HB 1749 - Basye
HCS HB 1903 - Christofanelli
HCS HB 2093 - Wiemann
HB 2356 - McDaniel
HB 2010 - Smith (155)
HCS HB 2306 - Christofanelli
HCS HB 1619, as amended, with HA 2, pending - Van Schoiack
HCS HB 1695 - Gregory (51)
HB 1715 - Riley
HCS HB 1876 - Haffner
HB 1687 - Hardwick
HB 2308 - Atchison
HB 1627 - Morse
HB 1628 - Morse
HB 1652 - Bromley
HB 1672 - Taylor (48)
HB 1475 - Schroer
HB 1624 - Schroer
HB 1451 - Billington
HB 1594 - Walsh (50)
HB 1490 - Porter
HB 1579 - Mayhew
HB 1717 - Riley
HCS HB 1722 - Shields
HB 1863 - Thomas
HB 1881 - Black (7)
HCS HB 1908 - Shaul
HCS HB 1998 - Davidson
HB 2129 - Railsback
HCS HB 2206 - Trent
HB 2219 - O'Donnell
HCS HB 2447 - Hardwick
HCS HB 2652 - Haffner

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 57 - Chipman
HCR 71 - Riggs
HCR 58 - Copeland
HCR 72 - Francis

HOUSE JOINT RESOLUTIONS FOR THIRD READING - INFORMAL

HJR 132 - Kidd
HJR 133 - Davidson

HOUSE BILLS FOR THIRD READING - INFORMAL

HCS HB 2452 - Cook

SENATE BILLS FOR SECOND READING

SS SB 742

SENATE JOINT RESOLUTIONS FOR THIRD READING

SS#2 SJR 38 - Brown (16)
SJR 46 - Coleman (32)
SS SJR 33 - Christofanelli

SENATE BILLS FOR THIRD READING

HCS SS SCS SB 834 - DeGroot
HCS SCS SB 908, E.C. - Baker
HCS SCS SB 982, E.C. - Shields
HCS#2 SB 710, (Fiscal Review 5/2/22), E.C. - Baker
HCS SB 718, (Fiscal Review 5/2/22) - Shields
HCS SS#2 SCS SB 745, (Fiscal Review 5/2/22) - O'Donnell
HCS SB 845 - McGaugh
HCS SCS SB 886 - Hardwick
HCS SS SCS SB 783, (Fiscal Review 5/2/22) - Wiemann

SENATE BILLS FOR THIRD READING - INFORMAL

SS SB 678, E.C. - Brown (16)

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING

SCR 31 - Francis
SCR 33 - Gregory (51)
SCR 25 - Trent

SENATE CONCURRENT RESOLUTIONS FOR THIRD READING - INFORMAL

SCR 34 - Griffith

HOUSE BILLS WITH SENATE AMENDMENTS

SS HB 2162 - Deaton
SS SCS HCS HB 1552 - Richey
SS HB 1667, (Fiscal Review 4/25/22) - Christofanelli
SS SCS HCS HB 2627, as amended - Sharp (36)

BILLS CARRYING REQUEST MESSAGES

SS#2 HCS HB 2117, as amended (request Senate recede/grant conference), E.C. - Shaul
HCS SB 820, as amended (request House recede/grant conference/Senate exceeded differences) - Haffner

BILLS IN CONFERENCE

SS SCS HCS HB 1720, as amended (House exceeded differences), E.C. - Pollitt (52)
CCR SS HB 2149, as amended (Fiscal Review 5/3/22), E.C. - Shields
SS SCS HCS HB 3002 - Smith (163)
SS SCS HCS HB 3003 - Smith (163)
SCS HCS HB 3004 - Smith (163)
SCS HCS HB 3005 - Smith (163)
SCS HCS HB 3006 - Smith (163)
SCS HCS HB 3007 - Smith (163)
SS SCS HCS HB 3008 - Smith (163)
SCS HCS HB 3009 - Smith (163)
SS SCS HCS HB 3010 - Smith (163)
SS SCS HCS HB 3011 - Smith (163)
SS SCS HCS HB 3012 - Smith (163)
SCS HCS HB 3013 - Smith (163)
SCS HCS HB 3015 - Smith (163)
HCS SS SCS SBs 681 & 662, as amended, E.C. - Basye

ACTIONS PURSUANT TO ARTICLE IV, SECTION 27

HCS HB 1 - Smith (163)
CCS SS SCS HCS HB 2 - Smith (163)
CCS SS SCS HCS HB 3 - Smith (163)
CCS SS SCS HCS HB 4 - Smith (163)
CCS SCS HCS HB 5 - Smith (163)
CCS SCS HCS HB 6 - Smith (163)
CCS SCS HCS HB 7 - Smith (163)
CCS SCS HCS HB 8 - Smith (163)
CCS SCS HCS HB 9 - Smith (163)
CCS SS SCS HCS HB 10 - Smith (163)
CCS SS SCS HCS HB 11 - Smith (163)
CCS SCS HCS HB 12 - Smith (163)

SCS HCS HB 13 - Smith (163)
HCS HB 17 - Smith (163)
SCS HCS HB 18 - Smith (163)
SS SCS HCS HB 19 - Smith (163)
SS SCS HCS HB 3014 - Smith (163)

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