

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NOS. 2637 & 3155

AN ACT

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To repeal sections 43.500, 43.503, 43.506, 43.509, 43.527,  
43.530, 43.533, 43.650, 43.651, 56.265, 57.540, 211.021,  
211.071, 211.319, 211.331, 211.341, 217.362, 217.690,  
217.760, 455.050, 527.270, 556.061, 557.011, 557.021,  
558.011, 558.016, 558.019, 558.026, 558.031, 558.046,  
559.115, 565.002, 565.050, 565.052, 565.054, 565.056,  
565.072, 565.073, 565.074, 565.076, 565.090, 565.091,  
565.225, 565.227, 566.030, 566.032, 566.060, 566.103,  
566.125, 566.203, 566.209, 566.210, 566.211, 568.045,  
568.060, 577.800, 589.400, 589.401, 589.402, 589.403,  
589.404, 589.405, 589.407, 589.410, 589.414, 589.415,  
589.417, 589.425, 590.192, 632.305, 632.489, 632.492,  
632.495, 632.504, and 632.520, RSMo, sections 211.021,  
211.071, 211.331, 211.341, 211.342, 211.436, 217.362,  
217.690, 217.760, 557.011, 557.021, 558.011, 558.019,

1 558.026, 558.031, 558.046, 559.115, 566.030, 566.060,  
2 566.125, 566.210, 566.211, 568.060, and 589.425 as enacted  
3 by senate substitute no. 3 for senate bill number 888, one  
4 hundred third general assembly, second regular session,  
5 section 589.407 as truly agreed to and finally passed by  
6 house committee substitute for senate bill no. 982, one  
7 hundred third general assembly, second regular session, and  
8 sections 589.400 and 589.414 as enacted by senate  
9 substitute for senate committee substitute for house  
10 committee substitute for house bills nos. 2273, 1946, 1814  
11 & 2551, one hundred third general assembly, second regular  
12 session, and to enact in lieu thereof ninety-four new  
13 sections relating to public safety, with penalty  
14 provisions, delayed effective dates for certain sections,  
15 and an emergency clause for certain sections.

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

18  
19 Section A. Sections 43.500, 43.503, 43.506, 43.509, 43.527,  
20 43.530, 43.533, 43.650, 43.651, 56.265, 57.540, 211.021, 211.071,  
21 211.319, 211.331, 211.341, 217.362, 217.690, 217.760, 455.050,  
22 527.270, 556.061, 557.011, 557.021, 558.011, 558.016, 558.019,  
23 558.026, 558.031, 558.046, 559.115, 565.002, 565.050, 565.052,  
24 565.054, 565.056, 565.072, 565.073, 565.074, 565.076, 565.090,  
25 565.091, 565.225, 565.227, 566.030, 566.032, 566.060, 566.103,  
26 566.125, 566.203, 566.209, 566.210, 566.211, 568.045, 568.060,  
27 577.800, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405,  
28 589.407, 589.410, 589.414, 589.415, 589.417, 589.425, 590.192,  
29 632.305, 632.489, 632.492, 632.495, 632.504, and 632.520, RSMo,  
30 sections 211.021, 211.071, 211.331, 211.341, 211.342, 211.436,  
31 217.362, 217.690, 217.760, 557.011, 557.021, 558.011, 558.019,  
32 558.026, 558.031, 558.046, 559.115, 566.030, 566.060, 566.125,  
33 566.210, 566.211, 568.060, and 589.425 as enacted by senate  
34 substitute no. 3 for senate bill number 888, one hundred third  
35 general assembly, second regular session, section 589.407 as  
36 truly agreed to and finally passed by house committee substitute

1 for senate bill no. 982, one hundred third general assembly,  
2 second regular session, and sections 589.400 and 589.414 as  
3 enacted by senate substitute for senate committee substitute for  
4 house committee substitute for house bills nos. 2273, 1946, 1814  
5 & 2551, one hundred third general assembly, second regular  
6 session, are repealed and ninety-four new sections enacted in  
7 lieu thereof, to be known as sections 27.117, 43.500, 43.503,  
8 43.506, 43.509, 43.527, 43.530, 56.265, 57.540, 211.021, 211.071,  
9 211.319, 211.331, 211.341, 211.342, 217.362, 217.690, 217.760,  
10 455.050, 455.098, 527.270, 544.667, 556.061, 557.011, 557.021,  
11 558.011, 558.016, 558.019, 558.026, 558.031, 558.046, 559.115,  
12 565.002, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073,  
13 565.074, 565.076, 565.090, 565.091, 565.225, 565.227, 565.260,  
14 565.400, 565.405, 566.030, 566.032, 566.060, 566.103, 566.125,  
15 566.203, 566.209, 566.210, 566.211, 568.045, 568.060, 573.570,  
16 573.575, 577.800, 589.400, 589.401, 589.403, 589.404, 589.405,  
17 589.407, 589.410, 589.411, 589.412, 589.413, 589.414, 589.415,  
18 589.417, 589.425, 589.900, 589.902, 590.192, 632.305, 632.489,  
19 632.492, 632.495, 632.504, 632.520, 632.580, 632.585, 632.590,  
20 632.593, 632.595, 632.600, 632.605, 632.610, and 1, to read as  
21 follows:

22 27.117. A prosecuting or circuit attorney may request  
23 assistance from the attorney general, or one of his or her  
24 assistants, to assist in the prosecution of a violation of  
25 sections 565.090, 565.091, 565.225, 565.227, 565.400, 565.405,  
26 573.570 or 573.575, where the offense occurred in more than one  
27 jurisdiction of the state. The prosecuting or circuit attorney  
28 may request any resource or capability of the attorney general  
29 when prosecuting such cases.

1           43.500. As used in sections 43.500 to ~~[43.651]~~ 43.600, the  
2 following terms mean:

3           (1) "Administration of criminal justice", performance of  
4 any of the following activities: detection, apprehension,  
5 detention, pretrial release, post-trial release, prosecution,  
6 adjudication, correctional supervision, or rehabilitation of  
7 accused persons or criminal offenders. The administration of  
8 criminal justice shall include the screening of employees or  
9 applicants seeking employment with criminal justice agencies,  
10 criminal identification activities, and the collection, storage,  
11 and dissemination of criminal history information, including  
12 fingerprint searches, photographs, and other unique biometric  
13 identification;

14           (2) "Central repository", the division within the Missouri  
15 state highway patrol responsible for compiling and disseminating  
16 complete and accurate criminal history records and statistics;

17           (3) "Committee", criminal records and justice information  
18 advisory committee;

19           (4) "Comparable ordinance violation", a violation of an  
20 ordinance having all the essential elements of a statutory felony

1 or a class A misdemeanor;

2 (5) "Criminal history record information", information  
3 collected by criminal justice agencies on individuals consisting  
4 of identifiable descriptions and notations of arrests,  
5 detentions, indictments, informations, or other formal criminal  
6 charges, and any disposition arising therefrom, sentencing,  
7 correctional supervision, and release;

8 (6) "Final disposition", the formal conclusion of a  
9 criminal proceeding at whatever stage it occurs in the criminal  
10 justice system;

11 (7) "Missouri charge code", a unique number assigned by the  
12 office of state courts administrator to an offense for tracking  
13 and grouping offenses. Beginning January 1, 2005, the complete  
14 charge code shall consist of digits assigned by the office of  
15 state courts administrator, the two-digit national crime  
16 information center modifiers and a single digit designating  
17 attempt, accessory, or conspiracy. The only exception to the  
18 January 1, 2005, date shall be the courts that are not using the  
19 statewide court automation case management pursuant to section  
20 476.055; the effective date will be as soon thereafter as

1 economically feasible for all other courts;

2 (8) "State offense cycle number", a unique number, supplied  
3 by or approved by the Missouri state highway patrol, on the state  
4 criminal fingerprint card. The offense cycle number, OCN, is  
5 used to link the identity of a person, through unique biometric  
6 identification, to one or many offenses for which the person is  
7 arrested or charged. The OCN will be used to track an offense  
8 incident from the date of arrest to the final disposition when  
9 the offender exits from the criminal justice system;

10 (9) "Unique biometric identification", automated methods of  
11 recognizing and identifying an individual based on a  
12 physiological characteristic. Biometric identification methods  
13 may include but are not limited to facial recognition,  
14 fingerprints, palm prints, hand geometry, iris recognition, and  
15 retinal scan.

16 43.503. 1. For the purpose of maintaining complete and  
17 accurate criminal history record information, all police officers  
18 of this state, the clerk of each court, the department of  
19 corrections, the sheriff of each county, the chief law  
20 enforcement official of a city not within a county and the

1 prosecuting attorney of each county or the circuit attorney of a  
2 city not within a county shall submit certain criminal arrest,  
3 charge, and disposition information to the central repository for  
4 filing without undue delay in the form and manner required by  
5 sections 43.500 to [~~43.651~~] 43.600.

6 2. All law enforcement agencies making misdemeanor and  
7 felony arrests as determined by section 43.506 shall furnish  
8 without undue delay, to the central repository, fingerprints,  
9 photograph, and if available, any other unique biometric  
10 identification collected, charges, appropriate charge codes, and  
11 descriptions of all persons who are arrested for such offenses on  
12 standard fingerprint forms supplied or approved by the highway  
13 patrol or electronically in a format and manner approved by the  
14 highway patrol and in compliance with the standards set by the  
15 Federal Bureau of Investigation in its Automated Fingerprint  
16 Identification System or its successor program. All such  
17 agencies shall also notify the central repository of all  
18 decisions not to refer such arrests for prosecution. An agency  
19 making such arrests may enter into arrangements with other law  
20 enforcement agencies for the purpose of furnishing without undue

1 delay such fingerprints, photograph, and if available, any other  
2 unique biometric identification collected, charges, appropriate  
3 charge codes, and descriptions to the central repository upon its  
4 behalf.

5 3. In order for the Missouri office of prosecution services  
6 to maintain complete and accurate statewide reports as required  
7 by section 56.750, on or before January 1, 2028, and thereafter,  
8 all police officers of this state, the sheriff and each deputy  
9 sheriff of each county, and the chief law enforcement official of  
10 a city not within a county and his or her officers shall submit  
11 referrals for any traffic violation, ordinance violation, or  
12 misdemeanor or felony offense referred to a prosecuting or  
13 circuit attorney in the form and manner approved by the Missouri  
14 office of prosecution services as required by subdivision (7) of  
15 subsection 1 of section 56.750. At a minimum, any referral to a  
16 prosecuting attorney or circuit attorney for a felony offense  
17 shall include a probable cause statement and an investigative  
18 report. Any law enforcement agency that violates this subsection  
19 shall be ineligible to receive state or federal funds that would  
20 otherwise be paid to such agency for law enforcement, safety, or

1 criminal justice purposes.

2 4. In instances where an individual [~~less than seventeen~~  
3 under eighteen years of age and not currently certified as an  
4 adult is taken into custody for an offense [~~which~~] that would be  
5 a class A or B felony, felony under chapter 566, or two felony  
6 offenses arising from distinct acts committed within one year of  
7 each other, if committed by an adult, the arresting officer shall  
8 take fingerprints for the central repository. These fingerprints  
9 shall be taken on fingerprint cards supplied by or approved by  
10 the highway patrol or transmitted electronically in a format and  
11 manner approved by the highway patrol and in compliance with the  
12 standards set by the Federal Bureau of Investigation in its  
13 Automated Fingerprint Identification System or its successor  
14 program. [~~The fingerprint cards shall be so constructed that the~~  
15 ~~name of the juvenile should not be made available to the central~~  
16 ~~repository.~~] The individual's name and the unique number  
17 associated with the fingerprints and other pertinent information  
18 shall be provided to the court of jurisdiction by the agency  
19 taking the juvenile into custody. The juvenile's fingerprints  
20 and other information shall be forwarded to the central

1 repository and the courts without undue delay. The fingerprint  
2 information from the card shall be captured and stored in the  
3 automated fingerprint identification system operated by the  
4 central repository. In the event the fingerprints are found to  
5 match other tenprints or unsolved latent prints, the central  
6 repository shall notify the submitting agency who shall notify  
7 the court of jurisdiction as per local agreement. Under section  
8 211.031, in instances where a juvenile over fifteen and one-half  
9 years of age is alleged to have violated a state or municipal  
10 traffic ordinance or regulation, which does not constitute a  
11 felony, and the juvenile court does not have jurisdiction, the  
12 juvenile shall not be fingerprinted unless certified as an adult.  
13 Records of a juvenile who has been fingerprinted under this  
14 subsection shall be closed records as provided under section  
15 610.120.

16 5. Upon certification of the individual as an adult, the  
17 certifying court shall order a law enforcement agency to  
18 immediately fingerprint and photograph the individual and  
19 certification papers will be forwarded to the appropriate law  
20 enforcement agency with the order for fingerprinting. The law

1 enforcement agency shall submit such fingerprints, photograph,  
2 and certification papers to the central repository within fifteen  
3 days and shall furnish the offense cycle number associated with  
4 the fingerprints to the prosecuting attorney or the circuit  
5 attorney of a city not within a county and to the clerk of the  
6 court ordering the subject fingerprinted. If the juvenile is  
7 acquitted of the crime and is no longer certified as an adult,  
8 the prosecuting attorney shall notify within fifteen days the  
9 central repository of the change of status of the juvenile.

10 Records of a child who has been fingerprinted and photographed  
11 after being taken into custody shall be closed records as  
12 provided under section 610.100 if a petition has not been filed  
13 within thirty days of the date that the child was taken into  
14 custody; and if a petition for the child has not been filed  
15 within one year of the date the child was taken into custody, any  
16 records relating to the child concerning the alleged offense may  
17 be expunged under the procedures in sections 610.122 to 610.126.

18 6. The prosecuting attorney of each county or the circuit  
19 attorney of a city not within a county or the municipal  
20 prosecuting attorney shall notify the central repository on

1 standard forms supplied by the highway patrol or in a manner  
2 approved by the highway patrol of his or her decision to not file  
3 a criminal charge on any charge referred to such prosecuting  
4 attorney or circuit attorney for criminal charges. All records  
5 forwarded to the central repository and the courts by prosecutors  
6 or circuit attorneys as required by sections 43.500 to 43.530  
7 shall include the state offense cycle number of the offense, the  
8 charge code for the offense, and the originating agency  
9 identifier number of the reporting prosecutor, using such numbers  
10 as assigned by the highway patrol.

11 7. The clerk of the courts of each county or city not  
12 within a county or municipal court clerk shall furnish the  
13 central repository, on standard forms supplied by the highway  
14 patrol or in a manner approved by the highway patrol, with a  
15 record of all charges filed, including all those added subsequent  
16 to the filing of a criminal court case, amended charges, and all  
17 final dispositions of cases for which the central repository has  
18 a record of an arrest or a record of fingerprints reported  
19 pursuant to sections 43.500 to 43.506. Such information shall  
20 include, for each charge:

1           (1) All judgments of not guilty, acquittals on the ground  
2 of mental disease or defect excluding responsibility, judgments  
3 or pleas of guilty including the sentence, if any, or probation,  
4 if any, pronounced by the court, nolle pros, discharges, releases  
5 and dismissals in the trial court;

6           (2) Court orders filed with the clerk of the courts which  
7 reverse a reported conviction or vacate or modify a sentence;

8           (3) Judgments terminating or revoking a sentence to  
9 probation, supervision or conditional release and any  
10 resentencing after such revocation; and

11           (4) The offense cycle number of the offense, and the  
12 originating agency identifier number of the sentencing court,  
13 using such numbers as assigned by the highway patrol.

14           8. The clerk of the courts of each county or city not  
15 within a county shall furnish, to the department of corrections  
16 or department of mental health, court judgment and sentence  
17 documents and the state offense cycle number and the charge code  
18 of the offense which resulted in the commitment or assignment of  
19 an offender to the jurisdiction of the department of corrections  
20 or the department of mental health if the person is committed

1 pursuant to chapter 552. This information shall be reported to  
2 the department of corrections or the department of mental health  
3 at the time of commitment or assignment. If the offender was  
4 already in the custody of the department of corrections or the  
5 department of mental health at the time of such subsequent  
6 conviction, the clerk shall furnish notice of such subsequent  
7 conviction to the appropriate department by certified mail,  
8 return receipt requested, or in a manner and format mutually  
9 agreed to, within fifteen days of such disposition.

10 9. Information and fingerprints, photograph and if  
11 available, any other unique biometric identification collected,  
12 forwarded to the central repository, normally obtained from a  
13 person at the time of the arrest, may be obtained at any time the  
14 subject is in the criminal justice system or committed to the  
15 department of mental health. A law enforcement agency or the  
16 department of corrections may fingerprint, photograph, and  
17 capture any other unique biometric identification of the person  
18 unless collecting other unique biometric identification of the  
19 person is not financially feasible for the law enforcement  
20 agency, and obtain the necessary information at any time the

1 subject is in custody. If at the time of any court appearance,  
2 the defendant has not been fingerprinted and photographed for an  
3 offense in which a fingerprint and photograph is required by  
4 statute to be collected, maintained, or disseminated by the  
5 central repository, the court shall order a law enforcement  
6 agency or court marshal to fingerprint and photograph immediately  
7 the defendant. The order for fingerprints shall contain the  
8 offense, charge code, date of offense, and any other information  
9 necessary to complete the fingerprint card. The law enforcement  
10 agency or court marshal shall submit such fingerprints,  
11 photograph, and if available, any other unique biometric  
12 identification collected, to the central repository without undue  
13 delay and within thirty days and shall furnish the offense cycle  
14 number associated with the fingerprints to the prosecuting  
15 attorney or the circuit attorney of a city not within a county  
16 and to the court clerk of the court ordering the subject  
17 fingerprinted.

18 10. The department of corrections and the department of  
19 mental health shall furnish the central repository with all  
20 information concerning the receipt, escape, execution, death,

1 release, pardon, parole, commutation of sentence, granting of  
2 executive clemency, legal name change, or discharge of an  
3 individual who has been sentenced to that department's custody  
4 for any offenses which are mandated by law to be collected,  
5 maintained or disseminated by the central repository. All  
6 records forwarded to the central repository by the department as  
7 required by sections 43.500 to ~~[43.651]~~ 43.600 shall include the  
8 offense cycle number of the offense, and the originating agency  
9 identifier number of the department using such numbers as  
10 assigned by the highway patrol.

11 43.506. 1. Those offenses considered reportable for the  
12 purposes of sections 43.500 to ~~[43.651]~~ 43.600 include all  
13 felonies; class A misdemeanors; all violations for driving under  
14 the influence of drugs or alcohol; any offense that can be  
15 enhanced to a class A misdemeanor or higher for subsequent  
16 violations; and comparable ordinance violations consistent with  
17 the reporting standards established by the National Crime  
18 Information Center, Federal Bureau of Investigation, for the  
19 Federal Interstate Identification Index System; and all cases  
20 arising under chapter 566. The following types of offenses shall

1 not be considered reportable for the purposes of sections 57.403,  
2 43.500 to [~~43.651~~] 43.600, and 595.200 to 595.218: nonspecific  
3 charges of suspicion or investigation, general traffic violations  
4 and all misdemeanor violations of the state wildlife code. All  
5 offenses considered reportable shall be reviewed annually and  
6 noted in the Missouri charge code manual established in section  
7 43.512. All information collected pursuant to sections 43.500 to  
8 [~~43.651~~] 43.600 shall be available only as set forth in section  
9 610.120.

10 2. Law enforcement agencies, court clerks, prosecutors and  
11 custody agencies may report required information by electronic  
12 medium either directly to the central repository or indirectly to  
13 the central repository via other criminal justice agency computer  
14 systems in the state with the approval of the highway patrol,  
15 based upon standards established by the advisory committee.

16 3. In addition to the repository of fingerprint records for  
17 individual offenders and applicants, the central repository of  
18 criminal history and identification records for the state shall  
19 maintain a repository of latent prints, palm prints and other  
20 unique biometric identification submitted to the repository.

1           43.509. The director of the department of public safety  
2 shall, in accordance with the provisions of chapter 536,  
3 establish such rules and regulations as are necessary to  
4 implement the provisions of sections 43.500 to ~~[43.651]~~ 43.600.  
5 All collection and dissemination of criminal history information  
6 shall be in compliance with chapter 610 and applicable federal  
7 laws or regulations. Such rules shall relate to the collection  
8 of criminal history information from or dissemination of such  
9 information to criminal justice, noncriminal justice, and private  
10 agencies or citizens both in this and other states. No rule or  
11 portion of a rule promulgated under the authority of sections  
12 43.500 to ~~[43.651]~~ 43.600 shall become effective unless it has  
13 been promulgated pursuant to the provisions of section 536.024.

14           43.527. For purposes of sections 43.500 to ~~[43.651]~~ 43.600,  
15 all federal and nonstate of Missouri agencies and persons shall  
16 pay for criminal records checks, fingerprint searches, and any of  
17 the information as defined in subdivision (5) of section 43.500,  
18 when such information is not related to the administration of  
19 criminal justice. There shall be no charge for information  
20 supplied to criminal justice agencies for the administration of

1 criminal justice. For purposes of sections 43.500 to ~~[43.651]~~  
2 43.600, the administration of criminal justice is defined in  
3 subdivision (1) of section 43.500 and shall be available only as  
4 set forth in section 610.120.

5 43.530. 1. For each request requiring the payment of a fee  
6 received by the central repository, the requesting entity shall  
7 pay a fee of not more than nine dollars per request for criminal  
8 history record information not based on a fingerprint search. In  
9 each year beginning on or after January 1, 2010, the  
10 superintendent may increase the fee paid by requesting entities  
11 by an amount not to exceed one dollar per year, however, under no  
12 circumstance shall the fee paid by requesting entities exceed  
13 fifteen dollars per request.

14 2. For each request requiring the payment of a fee received  
15 by the central repository, the requesting entity shall pay a fee  
16 of not more than twenty dollars per request for criminal history  
17 record information based on a fingerprint search, unless the  
18 request is required under the provisions of subdivision (6) of  
19 section 210.481, section 210.487, or section 571.101, in which  
20 case the fee shall be fourteen dollars.

1           3. A request made under subsections 1 and 2 of this section  
2 shall be limited to check and search on one individual. Each  
3 request shall be accompanied by a check, warrant, voucher, money  
4 order, or electronic payment payable to the state of Missouri-  
5 criminal record system or payment shall be made in a manner  
6 approved by the highway patrol. The highway patrol may establish  
7 procedures for receiving requests for criminal history record  
8 information for classification and search for fingerprints, from  
9 courts and other entities, and for the payment of such requests.  
10 There is hereby established by the treasurer of the state of  
11 Missouri a fund to be entitled as the "Criminal Record System  
12 Fund". Notwithstanding the provisions of section 33.080 to the  
13 contrary, if the moneys collected and deposited into this fund  
14 are not totally expended annually for the purposes set forth in  
15 sections 43.500 to ~~[43.651]~~ 43.600, the unexpended moneys in such  
16 fund shall remain in the fund and the balance shall be kept in  
17 the fund to accumulate from year to year.

18           56.265. 1. The county prosecuting attorney in any county~~[7~~  
19 ~~other than in a chartered county,]~~ shall receive an annual salary  
20 computed ~~[using the following schedule, when applicable. The~~

1 ~~assessed valuation factor shall be the amount thereof as shown~~  
2 ~~for the year immediately preceding the year for which the~~  
3 ~~computation is done]~~ as provided in this subsection.

4 (1) For a full-time ~~[prosecutor]~~ prosecuting attorney of a  
5 charter, first, or second class county, or of a city not within a  
6 county, the ~~[prosecutor]~~ prosecuting attorney shall receive  
7 compensation equal to one hundred percent of the compensation of  
8 ~~[an associate]~~ a circuit judge~~[†]~~.

9 (2) ~~[For a part-time prosecutor:]~~ For a full-time  
10 prosecuting attorney of a third or fourth class county, the  
11 prosecuting attorney shall receive compensation equal to one  
12 hundred percent of the compensation of an associate circuit judge  
13 or, upon approval by a majority of the county commission, the  
14 prosecuting attorney shall receive compensation equal to ninety-  
15 five percent of the compensation of a circuit judge.

16 (3) Upon approval by a majority of the county commission, a  
17 part-time prosecuting attorney shall receive compensation equal  
18 to between thirty and sixty percent of the compensation of an  
19 associate circuit judge.

	<del>Assessed Valuation</del>	<del>Amount</del>
1	<del>\$18,000,000</del>	<del>to 40,999,999</del>
2	<del>41,000,000</del>	<del>to 53,999,999</del>
3	<del>54,000,000</del>	<del>to 65,999,999</del>
4	<del>66,000,000</del>	<del>to 85,999,999</del>
5	<del>86,000,000</del>	<del>to 99,999,999</del>
6	<del>100,000,000</del>	<del>to 130,999,999</del>
7	<del>131,000,000</del>	<del>to 159,999,999</del>
8	<del>160,000,000</del>	<del>to 189,999,999</del>
9	<del>190,000,000</del>	<del>to 249,999,999</del>
10	<del>250,000,000</del>	<del>to 299,999,999</del>
11	<del>300,000,000</del>	<del>or more</del>
12		<del>55,000</del> ]

13

14       (4) Notwithstanding any other provision of this section to  
15 the contrary, no prosecuting attorney who has held the office of  
16 prosecuting attorney prior to January 1, 2027, shall have their  
17 compensation lowered by the implementation of the compensation  
18 procedures of this section, nor shall any prosecuting attorney  
19 have their compensation lowered during their tenure of office.

20       2. Two thousand dollars of the salary shall be payable to  
21 any prosecuting attorney only if the prosecuting attorney has  
22 completed at least twenty hours of classroom instruction each  
23 calendar year relating to the operations of the prosecuting  
24 attorney's office when approved by a professional association of

1 the county prosecuting attorneys of Missouri unless exempted from  
2 the training by the professional association. The professional  
3 association approving the program shall provide a certificate of  
4 completion to each prosecuting attorney who completes the  
5 training program and shall send a list of certified prosecuting  
6 attorneys to the treasurer of each county or city not within a  
7 county. Expenses incurred for attending the training session may  
8 be reimbursed to the prosecuting attorney in the same manner as  
9 other expenses as may be appropriated for that purpose.

10 3. Each calendar year, five thousand dollars of the salary  
11 shall be payable to any prosecuting attorney only if the  
12 prosecuting attorney has collected the data described in  
13 subsection 2 of section 56.750 in a manner approved by the  
14 prosecutors coordinators training council and makes the data  
15 described in subsection 2 of section 56.750 readily accessible to  
16 the Missouri office of prosecution services. The Missouri office  
17 of prosecution services shall provide a certificate of compliance  
18 to each prosecuting attorney who complies with this subsection  
19 and shall send a list of any certified prosecuting attorney to  
20 the respective treasurer of each county or city not within a

1 county.

2 4. For each calendar year, three thousand dollars of the  
3 salary shall be payable to any prosecuting attorney only if the  
4 prosecuting attorney has provided discovery to criminal defense  
5 attorneys who have entered an appearance on behalf of a defendant  
6 in a manner approved by the prosecutors coordinators training  
7 council. The Missouri office of prosecution services shall  
8 provide a certificate of compliance to each prosecuting attorney  
9 who complies with this subsection and shall send a list of any  
10 certified prosecuting attorney to the respective treasurer of  
11 each county or city not within a county.

12 5. As used in this section, the term "prosecuting attorney"  
13 includes the circuit attorney of any city not within a county.

14 6. The prosecuting attorney of any county which becomes a  
15 county of the first classification during a four-year term of  
16 office or a county which passed the proposition authorized by  
17 subsection 1 of section 56.363 shall not be required to devote  
18 full time to such office pursuant to section 56.067 until the  
19 beginning of the prosecuting attorney's next term of office or  
20 until the proposition otherwise becomes effective.

1           7. Notwithstanding any other provision of law to the  
2 contrary, any county with a vacancy in the office of prosecuting  
3 attorney for more than sixty days may consolidate with one  
4 contiguous county with a sitting prosecuting attorney upon a  
5 unanimous vote of the county commissions of such counties to  
6 establish a cooperative regional prosecuting attorney's office at  
7 any time. The prosecuting attorney of the contiguous county  
8 shall then become the prosecuting attorney of that region for the  
9 remainder of that prosecuting attorney's term of office or until  
10 such time as the governor appoints a prosecuting attorney to fill  
11 the vacant prosecuting attorney position pursuant to section  
12 105.030. Regional prosecuting attorneys shall be designated as  
13 full-time prosecuting attorneys and shall be compensated in the  
14 manner provided under the provisions of subdivision (2) of  
15 subsection 1 of this section. No two counties that each have  
16 sitting prosecuting attorneys shall be permitted to consolidate  
17 in the manner described in this section.

18           8. The provisions of section 56.066 shall not apply to  
19 full-time prosecutors who are compensated pursuant to subdivision  
20 (1) of subsection 1 of this section.

1           9. (1) There is hereby created in the state treasury the  
2 "Missouri State Prosecutorial Services Grant Fund", which shall  
3 consist of moneys appropriated by the general assembly.

4           (2) The state treasurer shall be custodian of the fund. In  
5 accordance with sections 30.170 and 30.180, the state treasurer  
6 may approve disbursements. The fund shall be a dedicated fund  
7 and, upon appropriation, moneys in this fund shall be used solely  
8 as provided in this section and shall be allocated to counties of  
9 the third and fourth classification on the basis of need in order  
10 for such counties to be in compliance with the prosecuting  
11 attorney compensation provisions of this section.

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

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

19           57.540. 1. The sheriff of the City of St. Louis may employ  
20 an attorney at law to aid and advise him in the discharge of his

1 duties and to represent him in court [~~, which said attorney shall~~  
2 ~~be known as "sheriff's attorney", and who shall receive as~~  
3 ~~compensation for his services as such sheriff's attorney a sum of~~  
4 ~~not less than three thousand dollars and not more than fifteen~~  
5 ~~thousand dollars per annum, payable in semimonthly installments].~~

6 The sheriff shall set the compensation for an attorney hired  
7 pursuant to this section and such compensation shall be paid out  
8 of the same funds and revenue as the sheriff of such city is  
9 paid.

10 2. The attorney employed by a sheriff pursuant to  
11 subsection 1 of this section shall be employed at the pleasure of  
12 the sheriff.

13 ~~[211.021. As used in this chapter, unless the~~  
14 ~~context clearly requires otherwise, the following~~  
15 ~~terms shall mean:~~

16 ~~(1) "Adult" [means], a person eighteen years of~~  
17 ~~age or older;~~

18 ~~(2) "Child" [means], any person under eighteen~~  
19 ~~years of age;~~

20 ~~(3) "Juvenile court" [means], the juvenile~~  
21 ~~division or divisions of the circuit court of the~~  
22 ~~county, or judges while hearing juvenile cases~~  
23 ~~assigned to them;~~

24 ~~(4) "Juvenile detention facility", a place for~~  
25 ~~the temporary care of a juvenile in judicial custody~~  
26 ~~in a proceeding under subdivision (2) or (3) of~~  
27 ~~subsection 1 of section 211.031 and includes a place~~  
28 ~~that is physically confining, but does not include a~~  
29 ~~jail or other adult detention facility unless the~~

1 ~~juvenile is seventeen years of age or older or unless~~  
2 ~~the juvenile detention facility is operated,~~  
3 ~~administered, and staffed separately and~~  
4 ~~independently of a jail or other adult detention~~  
5 ~~facility and used exclusively for the lawful custody~~  
6 ~~and treatment of juveniles. A juvenile detention~~  
7 ~~facility may be located in the same building or~~  
8 ~~grounds as a jail or other adult detention facility~~  
9 ~~if there is spatial separation between the facilities~~  
10 ~~which prevents haphazard or accidental contact~~  
11 ~~between juvenile and adult detainees; there is~~  
12 ~~separation between juvenile and adult program~~  
13 ~~activities; and there are separate juvenile and adult~~  
14 ~~staff other than specialized support staff who have~~  
15 ~~infrequent contact with detainees. The facility may~~  
16 ~~be owned or operated by public or private agencies;~~

17 ~~(5) "Legal custody" [means],~~ the right to the  
18 care, custody and control of a child and the duty to  
19 provide food, clothing, shelter, ordinary medical  
20 care, education, treatment and discipline of a child.  
21 Legal custody may be taken from a parent only by  
22 court action and if the legal custody is taken from a  
23 parent without termination of parental rights, the  
24 parent's duty to provide support continues even  
25 though the person having legal custody may provide  
26 the necessities of daily living;

27 ~~{(5)} (6) "Parent" [means],~~ either a natural  
28 parent or a parent by adoption and if the child is  
29 illegitimate, "parent" means the mother;

30 ~~{(6)} (7) "Shelter care" [means],~~ the temporary  
31 care of juveniles in physically unrestricting  
32 facilities pending final court disposition. These  
33 facilities may include:

34 ~~(a) "Foster home", the private home of foster~~  
35 ~~parents providing twenty-four-hour care to one to~~  
36 ~~three children unrelated to the foster parents by~~  
37 ~~blood, marriage or adoption;~~

38 ~~(b) "Group foster home", the private home of~~  
39 ~~foster parents providing twenty-four-hour care to no~~  
40 ~~more than six children unrelated to the foster~~  
41 ~~parents by blood, marriage or adoption;~~

42 ~~(c) "Group home", a child care facility which~~  
43 ~~approximates a family setting, provides access to~~  
44 ~~community activities and resources, and provides care~~

1 ~~to no more than twelve children.]~~

2 211.021. As used in this chapter, unless the context  
3 clearly requires otherwise, the following terms shall mean:

4 (1) "Adult" ~~[means]~~, a person eighteen years of age or  
5 older;

6 (2) "Child" ~~[means]~~, any person under eighteen years of  
7 age;

8 (3) "Juvenile court" ~~[means]~~, the juvenile division or  
9 divisions of the circuit court of the county, or judges while  
10 hearing juvenile cases assigned to them;

11 (4) "Juvenile detention facility", a place for the  
12 temporary care of a juvenile in judicial custody in a proceeding  
13 under subdivision (2) or (3) of subsection 1 of section 211.031  
14 and includes a place that is physically confining, but does not  
15 include a jail or other adult detention facility unless the  
16 juvenile is eighteen years of age or older or unless the juvenile  
17 detention facility is operated, administered, and staffed  
18 separately and independently of a jail or other adult detention  
19 facility and used exclusively for the lawful custody and  
20 treatment of juveniles. A juvenile detention facility may be  
21 located in the same building or grounds as a jail or other adult

1 detention facility if there is spatial separation between the  
2 facilities which prevents haphazard or accidental contact between  
3 juvenile and adult detainees; there is separation between  
4 juvenile and adult program activities; and there are separate  
5 juvenile and adult staff other than specialized support staff who  
6 have infrequent contact with detainees. The facility may be  
7 owned or operated by public or private agencies;

8       (5) "Legal custody" [~~means~~], the right to the care, custody  
9 and control of a child and the duty to provide food, clothing,  
10 shelter, ordinary medical care, education, treatment and  
11 discipline of a child. Legal custody may be taken from a parent  
12 only by court action and if the legal custody is taken from a  
13 parent without termination of parental rights, the parent's duty  
14 to provide support continues even though the person having legal  
15 custody may provide the necessities of daily living;

16       [~~(5)~~] (6) "Parent" [~~means~~], either a natural parent or a  
17 parent by adoption and if the child is illegitimate, "parent"  
18 means the mother;

19       [~~(6)~~] (7) "Shelter care" [~~means~~], the temporary care of  
20 juveniles in physically unrestricting facilities pending final

1 court disposition. These facilities may include:

2 (a) "Foster home", the private home of foster parents  
3 providing twenty-four-hour care to one to three children  
4 unrelated to the foster parents by blood, marriage or adoption;

5 (b) "Group foster home", the private home of foster parents  
6 providing twenty-four-hour care to no more than six children  
7 unrelated to the foster parents by blood, marriage or adoption;

8 (c) "Group home", a child care facility which approximates  
9 a family setting, provides access to community activities and  
10 resources, and provides care to no more than twelve children.

11 ~~[211.071. 1. (1) If a petition or motion to~~  
12 ~~modify alleges that a child between the ages of~~  
13 ~~fourteen and eighteen has committed an offense that~~  
14 ~~would be considered a class A or B felony, felony~~  
15 ~~under chapter 566, or three felony offenses arising~~  
16 ~~from distinct acts committed within one hundred~~  
17 ~~eighty days of each other, if committed by an adult,~~  
18 ~~the court may, upon its own motion or upon motion by~~  
19 ~~the juvenile officer, the office of the prosecuting~~  
20 ~~or circuit attorney, the child, or the child's~~  
21 ~~custodian, order a hearing at which the prosecuting~~  
22 ~~or circuit attorney may present evidence if the~~  
23 ~~prosecuting or circuit attorney filed the petition,~~  
24 ~~and may, in its discretion, dismiss the petition or~~  
25 ~~motion to modify and such child may be transferred to~~  
26 ~~the court of general jurisdiction and prosecuted~~  
27 ~~under the general law; except that, if a petition~~  
28 ~~alleges that a child between the ages of twelve and~~  
29 ~~eighteen has committed an offense that would be~~  
30 ~~considered first degree murder under section 565.020,~~  
31 ~~second degree murder under section 565.021, first~~  
32 ~~degree assault under section 565.050, forcible rape~~

1 under section 566.030 as it existed prior to August  
2 28, 2013, rape in the first degree under section  
3 566.030, forcible sodomy under section 566.060 as it  
4 existed prior to August 28, 2013, sodomy in the first  
5 degree under section 566.060, first degree robbery  
6 under section 569.020 as it existed prior to January  
7 1, 2017, robbery in the first degree under section  
8 570.023, distribution of drugs under section 195.211  
9 as it existed prior to January 1, 2017, or the  
10 manufacturing of a controlled substance under section  
11 579.055, if committed by an adult, or a dangerous  
12 felony as defined in section 556.061, or any felony  
13 involving the use, assistance, or aid of a deadly  
14 weapon, or has committed two or more prior unrelated  
15 offenses that would be felonies if committed by an  
16 adult, the court shall order a hearing, and may, in  
17 its discretion, dismiss the petition or motion to  
18 modify and transfer the child to a court of general  
19 jurisdiction for prosecution under the general law.

20 (2) The moving party shall be solely  
21 responsible for all duties enumerated under this  
22 section. If the juvenile officer forwards to the  
23 prosecuting or circuit attorney a class A or B felony  
24 that is not certified by the juvenile officer, the  
25 prosecuting or circuit attorney shall notify the  
26 juvenile officer within fourteen days of the decision  
27 to certify the case.

28 2. Upon apprehension and arrest, jurisdiction  
29 over the criminal offense allegedly committed by any  
30 person between eighteen and twenty-one years of age  
31 over whom the juvenile court has retained continuing  
32 jurisdiction shall automatically terminate and that  
33 offense shall be dealt with in the court of general  
34 jurisdiction as provided in section 211.041.

35 3. Knowing and willful age misrepresentation by  
36 a juvenile subject shall not affect any action or  
37 proceeding which occurs based upon the  
38 misrepresentation. Any evidence obtained during the  
39 period of time in which a child misrepresents his or  
40 her age may be used against the child and will be  
41 subject only to rules of evidence applicable in adult  
42 proceedings.

43 4. Written notification of a transfer hearing  
44 shall be given to the juvenile and his or her

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

12       ~~5. The juvenile officer [may] shall consult~~  
13       ~~with the office of prosecuting or circuit attorney~~  
14       ~~concerning any offense for which the child could be~~  
15       ~~certified as an adult under this section. The~~  
16       ~~prosecuting or circuit attorney shall [have access~~  
17       ~~to] be provided police reports, reports of the~~  
18       ~~juvenile or deputy juvenile officer, statements of~~  
19       ~~witnesses, a copy of the completed Missouri Juvenile~~  
20       ~~Detention Assessment Form (JDFA) or similar form that~~  
21       ~~was used in determining detention, and all other~~  
22       ~~records or reports relating to the offense alleged to~~  
23       ~~have been committed by the child. The prosecuting or~~  
24       ~~circuit attorney shall have access to the disposition~~  
25       ~~records of the child when the child has been~~  
26       ~~adjudicated pursuant to subdivision (3) of subsection~~  
27       ~~1 of section 211.031. The prosecuting or circuit~~  
28       ~~attorney shall not divulge any information regarding~~  
29       ~~the child and the offense until the juvenile court at~~  
30       ~~a judicial hearing has determined that the child is~~  
31       ~~not a proper subject to be dealt with under the~~  
32       ~~provisions of this chapter. Any sanction recommended~~  
33       ~~as a result of the JDFA shall be used as a guideline~~  
34       ~~and shall not be mandatory.~~

35       ~~6. In every incident, the juvenile officer~~  
36       ~~shall consider legally sufficient charges submitted~~  
37       ~~by a law enforcement agency when utilizing the JDFA~~  
38       ~~form to determine whether or not to detain a child~~  
39       ~~and shall provide a copy of that completed JDFA form~~  
40       ~~to the law enforcement agency once a determination~~  
41       ~~has been made. For purposes of this section, the~~  
42       ~~term "legally sufficient" means a reasonable belief~~  
43       ~~with articulable facts that a crime has been or is~~  
44       ~~being committed based on the totality of the~~

1 ~~circumstances.~~

2 ~~7. Notwithstanding any other provision of law~~  
3 ~~or the Missouri supreme court operating rules to the~~  
4 ~~contrary, law enforcement agencies who detain~~  
5 ~~juveniles for offenses where fingerprinting is~~  
6 ~~required, shall collect fingerprints and forward~~  
7 ~~detention information to the central repository, in a~~  
8 ~~manner prescribed by the central repository. The~~  
9 ~~juvenile officer and court of jurisdiction over the~~  
10 ~~juvenile offender shall report all adjudication,~~  
11 ~~delinquency, and custody information to the central~~  
12 ~~repository, in a manner prescribed by the central~~  
13 ~~repository. All information reported under this~~  
14 ~~section shall be available to criminal justice~~  
15 ~~agencies for the administration of criminal justice~~  
16 ~~under section 43.500 through the Missouri Uniform Law~~  
17 ~~Enforcement System (MULES). Such records maintained~~  
18 ~~by the central repository under this subsection shall~~  
19 ~~be closed pursuant to section 610.120.~~

20 ~~8. A written report shall be prepared in~~  
21 ~~accordance with this chapter developing fully all~~  
22 ~~available information relevant to the criteria which~~  
23 ~~shall be considered by the court in determining~~  
24 ~~whether the child is a proper subject to be dealt~~  
25 ~~with under the provisions of this chapter and whether~~  
26 ~~there are reasonable prospects of rehabilitation~~  
27 ~~within the juvenile justice system. These criteria~~  
28 ~~shall include but not be limited to:~~

29 ~~(1) The seriousness of the offense alleged and~~  
30 ~~whether the protection of the community requires~~  
31 ~~transfer to the court of general jurisdiction;~~

32 ~~(2) Whether the offense alleged involved~~  
33 ~~viciousness, force and violence;~~

34 ~~(3) Whether the offense alleged was against~~  
35 ~~persons or property with greater weight being given~~  
36 ~~to the offense against persons, especially if~~  
37 ~~personal injury resulted;~~

38 ~~(4) Whether the offense alleged is a part of a~~  
39 ~~repetitive pattern of offenses which indicates that~~  
40 ~~the child may be beyond rehabilitation under the~~  
41 ~~juvenile code;~~

42 ~~(5) The record and history of the child,~~  
43 ~~including experience with the juvenile justice~~  
44 ~~system, other courts, supervision, commitments to~~

1 juvenile institutions and other placements;  
2 (6) ~~The sophistication and maturity of the~~  
3 ~~child as determined by consideration of his or her~~  
4 ~~home and environmental situation, emotional condition~~  
5 ~~and pattern of living;~~  
6 (7) ~~The age of the child;~~  
7 (8) ~~The program and facilities available to the~~  
8 ~~juvenile court in considering disposition;~~  
9 (9) ~~Whether or not the child can benefit from~~  
10 ~~the treatment or rehabilitative programs available to~~  
11 ~~the juvenile court; and~~  
12 (10) ~~Racial disparity in certification.~~

13 ~~{7.} 9. If the court dismisses the petition to~~  
14 ~~permit the child to be prosecuted under the general~~  
15 ~~law, the court shall enter a dismissal order~~  
16 ~~containing:~~

17 (1) ~~Findings showing that the court had~~  
18 ~~jurisdiction of the cause and of the parties;~~  
19 (2) ~~Findings showing that the child was~~  
20 ~~represented by counsel;~~  
21 (3) ~~Findings showing that the hearing was held~~  
22 ~~in the presence of the child and his or her counsel;~~  
23 ~~and~~  
24 (4) ~~Findings showing the reasons underlying the~~  
25 ~~court's decision to transfer jurisdiction.~~

26 ~~{8.} 10. A copy of the petition or motion to~~  
27 ~~modify and order of the dismissal shall be sent to~~  
28 ~~the prosecuting attorney.~~

29 ~~{9.} 11. When a petition or motion to modify~~  
30 ~~has been dismissed thereby permitting a child to be~~  
31 ~~prosecuted under the general law and the prosecution~~  
32 ~~of the child results in a conviction, the~~  
33 ~~jurisdiction of the juvenile court over that child is~~  
34 ~~forever terminated, except as provided in subsection~~  
35 ~~{10} 12 of this section, for an act that would be a~~  
36 ~~violation of a state law or municipal ordinance.~~

37 ~~{10.} 12. If a petition or motion to modify has~~  
38 ~~been dismissed thereby permitting a child to be~~  
39 ~~prosecuted under the general law and the child is~~  
40 ~~found not guilty by a court of general jurisdiction,~~  
41 ~~the juvenile court shall have jurisdiction over any~~  
42 ~~later offense committed by that child which would be~~  
43 ~~considered a misdemeanor or felony if committed by an~~  
44 ~~adult, subject to the certification provisions of~~

1           ~~this section.~~

2           ~~{11.} 13. If the court does not dismiss the~~  
3           ~~petition or motion to modify to permit the child to~~  
4           ~~be prosecuted under the general law, it shall set a~~  
5           ~~date for the hearing upon the petition as provided in~~  
6           ~~section 211.171.]~~

7           211.071. 1. (1) If a petition or motion to modify alleges  
8           that a child between the ages of fourteen and eighteen has  
9           committed an offense that would be considered a class A or B  
10          felony, felony under chapter 566, or three felony offenses  
11          arising from distinct acts committed within one hundred eighty  
12          days of each other, if committed by an adult, the court may, upon  
13          its own motion or upon motion by the juvenile officer, the office  
14          of the prosecuting or circuit attorney, the child, or the child's  
15          custodian, order a hearing at which the prosecuting or circuit  
16          attorney may present evidence if the prosecuting or circuit  
17          attorney filed the motion, and may, in its discretion, dismiss  
18          the petition or motion to modify and such child may be  
19          transferred to the court of general jurisdiction and prosecuted  
20          under the general law; except that, if a petition alleges that a  
21          child between the ages of twelve and eighteen has committed an  
22          offense that would be considered first degree murder under  
23          section 565.020, second degree murder under section 565.021,

1 first degree assault under section 565.050, forcible rape under  
2 section 566.030 as it existed prior to August 28, 2013, rape in  
3 the first degree under section 566.030, forcible sodomy under  
4 section 566.060 as it existed prior to August 28, 2013, sodomy in  
5 the first degree under section 566.060, first degree robbery  
6 under section 569.020 as it existed prior to January 1, 2017,  
7 robbery in the first degree under section 570.023, distribution  
8 of drugs under section 195.211 as it existed prior to January 1,  
9 2017, or the manufacturing of a controlled substance under  
10 section 579.055, if committed by an adult, or a dangerous felony  
11 as defined in section 556.061, or any felony involving the use,  
12 assistance, or aid of a deadly weapon, or has committed two or  
13 more prior unrelated offenses that would be felonies if committed  
14 by an adult, the court shall order a hearing, and may, in its  
15 discretion, dismiss the petition or motion to modify and transfer  
16 the child to a court of general jurisdiction for prosecution  
17 under the general law.

18 (2) The moving party shall be solely responsible for all  
19 duties enumerated under this section. If the juvenile officer  
20 forwards to the prosecuting or circuit attorney a class A or B

1 felony that is not certified by the juvenile officer, the  
2 prosecuting or circuit attorney shall notify the juvenile officer  
3 within fourteen days of the decision to certify the case. Should  
4 certification be sought, the prosecuting attorney shall have no  
5 more than fourteen days to file such motion.

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

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

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

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

9 5. The juvenile officer ~~[may]~~ shall consult with the office  
10 of prosecuting or circuit attorney concerning any offense for  
11 which the child could be certified as an adult under this  
12 section. The prosecuting or circuit attorney shall ~~[have access~~  
13 ~~to]~~ be provided police reports, reports of the juvenile or deputy  
14 juvenile officer, statements of witnesses, a copy of the  
15 completed Missouri Juvenile Detention Assessment Form (JDTA) or  
16 similar form that was used in determining detention, and all  
17 other records or reports relating to the offense alleged to have  
18 been committed by the child. The prosecuting or circuit attorney  
19 shall have access to the disposition records of the child when  
20 the child has been adjudicated pursuant to subdivision (3) of

1 subsection 1 of section 211.031. The prosecuting or circuit  
2 attorney shall not divulge any information regarding the child  
3 and the offense until the juvenile court at a judicial hearing  
4 has determined that the child is not a proper subject to be dealt  
5 with under the provisions of this chapter. Any recommendation as  
6 a result of the JDTA shall be used as a guideline and shall not  
7 be mandatory.

8 6. In every incident, the juvenile officer shall consider  
9 legally sufficient charges submitted by a law enforcement agency  
10 when utilizing the JDTA form to determine whether or not to  
11 detain a child and shall provide a copy of that completed JDTA  
12 form to the law enforcement agency once a determination has been  
13 made. For purposes of this section, the term "legally  
14 sufficient" means a reasonable belief with articulable facts that  
15 a crime has been or is being committed based on the totality of  
16 the circumstances.

17 7. Notwithstanding any other provision of law or the  
18 Missouri supreme court operating rules to the contrary, law  
19 enforcement agencies who detain juveniles for offenses where  
20 fingerprinting is required, shall collect fingerprints and

1 forward detention information to the central repository, in a  
2 manner prescribed by the central repository. The juvenile  
3 officer and court of jurisdiction over the juvenile offender  
4 shall report all adjudication, delinquency, and custody  
5 information to the central repository, in a manner prescribed by  
6 the central repository. All information reported under this  
7 section shall be available to criminal justice agencies for the  
8 administration of criminal justice under section 43.500 through  
9 the Missouri Uniform Law Enforcement System (MULES). Such  
10 records maintained by the central repository under this  
11 subsection shall be closed pursuant to section 610.120.

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

20           (1) The seriousness of the offense alleged and whether the

1 protection of the community requires transfer to the court of  
2 general jurisdiction;

3 (2) Whether the offense alleged involved viciousness, force  
4 and violence;

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

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

11 (5) The record and history of the child, including  
12 experience with the juvenile justice system, other courts,  
13 supervision, commitments to juvenile institutions and other  
14 placements;

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

18 (7) The age of the child;

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

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

3           (10) Racial disparity in certification.

4           ~~[7.]~~ 9. If the court dismisses the petition to permit the  
5 child to be prosecuted under the general law, the court shall  
6 enter a dismissal order containing:

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

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

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

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

15           ~~[8.]~~ 10. A copy of the petition or motion to modify and  
16 order of the dismissal shall be sent to the prosecuting attorney.

17           ~~[9.]~~ 11. When a petition or motion to modify has been  
18 dismissed thereby permitting a child to be prosecuted under the  
19 general law and the prosecution of the child results in a  
20 conviction, the jurisdiction of the juvenile court over that

1 child is forever terminated, except as provided in subsection  
2 ~~[10]~~ 12 of this section, for an act that would be a violation of  
3 a state law or municipal ordinance.

4 ~~[10.]~~ 12. If a petition or motion to modify has been  
5 dismissed thereby permitting a child to be prosecuted under the  
6 general law and the child is found not guilty by a court of  
7 general jurisdiction, the juvenile court shall have jurisdiction  
8 over any later offense committed by that child which would be  
9 considered a misdemeanor or felony if committed by an adult,  
10 subject to the certification provisions of this section.

11 ~~[11.]~~ 13. If the court does not dismiss the petition or  
12 motion to modify to permit the child to be prosecuted under the  
13 general law, it shall set a date for the hearing upon the  
14 petition as provided in section 211.171.

15 211.319. 1. On or before July 1, 2005, all juvenile court  
16 proceedings conducted pursuant to subdivision (1) of subsection 1  
17 of section 211.031 and for termination of parental rights cases  
18 pursuant to sections 211.442 to 211.487 initiated by a juvenile  
19 officer or the division shall be open to the public; except that,  
20 when the parent has consented in writing to the termination of

1 his or her parental rights in conjunction with a placement with a  
2 licensed child-placing agency under subsection 6 of section  
3 453.010, the hearing shall be closed. The court, on its own  
4 motion, may exclude for good cause shown any person or persons  
5 from the proceedings to protect the welfare and best interests of  
6 the child and for exceptional circumstances. Any party to a  
7 juvenile court proceeding referred to in this subsection, except  
8 the state, may file a motion requesting that the general public  
9 be excluded from the proceeding or any portion of the proceeding.  
10 Upon the filing of such motion, the court shall hear arguments by  
11 the parties, but no evidence, and shall make a determination  
12 whether closure is in the best interest of the parties or whether  
13 it is in the public interest to deny such motion. The court  
14 shall make a finding on the record when a motion to close a  
15 hearing pursuant to this section is made and heard by the court.

16 2. Notwithstanding the provisions of subsection 1 of this  
17 section, the general public shall be excluded from all juvenile  
18 court proceedings referred to in subsection 1 of this section  
19 during the testimony of any child or victim and only such persons  
20 who have a direct interest in the case or in the work of the

1 court will be admitted to the proceedings.

2 3. For juvenile court proceedings described in subsection 1  
3 of this section, pleadings and orders of the juvenile court other  
4 than confidential files and those specifically ordered closed by  
5 the juvenile court judge shall be open to the general public.

6 For purposes of this section, "confidential file" means all other  
7 records and reports considered closed or confidential by law,  
8 including but not limited to medical reports, psychological or  
9 psychiatric evaluations, investigation reports of the children's  
10 division, social histories, home studies, and police reports and  
11 law enforcement records. Only persons who are found by the court  
12 to have a legitimate interest shall be allowed access to  
13 confidential or closed files. In determining whether a person  
14 has a legitimate interest, the court shall consider the nature of  
15 the proceedings, the welfare and safety of the public, and the  
16 interest of any child involved.

17 4. For records made available to the public pursuant to  
18 this section:

19 (1) The identity of any child involved except the  
20 perpetrator shall not be disclosed and all references in such

1 records to the identity of any child involved except the  
2 perpetrator shall be redacted prior to disclosure to the public;  
3 and

4 (2) All information that may identify or lead to the  
5 disclosure of the identity of a reporter of child abuse under  
6 sections 210.109 to 210.183 and section 352.400 shall not be  
7 disclosed to the public.

8 5. All juvenile court proceedings conducted pursuant to  
9 subdivision (3) of subsection 1 of section 211.031 shall not be  
10 open to the general public.

11 6. The provisions of this section shall apply to juvenile  
12 court proceedings and records specified in this section in which  
13 the initial pleadings are filed on or after July 1, 2005.

14 ~~[211.331. 1. In each county of the first and~~  
15 ~~second classifications and in [the city of St. Louis]~~  
16 ~~any city not within a county, it is the duty of the~~  
17 ~~county [commission, or, where there is no county~~  
18 ~~commission, such other authorized] governing body, to~~  
19 ~~provide a place of juvenile detention [for children~~  
20 ~~coming within the provisions of this chapter] or~~  
21 ~~juvenile detention facility. It is also the duty of~~  
22 ~~the county [commission or other authorized] governing~~  
23 ~~body to provide offices for the personnel of the~~  
24 ~~juvenile court.~~

25 ~~2. The place of juvenile detention or juvenile~~  
26 ~~detention facility shall be so located and arranged~~  
27 ~~that the child being detained does not come in~~  
28 ~~contact, at any time or in any manner, with adults~~

1 convicted or under arrest, and the care of children  
2 in detention shall approximate as closely as possible  
3 the care of children in good homes.

4 3. ~~The place of juvenile detention or juvenile~~  
5 ~~detention facility shall be in charge of a~~  
6 ~~superintendent. The judge of the juvenile court or~~  
7 ~~the family court administrator, if provided by local~~  
8 ~~rule, shall appoint and fix the compensation and~~  
9 ~~maintenance of the superintendent and of any~~  
10 ~~assistants or other personnel required to operate the~~  
11 ~~detention facility. Such compensation and~~  
12 ~~maintenance are payable out of funds of the county.~~

13 4. ~~The county [commission or other] governing~~  
14 ~~body [of the county] is authorized to lease or to~~  
15 ~~acquire by purchase, gift or devise land for such~~  
16 ~~purpose, and to erect buildings thereon and to~~  
17 ~~provide funds to equip and maintain the same for the~~  
18 ~~subsistence and education of the children placed~~  
19 ~~therein.]~~

20 211.331. 1. In each county of the first and second  
21 classifications and in [~~the city of St. Louis~~] any city not  
22 within a county, it is the duty of the county [~~commission, or,~~  
23 ~~where there is no county commission, such other authorized]~~  
24 governing body[~~7~~] to provide a place of juvenile detention [~~for~~  
25 ~~children coming within the provisions of this chapter] or  
26 juvenile detention facility. It is also the duty of the county  
27 [~~commission or other authorized]~~ governing body to provide  
28 offices for the personnel of the juvenile court.~~

29 2. The place of juvenile detention or juvenile detention  
30 facility shall be so located and arranged that the child being

1 detained does not come in contact, at any time or in any manner,  
2 with adults convicted or under arrest, and the care of children  
3 in detention shall approximate as closely as possible the care of  
4 children in good homes.

5 3. The place of juvenile detention or juvenile detention  
6 facility shall be in charge of a superintendent. The judge of  
7 the juvenile court or the family court administrator, if provided  
8 by local rule, shall appoint and fix the compensation and  
9 maintenance of the superintendent and of any assistants or other  
10 personnel required to operate the detention facility. Such  
11 compensation and maintenance are payable out of funds of the  
12 county.

13 4. The county [~~commission or other~~] governing body [~~of the~~  
14 ~~county~~] is authorized to lease or to acquire by purchase, gift or  
15 devise land for such purpose, and to erect buildings thereon and  
16 to provide funds to equip and maintain the same for the  
17 subsistence and education of the children placed therein.

18 ~~[211.341. 1. [Counties of the third and fourth~~  
19 ~~classes within one judicial circuit, shall,] Upon the~~  
20 ~~written recommendation of the [circuit] presiding~~  
21 ~~judge of that judicial circuit, or upon written~~  
22 ~~notice from the county governing body to the~~  
23 ~~presiding judge of approval of ordinances, orders, or~~

1 ~~resolutions authorizing a juvenile detention facility~~  
2 ~~by all counties within that judicial circuit and the~~  
3 ~~agreement provided in section 211.342, counties of~~  
4 ~~the third and fourth classes within one judicial~~  
5 ~~circuit shall establish a place of juvenile detention~~  
6 ~~or juvenile detention facility to serve all of the~~  
7 ~~counties within that judicial circuit, and in like~~  
8 ~~manner, the counties shall supply offices for the~~  
9 ~~juvenile officers of that circuit.---~~

10 ~~2. The recommendation of the [circuit]~~  
11 ~~presiding judge provided in subsection 1 of this~~  
12 ~~section shall be made only after a hearing conducted~~  
13 ~~by [him] the judge, after thirty days' notice, to~~  
14 ~~determine the need and feasibility of establishing~~  
15 ~~such a place of juvenile detention or juvenile~~  
16 ~~detention facility within the judicial circuit.~~

17 ~~3. The provisions of section 211.331 apply as~~  
18 ~~to the form of operation and means of maintenance of~~  
19 ~~the place of juvenile detention or juvenile detention~~  
20 ~~facility, except that the total cost of establishment~~  
21 ~~and operation of the places of juvenile detention or~~  
22 ~~juvenile detention facilities shall be prorated among~~  
23 ~~the several counties within that judicial circuit~~  
24 ~~upon a ratio to be determined by a comparison of the~~  
25 ~~respective populations of the counties. The point of~~  
26 ~~location of the place of juvenile detention or~~  
27 ~~juvenile detention facility shall be determined by~~  
28 ~~the [circuit] presiding judge of the judicial circuit~~  
29 ~~or pursuant to an agreement established by section~~  
30 ~~211.342.~~

31 ~~{2. Circuit judges of any two or more adjoining~~  
32 ~~judicial circuits after a hearing as provided in~~  
33 ~~subsection 1 may, by agreement confirmed by judicial~~  
34 ~~order, and} ~~4. In the interest of economy of~~  
35 ~~administration, after a hearing as provided in~~  
36 ~~subsection 2 of this section, the presiding judges of~~  
37 ~~any two or more adjoining judicial circuit may~~  
38 ~~establish one place of juvenile detention or juvenile~~  
39 ~~detention facility to serve their respective judicial~~  
40 ~~circuits, by agreement confirmed by judicial order.~~  
41 ~~In such event, the [circuit] presiding judges so~~  
42 ~~agreeing shall jointly govern the affairs of the~~  
43 ~~place of juvenile detention or juvenile detention~~  
44 ~~facility and the cost thereof shall be apportioned~~~~

1 ~~among the counties served in the manner provided for~~  
2 ~~in subsection 1 of this section.~~

3 ~~[3.] 5. Any county of the third or fourth class~~  
4 ~~desiring to provide its own place of juvenile~~  
5 ~~detention or juvenile detention facility may do so in~~  
6 ~~the manner prescribed for counties of the first and~~  
7 ~~second classes.]~~

8 211.341. 1. ~~[Counties of the third and fourth classes~~  
9 ~~within one judicial circuit, shall,]~~ Upon the written  
10 recommendation of the ~~[circuit]~~ presiding judge of ~~[that]~~ a  
11 judicial circuit, or upon written notice from the county  
12 governing body to the presiding judge of approval of ordinances,  
13 orders, or resolutions authorizing a juvenile detention facility  
14 by all counties within that judicial circuit and the agreement  
15 provided in section 211.342, counties of the third and fourth  
16 classes within one judicial circuit shall establish a place of  
17 juvenile detention or juvenile detention facility to serve all of  
18 the counties within that judicial circuit, and in like manner,  
19 the counties shall supply offices for the juvenile officers of  
20 that circuit.

21 2. The recommendation of the ~~[circuit]~~ presiding judge  
22 provided in subsection 1 of this section shall be made only after  
23 a hearing conducted by ~~[him]~~ the judge, after thirty days'  
24 notice, to determine the need and feasibility of establishing

1 such a place of juvenile detention or juvenile detention facility  
2 within the judicial circuit.

3 3. The provisions of section 211.331 apply as to the form  
4 of operation and means of maintenance of the place of juvenile  
5 detention or juvenile detention facility, except that the total  
6 cost of establishment and operation of the places of juvenile  
7 detention or juvenile detention facilities shall be prorated  
8 among the several counties within that judicial circuit upon a  
9 ratio to be determined by a comparison of the respective  
10 populations of the counties. The point of location of the place  
11 of juvenile detention or juvenile detention facility shall be  
12 determined by the ~~[circuit]~~ presiding judge of the judicial  
13 circuit or pursuant to an agreement established by section  
14 211.342.

15 ~~[2. Circuit judges of any two or more adjoining judicial~~  
16 ~~circuits after a hearing as provided in subsection 1 may, by~~  
17 ~~agreement confirmed by judicial order, and] 4. In the interest~~  
18 ~~of economy of administration, after a hearing as provided in~~  
19 ~~subsection 2 of this section, the presiding judges of any two or~~  
20 ~~more adjoining judicial circuits may establish one place of~~

1 juvenile detention or juvenile detention facility to serve their  
2 respective judicial circuits, by agreement confirmed by judicial  
3 order. In such event, the [~~circuit~~] presiding judges so agreeing  
4 shall jointly govern the affairs of the place of juvenile  
5 detention or juvenile detention facility and the cost thereof  
6 shall be apportioned among the counties served in the manner  
7 provided for in subsection 1 of this section.

8 ~~[3.]~~ 5. Any county of the third or fourth class desiring to  
9 provide its own place of juvenile detention or juvenile detention  
10 facility may do so in the manner prescribed for counties of the  
11 first and second classes.

12 ~~[211.342. 1. (1) In coordination with each~~  
13 ~~other, the governing bodies of the counties within~~  
14 ~~the same judicial circuit may establish a juvenile~~  
15 ~~detention facility to serve the judicial circuit.~~

16 ~~(2) The governing body of each county desiring~~  
17 ~~to coordinate a juvenile detention facility under~~  
18 ~~this subsection shall approve an ordinance, order, or~~  
19 ~~resolution authorizing a juvenile detention facility~~  
20 ~~within one of the counties and shall approve an~~  
21 ~~agreement between all counties within the same~~  
22 ~~judicial circuit, as specified by subsection 4 of~~  
23 ~~this section.~~

24 ~~2. (1) In coordination with each other, the~~  
25 ~~governing bodies of the counties in adjoining~~  
26 ~~judicial circuits may establish a juvenile detention~~  
27 ~~facility to serve the judicial circuits.~~

1           ~~(2) The governing body of each county desiring~~  
2 ~~to coordinate a juvenile detention facility under~~  
3 ~~this subsection shall approve an ordinance, order, or~~  
4 ~~resolution authorizing a juvenile detention facility~~  
5 ~~within one of the counties and shall approve an~~  
6 ~~agreement between all counties within each judicial~~  
7 ~~circuit, as specified by subsection 4 of this~~  
8 ~~section.~~

9           ~~3. The governing body of each county desiring~~  
10 ~~to coordinate a juvenile detention facility under~~  
11 ~~subsection 1 or 2 of this section shall notify the~~  
12 ~~presiding judge of the judicial circuit or each~~  
13 ~~judicial circuit of the authorization of a juvenile~~  
14 ~~detention facility. The notice shall include the~~  
15 ~~authorizing ordinance, order, or resolution of each~~  
16 ~~county and the approved agreement, as specified in~~  
17 ~~subsection 4 of this section.~~

18           ~~4. The agreement that specifies the duties of~~  
19 ~~each county shall contain the following:~~

20           ~~(1) The total cost of establishment and~~  
21 ~~operation of the places of detention;~~

22           ~~(2) The prorated formula for the calculation of~~  
23 ~~each county's contribution to the costs of a juvenile~~  
24 ~~detention facility based upon a ratio of the~~  
25 ~~respective populations of the counties;~~

26           ~~(3) The methods and powers that may be used for~~  
27 ~~constructing, leasing, or financing a juvenile~~  
28 ~~detention facility;~~

29           ~~(4) The use of the sales tax as authorized by~~  
30 ~~subsection 6 of this section; and~~

31           ~~(5) The point of location of the place of~~  
32 ~~juvenile detention facility.~~

33           ~~5. Subsection 3 and 4 of section 211.331 shall~~  
34 ~~apply to a juvenile detention facility authorized~~  
35 ~~pursuant to this section. The operation and support~~

1 of a juvenile detention facility authorized pursuant  
2 to this section shall be regulated in accordance with  
3 the rules and standards of the Missouri supreme court  
4 under the governance of the presiding judge of the  
5 judicial circuit. If the counties of adjoining  
6 judicial circuits have authorized a juvenile  
7 detention facility pursuant to this section, the  
8 presiding judges shall jointly govern the affairs of  
9 the juvenile detention facility.

10 6. (1) The counties authorizing a juvenile  
11 detention facility pursuant to this section may  
12 impose, by order, a sales tax up to one percent on  
13 all retail sales made in such counties which are  
14 subject to taxation pursuant to the provisions of  
15 sections 144.010 to 144.525 for the purpose of  
16 providing a juvenile detention facility. The tax  
17 authorized by this section shall be in addition to  
18 any and all other sales taxes allowed by law, except  
19 that no order imposing a sales tax pursuant to this  
20 section shall be effective unless the governing body,  
21 for each county in the judicial circuit or circuits  
22 submits to the voters of the county, on any election  
23 date authorized in chapter 115, a proposal to  
24 authorize the governing body of the county to impose  
25 a tax.

26 (2) The ballot of submission shall contain, but  
27 need not be limited to, the following language:

28 Shall the (counties' names) impose a  
29 region-wide sales tax of \_\_\_\_\_  
30 (insert amount) for the purpose of  
31 providing a juvenile detention  
32 facility within in the jurisdiction  
33 of (judicial circuit's name or  
34 judicial circuits' name)?

35  YES

NO

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

6  
7 If a majority of the votes cast on the proposal by  
8 the qualified voters of the county voting thereon are  
9 in favor of the proposal, then the order and any  
10 amendment to such order shall be in effect on the  
11 first day of the second quarter immediately following  
12 the election approving the proposal. If the proposal  
13 receives less than the required majority, the  
14 governing body of the county shall have no power to  
15 impose the sales tax authorized pursuant to this  
16 section unless and until the governing body of the  
17 county shall again have submitted another proposal to  
18 authorize the county commission, or authorized body,  
19 to impose the sales tax authorized by this section  
20 and such proposal is approved by the required  
21 majority of the qualified voters of the county  
22 commission, or authorized body, voting on such  
23 proposal; however, in no event shall a proposal  
24 pursuant to this section be submitted to the voters  
25 sooner than twelve months from the date of the last  
26 submission of a proposal pursuant to this section.

27 (3) All revenue received by a county from the  
28 tax authorized pursuant to this section shall be  
29 deposited in a special trust fund and shall be used  
30 solely for providing a juvenile detention facility  
31 for children coming within the provisions of this  
32 chapter for so long as the tax shall remain in  
33 effect.

34 (4) Once the tax authorized by this section is  
35 abolished or terminated by any means, all funds

1 remaining in the special trust fund shall be used  
2 solely for providing a juvenile detention facility  
3 for children coming within the provisions of this  
4 chapter for the counties. Any funds in such special  
5 trust fund which are not needed for current  
6 expenditures may be invested by the county commission  
7 in accordance with applicable laws relating to the  
8 investment of other county funds.

9 (5) All sales taxes collected by the director  
10 of revenue pursuant to this section on behalf of any  
11 county, less one percent for cost of collection which  
12 shall be deposited in the state's general revenue  
13 fund after payment of premiums for surety bonds as  
14 provided in section 32.087, shall be deposited in a  
15 special trust fund, which is hereby created, to be  
16 known as the "Juvenile Detention Facility Sales Tax  
17 Trust Fund". The moneys in the juvenile detention  
18 facility sales tax trust fund shall not be deemed to  
19 be state funds and shall not be commingled with any  
20 funds of the state. The director of revenue shall  
21 keep accurate records of the amount of money in the  
22 trust fund which was collected in each county  
23 imposing a sales tax pursuant to this section, and  
24 the records shall be open to the inspection of  
25 officers of each member county and the public. Not  
26 later than the tenth day of each month the director  
27 of revenue shall distribute all moneys deposited in  
28 the trust fund during the preceding month to the  
29 county which levied the tax. Such funds shall be  
30 deposited with the treasurer of each such county, and  
31 all expenditures of funds arising from the juvenile  
32 detention facility sales tax trust fund shall be paid  
33 pursuant to an appropriation adopted by the governing  
34 body of the county. Expenditures may be made from  
35 the fund for the function authorized in the order

1 adopted by the governing body of the county  
2 submitting the juvenile detention facility tax to the  
3 voters.

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

26 ~~(7) Except as provided in this section, all~~  
27 ~~provisions of sections 32.085 and 32.087 shall apply~~  
28 ~~to the tax imposed pursuant to this section.]~~

29  
30 211.342. 1. (1) In coordination with each other, the  
31 governing bodies of the counties within the same judicial circuit  
32 may establish a juvenile detention facility to serve the judicial  
33 circuit.

1       (2) The governing body of each county desiring to  
2 coordinate a juvenile detention facility under this subsection  
3 shall approve an ordinance, order, or resolution authorizing a  
4 juvenile detention facility within one of the counties and shall  
5 approve an agreement between all counties within the same  
6 judicial circuit, as specified by subsection 4 of this section.

7       2. (1) In coordination with each other, the governing  
8 bodies of the counties in adjoining judicial circuits may  
9 establish a juvenile detention facility to serve the judicial  
10 circuits.

11       (2) The governing body of each county desiring to  
12 coordinate a juvenile detention facility under this subsection  
13 shall approve an ordinance, order, or resolution authorizing a  
14 juvenile detention facility within one of the counties and shall  
15 approve an agreement between all counties within each judicial  
16 circuit, as specified by subsection 4 of this section.

17       3. The governing body of each county desiring to coordinate  
18 a juvenile detention facility under subsection 1 or 2 of this  
19 section shall notify the presiding judge of the judicial circuit  
20 or each judicial circuit of the authorization of a juvenile

1 detention facility. The notice shall include the authorizing  
2 ordinance, order, or resolution of each county and the approved  
3 agreement, as specified in subsection 4 of this section.

4 4. The agreement that specifies the duties of each county  
5 shall contain the following:

6 (1) The total cost of establishment and operation of the  
7 places of detention;

8 (2) The prorated formula for the calculation of each  
9 county's contribution to the costs of a juvenile detention  
10 facility based upon a ratio of the respective populations of the  
11 counties;

12 (3) The methods and powers that may be used for  
13 constructing, leasing, or financing a juvenile detention  
14 facility;

15 (4) The use of the sales tax as authorized by subsection 6  
16 of this section; and

17 (5) The point of location of the place of a juvenile  
18 detention facility.

19 5. Subsections 3 and 4 of section 211.331 shall apply to a  
20 juvenile detention facility authorized pursuant to this section.

1 The operation and support of a juvenile detention facility  
2 authorized pursuant to this section shall be regulated in  
3 accordance with the rules and standards of the Missouri supreme  
4 court under the governance of the presiding judge of the judicial  
5 circuit. If the counties of adjoining judicial circuits have  
6 authorized a juvenile detention facility pursuant to this  
7 section, the presiding judges shall jointly govern the affairs of  
8 the juvenile detention facility.

9 6. (1) The counties authorizing a juvenile detention  
10 facility pursuant to this section may impose, by order, a sales  
11 tax up to one percent on all retail sales made in such counties  
12 which are subject to taxation pursuant to the provisions of  
13 sections 144.010 to 144.525 for the purpose of providing a  
14 juvenile detention facility. The tax authorized by this section  
15 shall be in addition to any and all other sales taxes allowed by  
16 law, except that no order imposing a sales tax pursuant to this  
17 section shall be effective unless the governing body, for each  
18 county in the judicial circuit or circuits submits to the voters  
19 of the county, on any election date authorized in chapter 115, a  
20 proposal to authorize the governing body of the county to impose

1 a tax.

2 (2) The ballot of submission shall contain, but need not be  
3 limited to, the following language:

4 Shall the (counties' names) impose a region-wide  
5 sales tax of \_\_\_\_\_ (insert amount) for the  
6 purpose of providing a juvenile detention  
7 facility within the jurisdiction of (judicial  
8 circuit's name or judicial circuits' names)?

9  YES  NO

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

14

15 If a majority of the votes cast on the proposal by the qualified  
16 voters of the county voting thereon are in favor of the proposal,  
17 then the order and any amendment to such order shall be in effect  
18 on the first day of the second quarter immediately following the  
19 election approving the proposal. If the proposal receives less  
20 than the required majority, the governing body of the county  
21 shall have no power to impose the sales tax authorized pursuant  
22 to this section unless and until the governing body of the county  
23 shall again have submitted another proposal to authorize the  
24 county commission, or authorized body, to impose the sales tax

1 authorized by this section and such proposal is approved by the  
2 required majority of the qualified voters of the county  
3 commission, or authorized body, voting on such proposal; however,  
4 in no event shall a proposal pursuant to this section be  
5 submitted to the voters sooner than twelve months from the date  
6 of the last submission of a proposal pursuant to this section.

7 (3) All revenue received by a county from the tax  
8 authorized pursuant to this section shall be deposited in a  
9 special trust fund and shall be used solely for providing a  
10 juvenile detention facility for children coming within the  
11 provisions of this chapter for so long as the tax shall remain in  
12 effect.

13 (4) Once the tax authorized by this section is abolished or  
14 terminated by any means, all funds remaining in the special trust  
15 fund shall be used solely for providing a juvenile detention  
16 facility for children coming within the provisions of this  
17 chapter for the counties. Any funds in such special trust fund  
18 which are not needed for current expenditures may be invested by  
19 the county commission in accordance with applicable laws relating  
20 to the investment of other county funds.

1       (5) All sales taxes collected by the director of revenue  
2 pursuant to this section on behalf of any county, less one  
3 percent for cost of collection which shall be deposited in the  
4 state's general revenue fund after payment of premiums for surety  
5 bonds as provided in section 32.087, shall be deposited in a  
6 special trust fund, which is hereby created, to be known as the  
7 "Juvenile Detention Facility Sales Tax Trust Fund". The moneys  
8 in the juvenile detention facility sales tax trust fund shall not  
9 be deemed to be state funds and shall not be commingled with any  
10 funds of the state. The director of revenue shall keep accurate  
11 records of the amount of money in the trust fund which was  
12 collected in each county imposing a sales tax pursuant to this  
13 section, and the records shall be open to the inspection of  
14 officers of each member county and the public. Not later than  
15 the tenth day of each month the director of revenue shall  
16 distribute all moneys deposited in the trust fund during the  
17 preceding month to the county which levied the tax. Such funds  
18 shall be deposited with the treasurer of each such county, and  
19 all expenditures of funds arising from the juvenile detention  
20 facility sales tax trust fund shall be paid pursuant to an

1 appropriation adopted by the governing body of the county.  
2 Expenditures may be made from the fund for the function  
3 authorized in the order adopted by the governing body of the  
4 county submitting the juvenile detention facility tax to the  
5 voters.

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

1 director of revenue shall notify each county in each instance of  
2 any amount refunded or any check redeemed from receipts due the  
3 county.

4 (7) Except as provided in this section, all provisions of  
5 sections 32.085 and 32.087 shall apply to the tax imposed  
6 pursuant to this section.

7 ~~[217.362. 1. The department of corrections~~  
8 ~~shall design and implement an intensive long-term~~  
9 ~~program for the treatment of chronic nonviolent~~  
10 ~~offenders with serious substance abuse addictions who~~  
11 ~~have not [pleaded] pled guilty to or been convicted~~  
12 ~~of a dangerous felony as defined in section 556.061.~~

13 ~~2. Prior to sentencing, any judge considering~~  
14 ~~an offender for this program shall notify the~~  
15 ~~department. The potential candidate for the program~~  
16 ~~shall be screened by the department to determine~~  
17 ~~eligibility. The department shall, by regulation,~~  
18 ~~establish eligibility criteria and inform the court~~  
19 ~~of such criteria. The department shall notify the~~  
20 ~~court as to the offender's eligibility and the~~  
21 ~~availability of space in the program.~~

22 ~~Notwithstanding any other provision of law to the~~  
23 ~~contrary, except as provided for in section 558.019,~~  
24 ~~if an offender is eligible and there is adequate~~  
25 ~~space, the court may sentence a person to the program~~  
26 ~~which shall consist of institutional drug or alcohol~~  
27 ~~treatment for a period of at least twelve and no more~~  
28 ~~than twenty-four months, as well as a term of~~  
29 ~~incarceration. The department shall determine the~~  
30 ~~nature, intensity, duration, and completion criteria~~  
31 ~~of the education, treatment, and aftercare portions~~  
32 ~~of any program services provided. Execution of the~~  
33 ~~offender's term of incarceration shall be suspended~~  
34 ~~pending completion of said program. Allocation of~~  
35 ~~space in the program may be distributed by the~~  
36 ~~department in proportion to drug arrest patterns in~~  
37 ~~the state. If the court is advised that an offender~~

1 ~~is not eligible or that there is no space available,~~  
2 ~~the court shall consider other authorized~~  
3 ~~dispositions.~~

4 ~~3. Upon successful completion of the program,~~  
5 ~~the division of probation and parole shall advise the~~  
6 ~~sentencing court of an offender's probationary~~  
7 ~~release date thirty days prior to release. If the~~  
8 ~~court determines that probation is not appropriate~~  
9 ~~the court may order the execution of the offender's~~  
10 ~~sentence.~~

11 ~~4. If it is determined by the department that~~  
12 ~~the offender has not successfully completed the~~  
13 ~~program, or that the offender is not cooperatively~~  
14 ~~participating in the program, the offender shall be~~  
15 ~~removed from the program and the court shall be~~  
16 ~~advised. Failure of an offender to complete the~~  
17 ~~program shall cause the offender to serve the~~  
18 ~~sentence prescribed by the court and void the right~~  
19 ~~to be considered for probation on this sentence.~~

20 ~~[5. An offender's first incarceration in a~~  
21 ~~department of corrections program pursuant to this~~  
22 ~~section prior to release on probation shall not be~~  
23 ~~considered a previous prison commitment for the~~  
24 ~~purpose of determining a minimum prison term pursuant~~  
25 ~~to the provisions of section 558.019.]]~~

26 217.362. 1. The department of corrections shall design and  
27 implement an intensive long-term program for the treatment of  
28 chronic nonviolent offenders with serious substance abuse  
29 addictions who have not ~~[pleaded]~~ pled guilty to or been  
30 convicted of a dangerous felony as defined in section 556.061.

31 2. Prior to sentencing, any judge considering an offender  
32 for this program shall notify the department. The potential  
33 candidate for the program shall be screened by the department to  
34 determine eligibility. The department shall, by regulation,

1 establish eligibility criteria and inform the court of such  
2 criteria. The department shall notify the court as to the  
3 offender's eligibility and the availability of space in the  
4 program. Notwithstanding any other provision of law to the  
5 contrary, except as provided for in section 558.019, if an  
6 offender is eligible and there is adequate space, the court may  
7 sentence a person to the program which shall consist of  
8 institutional drug or alcohol treatment for a period of at least  
9 twelve and no more than twenty-four months, as well as a term of  
10 incarceration. The department shall determine the nature,  
11 intensity, duration, and completion criteria of the education,  
12 treatment, and aftercare portions of any program services  
13 provided. Execution of the offender's term of incarceration  
14 shall be suspended pending completion of said program.  
15 Allocation of space in the program may be distributed by the  
16 department in proportion to drug arrest patterns in the state.  
17 If the court is advised that an offender is not eligible or that  
18 there is no space available, the court shall consider other  
19 authorized dispositions.

20 3. Upon successful completion of the program, the division

1 of probation and parole shall advise the sentencing court of an  
2 offender's probationary release date thirty days prior to  
3 release. If the court determines that probation is not  
4 appropriate the court may order the execution of the offender's  
5 sentence.

6 4. If it is determined by the department that the offender  
7 has not successfully completed the program, or that the offender  
8 is not cooperatively participating in the program, the offender  
9 shall be removed from the program and the court shall be advised.  
10 Failure of an offender to complete the program shall cause the  
11 offender to serve the sentence prescribed by the court and void  
12 the right to be considered for probation on this sentence.

13 ~~[5. An offender's first incarceration in a department of~~  
14 ~~corrections program pursuant to this section prior to release on~~  
15 ~~probation shall not be considered a previous prison commitment~~  
16 ~~for the purpose of determining a minimum prison term pursuant to~~  
17 ~~the provisions of section 558.019.]~~

18 ~~[217.690. 1. All releases or paroles shall~~  
19 ~~issue upon order of the parole board, duly adopted.~~  
20 ~~2. Before ordering the parole of any offender,~~  
21 ~~the parole board shall conduct a validated risk and~~  
22 ~~needs assessment and evaluate the case under the~~  
23 ~~rules governing parole that are promulgated by the~~

1 parole board. The parole board shall then have the  
2 offender appear before a hearing panel and shall  
3 conduct a personal interview with him or her, unless  
4 waived by the offender, or if the guidelines indicate  
5 the offender may be paroled without need for an  
6 interview. The guidelines and rules shall not allow  
7 for the waiver of a hearing if a victim requests a  
8 hearing. The appearance or presence may occur by  
9 means of a videoconference at the discretion of the  
10 parole board. A parole may be ordered for the best  
11 interest of society when there is a reasonable  
12 probability, based on the risk assessment and  
13 indicators of release readiness, that the person can  
14 be supervised under parole supervision and  
15 successfully reintegrated into the community, not as  
16 an award of clemency; it shall not be considered a  
17 reduction of sentence or a pardon. Every offender  
18 while on parole shall remain in the legal custody of  
19 the department but shall be subject to the orders of  
20 the parole board.

21 3. The division of probation and parole has  
22 discretionary authority to require the payment of a  
23 fee, not to exceed sixty dollars per month, from  
24 every offender placed under division supervision on  
25 probation, parole, or conditional release, to waive  
26 all or part of any fee, to sanction offenders for  
27 willful nonpayment of fees, and to contract with a  
28 private entity for fee collections services. All  
29 fees collected shall be deposited in the inmate fund  
30 established in section 217.430. Fees collected may  
31 be used to pay the costs of contracted collections  
32 services. The fees collected may otherwise be used  
33 to provide community corrections and intervention  
34 services for offenders. Such services include  
35 substance abuse assessment and treatment, mental  
36 health assessment and treatment, electronic  
37 monitoring services, residential facilities services,  
38 employment placement services, and other offender  
39 community corrections or intervention services  
40 designated by the division of probation and parole to  
41 assist offenders to successfully complete probation,  
42 parole, or conditional release. The division of  
43 probation and parole shall adopt rules not  
44 inconsistent with law, in accordance with section

1 ~~217.040, with respect to sanctioning offenders and~~  
2 ~~with respect to establishing, waiving, collecting,~~  
3 ~~and using fees.~~

4 ~~4. The parole board shall adopt rules not~~  
5 ~~inconsistent with law, in accordance with section~~  
6 ~~217.040, with respect to the eligibility of offenders~~  
7 ~~for parole, the conduct of parole hearings or~~  
8 ~~conditions to be imposed upon paroled offenders.~~  
9 ~~Whenever an order for parole is issued it shall~~  
10 ~~recite the conditions of such parole.~~

11 ~~5. When considering parole for an offender with~~  
12 ~~consecutive sentences, the minimum term for~~  
13 ~~eligibility for parole shall be calculated by adding~~  
14 ~~the minimum terms for parole eligibility for each of~~  
15 ~~the consecutive sentences, except the minimum term~~  
16 ~~for parole eligibility shall not exceed the minimum~~  
17 ~~term for parole eligibility for an ordinary life~~  
18 ~~sentence.~~

19 ~~6. Any offender sentenced to a term of~~  
20 ~~imprisonment amounting to fifteen years or more or~~  
21 ~~multiple terms of imprisonment that, taken together,~~  
22 ~~amount to fifteen or more years who was under~~  
23 ~~eighteen years of age at the time of the commission~~  
24 ~~of the offense or offenses may be eligible for parole~~  
25 ~~after serving fifteen years of incarceration,~~  
26 ~~regardless of whether the case is final for the~~  
27 ~~purposes of appeal, and may be eligible for~~  
28 ~~reconsideration hearings in accordance with~~  
29 ~~regulations promulgated by the parole board.~~

30 ~~7. The provisions of subsection 6 of this~~  
31 ~~section shall not apply to an offender found guilty~~  
32 ~~of capital murder, murder in the first degree or~~  
33 ~~murder in the second degree, when murder in the~~  
34 ~~second degree is committed pursuant to subdivision~~  
35 ~~(1) of subsection 1 of section 565.021, who was under~~  
36 ~~eighteen years of age when the offender committed the~~  
37 ~~offense or offenses who may be found ineligible for~~  
38 ~~parole or whose parole eligibility may be controlled~~  
39 ~~by section 558.047 or 565.033.~~

40 ~~8. Any offender under a sentence for first~~  
41 ~~degree murder who has been denied release on parole~~  
42 ~~after a parole hearing shall not be eligible for~~  
43 ~~another parole hearing until at least three years~~  
44 ~~from the month of the parole denial; however, this~~

1 ~~subsection shall not prevent a release pursuant to~~  
2 ~~subsection [4] 7 of section 558.011.~~

3 ~~9. A victim who has requested an opportunity to~~  
4 ~~be heard shall receive notice that the parole board~~  
5 ~~is conducting an assessment of the offender's risk~~  
6 ~~and readiness for release and that the victim's input~~  
7 ~~will be particularly helpful when it pertains to~~  
8 ~~safety concerns and specific protective measures that~~  
9 ~~may be beneficial to the victim should the offender~~  
10 ~~be granted release.~~

11 ~~10. Parole hearings shall, at a minimum,~~  
12 ~~contain the following procedures:~~

13 ~~(1) The victim or person representing the~~  
14 ~~victim who attends a hearing may be accompanied by~~  
15 ~~one other person;~~

16 ~~(2) The victim or person representing the~~  
17 ~~victim who attends a hearing shall have the option of~~  
18 ~~giving testimony in the presence of the inmate or to~~  
19 ~~the hearing panel without the inmate being present;~~

20 ~~(3) The victim or person representing the~~  
21 ~~victim may call or write the parole board rather than~~  
22 ~~attend the hearing;~~

23 ~~(4) The victim or person representing the~~  
24 ~~victim may have a personal meeting with a parole~~  
25 ~~board member at the parole board's central office;~~

26 ~~(5) The judge, prosecuting attorney or circuit~~  
27 ~~attorney and a representative of the local law~~  
28 ~~enforcement agency investigating the crime shall be~~  
29 ~~allowed to attend the hearing or provide information~~  
30 ~~to the hearing panel in regard to the parole~~  
31 ~~consideration; and~~

32 ~~(6) The parole board shall evaluate information~~  
33 ~~listed in the juvenile sex offender registry pursuant~~  
34 ~~to section 211.425, provided the offender is between~~  
35 ~~the ages of seventeen and twenty-one, as it impacts~~  
36 ~~the safety of the community.~~

37 ~~11. The parole board shall notify any person of~~  
38 ~~the results of a parole eligibility hearing if the~~  
39 ~~person indicates to the parole board a desire to be~~  
40 ~~notified.~~

41 ~~12. The parole board may, at its discretion,~~  
42 ~~require any offender seeking parole to meet certain~~  
43 ~~conditions during the term of that parole so long as~~  
44 ~~said conditions are not illegal or impossible for the~~

1 ~~offender to perform. These conditions may include an~~  
2 ~~amount of restitution to the state for the cost of~~  
3 ~~that offender's incarceration.~~

4 ~~13. Special parole conditions shall be~~  
5 ~~responsive to the assessed risk and needs of the~~  
6 ~~offender or the need for extraordinary supervision,~~  
7 ~~such as electronic monitoring. The parole board~~  
8 ~~shall adopt rules to minimize the conditions placed~~  
9 ~~on low-risk cases, to frontload conditions upon~~  
10 ~~release, and to require the modification and~~  
11 ~~reduction of conditions based on the person's~~  
12 ~~continuing stability in the community. Parole board~~  
13 ~~rules shall permit parole conditions to be modified~~  
14 ~~by parole officers with review and approval by~~  
15 ~~supervisors.~~

16 ~~14. Nothing contained in this section shall be~~  
17 ~~construed to require the release of an offender on~~  
18 ~~parole nor to reduce the sentence of an offender~~  
19 ~~heretofore committed.~~

20 ~~15. Beginning January 1, 2001, the parole board~~  
21 ~~shall not order a parole unless the offender has~~  
22 ~~obtained a high school diploma or its equivalent, or~~  
23 ~~unless the parole board is satisfied that the~~  
24 ~~offender, while committed to the custody of the~~  
25 ~~department, has made an honest good-faith effort to~~  
26 ~~obtain a high school diploma or its equivalent;~~  
27 ~~provided that the director may waive this requirement~~  
28 ~~by certifying in writing to the parole board that the~~  
29 ~~offender has actively participated in mandatory~~  
30 ~~education programs or is academically unable to~~  
31 ~~obtain a high school diploma or its equivalent.~~

32 ~~16. Any rule or portion of a rule, as that term~~  
33 ~~is defined in section 536.010, that is created under~~  
34 ~~the authority delegated in this section shall become~~  
35 ~~effective only if it complies with and is subject to~~  
36 ~~all of the provisions of chapter 536 and, if~~  
37 ~~applicable, section 536.028. This section and~~  
38 ~~chapter 536 are nonseverable and if any of the powers~~  
39 ~~vested with the general assembly pursuant to chapter~~  
40 ~~536 to review, to delay the effective date, or to~~  
41 ~~disapprove and annul a rule are subsequently held~~  
42 ~~unconstitutional, then the grant of rulemaking~~  
43 ~~authority and any rule proposed or adopted after~~  
44 ~~August 28, 2005, shall be invalid and void.~~

1                   ~~17. When concurrent sentences are imposed by a~~  
2                   ~~court, the person shall serve the minimum required~~  
3                   ~~percentage for the longest sentence prior to parole~~  
4                   ~~eligibility.]~~

5                   217.690. 1. All releases or paroles shall issue upon order  
6 of the parole board, duly adopted.

7                   2. Before ordering the parole of any offender, the parole  
8 board shall conduct a validated risk and needs assessment and  
9 evaluate the case under the rules governing parole that are  
10 promulgated by the parole board. The parole board shall then  
11 have the offender appear before a hearing panel and shall conduct  
12 a personal interview with him or her, unless waived by the  
13 offender, or if the guidelines indicate the offender may be  
14 paroled without need for an interview. The guidelines and rules  
15 shall not allow for the waiver of a hearing if a victim requests  
16 a hearing. The appearance or presence may occur by means of a  
17 videoconference at the discretion of the parole board. A parole  
18 may be ordered for the best interest of society when there is a  
19 reasonable probability, based on the risk assessment and  
20 indicators of release readiness, that the person can be  
21 supervised under parole supervision and successfully reintegrated  
22 into the community, not as an award of clemency; it shall not be

1 considered a reduction of sentence or a pardon. Every offender  
2 while on parole shall remain in the legal custody of the  
3 department but shall be subject to the orders of the parole  
4 board.

5 3. The division of probation and parole has discretionary  
6 authority to require the payment of a fee, not to exceed sixty  
7 dollars per month, from every offender placed under division  
8 supervision on probation, parole, or conditional release, to  
9 waive all or part of any fee, to sanction offenders for willful  
10 nonpayment of fees, and to contract with a private entity for fee  
11 collections services. All fees collected shall be deposited in  
12 the inmate fund established in section 217.430. Fees collected  
13 may be used to pay the costs of contracted collections services.  
14 The fees collected may otherwise be used to provide community  
15 corrections and intervention services for offenders. Such  
16 services include substance abuse assessment and treatment, mental  
17 health assessment and treatment, electronic monitoring services,  
18 residential facilities services, employment placement services,  
19 and other offender community corrections or intervention services  
20 designated by the division of probation and parole to assist

1 offenders to successfully complete probation, parole, or  
2 conditional release. The division of probation and parole shall  
3 adopt rules not inconsistent with law, in accordance with section  
4 217.040, with respect to sanctioning offenders and with respect  
5 to establishing, waiving, collecting, and using fees.

6 4. The parole board shall adopt rules not inconsistent with  
7 law, in accordance with section 217.040, with respect to the  
8 eligibility of offenders for parole, the conduct of parole  
9 hearings or conditions to be imposed upon paroled offenders.

10 Whenever an order for parole is issued it shall recite the  
11 conditions of such parole.

12 5. When considering parole for an offender with consecutive  
13 sentences, the minimum term for eligibility for parole shall be  
14 calculated by adding the minimum terms for parole eligibility for  
15 each of the consecutive sentences, except the minimum term for  
16 parole eligibility shall not exceed the minimum term for parole  
17 eligibility for an ordinary life sentence.

18 6. Any offender sentenced to a term of imprisonment  
19 amounting to fifteen years or more or multiple terms of  
20 imprisonment that, taken together, amount to fifteen or more

1 years who was under eighteen years of age at the time of the  
2 commission of the offense or offenses may be eligible for parole  
3 after serving fifteen years of incarceration, regardless of  
4 whether the case is final for the purposes of appeal, and may be  
5 eligible for reconsideration hearings in accordance with  
6 regulations promulgated by the parole board.

7 7. The provisions of subsection 6 of this section shall not  
8 apply to an offender found guilty of capital murder, murder in  
9 the first degree or murder in the second degree, when murder in  
10 the second degree is committed pursuant to subdivision (1) of  
11 subsection 1 of section 565.021, who was under eighteen years of  
12 age when the offender committed the offense or offenses who may  
13 be found ineligible for parole or whose parole eligibility may be  
14 controlled by section 558.047 or 565.033.

15 8. Any offender under a sentence for first degree murder  
16 who has been denied release on parole after a parole hearing  
17 shall not be eligible for another parole hearing until at least  
18 three years from the month of the parole denial; however, this  
19 subsection shall not prevent a release pursuant to subsection [4]  
20 7 of section 558.011.

1           9. A victim who has requested an opportunity to be heard  
2 shall receive notice that the parole board is conducting an  
3 assessment of the offender's risk and readiness for release and  
4 that the victim's input will be particularly helpful when it  
5 pertains to safety concerns and specific protective measures that  
6 may be beneficial to the victim should the offender be granted  
7 release.

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

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

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

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

18           (4) The victim or person representing the victim may have a  
19 personal meeting with a parole board member at the parole board's  
20 central office;

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

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

10          11. The parole board shall notify any person of the results  
11 of a parole eligibility hearing if the person indicates to the  
12 parole board a desire to be notified.

13          12. The parole board may, at its discretion, require any  
14 offender seeking parole to meet certain conditions during the  
15 term of that parole so long as said conditions are not illegal or  
16 impossible for the offender to perform. These conditions may  
17 include an amount of restitution to the state for the cost of  
18 that offender's incarceration.

19          13. Special parole conditions shall be responsive to the  
20 assessed risk and needs of the offender or the need for

1 extraordinary supervision, such as electronic monitoring. The  
2 parole board shall adopt rules to minimize the conditions placed  
3 on low-risk cases, to frontload conditions upon release, and to  
4 require the modification and reduction of conditions based on the  
5 person's continuing stability in the community. Parole board  
6 rules shall permit parole conditions to be modified by parole  
7 officers with review and approval by supervisors.

8 14. Nothing contained in this section shall be construed to  
9 require the release of an offender on parole nor to reduce the  
10 sentence of an offender heretofore committed.

11 15. Beginning January 1, 2001, the parole board shall not  
12 order a parole unless the offender has obtained a high school  
13 diploma or its equivalent, or unless the parole board is  
14 satisfied that the offender, while committed to the custody of  
15 the department, has made an honest good-faith effort to obtain a  
16 high school diploma or its equivalent; provided that the director  
17 may waive this requirement by certifying in writing to the parole  
18 board that the offender has actively participated in mandatory  
19 education programs or is academically unable to obtain a high  
20 school diploma or its equivalent.

1           16. Any rule or portion of a rule, as that term is defined  
2 in section 536.010, that is created under the authority delegated  
3 in this section shall become effective only if it complies with  
4 and is subject to all of the provisions of chapter 536 and, if  
5 applicable, section 536.028. This section and chapter 536 are  
6 nonseverable and if any of the powers vested with the general  
7 assembly pursuant to chapter 536 to review, to delay the  
8 effective date, or to disapprove and annul a rule are  
9 subsequently held unconstitutional, then the grant of rulemaking  
10 authority and any rule proposed or adopted after August 28, 2005,  
11 shall be invalid and void.

12           17. When concurrent sentences are imposed by a court, the  
13 person shall serve the minimum required percentage for the  
14 longest sentence prior to parole eligibility.

15           ~~[217.760. 1. In all felony cases and class A~~  
16 ~~misdemeanor cases, the basis of which misdemeanor~~  
17 ~~cases are contained in chapters 565 and 566 and~~  
18 ~~section 577.023, at the request of a [circuit]~~  
19 ~~sentencing judge of any circuit court, the division~~  
20 ~~of probation and parole shall assign one or more~~  
21 ~~state probation and parole officers to make an~~  
22 ~~investigation of the person convicted of the crime or~~  
23 ~~offense before sentence is imposed. In all felony~~  
24 ~~cases in which the recommended sentence established~~  
25 ~~by the sentencing advisory commission pursuant to~~  
26 ~~subsection [7] 1 of section 558.019 includes~~  
27 ~~probation but the recommendation of the prosecuting~~

1 ~~attorney or circuit attorney does not include~~  
2 ~~probation, the division of probation and parole~~  
3 ~~shall, prior to sentencing, provide the judge with a~~  
4 ~~report on available alternatives to incarceration.~~  
5 ~~If a presentence investigation report is completed~~  
6 ~~then the available alternatives shall be included in~~  
7 ~~the presentence investigation report.~~

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

26 217.760. 1. In all felony cases and class A misdemeanor  
27 cases, the basis of which misdemeanor cases are contained in  
28 chapters 565 and 566 and section 577.023, at the request of a  
29 ~~[circuit]~~ sentencing judge of any circuit court, the division of  
30 probation and parole shall assign one or more state probation and  
31 parole officers to make an investigation of the person convicted  
32 of the crime or offense before sentence is imposed. In all  
33 felony cases in which the recommended sentence established by the  
34 sentencing advisory commission pursuant to subsection ~~[7]~~ 1 of

1 section 558.019 includes probation but the recommendation of the  
2 prosecuting attorney or circuit attorney does not include  
3 probation, the division of probation and parole shall, prior to  
4 sentencing, provide the judge with a report on available  
5 alternatives to incarceration. If a presentence investigation  
6 report is completed then the available alternatives shall be  
7 included in the presentence investigation report.

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

1 such investigation shall include a physical and mental  
2 examination of the defendant.

3 455.050. 1. Any full or ex parte order of protection  
4 granted pursuant to sections 455.010 to 455.085 shall be to  
5 protect the petitioner from cyberstalking, domestic violence,  
6 stalking, or sexual assault and may include such terms as the  
7 court reasonably deems necessary to ensure the petitioner's  
8 safety, including but not limited to:

9 (1) Temporarily enjoining the respondent from committing or  
10 threatening to commit cyberstalking, domestic violence,  
11 molesting, stalking, sexual assault, or disturbing the peace of  
12 the petitioner, including violence against a pet;

13 (2) Temporarily enjoining the respondent from entering the  
14 premises of the dwelling unit of the petitioner when the dwelling  
15 unit is:

16 (a) Jointly owned, leased or rented or jointly occupied by  
17 both parties; or

18 (b) Owned, leased, rented or occupied by petitioner  
19 individually; or

20 (c) Jointly owned, leased, rented or occupied by petitioner

1 and a person other than respondent; provided, however, no spouse  
2 shall be denied relief pursuant to this section by reason of the  
3 absence of a property interest in the dwelling unit; or

4 (d) Jointly occupied by the petitioner and a person other  
5 than respondent; provided that the respondent has no property  
6 interest in the dwelling unit; or

7 (3) Temporarily enjoining the respondent from communicating  
8 with the petitioner in any manner or through any medium.

9 2. Mutual orders of protection are prohibited unless both  
10 parties have properly filed written petitions and proper service  
11 has been made in accordance with sections 455.010 to 455.085.

12 3. When the court has, after a hearing for any full order  
13 of protection, issued an order of protection, it may, in  
14 addition:

15 (1) Award custody of any minor child born to or adopted by  
16 the parties when the court has jurisdiction over such child and  
17 no prior order regarding custody is pending or has been made, and  
18 the best interests of the child require such order be issued;

19 (2) Establish a visitation schedule that is in the best  
20 interests of the child;

1           (3) Award child support in accordance with supreme court  
2 rule 88.01 and chapter 452;

3           (4) Award maintenance to petitioner when petitioner and  
4 respondent are lawfully married in accordance with chapter 452;

5           (5) Order respondent to make or to continue to make rent or  
6 mortgage payments on a residence occupied by the petitioner if  
7 the respondent is found to have a duty to support the petitioner  
8 or other dependent household members;

9           (6) Order the respondent to pay the petitioner's rent at a  
10 residence other than the one previously shared by the parties if  
11 the respondent is found to have a duty to support the petitioner  
12 and the petitioner requests alternative housing;

13           (7) Order that the petitioner be given temporary possession  
14 of specified personal property, such as automobiles, checkbooks,  
15 keys, and other personal effects;

16           (8) Prohibit the respondent from transferring, encumbering,  
17 or otherwise disposing of specified property mutually owned or  
18 leased by the parties;

19           (9) Order the respondent to participate in a court-approved  
20 counseling program designed to help batterers stop violent

1 behavior or to participate in a substance abuse treatment  
2 program;

3 (10) Order the respondent to pay a reasonable fee for  
4 housing and other services that have been provided or that are  
5 being provided to the petitioner by a shelter for victims of  
6 domestic violence;

7 (11) Order the respondent to pay court costs;

8 (12) Order the respondent to pay the cost of medical  
9 treatment and services that have been provided or that are being  
10 provided to the petitioner as a result of injuries sustained to  
11 the petitioner by an act of domestic violence committed by the  
12 respondent;

13 (13) Award possession and care of any pet, along with any  
14 moneys necessary to cover medical costs that may have resulted  
15 from abuse of the pet.

16 4. A verified petition seeking orders for maintenance,  
17 support, custody, visitation, payment of rent, payment of  
18 monetary compensation, possession of personal property,  
19 prohibiting the transfer, encumbrance, or disposal of property,  
20 or payment for services of a shelter for victims of domestic

1 violence, shall contain allegations relating to those orders and  
2 shall pray for the orders desired.

3 5. In making an award of custody, the court shall consider  
4 all relevant factors including the presumption that the best  
5 interests of the child will be served by placing the child in the  
6 custody and care of the nonabusive parent, unless there is  
7 evidence that both parents have engaged in abusive behavior, in  
8 which case the court shall not consider this presumption but may  
9 appoint a guardian ad litem or a court-appointed special advocate  
10 to represent the children in accordance with chapter 452 and  
11 shall consider all other factors in accordance with chapter 452.

12 6. The court shall grant to the noncustodial parent rights  
13 to visitation with any minor child born to or adopted by the  
14 parties, unless the court finds, after hearing, that visitation  
15 would endanger the child's physical health, impair the child's  
16 emotional development or would otherwise conflict with the best  
17 interests of the child, or that no visitation can be arranged  
18 which would sufficiently protect the custodial parent from  
19 further domestic violence. The court may appoint a guardian ad  
20 litem or court-appointed special advocate to represent the minor

1 child in accordance with chapter 452 whenever the custodial  
2 parent alleges that visitation with the noncustodial parent will  
3 damage the minor child.

4 7. The court shall make an order requiring the noncustodial  
5 party to pay an amount reasonable and necessary for the support  
6 of any child to whom the party owes a duty of support when no  
7 prior order of support is outstanding and after all relevant  
8 factors have been considered, in accordance with Missouri supreme  
9 court rule 88.01 and chapter 452.

10 8. The court may grant a maintenance order to a party for a  
11 period of time, not to exceed one hundred eighty days. Any  
12 maintenance ordered by the court shall be in accordance with  
13 chapter 452.

14 9. (1) The court may, in order to ensure that a petitioner  
15 can maintain an existing wireless telephone number or numbers,  
16 issue an order, after notice and an opportunity to be heard,  
17 directing a wireless service provider to transfer the billing  
18 responsibility for and rights to the wireless telephone number or  
19 numbers to the petitioner, if the petitioner is not the wireless  
20 service accountholder.

1           (2) (a) The order transferring billing responsibility for  
2 and rights to the wireless telephone number or numbers to the  
3 petitioner shall list the name and billing telephone number of  
4 the accountholder, the name and contact information of the person  
5 to whom the telephone number or numbers will be transferred, and  
6 each telephone number to be transferred to that person. The  
7 court shall ensure that the contact information of the petitioner  
8 is not provided to the accountholder in proceedings held under  
9 this chapter.

10           (b) Upon issuance, a copy of the full order of protection  
11 shall be transmitted, either electronically or by certified mail,  
12 to the wireless service provider's registered agent listed with  
13 the secretary of state, or electronically to the email address  
14 provided by the wireless service provider. Such transmittal  
15 shall constitute adequate notice for the wireless service  
16 provider acting under this section and section 455.523.

17           (c) If the wireless service provider cannot operationally  
18 or technically effectuate the order due to certain circumstances,  
19 the wireless service provider shall notify the petitioner within  
20 three business days. Such circumstances shall include, but not

1 be limited to, the following:

2 a. The accountholder has already terminated the account;

3 b. The differences in network technology prevent the  
4 functionality of a device on the network; or

5 c. There are geographic or other limitations on network or  
6 service availability.

7 (3) (a) Upon transfer of billing responsibility for and  
8 rights to a wireless telephone number or numbers to the  
9 petitioner under this subsection by a wireless service provider,  
10 the petitioner shall assume all financial responsibility for the  
11 transferred wireless telephone number or numbers, monthly service  
12 costs, and costs for any mobile device associated with the  
13 wireless telephone number or numbers.

14 (b) This section shall not preclude a wireless service  
15 provider from applying any routine and customary requirements for  
16 account establishment to the petitioner as part of this transfer  
17 of billing responsibility for a wireless telephone number or  
18 numbers and any devices attached to that number or numbers  
19 including, but not limited to, identification, financial  
20 information, and customer preferences.

1           (4) This section shall not affect the ability of the court  
2 to apportion the assets and debts of the parties as provided for  
3 in law, or the ability to determine the temporary use,  
4 possession, and control of personal property.

5           (5) No cause of action shall lie against any wireless  
6 service provider, its officers, employees, or agents, for actions  
7 taken in accordance with the terms of a court order issued under  
8 this section.

9           (6) As used in this section and section 455.523, a  
10 "wireless service provider" means a provider of commercial mobile  
11 service under Section 332(d) of the Federal ~~Telecommunications~~  
12 ~~Act of 1996]~~ Communications Act of 1934 (47 U.S.C. Section ~~[151,~~  
13 ~~et seq.]~~ 332).

14           455.098. 1. Upon the request of the victim or the  
15 prosecuting or circuit attorney, a court shall have jurisdiction  
16 at the time of sentencing to enter a lifetime protection order  
17 restraining or enjoining the defendant from contacting the victim  
18 if the defendant has been found guilty of a dangerous felony, as  
19 defined in section 556.061. The protection order shall be  
20 effective immediately and shall be served on the defendant at the

1 time of sentencing. An order issued pursuant to this section  
2 shall not expire and is valid for the defendant's lifetime  
3 unless:

4 (1) The defendant makes a showing to the court that the  
5 victim has died or the conviction has been dismissed, expunged,  
6 or overturned or the defendant has been pardoned; or

7 (2) The victim submits a written request to the court for  
8 an early expiration upon which the court may hold a hearing to  
9 terminate the order.

10 2. A copy of any order of protection granted pursuant to  
11 this section shall be issued to the victim and to the local law  
12 enforcement agency in the jurisdiction where the victim resides.  
13 The court shall provide all necessary information, including the  
14 defendant's relationship to the victim, for entry of the order of  
15 protection into the Missouri Uniform Law Enforcement System  
16 (MULES) and the National Crime Information Center (NCIC). Upon  
17 receiving the order under this subsection, the sheriff shall make  
18 the entry into MULES within twenty-four hours. MULES shall  
19 forward the order information to NCIC, which will in turn make  
20 the order viewable within the National Instant Criminal

1 Background Check System (NICS). The sheriff shall enter  
2 information contained in the order, including, but not limited  
3 to, any orders regarding child custody or visitation and all  
4 specifics as to times and dates of custody or visitation that are  
5 provided in the order. A notice of termination of any order of  
6 protection or any change in child custody or visitation within  
7 that order shall be issued to the local law enforcement agency  
8 for entry into MULES or any other comparable law enforcement  
9 system. The information contained in an order of protection may  
10 be entered into MULES or any other comparable law enforcement  
11 system using a direct automated data transfer from the court  
12 automated system to the law enforcement system.

13 527.270. 1. Hereafter every person desiring to change his  
14 or her name may present a petition to that effect, verified by  
15 affidavit, to the circuit court in the county of the petitioner's  
16 residence, which petition shall set forth the petitioner's full  
17 name, the new name desired, and a concise statement of the reason  
18 for such desired change; and it shall be the duty of the judge of  
19 such court to order such change to be made, and spread upon the  
20 records of the court, in proper form, if such judge is satisfied

1 that the desired change would be proper and not detrimental to  
2 the interests of any other person.

3 2. Notwithstanding subsection 1 of this section, no person  
4 required to register under sections 589.400 to 589.425 shall  
5 change his or her name for the period of time he or she is  
6 required to register on the registry.

7 544.667. In addition to the forfeiture of any security  
8 which was given or pledged for a person's release, any person  
9 who, having been released upon a recognizance or bond pursuant to  
10 any other provisions of law while pending preliminary hearing,  
11 trial, sentencing, appeal, probation or parole revocation, or any  
12 other stage of a criminal matter against him or her, knowingly  
13 violates any condition of release that imposes no contact with  
14 specific individuals shall be guilty of a class A misdemeanor.

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

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

20 (2) "Affirmative defense":

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

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

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

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

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

12           (4) "Commercial film and photographic print processor", any  
13 person who develops exposed photographic film into negatives,  
14 slides or prints, or who makes prints from negatives or slides,  
15 for compensation. The term commercial film and photographic  
16 print processor shall include all employees of such persons but  
17 shall not include a person who develops film or makes prints for  
18 a public agency;

19           (5) "Computer", the box that houses the central processing  
20 unit (CPU), along with any internal storage devices, such as

1 internal hard drives, and internal communication devices, such as  
2 internal modems capable of sending or receiving [~~electronic mail~~]  
3 email or fax cards, along with any other hardware stored or  
4 housed internally. Thus, computer refers to hardware, software  
5 and data contained in the main unit. Printers, external modems  
6 attached by cable to the main unit, monitors, and other external  
7 attachments will be referred to collectively as peripherals and  
8 discussed individually when appropriate. When the computer and  
9 all peripherals are referred to as a package, the term "computer  
10 system" is used. Information refers to all the information on a  
11 computer system including both software applications and data;

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

15 (7) "Computer hardware", all equipment which can collect,  
16 analyze, create, display, convert, store, conceal or transmit  
17 electronic, magnetic, optical or similar computer impulses or  
18 data. Hardware includes, but is not limited to, any data  
19 processing devices, such as central processing units, memory  
20 typewriters and self-contained laptop or notebook computers;

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

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

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

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

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

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

14           (13) "Confinement":

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

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

19           b. The person is released on bail, bond, or recognizance,  
20 personal or otherwise; or

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

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

5           a. The person is on probation or parole, temporary or  
6 otherwise; or

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

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

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

18           (b) It is given by a person who by reason of youth, mental  
19 disease or defect, intoxication, a drug-induced state, or any  
20 other reason is manifestly unable or known by the actor to be

1 unable to make a reasonable judgment as to the nature or  
2 harmfulness of the conduct charged to constitute the offense; or

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

4 (15) "Controlled substance", a drug, substance, or  
5 immediate precursor in Schedules I through V as defined in  
6 chapter 195;

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

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

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

18 (19) "Dangerous felony", the felonies ~~[of]~~ requiring  
19 eighty-five percent of the imposed sentence to be served prior to  
20 parole eligibility, which are arson in the first degree, assault

1 in the first degree, attempted rape in the first degree if  
2 physical injury results, attempted forcible rape if physical  
3 injury results, attempted sodomy in the first degree if physical  
4 injury results, attempted forcible sodomy if physical injury  
5 results, rape in the first degree, forcible rape, sodomy in the  
6 first degree, forcible sodomy, assault in the second degree if  
7 the victim of such assault is a special victim as defined in  
8 subdivision (14) of section 565.002, kidnapping in the first  
9 degree, kidnapping, murder in the second degree, assault of a law  
10 enforcement officer in the first degree, domestic assault in the  
11 first degree, elder abuse in the first degree, robbery in the  
12 first degree, armed criminal action, conspiracy to commit an  
13 offense when the offense is a dangerous felony, vehicle hijacking  
14 when punished as a class A felony, statutory rape in the first  
15 degree [~~when the victim is a child less than twelve years of age~~  
16 ~~at the time of the commission of the act giving rise to the~~  
17 ~~offense~~], statutory sodomy in the first degree [~~when the victim~~  
18 ~~is a child less than twelve years of age at the time of the~~  
19 ~~commission of the act giving rise to the offense~~], child  
20 molestation in the first or second degree, abuse of a child if

1 the child dies as a result of injuries sustained from conduct  
2 chargeable under section 568.060, child kidnapping, parental  
3 kidnapping committed by detaining or concealing the whereabouts  
4 of the child for not less than one hundred twenty days under  
5 section 565.153, bus hijacking when punished as a class A felony,  
6 planting a bomb or explosive in or near a bus or terminal, ~~and~~  
7 an "intoxication-related traffic offense" or "intoxication-  
8 related boating offense" if the person is found to be a "habitual  
9 offender" or "habitual boating offender" as such terms are  
10 defined in section 577.001, abuse through forced labor when  
11 punished under subsection 4 of section 566.203, trafficking for  
12 the purposes of slavery, involuntary servitude, peonage, or  
13 forced labor or the attempt of such when punished under  
14 subsection 4 of section 566.206, trafficking for the purposes of  
15 sexual exploitation or the attempt of such when the offense was  
16 effected by force, abduction, or coercion, sexual trafficking of  
17 a child in the first degree, sexual trafficking of a child in the  
18 second degree, a third violation of failure to register as a  
19 sexual offender, and endangering the welfare of a child in the  
20 first degree when punished under section 568.045;

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

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

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

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

17          (24) "Disability", a mental, physical, or developmental  
18 impairment that substantially limits one or more major life  
19 activities or the ability to provide adequately for one's care or  
20 protection, whether the impairment is congenital or acquired by

1 accident, injury or disease, where such impairment is verified by  
2 medical findings;

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

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

8 (27) "Forcible compulsion" either:

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

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

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

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

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

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

5           (b) Where people assemble for purposes of business,  
6 government, education, religion, entertainment, or public  
7 transportation; or

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

9

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

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

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

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

20           (32) "Law enforcement officer", any public servant having

1 both the power and duty to make arrests for violations of the  
2 laws of this state, and federal law enforcement officers  
3 authorized to carry firearms and to make arrests for violations  
4 of the laws of the United States;

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

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

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

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

19 (37) "Place of confinement", any building or facility and  
20 the grounds thereof wherein a court is legally authorized to

1 order that a person charged with or convicted of a crime be held;

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

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

15 (40) "Public servant", any person employed in any way by a  
16 government of this state who is compensated by the government by  
17 reason of such person's employment, any person appointed to a  
18 position with any government of this state, or any person elected  
19 to a position with any government of this state. It includes,  
20 but is not limited to, legislators, jurors, members of the

1     judiciary and law enforcement officers. It does not include  
2     witnesses;

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

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

12            (43) "Serious emotional injury", an injury that creates a  
13    substantial risk of temporary or permanent medical or  
14    psychological damage, manifested by impairment of a behavioral,  
15    cognitive or physical condition. Serious emotional injury shall  
16    be established by testimony of qualified experts upon the  
17    reasonable expectation of probable harm to a reasonable degree of  
18    medical or psychological certainty;

19            (44) "Serious physical injury", physical injury that  
20    creates a substantial risk of death or that causes serious

1 disfigurement or protracted loss or impairment of the function of  
2 any part of the body;

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

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

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

13 (48) "Vessel", any boat or craft propelled by a motor or by  
14 machinery, whether or not such motor or machinery is a principal  
15 source of propulsion used or capable of being used as a means of  
16 transportation on water, or any boat or craft more than twelve  
17 feet in length which is powered by sail alone or by a combination  
18 of sail and machinery, and used or capable of being used as a  
19 means of transportation on water, but not any boat or craft  
20 having, as the only means of propulsion, a paddle or oars;

1 (49) "Voluntary act":

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

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

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

17 ~~[557.011. 1. Every person found guilty of an~~  
18 ~~offense shall be dealt with by the court in~~  
19 ~~accordance with the provisions of this chapter,~~  
20 ~~except that for offenses defined outside this code~~  
21 ~~and not repealed, the term of imprisonment or the~~  
22 ~~fine that may be imposed is that provided in the~~  
23 ~~statute defining the offense; however, the~~  
24 ~~conditional release term of any sentence of a term of~~

1 ~~years shall be determined as provided in subsection~~  
2 ~~{4} 7 of section 558.011.~~

3 ~~2. Whenever any person has been found guilty of~~  
4 ~~a felony or a misdemeanor the court shall make one or~~  
5 ~~more of the following dispositions of the offender in~~  
6 ~~any appropriate combination. The court may:~~

7 ~~(1) Sentence the person to a term of~~  
8 ~~imprisonment as authorized by chapter 558;~~

9 ~~(2) Sentence the person to pay a fine as~~  
10 ~~authorized by chapter 560;~~

11 ~~(3) Suspend the imposition of sentence, with or~~  
12 ~~without placing the person on probation;~~

13 ~~(4) Pronounce sentence and suspend its~~  
14 ~~execution, placing the person on probation;~~

15 ~~(5) Impose a period of detention as a condition~~  
16 ~~of probation, as authorized by section 559.026.~~

17 ~~3. Whenever any person has been found guilty of~~  
18 ~~an infraction, the court shall make one or more of~~  
19 ~~the following dispositions of the offender in any~~  
20 ~~appropriate combination. The court may:~~

21 ~~(1) Sentence the person to pay a fine as~~  
22 ~~authorized by chapter 560;~~

23 ~~(2) Suspend the imposition of sentence, with or~~  
24 ~~without placing the person on probation;~~

25 ~~(3) Pronounce sentence and suspend its~~  
26 ~~execution, placing the person on probation.~~

27 ~~4. Whenever any organization has been found~~  
28 ~~guilty of an offense, the court shall make one or~~  
29 ~~more of the following dispositions of the~~  
30 ~~organization in any appropriate combination. The~~  
31 ~~court may:~~

32 ~~(1) Sentence the organization to pay a fine as~~  
33 ~~authorized by chapter 560;~~

34 ~~(2) Suspend the imposition of sentence, with or~~  
35 ~~without placing the organization on probation;~~

36 ~~(3) Pronounce sentence and suspend its~~  
37 ~~execution, placing the organization on probation;~~

38 ~~(4) Impose any special sentence or sanction~~  
39 ~~authorized by law.~~

40 ~~5. This chapter shall not be construed to~~  
41 ~~deprive the court of any authority conferred by law~~  
42 ~~to decree a forfeiture of property, suspend or cancel~~  
43 ~~a license, remove a person from office, or impose any~~  
44 ~~other civil penalty. An appropriate order exercising~~

1 ~~such authority may be included as part of any~~  
2 ~~sentence.~~

3 ~~6. In the event a sentence of confinement is~~  
4 ~~ordered executed, a court may order that an~~  
5 ~~individual serve all or any portion of such sentence~~  
6 ~~on electronic monitoring; except that all costs~~  
7 ~~associated with the electronic monitoring shall be~~  
8 ~~charged to the person on house arrest. If the judge~~  
9 ~~finds the person unable to afford the costs~~  
10 ~~associated with electronic monitoring, the judge may~~  
11 ~~order that the person be placed on house arrest with~~  
12 ~~electronic monitoring if the county commission agrees~~  
13 ~~to pay the costs of such monitoring. If the person~~  
14 ~~on house arrest is unable to afford the costs~~  
15 ~~associated with electronic monitoring and the county~~  
16 ~~commission does not agree to pay from the general~~  
17 ~~revenue of the county the costs of such electronic~~  
18 ~~monitoring, the judge shall not order that the person~~  
19 ~~be placed on house arrest with electronic~~  
20 ~~monitoring.]~~

21 557.011. 1. Every person found guilty of an offense shall  
22 be dealt with by the court in accordance with the provisions of  
23 this chapter, except that for offenses defined outside this code  
24 and not repealed, the term of imprisonment or the fine that may  
25 be imposed is that provided in the statute defining the offense;  
26 however, the conditional release term of any sentence of a term  
27 of years shall be determined as provided in subsection **[4]** 7 of  
28 section 558.011.

29 2. Whenever any person has been found guilty of a felony or  
30 a misdemeanor the court shall make one or more of the following  
31 dispositions of the offender in any appropriate combination. The

1 court may:

2 (1) Sentence the person to a term of imprisonment as  
3 authorized by chapter 558;

4 (2) Sentence the person to pay a fine as authorized by  
5 chapter 560;

6 (3) Suspend the imposition of sentence, with or without  
7 placing the person on probation;

8 (4) Pronounce sentence and suspend its execution, placing  
9 the person on probation;

10 (5) Impose a period of detention as a condition of  
11 probation, as authorized by section 559.026.

12 3. Whenever any person has been found guilty of an  
13 infraction, the court shall make one or more of the following  
14 dispositions of the offender in any appropriate combination. The  
15 court may:

16 (1) Sentence the person to pay a fine as authorized by  
17 chapter 560;

18 (2) Suspend the imposition of sentence, with or without  
19 placing the person on probation;

20 (3) Pronounce sentence and suspend its execution, placing

1 the person on probation.

2 4. Whenever any organization has been found guilty of an  
3 offense, the court shall make one or more of the following  
4 dispositions of the organization in any appropriate combination.

5 The court may:

6 (1) Sentence the organization to pay a fine as authorized  
7 by chapter 560;

8 (2) Suspend the imposition of sentence, with or without  
9 placing the organization on probation;

10 (3) Pronounce sentence and suspend its execution, placing  
11 the organization on probation;

12 (4) Impose any special sentence or sanction authorized by  
13 law.

14 5. This chapter shall not be construed to deprive the court  
15 of any authority conferred by law to decree a forfeiture of  
16 property, suspend or cancel a license, remove a person from  
17 office, or impose any other civil penalty. An appropriate order  
18 exercising such authority may be included as part of any  
19 sentence.

20 6. In the event a sentence of confinement is ordered

1 executed, a court may order that an individual serve all or any  
2 portion of such sentence on electronic monitoring; except that  
3 all costs associated with the electronic monitoring shall be  
4 charged to the person on house arrest. If the judge finds the  
5 person unable to afford the costs associated with electronic  
6 monitoring, the judge may order that the person be placed on  
7 house arrest with electronic monitoring if the county commission  
8 agrees to pay the costs of such monitoring. If the person on  
9 house arrest is unable to afford the costs associated with  
10 electronic monitoring and the county commission does not agree to  
11 pay from the general revenue of the county the costs of such  
12 electronic monitoring, the judge shall not order that the person  
13 be placed on house arrest with electronic monitoring.

14 ~~[557.021. 1. Any offense defined outside this~~  
15 ~~code [which] that is declared to be a misdemeanor~~  
16 ~~without specification of the penalty therefor is a~~  
17 ~~class A misdemeanor.~~

18 ~~2. Any offense defined outside this code~~  
19 ~~[which] that is declared to be a felony without~~  
20 ~~specification of the penalty therefor is a class E~~  
21 ~~felony and subject to the terms as provided in~~  
22 ~~chapter 558.~~

23 ~~3. For the purpose of applying the extended~~  
24 ~~term provisions of section 558.016 [and the minimum~~  
25 ~~prison term provisions of], the parole eligibility~~  
26 ~~provisions pursuant to section [558.019] 558.011 and~~  
27 ~~for determining the penalty for attempts, offenses~~  
28 ~~defined outside of this code shall be classified as~~

1 follows:

2 ~~(1) If the offense is a felony:~~

3 ~~(a) It is a class A felony if the authorized~~  
4 ~~penalty includes death, life imprisonment or~~  
5 ~~imprisonment for a term of twenty years or more;~~

6 ~~(b) It is a class B felony if the maximum term~~  
7 ~~of imprisonment authorized exceeds ten years but is~~  
8 ~~less than twenty years;~~

9 ~~(c) It is a class C felony if the maximum term~~  
10 ~~of imprisonment authorized is ten years;~~

11 ~~(d) It is a class D felony if the maximum term~~  
12 ~~of imprisonment exceeds four years but is less than~~  
13 ~~ten years;~~

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

16 ~~(2) If the offense is a misdemeanor:~~

17 ~~(a) It is a class A misdemeanor if the~~  
18 ~~authorized imprisonment exceeds six months in jail;~~

19 ~~(b) It is a class B misdemeanor if the~~  
20 ~~authorized imprisonment exceeds thirty days but is~~  
21 ~~not more than six months;~~

22 ~~(c) It is a class C misdemeanor if the~~  
23 ~~authorized imprisonment is thirty days or less;~~

24 ~~(d) It is a class D misdemeanor if it includes~~  
25 ~~a mental state as an element of the offense and there~~  
26 ~~is no authorized imprisonment;~~

27 ~~(e) It is an infraction if there is no~~  
28 ~~authorized imprisonment.]~~

29 557.021. 1. Any offense defined outside this code ~~[which]~~  
30 that is declared to be a misdemeanor without specification of the  
31 penalty therefor is a class A misdemeanor.

32 2. Any offense defined outside this code ~~[which]~~ that is  
33 declared to be a felony without specification of the penalty  
34 therefor is a class E felony and subject to the terms as provided  
35 in chapter 558.

1           3. For the purpose of applying the extended term provisions  
2 of section 558.016 [~~and the minimum prison term provisions of~~],  
3 the parole eligibility provisions pursuant to section [558.019]  
4 558.011 and for determining the penalty for attempts, offenses  
5 defined outside of this code shall be classified as follows:

6           (1) If the offense is a felony:

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

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

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

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

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

19           (2) If the offense is a misdemeanor:

20           (a) It is a class A misdemeanor if the authorized

1 imprisonment exceeds six months in jail;

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

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

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

9 (e) It is an infraction if there is no authorized  
10 imprisonment.

11 ~~[558.011. 1. The authorized terms of~~  
12 ~~imprisonment, including both prison and conditional~~  
13 ~~release terms, for all offenses are as follows:~~

14 ~~(1) For a class A felony, a term of years not~~  
15 ~~less than ten years and not to exceed thirty years,~~  
16 ~~or life imprisonment, for which an offender shall~~  
17 ~~serve seventy percent of the imposed sentence prior~~  
18 ~~to parole eligibility;~~

19 ~~(2) For a class B felony, a term of years not~~  
20 ~~less than five years and not to exceed fifteen years,~~  
21 ~~for which an offender shall serve fifty percent of~~  
22 ~~the imposed sentence prior to parole eligibility;~~

23 ~~(3) For a class C felony, a term of years not~~  
24 ~~less than three years and not to exceed ten years,~~  
25 ~~for which an offender shall serve:~~

26 ~~(a) Forty percent of the imposed sentence prior~~  
27 ~~to parole eligibility for an offense under chapters~~  
28 ~~566, 568, and 573 that requires registration as a sex~~  
29 ~~offender under chapter 589;~~

30 ~~(b) Thirty percent of the imposed sentence~~  
31 ~~prior to parole eligibility for a first offense other~~  
32 ~~than an offense under paragraph (a) of this~~

1 subdivision;

2 (c) Thirty-five percent of the imposed sentence  
3 prior to parole eligibility for a second offense  
4 other than an offense under paragraph (a) of this  
5 subdivision;

6 (d) Fifty percent of the imposed sentence prior  
7 to parole eligibility for a third or subsequent  
8 offense other than an offense under paragraph (a) of  
9 this subdivision;

10 (4) For a class D felony, a term of years not  
11 to exceed seven years, for which an offender shall  
12 serve:

13 (a) Twenty-five percent of the imposed sentence  
14 prior to parole eligibility for an offense under  
15 chapters 566, 568, and 573 that requires registration  
16 as a sex offender under chapter 589;

17 (b) Twenty percent of the imposed sentence  
18 prior to parole eligibility for a first offense other  
19 than an offense under paragraph (a) of this  
20 subdivision;

21 (c) Twenty-five percent of the imposed sentence  
22 prior to parole eligibility for a second offense  
23 other than an offense under paragraph (a) of this  
24 subdivision;

25 (d) Fifty percent of the imposed sentence prior  
26 to parole eligibility for a third or subsequent  
27 offense other than an offense under paragraph (a) of  
28 this subdivision;

29 (5) For a class E felony, a term of years not  
30 to exceed four years, for which an offender shall  
31 serve:

32 (a) Twenty-five percent of the imposed sentence  
33 prior to parole eligibility for an offense under  
34 chapters 566, 568, and 573 that requires registration  
35 as a sex offender under chapter 589;

36 (b) Fifteen percent of the imposed sentence  
37 prior to parole eligibility for a first offense other  
38 than an offense under paragraph (a) of this  
39 subdivision;

40 (c) Twenty percent of the imposed sentence  
41 prior to parole eligibility for a second offense  
42 other than an offense under paragraph (a) of this  
43 subdivision;

44 (d) Fifty percent of the imposed sentence prior

1 ~~to parole eligibility for a third or subsequent~~  
2 ~~offense other than an offense under paragraph (a) of~~  
3 ~~this subdivision;~~

4 ~~(6) For a class A misdemeanor, a term not to~~  
5 ~~exceed one year;~~

6 ~~(7) For a class B misdemeanor, a term not to~~  
7 ~~exceed six months;~~

8 ~~(8) For a class C misdemeanor, a term not to~~  
9 ~~exceed fifteen days.~~

10 ~~2. When a person is sentenced to the authorized~~  
11 ~~term of imprisonment for a higher class than the~~  
12 ~~offense for which the person was found guilty under~~  
13 ~~sections 558.016, 565.079, and 579.170, the person~~  
14 ~~shall also be sentenced to the parole eligibility~~  
15 ~~percentage of the higher class.~~

16 ~~3. The authorized terms of imprisonment under~~  
17 ~~subsections 1 and 2 of this section shall apply to~~  
18 ~~all offenses, except if the terms for parole~~  
19 ~~eligibility otherwise provided by statute result in a~~  
20 ~~higher parole eligibility percentage, in which case~~  
21 ~~the statute resulting in the higher parole~~  
22 ~~eligibility percentage shall apply.~~

23 ~~4. The authorized terms of imprisonment under~~  
24 ~~subsection 1 of this section shall not apply to any~~  
25 ~~offense where a suspended imposition of sentence is~~  
26 ~~imposed or where the matter is referred to an adult~~  
27 ~~treatment court as provided in chapter 478.~~

28 ~~5. In cases of class D and E felonies, the~~  
29 ~~court shall have discretion to imprison for a special~~  
30 ~~term not to exceed one year in the county jail or~~  
31 ~~other authorized penal institution, and the place of~~  
32 ~~confinement shall be fixed by the court. If the~~  
33 ~~court imposes a sentence of imprisonment for a term~~  
34 ~~longer than one year upon a person convicted of a~~  
35 ~~class D or E felony, it shall commit the person to~~  
36 ~~the custody of the department of corrections.~~

37 ~~{3.} 6. (1) When a regular sentence of~~  
38 ~~imprisonment for a felony is imposed, the court shall~~  
39 ~~commit the person to the custody of the department of~~  
40 ~~corrections for the term imposed under section~~  
41 ~~557.036, or until released under procedures~~  
42 ~~established elsewhere by law.~~

43 ~~(2) A sentence of imprisonment for a~~  
44 ~~misdemeanor shall be for a definite term and the~~

1 court shall commit the person to the county jail or  
2 other authorized penal institution for the term of  
3 his or her sentence or until released under procedure  
4 established elsewhere by law.

5 ~~[4.] 7.~~ (1) Except as otherwise provided, a  
6 sentence of imprisonment for a term of years for  
7 felonies other than dangerous felonies as defined in  
8 section 556.061, and other than sentences of  
9 imprisonment which involve the individual's fourth or  
10 subsequent remand to the department of corrections  
11 shall consist of a prison term and a conditional  
12 release term. The conditional release term of any  
13 term imposed under section 557.036 shall be:

14 (a) One-third for terms of nine years or less;

15  
16 (b) Three years for terms between nine and  
17 fifteen years;—

18 (c) Five years for terms more than fifteen  
19 years; and the prison term shall be the remainder of  
20 such term. The prison term may be extended by the  
21 parole board pursuant to subsection ~~[5]~~ 8 of this  
22 section.—

23 (2) "Conditional release" means the conditional  
24 discharge of an offender by the parole board, subject  
25 to conditions of release that the parole board deems  
26 reasonable to assist the offender to lead a law-  
27 abiding life, and subject to the supervision under  
28 the division of probation and parole. The conditions  
29 of release shall include avoidance by the offender of  
30 any other offense, federal or state, and other  
31 conditions that the parole board in its discretion  
32 deems reasonably necessary to assist the releasee in  
33 avoiding further violation of the law.—

34 ~~[5.] 8.~~ The date of conditional release from  
35 the prison term may be extended up to a maximum of  
36 the entire sentence of imprisonment by the parole  
37 board. The director of any division of the  
38 department of corrections except the division of  
39 probation and parole may file with the parole board a  
40 petition to extend the conditional release date when  
41 an offender fails to follow the rules and regulations  
42 of the division or commits an act in violation of  
43 such rules. Within ten working days of receipt of  
44 the petition to extend the conditional release date,

1 the parole board shall convene a hearing on the  
2 petition. The offender shall be present and may call  
3 witnesses in his or her behalf and cross-examine  
4 witnesses appearing against the offender. The  
5 hearing shall be conducted as provided in section  
6 217.670. If the violation occurs in close proximity  
7 to the conditional release date, the conditional  
8 release may be held for a maximum of fifteen working  
9 days to permit necessary time for the division  
10 director to file a petition for an extension with the  
11 parole board and for the parole board to conduct a  
12 hearing, provided some affirmative manifestation of  
13 an intent to extend the conditional release has  
14 occurred prior to the conditional release date. If  
15 at the end of a fifteen working day period a parole  
16 board decision has not been reached, the offender  
17 shall be released conditionally. The decision of the  
18 parole board shall be final.

19 9. Any person who commits a class A or B felony  
20 or an offense under chapters 566, 568, and 573 that  
21 requires registration as a sex offender under chapter  
22 589, on or after January 1, 2028, shall not be  
23 eligible for conditional release for that offense.

24 10. Notwithstanding any other provision of law  
25 to the contrary, any offender who has been found  
26 guilty of a dangerous felony as defined in section  
27 556.061 and is committed to the department of  
28 corrections shall be required to serve eighty-five  
29 percent of the sentence imposed by the court prior to  
30 parole eligibility.

31 11. For the purpose of determining the minimum  
32 time required to be served by the offender before he  
33 or she is eligible for parole, the following  
34 calculations shall apply:

35 (1) A sentence of life shall be calculated to  
36 be thirty years; and

37 (2) Any sentence either alone or in the  
38 aggregate with other consecutive sentences for  
39 offenses committed at or near the same time that is  
40 over seventy-five years shall be calculated to be  
41 seventy-five years.

42 12. When consecutive sentences are imposed by a  
43 court, the minimum percentage for each respective  
44 felony shall be met prior to parole eligibility.

1           ~~13. When concurrent sentences are imposed by a~~  
2           ~~court, the person shall serve the minimum required~~  
3           ~~percentage for the longest sentence prior to parole~~  
4           ~~eligibility.]~~

5           558.011. 1. The authorized terms of imprisonment,  
6           including both prison and conditional release terms, for all  
7           offenses are as follows:

8           (1) For a class A felony, a term of years not less than ten  
9           years and not to exceed thirty years, for  
10          which an offender shall serve seventy percent of the imposed  
11          sentence prior to parole eligibility;

12          (2) For a class B felony, a term of years not less than  
13          five years and not to exceed fifteen years, for which an offender  
14          shall serve fifty percent of the imposed sentence prior to parole  
15          eligibility;

16          (3) For a class C felony, a term of years not less than  
17          three years and not to exceed ten years, for which an offender  
18          shall serve:

19           (a) Forty percent of the imposed sentence prior to parole  
20           eligibility for a conviction under chapter 566, 568, or 573 that  
21           requires registration as a sex offender under chapter 589;

22           (b) Thirty percent of the imposed sentence prior to parole

1 eligibility for a first conviction other than an offense under  
2 paragraph (a) of this subdivision;

3 (c) Thirty-five percent of the imposed sentence prior to  
4 parole eligibility for a second conviction other than an offense  
5 under paragraph (a) of this subdivision;

6 (d) Fifty percent of the imposed sentence prior to parole  
7 eligibility for a third or subsequent conviction other than an  
8 offense under paragraph (a) of this subdivision;

9 (4) For a class D felony, a term of years not to exceed  
10 seven years, for which an offender shall serve:

11 (a) Twenty-five percent of the imposed sentence prior to  
12 parole eligibility for a conviction under chapter 566, 568, or  
13 573 that requires registration as a sex offender under chapter  
14 589;

15 (b) Twenty percent of the imposed sentence prior to parole  
16 eligibility for a first conviction other than an offense under  
17 paragraph (a) of this subdivision;

18 (c) Twenty-five percent of the imposed sentence prior to  
19 parole eligibility for a second conviction other than an offense  
20 under paragraph (a) of this subdivision;

1       (d) Fifty percent of the imposed sentence prior to parole  
2 eligibility for a third or subsequent conviction other than an  
3 offense under paragraph (a) of this subdivision;

4       (5) For a class E felony, a term of years not to exceed  
5 four years, for which an offender shall serve:

6       (a) Twenty-five percent of the imposed sentence prior to  
7 parole eligibility for a conviction under chapter 566, 568, or  
8 573 that requires registration as a sex offender under chapter  
9 589;

10       (b) Fifteen percent of the imposed sentence prior to parole  
11 eligibility for a first conviction other than an offense under  
12 paragraph (a) of this subdivision;

13       (c) Twenty percent of the imposed sentence prior to parole  
14 eligibility for a second conviction other than an offense under  
15 paragraph (a) of this subdivision;

16       (d) Fifty percent of the imposed sentence prior to parole  
17 eligibility for a third or subsequent conviction other than an  
18 offense under paragraph (a) of this subdivision;

19       (6) For a class A misdemeanor, a term not to exceed one  
20 year;

1           (7) For a class B misdemeanor, a term not to exceed six  
2 months;

3           (8) For a class C misdemeanor, a term not to exceed fifteen  
4 days.

5           2. When a person is sentenced to the authorized term of  
6 imprisonment for a higher class than the offense for which the  
7 person was found guilty under section 558.016, 565.079, or  
8 579.170, the person shall also be sentenced to the parole  
9 eligibility percentage of the higher class.

10          3. The authorized terms of imprisonment under subsections 1  
11 and 2 of this section shall apply to all offenses, except if the  
12 terms for parole eligibility otherwise provided by statute result  
13 in a higher parole eligibility percentage, in which case the  
14 statute resulting in the higher parole eligibility percentage  
15 shall apply.

16          4. The authorized terms of imprisonment under subsection 1  
17 of this section shall not apply to any offense where a suspended  
18 imposition of sentence is imposed or where the matter is referred  
19 to an adult treatment court as provided in chapter 478.

20          5. In cases of class D and E felonies, the court shall have

1 discretion to imprison for a special term not to exceed one year  
2 in the county jail or other authorized penal institution, and the  
3 place of confinement shall be fixed by the court. If the court  
4 imposes a sentence of imprisonment for a term longer than one  
5 year upon a person convicted of a class D or E felony, it shall  
6 commit the person to the custody of the department of  
7 corrections.

8 ~~[3.]~~ 6. (1) When a regular sentence of imprisonment for a  
9 felony is imposed, the court shall commit the person to the  
10 custody of the department of corrections for the term imposed  
11 under section 557.036, or until released under procedures  
12 established elsewhere by law.

13 (2) A sentence of imprisonment for a misdemeanor shall be  
14 for a definite term and the court shall commit the person to the  
15 county jail or other authorized penal institution for the term of  
16 his or her sentence or until released under procedure established  
17 elsewhere by law.

18 ~~[4.]~~ 7. (1) Except as otherwise provided, a sentence of  
19 imprisonment for a term of years for felonies other than  
20 dangerous felonies as defined in section 556.061, and other than

1 sentences of imprisonment which involve the individual's fourth  
2 or subsequent remand to the department of corrections shall  
3 consist of a prison term and a conditional release term. The  
4 conditional release term of any term imposed under section  
5 557.036 shall be:

6 (a) One-third for terms of nine years or less;

7 (b) Three years for terms between nine and fifteen years;

8 (c) Five years for terms more than fifteen years; and the  
9 prison term shall be the remainder of such term. The prison term  
10 may be extended by the parole board pursuant to subsection ~~[5]~~ 8  
11 of this section.

12 (2) "Conditional release" means the conditional discharge  
13 of an offender by the parole board, subject to conditions of  
14 release that the parole board deems reasonable to assist the  
15 offender to lead a law-abiding life, and subject to the  
16 supervision under the division of probation and parole. The  
17 conditions of release shall include avoidance by the offender of  
18 any other offense, federal or state, and other conditions that  
19 the parole board in its discretion deems reasonably necessary to  
20 assist the releasee in avoiding further violation of the law.

1           ~~[5.]~~ 8. The date of conditional release from the prison  
2 term may be extended up to a maximum of the entire sentence of  
3 imprisonment by the parole board. The director of any division  
4 of the department of corrections except the division of probation  
5 and parole may file with the parole board a petition to extend  
6 the conditional release date when an offender fails to follow the  
7 rules and regulations of the division or commits an act in  
8 violation of such rules. Within ten working days of receipt of  
9 the petition to extend the conditional release date, the parole  
10 board shall convene a hearing on the petition. The offender  
11 shall be present and may call witnesses in his or her behalf and  
12 cross-examine witnesses appearing against the offender. The  
13 hearing shall be conducted as provided in section 217.670. If  
14 the violation occurs in close proximity to the conditional  
15 release date, the conditional release may be held for a maximum  
16 of fifteen working days to permit necessary time for the division  
17 director to file a petition for an extension with the parole  
18 board and for the parole board to conduct a hearing, provided  
19 some affirmative manifestation of an intent to extend the  
20 conditional release has occurred prior to the conditional release

1 date. If at the end of a fifteen-working-day period a parole  
2 board decision has not been reached, the offender shall be  
3 released conditionally. The decision of the parole board shall  
4 be final.

5 9. Any person who commits a class A or B felony or an  
6 offense under chapter 566, 568, or 573 that requires registration  
7 as a sex offender under chapter 589, on or after January 1, 2028,  
8 shall not be eligible for conditional release for that offense.

9 10. Notwithstanding any other provision of law to the  
10 contrary, any offender who has been found guilty of a dangerous  
11 felony as defined in section 556.061 and is committed to the  
12 department of corrections shall be required to serve eighty-five  
13 percent of the sentence imposed by the court prior to parole  
14 eligibility.

15 11. For the purpose of determining the minimum time  
16 required to be served by the offender before he or she is  
17 eligible for parole, the following calculations shall apply:

18 (1) A sentence of life shall be calculated to be thirty  
19 years; and

20 (2) Any sentence either alone or in the aggregate with

1 other consecutive sentences for offenses committed at or near the  
2 same time that is over seventy-five years shall be calculated to  
3 be seventy-five years.

4 12. When consecutive sentences are imposed by a court, the  
5 minimum percentage for each respective felony shall be met prior  
6 to parole eligibility.

7 13. When concurrent sentences are imposed by a court, the  
8 person shall serve the minimum required percentage for the  
9 longest sentence prior to parole eligibility.

10 558.016. 1. The court may sentence a person who has been  
11 found guilty of an offense to a term of imprisonment as  
12 authorized by section 558.011 or to a term of imprisonment  
13 authorized by a statute governing the offense if it finds the  
14 defendant is a prior offender or a persistent misdemeanor  
15 offender. The court [~~may~~] shall sentence a person to an extended  
16 term of imprisonment if:

17 (1) The defendant is a persistent offender or a dangerous  
18 offender, and the person is sentenced under subsection 7 of this  
19 section;

20 (2) The statute under which the person was found guilty

1 contains a sentencing enhancement provision that is based on a  
2 prior finding of guilt or a finding of prior criminal conduct and  
3 the person is sentenced according to the statute; or

4 (3) A more specific sentencing enhancement provision  
5 applies that is based on a prior finding of guilt or a finding of  
6 prior criminal conduct.

7 2. A "prior offender" is one who has been found guilty of  
8 one felony.

9 3. A "persistent offender" is one who has been found guilty  
10 of two or more felonies committed at different times, or one who  
11 has been previously found guilty of a dangerous felony as defined  
12 in subdivision (19) of section 556.061.

13 4. A "dangerous offender" is one who:

14 (1) Is being sentenced for a felony during the commission  
15 of which he knowingly murdered or endangered or threatened the  
16 life of another person or knowingly inflicted or attempted or  
17 threatened to inflict serious physical injury on another person;  
18 and

19 (2) Has been found guilty of a class A or B felony or a  
20 dangerous felony.

1           5. A "persistent misdemeanor offender" is one who has been  
2 found guilty of two or more offenses, committed at different  
3 times that are classified as A or B misdemeanors under the laws  
4 of this state.

5           6. The findings of guilt shall be prior to the date of  
6 commission of the present offense.

7           7. The court shall sentence a person, who has been found to  
8 be a persistent offender or a dangerous offender, and is found  
9 guilty of a class B, C, D, or E felony to the authorized term of  
10 imprisonment for the offense that is one class higher than the  
11 offense for which the person is found guilty.

12                   ~~558.019. 1. [This section shall not be~~  
13 ~~construed to affect the powers of the governor under~~  
14 ~~Article IV, Section 7, of the Missouri Constitution.~~  
15 ~~This statute shall not affect those provisions of~~  
16 ~~section 565.020 or section 566.125, which set minimum~~  
17 ~~terms of sentences, or the provisions of section~~  
18 ~~559.115, relating to probation.~~

19                   ~~2. The provisions of subsections 2 to 5 of this~~  
20 ~~section shall only be applicable to the offenses~~  
21 ~~contained in sections 565.021, 565.023, 565.024,~~  
22 ~~565.027, 565.050, 565.052, 565.054, 565.072, 565.073,~~  
23 ~~565.074, 565.090, 565.110, 565.115, 565.120, 565.153,~~  
24 ~~565.156, 565.225, 565.300, 566.030, 566.031, 566.032,~~  
25 ~~566.034, 566.060, 566.061, 566.062, 566.064, 566.067,~~  
26 ~~566.068, 566.069, 566.071, 566.083, 566.086, 566.100,~~  
27 ~~566.101, 566.103, 566.111, 566.115, 566.145, 566.151,~~  
28 ~~566.153, 566.203, 566.206, 566.209, 566.210, 566.211,~~  
29 ~~566.215, 568.030, 568.045, 568.060, 568.065, 568.175,~~  
30 ~~569.040, 569.160, 570.023, 570.025, 570.030 when~~  
31 ~~punished as a class A, B, or C felony, 570.145 when~~

1 ~~punished as a class A or B felony, 570.223 when~~  
2 ~~punished as a class B or C felony, 571.020, 571.030,~~  
3 ~~571.070, 573.023, 573.025, 573.035, 573.037, 573.200,~~  
4 ~~573.205, 574.070, 574.080, 574.115, 575.030, 575.150,~~  
5 ~~575.153, 575.155, 575.157, 575.200 when punished as a~~  
6 ~~class A felony, 575.210, 575.230 when punished as a~~  
7 ~~class B felony, 575.240 when punished as a class B~~  
8 ~~felony, 576.070, 576.080, 577.010, 577.013, 577.078,~~  
9 ~~577.703, 577.706, 579.065, and 579.068 when punished~~  
10 ~~as a class A or B felony. For the purposes of this~~  
11 ~~section, "prison commitment" means and is the receipt~~  
12 ~~by the department of corrections of an offender after~~  
13 ~~sentencing. For purposes of this section, prior~~  
14 ~~prison commitments to the department of corrections~~  
15 ~~shall not include an offender's first incarceration~~  
16 ~~prior to release on probation under section 217.362~~  
17 ~~or 559.115. Other provisions of the law to the~~  
18 ~~contrary notwithstanding, any offender who has been~~  
19 ~~found guilty of a felony other than a dangerous~~  
20 ~~felony as defined in section 556.061 and is committed~~  
21 ~~to the department of corrections shall be required to~~  
22 ~~serve the following minimum prison terms:~~

23 ~~(1) If the offender has one previous prison~~  
24 ~~commitment to the department of corrections for a~~  
25 ~~felony offense, the minimum prison term which the~~  
26 ~~offender must serve shall be forty percent of his or~~  
27 ~~her sentence or until the offender attains seventy~~  
28 ~~years of age, and has served at least thirty percent~~  
29 ~~of the sentence imposed, whichever occurs first;~~

30 ~~(2) If the offender has two previous prison~~  
31 ~~commitments to the department of corrections for~~  
32 ~~felonies unrelated to the present offense, the~~  
33 ~~minimum prison term which the offender must serve~~  
34 ~~shall be fifty percent of his or her sentence or~~  
35 ~~until the offender attains seventy years of age, and~~  
36 ~~has served at least forty percent of the sentence~~  
37 ~~imposed, whichever occurs first;~~

38 ~~(3) If the offender has three or more previous~~  
39 ~~prison commitments to the department of corrections~~  
40 ~~for felonies unrelated to the present offense, the~~  
41 ~~minimum prison term which the offender must serve~~  
42 ~~shall be eighty percent of his or her sentence or~~  
43 ~~until the offender attains seventy years of age, and~~  
44 ~~has served at least forty percent of the sentence~~

1 ~~imposed, whichever occurs first.~~

2 ~~3. Other provisions of the law to the contrary~~  
3 ~~notwithstanding, any offender who has been found~~  
4 ~~guilty of a dangerous felony as defined in section~~  
5 ~~556.061 and is committed to the department of~~  
6 ~~corrections shall be required to serve a minimum~~  
7 ~~prison term of eighty-five percent of the sentence~~  
8 ~~imposed by the court or until the offender attains~~  
9 ~~seventy years of age, and has served at least forty~~  
10 ~~percent of the sentence imposed, whichever occurs~~  
11 ~~first.~~

12 ~~4. For the purpose of determining the minimum~~  
13 ~~prison term to be served, the following calculations~~  
14 ~~shall apply:~~

15 ~~(1) A sentence of life shall be calculated to~~  
16 ~~be thirty years;~~

17 ~~(2) Any sentence either alone or in the~~  
18 ~~aggregate with other consecutive sentences for~~  
19 ~~offenses committed at or near the same time which is~~  
20 ~~over seventy-five years shall be calculated to be~~  
21 ~~seventy-five years.~~

22 ~~5. For purposes of this section, the term~~  
23 ~~"minimum prison term" shall mean time required to be~~  
24 ~~served by the offender before he or she is eligible~~  
25 ~~for parole, conditional release or other early~~  
26 ~~release by the department of corrections.~~

27 ~~6. An offender who was convicted of, or pled~~  
28 ~~guilty to, a felony offense other than those offenses~~  
29 ~~listed in subsection 2 of this section prior to~~  
30 ~~August 28, 2019, shall no longer be subject to the~~  
31 ~~minimum prison term provisions under subsection 2 of~~  
32 ~~this section, and shall be eligible for parole,~~  
33 ~~conditional release, or other early release by the~~  
34 ~~department of corrections according to the rules and~~  
35 ~~regulations of the department.~~

36 ~~7.] (1) A sentencing advisory commission is~~  
37 ~~hereby created to consist of eleven members. One~~  
38 ~~member shall be appointed by the speaker of the~~  
39 ~~house. One member shall be appointed by the~~  
40 ~~president pro tem of the senate. One member shall be~~  
41 ~~the director of the department of corrections. Six~~  
42 ~~members shall be appointed by and serve at the~~  
43 ~~pleasure of the governor from among the following:~~  
44 ~~the public defender commission; private citizens; a~~

1 private member of the Missouri Bar; the board of  
2 probation and parole; and a prosecutor. Two members  
3 shall be appointed by the supreme court, one from a  
4 metropolitan area and one from a rural area. All  
5 members shall be appointed to a four-year term. All  
6 members of the sentencing commission appointed prior  
7 to August 28, 1994, shall continue to serve on the  
8 sentencing advisory commission at the pleasure of the  
9 governor.

10 (2) The commission shall study sentencing  
11 practices in the circuit courts throughout the state  
12 for the purpose of determining whether and to what  
13 extent disparities exist among the various circuit  
14 courts with respect to the length of sentences  
15 imposed and the use of probation for offenders  
16 convicted of the same or similar offenses and with  
17 similar criminal histories. The commission shall  
18 also study and examine whether and to what extent  
19 sentencing disparity among economic and social  
20 classes exists in relation to the sentence of death  
21 and if so, the reasons therefor, if sentences are  
22 comparable to other states, if the length of the  
23 sentence is appropriate, and the rate of  
24 rehabilitation based on sentence. It shall compile  
25 statistics, examine cases, draw conclusions, and  
26 perform other duties relevant to the research and  
27 investigation of disparities in death penalty  
28 sentencing among economic and social classes.

29 (3) The commission shall study alternative  
30 sentences, prison work programs, work release, home-  
31 based incarceration, probation and parole options,  
32 and any other programs and report the feasibility of  
33 these options in Missouri.

34 (4) The governor shall select a chairperson who  
35 shall call meetings of the commission as required or  
36 permitted pursuant to the purpose of the sentencing  
37 commission.

38 (5) The members of the commission shall not  
39 receive compensation for their duties on the  
40 commission, but shall be reimbursed for actual and  
41 necessary expenses incurred in the performance of  
42 these duties and for which they are not reimbursed by  
43 reason of their other paid positions.

44 (6) The circuit and associate circuit courts of

1 this state, the office of the state courts  
2 administrator, the department of public safety, and  
3 the department of corrections shall cooperate with  
4 the commission by providing information or access to  
5 information needed by the commission. The office of  
6 the state courts administrator will provide needed  
7 staffing resources.

8 ~~{8.} 2.~~ Courts shall retain discretion to lower  
9 or exceed the sentence recommended by the commission  
10 as otherwise allowable by law, and to order  
11 restorative justice methods, when applicable.

12 ~~{9.} 3.~~ If the imposition or execution of a  
13 sentence is suspended, the court may order any or all  
14 of the following restorative justice methods, or any  
15 other method that the court finds just or  
16 appropriate:

17 (1) Restitution to any victim or a statutorily  
18 created fund for costs incurred as a result of the  
19 offender's actions;

20 (2) Offender treatment programs;

21 (3) Mandatory community service;

22 (4) Work release programs in local facilities;

23 and

24 (5) Community-based residential and  
25 nonresidential programs.

26 ~~{10.} 4.~~ Pursuant to subdivision (1) of  
27 subsection ~~[9]~~ 3 of this section, the court may order  
28 the assessment and payment of a designated amount of  
29 restitution to a county law enforcement restitution  
30 fund established by the county commission pursuant to  
31 section 50.565. Such contribution shall not exceed  
32 three hundred dollars for any charged offense. Any  
33 restitution moneys deposited into the county law  
34 enforcement restitution fund pursuant to this section  
35 shall only be expended pursuant to the provisions of  
36 section 50.565.

37 ~~{11.} 5.~~ A judge may order payment to a  
38 restitution fund only if such fund had been created  
39 by ordinance or resolution of a county of the state  
40 of Missouri prior to sentencing. A judge shall not  
41 have any direct supervisory authority or  
42 administrative control over any fund to which the  
43 judge is ordering a person to make payment.

44 ~~{12.} 6.~~ A person who fails to make a payment

1 to a county law enforcement restitution fund may not  
2 have his or her probation revoked solely for failing  
3 to make such payment unless the judge, after  
4 evidentiary hearing, makes a finding supported by a  
5 preponderance of the evidence that the person either  
6 willfully refused to make the payment or that the  
7 person willfully, intentionally, and purposefully  
8 failed to make sufficient bona fide efforts to  
9 acquire the resources to pay.

10 ~~[13.] 7. Nothing in this section shall be~~  
11 ~~construed to allow the sentencing advisory commission~~  
12 ~~to issue recommended sentences in specific cases~~  
13 ~~pending in the courts of this state.]~~

14 558.019. 1. ~~[This section shall not be construed to affect~~  
15 ~~the powers of the governor under Article IV, Section 7, of the~~  
16 ~~Missouri Constitution. This statute shall not affect those~~  
17 ~~provisions of section 565.020 or section 566.125, which set~~  
18 ~~minimum terms of sentences, or the provisions of section 559.115,~~  
19 ~~relating to probation.~~

20 2. ~~The provisions of subsections 2 to 5 of this section~~  
21 ~~shall only be applicable to the offenses contained in sections~~  
22 ~~565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054,~~  
23 ~~565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120,~~  
24 ~~565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032,~~  
25 ~~566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068,~~  
26 ~~566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,~~  
27 ~~566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206,~~

1 ~~566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060,~~  
2 ~~568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030~~  
3 ~~when punished as a class A, B, or C felony, 570.145 when punished~~  
4 ~~as a class A or B felony, 570.223 when punished as a class B or C~~  
5 ~~felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035,~~  
6 ~~573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,~~  
7 ~~575.150, 575.153, 575.155, 575.157, 575.200 when punished as a~~  
8 ~~class A felony, 575.210, 575.230 when punished as a class B~~  
9 ~~felony, 575.240 when punished as a class B felony, 576.070,~~  
10 ~~576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065,~~  
11 ~~and 579.068 when punished as a class A or B felony. For the~~  
12 ~~purposes of this section, "prison commitment" means and is the~~  
13 ~~receipt by the department of corrections of an offender after~~  
14 ~~sentencing. For purposes of this section, prior prison~~  
15 ~~commitments to the department of corrections shall not include an~~  
16 ~~offender's first incarceration prior to release on probation~~  
17 ~~under section 217.362 or 559.115. Other provisions of the law to~~  
18 ~~the contrary notwithstanding, any offender who has been found~~  
19 ~~guilty of a felony other than a dangerous felony as defined in~~  
20 ~~section 556.061 and is committed to the department of corrections~~

1 shall be required to serve the following minimum prison terms:

2 ~~(1) If the offender has one previous prison commitment to~~  
3 ~~the department of corrections for a felony offense, the minimum~~  
4 ~~prison term which the offender must serve shall be forty percent~~  
5 ~~of his or her sentence or until the offender attains seventy~~  
6 ~~years of age, and has served at least thirty percent of the~~  
7 ~~sentence imposed, whichever occurs first;~~

8 ~~(2) If the offender has two previous prison commitments to~~  
9 ~~the department of corrections for felonies unrelated to the~~  
10 ~~present offense, the minimum prison term which the offender must~~  
11 ~~serve shall be fifty percent of his or her sentence or until the~~  
12 ~~offender attains seventy years of age, and has served at least~~  
13 ~~forty percent of the sentence imposed, whichever occurs first;~~

14 ~~(3) If the offender has three or more previous prison~~  
15 ~~commitments to the department of corrections for felonies~~  
16 ~~unrelated to the present offense, the minimum prison term which~~  
17 ~~the offender must serve shall be eighty percent of his or her~~  
18 ~~sentence or until the offender attains seventy years of age, and~~  
19 ~~has served at least forty percent of the sentence imposed,~~  
20 ~~whichever occurs first.~~

1           ~~3. Other provisions of the law to the contrary~~  
2           ~~notwithstanding, any offender who has been found guilty of a~~  
3           ~~dangerous felony as defined in section 556.061 and is committed~~  
4           ~~to the department of corrections shall be required to serve a~~  
5           ~~minimum prison term of eighty-five percent of the sentence~~  
6           ~~imposed by the court or until the offender attains seventy years~~  
7           ~~of age, and has served at least forty percent of the sentence~~  
8           ~~imposed, whichever occurs first.~~

9           ~~4. For the purpose of determining the minimum prison term~~  
10          ~~to be served, the following calculations shall apply:~~

11          ~~(1) A sentence of life shall be calculated to be thirty~~  
12          ~~years;~~

13          ~~(2) Any sentence either alone or in the aggregate with~~  
14          ~~other consecutive sentences for offenses committed at or near the~~  
15          ~~same time which is over seventy-five years shall be calculated to~~  
16          ~~be seventy-five years.~~

17          ~~5. For purposes of this section, the term "minimum prison~~  
18          ~~term" shall mean time required to be served by the offender~~  
19          ~~before he or she is eligible for parole, conditional release or~~  
20          ~~other early release by the department of corrections.~~

1           ~~6. An offender who was convicted of, or pled guilty to, a~~  
2 ~~felony offense other than those offenses listed in subsection 2~~  
3 ~~of this section prior to August 28, 2019, shall no longer be~~  
4 ~~subject to the minimum prison term provisions under subsection 2~~  
5 ~~of this section, and shall be eligible for parole, conditional~~  
6 ~~release, or other early release by the department of corrections~~  
7 ~~according to the rules and regulations of the department.~~

8           7.] (1) A sentencing advisory commission is hereby created  
9 to consist of eleven members. One member shall be appointed by  
10 the speaker of the house. One member shall be appointed by the  
11 president pro tem of the senate. One member shall be the  
12 director of the department of corrections. Six members shall be  
13 appointed by and serve at the pleasure of the governor from among  
14 the following: the public defender commission; private citizens;  
15 a private member of the Missouri Bar; the board of probation and  
16 parole; and a prosecutor. Two members shall be appointed by the  
17 supreme court, one from a metropolitan area and one from a rural  
18 area. All members shall be appointed to a four-year term. All  
19 members of the sentencing commission appointed prior to August  
20 28, 1994, shall continue to serve on the sentencing advisory

1 commission at the pleasure of the governor.

2 (2) The commission shall study sentencing practices in the  
3 circuit courts throughout the state for the purpose of  
4 determining whether and to what extent disparities exist among  
5 the various circuit courts with respect to the length of  
6 sentences imposed and the use of probation for offenders  
7 convicted of the same or similar offenses and with similar  
8 criminal histories. The commission shall also study and examine  
9 whether and to what extent sentencing disparity among economic  
10 and social classes exists in relation to the sentence of death  
11 and if so, the reasons therefor, if sentences are comparable to  
12 other states, if the length of the sentence is appropriate, and  
13 the rate of rehabilitation based on sentence. It shall compile  
14 statistics, examine cases, draw conclusions, and perform other  
15 duties relevant to the research and investigation of disparities  
16 in death penalty sentencing among economic and social classes.

17 (3) The commission shall study alternative sentences,  
18 prison work programs, work release, home-based incarceration,  
19 probation and parole options, and any other programs and report  
20 the feasibility of these options in Missouri.

1           (4) The governor shall select a chairperson who shall call  
2 meetings of the commission as required or permitted pursuant to  
3 the purpose of the sentencing commission.

4           (5) The members of the commission shall not receive  
5 compensation for their duties on the commission, but shall be  
6 reimbursed for actual and necessary expenses incurred in the  
7 performance of these duties and for which they are not reimbursed  
8 by reason of their other paid positions.

9           (6) The circuit and associate circuit courts of this state,  
10 the office of the state courts administrator, the department of  
11 public safety, and the department of corrections shall cooperate  
12 with the commission by providing information or access to  
13 information needed by the commission. The office of the state  
14 courts administrator will provide needed staffing resources.

15           ~~[8.]~~ 2. Courts shall retain discretion to lower or exceed  
16 the sentence recommended by the commission as otherwise allowable  
17 by law, and to order restorative justice methods, when  
18 applicable.

19           ~~[9.]~~ 3. If the imposition or execution of a sentence is  
20 suspended, the court may order any or all of the following

1 restorative justice methods, or any other method that the court  
2 finds just or appropriate:

- 3 (1) Restitution to any victim or a statutorily created fund  
4 for costs incurred as a result of the offender's actions;
- 5 (2) Offender treatment programs;
- 6 (3) Mandatory community service;
- 7 (4) Work release programs in local facilities; and
- 8 (5) Community-based residential and nonresidential  
9 programs.

10 ~~[10.]~~ 4. Pursuant to subdivision (1) of subsection ~~[9]~~ 3 of  
11 this section, the court may order the assessment and payment of a  
12 designated amount of restitution to a county law enforcement  
13 restitution fund established by the county commission pursuant to  
14 section 50.565. Such contribution shall not exceed three hundred  
15 dollars for any charged offense. Any restitution moneys  
16 deposited into the county law enforcement restitution fund  
17 pursuant to this section shall only be expended pursuant to the  
18 provisions of section 50.565.

19 ~~[11.]~~ 5. A judge may order payment to a restitution fund  
20 only if such fund had been created by ordinance or resolution of

1 a county of the state of Missouri prior to sentencing. A judge  
2 shall not have any direct supervisory authority or administrative  
3 control over any fund to which the judge is ordering a person to  
4 make payment.

5 ~~[12.]~~ 6. A person who fails to make a payment to a county  
6 law enforcement restitution fund may not have his or her  
7 probation revoked solely for failing to make such payment unless  
8 the judge, after evidentiary hearing, makes a finding supported  
9 by a preponderance of the evidence that the person either  
10 willfully refused to make the payment or that the person  
11 willfully, intentionally, and purposefully failed to make  
12 sufficient bona fide efforts to acquire the resources to pay.

13 ~~[13.]~~ 7. Nothing in this section shall be construed to  
14 allow the sentencing advisory commission to issue recommended  
15 sentences in specific cases pending in the courts of this state.

16 ~~[558.026. 1. Multiple sentences of~~  
17 ~~imprisonment shall run concurrently unless the court~~  
18 ~~specifies that they shall run consecutively; except~~  
19 ~~in the case of multiple sentences of imprisonment~~  
20 ~~imposed for any offense committed during or at the~~  
21 ~~same time as, or multiple offenses of, the following~~  
22 ~~felonies:~~

23 ~~(1) Rape in the first degree, forcible rape, or~~  
24 ~~rape;~~

25 ~~(2) Statutory rape in the first degree;~~

26 ~~(3) Sodomy in the first degree, forcible~~

1 ~~sodomy, or sodomy,~~

2 ~~(4) Statutory sodomy in the first degree, or~~

3 ~~(5) An attempt to commit any of the felonies~~  
4 ~~listed in this subsection. In such case, the sentence~~  
5 ~~of imprisonment imposed for any felony listed in this~~  
6 ~~subsection or an attempt to commit any of the~~  
7 ~~aforsaid shall run consecutively to the other~~  
8 ~~sentences. The sentences imposed for any other~~  
9 ~~offense may run concurrently.~~

10 ~~2. If a person who is on probation, parole or~~  
11 ~~conditional release is sentenced to a term of~~  
12 ~~imprisonment for an offense committed after the~~  
13 ~~granting of probation or parole or after the start of~~  
14 ~~his or her conditional release term, the court shall~~  
15 ~~direct the manner in which the sentence or sentences~~  
16 ~~imposed by the court shall run with respect to any~~  
17 ~~resulting probation, parole or conditional release~~  
18 ~~revocation term or terms. If the subsequent sentence~~  
19 ~~to imprisonment is in another jurisdiction, the court~~  
20 ~~shall specify how any resulting probation, parole or~~  
21 ~~conditional release revocation term or terms shall~~  
22 ~~run with respect to the foreign sentence of~~  
23 ~~imprisonment.~~

24 ~~3. A court may cause any sentence it imposes to~~  
25 ~~run concurrently with a sentence an individual is~~  
26 ~~servng or is to serve in another state or in a~~  
27 ~~federal correctional center. If the Missouri~~  
28 ~~sentence is served in another state or in a federal~~  
29 ~~correctional center, subsection [4] 7 of section~~  
30 ~~558.011 and section 217.690 shall apply as if the~~  
31 ~~individual were serving his or her sentence within~~  
32 ~~the department of corrections of the state of~~  
33 ~~Missouri, except that a personal hearing before the~~  
34 ~~parole board shall not be required for parole~~  
35 ~~consideration.]~~

36 558.026. 1. Multiple sentences of imprisonment shall run  
37 concurrently unless the court specifies that they shall run  
38 consecutively; except in the case of multiple sentences of  
39 imprisonment imposed for any offense committed during or at the

1 same time as, or multiple offenses of, the following felonies:

2 (1) Rape in the first degree, forcible rape, or rape;

3 (2) Statutory rape in the first degree;

4 (3) Sodomy in the first degree, forcible sodomy, or sodomy;

5 (4) Statutory sodomy in the first degree; or

6 (5) An attempt to commit any of the felonies listed in this

7 subsection. In such case, the sentence of imprisonment imposed

8 for any felony listed in this subsection or an attempt to commit

9 any of the aforesaid shall run consecutively to the other

10 sentences. The sentences imposed for any other offense may run

11 concurrently.

12 2. If a person who is on probation, parole or conditional

13 release is sentenced to a term of imprisonment for an offense

14 committed after the granting of probation or parole or after the

15 start of his or her conditional release term, the court shall

16 direct the manner in which the sentence or sentences imposed by

17 the court shall run with respect to any resulting probation,

18 parole or conditional release revocation term or terms. If the

19 subsequent sentence to imprisonment is in another jurisdiction,

20 the court shall specify how any resulting probation, parole or

1 conditional release revocation term or terms shall run with  
2 respect to the foreign sentence of imprisonment.

3 3. A court may cause any sentence it imposes to run  
4 concurrently with a sentence an individual is serving or is to  
5 serve in another state or in a federal correctional center. If  
6 the Missouri sentence is served in another state or in a federal  
7 correctional center, subsection ~~[4]~~ 7 of section 558.011 and  
8 section 217.690 shall apply as if the individual were serving his  
9 or her sentence within the department of corrections of the state  
10 of Missouri, except that a personal hearing before the parole  
11 board shall not be required for parole consideration.

12 ~~[558.031. 1. A sentence of imprisonment shall~~  
13 ~~commence when a person convicted of an offense in~~  
14 ~~this state is received into the custody of the~~  
15 ~~department of corrections or other place of~~  
16 ~~confinement where the offender is sentenced.~~

17 ~~2. [Such] When placing a person on probation~~  
18 ~~for a suspended imposition of sentence, probation for~~  
19 ~~a suspended execution of sentence, or when executing~~  
20 ~~a sentence of imprisonment, the court shall record,~~  
21 ~~as part of each judgment, the number of days the~~  
22 ~~person [shall receive credit toward the service of a~~  
23 ~~sentence of imprisonment for all time] was in prison,~~  
24 ~~jail, or custody, that was related to the offense,~~  
25 ~~after the offense occurred and before [the~~  
26 ~~commencement of the sentence, when the time in~~  
27 ~~eustody was related to that offense] being sentenced~~  
28 ~~to imprisonment and the defendant shall be awarded~~  
29 ~~credit toward the service of a sentence of~~  
30 ~~imprisonment for that number of days. [This] The~~  
31 ~~jail time credit calculation shall be based upon the~~

1 certification of the sheriff as provided in  
2 subdivision (3) of subsection 2 of section 217.305  
3 and may be supplemented by a certificate of a sheriff  
4 or other custodial officer from another jurisdiction  
5 having held the person on the charge of the offense  
6 for which the sentence of imprisonment is ordered and  
7 shall be pronounced at the time of the judgment, the  
8 execution of a suspended sentence, or the suspension  
9 of imposition of sentence, shall be included in the  
10 record, and shall include both the dates the person  
11 was in custody and the number of days to be credited  
12 toward the service of the sentence.

13 3. For purposes of this section, time in  
14 custody related to an offense includes time during  
15 which the offense was charged in a criminal  
16 proceeding, there was an arrest warrant issued in  
17 said criminal proceeding, and the arrest warrant was  
18 served upon the person, and includes time served on  
19 house arrest. The person shall not be entitled to  
20 any credit toward the service of a sentence of  
21 imprisonment for any time such person was not being  
22 held on said arrest warrant because such person  
23 posted bond, the arrest warrant was recalled, or the  
24 person was otherwise released.

25 4. The court may take judicial notice of all  
26 time the person has served in prison, jail, or  
27 custody, or on house arrest for a criminal proceeding  
28 by comparing dates of service on arrest warrants with  
29 evidence contained within the court file of dates of  
30 release and the prosecution and defense attorney may  
31 enter into a stipulation with regard to credit for  
32 the service of a sentence of imprisonment for all  
33 time in prison, jail, or custody, or on house arrest  
34 except in no event may the court approve a  
35 stipulation that is greater than or less than the  
36 time in custody related to an offense.

37 5. Upon motion and notice by defendant or  
38 defense counsel, for any such person who was held in  
39 a juvenile detention facility for an offense for  
40 which such person was subsequently adjudicated to  
41 stand trial as an adult, the court may also award  
42 credit toward the service of a sentence of  
43 imprisonment for any time such person was confined in  
44 a juvenile detention facility.

1           ~~6. In the event a criminal proceeding related~~  
2 ~~to an offense is dismissed without prejudice by a~~  
3 ~~court or nolle prossed by the state, upon motion and~~  
4 ~~notice by defendant or defense counsel, the~~  
5 ~~proceeding may be consolidated into the present~~  
6 ~~matter for purposes of calculating credit for the~~  
7 ~~service of a sentence of imprisonment.~~

8           ~~7. The officer required by law to deliver a~~  
9 ~~person convicted of an offense in this state to the~~  
10 ~~department of corrections shall endorse upon the~~  
11 ~~papers required by section 217.305 both the dates the~~  
12 ~~offender was in custody and the period of time to be~~  
13 ~~credited toward the service of the sentence of~~  
14 ~~imprisonment, [except as endorsed by such officer]~~  
15 ~~included in the judgment or suspended imposition of~~  
16 ~~sentence and such additional days after the~~  
17 ~~pronouncement of sentence and before the delivery of~~  
18 ~~the person to the department of corrections.~~

19           ~~[4.] 8. If a person convicted of an offense~~  
20 ~~escapes from custody, such escape shall interrupt the~~  
21 ~~sentence. The interruption shall continue until such~~  
22 ~~person is returned to the correctional center where~~  
23 ~~the sentence was being served, or in the case of a~~  
24 ~~person committed to the custody of the department of~~  
25 ~~corrections, to any correctional center operated by~~  
26 ~~the department of corrections. An escape shall also~~  
27 ~~interrupt the jail time credit to be applied to a~~  
28 ~~sentence which had not commenced when the escape~~  
29 ~~occurred.~~

30           ~~[5.] 9. If a sentence of imprisonment is~~  
31 ~~vacated and a new sentence imposed upon the offender~~  
32 ~~for that offense, all time served under the vacated~~  
33 ~~sentence shall be credited against the new sentence,~~  
34 ~~unless the time has already been credited to another~~  
35 ~~sentence as provided in subsection 1 of this section.~~

36           ~~[6.] 10. If a person released from imprisonment~~  
37 ~~on parole or serving a conditional release term~~  
38 ~~violates any of the conditions of his or her parole~~  
39 ~~or release, he or she may be treated as a parole~~  
40 ~~violate. If the parole board revokes the parole or~~  
41 ~~conditional release, the paroled person shall serve~~  
42 ~~the remainder of the prison term and conditional~~  
43 ~~release term, as an additional prison term, and the~~  
44 ~~conditionally released person shall serve the~~

1 remainder of the conditional release term as a prison  
2 term, unless released on parole.

3 ~~[7. Subsection 2 of this section shall be  
4 applicable to offenses for which the offender was  
5 sentenced on or after August 28, 2023.~~

6 ~~8. The total amount of credit given shall not  
7 exceed the number of days spent in prison, jail, or  
8 custody after the offense occurred and before the  
9 commencement of the sentence.]~~

10 ~~11. A person may only challenge credit awarded  
11 or not awarded pursuant to this section by the filing  
12 of a petition for a writ of habeas corpus.]~~

13 558.031. 1. A sentence of imprisonment shall commence when  
14 a person convicted of an offense in this state is received into  
15 the custody of the department of corrections or other place of  
16 confinement where the offender is sentenced.

17 2. ~~[Such]~~ When placing a person on probation for a  
18 suspended imposition of sentence, probation for a suspended  
19 execution of sentence, or when executing a sentence of  
20 imprisonment, the court shall record, as part of each judgment,  
21 the number of days the person ~~[shall receive credit toward the~~  
22 ~~service of a sentence of imprisonment for all time]~~ was in  
23 prison, jail, or custody, that was related to the offense, after  
24 the offense occurred and before ~~[the commencement of the~~  
25 ~~sentence, when the time in custody was related to that offense]~~  
26 being sentenced to imprisonment and the defendant shall be

1 awarded credit toward the service of a sentence of imprisonment  
2 for that number of days. [This] The jail time credit calculation  
3 shall be based upon the certification of the sheriff as provided  
4 in subdivision (3) of subsection 2 of section 217.305 and may be  
5 supplemented by a certificate of a sheriff or other custodial  
6 officer from another jurisdiction having held the person on the  
7 charge of the offense for which the sentence of imprisonment is  
8 ordered and shall be pronounced at the time of the judgment, the  
9 execution of a suspended sentence, or the suspension of  
10 imposition of sentence, shall be included in the record, and  
11 shall include both the dates the person was in custody and the  
12 number of days to be credited toward the service of the sentence.

13 3. For purposes of this section, time in custody related to  
14 an offense includes time during which the offense was charged in  
15 a criminal proceeding, there was an arrest warrant issued in said  
16 criminal proceeding, and the arrest warrant was served upon the  
17 person, and includes time served on house arrest. The person  
18 shall not be entitled to any credit toward the service of a  
19 sentence of imprisonment for any time such person was not being  
20 held on said arrest warrant because such person posted bond, the

1 arrest warrant was recalled, or the person was otherwise  
2 released.

3 4. The court may take judicial notice of all time the  
4 person has served in prison, jail, or custody, or on house arrest  
5 for a criminal proceeding by comparing dates of service on arrest  
6 warrants with evidence contained within the court file of dates  
7 of release and the prosecution and defense attorney may enter  
8 into a stipulation with regard to credit for the service of a  
9 sentence of imprisonment for all time in prison, jail, or  
10 custody, or on house arrest except in no event may the court  
11 approve a stipulation that is greater than or less than the time  
12 in custody related to an offense.

13 5. Upon motion and notice by defendant or defense counsel,  
14 for any such person who was held in a juvenile detention facility  
15 for an offense for which such person was subsequently adjudicated  
16 to stand trial as an adult, the court may also award credit  
17 toward the service of a sentence of imprisonment for any time  
18 such person was confined in a juvenile detention facility.

19 6. In the event a criminal proceeding related to an offense  
20 is dismissed without prejudice by a court or nolle prossed by the

1 state, upon motion and notice by defendant or defense counsel,  
2 the proceeding may be consolidated into the present matter for  
3 purposes of calculating credit for the service of a sentence of  
4 imprisonment.

5 7. The officer required by law to deliver a person  
6 convicted of an offense in this state to the department of  
7 corrections shall endorse upon the papers required by section  
8 217.305 both the dates the offender was in custody and the period  
9 of time to be credited toward the service of the sentence of  
10 imprisonment, [~~except as endorsed by such officer~~] included in  
11 the judgment or suspended imposition of sentence and such  
12 additional days after the pronouncement of sentence and before  
13 the delivery of the person to the department of corrections.

14 [~~4.~~] 8. If a person convicted of an offense escapes from  
15 custody, such escape shall interrupt the sentence. The  
16 interruption shall continue until such person is returned to the  
17 correctional center where the sentence was being served, or in  
18 the case of a person committed to the custody of the department  
19 of corrections, to any correctional center operated by the  
20 department of corrections. An escape shall also interrupt the

1 jail time credit to be applied to a sentence which had not  
2 commenced when the escape occurred.

3 ~~[5.]~~ 9. If a sentence of imprisonment is vacated and a new  
4 sentence imposed upon the offender for that offense, all time  
5 served under the vacated sentence shall be credited against the  
6 new sentence, unless the time has already been credited to  
7 another sentence as provided in subsection 1 of this section.

8 ~~[6.]~~ 10. If a person released from imprisonment on parole  
9 or serving a conditional release term violates any of the  
10 conditions of his or her parole or release, he or she may be  
11 treated as a parole violator. If the parole board revokes the  
12 parole or conditional release, the paroled person shall serve the  
13 remainder of the prison term and conditional release term, as an  
14 additional prison term, and the conditionally released person  
15 shall serve the remainder of the conditional release term as a  
16 prison term, unless released on parole.

17 ~~[7. Subsection 2 of this section shall be applicable to~~  
18 ~~offenses for which the offender was sentenced on or after August~~  
19 ~~28, 2023.~~

20 ~~8. The total amount of credit given shall not exceed the~~

1 ~~number of days spent in prison, jail, or custody after the~~  
2 ~~offense occurred and before the commencement of the sentence.]~~

3 11. A person may only challenge credit awarded or not  
4 awarded pursuant to this section by the filing of a petition for  
5 a writ of habeas corpus.

6 ~~[558.046. The sentencing court may, upon~~  
7 ~~petition, reduce any term of sentence or probation~~  
8 ~~pronounced by the court or a term of conditional~~  
9 ~~release or parole pronounced by the parole board if~~  
10 ~~the court determines that:~~

11 ~~(1) The convicted person was:~~

12 ~~(a) Convicted of an offense that did not~~  
13 ~~involve violence or the threat of violence; and~~

14 ~~(b) Convicted of an offense that involved~~  
15 ~~alcohol or illegal drugs; and~~

16 ~~(2) Since the commission of such offense, the~~  
17 ~~convicted person has successfully completed a~~  
18 ~~detoxification and rehabilitation program; and~~

19 ~~(3) The convicted person is not:~~

20 ~~(a) A prior offender, a persistent offender, a~~  
21 ~~dangerous offender or a persistent misdemeanor~~  
22 ~~offender as defined by section 558.016; or~~

23 ~~(b) A persistent sexual offender as defined in~~  
24 ~~section 566.125[; or~~

25 ~~(c) A prior offender, a persistent offender or~~  
26 ~~a class X offender as defined in section 558.019].]~~

27 558.046. The sentencing court may, upon petition, reduce  
28 any term of sentence or probation pronounced by the court or a  
29 term of conditional release or parole pronounced by the parole  
30 board if the court determines that:

31 (1) The convicted person was:

1 (a) Convicted of an offense that did not involve violence  
2 or the threat of violence; and

3 (b) Convicted of an offense that involved alcohol or  
4 illegal drugs; and

5 (2) Since the commission of such offense, the convicted  
6 person has successfully completed a detoxification and  
7 rehabilitation program; and

8 (3) The convicted person is not:

9 (a) A prior offender, a persistent offender, a dangerous  
10 offender or a persistent misdemeanor offender as defined by  
11 section 558.016; or

12 (b) A persistent sexual offender as defined in section  
13 566.125 [~~;~~ or

14 ~~(c) A prior offender, a persistent offender or a class X~~  
15 ~~offender as defined in section 558.019].~~

16 ~~[559.115. 1. Neither probation nor parole~~  
17 ~~shall be granted by the circuit court between the~~  
18 ~~time the transcript on appeal from the offender's~~  
19 ~~conviction has been filed in appellate court and the~~  
20 ~~disposition of the appeal by such court.~~

21 ~~2. Unless otherwise prohibited by subsection~~  
22 ~~[8] 7 of this section, a circuit court only upon its~~  
23 ~~own motion and not that of the state or the offender~~  
24 ~~shall have the power to grant probation to an~~  
25 ~~offender anytime up to one hundred twenty days after~~  
26 ~~such offender has been delivered to the department of~~

1 ~~corrections but not thereafter. The court may~~  
2 ~~request information and a recommendation from the~~  
3 ~~department concerning the offender and such~~  
4 ~~offender's behavior during the period of~~  
5 ~~incarceration. Except as provided in this section,~~  
6 ~~the court may place the offender on probation in a~~  
7 ~~program created pursuant to section 217.777, or may~~  
8 ~~place the offender on probation with any other~~  
9 ~~conditions authorized by law.~~

10 3. ~~The court may recommend placement of an~~  
11 ~~offender in a department of corrections one hundred~~  
12 ~~twenty-day program under this subsection. The~~  
13 ~~department of corrections shall assess each offender~~  
14 ~~to determine the appropriate one hundred twenty-day~~  
15 ~~program in which to place the offender, which may~~  
16 ~~include placement in the structured cognitive~~  
17 ~~behavioral intervention program or institutional~~  
18 ~~treatment program. The placement of an offender in~~  
19 ~~the structured cognitive behavioral intervention~~  
20 ~~program or institutional treatment program shall be~~  
21 ~~at the sole discretion of the department based on the~~  
22 ~~assessment of the offender and available bed space.~~  
23 ~~When the court recommends and receives placement of~~  
24 ~~an offender in a department of corrections one~~  
25 ~~hundred twenty-day program, the offender shall be~~  
26 ~~released on probation if the department of~~  
27 ~~corrections determines that the offender has~~  
28 ~~successfully completed the program except as follows.~~  
29 ~~Upon successful completion of a program under this~~  
30 ~~subsection, the division of probation and parole~~  
31 ~~shall advise the sentencing court of an offender's~~  
32 ~~probationary release date thirty days prior to~~  
33 ~~release. The court shall follow the recommendation~~  
34 ~~of the department unless the court determines that~~  
35 ~~probation is not appropriate. If the court~~  
36 ~~determines that probation is not appropriate, the~~  
37 ~~court may order the execution of the offender's~~  
38 ~~sentence only after conducting a hearing on the~~  
39 ~~matter within ninety to one hundred twenty days from~~  
40 ~~the date the offender was delivered to the department~~  
41 ~~of corrections. If the department determines the~~  
42 ~~offender has not successfully completed a one hundred~~  
43 ~~twenty-day program under this subsection, the~~  
44 ~~division of probation and parole shall advise the~~

1 ~~prosecuting attorney and the sentencing court of the~~  
2 ~~defendant's unsuccessful program exit and the~~  
3 ~~defendant shall be removed from the program. The~~  
4 ~~department shall report on the offender's~~  
5 ~~participation in the program and may provide~~  
6 ~~recommendations for terms and conditions of an~~  
7 ~~offender's probation. The court shall then have the~~  
8 ~~power to grant probation or order the execution of~~  
9 ~~the offender's sentence.~~

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

24 5. ~~Except when the offender has been found to~~  
25 ~~be a predatory sexual offender pursuant to section~~  
26 ~~566.125, the court shall request the department of~~  
27 ~~corrections to conduct a sexual offender assessment~~  
28 ~~if the defendant has been found guilty of sexual~~  
29 ~~abuse when classified as a class B felony. Upon~~  
30 ~~completion of the assessment, the department shall~~  
31 ~~provide to the court a report on the offender and may~~  
32 ~~provide recommendations for terms and conditions of~~  
33 ~~an offender's probation. The assessment shall not be~~  
34 ~~considered a one hundred twenty-day program as~~  
35 ~~provided under subsection 3 of this section. The~~  
36 ~~process for granting probation to an offender who has~~  
37 ~~completed the assessment shall be as provided under~~  
38 ~~subsections 2 and 6 of this section.~~

39 6. ~~Unless the offender is being granted~~  
40 ~~probation pursuant to successful completion of a one~~  
41 ~~hundred twenty-day program the circuit court shall~~  
42 ~~notify the state in writing when the court intends to~~  
43 ~~grant probation to the offender pursuant to the~~  
44 ~~provisions of this section. The state may, in~~

1 ~~writing, request a hearing within ten days of receipt~~  
2 ~~of the court's notification that the court intends to~~  
3 ~~grant probation. Upon the state's request for a~~  
4 ~~hearing, the court shall grant a hearing as soon as~~  
5 ~~reasonably possible. If the state does not respond~~  
6 ~~to the court's notice in writing within ten days, the~~  
7 ~~court may proceed upon its own motion to grant~~  
8 ~~probation.~~

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

14 ~~8.] Notwithstanding any other provision of law,~~  
15 ~~probation may not be granted pursuant to this section~~  
16 ~~to offenders who have been convicted of murder in the~~  
17 ~~second degree pursuant to section 565.021; forcible~~  
18 ~~rape pursuant to section 566.030 as it existed prior~~  
19 ~~to August 28, 2013; rape in the first degree under~~  
20 ~~section 566.030; forcible sodomy pursuant to section~~  
21 ~~566.060 as it existed prior to August 28, 2013;~~  
22 ~~sodomy in the first degree under section 566.060;~~  
23 ~~statutory rape in the first degree pursuant to~~  
24 ~~section 566.032; statutory sodomy in the first degree~~  
25 ~~pursuant to section 566.062; child molestation in the~~  
26 ~~first degree pursuant to section 566.067 when~~  
27 ~~classified as a class A felony; abuse of a child~~  
28 ~~pursuant to section 568.060 when classified as a~~  
29 ~~class A felony; or an offender who has been found to~~  
30 ~~be a predatory sexual offender pursuant to section~~  
31 ~~566.125; any offense under section 557.045; or any~~  
32 ~~offense in which there exists a statutory prohibition~~  
33 ~~against either probation or parole.]~~

34 559.115. 1. Neither probation nor parole shall be granted  
35 by the circuit court between the time the transcript on appeal  
36 from the offender's conviction has been filed in appellate court  
37 and the disposition of the appeal by such court.

38 2. Unless otherwise prohibited by subsection ~~[8]~~ 7 of this

1 section, a circuit court only upon its own motion and not that of  
2 the state or the offender shall have the power to grant probation  
3 to an offender anytime up to one hundred twenty days after such  
4 offender has been delivered to the department of corrections but  
5 not thereafter. The court may request information and a  
6 recommendation from the department concerning the offender and  
7 such offender's behavior during the period of incarceration.  
8 Except as provided in this section, the court may place the  
9 offender on probation in a program created pursuant to section  
10 217.777, or may place the offender on probation with any other  
11 conditions authorized by law.

12 3. The court may recommend placement of an offender in a  
13 department of corrections one hundred twenty-day program under  
14 this subsection. The department of corrections shall assess each  
15 offender to determine the appropriate one hundred twenty-day  
16 program in which to place the offender, which may include  
17 placement in the structured cognitive behavioral intervention  
18 program or institutional treatment program. The placement of an  
19 offender in the structured cognitive behavioral intervention  
20 program or institutional treatment program shall be at the sole

1 discretion of the department based on the assessment of the  
2 offender and available bed space. When the court recommends and  
3 receives placement of an offender in a department of corrections  
4 one hundred twenty-day program, the offender shall be released on  
5 probation if the department of corrections determines that the  
6 offender has successfully completed the program except as  
7 follows. Upon successful completion of a program under this  
8 subsection, the division of probation and parole shall advise the  
9 sentencing court of an offender's probationary release date  
10 thirty days prior to release. The court shall follow the  
11 recommendation of the department unless the court determines that  
12 probation is not appropriate. If the court determines that  
13 probation is not appropriate, the court may order the execution  
14 of the offender's sentence only after conducting a hearing on the  
15 matter within ninety to one hundred twenty days from the date the  
16 offender was delivered to the department of corrections. If the  
17 department determines the offender has not successfully completed  
18 a one hundred twenty-day program under this subsection, the  
19 division of probation and parole shall advise the prosecuting  
20 attorney and the sentencing court of the defendant's unsuccessful

1 program exit and the defendant shall be removed from the program.  
2 The department shall report on the offender's participation in  
3 the program and may provide recommendations for terms and  
4 conditions of an offender's probation. The court shall then have  
5 the power to grant probation or order the execution of the  
6 offender's sentence.

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

19 5. Except when the offender has been found to be a  
20 predatory sexual offender pursuant to section 566.125, the court

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

12 6. Unless the offender is being granted probation pursuant  
13 to successful completion of a one hundred twenty-day program the  
14 circuit court shall notify the state in writing when the court  
15 intends to grant probation to the offender pursuant to the  
16 provisions of this section. The state may, in writing, request a  
17 hearing within ten days of receipt of the court's notification  
18 that the court intends to grant probation. Upon the state's  
19 request for a hearing, the court shall grant a hearing as soon as  
20 reasonably possible. If the state does not respond to the

1 court's notice in writing within ten days, the court may proceed  
2 upon its own motion to grant probation.

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

7 ~~8.~~] Notwithstanding any other provision of law, probation  
8 may not be granted pursuant to this section to offenders who have  
9 been convicted of murder in the second degree pursuant to section  
10 565.021; forcible rape pursuant to section 566.030 as it existed  
11 prior to August 28, 2013; rape in the first degree under section  
12 566.030; forcible sodomy pursuant to section 566.060 as it  
13 existed prior to August 28, 2013; sodomy in the first degree  
14 under section 566.060; statutory rape in the first degree  
15 pursuant to section 566.032; statutory sodomy in the first degree  
16 pursuant to section 566.062; child molestation in the first  
17 degree pursuant to section 566.067 when classified as a class A  
18 felony; abuse of a child pursuant to section 568.060 when  
19 classified as a class A felony; or an offender who has been found  
20 to be a predatory sexual offender pursuant to section 566.125;

1 any offense under section 557.045; or any offense in which there  
2 exists a statutory prohibition against either probation or  
3 parole.

4 565.002. As used in this chapter, unless a different  
5 meaning is otherwise plainly required the following terms mean:

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

10 (2) "Bodily harm", physical pain or injury, illness, or any  
11 impairment of physical condition;

12 (3) "Child", a person under [~~seventeen~~] eighteen years of  
13 age;

14 [~~(3)~~] (4) "Conduct", includes any act or omission;

15 [~~(4)~~] (5) "Course of conduct", a pattern of conduct  
16 composed of two or more acts, which may include communication by  
17 any means, over a period of time, however short, evidencing a  
18 continuity of purpose. Constitutionally protected activity is  
19 not included within the meaning of course of conduct. Such  
20 constitutionally protected activity includes picketing or other

1 organized protests;

2 ~~[(5)]~~ (6) "Deliberation", cool reflection for any length of  
3 time no matter how brief;

4 ~~[(6)]~~ (7) "Domestic victim", a household or family member  
5 as the term "family" or "household member" is defined in section  
6 455.010, including any child who is a member of the household or  
7 family;

8 ~~[(7)]~~ (8) "Emotional distress", something markedly greater  
9 than the level of uneasiness, nervousness, unhappiness, or the  
10 like which are commonly experienced in day-to-day living;

11 ~~[(8)]~~ (9) "Full or partial nudity", the showing of all or  
12 any part of the human genitals, pubic area, buttock, or any part  
13 of the nipple of the breast of any female person, with less than  
14 a fully opaque covering;

15 ~~[(9)]~~ (10) "Great bodily harm", bodily injury which creates  
16 a high probability of death, or which causes serious permanent or  
17 protracted loss or impairment of function of any bodily member or  
18 organ, or other serious bodily harm;

19 (11) "Legal custody", the right to the care, custody and  
20 control of a child;

1           ~~[(10)]~~ (12) "Parent", either a biological parent or a  
2 parent by adoption;

3           ~~[(11)]~~ (13) "Person having a right of custody", a parent or  
4 legal guardian of the child;

5           ~~[(12)]~~ (14) "Photographs" or "films", the making of any  
6 photograph, motion picture film, videotape, or any other  
7 recording or transmission of the image of a person;

8           ~~[(13)]~~ (15) "Place where a person would have a reasonable  
9 expectation of privacy", any place where a reasonable person  
10 would believe that a person could disrobe in privacy, without  
11 being concerned that the person's undressing was being viewed,  
12 photographed or filmed by another;

13           ~~[(14)]~~ (16) "Special victim", any of the following:

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

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

1 duties;

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

5 (d) An elderly person;

6 (e) A person with a disability;

7 (f) A vulnerable person;

8 (g) Any jailer or corrections officer of the state or one  
9 of its political subdivisions assaulted in the performance of his  
10 or her official duties or as a direct result of such official  
11 duties;

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

15 (i) Any utility worker, meaning any employee of a utility  
16 that provides gas, heat, electricity, water, steam,  
17 telecommunications services, or sewer services, whether  
18 privately, municipally, or cooperatively owned, while in the  
19 performance of his or her job duties, including any person  
20 employed under a contract;

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

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

8 ~~[(15)]~~ (17) "Substantial bodily harm", bodily injury which  
9 involves a temporary but substantial disfigurement, or which  
10 causes temporary but substantial loss or impairment of the  
11 function of any bodily member or organ, or which causes a  
12 fracture of any bodily member;

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

17 ~~[(16)]~~ (19) "Technological abuse conduct", an act or  
18 pattern of behavior that is intended to harm, threaten,  
19 intimidate, control, stalk, harass, monitor, except as otherwise  
20 permitted by law, another person, that occurs using any form of

1 technology, including internet enabled devices, online platforms,  
2 computers, mobile devices, cameras and imaging programs, apps,  
3 location tracking devices, or any other emerging technologies;

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

7 ~~[(17)]~~ (21) "Views", the looking upon of another person,  
8 with the unaided eye or with any device designed or intended to  
9 improve visual acuity, for the purpose of arousing or gratifying  
10 the sexual desire of any person.

11 565.050. 1. A person commits the offense of assault in the  
12 first degree if he or she attempts to kill or knowingly causes or  
13 attempts to cause ~~[serious physical injury]~~ great bodily harm to  
14 another person.

15 2. The offense of assault in the first degree is a class B  
16 felony unless in the course thereof the person inflicts ~~[serious~~  
17 ~~physical injury]~~ great bodily harm on the victim, or if the  
18 victim of such assault is a special victim, as the term "special  
19 victim" is defined under section 565.002, in which case it is a  
20 class A felony.

1           565.052. 1. A person commits the offense of assault in the  
2 second degree if he or she:

3           (1) Attempts to kill or knowingly causes or attempts to  
4 cause [~~serious physical injury~~] great bodily harm to another  
5 person under the influence of sudden passion arising out of  
6 adequate cause; or

7           (2) Attempts to cause or knowingly causes [~~physical injury~~]  
8 bodily harm to another person by means of a deadly weapon or  
9 dangerous instrument; or

10          (3) Recklessly causes [~~serious physical injury~~] great  
11 bodily harm to another person; or

12          (4) Recklessly causes [~~physical injury~~] bodily harm to  
13 another person by means of discharge of a firearm.

14          2. The defendant shall have the burden of injecting the  
15 issue of influence of sudden passion arising from adequate cause  
16 under subdivision (1) of subsection 1 of this section.

17          3. The offense of assault in the second degree is a class D  
18 felony, unless the victim of such assault is a special victim, as  
19 the term "special victim" is defined under section 565.002, in  
20 which case it is a class B felony.

1           565.054. 1. A person commits the offense of assault in the  
2 third degree if he or she knowingly causes [~~physical injury~~]  
3 bodily harm to another person.

4           2. The offense of assault in the third degree is a class E  
5 felony, unless the victim of such assault is a special victim, as  
6 the term "special victim" is defined under section 565.002, in  
7 which case it is a class D felony.

8           565.056. 1. A person commits the offense of assault in the  
9 fourth degree if:

10           (1) The person attempts to cause or recklessly causes  
11 [~~physical injury, physical pain, or illness~~] bodily harm to  
12 another person;

13           (2) With criminal negligence the person causes [~~physical~~  
14 ~~injury~~] bodily harm to another person by means of a firearm;

15           (3) The person purposely places another person in  
16 apprehension of immediate [~~physical injury~~] bodily harm;

17           (4) The person recklessly engages in conduct which creates  
18 a substantial risk of death or [~~serious physical injury~~] great  
19 bodily harm to another person;

20           (5) The person knowingly causes or attempts to cause

1 physical contact with a person with a disability, which a  
2 reasonable person, who does not have a disability, would consider  
3 offensive or provocative; or

4 (6) The person knowingly causes physical contact with  
5 another person knowing the other person will regard the contact  
6 as offensive or provocative.

7 2. Except as provided in subsection 3 of this section,  
8 assault in the fourth degree is a class A misdemeanor.

9 3. Violation of the provisions of subdivision (3) or (6) of  
10 subsection 1 of this section is a class C misdemeanor unless the  
11 victim is a special victim, as the term "special victim" is  
12 defined under section 565.002, in which case a violation of such  
13 provisions is a class A misdemeanor.

14 565.072. 1. A person commits the offense of domestic  
15 assault in the first degree if he or she attempts to kill or  
16 knowingly causes or attempts to cause [~~serious physical injury~~]  
17 great bodily harm to a domestic victim, as the term "domestic  
18 victim" is defined under section 565.002.

19 2. The offense of domestic assault in the first degree is a  
20 class B felony unless in the course thereof the person inflicts

1 serious physical injury on the victim, in which case it is a  
2 class A felony.

3 565.073. 1. A person commits the offense of domestic  
4 assault in the second degree if the act involves a domestic  
5 victim, as the term "domestic victim" is defined under section  
6 565.002, and he or she:

7 (1) Knowingly causes [~~physical injury~~] bodily harm to such  
8 domestic victim by any means, including but not limited to, use  
9 of a deadly weapon or dangerous instrument, or by choking or  
10 strangulation; or

11 (2) Recklessly causes [~~serious physical injury~~] great  
12 bodily harm to such domestic victim; or

13 (3) Recklessly causes [~~physical injury~~] bodily harm to such  
14 domestic victim by means of any deadly weapon.

15 2. The offense of domestic assault in the second degree is  
16 a class D felony.

17 565.074. 1. A person commits the offense of domestic  
18 assault in the third degree if he or she attempts to cause  
19 [~~physical injury~~] substantial bodily harm or knowingly causes  
20 [~~physical pain or illness~~] bodily harm to a domestic victim, as

1 the term "domestic victim" is defined under section 565.002.

2 2. The offense of domestic assault in the third degree is a  
3 class E felony.

4 565.076. 1. A person commits the offense of domestic  
5 assault in the fourth degree if the act involves a domestic  
6 victim, as the term "domestic victim" is defined under section  
7 565.002, and:

8 (1) The person attempts to cause or recklessly causes  
9 ~~physical injury, physical pain, or illness~~ bodily harm to such  
10 domestic victim;

11 (2) With criminal negligence the person causes ~~physical~~  
12 ~~injury~~ bodily harm to such domestic victim by means of a deadly  
13 weapon or dangerous instrument;

14 (3) The person purposely places such domestic victim in  
15 apprehension of immediate ~~physical injury~~ bodily harm by any  
16 means;

17 (4) The person recklessly engages in conduct which creates  
18 a substantial risk of death or ~~serious physical injury~~ great  
19 bodily harm to such domestic victim;

20 (5) The person knowingly causes physical contact with such

1 domestic victim knowing he or she will regard the contact as  
2 offensive; or

3 (6) The person knowingly attempts to cause or causes the  
4 isolation of such domestic victim by unreasonably and  
5 substantially restricting or limiting his or her access to other  
6 persons, telecommunication devices or transportation for the  
7 purpose of isolation.

8 2. The offense of domestic assault in the fourth degree is  
9 a class A misdemeanor, unless the person has previously been  
10 found guilty of the offense of domestic assault, of any assault  
11 offense under this chapter, or of any offense against a domestic  
12 victim committed in violation of any county or municipal  
13 ordinance in any state, any state law, any federal law, or any  
14 military law which if committed in this state two or more times  
15 would be a violation of this section, in which case it is a class  
16 E felony. The offenses described in this subsection may be  
17 against the same domestic victim or against different domestic  
18 victims.

19 565.090. 1. A person commits the offense of harassment in  
20 the first degree if he or she, without good cause, engages in any

1 act with the purpose to cause emotional distress to another  
2 person, and such act does cause such person to suffer emotional  
3 distress.

4 2. The offense of harassment in the first degree is a class  
5 E felony, unless the defendant has previously been found guilty  
6 of a violation of this section or section 565.091, or any offense  
7 committed in another jurisdiction which, if committed in this  
8 state, would be chargeable or indictable as a violation of any  
9 offense listed in this section or section 565.091, in which case  
10 harassment in the first degree is a class D felony.

11 3. This section shall not apply to activities of federal,  
12 state, county, or municipal law enforcement officers conducting  
13 investigations of violation of federal, state, county, or  
14 municipal law.

15 565.091. 1. A person commits the offense of harassment in  
16 the second degree if he or she, without good cause, engages in  
17 any act with the purpose to cause emotional distress to another  
18 person.

19 2. The offense of harassment in the second degree is a  
20 class A misdemeanor, unless the ~~person has previously pleaded~~

1 ~~guilty to or been found guilty of a violation of this section, of~~  
2 ~~any offense committed in violation of any county or municipal~~  
3 ~~ordinance in any state, any state law, any federal law, or any~~  
4 ~~military law which if committed in this state would be chargeable~~  
5 ~~or indictable as a violation of any offense listed in this~~  
6 ~~subsection, in which case it is a class E felony] defendant has~~  
7 previously been found guilty of a violation of this section or  
8 section 565.090, or of any offense committed in another  
9 jurisdiction which, if committed in this state, would be  
10 chargeable or indictable as a violation of any offense listed in  
11 this section or section 565.090, in which case harassment in the  
12 second degree is a class E felony.

13 3. This section shall not apply to activities of federal,  
14 state, county, or municipal law enforcement officers conducting  
15 investigations of violations of federal, state, county, or  
16 municipal law.

17 565.225. 1. ~~[As used in this section and section 565.227,~~  
18 ~~the term "disturbs" shall mean to engage in a course of conduct~~  
19 ~~directed at a specific person that serves no legitimate purpose~~  
20 ~~and that would cause a reasonable person under the circumstances~~

1 ~~to be frightened, intimidated, or emotionally distressed.~~

2       ~~2.]~~ A person commits the offense of stalking in the first  
3 degree if he or she [~~purposely~~] knowingly, through [~~his or her~~] a  
4 course of conduct [~~, disturbs or follows with the intent of~~  
5 ~~disturbing~~] that is directed at another person [and] or through  
6 technological abuse conduct, engages in conduct that would cause  
7 a reasonable person under similar circumstances to:

8       (1) [~~Makes a threat communicated with the intent to cause~~  
9 ~~the person who is the target of the threat to reasonably~~] Fear  
10 [~~for his or her safety, the safety of his or her family or~~  
11 ~~household member, or the safety of domestic animals or livestock~~  
12 ~~as defined in section 276.606 kept at such person's residence or~~  
13 ~~on such person's property. The threat shall be against the life~~  
14 ~~of, or a threat to cause physical~~] death or bodily injury to [, ~~or~~  
15 ~~the kidnapping of] the person[~~,~~];~~

16       (2) Fear that an offense will be committed against a member  
17 of the person's family or household members, or [the person's  
18 ~~domestic animals or livestock as defined in section 276.606 kept~~  
19 ~~at such person's residence or on such person's property] an  
20 individual with whom the person has a dating relationship; [or~~

1           ~~(2) At least one of the acts constituting the course of~~  
2 ~~conduct is in violation of an order of protection and the person~~  
3 ~~has received actual notice of such order; or]~~

4           ~~(3) [At least one of the actions constituting the course of~~  
5 ~~conduct is in violation of a condition of probation, parole,~~  
6 ~~pretrial release, or release on bond pending appeal] Fear that an~~  
7 ~~offense will be committed against the person's property; or~~

8           ~~(4) [At any time during the course of conduct, the other~~  
9 ~~person is seventeen years of age or younger and the person~~  
10 ~~disturbing the other person is twenty-one years of age or older;~~  
11 ~~or~~

12           ~~(5) He or she has previously been found guilty of domestic~~  
13 ~~assault, violation of an order of protection, or any other crime~~  
14 ~~where the other person was the victim; or~~

15           ~~(6) At any time during the course of conduct, the other~~  
16 ~~person is a participant of the address confidentiality program~~  
17 ~~under sections 589.660 to 589.681, and the person disturbing the~~  
18 ~~other person knowingly accesses or attempts to access the address~~  
19 ~~of the other person] Feel harassed, terrified, or intimidated.~~

20           ~~[3.]~~ 2. Any law enforcement officer may arrest, without a

1 warrant, any person he or she has probable cause to believe has  
2 violated the provisions of this section.

3 ~~[4.]~~ 3. This section shall not apply to activities of  
4 federal, state, county, or municipal law enforcement officers  
5 conducting investigations of any violation of federal, state,  
6 county, or municipal law.

7 ~~[5.]~~ 4. The offense of stalking in the first degree is a  
8 class E felony, unless the defendant has previously been found  
9 guilty of a violation of this section or section 565.227, or any  
10 offense committed in another jurisdiction which, if committed in  
11 this state, would be chargeable or indictable as a violation of  
12 any offense listed in this section or section 565.227, or unless  
13 the victim is intentionally targeted as a law enforcement  
14 officer, as defined in section 556.061, or the victim is targeted  
15 because he or she is a relative within the second degree of  
16 consanguinity or affinity to a law enforcement officer, in which  
17 case stalking in the first degree is a class D felony.

18 565.227. 1. A person commits the offense of stalking in  
19 the second degree if he or she ~~[purposely, through his or her~~  
20 ~~course of]~~ knowingly engages in a course of conduct ~~[, disturbs,~~

1 ~~or follows with the intent to disturb another person]~~ directed at  
2 a specific person or technological abuse conduct which would  
3 cause a reasonable person under the circumstances to feel  
4 harassed, terrified, or intimidated.

5 2. This section shall not apply to activities of federal,  
6 state, county, or municipal law enforcement officers conducting  
7 investigations of any violation of federal, state, county, or  
8 municipal law.

9 3. Any law enforcement officer may arrest, without a  
10 warrant, any person he or she has probable cause to believe has  
11 violated the provisions of this section.

12 4. The offense of stalking in the second degree is a class  
13 A misdemeanor, unless the defendant has previously been found  
14 guilty of a violation of this section or section 565.225, or of  
15 any offense committed in another jurisdiction which, if committed  
16 in this state, would be chargeable or indictable as a violation  
17 of any offense listed in this section or section 565.225, or  
18 unless the victim is intentionally targeted as a law enforcement  
19 officer, as defined in section 556.061, or the victim is targeted  
20 because he or she is a relative within the second degree of

1 consanguinity or affinity to a law enforcement officer, in which  
2 case stalking in the second degree is a class E felony.

3 565.260. 1. Except as provided in subsection 2 of this  
4 section, a person commits the offense of unlawful tracking of a  
5 motor vehicle if the person knowingly installs, conceals, or  
6 otherwise places an electronic tracking device in or on a motor  
7 vehicle without the consent of all owners of the vehicle for the  
8 purpose of monitoring or following an occupant or occupants of  
9 the vehicle. As used in this section, "person" does not include  
10 the manufacturer of the motor vehicle.

11 2. (1) It shall not be an offense under this section if  
12 the installing, concealing, or placing of an electronic tracking  
13 device in or on a motor vehicle is by, or at the direction of, a  
14 law enforcement officer in furtherance of a criminal  
15 investigation and such investigation is carried out in accordance  
16 with applicable state and federal law.

17 (2) If the installing, concealing, or placing of an  
18 electronic tracking device in or on a motor vehicle is by, or at  
19 the direction of, a parent or legal guardian who owns or leases  
20 the vehicle, and if the device is used solely for the purpose of

1 monitoring the minor child of the parent or legal guardian when  
2 the child is an occupant of the vehicle, the installation,  
3 concealment, or placement of the device in or on the vehicle  
4 without the consent of any or all occupants of the vehicle shall  
5 not be an offense under this section.

6 (3) It shall not be an offense under this section if the  
7 installing, concealing, or placing of an electronic tracking  
8 device in or on a motor vehicle is for the purpose of tracking  
9 the location of stolen goods being transported in the vehicle or  
10 for the purpose of tracking the location of the vehicle if the  
11 motor vehicle is stolen.

12 (4) It shall not be an offense under this section if the  
13 installing, concealing, or placing of an electronic tracking  
14 device in or on a motor vehicle is by a legally authorized  
15 representative of a vulnerable adult. As used in this  
16 subdivision, "vulnerable adult" means any person eighteen years  
17 of age or older who is impaired by reason of mental illness,  
18 intellectual or developmental disability, physical illness or  
19 disability, or other causes, including age, to the extent the  
20 adult lacks sufficient understanding or capacity to make,

1 communicate, or carry out reasonable decisions concerning his or  
2 her well-being or has one or more limitations that substantially  
3 impair the adult's ability to independently provide for his or  
4 her daily needs or safeguard his or her person, property, or  
5 legal interests.

6 (5) If the installing, concealing, or placing of an  
7 electronic tracking device in or on a motor vehicle is by, or at  
8 the direction of, a person who obtains consent from all owners of  
9 the vehicle, the installation, concealment, or placement of the  
10 device in or on the vehicle shall not be an offense under this  
11 section.

12 (6) It shall not be an offense under this section if the  
13 installing, concealing, or placing of an electronic tracking  
14 device in or on a motor vehicle is by a vehicle rental, sharing,  
15 or leasing company that rents motor vehicles for the purpose of  
16 tracking or managing the motor vehicles owned by such company or  
17 providing services to customers.

18 (7) It shall not be an offense under this section if the  
19 installing, concealing, or placing of an electronic tracking  
20 device in or on a motor vehicle is by a lienholder or agent of a

1 lienholder acting to track the movement or location of a motor  
2 vehicle in order to repossess the motor vehicle.

3 (8) It shall not be an offense under this section if the  
4 installing, concealing, or placing of an electronic tracking  
5 device in or on a motor vehicle is for any party to participate  
6 in a voluntary usage-based insurance program. "Voluntary usage-  
7 based insurance program" shall mean any program implemented by,  
8 or on behalf of, an insurance company that collects, records, or  
9 transmits information relating to driving behavior of an insured  
10 party.

11 3. The provisions of this section shall not apply to a  
12 tracking system installed by the manufacturer of a motor vehicle.

13 4. The offense of unlawful tracking of a motor vehicle is a  
14 class A misdemeanor for a first offense and a class E felony for  
15 any second or subsequent offense.

16 565.400. 1. A person commits the offense of  
17 cyberharassment if such person purposely or knowingly engages in  
18 a threatening, aggressive, or otherwise fear-inducing, course of  
19 conduct by using digital technology, internet service providers,  
20 electronic service providers or other electronic communications

1 and devices to cause reasonable fear, alarm, anxiety, undue  
2 stress, or terror to others by repeated contact with no  
3 legitimate purpose.

4 2. The first offense of cyberharassment shall be a class B  
5 misdemeanor. A second and any subsequent offense shall be a  
6 class A misdemeanor.

7 565.405. 1. A person commits the offense of cyberstalking  
8 if such person purposely or knowingly engages in a threatening,  
9 aggressive, or otherwise fear-inducing, course of conduct by  
10 using digital technology, internet service providers, electronic  
11 service providers or other electronic communications and devices  
12 to enhance the ability to intimidate, track, follow or cause  
13 reasonable fear, alarm, anxiety, undue stress, or terror to  
14 another person.

15 2. The first offense of cyberstalking shall be a class A  
16 misdemeanor. A second and any subsequent offense shall be a  
17 class E felony.

18 ~~[566.030. 1. A person commits the offense of~~  
19 ~~rape in the first degree if he or she has sexual~~  
20 ~~intercourse with another person who is incapacitated,~~  
21 ~~incapable of consent, or lacks the capacity to~~  
22 ~~consent, or by the use of forcible compulsion.~~  
23 ~~Forcible compulsion includes the use of a substance~~

1 administered without a victim's knowledge or consent  
2 which renders the victim physically or mentally  
3 impaired so as to be incapable of making an informed  
4 consent to sexual intercourse.

5 2. ~~The offense of rape in the first degree or~~  
6 ~~an attempt to commit rape in the first degree is a~~  
7 ~~class A felony for which the authorized term of~~  
8 ~~imprisonment is life imprisonment or a term of years~~  
9 ~~not less than [five] ten years, not to exceed thirty~~  
10 ~~years, unless:~~

11 (1) ~~The offense is an aggravated sexual~~  
12 ~~offense, in which case the authorized term of~~  
13 ~~imprisonment is life imprisonment as defined in~~  
14 ~~section 558.011 or [a term of years not less than~~  
15 ~~fifteen years] life imprisonment without eligibility~~  
16 ~~for probation or parole;~~

17 (2) ~~The person is a persistent or predatory~~  
18 ~~sexual offender as defined in section 566.125 and~~  
19 ~~subjected to an extended term of imprisonment under~~  
20 ~~said section;~~

21 (3) ~~The victim is a child less than twelve~~  
22 ~~years of age, in which case the required term of~~  
23 ~~imprisonment is life imprisonment as defined in~~  
24 ~~section 558.011 or life imprisonment without~~  
25 ~~eligibility for probation or parole [until the~~  
26 ~~offender has served not less than thirty years of~~  
27 ~~such sentence or unless the offender has reached the~~  
28 ~~age of seventy five years and has served at least~~  
29 ~~fifteen years of such sentence, unless such rape in~~  
30 ~~the first degree is described under subdivision (4)~~  
31 ~~of this subsection]; or~~

32 (4) ~~The victim is a child less than twelve~~  
33 ~~years of age and such rape in the first degree or~~  
34 ~~attempt to commit rape in the first degree was~~  
35 ~~outrageously or wantonly vile, horrible or inhumane,~~  
36 ~~in that it involved torture or depravity of mind, in~~  
37 ~~which case the required term of imprisonment is life~~  
38 ~~imprisonment without eligibility for probation,~~  
39 ~~parole or conditional release.~~

40 3. ~~[Subsection 4 of section 558.019 shall not~~  
41 ~~apply to the sentence of a person who has been found~~  
42 ~~guilty of rape in the first degree or attempt to~~  
43 ~~commit rape in the first degree when the victim is~~  
44 ~~less than twelve years of age, and "life~~

1 ~~imprisonment" shall mean imprisonment for the~~  
2 ~~duration of a person's natural life for the purposes~~  
3 ~~of this section.~~

4 ~~4.] No person found guilty of rape in the first~~  
5 ~~degree or an attempt to commit rape in the first~~  
6 ~~degree shall be granted a suspended imposition of~~  
7 ~~sentence or suspended execution of sentence.]~~

8 566.030. 1. A person commits the offense of rape in the  
9 first degree if he or she has sexual intercourse with another  
10 person who is incapacitated, incapable of consent, or lacks the  
11 capacity to consent, or by the use of forcible compulsion.

12 Forcible compulsion includes the use of a substance administered  
13 without a victim's knowledge or consent which renders the victim  
14 physically or mentally impaired so as to be incapable of making  
15 an informed consent to sexual intercourse.

16 2. The offense of rape in the first degree or an attempt to  
17 commit rape in the first degree is a class A felony for which the  
18 authorized term of imprisonment is life imprisonment or a term of  
19 years not less than ~~[five]~~ ten years, not to exceed thirty years,  
20 unless:

21 (1) The offense is an aggravated sexual offense, in which  
22 case the authorized term of imprisonment is life imprisonment as  
23 defined in section 558.011 or ~~[a term of years not less than~~  
24 ~~fifteen years]~~ life imprisonment without eligibility for

1 probation or parole;

2 (2) The person is a persistent or predatory sexual offender  
3 as defined in section 566.125 and subjected to an extended term  
4 of imprisonment under said section;

5 (3) The victim is a child less than twelve years of age, in  
6 which case the required term of imprisonment is life imprisonment  
7 as defined in section 558.011 or life imprisonment without  
8 eligibility for probation or parole [~~until the offender has~~  
9 ~~served not less than thirty years of such sentence or unless the~~  
10 ~~offender has reached the age of seventy-five years and has served~~  
11 ~~at least fifteen years of such sentence, unless such rape in the~~  
12 ~~first degree is described under subdivision (4) of this~~  
13 ~~subsection]; or~~

14 (4) The victim is a child less than twelve years of age and  
15 such rape in the first degree or attempt to commit rape in the  
16 first degree was outrageously or wantonly vile, horrible or  
17 inhumane, in that it involved torture or depravity of mind, in  
18 which case the required term of imprisonment is life imprisonment  
19 without eligibility for probation, parole or conditional release.

20 3. [~~Subsection 4 of section 558.019 shall not apply to the~~

1 ~~sentence of a person who has been found guilty of rape in the~~  
2 ~~first degree or attempt to commit rape in the first degree when~~  
3 ~~the victim is less than twelve years of age, and "life~~  
4 ~~imprisonment" shall mean imprisonment for the duration of a~~  
5 ~~person's natural life for the purposes of this section.~~

6 4.] No person found guilty of rape in the first degree or  
7 an attempt to commit rape in the first degree shall be granted a  
8 suspended imposition of sentence or suspended execution of  
9 sentence.

10 566.032. 1. A person commits the offense of statutory rape  
11 in the first degree if he or she has sexual intercourse with  
12 another person who is less than fourteen years of age.

13 2. The offense of statutory rape in the first degree or an  
14 attempt to commit statutory rape in the first degree is a felony  
15 for which the authorized term of imprisonment is life  
16 imprisonment or a term of years not less than ~~[five]~~ ten years,  
17 unless:

18 (1) The offense is an aggravated sexual offense, or the  
19 victim is less than twelve years of age in which case the  
20 authorized term of imprisonment is life imprisonment or a term of

1 years not less than ~~[ten]~~ fifteen years; or

2 (2) The person is a persistent or predatory sexual offender  
3 as defined in section 566.125 and subjected to an extended term  
4 of imprisonment under said section.

5 ~~[566.060. 1. A person commits the offense of~~  
6 ~~sodomy in the first degree if he or she has deviate~~  
7 ~~sexual intercourse with another person who is~~  
8 ~~incapacitated, incapable of consent, or lacks the~~  
9 ~~capacity to consent, or by the use of forcible~~  
10 ~~compulsion. Forcible compulsion includes the use of~~  
11 ~~a substance administered without a victim's knowledge~~  
12 ~~or consent which renders the victim physically or~~  
13 ~~mentally impaired so as to be incapable of making an~~  
14 ~~informed consent to sexual intercourse.~~

15 ~~2. The offense of sodomy in the first degree or~~  
16 ~~an attempt to commit sodomy in the first degree is a~~  
17 ~~felony for which the authorized term of imprisonment~~  
18 ~~is life imprisonment or a term of years not less than~~  
19 ~~five years, unless:~~

20 ~~(1) The offense is an aggravated sexual~~  
21 ~~offense, in which case the authorized term of~~  
22 ~~imprisonment is life imprisonment or a term of years~~  
23 ~~not less than ten years;~~

24 ~~(2) The person is a persistent or predatory~~  
25 ~~sexual offender as defined in section 566.125 and~~  
26 ~~subjected to an extended term of imprisonment under~~  
27 ~~said section;~~

28 ~~(3) The victim is a child less than twelve~~  
29 ~~years of age, in which case the required term of~~  
30 ~~imprisonment is life imprisonment as defined in~~  
31 ~~section 558.011 or life imprisonment without~~  
32 ~~eligibility for probation or parole ~~[until the~~~~  
33 ~~offender has served not less than thirty years of~~  
34 ~~such sentence or unless the offender has reached the~~  
35 ~~age of seventy five years and has served at least~~  
36 ~~fifteen years of such sentence, unless such sodomy in~~  
37 ~~the first degree is described under subdivision (4)~~  
38 ~~of this subsection]; or~~

39 ~~(4) The victim is a child less than twelve~~

1 ~~years of age and such sodomy in the first degree or~~  
2 ~~attempt to commit sodomy in the first degree was~~  
3 ~~outrageously or wantonly vile, horrible or inhumane,~~  
4 ~~in that it involved torture or depravity of mind, in~~  
5 ~~which case the required term of imprisonment is life~~  
6 ~~imprisonment without eligibility for probation,~~  
7 ~~parole or conditional release.~~

8 ~~3.—[Subsection 4 of section 558.019 shall not~~  
9 ~~apply to the sentence of a person who has been found~~  
10 ~~guilty of sodomy in the first degree or an attempt to~~  
11 ~~commit sodomy in the first degree when the victim is~~  
12 ~~less than twelve years of age, and "life~~  
13 ~~imprisonment" shall mean imprisonment for the~~  
14 ~~duration of a person's natural life for the purposes~~  
15 ~~of this section.~~

16 ~~4.] No person found guilty of sodomy in the~~  
17 ~~first degree or an attempt to commit sodomy in the~~  
18 ~~first degree shall be granted a suspended imposition~~  
19 ~~of sentence or suspended execution of sentence.]~~

20 566.060. 1. A person commits the offense of sodomy in the  
21 first degree if he or she has deviate sexual intercourse with  
22 another person who is incapacitated, incapable of consent, or  
23 lacks the capacity to consent, or by the use of forcible  
24 compulsion. Forcible compulsion includes the use of a substance  
25 administered without a victim's knowledge or consent which  
26 renders the victim physically or mentally impaired so as to be  
27 incapable of making an informed consent to sexual intercourse.

28 2. The offense of sodomy in the first degree or an attempt  
29 to commit sodomy in the first degree is a felony for which the  
30 authorized term of imprisonment is life imprisonment or a term of

1 years not less than five years, unless:

2 (1) The offense is an aggravated sexual offense, in which  
3 case the authorized term of imprisonment is life imprisonment or  
4 a term of years not less than ten years;

5 (2) The person is a persistent or predatory sexual offender  
6 as defined in section 566.125 and subjected to an extended term  
7 of imprisonment under said section;

8 (3) The victim is a child less than twelve years of age, in  
9 which case the required term of imprisonment is life imprisonment  
10 as defined in section 558.011 or life imprisonment without  
11 eligibility for probation or parole [~~until the offender has~~  
12 ~~served not less than thirty years of such sentence or unless the~~  
13 ~~offender has reached the age of seventy five years and has served~~  
14 ~~at least fifteen years of such sentence, unless such sodomy in~~  
15 ~~the first degree is described under subdivision (4) of this~~  
16 ~~subsection~~]; or

17 (4) The victim is a child less than twelve years of age and  
18 such sodomy in the first degree or attempt to commit sodomy in  
19 the first degree was outrageously or wantonly vile, horrible or  
20 inhumane, in that it involved torture or depravity of mind, in

1 which case the required term of imprisonment is life imprisonment  
2 without eligibility for probation, parole or conditional release.

3 3. ~~[Subsection 4 of section 558.019 shall not apply to the~~  
4 ~~sentence of a person who has been found guilty of sodomy in the~~  
5 ~~first degree or an attempt to commit sodomy in the first degree~~  
6 ~~when the victim is less than twelve years of age, and "life~~  
7 ~~imprisonment" shall mean imprisonment for the duration of a~~  
8 ~~person's natural life for the purposes of this section.~~

9 4.] No person found guilty of sodomy in the first degree or  
10 an attempt to commit sodomy in the first degree shall be granted  
11 a suspended imposition of sentence or suspended execution of  
12 sentence.

13 566.103. 1. A person or entity commits the offense of  
14 promoting online sexual solicitation if such person or entity  
15 knowingly permits a web-based classified service owned or  
16 operated by such person or entity to be used by individuals to  
17 post advertisements promoting prostitution, enticing a child to  
18 engage in sexual conduct, or promoting sexual trafficking of a  
19 child after receiving notice under this section.

20 2. As used in this section, the term "web-based classified

1 service" means a person or entity in whose name a specific URL or  
2 internet domain name is registered which has advertisements for  
3 goods and services or personal advertisements.

4 3. An advertisement may be deemed to promote prostitution,  
5 entice a child to engage in sexual conduct, or promote sexual  
6 trafficking of a child, if the content of such advertisement  
7 would be interpreted by a reasonable person as offering to  
8 exchange sexual conduct for goods or services in violation of  
9 chapter 567, as seeking a child for the purpose of sexual conduct  
10 or commercial sex act, or as offering a child as a participant in  
11 sexual conduct or commercial sex act in violation of section  
12 566.151, 566.210, or 566.211.

13 4. It shall be prima facie evidence that a person or entity  
14 acts knowingly if an advertisement is not removed from the web-  
15 based classified service within seventy-two hours of that person  
16 or entity being notified that an advertisement has been posted on  
17 that service which is prohibited under this section.

18 5. Notice under this section may be provided by certified  
19 mail or facsimile transmission by the attorney general or any  
20 prosecuting attorney or circuit attorney.

1           6. A violation of this section shall be a class E felony,  
2 punishable by imprisonment or a fine in the amount of five  
3 thousand dollars per day that the advertisement remains posted on  
4 the web-based classified service after seventy-two hours of when  
5 notice has been provided pursuant to this section, or by both  
6 such fine and imprisonment.

7           7. Original jurisdiction for prosecution of a violation of  
8 this section shall be with the local prosecuting attorney or  
9 circuit attorney.

10           ~~[566.125. 1. The court shall sentence a person~~  
11 ~~to an extended term of imprisonment if it finds the~~  
12 ~~defendant is a persistent sexual offender and has~~  
13 ~~been found guilty of attempting to commit or~~  
14 ~~committing the following offenses:~~

15           ~~(1) Statutory rape in the first degree or~~  
16 ~~statutory sodomy in the first degree;~~

17           ~~(2) Rape in the first degree or sodomy in the~~  
18 ~~first degree;~~

19           ~~(3) Forcible rape;~~

20           ~~(4) Forcible sodomy;~~

21           ~~(5) Rape;~~

22           ~~(6) Sodomy.~~

23           ~~2. A "persistent sexual offender" is one who~~  
24 ~~has previously been found guilty of attempting to~~  
25 ~~commit or committing any of the offenses listed in~~  
26 ~~subsection 1 of this section or one who has~~  
27 ~~previously been found guilty of an offense in any~~  
28 ~~other jurisdiction which would constitute any of the~~  
29 ~~offenses listed in subsection 1 of this section.~~

30           ~~3. The term of imprisonment for one found to be~~  
31 ~~a persistent sexual offender shall be imprisonment~~  
32 ~~for life without eligibility for probation or parole.~~  
33 ~~[Subsection 4 of section 558.019 shall not apply to~~

1 ~~any person imprisoned under this subsection, and]~~  
2 ~~"Imprisonment for life" shall mean imprisonment for~~  
3 ~~the duration of the person's natural life.~~

4 ~~4. The court shall sentence a person to an~~  
5 ~~extended term of imprisonment as provided for in this~~  
6 ~~section if it finds the defendant is a predatory~~  
7 ~~sexual offender and has been found guilty of~~  
8 ~~committing or attempting to commit any of the~~  
9 ~~offenses listed in subsection 1 of this section or~~  
10 ~~committing child molestation in the first or second~~  
11 ~~degree or sexual abuse when classified as a class B~~  
12 ~~felony.~~

13 ~~5. For purposes of this section, a "predatory~~  
14 ~~sexual offender" is a person who:~~

15 ~~(1) Has previously been found guilty of~~  
16 ~~committing or attempting to commit any of the~~  
17 ~~offenses listed in subsection 1 of this section, or~~  
18 ~~committing child molestation in the first or second~~  
19 ~~degree, or sexual abuse when classified as a class B~~  
20 ~~felony; or~~

21 ~~(2) Has previously committed an act which would~~  
22 ~~constitute an offense listed in subsection 4 of this~~  
23 ~~section, whether or not the act resulted in a~~  
24 ~~conviction; or~~

25 ~~(3) Has committed an act or acts against more~~  
26 ~~than one victim which would constitute an offense or~~  
27 ~~offenses listed in subsection 4 of this section,~~  
28 ~~whether or not the defendant was charged with an~~  
29 ~~additional offense or offenses as a result of such~~  
30 ~~act or acts.~~

31 ~~6. A person found to be a predatory sexual~~  
32 ~~offender shall be imprisoned for life with~~  
33 ~~eligibility for parole[, however subsection 4 of~~  
34 ~~section 558.019 shall not apply to persons found to~~  
35 ~~be predatory sexual offenders for the purposes of~~  
36 ~~determining the minimum prison term or the length of~~  
37 ~~sentence as defined or used in such subsection].~~  
38 ~~Notwithstanding any other provision of law, in no~~  
39 ~~event shall a person found to be a predatory sexual~~  
40 ~~offender receive a final discharge from parole.~~

41 ~~7. Notwithstanding any other provision of law,~~  
42 ~~the court shall set the minimum time required to be~~  
43 ~~served before a predatory sexual offender is eligible~~  
44 ~~for parole, conditional release or other early~~

1 ~~release by the department of corrections. The~~  
2 ~~minimum time to be served by a person found to be a~~  
3 ~~predatory sexual offender who:~~

4 ~~(1) Has previously been found guilty of~~  
5 ~~committing or attempting to commit any of the~~  
6 ~~offenses listed in subsection 1 of this section and~~  
7 ~~is found guilty of committing or attempting to commit~~  
8 ~~any of the offenses listed in subsection 1 of this~~  
9 ~~section shall be any number of years but not less~~  
10 ~~than thirty years;~~

11 ~~(2) Has previously been found guilty of child~~  
12 ~~molestation in the first or second degree, or sexual~~  
13 ~~abuse when classified as a class B felony and is~~  
14 ~~found guilty of attempting to commit or committing~~  
15 ~~any of the offenses listed in subsection 1 of this~~  
16 ~~section shall be any number of years but not less~~  
17 ~~than fifteen years;~~

18 ~~(3) Has previously been found guilty of~~  
19 ~~committing or attempting to commit any of the~~  
20 ~~offenses listed in subsection 1 of this section, or~~  
21 ~~committing child molestation in the first or second~~  
22 ~~degree, or sexual abuse when classified as a class B~~  
23 ~~felony shall be any number of years but not less than~~  
24 ~~fifteen years;~~

25 ~~(4) Has previously been found guilty of child~~  
26 ~~molestation in the first degree or second degree, or~~  
27 ~~sexual abuse when classified as a class B felony, and~~  
28 ~~is found guilty of child molestation in the first or~~  
29 ~~second degree, or sexual abuse when classified as a~~  
30 ~~class B felony shall be any number of years but not~~  
31 ~~less than fifteen years;~~

32 ~~(5) Is found to be a predatory sexual offender~~  
33 ~~pursuant to subdivision (2) or (3) of subsection 5 of~~  
34 ~~this section shall be any number of years within the~~  
35 ~~range to which the person could have been sentenced~~  
36 ~~pursuant to the applicable law if the person was not~~  
37 ~~found to be a predatory sexual offender.~~

38 ~~8. Notwithstanding any provision of law to the~~  
39 ~~contrary, the department of corrections, or any~~  
40 ~~division thereof, may not furlough an individual~~  
41 ~~found to be and sentenced as a persistent sexual~~  
42 ~~offender or a predatory sexual offender.]~~

43 566.125. 1. The court shall sentence a person to an

1 extended term of imprisonment if it finds the defendant is a  
2 persistent sexual offender and has been found guilty of  
3 attempting to commit or committing the following offenses:

4 (1) Statutory rape in the first degree or statutory sodomy  
5 in the first degree;

6 (2) Rape in the first degree or sodomy in the first degree;

7 (3) Forcible rape;

8 (4) Forcible sodomy;

9 (5) Rape;

10 (6) Sodomy.

11 2. A "persistent sexual offender" is one who has previously  
12 been found guilty of attempting to commit or committing any of  
13 the offenses listed in subsection 1 of this section or one who  
14 has previously been found guilty of an offense in any other  
15 jurisdiction which would constitute any of the offenses listed in  
16 subsection 1 of this section.

17 3. The term of imprisonment for one found to be a  
18 persistent sexual offender shall be imprisonment for life without  
19 eligibility for probation or parole. ~~Subsection 4 of section~~  
20 ~~558.019 shall not apply to any person imprisoned under this~~

1 ~~subsection, and]~~ "Imprisonment for life" shall mean imprisonment  
2 for the duration of the person's natural life.

3 4. The court shall sentence a person to an extended term of  
4 imprisonment as provided for in this section if it finds the  
5 defendant is a predatory sexual offender and has been found  
6 guilty of committing or attempting to commit any of the offenses  
7 listed in subsection 1 of this section or committing child  
8 molestation in the first or second degree or sexual abuse when  
9 classified as a class B felony.

10 5. For purposes of this section, a "predatory sexual  
11 offender" is a person who:

12 (1) Has previously been found guilty of committing or  
13 attempting to commit any of the offenses listed in subsection 1  
14 of this section, or committing child molestation in the first or  
15 second degree, or sexual abuse when classified as a class B  
16 felony; or

17 (2) Has previously committed an act which would constitute  
18 an offense listed in subsection 4 of this section, whether or not  
19 the act resulted in a conviction; or

20 (3) Has committed an act or acts against more than one

1 victim which would constitute an offense or offenses listed in  
2 subsection 4 of this section, whether or not the defendant was  
3 charged with an additional offense or offenses as a result of  
4 such act or acts.

5 6. A person found to be a predatory sexual offender shall  
6 be imprisoned for life with eligibility for parole [~~, however~~  
7 ~~subsection 4 of section 558.019 shall not apply to persons found~~  
8 ~~to be predatory sexual offenders for the purposes of determining~~  
9 ~~the minimum prison term or the length of sentence as defined or~~  
10 ~~used in such subsection]~~. Notwithstanding any other provision of  
11 law, in no event shall a person found to be a predatory sexual  
12 offender receive a final discharge from parole.

13 7. Notwithstanding any other provision of law, the court  
14 shall set the minimum time required to be served before a  
15 predatory sexual offender is eligible for parole, conditional  
16 release or other early release by the department of corrections.  
17 The minimum time to be served by a person found to be a predatory  
18 sexual offender who:

19 (1) Has previously been found guilty of committing or  
20 attempting to commit any of the offenses listed in subsection 1

1 of this section and is found guilty of committing or attempting  
2 to commit any of the offenses listed in subsection 1 of this  
3 section shall be any number of years but not less than thirty  
4 years;

5 (2) Has previously been found guilty of child molestation  
6 in the first or second degree, or sexual abuse when classified as  
7 a class B felony and is found guilty of attempting to commit or  
8 committing any of the offenses listed in subsection 1 of this  
9 section shall be any number of years but not less than fifteen  
10 years;

11 (3) Has previously been found guilty of committing or  
12 attempting to commit any of the offenses listed in subsection 1  
13 of this section, or committing child molestation in the first or  
14 second degree, or sexual abuse when classified as a class B  
15 felony shall be any number of years but not less than fifteen  
16 years;

17 (4) Has previously been found guilty of child molestation  
18 in the first degree or second degree, or sexual abuse when  
19 classified as a class B felony, and is found guilty of child  
20 molestation in the first or second degree, or sexual abuse when

1 classified as a class B felony shall be any number of years but  
2 not less than fifteen years;

3 (5) Is found to be a predatory sexual offender pursuant to  
4 subdivision (2) or (3) of subsection 5 of this section shall be  
5 any number of years within the range to which the person could  
6 have been sentenced pursuant to the applicable law if the person  
7 was not found to be a predatory sexual offender.

8 8. Notwithstanding any provision of law to the contrary,  
9 the department of corrections, or any division thereof, may not  
10 furlough an individual found to be and sentenced as a persistent  
11 sexual offender or a predatory sexual offender.

12 566.203. 1. A person commits the offense of abusing an  
13 individual through forced labor by knowingly providing or  
14 obtaining the labor or services of a person:

15 (1) By causing or threatening to cause serious physical  
16 injury to any person;

17 (2) By physically restraining or threatening to physically  
18 restrain another person;

19 (3) By blackmail;

20 (4) By means of any scheme, plan, or pattern of behavior

1 intended to cause such person to believe that, if the person does  
2 not perform the labor services, the person or another person will  
3 suffer serious physical injury, physical restraint, or financial  
4 harm; or

5 (5) By means of the abuse or threatened abuse of the law or  
6 the legal process.

7 2. A person who is found guilty of the crime of abuse  
8 through forced labor shall not be required to register as a  
9 sexual offender pursuant to the provisions of section 589.400,  
10 unless such person is otherwise required to register pursuant to  
11 the provisions of such section.

12 3. The offense of abuse through forced labor is a felony  
13 punishable by imprisonment for a term of years not less than five  
14 years and not more than twenty years and a fine not to exceed two  
15 hundred fifty thousand dollars.

16 4. If death results from a violation of this section, or if  
17 the violation includes kidnapping or an attempt to kidnap, sexual  
18 abuse when punishable as a class B felony, or an attempt to  
19 commit sexual abuse when punishable as a class B felony, or an  
20 attempt to kill, it shall be punishable for a term of years not

1 less than [~~five~~] ten years or life and a fine not to exceed two  
2 hundred fifty thousand dollars.

3 566.209. 1. A person commits the [~~crime~~] offense of  
4 trafficking for the purposes of sexual exploitation if a person  
5 knowingly recruits, entices, harbors, transports, provides,  
6 advertises the availability of or obtains by any means, including  
7 but not limited to through the use of force, intoxicating or  
8 inhibiting substances, abduction, coercion, fraud, deception,  
9 blackmail, or causing or threatening to cause financial harm,  
10 another person for the use or employment of such person in a  
11 commercial sex act, sexual conduct, a sexual performance, or the  
12 production of explicit sexual material as defined in section  
13 573.010, without his or her consent, or benefits, financially or  
14 by receiving anything of value, from participation in such  
15 activities.

16 2. The [~~crime~~] offense of trafficking for the purposes of  
17 sexual exploitation is a felony punishable by imprisonment for a  
18 term of years not less than five years and not more than twenty  
19 years and a fine not to exceed two hundred fifty thousand  
20 dollars. If a violation of this section was effected by force,

1 abduction, or coercion, the crime of trafficking for the purposes  
2 of sexual exploitation is a felony punishable by imprisonment for  
3 a term of years not less than ten years or life and a fine not to  
4 exceed two hundred fifty thousand dollars.

5 ~~[566.210. 1. A person commits the offense of~~  
6 ~~sexual trafficking of a child in the first degree if~~  
7 ~~he or she knowingly:~~

8 ~~(1) Recruits, entices, harbors, transports,~~  
9 ~~provides, or obtains by any means, including but not~~  
10 ~~limited to through the use of force, abduction,~~  
11 ~~coercion, fraud, deception, blackmail, or causing or~~  
12 ~~threatening to cause financial harm, a person under~~  
13 ~~the age of fourteen to participate in a commercial~~  
14 ~~sex act, a sexual performance, or the production of~~  
15 ~~explicit sexual material as defined in section~~  
16 ~~573.010, or benefits, financially or by receiving~~  
17 ~~anything of value, from participation in such~~  
18 ~~activities;~~

19 ~~(2) Causes a person under the age of fourteen~~  
20 ~~to engage in a commercial sex act, a sexual~~  
21 ~~performance, or the production of explicit sexual~~  
22 ~~material as defined in section 573.010; or~~

23 ~~(3) Advertises the availability of a person~~  
24 ~~under the age of fourteen to participate in a~~  
25 ~~commercial sex act, a sexual performance, or the~~  
26 ~~production of explicit sexual material as defined in~~  
27 ~~section 573.010.~~

28 ~~2. It shall not be a defense that the defendant~~  
29 ~~believed that the person was fourteen years of age or~~  
30 ~~older.~~

31 ~~3. The offense of sexual trafficking of a child~~  
32 ~~in the first degree is a felony for which the~~  
33 ~~authorized term of imprisonment is life imprisonment~~  
34 ~~without eligibility for probation or parole until the~~  
35 ~~offender has served not less than thirty years of~~  
36 ~~such sentence. [Subsection 4 of section 558.019~~  
37 ~~shall not apply to the sentence of a person who has~~  
38 ~~been found guilty of sexual trafficking of a child~~  
39 ~~less than fourteen years of age, and "life~~

1 ~~imprisonment" shall mean imprisonment for the~~  
2 ~~duration of a person's natural life for the purposes~~  
3 ~~of this section.]]~~

4 566.210. 1. A person commits the offense of sexual  
5 trafficking of a child in the first degree if he or she  
6 knowingly:

7 (1) Recruits, entices, harbors, transports, provides, or  
8 obtains by any means, including but not limited to through the  
9 use of force, abduction, coercion, fraud, deception, blackmail,  
10 or causing or threatening to cause financial harm, a person under  
11 the age of fourteen to participate in a commercial sex act, a  
12 sexual performance, or the production of explicit sexual material  
13 as defined in section 573.010, or benefits, financially or by  
14 receiving anything of value, from participation in such  
15 activities;

16 (2) Causes a person under the age of fourteen to engage in  
17 a commercial sex act, a sexual performance, or the production of  
18 explicit sexual material as defined in section 573.010; or

19 (3) Advertises the availability of a person under the age  
20 of fourteen to participate in a commercial sex act, a sexual  
21 performance, or the production of explicit sexual material as

1 defined in section 573.010.

2 2. It shall not be a defense that the defendant believed  
3 that the person was fourteen years of age or older.

4 3. The offense of sexual trafficking of a child in the  
5 first degree is a felony for which the authorized term of  
6 imprisonment is life imprisonment without eligibility for  
7 probation or parole until the offender has served not less than  
8 thirty years of such sentence. ~~[Subsection 4 of section 558.019~~  
9 ~~shall not apply to the sentence of a person who has been found~~  
10 ~~guilty of sexual trafficking of a child less than fourteen years~~  
11 ~~of age, and "life imprisonment" shall mean imprisonment for the~~  
12 ~~duration of a person's natural life for the purposes of this~~  
13 ~~section.]~~

14 ~~[566.211. 1. A person commits the offense of~~  
15 ~~sexual trafficking of a child in the second degree if~~  
16 ~~he or she knowingly:~~

17 ~~(1) Recruits, entices, harbors, transports,~~  
18 ~~provides, or obtains by any means, including but not~~  
19 ~~limited to through the use of force, abduction,~~  
20 ~~coercion, fraud, deception, blackmail, or causing or~~  
21 ~~threatening to cause financial harm, a person under~~  
22 ~~the age of eighteen to participate in a commercial~~  
23 ~~sex act, a sexual performance, or the production of~~  
24 ~~explicit sexual material as defined in section~~  
25 ~~573.010, or benefits, financially or by receiving~~  
26 ~~anything of value, from participation in such~~  
27 ~~activities;~~

28 ~~(2) Causes a person under the age of eighteen~~

1 ~~to engage in a commercial sex act, a sexual~~  
2 ~~performance, or the production of explicit sexual~~  
3 ~~material as defined in section 573.010; or~~

4 ~~(3) Advertises the availability of a person~~  
5 ~~under the age of eighteen to participate in a~~  
6 ~~commercial sex act, a sexual performance, or the~~  
7 ~~production of explicit sexual material as defined in~~  
8 ~~section 573.010.~~

9 ~~2. It shall not be a defense that the defendant~~  
10 ~~believed that the person was eighteen years of age or~~  
11 ~~older.~~

12 ~~3. The offense of sexual trafficking of a child~~  
13 ~~in the second degree is a felony punishable by~~  
14 ~~imprisonment for a term of years not less than twenty~~  
15 ~~years or life and a fine not to exceed two hundred~~  
16 ~~fifty thousand dollars if the child is under the age~~  
17 ~~of eighteen. If a violation of this section was~~  
18 ~~effected by force, abduction, or coercion, the~~  
19 ~~[crime] offense of sexual trafficking of a child~~  
20 ~~shall be a felony for which the authorized term of~~  
21 ~~imprisonment is life imprisonment without eligibility~~  
22 ~~for probation or parole until the defendant has~~  
23 ~~served [not less than twenty five years] eighty five~~  
24 ~~percent of such sentence as provided under section~~  
25 ~~558.011.]~~

26 566.211. 1. A person commits the offense of sexual  
27 trafficking of a child in the second degree if he or she  
28 knowingly:

29 (1) Recruits, entices, harbors, transports, provides, or  
30 obtains by any means, including but not limited to through the  
31 use of force, abduction, coercion, fraud, deception, blackmail,  
32 or causing or threatening to cause financial harm, a person under  
33 the age of eighteen to participate in a commercial sex act, a  
34 sexual performance, or the production of explicit sexual material

1 as defined in section 573.010, or benefits, financially or by  
2 receiving anything of value, from participation in such  
3 activities;

4 (2) Causes a person under the age of eighteen to engage in  
5 a commercial sex act, a sexual performance, or the production of  
6 explicit sexual material as defined in section 573.010; or

7 (3) Advertises the availability of a person under the age  
8 of eighteen to participate in a commercial sex act, a sexual  
9 performance, or the production of explicit sexual material as  
10 defined in section 573.010.

11 2. It shall not be a defense that the defendant believed  
12 that the person was eighteen years of age or older.

13 3. The offense of sexual trafficking of a child in the  
14 second degree is a felony punishable by imprisonment for a term  
15 of years not less than twenty years or life and a fine not to  
16 exceed two hundred fifty thousand dollars if the child is under  
17 the age of eighteen. If a violation of this section was effected  
18 by force, abduction, or coercion, the ~~[crime]~~ offense of sexual  
19 trafficking of a child shall be a felony for which the authorized  
20 term of imprisonment is life imprisonment without eligibility for

1 probation or parole until the defendant has served [~~not less than~~  
2 ~~twenty-five years~~] eighty-five percent of such sentence as  
3 provided under section 558.011.

4 568.045. 1. A person commits the offense of endangering  
5 the welfare of a child in the first degree if he or she:

6 (1) Knowingly acts in a manner that creates a substantial  
7 risk to the life, body, or health of a child less than  
8 [~~seventeen~~] eighteen years of age;

9 (2) Knowingly engages in sexual conduct with a person under  
10 the age of eighteen years over whom the person is a parent,  
11 guardian, or otherwise charged with the care and custody;

12 (3) Knowingly encourages, aids or causes a child less than  
13 [~~seventeen~~] eighteen years of age to engage in any conduct which  
14 violates the provisions of chapter 571 or 579; or

15 (4) In the presence of a child less than [~~seventeen~~]  
16 eighteen years of age or in a residence where a child less than  
17 [~~seventeen~~] eighteen years of age resides, unlawfully  
18 manufactures or attempts to manufacture compounds, possesses,  
19 produces, prepares, sells, transports, tests or analyzes any of  
20 the following: fentanyl, carfentanil, amphetamine, or

1 methamphetamine, or any analogue thereof.

2 2. The offense of endangering the welfare of a child in the  
3 first degree is a class D felony unless the offense:

4 (1) Is committed as part of an act or series of acts  
5 performed by two or more persons as part of an established or  
6 prescribed pattern of activity, or where physical injury to the  
7 child results, or the offense is a second or subsequent offense  
8 under this section, in which case the offense is a class C  
9 felony;

10 (2) Involves fentanyl or carfentanil, or any analogue  
11 thereof, in which case:

12 (a) The offense is a class B felony; and

13 (b) A person sentenced under this subdivision shall not be  
14 eligible for conditional release or parole until he or she has  
15 served at least five years of imprisonment;

16 (3) Results in serious physical injury to the child, in  
17 which case the offense is a class B felony; or

18 (4) Results in the death of a child, in which case the  
19 offense is a class A felony.

20 ~~[568.060. 1. As used in this section, the~~  
21 ~~following terms shall mean:~~

1           ~~(1) "Abuse", the infliction of physical,~~  
2 ~~sexual, or mental injury against a child by any~~  
3 ~~person eighteen years of age or older. For purposes~~  
4 ~~of this section, abuse shall not include injury~~  
5 ~~inflicted on a child by accidental means by a person~~  
6 ~~with care, custody, or control of the child, or~~  
7 ~~discipline of a child by a person with care, custody,~~  
8 ~~or control of the child, including spanking, in a~~  
9 ~~reasonable manner;~~

10           ~~(2) "Abusive head trauma", a serious physical~~  
11 ~~injury to the head or brain caused by any means,~~  
12 ~~including but not limited to shaking, jerking,~~  
13 ~~pushing, pulling, slamming, hitting, or kicking;~~

14           ~~(3) "Mental injury", an injury to the~~  
15 ~~intellectual or psychological capacity or the~~  
16 ~~emotional condition of a child as evidenced by an~~  
17 ~~observable and substantial impairment of the ability~~  
18 ~~of the child to function within his or her normal~~  
19 ~~range of performance or behavior;~~

20           ~~(4) "Neglect", the failure to provide, by those~~  
21 ~~responsible for the care, custody, and control of a~~  
22 ~~child under the age of eighteen years, the care~~  
23 ~~reasonable and necessary to maintain the physical and~~  
24 ~~mental health of the child, when such failure~~  
25 ~~presents a substantial probability that death or~~  
26 ~~physical injury or sexual injury would result;~~

27           ~~(5) "Physical injury", physical pain, illness,~~  
28 ~~or any impairment of physical condition, including~~  
29 ~~but not limited to bruising, lacerations, hematomas,~~  
30 ~~welts, or permanent or temporary disfigurement and~~  
31 ~~impairment of any bodily function or organ;~~

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

41           ~~(7) "Serious physical injury", a physical~~  
42 ~~injury that creates a substantial risk of death or~~  
43 ~~that causes serious disfigurement or protracted loss~~  
44 ~~or impairment of the function of any part of the~~

1 body.

2 ~~2. A person commits the offense of abuse or~~  
3 ~~neglect of a child if such person knowingly causes a~~  
4 ~~child who is less than eighteen years of age:~~

5 ~~(1) To suffer physical or mental injury as a~~  
6 ~~result of abuse or neglect; or~~

7 ~~(2) To be placed in a situation in which the~~  
8 ~~child may suffer physical or mental injury as the~~  
9 ~~result of abuse or neglect.~~

10 ~~3. A person commits the offense of abuse or~~  
11 ~~neglect of a child if such person recklessly causes a~~  
12 ~~child who is less than eighteen years of age to~~  
13 ~~suffer from abusive head trauma.~~

14 ~~4. A person does not commit the offense of~~  
15 ~~abuse or neglect of a child by virtue of the sole~~  
16 ~~fact that the person delivers or allows the delivery~~  
17 ~~of a child to a provider of emergency services.~~

18 ~~5. (1) A person does not commit the offense of~~  
19 ~~abuse or neglect of a child by virtue of the sole~~  
20 ~~fact that the person allows the child to engage in~~  
21 ~~independent activities without adult supervision and~~  
22 ~~the person is a parent to the child or is responsible~~  
23 ~~for the child's care, provided that the:~~

24 ~~(a) Independent activities are appropriate~~  
25 ~~based on the child's age, maturity, and physical and~~  
26 ~~mental abilities; and~~

27 ~~(b) Lack of adult supervision does not~~  
28 ~~constitute conduct that is so grossly negligent as to~~  
29 ~~endanger the health or safety of the child.~~

30 ~~(2) As used in this subsection, "independent~~  
31 ~~activities" shall include traveling to or from school~~  
32 ~~or nearby locations by bicycle or on foot, playing~~  
33 ~~outdoors, or remaining at home for a reasonable~~  
34 ~~period of time without adult supervision.~~

35 ~~6. The offense of abuse or neglect of a child~~  
36 ~~is:~~

37 ~~(1) A class D felony[, without eligibility for~~  
38 ~~probation, parole, or conditional release until the~~  
39 ~~defendant has served no less than one year of such~~  
40 ~~sentence], unless the person has previously been~~  
41 ~~found guilty of a violation of this section or of a~~  
42 ~~violation of the law of any other jurisdiction that~~  
43 ~~prohibits the same or similar conduct or the injury~~  
44 ~~inflicted on the child is a serious emotional injury~~

1 ~~or a serious physical injury, in which case abuse or~~  
2 ~~neglect of a child is a class B felony, without~~  
3 ~~eligibility for probation or parole until the~~  
4 ~~defendant has served not less than five years of such~~  
5 ~~sentence; or~~

6 ~~(2) A class A felony if the child dies as a~~  
7 ~~result of injuries sustained from conduct chargeable~~  
8 ~~under the provisions of this section.~~

9 ~~7. Notwithstanding subsection 6 of this section~~  
10 ~~to the contrary, the offense of abuse or neglect of a~~  
11 ~~child is a class A felony, without eligibility for~~  
12 ~~probation, parole, or conditional release until the~~  
13 ~~defendant has served not less than fifteen years of~~  
14 ~~such sentence, if:~~

15 ~~(1) The injury is a serious emotional injury or~~  
16 ~~a serious physical injury;~~

17 ~~(2) The child is less than fourteen years of~~  
18 ~~age; and~~

19 ~~(3) The injury is the result of sexual abuse or~~  
20 ~~sexual abuse in the first degree as defined under~~  
21 ~~section 566.100 or sexual exploitation of a minor as~~  
22 ~~defined under section 573.023.~~

23 ~~8. The circuit or prosecuting attorney may~~  
24 ~~refer a person who is suspected of abuse or neglect~~  
25 ~~of a child to an appropriate public or private agency~~  
26 ~~for treatment or counseling so long as the agency has~~  
27 ~~consented to taking such referrals. Nothing in this~~  
28 ~~subsection shall limit the discretion of the circuit~~  
29 ~~or prosecuting attorney to prosecute a person who has~~  
30 ~~been referred for treatment or counseling pursuant to~~  
31 ~~this subsection.~~

32 ~~9. Nothing in this section shall be construed~~  
33 ~~to alter the requirement that every element of any~~  
34 ~~crime referred to herein must be proven beyond a~~  
35 ~~reasonable doubt.~~

36 ~~10. Discipline, including spanking administered~~  
37 ~~in a reasonable manner, shall not be construed to be~~  
38 ~~abuse under this section.]~~

39 568.060. 1. As used in this section, the following terms

40 shall mean:

41 (1) "Abuse", the infliction of physical, sexual, or mental

1 injury against a child by any person eighteen years of age or  
2 older. For purposes of this section, abuse shall not include  
3 injury inflicted on a child by accidental means by a person with  
4 care, custody, or control of the child, or discipline of a child  
5 by a person with care, custody, or control of the child,  
6 including spanking, in a reasonable manner;

7 (2) "Abusive head trauma", a serious physical injury to the  
8 head or brain caused by any means, including but not limited to  
9 shaking, jerking, pushing, pulling, slamming, hitting, or  
10 kicking;

11 (3) "Mental injury", an injury to the intellectual or  
12 psychological capacity or the emotional condition of a child as  
13 evidenced by an observable and substantial impairment of the  
14 ability of the child to function within his or her normal range  
15 of performance or behavior;

16 (4) "Neglect", the failure to provide, by those responsible  
17 for the care, custody, and control of a child under the age of  
18 eighteen years, the care reasonable and necessary to maintain the  
19 physical and mental health of the child, when such failure  
20 presents a substantial probability that death or physical injury

1 or sexual injury would result;

2 (5) "Physical injury", physical pain, illness, or any  
3 impairment of physical condition, including but not limited to  
4 bruising, lacerations, hematomas, welts, or permanent or  
5 temporary disfigurement and impairment of any bodily function or  
6 organ;

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

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

18 2. A person commits the offense of abuse or neglect of a  
19 child if such person knowingly causes a child who is less than  
20 eighteen years of age:

1           (1) To suffer physical or mental injury as a result of  
2 abuse or neglect; or

3           (2) To be placed in a situation in which the child may  
4 suffer physical or mental injury as the result of abuse or  
5 neglect.

6           3. A person commits the offense of abuse or neglect of a  
7 child if such person recklessly causes a child who is less than  
8 eighteen years of age to suffer from abusive head trauma.

9           4. A person does not commit the offense of abuse or neglect  
10 of a child by virtue of the sole fact that the person delivers or  
11 allows the delivery of a child to a provider of emergency  
12 services.

13           5. (1) A person does not commit the offense of abuse or  
14 neglect of a child by virtue of the sole fact that the person  
15 allows the child to engage in independent activities without  
16 adult supervision and the person is a parent to the child or is  
17 responsible for the child's care, provided that the:

18           (a) Independent activities are appropriate based on the  
19 child's age, maturity, and physical and mental abilities; and

20           (b) Lack of adult supervision does not constitute conduct

1 that is so grossly negligent as to endanger the health or safety  
2 of the child.

3 (2) As used in this subsection, "independent activities"  
4 shall include traveling to or from school or nearby locations by  
5 bicycle or on foot, playing outdoors, or remaining at home for a  
6 reasonable period of time without adult supervision.

7 6. The offense of abuse or neglect of a child is:

8 (1) A class D felony ~~[, without eligibility for probation,~~  
9 ~~parole, or conditional release until the defendant has served no~~  
10 ~~less than one year of such sentence]~~, unless the person has  
11 previously been found guilty of a violation of this section or of  
12 a violation of the law of any other jurisdiction that prohibits  
13 the same or similar conduct or the injury inflicted on the child  
14 is a serious emotional injury or a serious physical injury, in  
15 which case abuse or neglect of a child is a class B felony,  
16 without eligibility for probation or parole until the defendant  
17 has served not less than five years of such sentence; or

18 (2) A class A felony if the child dies as a result of  
19 injuries sustained from conduct chargeable under the provisions  
20 of this section.

1           7. Notwithstanding subsection 6 of this section to the  
2 contrary, the offense of abuse or neglect of a child is a class A  
3 felony, without eligibility for probation, parole, or conditional  
4 release until the defendant has served not less than fifteen  
5 years of such sentence, if:

6           (1) The injury is a serious emotional injury or a serious  
7 physical injury;

8           (2) The child is less than fourteen years of age; and

9           (3) The injury is the result of sexual abuse or sexual  
10 abuse in the first degree as defined under section 566.100 or  
11 sexual exploitation of a minor as defined under section 573.023.

12           8. The circuit or prosecuting attorney may refer a person  
13 who is suspected of abuse or neglect of a child to an appropriate  
14 public or private agency for treatment or counseling so long as  
15 the agency has consented to taking such referrals. Nothing in  
16 this subsection shall limit the discretion of the circuit or  
17 prosecuting attorney to prosecute a person who has been referred  
18 for treatment or counseling pursuant to this subsection.

19           9. Nothing in this section shall be construed to alter the  
20 requirement that every element of any crime referred to herein

1 must be proven beyond a reasonable doubt.

2 10. Discipline, including spanking administered in a  
3 reasonable manner, shall not be construed to be abuse under this  
4 section.

5 573.570. 1. As used in this section, the following terms  
6 mean:

7 (1) "Depicted individual", an individual who, as a result  
8 of digitization or by means of digital manipulation, appears in  
9 whole or in part in an intimate digital depiction and who is  
10 identifiable by virtue of the individual's face, likeness, or  
11 other distinguishing characteristic, such as a unique birthmark  
12 or other recognizable feature, or from information displayed in  
13 connection with the digital depiction;

14 (2) "Digital depiction", a realistic visual depiction of an  
15 individual that has been created or altered using digital  
16 manipulation;

17 (3) "Information content providers", any person or entity  
18 that is responsible, in whole or in part, for the creation or  
19 development of information provided through the internet or any  
20 other interactive computer service;

1       (4) "Intimate digital depiction", a digital depiction of an  
2 individual that has been created or altered using digital  
3 manipulation and that depicts:

4       (a) The uncovered genitals, pubic area, anus, or  
5 postpubescent female nipple of an identifiable individual;

6       (b) The display or transfer of bodily sexual fluids:

7       a. Onto any part of the body of an identifiable individual;

8       or

9       b. From the body of an identifiable individual; or

10       (c) An identifiable individual engaging in sexually  
11 explicit conduct;

12       (5) "Sexually explicit conduct", actual or simulated:

13       (a) Sexual intercourse, including genital-genital, oral-  
14 genital, anal-genital, or oral-anal, whether between persons of  
15 the same or opposite sex;

16       (b) Bestiality;

17       (c) Masturbation;

18       (d) Sadistic or masochistic abuse; or

19       (e) Lascivious exhibition of the genitals or pubic area of  
20 any person.

1           2. A person commits the offense of disclosure of an  
2 intimate digital depiction if the person:

3           (1) Discloses an intimate digital depiction:

4           (a) With the intent to harass, annoy, threaten, alarm, or  
5 cause substantial harm to the finances or reputation of the  
6 depicted individual; or

7           (b) With the actual knowledge that, or reckless disregard  
8 for whether, such disclosure will cause physical, emotional,  
9 reputational, or economic harm to the depicted individual; or

10          (2) Threatens to disclose an intimate digital depiction:

11          (a) With the intent to harass, annoy, threaten, alarm, or  
12 cause substantial harm to the finances or reputation of the  
13 depicted individual; or

14          (b) With the actual knowledge that, or reckless disregard  
15 for whether, such threatened disclosure will cause physical,  
16 emotional, reputational, or economic harm to the depicted  
17 individual.

18          3. (1) A violation of subdivision (1) of subsection 2 of  
19 this section shall be a class D felony.

20          (2) A violation of subdivision (2) of subsection 2 of this

1 section shall be a class E felony.

2 (3) A violation of subsection 2 of this section shall be a  
3 class C felony if:

4 (a) The violation is a second or other subsequent violation  
5 of subsection 2 of this section; or

6 (b) The violation is such that the digital depiction could  
7 be reasonably expected to:

8 a. Affect the conduct of any administrative, legislative,  
9 or judicial proceeding of a federal, state, local, or tribal  
10 government agency, including the administration of an election or  
11 the conduct of foreign relations; or

12 b. Facilitate violence.

13 4. It shall not be a defense to an offense of disclosure of  
14 an intimate digital depiction under this section that there is a  
15 disclaimer stating that the intimate digital depiction of the  
16 depicted individual was unauthorized or that the depicted  
17 individual did not participate in the creation or development of  
18 the digital depiction.

19 5. For the purposes of this section, a provider of an  
20 interactive computer service shall not be held to have committed

1 the offense of disclosure of an intimate digital depiction due  
2 to:

3 (1) Any action voluntarily taken in good faith to restrict  
4 access to or availability of intimate digital depictions; or

5 (2) Any action taken to enable or make available to  
6 information content providers or other persons the technical  
7 means to restrict access to intimate digital depictions.

8 573.575. 1. A person commits the offense of sadistic  
9 online exploitation if he or she:

10 (1) Uses the internet to manipulate, intimidate, hurt,  
11 scare, control, or threaten a victim to undergo suffering through  
12 forcing their submission, use of violence, self-harm, or  
13 destruction for sadistic or sinister purposes;

14 (2) Coerces a victim into performing self-harm, animal  
15 harm, harming another person, sharing personal information, or  
16 suicidal actions or ideations;

17 (3) Uses non-physical forms of coercion, manipulation,  
18 shame or fear to extort another person into providing sexually  
19 explicit content then using such content to further extort,  
20 threaten, or control the victim; or

1       (4) Uses intimate depictions as devices to threaten or  
2 coerce a victim by demanding any kind of financial gain.

3       2. The offense of sadistic online exploitation shall be a  
4 class E felony.

5       577.800. 1. A person commits the offense of unlawful use  
6 of unmanned aircraft over an open-air facility or critical  
7 infrastructure facility if he or she purposely:

8       (1) Operates an unmanned aircraft within a vertical  
9 distance of four hundred feet from the ground and within the  
10 property line of an open-air facility; ~~[or]~~

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

15       (3) Uses an unmanned aircraft within the boundary of any  
16 critical infrastructure facility; or

17       (4) Operates an unmanned aircraft within a vertical  
18 distance of four hundred feet from the ground and within the  
19 property line of a critical infrastructure facility in  
20 furtherance of any violation of criminal law.

1           2. For purposes of this section, "open-air facility" shall  
2 mean any sports, theater, music, performing arts, or other  
3 entertainment facility with a capacity of five [~~thousand~~] hundred  
4 people or more and not completely enclosed by a roof or other  
5 structure. For purposes of this section, "critical  
6 infrastructure facility" shall have the same meaning as section  
7 569.086.

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

10           (1) An employee, owner, or operator of an open-air facility  
11 ~~[at the direction of the president or chief executive officer of~~  
12 ~~the open-air facility]~~ or critical infrastructure facility for  
13 the purpose of monitoring, inspecting, operating, or maintaining  
14 the facility;

15           (2) A person who has written consent from the president or  
16 chief executive officer of the open-air facility or critical  
17 infrastructure facility;

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

1           (4) A government official or employee in the exercise of  
2 official duties;

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

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

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

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

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

16          4. The offense of unlawful use of unmanned aircraft over an  
17 open-air facility or critical infrastructure facility shall be  
18 punishable as an infraction unless the person uses an unmanned  
19 aircraft for:

20          (1) Delivering a gun, knife, weapon, or other article,

1 including any explosive device or material, that may be used in  
2 such manner to endanger the life of an employee or guest at an  
3 open-air facility or critical infrastructure facility, in which  
4 case the offense is a class B felony; or

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

8 5. Each open-air facility or critical infrastructure  
9 facility shall post a sign warning of the provisions of this  
10 section. The sign shall be at least eleven inches by fourteen  
11 inches and posted in a conspicuous place.

12 6. This section shall not apply to an operator of an  
13 unmanned aircraft that is being used for a commercial purpose  
14 that is otherwise operating lawfully, provided the operator is  
15 authorized by the Federal Aviation Administration to conduct  
16 lawful operations in that airspace.

17 ~~[589.400. 1. Sections 589.400 to 589.425 shall~~  
18 ~~apply to:~~

19 ~~(1) Any person who, since July 1, 1979, has~~  
20 ~~been or is hereafter adjudicated for an offense~~  
21 ~~referenced in section 589.414, unless such person is~~  
22 ~~exempt from registering under subsection 9 or 10 of~~  
23 ~~this section or section 589.401;~~

24 ~~(2) Any person who, since July 1, 1979, has~~

1 ~~been or is hereafter convicted of, been found guilty~~  
2 ~~of, or pled guilty or nolo contendere to committing,~~  
3 ~~attempting to commit, or conspiring to commit one or~~  
4 ~~more of the following offenses: kidnapping or~~  
5 ~~kidnapping in the first degree when the victim was a~~  
6 ~~child and the defendant was not a parent or guardian~~  
7 ~~of the child; abuse of a child under section 568.060~~  
8 ~~when such abuse is sexual in nature; felonious~~  
9 ~~restraint or kidnapping in the second degree when the~~  
10 ~~victim was a child and the defendant is not a parent~~  
11 ~~or guardian of the child; sexual contact or sexual~~  
12 ~~intercourse with a resident of a nursing home or~~  
13 ~~sexual conduct with a nursing facility resident or~~  
14 ~~vulnerable person in the first or second degree;~~  
15 ~~endangering the welfare of a child under section~~  
16 ~~568.045 when the endangerment is sexual in nature;~~  
17 ~~genital mutilation of a female child, under section~~  
18 ~~568.065; promoting prostitution in the first degree;~~  
19 ~~promoting prostitution in the second degree;~~  
20 ~~promoting prostitution in the third degree; sexual~~  
21 ~~exploitation of a minor; promoting child pornography~~  
22 ~~in the first degree as it existed prior to August 28,~~  
23 ~~2026; promoting child sexual abuse material in the~~  
24 ~~first degree; promoting child pornography in the~~  
25 ~~second degree as it existed prior to August 28, 2026;~~  
26 ~~promoting child sexual abuse material in the second~~  
27 ~~degree; possession of child pornography as it existed~~  
28 ~~prior to August 28, 2026; possession of child sexual~~  
29 ~~abuse material; furnishing pornographic material to~~  
30 ~~minors; public display of explicit sexual material;~~  
31 ~~coercing acceptance of obscene material; promoting~~  
32 ~~obscenity in the first degree; promoting pornography~~  
33 ~~for minors or obscenity in the second degree; incest;~~  
34 ~~use of a child in a sexual performance; or promoting~~  
35 ~~sexual performance by a child; patronizing~~  
36 ~~prostitution if the individual the person patronizes~~  
37 ~~is less than eighteen years of age; grooming of a~~  
38 ~~minor; nonconsensual dissemination of private sexual~~  
39 ~~images; or threatening the nonconsensual~~  
40 ~~dissemination of private sexual images;~~

41 ~~(3) Any person who, since July 1, 1979, has~~  
42 ~~been committed to the department of mental health as~~  
43 ~~a criminal sexual psychopath;~~

44 ~~(4) Any person who, since July 1, 1979, has~~

1 ~~been found not guilty as a result of mental disease~~  
2 ~~or defect of any offense referenced in section~~  
3 ~~589.414;~~

4 ~~(5) Any juvenile certified as an adult and~~  
5 ~~transferred to a court of general jurisdiction who~~  
6 ~~has been adjudicated for an offense listed under~~  
7 ~~section 589.414;~~

8 ~~(6) Any juvenile fourteen years of age or older~~  
9 ~~at the time of the offense who has been adjudicated~~  
10 ~~for an offense which is equal to or more severe than~~  
11 ~~aggravated sexual abuse under 18 U.S.C. Section 2241,~~  
12 ~~which shall include any attempt or conspiracy to~~  
13 ~~commit such offense;~~

14 ~~(7) Any person who is a resident of this state~~  
15 ~~who has, since July 1, 1979, been or is hereafter~~  
16 ~~adjudicated in any other state, territory, the~~  
17 ~~District of Columbia, or foreign country, or under~~  
18 ~~federal, tribal, or military jurisdiction for an~~  
19 ~~offense which, if committed in this state, would~~  
20 ~~constitute an offense listed under section 589.414,~~  
21 ~~or has been or is required to register in another~~  
22 ~~state, territory, the District of Columbia, or~~  
23 ~~foreign country, or has been or is required to~~  
24 ~~register under tribal, federal, or military law; or~~

25 ~~(8) Any person who has been or is required to~~  
26 ~~register in another state, territory, the District of~~  
27 ~~Columbia, or foreign country, or has been or is~~  
28 ~~required to register under tribal, federal, or~~  
29 ~~military law and who works or attends an educational~~  
30 ~~institution, whether public or private in nature,~~  
31 ~~including any secondary school, trade school,~~  
32 ~~professional school, or institution of higher~~  
33 ~~education on a full-time or on a part-time basis or~~  
34 ~~has a temporary residence in Missouri. "Part-time"~~  
35 ~~in this subdivision means for more than seven days in~~  
36 ~~any twelve-month period.~~

37 ~~2. Any person to whom sections 589.400 to~~  
38 ~~589.425 apply shall, within three business days of~~  
39 ~~adjudication, release from incarceration, or~~  
40 ~~placement upon probation, register with the chief law~~  
41 ~~enforcement official of the county or city not within~~  
42 ~~a county in which such person resides unless such~~  
43 ~~person has already registered in that county for the~~  
44 ~~same offense. For any juvenile under subdivision (6)~~

1 of subsection 1 of this section, within three  
2 business days of adjudication or release from  
3 commitment to the division of youth services, the  
4 department of mental health, or other placement, such  
5 juvenile shall register with the chief law  
6 enforcement official of the county or city not within  
7 a county in which he or she resides unless he or she  
8 has already registered in such county or city not  
9 within a county for the same offense. Any person to  
10 whom sections 589.400 to 589.425 apply if not  
11 currently registered in their county of residence  
12 shall register with the chief law enforcement  
13 official of such county or city not within a county  
14 within three business days. The chief law  
15 enforcement official shall forward a copy of the  
16 registration form required by section 589.407 to a  
17 city, town, village, or campus law enforcement agency  
18 located within the county of the chief law  
19 enforcement official.

20 3. The registration requirements of sections  
21 589.400 through 589.425 shall be as provided under  
22 subsection 4 of this section unless:

23 (1) All offenses requiring registration are  
24 reversed, vacated, or set aside;

25 (2) The registrant is no longer required to  
26 register and his or her name shall be removed from  
27 the registry under the provisions of section 589.414;  
28 or

29 (3) The court orders the removal or exemption  
30 of such person from the registry under section  
31 589.401.

32 4. The registration requirements shall be as  
33 follows:

34 (1) Fifteen years if the offender is a tier I  
35 sex offender as provided under section 589.414;

36 (2) Twenty-five years if the offender is a tier  
37 II sex offender as provided under section 589.414; or

38 (3) The life of the offender if the offender is  
39 a tier III sex offender.

40 5. (1) The registration period shall be  
41 reduced as described in subdivision (3) of this  
42 subsection for a sex offender who maintains a clean  
43 record for the periods described under subdivision  
44 (2) of this subsection by:

1           ~~(a) Not being adjudicated of any offense for~~  
2 ~~which imprisonment for more than one year may be~~  
3 ~~imposed;~~

4           ~~(b) Not being adjudicated of any sex offense;~~

5           ~~(c) Successfully completing any periods of~~  
6 ~~supervised release, probation, or parole; and~~

7           ~~(d) Successfully completing an appropriate sex~~  
8 ~~offender treatment program certified by the attorney~~  
9 ~~general.~~

10          ~~(2) In the case of a:~~

11          ~~(a) Tier I sex offender, the period during~~  
12 ~~which the clean record shall be maintained is ten~~  
13 ~~years;~~

14          ~~(b) Tier III sex offender adjudicated~~  
15 ~~delinquent for the offense which required~~  
16 ~~registration in a sex offender registry under~~  
17 ~~sections 589.400 to 589.425, the period during which~~  
18 ~~the clean record shall be maintained is twenty-five~~  
19 ~~years.~~

20          ~~(3) In the case of a:~~

21          ~~(a) Tier I sex offender, the reduction is five~~  
22 ~~years;~~

23          ~~(b) Tier III sex offender adjudicated~~  
24 ~~delinquent, the reduction is from life to that period~~  
25 ~~for which the clean record under paragraph (b) of~~  
26 ~~subdivision (2) of this subsection is maintained.~~

27          ~~6. For processing an initial sex offender~~  
28 ~~registration the chief law enforcement officer of the~~  
29 ~~county or city not within a county may charge the~~  
30 ~~offender registering a fee of up to ten dollars.~~

31          ~~7. For processing any change in registration~~  
32 ~~required pursuant to section 589.414 the chief law~~  
33 ~~enforcement official of the county or city not within~~  
34 ~~a county may charge the person changing their~~  
35 ~~registration a fee of five dollars for each change~~  
36 ~~made after the initial registration.~~

37          ~~8. Any person currently on the sexual offender~~  
38 ~~registry or who otherwise would be required to~~  
39 ~~register for being adjudicated for the offense of~~  
40 ~~felonious restraint of a nonsexual nature when the~~  
41 ~~victim was a child and he or she was the parent or~~  
42 ~~guardian of the child, nonsexual child abuse that was~~  
43 ~~committed under section 568.060, or kidnapping of a~~  
44 ~~nonsexual nature when the victim was a child and he~~

1 ~~or she was the parent or guardian of the child shall~~  
2 ~~be removed from the registry. However, such person~~  
3 ~~shall remain on the sexual offender registry for any~~  
4 ~~other offense for which he or she is required to~~  
5 ~~register under sections 589.400 to 589.425.~~

6 9. ~~The following persons shall be exempt from~~  
7 ~~registering as a sexual offender upon petition to the~~  
8 ~~court of jurisdiction under section 589.401; except~~  
9 ~~that, such person shall remain on the sexual offender~~  
10 ~~registry for any other offense for which he or she is~~  
11 ~~required to register under sections 589.400 to~~  
12 ~~589.425:~~

13 ~~(1) Any person currently on the sexual offender~~  
14 ~~registry or who otherwise would be required to~~  
15 ~~register for a sexual offense involving:~~

16 ~~(a) Sexual conduct where no force or threat of~~  
17 ~~force was directed toward the victim or any other~~  
18 ~~individual involved, if the victim was an adult,~~  
19 ~~unless the adult was under the custodial authority of~~  
20 ~~the offender at the time of the offense; or~~

21 ~~(b) Sexual conduct where no force or threat of~~  
22 ~~force was directed toward the victim, the victim was~~  
23 ~~at least fourteen years of age, and the offender was~~  
24 ~~not more than four years older than the victim at the~~  
25 ~~time of the offense; or~~

26 ~~(2) Any person currently required to register~~  
27 ~~for the following sexual offenses:~~

28 ~~(a) Promoting obscenity in the first degree~~  
29 ~~under section 573.020;~~

30 ~~(b) Promoting obscenity in the second degree~~  
31 ~~under section 573.030;~~

32 ~~(c) Furnishing pornographic materials to minors~~  
33 ~~under section 573.040;~~

34 ~~(d) Public display of explicit sexual material~~  
35 ~~under section 573.060;~~

36 ~~(e) Coercing acceptance of obscene material~~  
37 ~~under section 573.065;~~

38 ~~(f) Trafficking for the purpose of slavery,~~  
39 ~~involuntary servitude, peonage, or forced labor under~~  
40 ~~section 566.206;~~

41 ~~(g) Abusing an individual through forced labor~~  
42 ~~under section 566.203;~~

43 ~~(h) Contributing to human trafficking through~~  
44 ~~the misuse of documentation under section 566.215; or~~

1           ~~(i) Acting as an international marriage broker~~  
2 ~~and failing to provide the information and notice as~~  
3 ~~required under section 578.475.~~

4           ~~10. Any person currently on the sexual offender~~  
5 ~~registry for having been adjudicated for a tier I or~~  
6 ~~II offense or adjudicated delinquent for a tier III~~  
7 ~~offense or other comparable offenses listed under~~  
8 ~~section 589.414 may file a petition under section~~  
9 ~~589.401.~~

10           ~~11. Any nonresident worker, including work as a~~  
11 ~~volunteer or intern, or nonresident student shall~~  
12 ~~register for the duration of such person's~~  
13 ~~employment, including participation as a volunteer or~~  
14 ~~intern, or attendance at any school of higher~~  
15 ~~education whether public or private, including any~~  
16 ~~secondary school, trade school, professional school,~~  
17 ~~or institution of higher education on a full-time or~~  
18 ~~part-time basis in this state unless granted relief~~  
19 ~~under section 589.401. Any registered offender shall~~  
20 ~~provide information regarding any place in which the~~  
21 ~~offender is staying when away from his or her~~  
22 ~~residence for seven or more days, including the~~  
23 ~~period of time the offender is staying in such place.~~  
24 ~~Any registered offender from another state who has a~~  
25 ~~temporary residence in this state and resides more~~  
26 ~~than seven days in a twelve-month period shall~~  
27 ~~register for the duration of such person's temporary~~  
28 ~~residency unless granted relief under section~~  
29 ~~589.401.]~~

30           589.400. 1. Unless exempt from registering under section

31 589.401, sections 589.400 to 589.425 shall apply to:

32           (1) Any person who, since July 1, 1979, has been or is  
33 hereafter adjudicated for an offense [~~referenced in section~~  
34 ~~589.414,~~ unless such person is exempt from registering under  
35 ~~subsection 9 or 10 of this section or section 589.401]~~ that would  
36 classify the person as a tier I offender, tier II offender, or

1 tier III offender in this state;

2 (2)  ~~[Any person who, since July 1, 1979, has been or is~~  
3  ~~hereafter convicted of, been found guilty of, or pled guilty or~~  
4  ~~nolo contendere to committing, attempting to commit, or~~  
5  ~~conspiring to commit one or more of the following offenses:—~~  
6  ~~kidnapping or kidnapping in the first degree when the victim was~~  
7  ~~a child and the defendant was not a parent or guardian of the~~  
8  ~~child; abuse of a child under section 568.060 when such abuse is~~  
9  ~~sexual in nature; felonious restraint or kidnapping in the second~~  
10  ~~degree when the victim was a child and the defendant is not a~~  
11  ~~parent or guardian of the child; sexual contact or sexual~~  
12  ~~intercourse with a resident of a nursing home or sexual conduct~~  
13  ~~with a nursing facility resident or vulnerable person in the~~  
14  ~~first or second degree; endangering the welfare of a child under~~  
15  ~~section 568.045 when the endangerment is sexual in nature;~~  
16  ~~genital mutilation of a female child, under section 568.065;~~  
17  ~~promoting prostitution in the first degree; promoting~~  
18  ~~prostitution in the second degree; promoting prostitution in the~~  
19  ~~third degree; sexual exploitation of a minor; promoting child~~  
20  ~~pornography in the first degree; promoting child pornography in~~

1 ~~the second degree; possession of child pornography; furnishing~~  
2 ~~pornographic material to minors; public display of explicit~~  
3 ~~sexual material; coercing acceptance of obscene material;~~  
4 ~~promoting obscenity in the first degree; promoting pornography~~  
5 ~~for minors or obscenity in the second degree; incest; use of a~~  
6 ~~child in a sexual performance; or promoting sexual performance by~~  
7 ~~a child; patronizing prostitution if the individual the person~~  
8 ~~patronizes is less than eighteen years of age;~~

9 ~~(3)]~~ Any person who, since July 1, 1979, has been committed  
10 to the department of mental health as a criminal sexual  
11 psychopath;

12 ~~[(4)]~~ (3) Any person who, since July 1, 1979, has been  
13 found not guilty as a result of mental disease or defect of any  
14 offense ~~[referenced in section 589.414]~~ that would classify the  
15 person as a tier I offender, tier II offender, or tier III  
16 offender;

17 ~~[(5)]~~ (4) Any juvenile certified as an adult and  
18 transferred to a court of general jurisdiction who has been  
19 adjudicated for an offense ~~[listed under section 589.414]~~ that  
20 would classify the juvenile as a tier I offender, tier II

1 offender, or tier III offender;

2        ~~[(6)]~~ (5) Any juvenile fourteen years of age or older at  
3 the time of the offense who has been adjudicated for an offense  
4 which is equal to or more severe than aggravated sexual abuse  
5 under 18 U.S.C. Section 2241, which shall include any attempt or  
6 conspiracy to commit such offense. Juveniles registering under  
7 this subdivision shall be assigned a tier under the provisions of  
8 section 589.414 and eligible for removal when meeting all other  
9 qualifications in sections 589.400 to 589.425. The tier  
10 assignment under section 589.414 shall be only for the purposes  
11 of registration visit frequency and removal eligibility and shall  
12 not otherwise affect the analysis of whether registration is  
13 required under this section;

14        ~~[(7)]~~ (6) Any person who is a resident of this state who  
15 has, since July 1, 1979, been or is hereafter adjudicated in any  
16 other state, territory, the District of Columbia, or foreign  
17 country, or under federal, tribal, or military jurisdiction for  
18 an offense which, if committed in this state, would constitute an  
19 offense ~~[listed under section 589.414]~~ that would classify the  
20 person as a tier I offender, tier II offender, or tier III

1 offender, or has been or is required to register in another  
2 state, territory, the District of Columbia, or foreign country,  
3 or has been or is required to register under tribal, federal, or  
4 military law. Persons registering under this subdivision shall  
5 be assigned a tier under the provisions of section 589.414 and  
6 eligible for removal when meeting all other qualifications in  
7 sections 589.400 to 589.425. The tier assignment under section  
8 589.414 shall be only for the purposes of registration visit  
9 frequency and removal eligibility and shall not otherwise affect  
10 the analysis of whether registration is required under this  
11 section; or

12 ~~[(8)]~~ (7) Any person who has been or is required to  
13 register in another state, territory, the District of Columbia,  
14 or foreign country, or has been or is required to register under  
15 tribal, federal, or military law and who works or attends an  
16 educational institution, whether public or private in nature,  
17 including any secondary school, trade school, professional  
18 school, or institution of higher education on a full-time or on a  
19 part-time basis or has a temporary residence in Missouri.

20 ~~["Part-time" in this subdivision means for more than seven days~~

1 ~~in any twelve month period.]~~ Persons registering under this  
2 subdivision shall be assigned a tier under the provisions of  
3 section 589.414 and eligible for removal when meeting all other  
4 qualifications in sections 589.400 to 589.425. The tier  
5 assignment under section 589.414 shall be only for the purposes  
6 of registration visit frequency and removal eligibility and shall  
7 not otherwise affect the analysis of whether registration is  
8 required under this section.

9       2. Any person or juvenile to whom sections 589.400 to  
10 589.425 apply shall, within three business days of adjudication,  
11 release from incarceration, ~~[or]~~ placement upon probation,  
12 release from commitment to the division of youth services,  
13 release from the department of mental health, or release from  
14 other placement, register with the ~~[chief law enforcement]~~  
15 registration official of the county or city not within a county  
16 in which such person or juvenile resides unless such person has  
17 already registered in that county for the same offense. ~~[For any~~  
18 ~~juvenile under subdivision (6) of subsection 1 of this section,~~  
19 ~~within three business days of adjudication or release from~~  
20 ~~commitment to the division of youth services, the department of~~

1 ~~mental health, or other placement, such juvenile shall register~~  
2 ~~with the chief law enforcement official of the county or city not~~  
3 ~~within a county in which he or she resides unless he or she has~~  
4 ~~already registered in such county or city not within a county for~~  
5 ~~the same offense.] Any person or juvenile to whom sections~~  
6 ~~589.400 to 589.425 apply if not currently registered in their~~  
7 ~~county of residence shall register with the [chief law~~  
8 ~~enforcement] registration official [of such county or city not~~  
9 ~~within a county] within three business days. The [chief law~~  
10 ~~enforcement] registration official shall forward a copy of the~~  
11 ~~registration form required by section 589.407 to a city, town,~~  
12 ~~village, or campus law enforcement agency located within the~~  
13 ~~county of the [chief law enforcement] registration official.~~

14 3. ~~[The registration requirements of sections 589.400~~  
15 ~~through 589.425 shall be as provided under subsection 4 of this~~  
16 ~~section unless:~~

17 ~~(1) All offenses requiring registration are reversed,~~  
18 ~~vacated, or set aside;~~

19 ~~(2) The registrant is no longer required to register and~~  
20 ~~his or her name shall be removed from the registry under the~~

1 ~~provisions of section 589.414; or~~

2 ~~(3) The court orders the removal or exemption of such~~  
3 ~~person from the registry under section 589.401.~~

4 4.] The registration requirements shall be as follows:

5 (1) Fifteen years if the offender is a tier I [~~sex~~]  
6 offender [~~as provided under section 589.414~~];

7 (2) Twenty-five years if the offender is a tier II [~~sex~~]  
8 offender [~~as provided under section 589.414~~]; or

9 (3) The life of the offender if the offender is a tier III  
10 [~~sex~~] offender.

11 [~~5.]~~ 4. (1) The registration period shall be reduced as  
12 described in subdivision (3) of this subsection for a sex  
13 offender who maintains a clean record for the periods described  
14 under subdivision (2) of this subsection by:

15 (a) Not being adjudicated of any offense for which  
16 imprisonment for more than one year may be imposed;

17 (b) Not being adjudicated of any sex offense;

18 (c) Successfully completing any periods of supervised  
19 release, probation, or parole; and

20 (d) Successfully completing an appropriate sex offender

1 treatment program certified by a jurisdiction or the attorney  
2 general, regardless of whether such program was court ordered or  
3 voluntary. If records of program completion are unavailable and  
4 completion of such program was required as a term of probation,  
5 an order discharging the offender from probation or other record  
6 acknowledging satisfactory completion of probation shall  
7 constitute prima facie evidence that the offender successfully  
8 completed the necessary sex offender treatment program unless  
9 rebutted by evidence to the contrary.

10 (2) In the case of a:

11 (a) Tier I [~~sex~~] offender, the period during which the  
12 clean record shall be maintained is ten years;

13 (b) Tier III [~~sex~~] offender adjudicated delinquent for the  
14 offense which required registration in a sex offender registry  
15 under sections 589.400 to 589.425, the period during which the  
16 clean record shall be maintained is twenty-five years.

17 (3) In the case of a:

18 (a) Tier I [~~sex~~] offender, the reduction is five years;

19 (b) Tier III [~~sex~~] offender adjudicated delinquent, the  
20 reduction is from life to that period for which the clean record

1 under paragraph (b) of subdivision (2) of this subsection is  
2 maintained.

3 ~~[6.]~~ 5. For processing an initial sex offender  
4 registration, the ~~[chief law enforcement officer of the county or~~  
5 ~~city not within a county]~~ registration official may charge the  
6 offender registering a fee of up to ten dollars.

7 ~~[7.]~~ 6. For processing any change in registration required  
8 pursuant to section 589.414, the ~~[chief law enforcement]~~  
9 registration official ~~[of the county or city not within a county]~~  
10 may charge the person changing their registration a fee of five  
11 dollars for each change made after the initial registration.

12 ~~[8. Any person currently on the sexual offender registry or~~  
13 ~~who otherwise would be required to register for being adjudicated~~  
14 ~~for the offense of felonious restraint of a nonsexual nature when~~  
15 ~~the victim was a child and he or she was the parent or guardian~~  
16 ~~of the child, nonsexual child abuse that was committed under~~  
17 ~~section 568.060, or kidnapping of a nonsexual nature when the~~  
18 ~~victim was a child and he or she was the parent or guardian of~~  
19 ~~the child shall be removed from the registry. However, such~~  
20 ~~person shall remain on the sexual offender registry for any other~~

1 ~~offense for which he or she is required to register under~~  
2 ~~sections 589.400 to 589.425.~~

3 ~~9. The following persons shall be exempt from registering~~  
4 ~~as a sexual offender upon petition to the court of jurisdiction~~  
5 ~~under section 589.401; except that, such person shall remain on~~  
6 ~~the sexual offender registry for any other offense for which he~~  
7 ~~or she is required to register under sections 589.400 to 589.425:~~

8 ~~(1) Any person currently on the sexual offender registry or~~  
9 ~~who otherwise would be required to register for a sexual offense~~  
10 ~~involving:~~

11 ~~(a) Sexual conduct where no force or threat of force was~~  
12 ~~directed toward the victim or any other individual involved, if~~  
13 ~~the victim was an adult, unless the adult was under the custodial~~  
14 ~~authority of the offender at the time of the offense; or~~

15 ~~(b) Sexual conduct where no force or threat of force was~~  
16 ~~directed toward the victim, the victim was at least fourteen~~  
17 ~~years of age, and the offender was not more than four years older~~  
18 ~~than the victim at the time of the offense; or~~

19 ~~(2) Any person currently required to register for the~~  
20 ~~following sexual offenses:~~

1           ~~(a) Promoting obscenity in the first degree under section~~  
2     ~~573.020;~~

3           ~~(b) Promoting obscenity in the second degree under section~~  
4     ~~573.030;~~

5           ~~(c) Furnishing pornographic materials to minors under~~  
6     ~~section 573.040;~~

7           ~~(d) Public display of explicit sexual material under~~  
8     ~~section 573.060;~~

9           ~~(e) Coercing acceptance of obscene material under section~~  
10    ~~573.065;~~

11          ~~(f) Trafficking for the purpose of slavery, involuntary~~  
12    ~~servitude, peonage, or forced labor under section 566.206;~~

13          ~~(g) Abusing an individual through forced labor under~~  
14    ~~section 566.203;~~

15          ~~(h) Contributing to human trafficking through the misuse of~~  
16    ~~documentation under section 566.215; or~~

17          ~~(i) Acting as an international marriage broker and failing~~  
18    ~~to provide the information and notice as required under section~~  
19    ~~578.475.~~

20          ~~10. Any person currently on the sexual offender registry~~

1 ~~for having been adjudicated for a tier I or II offense or~~  
2 ~~adjudicated delinquent for a tier III offense or other comparable~~  
3 ~~offenses listed under section 589.414 may file a petition under~~  
4 ~~section 589.401.]~~

5 7. Any person with a primary residence outside this state  
6 who has a temporary residence in this state in which he or she  
7 resides for more than a part-time period shall register with the  
8 registration official in the jurisdiction of the temporary  
9 residence in accordance with this section for the duration of  
10 such person's temporary residency.

11 ~~[11.]~~ 8. Any ~~[nonresident worker]~~ person who is not a  
12 resident of this state and not currently registered due to  
13 temporary residence under subsection 7 of this section and who  
14 works, including work as a volunteer or intern, or is a  
15 nonresident student shall register for the duration of such  
16 person's employment, including participation as a volunteer or  
17 intern, or attendance at any school of higher education, whether  
18 public or private, including any secondary school, trade school,  
19 professional school, or institution of higher education on a  
20 full-time or part-time basis ~~[in this state unless granted relief~~

1 ~~under section 589.401. Any registered offender shall provide~~  
2 ~~information regarding any place in which the offender is staying~~  
3 ~~when away from his or her residence for seven or more days,~~  
4 ~~including the period of time the offender is staying in such~~  
5 ~~place. Any registered offender from another state who has a~~  
6 ~~temporary residence in this state and resides more than seven~~  
7 ~~days in a twelve-month period shall register for the duration of~~  
8 ~~such person's temporary residency unless granted relief under~~  
9 ~~section 589.401],~~ as long as the status requiring registration  
10 remains active. Such registration shall occur in the county or  
11 city not within a county where the status requiring registration  
12 occurs. If more than one county or city not within a county  
13 meets the requirement, priority shall be in the following order:

14 (1) The county of work;

15 (2) The county of school; and

16 (3) The county of volunteering or any other required  
17 status;

18  
19 with registration being required at only the highest priority  
20 county or city not within a county where the registerable status

1 remains.

2           589.401. 1. A person on the sexual offender registry of  
3 this state may file a petition in the division of the circuit  
4 court in the county or city not within a county in which the  
5 offense requiring registration was [~~committed~~] adjudicated to  
6 have his or her name exempted or removed from the sexual offender  
7 registry in accordance with this section.

8           2. (1) A person who is required to register in this state  
9 because of an offense that was adjudicated in another  
10 jurisdiction shall file his or her petition for removal,  
11 termination, or relief from registration, or the declaratory  
12 judgment providing for removal, termination, or relief from  
13 registration according to the laws of the state, federal,  
14 territory, tribal, or military jurisdiction, the District of  
15 Columbia, or foreign country in which his or her offense was  
16 adjudicated. Upon [~~the grant of the petition for removal in the~~]  
17 entry of a judgment by a court of competent jurisdiction [~~where~~  
18 ~~the offense was adjudicated~~] providing that the person is no  
19 longer required to register as a sex offender under the laws of  
20 the adjudicating jurisdiction, such judgment may be registered in

1 this state by sending the information required under subsection 5  
2 of this section as well as one authenticated copy of the order  
3 granting removal from the sexual offender registry in the  
4 jurisdiction where the offense was adjudicated to the court in  
5 the county or city not within a county in which the offender is  
6 required to register. On receipt of a request for registration  
7 removal, the registering court shall cause the order to be filed  
8 as a foreign judgment, together with one copy of the documents  
9 and information, regardless of their form. The petitioner shall  
10 be responsible for costs associated with filing the petition.

11 Nothing in this subdivision shall be construed to remove any  
12 requirements for a petition under this section or to remove the  
13 requirement that a person prove he or she is entitled to removal  
14 under Missouri law, when applicable.

15 (2) A person required to register as an offender in this  
16 state based solely on an offense adjudicated in another  
17 jurisdiction may file a petition for removal from this state's  
18 sexual offender registry, provided that:

19 (a) The offense did not require the person to register as  
20 an offender in the adjudicating jurisdiction at the time the

1 offense was adjudicated; or

2 (b) The person never resided, worked, or attended school in  
3 the adjudicating jurisdiction and was never required to register  
4 in the adjudicating jurisdiction.

5 (3) A petition filed under subdivision (2) of this  
6 subsection shall otherwise satisfy the requirements applicable to  
7 a petition filed under subdivision (1) of this subsection.

8 3. A person required to register as a tier III offender  
9 shall not file a petition under this section unless the  
10 requirement to register results from a juvenile adjudication.

11 4. The petition shall be dismissed without prejudice if the  
12 following time periods have not elapsed since the date the person  
13 was required to register for his or her most recent offense under  
14 sections 589.400 to 589.425:

15 (1) For a tier I offense, ten years;

16 (2) For a tier II offense, twenty-five years; or

17 (3) For a tier III offense adjudicated delinquent, twenty-  
18 five years.

19 5. The petition shall be dismissed without prejudice if it  
20 fails to include any of the following:

- 1           (1) The petitioner's:
- 2           (a) Full name, including any alias used by the [~~individual~~]
- 3           petitioner;
- 4           (b) Sex;
- 5           (c) Race;
- 6           (d) Date of birth;
- 7           (e) Last four digits of the Social Security number;
- 8           (f) Address; and
- 9           (g) Place of employment, school, or volunteer status;
- 10          (2) The offense and tier of the offense that required the
- 11          petitioner to register;
- 12          (3) The date the petitioner was adjudicated for the
- 13          offense;
- 14          (4) The date the petitioner was required to register;
- 15          (5) The case number and court, including the county or city
- 16          not within a county, that entered the original order for the
- 17          adjudicated sex offense;
- 18          (6) Petitioner's original fingerprints on an applicant
- 19          fingerprint card;
- 20          (7) If the petitioner was pardoned or an offense requiring

1 registration was reversed, vacated, or set aside, an  
2 authenticated copy of the order; and

3 (8) If the petitioner is currently registered under  
4 applicable law and has not been adjudicated for failure to  
5 register in any jurisdiction and does not have any charges  
6 pending for failure to register.

7 6. The petition shall name as respondents the Missouri  
8 state highway patrol and the [~~chief law enforcement~~] registration  
9 official in the county or city not within a county in which the  
10 petition is filed.

11 7. All proceedings under this section shall be governed  
12 under the Missouri supreme court rules of civil procedure.

13 8. The person seeking removal or exemption from the  
14 registry shall provide the prosecuting attorney in the circuit  
15 court in which the petition is filed with notice of the petition.  
16 The prosecuting attorney may present evidence in opposition to  
17 the requested relief or may otherwise demonstrate the reasons why  
18 the petition should be denied. Failure of the person seeking  
19 removal or exemption from the registry to notify the prosecuting  
20 attorney of the petition shall result in an automatic denial of

1 such person's petition.

2 9. The Missouri state highway patrol, the prosecuting  
3 attorney in the circuit court in which the petition is filed, and  
4 the petitioner shall have access to all applicable records  
5 concerning the petitioner including, but not limited to, criminal  
6 history records, mental health records, juvenile records, and  
7 records of the department of corrections or probation and parole.

8 10. The prosecuting attorney shall make reasonable efforts  
9 to notify the victim of the crime for which the person was  
10 required to register of the petition and the dates and times of  
11 any hearings or other proceedings in connection with such  
12 petition.

13 11. The court shall not enter an order directing the  
14 removal of the petitioner's name from the sexual offender  
15 registry unless it finds the petitioner:

16 (1) Has not been adjudicated or does not have charges  
17 pending for any additional nonsexual offense for which  
18 imprisonment for more than one year may be imposed since the date  
19 the offender was required to register for his or her current tier  
20 level;

1           (2) Has not been adjudicated or does not have charges  
2 pending for any additional sex offense that would require  
3 registration under sections 589.400 to 589.425 since the date the  
4 offender was required to register for his or her current tier  
5 level, even if the offense was punishable by less than one year  
6 imprisonment;

7           (3) Has successfully completed any required periods of  
8 supervised release, probation, or parole without revocation since  
9 the date the offender was required to register for his or her  
10 current tier level, or, in the case of lifetime supervision or  
11 probation, such term has been reduced or terminated by a court of  
12 competent jurisdiction;

13           (4) Has successfully completed an appropriate sex offender  
14 treatment program as approved by a court of competent  
15 jurisdiction or the Missouri department of corrections; and

16           (5) Is not a current or potential threat to public safety.

17           12. In order to meet the criteria required by subdivisions  
18 (1) and (2) of subsection 11 of this section, the fingerprints  
19 filed in the case shall be examined by the Missouri state highway  
20 patrol. The petitioner shall be responsible for all costs

1 associated with the fingerprint-based criminal history check of  
2 both state and federal files under section 43.530.

3 13. If the petition is denied due to an adjudication in  
4 violation of subdivision (1) or (2) of subsection 11 of this  
5 section, the petitioner shall not file a new petition under this  
6 section until:

7 (1) Fifteen years have passed from the date of the  
8 adjudication resulting in the denial of relief if the petitioner  
9 is classified as a tier I offender;

10 (2) Twenty-five years have passed from the date of  
11 adjudication resulting in the denial of relief if the petitioner  
12 is classified as a tier II offender; or

13 (3) Twenty-five years have passed from the date of the  
14 adjudication resulting in the denial of relief if the petitioner  
15 is classified as a tier III offender on the basis of a juvenile  
16 adjudication.

17 14. If the petition is denied due to the petitioner having  
18 charges pending in violation of subdivision (1) or (2) of  
19 subsection 11 of this section, the petitioner shall not file a  
20 new petition under this section until:

1           (1) The pending charges resulting in the denial of relief  
2 have been finally disposed of in a manner other than  
3 adjudication; or

4           (2) If the pending charges result in an adjudication, the  
5 necessary time period has elapsed under subsection 13 of this  
6 section.

7           15. (1) Except as provided in subdivision (2) of this  
8 subsection, if the petition is denied for reasons other than  
9 those outlined in subsection 11 of this section, no successive  
10 petition requesting such relief shall be filed for at least five  
11 years from the date the judgment denying relief is entered.

12           (2) If the denial was based on a statute or law that has  
13 since been amended, repealed, or invalidated, a person may file a  
14 new petition within the five-year period. In addition to the  
15 requirements under subsection 5 of this section, the new petition  
16 shall include the case number and court of the prior petition and  
17 identify the applicable change in the statute or law.

18           16. If the court finds the petitioner is entitled to have  
19 his or her name removed from the sexual offender registry, the  
20 court shall enter judgment directing the removal of the name. A

1 copy of the judgment shall be provided to the respondents named  
2 in the petition.

3 17. Any person subject to the judgment requiring his or her  
4 name to be removed from the sexual offender registry is not  
5 required to register under sections 589.400 to 589.425 unless  
6 such person is required to register for an offense that was  
7 different from that listed on the judgment of removal.

8 18. The court shall not deny the petition unless the  
9 petition failed to comply with the provisions of sections 589.400  
10 to 589.425 or the prosecuting attorney provided evidence  
11 demonstrating the petition should be denied.

12 19. (1) The provisions of subsections 3 and 4 of this  
13 section shall not apply to persons filing for exemption pursuant  
14 to this subsection.

15 (2) Except as provided in this subsection, a petition for  
16 exemption shall be governed by the other requirements provided in  
17 this section.

18 (3) A petition for exemption under this subsection shall be  
19 the exclusive remedy for adjudicating the applicability of the  
20 exemptions in this subsection.

1       (4) A person shall be ordered exempt from registration if  
2 the person meets the requirements of this section and the offense  
3 requiring registration is:

4       (a) Sexual conduct where no force or threat of force was  
5 directed toward the victim, the victim was at least fourteen  
6 years of age, and the person was not more than four years older  
7 than the victim at the time of the offense, unless the victim was  
8 under the custodial authority of the offender at the time of the  
9 offense;

10       (b) Sexual conduct where no force or threat of force was  
11 directed toward the victim or any other individual involved if  
12 the victim or other individual was eighteen years of age or  
13 older, unless the victim was under the custodial authority of the  
14 offender at the time of the offense;

15       (c) Promoting obscenity in the first degree under section  
16 573.020;

17       (d) Promoting obscenity in the second degree under section  
18 573.030;

19       (e) Furnishing pornographic materials to minors under  
20 section 573.040;

1       (f) Public display of explicit sexual material under  
2 section 573.060; or

3       (g) Coercing acceptance of obscene material under section  
4 573.065.

5       (5) The person shall have the burden of proving the person  
6 meets the requirements for exemption. In determining whether the  
7 person meets the requirements, a court may look beyond the  
8 offense of conviction and consider the underlying facts and  
9 conduct of the offense when evaluating noncategorical exemptions.

10       (6) If a court determines a person to be exempt, the  
11 provisions of sections 589.400 to 589.425 shall not apply for the  
12 purposes of the exempt offense. In the event a person currently  
13 registering is found to be exempt from the registration visit  
14 requirements, the person shall also be removed from the sexual  
15 offender registry.

16       (7) Nothing in this subsection shall prohibit a person from  
17 remaining or being placed on the sexual offender registry for any  
18 other nonexempt offense for which the person is required to  
19 register under sections 589.400 to 589.425.

20       (8) If a petition for exemption is filed before a person is

1 required to register under sections 589.400 to 589.425, the  
2 requirements of sections 589.400 to 589.425 shall be  
3 automatically stayed pending the outcome. In the event a  
4 petition is denied, the requirements of sections 589.400 to  
5 589.425 shall be in effect three business days following the  
6 exhaustion of all appeal rights. Nothing in this subdivision  
7 shall alter or be construed to give any court authority to alter  
8 ongoing requirements for persons whose initial registration  
9 requirement begins prior to the filing of a petition for  
10 exemption until a final order of exemption is entered.

11 20. The provisions of subsections 3 and 4 of this section  
12 shall not apply to persons filing for removal if the offense  
13 requiring registration is reversed, vacated, or set aside. A  
14 petition for removal due to the offense being reversed, vacated,  
15 or set aside shall be filed in accordance with all other  
16 requirements of this section and shall be the exclusive remedy  
17 for removal in such situations. Such petition shall include a  
18 certified copy of the action reversing, vacating, or setting  
19 aside the offense requiring registration.

20 21. This section shall be the sole remedy for removal or

1 exemption for persons adjudicated of a registerable offense. No  
2 declaratory action shall be filed for relief from registration  
3 requirements, except if registration, or threat thereof, is the  
4 result of an offense never requiring registration. Nothing in  
5 this subsection shall be construed to prohibit the filing of a  
6 declaratory action solely on the issue of what tier an offender  
7 should be classified under.

8 22. Notwithstanding any other provision of law, no person  
9 convicted of an offense that requires him or her to register  
10 under sections 589.400 to 589.425 shall change his or her legal  
11 name for the period of time he or she is required to register.  
12 To the extent the person has a prior legal name that was utilized  
13 on or after the date of conviction for any offense requiring  
14 registration, such name shall be reported under this section as  
15 an alias.

16 589.403. 1. Any person who is required to register under  
17 sections 589.400 to 589.425 and who is paroled, discharged, or  
18 otherwise released from any correctional facility of the  
19 department of corrections, any mental health institution, private  
20 jail under section 221.095, or other private facility recognized

1 by or contracted with the department of corrections or department  
2 of mental health where such person was confined shall:

3 (1) If the person plans to reside in this state, be  
4 informed by the official in charge of such correctional facility,  
5 private jail, or mental health institution of the person's  
6 possible duty to register pursuant to sections 589.400 to  
7 589.425. If such person is required to register pursuant to  
8 sections 589.400 to 589.425, the official in charge of the  
9 correctional facility, private jail, or the mental health  
10 institution shall complete the initial registration notification  
11 at least seven days prior to release and ~~forward~~ report the  
12 offender's initial registration~~7~~ notification in accordance  
13 with subsection 1 of section 589.410 within three business days  
14 of release~~7~~ to the Missouri state highway patrol and the ~~chief~~  
15 ~~law enforcement~~ registration official of the county or city not  
16 within a county where the person expects to reside upon  
17 discharge, parole, or release; or

18 (2) If the person does not reside or plan to reside in  
19 Missouri, be informed by the official in charge of such  
20 correctional facility, private jail, or mental health institution

1 of the person's possible duty to register under sections 589.400  
2 to 589.425. If such person is required to register under  
3 sections 589.400 to 589.425, the official in charge of the  
4 correctional facility, private jail, or ~~the~~ mental health  
5 institution shall complete the initial registration notification  
6 at least seven days prior to release and ~~forward~~ report the  
7 offender's initial registration~~7~~ notification in accordance  
8 with subsection 1 of section 589.410 within three business days  
9 of release~~7~~ to the Missouri state highway patrol and the ~~chief~~  
10 ~~law enforcement~~ registration official ~~within~~ of the county or  
11 city not within a county where the correctional facility, private  
12 jail, or mental health institution is located.

13 2. If the offender refuses to complete and sign the  
14 registration information as outlined in this section or fails to  
15 register with the ~~chief law enforcement~~ registration official  
16 within three business days as directed, the offender commits the  
17 offense of failure to register under section 589.425 within the  
18 jurisdiction where the correctional facility, private jail, or  
19 mental health institution is located.

20 589.404. As used in sections 589.400 to 589.425, the

1 following terms mean:

2 (1) "Adjudicated" or "adjudication", adjudication of  
3 delinquency, a finding of guilt, plea of guilt, finding of not  
4 guilty due to mental disease or defect, or plea of nolo  
5 contendere to committing, attempting to commit, or conspiring to  
6 commit. Adjudication does not require the imposition of sentence  
7 for the purposes of sections 589.400 to 589.425. The term  
8 "adjudication" shall include by reference all acts meeting the  
9 definition of "conviction" under Section 111 of the Sex Offender  
10 Registration and Notification Act, Title I of the Adam Walsh  
11 Child Protection and Safety Act of 2006, P.L. 109-248, as  
12 amended;

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

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

19 (4) "Electronic mail", the transmission of information or  
20 communication by the use of the internet, a computer, a facsimile

1 machine, a pager, a cellular telephone or other wireless  
2 communication device, a video recorder, or other electronic means  
3 sent to a person identified by a unique address or address number  
4 and received by that person;

5 (5) "Entity", a business or organization that provides  
6 internet service, electronic communications service, remote  
7 computing service, online service, electronic mail service, or  
8 electronic instant message or chat services regardless of whether  
9 the business or organization is within or outside this state;

10 (6) "Instant message", a form of real-time text  
11 communication between two or more people. The communication is  
12 conveyed via computers connected over a network such as the  
13 internet, or between cell phone or wireless communication device  
14 users, or over a cell phone or wireless communication device  
15 network;

16 (7) "Offender registration", the required minimum  
17 informational content of sex offender registries, which shall  
18 consist of, but not be limited to, a full set of fingerprints on  
19 a standard sex offender registration card upon initial  
20 registration in Missouri, as well as all other forms and in

1 whatever manner required by the Missouri state highway patrol  
2 upon each initial and subsequent registration;

3 (8) "Online identifier", includes all of the following:  
4 electronic mail address, instant message screen name, user ID,  
5 cell phone number or wireless communication device number or  
6 identifier, chat or other internet communication name, social  
7 media profiles, IP addresses, or other identity information  
8 specified on the registration form by the Missouri state highway  
9 patrol;

10 (9) "Part-time", more than seven days in any twelve-month  
11 period;

12 (10) "Probation officer", includes any agent of a private  
13 entity assigned to provide probation supervision services to an  
14 offender due to the offender's status as a sexual offender who is  
15 required to register pursuant to sections 589.400 to 589.425;

16 (11) "Registration official", the chief law enforcement  
17 official for the county or city not within a county in which the  
18 offender is required to register;

19 ~~[-5-]~~ (12) "Residence", [any place where an offender sleeps  
20 for seven or more consecutive or nonconsecutive days or nights

1 ~~within a twelve-month period]~~ the domicile of the offender;

2       ~~[(6)]~~ (13) "Sex offender", any person who meets the  
3 criteria to register under sections 589.400 to 589.425 or under  
4 the Sex Offender Registration and Notification Act, Title I of  
5 the Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-  
6 248, as amended;

7       (14) "Sex offender registry", a system maintained by the  
8 Missouri state highway patrol to collect, store, and disseminate  
9 all initial notification information, registration information,  
10 offender status, and all other information required under  
11 sections 589.400 to 589.425. The sex offender registry is a  
12 distinct system from the website maintained by the Missouri state  
13 highway patrol, which displays a distinct set of information  
14 contained within the sex offender registry publicly on the web in  
15 accordance with this section;

16       ~~[(7)]~~ (15) "Sex offense", any offense [which] that is  
17 listed [under section 589.414 or comparable to those listed under  
18 section 589.414 or otherwise] as a tier I offense, tier II  
19 offense, or tier III offense, that is comparable to offenses  
20 listed as a tier I offense, tier II offense, or tier III offense,

1 or that is otherwise comparable to offenses covered under the Sex  
2 Offender Registration and Notification Act, Title I of the Adam  
3 Walsh Child Protection and Safety Act of 2006, P.L. 109-248, as  
4 amended;

5 ~~[(8)]~~ (16) "Sexual act", any type or degree of genital,  
6 oral, or anal penetration;

7 ~~[(9)]~~ (17) "Sexual conduct", sexual intercourse, deviate  
8 sexual intercourse, or sexual contact;

9 ~~[(10)]~~ (18) "Sexual contact", any touching of another  
10 person with the genitals or any touching of the genitals or anus  
11 of another person, or the breast of a female person, or such  
12 touching through the clothing, or causing semen, seminal fluid,  
13 or other ejaculate to come into contact with another person, for  
14 the purpose of arousing or gratifying the sexual desire of any  
15 person or for the purpose of terrorizing the victim;

16 ~~[(11)]~~ (19) "Sexual element", used for the purposes of  
17 distinguishing if sexual contact or a sexual act was committed.  
18 Authorities shall refer to information filed by the prosecutor,  
19 amended information filed by the prosecutor, indictment  
20 information filed by the prosecutor, or amended indictment

1 information filed by the prosecutor, the plea agreement, or court  
2 documentation to determine if a sexual element exists;

3 ~~[(12)]~~ (20) "Signature", the name of the offender signed in  
4 writing or electronic form approved by the Missouri state highway  
5 patrol;

6 ~~[(13)]~~ (21) "Student", an individual who enrolls in or  
7 attends the physical location of an educational institution,  
8 including a public or private secondary school, trade or  
9 professional school, or an institution of higher education;

10 (22) "Temporary residence", any place where a person sleeps  
11 for seven or more consecutive or nonconsecutive days or nights  
12 within a twelve-month period, other than the person's domicile;

13 (23) "Tier I offender":

14 (a) An individual who has been adjudicated for a tier I  
15 offense; or

16 (b) Any offender who is or has been adjudicated in any  
17 other state, territory, the District of Columbia, or foreign  
18 country, or under federal, tribal, or military jurisdiction for  
19 an offense comparable to a tier I offense or that meets the  
20 definition of a tier I offense under the Sex Offender

1 Registration and Notification Act, Title I of the Adam Walsh  
2 Child Protection and Safety Act of 2006, P.L. 109-248, as  
3 amended;

4 (24) "Tier II offender":

5 (a) An individual who has been adjudicated for a tier II  
6 offense; or

7 (b) Any offender who is adjudicated for an offense  
8 comparable to a tier I offense or failure to register offense  
9 under section 589.425 or comparable out-of-state failure to  
10 register offense and who is already required to register as a  
11 tier I offender due to having been adjudicated of a tier I  
12 offense on a previous occasion; or

13 (c) Any offender who is or has been adjudicated in any  
14 other state, territory, the District of Columbia, or foreign  
15 country, or under federal, tribal, or military jurisdiction for  
16 an offense of a sexual nature or with a sexual element that is  
17 comparable to a tier II offense or that meets the definition of a  
18 tier II offense under the Sex Offender Registration and  
19 Notification Act, Title I of the Adam Walsh Child Protection and  
20 Safety Act of 2006, P.L. 109-248, as amended;

1       (25) "Tier III offender":

2       (a) An individual who has been adjudicated for a tier III  
3 offense;

4       (b) Any offender registered as a predatory sexual offender  
5 or a persistent sexual offender, as the terms "predatory sexual  
6 offender" and "persistent sexual offender" are defined in section  
7 566.125;

8       (c) Any offender who is adjudicated for an offense  
9 comparable to a tier I offense or tier II offense or failure to  
10 register offense under section 589.425, or other comparable out-  
11 of-state failure to register offense, who has been or is already  
12 required to register as a tier II offender because of having been  
13 adjudicated for a tier II offense, two tier I offenses, or a  
14 combination of a tier I offense and a failure to register  
15 offense, on a previous occasion;

16       (d) Any offender who is adjudicated in any other state,  
17 territory, the District of Columbia, or foreign country, or under  
18 federal, tribal, or military jurisdiction for an offense of a  
19 sexual nature or with a sexual element that is comparable to a  
20 tier III offense or that meets the definition of a tier III

1 offense under the Sex Offender Registration and Notification Act,  
2 Title I of the Adam Walsh Child Protection and Safety Act of  
3 2006, P.L. 109-248, as amended; or

4 (e) Any offender who is adjudicated in this state for any  
5 offense of a sexual nature or with a sexual element requiring  
6 registration under sections 589.400 to 589.425 that is not  
7 classified as a tier I offense or tier II offense in this  
8 section;

9 (26) "Tier I offense", the following adjudicated offenses:

10 (a) Kidnapping in the first degree under section 565.110  
11 with sexual motivation if the victim is eighteen years of age or  
12 older;

13 (b) Kidnapping in the second degree under section 565.120  
14 with sexual motivation if the victim is eighteen years of age or  
15 older;

16 (c) Kidnapping in the third degree under section 565.130  
17 with sexual motivation if the victim is eighteen years of age or  
18 older;

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

1       (e) Child molestation in the second degree under section  
2 566.068 as it existed prior to January 1, 2017, if the punishment  
3 is less than one year;

4       (f) Sexual misconduct involving a child under section  
5 566.083 if it is a first offense and the punishment is less than  
6 one year;

7       (g) Sexual misconduct in the first degree under section  
8 566.093;

9       (h) Sexual misconduct in the second degree under section  
10 566.095;

11       (i) Sexual abuse in the first degree under section 566.100  
12 if the victim is eighteen years of age or older;

13       (j) Sexual abuse in the second degree under section 566.101  
14 if the punishment is less than a year;

15       (k) Sex with an animal under section 566.111;

16       (l) Sexual conduct with a nursing facility resident or  
17 vulnerable person in the first degree under section 566.115 if  
18 the punishment is less than one year;

19       (m) Sexual conduct under section 566.116 with a nursing  
20 facility resident or vulnerable person;

1           (n) Sexual conduct in the course of public duty under  
2 section 566.145 if the victim is eighteen years of age or older;

3           (o) Trafficking for the purpose of sexual exploitation  
4 under section 566.209 if the victim is eighteen years of age or  
5 older;

6           (p) Promoting obscenity in the first degree under section  
7 573.020 if the victim is less than eighteen years of age;

8           (q) Promoting pornography for minors or obscenity in the  
9 second degree under section 573.030 if the victim is less than  
10 eighteen years of age;

11           (r) Possession of child pornography under section 573.037  
12 as it existed prior to August 28, 2026;

13           (s) Possession of child sexual abuse material under section  
14 573.037;

15           (t) Furnishing pornographic material to minors under  
16 section 573.040;

17           (u) Public display of explicit sexual material under  
18 section 573.060 if the victim is less than eighteen years of age;  
19 or

20           (v) Coercing acceptance of obscene material under section

1 573.065 if the victim is less than eighteen years of age;

2 (27) "Tier II offense", the following adjudicated offenses:

3 (a) Statutory sodomy in the second degree under section  
4 566.064 if the victim is sixteen to seventeen years of age;

5 (b) Child molestation in the third degree under section  
6 566.069 if the victim is between thirteen and fourteen years of  
7 age;

8 (c) Child molestation in the fourth degree under section  
9 566.071 if the victim is thirteen to seventeen years of age;

10 (d) Sexual misconduct involving a child under section  
11 566.083 if it is a first offense and the penalty is a term of  
12 imprisonment of one year or more;

13 (e) Sexual contact with a student under section 566.086 if  
14 the victim is thirteen to seventeen years of age;

15 (f) Sexual abuse in the first degree under section 566.100  
16 if the victim is thirteen to seventeen years of age;

17 (g) Sexual conduct in the course of public duty under  
18 section 566.145 if the victim is thirteen to seventeen years of  
19 age;

20 (h) Grooming or enticement of a minor under section

1 566.151;

2 (i) Age misrepresentation with intent to solicit a minor  
3 under section 566.153;

4 (j) Patronizing prostitution under section 567.030 if the  
5 person patronized is eighteen years of age or older;

6 (k) Promoting prostitution in the first degree under  
7 section 567.050 if the victim is eighteen years of age or older;

8 (l) Promoting prostitution in the second degree under  
9 section 567.060 if the victim is eighteen years of age or older;

10 (m) Promoting prostitution in the third degree under  
11 section 567.070 if the victim is eighteen years of age or older;

12 (n) Abuse of a child under section 568.060 if the offense  
13 is of a sexual nature and the victim is thirteen to seventeen  
14 years of age;

15 (o) Sexual exploitation of a minor under section 573.023;

16 (p) Promoting child pornography in the first degree under  
17 section 573.025 as it existed prior to August 28, 2026;

18 (q) Promoting child sexual abuse material in the first  
19 degree under section 573.025;

20 (r) Promoting child pornography in the second degree under

1 section 573.035 as it existed prior to August 28, 2026;

2 (s) Promoting child sexual abuse material in the second  
3 degree under section 573.035;

4 (t) Nonconsensual dissemination of private sexual images  
5 under section 573.110 if the victim is seventeen years of age or  
6 under or if coercion of the victim was sexual in nature; or

7 (u) Threatening the nonconsensual dissemination of private  
8 sexual images under section 573.112 if the victim is seventeen  
9 years of age or under or if coercion of the victim was sexual in  
10 nature;

11 (28) "Tier III offense", the following adjudicated  
12 offenses:

13 (a) Kidnapping in the first degree under section 565.110 if  
14 the victim is under eighteen years of age, excluding kidnapping  
15 by a parent or guardian of a nonsexual nature;

16 (b) Kidnapping in the second degree under section 565.120  
17 if the victim is under eighteen years of age, excluding  
18 kidnapping by a parent or guardian of a nonsexual nature;

19 (c) Kidnapping in the third degree under section 565.130 if  
20 the victim is under eighteen years of age, excluding kidnapping

1 by a parent or guardian of a nonsexual nature;

2 (d) Child kidnapping under section 565.115;

3 (e) Rape in the first degree under section 566.030;

4 (f) Rape in the second degree under section 566.031;

5 (g) Statutory rape in the first degree under section  
6 566.032;

7 (h) Statutory rape in the second degree under section  
8 566.034;

9 (i) Sodomy in the first degree under section 566.060;

10 (j) Sodomy in the second degree under section 566.061;

11 (k) Statutory sodomy in the first degree under section  
12 566.062;

13 (l) Statutory sodomy in the second degree under section  
14 566.064 if the victim is under sixteen years of age;

15 (m) Child molestation in the first degree under section  
16 566.067;

17 (n) Child molestation in the second degree under section  
18 566.068;

19 (o) Child molestation in the third degree under section  
20 566.069 if the victim is under thirteen years of age;

1       (p) Child molestation in the fourth degree under section  
2 566.071 if the victim is under thirteen years of age;

3       (q) Sexual misconduct involving a child under section  
4 566.083 if the offense is a second or subsequent offense;

5       (r) Sexual contact with a student under section 566.086 if  
6 the victim is under thirteen years of age;

7       (s) Sexual abuse in the first degree under section 566.100  
8 if the victim is under thirteen years of age;

9       (t) Sexual abuse in the second degree under section 566.101  
10 if the penalty is a term of imprisonment of one year or more;

11       (u) Sexual conduct with a nursing facility resident or  
12 vulnerable person in the first degree under section 566.115 if  
13 the punishment is one year or more;

14       (v) Sexual conduct in the course of public duty under  
15 section 566.145 if the victim is under thirteen years of age;

16       (w) Trafficking for the purpose of sexual exploitation  
17 under section 566.209 if the victim is under eighteen years of  
18 age;

19       (x) Sexual trafficking of a child in the first degree under  
20 section 566.210;

1       (y) Sexual trafficking of a child in the second degree  
2 under section 566.211;

3       (z) Patronizing prostitution under section 567.030 if the  
4 offender is a persistent offender or if the person patronized is  
5 less than eighteen years of age;

6       (aa) Promoting prostitution in the first degree under  
7 section 567.050 if the victim is under eighteen years of age;

8       (bb) Promoting prostitution in the second degree under  
9 section 567.060 if the victim is under eighteen years of age;

10       (cc) Promoting prostitution in the third degree under  
11 section 567.070 if the victim is under eighteen years of age;

12       (dd) Promoting travel for prostitution under section  
13 567.085 if the victim is under eighteen years of age;

14       (ee) Incest under section 568.020;

15       (ff) Endangering the welfare of a child in the first degree  
16 under section 568.045 if the offense is sexual in nature or if  
17 the offense involves sexual intercourse or deviate sexual  
18 intercourse with a victim under eighteen years of age;

19       (gg) Abuse of a child under section 568.060 if the offense  
20 is of a sexual nature and the victim is under thirteen years of

1 age;

2 (hh) Genital mutilation of a female child under section  
3 568.065;

4 (ii) Use of a child in a sexual performance under section  
5 573.200; or

6 (jj) Promoting a sexual performance by a child under  
7 section 573.205;

8 ~~[(14)]~~ (29) "Vehicle", any land vehicle, watercraft, or  
9 aircraft.

10 589.405. 1. Any person who is required to register under  
11 sections 589.400 to 589.425 and who is released on probation,  
12 discharged upon payment of a fine, or released after confinement  
13 in a county jail shall, prior to such release or discharge and at  
14 the time of adjudication, be informed of the possible duty to  
15 register pursuant to sections 589.400 to 589.425 by the court  
16 having jurisdiction over the case. If such person is required to  
17 register pursuant to sections 589.400 to 589.425 and is placed on  
18 probation, the court shall make it a condition of probation that  
19 the offender report within three business days to the ~~[chief law~~  
20 ~~enforcement]~~ registration official of the county of adjudication

1 or city not within a county of adjudication to complete initial  
2 registration. If such offender is not placed on probation, the  
3 court shall:

4 (1) If the offender resides in Missouri, complete the  
5 initial notification of duty to register form approved by the  
6 state judicial records committee and the Missouri state highway  
7 patrol and forward the form within three business days to the  
8 Missouri state highway patrol and the ~~[chief law enforcement]~~  
9 registration official in the county or city not within a county  
10 in which the offender resides; or

11 (2) If the offender does not reside in Missouri:

12 (a) Order the offender to report directly to the ~~[chief law~~  
13 ~~enforcement]~~ registration official in the county or city not  
14 within a county where the adjudication was heard to register as  
15 provided in sections 589.400 to 589.425; and

16 (b) Complete the initial notification of duty to register  
17 form approved by the state judicial records committee and the  
18 Missouri state highway patrol and forward the form within three  
19 business days to the Missouri state highway patrol and the ~~[chief~~  
20 ~~law enforcement]~~ registration official in the county or city not

1 within a county where the offender was adjudicated.

2 2. If the offender resides in Missouri and refuses to  
3 complete and sign the registration information as provided in  
4 subdivision (1) of subsection 1 of this section, or if the  
5 offender resides outside of Missouri and refuses to directly  
6 report to the ~~[chief law enforcement]~~ registration official as  
7 provided in subdivision (2) of subsection 1 of this section, the  
8 offender commits the offense of failure to register under section  
9 589.425.

10 ~~[589.407. 1. Any registration pursuant to~~  
11 ~~sections 589.400 to 589.425 shall consist of~~  
12 ~~completion of an offender registration form developed~~  
13 ~~by the Missouri state highway patrol or other format~~  
14 ~~approved by the Missouri state highway patrol. Such~~  
15 ~~form shall consist of a statement, including the~~  
16 ~~signature of the offender, and shall include, but is~~  
17 ~~not limited to, the following:~~

18 ~~(1) A statement in writing signed by the~~  
19 ~~person, giving the name, address, date of birth,~~  
20 ~~biological sex, as defined in section 191.1720,~~  
21 ~~Social Security number, and phone number of the~~  
22 ~~person, the license plate number and vehicle~~  
23 ~~description, including the year, make, model, and~~  
24 ~~color of each vehicle owned or operated by the~~  
25 ~~offender, any online identifiers[, as defined in~~  
26 ~~section 43.651,] used by the person, the place of~~  
27 ~~employment of such person, enrollment within any~~  
28 ~~institutions of higher education, the crime which~~  
29 ~~requires registration, whether the person was~~  
30 ~~sentenced as a persistent or predatory offender~~  
31 ~~pursuant to section 566.125, the date, place, and a~~  
32 ~~brief description of such crime, the date and place~~  
33 ~~of the conviction or plea regarding such crime, the~~

1 ~~age and gender of the victim at the time of the~~  
2 ~~offense and whether the person successfully completed~~  
3 ~~the Missouri sexual offender program pursuant to~~  
4 ~~section 589.040, if applicable;~~

5 ~~(2) The fingerprints and palm prints of the~~  
6 ~~person;~~

7 ~~(3) Unless the offender's appearance has not~~  
8 ~~changed significantly, a photograph of such offender~~  
9 ~~as follows:~~

10 ~~(a) Quarterly if a tier III sex offender [under~~  
11 ~~section 589.414]. Such photograph shall be taken~~  
12 ~~every ninety days beginning in the month of the~~  
13 ~~person's birth;~~

14 ~~(b) Semiannually if a tier II sex offender.~~  
15 ~~Such photograph shall be taken in the month of the~~  
16 ~~person's birth and six months thereafter; and~~

17 ~~(c) Yearly if a tier I sex offender. Such~~  
18 ~~photograph shall be taken in the month of the~~  
19 ~~person's birth; [and]~~

20 ~~(4) A DNA sample from the individual, if a~~  
21 ~~sample has not already been obtained; and~~

22 ~~(5) Information regarding any temporary~~  
23 ~~residence where the offender is staying away from his~~  
24 ~~or her primary residence for seven or more days,~~  
25 ~~including the period of time the offender is staying~~  
26 ~~in such place, regardless of whether the temporary~~  
27 ~~residence is in Missouri or any other place.~~

28 ~~2. The offender shall provide positive~~  
29 ~~identification and documentation to substantiate the~~  
30 ~~accuracy of the information completed on the offender~~  
31 ~~registration form, including but not limited to the~~  
32 ~~following:~~

33 ~~(1) A photocopy of a valid driver's license or~~  
34 ~~nondriver's identification card;~~

35 ~~(2) A document verifying proof of the~~  
36 ~~offender's residency; and~~

37 ~~(3) A photocopy of the vehicle registration for~~  
38 ~~each of the offender's vehicles.~~

39 ~~3. The Missouri state highway patrol shall~~  
40 ~~maintain all required registration information in~~  
41 ~~digitized form.~~

42 ~~4. [Upon receipt of any changes to an~~  
43 ~~offender's registration information contained in this~~  
44 ~~section, the Missouri state highway patrol shall~~

1 immediately notify all other jurisdictions in which  
2 the offender is either registered or required to  
3 register.

4 ~~5.] The offender shall be responsible for~~  
5 ~~reviewing his or her existing registration~~  
6 ~~information for accuracy at every regular in-person~~  
7 ~~appearance and, if any inaccuracies are found,~~  
8 ~~provide proof of the information in question.~~

9 ~~5. (1) Regular in-person appearances to the~~  
10 ~~registration official following initial registration~~  
11 ~~shall be required:~~

12 ~~(a) Annually for tier I offenders;~~

13 ~~(b) Every six months for tier II offenders; and~~

14 ~~(c) Every ninety days for tier III offenders.~~

15 ~~(2) For the purposes of establishing a schedule~~  
16 ~~for registration appearances, the registration~~  
17 ~~official shall ensure that the required registration~~  
18 ~~interval is followed from the date of any initial~~  
19 ~~registration until the month of an offender's birth~~  
20 ~~and at the appropriate interval beginning from the~~  
21 ~~month of the offender's birth thereafter.~~

22 ~~6. The signed offender registration form shall~~  
23 ~~serve as proof that the individual understands his or~~  
24 ~~her duty to register as a sexual offender under~~  
25 ~~sections 589.400 to 589.425 and a statement to this~~  
26 ~~effect shall be included on the form that the~~  
27 ~~individual is required to sign at each registration.~~

28 ~~7. If an offender has a guardian appointed by a~~  
29 ~~court of competent jurisdiction, the guardian may~~  
30 ~~sign affirming the accuracy of the offender~~  
31 ~~registration form under this section. Nothing in~~  
32 ~~this subsection shall alleviate the requirements of~~  
33 ~~the offender to appear in person, nor shall this~~  
34 ~~subsection be construed to affect any restrictions~~  
35 ~~applicable to an offender because of the offender's~~  
36 ~~status on the sexual offender registry.~~

37 ~~8. Notwithstanding subsection 1 of section~~  
38 ~~527.270, no person required to register under~~  
39 ~~sections 589.400 to 589.425 shall change his or her~~  
40 ~~name for the period of time he or she is required to~~  
41 ~~be placed on the registry.]~~

42 589.407. 1. Any registration pursuant to sections 589.400

1 to 589.425 shall consist of completion of an offender  
2 registration form developed by the Missouri state highway patrol  
3 or other format approved by the Missouri state highway patrol.  
4 Such form shall consist of a statement, including the signature  
5 of the offender, and shall include, but is not limited to, the  
6 following:

7 (1) A statement in writing signed by the person, giving the  
8 name, address, date of birth, biological sex, as designated on  
9 the birth certificate, Social Security number, and phone number  
10 of the person, the license plate number and vehicle description,  
11 including the year, make, model, and color of each vehicle owned  
12 or operated by the offender, any online identifiers [~~as defined~~  
13 ~~in section 43.651,~~] used by the person, the place of employment  
14 of such person, enrollment within any institutions of higher  
15 education, the crime which requires registration, whether the  
16 person was sentenced as a persistent or predatory offender  
17 pursuant to section 566.125, the date, place, and a brief  
18 description of such crime, the date and place of the conviction  
19 or plea regarding such crime, the age and gender of the victim at  
20 the time of the offense and whether the person successfully

1 completed the Missouri sexual offender program pursuant to  
2 section 589.040, if applicable;

3 (2) The fingerprints and palm prints of the person;

4 (3) Unless the offender's appearance has not changed  
5 significantly, a photograph of such offender as follows:

6 (a) Quarterly if a tier III sex offender ~~under section~~  
7 ~~589.414~~. Such photograph shall be taken every ninety days  
8 beginning in the month of the person's birth;

9 (b) Semiannually if a tier II sex offender. Such  
10 photograph shall be taken in the month of the person's birth and  
11 six months thereafter; and

12 (c) Yearly if a tier I sex offender. Such photograph shall  
13 be taken in the month of the person's birth; ~~and~~

14 (4) A DNA sample from the individual, if a sample has not  
15 already been obtained; and

16 (5) Information regarding any temporary residence where the  
17 offender is staying away from his or her primary residence for  
18 seven or more days, including the period of time the offender is  
19 staying in such place, regardless of whether the temporary  
20 residence is in Missouri or any other place.

1           2. The offender shall provide positive identification and  
2 documentation to substantiate the accuracy of the information  
3 completed on the offender registration form, including but not  
4 limited to the following:

5           (1) A photocopy of a valid driver's license or nondriver's  
6 identification card;

7           (2) A document verifying proof of the offender's residency;  
8 and

9           (3) A photocopy of the vehicle registration for each of the  
10 offender's vehicles.

11          3. The Missouri state highway patrol shall maintain all  
12 required registration information in digitized form.

13          4. ~~Upon receipt of any changes to an offender's~~  
14 ~~registration information contained in this section, the Missouri~~  
15 ~~state highway patrol shall immediately notify all other~~  
16 ~~jurisdictions in which the offender is either registered or~~  
17 ~~required to register.~~

18          ~~5.]~~ The offender shall be responsible for reviewing his or  
19 her existing registration information for accuracy at every  
20 regular in-person appearance and, if any inaccuracies are found,

1 provide proof of the information in question.

2 5. (1) Regular in-person appearances to the registration  
3 official following initial registration shall be required:

4 (a) Annually for tier I offenders;

5 (b) Every six months for tier II offenders; and

6 (c) Every ninety days for tier III offenders.

7 (2) For the purposes of establishing a schedule for  
8 registration appearances, the registration official shall ensure  
9 that the required registration interval is followed from the date  
10 of any initial registration until the month of an offender's  
11 birth and at the appropriate interval beginning from the month of  
12 the offender's birth thereafter.

13 6. The signed offender registration form shall serve as  
14 proof that the individual understands his or her duty to register  
15 as a sexual offender under sections 589.400 to 589.425 and a  
16 statement to this effect shall be included on the form that the  
17 individual is required to sign at each registration.

18 7. If an offender has a guardian appointed by a court of  
19 competent jurisdiction, the guardian may sign affirming the  
20 accuracy of the offender registration form under this section.

1 Nothing in this subsection shall alleviate the requirements of  
2 the offender to appear in person, nor shall this subsection be  
3 construed to affect any restrictions applicable to an offender  
4 because of the offender's status on the sexual offender registry.

5 8. Notwithstanding subsection 1 of section 527.270, no  
6 person required to register under sections 589.400 to 589.425  
7 shall change his or her name for the period of time he or she is  
8 required to be placed on the registry.

9 589.410. 1. All notifications of a requirement to register  
10 shall be reported to the sex offender registry within three days,  
11 in a manner prescribed by the Missouri state highway patrol.

12 2. The ~~chief law enforcement~~ registration official shall  
13 ~~forward~~ enter the completed offender registration ~~form to~~  
14 forms and related updates into the sex offender registry in a  
15 manner prescribed by the Missouri state highway patrol within  
16 three days. The Missouri state highway patrol shall ~~enter~~  
17 ensure the information entered into the sex offender registry is  
18 accessible through the Missouri uniform law enforcement system  
19 (MULES) ~~where it is~~ and forwarded to the National Crime  
20 Information Center (NCIC) in accordance with applicable law. The

1 information shall also be available to members of the criminal  
2 justice system, and other entities as provided by law, upon  
3 inquiry. Certain portions of the information shall also be  
4 published on the internet in accordance with this section.

5 ~~[43.650.]~~ 589.411. 1. The Missouri state highway patrol  
6 shall ~~[, subject to appropriation,]~~ maintain a web page on the  
7 internet which shall be open to the public and shall include a  
8 registered sexual offender search capability.

9 2. Except as provided in subsections 4 and 5 of this  
10 section, the registered sexual offender search shall make it  
11 possible for any person using the internet to search for and find  
12 the information specified in subsection 4 of this section, if  
13 known, on offenders registered in this state pursuant to sections  
14 589.400 to 589.425.

15 3. The registered sexual offender search shall include the  
16 capability to search for sexual offenders by name, zip code, and  
17 by typing in an address and specifying a search within a certain  
18 number of miles radius from that address.

19 4. Only the information listed in this subsection shall be  
20 provided to the public in the registered sexual offender search:

- 1 (1) The name and any known aliases of the offender;
- 2 (2) The date of birth and any known alias dates of birth of  
3 the offender;
- 4 (3) A physical description of the offender;
- 5 (4) The residence, temporary, work, and school addresses of  
6 the offender, including the street address, city, county, state,  
7 and zip code;
- 8 (5) Any photographs of the offender;
- 9 (6) A physical description of the offender's vehicles,  
10 including the year, make, model, color, and license plate number;
- 11 (7) The nature and dates of all offenses qualifying the  
12 offender to register, including the tier level assigned to the  
13 offender under sections 589.400 to 589.425;
- 14 (8) The date on which the offender was released from the  
15 department of mental health, prison, or jail, or placed on  
16 parole, supervised release, or probation for the offenses  
17 qualifying the offender to register;
- 18 (9) Compliance status of the offender with the provisions  
19 of section 589.400 to 589.425; and
- 20 (10) Any online identifiers [~~as defined in section~~

1 ~~43.651,~~] used by the person. Such online identifiers shall not  
2 be included in the general profile of an offender on the web page  
3 and shall only be available to a member of the public by a search  
4 using the specific online identifier to determine if a match  
5 exists with a registered offender.

6 5. Juveniles required to register under subdivision (5) of  
7 subsection 1 of section 589.400 shall be exempt from public  
8 notification on the internet to include any adjudications from  
9 another state, territory, the District of Columbia, or foreign  
10 country or any federal, tribal, or military jurisdiction.

11 6. The Missouri state highway patrol shall regularly update  
12 the web page to remove persons who have been ordered removed or  
13 exempt by a court in accordance with section 589.401, persons who  
14 are deceased, and persons who have moved out of the state. In  
15 the case of a person who has moved out of the state, the entry  
16 shall remain until the Missouri state highway patrol confirms the  
17 person has complied with all registration requirements in the  
18 person's new state, territory, or country of residence, when  
19 applicable.

20 7. In addition to the web page maintained by the Missouri

1 state highway patrol, a registration official may maintain a web  
2 page on the internet, which shall be open to the public and shall  
3 include a registered sexual offender search capability. Except  
4 as provided in subsections 5 and 6 of this section, the  
5 registered sexual offender search shall make it possible for any  
6 person using the internet to search for and find the information  
7 specified in subsection 5 of this section, if known, on offenders  
8 registered in this state pursuant to sections 589.400 to 589.425.  
9 The chief law enforcement officer of any county or city not  
10 within a county may also publish in any newspaper distributed in  
11 the county or city not within a county the offender information  
12 provided under subsection 3 of this section for any offender  
13 residing in the county or city not within a county.

14 ~~[43.651.] 589.412. [1. As used in this section, the~~  
15 ~~following terms shall mean:~~

16 ~~(1) "Electronic mail", the transmission of information or~~  
17 ~~communication by the use of the internet, a computer, a facsimile~~  
18 ~~machine, a pager, a cellular telephone or other wireless~~  
19 ~~communication device, a video recorder, or other electronic means~~  
20 ~~sent to a person identified by a unique address or address number~~

1 and received by that person;

2 ~~(2) "Entity", a business or organization that provides~~  
3 ~~internet service, electronic communications service, remote~~  
4 ~~computing service, online service, electronic mail service, or~~  
5 ~~electronic instant message or chat services whether the business~~  
6 ~~or organization is within or outside this state;~~

7 ~~(3) "Instant message", a form of real-time text~~  
8 ~~communication between two or more people. The communication is~~  
9 ~~conveyed via computers connected over a network such as the~~  
10 ~~internet, or between cell phone or wireless communication device~~  
11 ~~users, or over a cell phone or wireless communication device~~  
12 ~~network;~~

13 ~~(4) "Online identifier", includes all of the following:~~  
14 ~~electronic mail address and instant message screen name, user ID,~~  
15 ~~cell phone number or wireless communication device number or~~  
16 ~~identifier, chat or other internet communication name, or other~~  
17 ~~identity information.~~

18 ~~2.]~~ Subject to appropriations, the Missouri state highway  
19 patrol shall make registry information regarding a registered  
20 sexual offender's online identifiers available to an entity for

1 the purpose of allowing the entity to prescreen users or for  
2 comparison with information held by the entity as provided by  
3 this subsection:

4 (1) The information obtained by an entity from the state  
5 sexual offender registry shall not be used for any purpose other  
6 than for prescreening its users or comparing the database of  
7 registered users of the entity against the list of online  
8 identifiers of persons in the state sexual offender registry in  
9 order to protect children from online sexual predators. The  
10 Missouri state highway patrol shall promulgate rules and  
11 regulations regarding the release and use of online identifier  
12 information. Any rule or portion of a rule, as that term is  
13 defined in section 536.010, that is created under the authority  
14 delegated in this section shall become effective only if it  
15 complies with and is subject to all of the provisions of chapter  
16 536 and, if applicable, section 536.028. This section and  
17 chapter 536 are nonseverable and if any of the powers vested with  
18 the general assembly pursuant to chapter 536 to review, to delay  
19 the effective date, or to disapprove and annul a rule are  
20 subsequently held unconstitutional, then the grant of rulemaking

1 authority and any rule proposed or adopted after August 28, 2008,  
2 shall be invalid and void;

3 (2) Any entity desiring to prescreen its users or compare  
4 its database of registered users to the list of online  
5 identifiers of persons in the state sexual offender registry may  
6 apply to the Missouri state highway patrol to access the  
7 information. An entity that complies with the rules and  
8 regulations promulgated by the Missouri state highway patrol  
9 regarding the release and use of the online identifier  
10 information and pays the fee established by the Missouri state  
11 highway patrol may screen new users or compare its database of  
12 registered users to the list of online identifiers of persons in  
13 the state sexual offender registry as frequently as the Missouri  
14 state highway patrol may allow for the purpose of identifying a  
15 registered user associated with an online identifier contained in  
16 the state sexual offender registry;

17 (3) Any entity complying with this subsection in good faith  
18 shall be immune from any civil or criminal liability resulting  
19 from:

20 (a) The entity's refusal to provide system service to a

1 person on the basis that the entity believed that the person was  
2 required to register under sections 589.400 to 589.425;

3 (b) A person's criminal or tortious acts when the person is  
4 required to register pursuant to sections 589.400 to 589.425, and  
5 the person complied with the requirement to register their online  
6 identifiers under section 589.407, and committed the criminal or  
7 tortious acts against a minor with whom he or she had  
8 communicated on the entity's system by using their registered  
9 online identifier; or

10 (c) Any activity for which the entity would be immune from  
11 liability under 47 U.S.C. Section 230.

12 ~~[43.533.]~~ 589.413. 1. The Missouri state highway patrol  
13 shall, subject to appropriation, operate a toll-free telephone  
14 number in order to disseminate registration information provided  
15 by ~~[individuals]~~ persons who are required to register under  
16 sections 589.400 to 589.425, and receive information from persons  
17 regarding the residency of a registered sexual offender. The  
18 information available via the telephone number shall include only  
19 information that offenders are required to provide under section  
20 589.407. When the Missouri state highway patrol provides such

1 information regarding a sexual offender, the patrol personnel  
2 shall advise the person making the inquiry that positive  
3 identification of a person believed to be a sexual offender  
4 cannot be established unless a fingerprint comparison is made,  
5 and that it is illegal to use such information regarding a  
6 registered sexual offender to facilitate the commission of a  
7 crime. The toll-free telephone number shall be published on the  
8 Missouri state highway patrol's sexual offender registry website  
9 maintained under section [~~43.650~~] 589.411.

10 2. The Missouri state highway patrol shall promulgate rules  
11 to effect the enforcement of this section. Any rule or portion  
12 of a rule, as that term is defined in section 536.010, that is  
13 created under the authority delegated in this section shall  
14 become effective only if it complies with and is subject to all  
15 of the provisions of chapter 536 and, if applicable, section  
16 536.028. This section and chapter 536 are nonseverable and if  
17 any of the powers vested with the general assembly pursuant to  
18 chapter 536 to review, to delay the effective date, or to  
19 disapprove and annul a rule are subsequently held  
20 unconstitutional, then the grant of rulemaking authority and any

1 rule proposed or adopted after August 28, 2006, shall be invalid  
2 and void.

3 ~~589.414. 1. Any person required by sections~~  
4 ~~589.400 to 589.425 to register shall, within three~~  
5 ~~business days, appear in person to the chief law~~  
6 ~~enforcement officer of the county or city not within~~  
7 ~~a county if there is a change to any of the following~~  
8 ~~information:~~

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

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

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

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

35 ~~4. If any person required by sections 589.400~~  
36 ~~to 589.425 to register changes such person's~~  
37 ~~residence or address to a different county or city~~  
38 ~~not within a county, the person shall appear in~~  
39 ~~person and shall inform both the chief law~~  
40 ~~enforcement official with whom the person last~~  
41 ~~registered and the chief law enforcement official of~~  
42 ~~the county or city not within a county having~~

1 jurisdiction over the new residence or address in  
2 writing within three business days of such new  
3 address and phone number, if the phone number is also  
4 changed. If any person required by sections 589.400  
5 to 589.425 to register changes his or her state,  
6 territory, the District of Columbia, or foreign  
7 country, or federal, tribal, or military jurisdiction  
8 of residence, the person shall appear in person and  
9 shall inform both the chief law enforcement official  
10 with whom the person was last registered and the  
11 chief law enforcement official of the area in the new  
12 state, territory, the District of Columbia, or  
13 foreign country, or federal, tribal, or military  
14 jurisdiction having jurisdiction over the new  
15 residence or address within three business days of  
16 such new address. Whenever a registrant changes  
17 residence, the chief law enforcement official of the  
18 county or city not within a county where the person  
19 was previously registered shall inform the Missouri  
20 state highway patrol of the change within three  
21 business days. When the registrant is changing the  
22 residence to a new state, territory, the District of  
23 Columbia, or foreign country, or federal, tribal, or  
24 military jurisdiction, the Missouri state highway  
25 patrol shall inform the responsible official in the  
26 new state, territory, the District of Columbia, or  
27 foreign country, or federal, tribal, or military  
28 jurisdiction of residence within three business days.

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

36 (1) Any offender who has been adjudicated for  
37 the offense of:

38 (a) Sexual abuse in the first degree under  
39 section 566.100 if the victim is eighteen years of  
40 age or older;

41 (b) Sexual misconduct involving a child under  
42 section 566.083 if it is a first offense and the  
43 punishment is less than one year;

44 (c) Sexual abuse in the second degree under

1 ~~section 566.101 if the punishment is less than a~~  
2 ~~year;~~

3 ~~(d) Kidnapping in the second degree under~~  
4 ~~section 565.120 with sexual motivation;~~

5 ~~(e) Kidnapping in the third degree under~~  
6 ~~section 565.130;~~

7 ~~(f) Sexual conduct with a nursing facility~~  
8 ~~resident or vulnerable person in the first degree~~  
9 ~~under section 566.115 if the punishment is less than~~  
10 ~~one year;~~

11 ~~(g) Sexual conduct under section 566.116 with a~~  
12 ~~nursing facility resident or vulnerable person;~~

13 ~~(h) Sexual [contact with a prisoner or~~  
14 ~~offender] conduct in the course of public duty under~~  
15 ~~section 566.145 if the victim is eighteen years of~~  
16 ~~age or older;~~

17 ~~(i) Sex with an animal under section 566.111;~~

18 ~~(j) Trafficking for the purpose of sexual~~  
19 ~~exploitation under section 566.209 if the victim is~~  
20 ~~eighteen years of age or older;~~

21 ~~(k) Possession of child pornography under~~  
22 ~~section 573.037 as it existed prior to August 28,~~  
23 ~~2026;~~

24 ~~(l) Possession of child sexual abuse material~~  
25 ~~under section 573.037;~~

26 ~~(m) Sexual misconduct in the first degree under~~  
27 ~~section 566.093;~~

28 ~~[(m)] (n) Sexual misconduct in the second~~  
29 ~~degree under section 566.095;~~

30 ~~[(n)] (o) Child molestation in the second~~  
31 ~~degree under section 566.068 as it existed prior to~~  
32 ~~January 1, 2017, if the punishment is less than one~~  
33 ~~year; [or~~

34 ~~(o)] (p) Invasion of privacy under section~~  
35 ~~565.252 if the victim is less than eighteen years of~~  
36 ~~age; or~~

37 ~~(q) Grooming of a minor under section 566.152;~~

38 ~~(2) Any offender who is or has been adjudicated~~  
39 ~~in any other state, territory, the District of~~  
40 ~~Columbia, or foreign country, or under federal,~~  
41 ~~tribal, or military jurisdiction of an offense of a~~  
42 ~~sexual nature or with a sexual element that is~~  
43 ~~comparable to the tier I sexual offenses listed in~~  
44 ~~this subsection or, if not comparable to those in~~

1 this subsection, comparable to those described as  
2 tier I offenses under the Sex Offender Registration  
3 and Notification Act, Title I of the Adam Walsh Child  
4 Protection and Safety Act of 2006, Pub. L. 109-248.

5 ~~6. Tier II sexual offenders, in addition to the~~  
6 ~~requirements of subsections 1 to 4 of this section,~~  
7 ~~shall report semiannually in person in the month of~~  
8 ~~their birth and six months thereafter to the chief~~  
9 ~~law enforcement official to verify the information~~  
10 ~~contained in their statement made pursuant to section~~  
11 ~~589.407. Tier II sexual offenders include:~~

12 ~~(1) Any offender who has been adjudicated for~~  
13 ~~the offense of:~~

14 ~~(a) Statutory sodomy in the second degree under~~  
15 ~~section 566.064 if the victim is sixteen to seventeen~~  
16 ~~years of age;~~

17 ~~(b) Child molestation in the third degree under~~  
18 ~~section 566.069 if the victim is between thirteen and~~  
19 ~~fourteen years of age;~~

20 ~~(c) Sexual contact with a student under section~~  
21 ~~566.086 if the victim is thirteen to seventeen years~~  
22 ~~of age;~~

23 ~~(d) Enticement of a child under section~~  
24 ~~566.151;~~

25 ~~(e) Abuse of a child under section 568.060 if~~  
26 ~~the offense is of a sexual nature and the victim is~~  
27 ~~thirteen to seventeen years of age;~~

28 ~~(f) Sexual exploitation of a minor under~~  
29 ~~section 573.023;~~

30 ~~(g) Promoting child pornography in the first~~  
31 ~~degree under section 573.025 as it existed prior to~~  
32 ~~August 28, 2026;~~

33 ~~(h) Promoting child sexual abuse material in~~  
34 ~~the first degree under section 573.025;~~

35 ~~(i) Promoting child pornography in the second~~  
36 ~~degree under section 573.035 as it existed prior to~~  
37 ~~August 28, 2026;~~

38 ~~(j) Promoting child sexual abuse material in~~  
39 ~~the second degree under section 573.035;~~

40 ~~[(i)] (k) Patronizing prostitution under~~  
41 ~~section 567.030;~~

42 ~~[(j)] (l) Sexual [contact with a prisoner or~~  
43 ~~offender] conduct in the course of public duty under~~  
44 ~~section 566.145 if the victim is thirteen to~~

1 ~~seventeen years of age;~~

2 ~~[(k)] (m) Child molestation in the fourth~~  
3 ~~degree under section 566.071 if the victim is~~  
4 ~~thirteen to seventeen years of age;~~

5 ~~[(l)] (n) Sexual misconduct involving a child~~  
6 ~~under section 566.083 if it is a first offense and~~  
7 ~~the penalty is a term of imprisonment of more than a~~  
8 ~~year; [or~~

9 ~~(m)] (o) Age misrepresentation with intent to~~  
10 ~~solicit a minor under section 566.153;~~

11 ~~(p) Nonconsensual dissemination of private~~  
12 ~~sexual images under section 573.110 if the victim is~~  
13 ~~seventeen years of age or under or if coercion of the~~  
14 ~~victim was sexual in nature; or~~

15 ~~(q) Threatening the nonconsensual dissemination~~  
16 ~~of private sexual images under section 573.112 if the~~  
17 ~~victim is seventeen years of age or under or if~~  
18 ~~coercion of the victim was sexual in nature;~~

19 ~~(2) Any person who is adjudicated of an offense~~  
20 ~~comparable to a tier I offense listed in this section~~  
21 ~~or failure to register offense under section 589.425~~  
22 ~~or comparable out-of-state failure to register~~  
23 ~~offense and who is already required to register as a~~  
24 ~~tier I offender due to having been adjudicated of a~~  
25 ~~tier I offense on a previous occasion; or~~

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

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

43 ~~(1) Any offender registered as a predatory~~  
44 ~~[sexual offender as defined in section 566.123 or a]~~

1 ~~or persistent sexual offender as defined in section~~  
2 ~~[566.124] 566.125;~~  
3 ~~(2) Any offender who has been adjudicated for~~  
4 ~~the crime of:~~  
5 ~~(a) Rape in the first degree under section~~  
6 ~~566.030;~~  
7 ~~(b) Statutory rape in the first degree under~~  
8 ~~section 566.032;~~  
9 ~~(c) Rape in the second degree under section~~  
10 ~~566.031;~~  
11 ~~(d) Endangering the welfare of a child in the~~  
12 ~~first degree under section 568.045 if the offense is~~  
13 ~~sexual in nature;~~  
14 ~~(e) Sodomy in the first degree under section~~  
15 ~~566.060;~~  
16 ~~(f) Statutory sodomy under section 566.062;~~  
17 ~~(g) Statutory sodomy under section 566.064 if~~  
18 ~~the victim is under sixteen years of age;~~  
19 ~~(h) Sodomy in the second degree under section~~  
20 ~~566.061;~~  
21 ~~(i) Sexual misconduct involving a child under~~  
22 ~~section 566.083 if the offense is a second or~~  
23 ~~subsequent offense;~~  
24 ~~(j) Sexual abuse in the first degree under~~  
25 ~~section 566.100 if the victim is under thirteen years~~  
26 ~~of age;~~  
27 ~~(k) Kidnapping in the first degree under~~  
28 ~~section 565.110 if the victim is under eighteen years~~  
29 ~~of age, excluding kidnapping by a parent or guardian;~~  
30 ~~(l) Child kidnapping under section 565.115;~~  
31 ~~(m) Sexual conduct with a nursing facility~~  
32 ~~resident or vulnerable person in the first degree~~  
33 ~~under section 566.115 if the punishment is greater~~  
34 ~~than a year;~~  
35 ~~(n) Incest under section 568.020;~~  
36 ~~(o) Endangering the welfare of a child in the~~  
37 ~~first degree under section 568.045 with sexual~~  
38 ~~intercourse or deviate sexual intercourse with a~~  
39 ~~victim under eighteen years of age;~~  
40 ~~(p) Child molestation in the first degree under~~  
41 ~~section 566.067;~~  
42 ~~(q) Child molestation in the second degree~~  
43 ~~under section 566.068;~~  
44 ~~(r) Child molestation in the third degree under~~

1 ~~section 566.069 if the victim is under thirteen years~~  
2 ~~of age;~~

3 ~~(s) Promoting prostitution in the first degree~~  
4 ~~under section 567.050 if the victim is under eighteen~~  
5 ~~years of age;~~

6 ~~(t) Promoting prostitution in the second degree~~  
7 ~~under section 567.060 if the victim is under eighteen~~  
8 ~~years of age;~~

9 ~~(u) Promoting prostitution in the third degree~~  
10 ~~under section 567.070 if the victim is under eighteen~~  
11 ~~years of age;~~

12 ~~(v) Promoting travel for prostitution under~~  
13 ~~section 567.085 if the victim is under eighteen years~~  
14 ~~of age;~~

15 ~~(w) Trafficking for the purpose of sexual~~  
16 ~~exploitation under section 566.209 if the victim is~~  
17 ~~under eighteen years of age;~~

18 ~~(x) Sexual trafficking of a child in the first~~  
19 ~~degree under section 566.210;~~

20 ~~(y) Sexual trafficking of a child in the second~~  
21 ~~degree under section 566.211;~~

22 ~~(z) Genital mutilation of a female child under~~  
23 ~~section 568.065;~~

24 ~~(aa) Statutory rape in the second degree under~~  
25 ~~section 566.034;~~

26 ~~(bb) Child molestation in the fourth degree~~  
27 ~~under section 566.071 if the victim is under thirteen~~  
28 ~~years of age;~~

29 ~~(cc) Sexual abuse in the second degree under~~  
30 ~~section 566.101 if the penalty is a term of~~  
31 ~~imprisonment of more than a year;~~

32 ~~(dd) Patronizing prostitution under section~~  
33 ~~567.030 if the offender is a persistent offender;~~

34 ~~(ee) Abuse of a child under section 568.060 if~~  
35 ~~the offense is of a sexual nature and the victim is~~  
36 ~~under thirteen years of age;~~

37 ~~(ff) Sexual [contact with a prisoner or~~  
38 ~~offender] conduct in the course of public duty under~~  
39 ~~section 566.145 if the victim is under thirteen years~~  
40 ~~of age;~~

41 ~~(gg) [Sexual intercourse with a prisoner or~~  
42 ~~offender under section 566.145;~~

43 ~~(hh) ] Sexual contact with a student under~~  
44 ~~section 566.086 if the victim is under thirteen years~~

1 of age;

2 ~~[(ii)] (hh) Use of a child in a sexual~~  
3 ~~performance under section 573.200; or~~

4 ~~[(jj)] (ii) Promoting a sexual performance by a~~  
5 ~~child under section 573.205;~~

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

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

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

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

1           9. ~~If a person who is required to register as a~~  
2 ~~sexual offender under sections 589.400 to 589.425~~  
3 ~~changes or obtains a new online identifier as defined~~  
4 ~~in section 43.651, the person shall report such~~  
5 ~~information in the same manner as a change of~~  
6 ~~residence before using such online identifier.]~~

7           589.414. 1. Any person required by sections 589.400 to  
8 589.425 to register shall, within three business days, appear in  
9 person to the ~~[chief law enforcement officer of the county or~~  
10 ~~city not within a county]~~ registration official if there is a  
11 change to any of the following information:

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

17 subsection.

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

- 22           (1) Vehicle information;
- 23           (2) ~~[Temporary lodging information;~~

1           ~~(3)~~] Temporary residence information;

2           ~~[(4) Email addresses, instant messaging addresses, and any~~  
3 ~~other designations used in internet communications, postings, or~~  
4 ~~telephone communications; or~~

5           ~~(5)~~] (3) Telephone or other cellular number, including any  
6 new forms of electronic communication; or

7           (4) Online identifiers.

8           3. The ~~[chief law enforcement]~~ registration official ~~[in~~  
9 ~~the county or city not within a county]~~ shall immediately forward  
10 the registration changes described under subsections 1 and 2 of  
11 this section to the Missouri state highway patrol within three  
12 business days in accordance with section 589.410.

13           4. (1) If any person required by sections 589.400 to  
14 589.425 to register changes such person's residence or address to  
15 a different county or city not within a county, the person shall  
16 appear in person and shall inform both the ~~[chief law~~  
17 ~~enforcement]~~ registration official with whom the person last  
18 registered and the ~~[chief law enforcement]~~ registration official  
19 of the county or city not within a county having jurisdiction  
20 over the new residence or address in writing within three

1 business days of such new address and phone number, if the phone  
2 number is also changed.

3       (2) If any person required by sections 589.400 to 589.425  
4 to register changes his or her state, territory, the District of  
5 Columbia, or foreign country, or federal, tribal, or military  
6 jurisdiction of residence, the person shall appear in person and  
7 shall inform both the [~~chief law enforcement~~] registration  
8 official with whom the person was last registered and the [~~chief~~  
9 ~~law enforcement~~] registration official of the area in the new  
10 state, territory, the District of Columbia, or foreign country,  
11 or federal, tribal, or military jurisdiction having jurisdiction  
12 over the new residence or address within three business days of  
13 such new address.

14       (3) Whenever a registrant changes residence, the [~~chief law~~  
15 ~~enforcement~~] registration official of the county or city not  
16 within a county where the person was previously registered shall  
17 inform the Missouri state highway patrol of the change within  
18 three business days.

19       (4) When the registrant is changing the residence to a new  
20 state, territory, the District of Columbia, or foreign country,

1 or federal, tribal, or military jurisdiction, the Missouri state  
2 highway patrol shall inform the responsible official in the new  
3 state, territory, the District of Columbia, or foreign country,  
4 or federal, tribal, or military jurisdiction of residence within  
5 three business days.

6 5. Registrants shall appear in person before the  
7 registration official and complete all forms required for such  
8 purposes by the United States Marshals Service no less than  
9 twenty-one days before travel outside of the United States. Such  
10 information shall be forwarded to the United States Marshals  
11 Service, and a copy shall be provided by the registration  
12 official to the Missouri state highway patrol in a manner  
13 prescribed by the Missouri state highway patrol.

14 6. Offenders shall be classified as a tier I offender, tier  
15 II offender, or tier III offender in accordance with this  
16 section. To the extent more than one tier definition applies to  
17 an offender, the highest tier that applies shall be the tier into  
18 which the offender is classified.

19 7. The initial determination as to the tier of an offender  
20 shall be made by the registration official when an offender first

1 appears for registration with the official. Upon receipt of an  
2 initial offender registration from a new registration official,  
3 the Missouri state highway patrol shall analyze the initial tier  
4 determination for accuracy. If the Missouri state highway patrol  
5 determines the initial tier decision is inaccurate, the Missouri  
6 state highway patrol shall notify the registration official, and  
7 the Missouri state highway patrol's determination shall control  
8 the tier classification. Upon receipt of an updated tiering  
9 decision, the registration official shall notify the offender no  
10 later than the next previously scheduled in-person check-in for  
11 the offender. Upon notification of the offender or failure of  
12 the offender to appear at the next regularly scheduled in-person  
13 check, reporting requirements aligning with the new tier  
14 determination shall be in effect.

15 8. Tier I ~~[sexual]~~ offenders, in addition to the  
16 requirements of subsections 1 to ~~[4]~~ 5 of this section, shall  
17 report in person ~~[to]~~ before the ~~[chief law enforcement]~~  
18 registration official annually in the month of their birth to  
19 verify the information contained in their statement made pursuant  
20 to section 589.407. ~~[Tier I sexual offenders include:~~

1           ~~(1) Any offender who has been adjudicated for the offense~~  
2 ~~of:~~

3           ~~(a) Sexual abuse in the first degree under section 566.100~~  
4 ~~if the victim is eighteen years of age or older;~~

5           ~~(b) Sexual misconduct involving a child under section~~  
6 ~~566.083 if it is a first offense and the punishment is less than~~  
7 ~~one year;~~

8           ~~(c) Sexual abuse in the second degree under section 566.101~~  
9 ~~if the punishment is less than a year;~~

10          ~~(d) Kidnapping in the second degree under section 565.120~~  
11 ~~with sexual motivation;~~

12          ~~(e) Kidnapping in the third degree under section 565.130;~~

13          ~~(f) Sexual conduct with a nursing facility resident or~~  
14 ~~vulnerable person in the first degree under section 566.115 if~~  
15 ~~the punishment is less than one year;~~

16          ~~(g) Sexual conduct under section 566.116 with a nursing~~  
17 ~~facility resident or vulnerable person;~~

18          ~~(h) Sexual contact with a prisoner or offender under~~  
19 ~~section 566.145 if the victim is eighteen years of age or older;~~

20          ~~(i) Sex with an animal under section 566.111;~~

1           ~~(j) Trafficking for the purpose of sexual exploitation~~  
2 ~~under section 566.209 if the victim is eighteen years of age or~~  
3 ~~older;~~

4           ~~(k) Possession of child pornography under section 573.037;~~

5           ~~(l) Sexual misconduct in the first degree under section~~  
6 ~~566.093;~~

7           ~~(m) Sexual misconduct in the second degree under section~~  
8 ~~566.095;~~

9           ~~(n) Child molestation in the second degree under section~~  
10 ~~566.068 as it existed prior to January 1, 2017, if the punishment~~  
11 ~~is less than one year; or~~

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

14           ~~(2) Any offender who is or has been adjudicated in any~~  
15 ~~other state, territory, the District of Columbia, or foreign~~  
16 ~~country, or under federal, tribal, or military jurisdiction of an~~  
17 ~~offense of a sexual nature or with a sexual element that is~~  
18 ~~comparable to the tier I sexual offenses listed in this~~  
19 ~~subsection or, if not comparable to those in this subsection,~~  
20 ~~comparable to those described as tier I offenses under the Sex~~

1 ~~Offender Registration and Notification Act, Title I of the Adam~~  
2 ~~Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.~~

3 ~~6.]~~ 9. Tier II ~~[sexual]~~ offenders, in addition to the  
4 requirements of subsections 1 to ~~[4]~~ 5 of this section, shall  
5 report semiannually in person in the month of their birth and six  
6 months thereafter to the ~~[chief law enforcement]~~ registration  
7 official to verify the information contained in their statement  
8 made pursuant to section 589.407. ~~[Tier II sexual offenders~~  
9 ~~include:~~

10 ~~(1) Any offender who has been adjudicated for the offense~~  
11 ~~of:~~

12 ~~(a) Statutory sodomy in the second degree under section~~  
13 ~~566.064 if the victim is sixteen to seventeen years of age;~~

14 ~~(b) Child molestation in the third degree under section~~  
15 ~~566.069 if the victim is between thirteen and fourteen years of~~  
16 ~~age;~~

17 ~~(c) Sexual contact with a student under section 566.086 if~~  
18 ~~the victim is thirteen to seventeen years of age;~~

19 ~~(d) Enticement of a child under section 566.151;~~

20 ~~(e) Abuse of a child under section 568.060 if the offense~~

1 ~~is of a sexual nature and the victim is thirteen to seventeen~~  
2 ~~years of age;~~

3 ~~(f) Sexual exploitation of a minor under section 573.023;~~

4 ~~(g) Promoting child pornography in the first degree under~~  
5 ~~section 573.025;~~

6 ~~(h) Promoting child pornography in the second degree under~~  
7 ~~section 573.035;~~

8 ~~(i) Patronizing prostitution under section 567.030;~~

9 ~~(j) Sexual contact with a prisoner or offender under~~  
10 ~~section 566.145 if the victim is thirteen to seventeen years of~~  
11 ~~age;~~

12 ~~(k) Child molestation in the fourth degree under section~~  
13 ~~566.071 if the victim is thirteen to seventeen years of age;~~

14 ~~(l) Sexual misconduct involving a child under section~~  
15 ~~566.083 if it is a first offense and the penalty is a term of~~  
16 ~~imprisonment of more than a year; or~~

17 ~~(m) Age misrepresentation with intent to solicit a minor~~  
18 ~~under section 566.153;~~

19 ~~(2) Any person who is adjudicated of an offense comparable~~  
20 ~~to a tier I offense listed in this section or failure to register~~

1 ~~offense under section 589.425 or comparable out-of-state failure~~  
2 ~~to register offense and who is already required to register as a~~  
3 ~~tier I offender due to having been adjudicated of a tier I~~  
4 ~~offense on a previous occasion; or~~

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

14 ~~7.]~~ 10. Tier III ~~[sexual]~~ offenders, in addition to the  
15 requirements of subsections 1 to ~~[4]~~ 5 of this section, shall  
16 report in person ~~[to]~~ before the ~~[chief law enforcement]~~  
17 registration official every ninety days to verify the information  
18 contained in their statement made under section 589.407. ~~[Tier~~  
19 ~~III sexual offenders include:~~

20 ~~(1) Any offender registered as a predatory sexual offender~~

1 ~~as defined in section 566.123 or a persistent sexual offender as~~  
2 ~~defined in section 566.124;~~

3 ~~(2) Any offender who has been adjudicated for the crime of:~~

4 ~~(a) Rape in the first degree under section 566.030;~~

5 ~~(b) Statutory rape in the first degree under section~~  
6 ~~566.032;~~

7 ~~(c) Rape in the second degree under section 566.031;~~

8 ~~(d) Endangering the welfare of a child in the first degree~~  
9 ~~under section 568.045 if the offense is sexual in nature;~~

10 ~~(e) Sodomy in the first degree under section 566.060;~~

11 ~~(f) Statutory sodomy under section 566.062;~~

12 ~~(g) Statutory sodomy under section 566.064 if the victim is~~  
13 ~~under sixteen years of age;~~

14 ~~(h) Sodomy in the second degree under section 566.061;~~

15 ~~(i) Sexual misconduct involving a child under section~~  
16 ~~566.083 if the offense is a second or subsequent offense;~~

17 ~~(j) Sexual abuse in the first degree under section 566.100~~  
18 ~~if the victim is under thirteen years of age;~~

19 ~~(k) Kidnapping in the first degree under section 565.110 if~~  
20 ~~the victim is under eighteen years of age, excluding kidnapping~~

1 ~~by a parent or guardian;~~

2 ~~(l) Child kidnapping under section 565.115;~~

3 ~~(m) Sexual conduct with a nursing facility resident or~~  
4 ~~vulnerable person in the first degree under section 566.115 if~~  
5 ~~the punishment is greater than a year;~~

6 ~~(n) Incest under section 568.020;~~

7 ~~(o) Endangering the welfare of a child in the first degree~~  
8 ~~under section 568.045 with sexual intercourse or deviate sexual~~  
9 ~~intercourse with a victim under eighteen years of age;~~

10 ~~(p) Child molestation in the first degree under section~~  
11 ~~566.067;~~

12 ~~(q) Child molestation in the second degree under section~~  
13 ~~566.068;~~

14 ~~(r) Child molestation in the third degree under section~~  
15 ~~566.069 if the victim is under thirteen years of age;~~

16 ~~(s) Promoting prostitution in the first degree under~~  
17 ~~section 567.050 if the victim is under eighteen years of age;~~

18 ~~(t) Promoting prostitution in the second degree under~~  
19 ~~section 567.060 if the victim is under eighteen years of age;~~

20 ~~(u) Promoting prostitution in the third degree under~~

1 ~~section 567.070 if the victim is under eighteen years of age;~~

2 ~~(v) Promoting travel for prostitution under section 567.085~~  
3 ~~if the victim is under eighteen years of age;~~

4 ~~(w) Trafficking for the purpose of sexual exploitation~~  
5 ~~under section 566.209 if the victim is under eighteen years of~~  
6 ~~age;~~

7 ~~(x) Sexual trafficking of a child in the first degree under~~  
8 ~~section 566.210;~~

9 ~~(y) Sexual trafficking of a child in the second degree~~  
10 ~~under section 566.211;~~

11 ~~(z) Genital mutilation of a female child under section~~  
12 ~~568.065;~~

13 ~~(aa) Statutory rape in the second degree under section~~  
14 ~~566.034;~~

15 ~~(bb) Child molestation in the fourth degree under section~~  
16 ~~566.071 if the victim is under thirteen years of age;~~

17 ~~(cc) Sexual abuse in the second degree under section~~  
18 ~~566.101 if the penalty is a term of imprisonment of more than a~~  
19 ~~year;~~

20 ~~(dd) Patronizing prostitution under section 567.030 if the~~

1 ~~offender is a persistent offender;~~

2 ~~(ee) Abuse of a child under section 568.060 if the offense~~  
3 ~~is of a sexual nature and the victim is under thirteen years of~~  
4 ~~age;~~

5 ~~(ff) Sexual contact with a prisoner or offender under~~  
6 ~~section 566.145 if the victim is under thirteen years of age;~~

7 ~~(gg) Sexual intercourse with a prisoner or offender under~~  
8 ~~section 566.145;~~

9 ~~(hh) Sexual contact with a student under section 566.086 if~~  
10 ~~the victim is under thirteen years of age;~~

11 ~~(ii) Use of a child in a sexual performance under section~~  
12 ~~573.200; or~~

13 ~~(jj) Promoting a sexual performance by a child under~~  
14 ~~section 573.205;~~

15 ~~(3) Any offender who is adjudicated for a crime comparable~~  
16 ~~to a tier I or tier II offense listed in this section or failure~~  
17 ~~to register offense under section 589.425, or other comparable~~  
18 ~~out-of-state failure to register offense, who has been or is~~  
19 ~~already required to register as a tier II offender because of~~  
20 ~~having been adjudicated for a tier II offense, two tier I~~

1 ~~offenses, or combination of a tier I offense and failure to~~  
2 ~~register offense, on a previous occasion;~~

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

11 ~~(5) Any offender who is adjudicated in Missouri for any~~  
12 ~~offense of a sexual nature requiring registration under sections~~  
13 ~~589.400 to 589.425 that is not classified as a tier I or tier II~~  
14 ~~offense in this section.~~

15 ~~8.]~~ 11. In addition to the requirements of subsections 1 to  
16 ~~[7]~~ 5 and 8 to 10 of this section, all Missouri registrants who  
17 work, including as a volunteer or unpaid intern, or attend any  
18 school whether public or private, including any secondary school,  
19 trade school, professional school, or institution of higher  
20 education, on a full-time or part-time basis or have a temporary

1 residence in this state shall be required to report in person  
2 ~~to~~ before the ~~chief law enforcement officer~~ registration  
3 official in the area of the state where they work, including as a  
4 volunteer or unpaid intern, or attend any school or training and  
5 register in that state. ~~["Part-time" in this subsection means~~  
6 ~~for more than seven days in any twelve-month period.~~

7 ~~9.]~~ 12. If a person who is required to register as a sexual  
8 offender under sections 589.400 to 589.425 changes or obtains a  
9 new online identifier ~~[as defined in section 43.651]~~, the person  
10 shall report such information in the same manner as a change of  
11 residence before using such online identifier.

12 589.415. ~~1.]~~ Any probation officer or parole officer  
13 assigned to a sexual offender who is required to register  
14 pursuant to sections 589.400 to 589.425 shall notify the  
15 appropriate law enforcement officials whenever the probation  
16 officer or parole officer has reason to believe that the offender  
17 will be changing his or her residence. Upon obtaining the new  
18 address where the offender expects to reside, the probation  
19 officer or parole officer shall report such address to the ~~chief~~  
20 ~~law enforcement~~ registration official with whom the offender

1 last registered and the ~~[chief law enforcement]~~ registration  
2 official of the county having jurisdiction over the new  
3 residence, if different. The probation officer or parole officer  
4 shall also inform the offender of the offender's duty to  
5 register. However, nothing in this section shall affect the  
6 offender's duty to register, pursuant to sections 589.400 to  
7 589.425.

8 ~~[2. As used in this section, the term "probation officer"~~  
9 ~~includes any agent of a private entity assigned to provide~~  
10 ~~probation supervision services to an offender due to the~~  
11 ~~offender's status as a sexual offender who is required to~~  
12 ~~register pursuant to sections 589.400 to 589.425.]~~

13 589.417. 1. Except for the specific information listed in  
14 subsection 2 of this section, the complete statements,  
15 photographs and fingerprints required by sections 589.400 to  
16 589.425 shall not be subject to the provisions of chapter 610 and  
17 are not public records as defined in section 610.010, and shall  
18 be available only to courts, prosecutors and law enforcement  
19 agencies.

20 2. ~~[Notwithstanding any provision of law to the contrary,~~

1 ~~the chief law enforcement official of the county]~~ (1) The  
2 following information shall be available as an open record under  
3 chapter 610:

4 (a) Any information retained by the Missouri state highway  
5 patrol required to be published on the internet at the time of  
6 the request, as provided in section 589.411; and

7 (b) The name, offense requiring registration, dates of  
8 registration, and compliance status of any offender who has been  
9 removed from the internet because of death or a move out of the  
10 state. For offenders who have moved out of the state, the new  
11 state of residence shall also be an open record.

12 (2) The registration official shall maintain, for all  
13 offenders registered in such county, a complete list of the  
14 names, addresses and crimes for which such offenders are  
15 registered. Any person may request such list from the [~~chief law~~  
16 enforcement] registration official of the county.

17 3. Nothing in this section shall be construed to open any  
18 records relating to an offender who has been removed from the  
19 sexual offender registry or found exempt under section 589.401.  
20 Such records shall be governed by the provisions of chapter 610.

1           4. The metadata recorded by the sex offender registry  
2 system, website, or other related databases utilized by the sex  
3 offender registry including activity logs, user information, or  
4 other related information shall be a closed record, available  
5 only to authorized users for the administration of criminal  
6 justice, as the term "administration of criminal justice" is  
7 defined in section 43.500.

8           ~~[589.425. 1. A person commits the crime of~~  
9 ~~failing to register as a sex offender when the person~~  
10 ~~is required to register under sections 589.400 to~~  
11 ~~589.425 and fails to comply with any requirement of~~  
12 ~~sections 589.400 to 589.425. Failing to register as~~  
13 ~~a sex offender is a class E felony unless the person~~  
14 ~~is required to register based on having committed an~~  
15 ~~offense in chapter 566 which was an unclassified~~  
16 ~~felony, a class A or B felony, or a felony involving~~  
17 ~~a child under the age of fourteen, in which case it~~  
18 ~~is a class D felony.~~

19           ~~2. A person commits the crime of failing to~~  
20 ~~register as a sex offender as a second offense by~~  
21 ~~failing to comply with any requirement of sections~~  
22 ~~589.400 to 589.425 and he or she has previously pled~~  
23 ~~guilty to or has previously been found guilty of~~  
24 ~~failing to register as a sex offender. Failing to~~  
25 ~~register as a sex offender as a second offense is a~~  
26 ~~class E felony unless the person is required to~~  
27 ~~register based on having committed an offense in~~  
28 ~~chapter 566, or an offense in any other state or~~  
29 ~~foreign country, or under federal, tribal, or~~  
30 ~~military jurisdiction, which if committed in this~~  
31 ~~state would be an offense under chapter 566 which was~~  
32 ~~an unclassified felony, a class A or B felony, or a~~  
33 ~~felony involving a child under the age of fourteen,~~  
34 ~~in which case it is a class D felony.~~

35           ~~3. (1) A person commits the crime of failing~~  
36 ~~to register as a sex offender as a third offense by~~

1 ~~failing to meet the requirements of sections 589.400~~  
2 ~~to 589.425 and he or she has, on two or more~~  
3 ~~occasions, previously pled guilty to or has~~  
4 ~~previously been found guilty of failing to register~~  
5 ~~as a sex offender. Failing to register as a sex~~  
6 ~~offender as a third offense is a class A felony,~~  
7 ~~which shall be punished by a term of imprisonment of~~  
8 ~~not less than ten years and not more than thirty~~  
9 ~~years.~~

10 ~~(2) No court may suspend the imposition or~~  
11 ~~execution of sentence of a person who pleads guilty~~  
12 ~~to or is found guilty of failing to register as a sex~~  
13 ~~offender as a third offense. No court may sentence~~  
14 ~~such person to pay a fine in lieu of a term of~~  
15 ~~imprisonment.~~

16 ~~(3) [A person sentenced under this subsection~~  
17 ~~shall not be eligible for conditional release or~~  
18 ~~parole until he or she has served at least two years~~  
19 ~~of imprisonment.]~~

20 ~~(4) ] Upon release, an offender who has~~  
21 ~~committed failing to register as a sex offender as a~~  
22 ~~third offense shall be electronically monitored as a~~  
23 ~~mandatory condition of supervision. Electronic~~  
24 ~~monitoring may be based on a global positioning~~  
25 ~~system or any other technology which identifies and~~  
26 ~~records the offender's location at all times.]~~

27 589.425. 1. A person commits the crime of failing to  
28 register as a sex offender when the person is required to  
29 register under sections 589.400 to 589.425 and fails to comply  
30 with any requirement of sections 589.400 to 589.425. Failing to  
31 register as a sex offender is a class E felony unless the person  
32 is required to register based on having committed an offense in  
33 chapter 566 which was an unclassified felony, a class A or B  
34 felony, or a felony involving a child under the age of fourteen,

1 in which case it is a class D felony.

2 2. A person commits the crime of failing to register as a  
3 sex offender as a second offense by failing to comply with any  
4 requirement of sections 589.400 to 589.425 and he or she has  
5 previously pled guilty to or has previously been found guilty of  
6 failing to register as a sex offender. Failing to register as a  
7 sex offender as a second offense is a class E felony unless the  
8 person is required to register based on having committed an  
9 offense in chapter 566, or an offense in any other state or  
10 foreign country, or under federal, tribal, or military  
11 jurisdiction, which if committed in this state would be an  
12 offense under chapter 566 which was an unclassified felony, a  
13 class A or B felony, or a felony involving a child under the age  
14 of fourteen, in which case it is a class D felony.

15 3. (1) A person commits the crime of failing to register  
16 as a sex offender as a third offense by failing to meet the  
17 requirements of sections 589.400 to 589.425 and he or she has, on  
18 two or more occasions, previously pled guilty to or has  
19 previously been found guilty of failing to register as a sex  
20 offender. Failing to register as a sex offender as a third

1 offense is a class A felony, which shall be punished by a term of  
2 imprisonment of not less than ten years and not more than thirty  
3 years.

4 (2) No court may suspend the imposition or execution of  
5 sentence of a person who pleads guilty to or is found guilty of  
6 failing to register as a sex offender as a third offense. No  
7 court may sentence such person to pay a fine in lieu of a term of  
8 imprisonment.

9 (3) ~~【A person sentenced under this subsection shall not be  
10 eligible for conditional release or parole until he or she has  
11 served at least two years of imprisonment.~~

12 ~~(4)]~~ Upon release, an offender who has committed failing to  
13 register as a sex offender as a third offense shall be  
14 electronically monitored as a mandatory condition of supervision.  
15 Electronic monitoring may be based on a global positioning system  
16 or any other technology which identifies and records the  
17 offender's location at all times.

18 589.900. 1. For the purposes of sections 589.900 to  
19 589.902, the following terms mean:

20 (1) "Authorized individuals", peace officers, as defined in

1 section 590.010, who are certified in accordance with federal  
2 requirements, including the Homeland Security Act of 2002, Pub.  
3 L. 107-296, as amended, when applicable, to conduct unmanned  
4 aircraft and unmanned aerial system mitigation;

5 (2) "Mitigate", any of the following actions:

6 (a) During the operation of an unmanned aircraft system, to  
7 detect, identify, monitor, or track the unmanned aircraft system  
8 or unmanned aircraft, without prior consent, including by means  
9 of intercept or other access of a wire communication, an oral  
10 communication, or an electronic communication used to control the  
11 unmanned aircraft system or unmanned aircraft;

12 (b) To warn the operator of the unmanned aircraft system or  
13 unmanned aircraft, including by passive or active and direct or  
14 indirect physical, electronic, radio, or electromagnetic means,  
15 or through the use of remote identification broadcast or other  
16 means;

17 (c) To disrupt control of the unmanned aircraft system or  
18 unmanned aircraft, without prior consent, including by disabling  
19 the unmanned aircraft system or unmanned aircraft by  
20 intercepting, interfering, or causing interference with wire,

1 oral, electronic, or radio communications used to control the  
2 unmanned aircraft system or unmanned aircraft;

3 (d) To seize or exercise control of the unmanned aircraft  
4 system or unmanned aircraft; or

5 (e) To use reasonable force, if necessary, to disable,  
6 damage, or destroy the unmanned aircraft system or unmanned  
7 aircraft.

8 2. The terms "unmanned aircraft" and "unmanned aircraft  
9 system" shall have the meanings given such terms in 49 U.S.C.  
10 Section 44801.

11 589.902. 1. To the greatest extent permissible under  
12 applicable federal law, including the Homeland Security Act of  
13 2002, Pub. L. 107-296, as amended, authorized individuals in this  
14 state shall be empowered to take necessary action to mitigate a  
15 credible threat that an unmanned aircraft or unmanned aircraft  
16 system poses to the safety or security of people, facilities,  
17 assets, a venue or set of venues used for large-scale public  
18 gatherings or events, critical infrastructure, or correctional  
19 facilities.

20 2. Nothing in this section shall be construed to limit the

1 power of a law enforcement officer in this state to seize an  
2 unmanned aircraft system or unmanned aircraft in the course of  
3 their duties. A law enforcement officer may use all lawful means  
4 to effect such a seizure, which may include the use of mitigation  
5 techniques where permissible.

6 3. Any unmanned aircraft system or unmanned aircraft seized  
7 under this section or in connection with a criminal act shall be  
8 subject to forfeiture under section 513.607.

9 4. Nothing in this section shall be construed to permit the  
10 jamming of or interference with any signal, except in accordance  
11 with all applicable federal laws, rules, and regulations,  
12 including, but not limited to, the Homeland Security Act of 2002,  
13 Pub. L. 107-296, as amended.

14 590.192. 1. There is hereby established the "Critical  
15 Incident Stress Management Program" within the department of  
16 public safety. The program shall provide services for peace  
17 officers and first responders to assist in coping with stress and  
18 potential psychological trauma resulting from a response to a  
19 critical incident or emotionally difficult event. Such services  
20 may include consultation, risk assessment, education,

1 intervention, and other crisis intervention services provided by  
2 the department to peace officers and first responders affected by  
3 a critical incident. For purposes of this section, a "critical  
4 incident" shall mean any event outside the usual realm of human  
5 experience that is markedly distressing or evokes reactions of  
6 intense fear, helplessness, or horror and involves the perceived  
7 threat to a person's physical integrity or the physical integrity  
8 of someone else. For purposes of this section, the term "first  
9 responder" shall have the same meaning as first responder in  
10 section 190.1010.

11 2. All peace officers and first responders shall be  
12 required to meet with a program service provider once every three  
13 to five years for a mental health check-in, or a department  
14 established behavioral health or mental health program that meets  
15 the requirements of subsection 1 of this section which shall  
16 satisfy this requirement. The program service provider shall  
17 send a notification to the peace officer's commanding officer, or  
18 first responder's commanding officer, or first responder's  
19 director or supervisor that he or she completed such check-in.

20 3. Any information disclosed by a peace officer or first

1 responder shall be privileged and shall not be used as evidence  
2 in criminal, administrative, or civil proceedings against the  
3 peace officer or first responder unless:

4 (1) A program representative reasonably believes the  
5 disclosure is necessary to prevent harm to a person who received  
6 services or to prevent harm to another person;

7 (2) The person who received the services provides written  
8 consent to the disclosure; or

9 (3) The person receiving services discloses information  
10 that is required to be reported under mandatory reporting laws.

11 4. (1) There is hereby created in the state treasury the  
12 "988 Public Safety Fund", which shall consist of moneys  
13 appropriated by the general assembly. The state treasurer shall  
14 be custodian of the fund. In accordance with sections 30.170 and  
15 30.180, the state treasurer may approve disbursements. The fund  
16 shall be a dedicated fund and moneys in the fund shall be used  
17 solely by the department of public safety for the purposes of  
18 providing services for peace officers and first responders to  
19 assist in coping with stress and potential psychological trauma  
20 resulting from a response to a critical incident or emotionally

1 difficult event pursuant to subsection 1 of this section. Such  
2 services may include consultation, risk assessment, education,  
3 intervention, and other crisis intervention services provided by  
4 the department to peace officers or first responders affected by  
5 a critical incident. The director of public safety may prescribe  
6 rules and regulations necessary to carry out the provisions of  
7 this section. Any rule or portion of a rule, as that term is  
8 defined in section 536.010, that is created under the authority  
9 delegated in this section shall become effective only if it  
10 complies with and is subject to all of the provisions of chapter  
11 536 and, if applicable, section 536.028. This section and  
12 chapter 536 are nonseverable and if any of the powers vested with  
13 the general assembly pursuant to chapter 536 to review, to delay  
14 the effective date, or to disapprove and annul a rule are  
15 subsequently held unconstitutional, then the grant of rulemaking  
16 authority and any rule proposed or adopted after August 28, 2021,  
17 shall be invalid and void.

18 (2) Notwithstanding the provisions of section 33.080 to the  
19 contrary, any moneys remaining in the fund at the end of the  
20 biennium shall not revert to the credit of the general revenue

1 fund.

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

5 632.305. 1. An application for detention for evaluation  
6 and treatment at a mental health facility may be executed by any  
7 adult person, who need not be an attorney or represented by an  
8 attorney, on a form provided by the court for such purpose, and  
9 shall allege under oath [~~without a notarization requirement,~~]  
10 that the applicant has reason to believe that the respondent is  
11 suffering from a mental disorder and presents a likelihood of  
12 serious harm to himself or herself or to others. The application  
13 shall specify the factual information on which such belief is  
14 based and should contain the names and addresses of all persons  
15 known to the applicant who have knowledge of such facts through  
16 personal observation.

17 2. The filing of a written application in court by any  
18 adult person, who need not be an attorney or represented by an  
19 attorney, shall authorize the applicant to bring the matter  
20 before the court on an ex parte basis to determine whether the

1     respondent should be taken into custody and transported to a  
2     mental health facility. The application may be filed in the  
3     court having probate jurisdiction in any county where the  
4     respondent may be found. If the court finds that there is  
5     probable cause, either upon testimony under oath or upon a review  
6     of affidavits, declarations, or other supporting documentation,  
7     to believe that the respondent may be suffering from a mental  
8     disorder and presents a likelihood of serious harm to himself or  
9     herself or others, it shall direct a peace officer to take the  
10    respondent into custody and transport him or her to a mental  
11    health facility for detention for evaluation and treatment for a  
12    period not to exceed ninety-six hours unless further detention  
13    and treatment is authorized pursuant to this chapter. Nothing  
14    herein shall be construed to prohibit the court, in the exercise  
15    of its discretion, from giving the respondent an opportunity to  
16    be heard.

17           3. A peace officer may take a person into custody for  
18    detention for evaluation and treatment at a mental health  
19    facility for a period not to exceed ninety-six hours only when  
20    such peace officer has reasonable cause to believe that such

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

14 4. If a person presents himself or herself or is presented  
15 by others to a mental health facility and a licensed physician, a  
16 registered professional nurse or a mental health professional  
17 designated by the head of the facility and approved by the  
18 department for such purpose has reasonable cause to believe that  
19 the person is mentally disordered and presents an imminent  
20 likelihood of serious harm to himself or herself or others unless

1 he or she is accepted for detention, the licensed physician, the  
2 mental health professional or the registered professional nurse  
3 designated by the facility and approved by the department may  
4 complete an application for detention for evaluation and  
5 treatment for a period not to exceed ninety-six hours. The  
6 application shall be based on his or her own personal  
7 observations or investigation and shall contain the information  
8 required in subsection 1 of this section.

9 5. (1) No notarization shall be required for an  
10 application, or for any affidavits, declarations, or other  
11 documents supporting an application, completed or executed, by:

12 (a) A peace officer under subsection 3 of this section;

13 (b) A licensed physician, mental health professional, or  
14 registered professional nurse under subsection 4 of this section;

15 or

16 (c) An employee acting on behalf of a hospital, as defined  
17 in section 197.020, under subsections 1 and 2 of this section.

18 (2) The application and any affidavits, declarations, or  
19 other documents supporting the application shall be subject to  
20 the provisions of section 492.060 allowing for declaration under

1 penalty of perjury.

2 632.489. 1. Upon filing a petition pursuant to section  
3 632.484 or 632.486, the judge shall determine whether probable  
4 cause exists to believe that the person named in the petition is  
5 a sexually violent predator. If such probable cause  
6 determination is made, the judge shall direct that person be  
7 taken into custody and direct that the person be transferred to  
8 an appropriate secure facility, including, but not limited to, a  
9 county jail. If the person is ordered to the department of  
10 mental health, the director of the department of mental health  
11 shall determine the appropriate secure facility to house the  
12 person under the provisions of section 632.495.

13 2. Within seventy-two hours after a person is taken into  
14 custody pursuant to subsection 1 of this section, excluding  
15 Saturdays, Sundays and legal holidays, such person shall be  
16 provided with notice of, and an opportunity to appear in person  
17 at, a hearing to contest probable cause as to whether the  
18 detained person is a sexually violent predator. At this hearing  
19 the court shall:

20 (1) Verify the detainee's identity; and

1           (2) Determine whether probable cause exists to believe that  
2 the person is a sexually violent predator. The state may rely  
3 upon the petition and supplement the petition with additional  
4 documentary evidence or live testimony.

5           3. At the probable cause hearing as provided in subsection  
6 2 of this section, the detained person shall have the following  
7 rights in addition to the rights previously specified:

8           (1) To be represented by counsel;

9           (2) To present evidence on such person's behalf;

10           (3) To cross-examine witnesses who testify against such  
11 person; and

12           (4) To view and copy all petitions and reports in the court  
13 file, including the assessment of the multidisciplinary team.

14           4. If the probable cause determination is made, the court  
15 shall direct that the person be transferred to an appropriate  
16 secure facility, including, but not limited to, a county jail,  
17 for an evaluation as to whether the person is a sexually violent  
18 predator. If the person is ordered to the department of mental  
19 health, the director of the department of mental health shall  
20 determine the appropriate secure facility, which may include the

1 department of corrections or a county jail as set forth in  
2 section 632.495, to house the person. The court shall direct the  
3 director of the department of mental health to have the person  
4 examined by a psychiatrist or psychologist as defined in section  
5 632.005 who was not a member of the multidisciplinary team that  
6 previously reviewed the person's records. In addition, such  
7 person may be examined by a consenting psychiatrist or  
8 psychologist of the person's choice at the person's own expense.  
9 Any examination shall be conducted in the facility in which the  
10 person is confined. Any examinations ordered shall be made at  
11 such time and under such conditions as the court deems proper;  
12 except that, if the order directs the director of the department  
13 of mental health to have the person examined, the director shall  
14 determine the time, place and conditions under which the  
15 examination shall be conducted. The psychiatrist or psychologist  
16 conducting such an examination shall be authorized to interview  
17 family and associates of the person being examined, as well as  
18 victims and witnesses of the person's offense or offenses, for  
19 use in the examination unless the court for good cause orders  
20 otherwise. The psychiatrist or psychologist shall have access to

1 all materials provided to and considered by the multidisciplinary  
2 team and to any police reports related to sexual offenses  
3 committed by the person being examined. Any examination  
4 performed pursuant to this section shall be completed and filed  
5 with the court within sixty days of the date the order is  
6 received by the director or other evaluator unless the court for  
7 good cause orders otherwise. One examination shall be provided  
8 at no charge by the department. All costs of any subsequent  
9 evaluations shall be assessed to the party requesting the  
10 evaluation.

11 632.492. Within sixty days after the completion of any  
12 examination held pursuant to section 632.489, the court shall  
13 conduct a trial to determine whether the person is a sexually  
14 violent predator. The trial may be continued upon the request of  
15 either party and a showing of good cause, or by the court on its  
16 own motion in the due administration of justice, and when the  
17 respondent will not be substantially prejudiced. At all stages  
18 of the proceedings pursuant to sections 632.480 to 632.513, any  
19 person subject to sections 632.480 to 632.513 shall be entitled  
20 to the assistance of counsel, and if the person is indigent, the

1 court shall appoint counsel to assist such person. The person,  
2 the attorney general, or the judge shall have the right to demand  
3 that the trial be before a jury. If the trial is held before a  
4 jury, the judge shall instruct the jury that if it finds that the  
5 person is a sexually violent predator, the person shall be  
6 committed to the custody of the director of the department of  
7 mental health to be housed in an appropriate secure facility, as  
8 determined by the director of the department of mental health as  
9 set forth in section 632.495, for control, care and treatment.

10 If no demand for a jury is made, the trial shall be before the  
11 court. The court shall conduct all trials pursuant to this  
12 section in open court, except as otherwise provided for by the  
13 child victim witness protection law pursuant to sections 491.675  
14 to 491.705.

15 632.495. 1. The court or jury shall determine whether, by  
16 clear and convincing evidence, the person is a sexually violent  
17 predator. If such determination that the person is a sexually  
18 violent predator is made by a jury, such determination shall be  
19 by unanimous verdict of such jury. Any determination as to  
20 whether a person is a sexually violent predator may be appealed.

1           2. If the court or jury determines that the person is a  
2 sexually violent predator, the person shall be committed to the  
3 custody of the director of the department of mental health for  
4 control, care and treatment until such time as the person's  
5 mental abnormality has so changed that the person is safe to be  
6 at large. Such control, care and treatment shall be provided or  
7 arranged by the department of mental health in an appropriate  
8 secure facility, as determined by the director of the department  
9 of mental health as set forth in this section.

10           3. At all times, persons ordered to the department of  
11 mental health after a determination by the court that such  
12 persons may meet the definition of a sexually violent predator,  
13 persons ordered to the department of mental health after a  
14 finding of probable cause under section 632.489, and persons  
15 committed for control, care and treatment by the department of  
16 mental health pursuant to sections 632.480 to 632.513 shall be  
17 kept in a secure facility designated by the director of the  
18 department of mental health and such persons shall be segregated  
19 at all times from any other patient under the supervision of the  
20 director of the department of mental health. The department of

1 mental health shall not place or house a person ordered to the  
2 department of mental health after a determination by the court  
3 that such person may meet the definition of a sexually violent  
4 predator, a person ordered to the department of mental health  
5 after a finding of probable cause under section 632.489, or a  
6 person committed for control, care, and treatment by the  
7 department of mental health, pursuant to sections 632.480 to  
8 632.513, with other mental health patients. The provisions of  
9 this subsection shall not apply to a person who has been  
10 conditionally released under section 632.505.

11 4. The department of mental health is authorized to enter  
12 into an interagency agreement with the department of corrections  
13 for the confinement of ~~[such]~~ persons ordered to the department  
14 of mental health after a determination by the court that such  
15 persons may meet the definition of a sexually violent predator or  
16 for the confinement of persons ordered to the department of  
17 mental health after a finding of probable cause under section  
18 632.489, provided the department of corrections has necessary  
19 space and services available and the director of the department  
20 of corrections has agreed to provide such confinement through an

1 interagency agreement with the department of mental health. Such  
2 persons who are in the confinement of the department of  
3 corrections pursuant to an interagency agreement shall be housed  
4 and managed separately from offenders in the custody of the  
5 department of corrections, and except for occasional instances of  
6 supervised incidental contact, shall be segregated from such  
7 offenders. If the department of mental health and the department  
8 of corrections have entered into an interagency agreement as  
9 provided in this subsection, the department of corrections is  
10 authorized to enter into one or more contract agreements as may  
11 be necessary to perform the agreed upon responsibilities of the  
12 department of corrections under the interagency agreement  
13 including, but not limited to, a contract agreement with one or  
14 more licensed professionals or providers of health care services  
15 to provide health care services to the persons identified in this  
16 subsection.

17 5. The department of mental health is authorized to enter  
18 into a contract agreement with one or more county jails in  
19 Missouri for the confinement of persons ordered to the department  
20 of mental health after a determination by the court that such

1 persons may meet the definition of a sexually violent predator or  
2 for the confinement of persons ordered to the department of  
3 mental health after a finding of probable cause under section  
4 632.489. Such persons who are in the confinement of a county  
5 jail pursuant to a contract agreement shall be housed and managed  
6 separately from offenders in the custody of the county jail, and  
7 except for occasional instances of supervised incidental contact,  
8 shall be segregated from such offenders.

9       6. The department of mental health is authorized to enter  
10 into an interagency agreement with the department of corrections  
11 for the control and care, including health care services, of  
12 persons committed to the department of mental health by the court  
13 as a sexually violent predator, provided the department of  
14 corrections has necessary space and services available and the  
15 director of the department of corrections has agreed to provide  
16 such control and care through an interagency agreement with the  
17 department of mental health. Such persons who are in the control  
18 and care of the department of corrections under an interagency  
19 agreement shall be housed and managed separately from offenders  
20 in the custody of the department of corrections, and except for

1 occasional instances of supervised incidental contact, shall be  
2 segregated from such offenders. If the department of mental  
3 health and the department of corrections have entered into an  
4 interagency agreement as provided in this subsection, the  
5 department of corrections is authorized to enter into one or more  
6 contract agreements as may be necessary to perform the agreed  
7 upon responsibilities of the department of corrections under the  
8 interagency agreement including, but not limited to, a contract  
9 agreement with one or more licensed professionals or providers of  
10 health care services to provide health care services to the  
11 persons identified in this subsection.

12 7. The department of mental health is authorized to enter  
13 into a contract agreement with one or more licensed professionals  
14 or providers of health care or mental health care services to  
15 provide health care or mental health care services to persons  
16 ordered to the department of mental health after a determination  
17 by the court that such persons may meet the definition of a  
18 sexually violent predator, persons ordered to the department of  
19 mental health after a finding of probable cause under section  
20 632.489, and persons committed for control, care, and treatment

1 by the department of mental health under sections 632.480 to  
2 632.513.

3 8. If the court or jury is not satisfied by clear and  
4 convincing evidence that the person is a sexually violent  
5 predator, the court shall direct the person's release.

6 [~~7.~~] 9. Upon a mistrial, the court shall direct that the  
7 person be held at an appropriate secure facility, including, but  
8 not limited to, a county jail, until another trial is conducted.  
9 If the person is ordered to the department of mental health, the  
10 director of the department of mental health shall determine the  
11 appropriate secure facility to house the person. Any subsequent  
12 trial following a mistrial shall be held within ninety days of  
13 the previous trial, unless such subsequent trial is continued as  
14 provided in section 632.492.

15 632.504. Nothing in sections 632.480 to 632.513 shall  
16 prohibit a person from filing a petition for release pursuant to  
17 sections 632.480 to 632.513. However, if a person has previously  
18 filed a petition for release without the [~~director's~~] director of  
19 the department of mental health's approval and the court  
20 determined either upon review of the petition or following a

1 hearing that the petitioner's petition was frivolous or that the  
2 petitioner's condition had not so changed that the person was  
3 safe to be at large, then the court shall deny the subsequent  
4 petition unless the petition contains facts upon which a court  
5 could find the condition of the petitioner had so changed that a  
6 hearing was warranted. Upon receipt of a first or subsequent  
7 petition from committed persons without the director's approval,  
8 the court shall endeavor whenever possible to review the petition  
9 and determine if the petition is based upon frivolous grounds and  
10 if so shall deny the petition without a hearing.

11 632.520. 1. For purposes of this section, the following  
12 terms mean:

13 (1) "Employee of the department of mental health", a person  
14 who is an employee of the department of mental health, an  
15 employee or contracted employee of a subcontractor of the  
16 department of mental health, or an employee or contracted  
17 employee of a subcontractor of an entity ~~[responsible for~~  
18 ~~confining offenders]~~ under an interagency agreement or contract  
19 with the department of mental health as authorized by section  
20 632.495;

1           (2) "Offender", a person ordered to the department of  
2 mental health after a determination by the court that the person  
3 meets the definition of a sexually violent predator, a person  
4 ordered to the department of mental health after a finding of  
5 probable cause under section 632.489, or a person committed for  
6 control, care, and treatment by the department of mental health  
7 under sections 632.480 to 632.513;

8           (3) "Secure facility", a facility operated by the  
9 department of mental health or an entity [~~responsible for~~  
10 ~~confining offenders~~] designated by the department of mental  
11 health to confine offenders or provide control and care to  
12 offenders as authorized by section 632.495.

13           2. No offender shall knowingly commit violence to an  
14 employee of the department of mental health or to another  
15 offender housed in a secure facility. Violation of this  
16 subsection shall be a class B felony.

17           3. No offender shall knowingly damage any building or other  
18 property owned or operated by the department of mental health.  
19 Violation of this subsection shall be a class D felony.

20           632.580. The definitions set forth in section 632.005 shall

1 apply to sections 632.580 to 632.610. In addition, as used in  
2 sections 632.580 to 632.610, unless the context clearly requires  
3 otherwise, the following terms mean:

4 (1) "Assisted outpatient treatment", court-ordered  
5 involuntary outpatient mental health care services that are  
6 provided by a mental health program under a treatment plan  
7 developed and monitored by a master's level mental health  
8 professional. Such services may include, but are not limited to:

9 (a) Case management;

10 (b) Medication management;

11 (c) Therapy or counseling;

12 (d) Substance use treatment, if applicable;

13 (e) Crisis intervention services; and

14 (f) Assistance with housing, employment, or other community  
15 resources necessary for an individual's stability;

16 (2) "Case manager", a mental health professional employed  
17 by a certified community mental health center who is assigned to  
18 a respondent to oversee the respondent's compliance with the  
19 outpatient treatment plan ordered by the court under sections  
20 632.580 to 632.610;

1       (3) "Community mental health center", the same meaning  
2 given to the term in section 205.975;

3       (4) "Comprehensive mental health services", the same  
4 meaning given to the term in section 205.975;

5       (5) "Local public health agency", a county health center  
6 board established under chapter 205, a county health department,  
7 a combined city and county health department or agency, a  
8 multicounty health department or agency, or any other county  
9 health authority;

10       (6) "Petition", a petition for assisted outpatient  
11 treatment filed under section 632.585 or for continued assisted  
12 outpatient treatment filed under section 632.600;

13       (7) "Respondent", a person who is alleged in a petition to  
14 meet the criteria for assisted outpatient treatment in section  
15 632.590;

16       (8) "Service area", the same meaning given to the term in  
17 section 205.975.

18       632.585. 1. A petition for an order authorizing assisted  
19 outpatient treatment may be filed by:

20       (1) The director, administrator, or treating physician of a

1 mental health program in which the respondent is hospitalized;

2 (2) The director, administrator, or treating physician of  
3 an emergency receiving center in which the respondent is  
4 receiving services;

5 (3) A licensed physician, a registered professional nurse  
6 designated by the community mental health center and approved by  
7 the department of mental health, or a mental health professional  
8 from whom the respondent is receiving services;

9 (4) The appointed guardian or limited guardian of a ward  
10 who is the respondent; or

11 (5) The department of health and senior services, the  
12 department of mental health, or any local public health agency  
13 located within the probate jurisdiction in which the petition is  
14 filed.

15 2. The petition may be filed in the court having probate  
16 jurisdiction in which the respondent is present or reasonably  
17 believed to be present or in the probate jurisdiction in which  
18 the respondent resides.

19 3. The petition shall allege under oath, without a  
20 notarization requirement, that the petitioner has reason to

1 believe that the respondent meets the criteria for assisted  
2 outpatient treatment in section 632.590. The petition shall  
3 specify factual information on which such belief is based and  
4 shall contain the names and addresses of all persons known to the  
5 petitioner who have knowledge of such facts through personal  
6 observation.

7 4. No notarization shall be required for a petition or for  
8 any affidavits, declarations, or other documents supporting a  
9 petition. The petition and any affidavits, declarations, or  
10 other documents supporting the petition shall be subject to the  
11 provisions of section 492.060 allowing for declaration under  
12 penalty of perjury.

13 5. The prosecuting attorney of the county in which a  
14 hearing on a petition takes place shall represent the petitioner  
15 and file and prosecute in court all petitions. Such duty shall  
16 be fulfilled by the county counselor in counties having a county  
17 counselor and by the circuit attorney in any city not within a  
18 county.

19 632.590. Following receipt of a petition and completion of  
20 the procedures required in section 632.593, a court may issue an

1 order requiring a respondent to participate in assisted  
2 outpatient treatment if:

3 (1) The respondent:

4 (a) Is eighteen years of age or older;

5 (b) Is suffering from a mental illness;

6 (c) Will not obtain treatment in the community voluntarily;

7 and

8 (d) Is unable to make an informed decision to seek or to  
9 comply with voluntary treatment; and

10 (2) Either:

11 (a) Because of the respondent's fulfillment of the criteria  
12 of subdivision (1) of this section, the respondent requires  
13 treatment to prevent a deterioration in the respondent's mental  
14 illness that would be likely to result in serious harm to the  
15 respondent or others as described in section 632.305; or

16 (b) The respondent has a history of a lack of compliance  
17 with treatment for the respondent's mental illness, and within  
18 the thirty-six months immediately preceding the date of the  
19 filing of the petition such lack of compliance has either:

20 a. At least twice, been a significant factor in

1 necessitating a civil detention period for treatment instituted  
2 under sections 632.120 or 632.305 or receipt of services in a  
3 forensic or other mental health unit of any state or local  
4 correctional facility, not including any period during which the  
5 respondent was hospitalized or incarcerated immediately preceding  
6 the date of the filing of the petition; or

7 b. Resulted in one or more acts of violent behavior with  
8 the intention of causing serious physical injury toward self or  
9 others or threats of, or attempts of, serious physical harm to  
10 self or others, not including any period during which the  
11 respondent was hospitalized or incarcerated immediately preceding  
12 the date of the filing of the petition.

13 632.593. 1. At the time of filing the petition, the court  
14 clerk shall set a date and time for the hearing, which shall take  
15 place within two judicial days of the filing of the petition. An  
16 attorney shall be appointed to represent the respondent as  
17 required under section 632.450 from the register of attorneys  
18 described in section 632.415. An attorney so appointed shall be  
19 entitled to attorney's fees to the same extent as allowed under  
20 section 632.415. The clerk shall promptly notify the respondent,

1 the respondent's attorney, the petitioner, and the petitioner's  
2 attorney of the date and time for the hearing. The court shall  
3 not grant continuances except upon a showing of good and  
4 sufficient cause.

5 2. The hearing shall be conducted in as informal a manner  
6 as may be consistent with orderly procedure and in a physical  
7 setting not likely to have a harmful effect on the respondent.  
8 The respondent shall have the following rights in addition to  
9 those specified elsewhere:

10 (1) To be represented by an attorney;

11 (2) To present evidence on his or her own behalf;

12 (3) To cross-examine witnesses who testify against him or  
13 her;

14 (4) To remain silent;

15 (5) To view and copy all petitions and reports in the court  
16 file of his or her case;

17 (6) To have the hearing open or closed to the public as he  
18 or she elects;

19 (7) To be proceeded against according to the rules of  
20 evidence applicable to civil judicial proceedings; and

1           (8) To have the hearing before a jury if requested by the  
2 respondent or his or her attorney.

3           3. The respondent shall be present at the hearing unless  
4 the respondent's physical condition is such that he or she cannot  
5 be present in the courtroom or if the court determines that the  
6 respondent's conduct in the courtroom is so disruptive that the  
7 proceedings cannot reasonably continue.

8           4. The burden of proof at the hearing shall be by clear and  
9 convincing evidence and shall be upon the petitioner.

10          5. If the matter is tried before a jury, the jury shall  
11 determine and shall be instructed only upon the issue of whether  
12 the respondent meets the criteria for assisted outpatient  
13 treatment in section 632.590. The remaining procedures for the  
14 jury trial shall be as in other civil matters.

15          6. The respondent shall not be required to file an answer  
16 or other responsive pleading.

17          7. At the conclusion of the hearing, if the court or jury  
18 finds, based upon clear and convincing evidence, that the  
19 respondent meets the criteria for assisted outpatient treatment  
20 in section 632.590, and the court finds that a mental health

1 program appropriate to handle the respondent's condition has  
2 agreed to accept the respondent, the court shall issue an order  
3 requiring the respondent to participate in assisted outpatient  
4 treatment with the mental health program for a period not to  
5 exceed two years.

6 8. At the conclusion of the hearing, if the court or jury  
7 does not find by clear and convincing evidence that the  
8 respondent meets the criteria for assisted outpatient treatment  
9 in section 632.590, the court shall dismiss the petition.

10 9. An order requiring the respondent to participate in  
11 assisted outpatient treatment based on satisfaction of the  
12 provisions of subparagraph a. of paragraph (b) of subdivision (2)  
13 of section 632.590 shall not be issued unless the court has  
14 considered, or the jury has been instructed to consider, at least  
15 the following factors:

16 (1) The respondent's ability to access finances in order to  
17 obtain food or medicine;

18 (2) The respondent's ability to obtain treatment for the  
19 respondent's medical condition;

20 (3) The respondent's ability to access necessary resources

1 in the community without assistance;

2 (4) The degree to which there are risks to the respondent's  
3 safety;

4 (5) The likelihood that the respondent will decompensate  
5 without immediate care or treatment;

6 (6) The respondent's previous attempts to inflict physical  
7 injury on self or others;

8 (7) The respondent's history of behavioral health treatment  
9 in the community;

10 (8) The respondent's patterns of decompensation in the  
11 past;

12 (9) The respondent's risk of being victimized or harmed by  
13 others; and

14 (10) The respondent's access to the means to inflict harm  
15 on self or others.

16 10. Nothing in this section shall prevent the court or jury  
17 from considering any other factor not described in this section.

18 11. If requested by the respondent, the court shall appoint  
19 an available licensed physician or licensed psychologist to  
20 examine the respondent and testify at the respondent's request.

1 If the respondent or the respondent's attorney so requests, the  
2 court shall not appoint a licensed physician or licensed  
3 psychologist who is an employee of any entity in which the  
4 respondent is hospitalized or receiving services or who is an  
5 employee of any entity that filed the petition. The appointment  
6 procedures in section 632.420 shall apply to any appointment  
7 under this subsection.

8 12. The physician-patient privilege recognized by section  
9 491.060 and the psychologist-patient privilege recognized by  
10 section 337.055 shall be deemed waived in proceedings under  
11 sections 632.580 to 632.610. The fact that such privileges have  
12 been waived in accordance with this section shall not by itself  
13 wave the privileges in any other proceeding, civil or criminal.  
14 The waiver of the privileges shall extend only to that evidence  
15 that is directly material and relevant to the proceedings under  
16 sections 632.580 to 632.610.

17 13. Appeals from court orders under this section may be  
18 made as described in section 632.430.

19 14. Assisted outpatient treatment shall not be deemed  
20 outpatient detention for purposes of this chapter, and no

1 provision of this chapter relating to the requirements for  
2 inpatient or outpatient detention proceedings shall apply to  
3 assisted outpatient treatment under sections 632.580 to 632.610  
4 unless such provision has been specifically incorporated into  
5 sections 632.580 to 632.610 by reference or otherwise.

6 15. The provisions of section 632.440 shall apply to  
7 assisted outpatient treatment under sections 632.580 to 632.610.

8 632.595. 1. The court shall assign a case manager from a  
9 certified community behavioral health clinic to each respondent  
10 ordered to participate in assisted outpatient treatment.

11 2. The case manager and the respondent shall report to the  
12 court at least once every ninety days. The court may, at its  
13 discretion, request more frequent appearances. The case manager  
14 shall immediately report to the court a substantial failure of  
15 the respondent or the mental health program providing the  
16 assisted outpatient treatment to comply with the conditions of  
17 the assisted outpatient treatment.

18 632.600. 1. The court order for assisted outpatient  
19 treatment shall expire at the end of the period specified in the  
20 order unless a petition for an extension has been filed. If any

1 person or entity authorized to file a petition under section  
2 632.585 determines that a respondent requires further involuntary  
3 assisted outpatient treatment, the person or entity shall file a  
4 petition for continued assisted outpatient treatment before the  
5 expiration of the involuntary assisted outpatient treatment  
6 ordered by the court.

7 2. The procedure for obtaining an extension shall be the  
8 same as for obtaining the original order, except that the thirty-  
9 six-month time period provided in paragraph (b) of subdivision  
10 (2) of section 632.590 shall not be applicable in determining the  
11 appropriateness of an extension.

12 632.605. 1. During the period of an order for assisted  
13 outpatient treatment, if the mental health program or mental  
14 health professional who is providing the respondent's assisted  
15 outpatient treatment determines that the respondent is not  
16 complying with the court order, the mental health program or  
17 mental health professional shall notify the court immediately.

18 2. If it comes to the attention of the court that a  
19 respondent subject to an order of assisted outpatient treatment  
20 is not complying with the order, the court may require one or

1 more of the following, without a hearing:

2 (1) That the respondent be taken for evaluation to a  
3 community mental health center providing comprehensive mental  
4 health services to individuals residing in the service area in  
5 which the respondent resides;

6 (2) That the respondent be hospitalized in a psychiatric  
7 hospital for a period of not more than ten days; and

8 (3) Upon recommendation by the community mental health  
9 center providing comprehensive mental health services to  
10 individuals residing in the service area in which the respondent  
11 resides, that the individual be hospitalized for a period of more  
12 than ten days, but not longer than the duration of the order for  
13 assisted outpatient treatment, or not longer than ninety days,  
14 whichever is less.

15 3. The court may direct peace officers to transport the  
16 respondent to a designated facility or a community mental health  
17 center, as applicable, and the court may specify conditions under  
18 which the respondent may return to assisted outpatient treatment  
19 before the order expires. Reimbursement for transportation costs  
20 shall be allowed as provided under section 632.312.

1       4. A respondent hospitalized without a hearing as provided  
2 in subsection 2 of this section may object to the  
3 hospitalization. Upon transfer of the respondent to the  
4 hospital, the hospital shall notify the respondent of his or her  
5 right to object under this section. Upon receipt of an objection  
6 to the hospitalization, the court shall schedule a hearing for a  
7 determination that the individual requires hospitalization. The  
8 respondent shall have all rights specified in section 632.593 at  
9 the hearing. The court shall order the respondent discharged  
10 from hospitalization unless the court or jury finds, based upon  
11 clear and convincing evidence, that the respondent requires  
12 hospitalization as a result of the respondent's failure to comply  
13 with the order for assisted outpatient treatment.

14       632.610. Beginning December 1, 2028, the office of state  
15 courts administrator shall submit an annual report to the general  
16 assembly summarizing:

17       (1) The number of individuals subject to orders for  
18 assisted outpatient treatment;

19       (2) Statistics on compliance and noncompliance rates with  
20 assisted outpatient treatment; and

1       (3) Any impact that assisted outpatient treatment has on  
2 hospitalization and incarceration rates.

3       Section 1. In the event that any section, provision,  
4 clause, phrase, or word of this act or the application thereof is  
5 declared invalid under the Constitution of the United States or  
6 the Constitution of the State of Missouri, whether on procedural  
7 or substantive grounds, it is the intent of the general assembly  
8 that the remaining sections of this act remain in force and  
9 effect as far as they are capable of being carried into execution  
10 as intended by the general assembly. The general assembly hereby  
11 declares that it would have passed each section, provision,  
12 clause, phrase, or word thereof, irrespective of the fact that  
13 any one or more sections, provisions, clauses, phrases, or words  
14 of this act or the application of this act would be declared  
15 unenforceable, unconstitutional, or invalid.

16           ~~[211.436. 1. Instruments of restraint,~~  
17 ~~including handcuffs, chains, irons, or straitjackets,~~  
18 ~~shall not be used on a child during a proceeding in a~~  
19 ~~juvenile court and shall be removed prior to the~~  
20 ~~child's appearance before the court unless, after a~~  
21 ~~hearing, the court finds both that:~~

22           ~~(1) The use of restraints is necessary due to~~  
23 ~~one of the following factors:~~

24           ~~(a) Instruments of restraint are necessary to~~  
25 ~~prevent physical harm to the child or another person;~~

26           ~~(b) The child has a history of disruptive~~

1 ~~courtroom behavior that has placed others in~~  
2 ~~potentially harmful situations or presents a~~  
3 ~~substantial risk of inflicting physical harm on~~  
4 ~~himself or herself or others as evidenced by recent~~  
5 ~~behavior; or~~

6 ~~(c) There is evidence that the child presents a~~  
7 ~~substantial risk of flight from the courtroom; and~~

8 ~~(2) There are no less restrictive alternatives~~  
9 ~~to restraints that will prevent flight or physical~~  
10 ~~harm to the child or another person including, but~~  
11 ~~not limited to, the presence of court personnel, law~~  
12 ~~enforcement officers, or bailiffs.~~

13 ~~2. If the juvenile officer believes that there~~  
14 ~~is an immediate safety or flight risk, as provided~~  
15 ~~under subsection 1 of this section, the juvenile~~  
16 ~~officer shall advise the attorney for the child and~~  
17 ~~make a request in writing prior to the commencement~~  
18 ~~of the proceeding for the child to remain restrained~~  
19 ~~during the court proceeding while in the presence of~~  
20 ~~the parties to the proceeding.~~

21 ~~3. If a request for restraints is made by the~~  
22 ~~juvenile officer, the court shall order a hearing and~~  
23 ~~provide the child's attorney an opportunity to be~~  
24 ~~heard before the court orders the use of restraints.~~  
25 ~~If restraints are ordered, the court shall make~~  
26 ~~findings of fact in support of the order.~~

27 ~~4. If restraints are used, the restraints shall~~  
28 ~~allow the child limited movement of the hands to read~~  
29 ~~and handle documents and writings necessary to the~~  
30 ~~proceeding. Under no circumstances shall a child be~~  
31 ~~restrained using restraints fixed to a wall, floor,~~  
32 ~~furniture, or other stationary object.~~

33 ~~5. Leg restraints shall not be used on a child~~  
34 ~~unless the child is charged with a class A or class B~~  
35 ~~felony, or the official overseeing custody of the~~  
36 ~~child determines the child to be an immediate safety~~  
37 ~~or flight risk.~~

38 ~~[589.402. 1. The chief law enforcement officer~~  
39 ~~of the county or city not within a county may~~  
40 ~~maintain a web page on the internet, which shall be~~  
41 ~~open to the public and shall include a registered~~  
42 ~~sexual offender search capability.~~

43 ~~2. Except as provided in subsections 4 and 5 of~~  
44 ~~this section, the registered sexual offender search~~

1 shall make it possible for any person using the  
2 internet to search for and find the information  
3 specified in subsection 3 of this section, if known,  
4 on offenders registered in this state pursuant to  
5 sections 589.400 to 589.425.

6 3. Only the information listed in this  
7 subsection shall be provided to the public in the  
8 registered sexual offender search:

9 (1) The name and any known aliases of the  
10 offender;

11 (2) The date of birth and any known alias dates  
12 of birth of the offender;

13 (3) A physical description of the offender;

14 (4) The residence, temporary, work, and school  
15 addresses of the offender, including the street  
16 address, city, county, state, and zip code;

17 (5) Any photographs of the offender;

18 (6) A physical description of the offender's  
19 vehicles, including the year, make, model, color, and  
20 license plate number;

21 (7) The nature and dates of all offenses  
22 qualifying the offender to register, including the  
23 tier level assigned to the offender under sections  
24 589.400 to 589.425;

25 (8) The date on which the offender was released  
26 from the department of mental health, prison, or  
27 jail, or placed on parole, supervised release, or  
28 probation for the offenses qualifying the offender to  
29 register;

30 (9) Compliance status of the offender with the  
31 provisions of sections 589.400 to 589.425; and

32 (10) Any online identifiers, as defined in  
33 section 43.651, used by the person. Such online  
34 identifiers shall not be included in the general  
35 profile of an offender on the web page and shall only  
36 be available to a member of the public by a search  
37 using the specific online identifier to determine if  
38 a match exists with a registered offender.

39 4. The chief law enforcement officer of any  
40 county or city not within a county may publish in any  
41 newspaper distributed in the county or city not  
42 within a county the sexual offender information  
43 provided under subsection 3 of this section for any  
44 offender residing in the county or city not within a

1 county.

2 ~~5. Juveniles required to register under~~  
3 ~~subdivision (6) of subsection 1 of section 589.400~~  
4 ~~shall be exempt from public notification to include~~  
5 ~~any adjudications from another state, territory, the~~  
6 ~~District of Columbia, or foreign country or any~~  
7 ~~federal, tribal, or military jurisdiction.]~~

8 Section B. The repeal of sections 211.436, 217.362,  
9 217.690, 217.760, 557.011, 557.021, 558.011, 558.019, 558.026,  
10 558.031, 558.046, 559.115, 566.030, 566.060, 566.125, 566.210,  
11 566.211, 568.060, and 589.425 as enacted by senate substitute no.  
12 3 for senate bill number 888, one hundred third general assembly,  
13 second regular session, of this act shall become effective on  
14 August 28, 2026. The repeal and reenactment of sections 217.362,  
15 217.690, 217.760, 557.011, 557.021, 558.011, 558.019, 558.026,  
16 558.031, 558.046, 559.115, 566.030, 566.060, 566.125, 566.210,  
17 566.211, 568.060, and 589.425 of this act shall become effective  
18 on January 1, 2028.

19 Section C. The repeal and reenactment of sections 565.002,  
20 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074,  
21 565.076, 565.090, 565.091, 565.225, and 565.227 and the enactment  
22 of sections 27.117, 565.260, 565.400, and 565.405 of this act  
23 shall become effective on July 1, 2027.

24 Section D. Because immediate action is necessary to address  
25 the urgent need of Missouri law enforcement agencies to be able

1 to ensure and provide for the safety and security of Missouri  
2 residents from the threat that weaponized unmanned aircraft  
3 systems present to Missouri, the enactment of sections 589.900  
4 and 589.902 and the repeal and reenactment of section 577.800 of  
5 this act are deemed necessary for the immediate preservation of  
6 the public health, welfare, peace, and safety, and is hereby  
7 declared to be an emergency act within the meaning of the  
8 constitution, and the enactment of sections 589.900 and 589.902  
9 and the repeal and reenactment of section 577.800 of this act  
10 shall be in full force and effect upon its passage and approval.

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Representative John Black

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Senator Nick Schroer