

FIRST REGULAR SESSION

SENATE BILL NO. 253

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR JUSTUS.

Read 1st time February 4, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1290S.011

AN ACT

To repeal sections 32.057, 105.478, 115.631, 130.028, 130.031, 142.909, 142.911, 143.1001, 143.1003, 149.200, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.165, 214.410, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543, 217.692, 217.703, 221.025, 221.111, 221.353, 252.235, 260.207, 260.208, 260.211, 260.212, 260.379, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020, 302.321, 302.500, 302.605, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513, 455.520, 455.523, 455.538, 527.290, 542.402, 544.665, 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.037, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 558.018, 558.019, 558.026, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.105, 559.106, 559.107, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 560.011, 560.016, 560.021, 560.026, 560.026, 560.031, 560.036, 561.016, 561.021, 561.026,

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574.050, 574.060, 574.070, 574.085, 574.105, 574.115,
575.020, 575.021, 575.030, 575.040, 575.050, 575.060,

575.070, 575.080, 575.090, 575.100, 575.110, 575.120,
575.130, 575.145, 575.150, 575.153, 575.159, 575.160,
575.170, 575.180, 575.190, 575.195, 575.200, 575.205,
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578.205, 578.210, 578.215, 578.220, 578.225, 578.250,
578.255, 578.260, 578.265, 578.300, 578.305, 578.310,
578.315, 578.320, 578.325, 578.330, 578.350, 578.353,
578.360, 578.363, 578.365, 578.375, 578.377, 578.379,
578.381, 578.383, 578.385, 578.387, 578.389, 578.390,
578.405, 578.407, 578.409, 578.412, 578.414, 578.416,
578.418, 578.420, 578.421, 578.425, 578.430, 578.433,
578.437, 578.445, 578.450, 578.500, 578.501, 578.502,
578.503, 578.510, 578.520, 578.525, 578.530, 578.570,
578.614, 589.425, 610.125, 630.155, 630.165, 660.250,
660.255, 660.260, 660.261, 660.263, 660.265, 660.270,
660.275, 660.280, 660.285, 660.290, 660.295, 660.300,
660.305, 660.310, 660.315, 660.317, 660.320, 660.321,
and 701.320, RSMo, and section 302.060 as enacted by
conference committee substitute for senate substitute
for senate committee substitute for house committee
substitute for house bill no. 1402 merged with
conference committee substitute for house committee
substitute no. 2 for senate committee substitute for
senate bill no. 480, ninety-sixth general assembly,
second regular session, and section 302.060 as enacted
by conference committee substitute for senate
substitute for senate committee substitute for house
committee substitute for house bill no. 1402, ninety-
sixth general assembly, second regular session, and
section 476.055 as enacted by senate committee
substitute for house bill no. 1460 merged with
conference committee substitute for house committee
substitute for senate bill no. 628, ninety-sixth

general assembly, second regular session, and section 476.055 as enacted by conference committee substitute for house committee substitute for senate bill no. 636, ninety-sixth general assembly, second regular session, and to enact in lieu thereof seven hundred twenty-three new sections for the sole purpose of restructuring the Missouri criminal code, with penalty provisions and an effective date for a certain section and an expiration date for a certain section.

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

1 Section A. Sections 32.057, 105.478, 115.631, 130.028,
2 130.031, 142.909, 142.911, 143.1001, 143.1003, 149.200, 168.071,
3 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425,
4 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030,
5 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130,
6 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198,
7 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217,
8 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235,
9 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256,
10 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296,
11 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420,
12 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515,
13 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158,
14 205.965, 210.165, 214.410, 217.360, 217.385, 217.400, 217.405,
15 217.542, 217.543, 217.692, 217.703, 221.025, 221.111, 221.353,
16 252.235, 260.207, 260.208, 260.211, 260.212, 260.379, 270.260,
17 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129,
18 288.250, 288.395, 301.390, 301.400, 301.401, 301.559, 301.640,
19 302.015, 302.020, 302.321, 302.500, 302.605, 302.705, 302.710,
20 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025,
21 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117,

1 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040,
2 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161,
3 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370,
4 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702,
5 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991,
6 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095,
7 407.420, 407.436, 407.521, 407.536, 407.544, 407.740, 407.1082,
8 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229,
9 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110,
10 455.010, 455.015, 455.020, 455.030, 455.032, 455.035, 455.040,
11 455.045, 455.050, 455.060, 455.080, 455.085, 455.503, 455.505,
12 455.513, 455.520, 455.523, 455.538, 527.290, 542.402, 544.665,
13 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.037,
14 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016,
15 557.021, 557.026, 557.031, 557.035, 557.036, 557.041, 557.046,
16 558.011, 558.016, 558.018, 558.019, 558.026, 558.031, 558.041,
17 558.046, 559.012, 559.021, 559.036, 559.100, 559.105, 559.106,
18 559.107, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604,
19 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036,
20 561.016, 561.021, 561.026, 562.011, 562.016, 562.031, 562.036,
21 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076,
22 562.086, 563.021, 563.026, 563.033, 563.046, 563.051, 563.056,
23 563.061, 563.070, 564.011, 564.016, 565.002, 565.004, 565.020,
24 565.021, 565.023, 565.024, 565.025, 565.030, 565.032, 565.035,
25 565.040, 565.050, 565.060, 565.063, 565.065, 565.070, 565.072,
26 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083,
27 565.084, 565.085, 565.086, 565.090, 565.092, 565.095, 565.100,
28 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150,

1 565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180,
2 565.182, 565.184, 565.186, 565.188, 565.190, 565.200, 565.210,
3 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250,
4 565.252, 565.253, 565.255, 565.300, 565.350, 566.010, 566.013,
5 566.020, 566.023, 566.025, 566.030, 566.032, 566.034, 566.040,
6 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083,
7 566.086, 566.090, 566.093, 566.095, 566.100, 566.111, 566.135,
8 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150,
9 566.151, 566.153, 566.155, 566.203, 566.206, 566.209, 566.212,
10 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265,
11 567.010, 567.020, 567.030, 567.040, 567.050, 567.060, 567.070,
12 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020,
13 568.030, 568.032, 568.040, 568.045, 568.050, 568.052, 568.060,
14 568.065, 568.070, 568.080, 568.090, 568.100, 568.110, 568.120,
15 568.175, 569.010, 569.020, 569.025, 569.030, 569.035, 569.040,
16 569.050, 569.055, 569.060, 569.065, 569.067, 569.070, 569.072,
17 569.080, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100,
18 569.120, 569.130, 569.140, 569.145, 569.150, 569.155, 569.160,
19 569.170, 569.180, 570.010, 570.020, 570.030, 570.033, 570.040,
20 570.050, 570.055, 570.070, 570.080, 570.085, 570.087, 570.090,
21 570.100, 570.103, 570.110, 570.120, 570.123, 570.125, 570.130,
22 570.135, 570.140, 570.145, 570.150, 570.155, 570.160, 570.170,
23 570.180, 570.190, 570.200, 570.210, 570.215, 570.217, 570.219,
24 570.220, 570.222, 570.223, 570.224, 570.225, 570.226, 570.230,
25 570.235, 570.240, 570.241, 570.245, 570.255, 570.300, 570.310,
26 570.380, 571.010, 571.014, 571.015, 571.017, 571.020, 571.030,
27 571.045, 571.050, 571.060, 571.063, 571.070, 571.072, 571.080,
28 571.085, 571.087, 571.093, 571.095, 571.101, 571.102, 571.104,

1 571.107, 571.111, 571.114, 571.117, 571.121, 571.150, 572.010,
2 572.020, 572.030, 572.040, 572.050, 572.060, 572.070, 572.110,
3 572.120, 573.010, 573.013, 573.020, 573.023, 573.025, 573.030,
4 573.035, 573.037, 573.040, 573.050, 573.052, 573.060, 573.065,
5 573.090, 573.100, 573.500, 573.509, 573.528, 573.531, 574.010,
6 574.020, 574.030, 574.040, 574.050, 574.060, 574.070, 574.085,
7 574.105, 574.115, 575.020, 575.021, 575.030, 575.040, 575.050,
8 575.060, 575.070, 575.080, 575.090, 575.100, 575.110, 575.120,
9 575.130, 575.145, 575.150, 575.153, 575.159, 575.160, 575.170,
10 575.180, 575.190, 575.195, 575.200, 575.205, 575.206, 575.210,
11 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280,
12 575.290, 575.300, 575.310, 575.320, 575.350, 575.353, 576.010,
13 576.020, 576.030, 576.040, 576.050, 576.060, 576.070, 576.080,
14 577.001, 577.005, 577.006, 577.010, 577.012, 577.017, 577.020,
15 577.021, 577.023, 577.026, 577.029, 577.031, 577.037, 577.039,
16 577.041, 577.049, 577.051, 577.052, 577.054, 577.060, 577.065,
17 577.068, 577.070, 577.071, 577.073, 577.075, 577.076, 577.080,
18 577.090, 577.100, 577.105, 577.110, 577.150, 577.155, 577.160,
19 577.161, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214,
20 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520,
21 577.525, 577.530, 577.600, 577.602, 577.604, 577.606, 577.608,
22 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680,
23 578.008, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024,
24 578.025, 578.027, 578.028, 578.029, 578.030, 578.050, 578.075,
25 578.095, 578.100, 578.105, 578.106, 578.110, 578.120, 578.150,
26 578.151, 578.152, 578.153, 578.154, 578.173, 578.176, 578.200,
27 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255,
28 578.260, 578.265, 578.300, 578.305, 578.310, 578.315, 578.320,

1 578.325, 578.330, 578.350, 578.353, 578.360, 578.363, 578.365,
2 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387,
3 578.389, 578.390, 578.405, 578.407, 578.409, 578.412, 578.414,
4 578.416, 578.418, 578.420, 578.421, 578.425, 578.430, 578.433,
5 578.437, 578.445, 578.450, 578.500, 578.501, 578.502, 578.503,
6 578.510, 578.520, 578.525, 578.530, 578.570, 578.614, 589.425,
7 610.125, 630.155, 630.165, 660.250, 660.255, 660.260, 660.261,
8 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290,
9 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320,
10 660.321, and 701.320, RSMo, and section 302.060 as enacted by
11 conference committee substitute for senate substitute for senate
12 committee substitute for house committee substitute for house
13 bill no. 1402 merged with conference committee substitute for
14 house committee substitute no. 2 for senate committee substitute
15 for senate bill no. 480, ninety-sixth general assembly, second
16 regular session, and section 302.060 as enacted by conference
17 committee substitute for senate substitute for senate committee
18 substitute for house committee substitute for house bill no.
19 1402, ninety-sixth general assembly, second regular session, and
20 section 476.055 as enacted by senate committee substitute for
21 house bill no. 1460 merged with conference committee substitute
22 for house committee substitute for senate bill no. 628, ninety-
23 sixth general assembly, second regular session, and section
24 476.055 as enacted by conference committee substitute for house
25 committee substitute for senate bill no. 636, ninety-sixth
26 general assembly, second regular session, are repealed and seven
27 hundred twenty-three new sections enacted in lieu thereof, to be
28 known as sections 27.105, 27.110, 32.057, 43.544, 105.478,

1 115.631, 130.028, 130.031, 142.909, 142.911, 143.1001, 143.1003,
2 149.200, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315,
3 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017,
4 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.140,
5 195.150, 195.190, 195.195, 195.198, 195.375, 195.417, 195.418,
6 196.979, 197.266, 197.326, 197.1000, 197.1002, 197.1004,
7 197.1006, 197.1008, 197.1010, 197.1012, 197.1014, 197.1016,
8 197.1018, 197.1020, 197.1022, 197.1024, 197.1026, 197.1028,
9 197.1030, 197.1032, 197.1034, 197.1036, 197.1038, 197.1040,
10 197.1042, 198.015, 198.070, 198.097, 198.158, 205.965, 210.165,
11 214.410, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543,
12 217.692, 217.703, 221.025, 221.111, 221.353, 252.235, 260.207,
13 260.208, 260.211, 260.212, 260.379, 270.260, 276.421, 276.536,
14 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395,
15 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020,
16 302.060, 302.321, 302.400, 302.405, 302.410, 302.415, 302.420,
17 302.425, 302.426, 302.440, 302.442, 302.454, 302.456, 302.458,
18 302.460, 302.462, 302.500, 302.574, 302.580, 302.584, 302.592,
19 302.605, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755,
20 302.780, 303.024, 303.025, 304.070, 305.125, 305.126, 306.110,
21 306.111, 306.420, 311.315, 311.325, 313.004, 313.040, 313.290,
22 313.550, 313.660, 313.830, 317.018, 319.1000, 319.1005, 319.1007,
23 319.1010, 319.1025, 319.1028, 319.1031, 319.1034, 319.1037,
24 319.1040, 319.1043, 320.089, 320.161, 324.1142, 324.1148,
25 334.250, 335.096, 338.195, 338.315, 338.370, 351.493, 354.320,
26 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757,
27 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176,
28 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420,

1 407.436, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252,
2 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012,
3 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.010,
4 455.015, 455.020, 455.030, 455.032, 455.035, 455.040, 455.045,
5 455.050, 455.060, 455.080, 455.085, 455.503, 455.505, 455.513,
6 455.520, 455.523, 455.538, 476.055, 479.172, 513.660, 527.290,
7 537.123, 537.127, 542.402, 542.425, 544.218, 544.472, 544.665,
8 545.940, 556.011, 556.021, 556.026, 556.036, 556.037, 556.038,
9 556.041, 556.046, 556.061, 556.101, 557.016, 557.021, 557.026,
10 557.031, 557.035, 557.036, 557.051, 558.002, 558.004, 558.006,
11 558.008, 558.011, 558.016, 558.019, 558.026, 558.031, 558.041,
12 558.046, 559.012, 559.021, 559.036, 559.100, 559.105, 559.106,
13 559.107, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604,
14 559.633, 561.016, 561.021, 561.026, 562.011, 562.012, 562.014,
15 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061,
16 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.033,
17 563.046, 563.051, 563.056, 563.061, 563.070, 565.002, 565.004,
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20 565.056, 565.072, 565.073, 565.074, 565.076, 565.079, 565.090,
21 565.091, 565.110, 565.115, 565.120, 565.130, 565.140, 565.150,
22 565.153, 565.156, 565.160, 565.163, 565.184, 565.188, 565.189,
23 565.218, 565.222, 565.225, 565.227, 565.240, 565.252, 565.300,
24 566.010, 566.020, 566.023, 566.030, 566.031, 566.032, 566.034,
25 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
26 566.071, 566.083, 566.086, 566.090, 566.093, 566.095, 566.100,
27 566.111, 566.115, 566.116, 566.125, 566.145, 566.147, 566.148,
28 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206,

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4 568.045, 568.050, 568.060, 568.065, 568.070, 568.175, 569.010,
5 569.040, 569.050, 569.053, 569.055, 569.060, 569.065, 569.075,
6 569.080, 569.090, 569.095, 569.097, 569.099, 569.100, 569.120,
7 569.130, 569.132, 569.135, 569.137, 569.140, 569.145, 569.150,
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9 570.025, 570.030, 570.039, 570.053, 570.057, 570.070, 570.085,
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11 570.135, 570.140, 570.145, 570.150, 570.180, 570.217, 570.219,
12 570.220, 570.223, 570.224, 570.225, 570.300, 570.302, 570.310,
13 570.350, 570.375, 570.380, 570.400, 570.402, 570.404, 570.406,
14 570.408, 570.410, 571.010, 571.014, 571.015, 571.020, 571.031,
15 571.033, 571.034, 571.036, 571.038, 571.041, 571.042, 571.043,
16 571.044, 571.045, 571.050, 571.060, 571.063, 571.070, 571.150,
17 572.010, 572.015, 572.020, 572.030, 572.040, 572.050, 572.060,
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1 575.320, 575.353, 576.010, 576.020, 576.030, 576.040, 576.050,
2 576.060, 576.070, 576.080, 577.001, 577.010, 577.012, 577.013,
3 577.014, 577.015, 577.016, 577.017, 577.020, 577.021, 577.023,
4 577.029, 577.031, 577.037, 577.041, 577.060, 577.068, 577.070,
5 577.073, 577.075, 577.076, 577.078, 577.080, 577.100, 577.150,
6 577.155, 577.161, 577.300, 577.599, 577.600, 577.605, 577.612,
7 577.675, 577.700, 577.703, 577.706, 577.709, 577.712, 577.715,
8 577.718, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024,
9 578.025, 578.027, 578.028, 578.029, 578.030, 578.050, 578.095,
10 578.100, 578.151, 578.152, 578.153, 578.173, 578.176, 578.350,
11 578.365, 578.398, 578.399, 578.405, 578.421, 578.425, 578.430,
12 578.437, 578.475, 578.520, 578.525, 578.614, 579.015, 579.020,
13 579.030, 579.040, 579.045, 579.050, 579.055, 579.060, 579.065,
14 579.068, 579.070, 579.072, 579.074, 579.076, 579.078, 579.080,
15 579.082, 579.084, 579.086, 579.090, 579.095, 579.097, 579.099,
16 579.101, 579.103, 579.105, 579.107, 579.110, 579.115, 579.150,
17 579.155, 579.170, 579.175, 579.180, 579.185, 589.425, 595.223,
18 595.226, 595.229, 595.232, 610.125, 610.130, 630.155, 630.161,
19 630.162, 630.164, 630.165, 650.150, 650.153, 650.156, 650.159,
20 650.161, 650.165, and 701.320, to read as follows:

21 [572.110.] 27.105. [It shall be the duty of the circuit
22 attorneys and prosecuting attorneys in their respective
23 jurisdictions to enforce the provisions of this chapter, and] The
24 attorney general shall have a concurrent duty to enforce the
25 provisions of [this] chapter 572.

26 [578.390.] 27.110. The office of the attorney general shall
27 establish and maintain a statewide toll-free telephone service
28 which shall be operated on a sixteen-hour schedule during the

1 work week and an eight-hour schedule on weekends and holidays to
2 receive complaints of [a] suspected welfare fraud. This service
3 shall receive reports over a single statewide toll-free number.

4 32.057. 1. Except as otherwise specifically provided by
5 law, it shall be unlawful for the director of revenue, any
6 officer, employee, agent or deputy or former director, officer,
7 employee, agent or deputy of the department of revenue, any
8 person engaged or retained by the department of revenue on an
9 independent contract basis, any person to whom authorized or
10 unauthorized disclosure is made by the department of revenue, or
11 any person who lawfully or unlawfully inspects any report or
12 return filed with the department of revenue or to whom a copy, an
13 abstract or a portion of any report or return is furnished by the
14 department of revenue to make known in any manner, to permit the
15 inspection or use of or to divulge to anyone any information
16 relative to any such report or return, any information obtained
17 by an investigation conducted by the department in the discharge
18 of official duty, or any information received by the director in
19 cooperation with the United States or other states in the
20 enforcement of the revenue laws of this state. Such confidential
21 information is limited to information received by the department
22 in connection with the administration of the tax laws of this
23 state.

24 2. Nothing in this section shall be construed to prohibit:

25 (1) The disclosure of information, returns, reports, or
26 facts shown thereby, as described in subsection 1 of this
27 section, by any officer, clerk or other employee of the
28 department of revenue charged with the custody of such

1 information:

2 (a) To a taxpayer or the taxpayer's duly authorized
3 representative under regulations which the director of revenue
4 may prescribe;

5 (b) In any action or proceeding, civil, criminal or mixed,
6 brought to enforce the revenue laws of this state;

7 (c) To the state auditor or the auditor's duly authorized
8 employees as required by subsection 4 of this section;

9 (d) To any city officer designated by ordinance of a city
10 within this state to collect a city earnings tax, upon written
11 request of such officer, which request states that the request is
12 made for the purpose of determining or enforcing compliance with
13 such city earnings tax ordinance and provided that such
14 information disclosed shall be limited to that sufficient to
15 identify the taxpayer, and further provided that in no event
16 shall any information be disclosed that will result in the
17 department of revenue being denied such information by the United
18 States or any other state. The city officer requesting the
19 identity of taxpayers filing state returns but not paying city
20 earnings tax shall furnish to the director of revenue a list of
21 taxpayers paying such earnings tax, and the director shall
22 compare the list submitted with the director's records and return
23 to such city official the name and address of any taxpayer who is
24 a resident of such city who has filed a state tax return but who
25 does not appear on the list furnished by such city. The director
26 of revenue may set a fee to reimburse the department for the
27 costs reasonably incurred in providing this information;

28 (e) To any employee of any county or other political

1 subdivision imposing a sales tax which is administered by the
2 state department of revenue whose office is authorized by the
3 governing body of the county or other political subdivision to
4 receive any and all records of the state director of revenue
5 pertaining to the administration, collection and enforcement of
6 its sales tax. The request for sales tax records and reports
7 shall include a description of the type of report requested, the
8 media form including electronic transfer, computer tape or disk,
9 or printed form, and the frequency desired. The request shall be
10 made by annual written application and shall be filed with the
11 director of revenue. The director of revenue may set a fee to
12 reimburse the department for the costs reasonably incurred in
13 providing this information. Such city or county or any employee
14 thereof shall be subject to the same standards for
15 confidentiality as required for the department of revenue in
16 using the information contained in the reports;

17 (f) To the director of the department of economic
18 development or the director's duly authorized employees in
19 discharging the director's official duties to certify taxpayers
20 eligibility to claim state tax credits as prescribed by statutes;

21 (g) To any employee of any political subdivision, such
22 records of the director of revenue pertaining to the
23 administration, collection and enforcement of the tax imposed in
24 chapter 149 as are necessary for ensuring compliance with any
25 cigarette or tobacco tax imposed by such political subdivision.
26 The request for such records shall be made in writing to the
27 director of revenue, and shall include a description of the type
28 of information requested and the desired frequency. The director

1 of revenue may charge a fee to reimburse the department for costs
2 reasonably incurred in providing such information;

3 (2) The publication by the director of revenue or of the
4 state auditor in the audit reports relating to the department of
5 revenue of:

6 (a) Statistics, statements or explanations so classified as
7 to prevent the identification of any taxpayer or of any
8 particular reports or returns and the items thereof;

9 (b) The names and addresses without any additional
10 information of persons who filed returns and of persons whose tax
11 refund checks have been returned undelivered by the United States
12 Post Office;

13 (3) The director of revenue from permitting the Secretary
14 of the Treasury of the United States or the Secretary's
15 delegates, the proper officer of any state of the United States
16 imposing a tax equivalent to any of the taxes administered by the
17 department of revenue of the state of Missouri or the appropriate
18 representative of the multistate tax commission to inspect any
19 return or report required by the respective tax provision of this
20 state, or may furnish to such officer an abstract of the return
21 or report or supply the officer with information contained in the
22 return or disclosed by the report of any authorized
23 investigation. Such permission, however, shall be granted on
24 condition that the corresponding revenue statute of the United
25 States or of such other state, as the case may be, grants
26 substantially similar privileges to the director of revenue and
27 on further condition that such corresponding statute gives
28 confidential status to the material with which it is concerned;

1 (4) The disclosure of information, returns, reports, or
2 facts shown thereby, by any person on behalf of the director of
3 revenue, in any action or proceeding to which the director is a
4 party or on behalf of any party to any action or proceeding
5 pursuant to the revenue laws of this state when such information
6 is directly involved in the action or proceeding, in either of
7 which events the court may require the production of, and may
8 admit in evidence, so much of such information as is pertinent to
9 the action or proceeding and no more;

10 (5) The disclosure of information, returns, reports, or
11 facts shown thereby, by any person to a state or federal
12 prosecuting official, including, but not limited to, the state
13 and federal attorneys general, or the official's designees
14 involved in any criminal, quasi-criminal, or civil investigation,
15 action or proceeding pursuant to the laws of this state or of the
16 United States when such information is pertinent to an
17 investigation, action or proceeding involving the administration
18 of the revenue laws or duties of public office or employment
19 connected therewith;

20 (6) Any school district from obtaining the aggregate amount
21 of the financial institution tax paid pursuant to chapter 148 by
22 financial institutions located partially or exclusively within
23 the school district's boundaries, provided that the school
24 district request such disclosure in writing to the department of
25 revenue;

26 (7) The disclosure of records which identify all companies
27 licensed by this state pursuant to the provisions of subsections
28 1 and 2 of section 149.035. The director of revenue may charge a

1 fee to reimburse the department for the costs reasonably incurred
2 in providing such records;

3 (8) The disclosure to the commissioner of administration
4 pursuant to section 34.040 of a list of vendors and their
5 affiliates who meet the conditions of section 144.635, but refuse
6 to collect the use tax levied pursuant to chapter 144 on their
7 sales delivered to this state;

8 (9) The disclosure to the public of any information, or
9 facts shown thereby regarding the claiming of a state tax credit
10 by a member of the Missouri general assembly or any statewide
11 elected public official.

12 3. Any person violating any provision of subsection 1 or 2
13 of this section shall, upon conviction, be guilty of a class [D]
14 E felony.

15 4. The state auditor or the auditor's duly authorized
16 employees who have taken the oath of confidentiality required by
17 section 29.070 shall have the right to inspect any report or
18 return filed with the department of revenue if such inspection is
19 related to and for the purpose of auditing the department of
20 revenue; except that, the state auditor or the auditor's duly
21 authorized employees shall have no greater right of access to,
22 use and publication of information, audit and related activities
23 with respect to income tax information obtained by the department
24 of revenue pursuant to chapter 143 or federal statute than
25 specifically exists pursuant to the laws of the United States and
26 of the income tax laws of the state of Missouri.

27 [577.005.] 43.544. 1. Each law enforcement agency shall
28 adopt a policy requiring arrest information for all

1 intoxication-related traffic offenses be forwarded to the central
2 repository as required by section 43.503 and shall certify
3 adoption of such policy when applying for any grants administered
4 by the department of public safety.

5 2. Each county prosecuting attorney and municipal
6 prosecutor shall adopt a policy requiring charge information for
7 all intoxication-related traffic offenses be forwarded to the
8 central repository as required by section 43.503 and shall
9 certify adoption of such policy when applying for any grants
10 administered by the department of public safety.

11 3. Effective January 1, 2011, the highway patrol shall,
12 based on the data submitted, maintain regular accountability
13 reports of intoxication-related traffic offense arrests, charges,
14 and dispositions.

15 105.478. Any person guilty of knowingly violating any of
16 the provisions of sections 105.450 to 105.498 shall be punished
17 as follows:

18 (1) For the first offense, such person is guilty of a class
19 B misdemeanor;

20 (2) For the second and subsequent offenses, such person is
21 guilty of a class ~~[D]~~ E felony.

22 115.631. The following offenses, and any others
23 specifically so described by law, shall be class one election
24 offenses and are deemed felonies connected with the exercise of
25 the right of suffrage. Conviction for any of these offenses
26 shall be punished by imprisonment of not more than five years or
27 by fine of not less than two thousand five hundred dollars but
28 not more than ten thousand dollars or by both such imprisonment

1 and fine:

2 (1) Willfully and falsely making any certificate,
3 affidavit, or statement required to be made pursuant to any
4 provision of sections 115.001 to 115.641 and sections 51.450 and
5 51.460, including but not limited to statements specifically
6 required to be made "under penalty of perjury"; or in any other
7 manner knowingly furnishing false information to an election
8 authority or election official engaged in any lawful duty or
9 action in such a way as to hinder or mislead the authority or
10 official in the performance of official duties. If an individual
11 willfully and falsely makes any certificate, affidavit, or
12 statement required to be made under section 115.155, including
13 but not limited to statements specifically required to be made
14 "under penalty of perjury", such individual shall be guilty of a
15 class [C] D felony;

16 (2) Voting more than once or voting at any election knowing
17 that the person is not entitled to vote or that the person has
18 already voted on the same day at another location inside or
19 outside the state of Missouri;

20 (3) Procuring any person to vote knowing the person is not
21 lawfully entitled to vote or knowingly procuring an illegal vote
22 to be cast at any election;

23 (4) Applying for a ballot in the name of any other person,
24 whether the name be that of a person living or dead or of a
25 fictitious person, or applying for a ballot in his own or any
26 other name after having once voted at the election inside or
27 outside the state of Missouri;

28 (5) Aiding, abetting or advising another person to vote

1 knowing the person is not legally entitled to vote or knowingly
2 aiding, abetting or advising another person to cast an illegal
3 vote;

4 (6) An election judge knowingly causing or permitting any
5 ballot to be in the ballot box at the opening of the polls and
6 before the voting commences;

7 (7) Knowingly furnishing any voter with a false or
8 fraudulent or bogus ballot, or knowingly practicing any fraud
9 upon a voter to induce him to cast a vote which will be rejected,
10 or otherwise defrauding him of his vote;

11 (8) An election judge knowingly placing or attempting to
12 place or permitting any ballot, or paper having the semblance of
13 a ballot, to be placed in a ballot box at any election unless the
14 ballot is offered by a qualified voter as provided by law;

15 (9) Knowingly placing or attempting to place or causing to
16 be placed any false or fraudulent or bogus ballot in a ballot box
17 at any election;

18 (10) Knowingly removing any legal ballot from a ballot box
19 for the purpose of changing the true and lawful count of any
20 election or in any other manner knowingly changing the true and
21 lawful count of any election;

22 (11) Knowingly altering, defacing, damaging, destroying or
23 concealing any ballot after it has been voted for the purpose of
24 changing the lawful count of any election;

25 (12) Knowingly altering, defacing, damaging, destroying or
26 concealing any poll list, report, affidavit, return or
27 certificate for the purpose of changing the lawful count of any
28 election;

1 (13) On the part of any person authorized to receive, tally
2 or count a poll list, tally sheet or election return, receiving,
3 tallying or counting a poll list, tally sheet or election return
4 the person knows is fraudulent, forged or counterfeit, or
5 knowingly making an incorrect account of any election;

6 (14) On the part of any person whose duty it is to grant
7 certificates of election, or in any manner declare the result of
8 an election, granting a certificate to a person the person knows
9 is not entitled to receive the certificate, or declaring any
10 election result the person knows is based upon fraudulent,
11 fictitious or illegal votes or returns;

12 (15) Willfully destroying or damaging any official ballots,
13 whether marked or unmarked, after the ballots have been prepared
14 for use at an election and during the time they are required by
15 law to be preserved in the custody of the election judges or the
16 election authority;

17 (16) Willfully tampering with, disarranging, altering the
18 information on, defacing, impairing or destroying any voting
19 machine or marking device after the machine or marking device has
20 been prepared for use at an election and during the time it is
21 required by law to remain locked and sealed with intent to impair
22 the functioning of the machine or marking device at an election,
23 mislead any voter at the election, or to destroy or change the
24 count or record of votes on such machine;

25 (17) Registering to vote knowing the person is not legally
26 entitled to register or registering in the name of another
27 person, whether the name be that of a person living or dead or of
28 a fictitious person;

1 (18) Procuring any other person to register knowing the
2 person is not legally entitled to register, or aiding, abetting
3 or advising another person to register knowing the person is not
4 legally entitled to register;

5 (19) Knowingly preparing, altering or substituting any
6 computer program or other counting equipment to give an untrue or
7 unlawful result of an election;

8 (20) On the part of any person assisting a blind or
9 disabled person to vote, knowingly failing to cast such person's
10 vote as such person directs;

11 (21) On the part of any registration or election official,
12 permitting any person to register to vote or to vote when such
13 official knows the person is not legally entitled to register or
14 not legally entitled to vote;

15 (22) On the part of a notary public acting in his official
16 capacity, knowingly violating any of the provisions of sections
17 115.001 to 115.627 or any provision of law pertaining to
18 elections;

19 (23) Violation of any of the provisions of sections 115.275
20 to 115.303, or of any provision of law pertaining to absentee
21 voting;

22 (24) Assisting a person to vote knowing such person is not
23 legally entitled to such assistance, or while assisting a person
24 to vote who is legally entitled to such assistance, in any manner
25 coercing, requesting or suggesting that the voter vote for or
26 against, or refrain from voting on any question, ticket or
27 candidate;

28 (25) Engaging in any act of violence, destruction of

1 property having a value of five hundred dollars or more, or
2 threatening an act of violence with the intent of denying a
3 person's lawful right to vote or to participate in the election
4 process; and

5 (26) Knowingly providing false information about election
6 procedures for the purpose of preventing any person from going to
7 the polls.

8 130.028. 1. Every person, labor organization, or
9 corporation organized or existing by virtue of the laws of this
10 state, or doing business in this state who shall:

11 (1) Discriminate or threaten to discriminate against any
12 member in this state with respect to his or her membership, or
13 discharge or discriminate or threaten to discriminate against any
14 employee in this state, with respect to his or her compensation,
15 terms, conditions or privileges of employment by reason of his
16 political beliefs or opinions; or

17 (2) Coerce or attempt to coerce, intimidate or bribe any
18 member or employee to vote or refrain from voting for any
19 candidate at any election in this state; or

20 (3) Coerce or attempt to coerce, intimidate or bribe any
21 member or employee to vote or refrain from voting for any issue
22 at any election in this state; or

23 (4) Make any member or employee as a condition of
24 membership or employment, contribute to any candidate, political
25 committee or separate political fund; or

26 (5) Discriminate or threaten to discriminate against any
27 member or employee in this state for contributing or refusing to
28 contribute to any candidate, political committee or separate

1 political fund with respect to the privileges of membership or
2 with respect to his employment and the compensation, terms,
3 conditions or privileges related thereto shall be guilty of a
4 misdemeanor, and upon conviction thereof be punished by a fine of
5 not more than five thousand dollars and confinement for not more
6 than six months, or both, provided, after January 1, 1979, the
7 violation of this subsection shall be a class [D] E felony.

8 2. No employer, corporation, political action committee, or
9 labor organization shall receive or cause to be made
10 contributions from its members or employees except on the advance
11 voluntary permission of the members or employees. Violation of
12 this section by the corporation, employer, political action
13 committee or labor organization shall be a class A misdemeanor.

14 3. An employer shall, upon written request by ten or more
15 employees, provide its employees with the option of contributing
16 to a political action committee as defined in section 130.011
17 through payroll deduction, if the employer has a system of
18 payroll deduction. No contribution to a political action
19 committee from an employee through payroll deduction shall be
20 made other than to a political action committee voluntarily
21 chosen by the employee. Violation of this section shall be a
22 class A misdemeanor.

23 4. Any person aggrieved by any act prohibited by this
24 section shall, in addition to any other remedy provided by law,
25 be entitled to maintain within one year from the date of the
26 prohibited act, a civil action in the courts of this state, and
27 if successful, he or she shall be awarded civil damages of not
28 less than one hundred dollars and not more than one thousand

1 dollars, together with his or her costs, including reasonable
2 attorney's fees. Each violation shall be a separate cause of
3 action.

4 130.031. 1. No contribution of cash in an amount of more
5 than one hundred dollars shall be made by or accepted from any
6 single contributor for any election by a political action
7 committee, a campaign committee, a political party committee, an
8 exploratory committee or a candidate committee.

9 2. Except for expenditures from a petty cash fund which is
10 established and maintained by withdrawals of funds from the
11 committee's depository account and with records maintained
12 pursuant to the record-keeping requirements of section 130.036 to
13 account for expenditures made from petty cash, each expenditure
14 of more than fifty dollars, except an in-kind expenditure, shall
15 be made by check drawn on the committee's depository and signed
16 by the committee treasurer, deputy treasurer or candidate. A
17 single expenditure from a petty cash fund shall not exceed fifty
18 dollars, and the aggregate of all expenditures from a petty cash
19 fund during a calendar year shall not exceed the lesser of five
20 thousand dollars or ten percent of all expenditures made by the
21 committee during that calendar year. A check made payable to
22 "cash" shall not be made except to replenish a petty cash fund.

23 3. No contribution shall be made or accepted and no
24 expenditure shall be made or incurred, directly or indirectly, in
25 a fictitious name, in the name of another person, or by or
26 through another person in such a manner as to conceal the
27 identity of the actual source of the contribution or the actual
28 recipient and purpose of the expenditure. Any person who

1 receives contributions for a committee shall disclose to that
2 committee's treasurer, deputy treasurer or candidate the
3 recipient's own name and address and the name and address of the
4 actual source of each contribution such person has received for
5 that committee. Any person who makes expenditures for a
6 committee shall disclose to that committee's treasurer, deputy
7 treasurer or candidate such person's own name and address, the
8 name and address of each person to whom an expenditure has been
9 made and the amount and purpose of the expenditures the person
10 has made for that committee.

11 4. No anonymous contribution of more than twenty-five
12 dollars shall be made by any person, and no anonymous
13 contribution of more than twenty-five dollars shall be accepted
14 by any candidate or committee. If any anonymous contribution of
15 more than twenty-five dollars is received, it shall be returned
16 immediately to the contributor, if the contributor's identity can
17 be ascertained, and if the contributor's identity cannot be
18 ascertained, the candidate, committee treasurer or deputy
19 treasurer shall immediately transmit that portion of the
20 contribution which exceeds twenty-five dollars to the state
21 treasurer and it shall escheat to the state.

22 5. The maximum aggregate amount of anonymous contributions
23 which shall be accepted in any calendar year by any committee
24 shall be the greater of five hundred dollars or one percent of
25 the aggregate amount of all contributions received by that
26 committee in the same calendar year. If any anonymous
27 contribution is received which causes the aggregate total of
28 anonymous contributions to exceed the foregoing limitation, it

1 shall be returned immediately to the contributor, if the
2 contributor's identity can be ascertained, and, if the
3 contributor's identity cannot be ascertained, the committee
4 treasurer, deputy treasurer or candidate shall immediately
5 transmit the anonymous contribution to the state treasurer to
6 escheat to the state.

7 6. Notwithstanding the provisions of subsection 5 of this
8 section, contributions from individuals whose names and addresses
9 cannot be ascertained which are received from a fund-raising
10 activity or event, such as defined in section 130.011, shall not
11 be deemed anonymous contributions, provided the following
12 conditions are met:

13 (1) There are twenty-five or more contributing participants
14 in the activity or event;

15 (2) The candidate, committee treasurer, deputy treasurer or
16 the person responsible for conducting the activity or event makes
17 an announcement that it is illegal for anyone to make or receive
18 a contribution in excess of one hundred dollars unless the
19 contribution is accompanied by the name and address of the
20 contributor;

21 (3) The person responsible for conducting the activity or
22 event does not knowingly accept payment from any single person of
23 more than one hundred dollars unless the name and address of the
24 person making such payment is obtained and recorded pursuant to
25 the record-keeping requirements of section 130.036;

26 (4) A statement describing the event shall be prepared by
27 the candidate or the treasurer of the committee for whom the
28 funds were raised or by the person responsible for conducting the

1 activity or event and attached to the disclosure report of
2 contributions and expenditures required by section 130.041. The
3 following information to be listed in the statement is in
4 addition to, not in lieu of, the requirements elsewhere in this
5 chapter relating to the recording and reporting of contributions
6 and expenditures:

7 (a) The name and mailing address of the person or persons
8 responsible for conducting the event or activity and the name and
9 address of the candidate or committee for whom the funds were
10 raised;

11 (b) The date on which the event occurred;

12 (c) The name and address of the location where the event
13 occurred and the approximate number of participants in the event;

14 (d) A brief description of the type of event and the
15 fund-raising methods used;

16 (e) The gross receipts from the event and a listing of the
17 expenditures incident to the event;

18 (f) The total dollar amount of contributions received from
19 the event from participants whose names and addresses were not
20 obtained with such contributions and an explanation of why it was
21 not possible to obtain the names and addresses of such
22 participants;

23 (g) The total dollar amount of contributions received from
24 contributing participants in the event who are identified by name
25 and address in the records required to be maintained pursuant to
26 section 130.036.

27 7. No candidate or committee in this state shall accept
28 contributions from any out-of-state committee unless the

1 out-of-state committee from whom the contributions are received
2 has filed a statement of organization pursuant to section 130.021
3 or has filed the reports required by sections 130.049 and
4 130.050, whichever is applicable to that committee.

5 8. Any person publishing, circulating, or distributing any
6 printed matter relative to any candidate for public office or any
7 ballot measure shall on the face of the printed matter identify
8 in a clear and conspicuous manner the person who paid for the
9 printed matter with the words "Paid for by" followed by the
10 proper identification of the sponsor pursuant to this section.
11 For the purposes of this section, "printed matter" shall be
12 defined to include any pamphlet, circular, handbill, sample
13 ballot, advertisement, including advertisements in any newspaper
14 or other periodical, sign, including signs for display on motor
15 vehicles, or other imprinted or lettered material; but "printed
16 matter" is defined to exclude materials printed and purchased
17 prior to May 20, 1982, if the candidate or committee can document
18 that delivery took place prior to May 20, 1982; any sign
19 personally printed and constructed by an individual without
20 compensation from any other person and displayed at that
21 individual's place of residence or on that individual's personal
22 motor vehicle; any items of personal use given away or sold, such
23 as campaign buttons, pins, pens, pencils, book matches, campaign
24 jewelry, or clothing, which is paid for by a candidate or
25 committee which supports a candidate or supports or opposes a
26 ballot measure and which is obvious in its identification with a
27 specific candidate or committee and is reported as required by
28 this chapter; and any news story, commentary, or editorial

1 printed by a regularly published newspaper or other periodical
2 without charge to a candidate, committee or any other person.

3 (1) In regard to any printed matter paid for by a candidate
4 from the candidate's personal funds, it shall be sufficient
5 identification to print the first and last name by which the
6 candidate is known.

7 (2) In regard to any printed matter paid for by a
8 committee, it shall be sufficient identification to print the
9 name of the committee as required to be registered by subsection
10 5 of section 130.021 and the name and title of the committee
11 treasurer who was serving when the printed matter was paid for.

12 (3) In regard to any printed matter paid for by a
13 corporation or other business entity, labor organization, or any
14 other organization not defined to be a committee by subdivision
15 (9) of section 130.011 and not organized especially for
16 influencing one or more elections, it shall be sufficient
17 identification to print the name of the entity, the name of the
18 principal officer of the entity, by whatever title known, and the
19 mailing address of the entity, or if the entity has no mailing
20 address, the mailing address of the principal officer.

21 (4) In regard to any printed matter paid for by an
22 individual or individuals, it shall be sufficient identification
23 to print the name of the individual or individuals and the
24 respective mailing address or addresses, except that if more than
25 five individuals join in paying for printed matter it shall be
26 sufficient identification to print the words "For a list of other
27 sponsors contact:" followed by the name and address of one such
28 individual responsible for causing the matter to be printed, and

1 the individual identified shall maintain a record of the names
2 and amounts paid by other individuals and shall make such record
3 available for review upon the request of any person. No person
4 shall accept for publication or printing nor shall such work be
5 completed until the printed matter is properly identified as
6 required by this subsection.

7 9. Any broadcast station transmitting any matter relative
8 to any candidate for public office or ballot measure as defined
9 by this chapter shall identify the sponsor of such matter as
10 required by federal law.

11 10. The provisions of subsection 8 or 9 of this section
12 shall not apply to candidates for elective federal office,
13 provided that persons causing matter to be printed or broadcast
14 concerning such candidacies shall comply with the requirements of
15 federal law for identification of the sponsor or sponsors.

16 11. It shall be a violation of this chapter for any person
17 required to be identified as paying for printed matter pursuant
18 to subsection 8 of this section or paying for broadcast matter
19 pursuant to subsection 9 of this section to refuse to provide the
20 information required or to purposely provide false, misleading,
21 or incomplete information.

22 12. It shall be a violation of this chapter for any
23 committee to offer chances to win prizes or money to persons to
24 encourage such persons to endorse, send election material by
25 mail, deliver election material in person or contact persons at
26 their homes; except that, the provisions of this subsection shall
27 not be construed to prohibit hiring and paying a campaign staff.

28 13. Political action committees shall only receive

1 contributions from individuals; unions; federal political action
2 committees; and corporations, associations, and partnerships
3 formed under chapters 347 to 360, and shall be prohibited from
4 receiving contributions from other political action committees,
5 candidate committees, political party committees, campaign
6 committees, exploratory committees, or debt service committees.
7 However, candidate committees, political party committees,
8 campaign committees, exploratory committees, and debt service
9 committees shall be allowed to return contributions to a donor
10 political action committee that is the origin of the
11 contribution.

12 14. The prohibited committee transfers described in
13 subsection 13 of this section shall not apply to the following
14 committees:

15 (1) The state house committee per political party
16 designated by the respective majority or minority floor leader of
17 the house of representatives or the chair of the state party if
18 the party does not have majority or minority party status;

19 (2) The state senate committee per political party
20 designated by the respective majority or minority floor leader of
21 the senate or the chair of the state party if the party does not
22 have majority or minority party status.

23 15. No person shall transfer anything of value to any
24 committee with the intent to conceal, from the ethics commission,
25 the identity of the actual source. Any violation of this
26 subsection shall be punishable as follows:

27 (1) For the first violation, the ethics commission shall
28 notify such person that the transfer to the committee is

1 prohibited under this section within five days of determining
2 that the transfer is prohibited, and that such person shall
3 notify the committee to which the funds were transferred that the
4 funds must be returned within ten days of such notification;

5 (2) For the second violation, the person transferring the
6 funds shall be guilty of a class C misdemeanor;

7 (3) For the third and subsequent violations, the person
8 transferring the funds shall be guilty of a class [D] E felony.

9 16. Beginning January 1, 2011, all committees required to
10 file campaign financial disclosure reports with the Missouri
11 ethics commission shall file any required disclosure report in an
12 electronic format as prescribed by the ethics commission.

13 142.909. A person who violates any provision of this
14 chapter, including, but not limited to the failure to obtain
15 required licenses or permits, or fails to keep records as
16 prescribed herein, or neglects, fails or refuses to allow the
17 director, the director's authorized agents or the Missouri
18 highway patrol to inspect an item of equipment or records, or who
19 fails, neglects or refuses to pay the tax due is guilty of a
20 misdemeanor and may be punished as prescribed by law. Any person
21 who violates any of the provisions of this section with the
22 purpose to defraud is guilty of a class [D] E felony.

23 142.911. 1. Each person operating a refinery, terminal, or
24 bulk plant in this state shall prepare and provide to the driver
25 of every fuel transportation vehicle receiving motor fuel into
26 the vehicle storage tank at the facility a shipping document
27 setting out on its face:

28 (1) Identification by city and state of the terminal,

1 refinery or bulk plant from which the motor fuel was removed;

2 (2) The date the motor fuel was removed;

3 (3) The amount of motor fuel removed, gross gallons and net
4 gallons;

5 (4) The state of destination as represented to the terminal
6 operator by the transporter, the shipper or the agent of the
7 shipper;

8 (5) Any other information required by the director for the
9 enforcement of this chapter; and

10 (6) The supplier, consignee and carrier of the motor fuel.

11 2. A terminal operator may manually prepare shipping papers
12 if the terminal does not have the ability to prepare automated
13 shipping papers or as a result of extraordinary unforeseen
14 circumstances, including acts of God, which temporarily interfere
15 with the ability of the terminal operator to issue automated
16 machine-generated shipping papers. However, the terminal
17 operator shall, prior to manually preparing the papers, provide,
18 in the case of a terminal not having the ability to prepare
19 automated shipping papers, written notice to the director, or in
20 the case of extraordinary circumstances, telephonic notice to the
21 director and obtain a service interruption authorization number
22 which the employees of the terminal operator shall add to the
23 manually prepared papers prior to removal of each affected
24 transport load from the terminal. The service interruption
25 authorization number shall be valid for use by the terminal
26 operator for a period not to exceed twenty-four hours. If the
27 interruption has not been corrected within the twenty-four-hour
28 period, additional [notice(s)] notice or notices to the director

1 shall be required and interruption authorization [number(s)]
2 number or numbers may be issued upon explanation by the terminal
3 operator satisfactory to the director. If the terminal operator
4 acquires the ability to prepare automated machine-printed
5 shipping papers, the terminal operator shall notify the director
6 no later than ten days prior to the initial use of such
7 capability.

8 3. An operator of a bulk plant in this state delivering
9 motor fuel into a tank wagon for subsequent delivery to a
10 consumer in this state shall be exempt from this section. An
11 operator of a bulk plant in this state shall not be required to
12 identify net gallons on the shipping documents as provided by
13 this section.

14 4. A refinery or terminal operator may load motor fuel, a
15 portion of which fuel is destined for sale or use in this state
16 and a portion of which fuel is destined for sale or use in
17 another state or states. However, such split loads removed shall
18 be documented by the terminal operator by issuing shipping papers
19 designating the state of destination for each portion of the
20 fuel.

21 5. Each refinery or terminal operator shall post a
22 conspicuous notice proximately located to the point of receipt of
23 shipping papers by transport truck operators, which notice shall
24 describe in clear and concise terms the duties of the transport
25 operator and supplier under section 142.914, provided that the
26 director may establish the language, type, style and format of
27 the notice.

28 6. No terminal operator shall imprint, and no supplier

1 shall knowingly permit a terminal operator to imprint on behalf
2 of the supplier, any false statement on a shipping paper relating
3 to motor fuel to be delivered to this state or to a state having
4 substantially the same shipping paper requirements with respect
5 to the supplier of the fuel, whether or not it was dyed for the
6 intended destination.

7 7. Any terminal operator who shall knowingly imprint any
8 false statement in violation of this section shall be jointly and
9 severally liable for all the taxes levied by this chapter which
10 are not collected by this state as a result of such action.

11 8. Any supplier who knowingly violates this section shall
12 be jointly and severally liable with the terminal operator.

13 9. A person who knowingly violates or knowingly aids and
14 abets another to violate this section with the intent to evade
15 the tax levied by this chapter shall be guilty of a class **[D]** E
16 felony.

17 10. The director may impose a civil penalty of one thousand
18 dollars for the first occurrence against every terminal operator
19 that fails to meet shipping paper issuance requirements under
20 this chapter. Each subsequent occurrence described in this
21 subsection is subject to a civil penalty of five thousand
22 dollars.

23 143.1001. 1. In each tax year beginning on or after
24 January 1, 1990, each individual or corporation entitled to a tax
25 refund in an amount sufficient to make a designation under this
26 section may designate that two dollars or any amount in excess of
27 two dollars on a single return, and four dollars or any amount in
28 excess of four dollars on a combined return, of the refund due be

1 credited to the veterans' trust fund. The contribution
2 designation authorized by this section shall be clearly and
3 unambiguously printed on each income tax return form provided by
4 this state. If any individual or corporation which is not
5 entitled to a tax refund in an amount sufficient to make a
6 designation under this section wishes to make a contribution to
7 the veterans' trust fund, such individual or corporation may, by
8 separate check, draft, or other negotiable instrument, send in
9 with the payment of taxes, or may send in separately, that
10 amount, clearly designated for the veterans' trust fund, the
11 individual or corporation wishes to contribute and the department
12 of revenue shall forward such amount to the state treasurer for
13 deposit to the veterans' trust fund as provided in subsection 2
14 of this section.

15 2. The director of revenue shall transfer at least monthly
16 all contributions designated by individuals under this section to
17 the state treasurer for deposit to the veterans' trust fund.

18 3. The director of revenue shall transfer at least monthly
19 all contributions designated by corporations under this section,
20 less an amount sufficient to cover the cost of collection and
21 handling by the department of revenue, to the state treasurer for
22 deposit to the veterans' trust fund.

23 4. A contribution designated under this section shall only
24 be transferred and deposited in the veterans' trust fund after
25 all other claims against the refund from which such contribution
26 is to be made have been satisfied.

27 5. Notwithstanding any other law to the contrary, the names
28 and addresses of individuals or corporations who designate a

1 contribution to this fund may be supplied to the veterans'
2 commission, for the purpose of sending an acknowledgment and
3 written appreciation to those individuals and corporations.
4 Under no circumstances shall the names and addresses be used for
5 any purpose other than that expressed in this subsection.
6 Release or use of the names and addresses for any other purpose
7 is a class [C] D felony.

8 143.1003. 1. In each tax year beginning on or after
9 January 1, 1999, each individual or corporation entitled to a tax
10 refund in an amount sufficient to make a designation pursuant to
11 this section may designate that two dollars or any amount in
12 excess of two dollars on a single return and four dollars or any
13 amount in excess of four dollars on a combined return, of the
14 refund due be credited to the Missouri national guard trust fund.
15 The contribution designation authorized by this section shall be
16 clearly and unambiguously printed on each income tax return form
17 provided by this state. If any individual or corporation which
18 is not entitled to a tax refund in an amount sufficient to make a
19 designation pursuant to this section wishes to make a
20 contribution to the Missouri national guard trust fund, such
21 individual or corporation may, by separate check, draft or other
22 negotiable instrument, send in with the payment of taxes, or may
23 send in separately, that amount, clearly designated for the
24 Missouri national guard trust fund, the individual or corporation
25 wishes to contribute and the department of revenue shall forward
26 such amount to the state treasurer for deposit to the Missouri
27 national guard trust fund as provided in subsection 2 of this
28 section.

1 2. The director of revenue shall transfer at least monthly
2 all contributions designated by individuals pursuant to this
3 section to the state treasurer for deposit in the Missouri
4 national guard trust fund.

5 3. A contribution designated pursuant to this section shall
6 only be transferred and deposited in the Missouri national guard
7 trust fund after all other claims against the refund from which
8 such contribution is to be made have been satisfied.

9 4. Notwithstanding any other law to the contrary, the names
10 and addresses of individuals or corporations who designate a
11 contribution to this fund may be supplied to the office of the
12 adjutant general, for the purpose of sending an acknowledgment
13 and written appreciation to those individuals and corporations.
14 Under no circumstances shall the names and addresses be used for
15 any purpose other than that expressed in this subsection. Any
16 person who releases or uses any of the names and addresses for
17 any other purpose is guilty of a class [C] D felony.

18 5. Moneys to be credited to the Missouri national guard
19 trust fund pursuant to subsection 1 of this section shall be
20 placed in a subaccount and shall be used solely for the purpose
21 authorized in section 41.958.

22 149.200. 1. It is unlawful for any person to:

23 (1) Sell or distribute in this state, to acquire, hold,
24 own, possess or transport for sale or distribution in this state,
25 or to import, or cause to be imported into this state for sale or
26 distribution in this state, any cigarettes that do not comply
27 with all requirements imposed by or pursuant to federal law and
28 implementing regulations, including but not limited to the filing

1 of ingredients lists pursuant to Section 7 of the Federal
2 Cigarette Labeling and Advertising Act (15 U.S.C. 1335a); the
3 permanent imprinting on the primary packaging of the precise
4 package warning labels in the precise format specified in Section
5 4 of the Federal Cigarette Labeling and Advertising Act (15
6 U.S.C. 1333); the rotation of label statements pursuant to
7 Section 4(c) of the Federal Cigarette Labeling and Advertising
8 Act (15 U.S.C. 1335(c)); restrictions on the importation,
9 transfer and sale of previously exported tobacco products
10 pursuant to Section 9302 of Public Law 105-33, the Balanced
11 Budget Act of 1997, as amended; requirements of Title IV of
12 Public Law 106-476, the Imported Cigarette Compliance Act of
13 2000; or

14 (2) Alter the package of any cigarettes, prior to sale or
15 distribution to the ultimate consumer, so as to remove, conceal
16 or obscure:

17 (a) Any statement, label, stamp, sticker or notice
18 indicating that the manufacturer did not intend the cigarettes to
19 be sold, distributed or used in the United States, including but
20 not limited to labels stating "For Export Only", "U.S. Tax
21 Exempt", "For Use Outside U.S.", or similar wording; or

22 (b) Any health warning that is not the precise warning
23 statement in the precise format specified in Section 4 of the
24 Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333).

25 2. It shall be unlawful for any person to affix any tax
26 stamp or meter impression required pursuant to this chapter to
27 the package of any cigarettes that does not comply with the
28 requirements of subdivision (1) of subsection 1 of this section

1 or that is altered in violation of subdivision (2) of subsection
2 1 of this section.

3 3. This section shall not apply to cigarettes allowed to be
4 imported or brought into the United States for personal use, or
5 to cigarettes sold or intended to be sold as duty-free
6 merchandise by a duty-free sales enterprise in accordance with
7 the provisions of 19 U.S.C. 1555(b) and any implementing
8 regulations; provided, however, that sections 149.200 to 149.215
9 shall apply to any such cigarettes that are brought back into the
10 customs territory for resale within the customs territory.

11 4. Any person who violates this section, whether acting
12 knowingly or recklessly, is guilty of a class **[D]** E felony.

13 5. As used in this section, "package" means a pack, box,
14 carton or container of any kind in which cigarettes are offered
15 for sale, sold or otherwise distributed to consumers.

16 168.071. 1. The state board of education may refuse to
17 issue or renew a certificate, or may, upon hearing, discipline
18 the holder of a certificate of license to teach for the following
19 causes:

20 (1) A certificate holder or applicant for a certificate has
21 pleaded to or been found guilty of a felony or crime involving
22 moral turpitude under the laws of this state, any other state, of
23 the United States, or any other country, whether or not sentence
24 is imposed;

25 (2) The certification was obtained through use of fraud,
26 deception, misrepresentation or bribery;

27 (3) There is evidence of incompetence, immorality, or
28 neglect of duty by the certificate holder;

1 (4) A certificate holder has been subject to disciplinary
2 action relating to certification issued by another state,
3 territory, federal agency, or country upon grounds for which
4 discipline is authorized in this section; or

5 (5) If charges are filed by the local board of education,
6 based upon the annulling of a written contract with the local
7 board of education, for reasons other than election to the
8 general assembly, without the consent of the majority of the
9 members of the board that is a party to the contract.

10 2. A public school district may file charges seeking the
11 discipline of a holder of a certificate of license to teach based
12 upon any cause or combination of causes outlined in subsection 1
13 of this section, including annulment of a written contract.
14 Charges shall be in writing, specify the basis for the charges,
15 and be signed by the chief administrative officer of the
16 district, or by the president of the board of education as
17 authorized by a majority of the board of education. The board of
18 education may also petition the office of the attorney general to
19 file charges on behalf of the school district for any cause other
20 than annulment of contract, with acceptance of the petition at
21 the discretion of the attorney general.

22 3. The department of elementary and secondary education may
23 file charges seeking the discipline of a holder of a certificate
24 of license to teach based upon any cause or combination of causes
25 outlined in subsection 1 of this section, other than annulment of
26 contract. Charges shall be in writing, specify the basis for the
27 charges, and be signed by legal counsel representing the
28 department of elementary and secondary education.

1 4. If the underlying conduct or actions which are the basis
2 for charges filed pursuant to this section are also the subject
3 of a pending criminal charge against the person holding such
4 certificate, the certificate holder may request, in writing, a
5 delayed hearing on advice of counsel under the fifth amendment of
6 the Constitution of the United States. Based upon such a
7 request, no hearing shall be held until after a trial has been
8 completed on this criminal charge.

9 5. The certificate holder shall be given not less than
10 thirty days' notice of any hearing held pursuant to this section.

11 6. Other provisions of this section notwithstanding, the
12 certificate of license to teach shall be revoked or, in the case
13 of an applicant, a certificate shall not be issued, if the
14 certificate holder or applicant has pleaded guilty to or been
15 found guilty of any of the following offenses established
16 pursuant to Missouri law or offenses of a similar nature
17 established under the laws of Missouri prior to August 28, 2013,
18 any other state or of the United States, or any other country,
19 whether or not the sentence is imposed:

20 (1) Any dangerous felony as defined in section 556.061, or
21 murder in the first degree under section 565.020;

22 (2) Any of the following sexual offenses: rape in the
23 first degree under section 566.030; statutory rape in the first
24 degree under section 566.032; statutory rape in the second degree
25 under section 566.034; **[sexual assault]** rape in the second degree
26 under section 566.040; **[forcible]** sodomy in the first degree
27 under section 566.060; statutory sodomy in the first degree under
28 section 566.062; statutory sodomy in the second degree under

1 section 566.064; child molestation in the first degree under
2 section 566.067; child molestation in the second degree under
3 section 566.068; [deviate sexual assault under section 566.070;]
4 child molestation in the third degree under section 566.069;
5 child molestation in the fourth degree under section 566.071;
6 sodomy in the second degree under section 566.061; sexual
7 misconduct involving a child under section 566.083; sexual
8 contact with a student [while on public school property] under
9 section 566.086; sexual [misconduct in the first degree] abuse in
10 the second degree under section 566.090; sexual misconduct in the
11 [second] first degree under section 566.093; sexual misconduct in
12 the [third] second degree under section 566.095; sexual abuse in
13 the first degree under section 566.100; enticement of a child
14 under section 566.151; or attempting to entice a child;

15 (3) Any of the following offenses against the family and
16 related offenses: incest under section 568.020; abandonment of
17 child in the first degree under section 568.030; abandonment of
18 child in the second degree under section 568.032; endangering the
19 welfare of a child in the first degree under section 568.045;
20 abuse of a child under section 568.060; child used in a sexual
21 performance under section [568.080] 573.200; promoting sexual
22 performance by a child under section [568.090] 573.205; or
23 trafficking in children under section 568.175; and

24 (4) Any of the following offenses involving child
25 pornography and related offenses: promoting obscenity in the
26 first degree under section 573.020; promoting obscenity in the
27 second degree when the penalty is enhanced to a class [D] E
28 felony under section 573.030; promoting child pornography in the

1 first degree under section 573.025; promoting child pornography
2 in the second degree under section 573.035; possession of child
3 pornography under section 573.037; furnishing pornographic
4 materials to minors under section 573.040; or coercing acceptance
5 of obscene material under section 573.065.

6 7. When a certificate holder pleads guilty or is found
7 guilty of any offense that would authorize the state board of
8 education to seek discipline against that holder's certificate of
9 license to teach, the local board of education or the department
10 of elementary and secondary education shall immediately provide
11 written notice to the state board of education and the attorney
12 general regarding the plea of guilty or finding of guilty.

13 8. The certificate holder whose certificate was revoked
14 pursuant to subsection 6 of this section may appeal such
15 revocation to the state board of education. Notice of this
16 appeal must be received by the commissioner of education within
17 ninety days of notice of revocation pursuant to this subsection.
18 Failure of the certificate holder to notify the commissioner of
19 the intent to appeal waives all rights to appeal the revocation.
20 Upon notice of the certificate holder's intent to appeal, an
21 appeal hearing shall be held by a hearing officer designated by
22 the commissioner of education, with the final decision made by
23 the state board of education, based upon the record of that
24 hearing. The certificate holder shall be given not less than
25 thirty days' notice of the hearing, and an opportunity to be
26 heard by the hearing officer, together with witnesses.

27 9. In the case of any certificate holder who has
28 surrendered or failed to renew his or her certificate of license

1 to teach, the state board of education may refuse to issue or
2 renew, or may suspend or revoke, such certificate for any of the
3 reasons contained in this section.

4 10. In those cases where the charges filed pursuant to this
5 section are based upon an allegation of misconduct involving a
6 minor child, the hearing officer may accept into the record the
7 sworn testimony of the minor child relating to the misconduct
8 received in any court or administrative hearing.

9 11. Hearings, appeals or other matters involving
10 certificate holders, licensees or applicants pursuant to this
11 section may be informally resolved by consent agreement or agreed
12 settlement or voluntary surrender of the certificate of license
13 pursuant to the rules promulgated by the state board of
14 education.

15 12. The final decision of the state board of education is
16 subject to judicial review pursuant to sections 536.100 to
17 536.140.

18 13. A certificate of license to teach to an individual who
19 has been convicted of a felony or crime involving moral
20 turpitude, whether or not sentence is imposed, shall be issued
21 only upon motion of the state board of education adopted by a
22 unanimous affirmative vote of those members present and voting.

23 188.030. 1. Except in the case of a medical emergency, no
24 abortion of a viable unborn child shall be performed or induced
25 unless the abortion is necessary to preserve the life of the
26 pregnant woman whose life is endangered by a physical disorder,
27 physical illness, or physical injury, including a
28 life-endangering physical condition caused by or arising from the

1 pregnancy itself, or when continuation of the pregnancy will
2 create a serious risk of substantial and irreversible physical
3 impairment of a major bodily function of the pregnant woman. For
4 purposes of this section, "major bodily function" includes, but
5 is not limited to, functions of the immune system, normal cell
6 growth, digestive, bowel, bladder, neurological, brain,
7 respiratory, circulatory, endocrine, and reproductive functions.

8 2. Except in the case of a medical emergency:

9 (1) Prior to performing or inducing an abortion upon a
10 woman, the physician shall determine the gestational age of the
11 unborn child in a manner consistent with accepted obstetrical and
12 neonatal practices and standards. In making such determination,
13 the physician shall make such inquiries of the pregnant woman and
14 perform or cause to be performed such medical examinations,
15 imaging studies, and tests as a reasonably prudent physician,
16 knowledgeable about the medical facts and conditions of both the
17 woman and the unborn child involved, would consider necessary to
18 perform and consider in making an accurate diagnosis with respect
19 to gestational age;

20 (2) If the physician determines that the gestational age of
21 the unborn child is twenty weeks or more, prior to performing or
22 inducing an abortion upon the woman, the physician shall
23 determine if the unborn child is viable by using and exercising
24 that degree of care, skill, and proficiency commonly exercised by
25 a skillful, careful, and prudent physician. In making this
26 determination of viability, the physician shall perform or cause
27 to be performed such medical examinations and tests as are
28 necessary to make a finding of the gestational age, weight, and

1 lung maturity of the unborn child and shall enter such findings
2 and determination of viability in the medical record of the
3 woman;

4 (3) If the physician determines that the gestational age of
5 the unborn child is twenty weeks or more, and further determines
6 that the unborn child is not viable and performs or induces an
7 abortion upon the woman, the physician shall report such findings
8 and determinations and the reasons for such determinations to the
9 health care facility in which the abortion is performed and to
10 the state board of registration for the healing arts, and shall
11 enter such findings and determinations in the medical records of
12 the woman and in the individual abortion report submitted to the
13 department under section 188.052;

14 (4) (a) If the physician determines that the unborn child
15 is viable, the physician shall not perform or induce an abortion
16 upon the woman unless the abortion is necessary to preserve the
17 life of the pregnant woman or that a continuation of the
18 pregnancy will create a serious risk of substantial and
19 irreversible physical impairment of a major bodily function of
20 the woman.

21 (b) Before a physician may proceed with performing or
22 inducing an abortion upon a woman when it has been determined
23 that the unborn child is viable, the physician shall first
24 certify in writing the medical threat posed to the life of the
25 pregnant woman, or the medical reasons that continuation of the
26 pregnancy would cause a serious risk of substantial and
27 irreversible physical impairment of a major bodily function of
28 the pregnant woman. Upon completion of the abortion, the

1 physician shall report the reasons and determinations for the
2 abortion of a viable unborn child to the health care facility in
3 which the abortion is performed and to the state board of
4 registration for the healing arts, and shall enter such findings
5 and determinations in the medical record of the woman and in the
6 individual abortion report submitted to the department under
7 section 188.052.

8 (c) Before a physician may proceed with performing or
9 inducing an abortion upon a woman when it has been determined
10 that the unborn child is viable, the physician who is to perform
11 the abortion shall obtain the agreement of a second physician
12 with knowledge of accepted obstetrical and neonatal practices and
13 standards who shall concur that the abortion is necessary to
14 preserve the life of the pregnant woman, or that continuation of
15 the pregnancy would cause a serious risk of substantial and
16 irreversible physical impairment of a major bodily function of
17 the pregnant woman. This second physician shall also report such
18 reasons and determinations to the health care facility in which
19 the abortion is to be performed and to the state board of
20 registration for the healing arts, and shall enter such findings
21 and determinations in the medical record of the woman and the
22 individual abortion report submitted to the department under
23 section 188.052. The second physician shall not have any legal
24 or financial affiliation or relationship with the physician
25 performing or inducing the abortion, except that such prohibition
26 shall not apply to physicians whose legal or financial
27 affiliation or relationship is a result of being employed by or
28 having staff privileges at the same hospital as the term

1 "hospital" is defined in section 197.020.

2 (d) Any physician who performs or induces an abortion upon
3 a woman when it has been determined that the unborn child is
4 viable shall utilize the available method or technique of
5 abortion most likely to preserve the life or health of the unborn
6 child. In cases where the method or technique of abortion most
7 likely to preserve the life or health of the unborn child would
8 present a greater risk to the life or health of the woman than
9 another legally permitted and available method or technique, the
10 physician may utilize such other method or technique. In all
11 cases where the physician performs an abortion upon a viable
12 unborn child, the physician shall certify in writing the
13 available method or techniques considered and the reasons for
14 choosing the method or technique employed.

15 (e) No physician shall perform or induce an abortion upon a
16 woman when it has been determined that the unborn child is viable
17 unless there is in attendance a physician other than the
18 physician performing or inducing the abortion who shall take
19 control of and provide immediate medical care for a child born as
20 a result of the abortion. During the performance of the
21 abortion, the physician performing it, and subsequent to the
22 abortion, the physician required to be in attendance, shall take
23 all reasonable steps in keeping with good medical practice,
24 consistent with the procedure used, to preserve the life or
25 health of the viable unborn child; provided that it does not pose
26 an increased risk to the life of the woman or does not pose an
27 increased risk of substantial and irreversible physical
28 impairment of a major bodily function of the woman.

1 3. Any person who knowingly performs or induces an abortion
2 of an unborn child in violation of the provisions of this section
3 is guilty of a class [C] D felony, and, upon a finding of guilt
4 or plea of guilty, shall be imprisoned for a term of not less
5 than one year, and, notwithstanding the provisions of section
6 560.011, shall be fined not less than ten thousand nor more than
7 fifty thousand dollars.

8 4. Any physician who pleads guilty to or is found guilty of
9 performing or inducing an abortion of an unborn child in
10 violation of this section shall be subject to suspension or
11 revocation of his or her license to practice medicine in the
12 state of Missouri by the state board of registration for the
13 healing arts under the provisions of sections 334.100 and
14 334.103.

15 5. Any hospital licensed in the state of Missouri that
16 knowingly allows an abortion of an unborn child to be performed
17 or induced in violation of this section may be subject to
18 suspension or revocation of its license under the provisions of
19 section 197.070.

20 6. Any ambulatory surgical center licensed in the state of
21 Missouri that knowingly allows an abortion of an unborn child to
22 be performed or induced in violation of this section may be
23 subject to suspension or revocation of its license under the
24 provisions of section 197.220.

25 7. A woman upon whom an abortion is performed or induced in
26 violation of this section shall not be prosecuted for a
27 conspiracy to violate the provisions of this section.

28 8. Nothing in this section shall be construed as creating

1 or recognizing a right to abortion, nor is it the intention of
2 this section to make lawful any abortion that is currently
3 unlawful.

4 9. It is the intent of the legislature that this section be
5 severable as noted in section 1.140. In the event that any
6 section, subsection, subdivision, paragraph, sentence, or clause
7 of this section be declared invalid under the Constitution of the
8 United States or the Constitution of the State of Missouri, it is
9 the intent of the legislature that the remaining provisions of
10 this section remain in force and effect as far as capable of
11 being carried into execution as intended by the legislature.

12 10. The general assembly may, by concurrent resolution,
13 appoint one or more of its members who sponsored or co-sponsored
14 this act in his or her official capacity to intervene as a matter
15 of right in any case in which the constitutionality of this law
16 is challenged.

17 190.621. 1. Any person who knowingly conceals, cancels,
18 defaces, or obliterates the outside the hospital
19 do-not-resuscitate order or the outside the hospital
20 do-not-resuscitate identification of another person without the
21 consent of the other person, or who knowingly falsifies or forges
22 a revocation of the outside the hospital do-not-resuscitate order
23 or the outside the hospital do-not-resuscitate identification of
24 another person, is guilty of a class A misdemeanor.

25 2. Any person who knowingly executes, falsifies, or forges
26 an outside the hospital do-not-resuscitate order or an outside
27 the hospital do-not-resuscitate identification of another person
28 without the consent of the other person, or who knowingly

1 conceals or withholds personal knowledge of a revocation of an
2 outside the hospital do-not-resuscitate order or an outside the
3 hospital do-not-resuscitate identification of another person, is
4 guilty of a class [D] E felony.

5 191.905. 1. No health care provider shall knowingly make
6 or cause to be made a false statement or false representation of
7 a material fact in order to receive a health care payment,
8 including but not limited to:

9 (1) Knowingly presenting to a health care payer a claim for
10 a health care payment that falsely represents that the health
11 care for which the health care payment is claimed was medically
12 necessary, if in fact it was not;

13 (2) Knowingly concealing the occurrence of any event
14 affecting an initial or continued right under a medical
15 assistance program to have a health care payment made by a health
16 care payer for providing health care;

17 (3) Knowingly concealing or failing to disclose any
18 information with the intent to obtain a health care payment to
19 which the health care provider or any other health care provider
20 is not entitled, or to obtain a health care payment in an amount
21 greater than that which the health care provider or any other
22 health care provider is entitled;

23 (4) Knowingly presenting a claim to a health care payer
24 that falsely indicates that any particular health care was
25 provided to a person or persons, if in fact health care of lesser
26 value than that described in the claim was provided.

27 2. No person shall knowingly solicit or receive any
28 remuneration, including any kickback, bribe, or rebate, directly

1 or indirectly, overtly or covertly, in cash or in kind in return
2 for:

3 (1) Referring another person to a health care provider for
4 the furnishing or arranging for the furnishing of any health
5 care; or

6 (2) Purchasing, leasing, ordering or arranging for or
7 recommending purchasing, leasing or ordering any health care.

8 3. No person shall knowingly offer or pay any remuneration,
9 including any kickback, bribe, or rebate, directly or indirectly,
10 overtly or covertly, in cash or in kind, to any person to induce
11 such person to refer another person to a health care provider for
12 the furnishing or arranging for the furnishing of any health
13 care.

14 4. Subsections 2 and 3 of this section shall not apply to a
15 discount or other reduction in price obtained by a health care
16 provider if the reduction in price is properly disclosed and
17 appropriately reflected in the claim made by the health care
18 provider to the health care payer, or any amount paid by an
19 employer to an employee for employment in the provision of health
20 care.

21 5. Exceptions to the provisions of subsections 2 and 3 of
22 this subsection shall be provided for as authorized in 42 U.S.C.
23 Section 1320a-7b(3)(E), as may be from time to time amended, and
24 regulations promulgated pursuant thereto.

25 6. No person shall knowingly abuse a person receiving
26 health care.

27 7. A person who violates subsections 1 to 3 of this section
28 is guilty of a class [C] D felony upon his or her first

1 conviction, and shall be guilty of a class B felony upon his or
2 her second and subsequent convictions. Any person who has been
3 convicted of such violations shall be referred to the Office of
4 Inspector General within the United States Department of Health
5 and Human Services. The person so referred shall be subject to
6 the penalties provided for under 42 U.S.C. Chapter 7, Subchapter
7 XI, Section 1320a-7. A prior conviction shall be pleaded and
8 proven as provided by section 558.021. A person who violates
9 subsection 6 of this section shall be guilty of a class [C] D
10 felony, unless the act involves no physical, sexual or emotional
11 harm or injury and the value of the property involved is less
12 than five hundred dollars, in which event a violation of
13 subsection 6 of this section is a class A misdemeanor.

14 8. Any natural person who willfully prevents, obstructs,
15 misleads, delays, or attempts to prevent, obstruct, mislead, or
16 delay the communication of information or records relating to a
17 violation of sections 191.900 to 191.910 is guilty of a class [D]
18 E felony.

19 9. Each separate false statement or false representation of
20 a material fact proscribed by subsection 1 of this section or act
21 proscribed by subsection 2 or 3 of this section shall constitute
22 a separate offense and a separate violation of this section,
23 whether or not made at the same or different times, as part of
24 the same or separate episodes, as part of the same scheme or
25 course of conduct, or as part of the same claim.

26 10. In a prosecution pursuant to subsection 1 of this
27 section, circumstantial evidence may be presented to demonstrate
28 that a false statement or claim was knowingly made. Such

1 evidence of knowledge may include but shall not be limited to the
2 following:

3 (1) A claim for a health care payment submitted with the
4 health care provider's actual, facsimile, stamped, typewritten or
5 similar signature on the claim for health care payment;

6 (2) A claim for a health care payment submitted by means of
7 computer billing tapes or other electronic means;

8 (3) A course of conduct involving other false claims
9 submitted to this or any other health care payer.

10 11. Any person convicted of a violation of this section, in
11 addition to any fines, penalties or sentences imposed by law,
12 shall be required to make restitution to the federal and state
13 governments, in an amount at least equal to that unlawfully paid
14 to or by the person, and shall be required to reimburse the
15 reasonable costs attributable to the investigation and
16 prosecution pursuant to sections 191.900 to 191.910. All of such
17 restitution shall be paid and deposited to the credit of the "MO
18 HealthNet Fraud Reimbursement Fund", which is hereby established
19 in the state treasury. Moneys in the MO HealthNet fraud
20 reimbursement fund shall be divided and appropriated to the
21 federal government and affected state agencies in order to refund
22 moneys falsely obtained from the federal and state governments.
23 All of such cost reimbursements attributable to the investigation
24 and prosecution shall be paid and deposited to the credit of the
25 "MO HealthNet Fraud Prosecution Revolving Fund", which is hereby
26 established in the state treasury. Moneys in the MO HealthNet
27 fraud prosecution revolving fund may be appropriated to the
28 attorney general, or to any prosecuting or circuit attorney who

1 has successfully prosecuted an action for a violation of sections
2 191.900 to 191.910 and been awarded such costs of prosecution, in
3 order to defray the costs of the attorney general and any such
4 prosecuting or circuit attorney in connection with their duties
5 provided by sections 191.900 to 191.910. No moneys shall be paid
6 into the MO HealthNet fraud protection revolving fund pursuant to
7 this subsection unless the attorney general or appropriate
8 prosecuting or circuit attorney shall have commenced a
9 prosecution pursuant to this section, and the court finds in its
10 discretion that payment of attorneys' fees and investigative
11 costs is appropriate under all the circumstances, and the
12 attorney general and prosecuting or circuit attorney shall prove
13 to the court those expenses which were reasonable and necessary
14 to the investigation and prosecution of such case, and the court
15 approves such expenses as being reasonable and necessary. Any
16 moneys remaining in the MO HealthNet fraud reimbursement fund
17 after division and appropriation to the federal government and
18 affected state agencies shall be used to increase MO HealthNet
19 provider reimbursement until it is at least one hundred percent
20 of the Medicare provider reimbursement rate for comparable
21 services. The provisions of section 33.080 notwithstanding,
22 moneys in the MO HealthNet fraud prosecution revolving fund shall
23 not lapse at the end of the biennium.

24 12. A person who violates subsections 1 to 3 of this
25 section shall be liable for a civil penalty of not less than five
26 thousand dollars and not more than ten thousand dollars for each
27 separate act in violation of such subsections, plus three times
28 the amount of damages which the state and federal government

1 sustained because of the act of that person, except that the
2 court may assess not more than two times the amount of damages
3 which the state and federal government sustained because of the
4 act of the person, if the court finds:

5 (1) The person committing the violation of this section
6 furnished personnel employed by the attorney general and
7 responsible for investigating violations of sections 191.900 to
8 191.910 with all information known to such person about the
9 violation within thirty days after the date on which the
10 defendant first obtained the information;

11 (2) Such person fully cooperated with any government
12 investigation of such violation; and

13 (3) At the time such person furnished the personnel of the
14 attorney general with the information about the violation, no
15 criminal prosecution, civil action, or administrative action had
16 commenced with respect to such violation, and the person did not
17 have actual knowledge of the existence of an investigation into
18 such violation.

19 13. Upon conviction pursuant to this section, the
20 prosecution authority shall provide written notification of the
21 conviction to all regulatory or disciplinary agencies with
22 authority over the conduct of the defendant health care provider.

23 14. The attorney general may bring a civil action against
24 any person who shall receive a health care payment as a result of
25 a false statement or false representation of a material fact made
26 or caused to be made by that person. The person shall be liable
27 for up to double the amount of all payments received by that
28 person based upon the false statement or false representation of

1 a material fact, and the reasonable costs attributable to the
2 prosecution of the civil action. All such restitution shall be
3 paid and deposited to the credit of the MO HealthNet fraud
4 reimbursement fund, and all such cost reimbursements shall be
5 paid and deposited to the credit of the MO HealthNet fraud
6 prosecution revolving fund. No reimbursement of such costs
7 attributable to the prosecution of the civil action shall be made
8 or allowed except with the approval of the court having
9 jurisdiction of the civil action. No civil action provided by
10 this subsection shall be brought if restitution and civil
11 penalties provided by subsections 11 and 12 of this section have
12 been previously ordered against the person for the same cause of
13 action.

14 15. Any person who discovers a violation by himself or
15 herself or such person's organization and who reports such
16 information voluntarily before such information is public or
17 known to the attorney general shall not be prosecuted for a
18 criminal violation.

19 191.914. 1. Any person who intentionally files a false
20 report or claim alleging a violation of sections 191.900 to
21 191.910 is guilty of a class A misdemeanor. Any second or
22 subsequent violation of this section is a class **[D]** E felony and
23 shall be punished as provided by law.

24 2. Any person who receives any compensation in exchange for
25 knowingly failing to report any violation of subsections 1 to 3
26 of section 191.905 is guilty of a class **[D]** E felony.

27 193.315. 1. Any person who knowingly makes any false
28 statement in a certificate, record, or report required by

1 sections 193.005 to 193.325 or in an application for an amendment
2 thereof, or in an application for a certified copy of a vital
3 record, or who knowingly supplies false information intending
4 that such information be used in the preparation of any such
5 report, record, or certificate, or amendment thereof shall be
6 guilty of a class **[D]** E felony.

7 2. Any person who, without lawful authority and with the
8 intent to deceive, makes, counterfeits, alters, amends, or
9 mutilates any certificate, record, or report required by sections
10 193.005 to 193.325, certified copy of such certificate, record,
11 or report shall be guilty of a class **[D]** E felony.

12 3. Any person who knowingly obtains, possesses, uses,
13 sells, furnishes or attempts to obtain, possess, use, sell, or
14 furnish to another, for any purpose of deception, any
15 certificate, record, or report required by sections 193.005 to
16 193.325 or certified copy thereof so made, counterfeited,
17 altered, amended, or mutilated, or which is false in whole or in
18 part or which relates to the birth of another person, whether
19 living or deceased, shall be guilty of a class **[D]** E felony.

20 4. Any employee of the department or involved with the
21 system of vital statistics who knowingly furnishes or processes a
22 certificate of birth, or certified copy of a certificate of
23 birth, with the knowledge or intention that it be used for the
24 purposes of deception shall be guilty of a class **[D]** E felony.

25 5. Any person who without lawful authority possesses any
26 certificate, record, or report, required by sections 193.005 to
27 193.325 or a copy or certified copy of such certificate, record,
28 or report knowing same to have been stolen, or otherwise

1 unlawfully obtained, shall be guilty of a class [D] E felony.

2 6. Any person who knowingly refuses to provide information
3 required by sections 193.005 to 193.325, or regulations adopted
4 hereunder, shall be guilty of a class A misdemeanor. 7. Any
5 person who knowingly neglects or violates any of the provisions
6 of sections 193.005 to 193.325 or refuses to perform any of the
7 duties imposed upon him by sections 193.005 to 193.325 shall be
8 guilty of a class A misdemeanor.

9 194.410. 1. Any person, corporation, partnership,
10 proprietorship, or organization who knowingly disturbs, destroys,
11 vandalizes, or damages a marked or unmarked human burial site
12 commits a class [D] E felony.

13 2. Any person who knowingly appropriates for profit, uses
14 for profit, sells, purchases or transports for sale or profit any
15 human remains without the right of possession to those remains as
16 provided in sections 194.400 to 194.410 commits a class A
17 misdemeanor and, in the case of a second or subsequent violation,
18 commits a class [D] E felony.

19 3. Any person who knowingly appropriates for profit, uses
20 for profit, sells, purchases or transports for sale or profit any
21 cultural items obtained in violation of sections 194.400 to
22 194.410 commits a class A misdemeanor and, in the case of a
23 second or subsequent violation, commits a class [D] E felony.

24 194.425. 1. A person commits the crime of abandonment of a
25 corpse if that person abandons, disposes, deserts or leaves a
26 corpse without properly reporting the location of the body to the
27 proper law enforcement officials in that county.

28 2. Abandonment of a corpse is a class [D] E felony.

1 195.005. [Sections 195.005 to 195.425] This chapter and
2 chapter 579 shall be known as the "Comprehensive Drug Control Act
3 [of 1989]".

4 195.010. The following words and phrases as used in
5 [sections 195.005 to 195.425] this chapter and chapter 579,
6 unless the context otherwise requires, mean:

7 (1) "Addict", a person who habitually uses one or more
8 controlled substances to such an extent as to create a tolerance
9 for such drugs, and who does not have a medical need for such
10 drugs, or who is so far addicted to the use of such drugs as to
11 have lost the power of self-control with reference to his or her
12 addiction;

13 (2) "Administer", to apply a controlled substance, whether
14 by injection, inhalation, ingestion, or any other means, directly
15 to the body of a patient or research subject by:

16 (a) A practitioner (or, in his or her presence, by his or
17 her authorized agent); or

18 (b) The patient or research subject at the direction and in
19 the presence of the practitioner;

20 (3) "Agent", an authorized person who acts on behalf of or
21 at the direction of a manufacturer, distributor, or dispenser.
22 The term does not include a common or contract carrier, public
23 warehouseman, or employee of the carrier or warehouseman while
24 acting in the usual and lawful course of the carrier's or
25 warehouseman's business;

26 (4) "Attorney for the state", any prosecuting attorney,
27 circuit attorney, or attorney general authorized to investigate,
28 commence and prosecute an action under [sections 195.005 to

1 195.425] this chapter;

2 (5) "Controlled substance", a drug, substance, or immediate
3 precursor in Schedules I through V listed in [sections 195.005 to
4 195.425] this chapter;

5 (6) "Controlled substance analogue", a substance the
6 chemical structure of which is substantially similar to the
7 chemical structure of a controlled substance in Schedule I or II
8 and:

9 (a) Which has a stimulant, depressant, or hallucinogenic
10 effect on the central nervous system substantially similar to the
11 stimulant, depressant, or hallucinogenic effect on the central
12 nervous system of a controlled substance included in Schedule I
13 or II; or

14 (b) With respect to a particular individual, which that
15 individual represents or intends to have a stimulant, depressant,
16 or hallucinogenic effect on the central nervous system
17 substantially similar to the stimulant, depressant, or
18 hallucinogenic effect on the central nervous system of a
19 controlled substance included in Schedule I or II. The term does
20 not include a controlled substance; any substance for which there
21 is an approved new drug application; any substance for which an
22 exemption is in effect for investigational use, for a particular
23 person, under Section 505 of the federal Food, Drug and Cosmetic
24 Act (21 U.S.C. 355) to the extent conduct with respect to the
25 substance is pursuant to the exemption; or any substance to the
26 extent not intended for human consumption before such an
27 exemption takes effect with respect to the substance;

28 (7) "Counterfeit substance", a controlled substance which,

1 or the container or labeling of which, without authorization,
2 bears the trademark, trade name, or other identifying mark,
3 imprint, number or device, or any likeness thereof, of a
4 manufacturer, distributor, or dispenser other than the person who
5 in fact manufactured, distributed, or dispensed the substance;

6 (8) "Deliver" or "delivery", the actual, constructive, or
7 attempted transfer from one person to another of drug
8 paraphernalia or of a controlled substance, or an imitation
9 controlled substance, whether or not there is an agency
10 relationship, and includes a sale;

11 (9) "Dentist", a person authorized by law to practice
12 dentistry in this state;

13 (10) "Depressant or stimulant substance":

14 (a) A drug containing any quantity of barbituric acid or
15 any of the salts of barbituric acid or any derivative of
16 barbituric acid which has been designated by the United States
17 Secretary of Health and Human Services as habit forming under 21
18 U.S.C. 352(d);

19 (b) A drug containing any quantity of:

20 a. Amphetamine or any of its isomers;

21 b. Any salt of amphetamine or any salt of an isomer of
22 amphetamine; or

23 c. Any substance the United States Attorney General, after
24 investigation, has found to be, and by regulation designated as,
25 habit forming because of its stimulant effect on the central
26 nervous system;

27 (c) Lysergic acid diethylamide; or

28 (d) Any drug containing any quantity of a substance that

1 the United States Attorney General, after investigation, has
2 found to have, and by regulation designated as having, a
3 potential for abuse because of its depressant or stimulant effect
4 on the central nervous system or its hallucinogenic effect;

5 (11) "Dispense", to deliver a narcotic or controlled
6 dangerous drug to an ultimate user or research subject by or
7 pursuant to the lawful order of a practitioner including the
8 prescribing, administering, packaging, labeling, or compounding
9 necessary to prepare the substance for such delivery.

10 "Dispenser" means a practitioner who dispenses;

11 (12) "Distribute", to deliver other than by administering
12 or dispensing a controlled substance;

13 (13) "Distributor", a person who distributes;

14 (14) "Drug":

15 (a) Substances recognized as drugs in the official United
16 States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the
17 United States, or Official National Formulary, or any supplement
18 to any of them;

19 (b) Substances intended for use in the diagnosis, cure,
20 mitigation, treatment or prevention of disease in humans or
21 animals;

22 (c) Substances, other than food, intended to affect the
23 structure or any function of the body of humans or animals; and

24 (d) Substances intended for use as a component of any
25 article specified in this subdivision. It does not include
26 devices or their components, parts or accessories;

27 (15) "Drug-dependent person", a person who is using a
28 controlled substance and who is in a state of psychic or physical

1 dependence, or both, arising from the use of such substance on a
2 continuous basis. Drug dependence is characterized by behavioral
3 and other responses which include a strong compulsion to take the
4 substance on a continuous basis in order to experience its
5 psychic effects or to avoid the discomfort caused by its absence;

6 (16) "Drug enforcement agency", the Drug Enforcement
7 Administration in the United States Department of Justice, or its
8 successor agency;

9 (17) "Drug paraphernalia", all equipment, products,
10 substances and materials of any kind which are used, intended for
11 use, or designed for use, in planting, propagating, cultivating,
12 growing, harvesting, manufacturing, compounding, converting,
13 producing, processing, preparing, storing, containing,
14 concealing, injecting, ingesting, inhaling, or otherwise
15 introducing into the human body a controlled substance or an
16 imitation controlled substance in violation of [sections 195.005
17 to 195.425] this chapter. It includes, but is not limited to:

18 (a) Kits used, intended for use, or designed for use in
19 planting, propagating, cultivating, growing or harvesting of any
20 species of plant which is a controlled substance or from which a
21 controlled substance can be derived;

22 (b) Kits used, intended for use, or designed for use in
23 manufacturing, compounding, converting, producing, processing, or
24 preparing controlled substances or imitation controlled
25 substances;

26 (c) Isomerization devices used, intended for use, or
27 designed for use in increasing the potency of any species of
28 plant which is a controlled substance or an imitation controlled

1 substance;

2 (d) Testing equipment used, intended for use, or designed
3 for use in identifying, or in analyzing the strength,
4 effectiveness or purity of controlled substances or imitation
5 controlled substances;

6 (e) Scales and balances used, intended for use, or designed
7 for use in weighing or measuring controlled substances or
8 imitation controlled substances;

9 (f) Dilutents and adulterants, such as quinine
10 hydrochloride, mannitol, mannite, dextrose and lactose, used,
11 intended for use, or designed for use in cutting controlled
12 substances or imitation controlled substances;

13 (g) Separation gins and sifters used, intended for use, or
14 designed for use in removing twigs and seeds from, or in
15 otherwise cleaning or refining, marijuana;

16 (h) Blenders, bowls, containers, spoons and mixing devices
17 used, intended for use, or designed for use in compounding
18 controlled substances or imitation controlled substances;

19 (i) Capsules, balloons, envelopes and other containers
20 used, intended for use, or designed for use in packaging small
21 quantities of controlled substances or imitation controlled
22 substances;

23 (j) Containers and other objects used, intended for use, or
24 designed for use in storing or concealing controlled substances
25 or imitation controlled substances;

26 (k) Hypodermic syringes, needles and other objects used,
27 intended for use, or designed for use in parenterally injecting
28 controlled substances or imitation controlled substances into the

1 human body;

2 (l) Objects used, intended for use, or designed for use in
3 ingesting, inhaling, or otherwise introducing marijuana, cocaine,
4 hashish, or hashish oil into the human body, such as:

5 a. Metal, wooden, acrylic, glass, stone, plastic, or
6 ceramic pipes with or without screens, permanent screens, hashish
7 heads, or punctured metal bowls;

8 b. Water pipes;

9 c. Carburetion tubes and devices;

10 d. Smoking and carburetion masks;

11 e. Roach clips meaning objects used to hold burning
12 material, such as a marijuana cigarette, that has become too
13 small or too short to be held in the hand;

14 f. Miniature cocaine spoons and cocaine vials;

15 g. Chamber pipes;

16 h. Carburetor pipes;

17 i. Electric pipes;

18 j. Air-driven pipes;

19 k. Chillums;

20 l. Bonges;

21 m. Ice pipes or chillers;

22 (m) Substances used, intended for use, or designed for use
23 in the manufacture of a controlled substance;

24
25 In determining whether an object, product, substance or material
26 is drug paraphernalia, a court or other authority should
27 consider, in addition to all other logically relevant factors,
28 the following:

1 (a) Statements by an owner or by anyone in control of the
2 object concerning its use;

3 (b) Prior convictions, if any, of an owner, or of anyone in
4 control of the object, under any state or federal law relating to
5 any controlled substance or imitation controlled substance;

6 (c) The proximity of the object, in time and space, to a
7 direct violation of [sections 195.005 to 195.425] this chapter;

8 (d) The proximity of the object to controlled substances or
9 imitation controlled substances;

10 (e) The existence of any residue of controlled substances
11 or imitation controlled substances on the object;

12 (f) Direct or circumstantial evidence of the intent of an
13 owner, or of anyone in control of the object, to deliver it to
14 persons who he or she knows, or should reasonably know, intend to
15 use the object to facilitate a violation of [sections 195.005 to
16 195.425] this chapter; the innocence of an owner, or of anyone in
17 control of the object, as to direct violation of [sections
18 195.005 to 195.425] this chapter shall not prevent a finding that
19 the object is intended for use, or designed for use as drug
20 paraphernalia;

21 (g) Instructions, oral or written, provided with the object
22 concerning its use;

23 (h) Descriptive materials accompanying the object which
24 explain or depict its use;

25 (i) National or local advertising concerning its use;

26 (j) The manner in which the object is displayed for sale;

27 (k) Whether the owner, or anyone in control of the object,
28 is a legitimate supplier of like or related items to the

1 community, such as a licensed distributor or dealer of tobacco
2 products;

3 (l) Direct or circumstantial evidence of the ratio of sales
4 of the object to the total sales of the business enterprise;

5 (m) The existence and scope of legitimate uses for the
6 object in the community;

7 (n) Expert testimony concerning its use;

8 (o) The quantity, form or packaging of the product,
9 substance or material in relation to the quantity, form or
10 packaging associated with any legitimate use for the product,
11 substance or material;

12 (18) "Federal narcotic laws", the laws of the United States
13 relating to controlled substances;

14 (19) "Hospital", a place devoted primarily to the
15 maintenance and operation of facilities for the diagnosis,
16 treatment or care, for not less than twenty-four hours in any
17 week, of three or more nonrelated individuals suffering from
18 illness, disease, injury, deformity or other abnormal physical
19 conditions; or a place devoted primarily to provide, for not less
20 than twenty-four consecutive hours in any week, medical or
21 nursing care for three or more nonrelated individuals. The term
22 "hospital" does not include convalescent, nursing, shelter or
23 boarding homes as defined in chapter 198;

24 (20) "Immediate precursor", a substance which:

25 (a) The state department of health and senior services has
26 found to be and by rule designates as being the principal
27 compound commonly used or produced primarily for use in the
28 manufacture of a controlled substance;

1 (b) Is an immediate chemical intermediary used or likely to
2 be used in the manufacture of a controlled substance; and

3 (c) The control of which is necessary to prevent, curtail
4 or limit the manufacture of the controlled substance;

5 (21) "Imitation controlled substance", a substance that is
6 not a controlled substance, which by dosage unit appearance
7 (including color, shape, size and markings), or by
8 representations made, would lead a reasonable person to believe
9 that the substance is a controlled substance. In determining
10 whether the substance is an imitation controlled substance the
11 court or authority concerned should consider, in addition to all
12 other logically relevant factors, the following:

13 (a) Whether the substance was approved by the federal Food
14 and Drug Administration for over-the-counter (nonprescription or
15 nonlegend) sales and was sold in the federal Food and Drug
16 Administration approved package, with the federal Food and Drug
17 Administration approved labeling information;

18 (b) Statements made by an owner or by anyone else in
19 control of the substance concerning the nature of the substance,
20 or its use or effect;

21 (c) Whether the substance is packaged in a manner normally
22 used for illicit controlled substances;

23 (d) Prior convictions, if any, of an owner, or anyone in
24 control of the object, under state or federal law related to
25 controlled substances or fraud;

26 (e) The proximity of the substances to controlled
27 substances;

28 (f) Whether the consideration tendered in exchange for the

1 noncontrolled substance substantially exceeds the reasonable
2 value of the substance considering the actual chemical
3 composition of the substance and, where applicable, the price at
4 which over-the-counter substances of like chemical composition
5 sell. An imitation controlled substance does not include a
6 placebo or registered investigational drug either of which was
7 manufactured, distributed, possessed or delivered in the ordinary
8 course of professional practice or research;

9 (22) "Laboratory", a laboratory approved by the department
10 of health and senior services as proper to be entrusted with the
11 custody of controlled substances but does not include a
12 pharmacist who compounds controlled substances to be sold or
13 dispensed on prescriptions;

14 (23) "Manufacture", the production, preparation,
15 propagation, compounding or processing of drug paraphernalia or
16 of a controlled substance, or an imitation controlled substance,
17 either directly or by extraction from substances of natural
18 origin, or independently by means of chemical synthesis, or by a
19 combination of extraction and chemical synthesis, and includes
20 any packaging or repackaging of the substance or labeling or
21 relabeling of its container. This term does not include the
22 preparation or compounding of a controlled substance or an
23 imitation controlled substance or the preparation, compounding,
24 packaging or labeling of a narcotic or dangerous drug:

25 (a) By a practitioner as an incident to his or her
26 administering or dispensing of a controlled substance or an
27 imitation controlled substance in the course of his or her
28 professional practice, or

1 (b) By a practitioner or his or her authorized agent under
2 his or her supervision, for the purpose of, or as an incident to,
3 research, teaching or chemical analysis and not for sale;

4 (24) "Marijuana", all parts of the plant genus Cannabis in
5 any species or form thereof, including, but not limited to
6 Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis
7 Ruderalis, and Cannabis Gigantea, whether growing or not, the
8 seeds thereof, the resin extracted from any part of the plant;
9 and every compound, manufacture, salt, derivative, mixture, or
10 preparation of the plant, its seeds or resin. It does not
11 include the mature stalks of the plant, fiber produced from the
12 stalks, oil or cake made from the seeds of the plant, any other
13 compound, manufacture, salt, derivative, mixture or preparation
14 of the mature stalks (except the resin extracted therefrom),
15 fiber, oil or cake, or the sterilized seed of the plant which is
16 incapable of germination;

17 (25) "Methamphetamine precursor drug", any drug containing
18 ephedrine, pseudoephedrine, phenylpropanolamine, or any of their
19 salts, optical isomers, or salts of optical isomers;

20 (26) "Narcotic drug", any of the following, whether
21 produced directly or indirectly by extraction from substances of
22 vegetable origin, or independently by means of chemical
23 synthesis, or by a combination of extraction and chemical
24 analysis:

25 (a) Opium, opiate, and any derivative, of opium or opiate,
26 including their isomers, esters, ethers, salts, and salts of
27 isomers, esters, and ethers, whenever the existence of the
28 isomers, esters, ethers, and salts is possible within the

1 specific chemical designation. The term does not include the
2 isoquinoline alkaloids of opium;

3 (b) Coca leaves, but not including extracts of coca leaves
4 from which cocaine, ecgonine, and derivatives of ecgonine or
5 their salts have been removed;

6 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

7 (d) Ecgonine, or any derivative, salt, isomer, or salt of
8 isomer thereof;

9 (e) Any compound, mixture, or preparation containing any
10 quantity of any substance referred to in paragraphs (a) to (d) of
11 this subdivision;

12 (27) "Official written order", an order written on a form
13 provided for that purpose by the United States Commissioner of
14 Narcotics, under any laws of the United States making provision
15 therefor, if such order forms are authorized and required by
16 federal law, and if no such order form is provided, then on an
17 official form provided for that purpose by the department of
18 health and senior services;

19 (28) "Opiate", any substance having an addiction-forming or
20 addiction-sustaining liability similar to morphine or being
21 capable of conversion into a drug having addiction-forming or
22 addiction-sustaining liability. The term includes its racemic
23 and levorotatory forms. It does not include, unless specifically
24 controlled under section 195.017, the dextrorotatory isomer of
25 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

26 (29) "Opium poppy", the plant of the species *Papaver*
27 *somniferum* L., except its seeds;

28 (30) "Over-the-counter sale", a retail sale licensed

1 pursuant to chapter 144 of a drug other than a controlled
2 substance;

3 (31) "Person", an individual, corporation, government or
4 governmental subdivision or agency, business trust, estate,
5 trust, partnership, joint venture, association, or any other
6 legal or commercial entity;

7 (32) "Pharmacist", a licensed pharmacist as defined by the
8 laws of this state, and where the context so requires, the owner
9 of a store or other place of business where controlled substances
10 are compounded or dispensed by a licensed pharmacist; but nothing
11 in [sections 195.005 to 195.425] this chapter shall be construed
12 as conferring on a person who is not registered nor licensed as a
13 pharmacist any authority, right or privilege that is not granted
14 to him by the pharmacy laws of this state;

15 (33) "Poppy straw", all parts, except the seeds, of the
16 opium poppy, after mowing;

17 (34) "Possessed" or "possessing a controlled substance", a
18 person, with the knowledge of the presence and nature of a
19 substance, has actual or constructive possession of the
20 substance. A person has actual possession if he has the
21 substance on his or her person or within easy reach and
22 convenient control. A person who, although not in actual
23 possession, has the power and the intention at a given time to
24 exercise dominion or control over the substance either directly
25 or through another person or persons is in constructive
26 possession of it. Possession may also be sole or joint. If one
27 person alone has possession of a substance possession is sole.
28 If two or more persons share possession of a substance,

1 possession is joint;

2 (35) "Practitioner", a physician, dentist, optometrist,
3 podiatrist, veterinarian, scientific investigator, pharmacy,
4 hospital or other person licensed, registered or otherwise
5 permitted by this state to distribute, dispense, conduct research
6 with respect to or administer or to use in teaching or chemical
7 analysis, a controlled substance in the course of professional
8 practice or research in this state, or a pharmacy, hospital or
9 other institution licensed, registered, or otherwise permitted to
10 distribute, dispense, conduct research with respect to or
11 administer a controlled substance in the course of professional
12 practice or research;

13 (36) "Production", includes the manufacture, planting,
14 cultivation, growing, or harvesting of drug paraphernalia or of a
15 controlled substance or an imitation controlled substance;

16 (37) "Registry number", the number assigned to each person
17 registered under the federal controlled substances laws;

18 (38) "Sale", includes barter, exchange, or gift, or offer
19 therefor, and each such transaction made by any person, whether
20 as principal, proprietor, agent, servant or employee;

21 (39) "State" when applied to a part of the United States,
22 includes any state, district, commonwealth, territory, insular
23 possession thereof, and any area subject to the legal authority
24 of the United States of America;

25 (40) "Synthetic cannabinoid"[,] includes unless
26 specifically excepted or unless listed in another schedule, any
27 natural or synthetic material, compound, mixture, or preparation
28 that contains any quantity of a substance that is a cannabinoid

1 receptor agonist, including but not limited to any substance
2 listed in paragraph (11) of subdivision (4) of subsection 2 of
3 section 195.017 and any analogues[,]; homologues; isomers,
4 whether optical, positional, or geometric; esters; ethers; salts;
5 and salts of isomers, esters, and ethers, whenever the existence
6 of the isomers, esters, ethers, or salts is possible within the
7 specific chemical designation, however, it shall not include any
8 approved pharmaceutical authorized by the United States Food and
9 Drug Administration;

10 (41) "Ultimate user", a person who lawfully possesses a
11 controlled substance or an imitation controlled substance for his
12 or her own use or for the use of a member of his or her household
13 or for administering to an animal owned by him or by a member of
14 his or her household;

15 (42) "Wholesaler", a person who supplies drug paraphernalia
16 or controlled substances or imitation controlled substances that
17 he himself has not produced or prepared, on official written
18 orders, but not on prescriptions.

19 195.015. 1. The department of health and senior services
20 shall administer [sections 195.005 to 195.425] this chapter and
21 may add substances to the schedules after public notice and
22 hearing. In making a determination regarding a substance, the
23 department of health and senior services shall consider the
24 following:

25 (1) The actual or relative potential for abuse;

26 (2) The scientific evidence of its pharmacological effect,
27 if known;

28 (3) The state of current scientific knowledge regarding the

1 substance;

2 (4) The history and current pattern of abuse;

3 (5) The scope, duration, and significance of abuse;

4 (6) The risk to the public health;

5 (7) The potential of the substance to produce psychic or
6 physiological dependence liability; and

7 (8) Whether the substance is an immediate precursor of a
8 substance already controlled under [sections 195.005 to 195.425]
9 this chapter.

10 2. After considering the factors enumerated in subsection 1
11 of this section the department of health and senior services
12 shall make findings with respect thereto and issue a rule
13 controlling the substance if it finds the substance has a
14 potential for abuse.

15 3. If the department of health and senior services
16 designates a substance as an immediate precursor, substances
17 which are precursors of the controlled precursor shall not be
18 subject to control solely because they are precursors of the
19 controlled precursor.

20 4. If any substance is designated, rescheduled, or deleted
21 as a controlled substance under federal law and notice thereof is
22 given to the department of health and senior services, the
23 department of health and senior services shall similarly control
24 the substance under [sections 195.005 to 195.425] this chapter
25 after the expiration of thirty days from publication in the
26 federal register of a final order designating a substance as a
27 controlled substance or rescheduling or deleting a substance,
28 unless within that thirty-day period, the department of health

1 and senior services objects to inclusion, rescheduling, or
2 deletion. In that case, the department of health and senior
3 services shall publish the reasons for objection and afford all
4 interested parties an opportunity to be heard. At the conclusion
5 of the hearing, the department of health and senior services
6 shall publish its decision, which shall be final unless altered
7 by statute. Upon publication of objection to inclusion,
8 rescheduling or deletion under [sections 195.005 to 195.425] this
9 chapter by the department of health and senior services, control
10 under [sections 195.005 to 195.425] this chapter is stayed as to
11 the substance in question until the department of health and
12 senior services publishes its decision.

13 5. The department of health and senior services shall
14 exclude any nonnarcotic substance from a schedule if such
15 substance may, under the federal Food, Drug, and Cosmetic Act and
16 the law of this state, be lawfully sold over the counter without
17 a prescription.

18 6. The department of health and senior services shall
19 prepare a list of all drugs falling within the purview of
20 controlled substances. Upon preparation, a copy of the list
21 shall be filed in the office of the secretary of state.

22 195.016. The controlled substances listed or to be listed
23 in the schedules in [sections 195.005 to 195.425] section 195.017
24 are included by whatever official, common, usual, chemical, or
25 trade name designated.

26 195.017. 1. The department of health and senior services
27 shall place a substance in Schedule I if it finds that the
28 substance:

- 1 (1) Has high potential for abuse; and
2 (2) Has no accepted medical use in treatment in the United
3 States or lacks accepted safety for use in treatment under
4 medical supervision.

5 2. Schedule I:

6 (1) The controlled substances listed in this subsection are
7 included in Schedule I;

8 (2) Any of the following opiates, including their isomers,
9 esters, ethers, salts, and salts of isomers, esters, and ethers,
10 unless specifically excepted, whenever the existence of these
11 isomers, esters, ethers and salts is possible within the specific
12 chemical designation:

- 13 (a) Acetyl-alpha-methylfentanyl;
14 (b) Acetylmethadol;
15 (c) Allylprodine;
16 (d) Alphacetylmethadol;
17 (e) Alphameprodine;
18 (f) Alphamethadol;
19 (g) Alpha-methylfentanyl;
20 (h) Alpha-methylthiofentanyl;
21 (i) Benzethidine;
22 (j) Betacetylmethadol;
23 (k) Beta-hydroxyfentanyl;
24 (l) Beta-hydroxy-3-methylfentanyl;
25 (m) Betameprodine;
26 (n) Betamethadol;
27 (o) Betaprodine;
28 (p) Clonitazene;

- 1 (q) Dextromoramide;
- 2 (r) Diampromide;
- 3 (s) Diethylthiambutene;
- 4 (t) Difenoquin;
- 5 (u) Dimenoxadol;
- 6 (v) Dimepheptanol;
- 7 (w) Dimethylthiambutene;
- 8 (x) Dioxaphetyl butyrate;
- 9 (y) Dipipanone;
- 10 (z) Ethylmethylthiambutene;
- 11 (aa) Etonitazene;
- 12 (bb) Etoxadidine;
- 13 (cc) Furethidine;
- 14 (dd) Hydroxypethidine;
- 15 (ee) Ketobemidone;
- 16 (ff) Levomoramide;
- 17 (gg) Levophenacymorphan;
- 18 (hh) 3-Methylfentanyl;
- 19 (ii) 3-Methylthiofentanyl;
- 20 (jj) Morpheridine;
- 21 (kk) MPPP;
- 22 (ll) Noracymethadol;
- 23 (mm) Norlevorphanol;
- 24 (nn) Normethadone;
- 25 (oo) Norpipanone;
- 26 (pp) Para-fluorofentanyl;
- 27 (qq) PEPAP;
- 28 (rr) Phenadoxone;

- 1 (ss) Phenampromide;
- 2 (tt) Phenomorphan;
- 3 (uu) Phenoperidine;
- 4 (vv) Piritramide;
- 5 (ww) Proheptazine;
- 6 (xx) Properidine;
- 7 (yy) Propiram;
- 8 (zz) Racemoramide;
- 9 (aaa) Thiofentanyl;
- 10 (bbb) Tilidine;
- 11 (ccc) Trimeperidine;

12 (3) Any of the following opium derivatives, their salts,
13 isomers and salts of isomers unless specifically excepted,
14 whenever the existence of these salts, isomers and salts of
15 isomers is possible within the specific chemical designation:

- 16 (a) Acetorphine;
- 17 (b) Acetyldihydrocodeine;
- 18 (c) Benzylmorphine;
- 19 (d) Codeine methylbromide;
- 20 (e) Codeine-N-Oxide;
- 21 (f) Cyprenorphine;
- 22 (g) Desomorphine;
- 23 (h) Dihydromorphine;
- 24 (i) Drotebanol;
- 25 (j) Etorphine (except hydrochloride salt);
- 26 (k) Heroin;
- 27 (l) Hydromorphanol;
- 28 (m) Methyldesorphine;

- 1 (n) Methyldihydromorphine;
- 2 (o) Morphine methylbromide;
- 3 (p) Morphine methylsulfonate;
- 4 (q) Morphine-N-Oxide;
- 5 (r) Myrophine;
- 6 (s) Nicocodeine;
- 7 (t) Nicomorphine;
- 8 (u) Normorphine;
- 9 (v) Pholcodine;
- 10 (w) Thebacon;

11 (4) Any material, compound, mixture or preparation which
12 contains any quantity of the following hallucinogenic substances,
13 their salts, isomers and salts of isomers, unless specifically
14 excepted, whenever the existence of these salts, isomers, and
15 salts of isomers is possible within the specific chemical
16 designation:

- 17 (a) 4-bromo-2, 5-dimethoxyamphetamine;
- 18 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 19 (c) 2,5-dimethoxyamphetamine;
- 20 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 21 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 22 (f) 4-methoxyamphetamine;
- 23 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 24 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 25 (i) 3,4-methylenedioxyamphetamine;
- 26 (j) 3,4-methylenedioxymethamphetamine;
- 27 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 28 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;

- 1 (m) 3,4,5-trimethoxyamphetamine;
- 2 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its
3 isomers, salts, and salts of isomers;
- 4 (o) Alpha-ethyltryptamine;
- 5 (p) Alpha-methyltryptamine;
- 6 (q) Bufotenine;
- 7 (r) Diethyltryptamine;
- 8 (s) Dimethyltryptamine;
- 9 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 10 (u) Ibogaine;
- 11 (v) Lysergic acid diethylamide;
- 12 (w) Marijuana or marihuana;
- 13 (x) Mescaline;
- 14 (y) Parahexyl;
- 15 (z) Peyote, to include all parts of the plant presently
16 classified botanically as Lophophora Williamsii Lemaire, whether
17 growing or not; the seeds thereof; any extract from any part of
18 such plant; and every compound, manufacture, salt, derivative,
19 mixture or preparation of the plant, its seed or extracts;
- 20 (aa) N-ethyl-3-piperidyl benzilate;
- 21 (bb) N-methyl-3-piperidyl benzilate;
- 22 (cc) Psilocybin;
- 23 (dd) Psilocyn;
- 24 (ee) Tetrahydrocannabinols naturally contained in a plant
25 of the genus Cannabis (cannabis plant), as well as synthetic
26 equivalents of the substances contained in the cannabis plant, or
27 in the resinous extractives of such plant, or synthetic
28 substances, derivatives, and their isomers with similar chemical

1 structure and pharmacological activity to those substances
2 contained in the plant, such as the following:

3 a. 1 cis or trans tetrahydrocannabinol, and their optical
4 isomers;

5 b. 6 cis or trans tetrahydrocannabinol, and their optical
6 isomers;

7 c. 3,4 cis or trans tetrahydrocannabinol, and their optical
8 isomers;

9 d. Any compounds of these structures, regardless of
10 numerical designation of atomic positions covered;

11 (ff) Ethylamine analog of phencyclidine;

12 (gg) Pyrrolidine analog of phencyclidine;

13 (hh) Thiophene analog of phencyclidine;

14 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;

15 (jj) Salvia divinorum;

16 (kk) Salvinorin A;

17 (ll) Synthetic cannabinoids:

18 a. Any compound structurally derived from
19 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by
20 substitution at the nitrogen atom of the indole ring by alkyl,
21 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
22 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
23 whether or not further substituted in the indole ring to any
24 extent, whether or not substituted in the naphthyl ring to any
25 extent. Including, but not limited to:

26 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;

27 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;

28 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;

- 1 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
- 2 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
- 3 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
- 4 (vii) JWH-098, or
- 5 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
- 6 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
- 7 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
- 8 (x) JWH-200, or
- 9 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
- 10 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
- 11 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
- 12 b. Any compound structurally derived from
- 13 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of
- 14 the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
- 15 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 16 2-(4-morpholinyl)ethyl group, whether or not further substituted
- 17 in the pyrrole ring to any extent, whether or not substituted in
- 18 the naphthyl ring to any extent;
- 19 c. Any compound structurally derived from
- 20 1-(1-naphthylmethyl)indene by substitution at the 3-position of
- 21 the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
- 22 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
- 23 2-(4-morpholinyl)ethyl group, whether or not further substituted
- 24 in the indene ring to any extent, whether or not substituted in
- 25 the naphthyl ring to any extent;
- 26 d. Any compound structurally derived from
- 27 3-phenylacetylindole by substitution at the nitrogen atom of the
- 28 indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl,

1 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
2 2-(4-morpholinyl)ethyl group, whether or not further substituted
3 in the indole ring to any extent, whether or not substituted in
4 the phenyl ring to any extent. Including, but not limited to:

- 5 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- 6 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
- 7 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 8 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- 9 (v) RCS-8, or

10 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

11 e. Any compound structurally derived from
12 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position
13 of the phenolic ring by alkyl, haloalkyl, alkenyl,
14 cycloalkylmethyl, cycloalkylethyl,
15 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
16 whether or not substituted in the cyclohexyl ring to any extent.
17 Including, but not limited to:

18 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-
19 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol), where side
20 chain n=5, and homologues where side chain n=4,6, or 7;

21 f. Any compound containing a 3-(benzoyl)indole structure
22 with substitution at the nitrogen atom of the indole ring by
23 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
24 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
25 whether or not further substituted in the indole ring to any
26 extent and whether or not substituted in the phenyl ring to any
27 extent. Including, but not limited to:

- 28 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

- 1 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;
- 2 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-
- 3 [(2R)-5-phenylpentan-2-yl]oxy-5,6,6a
- 4 ,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 5 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-
- 6 (2-methyloctan-2-yl)-6a,7,10,10 a-tetrahydrobenzo[c]chromen-1-ol;
- 7 i. HU-211, or Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
- 8 dimethyl-3-(2-methyloctan-2-yl
- 9)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 10 j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-
- 11 [(2R)-5-phenylpentan-2-yl]oxy-5,6,6a
- 12 ,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 13 k. Dimethylheptylpyran, or DMHP;
- 14 (5) Any material, compound, mixture or preparation
- 15 containing any quantity of the following substances having a
- 16 depressant effect on the central nervous system, including their
- 17 salts, isomers and salts of isomers whenever the existence of
- 18 these salts, isomers and salts of isomers is possible within the
- 19 specific chemical designation:
- 20 (a) Gamma-hydroxybutyric acid;
- 21 (b) Mecloqualone;
- 22 (c) Methaqualone;
- 23 (6) Any material, compound, mixture or preparation
- 24 containing any quantity of the following substances having a
- 25 stimulant effect on the central nervous system, including their
- 26 salts, isomers and salts of isomers:
- 27 (a) Aminorex;
- 28 (b) N-benzylpiperazine;

- 1 (c) Cathinone;
- 2 (d) Fenethylamine;
- 3 (e) 3-Fluoromethcathinone;
- 4 (f) 4-Fluoromethcathinone;
- 5 (g) Mephedrone, or 4-methylmethcathinone;
- 6 (h) Methcathinone;
- 7 (i) 4-methoxymethcathinone;
- 8 (j) (+, -) cis-4-methylaminorex
9 ((+, -) cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 10 (k) Methylenedioxypropylamphetamine, MDPV, or (1-(1,3-
11 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone;
- 12 (l) Methylenedioxypropylamphetamine;
- 13 (m) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP;
- 14 (n) N-ethylamphetamine;
- 15 (o) N,N-dimethylamphetamine;
- 16 (7) A temporary listing of substances subject to emergency
17 scheduling under federal law shall include any material,
18 compound, mixture or preparation which contains any quantity of
19 the following substances:
- 20 (a) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide
21 (benzylfentanyl), its optical isomers, salts and salts of
22 isomers;
- 23 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide
24 (thienylfentanyl), its optical isomers, salts and salts of
25 isomers;
- 26 (8) Khat, to include all parts of the plant presently
27 classified botanically as *catha edulis*, whether growing or not;
28 the seeds thereof; any extract from any part of such plant; and

1 every compound, manufacture, salt, derivative, mixture, or
2 preparation of the plant, its seed or extracts.

3 3. The department of health and senior services shall place
4 a substance in Schedule II if it finds that:

5 (1) The substance has high potential for abuse;

6 (2) The substance has currently accepted medical use in
7 treatment in the United States, or currently accepted medical use
8 with severe restrictions; and

9 (3) The abuse of the substance may lead to severe psychic
10 or physical dependence.

11 4. The controlled substances listed in this subsection are
12 included in Schedule II:

13 (1) Any of the following substances whether produced
14 directly or indirectly by extraction from substances of vegetable
15 origin, or independently by means of chemical synthesis, or by
16 combination of extraction and chemical synthesis:

17 (a) Opium and opiate and any salt, compound, derivative or
18 preparation of opium or opiate, excluding apomorphine,
19 thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene,
20 naloxone and naltrexone, and their respective salts but including
21 the following:

22 a. Raw opium;

23 b. Opium extracts;

24 c. Opium fluid;

25 d. Powdered opium;

26 e. Granulated opium;

27 f. Tincture of opium;

28 g. Codeine;

- 1 h. Ethylmorphine;
- 2 i. Etorphine hydrochloride;
- 3 j. Hydrocodone;
- 4 k. Hydromorphone;
- 5 l. Metopon;
- 6 m. Morphine;
- 7 n. Oxycodone;
- 8 o. Oxymorphone;
- 9 p. Thebaine;

10 (b) Any salt, compound, derivative, or preparation thereof
11 which is chemically equivalent or identical with any of the
12 substances referred to in this subdivision, but not including the
13 isoquinoline alkaloids of opium;

14 (c) Opium poppy and poppy straw;

15 (d) Coca leaves and any salt, compound, derivative, or
16 preparation of coca leaves, and any salt, compound, derivative,
17 or preparation thereof which is chemically equivalent or
18 identical with any of these substances, but not including
19 decocainized coca leaves or extractions which do not contain
20 cocaine or ecgonine;

21 (e) Concentrate of poppy straw (the crude extract of poppy
22 straw in either liquid, solid or powder form which contains the
23 phenanthrene alkaloids of the opium poppy);

24 (2) Any of the following opiates, including their isomers,
25 esters, ethers, salts, and salts of isomers, whenever the
26 existence of these isomers, esters, ethers and salts is possible
27 within the specific chemical designation, dextrorphan and
28 levopropoxyphene excepted:

- 1 (a) Alfentanil;
- 2 (b) Alphaprodine;
- 3 (c) Anileridine;
- 4 (d) Bezitramide;
- 5 (e) Bulk dextropropoxyphene;
- 6 (f) Carfentanil;
- 7 (g) Dihydrocodeine;
- 8 (h) Diphenoxylate;
- 9 (i) Fentanyl;
- 10 (j) Isomethadone;
- 11 (k) Levo-alphaacetylmethadol;
- 12 (l) Levomethorphan;
- 13 (m) Levorphanol;
- 14 (n) Metazocine;
- 15 (o) Methadone;
- 16 (p) Meperidine;
- 17 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,
18 4-diphenylbutane;
- 19 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1,
20 1-diphenylpropane--carboxylic acid;
- 21 (s) Pethidine (meperidine);
- 22 (t) Pethidine-Intermediate-A,
23 4-cyano-1-methyl-4-phenylpiperidine;
- 24 (u) Pethidine-Intermediate-B,
25 ethyl-4-phenylpiperidine-4-carboxylate;
- 26 (v) Pethidine-Intermediate-C,
27 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 28 (w) Phenazocine;

- 1 (x) Piminodine;
- 2 (y) Racemethorphan;
- 3 (z) Racemorphan;
- 4 (aa) Remifentanil;
- 5 (bb) Sufentanil;
- 6 (cc) Tapentadol;
- 7 (3) Any material, compound, mixture, or preparation which
- 8 contains any quantity of the following substances having a
- 9 stimulant effect on the central nervous system:
- 10 (a) Amphetamine, its salts, optical isomers, and salts of
- 11 its optical isomers;
- 12 (b) Lisdexamfetamine, its salts, isomers, and salts of its
- 13 isomers;
- 14 (c) Methamphetamine, its salts, isomers, and salts of its
- 15 isomers;
- 16 (d) Phenmetrazine and its salts;
- 17 (e) Methylphenidate;
- 18 (4) Any material, compound, mixture, or preparation which
- 19 contains any quantity of the following substances having a
- 20 depressant effect on the central nervous system, including its
- 21 salts, isomers, and salts of isomers whenever the existence of
- 22 those salts, isomers, and salts of isomers is possible within the
- 23 specific chemical designation:
- 24 (a) Amobarbital;
- 25 (b) Glutethimide;
- 26 (c) Pentobarbital;
- 27 (d) Phencyclidine;
- 28 (e) Secobarbital;

1 (5) Any material or compound which contains any quantity of
2 nabilone;

3 (6) Any material, compound, mixture, or preparation which
4 contains any quantity of the following substances:

5 (a) Immediate precursor to amphetamine and methamphetamine:
6 Phenylacetone;

7 (b) Immediate precursors to phencyclidine (PCP):

8 a. 1-phenylcyclohexylamine;

9 b. 1-piperidinocyclohexanecarbonitrile (PCC);

10 (7) Any material, compound, mixture, or preparation which
11 contains any quantity of the following alkyl nitrites:

12 (a) Amyl nitrite;

13 (b) Butyl nitrite.

14 5. The department of health and senior services shall place
15 a substance in Schedule III if it finds that:

16 (1) The substance has a potential for abuse less than the
17 substances listed in Schedules I and II;

18 (2) The substance has currently accepted medical use in
19 treatment in the United States; and

20 (3) Abuse of the substance may lead to moderate or low
21 physical dependence or high psychological dependence.

22 6. The controlled substances listed in this subsection are
23 included in Schedule III:

24 (1) Any material, compound, mixture, or preparation which
25 contains any quantity of the following substances having a
26 potential for abuse associated with a stimulant effect on the
27 central nervous system:

28 (a) Benzphetamine;

- 1 (b) Chlorphentermine;
- 2 (c) Clortermine;
- 3 (d) Phendimetrazine;
- 4 (2) Any material, compound, mixture or preparation which
- 5 contains any quantity or salt of the following substances or
- 6 salts having a depressant effect on the central nervous system:
- 7 (a) Any material, compound, mixture or preparation which
- 8 contains any quantity or salt of the following substances
- 9 combined with one or more active medicinal ingredients:
- 10 a. Amobarbital;
- 11 b. Secobarbital;
- 12 c. Pentobarbital;
- 13 (b) Any suppository dosage form containing any quantity or
- 14 salt of the following:
- 15 a. Amobarbital;
- 16 b. Secobarbital;
- 17 c. Pentobarbital;
- 18 (c) Any substance which contains any quantity of a
- 19 derivative of barbituric acid or its salt;
- 20 (d) Chlorhexadol;
- 21 (e) Embutramide;
- 22 (f) Gamma hydroxybutyric acid and its salts, isomers, and
- 23 salts of isomers contained in a drug product for which an
- 24 application has been approved under Section 505 of the federal
- 25 Food, Drug, and Cosmetic Act;
- 26 (g) Ketamine, its salts, isomers, and salts of isomers;
- 27 (h) Lysergic acid;
- 28 (i) Lysergic acid amide;

- 1 (j) Methyprylon;
- 2 (k) Sulfondiethylmethane;
- 3 (l) Sulfonethylmethane;
- 4 (m) Sulfonmethane;
- 5 (n) Tiletamine and zolazepam or any salt thereof;

6 (3) Nalorphine;

7 (4) Any material, compound, mixture, or preparation
8 containing limited quantities of any of the following narcotic
9 drugs or their salts:

10 (a) Not more than 1.8 grams of codeine per one hundred
11 milliliters or not more than ninety milligrams per dosage unit,
12 with an equal or greater quantity of an isoquinoline alkaloid of
13 opium;

14 (b) Not more than 1.8 grams of codeine per one hundred
15 milliliters or not more than ninety milligrams per dosage unit
16 with one or more active, nonnarcotic ingredients in recognized
17 therapeutic amounts;

18 (c) Not more than three hundred milligrams of hydrocodone
19 per one hundred milliliters or not more than fifteen milligrams
20 per dosage unit, with a fourfold or greater quantity of an
21 isoquinoline alkaloid of opium;

22 (d) Not more than three hundred milligrams of hydrocodone
23 per one hundred milliliters or not more than fifteen milligrams
24 per dosage unit, with one or more active nonnarcotic ingredients
25 in recognized therapeutic amounts;

26 (e) Not more than 1.8 grams of dihydrocodeine per one
27 hundred milliliters or not more than ninety milligrams per dosage
28 unit, with one or more active nonnarcotic ingredients in

1 recognized therapeutic amounts;

2 (f) Not more than three hundred milligrams of ethylmorphine
3 per one hundred milliliters or not more than fifteen milligrams
4 per dosage unit, with one or more active, nonnarcotic ingredients
5 in recognized therapeutic amounts;

6 (g) Not more than five hundred milligrams of opium per one
7 hundred milliliters or per one hundred grams or not more than
8 twenty-five milligrams per dosage unit, with one or more active
9 nonnarcotic ingredients in recognized therapeutic amounts;

10 (h) Not more than fifty milligrams of morphine per one
11 hundred milliliters or per one hundred grams, with one or more
12 active, nonnarcotic ingredients in recognized therapeutic
13 amounts;

14 (5) Any material, compound, mixture, or preparation
15 containing any of the following narcotic drugs or their salts, as
16 set forth in subdivision (6) of this subsection; buprenorphine;

17 (6) Anabolic steroids. Any drug or hormonal substance,
18 chemically and pharmacologically related to testosterone (other
19 than estrogens, progestins, corticosteroids, and
20 dehydroepiandrosterone) that promotes muscle growth, except an
21 anabolic steroid which is expressly intended for administration
22 through implants to cattle or other nonhuman species and which
23 has been approved by the Secretary of Health and Human Services
24 for that administration. If any person prescribes, dispenses, or
25 distributes such steroid for human use, such person shall be
26 considered to have prescribed, dispensed, or distributed an
27 anabolic steroid within the meaning of this subdivision. Unless
28 specifically excepted or unless listed in another schedule, any

1 material, compound, mixture or preparation containing any
2 quantity of the following substances, including its salts, esters
3 and ethers:

- 4 (a) $3\beta,17$ -dihydroxy-5 α -androstane;
- 5 (b) $3\alpha,17\beta$ -dihydroxy-5 α -androstane;
- 6 (c) 5 α -androstan-3,17-dione;
- 7 (d) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-5 α -androst-1-ene);
- 8 (e) 1-androstenediol ($3\alpha,17\beta$ -dihydroxy-5 α -androst-1-ene);
- 9 (f) 4-androstenediol ($3\beta,17\beta$ -dihydroxy-androst-4-ene);
- 10 (g) 5-androstenediol ($3\beta,17\beta$ -dihydroxy-androst-5-ene);
- 11 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- 12 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 13 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 14 (k) Bolasterone (7 α ,
15 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 16 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 17 (m) Boldione;
- 18 (n) Calusterone (7 β ,
19 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 20 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- 21 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-
22 17 α -methyl-androst-1,4-dien-3-one);
- 23 (q) Desoxymethyltestosterone;
- 24 (r) Δ 1-dihydrotestosterone (a.k.a.
25 '1-testosterone') (17 β -hydroxy-5 α -androst-1-en-3-one);
- 26 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 27 (t) Drostanolone
28 (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);

1 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
2 (v) Fluoxymesterone
3 (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
4 (w) Formebolone
5 (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
6 (x) Furazabol
7 (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
8 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
9 (z) 4-hydroxytestosterone
10 (4,17 β -dihydroxy-androst-4-en-3-one);
11 (aa) 4-hydroxy-19-nortestosterone
12 (4,17 β -dihydroxy-estr-4-en-3-one);
13 (bb) Mestanolone
14 (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
15 (cc) Mesterolone
16 (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
17 (dd) Methandienone
18 (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
19 (ee) Methandriol
20 (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
21 (ff) Methenolone
22 (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
23 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
24 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
25 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
26 (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-
27 17 β -hydroxyestr-4-en-3-one);
28 (kk) Methyldienolone

1 (17a-methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
2 (ll) Methyltrienolone
3 (17a-methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
4 (mm) Methyltestosterone
5 (17a-methyl-17 β -hydroxyandrost-4-en-3-one);
6 (nn) Mibolerone
7 (7a,17a-dimethyl-17 β -hydroxyestr-4-en-3-one);
8 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -
9 methyl-5 α -androst-1-en-3-one) (a.k.a.
10 '17- α -methyl-1-testosterone');
11 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
12 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
13 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
14 (ss) 19-nor-4,9(10)-androstadienedione;
15 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
16 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
17 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
18 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
19 (xx) Norbolethone
20 (13 β ,17a-diethyl-17 β -hydroxygon-4-en-3-one);
21 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
22 (zz) Norethandrolone
23 (17a-ethyl-17 β -hydroxyestr-4-en-3-one);
24 (aaa) Normethandrolone
25 (17a-methyl-17 β -hydroxyestr-4-en-3-one);
26 (bbb) Oxandrolone
27 (17a-methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
28 (ccc) Oxymesterone

1 (17a-methyl-4,17 β -dihydroxyandrost-4-en-3-one);
2 (ddd) Oxymethalone (17a-methyl-2-hydroxymethylene-17 β -
3 hydroxy-[5a]-androstan-3-one);
4 (eee) Stanozolol
5 (17a-methyl-17 β -hydroxy-[5a]-androst-2-eno[3,2-c]-pyrazole);
6 (fff) Stenbolone
7 (17 β -hydroxy-2-methyl-[5a]-androst-1-en-3-one);
8 (ggg) Testolactone
9 (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
10 lactone);
11 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
12 (iii) Tetrahydrogestrinone
13 (13 β ,17a-diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
14 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
15 (kkk) Any salt, ester, or ether of a drug or substance
16 described or listed in this subdivision, except an anabolic
17 steroid which is expressly intended for administration through
18 implants to cattle or other nonhuman species and which has been
19 approved by the Secretary of Health and Human Services for that
20 administration;
21 (7) Dronabinol (synthetic) in sesame oil and encapsulated
22 in a soft gelatin capsule in a United States Food and Drug
23 Administration approved drug product;
24 (8) The department of health and senior services may except
25 by rule any compound, mixture, or preparation containing any
26 stimulant or depressant substance listed in subdivisions (1) and
27 (2) of this subsection from the application of all or any part of
28 sections 195.010 to 195.320 if the compound, mixture, or

1 preparation contains one or more active medicinal ingredients not
2 having a stimulant or depressant effect on the central nervous
3 system, and if the admixtures are included therein in
4 combinations, quantity, proportion, or concentration that vitiate
5 the potential for abuse of the substances which have a stimulant
6 or depressant effect on the central nervous system.

7 7. The department of health and senior services shall place
8 a substance in Schedule IV if it finds that:

9 (1) The substance has a low potential for abuse relative to
10 substances in Schedule III;

11 (2) The substance has currently accepted medical use in
12 treatment in the United States; and

13 (3) Abuse of the substance may lead to limited physical
14 dependence or psychological dependence relative to the substances
15 in Schedule III.

16 8. The controlled substances listed in this subsection are
17 included in Schedule IV:

18 (1) Any material, compound, mixture, or preparation
19 containing any of the following narcotic drugs or their salts
20 calculated as the free anhydrous base or alkaloid, in limited
21 quantities as set forth below:

22 (a) Not more than one milligram of difenoxin and not less
23 than twenty-five micrograms of atropine sulfate per dosage unit;

24 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,
25 2-diphenyl-3-methyl-2- propionoxybutane);

26 (c) Any of the following limited quantities of narcotic
27 drugs or their salts, which shall include one or more nonnarcotic
28 active medicinal ingredients in sufficient proportion to confer

1 upon the compound, mixture or preparation valuable medicinal
2 qualities other than those possessed by the narcotic drug alone:

3 a. Not more than two hundred milligrams of codeine per one
4 hundred milliliters or per one hundred grams;

5 b. Not more than one hundred milligrams of dihydrocodeine
6 per one hundred milliliters or per one hundred grams;

7 c. Not more than one hundred milligrams of ethylmorphine
8 per one hundred milliliters or per one hundred grams;

9 (2) Any material, compound, mixture or preparation
10 containing any quantity of the following substances, including
11 their salts, isomers, and salts of isomers whenever the existence
12 of those salts, isomers, and salts of isomers is possible within
13 the specific chemical designation:

- 14 (a) Alprazolam;
- 15 (b) Barbitol;
- 16 (c) Bromazepam;
- 17 (d) Camazepam;
- 18 (e) Chloral betaine;
- 19 (f) Chloral hydrate;
- 20 (g) Chlordiazepoxide;
- 21 (h) Clobazam;
- 22 (i) Clonazepam;
- 23 (j) Clorazepate;
- 24 (k) Clotiazepam;
- 25 (l) Cloxazolam;
- 26 (m) Delorazepam;
- 27 (n) Diazepam;
- 28 (o) Dichloralphenazone;

- 1 (p) Estazolam;
- 2 (q) Ethchlorvynol;
- 3 (r) Ethinamate;
- 4 (s) Ethyl loflazepate;
- 5 (t) Fludiazepam;
- 6 (u) Flunitrazepam;
- 7 (v) Flurazepam;
- 8 (w) Fospropofol;
- 9 (x) Halazepam;
- 10 (y) Haloxazolam;
- 11 (z) Ketazolam;
- 12 (aa) Loprazolam;
- 13 (bb) Lorazepam;
- 14 (cc) Lormetazepam;
- 15 (dd) Mebutamate;
- 16 (ee) Medazepam;
- 17 (ff) Meprobamate;
- 18 (gg) Methohexital;
- 19 (hh) Methylphenobarbital (mephobarbital);
- 20 (ii) Midazolam;
- 21 (jj) Nimetazepam;
- 22 (kk) Nitrazepam;
- 23 (ll) Nordiazepam;
- 24 (mm) Oxazepam;
- 25 (nn) Oxazolam;
- 26 (oo) Paraldehyde;
- 27 (pp) Petrichloral;
- 28 (qq) Phenobarbital;

- 1 (rr) Pinazepam;
- 2 (ss) Prazepam;
- 3 (tt) Quazepam;
- 4 (uu) Temazepam;
- 5 (vv) Tetrazepam;
- 6 (ww) Triazolam;
- 7 (xx) Zaleplon;
- 8 (yy) Zolpidem;
- 9 (zz) Zopiclone;

10 (3) Any material, compound, mixture, or preparation which
11 contains any quantity of the following substance including its
12 salts, isomers and salts of isomers whenever the existence of
13 such salts, isomers and salts of isomers is possible:
14 fenfluramine;

15 (4) Any material, compound, mixture or preparation
16 containing any quantity of the following substances having a
17 stimulant effect on the central nervous system, including their
18 salts, isomers and salts of isomers:

- 19 (a) Cathine ((+)-norpseudoephedrine);
- 20 (b) Diethylpropion;
- 21 (c) Fencamfamin;
- 22 (d) Fenproporex;
- 23 (e) Mazindol;
- 24 (f) Mefenorex;
- 25 (g) Modafinil;
- 26 (h) Pemoline, including organometallic complexes and
27 chelates thereof;
- 28 (i) Phentermine;

1 (j) Pipradrol;
2 (k) Sibutramine;
3 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
4 (5) Any material, compound, mixture or preparation
5 containing any quantity of the following substance, including its
6 salts:

7 (a) butorphanol;

8 (b) pentazocine;

9 (6) Ephedrine, its salts, optical isomers and salts of
10 optical isomers, when the substance is the only active medicinal
11 ingredient;

12 (7) The department of health and senior services may except
13 by rule any compound, mixture, or preparation containing any
14 depressant substance listed in subdivision (1) of this subsection
15 from the application of all or any part of sections 195.010 to
16 195.320 if the compound, mixture, or preparation contains one or
17 more active medicinal ingredients not having a depressant effect
18 on the central nervous system, and if the admixtures are included
19 therein in combinations, quantity, proportion, or concentration
20 that vitiate the potential for abuse of the substances which have
21 a depressant effect on the central nervous system.

22 9. The department of health and senior services shall place
23 a substance in Schedule V if it finds that:

24 (1) The substance has low potential for abuse relative to
25 the controlled substances listed in Schedule IV;

26 (2) The substance has currently accepted medical use in
27 treatment in the United States; and

28 (3) The substance has limited physical dependence or

1 psychological dependence liability relative to the controlled
2 substances listed in Schedule IV.

3 10. The controlled substances listed in this subsection are
4 included in Schedule V:

5 (1) Any compound, mixture or preparation containing any of
6 the following narcotic drugs or their salts calculated as the
7 free anhydrous base or alkaloid, in limited quantities as set
8 forth below, which also contains one or more nonnarcotic active
9 medicinal ingredients in sufficient proportion to confer upon the
10 compound, mixture or preparation valuable medicinal qualities
11 other than those possessed by the narcotic drug alone:

12 (a) Not more than two and five-tenths milligrams of
13 diphenoxylate and not less than twenty-five micrograms of
14 atropine sulfate per dosage unit;

15 (b) Not more than one hundred milligrams of opium per one
16 hundred milliliters or per one hundred grams;

17 (c) Not more than five-tenths milligram of difenoxin and
18 not less than twenty-five micrograms of atropine sulfate per
19 dosage unit;

20 (2) Any material, compound, mixture or preparation which
21 contains any quantity of the following substance having a
22 stimulant effect on the central nervous system including its
23 salts, isomers and salts of isomers: pyrovalerone;

24 (3) Any compound, mixture, or preparation containing any
25 detectable quantity of pseudoephedrine or its salts or optical
26 isomers, or salts of optical isomers or any compound, mixture, or
27 preparation containing any detectable quantity of ephedrine or
28 its salts or optical isomers, or salts of optical isomers;

1 (4) Unless specifically exempted or excluded or unless
2 listed in another schedule, any material, compound, mixture, or
3 preparation which contains any quantity of the following
4 substances having a depressant effect on the central nervous
5 system, including its salts:

6 (a) Lacosamide;

7 (b) Pregabalin.

8 11. If any compound, mixture, or preparation as specified
9 in subdivision (3) of subsection 10 of this section is dispensed,
10 sold, or distributed in a pharmacy without a prescription:

11 (1) All packages of any compound, mixture, or preparation
12 containing any detectable quantity of pseudoephedrine, its salts
13 or optical isomers, or salts of optical isomers or ephedrine, its
14 salts or optical isomers, or salts of optical isomers, shall be
15 offered for sale only from behind a pharmacy counter where the
16 public is not permitted, and only by a registered pharmacist or
17 registered pharmacy technician; and

18 (2) Any person purchasing, receiving or otherwise acquiring
19 any compound, mixture, or preparation containing any detectable
20 quantity of pseudoephedrine, its salts or optical isomers, or
21 salts of optical isomers or ephedrine, its salts or optical
22 isomers, or salts of optical isomers shall be at least eighteen
23 years [of age] old; and

24 (3) The pharmacist, intern pharmacist, or registered
25 pharmacy technician shall require any person, prior to their
26 purchasing, receiving or otherwise acquiring such compound,
27 mixture, or preparation to furnish suitable photo identification
28 that is issued by a state or the federal government or a document

1 that, with respect to identification, is considered acceptable
2 and showing the date of birth of the person;

3 (4) The seller shall deliver the product directly into the
4 custody of the purchaser.

5 12. Pharmacists, intern pharmacists, and registered
6 pharmacy technicians shall implement and maintain an electronic
7 log of each transaction. Such log shall include the following
8 information:

9 (1) The name, address, and signature of the purchaser;

10 (2) The amount of the compound, mixture, or preparation
11 purchased;

12 (3) The date and time of each purchase; and

13 (4) The name or initials of the pharmacist, intern
14 pharmacist, or registered pharmacy technician who dispensed the
15 compound, mixture, or preparation to the purchaser.

16 13. Each pharmacy shall submit information regarding sales
17 of any compound, mixture, or preparation as specified in
18 subdivision (3) of subsection 10 of this section in accordance
19 with transmission methods and frequency established by the
20 department by regulation;

21 14. No person shall dispense, sell, purchase, receive, or
22 otherwise acquire quantities greater than those specified in this
23 chapter.

24 15. All persons who dispense or offer for sale
25 pseudoephedrine and ephedrine products in a pharmacy shall ensure
26 that all such products are located only behind a pharmacy counter
27 where the public is not permitted.

28 16. [Any person who knowingly or recklessly violates] The

1 penalties for a knowing or reckless violation of the provisions
2 of subsections 11 to 15 of this section [is guilty of a class A
3 misdemeanor] are found in section 579.060.

4 17. The scheduling of substances specified in subdivision
5 (3) of subsection 10 of this section and subsections 11, 12, 14,
6 and 15 of this section shall not apply to any compounds,
7 mixtures, or preparations that are in liquid or liquid-filled gel
8 capsule form or to any compound, mixture, or preparation
9 specified in subdivision (3) of subsection 10 of this section
10 which must be dispensed, sold, or distributed in a pharmacy
11 pursuant to a prescription.

12 18. The manufacturer of a drug product or another
13 interested party may apply with the department of health and
14 senior services for an exemption from this section. The
15 department of health and senior services may grant an exemption
16 by rule from this section if the department finds the drug
17 product is not used in the illegal manufacture of methamphetamine
18 or other controlled or dangerous substances. The department of
19 health and senior services shall rely on reports from law
20 enforcement and law enforcement evidentiary laboratories in
21 determining if the proposed product can be used to manufacture
22 illicit controlled substances.

23 19. The department of health and senior services shall
24 revise and republish the schedules annually.

25 20. The department of health and senior services shall
26 promulgate rules under chapter 536 regarding the security and
27 storage of Schedule V controlled substances, as described in
28 subdivision (3) of subsection 10 of this section, for

1 distributors as registered by the department of health and senior
2 services.

3 21. Logs of transactions required to be kept and maintained
4 by this section and section 195.417 shall create a rebuttable
5 presumption that the person whose name appears in the logs is the
6 person whose transactions are recorded in the logs.

7 195.030. 1. The department of health and senior services
8 upon public notice and hearing pursuant to this section and
9 chapter 536 may promulgate rules and charge reasonable fees
10 relating to the registration and control of the manufacture,
11 distribution and dispensing of controlled substances within this
12 state. No rule or portion of a rule promulgated pursuant to the
13 authority of this chapter shall become effective unless it has
14 been promulgated pursuant to the provisions of section 536.024.

15 2. No person shall manufacture, compound, mix, cultivate,
16 grow, or by any other process produce or prepare, distribute,
17 dispense or prescribe any controlled substance and no person as a
18 wholesaler shall supply the same, without having first obtained a
19 registration issued by the department of health and senior
20 services in accordance with rules and regulations promulgated by
21 it. No registration shall be granted for a term exceeding three
22 years.

23 3. Persons registered by the department of health and
24 senior services pursuant to [sections 195.005 to 195.425] this
25 chapter to manufacture, distribute, or dispense or conduct
26 research with controlled substances are authorized to possess,
27 manufacture, distribute or dispense such substances, including
28 any such activity in the conduct of research, to the extent

1 authorized by their registration and in conformity with other
2 provisions of [sections 195.005 to 195.425] this chapter and
3 chapter 579.

4 4. The following persons shall not be required to register
5 and may lawfully possess controlled substances pursuant to
6 [sections 195.005 to 195.425] this chapter:

7 (1) An agent or employee, excluding physicians, dentists,
8 optometrists, podiatrists or veterinarians, of any registered
9 manufacturer, distributor, or dispenser of any controlled
10 substance if such agent is acting in the usual course of his or
11 her business or employment;

12 (2) A common or contract carrier or warehouseman, or an
13 employee thereof, whose possession of any controlled substance is
14 in the usual course of business or employment;

15 (3) An ultimate user or a person in possession of any
16 controlled substance pursuant to a lawful order of a practitioner
17 or in lawful possession of a Schedule V substance.

18 5. The department of health and senior services may, by
19 regulation, waive the requirement for registration of certain
20 manufacturers, distributors, or dispensers if it finds it
21 consistent with the public health and safety.

22 6. A separate registration shall be required at each
23 principal place of business or professional practice where the
24 applicant manufactures, distributes, or dispenses controlled
25 substances.

26 7. The department of health and senior services is
27 authorized to inspect the establishment of a registrant or
28 applicant in accordance with the provisions of [sections 195.005

1 to 195.425] this chapter.

2 195.040. 1. No registration shall be issued under section
3 195.030 unless and until the applicant therefor has furnished
4 proof satisfactory to the department of health and senior
5 services:

6 (1) That the applicant is of good moral character or, if
7 the applicant be an association or corporation, that the managing
8 officers are of good moral character;

9 (2) That the applicant is equipped as to land, buildings,
10 and paraphernalia properly to carry on the business described in
11 his or her application.

12 2. No registration shall be granted to any person who has
13 within two years been finally adjudicated and found guilty, or
14 entered a plea of guilty or nolo contendere, in a criminal
15 prosecution under the laws of any state or of the United States,
16 for any misdemeanor offense or within seven years for any felony
17 offense related to controlled substances. No registration shall
18 be granted to any person who is abusing controlled substances.

19 3. The department of health and senior services shall
20 register an applicant to manufacture, distribute or dispense
21 controlled substances unless it determines that the issuance of
22 that registration would be inconsistent with the public interest.
23 In determining the public interest, the following factors shall
24 be considered:

25 (1) Maintenance of effective controls against diversion of
26 controlled substances into other than legitimate medical,
27 scientific, or industrial channels;

28 (2) Compliance with applicable state and local law;

1 (3) Any convictions of an applicant under any federal or
2 state laws relating to any controlled substance;

3 (4) Past experience in the manufacture or distribution of
4 controlled substances and the existence in the applicant's
5 establishment of effective controls against diversion;

6 (5) Furnishing by the applicant of false or fraudulent
7 material information in any application filed under [sections
8 195.005 to 195.425] this chapter;

9 (6) Suspension or revocation of the applicant's federal
10 registration to manufacture, distribute or dispense narcotics or
11 controlled dangerous drugs as authorized by federal law; and

12 (7) Any other factors relevant to and consistent with the
13 public health and safety.

14 4. Registration does not entitle a registrant to
15 manufacture and distribute controlled substances in Schedule I or
16 II other than those specified in the registration.

17 5. Practitioners shall be registered to dispense any
18 controlled substance or to conduct research with controlled
19 substances in Schedules II through V if they are authorized to
20 dispense or conduct research under the laws of this state. The
21 department of health and senior services need not require
22 separate registration under [sections 195.005 to 195.425] this
23 chapter for practitioners engaging in research with nonnarcotic
24 substances in Schedules II through V where the registrant is
25 already registered under [sections 195.005 to 195.425] this
26 chapter in another capacity. Practitioners registered under
27 federal law to conduct research with Schedule I substances may
28 conduct research with Schedule I substances within this state

1 upon furnishing the department of health and senior services
2 evidence of that federal registration.

3 6. Compliance by manufacturers and distributors with the
4 provisions of federal law respecting registration (excluding
5 fees) shall entitle them to be registered under [sections 195.005
6 to 195.425] this chapter.

7 7. A registration to manufacture, distribute, or dispense a
8 controlled substance may be suspended or revoked by the
9 department of health and senior services upon a finding that the
10 registrant:

11 (1) Has furnished false or fraudulent material information
12 in any application filed under [sections 195.005 to 195.425] this
13 chapter;

14 (2) Has been convicted of a felony under any state or
15 federal law relating to any controlled substance;

16 (3) Has had his or her federal registration to manufacture,
17 distribute or dispense suspended or revoked;

18 (4) Has violated any federal controlled substances statute
19 or regulation, or any provision of [sections 195.005 to 195.425]
20 this chapter or chapter 579 or regulation promulgated [pursuant
21 to sections 195.005 to 195.425] under this chapter; or

22 (5) Has had the registrant's professional license to
23 practice suspended or revoked.

24 8. The department of health and senior services may warn or
25 censure a registrant; limit a registration to particular
26 controlled substances or schedules of controlled substances;
27 limit revocation or suspension of a registration to a particular
28 controlled substance with respect to which grounds for revocation

1 or suspension exist; restrict or limit a registration under such
2 terms and conditions as the department of health and senior
3 services considers appropriate for a period of five years;
4 suspend or revoke a registration for a period not to exceed five
5 years; or deny an application for registration. In any order of
6 revocation, the department of health and senior services may
7 provide that the registrant may not apply for a new registration
8 for a period of time ranging from one to five years following the
9 date of the order of revocation. All stay orders shall toll this
10 time period. Any registration placed under a limitation or
11 restriction by the department of health and senior services shall
12 be termed "under probation".

13 9. If the department of health and senior services suspends
14 or revokes a registration, all controlled substances owned or
15 possessed by the registrant at the time of suspension or the
16 effective date of the revocation order may be placed under seal
17 by such agency and held pending final disposition of the case.
18 No disposition may be made of substances under seal until the
19 time for taking an appeal has elapsed or until all appeals have
20 been concluded, unless a court, upon application therefor, orders
21 the sale of perishable substances and the deposit of the proceeds
22 of the sale with the court. Upon a revocation order becoming
23 final, all controlled substances may be forfeited to the state.

24 10. The department of health and senior services may, upon
25 review, terminate any restriction or limitation previously
26 imposed upon a registration by the department of health and
27 senior services if the registrant has remained in compliance with
28 the imposed restrictions or limitations and local, state and

1 federal laws since the time the restrictions or limitations were
2 imposed.

3 11. The department of health and senior services shall
4 promptly notify the Drug Enforcement Administration, United
5 States Department of Justice, or its successor agency, of all
6 orders suspending or revoking registration and all forfeitures of
7 controlled substances.

8 12. If after first providing the registrant an opportunity
9 for an informal conference, the department of health and senior
10 services proposes to deny, suspend, restrict, limit or revoke a
11 registration or refuse a renewal of registration, the department
12 of health and senior services shall serve upon the applicant or
13 registrant written notice of the proposed action to be taken on
14 the application or registration. The notice shall contain a
15 statement of the type of discipline proposed, the basis therefor,
16 the date such action shall go into effect and a statement that
17 the registrant shall have thirty days to request in writing a
18 hearing before the administrative hearing commission. If no
19 written request for a hearing is received by the department of
20 health and senior services within thirty days of the applicant's
21 or registrant's receipt of the notice, the proposed discipline
22 shall take effect thirty-one days from the date the original
23 notice was received by the applicant or registrant. If the
24 registrant or applicant makes a written request for a hearing,
25 the department of health and senior services shall file a
26 complaint with the administrative hearing commission within sixty
27 days of receipt of the written request for a hearing. The
28 complaint shall comply with the laws and regulations for actions

1 brought before the administrative hearing commission. The
2 department of health and senior services may issue letters of
3 censure or warning and may enter into agreements with a
4 registrant or applicant which restrict or limit a registration
5 without formal notice or hearing.

6 13. The department of health and senior services may
7 suspend any registration simultaneously with the institution of
8 proceedings under subsection 7 of this section if the department
9 of health and senior services finds that there is imminent danger
10 to the public health or safety which warrants this action. The
11 suspension shall continue in effect until the conclusion of the
12 proceedings, including review thereof, unless sooner withdrawn by
13 the department of health and senior services, dissolved by a
14 court of competent jurisdiction or stayed by the administrative
15 hearing commission.

16 195.050. 1. A duly registered manufacturer or wholesaler
17 may sell controlled substances to any of the following persons:

- 18 (1) To a manufacturer, wholesaler, or pharmacy;
- 19 (2) To a physician, dentist, podiatrist or veterinarian;
- 20 (3) To a person in charge of a hospital, but only for use
21 in that hospital;
- 22 (4) To a person in charge of a laboratory, but only for use
23 in that laboratory for scientific and medical purposes.

24 2. A duly registered manufacturer or wholesaler may sell
25 controlled substances to any of the following persons:

- 26 (1) On a special written order accompanied by a certificate
27 of exemption, as required by federal laws, to a person in the
28 employ of the United States government or of any state,

1 territorial, district, county, municipal or insular government,
2 purchasing, receiving, possessing, or dispensing controlled
3 substances by reason of his or her official duties;

4 (2) To a master of a ship or person in charge of any
5 aircraft upon which no physician is regularly employed, for the
6 actual medical needs of persons on board such ship or aircraft,
7 when not in port; provided, such controlled substances shall be
8 sold to the master of such ship or person in charge of such
9 aircraft only in pursuance of a special order form approved by a
10 commissioned medical officer or acting surgeon of the United
11 States Public Health Service;

12 (3) To a person in a foreign country if the provisions of
13 federal laws are complied with. 3. An official written order
14 for any controlled substance listed in Schedules I and II shall
15 be signed in duplicate by the person giving the order or by his
16 or her duly authorized agent. The original shall be presented to
17 the person who sells or dispenses the controlled substance named
18 therein. In event of the acceptance of such order by the person,
19 each party to the transaction shall preserve his or her copy of
20 such order for a period of two years in such a way as to be
21 readily accessible for inspection by any public officer or
22 employee engaged in the enforcement of [sections 195.005 to
23 195.425] this chapter or chapter 579. It shall be deemed a
24 compliance with this subsection if the parties to the transaction
25 have complied with federal laws, respecting the requirements
26 governing the use of order forms.

27 4. Possession of or control of controlled substances
28 obtained as authorized by this section shall be lawful if in the

1 regular course of business, occupation, profession, employment,
2 or duty of the possessor.

3 5. A person in charge of a hospital or of a laboratory, or
4 in the employ of this state or of any other state, or of any
5 political subdivision thereof, and a master or other proper
6 officer of a ship or aircraft, who obtains controlled substances
7 under the provisions of this section or otherwise, shall not
8 administer, nor dispense, nor otherwise use such drugs, within
9 this state, except within the scope of his or her employment or
10 official duty, and then only for scientific or medicinal purposes
11 and subject to the provisions of [sections 195.005 to 195.425]
12 this chapter and chapter 579.

13 6. Every person registered to manufacture, distribute or
14 dispense controlled substances under [sections 195.005 to
15 195.425] this chapter shall keep records and inventories of all
16 such drugs in conformance with the record keeping and inventory
17 requirements of federal law, and in accordance with any
18 additional regulations of the department of health and senior
19 services.

20 7. Manufacturers and wholesalers shall keep records of all
21 narcotic and controlled substances compounded, mixed, cultivated,
22 grown, or by any other process produced or prepared, and of all
23 controlled substances received and disposed of by them, in
24 accordance with this section.

25 8. Apothecaries shall keep records of all controlled
26 substances received and disposed of by them, in accordance with
27 the provisions of this section.

28 9. The form of records shall be prescribed by the

1 department of health and senior services.

2 195.060. 1. Except as provided in subsection 4 of this
3 section, a pharmacist, in good faith, may sell and dispense
4 controlled substances to any person only upon a prescription of a
5 practitioner as authorized by statute, provided that the
6 controlled substances listed in Schedule V may be sold without
7 prescription in accordance with regulations of the department of
8 health and senior services. All written prescriptions shall be
9 signed by the person prescribing the same. All prescriptions
10 shall be dated on the day when issued and bearing the full name
11 and address of the patient for whom, or of the owner of the
12 animal for which, the drug is prescribed, and the full name,
13 address, and the registry number under the federal controlled
14 substances laws of the person prescribing, if he or she is
15 required by those laws to be so registered. If the prescription
16 is for an animal, it shall state the species of the animal for
17 which the drug is prescribed. The person filling the
18 prescription shall either write the date of filling and his or
19 her own signature on the prescription or retain the date of
20 filling and the identity of the dispenser as electronic
21 prescription information. The prescription or electronic
22 prescription information shall be retained on file by the
23 proprietor of the pharmacy in which it is filled for a period of
24 two years, so as to be readily accessible for inspection by any
25 public officer or employee engaged in the enforcement of this
26 law. No prescription for a drug in Schedule I or II shall be
27 filled more than six months after the date prescribed; no
28 prescription for a drug in schedule I or II shall be refilled; no

1 prescription for a drug in Schedule III or IV shall be filled or
2 refilled more than six months after the date of the original
3 prescription or be refilled more than five times unless renewed
4 by the practitioner.

5 2. A pharmacist, in good faith, may sell and dispense
6 controlled substances to any person upon a prescription of a
7 practitioner located in another state, provided that the:

8 (1) Prescription was issued according to and in compliance
9 with the applicable laws of that state and the United States; and

10 (2) Quantity limitations in subsection 2 of section 195.080
11 apply to prescriptions dispensed to patients located in this
12 state.

13 3. The legal owner of any stock of controlled substances in
14 a pharmacy, upon discontinuance of dealing in such drugs, may
15 sell the stock to a manufacturer, wholesaler, or pharmacist, but
16 only on an official written order.

17 4. A pharmacist, in good faith, may sell and dispense any
18 Schedule II drug or drugs to any person in emergency situations
19 as defined by rule of the department of health and senior
20 services upon an oral prescription by an authorized practitioner.

21 5. Except where a bona fide physician-patient-pharmacist
22 relationship exists, prescriptions for narcotics or
23 hallucinogenic drugs shall not be delivered to or for an ultimate
24 user or agent by mail or other common carrier.

25 195.080. 1. Except as otherwise provided in [sections
26 195.005 to 195.425 specifically provided, sections 195.005 to
27 195.425] this chapter and chapter 579, this chapter and chapter
28 579 shall not apply to the following cases: prescribing,

1 administering, dispensing or selling at retail of liniments,
2 ointments, and other preparations that are susceptible of
3 external use only and that contain controlled substances in such
4 combinations of drugs as to prevent the drugs from being readily
5 extracted from such liniments, ointments, or preparations, except
6 that [sections 195.005 to 195.425] this chapter and chapter 579
7 shall apply to all liniments, ointments, and other preparations
8 that contain coca leaves in any quantity or combination.

9 2. The quantity of Schedule II controlled substances
10 prescribed or dispensed at any one time shall be limited to a
11 thirty-day supply. The quantity of Schedule III, IV or V
12 controlled substances prescribed or dispensed at any one time
13 shall be limited to a ninety-day supply and shall be prescribed
14 and dispensed in compliance with the general provisions of
15 [sections 195.005 to 195.425] this chapter and chapter 579. The
16 supply limitations provided in this subsection may be increased
17 up to three months if the physician describes on the prescription
18 form or indicates via telephone, fax, or electronic communication
19 to the pharmacy to be entered on or attached to the prescription
20 form the medical reason for requiring the larger supply. The
21 supply limitations provided in this subsection shall not apply
22 if:

23 (1) The prescription is issued by a practitioner located in
24 another state according to and in compliance with the applicable
25 laws of that state and the United States and dispensed to a
26 patient located in another state; or

27 (2) The prescription is dispensed directly to a member of
28 the United States armed forces serving outside the United States.

1 3. The partial filling of a prescription for a Schedule II
2 substance is permissible as defined by regulation by the
3 department of health and senior services.

4 195.100. 1. It shall be unlawful to distribute any
5 controlled substance in a commercial container unless such
6 container bears a label containing an identifying symbol for such
7 substance in accordance with federal laws.

8 2. It shall be unlawful for any manufacturer of any
9 controlled substance to distribute such substance unless the
10 labeling thereof conforms to the requirements of federal law and
11 contains the identifying symbol required in subsection 1 of this
12 section.

13 3. The label of a controlled substance in Schedule II, III
14 or IV shall, when dispensed to or for a patient, contain a clear,
15 concise warning that it is a criminal offense to transfer such
16 narcotic or dangerous drug to any person other than the patient.

17 4. Whenever a manufacturer sells or dispenses a controlled
18 substance and whenever a wholesaler sells or dispenses a
19 controlled substance in a package prepared by him or her, the
20 manufacturer or wholesaler shall securely affix to each package
21 in which that drug is contained a label showing in legible
22 English the name and address of the vendor and the quantity,
23 kind, and form of controlled substance contained therein. No
24 person except a pharmacist for the purpose of filling a
25 prescription under [sections 195.005 to 195.425] this chapter,
26 shall alter, deface, or remove any label so affixed.

27 5. Whenever a pharmacist or practitioner sells or dispenses
28 any controlled substance on a prescription issued by a physician,

1 physician assistant, dentist, podiatrist, veterinarian, or
2 advanced practice registered nurse, the pharmacist or
3 practitioner shall affix to the container in which such drug is
4 sold or dispensed a label showing his or her own name and address
5 of the pharmacy or practitioner for whom he or she is lawfully
6 acting; the name of the patient or, if the patient is an animal,
7 the name of the owner of the animal and the species of the
8 animal; the name of the physician, physician assistant, dentist,
9 podiatrist, advanced practice registered nurse, or veterinarian
10 by whom the prescription was written; the name of the
11 collaborating physician if the prescription is written by an
12 advanced practice registered nurse or the supervising physician
13 if the prescription is written by a physician assistant, and such
14 directions as may be stated on the prescription. No person shall
15 alter, deface, or remove any label so affixed.

16 195.140. 1. All controlled substances, imitation
17 controlled substances or drug paraphernalia for the
18 administration, use or manufacture of controlled substances or
19 imitation controlled substances and which have come into the
20 custody of a peace officer or officer or agent of the department
21 of health and senior services as provided by sections 195.010 to
22 195.320, the lawful possession of which is not established or the
23 title to which cannot be ascertained after a hearing as
24 prescribed in Rule 34 of Rules of Criminal Procedure for the
25 courts of Missouri or some other appropriate hearing, shall be
26 forfeited, and disposed of as follows:

27 (1) Except as in this section otherwise provided, the court
28 or associate circuit judge having jurisdiction shall order such

1 controlled substances, imitation controlled substances, or drug
2 paraphernalia forfeited and destroyed. A record of the place
3 where said controlled substances, imitation controlled
4 substances, or drug paraphernalia were seized, of the kinds and
5 quantities of controlled substances, imitation controlled
6 substances, or drug paraphernalia so destroyed, and of the time,
7 place and manner of destructions, shall be kept, and a return
8 under oath, reporting the destruction of the controlled
9 substances, imitation controlled substances, or drug
10 paraphernalia shall be made to the court or associate circuit
11 judge;

12 (2) The department of health and senior services shall keep
13 a complete record of all controlled substances, imitation
14 controlled substances, or drug paraphernalia received and
15 disposed of, together with the dates of such receipt and
16 disposal, showing the exact kinds, quantities, and forms of such
17 controlled substances, imitation controlled substances, or drug
18 paraphernalia; the persons from whom received and to whom
19 delivered; and by whose authority they were received, delivered
20 or destroyed; which record shall be open to inspection by all
21 federal or state officers charged with the enforcement of federal
22 and state narcotic or controlled substances laws.

23 2. (1) Everything of value furnished, or intended to be
24 furnished, in exchange for a controlled substance, imitation
25 controlled substance or drug paraphernalia in violation of
26 sections 195.010 to 195.320, all proceeds traceable to such an
27 exchange, and all moneys, negotiable instruments, or securities
28 used, or intended to be used, to facilitate any violation of

1 sections 195.010 to 195.320 shall be forfeited, except that no
2 property shall be forfeited under this subsection to the extent
3 of the interest of an owner by reason of any act or omission
4 established by him to have been committed without his or her
5 knowledge or consent.

6 (2) Any moneys, coin, or currency found in close proximity
7 to forfeitable controlled substances, imitation controlled
8 substances, or drug paraphernalia, or forfeitable records of the
9 importation, manufacture, or distribution of controlled
10 substances, imitation controlled substances or drug paraphernalia
11 are presumed to be forfeitable under this subsection. The burden
12 of proof shall be upon claimants of the property to rebut this
13 presumption.

14 (3) All forfeiture proceedings shall be conducted pursuant
15 to the provisions of sections 513.600 to ~~[513.660]~~ 513.653.

16 195.150. On the conviction of any person of the violation
17 of any provision of ~~[this law]~~ chapter 579, a copy of the
18 judgment and sentence, and of the opinion of the court or
19 associate circuit judge, if any opinion be filed, shall be sent
20 by the clerk of the court, or by the associate circuit judge, to
21 the board or officer, if any, by whom the convicted defendant has
22 been licensed or registered to practice his or her profession or
23 to carry on his or her business. On the conviction of any such
24 person, the court may, in its discretion, suspend or revoke the
25 license or registration of the convicted defendant to practice
26 his or her profession or to carry on his business. On the
27 application of any person whose license or registration has been
28 suspended or revoked, and upon proper showing and for good cause,

1 said board or officer may reinstate such license or registration.

2 195.190. It is hereby made the duty of the department of
3 health and senior services, its officers, agents, inspectors, and
4 representatives, and all peace officers within the state, and all
5 county attorneys, to enforce all provisions of [sections 195.005
6 to 195.425] this chapter and chapter 579, except those
7 specifically delegated, and to cooperate with all agencies
8 charged with the enforcement of the laws of the United States, of
9 this state, and of all other states, relating to narcotic and
10 controlled substances.

11 195.195. The authority to promulgate regulations for the
12 efficient enforcement of [sections 195.005 to 195.425] this
13 chapter is hereby vested in the director of the department of
14 health and senior services subject to the provisions of
15 subsection 1 of section 195.030 and chapter 536. The director of
16 the department of health and senior services is hereby authorized
17 to make regulations promulgated under [sections 195.005 to
18 195.425] this chapter conform with those promulgated under the
19 federal Comprehensive Drug Abuse Prevention and Control Act of
20 1970.

21 195.198. 1. The director of the department of health and
22 senior services shall carry out educational programs designed to
23 prevent and deter misuse and abuse of controlled dangerous
24 substances. In connection with such programs he or she may:

25 (1) Assist the regulated industry and interested groups and
26 organizations in contributing to the reduction of misuse and
27 abuse of controlled substances;

28 (2) Consult with interested groups and organizations to aid

1 them in solving administrative and organizational problems;

2 (3) Assist in the education and training of state and local
3 law enforcement officials in their efforts to control misuse and
4 abuse of controlled substances.

5 2. The director of the department of health and senior
6 services shall encourage research on misuse and abuse of
7 controlled substances. In connection with such research and in
8 furtherance of the enforcement of [sections 195.005 to 195.425]
9 this chapter and chapter 579, he or she may:

10 (1) Establish methods to assess accurately the effects of
11 controlled substances including but not limited to gathering,
12 analyzing, and publishing a report using existing data regarding
13 poisoning episodes, arrests relating to controlled substance
14 violations, crime laboratory determinations, department of health
15 and senior services investigations and audits, information
16 available from the federal Drug Enforcement Administration and
17 Food and Drug Administration, and to identify and characterize
18 substances with potential for abuse;

19 (2) Make studies and undertake programs of research to
20 develop new or improved approaches, techniques, systems,
21 equipment and devices to strengthen the enforcement of [sections
22 195.005 to 195.425] this chapter and chapter 579.

23 3. The director of the department of health and senior
24 services may enter into contracts for educational and research
25 activities.

26 195.375. 1. A judge, upon proper oath or affirmation
27 showing probable cause, may issue warrants for controlled
28 premises for the purpose of conducting administrative inspections

1 authorized by [sections 195.005 to 195.425] this chapter, and
2 seizures of property appropriate to the inspections. For
3 purposes of the issuance of administrative inspection warrants,
4 probable cause exists upon showing a valid public interest in the
5 effective enforcement of [sections 195.005 to 195.425] this
6 chapter sufficient to justify administrative inspection of the
7 area, premises, building or conveyance in the circumstances
8 specified in the application for the warrant.

9 2. A warrant shall issue only upon an affidavit of a peace
10 officer or an employee of the department of health and senior
11 services having knowledge of the facts alleged, sworn to before
12 the judge and establishing the grounds for issuing the warrant.
13 If the judge is satisfied that grounds for the application exist,
14 he or she shall issue a warrant identifying the area, premises,
15 building or conveyance to be inspected, the purpose of the
16 inspection, and if appropriate, the type of property to be
17 inspected, if any. The warrant shall:

18 (1) State the grounds for its issuance and the name of each
19 person whose affidavit has been taken in support thereof;

20 (2) Be directed to a peace officer or to an employee of the
21 department of health and senior services to execute it;

22 (3) Command the person to whom it is directed to inspect
23 the area, premises, building or conveyance identified for the
24 purpose specified and, if appropriate, direct the seizure of the
25 property specified;

26 (4) Identify the item or types of property to be seized, if
27 any;

28 (5) Direct that it be served during normal business hours

1 and designate the judge to whom it shall be returned.

2 3. A warrant issued pursuant to this section shall be
3 executed and returned within ten days of its date unless, upon a
4 showing of a need for additional time, the court orders
5 otherwise. If property is seized pursuant to a warrant, a copy
6 shall be given to the person from whom or from whose premises the
7 property is taken, together with a receipt for the property
8 taken. The return of the warrant shall be made promptly,
9 accompanied by a written inventory of any property taken. The
10 inventory shall be made in the presence of the person executing
11 the warrant and of the person from whose possession or premises
12 the property was taken, if present, or in the presence of at
13 least one credible person other than the person executing the
14 warrant. A copy of the inventory shall be delivered to the
15 person from whom or from whose premises the property was taken
16 and to the applicant for the warrant.

17 4. The judge who has issued a warrant shall attach thereto
18 a copy of the return and all papers returnable in connection
19 therewith and file them with the clerk of the court which issued
20 the warrant. The department of health and senior services may
21 make administrative inspections of controlled premises in
22 accordance with the following provisions:

23 (1) For purposes of this section only, "controlled
24 premises" means:

25 (a) Places where persons registered or exempted from
26 registration requirements under [sections 195.005 to 195.425]
27 this chapter are required to keep records; and

28 (b) Places including factories, warehouses, establishments,

1 and conveyances in which persons registered or exempted from
2 registration requirements under [sections 195.005 to 195.425]
3 this chapter are permitted to hold, manufacture, compound,
4 process, sell, deliver, or otherwise dispose of any controlled
5 substance;

6 (2) When authorized by an administrative inspection warrant
7 issued pursuant to this section, an officer or employee
8 designated by the department of health and senior services, upon
9 presenting the warrant and appropriate credentials to the owner,
10 operator, or agent in charge, may enter controlled premises for
11 the purpose of conducting an administrative inspection;

12 (3) When authorized by an administrative inspection
13 warrant, an officer or employee designated by the department of
14 health and senior services may:

15 (a) Inspect and copy records required by [sections 195.005
16 to 195.425] this chapter to be kept;

17 (b) Inspect, within reasonable limits and in a reasonable
18 manner, controlled premises and all pertinent equipment, finished
19 and unfinished material, containers and labeling found therein,
20 and, except as provided in subdivision (5) of this subsection,
21 all other things therein, including records, files, papers,
22 processes, controls, and facilities bearing on violation of
23 [sections 195.005 to 195.425] this chapter; and

24 (c) Inventory any stock of any controlled substance therein
25 and obtain samples thereof;

26 (4) This section does not prevent entries and
27 administrative inspections, including seizures of property,
28 without a warrant:

1 (a) If the owner, operator, or agent in charge of the
2 controlled premises consents;

3 (b) In situations presenting imminent danger to health or
4 safety;

5 (c) In situations involving inspection of conveyances if
6 there is reasonable cause to believe that the mobility of the
7 conveyance makes it impracticable to obtain a warrant;

8 (d) In any other exceptional or emergency circumstance
9 where time or opportunity to apply for a warrant is lacking; or

10 (e) In all other situations in which a warrant is not
11 constitutionally required;

12 (5) An inspection authorized by this section shall not
13 extend to financial data, sales data, other than shipment data,
14 or pricing data unless the owner, operator, or agent in charge of
15 the controlled premises consents in writing;

16 (6) The department of health and senior services may obtain
17 computerized controlled substances dispensing information via
18 printouts, disks, tapes or other state of the art means of
19 electronic data transfer.

20 5. Prescriptions, orders, and records, required by
21 [sections 195.005 to 195.425] this chapter, and stocks of
22 controlled substances shall be open for inspection only to
23 federal, state, county, and municipal officers, whose duty it is
24 to enforce the laws of this state or of the United States
25 relating to narcotic drugs. No officer having knowledge by
26 virtue of his or her office of any such prescription, order, or
27 record shall divulge such knowledge, except in connection with a
28 prosecution or proceeding in court or before a licensing or

1 registration board or officer, to which prosecution or proceeding
2 the person to whom such prescriptions, orders, or records relate
3 is a party.

4 195.417. 1. The limits specified in this section shall not
5 apply to any quantity of such product, mixture, or preparation
6 which must be dispensed, sold, or distributed in a pharmacy
7 pursuant to a valid prescription.

8 2. Within any thirty-day period, no person shall sell,
9 dispense, or otherwise provide to the same individual, and no
10 person shall purchase, receive, or otherwise acquire more than
11 the following amount: any number of packages of any drug product
12 containing any detectable amount of ephedrine,
13 phenylpropanolamine, or pseudoephedrine, or any of their salts or
14 optical isomers, or salts of optical isomers, either as:

- 15 (1) The sole active ingredient; or
16 (2) One of the active ingredients of a combination drug; or
17 (3) A combination of any of the products specified in
18 subdivisions (1) and (2) of this subsection; in any total amount
19 greater than nine grams, without regard to the number of
20 transactions.

21 3. Within any twenty-four-hour period, no pharmacist,
22 intern pharmacist, or registered pharmacy technician shall sell,
23 dispense, or otherwise provide to the same individual, and no
24 person shall purchase, receive, or otherwise acquire more than
25 the following amount: any number of packages of any drug product
26 containing any detectable amount of ephedrine,
27 phenylpropanolamine, or pseudoephedrine, or any of their salts or
28 optical isomers, or salts of optical isomers, either as:

1 (1) The sole active ingredient; or
2 (2) One of the active ingredients of a combination drug; or
3 (3) A combination of any of the products specified in
4 subdivisions (1) and (2) of this subsection; in any total amount
5 greater than three and six-tenths grams without regard to the
6 number of transactions.

7 4. All packages of any compound, mixture, or preparation
8 containing any detectable quantity of ephedrine,
9 phenylpropanolamine, or pseudoephedrine, or any of their salts or
10 optical isomers, or salts of optical isomers, except those that
11 are excluded from Schedule V in subsection 17 or 18 of section
12 195.017, shall be offered for sale only from behind a pharmacy
13 counter where the public is not permitted, and only by a
14 registered pharmacist or registered pharmacy technician under
15 section 195.017.

16 5. Each pharmacy shall submit information regarding sales
17 of any compound, mixture, or preparation as specified in this
18 section in accordance with transmission methods and frequency
19 established by the department by regulation.

20 6. This section shall supersede and preempt any local
21 ordinances or regulations, including any ordinances or
22 regulations enacted by any political subdivision of the state.
23 This section shall not apply to the sale of any animal feed
24 products containing ephedrine or any naturally occurring or
25 herbal ephedra or extract of ephedra.

26 7. All logs, records, documents, and electronic information
27 maintained for the dispensing of these products shall be open for
28 inspection and copying by municipal, county, and state or federal

1 law enforcement officers whose duty it is to enforce the
2 controlled substances laws of this state or the United States.

3 8. Within thirty days of June 15, 2005, all persons who
4 dispense or offer for sale pseudoephedrine and ephedrine
5 products, except those that are excluded from Schedule V in
6 subsection 17 or 18 of section 195.017, shall ensure that all
7 such products are located only behind a pharmacy counter where
8 the public is not permitted.

9 9. [Any person who knowingly or recklessly violates this
10 section is guilty of a class A misdemeanor.] The penalty for a
11 knowing or reckless violation of this section is found in section
12 579.060.

13 195.418. 1. The retail sale of methamphetamine precursor
14 drugs shall be limited to:

15 (1) Sales in packages containing not more than a total of
16 three grams of one or more methamphetamine precursor drugs,
17 calculated in terms of ephedrine base, pseudoephedrine base and
18 phenylpropanolamine base; and

19 (2) For nonliquid products, sales in blister packs, each
20 blister containing not more than two dosage units, or where the
21 use of blister packs is technically infeasible, sales in unit
22 dose packets or pouches.

23 2. [Any person holding a retail sales license pursuant to
24 chapter 144 who knowingly violates subsection 1 of this section
25 is guilty of a class A misdemeanor.

26 3. Any person who is considered the general owner or
27 operator of the outlet where ephedrine, pseudoephedrine, or
28 phenylpropanolamine products are available for sale who violates

1 subsection 1 of this section shall not be penalized pursuant to
2 this section if such person documents that an employee training
3 program was in place to provide the employee with information on
4 the state and federal regulations regarding ephedrine,
5 pseudoephedrine, or phenylpropanolamine.] The penalty for a
6 knowing violation of subsection 1 of this section is found in
7 section 579.060.

8 196.979. 1. Any person, including but not limited to a
9 prescription drug manufacturer or health care facility, may
10 donate prescription drugs to the prescription drug repository
11 program. The drugs shall be donated at a pharmacy, hospital, or
12 nonprofit clinic that elects to participate in the prescription
13 drug repository program and meets the criteria for participation
14 established by rule of the department pursuant to section
15 196.984. Participation in the program by pharmacies, hospitals,
16 and nonprofit clinics shall be voluntary. Nothing in sections
17 196.970 to 196.984 shall require any pharmacy, hospital, or
18 nonprofit clinic to participate in the program. 2. A pharmacy,
19 hospital, or nonprofit clinic which meets the eligibility
20 requirements established in section 196.984 may dispense
21 prescription drugs donated under the program to persons who are
22 residents of Missouri and who meet the eligibility requirements
23 of the program, or to other governmental entities and nonprofit
24 private entities to be dispensed to persons who meet the
25 eligibility requirements of the program. A prescription drug
26 shall be dispensed only pursuant to a prescription issued by a
27 health care professional who is authorized by statute to
28 prescribe drugs. A pharmacy, hospital, or nonprofit clinic which

1 accepts donated prescription drugs shall comply with all
2 applicable federal and state laws dealing with the storage and
3 distribution of dangerous drugs and shall inspect all
4 prescription drugs prior to dispensing the prescription drugs to
5 determine that they are not adulterated as described in section
6 196.095. The pharmacy, hospital, or nonprofit clinic may charge
7 persons receiving donated prescription drugs a handling fee, not
8 to exceed a maximum of two hundred percent of the Medicaid
9 dispensing fee, established by rule of the department promulgated
10 pursuant to section 196.984. Prescription drugs donated to the
11 program shall not be resold. Any individual who knowingly
12 resells any donated prescription drugs pursuant to sections
13 196.970 to 196.984 shall be guilty of a class [D] E felony.

14 3. Drugs donated under this section that are not used or
15 accepted by any pharmacy, hospital, or nonprofit clinic in this
16 state may be distributed to out-of-state charitable repositories
17 for use outside of this state. Such donated drugs may be
18 repackaged in a manner appropriate for distribution by
19 participating pharmacies, hospitals, and nonprofit clinics.

20 197.266. Any hospice or employee of a hospice who knowingly
21 abuses or neglects any client, or misappropriates the property of
22 any client, shall be guilty of a class [D] E felony.

23 197.326. 1. Any person who is paid either as part of his
24 or her normal employment or as a lobbyist to support or oppose
25 any project before the health facilities review committee shall
26 register as a lobbyist pursuant to chapter 105 and shall also
27 register with the staff of the health facilities review committee
28 for every project in which such person has an interest and

1 indicate whether such person supports or opposes the named
2 project. The registration shall also include the names and
3 addresses of any person, firm, corporation or association that
4 the person registering represents in relation to the named
5 project. Any person violating the provisions of this subsection
6 shall be subject to the penalties specified in section 105.478.

7 2. A member of the general assembly who also serves as a
8 member of the health facilities review committee is prohibited
9 from soliciting or accepting campaign contributions from any
10 applicant or person speaking for an applicant or any opponent to
11 any application or persons speaking for any opponent while such
12 application is pending before the health facilities review
13 committee.

14 3. Any person regulated by chapter 197 or 198 and any
15 officer, attorney, agent and employee thereof, shall not offer to
16 any committee member or to any person employed as staff to the
17 committee, any office, appointment or position, or any present,
18 gift, entertainment or gratuity of any kind or any campaign
19 contribution while such application is pending before the health
20 facilities review committee. Any person guilty of knowingly
21 violating the provisions of this section shall be punished as
22 follows: For the first offense, such person is guilty of a class
23 B misdemeanor; and for the second and subsequent offenses, such
24 person is guilty of a class [D] E felony.

25 [660.250.] 197.1000. As used in sections 660.250 to
26 660.321, the following terms mean:

27 (1) "Abuse", the infliction of physical, sexual, or
28 emotional injury or harm including financial exploitation by any

1 person, firm or corporation;

2 (2) "Court", the circuit court;

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

5 (4) "Director", director of the department of health and
6 senior services or his or her designees;

7 (5) "Eligible adult", a person sixty years of age or older
8 who is unable to protect his or her own interests or adequately
9 perform or obtain services which are necessary to meet his or her
10 essential human needs or an adult with a disability, as defined
11 in section 660.053, between the ages of eighteen and fifty-nine
12 who is unable to protect his or her own interests or adequately
13 perform or obtain services which are necessary to meet his or her
14 essential human needs;

15 (6) "Home health agency", the same meaning as such term is
16 defined in section 197.400;

17 (7) "Home health agency employee", a person employed by a
18 home health agency;

19 (8) "Home health patient", an eligible adult who is
20 receiving services through any home health agency;

21 (9) "In-home services client", an eligible adult who is
22 receiving services in his or her private residence through any
23 in-home services provider agency;

24 (10) "In-home services employee", a person employed by an
25 in-home services provider agency;

26 (11) "In-home services provider agency", a business entity
27 under contract with the department or with a Medicaid
28 participation agreement, which employs persons to deliver any

1 kind of services provided for eligible adults in their private
2 homes;

3 (12) "Least restrictive environment", a physical setting
4 where protective services for the eligible adult and
5 accommodation is provided in a manner no more restrictive of an
6 individual's personal liberty and no more intrusive than
7 necessary to achieve care and treatment objectives;

8 (13) "Likelihood of serious physical harm", one or more of
9 the following:

10 (a) A substantial risk that physical harm to an eligible
11 adult will occur because of his or her failure or inability to
12 provide for his or her essential human needs as evidenced by acts
13 or behavior which has caused such harm or which gives another
14 person probable cause to believe that the eligible adult will
15 sustain such harm;

16 (b) A substantial risk that physical harm will be inflicted
17 by an eligible adult upon himself or herself, as evidenced by
18 recent credible threats, acts, or behavior which has caused such
19 harm or which places another person in reasonable fear that the
20 eligible adult will sustain such harm;

21 (c) A substantial risk that physical harm will be inflicted
22 by another upon an eligible adult as evidenced by recent acts or
23 behavior which has caused such harm or which gives another person
24 probable cause to believe the eligible adult will sustain such
25 harm;

26 (d) A substantial risk that further physical harm will
27 occur to an eligible adult who has suffered physical injury,
28 neglect, sexual or emotional abuse, or other maltreatment or

1 wasting of his or her financial resources by another person;

2 (14) "Neglect", the failure to provide services to an
3 eligible adult by any person, firm or corporation with a legal or
4 contractual duty to do so, when such failure presents either an
5 imminent danger to the health, safety, or welfare of the client
6 or a substantial probability that death or serious physical harm
7 would result;

8 (15) "Protective services", services provided by the state
9 or other governmental or private organizations or individuals
10 which are necessary for the eligible adult to meet his or her
11 essential human needs.

12 197.1002. 1. The following persons shall be required to
13 immediately report or cause a report to be made to the department
14 under sections 197.1000 to 197.1028:

15 (1) Any person having reasonable cause to suspect that an
16 eligible adult presents a likelihood of suffering serious
17 physical harm and is in need of protective services; and

18 (2) Any adult day care worker, chiropractor, Christian
19 Science practitioner, coroner, dentist, embalmer, employee of the
20 departments of social services, mental health, or health and
21 senior services, employee of a local area agency on aging or an
22 organized area agency on aging program, funeral director, home
23 health agency, home health agency employee, hospital and clinic
24 personnel engaged in the care or treatment of others, in-home
25 services owner or provider, in-home services operator or
26 employee, law enforcement officer, long-term care facility
27 administrator or employee, medical examiner, medical resident or
28 intern, mental health professional, minister, nurse, nurse

1 practitioner, optometrist, other health practitioner, peace
2 officer, pharmacist, physical therapist, physician, physician's
3 assistant, podiatrist, probation or parole officer, psychologist,
4 social worker, or other person with the responsibility for the
5 care of a person sixty years of age or older has reasonable cause
6 to suspect that such a person has been subjected to abuse or
7 neglect or observes such a person being subjected to conditions
8 or circumstances which would reasonably result in abuse or
9 neglect.

10 2. Any other person who becomes aware of circumstances that
11 may reasonably be expected to be the result of, or result in,
12 abuse or neglect of a person sixty years of age or older may
13 report to the department.

14 3. The penalty for failing to report as required under
15 subdivision (2) of subsection 1 of this section is provided under
16 section 565.188.

17 [660.255.] 197.1004. 1. [Any person having reasonable
18 cause to suspect that an eligible adult presents a likelihood of
19 suffering serious physical harm and is in need of protective
20 services shall report such information to the department.

21 2. The report] A report made under section 197.1002 shall
22 be made orally or in writing. It shall include, if known:

23 (1) The name, age, and address of the eligible adult or
24 person subjected to abuse or neglect;

25 (2) The name and address of any person responsible for care
26 of the eligible [adult's care] adult or person subjected to abuse
27 or neglect;

28 (3) The nature and extent of the condition of the eligible

1 [adult's condition] adult or person subjected to abuse or
2 neglect; and

3 (4) Other relevant information.

4 [3.] 2. Reports regarding persons determined not to be
5 eligible adults as defined in section 660.250 shall be referred
6 to the appropriate state or local authorities.

7 [4.] 3. The department shall maintain a statewide toll free
8 phone number for receipt of reports.

9 [660.260.] 197.1006. Upon receipt of a report, the
10 department shall make a prompt and thorough investigation to
11 determine whether or not an eligible adult is facing a likelihood
12 of serious physical harm and is in need of protective services.
13 The department shall provide for any of the following:

14 (1) Identification of the eligible adult and determination
15 that the eligible adult is eligible for services;

16 (2) Evaluation and diagnosis of the needs of eligible
17 adults;

18 (3) Provision of social casework, counseling or referral to
19 the appropriate local or state authority;

20 (4) Assistance in locating and receiving alternative living
21 arrangements as necessary;

22 (5) Assistance in locating and receiving necessary
23 protective services; or

24 (6) The coordination and cooperation with other state
25 agencies and public and private agencies in exchange of
26 information and the avoidance of duplication of services.

27 [660.261.] 197.1008. Upon receipt of a report that an
28 eligible adult between the ages of eighteen and fifty-nine is

1 facing a likelihood of serious physical harm, the department
2 shall:

3 (1) Investigate or refer the report to appropriate law
4 enforcement or state agencies; and

5 (2) Provide services or refer to local community or state
6 agencies.

7 ~~[565.186.]~~ 197.1010. The department of health and senior
8 services shall investigate incidents and reports of elder abuse
9 or neglect using the procedures established in sections ~~[660.250~~
10 ~~to 660.295]~~ 197.1000 to 197.1025 and, upon substantiation of the
11 report of elder abuse or neglect, shall promptly report the
12 incident to the appropriate law enforcement agency and prosecutor
13 and shall determine whether protective services are required
14 pursuant to sections ~~[660.250 to 660.295]~~ 197.1000 to 197.1025.
15 If the department is unable to substantiate whether abuse or
16 neglect occurred due to the failure of the operator or any of the
17 operator's agents or employees to cooperate with the
18 investigation, the incident shall be promptly reported to
19 appropriate law enforcement agencies.

20 ~~[565.190.]~~ 197.1012. Any person, official or institution
21 complying with the provisions of ~~[section 565.188]~~ subdivision
22 (2) of subsection 1 of section 197.1002 in the making of a
23 report, or in cooperating with the department in any of its
24 activities ~~[pursuant to sections 565.186 and 565.188]~~ under
25 section 197.1010, except any person, official or institution
26 violating section ~~[565.180, 565.182 or]~~ 565.184, shall be immune
27 from any civil or criminal liability for making such a report, or
28 in cooperating with the department, unless such person acted

1 negligently, recklessly, in bad faith, or with malicious purpose.

2 [660.263.] 197.1014. 1. Reports made pursuant to sections
3 [660.250 to 660.295] 197.1000 to 197.1028 shall be confidential
4 and shall not be deemed a public record and shall not be subject
5 to the provisions of section 109.180 or chapter 610.

6 2. Such reports shall be accessible for examination and
7 copying only to the following persons or offices, or to their
8 designees:

9 (1) The department or any person or agency designated by
10 the department;

11 (2) The attorney general;

12 (3) The department of mental health for persons referred to
13 that department;

14 (4) Any appropriate law enforcement agency; and

15 (5) The eligible adult or his legal guardian.

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

17 (1) Such reporter specifically authorizes disclosure of his
18 name; and

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

22 4. Any person who violates the provisions of this section,
23 or who permits or encourages the unauthorized dissemination of
24 information contained in the central registry and in reports and
25 records made pursuant to sections [660.250 to 660.295] 197.1000
26 to 197.1028, shall be guilty of a class A misdemeanor.

27 5. The department shall maintain a central registry capable
28 of receiving and maintaining reports received in a manner that

1 facilitates rapid access and recall of the information reported,
2 and of subsequent investigations and other relevant information.
3 The department shall electronically record any telephone report
4 of suspected abuse and neglect received by the department and
5 such recorded reports shall be retained by the department for a
6 period of one year after recording.

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

12 [660.265.] 197.1016. When an eligible adult gives consent
13 to receive protective services, the department shall assist the
14 adult in locating and arranging for necessary services in the
15 least restrictive environment reasonably available.

16 [660.270.] 197.1018. When the department receives a report
17 that there has been abuse or neglect, or that there otherwise is
18 a likelihood of serious physical harm to an eligible adult and
19 that he or she is in need of protective services and the
20 department is unable to conduct an investigation because access
21 to the eligible adult is barred by any person, the director may
22 petition the appropriate court for a warrant or other order to
23 enter upon the described premises and investigate the report or
24 to produce the information. The application for the warrant or
25 order shall identify the eligible adult and the facts and
26 circumstances which require the issuance of the warrant or order.
27 The director may also seek an order to enjoin the person from
28 barring access to an eligible adult or from interfering with the

1 investigation. If the court finds that, based on the report and
2 relevant circumstances and facts, probable cause exists showing
3 that the eligible adult faces abuse or neglect, or otherwise
4 faces a likelihood of serious physical harm and is in need of
5 protective services and the director has been prevented by
6 another person from investigating the report, the court may issue
7 the warrant or enjoin the interference with the investigation or
8 both.

9 [660.275.] 197.1020. If an eligible adult gives consent to
10 receive protective services and any other person interferes with
11 or prevents the delivery of such services, the director may
12 petition the appropriate court for an order to enjoin the
13 interference with the delivery of the services. The petition
14 shall allege the consent of the eligible adult and shall allege
15 specific facts sufficient to show that the eligible adult faces a
16 likelihood of serious physical harm and is in need of the
17 protective services and that delivery is barred by the person
18 named in the petition. If the court finds upon a preponderance
19 of evidence that the allegations in the petition are true, the
20 court may issue an order enjoining the interference with the
21 delivery of the protective services and may establish such
22 conditions and restrictions on the delivery as the court deems
23 necessary and proper under the circumstances.

24 [660.280.] 197.1022. When an eligible adult facing the
25 likelihood of serious physical harm and in need of protective
26 services is unable to give consent because of incapacity or legal
27 disability and the guardian of the eligible adult refuses to
28 provide the necessary services or allow the provision of such

1 services, the director shall inform the court having supervisory
2 jurisdiction over the guardian of the facts showing that the
3 eligible adult faces the likelihood of serious physical harm and
4 is in need of protective services and that the guardian refuses
5 to provide the necessary services or allow the provision of such
6 services under the provisions of sections [660.250 to 660.295]
7 197.1000 to 197.1028. Upon receipt of such information, the
8 court may take such action as it deems necessary and proper to
9 insure that the eligible adult is able to meet his essential
10 human needs.

11 [660.285.] 197.1024. 1. If the director determines after
12 an investigation that an eligible adult is unable to give consent
13 to receive protective services and presents a likelihood of
14 serious physical harm, the director may initiate proceedings
15 pursuant to chapter 202 or chapter 475, if appropriate.

16 2. In order to expedite adult guardianship and
17 conservatorship cases, the department may retain, within existing
18 funding sources of the department, legal counsel on a
19 case-by-case basis.

20 [660.290.] 197.1026. 1. When a peace officer has probable
21 cause to believe that an eligible adult will suffer an imminent
22 likelihood of serious physical harm if not immediately placed in
23 a medical facility for care and treatment, that the adult is
24 incapable of giving consent, and that it is not possible to
25 follow the procedures in section [660.285] 197.1024, the officer
26 may transport, or arrange transportation for, the eligible adult
27 to an appropriate medical facility which may admit the eligible
28 adult and shall notify the next of kin, if known, and the

1 director.

2 2. Where access to the eligible adult is barred and a
3 substantial likelihood exists of serious physical harm resulting
4 to the eligible adult if he is not immediately afforded
5 protective services, the peace officer may apply to the
6 appropriate court for a warrant to enter upon the described
7 premises and remove the eligible adult. The application for the
8 warrant shall identify the eligible adult and the circumstances
9 and facts which require the issuance of the warrant.

10 3. If immediately upon admission to a medical facility, a
11 person who is legally authorized to give consent for the
12 provision of medical treatment for the eligible adult, has not
13 given or refused to give such consent, and it is the opinion of
14 the medical staff of the facility that treatment is necessary to
15 prevent serious physical harm, the director or the head of the
16 medical facility shall file a petition in the appropriate court
17 for an order authorizing specific medical treatment. The court
18 shall hold a hearing and issue its decision forthwith.
19 Notwithstanding the above, if a licensed physician designated by
20 the facility for such purpose examines the eligible adult and
21 determines that the treatment is immediately or imminently
22 necessary and any delay occasioned by the hearing provided in
23 this subsection would jeopardize the life of the person affected,
24 the medical facility may treat the eligible adult prior to such
25 court hearing.

26 4. The court shall conduct a hearing pursuant to chapter
27 475 forthwith and, if the court finds the eligible adult
28 incapacitated, it shall appoint a guardian ad litem for the

1 person of the eligible adult to determine the nature and extent
2 of the medical treatment necessary for the benefit of the
3 eligible adult and to supervise the rendition of such treatment.
4 The guardian ad litem shall promptly report the completion of
5 treatment to the court, who shall thereupon conduct a restoration
6 hearing or a hearing to appoint a permanent guardian.

7 5. The medical care under this section may not be rendered
8 in a mental health facility unless authorized pursuant to the
9 civil commitment procedures in chapter 632.

10 6. Nothing contained in this section or in any other
11 section of sections [660.250 to 660.295] 197.1000 to 197.1028
12 shall be construed as requiring physician or medical care or
13 hospitalization of any person who, because of religious faith or
14 conviction, relies on spiritual means or prayer to cure or
15 prevent disease or suffering nor shall any provision of sections
16 [660.250 to 660.295] 197.1000 to 197.1028 be construed so as to
17 designate any person as an eligible adult who presents a
18 likelihood of suffering serious physical harm and is in need of
19 protective services solely because such person, because of
20 religious faith or conviction, relies on spiritual means or
21 prayer to cure or prevent disease or suffering.

22 [660.295.] 197.1028. If an eligible adult does not consent
23 to the receipt of reasonable and necessary protective services,
24 or if an eligible adult withdraws previously given consent, the
25 protective services shall not be provided or continued; except
26 that, if the director has reasonable cause to believe that the
27 eligible adult lacks the capacity to consent, the director may
28 seek a court order pursuant to the provisions of section

1 [660.285] 197.1024.

2 [660.300.] 197.1030. 1. When any adult day care worker;
3 chiropractor; Christian Science practitioner; coroner; dentist;
4 embalmer; employee of the departments of social services, mental
5 health, or health and senior services; employee of a local area
6 agency on aging or an organized area agency on aging program;
7 funeral director; home health agency or home health agency
8 employee; hospital and clinic personnel engaged in examination,
9 care, or treatment of persons; in-home services owner, provider,
10 operator, or employee; law enforcement officer; long-term care
11 facility administrator or employee; medical examiner; medical
12 resident or intern; mental health professional; minister; nurse;
13 nurse practitioner; optometrist; other health practitioner; peace
14 officer; pharmacist; physical therapist; physician; physician's
15 assistant; podiatrist; probation or parole officer; psychologist;
16 or social worker has reasonable cause to believe that an in-home
17 services client has been abused or neglected, as a result of
18 in-home services, he or she shall immediately report or cause a
19 report to be made to the department. If the report is made by a
20 physician of the in-home services client, the department shall
21 maintain contact with the physician regarding the progress of the
22 investigation.

23 2. When a report of deteriorating physical condition
24 resulting in possible abuse or neglect of an in-home services
25 client is received by the department, the client's case manager
26 and the department nurse shall be notified. The client's case
27 manager shall investigate and immediately report the results of
28 the investigation to the department nurse. The department may

1 authorize the in-home services provider nurse to assist the case
2 manager with the investigation. 3. If requested, local area
3 agencies on aging shall provide volunteer training to those
4 persons listed in subsection 1 of this section regarding the
5 detection and report of abuse and neglect pursuant to this
6 section.

7 4. Any person required in subsection 1 of this section to
8 report or cause a report to be made to the department who fails
9 to do so within a reasonable time after the act of abuse or
10 neglect is guilty of a class A misdemeanor.

11 5. The report shall contain the names and addresses of the
12 in-home services provider agency, the in-home services employee,
13 the in-home services client, the home health agency, the home
14 health agency employee, information regarding the nature of the
15 abuse or neglect, the name of the complainant, and any other
16 information which might be helpful in an investigation.

17 6. In addition to those persons required to report under
18 subsection 1 of this section, any other person having reasonable
19 cause to believe that an in-home services client or home health
20 patient has been abused or neglected by an in-home services
21 employee or home health agency employee may report such
22 information to the department.

23 7. If the investigation indicates possible abuse or neglect
24 of an in-home services client or home health patient, the
25 investigator shall refer the complaint together with his or her
26 report to the department director or his or her designee for
27 appropriate action. If, during the investigation or at its
28 completion, the department has reasonable cause to believe that

1 immediate action is necessary to protect the in-home services
2 client or home health patient from abuse or neglect, the
3 department or the local prosecuting attorney may, or the attorney
4 general upon request of the department shall, file a petition for
5 temporary care and protection of the in-home services client or
6 home health patient in a circuit court of competent jurisdiction.
7 The circuit court in which the petition is filed shall have
8 equitable jurisdiction to issue an ex parte order granting the
9 department authority for the temporary care and protection of the
10 in-home services client or home health patient, for a period not
11 to exceed thirty days.

12 8. Reports shall be confidential, as provided under section
13 ~~[660.320]~~ 197.1040.

14 9. Anyone, except any person who has abused or neglected an
15 in-home services client or home health patient, who makes a
16 report pursuant to this section or who testifies in any
17 administrative or judicial proceeding arising from the report
18 shall be immune from any civil or criminal liability for making
19 such a report or for testifying except for liability for perjury,
20 unless such person acted negligently, recklessly, in bad faith,
21 or with malicious purpose.

22 10. Within five working days after a report required to be
23 made under this section is received, the person making the report
24 shall be notified in writing of its receipt and of the initiation
25 of the investigation.

26 11. No person who directs or exercises any authority in an
27 in-home services provider agency or home health agency shall
28 harass, dismiss or retaliate against an in-home services client

1 or home health patient, or an in-home services employee or a home
2 health agency employee because he or any member of his or her
3 family has made a report of any violation or suspected violation
4 of laws, standards or regulations applying to the in-home
5 services provider agency or home health agency or any in-home
6 services employee or home health agency employee which he has
7 reasonable cause to believe has been committed or has occurred.

8 12. Any person who abuses or neglects an in-home services
9 client or home health patient is subject to criminal prosecution
10 under section [565.180, 565.182, or] 565.184. If such person is
11 an in-home services employee and has been found guilty by a
12 court, and if the supervising in-home services provider willfully
13 and knowingly failed to report known abuse by such employee to
14 the department, the supervising in-home services provider may be
15 subject to administrative penalties of one thousand dollars per
16 violation to be collected by the department and the money
17 received therefor shall be paid to the director of revenue and
18 deposited in the state treasury to the credit of the general
19 revenue fund. Any in-home services provider which has had
20 administrative penalties imposed by the department or which has
21 had its contract terminated may seek an administrative review of
22 the department's action pursuant to chapter 621. Any decision of
23 the administrative hearing commission may be appealed to the
24 circuit court in the county where the violation occurred for a
25 trial de novo. For purposes of this subsection, the term
26 "violation" means a determination of guilt by a court.

27 13. The department shall establish a quality assurance and
28 supervision process for clients that requires an in-home services

1 provider agency to conduct random visits to verify compliance
2 with program standards and verify the accuracy of records kept by
3 an in-home services employee. 14. The department shall
4 maintain the employee disqualification list and place on the
5 employee disqualification list the names of any persons who have
6 been finally determined by the department, pursuant to section
7 [660.315] 197.1036, to have recklessly, knowingly or purposely
8 abused or neglected an in-home services client or home health
9 patient while employed by an in-home services provider agency or
10 home health agency. For purposes of this section only,
11 "knowingly" and "recklessly" shall have the meanings that are
12 ascribed to them in this section. A person acts "knowingly" with
13 respect to the person's conduct when a reasonable person should
14 be aware of the result caused by his or her conduct. A person
15 acts "recklessly" when the person consciously disregards a
16 substantial and unjustifiable risk that the person's conduct will
17 result in serious physical injury and such disregard constitutes
18 a gross deviation from the standard of care that a reasonable
19 person would exercise in the situation.

20 15. At the time a client has been assessed to determine the
21 level of care as required by rule and is eligible for in-home
22 services, the department shall conduct a "Safe at Home
23 Evaluation" to determine the client's physical, mental, and
24 environmental capacity. The department shall develop the safe at
25 home evaluation tool by rule in accordance with chapter 536. The
26 purpose of the safe at home evaluation is to assure that each
27 client has the appropriate level of services and professionals
28 involved in the client's care. The plan of service or care for

1 each in-home services client shall be authorized by a nurse. The
2 department may authorize the licensed in-home services nurse, in
3 lieu of the department nurse, to conduct the assessment of the
4 client's condition and to establish a plan of services or care.
5 The department may use the expertise, services, or programs of
6 other departments and agencies on a case-by-case basis to
7 establish the plan of service or care. The department may, as
8 indicated by the safe at home evaluation, refer any client to a
9 mental health professional, as defined in 9 CSR 30-4.030, for
10 evaluation and treatment as necessary.

11 16. Authorized nurse visits shall occur at least twice
12 annually to assess the client and the client's plan of services.
13 The provider nurse shall report the results of his or her visits
14 to the client's case manager. If the provider nurse believes
15 that the plan of service requires alteration, the department
16 shall be notified and the department shall make a client
17 evaluation. All authorized nurse visits shall be reimbursed to
18 the in-home services provider. All authorized nurse visits shall
19 be reimbursed outside of the nursing home cap for in-home
20 services clients whose services have reached one hundred percent
21 of the average statewide charge for care and treatment in an
22 intermediate care facility, provided that the services have been
23 preauthorized by the department.

24 17. All in-home services clients shall be advised of their
25 rights by the department or the department's designee at the
26 initial evaluation. The rights shall include, but not be limited
27 to, the right to call the department for any reason, including
28 dissatisfaction with the provider or services. The department

1 may contract for services relating to receiving such complaints.
2 The department shall establish a process to receive such nonabuse
3 and neglect calls other than the elder abuse and neglect hotline.

4 18. Subject to appropriations, all nurse visits authorized
5 in sections [660.250 to 660.300] 197.1000 to 197.1030 shall be
6 reimbursed to the in-home services provider agency.

7 [660.305.] 197.1032. 1. Any person having reasonable cause
8 to believe that a misappropriation of an in-home services
9 client's property or funds, or the falsification of any documents
10 verifying service delivery to the in-home services client has
11 occurred, may report such information to the department.

12 2. For each report the department shall attempt to obtain
13 the names and addresses of the in-home services provider agency,
14 the in-home services employee, the in-home services client,
15 information regarding the nature of the misappropriation or
16 falsification, the name of the complainant, and any other
17 information which might be helpful in an investigation.

18 3. Any in-home services provider agency or in-home services
19 employee who puts to his or her own use or the use of the in-home
20 services provider agency or otherwise diverts from the in-home
21 services client's use any personal property or funds of the
22 in-home services client, or falsifies any documents for service
23 delivery, is guilty of a class A misdemeanor.

24 4. Upon receipt of a report, the department shall
25 immediately initiate an investigation and report information
26 gained from such investigation to appropriate law enforcement
27 authorities.

28 5. If the investigation indicates probable misappropriation

1 of property or funds, or falsification of any documents for
2 service delivery of an in-home services client, the investigator
3 shall refer the complaint together with the investigator's report
4 to the department director or the director's designee for
5 appropriate action.

6 6. Reports shall be confidential, as provided under section
7 ~~[660.320]~~ 197.1040.

8 7. Anyone, except any person participating in or
9 benefitting from the misappropriation of funds, who makes a
10 report pursuant to this section or who testifies in any
11 administrative or judicial proceeding arising from the report
12 shall be immune from any civil or criminal liability for making
13 such a report or for testifying except for liability for perjury,
14 unless such person acted negligently, recklessly, in bad faith,
15 or with malicious purpose.

16 8. Within five working days after a report required to be
17 made under this section is received, the person making the report
18 shall be notified in writing of its receipt and of the initiation
19 of the investigation.

20 9. No person who directs or exercises any authority in an
21 in-home services provider agency shall harass, dismiss or
22 retaliate against an in-home services client or employee because
23 he or she or any member of his or her family has made a report of
24 any violation or suspected violation of laws, ordinances or
25 regulations applying to the in-home services provider agency or
26 any in-home services employee which he or she has reasonable
27 cause to believe has been committed or has occurred.

28 10. The department shall maintain the employee

1 disqualification list and place on the employee disqualification
2 list the names of any persons who are or have been employed by an
3 in-home service provider agency and who have been finally
4 determined by the department to, pursuant to section [660.315]
5 197.1036, have misappropriated any property or funds, or
6 falsified any documents for service delivery of an in-home
7 services client and who came to be known to the person, directly,
8 or indirectly while employed by an in-home services provider
9 agency.

10 [660.310.] 197.1034. 1. Notwithstanding any other
11 provision of law, if the department of health and senior services
12 proposes to deny, suspend, place on probation, or terminate an
13 in-home services provider agency contract, the department of
14 health and senior services shall serve upon the applicant or
15 contractor written notice of the proposed action to be taken.
16 The notice shall contain a statement of the type of action
17 proposed, the basis for it, the date the action will become
18 effective, and a statement that the applicant or contractor shall
19 have thirty days from the date of mailing or delivery of the
20 notice to file a complaint requesting a hearing before the
21 administrative hearing commission. The administrative hearing
22 commission may consolidate an applicant's or contractor's
23 complaint with any proceeding before the administrative hearing
24 commission filed by such contractor or applicant pursuant to
25 subsection 3 of section 208.156 involving a common question of
26 law or fact. Upon the filing of the complaint, the provisions of
27 sections 621.110, 621.120, 621.125, 621.135, and 621.145 shall
28 apply. With respect to cases in which the department has denied

1 a contract to an in-home services provider agency, the
2 administrative hearing commission shall conduct a hearing to
3 determine the underlying basis for such denial. However, if the
4 administrative hearing commission finds that the contract denial
5 is supported by the facts and the law, the case need not be
6 returned to the department. The administrative hearing
7 commission's decision shall constitute affirmation of the
8 department's contract denial.

9 2. The department of health and senior services may issue
10 letters of censure or warning without formal notice or hearing.

11 3. The administrative hearing commission may stay the
12 suspension or termination of an in-home services provider
13 agency's contract, or the placement of the contractor on
14 probation, pending the commission's findings and determination in
15 the cause, upon such conditions, with or without the agreement of
16 the parties, as the commission deems necessary and appropriate,
17 including the posting of bond or other security except that the
18 commission shall not grant a stay, or if a stay has already been
19 entered shall set aside its stay, unless the commission finds
20 that the contractor has established that servicing the
21 department's clients pending the commission's final determination
22 would not present an imminent danger to the health, safety, or
23 welfare of any client or a substantial probability that death or
24 serious physical harm would result. The commission may remove
25 the stay at any time that it finds that the contractor has
26 violated any of the conditions of the stay. Such stay shall
27 remain in effect, unless earlier removed by the commission,
28 pending the decision of the commission and any subsequent

1 departmental action at which time the stay shall be removed. In
2 any case in which the department has refused to issue a contract,
3 the commission shall have no authority to stay or to require the
4 issuance of a contract pending final determination by the
5 commission.

6 4. Stays granted to contractors by the administrative
7 hearing commission shall, as a condition of the stay, require at
8 a minimum that the contractor under the stay operate under the
9 same contractual requirements and regulations as are in effect,
10 from time to time, as are applicable to all other contractors in
11 the program.

12 5. The administrative hearing commission shall make its
13 final decision based upon the circumstances and conditions as
14 they existed at the time of the action of the department and not
15 based upon circumstances and conditions at the time of the
16 hearing or decision of the commission.

17 6. In any proceeding before the administrative hearing
18 commission pursuant to this section, the burden of proof shall be
19 on the contractor or applicant seeking review.

20 7. Any person, including the department, aggrieved by a
21 final decision of the administrative hearing commission may seek
22 judicial review of such decision as provided in section 621.145.

23 [660.315.] 197.1036. 1. After an investigation and a
24 determination has been made to place a person's name on the
25 employee disqualification list, that person shall be notified in
26 writing mailed to his or her last known address that:

27 (1) An allegation has been made against the person, the
28 substance of the allegation and that an investigation has been

1 conducted which tends to substantiate the allegation;

2 (2) The person's name will be included in the employee
3 disqualification list of the department;

4 (3) The consequences of being so listed including the
5 length of time to be listed; and

6 (4) The person's rights and the procedure to challenge the
7 allegation.

8 2. If no reply has been received within thirty days of
9 mailing the notice, the department may include the name of such
10 person on its list. The length of time the person's name shall
11 appear on the employee disqualification list shall be determined
12 by the director or the director's designee, based upon the
13 criteria contained in subsection 9 of this section.

14 3. If the person so notified wishes to challenge the
15 allegation, such person may file an application for a hearing
16 with the department. The department shall grant the application
17 within thirty days after receipt by the department and set the
18 matter for hearing, or the department shall notify the applicant
19 that, after review, the allegation has been held to be unfounded
20 and the applicant's name will not be listed.

21 4. If a person's name is included on the employee
22 disqualification list without the department providing notice as
23 required under subsection 1 of this section, such person may file
24 a request with the department for removal of the name or for a
25 hearing. Within thirty days after receipt of the request, the
26 department shall either remove the name from the list or grant a
27 hearing and set a date therefor.

28 5. Any hearing shall be conducted in the county of the

1 person's residence by the director of the department or the
2 director's designee. The provisions of chapter 536 for a
3 contested case except those provisions or amendments which are in
4 conflict with this section shall apply to and govern the
5 proceedings contained in this section and the rights and duties
6 of the parties involved. The person appealing such an action
7 shall be entitled to present evidence, pursuant to the provisions
8 of chapter 536, relevant to the allegations.

9 6. Upon the record made at the hearing, the director of the
10 department or the director's designee shall determine all
11 questions presented and shall determine whether the person shall
12 be listed on the employee disqualification list. The director of
13 the department or the director's designee shall clearly state the
14 reasons for his or her decision and shall include a statement of
15 findings of fact and conclusions of law pertinent to the
16 questions in issue.

17 7. A person aggrieved by the decision following the hearing
18 shall be informed of his or her right to seek judicial review as
19 provided under chapter 536. If the person fails to appeal the
20 director's findings, those findings shall constitute a final
21 determination that the person shall be placed on the employee
22 disqualification list.

23 8. A decision by the director shall be inadmissible in any
24 civil action brought against a facility or the in-home services
25 provider agency and arising out of the facts and circumstances
26 which brought about the employment disqualification proceeding,
27 unless the civil action is brought against the facility or the
28 in-home services provider agency by the department of health and

1 senior services or one of its divisions.

2 9. The length of time the person's name shall appear on the
3 employee disqualification list shall be determined by the
4 director of the department of health and senior services or the
5 director's designee, based upon the following:

6 (1) Whether the person acted recklessly or knowingly, as
7 defined in chapter 562;

8 (2) The degree of the physical, sexual, or emotional injury
9 or harm; or the degree of the imminent danger to the health,
10 safety or welfare of a resident or in-home services client;

11 (3) The degree of misappropriation of the property or
12 funds, or falsification of any documents for service delivery of
13 an in-home services client;

14 (4) Whether the person has previously been listed on the
15 employee disqualification list;

16 (5) Any mitigating circumstances;

17 (6) Any aggravating circumstances; and

18 (7) Whether alternative sanctions resulting in conditions
19 of continued employment are appropriate in lieu of placing a
20 person's name on the employee disqualification list. Such
21 conditions of employment may include, but are not limited to,
22 additional training and employee counseling. Conditional
23 employment shall terminate upon the expiration of the designated
24 length of time and the person's submitting documentation which
25 fulfills the department of health and senior services'
26 requirements.

27 10. The removal of any person's name from the list under
28 this section shall not prevent the director from keeping records

1 of all acts finally determined to have occurred under this
2 section.

3 11. The department shall provide the list maintained
4 pursuant to this section to other state departments upon request
5 and to any person, corporation, organization, or association who:

6 (1) Is licensed as an operator under chapter 198;

7 (2) Provides in-home services under contract with the
8 department;

9 (3) Employs nurses and nursing assistants for temporary or
10 intermittent placement in health care facilities;

11 (4) Is approved by the department to issue certificates for
12 nursing assistants training;

13 (5) Is an entity licensed under this chapter [197];

14 (6) Is a recognized school of nursing, medicine, or other
15 health profession for the purpose of determining whether students
16 scheduled to participate in clinical rotations with entities
17 described in subdivision (1), (2), or (5) of this subsection are
18 included in the employee disqualification list; or

19 (7) Is a consumer reporting agency regulated by the federal
20 Fair Credit Reporting Act that conducts employee background
21 checks on behalf of entities listed in subdivisions (1), (2),
22 (5), or (6) of this subsection. Such a consumer reporting agency
23 shall conduct the employee disqualification list check only upon
24 the initiative or request of an entity described in subdivisions
25 (1), (2), (5), or (6) of this subsection when the entity is
26 fulfilling its duties required under this section. The
27 information shall be disclosed only to the requesting entity.

28 The department shall inform any person listed above who inquires

1 of the department whether or not a particular name is on the
2 list. The department may require that the request be made in
3 writing. No person, corporation, organization, or association
4 who is entitled to access the employee disqualification list may
5 disclose the information to any person, corporation,
6 organization, or association who is not entitled to access the
7 list. Any person, corporation, organization, or association who
8 is entitled to access the employee disqualification list who
9 discloses the information to any person, corporation,
10 organization, or association who is not entitled to access the
11 list shall be guilty of an infraction.

12 12. No person, corporation, organization, or association
13 who received the employee disqualification list under
14 subdivisions (1) to (7) of subsection 11 of this section shall
15 knowingly employ any person who is on the employee
16 disqualification list. Any person, corporation, organization, or
17 association who received the employee disqualification list under
18 subdivisions (1) to (7) of subsection 11 of this section, or any
19 person responsible for providing health care service, who
20 declines to employ or terminates a person whose name is listed in
21 this section shall be immune from suit by that person or anyone
22 else acting for or in behalf of that person for the failure to
23 employ or for the termination of the person whose name is listed
24 on the employee disqualification list.

25 13. Any employer who is required to discharge an employee
26 because the employee was placed on a disqualification list
27 maintained by the department of health and senior services after
28 the date of hire shall not be charged for unemployment insurance

1 benefits based on wages paid to the employee for work prior to
2 the date of discharge, pursuant to section 288.100.

3 14. Any person who has been listed on the employee
4 disqualification list may request that the director remove his or
5 her name from the employee disqualification list. The request
6 shall be written and may not be made more than once every twelve
7 months. The request will be granted by the director upon a clear
8 showing, by written submission only, that the person will not
9 commit additional acts of abuse, neglect, misappropriation of the
10 property or funds, or the falsification of any documents of
11 service delivery to an in-home services client. The director may
12 make conditional the removal of a person's name from the list on
13 any terms that the director deems appropriate, and failure to
14 comply with such terms may result in the person's name being
15 relisted. The director's determination of whether to remove the
16 person's name from the list is not subject to appeal.

17 [660.317.] 197.1038. 1. For the purposes of this section,
18 the term "provider" means any person, corporation or association
19 who:

- 20 (1) Is licensed as an operator pursuant to chapter 198;
- 21 (2) Provides in-home services under contract with the
22 department;
- 23 (3) Employs nurses or nursing assistants for temporary or
24 intermittent placement in health care facilities;
- 25 (4) Is an entity licensed pursuant to chapter 197;
- 26 (5) Is a public or private facility, day program,
27 residential facility or specialized service operated, funded or
28 licensed by the department of mental health; or

1 (6) Is a licensed adult day care provider.

2 2. For the purpose of this section "patient or resident"
3 has the same meaning as such term is defined in section 43.540.

4 3. Prior to allowing any person who has been hired as a
5 full-time, part-time or temporary position to have contact with
6 any patient or resident the provider shall, or in the case of
7 temporary employees hired through or contracted for an employment
8 agency, the employment agency shall prior to sending a temporary
9 employee to a provider:

10 (1) Request a criminal background check as provided in
11 section 43.540. Completion of an inquiry to the highway patrol
12 for criminal records that are available for disclosure to a
13 provider for the purpose of conducting an employee criminal
14 records background check shall be deemed to fulfill the
15 provider's duty to conduct employee criminal background checks
16 pursuant to this section; except that, completing the inquiries
17 pursuant to this subsection shall not be construed to exempt a
18 provider from further inquiry pursuant to common law requirements
19 governing due diligence. If an applicant has not resided in this
20 state for five consecutive years prior to the date of his or her
21 application for employment, the provider shall request a
22 nationwide check for the purpose of determining if the applicant
23 has a prior criminal history in other states. The fingerprint
24 cards and any required fees shall be sent to the highway patrol's
25 central repository. The first set of fingerprints shall be used
26 for searching the state repository of criminal history
27 information. If no identification is made, the second set of
28 fingerprints shall be forwarded to the Federal Bureau of

1 Investigation, Identification Division, for the searching of the
2 federal criminal history files. The patrol shall notify the
3 submitting state agency of any criminal history information or
4 lack of criminal history information discovered on the
5 individual. The provisions relating to applicants for employment
6 who have not resided in this state for five consecutive years
7 shall apply only to persons who have no employment history with a
8 licensed Missouri facility during that five-year period.
9 Notwithstanding the provisions of section 610.120, all records
10 related to any criminal history information discovered shall be
11 accessible and available to the provider making the record
12 request; and

13 (2) Make an inquiry to the department of health and senior
14 services whether the person is listed on the employee
15 disqualification list as provided in section [660.315] 197.1036.

16 4. When the provider requests a criminal background check
17 pursuant to section 43.540, the requesting entity may require
18 that the applicant reimburse the provider for the cost of such
19 record check. When a provider requests a nationwide criminal
20 background check pursuant to subdivision (1) of subsection 3 of
21 this section, the total cost to the provider of any background
22 check required pursuant to this section shall not exceed five
23 dollars which shall be paid to the state. State funding and the
24 obligation of a provider to obtain a nationwide criminal
25 background check shall be subject to the availability of
26 appropriations.

27 5. An applicant for a position to have contact with
28 patients or residents of a provider shall:

1 (1) Sign a consent form as required by section 43.540 so
2 the provider may request a criminal records review;

3 (2) Disclose the applicant's criminal history. For the
4 purposes of this subdivision "criminal history" includes any
5 conviction or a plea of guilty to a misdemeanor or felony charge
6 and shall include any suspended imposition of sentence, any
7 suspended execution of sentence or any period of probation or
8 parole; and

9 (3) Disclose if the applicant is listed on the employee
10 disqualification list as provided in section [660.315] 197.1036.

11 6. An applicant who knowingly fails to disclose his or her
12 criminal history as required in subsection 5 of this section is
13 guilty of a class A misdemeanor. A provider is guilty of a class
14 A misdemeanor if the provider knowingly hires or retains a person
15 to have contact with patients or residents and the person has
16 been convicted of, pled guilty to or nolo contendere in this
17 state or any other state or has been found guilty of a crime,
18 which if committed in Missouri would be a class A or B felony
19 violation of chapter 565, 566 or 569, or any violation of
20 subsection 3 of section 198.070 or section 568.020.

21 7. Any in-home services provider agency or home health
22 agency shall be guilty of a class A misdemeanor if such agency
23 knowingly employs a person to provide in-home services or home
24 health services to any in-home services client or home health
25 patient and such person either refuses to register with the
26 family care safety registry or is listed on any of the background
27 check lists in the family care safety registry pursuant to
28 sections 210.900 to 210.937.

1 8. The highway patrol shall examine whether protocols can
2 be developed to allow a provider to request a statewide
3 fingerprint criminal records review check through local law
4 enforcement agencies.

5 9. A provider may use a private investigatory agency rather
6 than the highway patrol to do a criminal history records review
7 check, and alternatively, the applicant pays the private
8 investigatory agency such fees as the provider and such agency
9 shall agree.

10 10. Except for the hiring restriction based on the
11 department of health and senior services employee
12 disqualification list established pursuant to section [660.315]
13 197.1036, the department of health and senior services shall
14 promulgate rules and regulations to waive the hiring restrictions
15 pursuant to this section for good cause. For purposes of this
16 section, "good cause" means the department has made a
17 determination by examining the employee's prior work history and
18 other relevant factors that such employee does not present a risk
19 to the health or safety of residents.

20 [660.320.] 197.1040. 1. Reports confidential under section
21 198.070 and sections [660.300 to 660.315] 197.1030 to 197.1036
22 shall not be deemed a public record and shall not be subject to
23 the provisions of section 109.180 or chapter 610. The name of
24 the complainant or any person mentioned in the reports shall not
25 be disclosed unless:

26 (1) The complainant, resident or the in-home services
27 client mentioned agrees to disclosure of his or her name;

28 (2) The department determines that disclosure is necessary

1 in order to prevent further abuse, neglect, misappropriation of
2 property or funds, or falsification of any documents verifying
3 service delivery to an in-home services client;

4 (3) Release of a name is required for conformance with a
5 lawful subpoena;

6 (4) Release of a name is required in connection with a
7 review by the administrative hearing commission in accordance
8 with section 198.039;

9 (5) The department determines that release of a name is
10 appropriate when forwarding a report of findings of an
11 investigation to a licensing authority; or

12 (6) Release of a name is requested by the division of
13 family services for the purpose of licensure under chapter 210.

14 2. The department shall, upon request, provide to the
15 division of employment security within the department of labor
16 and industrial relations copies of the investigative reports that
17 led to an employee being placed on the disqualification list.

18 [660.321.] 197.1042. Notwithstanding any other provision of
19 law, the department shall not disclose personally identifiable
20 medical, social, personal, or financial records of any eligible
21 adult being served by the division of senior services except when
22 disclosed in a manner that does not identify the eligible adult,
23 or when ordered to do so by a court of competent jurisdiction.
24 Such records shall be accessible without court order for
25 examination and copying only to the following persons or offices,
26 or to their designees:

27 (1) The department or any person or agency designated by
28 the department for such purposes as the department may determine;

1 (2) The attorney general, to perform his or her
2 constitutional or statutory duties;

3 (3) The department of mental health for residents placed
4 through that department, to perform its constitutional or
5 statutory duties;

6 (4) Any appropriate law enforcement agency, to perform its
7 constitutional or statutory duties;

8 (5) The eligible adult, his or her legal guardian or any
9 other person designated by the eligible adult; and

10 (6) The department of social services for individuals who
11 receive Medicaid benefits, to perform its constitutional or
12 statutory duties.

13 198.015. 1. No person shall establish, conduct or maintain
14 a residential care facility, assisted living facility,
15 intermediate care facility, or skilled nursing facility in this
16 state without a valid license issued by the department. Any
17 person violating this subsection is guilty of a class A
18 misdemeanor. Any person violating this subsection wherein abuse
19 or neglect of a resident of the facility has occurred is guilty
20 of a class [D] E felony. The department of health and senior
21 services shall investigate any complaint concerning operating
22 unlicensed facilities. For complaints alleging abuse or neglect,
23 the department shall initiate an investigation within twenty-four
24 hours. All other complaints regarding unlicensed facilities
25 shall be investigated within forty-five days.

26 2. If the department determines the unlicensed facility is
27 in violation of sections 198.006 to 198.186, the department shall
28 immediately notify the local prosecuting attorney or attorney

1 general's office.

2 3. Each license shall be issued only for the premises and
3 persons named in the application. A license, unless sooner
4 revoked, shall be issued for a period of up to two years, in
5 order to coordinate licensure with certification in accordance
6 with section 198.045.

7 4. If during the period in which a license is in effect, a
8 licensed operator which is a partnership, limited partnership, or
9 corporation undergoes any of the following changes, or a new
10 corporation, partnership, limited partnership or other entity
11 assumes operation of a facility whether by one or by more than
12 one action, the current operator shall notify the department of
13 the intent to change operators and the succeeding operator shall
14 within ten working days of such change apply for a new license:

15 (1) With respect to a partnership, a change in the majority
16 interest of general partners;

17 (2) With respect to a limited partnership, a change in the
18 general partner or in the majority interest of limited partners;

19 (3) With respect to a corporation, a change in the persons
20 who own, hold or have the power to vote the majority of any class
21 of securities issued by the corporation.

22 5. Licenses shall be posted in a conspicuous place on the
23 licensed premises.

24 6. Any license granted shall state the maximum resident
25 capacity for which granted, the person or persons to whom
26 granted, the date, the expiration date, and such additional
27 information and special limitations as the department by rule may
28 require.

1 7. The department shall notify the operator at least sixty
2 days prior to the expiration of an existing license of the date
3 that the license application is due. Application for a license
4 shall be made to the department at least thirty days prior to the
5 expiration of any existing license.

6 8. The department shall grant an operator a temporary
7 operating permit in order to allow for state review of the
8 application and inspection for the purposes of relicensure if the
9 application review and inspection process has not been completed
10 prior to the expiration of a license and the operator is not at
11 fault for the failure to complete the application review and
12 inspection process.

13 9. The department shall grant an
14 operator a temporary operating permit of sufficient duration to
15 allow the department to evaluate any application for a license
16 submitted as a result of any change of operator.

17 198.070. 1. When any adult day care worker; chiropractor;
18 Christian Science practitioner; coroner; dentist; embalmer;
19 employee of the departments of social services, mental health, or
20 health and senior services; employee of a local area agency on
21 aging or an organized area agency on aging program; funeral
22 director; home health agency or home health agency employee;
23 hospital and clinic personnel engaged in examination, care, or
24 treatment of persons; in-home services owner, provider, operator,
25 or employee; law enforcement officer; long-term care facility
26 administrator or employee; medical examiner; medical resident or
27 intern; mental health professional; minister; nurse; nurse
28 practitioner; optometrist; other health practitioner; peace
officer; pharmacist; physical therapist; physician; physician's

1 assistant; podiatrist; probation or parole officer; psychologist;
2 social worker; or other person with the care of a person sixty
3 years of age or older or an eligible adult has reasonable cause
4 to believe that a resident of a facility has been abused or
5 neglected, he or she shall immediately report or cause a report
6 to be made to the department.

7 2. The report shall contain the name and address of the
8 facility, the name of the resident, information regarding the
9 nature of the abuse or neglect, the name of the complainant, and
10 any other information which might be helpful in an investigation.

11 3. Any person required in subsection 1 of this section to
12 report or cause a report to be made to the department who
13 knowingly fails to make a report within a reasonable time after
14 the act of abuse or neglect as required in this subsection is
15 guilty of a class A misdemeanor.

16 4. In addition to the penalties imposed by this section,
17 any administrator who knowingly conceals any act of abuse or
18 neglect resulting in death or serious physical injury, as defined
19 in section [565.002] 556.061, is guilty of a class [D] E felony.

20 5. In addition to those persons required to report pursuant
21 to subsection 1 of this section, any other person having
22 reasonable cause to believe that a resident has been abused or
23 neglected may report such information to the department.

24 6. Upon receipt of a report, the department shall initiate
25 an investigation within twenty-four hours and, as soon as
26 possible during the course of the investigation, shall notify the
27 resident's next of kin or responsible party of the report and the
28 investigation and further notify them whether the report was

1 substantiated or unsubstantiated unless such person is the
2 alleged perpetrator of the abuse or neglect. As provided in
3 section ~~[565.186]~~ 197.1010, substantiated reports of elder abuse
4 shall be promptly reported by the department to the appropriate
5 law enforcement agency and prosecutor.

6 7. If the investigation indicates possible abuse or neglect
7 of a resident, the investigator shall refer the complaint
8 together with the investigator's report to the department
9 director or the director's designee for appropriate action. If,
10 during the investigation or at its completion, the department has
11 reasonable cause to believe that immediate removal is necessary
12 to protect the resident from abuse or neglect, the department or
13 the local prosecuting attorney may, or the attorney general upon
14 request of the department shall, file a petition for temporary
15 care and protection of the resident in a circuit court of
16 competent jurisdiction. The circuit court in which the petition
17 is filed shall have equitable jurisdiction to issue an ex parte
18 order granting the department authority for the temporary care
19 and protection of the resident, for a period not to exceed thirty
20 days.

21 8. Reports shall be confidential, as provided pursuant to
22 section ~~[660.320]~~ 197.1040.

23 9. Anyone, except any person who has abused or neglected a
24 resident in a facility, who makes a report pursuant to this
25 section or who testifies in any administrative or judicial
26 proceeding arising from the report shall be immune from any civil
27 or criminal liability for making such a report or for testifying
28 except for liability for perjury, unless such person acted

1 negligently, recklessly, in bad faith or with malicious purpose.
2 It is a crime [pursuant to section 565.186 and 565.188] under
3 section 565.189 for any person to purposely file a false report
4 of elder abuse or neglect.

5 10. Within five working days after a report required to be
6 made pursuant to this section is received, the person making the
7 report shall be notified in writing of its receipt and of the
8 initiation of the investigation.

9 11. No person who directs or exercises any authority in a
10 facility shall evict, harass, dismiss or retaliate against a
11 resident or employee because such resident or employee or any
12 member of such resident's or employee's family has made a report
13 of any violation or suspected violation of laws, ordinances or
14 regulations applying to the facility which the resident, the
15 resident's family or an employee has reasonable cause to believe
16 has been committed or has occurred. Through the existing
17 department information and referral telephone contact line,
18 residents, their families and employees of a facility shall be
19 able to obtain information about their rights, protections and
20 options in cases of eviction, harassment, dismissal or
21 retaliation due to a report being made pursuant to this section.

22 12. Any person who abuses or neglects a resident of a
23 facility is subject to criminal prosecution under section
24 [565.180, 565.182, or] 565.184.

25 13. The department shall maintain the employee
26 disqualification list and place on the employee disqualification
27 list the names of any persons who are or have been employed in
28 any facility and who have been finally determined by the

1 department pursuant to section [660.315] 197.1036 to have
2 knowingly or recklessly abused or neglected a resident. For
3 purposes of this section only, "knowingly" and "recklessly" shall
4 have the meanings that are ascribed to them in this section. A
5 person acts "knowingly" with respect to the person's conduct when
6 a reasonable person should be aware of the result caused by his
7 or her conduct. A person acts "recklessly" when the person
8 consciously disregards a substantial and unjustifiable risk that
9 the person's conduct will result in serious physical injury and
10 such disregard constitutes a gross deviation from the standard of
11 care that a reasonable person would exercise in the situation.

12 14. The timely self-reporting of incidents to the central
13 registry by a facility shall continue to be investigated in
14 accordance with department policy, and shall not be counted or
15 reported by the department as a hot-line call but rather a
16 self-reported incident. If the self-reported incident results in
17 a regulatory violation, such incident shall be reported as a
18 substantiated report.

19 198.097. 1. Any person who assumes the responsibility of
20 managing the financial affairs of an elderly or disabled person
21 who is a resident of any facility licensed under this chapter is
22 guilty of a class [D] E felony if such person misappropriates the
23 funds and fails to pay for the facility care of the elderly or
24 disabled person. For purposes of this subsection, a person
25 assumes the responsibility of managing the financial affairs of
26 an elderly person when he or she receives, has access to,
27 handles, or controls the elderly or disabled person's monetary
28 funds, including but not limited to Social Security income,

1 pension, cash, or other resident income.

2 2. Evidence of misappropriating funds and failure to pay
3 for the care of an elderly or disabled person may include but not
4 be limited to proof that the facility has sent, by certified mail
5 with confirmation receipt requested, notification of failure to
6 pay facility care expenses incurred by a resident to the person
7 who has assumed responsibility of managing the financial affairs
8 of the resident.

9 3. Nothing in subsection 2 of this section shall be
10 construed as limiting the investigations or prosecutions of
11 violations of subsection 1 of this section or the crime of
12 financial exploitation of an elderly or disabled person as
13 defined by section 570.145.

14 198.158. 1. A person committing any act in violation of
15 any provision of sections 198.139 to 198.155 is guilty of a class
16 **[D] E** felony.

17 2. A vendor or health care provider convicted of a criminal
18 violation of sections 198.139 to 198.155 shall be prohibited from
19 receiving future moneys under Medicaid or from providing services
20 under Medicaid for or on behalf of any other health care
21 provider. However, the director of the department or his or her
22 designee shall review this prohibition upon the petition of a
23 vendor or health care provider so convicted and, for good cause
24 shown, may reinstate the vendor or health care provider as being
25 eligible to receive funds under Medicaid. The decision of the
26 director or his or her designee shall be made in writing after
27 the director of the fraud investigation division is allowed the
28 opportunity to state his or her position concerning such

1 petition.

2 3. A vendor or health care provider committing any act or
3 omission in violation of sections 198.139 to 198.155 shall be
4 civilly liable to the state for any moneys obtained under
5 Medicaid as a result of such act or omission.

6 205.965. 1. Counties, state agencies, issuing agencies,
7 retail food outlets, wholesale food concerns, banks and all
8 persons who participate in or administer any part of the
9 distribution program of surplus agricultural commodities or a
10 food stamp plan shall comply with all state and federal laws,
11 rules and regulations applicable to such program or plans and
12 shall be subject to inspection and audit by the division of
13 family services with respect to the operation of the program or
14 plan.

15 2. To the extent authorized by federal law, all food stamp
16 vendors shall be approved and licensed by the division of family
17 services. The division may promulgate rules and regulations
18 necessary to administer the provisions of this section. The
19 division shall set the amount of the fees for licensing food
20 stamp vendors at a level to produce revenue which shall not
21 substantially exceed the cost and expense of administering the
22 provisions of this section. An action may be brought by the
23 department to temporarily or permanently enjoin or restrain any
24 violation of this subsection or the regulations applicable
25 thereto. Any action brought under the provisions of this
26 subsection shall be heard by the court within no more than twenty
27 days after the action has been filed and service made upon the
28 vendor. Any person who in any way conducts business as a food

1 stamp vendor without approval and license by the division of
2 family services shall be guilty of a class A misdemeanor. A
3 second offense within five years after the first conviction shall
4 be a class [D] E felony.

5 3. No rule or portion of a rule promulgated under the
6 authority of this chapter shall become effective unless it has
7 been promulgated pursuant to the provisions of section 536.024.

8 210.165. 1. Any person violating any provision of sections
9 210.110 to 210.165 is guilty of a class A misdemeanor.

10 2. Any person who intentionally files a false report of
11 child abuse or neglect shall be guilty of a class A misdemeanor.

12 3. Every person who has been previously convicted of making
13 a false report to the division of family services and who is
14 subsequently convicted of making a false report under subsection
15 2 of this section is guilty of a class [D] E felony and shall be
16 punished as provided by law.

17 4. Evidence of prior convictions of false reporting shall
18 be heard by the court, out of the hearing of the jury, prior to
19 the submission of the case to the jury, and the court shall
20 determine the existence of the prior convictions.

21 214.410. 1. Any cemetery operator who shall willfully
22 violate any provisions of sections 214.270 to 214.410 for which
23 no penalty is otherwise prescribed shall be deemed guilty of a
24 misdemeanor and upon conviction thereof shall be fined a sum not
25 to exceed five hundred dollars or shall be confined not more than
26 six months or both.

27 2. Any cemetery operator who shall willfully violate any
28 provision of section 214.320, 214.330, 214.335, 214.340, 214.360,

1 214.385, or 214.387 shall be deemed guilty of a class [D] E
2 felony and upon conviction thereof shall be fined a sum not to
3 exceed ten thousand dollars or shall be confined not more than
4 five years or both. This section shall not apply to cemeteries
5 or cemetery associations which do not sell lots in the cemetery.

6 3. Any trustee who shall willfully violate any applicable
7 provisions of sections 214.270 to 214.410 shall have committed an
8 unsafe and unsound banking practice and shall be penalized as
9 authorized by chapters 361 and 362. This subsection shall be
10 enforced exclusively by the Missouri division of finance for
11 state chartered institutions and the Missouri attorney general
12 for federally chartered institutions.

13 4. Any person who shall willfully violate any provision of
14 section 214.320, 214.330, 214.335, 214.340, 214.360 or 214.385 or
15 violates any rule, regulation or order of the division may, in
16 accordance with the regulations issued by the division, be
17 assessed an administrative penalty by the division. The penalty
18 shall not exceed five thousand dollars for each violation and
19 each day of the continuing violation shall be deemed a separate
20 violation for purposes of administrative penalty assessment.
21 However, no administrative penalty may be assessed until the
22 person charged with the violation has been given the opportunity
23 for a hearing on the violation. Penalty assessments received
24 shall be deposited in the endowed care cemetery audit fund
25 created in section 193.265.

26 217.360. 1. It shall be an offense for any person to
27 knowingly deliver, attempt to deliver, have in his or her
28 possession, deposit or conceal in or about the premises of any

1 correctional center, or city or county jail, or private prison or
2 jail:

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

6 (2) Any other alkaloid of any controlled substance, any
7 spirituous or malt liquor, or any intoxicating liquor as defined
8 in section 311.020;

9 (3) Any article or item of personal property which an
10 offender is prohibited by law or by rule and regulation of the
11 division from receiving or possessing;

12 (4) Any gun, knife, weapon, or other article or item of
13 personal property that may be used in such manner as to endanger
14 the safety or security of the correctional center, or city or
15 county jail, or private prison or jail or as to endanger the life
16 or limb of any offender or employee of such a center.

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

24 3. Any person who has been found guilty of or has pled
25 guilty to a violation of subdivision (2) of subsection 1 of this
26 section involving any alkaloid shall be entitled to expungement
27 of the record of the violation. The procedure to expunge the
28 record shall be pursuant to section 610.123. The record of any

1 person shall not be expunged if such person has been found guilty
2 of or has pled guilty to knowingly delivering, attempting to
3 deliver, having in his or her possession, or depositing or
4 concealing any alkaloid of any controlled substance in or about
5 the premises of any correctional center, or city or county jail,
6 or private prison or jail.

7 217.385. 1. No offender shall knowingly commit violence to
8 an employee of the department or to another offender housed in a
9 department correctional center. Violation of this subsection
10 shall be a class B felony.

11 2. No offender shall knowingly damage any building or other
12 property owned or operated by the department. Violation of this
13 subsection shall be a class **[C]** D felony.

14 217.400. 1. A person commits the crime of furnishing unfit
15 food to offenders if he does any of the following:

16 (1) Knowingly furnishes or delivers any diseased, putrid or
17 otherwise unwholesome meat from any animal or fowl that was
18 diseased or otherwise unfit for food to any correctional center
19 operated or funded by the department;

20 (2) Knowingly furnishes or delivers any other unwholesome
21 food, vegetables or provisions whatsoever to such correctional
22 centers to be used as food by the offenders in such correctional
23 centers;

24 (3) Knowingly receives or consents to receive as an
25 employee of such correctional center any diseased or unwholesome
26 meat, food or provisions.

27 2. Furnishing unfit food to offenders is a class **[D]** E
28 felony.

1 217.405. 1. Except as provided in subsection 3 of this
2 section, a person commits the crime of "offender abuse" if he
3 knowingly injures the physical well-being of any offender under
4 the jurisdiction of the department by beating, striking, wounding
5 or by sexual contact with such person.

6 2. Offender abuse is a class ~~[C]~~ D felony.

7 3. No employee of the department shall use any physical
8 force on an offender except the employee shall have the right to
9 use such physical force as is necessary to defend himself or
10 herself, suppress an individual or group revolt or insurrection,
11 enforce discipline or to secure the offender.

12 217.542. 1. An offender of the department released to the
13 house arrest program commits the crime of failure to return to
14 house arrest if he or she purposely fails to return to his or her
15 place of residence or activity authorized by subsection 3 of
16 section 217.541 when he or she is required to do so.

17 2. Failure to return to house arrest is a class ~~[D]~~ E
18 felony.

19 217.543. 1. The jailer of any city not within a county
20 having custody of pretrial detainees or persons serving sentences
21 for violation of state or local laws may establish a program of
22 house arrest consistent with the provisions of this section.

23 2. Such jailer shall by rule establish a program of house
24 arrest. Such jailer may extend the limits of confinement for
25 pretrial detainees or persons serving sentences for violation of
26 state or local laws.

27 3. The inmate or detainee shall remain an inmate of such
28 jailer and shall be subject to the rules and regulations of the

1 house arrest program.

2 4. Such jailer shall require the inmate or detainee to
3 participate in work or educational or vocational programs and
4 other activities that may be necessary to the supervision and
5 treatment of the inmate or detainee.

6 5. An inmate or detainee released to house arrest shall be
7 authorized to leave his or her place of residence only for the
8 purpose and time necessary to participate in the programs and
9 activities authorized.

10 6. Such jailer shall supervise every inmate or detainee
11 released to the house arrest program and shall verify compliance
12 with the requirements set forth for each person so released and
13 such other rules and regulations that such jailer shall
14 promulgate, and may do so by remote electronic surveillance.
15 Such jailer may direct to any peace officer the return of any
16 inmate or detainee from house arrest for violation of the
17 conditions of release.

18 7. Each inmate or detainee who is released on house arrest
19 shall pay a percentage of his or her wages to cover the costs of
20 house arrest, such amount to be established by the jailer.

21 8. An inmate released to the house arrest program pursuant
22 to this section commits the crime of escape from custody if such
23 inmate purposely fails to return to his or her place of residence
24 or activity as established by the jailer when he or she is
25 required to do so. Escape from custody is a class [D] E felony.

26 217.692. 1. Notwithstanding any other provision of law to
27 the contrary, any offender incarcerated in a correctional
28 institution serving any sentence of life with no parole for fifty

1 years or life without parole, whose plea of guilt was entered or
2 whose trial commenced prior to December 31, 1990, and who:

3 (1) Pleaded guilty to or was found guilty of a homicide of
4 a spouse or domestic partner;

5 (2) Has no prior violent felony convictions;

6 (3) No longer has a cognizable legal claim or legal
7 recourse; and

8 (4) Has a history of being a victim of continual and
9 substantial physical or sexual domestic violence that was not
10 presented as an affirmative defense at trial or sentencing and
11 such history can be corroborated with evidence of facts or
12 circumstances which existed at the time of the alleged physical
13 or sexual domestic violence of the offender, including but not
14 limited to witness statements, hospital records, social services
15 records, and law enforcement records; shall be eligible for
16 parole after having served fifteen years of such sentence when
17 the board determines by using the guidelines established by this
18 section that there is a strong and reasonable probability that
19 the person will not thereafter violate the law.

20 2. The board of probation and parole shall give a thorough
21 review of the case history and prison record of any offender
22 described in subsection 1 of this section. At the end of the
23 board's review, the board shall provide the offender with a copy
24 of a statement of reasons for its parole decision.

25 3. Any offender released under the provisions of this
26 section shall be under the supervision of the parole board for an
27 amount of time to be determined by the board.

28 4. The parole board shall consider, but not be limited to

1 the following criteria when making its parole decision:

2 (1) Length of time served;

3 (2) Prison record and self-rehabilitation efforts;

4 (3) Whether the history of the case included corroborative
5 material of physical, sexual, mental, or emotional abuse of the
6 offender, including but not limited to witness statements,
7 hospital records, social service records, and law enforcement
8 records;

9 (4) If an offer of a plea bargain was made and if so, why
10 the offender rejected or accepted the offer;

11 (5) Any victim information outlined in subsection 7 of
12 section 217.690 and section 595.209;

13 (6) The offender's continued claim of innocence;

14 (7) The age and maturity of the offender at the time of the
15 board's decision;

16 (8) The age and maturity of the offender at the time of the
17 crime and any contributing influence affecting the offender's
18 judgment;

19 (9) The presence of a workable parole plan; and

20 (10) Community and family support.

21 5. Nothing in this section shall limit the review of any
22 offender's case who is eligible for parole prior to fifteen
23 years, nor shall it limit in any way the parole board's power to
24 grant parole prior to fifteen years.

25 6. Nothing in this section shall limit the review of any
26 offender's case who has applied for executive clemency, nor shall
27 it limit in any way the governor's power to grant clemency.

28 7. It shall be the responsibility of the offender to

1 petition the board for a hearing under this section.

2 8. A person commits the crime of perjury if he or she, with
3 the purpose to deceive, knowingly makes a false witness statement
4 to the board. Perjury under this section shall be a class [C] D
5 felony.

6 9. In cases where witness statements alleging physical or
7 sexual domestic violence are in conflict as to whether such
8 violence occurred or was continual and substantial in nature, the
9 history of such alleged violence shall be established by other
10 corroborative evidence in addition to witness statements, as
11 provided by subsection 1 of this section. A contradictory
12 statement of the victim shall not be deemed a conflicting
13 statement for purposes of this section.

14 217.703. 1. The division of probation and parole shall
15 award earned compliance credits to any offender who is:

16 (1) Not subject to lifetime supervision under sections
17 217.735 and 559.106 or otherwise found to be ineligible to earn
18 credits by a court pursuant to subsection 2 of this section;

19 (2) On probation, parole, or conditional release for an
20 offense listed in chapter [195] 579 or for a class [C] D or [D] E
21 felony, excluding the offenses of [aggravated] stalking in the
22 first degree, rape in the second degree, sodomy in the second
23 degree, [sexual assault, deviate sexual assault,] assault in the
24 second degree under subdivision (2) of subsection 1 of section
25 [565.060] 565.052, sexual misconduct involving a child,
26 endangering the welfare of a child in the first degree under
27 subdivision (2) of subsection 1 of section 568.045, incest,
28 invasion of privacy, and abuse of a child;

1 (3) Supervised by the board; and

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

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

6 (1) Involuntary manslaughter in the first degree;

7 (2) Involuntary manslaughter in the second degree;

8 (3) Assault in the second degree except under subdivision
9 (2) of subsection 1 of section ~~565.060~~ 565.052;

10 (4) Domestic assault in the second degree;

11 (5) Assault ~~[of a law enforcement officer in the second~~
12 degree] in the third degree when the victim is a special victim;

13 (6) Statutory rape in the second degree;

14 (7) Statutory sodomy in the second degree;

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

17 (9) Any case in which the defendant is found guilty of a
18 felony offense under chapter 571, the sentencing court may, upon
19 its own motion or a motion of the prosecuting or circuit
20 attorney, make a finding that the offender is ineligible to earn
21 compliance credits because the nature and circumstances of the
22 offense or the history and character of the offender indicate
23 that a longer term of probation, parole, or conditional release
24 is necessary for the protection of the public or the guidance of
25 the offender. The motion may be made any time prior to the first
26 month in which the person may earn compliance credits under this
27 section. The offender's ability to earn credits shall be
28 suspended until the court or board makes its finding. If the

1 court or board finds that the offender is eligible for earned
2 compliance credits, the credits shall begin to accrue on the
3 first day of the next calendar month following the issuance of
4 the decision.

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

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

17 5. Credits shall not accrue during any calendar month in
18 which a violation report has been submitted or a motion to revoke
19 or motion to suspend has been filed, and shall be suspended
20 pending the outcome of a hearing, if a hearing is held. If no
21 hearing is held or the court or board finds that the violation
22 did not occur, then the offender shall be deemed to be in
23 compliance and shall begin earning credits on the first day of
24 the next calendar month following the month in which the report
25 was submitted or the motion was filed. All earned credits shall
26 be rescinded if the court or board revokes the probation or
27 parole or the court places the offender in a department program
28 under subsection 4 of section 559.036. Earned credits shall

1 continue to be suspended for a period of time during which the
2 court or board has suspended the term of probation, parole, or
3 release, and shall begin to accrue on the first day of the next
4 calendar month following the lifting of the suspension.

5 6. Offenders who are deemed by the division to be
6 absconders shall not earn credits. For purposes of this
7 subsection, "absconder" shall mean an offender under supervision
8 who has left such offender's place of residency without the
9 permission of the offender's supervising officer for the purpose
10 of avoiding supervision. An offender shall no longer be deemed
11 an absconder when such offender is available for active
12 supervision.

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

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

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

1 offender of the length of the remaining term.

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

10 221.025. 1. As an alternative to confinement, an
11 individual may be placed on electronic monitoring pursuant to
12 subsection 1 of section 544.455 or subsection 6 of section
13 557.011, with such terms and conditions as a court shall deem
14 just and appropriate under the circumstances.

15 2. A judge may, in his or her discretion, credit any such
16 period of electronic monitoring against any period of confinement
17 or incarceration ordered, however, electronic monitoring shall
18 not be considered to be in custody or incarceration for purposes
19 of eligibility for the MO HealthNet program, nor shall it be
20 considered confinement in a correctional center or private or
21 county jail for purposes of determining responsibility for the
22 individual's health care.

23 3. This section shall not authorize a court to place an
24 individual on electronic monitoring in lieu of the required
25 imprisonment, community service, or court-ordered treatment
26 program involving community service, if that individual is a
27 prior, persistent, aggravated, [or] chronic, or habitual offender
28 sentenced pursuant to section [577.023] 577.001.

1 221.111. 1. No person shall knowingly deliver, attempt to
2 deliver, have in such person's possession, deposit or conceal in
3 or about the premises of any county or private jail or other
4 county correctional facility:

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

8 (2) Any other alkaloid of any kind or any spiritous or malt
9 liquor;

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

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

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

23 3. The chief operating officer of a county jail or other
24 county correctional facility or the administrator of a private
25 jail may deny visitation privileges to or refer to the county
26 prosecuting attorney for prosecution any person who knowingly
27 delivers, attempts to deliver, has in such person's possession,
28 deposits or conceals in or about the premises of such jail or

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

9 221.353. 1. A person commits the crime of damage to jail
10 property if such person knowingly damages any city, county, or
11 private jail building or other jail property.

12 2. A person commits the crime of damage to jail property if
13 such person knowingly starts a fire in any city, county, or
14 private jail building or other jail property.

15 3. Damage to jail property is a class [D] E felony.

16 252.235. The sale, taking for sale or possession for sale
17 of any species of fish or wildlife, or parts thereof, which shall
18 include eggs, which have been taken or possessed in violation of
19 the rules and regulations of the commission, is prohibited. Any
20 person violating the provisions of this section shall be guilty
21 of a class A misdemeanor for the first offense if the sale
22 amounts to less than five hundred dollars. Any person violating
23 the provisions of this section shall be guilty of a class [D] E
24 felony for the second and subsequent offense if the sale amounts
25 to less than five hundred dollars. Any person violating the
26 provisions of this section shall be guilty of a class [C] D
27 felony for the first and all subsequent offenses if the sale
28 amounts to five hundred dollars or more. "Sale" means the

1 exchange of an amount of money, other negotiable instruments, or
2 property of value received by the person or persons selling the
3 prohibited species. "Sale", for purposes of this section, shall
4 also mean the intention to exchange an amount of money, other
5 negotiable instruments or property of value for a prohibited
6 species. For the purposes of this section "property" is defined
7 by section 570.010 and value shall be ascertained as set forth in
8 section 570.020.

9 260.207. 1. The department of natural resources shall not
10 issue a permit to any person for the operation of any solid waste
11 processing facility or solid waste disposal area pursuant to
12 sections 260.200 to 260.345 if such person has been determined to
13 habitually violate Missouri environmental statutes, the
14 environmental statutes of other states or federal statutes
15 pertaining to environmental control or if such person has had
16 three or more convictions, which convictions occurred after
17 August 28, 1990, and within any five-year period, within a court
18 of the United States or of any state other than Missouri or has
19 had two or more convictions within Missouri, after August 28,
20 1990, and within any five-year period, for any crimes or criminal
21 acts, an element of which involves restraint of trade,
22 price-fixing, intimidation of the customers of another person or
23 for engaging in any other acts which may have the effect of
24 restraining or limiting competition concerning activities
25 regulated under this chapter or similar laws of other states or
26 the federal government; except that convictions for violations by
27 entities purchased or acquired by an applicant or permittee which
28 occurred prior to the purchase or acquisition shall not be

1 included. For the purpose of this section the term "person"
2 shall include any business organization or entity, successor
3 corporation, partnership or subsidiary of any business
4 organization or entity, and the owners and officers thereof, of
5 the entity submitting the application.

6 2. The director shall suspend, revoke or not renew the
7 permit of any person with a permit to operate any solid waste
8 processing facility or solid waste disposal area if such person
9 has been determined by the department of natural resources to
10 habitually violate the requirements of the Missouri environmental
11 statutes, of the environmental statutes of other states, or of
12 federal statutes pertaining to environmental control, or if such
13 person has had three or more convictions in any court of the
14 United States or of any state other than Missouri or has had two
15 or more convictions within Missouri of crimes as specified
16 herein, if such convictions occur after August 28, 1990, and
17 within any five-year period.

18 3. Any person applying for a permit to operate any facility
19 pursuant to sections 260.200 to 260.345 shall notify the director
20 of any conviction for a crime which would have the effect of
21 limiting competition. Any person holding a permit shall notify
22 the department of any such conviction of any crime as specified
23 herein within thirty days of the conviction. Failure to notify
24 the director is a class [D] E felony and subject to a fine of one
25 thousand dollars per day for each day unreported.

26 4. Any person who has had a permit denied, revoked or not
27 renewed due to the provisions of this section may apply to the
28 director for reinstatement after five years have elapsed from the

1 time of the most recent conviction.

2 260.208. No city, county, district, authority or other
3 political subdivision of this state shall enter into a contract
4 or other arrangement for solid waste management services with any
5 person who has been convicted as set out in section 260.207,
6 which convictions occur after August 28, 1990, and within any
7 five-year period, except that the prohibitions of this section
8 shall not apply to any person convicted as provided in section
9 260.207 after five years have elapsed from the most recent
10 conviction. Any person submitting a bid to a city, county,
11 district, authority or other political subdivision for a contract
12 to provide solid waste management services who, after August 28,
13 1990, has been convicted of crimes which have the effect of
14 limiting competition as set out in section 260.207, shall notify
15 the city, county, district, authority or other political
16 subdivision of such conviction with the submission of the bid.
17 Any person with a contract for solid waste management services
18 with a city, county, district, authority or other political
19 subdivision of this state who is convicted of crimes which would
20 have the effect of limiting competition as set out in section
21 260.207, shall notify the city, county, district, authority or
22 other political subdivision of such conviction within thirty days
23 of the conviction. Failure to notify the city, county, district,
24 authority, or other political subdivision as required in this
25 section is a class [D] E felony and subject to a fine of one
26 thousand dollars per day for each day unreported.

27 260.211. 1. A person commits the offense of criminal
28 disposition of demolition waste if he purposely or knowingly

1 disposes of or causes the disposal of more than two thousand
2 pounds or four hundred cubic feet of such waste on property in
3 this state other than in a solid waste processing facility or
4 solid waste disposal area having a permit as required by section
5 260.205; provided that, this subsection shall not prohibit the
6 use or require a solid waste permit for the use of solid wastes
7 in normal farming operations or in the processing or
8 manufacturing of other products in a manner that will not create
9 a public nuisance or adversely affect public health and shall not
10 prohibit the disposal of or require a solid waste permit for the
11 disposal by an individual of solid wastes resulting from his or
12 her own residential activities on property owned or lawfully
13 occupied by him or her when such wastes do not thereby create a
14 public nuisance or adversely affect the public health.
15 Demolition waste shall not include clean fill or vegetation.
16 Criminal disposition of demolition waste is a class **[D]** E felony.
17 In addition to other penalties prescribed by law, a person
18 convicted of criminal disposition of demolition waste is subject
19 to a fine not to exceed twenty thousand dollars, except as
20 provided below. The magnitude of the fine shall reflect the
21 seriousness or potential seriousness of the threat to human
22 health and the environment posed by the violation, but shall not
23 exceed twenty thousand dollars, except that if a court of
24 competent jurisdiction determines that the person responsible for
25 illegal disposal of demolition waste under this subsection did so
26 for remuneration as a part of an ongoing commercial activity, the
27 court shall set a fine which reflects the seriousness or
28 potential threat to human health and the environment which at

1 least equals the economic gain obtained by the person, and such
2 fine may exceed the maximum established herein.

3 2. Any person who purposely or knowingly disposes of or
4 causes the disposal of more than two thousand pounds or four
5 hundred cubic feet of his or her personal construction or
6 demolition waste on his or her own property shall be guilty of a
7 class ~~[C]~~ D misdemeanor. If such person receives any amount of
8 money, goods, or services in connection with permitting any other
9 person to dispose of construction or demolition waste on his or
10 her property, such person shall be guilty of a class ~~[D]~~ E
11 felony.

12 3. The court shall order any person convicted of illegally
13 disposing of demolition waste upon his or her own property for
14 remuneration to clean up such waste and, if he or she fails to
15 clean up the waste or if he or she is unable to clean up the
16 waste, the court may notify the county recorder of the county
17 containing the illegal disposal site. The notice shall be
18 designed to be recorded on the record.

19 4. The court may order restitution by requiring any person
20 convicted under this section to clean up any demolition waste he
21 illegally dumped and the court may require any such person to
22 perform additional community service by cleaning up and properly
23 disposing of demolition waste illegally dumped by other persons.

24 5. The prosecutor of any county or circuit attorney of any
25 city not within a county may, by information or indictment,
26 institute a prosecution for any violation of the provisions of
27 this section.

28 6. Any person shall be guilty of conspiracy as defined in

1 section 564.016 if he or she knows or should have known that his
2 or her agent or employee has committed the acts described in
3 sections 260.210 to 260.212 while engaged in the course of
4 employment.

5 260.212. 1. A person commits the offense of criminal
6 disposition of solid waste if he purposely or knowingly disposes
7 of or causes the disposal of more than five hundred pounds or one
8 hundred cubic feet of commercial or residential solid waste on
9 property in this state other than a solid waste processing
10 facility or solid waste disposal area having a permit as required
11 by section 260.205; provided that, this subsection shall not
12 prohibit the use or require a solid waste permit for the use of
13 solid wastes in normal farming operations or in the processing or
14 manufacturing of other products in a manner that will not create
15 a public nuisance or adversely affect public health and shall not
16 prohibit the disposal of or require a solid waste permit for the
17 disposal by an individual of solid wastes resulting from his or
18 her own residential activities on property owned or lawfully
19 occupied by him or her when such wastes do not thereby create a
20 public nuisance or adversely affect the public health. Criminal
21 disposition of solid waste is a class **[D]** E felony. In addition
22 to other penalties prescribed by law, a person convicted of
23 criminal disposition of solid waste is subject to a fine, and the
24 magnitude of the fine shall reflect the seriousness or potential
25 seriousness of the threat to human health and the environment
26 posed by the violation, but shall not exceed twenty thousand
27 dollars, except that if a court of competent jurisdiction
28 determines that the person responsible for illegal disposal of

1 solid waste under this subsection did so for remuneration as a
2 part of an ongoing commercial activity, the court shall set a
3 fine which reflects the seriousness or potential threat to human
4 health and the environment which at least equals the economic
5 gain obtained by the person, and such fine may exceed the maximum
6 established herein.

7 2. The court shall order any person convicted of illegally
8 disposing of solid waste upon his or her own property for
9 remuneration to clean up such waste and, if he or she fails to
10 clean up the waste or if he or she is unable to clean up the
11 waste, the court may notify the county recorder of the county
12 containing the illegal disposal site. The notice shall be
13 designed to be recorded on the record.

14 3. The court may order restitution by requiring any person
15 convicted under this section to clean up any commercial or
16 residential solid waste he illegally dumped and the court may
17 require any such person to perform additional community service
18 by cleaning up commercial or residential solid waste illegally
19 dumped by other persons.

20 4. The prosecutor of any county or circuit attorney of any
21 city not within a county may, by information or indictment,
22 institute a prosecution for any violation of the provisions of
23 this section.

24 5. Any person shall be guilty of conspiracy as defined in
25 section 564.016 if he knows or should have known that his or her
26 agent or employee has committed the acts described in sections
27 260.210 to 260.212 while engaged in the course of employment.

28 260.379. 1. The department of natural resources shall not

1 issue a permit to any person for the operation of any facility or
2 issue any license to any person under the authority of sections
3 260.350 to 260.434, if such person has had three or more
4 convictions, which convictions occurred after July 9, 1990, and
5 within any five-year period within the courts of the United
6 States or of any state except Missouri or had two or more
7 convictions within a Missouri court after July 9, 1990, and
8 within any five-year period, for any crimes or criminal acts, an
9 element of which involves restraint of trade, price-fixing,
10 intimidation of the customers of any person or for engaging in
11 any other acts which may have the effect of restraining or
12 limiting competition concerning activities regulated under this
13 chapter or similar laws of other states or the federal
14 government; except that convictions for violations by entities
15 purchased or acquired by an applicant or permittee which occurred
16 prior to the purchase or acquisition shall not be included. For
17 the purpose of this section, the term "person" shall include any
18 business organization or entity, successor corporation,
19 partnership or subsidiary of any business organization or entity,
20 and the owners and officers thereof, or the entity submitting the
21 application.

22 2. The director shall suspend, revoke or not renew the
23 permit or license of any person issued pursuant to sections
24 260.350 to 260.434, if such person has had two or more
25 convictions in any court of the United States or of any state
26 other than Missouri or two or more convictions within a Missouri
27 court for crimes as specified herein if such conviction occurred
28 after July 9, 1990, and within any five-year period.

1 3. Any person applying for a permit or license under
2 sections 260.350 to 260.434 shall notify the director of any
3 conviction for any act which would have the effect of limiting
4 competition. Any person with a permit or license shall notify
5 the department of any such conviction within thirty days of the
6 conviction or plea. Failure to notify the director is a class
7 **[D]** E felony and subject to a fine of one thousand dollars per
8 day for each day unreported.

9 4. Provided that after a period of five years after a
10 permit has been revoked under the provisions of this section, the
11 person, firm or corporation affected may apply for rehabilitation
12 and reinstatement to the director of the department. The
13 department shall promulgate the necessary rules and regulations
14 for rehabilitation and reinstatement. The time period for same
15 shall not exceed five years.

16 270.260. 1. Any person who recklessly or knowingly
17 releases any swine to live in a wild or feral state upon any
18 public land or private land not completely enclosed by a fence
19 capable of containing such animals is guilty of a class A
20 misdemeanor. Each swine so released shall be a separate offense.

21 2. Every person who has previously pled guilty to or been
22 found guilty of violating the provisions of this section,
23 committed on two separate occasions where such offense occurred
24 within ten years of the date of the occurrence of the present
25 offense and who subsequently pleads guilty to or is found guilty
26 of violating this section shall be guilty of a class **[D]** E
27 felony.

28 3. Nothing in this section shall be construed to

1 criminalize the accidental escape of domestic swine.

2 276.421. 1. All applications shall be accompanied by a
3 true and accurate financial statement of the applicant, prepared
4 within six months of the date of application, setting forth all
5 the assets, liabilities and net worth of the applicant. In the
6 event that the applicant has been engaged in business as a grain
7 dealer for at least one year, the financial statement shall set
8 forth the aggregate dollar amount paid for grain purchased in
9 Missouri and those states with whom Missouri has entered into
10 contracts or agreements as authorized by section 276.566 during
11 the last completed fiscal period of the applicant. In the event
12 the applicant has been engaged in business for less than one year
13 or has not previously engaged in business as a grain dealer, the
14 financial statement shall set forth the estimated aggregate
15 dollar amount to be paid for grain purchased in Missouri and
16 those states with whom Missouri has entered into contracts or
17 agreements as authorized by section 276.566 during the
18 applicant's initial fiscal period. All applications shall also
19 be accompanied by a true and accurate statement of income and
20 expenses for the applicant's most recently completed fiscal year.
21 The financial statements required by this chapter shall be
22 prepared in conformity with generally accepted accounting
23 principles; except that the director may promulgate rules
24 allowing for the valuation of assets by competent appraisal.

25 2. The financial statement required by subsection 1 of this
26 section shall be audited or reviewed by a certified public
27 accountant. The financial statement may not be audited or
28 reviewed by the applicant, or an employee of the applicant, if an

1 individual, or, if the applicant is a corporation or partnership,
2 by an officer, shareholder, partner, or a direct employee of the
3 applicant.

4 3. The director may require any additional information or
5 verification with respect to the financial resources of the
6 applicant as he deems necessary for the effective administration
7 of this chapter. The director may promulgate rules setting forth
8 minimum standards of acceptance for the various types of
9 financial statements filed in accordance with the provisions of
10 this chapter. The director may promulgate rules requiring a
11 statement of retained earnings, a statement of changes in
12 financial position, and notes and disclosures to the financial
13 statements for all licensed grain dealers or all grain dealers
14 required to be licensed. The additional information or
15 verification referred to herein may include, but is not limited
16 to, requiring that the financial statement information be
17 reviewed or audited in accordance with standards established by
18 the American Institute of Certified Public Accountants.

19 4. All grain dealers shall provide the director with a copy
20 of all financial statements and updates to financial statements
21 utilized to secure the bonds required by sections 276.401 to
22 276.582.

23 5. All financial statements submitted to the director for
24 the purposes of this chapter shall be accompanied by a
25 certification by the applicant or the chief executive officer of
26 the applicant, subject to the penalty provision set forth in
27 subsection 4 of section 276.536, that to the best of his or her
28 knowledge and belief the financial statement accurately reflects

1 the financial condition of the applicant for the fiscal period
2 covered in the statement.

3 6. Any person who knowingly prepares or assists in the
4 preparation of an inaccurate or false financial statement which
5 is submitted to the director for the purposes of this chapter, or
6 who during the course of providing bookkeeping services or in
7 reviewing or auditing a financial statement which is submitted to
8 the director for the purposes of this chapter, becomes aware of
9 false information in the financial statement and does not
10 disclose in notes accompanying the financial statements that such
11 false information exists, or does not disassociate himself from
12 the financial statements prior to submission, is guilty of a
13 class [C] D felony. Additionally, such persons are liable for
14 any damages incurred by sellers of grain selling to a grain
15 dealer who is licensed or allowed to maintain his or her license
16 based upon inaccuracies or falsifications contained in the
17 financial statement.

18 7. Any licensed grain dealer or applicant for a grain
19 dealer's license shall maintain a minimum net worth equal to five
20 percent of annual grain purchases as set forth in the financial
21 statements required by this chapter. If the dealer or applicant
22 is deficient in meeting this net worth requirement, he or she
23 must post additional bond as required in section 276.436.

24 8. (1) Any licensed grain dealer or applicant for a grain
25 dealer's license shall have and maintain current assets at least
26 equal to one hundred percent of current liabilities. The
27 financial statement required by this chapter shall set forth
28 positive working capital in the form of a current ratio of the

1 total adjusted current assets to the total adjusted current
2 liabilities of at least one to one.

3 (2) The director may allow applicants to offset negative
4 working capital by increasing the grain dealer surety bond
5 required by section 276.426 up to the total amount of negative
6 working capital at the discretion of the director.

7 (3) Adjusted current assets shall be calculated by
8 deducting from the stated current assets shown on the financial
9 statement submitted by the applicant any current asset resulting
10 from notes receivable from related persons, accounts receivable
11 from related persons, stock subscriptions receivable, and any
12 other related person receivables.

13 (4) A disallowed current asset shall be netted against any
14 related liability and the net result, if an asset, shall be
15 subtracted from the current assets.

16 276.536. 1. Upon conviction, any person who does any of
17 the following is guilty of a class B misdemeanor:

18 (1) Engaging in the business of being a grain dealer
19 without securing a license prior to engaging in said business.
20 If a grain dealer has been charged, and has paid, a penalty fee
21 for operating without a license as set forth in section 276.411,
22 the grain dealer may not be charged with a class B misdemeanor
23 for operating without a license for the time period covered by
24 the penalty fee;

25 (2) Violating any of the provisions of sections 276.401 to
26 276.581;

27 (3) Impeding, hindering, obstructing, or otherwise
28 preventing or attempting to prevent the director, the director's

1 designated representative, employees, or any auditor in the
2 performance of his or her duty in connection with sections
3 276.401 to 276.581 or the regulations promulgated pursuant
4 thereto;

5 (4) On the part of any person, refusing to permit
6 inspection of his or her premises, books, accounts or records as
7 provided in sections 276.401 to 276.581.

8 2. In case of a continuing violation, each day a violation
9 occurs constitutes a separate and distinct offense.

10 3. It shall be the duty of the attorney general or each
11 prosecuting attorney to whom any violation of sections 276.401 to
12 276.581 is reported to cause appropriate proceedings under this
13 section to be instituted and prosecuted in a court of competent
14 jurisdiction without delay. Before a violation is reported for
15 prosecution, the director may give the grain dealer an
16 opportunity to present his or her views at an informal hearing.
17 In the event the director determines that a prosecutor to whom a
18 violation has been reported has failed to institute appropriate
19 proceedings, the director may make a written report of the
20 failure to institute proceedings to the attorney general. The
21 attorney general may investigate the circumstances which resulted
22 in the report. If the attorney general determines additional
23 proceedings are appropriate, he or she shall cause such
24 proceedings to be instituted. When the attorney general causes
25 such a proceeding to be instituted, he or she shall have all the
26 powers and rights of the office of the prosecuting attorney to
27 whom the violation was originally reported. Such powers and
28 rights are restricted to the prosecution of the specific case

1 reported.

2 4. A grain dealer licensed or required to be licensed
3 under sections 276.401 to 276.581, or any officer, agent, or
4 servant of such grain dealer who files false records, scale
5 tickets, financial papers or accounts with the director, or who
6 withholds records, scale tickets, financial papers or accounts
7 from the director, or who alters records, scale tickets,
8 financial papers or accounts in order to conceal amounts owed to
9 sellers of grain or actual amounts of grain received and paid or
10 not paid for or for the purpose of in any way misleading
11 department auditors and officials is, upon conviction, guilty of
12 a class [C] D felony.

13 5. Any duly authorized officer or employee appointed under
14 the provisions of sections 276.401 to 276.581 who neglects his or
15 her duty, or who knowingly or carelessly inspects, grades, tests,
16 or weighs any grain improperly, conducts an inspection
17 improperly, intentionally falsifies any inspection report, or
18 intentionally gives false information, or who accepts any money
19 or other valuable consideration, directly or indirectly, for any
20 neglect of duty as such duly authorized officer or employee in
21 the performance of his or her duties as such officer or employee
22 is deemed guilty of a class B misdemeanor.

23 277.180. 1. Any person who offers a bribe to any livestock
24 market or sale operator or market veterinarian for the purpose of
25 inducing such operator or veterinarian to violate the provisions
26 of this chapter shall be guilty of a class [D] E felony.

27 2. Nothing contained in this chapter shall be construed to
28 authorize any private cause of action, or to establish any

1 substitute principal of a law in connection therewith.

2 285.306. Every employee shall complete the withholding form
3 referred to in section 285.300. Any such employee who refuses to
4 complete the withholding form shall be guilty of a class [D] E
5 felony.

6 285.308. Any employee who states on the withholding form
7 that he does not owe child support when such employee knowingly
8 owes child support pursuant to a valid court order or
9 administrative order is guilty of a class [D] E felony.

10 287.128. 1. It shall be unlawful for any person to
11 knowingly present or cause to be presented any false or
12 fraudulent claim for the payment of benefits pursuant to a
13 workers' compensation claim.

14 2. It shall be unlawful for any insurance company or
15 self-insurer in this state to knowingly and intentionally refuse
16 to comply with known and legally indisputable compensation
17 obligations with intent to defraud.

18 3. It shall be unlawful for any person to:

19 (1) Knowingly present multiple claims for the same
20 occurrence with intent to defraud;

21 (2) Knowingly assist, abet, solicit or conspire with:

22 (a) Any person who knowingly presents any false or
23 fraudulent claim for the payment of benefits;

24 (b) Any person who knowingly presents multiple claims for
25 the same occurrence with an intent to defraud; or

26 (c) Any person who purposefully prepares, makes or
27 subscribes to any writing with the intent to present or use the
28 same, or to allow it to be presented in support of any such

1 claim;

2 (3) Knowingly make or cause to be made any false or
3 fraudulent claim for payment of a health care benefit;

4 (4) Knowingly submit a claim for a health care benefit
5 which was not used by, or on behalf of, the claimant;

6 (5) Knowingly present multiple claims for payment of the
7 same health care benefit with an intent to defraud;

8 (6) Knowingly make or cause to be made any false or
9 fraudulent material statement or material representation for the
10 purpose of obtaining or denying any benefit;

11 (7) Knowingly make or cause to be made any false or
12 fraudulent statements with regard to entitlement to benefits with
13 the intent to discourage an injured worker from making a
14 legitimate claim;

15 (8) Knowingly make or cause to be made a false or
16 fraudulent material statement to an investigator of the division
17 in the course of the investigation of fraud or noncompliance.
18 For the purposes of subdivisions (6), (7), and (8) of this
19 subsection, the term "statement" includes any notice, proof of
20 injury, bill for services, payment for services, hospital or
21 doctor records, X-ray or test results.

22 4. Any person violating any of the provisions of subsection
23 1 or 2 of this section shall be guilty of a class [D] E felony.
24 In addition, the person shall be liable to the state of Missouri
25 for a fine up to ten thousand dollars or double the value of the
26 fraud whichever is greater. Any person violating any of the
27 provisions of subsection 3 of this section shall be guilty of a
28 class A misdemeanor and the person shall be liable to the state

1 of Missouri for a fine up to ten thousand dollars. Any person
2 who has previously pled guilty to or has been found guilty of
3 violating any of the provisions of subsection 1, 2 or 3 of this
4 section and who subsequently violates any of the provisions of
5 subsection 1, 2 or 3 of this section shall be guilty of a class
6 ~~[C]~~ D felony.

7 5. It shall be unlawful for any person, company, or other
8 entity to prepare or provide an invalid certificate of insurance
9 as proof of workers' compensation insurance. Any person
10 violating any of the provisions of this subsection shall be
11 guilty of a class ~~[D]~~ E felony and, in addition, shall be liable
12 to the state of Missouri for a fine up to ten thousand dollars or
13 double the value of the fraud, whichever is greater.

14 6. Any person who knowingly misrepresents any fact in order
15 to obtain workers' compensation insurance at less than the proper
16 rate for that insurance shall be guilty of a class A misdemeanor.
17 Any person who has previously pled guilty to or has been found
18 guilty of violating any of the provisions of this section and who
19 subsequently violates any of the provisions of this section shall
20 be guilty of a class ~~[D]~~ E felony.

21 7. Any employer who knowingly fails to insure his liability
22 pursuant to this chapter shall be guilty of a class A misdemeanor
23 and, in addition, shall be liable to the state of Missouri for a
24 penalty in an amount up to three times the annual premium the
25 employer would have paid had such employer been insured or up to
26 fifty thousand dollars, whichever amount is greater. Any person
27 who has previously pled guilty to or has been found guilty of
28 violating any of the provisions of this section and who

1 subsequently violates any of the provisions of this section shall
2 be guilty of a class [D] E felony.

3 8. Any person may file a complaint alleging fraud or
4 noncompliance with this chapter with a legal advisor in the
5 division of workers' compensation. The legal advisor shall refer
6 the complaint to the fraud and noncompliance unit within the
7 division. The unit shall investigate all complaints and present
8 any finding of fraud or noncompliance to the director, who may
9 refer the file to the attorney general. The attorney general may
10 prosecute any fraud or noncompliance associated with this
11 chapter. All costs incurred by the attorney general associated
12 with any investigation and prosecution pursuant to this
13 subsection shall be paid out of the workers' compensation fund.
14 Any fines or penalties levied and received as a result of any
15 prosecution under this section shall be paid to the workers'
16 compensation fund. Any restitution ordered as a part of the
17 judgment shall be paid to the person or persons who were
18 defrauded.

19 9. Any and all reports, records, tapes, photographs, and
20 similar materials or documentation submitted by any person,
21 including the department of insurance, financial institutions and
22 professional registration, to the fraud and noncompliance unit or
23 otherwise obtained by the unit pursuant to this section, used to
24 conduct an investigation for any violation under this chapter,
25 shall be considered confidential and not subject to the
26 requirements of chapter 610. Nothing in this subsection
27 prohibits the fraud and noncompliance unit from releasing records
28 used to conduct an investigation to the local, state, or federal

1 law enforcement authority or federal or state agency conducting
2 an investigation, upon written request.

3 10. There is hereby established in the division of workers'
4 compensation a fraud and noncompliance administrative unit
5 responsible for investigating incidences of fraud and failure to
6 comply with the provisions of this chapter.

7 11. Any prosecution for a violation of the provisions of
8 this section or section 287.129 shall be commenced within three
9 years after discovery of the offense by an aggrieved party or by
10 a person who has a legal duty to represent an aggrieved party and
11 who is not a party to the offense. As used in this subsection,
12 the term "person who has a legal duty to represent an aggrieved
13 party" shall mean the attorney general or the prosecuting
14 attorney having jurisdiction to prosecute the action.

15 12. By January 1, 2006, the attorney general shall forward
16 to the division and the members of the general assembly the first
17 edition of an annual report of the costs of prosecuting fraud and
18 noncompliance under this chapter. The report shall include the
19 number of cases filed with the attorney general by county by the
20 fraud and noncompliance unit, the number of cases prosecuted by
21 county by the attorney general, fines and penalties levied and
22 received, and all incidental costs.

23 287.129. 1. A health care provider commits a fraudulent
24 workers' compensation insurance act if he knowingly and with
25 intent to defraud presents, causes to be presented, or prepares
26 with knowledge or belief that it will be presented, to or by an
27 insurer, purported insurer, broker, or any agent thereof, any
28 claim for payment or other benefit which involves any one or more

1 of the following false billing practices:

2 (1) "Unbundling" an insurance claim by claiming a number of
3 medical procedures were performed instead of a single
4 comprehensive procedure;

5 (2) "Upcoding" a medical, hospital or rehabilitative
6 insurance claim by claiming that a more serious or extensive
7 procedure was performed than was actually performed;

8 (3) "Exploding" a medical, hospital or rehabilitative
9 insurance claim by claiming a series of tests were performed on a
10 single sample of blood, urine, or other bodily fluid, when
11 actually the series of tests were part of one battery of tests;
12 or

13 (4) "Duplicating" a medical, hospital or rehabilitative
14 insurance claim made by a health care provider by resubmitting
15 the claim through another health care provider in which the
16 original health care provider has an ownership interest. Nothing
17 in this section shall prohibit providers from making good faith
18 efforts to ensure that claims for reimbursement are coded to
19 reflect the proper diagnosis and treatment.

20 2. If, by its own inquiries or as a result of complaints,
21 the department of insurance, financial institutions and
22 professional registration has reason to believe that a person has
23 engaged in, or is engaging in, any fraudulent workers'
24 compensation insurance act contained in this section, it may
25 administer oaths and affirmations, serve subpoenas ordering the
26 attendance of witnesses or proffering of matter, and collect
27 evidence.

28 3. If the matter that the department of insurance,

1 financial institutions and professional registration seeks to
2 obtain by request is located outside the state, the person so
3 requested may make it available to the division or its
4 representative to examine the matter at the place where it is
5 located. The department may designate representatives, including
6 officials of the state in which the matter is located, to inspect
7 the matter on its behalf, and it may respond to similar requests
8 from officials of other states.

9 4. Any person violating any of the provisions of subsection
10 1 of this section is guilty of a class A misdemeanor and the
11 person shall be liable to the state of Missouri for a fine up to
12 twenty thousand dollars. Any person who has previously pled
13 guilty to or has been found guilty of violating any of the
14 provisions of subsection 1 of this section and who subsequently
15 violates any of the provisions of subsection 1 of this section is
16 guilty of a class **[D]** E felony.

17 288.250. 1. Information obtained from any employing unit
18 or individual pursuant to the administration of this law shall be
19 held confidential and shall not be published, further disclosed,
20 or be open to public inspection in any manner revealing the
21 individual's or employing unit's identity, but any claimant or
22 employing unit or their authorized representative shall be
23 supplied with information from the division's records to the
24 extent necessary for the proper preparation and presentation of
25 any claim for unemployment compensation benefits or protest of
26 employer liability. Further, upon receipt of a written request
27 from a claimant or his or her authorized representative, the
28 division shall supply information previously submitted to the

1 division by the claimant, the claimant's wage history and the
2 claimant's benefit payment history. In addition, upon receipt of
3 a written request from an authorized representative of an
4 employing unit, the division shall supply information previously
5 submitted to the division by the employing unit, and information
6 concerning the payment of benefits from the employer's account
7 and the unemployment compensation fund, including amounts paid to
8 specific claimants. A state or federal official or agency may
9 receive disclosures to the extent required by federal law. In
10 the division's discretion, any other party may receive
11 disclosures to the extent authorized by state and federal law.
12 Any information obtained by the division in the administration of
13 this law shall be privileged and no individual or type of
14 organization shall be held liable for slander or libel on account
15 of any such information.

16 2. Any person who intentionally discloses or otherwise
17 fails to protect confidential information in violation of this
18 section shall be guilty of a class A misdemeanor. For a second
19 or subsequent violation, the person shall be guilty of a class
20 ~~[D]~~ E felony.

21 288.395. Any person or entity perpetrating a fraud or
22 misrepresentation under this chapter for which a penalty has not
23 herein been specifically provided shall be guilty of a class A
24 misdemeanor and, in addition, shall be liable to this state for a
25 civil penalty not to exceed the value of the fraud. Any person
26 or entity who has previously pled guilty to or has been found
27 guilty of perpetrating a fraud or misrepresentation under this
28 chapter and who subsequently violated any such provisions shall

1 be guilty of a class [D] E felony.

2 301.390. 1. No person shall sell, or offer for sale, or
3 shall knowingly have the custody or possession of a motor
4 vehicle, vehicle part, boat, outboard motor, trailer, motor
5 vehicle tire, piece of farm machinery, farm implement, or piece
6 of construction equipment on which the original manufacturer's
7 number or other distinguishing number has been destroyed,
8 removed, covered, altered or defaced, and no person shall sell,
9 offer for sale, or knowingly have the custody or possession of a
10 motor vehicle or trailer having no manufacturer's number or other
11 original number, or distinguishing number. Every motor vehicle
12 and trailer shall have an original manufacturer's number or other
13 distinguishing number assigned by the manufacturer.

14 2. Every peace officer who has probable cause to believe
15 and has knowledge of a motor vehicle, vehicle part, boat,
16 outboard motor, trailer, motor vehicle tire, piece of farm
17 machinery, farm implement, or piece of construction equipment,
18 the number of which has been removed, covered, altered, destroyed
19 or defaced, and for which no special number has been issued,
20 shall be authorized to immediately seize and take possession of
21 such motor vehicle, vehicle part, boat, outboard motor, trailer,
22 motor vehicle tire, piece of farm machinery, farm implement, or
23 piece of construction equipment, and may arrest the supposed
24 owner or custodian thereof and cause prosecution to be begun in a
25 court of competent jurisdiction.

26 3. The law enforcement authority having seized it shall
27 retain custody of the motor vehicle, vehicle part, boat, outboard
28 motor, trailer, motor vehicle tire, piece of farm machinery, farm

1 implement, or piece of construction equipment pending the
2 prosecution of the person arrested. If the person arrested
3 should be found guilty, such motor vehicle, vehicle part, boat,
4 outboard motor, trailer, motor vehicle tire, piece of farm
5 machinery, farm implement, or piece of construction equipment
6 shall be transferred to the custody of the court until the fine
7 and costs of prosecution are paid. No property shall be released
8 from the custody of the court until a special number shall have
9 been issued by the director of revenue on an application of the
10 supposed owner, approved by the court.

11 4. In case such fine and costs not be paid within thirty
12 days from the date of judgment, the court shall advertise and
13 sell such motor vehicle, boat, outboard motor, vehicle part,
14 trailer, motor vehicle tire, piece of farm machinery, farm
15 implement, or piece of construction equipment in the manner
16 provided by law for the sale of personal property under
17 execution. The advertisement shall contain a description of the
18 motor vehicle, vehicle part, boat, outboard motor, trailer, motor
19 vehicle tire, piece of farm machinery, farm implement, or piece
20 of construction equipment and a copy thereof shall be mailed to
21 the director of revenue. The proceeds of such sale shall be
22 applied, first, to the payment of the fine and costs of the
23 prosecution and sale, and any sum remaining shall be paid by the
24 court to the owner, and the motor vehicle, vehicle part, boat,
25 outboard motor, trailer, motor vehicle tire, piece of farm
26 machinery, farm implement, or piece of construction equipment
27 shall not be delivered to the purchaser thereof until he shall
28 first have secured a special number from the director of revenue,

1 on the application of the purchaser, approved by the court.

2 5. If at any time while such motor vehicle, vehicle part,
3 boat, outboard motor, trailer, motor vehicle tire, piece of farm
4 machinery, farm implement, or piece of construction equipment
5 remains in the custody of the court or law enforcement authority
6 having seized it, the true owner thereof shall appear and prove
7 to the satisfaction of the court or law enforcement authority
8 proper ownership of and entitlement to said item, it shall be
9 returned to the owner after he has obtained from the director of
10 revenue a special number, on application made by the owner.

11 6. Violation of any provision of this section is a class
12 **[D]** E felony.

13 301.400. Any person who removes, covers, alters or defaces,
14 or causes to be destroyed, removed, covered, altered or defaced,
15 the manufacturer's number, the motor number or other
16 distinguishing number on any motor vehicle, or number or other
17 distinguishing number on any motor vehicle tire, piece of farm
18 machinery, farm implement, or piece of construction equipment,
19 the property of another, for any reason, shall be deemed guilty
20 of a class **[C]** D felony.

21 301.401. 1. Any person who removes, covers, alters, or
22 defaces, or causes to be destroyed, removed, covered, altered, or
23 defaced, the manufacturer's serial number, the motor number or
24 other distinguishing number on special mobile equipment or
25 special mobile equipment tires, the property of another, for any
26 reason, shall be deemed guilty of a class **[D]** E felony. Further,
27 any person who knowingly buys, sells, receives, disposes of,
28 conceals or has in his possession special mobile equipment or

1 special mobile equipment tires from which the manufacturer's
2 serial number, motor number or other distinguishing number has
3 been removed, covered, altered, defaced or destroyed shall be
4 deemed guilty of a class [D] E felony.

5 2. Every peace officer who has probable cause to believe
6 that and has knowledge of an item of special mobile equipment on
7 which the original manufacturer's distinguishing number has been
8 removed, covered, altered, or defaced shall be authorized to
9 seize immediately and to take possession of said item of special
10 mobile equipment.

11 3. If at any time while such special mobile equipment
12 remains in the custody of the law enforcement authority having
13 seized it, the true owner thereof shall appear and prove to the
14 satisfaction of such law enforcement authority his ownership of
15 and entitlement to said item of special mobile equipment, it
16 shall be returned to said owner subject to its being made
17 available for use in any criminal prosecution under this section.

18 4. If, after twelve months, no person has appeared and
19 proved he is the true owner of an item of special mobile
20 equipment seized under this section, the court in which such
21 prosecution was begun may advertise and sell said item of special
22 mobile equipment under such terms as are reasonable. The
23 proceeds of such sale shall be applied, first, to the payment of
24 any expenses incurred in association with such sale; second, to
25 the payment of the fine and costs of prosecution; and the
26 balance, if any, shall be paid over to the county commission of
27 the county in which the prosecution was begun for its application
28 to that county's general revenues.

1 301.559. 1. It shall be unlawful for any person to engage
2 in business as or act as a motor vehicle dealer, boat dealer,
3 manufacturer, boat manufacturer, public motor vehicle auction,
4 wholesale motor vehicle auction or wholesale motor vehicle dealer
5 without first obtaining a license from the department as required
6 in sections 301.550 to 301.573. Any person who maintains or
7 operates any business wherein a license is required pursuant to
8 the provisions of sections 301.550 to 301.573, without such
9 license, is guilty of a class A misdemeanor. Any person
10 committing a second violation of sections 301.550 to 301.573
11 shall be guilty of a class ~~[D]~~ E felony.

12 2. All dealer licenses shall expire on December
13 thirty-first of the designated license period. The department
14 shall notify each person licensed under sections 301.550 to
15 301.573 of the date of license expiration and the amount of the
16 fee required for renewal. The notice shall be mailed at least
17 ninety days before the date of license expiration to the
18 licensee's last known business address. The director shall have
19 the authority to issue licenses valid for a period of up to two
20 years and to stagger the license periods for administrative
21 efficiency and equalization of workload, at the sole discretion
22 of the director.

23 3. Every manufacturer, boat manufacturer, motor vehicle
24 dealer, wholesale motor vehicle dealer, wholesale motor vehicle
25 auction, boat dealer or public motor vehicle auction shall make
26 application to the department for issuance of a license. The
27 application shall be on forms prescribed by the department and
28 shall be issued under the terms and provisions of sections

1 301.550 to 301.573 and require all applicants, as a condition
2 precedent to the issuance of a license, to provide such
3 information as the department may deem necessary to determine
4 that the applicant is bona fide and of good moral character,
5 except that every application for a license shall contain, in
6 addition to such information as the department may require, a
7 statement to the following facts:

8 (1) The name and business address, not a post office box,
9 of the applicant and the fictitious name, if any, under which he
10 intends to conduct his business; and if the applicant be a
11 partnership, the name and residence address of each partner, an
12 indication of whether the partner is a limited or general partner
13 and the name under which the partnership business is to be
14 conducted. In the event that the applicant is a corporation, the
15 application shall list the names of the principal officers of the
16 corporation and the state in which it is incorporated. Each
17 application shall be verified by the oath or affirmation of the
18 applicant, if an individual, or in the event an applicant is a
19 partnership or corporation, then by a partner or officer;

20 (2) Whether the application is being made for registration
21 as a manufacturer, boat manufacturer, new motor vehicle franchise
22 dealer, used motor vehicle dealer, wholesale motor vehicle
23 dealer, boat dealer, wholesale motor vehicle auction or a public
24 motor vehicle auction;

25 (3) When the application is for a new motor vehicle
26 franchise dealer, the application shall be accompanied by a copy
27 of the franchise agreement in the registered name of the
28 dealership setting out the appointment of the applicant as a

1 franchise holder and it shall be signed by the manufacturer, or
2 his authorized agent, or the distributor, or his authorized
3 agent, and shall include a description of the make of all motor
4 vehicles covered by the franchise. The department shall not
5 require a copy of the franchise agreement to be submitted with
6 each renewal application unless the applicant is now the holder
7 of a franchise from a different manufacturer or distributor from
8 that previously filed, or unless a new term of agreement has been
9 entered into;

10 (4) When the application is for a public motor vehicle
11 auction, that the public motor vehicle auction has met the
12 requirements of section 301.561.

13 4. No insurance company, finance company, credit union,
14 savings and loan association, bank or trust company shall be
15 required to obtain a license from the department in order to sell
16 any motor vehicle, trailer or vessel repossessed or purchased by
17 the company on the basis of total destruction or theft thereof
18 when the sale of the motor vehicle, trailer or vessel is in
19 conformance with applicable title and registration laws of this
20 state.

21 5. No person shall be issued a license to conduct a public
22 motor vehicle auction or wholesale motor vehicle auction if such
23 person has a violation of sections 301.550 to 301.573 or other
24 violations of chapter 301, sections 407.511 to 407.556, or
25 **[section 578.120] subsection 8 of section 578.100** which resulted
26 in a felony conviction or finding of guilt or a violation of any
27 federal motor vehicle laws which resulted in a felony conviction
28 or finding of guilt.

1 301.640. 1. Within five business days after the
2 satisfaction of any lien or encumbrance of a motor vehicle or
3 trailer, the lienholder shall release the lien or encumbrance on
4 the certificate or a separate document, and mail or deliver the
5 certificate or a separate document to the owner or any person who
6 delivers to the lienholder an authorization from the owner to
7 receive the certificate or such documentation. The release on
8 the certificate or separate document shall be notarized. Each
9 perfected subordinate lienholder, if any, shall release such lien
10 or encumbrance as provided in this section for the first
11 lienholder. The owner may cause the certificate to be mailed or
12 delivered to the director of revenue, who shall issue a new
13 certificate of ownership upon application and payment of the
14 required fee. A lien or encumbrance shall be satisfied for the
15 purposes of this section when a lienholder receives payment in
16 full in the form of certified funds, as defined in section
17 381.410, or when the lienholder receives payment in full
18 electronically or by way of electronic funds transfer, whichever
19 first occurs.

20 2. If the electronic certificate of ownership is in the
21 possession of the director of revenue, the lienholder shall
22 notify the director within five business days after any release
23 of a lien and provide the director with the most current address
24 of the owner or any person who delivers to the lienholder an
25 authorization from the owner to receive the certificate or such
26 documentation. The director shall note such release on the
27 electronic certificate and if no other lien exists the director
28 shall mail or deliver the certificate free of any lien to the

1 owner or any person who has delivered to the lienholder an
2 authorization from the owner to receive the certificate or such
3 documentation from the director.

4 3. If the purchase price of a motor vehicle or trailer did
5 not exceed six thousand dollars at the time of purchase, a lien
6 or encumbrance which was not perfected by a motor vehicle
7 financing corporation whose net worth exceeds one hundred million
8 dollars, or a depository institution, shall be considered
9 satisfied within six years from the date the lien or encumbrance
10 was originally perfected unless a new lien or encumbrance has
11 been perfected as provided in section 301.600. This subsection
12 does not apply to motor vehicles or trailers for which the
13 certificate of ownership has recorded in the second lienholder
14 portion the words "subject to future advances".

15 4. Any lienholder who fails to timely comply with
16 subsection 1 or 2 of this section shall pay to the person or
17 persons satisfying the lien or encumbrance liquidated damages up
18 to a maximum of two thousand five hundred dollars for each lien.
19 Liquidated damages shall be five hundred dollars if the
20 lienholder does not comply within five business days after
21 satisfaction of the lien or encumbrance. Liquidated damages
22 shall be one thousand dollars if the lienholder does not comply
23 within ten business days after satisfaction of the lien or
24 encumbrance. Liquidated damages shall be two thousand dollars if
25 the lienholder does not comply within fifteen business days after
26 satisfaction of the lien or encumbrance. Liquidated damages
27 shall be two thousand five hundred dollars if the lienholder does
28 not comply within twenty business days after satisfaction of the

1 lien or encumbrance. If delivery of the certificate or other
2 lien release is made by mail, the delivery date is the date of
3 the postmark for purposes of this subsection. In computing any
4 period of time prescribed or allowed by this section, the day of
5 the act or event after which the designated period of time begins
6 to run is not to be counted. However, the last day of the period
7 so computed is to be included, unless it is a Saturday, Sunday,
8 or a legal holiday, in which event the period runs until the end
9 of the next day that is not a Saturday, Sunday, or legal holiday.

10 5. Any person who knowingly and intentionally sends in a
11 separate document releasing a lien of another without authority
12 to do so shall be guilty of a class [C] D felony.

13 302.015. Notwithstanding the provisions of the Commercial
14 Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570),
15 the director shall have the authority to establish a license
16 classification system, and shall not be limited to classification
17 of the following:

18 (1) Any person, other than one subject to sections 302.700
19 to 302.780, who operates a motor vehicle in the transportation of
20 persons or property, and who receives compensation for such
21 services in wages, salary, commission or fare; or who as an owner
22 or employee operates a motor vehicle carrying passengers or
23 property for hire; or who regularly operates a commercial motor
24 vehicle of another person in the course of or as an incident to
25 his or her employment, but whose principal occupation is not the
26 operating of such motor vehicle, except that a school bus
27 operator who obtains a school bus permit as provided in section
28 302.272 shall not be considered in this class;

1 (2) Any person, other than such person defined in
2 subdivision (1) of this section who is in actual physical control
3 of a motor vehicle;

4 (3) Any person, other than such person defined in
5 subdivisions (1) and (2) of this section who is in actual
6 physical control of a motorcycle or motortricycle.

7 302.020. 1. Unless otherwise provided for by law, it shall
8 be unlawful for any person, except those expressly exempted by
9 section 302.080, to:

10 (1) Operate any vehicle upon any highway in this state
11 unless the person has a valid license;

12 (2) Operate a motorcycle or motortricycle upon any highway
13 of this state unless such person has a valid license that shows
14 the person has successfully passed an examination for the
15 operation of a motorcycle or motortricycle as prescribed by the
16 director. The director may indicate such upon a valid license
17 issued to such person, or shall issue a license restricting the
18 applicant to the operation of a motorcycle or motortricycle if
19 the actual demonstration, required by section 302.173, is
20 conducted on such vehicle;

21 (3) Authorize or knowingly permit a motorcycle or
22 motortricycle owned by such person or under such person's control
23 to be driven upon any highway by any person whose license does
24 not indicate that the person has passed the examination for the
25 operation of a motorcycle or motortricycle or has been issued an
26 instruction permit therefor;

27 (4) Operate a motor vehicle with an instruction permit or
28 license issued to another person.

1 2. Every person operating or riding as a passenger on any
2 motorcycle or motortricycle, as defined in section 301.010, upon
3 any highway of this state shall wear protective headgear at all
4 times the vehicle is in motion. The protective headgear shall
5 meet reasonable standards and specifications established by the
6 director.

7 3. Notwithstanding the provisions of section 302.340 any
8 person convicted of violating subdivision (1) or (2) of
9 subsection 1 of this section is guilty of a misdemeanor. A first
10 violation of subdivision (1) or (2) of subsection 1 of this
11 section shall be punishable [by a fine not to exceed three
12 hundred dollars] as a class D misdemeanor. A second violation of
13 subdivision (1) or (2) of subsection 1 of this section shall be
14 punishable [by imprisonment in the county jail for a term not to
15 exceed one year and/or a fine not to exceed one thousand dollars]
16 as a class A misdemeanor. Any person convicted a third or
17 subsequent time of violating subdivision (1) or (2) of subsection
18 1 of this section is guilty of a class [D] E felony.

19 Notwithstanding the provisions of section 302.340, violation of
20 subdivisions (3) and (4) of subsection 1 of this section is a
21 misdemeanor, the first violation punishable [by a fine not to
22 exceed three hundred dollars] as a class D misdemeanor, a second
23 or subsequent violation of this section punishable as a class C
24 misdemeanor, and the penalty for failure to wear protective
25 headgear as required by subsection 2 of this section is an
26 infraction for which a fine not to exceed twenty-five dollars may
27 be imposed. Notwithstanding all other provisions of law and
28 court rules to the contrary, no court costs shall be imposed upon

1 any person due to such violation. No points shall be assessed
2 pursuant to section 302.302 for a failure to wear such protective
3 headgear. Prior pleas of guilty and prior findings of guilty
4 shall be pleaded and proven in the same manner as required by
5 section 558.021.

6 302.060. 1. The director shall not issue any license and
7 shall immediately deny any driving privilege:

8 (1) To any person who is under the age of eighteen years,
9 if such person operates a motor vehicle in the transportation of
10 persons or property as classified in section 302.015;

11 (2) To any person who is under the age of sixteen years,
12 except as hereinafter provided;

13 (3) To any person whose license has been suspended, during
14 such suspension, or to any person whose license has been revoked,
15 until the expiration of one year after such license was revoked;

16 (4) To any person who is an habitual drunkard or is
17 addicted to the use of narcotic drugs;

18 (5) To any person who has previously been adjudged to be
19 incapacitated and who at the time of application has not been
20 restored to partial capacity;

21 (6) To any person who, when required by this law to take an
22 examination, has failed to pass such examination;

23 (7) To any person who has an unsatisfied judgment against
24 such person, as defined in chapter 303, until such judgment has
25 been satisfied or the financial responsibility of such person, as
26 **[defined]** described in section 303.120, has been established;

27 (8) To any person whose application shows that the person
28 has been convicted within one year prior to such application of

1 violating the laws of this state relating to failure to stop
2 after an accident and to disclose the person's identity or
3 driving a motor vehicle without the owner's consent;

4 (9) To any person who has been convicted more than twice of
5 violating state law, or a county or municipal ordinance where the
6 defendant was represented by or waived the right to an attorney
7 in writing, relating to driving while intoxicated; except that,
8 after the expiration of ten years from the date of conviction of
9 the last offense of violating such law or ordinance relating to
10 driving while intoxicated, a person who was so convicted may
11 petition the circuit court of the county in which such last
12 conviction was rendered and the court shall review the person's
13 habits and conduct since such conviction, including the results
14 of a criminal history check as defined in section 302.010. If
15 the court finds that the petitioner has not been convicted, pled
16 guilty to or been found guilty of, and has no pending charges for
17 any offense related to alcohol, controlled substances or drugs
18 and has no other alcohol-related enforcement contacts as defined
19 in section 302.525 during the preceding ten years and that the
20 petitioner's habits and conduct show such petitioner to no longer
21 pose a threat to the public safety of this state, the court may
22 order the director to issue a license to the petitioner if the
23 petitioner is otherwise qualified pursuant to the provisions of
24 sections 302.010 to 302.540. No person may obtain a license
25 pursuant to the provisions of this subdivision through court
26 action more than one time;

27 (10) To any person who has [pled guilty to or been
28 convicted of the crime of involuntary manslaughter while

1 operating a motor vehicle in an intoxicated condition] been found
2 guilty of acting with criminal negligence while driving while
3 intoxicated to cause the death of another person, or to any
4 person who has been convicted twice within a five-year period of
5 violating state law, county or municipal ordinance of driving
6 while intoxicated, or any other intoxication-related traffic
7 offense as defined in section [577.023] 577.001, except that,
8 after the expiration of five years from the date of conviction of
9 the last offense of violating such law or ordinance, a person who
10 was so convicted may petition the circuit court of the county in
11 which such last conviction was rendered and the court shall
12 review the person's habits and conduct since such conviction,
13 including the results of a criminal history check as defined in
14 section 302.010. If the court finds that the petitioner has not
15 been [convicted, pled guilty to, or been] found guilty of, and
16 has no pending charges for any offense related to alcohol,
17 controlled substances, or drugs and has no other alcohol-related
18 enforcement contacts as defined in section 302.525 during the
19 preceding five years, and that the petitioner's habits and
20 conduct show such petitioner to no longer pose a threat to the
21 public safety of this state, the court may order the director to
22 issue a license to the petitioner if the petitioner is otherwise
23 qualified pursuant to the provisions of sections 302.010 to
24 302.540;

25 (11) To any person who is otherwise disqualified pursuant
26 to the provisions of sections 302.010 to 302.780, chapter 303, or
27 section 544.046;

28 (12) To any person who is under the age of eighteen years,

1 if such person's parents or legal guardians file a certified
2 document with the department of revenue stating that the director
3 shall not issue such person a driver's license. Each document
4 filed by the person's parents or legal guardians shall be made
5 upon a form furnished by the director and shall include
6 identifying information of the person for whom the parents or
7 legal guardians are denying the driver's license. The document
8 shall also contain identifying information of the person's
9 parents or legal guardians. The document shall be certified by
10 the parents or legal guardians to be true and correct. This
11 provision shall not apply to any person who is legally
12 emancipated. The parents or legal guardians may later file an
13 additional document with the department of revenue which
14 reinstates the person's ability to receive a driver's license.

15 2. Any person whose license is reinstated under the
16 provisions of subdivisions (9) and (10) of subsection 1 of this
17 section shall be required to file proof with the director of
18 revenue that any motor vehicle operated by the person is equipped
19 with a functioning, certified ignition interlock device as a
20 required condition of reinstatement. The ignition interlock
21 device required for reinstatement under this subsection and for
22 obtaining a limited driving privilege under paragraph (a) or (b)
23 of subdivision (8) of subsection 3 of section 302.309 shall have
24 photo identification technology and global positioning system
25 features. The ignition interlock device shall further be
26 required to be maintained on all motor vehicles operated by the
27 person for a period of not less than six months immediately
28 following the date of reinstatement. If the monthly monitoring

1 reports show that the ignition interlock device has registered
2 any confirmed blood alcohol concentration readings above the
3 alcohol setpoint established by the department of transportation
4 or that the person has tampered with or circumvented the ignition
5 interlock device, then the period for which the person must
6 maintain the ignition interlock device following the date of
7 reinstatement shall be extended for an additional six months. If
8 the person fails to maintain such proof with the director, the
9 license shall be suspended for the remainder of the six-month
10 period or until proof as required by this section is filed with
11 the director. Upon the completion of the six-month period, the
12 license shall be shown as reinstated, if the person is otherwise
13 eligible.

14 3. Any person who petitions the court for reinstatement of
15 his or her license pursuant to subdivision (9) or (10) of
16 subsection 1 of this section shall make application with the
17 Missouri state highway patrol as provided in section 43.540, and
18 shall submit two sets of fingerprints collected pursuant to
19 standards as determined by the highway patrol. One set of
20 fingerprints shall be used by the highway patrol to search the
21 criminal history repository and the second set shall be forwarded
22 to the Federal Bureau of Investigation for searching the federal
23 criminal history files. At the time of application, the
24 applicant shall supply to the highway patrol the court name and
25 case number for the court where he or she has filed his or her
26 petition for reinstatement. The applicant shall pay the fee for
27 the state criminal history check pursuant to section 43.530 and
28 pay the appropriate fee determined by the Federal Bureau of

1 Investigation for the federal criminal history record. The
2 Missouri highway patrol, upon receipt of the results of the
3 criminal history check, shall forward a copy of the results to
4 the circuit court designated by the applicant and to the
5 department. Notwithstanding the provisions of section 610.120,
6 all records related to any criminal history check shall be
7 accessible and available to the director and the court.

8 302.060. 1. The director shall not issue any license and
9 shall immediately deny any driving privilege:

10 (1) To any person who is under the age of eighteen years,
11 if such person operates a motor vehicle in the transportation of
12 persons or property as classified in section 302.015;

13 (2) To any person who is under the age of sixteen years,
14 except as hereinafter provided;

15 (3) To any person whose license has been suspended, during
16 such suspension, or to any person whose license has been revoked,
17 until the expiration of one year after such license was revoked;

18 (4) To any person who is an habitual drunkard or is
19 addicted to the use of narcotic drugs;

20 (5) To any person who has previously been adjudged to be
21 incapacitated and who at the time of application has not been
22 restored to partial capacity;

23 (6) To any person who, when required by this law to take an
24 examination, has failed to pass such examination;

25 (7) To any person who has an unsatisfied judgment against
26 such person, as defined in chapter 303, until such judgment has
27 been satisfied or the financial responsibility of such person, as
28 [defined] described in section 303.120, has been established;

1 (8) To any person whose application shows that the person
2 has been convicted within one year prior to such application of
3 violating the laws of this state relating to failure to stop
4 after an accident and to disclose the person's identity or
5 driving a motor vehicle without the owner's consent;

6 (9) To any person who has been convicted more than twice of
7 violating state law, or a county or municipal ordinance where the
8 defendant was represented by or waived the right to an attorney
9 in writing, relating to driving while intoxicated; except that,
10 after the expiration of ten years from the date of conviction of
11 the last offense of violating such law or ordinance relating to
12 driving while intoxicated, a person who was so convicted may
13 petition the circuit court of the county in which such last
14 conviction was rendered and the court shall review the person's
15 habits and conduct since such conviction, including the results
16 of a criminal history check as defined in section 302.010. If
17 the court finds that the petitioner has not been convicted, pled
18 guilty to or been found guilty of, and has no pending charges for
19 any offense related to alcohol, controlled substances or drugs
20 and has no other alcohol-related enforcement contacts as defined
21 in section 302.525 during the preceding ten years and that the
22 petitioner's habits and conduct show such petitioner to no longer
23 pose a threat to the public safety of this state, the court may
24 order the director to issue a license to the petitioner if the
25 petitioner is otherwise qualified pursuant to the provisions of
26 sections 302.010 to 302.540. No person may obtain a license
27 pursuant to the provisions of this subdivision through court
28 action more than one time;

1 (10) To any person who has [pled guilty to or been
2 convicted of the crime of involuntary manslaughter while
3 operating a motor vehicle in an intoxicated condition] been found
4 guilty of acting with criminal negligence while driving while
5 intoxicated to cause the death of another person, or to any
6 person who has been convicted twice within a five-year period of
7 violating state law, county or municipal ordinance of driving
8 while intoxicated, or any other intoxication-related traffic
9 offense as defined in section [577.023] 577.001, except that,
10 after the expiration of five years from the date of conviction of
11 the last offense of violating such law or ordinance, a person who
12 was so convicted may petition the circuit court of the county in
13 which such last conviction was rendered and the court shall
14 review the person's habits and conduct since such conviction,
15 including the results of a criminal history check as defined in
16 section 302.010. If the court finds that the petitioner has not
17 been [convicted, pled guilty to, or been] found guilty of, and
18 has no pending charges for any offense related to alcohol,
19 controlled substances, or drugs and has no other alcohol-related
20 enforcement contacts as defined in section 302.525 during the
21 preceding five years, and that the petitioner's habits and
22 conduct show such petitioner to no longer pose a threat to the
23 public safety of this state, the court may order the director to
24 issue a license to the petitioner if the petitioner is otherwise
25 qualified pursuant to the provisions of sections 302.010 to
26 302.540;

27 (11) To any person who is otherwise disqualified pursuant
28 to the provisions of sections 302.010 to 302.780, chapter 303, or

1 section 544.046;

2 (12) To any person who is under the age of eighteen years,
3 if such person's parents or legal guardians file a certified
4 document with the department of revenue stating that the director
5 shall not issue such person a driver's license. Each document
6 filed by the person's parents or legal guardians shall be made
7 upon a form furnished by the director and shall include
8 identifying information of the person for whom the parents or
9 legal guardians are denying the driver's license. The document
10 shall also contain identifying information of the person's
11 parents or legal guardians. The document shall be certified by
12 the parents or legal guardians to be true and correct. This
13 provision shall not apply to any person who is legally
14 emancipated. The parents or legal guardians may later file an
15 additional document with the department of revenue which
16 reinstates the person's ability to receive a driver's license.

17 2. Any person whose license is reinstated under the
18 provisions of subdivisions (9) and (10) of subsection 1 of this
19 section shall be required to file proof with the director of
20 revenue that any motor vehicle operated by the person is equipped
21 with a functioning, certified ignition interlock device as a
22 required condition of reinstatement. The ignition interlock
23 device shall further be required to be maintained on all motor
24 vehicles operated by the person for a period of not less than six
25 months immediately following the date of reinstatement. If the
26 person fails to maintain such proof with the director, the
27 license shall be suspended for the remainder of the six-month
28 period or until proof as required by this section is filed with

1 the director. Upon the completion of the six-month period, the
2 license shall be shown as reinstated, if the person is otherwise
3 eligible.

4 3. Any person who petitions the court for reinstatement of
5 his or her license pursuant to subdivision (9) or (10) of
6 subsection 1 of this section shall make application with the
7 Missouri state highway patrol as provided in section 43.540, and
8 shall submit two sets of fingerprints collected pursuant to
9 standards as determined by the highway patrol. One set of
10 fingerprints shall be used by the highway patrol to search the
11 criminal history repository and the second set shall be forwarded
12 to the Federal Bureau of Investigation for searching the federal
13 criminal history files. At the time of application, the
14 applicant shall supply to the highway patrol the court name and
15 case number for the court where he or she has filed his or her
16 petition for reinstatement. The applicant shall pay the fee for
17 the state criminal history check pursuant to section 43.530 and
18 pay the appropriate fee determined by the Federal Bureau of
19 Investigation for the federal criminal history record. The
20 Missouri highway patrol, upon receipt of the results of the
21 criminal history check, shall forward a copy of the results to
22 the circuit court designated by the applicant and to the
23 department. Notwithstanding the provisions of section 610.120,
24 all records related to any criminal history check shall be
25 accessible and available to the director and the court.

26 302.321. 1. A person commits the [crime] offense of
27 driving while revoked if such person operates a motor vehicle on
28 a highway when such person's license or driving privilege has

1 been cancelled, suspended, or revoked under the laws of this
2 state or any other state and acts with criminal negligence with
3 respect to knowledge of the fact that such person's driving
4 privilege has been cancelled, suspended, or revoked.

5 2. Any person convicted of driving while revoked is guilty
6 of a misdemeanor. A first violation of this section shall be
7 punishable [by a fine not to exceed three hundred dollars] as a
8 class D misdemeanor. A second or third violation of this section
9 shall be punishable [by imprisonment in the county jail for a
10 term not to exceed one year and/or a fine not to exceed one
11 thousand dollars] as a class A misdemeanor. Any person with no
12 prior alcohol-related enforcement contacts as defined in section
13 302.525, convicted a fourth or subsequent time of driving while
14 revoked or a county or municipal ordinance of driving while
15 suspended or revoked where the defendant was represented by or
16 waived the right to an attorney in writing, and where the prior
17 three driving-while-revoked offenses occurred within ten years of
18 the date of occurrence of the present offense; and any person
19 with a prior alcohol-related enforcement contact as defined in
20 section 302.525, convicted a third or subsequent time of driving
21 while revoked or a county or municipal ordinance of driving while
22 suspended or revoked where the defendant was represented by or
23 waived the right to an attorney in writing, and where the prior
24 two driving-while-revoked offenses occurred within ten years of
25 the date of occurrence of the present offense and where the
26 person received and served a sentence of ten days or more on such
27 previous offenses is guilty of a class [D] E felony. Except upon
28 conviction as a first offense, no court shall suspend the

1 imposition of sentence as to such a person nor sentence such
2 person to pay a fine in lieu of a term of imprisonment, nor shall
3 such person be eligible for parole or probation until such person
4 has served a minimum of forty-eight consecutive hours of
5 imprisonment, unless as a condition of such parole or probation,
6 such person performs at least ten days involving at least forty
7 hours of community service under the supervision of the court in
8 those jurisdictions which have a recognized program for community
9 service. Driving while revoked is a class ~~D~~ E felony on the
10 second or subsequent conviction pursuant to section 577.010 or a
11 fourth or subsequent conviction for any other offense. Prior
12 pleas of guilty and prior findings of guilty shall be pleaded and
13 proven in the same manner as required by section 558.021.

14 ~~[577.500.]~~ 302.400. 1. A court of competent jurisdiction
15 shall, upon a ~~[plea of guilty, conviction or]~~ finding of guilt,
16 or, if the court is a juvenile court, upon a finding of fact that
17 the offense was committed by a juvenile, enter an order
18 suspending or revoking the driving privileges of any person
19 determined to have committed one of the following offenses and
20 who, at the time said offense was committed, was under twenty-one
21 years of age:

22 (1) Any alcohol-related traffic offense in violation of
23 state law or a county or~~[, beginning July 1, 1992,]~~ municipal
24 ordinance, where the defendant was represented by~~_,~~ or waived in
25 writing the right to~~_,~~ an attorney ~~[in writing];~~

26 (2) Any offense in violation of state law or~~[, beginning~~
27 ~~July 1, 1992,]~~ a county or municipal ordinance, where the
28 defendant was represented by~~_,~~ or waived in writing the right to~~_,~~

1 an attorney [in writing], involving the possession or use of
2 alcohol, committed while operating a motor vehicle;

3 (3) Any offense involving the possession or use of a
4 controlled substance as defined in chapter 195 in violation of
5 [the] state law or[, beginning July 1, 1992,] a county or
6 municipal ordinance, where the defendant was represented by, or
7 waived in writing the right to, an attorney [in writing];

8 (4) Any offense involving the alteration, modification, or
9 misrepresentation of a license to operate a motor vehicle in
10 violation of section 311.328;

11 (5) Any subsequent offense in violation of state law or[,
12 beginning July 1, 1992,] a county or municipal ordinance, where
13 the defendant was represented by, or waived in writing the right
14 to, an attorney [in writing], involving the possession or use of
15 alcohol [for a second time]; except that a determination of guilt
16 or its equivalent shall have been made for the first offense and
17 both offenses shall have been committed by the person when the
18 person was under eighteen years of age.

19 2. A court of competent jurisdiction shall, upon a [plea of
20 guilty or nolo contendere, conviction or] finding of guilt, or,
21 if the court is a juvenile court, upon a finding of fact that the
22 offense was committed by a juvenile, enter an order suspending or
23 revoking the driving privileges of any person determined to have
24 committed a [crime or] violation of section 311.325 and who, at
25 the time said [crime or] violation was committed, was more than
26 fifteen years of age and under twenty-one years of age.

27 3. The court shall require the person against whom a court
28 has entered an order suspending or revoking driving privileges

1 under subsections 1 and 2 of this section to surrender [to it of]
2 any license to operate a motor vehicle, temporary instruction
3 permit, intermediate driver's license, or any other driving
4 privilege then held by [any] such person [against whom a court
5 has entered an order suspending or revoking driving privileges
6 under subsections 1 and 2 of this section].

7 4. The court, if other than a juvenile court, shall forward
8 to the director of revenue the order of suspension or revocation
9 of driving privileges and any licenses, temporary instruction
10 permits, intermediate driver's licenses, or any other driving
11 privilege acquired under subsection 3 of this section.

12 5. (1) Notwithstanding chapter 211 to the contrary, the
13 court, if a juvenile court, shall forward to the director of
14 revenue the order of suspension or revocation of driving
15 privileges and any licenses, temporary instruction permits,
16 intermediate driver's licenses, or any other driving privilege
17 acquired under subsection 3 of this section for any person
18 sixteen years of age or older[, the provision of chapter 211 to
19 the contrary notwithstanding].

20 (2) Notwithstanding chapter 211 to the contrary, the court,
21 if a juvenile court, shall hold the order of suspension or
22 revocation of driving privileges for any person less than sixteen
23 years of age until thirty days before the person's sixteenth
24 birthday, at which time the juvenile court shall forward to the
25 director of revenue the order of suspension or revocation of
26 driving privileges[, the provision of chapter 211 to the contrary
27 notwithstanding].

28 6. The period of suspension for a first offense under

1 subsection 1 of this section shall be ninety days. Any second or
2 subsequent offense under subsection 1 of this section shall
3 result in revocation of the offender's driving privileges for one
4 year. The period of suspension for a first offense under
5 subsection 2 of this section shall be thirty days. The period of
6 suspension for a second offense under subsection 2 of this
7 section shall be ninety days. Any third or subsequent offense
8 under subsection 2 of this section shall result in revocation of
9 the offender's driving privileges for one year.

10 [577.505.] 302.405. A court of competent jurisdiction shall
11 enter an order revoking the driving privileges of any person
12 determined to have violated any state, county, or municipal law
13 involving the possession or use of a controlled substance, as
14 defined in chapter 195, while operating a motor vehicle and who,
15 at the time said offense was committed, was twenty-one years of
16 age or older [when the person pleads guilty, or is convicted or
17 found guilty of such offense by the court]. The court shall
18 require the person to surrender to [it of] the court all
19 operator's and chauffeur's licenses then held by such person.
20 The court shall forward to the director of revenue the order of
21 revocation of driving privileges and any licenses surrendered.

22 [577.510.] 302.410. 1. Upon receipt of a court order
23 suspending or revoking the driving privileges of a person
24 [pursuant to sections 577.500 and 577.505] under sections 302.400
25 and 302.505, the director of revenue shall suspend the driving
26 privileges for ninety days or revoke the driving privileges of
27 such person for a period of one year, provided however, that in
28 the case of a person who at the time of the offense was less than

1 sixteen years of age, the period of suspension or revocation
2 shall commence on that person's sixteenth birthday. The
3 provisions of this chapter [302] to the contrary notwithstanding,
4 the suspension or revocation shall be imposed without further
5 hearing. Any person whose driving privileges have been suspended
6 or revoked [pursuant to sections 577.500 and 577.505] under
7 sections 302.400 and 302.505 may petition the circuit court for a
8 hardship driving privilege and said application shall be
9 determined and administered in the same manner as allowed in
10 section 302.309.

11 2. The director of revenue shall permit the issuance of a
12 temporary instruction permit in the same manner as allowed in
13 subsection [2] 3 of section 302.130 to persons fifteen years of
14 age and under seventeen years of age denied driving privileges by
15 court order pursuant to section [577.500] 302.400. This
16 exception only applies to instruction permits that entitle a
17 person to operate a motor vehicle on the highways in the presence
18 of an authorized instructor.

19 [577.515.] 302.415. If a person shall neglect or refuse to
20 surrender all operator's and chauffeur's licenses, as provided
21 for in sections [577.500 and 577.505] 302.400 and 302.505, the
22 director shall direct the state highway patrol or any peace or
23 police officer to secure possession thereof and return such
24 license or licenses to the director.

25 [577.520.] 302.420. 1. No person who has had his license
26 suspended or revoked under the provisions of sections [577.500
27 and 577.505] 302.400 and 302.505 shall have that license
28 reinstated until he or she has paid a twenty-dollar reinstatement

1 fee and has successfully completed a substance abuse traffic
2 offender program as defined in section [577.001] 302.010.

3 2. The fees for the substance abuse traffic offender
4 program, or a portion thereof to be determined by the division of
5 alcohol and drug abuse of the department of mental health, shall
6 be paid by the person enrolled in the program. Any person who is
7 enrolled in the program shall pay, in addition to any fee charged
8 for the program, a supplemental fee to be determined by the
9 department of mental health for the purposes of funding the
10 substance abuse traffic offender program defined in section
11 302.010 [and section 577.001], or a program determined to be
12 comparable by the department of mental health. The administrator
13 of the program shall remit to the division of alcohol and drug
14 abuse of the department of mental health on or before the
15 fifteenth of each month the supplemental fees for all persons
16 enrolled in the program, less two percent for administrative
17 costs. Interest shall be charged on any unpaid balance of the
18 supplemental fees due the division of alcohol and drug abuse
19 pursuant to this section and shall accrue at a rate not to exceed
20 the annual rates established pursuant to the provisions of
21 section 32.065 plus three percentage points. The supplemental
22 fees and any interest received by the department of mental health
23 pursuant to this section shall be deposited in the mental health
24 earnings fund which is created in section 630.053.

25 3. Any administrator who fails to remit to the division of
26 alcohol and drug abuse of the department of mental health the
27 supplemental fees and interest for all persons enrolled in the
28 program pursuant to this section shall be subject to a penalty

1 equal to the amount of interest accrued on the supplemental fees
2 due the division pursuant to this section. If the supplemental
3 fees, interest, and penalties are not remitted to the division of
4 alcohol and drug abuse of the department of mental health within
5 six months of the due date, the attorney general of the state of
6 Missouri shall initiate appropriate action [of the collection of]
7 to collect said fees and any accrued interest [accrued]. The
8 court shall assess attorney fees and court costs against any
9 delinquent program.

10 [577.525.] 302.425. Any court which has jurisdiction over
11 violations of state, county or municipal laws shall enter an
12 order, in addition to other orders authorized by law, requiring
13 the completion of a substance abuse traffic offender program as
14 defined in section [577.001] 302.010, as a part of the judgment
15 entered in the case, for any person determined to have violated a
16 state, county, or municipal law involving the possession or use
17 of alcohol and who at the time of said offense was under
18 twenty-one years of age when the court, if a juvenile court,
19 finds that the offense was committed by such person or, if a
20 city, county, or state court, when the person pleads guilty, or
21 is found guilty of such offense by the court.

22 [577.530.] 302.426. The director of revenue shall have
23 authority to make such rules and regulations as he deems
24 necessary for the administration of sections [577.500 to 577.525].
25 No rule or portion of a rule promulgated under the authority of
26 sections 577.500 to 577.530 shall become effective unless it has
27 been promulgated pursuant to the provisions of section 536.024]
28 302.400 to 302.425. Any rule or portion of a rule, as that term

1 is defined in section 536.010, that is created under the
2 authority delegated in this section shall become effective only
3 if it complies with and is subject to all of the provisions of
4 chapter 536 and, if applicable, section 536.028. This section
5 and chapter 536 are nonseverable and if any of the powers vested
6 with the general assembly pursuant to chapter 536 to review, to
7 delay the effective date, or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking
9 authority and any rule proposed or adopted after August 28, 2013,
10 shall be invalid and void.

11 302.440. In addition to any other provisions of law, a
12 court may require that any person who is found guilty of a first
13 intoxication-related traffic offense, as defined in section
14 577.001, and a court shall require that any person who is found
15 guilty of or pleads guilty to a second or subsequent
16 intoxication-related traffic offense, as defined in section
17 577.001, shall not operate any motor vehicle unless that vehicle
18 is equipped with a functioning, certified ignition interlock
19 device for a period of not less than six months from the date of
20 reinstatement of the person's driver's license. In addition, any
21 court authorized to grant a limited driving privilege under
22 section 302.309 to any person who is found guilty of a second or
23 subsequent intoxication-related traffic offense shall require the
24 use of an ignition interlock device on all vehicles operated by
25 the person as a required condition of the limited driving
26 privilege. These requirements shall be in addition to any other
27 provisions of this chapter or chapter 577 requiring installation
28 and maintenance of an ignition interlock device. Any person

1 required to use an ignition interlock device shall comply with
2 such requirement subject to the penalties provided by section
3 577.599.

4 [577.602.] 302.442. 1. If a court imposes a fine and
5 requires the use of an ignition interlock device for the same
6 offense, the amount of the fine may be reduced by the cost of the
7 ignition interlock device.

8 2. If the court requires the use of an ignition interlock
9 device, it shall order the installation of the device on any
10 vehicle which the offender operates during the period of
11 probation or limited driving privilege.

12 3. If the court imposes the use of an ignition interlock
13 device on a person having full or limited driving privileges, the
14 court shall require the person to provide proof of compliance
15 with the order to the court or the probation officer within
16 thirty days of this court's order or sooner, as required by the
17 court, in addition to any proof required to be filed with the
18 director of revenue under the provisions of this chapter or
19 chapter 302. If the person fails to provide proof of
20 installation within that period, absent a finding by the court of
21 good cause for that failure which is entered in the court record,
22 the court shall revoke or terminate the person's probation or
23 limited driving privilege.

24 4. Nothing in sections [577.600 to 577.614] 302.440 to
25 302.462 shall be construed to authorize a person to operate a
26 motor vehicle whose driving privileges have been suspended or
27 revoked, unless the person has obtained a limited driving
28 privilege or restricted driving privilege under other provisions

1 of law.

2 5. The person whose driving privilege is restricted
3 pursuant to section [577.600] 302.440 shall report to the court
4 or the probation officer at least once annually, or more
5 frequently as the court may order, on the operation of each
6 ignition interlock device in the person's vehicle or vehicles.
7 Such person shall be responsible for the cost and maintenance of
8 the ignition interlock device. If such device is broken,
9 destroyed or stolen, such person shall also be liable for the
10 cost of replacement of the device.

11 6. The court may require a person whose driving privilege
12 is restricted under section [577.600] 302.440 to report to any
13 officer appointed by the court in lieu of a probation officer.

14 7. The court shall require periodic calibration checks that
15 are needed for the proper operation of the ignition interlock
16 device.

17 [577.604.] 302.454. The court shall require the use of a
18 certified ignition interlock device during the period of
19 probation if the person is permitted to operate a motor vehicle,
20 whether the privilege to operate a motor vehicle is restricted or
21 not, as determined by the court.

22 [577.606.] 302.456. The court shall send the order to the
23 department of revenue in all cases where the driving privilege of
24 a person is restricted pursuant to section [577.600] 302.440.
25 The order shall contain the requirement for, and the period of,
26 the use of a certified ignition interlock device under sections
27 [577.600 to 577.614] 302.440 to 302.462. The records of the
28 department of revenue shall contain a record reflecting mandatory

1 use of the device.

2 [577.608.] 302.458. 1. The department of public safety
3 shall certify or cause to be certified ignition interlock devices
4 required by sections [577.600 to 577.614] 302.440 to 302.462 and
5 publish a list of approved devices.

6 2. The department of public safety shall adopt guidelines
7 for the proper use of the ignition interlock devices in full
8 compliance with sections [577.600 to 577.614] sections 302.440 to
9 302.462.

10 3. The department of public safety shall use information
11 from an independent agency to certify ignition interlock devices
12 on or off the premises of the manufacturer in accordance with the
13 guidelines. The cost of certification shall be borne by the
14 manufacturers of interlock ignition devices. In certifying the
15 devices, those which do not impede the safe operation of the
16 vehicle and which have the fewest opportunities to be bypassed so
17 as to render the provisions of sections [577.600 to 577.614]
18 302.440 to 302.462 ineffective shall be certified.

19 4. No model of ignition interlock device shall be certified
20 unless it meets the accuracy requirements specified by the
21 guidelines of the department of public safety.

22 5. Before certifying any device, the department of public
23 safety shall consult with the National Highway Traffic Safety
24 Administration regarding the use of ignition interlock devices.

25 [577.610.] 302.460. The manufacturer shall affix to each
26 ignition interlock device a label which shall contain a warning
27 that any person tampering, circumventing or otherwise misusing
28 the device is guilty of a class A misdemeanor.

1 [577.614.] 302.462. 1. In addition to any other provisions
2 of law, upon a finding of [guilty of, or a plea of guilty to,]
3 guilt to a violation of [subsection 1 of section 577.600]
4 577.599, the department of revenue shall revoke the person's
5 driving privilege for one year from the date of conviction.

6 2. In addition to any other provision of law, if a person
7 is found guilty of, or pleads guilty to, a second violation of
8 [subsection 1 of section 577.600] section 577.599 during the same
9 period of required use of an approved ignition interlock device,
10 the department of revenue shall revoke the person's driving
11 privilege for five years from the date of conviction.

12 3. The court shall notify the department of revenue of all
13 guilty findings and pleas [pursuant to subsection 1 of section
14 577.600] under section 577.599.

15 4. The department of revenue shall charge a reinstatement
16 fee as required by section 302.304 prior to the reinstatement of
17 any driving privilege suspended or revoked pursuant to this
18 section.

19 5. No restricted or limited driving privilege shall be
20 issued for any person whose license is revoked pursuant to this
21 section.

22 302.500. As used in sections 302.500 to 302.540, the
23 following terms mean:

24 (1) "Alcohol concentration", the amount of alcohol in a
25 person's blood at the time of the act alleged as shown by
26 chemical analysis of the person's blood, breath, saliva or urine;

27 (2) "Department", the department of revenue of the state of
28 Missouri;

1 (3) "Director", the director of the department of revenue
2 or his or her authorized representative;

3 (4) "Driver's license" or "license", a license, permit, or
4 privilege to drive a motor vehicle issued under or granted by the
5 laws of this state. The term includes any temporary license or
6 instruction permit, any nonresident operating privilege, and the
7 privilege of any person to drive a motor vehicle whether or not
8 the person holds a valid license;

9 (5) "Revocation", the termination by formal action of the
10 department of a person's license. A revoked license is not
11 subject to renewal or restoration except that an application for
12 a new license may be presented and acted upon by the department
13 after the expiration of the revocation period;

14 (6) "State", a state, territory, or possession of the
15 United States, the District of Columbia, the Commonwealth of
16 Puerto Rico, and any province of Canada;

17 (7) "Suspension", the temporary withdrawal by formal action
18 of the department of a person's license. The suspension shall be
19 for a period specifically designated by the department pursuant
20 to the provisions of sections 302.500 to 302.540.

21 302.574. 1. If a person who was operating a vehicle
22 refuses upon the request of the officer to submit to any chemical
23 test under section 577.041, the officer shall, on behalf of the
24 director of revenue, serve the notice of license revocation
25 personally upon the person and shall take possession of any
26 license to operate a vehicle issued by this state which is held
27 by that person. The officer shall issue a temporary permit, on
28 behalf of the director of revenue, which is valid for fifteen

1 days and shall also give the person notice of his or her right to
2 file a petition for review to contest the license revocation.

3 2. Such officer shall make a certified report under
4 penalties of perjury for making a false statement to a public
5 official. The report shall be forwarded to the director of
6 revenue and shall include the following:

7 (1) That the officer has:

8 (a) Reasonable grounds to believe that the arrested person
9 was driving a motor vehicle while in an intoxicated condition; or

10 (b) Reasonable grounds to believe that the person stopped,
11 being under the age of twenty-one years, was driving a motor
12 vehicle with a blood alcohol content of two-hundredths of one
13 percent or more by weight; or

14 (c) Reasonable grounds to believe that the person stopped,
15 being under the age of twenty-one years, was committing a
16 violation of the traffic laws of the state, or political
17 subdivision of the state, and such officer has reasonable grounds
18 to believe, after making such stop, that the person had a blood
19 alcohol content of two-hundredths of one percent or greater;

20 (2) That the person refused to submit to a chemical test;

21 (3) Whether the officer secured the license to operate a
22 motor vehicle of the person;

23 (4) Whether the officer issued a fifteen-day temporary
24 permit;

25 (5) Copies of the notice of revocation, the fifteen-day
26 temporary permit, and the notice of the right to file a petition
27 for review. The notices and permit may be combined in one
28 document; and

1 (6) Any license, which the officer has taken into
2 possession, to operate a motor vehicle.

3 3. Upon receipt of the officer's report, the director shall
4 revoke the license of the person refusing to take the test for a
5 period of one year; or if the person is a nonresident, such
6 person's operating permit or privilege shall be revoked for one
7 year; or if the person is a resident without a license or permit
8 to operate a motor vehicle in this state, an order shall be
9 issued denying the person the issuance of a license or permit for
10 a period of one year.

11 4. If a person's license has been revoked because of the
12 person's refusal to submit to a chemical test, such person may
13 petition for a hearing before a circuit division or associate
14 division of the court in the county in which the arrest or stop
15 occurred. The person may request such court to issue an order
16 staying the revocation until such time as the petition for review
17 can be heard. If the court, in its discretion, grants such stay,
18 it shall enter the order upon a form prescribed by the director
19 of revenue and shall send a copy of such order to the director.
20 Such order shall serve as proof of the privilege to operate a
21 motor vehicle in this state and the director shall maintain
22 possession of the person's license to operate a motor vehicle
23 until termination of any revocation under this section. Upon the
24 person's request, the clerk of the court shall notify the
25 prosecuting attorney of the county and the prosecutor shall
26 appear at the hearing on behalf of the director of revenue. At
27 the hearing, the court shall determine only:

28 (1) Whether the person was arrested or stopped;

1 (2) Whether the officer had:

2 (a) Reasonable grounds to believe that the person was
3 driving a motor vehicle while in an intoxicated or drugged
4 condition; or

5 (b) Reasonable grounds to believe that the person stopped,
6 being under the age of twenty-one years, was driving a motor
7 vehicle with a blood alcohol content of two-hundredths of one
8 percent or more by weight; or

9 (c) Reasonable grounds to believe that the person stopped,
10 being under the age of twenty-one years, was committing a
11 violation of the traffic laws of the state, or political
12 subdivision of the state, and such officer had reasonable grounds
13 to believe, after making such stop, that the person had a blood
14 alcohol content of two-hundredths of one percent or greater; and

15 (3) Whether the person refused to submit to the test.

16 5. If the court determines any issue not to be in the
17 affirmative, the court shall order the director to reinstate the
18 license or permit to drive.

19 6. Requests for review as provided in this section shall go
20 to the head of the docket of the court wherein filed.

21 7. No person who has had a license to operate a motor
22 vehicle suspended or revoked under the provisions of this section
23 shall have that license reinstated until such person has
24 participated in and successfully completed a substance abuse
25 traffic offender program defined in section 302.010, or a program
26 determined to be comparable by the department of mental health or
27 the court. Assignment recommendations, based upon the needs
28 assessment as described in subdivision (23) of section 302.010,

1 shall be delivered in writing to the person with written notice
2 that the person is entitled to have such assignment
3 recommendations reviewed by the court if the person objects to
4 the recommendations. The person may file a motion in the
5 associate division of the circuit court of the county in which
6 such assignment was given, on a printed form provided by the
7 state courts administrator, to have the court hear and determine
8 such motion under the provisions of chapter 517. The motion
9 shall name the person or entity making the needs assessment as
10 the respondent and a copy of the motion shall be served upon the
11 respondent in any manner allowed by law. Upon hearing the
12 motion, the court may modify or waive any assignment
13 recommendation that the court determines to be unwarranted based
14 upon a review of the needs assessment, the person's driving
15 record, the circumstances surrounding the offense, and the
16 likelihood of the person committing a similar offense in the
17 future, except that the court may modify but may not waive the
18 assignment of a person determined to be a prior or persistent
19 offender as defined in section 577.001, or of a person determined
20 to have operated a motor vehicle with a blood alcohol content of
21 fifteen-hundredths of one percent or more by weight. Compliance
22 with the court determination of the motion shall satisfy the
23 provisions of this section for the purpose of reinstating such
24 person's license to operate a motor vehicle. The respondent's
25 personal appearance at any hearing conducted under this
26 subsection shall not be necessary unless directed by the court.

27 8. The fees for the substance abuse traffic offender
28 program, or a portion thereof, to be determined by the division

1 of alcohol and drug abuse of the department of mental health,
2 shall be paid by the person enrolled in the program. Any person
3 who is enrolled in the program shall pay, in addition to any fee
4 charged for the program, a supplemental fee to be determined by
5 the department of mental health for the purposes of funding the
6 substance abuse traffic offender program defined in section
7 302.010. The administrator of the program shall remit to the
8 division of alcohol and drug abuse of the department of mental
9 health on or before the fifteenth day of each month the
10 supplemental fee for all persons enrolled in the program, less
11 two percent for administrative costs. Interest shall be charged
12 on any unpaid balance of the supplemental fees due to the
13 division of alcohol and drug abuse under this section, and shall
14 accrue at a rate not to exceed the annual rates established under
15 the provisions of section 32.065, plus three percentage points.
16 The supplemental fees and any interest received by the department
17 of mental health under this section shall be deposited in the
18 mental health earnings fund, which is created in section 630.053.

19 9. Any administrator who fails to remit to the division of
20 alcohol and drug abuse of the department of mental health the
21 supplemental fees and interest for all persons enrolled in the
22 program under this section shall be subject to a penalty equal to
23 the amount of interest accrued on the supplemental fees due to
24 the division under this section. If the supplemental fees,
25 interest, and penalties are not remitted to the division of
26 alcohol and drug abuse of the department of mental health within
27 six months of the due date, the attorney general of the state of
28 Missouri shall initiate appropriate action for the collection of

1 said fees and accrued interest. The court shall assess
2 attorneys' fees and court costs against any delinquent program.

3 10. Any person who has had a license to operate a motor
4 vehicle revoked more than once for violation of the provisions of
5 this section shall be required to file proof with the director of
6 revenue that any motor vehicle operated by the person is equipped
7 with a functioning, certified ignition interlock device as a
8 required condition of license reinstatement. Such ignition
9 interlock device shall further be required to be maintained on
10 all motor vehicles operated by the person for a period of not
11 less than six months immediately following the date of
12 reinstatement. If the person fails to maintain such proof with
13 the director as required by this section, the license shall be
14 rerevoked.

15 11. The revocation period of any person whose license and
16 driving privilege has been revoked under this section and who has
17 filed proof of financial responsibility with the department of
18 revenue in accordance with chapter 303 and is otherwise eligible,
19 shall be terminated by a notice from the director of revenue
20 after one year from the effective date of the revocation. Unless
21 proof of financial responsibility is filed with the department of
22 revenue, the revocation shall remain in effect for a period of
23 two years from its effective date. If the person fails to
24 maintain proof of financial responsibility in accordance with
25 chapter 303, the person's license and driving privilege shall be
26 rerevoked.

27 12. A person commits the offense of failure to maintain
28 proof with the Missouri department of revenue if, when required

1 to do so, he or she fails to file proof with the director of
2 revenue that any vehicle operated by the person is equipped with
3 a functioning, certified ignition interlock device or fails to
4 file proof of financial responsibility with the department of
5 revenue in accordance with chapter 303. The offense of failure
6 to maintain of proof with the Missouri department of revenue is a
7 class A misdemeanor.

8 [577.049.] 302.580. 1. [Upon a plea of guilty or a finding
9 of guilty for an offense of violating the provisions of section
10 577.010 or 577.012 or violations of county or municipal
11 ordinances involving alcohol- or drug-related traffic offenses,
12 the court shall order the person to participate in and
13 successfully complete a substance abuse traffic offender program
14 defined in section 577.001.

15 2. The] Fees for the substance abuse traffic offender
16 program, or a portion thereof, to be determined by the division
17 of alcohol and drug abuse of the department of mental health,
18 shall be paid by the person enrolling in the program. Any person
19 who is enrolled in the program shall pay, in addition to any fee
20 charged for the program, a supplemental fee to be determined by
21 the department of mental health for the purposes of funding the
22 substance abuse traffic offender program defined in section
23 302.010 [and section 577.001]. The administrator of the program
24 shall remit to the division of alcohol and drug abuse of the
25 department of mental health on or before the fifteenth day of
26 each month the supplemental fees for all persons enrolled in the
27 program, less two percent for administrative costs. Interest
28 shall be charged on any unpaid balance of the supplemental fees

1 due to the division of alcohol and drug abuse pursuant to this
2 section and shall accrue at a rate not to exceed the annual rates
3 established pursuant to the provisions of section 32.065, plus
4 three percentage points. The supplemental fees and any interest
5 received by the department of mental health pursuant to this
6 section shall be deposited in the mental health earnings fund,
7 which is created in section 630.053.

8 [3.] 2. Any administrator who fails to remit to the
9 division of alcohol and drug abuse of the department of mental
10 health the supplemental fees and interest for all persons
11 enrolled in the program pursuant to this section shall be subject
12 to a penalty equal to the amount of interest accrued on the
13 supplemental fees due to the division pursuant to this section.
14 If the supplemental fees, interest, and penalties are not
15 remitted to the division of alcohol and drug abuse of the
16 department of mental health within six months of the due date,
17 the attorney general of the state of Missouri shall initiate
18 appropriate action of the collection of said fees and accrued
19 interest [accrued]. The court shall assess attorney fees and
20 court costs against any delinquent program.

21 [577.052.] 302.584. Any rule or portion of a rule
22 promulgated pursuant to this act shall become effective only as
23 provided pursuant to chapter 536 including, but not limited to,
24 section 536.028, if applicable, after August 28, 1997. All
25 rulemaking authority delegated prior to August 28, 1997, is of no
26 force and effect and repealed. The provisions of this section
27 are nonseverable and if any of the powers vested with the general
28 assembly pursuant to section 536.028, if applicable, to review,

1 to delay the effective date, or to disapprove and annul a rule or
2 portion of a rule are held unconstitutional or invalid, the
3 purported grant of rulemaking authority and any rule so proposed
4 and contained in the order of rulemaking shall be invalid and
5 void.

6 [577.051.] 302.592. 1. A record of the disposition in any
7 court proceeding involving [a violation of any of the provisions
8 of sections 577.005 to 577.023, or violation of county or
9 municipal ordinances involving alcohol- or drug-related driving
10 offenses] any criminal offense, infraction, or ordinance
11 violation related to the operation of a vehicle while intoxicated
12 or with an excessive blood alcohol content shall be forwarded to
13 the department of revenue, within seven days by the clerk of the
14 court in which the proceeding was held. The records shall be
15 forwarded by the department of revenue, within fifteen days of
16 receipt, to the Missouri state highway patrol and shall be
17 entered by the highway patrol in the Missouri uniform law
18 enforcement system records. Dispositions that shall be reported
19 are guilty pleas [of guilty], findings of [guilty] guilt,
20 suspended imposition of sentence, suspended execution of
21 sentence, probation, conditional sentences, sentences of
22 confinement, and any other such dispositions that may be required
23 under state or federal regulations. The record forwarded by the
24 clerk shall clearly [show] state the name of the court, the court
25 case number, the name, address, and motor vehicle operator's or
26 chauffeur's license number of the person who is the subject of
27 the proceeding, the code or number identifying the particular
28 arrest, and any court action or requirements pertaining thereto.

1 2. All records received by the Missouri state highway
2 patrol or the department of revenue under the provisions of this
3 section shall be entered in the Missouri uniform law enforcement
4 system records and maintained by the Missouri state highway
5 patrol. Records placed in the Missouri uniform law enforcement
6 system under the provisions of this section shall be made
7 available to any law enforcement officer in this state, any
8 prosecuting or circuit attorney in this state, or to any judge of
9 a municipal or state court upon request.

10 3. ~~[Any]~~ A person commits the offense of refusal to furnish
11 records of disposition if he or she is required [by this section]
12 to furnish records to the Missouri state highway patrol or
13 department of revenue ~~[who willfully]~~ under this section and
14 purposely refuses to furnish such records ~~[is guilty of]~~. The
15 offense of refusal to furnish records of disposition is a class
16 [C] D misdemeanor.

17 [4. Records required to be filed with the Missouri state
18 highway patrol or the department of revenue under the provisions
19 of sections 302.225 and 577.001 to 577.051 shall be filed
20 beginning July 1, 1983, and no penalties for nonfiling of records
21 shall be applied prior to July 1, 1983.

22 5. Forms and procedures for filing of records with the
23 Missouri state highway patrol or department of revenue as
24 required in this chapter shall be promulgated by the director of
25 the department of public safety or department of revenue, as
26 applicable, and approved by the Missouri supreme court.

27 6. All record-keeping procedures required under the
28 provisions of sections 577.005 to 577.023 shall be in accordance

1 with this section, chapter 610 to the contrary notwithstanding.]

2 302.605. 1. As used in the compact contained in section
3 302.600, the term "executive head" shall mean the governor of
4 this state.

5 2. As used in the compact contained in section 302.600, the
6 term "licensing authority" shall mean the department of revenue
7 of this state. The director of revenue shall furnish to the
8 appropriate authorities of any other party state any information
9 or documents reasonably necessary to facilitate the
10 administration of Articles III, IV and V of the compact contained
11 in section 302.600.

12 3. The director of the department of revenue, as compact
13 administrator provided for in Article VII of the compact
14 contained in section 302.600, shall not be entitled to any
15 additional compensation on account of his or her service as such
16 administrator. However, he or she shall be entitled to expenses
17 incurred in connection with his or her duties and
18 responsibilities as such administrator, in the same manner as for
19 expenses incurred in connection with any other duties or
20 responsibilities of his office or employment.

21 4. Any court or other agency of this state, or any
22 subdivision thereof, which has jurisdiction to take any action
23 suspending, revoking or otherwise limiting a license to drive or
24 operate a motor vehicle, shall report any such action and the
25 adjudication upon which it is based to the director of the
26 department of revenue in the manner and within the time
27 prescribed by the director of the department by rule.

28 5. Article IV of the compact contained in section 302.600

1 shall apply to those offenses for which a license to drive or
2 operate a motor vehicle may be suspended or revoked under the
3 laws of this state, and any suspension or revocation therefor
4 shall be governed by the provisions of law applicable to such
5 suspension or revocation.

6 302.705. 1. No person who drives a commercial motor
7 vehicle shall have more than one driver's license.

8 2. No person is eligible for a commercial driver's license
9 who is under eighteen years of age, except any person
10 transporting a hazardous material must be at least twenty-one
11 years of age.

12 3. Any driver of a commercial motor vehicle holding a
13 commercial driver's license issued by this state, and who is
14 convicted of violating any state law or county or municipal
15 ordinance regulating the operation of motor vehicles in any other
16 state, other than parking violations, shall notify the director
17 in writing on a form prescribed by the director within thirty
18 days of the date of conviction. Upon notification of such
19 conviction the director may apply the conviction information to
20 the driver's record. If such conviction would result in
21 disqualification of the license under sections 302.700 to
22 302.780, the director shall disqualify the license in accordance
23 with sections 302.700 to 302.780.

24 4. Any driver of a commercial motor vehicle holding a
25 commercial driver's license issued by this state, and who is
26 convicted of violating any state law or county or municipal
27 ordinance regulating the operation of motor vehicles in this or
28 any other state, other than parking violations, shall notify his

1 or her employer in writing of the conviction within thirty days
2 of the date of conviction.

3 302.710. A driver whose commercial driver's license is
4 suspended, revoked, or canceled by any state, or who loses the
5 privilege to drive a commercial motor vehicle in any state for
6 any period, including being disqualified from driving a
7 commercial motor vehicle, or who is subject to an out of service
8 order, shall notify his or her employer of that fact before the
9 end of the business day following the day the driver received
10 notice of that fact.

11 302.727. 1. A person commits the [crime] offense of
12 driving a commercial motor vehicle while revoked if such person
13 operates a commercial motor vehicle when, as a result of prior
14 violations committed operating a commercial motor vehicle, the
15 driver's commercial driver license is revoked, suspended, or
16 canceled, or the driver is disqualified from operating a
17 commercial motor vehicle.

18 2. Any person convicted of driving a commercial motor
19 vehicle while revoked is guilty of a class A misdemeanor. Any
20 person with no prior alcohol-related enforcement contacts as
21 defined in section 302.525, convicted a fourth or subsequent time
22 of driving a commercial motor vehicle while revoked or a county
23 or municipal ordinance of driving a commercial motor vehicle
24 while suspended or revoked where the judge in such case was an
25 attorney and the defendant was represented by or waived the right
26 to an attorney in writing, and where the prior three driving a
27 commercial motor vehicle while revoked offenses occurred within
28 ten years of the date of occurrence of the present offense and

1 where the person received and served a sentence of ten days or
2 more on such previous offenses; and any person with a prior
3 alcohol-related enforcement contact as defined in section
4 302.525, convicted a third or subsequent time of driving a
5 commercial motor vehicle while revoked or a county or municipal
6 ordinance of driving a commercial motor vehicle while suspended
7 or revoked where the judge in such case was an attorney and the
8 defendant was represented by or waived the right to an attorney
9 in writing, and where the prior two driving a commercial motor
10 vehicle while revoked offenses occurred within ten years of the
11 date of occurrence of the present offense and where the person
12 received and served a sentence of ten days or more on such
13 previous offenses is guilty of a class **[D]** E felony. No court
14 shall suspend the imposition of sentence as to such a person nor
15 sentence such person to pay a fine in lieu of a term of
16 imprisonment, nor shall such person be eligible for parole or
17 probation until he or she has served a minimum of forty-eight
18 consecutive hours of imprisonment, unless as a condition of such
19 parole or probation, such person performs at least ten days
20 involving at least forty hours of community service under the
21 supervision of the court in those jurisdictions which have a
22 recognized program for community service. Driving a commercial
23 motor vehicle while revoked is a class **[D]** E felony on the second
24 or subsequent conviction pursuant to section 577.010 or a fourth
25 or subsequent conviction for any other offense.

26 302.745. 1. All chemical tests required herein for the
27 enforcement of sections 302.700 to 302.780 shall be conducted
28 using the same procedures, methods, waivers of liability, persons

1 and facilities as those described in chapter 577 except as
2 provided in sections 302.700 to 302.780. Nothing contained in
3 chapter 577 shall be construed to require a person to be placed
4 under arrest prior to his or her being requested to submit to a
5 chemical test under this section.

6 2. A person who drives a commercial motor vehicle within
7 this state is deemed to have given consent, subject to the
8 provisions of this section, to a chemical test or tests of his or
9 her breath, blood, saliva or urine for the purpose of determining
10 his alcohol concentration, or the presence of controlled
11 substances in his or her system.

12 3. A test or tests may be administered for the purposes of
13 enforcing sections 302.700 to 302.780, at the direction of a law
14 enforcement officer, who has reason to believe that the driver
15 was driving a commercial motor vehicle while having any amount of
16 alcohol or controlled substances in his or her system.

17 4. The implied consent to submit to the chemical tests
18 listed in subsection 2 of this section shall be limited to not
19 more than two such tests arising from the same arrest, stop,
20 incident, or charge.

21 5. Upon the request of a person who is tested, full
22 information concerning the test shall be made available to him or
23 her.

24 6. Upon the trial of any person for violation of this
25 section or upon the trial of any criminal action or violations of
26 county or municipal ordinances arising out of acts alleged to
27 have been committed by any person while driving a commercial
28 motor vehicle under the influence of alcohol or controlled

1 substances, the amount of alcohol or controlled substance in the
2 person's blood at the time of the act alleged as shown by
3 chemical analysis of the person's blood, breath, saliva or urine
4 is admissible in evidence and the provisions of subdivision (5)
5 of section 491.060 shall not prevent the admissibility or
6 introduction of such evidence, if otherwise admissible. Nothing
7 contained in this section shall be construed as limiting the
8 introduction of any other competent evidence bearing upon the
9 question whether the person was operating a commercial motor
10 vehicle while under the influence of alcohol or controlled
11 substances.

12 302.750. 1. If a person refuses, upon the request of a law
13 enforcement officer pursuant to section 302.745, to submit to any
14 test allowed under that section, evidence of the refusal shall be
15 admissible in any proceeding to determine whether a person was
16 operating a commercial motor vehicle while under the influence of
17 alcohol or controlled substances. In this event, the officer
18 shall make a sworn report to the director that he or she
19 requested a test pursuant to section 302.745 and that the person
20 refused to submit to such testing.

21 2. A person requested to submit to a test as provided by
22 section 302.745 shall be warned by the law enforcement officer
23 requesting the test that a refusal to submit to the test will
24 result in that person being immediately placed out of service for
25 a period of twenty-four hours and being disqualified from
26 operating a commercial motor vehicle for a period of not less
27 than one year if for a first refusal to submit to the test and
28 for life if for a second or subsequent refusal to submit to the

1 test. The director may issue rules and regulations, in
2 accordance with guidelines established by the secretary, under
3 which a disqualification for life under this section may be
4 reduced to a period of not less than ten years.

5 3. Upon receipt of the sworn report of a law enforcement
6 officer submitted under subsection 1 of this section, the
7 director shall disqualify the driver from operating a commercial
8 motor vehicle.

9 4. If a person has been disqualified from operating a
10 commercial motor vehicle because of his refusal to submit to a
11 chemical test, he or she may request a hearing before a court of
12 record in the county in which the request was made. Upon his or
13 her request, the clerk of the court shall notify the prosecuting
14 attorney of the county and the prosecutor shall appear at the
15 hearing on behalf of the officer. At the hearing the judge shall
16 determine only:

17 (1) Whether or not the law enforcement officer had
18 reasonable grounds to believe that the person was driving a
19 commercial motor vehicle with any amount of alcohol in his or her
20 system;

21 (2) Whether or not the person refused to submit to the
22 test.

23 5. If the judge determines any issues not to be in the
24 affirmative, he or she shall order the director to reinstate the
25 privilege to operate a commercial motor vehicle.

26 6. Requests for review as herein provided shall go to the
27 head of the docket of the court wherein filed.

28 302.755. 1. A person is disqualified from driving a

1 commercial motor vehicle for a period of not less than one year
2 if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol
4 or a controlled substance, or of an alcohol-related enforcement
5 contact as defined in subsection 3 of section 302.525;

6 (2) Driving a commercial motor vehicle which causes a
7 fatality through the negligent operation of the commercial motor
8 vehicle, including but not limited to the [crimes] offenses of
9 vehicular manslaughter, homicide by motor vehicle, and negligent
10 homicide;

11 (3) Driving a commercial motor vehicle while revoked
12 pursuant to section 302.727;

13 (4) Leaving the scene of an accident involving a commercial
14 or noncommercial motor vehicle operated by the person;

15 (5) Using a commercial or noncommercial motor vehicle in
16 the commission of any felony, as defined in section 302.700,
17 except a felony as provided in subsection 4 of this section.

18 2. If any of the violations described in subsection 1 of
19 this section occur while transporting a hazardous material the
20 person is disqualified for a period of not less than three years.

21 3. Any person is disqualified from operating a commercial
22 motor vehicle for life if convicted of two or more violations of
23 any of the offenses specified in subsection 1 of this section, or
24 any combination of those offenses, arising from two or more
25 separate incidents. The director may issue rules and
26 regulations, in accordance with guidelines established by the
27 secretary, under which a disqualification for life under this
28 section may be reduced to a period of not less than ten years.

1 4. Any person is disqualified from driving a commercial
2 motor vehicle for life who uses a commercial or noncommercial
3 motor vehicle in the commission of any felony involving the
4 manufacture, distribution, or dispensing of a controlled
5 substance, or possession with intent to manufacture, distribute,
6 or dispense a controlled substance.

7 5. Any person is disqualified from operating a commercial
8 motor vehicle for a period of not less than sixty days if
9 convicted of two serious traffic violations or one hundred twenty
10 days if convicted of three serious traffic violations, arising
11 from separate incidents occurring within a three-year period.

12 6. Any person found to be operating a commercial motor
13 vehicle while having any measurable alcohol concentration shall
14 immediately be issued a continuous twenty-four-hour
15 out-of-service order by a law enforcement officer in this state.

16 7. Any person who is convicted of operating a commercial
17 motor vehicle beginning at the time of issuance of the
18 out-of-service order until its expiration is guilty of a class A
19 misdemeanor.

20 8. Any person convicted for the first time of driving while
21 out of service shall be disqualified from driving a commercial
22 motor vehicle in the manner prescribed in 49 CFR Part 383, or as
23 amended by the Secretary.

24 9. Any person convicted of driving while out of service on
25 a second occasion during any ten-year period, involving separate
26 incidents, shall be disqualified in the manner prescribed in 49
27 CFR Part 383, or as amended by the Secretary.

28 10. Any person convicted of driving while out of service on

1 a third or subsequent occasion during any ten-year period,
2 involving separate incidents, shall be disqualified for a period
3 of three years.

4 11. Any person convicted of a first violation of an
5 out-of-service order while transporting hazardous materials or
6 while operating a motor vehicle designed to transport sixteen or
7 more passengers, including the driver, is disqualified for a
8 period of one hundred eighty days.

9 12. Any person convicted of any subsequent violation of an
10 out-of-service order in a separate incident within ten years
11 after a previous violation, while transporting hazardous
12 materials or while operating a motor vehicle designed to
13 transport fifteen passengers, including the driver, is
14 disqualified for a period of three years.

15 13. Any person convicted of any other offense as specified
16 by regulations promulgated by the Secretary of Transportation
17 shall be disqualified in accordance with such regulations.

18 14. After suspending, revoking, canceling or disqualifying
19 a driver, the director shall update records to reflect such
20 action and notify a nonresident's licensing authority and the
21 commercial driver's license information system within ten days in
22 the manner prescribed in 49 CFR Part 384, or as amended by the
23 Secretary.

24 15. Any person disqualified from operating a commercial
25 motor vehicle pursuant to subsection 1, 2, 3, or 4 of this
26 section shall have such commercial driver's license canceled, and
27 upon conclusion of the period of disqualification shall take the
28 written and driving tests and meet all other requirements of

1 sections 302.700 to 302.780. Such disqualification and
2 cancellation shall not be withdrawn by the director until such
3 person reapplies for a commercial driver's license in this or any
4 other state after meeting all requirements of sections 302.700 to
5 302.780.

6 16. The director shall disqualify a driver upon receipt of
7 notification that the Secretary has determined a driver to be an
8 imminent hazard pursuant to 49 CFR, Part 383.52. Due process of
9 a disqualification determined by the Secretary pursuant to this
10 section shall be held in accordance with regulations promulgated
11 by the Secretary. The period of disqualification determined by
12 the Secretary pursuant to this section shall be served
13 concurrently to any other period of disqualification which may be
14 imposed by the director pursuant to this section. Both
15 disqualifications shall appear on the driving record of the
16 driver.

17 17. The director shall disqualify a commercial license
18 holder or operator of a commercial vehicle from operation of any
19 commercial motor vehicle upon receipt of a conviction for an
20 offense of failure to appear or pay, and such disqualification
21 shall remain in effect until the director receives notice that
22 the person has complied with the requirement to appear or pay.

23 302.780. 1. It shall be unlawful for a person to:

24 (1) Drive a commercial motor vehicle in a willful or wanton
25 disregard for the safety of persons or property; or

26 (2) [Drive a commercial motor vehicle while having an
27 alcohol concentration of four one-hundredths of a percent or more
28 as prescribed by the secretary or such other alcohol

1 concentration as may be later determined by the secretary by
2 regulation; or

3 (3)] Drive a commercial motor vehicle while under the
4 influence of any substance so classified under section 102(6) of
5 the Controlled Substances Act (21 U.S.C. 802(6)), including any
6 substance listed in schedules I through V of 21 CFR part 1308, as
7 they may be revised from time to time.

8 2. Except as otherwise provided for in sections 302.700 to
9 302.780, whenever the doing of anything is required or is
10 prohibited or is declared to be unlawful, any person who shall be
11 convicted of a violation thereof shall be guilty of a class B
12 misdemeanor.

13 303.024. 1. Each insurer issuing motor vehicle liability
14 policies in this state, or an agent of the insurer, shall furnish
15 an insurance identification card to the named insured for each
16 motor vehicle insured by a motor vehicle liability policy that
17 complies with the requirements of sections 303.010 to 303.050,
18 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

19 2. The insurance identification card shall include all of
20 the following information:

21 (1) The name and address of the insurer;

22 (2) The name of the named insured;

23 (3) The policy number;

24 (4) The effective dates of the policy, including month, day
25 and year;

26 (5) A description of the insured motor vehicle, including
27 year and make or at least five digits of the vehicle
28 identification number or the word Fleet if the insurance policy

1 covers five or more motor vehicles; and

2 (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED
3 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed
4 on the card.

5 3. A new insurance identification card shall be issued when
6 the insured motor vehicle is changed, when an additional motor
7 vehicle is insured, and when a new policy number is assigned. A
8 replacement insurance identification card shall be issued at the
9 request of the insured in the event of loss of the original
10 insurance identification card.

11 4. The director shall furnish each self-insurer, as
12 provided for in section 303.220, an insurance identification card
13 for each motor vehicle so insured. The insurance identification
14 card shall include all of the following information:

15 (1) Name of the self-insurer;

16 (2) The word self-insured; and

17 (3) The statement "THIS CARD MUST BE CARRIED IN THE
18 SELF-INSURED MOTOR VEHICLE FOR PRODUCTION UPON DEMAND"
19 prominently displayed on the card.

20 5. An insurance identification card shall be carried in the
21 insured motor vehicle at all times. The operator of an insured
22 motor vehicle shall exhibit the insurance identification card on
23 the demand of any peace officer, commercial vehicle enforcement
24 officer or commercial vehicle inspector who lawfully stops such
25 operator or investigates an accident while that officer or
26 inspector is engaged in the performance of the officer's or
27 inspector's duties. If the operator fails to exhibit an
28 insurance identification card, the officer or inspector shall

1 issue a citation to the operator for a violation of section
2 303.025. A motor vehicle liability insurance policy, a motor
3 vehicle liability insurance binder, or receipt which contains the
4 policy information required in subsection 2 of this section,
5 shall be satisfactory evidence of insurance in lieu of an
6 insurance identification card.

7 6. Any person who knowingly or intentionally produces,
8 manufactures, sells, or otherwise distributes a fraudulent
9 document intended to serve as an insurance identification card is
10 guilty of a class [D] E felony. Any person who knowingly or
11 intentionally possesses a fraudulent document intended to serve
12 as an insurance identification card is guilty of a class B
13 misdemeanor.

14 303.025. 1. No owner of a motor vehicle registered in this
15 state, or required to be registered in this state, shall operate,
16 register or maintain registration of a motor vehicle, or permit
17 another person to operate such vehicle, unless the owner
18 maintains the financial responsibility which conforms to the
19 requirements of the laws of this state. No nonresident shall
20 operate or permit another person to operate in this state a motor
21 vehicle registered to such nonresident unless the nonresident
22 maintains the financial responsibility which conforms to the
23 requirements of the laws of the nonresident's state of residence.
24 Furthermore, no person shall operate a motor vehicle owned by
25 another with the knowledge that the owner has not maintained
26 financial responsibility unless such person has financial
27 responsibility which covers the person's operation of the other's
28 vehicle; however, no owner or nonresident shall be in violation

1 of this subsection if he or she fails to maintain financial
2 responsibility on a motor vehicle which is inoperable or being
3 stored and not in operation. The director may prescribe rules
4 and regulations for the implementation of this section.

5 2. A motor vehicle owner shall maintain the owner's
6 financial responsibility in a manner provided for in section
7 303.160, or with a motor vehicle liability policy which conforms
8 to the requirements of the laws of this state. A nonresident
9 motor vehicle owner shall maintain the owner's financial
10 responsibility which conforms to the requirements of the laws of
11 the nonresident's state of residence.

12 3. Any person who violates this section is guilty of a
13 misdemeanor. A first violation of this section shall be
14 punishable [by a fine not to exceed three hundred dollars] as a
15 class D misdemeanor. A second or subsequent violation of this
16 section shall be punishable by imprisonment in the county jail
17 for a term not to exceed fifteen days and/or a fine not to exceed
18 [three] five hundred dollars. Prior pleas of guilty and prior
19 findings of guilty shall be pleaded and proven in the same manner
20 as required by section 558.021. However, no person shall be
21 found guilty of violating this section if the operator
22 demonstrates to the court that he or she met the financial
23 responsibility requirements of this section at the time the peace
24 officer, commercial vehicle enforcement officer or commercial
25 vehicle inspector wrote the citation. In addition to any other
26 authorized punishment, the court shall notify the director of
27 revenue of any person convicted pursuant to this section and
28 shall do one of the following:

1 (1) Enter an order suspending the driving privilege as of
2 the date of the court order. If the court orders the suspension
3 of the driving privilege, the court shall require the defendant
4 to surrender to it any driver's license then held by such person.
5 The length of the suspension shall be as prescribed in subsection
6 2 of section 303.042. The court shall forward to the director of
7 revenue the order of suspension of driving privilege and any
8 license surrendered within ten days;

9 (2) Forward the record of the conviction for an assessment
10 of four points;

11 (3) In lieu of an assessment of points, render an order of
12 supervision as provided in section 302.303. An order of
13 supervision shall not be used in lieu of points more than one
14 time in any thirty-six-month period. Every court having
15 jurisdiction pursuant to the provisions of this section shall
16 forward a record of conviction to the Missouri state highway
17 patrol, or at the written direction of the Missouri state highway
18 patrol, to the department of revenue, in a manner approved by the
19 director of the department of public safety. The director shall
20 establish procedures for the record keeping and administration of
21 this section; or

22 (4) For a nonresident, suspend the nonresident's driving
23 privileges in this state in accordance with section 303.030 and
24 notify the official in charge of the issuance of licenses and
25 registration certificates in the state in which such nonresident
26 resides in accordance with section 303.080.

27 4. Nothing in sections 303.010 to 303.050, 303.060,
28 303.140, 303.220, 303.290, 303.330 and 303.370 shall be construed

1 as prohibiting the department of insurance, financial
2 institutions and professional registration from approving or
3 authorizing those exclusions and limitations which are contained
4 in automobile liability insurance policies and the uninsured
5 motorist provisions of automobile liability insurance policies.

6 5. If a court enters an order of suspension, the offender
7 may appeal such order directly pursuant to chapter 512 and the
8 provisions of section 302.311 shall not apply.

9 304.070. 1. Any person who violates any of the provisions
10 of subsections 1, 3, and 6 of section 304.050 is guilty of a
11 class A misdemeanor. In addition, [beginning July 1, 2005,] the
12 court may suspend the driver's license of any person who violates
13 the provision of subsection 1 of section 304.050. If ordered by
14 the court, the director shall suspend the driver's license for
15 ninety days for a first offense of subsection 1 of section
16 304.050, and one hundred twenty days for a second or subsequent
17 offense of subsection 1 of section 304.050. Any person who
18 violates subsection 1 of section 304.050 where such violation
19 results in the injury of any child shall be guilty of a class [D]
20 E felony. Any person who violates subsection 1 of section
21 304.050 where such violation causes the death of any child shall
22 be guilty of a class [C] D felony.

23 2. Any appeal of a suspension imposed under subsection 1 of
24 this section shall be a direct appeal of the court order and
25 subject to review by the presiding judge of the circuit court or
26 another judge within the circuit other than the judge who issued
27 the original order to suspend the driver's license. The director
28 of revenue's entry of the court-ordered suspension on the driving

1 record is not a decision subject to review pursuant to section
2 302.311. Any suspension of the driver's license ordered by the
3 court under this section shall be in addition to any other
4 suspension that may occur as a result of the conviction pursuant
5 to other provisions of law.

6 [577.217.] 305.125. If a person refuses upon the request of
7 the officer to submit to a chemical test under section 577.041,
8 then no test shall be given. Any refusal to submit to a test
9 shall be an infraction which may be punished by a fine of up to
10 one thousand dollars. The officer shall inform the person that
11 his or her failure to submit to the test may result in a fine and
12 administrative penalties by the Federal Aviation Administration.

13 [577.221.] 305.126. [All positive test results and test
14 refusals] Whenever a person operating an aircraft or acting as a
15 flight crew member of any aircraft has a positive chemical test
16 under chapter 577 or refuses a chemical test under section
17 577.041, the test result and refusal shall be reported by law
18 enforcement agencies to the Federal Aviation Administration. If
19 a person pleads guilty to or is found guilty of a violation of
20 sections [577.201 and 577.203] 577.015 and 577.016, a report of
21 the conviction shall be forwarded by the court in which the
22 conviction occurred to the Federal Aviation Administration.

23 306.110. 1. No person shall [operate any motorboat or
24 watercraft, or] manipulate any water skis, surfboard or other
25 waterborne device in a reckless or negligent manner so as to
26 endanger the life or property of any person.

27 2. No person shall [operate any motorboat or watercraft,
28 or] manipulate any water skis, surfboard or other waterborne

1 device while intoxicated or under the influence of any narcotic
2 drug, barbiturate or marijuana.

3 306.111. [1.] A person commits the crime of negligent
4 operation of a vessel if when operating a vessel he or she acts
5 with criminal negligence, as defined in subsection 5 of section
6 562.016, to cause physical injury to any other person or damage
7 to the property of any other person. A person convicted of
8 negligent operation of a vessel is guilty of a class B
9 misdemeanor upon conviction for the first violation, guilty of a
10 class A misdemeanor upon conviction for the second violation, and
11 guilty of a class [D] E felony for conviction for the third and
12 subsequent violations.

13 [2. A person commits the crime of operating a vessel while
14 intoxicated if he or she operates a vessel on the Mississippi
15 River, Missouri River or the lakes of this state while in an
16 intoxicated condition. Operating a vessel while intoxicated is a
17 class B misdemeanor.

18 3. A person commits the crime of involuntary manslaughter
19 with a vessel if, while in an intoxicated condition, he or she
20 operates any vessel and, when so operating, acts with criminal
21 negligence to cause the death of any person. Involuntary
22 manslaughter with a vessel is a class C felony.

23 4. A person commits the crime of assault with a vessel in
24 the second degree if, while in an intoxicated condition, he or
25 she operates any vessel and, when so operating, acts with
26 criminal negligence to cause physical injury to any other person.
27 Assault with a vessel in the second degree is a class D felony.

28 5. For purposes of this section, a person is in an

1 intoxicated condition when he or she is under the influence of
2 alcohol, a controlled substance or drug, or any combination
3 thereof.]

4 306.420. 1. Upon the satisfaction of a lien or encumbrance
5 on an outboard motor, motorboat, vessel, or watercraft, the
6 lienholder shall within ten days execute a release of his or her
7 lien or encumbrance, on the certificate or separate document, and
8 mail or deliver the certificate or separate document to the owner
9 or any person who delivers to the lienholder an authorization
10 from the owner to receive the documentation. The release on the
11 certificate or separate document shall be notarized. Each
12 perfected subordinate lienholder, if any, shall release such lien
13 or encumbrance as provided in this section for the first
14 lienholder. The owner may cause the certificate of title, the
15 release, and the required fee to be mailed or delivered to the
16 director of revenue, who shall release the lienholder's rights on
17 the certificate and issue a new certificate of title.

18 2. If the electronic certificate of title is in the
19 possession of the director of revenue, the lienholder shall
20 notify the director within ten business days of any release of
21 lien and provide the director with the most current address of
22 the owner. The director shall note such release on the
23 electronic certificate and if no other lien exists, the director
24 shall mail or deliver the certificate free of any lien to the
25 owner.

26 3. Any person who knowingly and intentionally sends in a
27 separate document releasing a lien of another without authority
28 to do so shall be guilty of a class [C] D felony.

1 311.315. 1. A person commits the offense of manufacturing
2 a false identification if he or she possesses any means of
3 identification for the purpose of manufacturing and providing or
4 selling a false identification card to a person under the age of
5 twenty-one for the purpose of purchasing or obtaining alcohol.

6 2. The offense of manufacturing a false identification is a
7 class A misdemeanor.

8 311.325. 1. Any person under the age of twenty-one years,
9 who purchases or attempts to purchase, or has in his or her
10 possession, any intoxicating liquor as defined in section 311.020
11 or who is visibly in an intoxicated condition as defined in
12 section 577.001, or has a detectable blood alcohol content of
13 more than two-hundredths of one percent or more by weight of
14 alcohol in such person's blood is guilty of a misdemeanor. A
15 first violation of this section shall be punishable [by a fine
16 not to exceed three hundred dollars] as a class D misdemeanor. A
17 second or subsequent violation of this section shall be
18 punishable [by imprisonment in the county jail for a term not to
19 exceed one year and/or a fine not to exceed one thousand dollars]
20 as a class A misdemeanor. Prior pleas of guilty and prior
21 findings of guilty shall be pleaded and proven in the same manner
22 as required by section 558.021. For purposes of prosecution
23 under this section or any other provision of this chapter
24 involving an alleged illegal sale or transfer of intoxicating
25 liquor to a person under twenty-one years of age, a
26 manufacturer-sealed container describing that there is
27 intoxicating liquor therein need not be opened or the contents
28 therein tested to verify that there is intoxicating liquor in

1 such container. The alleged violator may allege that there was
2 not intoxicating liquor in such container, but the burden of
3 proof of such allegation is on such person, as it shall be
4 presumed that such a sealed container describing that there is
5 intoxicating liquor therein contains intoxicating liquor.

6 2. For purposes of determining violations of any provision
7 of this chapter, or of any rule or regulation of the supervisor
8 of alcohol and tobacco control, a manufacturer-sealed container
9 describing that there is intoxicating liquor therein need not be
10 opened or the contents therein tested to verify that there is
11 intoxicating liquor in such container. The alleged violator may
12 allege that there was not intoxicating liquor in such container,
13 but the burden of proof of such allegation is on such person, as
14 it shall be presumed that such a sealed container describing that
15 there is intoxicating liquor therein contains intoxicating
16 liquor.

17 3. Any person under the age of twenty-one years who
18 purchases or attempts to purchase, or has in his or her
19 possession, any intoxicating liquor, or who is visibly in an
20 intoxicated condition as defined in section 577.001, shall be
21 deemed to have given consent to a chemical test or tests of the
22 person's breath, blood, saliva, or urine for the purpose of
23 determining the alcohol or drug content of the person's blood.
24 The implied consent to submit to the chemical tests listed in
25 this subsection shall be limited to not more than two such tests
26 arising from the same arrest, incident, or charge. Chemical
27 analysis of the person's breath, blood, saliva, or urine shall be
28 performed according to methods approved by the state department

1 of health and senior services by licensed medical personnel or by
2 a person possessing a valid permit issued by the state department
3 of health and senior services for this purpose. The state
4 department of health and senior services shall approve
5 satisfactory techniques, devices, equipment, or methods to be
6 considered valid and shall establish standards to ascertain the
7 qualifications and competence of individuals to conduct analyses
8 and to issue permits which shall be subject to termination or
9 revocation by the state department of health and senior services.
10 The person tested may have a physician, or a qualified
11 technician, chemist, registered nurse, or other qualified person
12 at the choosing and expense of the person to be tested,
13 administer a test in addition to any administered at the
14 direction of a law enforcement officer. The failure or inability
15 to obtain an additional test by a person shall not preclude the
16 admission of evidence relating to the test taken at the direction
17 of a law enforcement officer. Upon the request of the person who
18 is tested, full information concerning the test shall be made
19 available to such person. Full information is limited to the
20 following:

21 (1) The type of test administered and the procedures
22 followed;

23 (2) The time of the collection of the blood or breath
24 sample or urine analyzed;

25 (3) The numerical results of the test indicating the
26 alcohol content of the blood and breath and urine;

27 (4) The type and status of any permit which was held by the
28 person who performed the test;

1 (5) If the test was administered by means of a
2 breath-testing instrument, the date of performance of the most
3 recent required maintenance of such instrument. Full information
4 does not include manuals, schematics, or software of the
5 instrument used to test the person or any other material that is
6 not in the actual possession of the state. Additionally, full
7 information does not include information in the possession of the
8 manufacturer of the test instrument.

9 4. The provisions of this section shall not apply to a
10 student who:

11 (1) Is eighteen years of age or older;

12 (2) Is enrolled in an accredited college or university and
13 is a student in a culinary course;

14 (3) Is required to taste, but not consume or imbibe, any
15 beer, ale, porter, wine, or other similar malt or fermented
16 beverage as part of the required curriculum; and

17 (4) Tastes a beverage under subdivision (3) of this
18 subsection only for instructional purposes during classes that
19 are part of the curriculum of the accredited college or
20 university. The beverage must at all times remain in the
21 possession and control of an authorized instructor of the college
22 or university, who must be twenty-one years of age or older.
23 Nothing in this subsection may be construed to allow a student
24 under the age of twenty-one to receive any beer, ale, porter,
25 wine, or other similar malt or fermented beverage unless the
26 beverage is delivered as part of the student's required
27 curriculum and the beverage is used only for instructional
28 purposes during classes conducted as part of the curriculum.

1 313.004. 1. There is hereby created the "Missouri Gaming
2 Commission" consisting of five members appointed by the governor,
3 with the advice and consent of the senate. Each member of the
4 Missouri gaming commission shall be a resident of this state. No
5 member shall have pled guilty to or shall have been convicted of
6 a felony or gambling-related offense. Not more than three
7 members shall be affiliated with the same political party. No
8 member of the commission shall be an elected official. The
9 overall membership of the commission shall reflect experience in
10 law enforcement, civil and criminal investigation and financial
11 principles.

12 2. The initial members of the commission shall be appointed
13 within thirty days of April 29, 1993. Of the members first
14 appointed, one shall be appointed for a one-year term, two shall
15 be appointed for a two-year term and two shall be appointed for a
16 three-year term. Thereafter, all members appointed shall serve
17 for a three-year term. No person shall serve as a member more
18 than six years. The governor shall designate one of the members
19 as the chair. The governor may remove any member of the
20 commission from office for malfeasance or neglect of duty in
21 office. The governor may also replace any member of the
22 commission, with the advice and consent of the senate, when any
23 responsibility concerning the state lottery, pari-mutuel wagering
24 or any other form of gaming is placed under the jurisdiction of
25 the commission.

26 3. The commission shall meet at least quarterly in
27 accordance with its rules. In addition, special meetings may be
28 called by the chair or any two members of the commission upon

1 twenty-four-hour written notice to each member. No action of the
2 commission shall be binding unless taken at a meeting at which at
3 least three of the five members are present and shall vote in
4 favor thereof.

5 4. The commission shall perform all duties and have all the
6 powers and responsibilities conferred and imposed upon it
7 relating to excursion gambling boats and, after June 30, 1994,
8 the lawful operation of the game of bingo under this chapter.
9 Within the commission, there shall be established a division of
10 gambling and after June 30, 1994, the division of bingo. Subject
11 to appropriations, the commission may hire an executive director
12 and any employees as it may deem necessary to carry out the
13 commission's duties. The commission shall have authority to
14 require investigations of any employee or applicant for
15 employment as deemed necessary and use such information or any
16 other information in the determination of employment. The
17 commission shall promulgate rules and regulations establishing a
18 code of ethics for its employees which shall include, but not be
19 limited to, restrictions on which employees shall be prohibited
20 from participating in or wagering on any game or gaming operation
21 subject to the jurisdiction of the commission. The commission
22 shall determine if any other employees of the commission or any
23 licensee of the commission shall participate or wager in any
24 operation under the jurisdiction of the commission.

25 5. On April 29, 1993, all the authority, powers, duties,
26 functions, records, personnel, property, matters pending and all
27 other pertinent vestiges of the state tourism commission relating
28 to the regulation of excursion gambling boats and, after June 30,

1 1994, of the department of revenue relating to the regulation of
2 the game of bingo shall be transferred to the Missouri gaming
3 commission.

4 6. The commission shall be assigned to the department of
5 public safety as a type III division, but the director of the
6 department of public safety has no supervision, authority or
7 control over the actions or decisions of the commission.

8 7. Members of the Missouri gaming commission shall receive
9 as compensation, the amount of one hundred dollars for every day
10 in which the commission holds a meeting, when such meeting is
11 subject to the recording of minutes as provided in chapter 610,
12 and shall be reimbursed for reasonable expenses incurred in the
13 performance of their duties. The chair shall receive as
14 additional compensation one hundred dollars for each month such
15 person serves on the commission in that capacity.

16 8. No member or employee of the commission shall be
17 appointed or continue to be a member or employee who is licensed
18 by the commission as an excursion gambling boat operator or
19 supplier and no member or employee of the commission shall be
20 appointed or continue to be a member or employee who is related
21 to any person within the second degree of consanguinity or
22 affinity who is licensed by the commission as an excursion
23 gambling boat operator or supplier. The commission shall
24 determine by rule and regulation appropriate restrictions on the
25 relationship of members and employees of the commission to
26 persons holding or applying for occupational licenses from the
27 commission or to employees of any licensee of the commission. No
28 peace officer, as defined by section 590.100, who is designated

1 to have direct regulator authority related to excursion gambling
2 boats shall be employed by any excursion gambling boat or
3 supplier licensed by the commission while employed as a peace
4 officer. No member or employee of the commission or any employee
5 of the state attorney general's office or the state highway
6 patrol who has direct authority over the regulation or
7 investigation of any applicant or licensee of the commission or
8 any peace officer of any city or county which has approved
9 excursion boat gambling shall accept any gift or gratuity from an
10 applicant or licensee while serving as a member or while under
11 such employment. Any person knowingly in violation of the
12 provisions of this subsection is guilty of a class A misdemeanor.
13 Any such member, officer or employee who personally or whose
14 prohibited relative knowingly violates the provisions of this
15 subsection, in addition to the foregoing penalty, shall, upon
16 conviction, immediately and thereupon forfeit his office or
17 employment.

18 9. The commission may enter into agreements with the
19 Federal Bureau of Investigation, the Federal Internal Revenue
20 Service, the state attorney general or any state, federal or
21 local agency the commission deems necessary to carry out the
22 duties of the commission. No state agency shall count employees
23 used in any agreements entered into with the commission against
24 any personnel cap authorized by any statute. Any consideration
25 paid by the commission for the purpose of entering into, or to
26 carry out, any agreement shall be considered an administrative
27 expense of the commission. When such agreements are entered into
28 for responsibilities relating to excursion gambling boats, the

1 commission shall require excursion gambling boat licensees to pay
2 for such services under rules and regulations of the commission.
3 The commission may provide by rules and regulations for the
4 offset of any prize or winnings won by any person making a wager
5 subject to the jurisdiction of the commission, when practical,
6 when such person has an outstanding debt owed the state of
7 Missouri.

8 10. No person who has served as a member or employee of the
9 commission, as a member of the general assembly, as an elected or
10 appointed official of the state or of any city or county of this
11 state in which the licensing of excursion gambling boats has been
12 approved in either the city or county or both or any employee of
13 the state highway patrol designated by the superintendent of the
14 highway patrol or any employee of the state attorney general's
15 office designated by the state attorney general to have direct
16 regulatory authority related to excursion gambling boats shall,
17 while in such office or during such employment and during the
18 first two years after termination of his office or position,
19 obtain direct ownership interest in or be employed by any
20 excursion gambling boat licensed by the commission or which has
21 applied for a license to the commission or enter into a
22 contractual relationship related to direct gaming activity. A
23 "direct ownership interest" shall be defined as any financial
24 interest, equitable interest, beneficial interest, or ownership
25 control held by the public official or employee, or such person's
26 family member related within the second degree of consanguinity
27 or affinity, in any excursion gambling boat operation or any
28 parent or subsidiary company which owns or operates an excursion

1 gambling boat or as a supplier to any excursion gambling boat
2 which has applied for or been granted a license by the
3 commission, provided that a direct ownership interest shall not
4 include any equity interest purchased at fair market value or
5 equity interest received as consideration for goods and services
6 provided at fair market value of less than one percent of the
7 total outstanding shares of stock of any publicly traded
8 corporation or certificates of partnership of any limited
9 partnership which is listed on a regulated stock exchange or
10 automated quotation system. Any person who knowingly violates
11 the provisions of this subsection is guilty of a class [D] E
12 felony. Any such member, officer or employee who personally and
13 knowingly violates the provisions of this subsection, in addition
14 to the foregoing penalty, shall, upon conviction, immediately and
15 thereupon forfeit his office or employment. For purposes of this
16 subsection, "appointed official" shall mean any official of this
17 state or of any city or county authorized under subsection 10 of
18 section 313.812 appointed to a position which has discretionary
19 powers over the operations of any licensee or applicant for
20 licensure by the commission. This shall only apply if the
21 appointed official has a direct ownership interest in an
22 excursion gambling boat licensed by the commission or which has
23 applied for a license to the commission to be docked within the
24 jurisdiction of his or her appointment. No elected or appointed
25 official, his or her spouse or dependent child shall, while in
26 such office or within two years after termination of his or her
27 office or position, be employed by an applicant for an excursion
28 gambling boat license or an excursion gambling boat licensed by

1 the commission. Any other person related to an elected or
2 appointed official within the second degree of consanguinity or
3 affinity employed by an applicant for an excursion gambling boat
4 license or excursion gambling boat licensed by the commission
5 shall disclose this relationship to the commission. Such
6 disclosure shall be in writing and shall include who is employing
7 such individual, that person's relationship to the elected or
8 appointed official, and a job description for which the person is
9 being employed. The commission may require additional
10 information as it may determine necessary.

11 11. The commission may enter into contracts with any
12 private entity the commission deems necessary to carry out the
13 duties of the commission, other than criminal law enforcement,
14 provision of legal counsel before the courts and other agencies
15 of this state, and the enforcement of liquor laws. The
16 commission may require provisions for special auditing
17 requirements, investigations and restrictions on the employees of
18 any private entity with which a contract is entered into by the
19 commission.

20 12. Notwithstanding the provisions of chapter 610 to the
21 contrary, all criminal justice records shall be available to any
22 agency or commission responsible for licensing or investigating
23 applicants or licensees applying to any gaming commission of this
24 state.

25 313.040. The conducting of bingo is subject to the
26 following restrictions:

27 (1) (a) The entire net receipts over and above the actual
28 cost of conducting the game shall be exclusively devoted to the

1 lawful, charitable, religious or philanthropic purposes of the
2 organization permitted to conduct that game and no receipts shall
3 be used to compensate in any manner any person who works for or
4 is in any way affiliated with the licensed organization. Any
5 person who violates the provisions of this paragraph shall be
6 guilty of a class ~~D~~ E felony;

7 (b) Proceeds from the game of bingo may not be loaned to
8 any person, except that this provision shall not prohibit the
9 investment of the proceeds in any licensed banking or savings
10 institution, instrument of the United States, Missouri, or any
11 political subdivision thereof. Any person who violates the
12 provisions of this paragraph shall be guilty of a class C
13 misdemeanor; and

14 (c) The actual cost of conducting the game shall only
15 include the following:

- 16 a. The cost of the prizes;
- 17 b. The purchasing of the bingo cards from a licensed
18 supplier;
- 19 c. The purchasing or leasing of the equipment used in
20 conducting the game;
- 21 d. The lease rental on the premises in which the game is
22 conducted to include an allocation of utility costs, if
23 applicable, costs of providing security, including the employment
24 of a reasonable number of security personnel at a compensation
25 level which complies with rules and regulations promulgated by
26 the commission and such personnel is actually present and engaged
27 in security duties, and bookkeeping and accounting expenses;
- 28 e. The actual cost of providing reasonable janitorial

1 services. The cost of such services shall not be above the fair
2 market rate charged for similar services in the community where
3 the bingo game is being conducted;

4 f. Subject to constitutional restrictions, if any, the fair
5 market cost of advertising each bingo occasion. Such advertising
6 shall be procured in accordance with the rules and regulations of
7 the commission;

8 (2) No person shall participate in conducting or managing
9 the game of bingo except a person who has been a bona fide member
10 of the licensed organization for at least two years immediately
11 preceding such participation, who is not a paid staff person of
12 the licensed organization employed and compensated specifically
13 for conducting or managing the game of bingo and who volunteers
14 the time and service necessary to conduct the game. Subject to
15 constitutional restrictions, if any, no person shall participate
16 in the actual operation of the game of bingo under the direction
17 of a person conducting or managing the game of bingo, except a
18 person who has been a bona fide member of the licensed
19 organization for at least one year immediately preceding such
20 participation, who is not a paid staff person of the licensed
21 organization employed and compensated specifically for operating
22 the game of bingo and who volunteers the time and service
23 necessary to operate the game. If any post or organization, by
24 its national charter, has established an auxiliary organization
25 for spouses, then members of the auxiliary organization shall be
26 considered bona fide members of the licensed organization and
27 members of the post or organization shall be considered bona fide
28 members of the auxiliary organization for the purposes of this

1 subdivision. Any person who is a duly ordained member of the
2 clergy and any person who is a full-time employee or staff member
3 of the licensed organization employed for at least two years by
4 that organization in a capacity not directly related to the
5 conducting or managing of the game of bingo, who has specific
6 assigned duties under a definite job description with the
7 licensed organization, and who volunteers time and assistance to
8 the organization without compensation for such time and
9 assistance in the conducting and managing of the game of bingo by
10 the organization shall not be considered a paid staff person for
11 the purposes of this subdivision. No full-time employee or staff
12 member shall volunteer such time and assistance to more than one
13 organization nor more than one day in any week. The commission
14 shall establish guidelines for the determination of whether a
15 person is a paid staff person within the meaning of this
16 subdivision and shall specifically approve any full-time employee
17 or staff member of the organization before such employee or staff
18 member may volunteer time and assistance in the conducting and
19 managing of bingo games for any organization. The commission may
20 suspend the approval of any employee or staff member;

21 (3) No person, firm, partnership or corporation shall
22 receive any remuneration, profit or gift for participating in the
23 management, conduct or operation of the game, including the
24 granting or use of bingo cards without charge or at a reduced
25 charge from the licensed organization or from any other source;

26 (4) The aggregate retail value of all prizes or merchandise
27 awarded, except prizes or merchandise awarded by pull-tab cards
28 and progressive bingo games, in any single day of bingo may not

1 exceed the amount set by the commission per regulation;

2 (5) The number of games may not exceed sixty-two in any one
3 day, including regular and special games. For purposes of this
4 subdivision, the use of a pull-tab card and progressive bingo
5 games shall not count as one of the sixty-two games per day, as
6 limited by this subdivision, but no pull-tab card may be used
7 except in conjunction with one of such sixty-two games;

8 (6) The price paid for a single bingo card under the
9 license may not exceed one dollar. The commission may establish
10 by rule or regulation the number of bingo cards which may be
11 placed on a single bingo sheet. The price for a single pull-tab
12 card may not exceed one dollar. A licensee may not require a
13 player to purchase more than a standard pack in order to
14 participate in the bingo occasion;

15 (7) The number of bingo days conducted by a licensee under
16 the provisions of sections 313.005 to 313.080 shall be limited to
17 two days per week;

18 (8) Any person, officer or director of any firm or
19 corporation, and any partner of any partnership renting or
20 leasing to a licensed organization equipment or premises for use
21 in a game shall meet all the qualifications set forth in
22 subdivisions (1) to (5) and (8) of section 313.035 and shall not
23 be a paid staff person of the licensee. Proof of compliance with
24 this subdivision shall be submitted to the commission by the
25 licensee in the manner required by the commission;

26 (9) Subject to constitutional restrictions, if any, an
27 organization licensed to conduct bingo in the state of Missouri
28 may advertise a bingo occasion or special event bingo if

1 expenditures for advertisement do not exceed ten percent of the
2 total amount expended from receipts of bingo conducted by the
3 licensed organization for charitable, religious or philanthropic
4 purposes;

5 (10) No person under the age of sixteen years may play or
6 participate in the conducting of bingo. Any person under the age
7 of sixteen years may be within the area where bingo is being
8 played only when accompanied by his parent or guardian;

9 (11) No licensee shall lease premises in which it conducts
10 bingo games from someone who is not a hall provider licensed by
11 the commission;

12 (12) No licensee shall pay any consulting fees to any
13 person for any service performed in relation to the bingo game;

14 (13) No licensee shall pay concession fees to any person
15 who provides refreshments to the participants in the bingo game;

16 (14) No licensee shall conduct a bingo session at any time
17 during the period between 1:00 a.m. and 7:00 a.m.;

18 (15) No licensee, while a bingo game is being conducted,
19 shall knowingly permit entry to any part of the licensed premises
20 to any person of notorious or unsavory reputation or who has an
21 extensive police record or who has been convicted of a felony;

22 (16) No vending machine or any mechanized coin-operated
23 machine may be used to sell pull-tab cards or to pay prize money,
24 merchandise gifts or any other form of a prize;

25 (17) No rented or reusable bingo cards may be used to
26 conduct any game. All games must be conducted with disposable
27 paper bingo cards that are marked by permanent ink as prescribed
28 by the rules and regulations of the commission, or by electronic

1 bingo card monitoring device as approved by the commission;

2 (18) No licensee shall purchase or use any bingo supplies
3 from a person who is not licensed by the state of Missouri as a
4 bingo supplier.

5 313.290. 1. No person shall sell a ticket or share at a
6 price other than that fixed by rule or regulation of the
7 commission. No person other than a licensed lottery game
8 retailer shall sell lottery tickets or shares, but nothing in
9 this section shall be construed to prevent any person from giving
10 lottery tickets or shares to another as a gift. Any violation of
11 this section is a class A misdemeanor.

12 2. Any person who falsely or fraudulently makes, forges,
13 alters or counterfeits, or causes or procures to be made, forged,
14 altered or counterfeited, any state lottery ticket, or any part
15 thereof, or who knowingly and willfully utters, publishes, passes
16 or tenders as true, any forged, altered or counterfeited state
17 lottery ticket is guilty of a class [C] D felony. Any person who
18 with intent to defraud secures, manufactures, or causes to be
19 secured or manufactured, or has in his possession any counterfeit
20 state lottery ticket or device, is guilty of a class [D] E
21 felony.

22 313.550. 1. The commission may issue subpoenas for the
23 attendance of witnesses or the production of any records, books,
24 memoranda, documents, or other papers or things, to enable any of
25 them to effectually discharge its or his duties, and may
26 administer oaths or affirmations as necessary in connection
27 therewith. In addition, the commission shall have the authority
28 to issue subpoenas under section 536.077 in contested cases.

1 2. Any person subpoenaed who fails to appear at the time
2 and place specified in answer to the subpoena and to bring any
3 papers or things specified in the subpoena, or who upon such
4 appearance, refuses to testify or produce such records or things,
5 upon conviction, is guilty of a class A misdemeanor.

6 3. Any person who testifies falsely under oath in any
7 proceeding before, or any investigation by, the commission, its
8 secretary, or the stewards, upon conviction, shall be guilty of a
9 class [D] E felony.

10 313.660. 1. No individual shall for a fee, directly or
11 indirectly, accept anything of value to be wagered or to be
12 transmitted or delivered for wager in any pari-mutuel system of
13 wagering on horse racing or for a fee deliver anything of value
14 which has been received outside of the enclosure of a race track
15 holding a horse race licensed under sections 313.500 to 313.710
16 to be placed as wagers in the pari-mutuel pool within such
17 enclosure.

18 2. Any individual violating the provisions of this section
19 shall upon conviction be guilty of a class [C] D felony.

20 313.830. 1. A person is guilty of a class [D] E felony for
21 any of the following:

22 (1) Operating a gambling excursion where wagering is used
23 or to be used without a license issued by the commission;

24 (2) Operating a gambling excursion where wagering is
25 permitted other than in the manner specified by section 313.817;
26 or

27 (3) Acting, or employing a person to act, as a shill or
28 decoy to encourage participation in a gambling game.

1 2. A person is guilty of a class B misdemeanor for the
2 first offense and a class A misdemeanor for the second and
3 subsequent offenses for any of the following:

4 (1) Permitting a person under the age of twenty-one to make
5 a wager while on an excursion gambling boat;

6 (2) Making or attempting to make a wager while on an
7 excursion gambling boat when such person is under the age of
8 twenty-one years; or

9 (3) Aiding a person who is under the age of twenty-one in
10 entering an excursion gambling boat or in making or attempting to
11 make a wager while on an excursion gambling boat.

12 3. A person wagering or accepting a wager at any location outside the
13 excursion gambling boat is in violation of section 572.040.

14 4. A person commits a class ~~D~~ E felony and, in addition,
15 shall be barred for life from excursion gambling boats under the
16 jurisdiction of the commission, if the person:

17 (1) Offers, promises, or gives anything of value or benefit
18 to a person who is connected with an excursion gambling boat
19 operator including, but not limited to, an officer or employee of
20 a licensee or holder of an occupational license pursuant to an
21 agreement or arrangement or with the intent that the promise or
22 thing of value or benefit will influence the actions of the
23 person to whom the offer, promise, or gift was made in order to
24 affect or attempt to affect the outcome of a gambling game, or to
25 influence official action of a member of the commission;

26 (2) Solicits or knowingly accepts or receives a promise of
27 anything of value or benefit while the person is connected with
28 an excursion gambling boat including, but not limited to, an

1 officer or employee of a licensee, or holder of an occupational
2 license, pursuant to an understanding or arrangement or with the
3 intent that the promise or thing of value or benefit will
4 influence the actions of the person to affect or attempt to
5 affect the outcome of a gambling game, or to influence official
6 action of a member of the commission;

7 (3) Uses a device to assist in any of the following:

8 (a) In projecting the outcome of the game;

9 (b) In keeping track of the cards played;

10 (c) In analyzing the probability of the occurrence of an
11 event relating to the gambling game; or

12 (d) In analyzing the strategy for playing or betting to be
13 used in the game, except as permitted by the commission;

14 (4) Cheats at a gambling game;

15 (5) Manufactures, sells, or distributes any cards, chips,
16 dice, game or device which is intended to be used to violate any
17 provision of sections 313.800 to 313.850;

18 (6) Instructs a person in cheating or in the use of a
19 device for that purpose with the knowledge or intent that the
20 information or use conveyed may be employed to violate any
21 provision of sections 313.800 to 313.850;

22 (7) Alters or misrepresents the outcome of a gambling game
23 on which wagers have been made after the outcome is made sure but
24 before it is revealed to the players;

25 (8) Places a bet after acquiring knowledge, not available
26 to all players, of the outcome of the gambling game which is the
27 subject of the bet or to aid a person in acquiring the knowledge
28 for the purpose of placing a bet contingent on that outcome;

1 (9) Claims, collects, or takes, or attempts to claim,
2 collect, or take, money or anything of value in or from the
3 gambling games, with intent to defraud, without having made a
4 wager contingent on winning a gambling game, or claims, collects,
5 or takes an amount of money or thing of value of greater value
6 than the amount won;

7 (10) Knowingly entices or induces a person to go to any
8 place where a gambling game is being conducted or operated in
9 violation of the provisions of sections 313.800 to 313.850 with
10 the intent that the other person plays or participates in that
11 gambling game;

12 (11) Uses counterfeit chips or tokens in a gambling game;

13 (12) Knowingly uses, other than chips, tokens, coin, of
14 other methods of credit approved by the commission, legal tender
15 of the United States of America, or to use coin not of the
16 denomination as the coin intended to be used in the gambling
17 games;

18 (13) Has in the person's possession any device intended to
19 be used to violate a provision of sections 313.800 to 313.850;

20 (14) Has in the person's possession, except a gambling
21 licensee or employee of a gambling licensee acting in furtherance
22 of the employee's employment, any key or device designed for the
23 purpose of opening, entering, or affecting the operation of a
24 gambling game, drop box, or an electronic or mechanical device
25 connected with the gambling game or for removing coins, tokens,
26 chips or other contents of the gambling game; or

27 (15) Knowingly makes a false statement of any material fact
28 to the commission, its agents or employees.

1 5. The possession of one or more of the devices described
2 in subdivision (3), (5), (13) or (14) of subsection 4 of this
3 section permits a rebuttable inference that the possessor
4 intended to use the devices for cheating.

5 6. Except for wagers on gambling games or exchanges for
6 money as provided in section 313.817, or as payment for food or
7 beverages on the excursion gambling boat, a licensee who
8 exchanges tokens, chips, or other forms of credit to be used on
9 gambling games for anything of value commits a class B
10 misdemeanor.

11 7. If the commission determines that reasonable grounds to
12 believe that a violation of sections 313.800 to 313.850 has
13 occurred or is occurring which is a criminal offense, the
14 commission shall refer such matter to both the state attorney
15 general and the prosecuting attorney or circuit attorney having
16 jurisdiction. The state attorney general and the prosecuting
17 attorney or circuit attorney with such jurisdiction shall have
18 concurrent jurisdiction to commence actions for violations of
19 sections 313.800 to 313.850 where such violations have occurred.

20 8. Venue for all crimes committed on an excursion gambling
21 boat shall be the jurisdiction of the home dock city or county or
22 such county where a home dock city is located.

23 317.018. 1. Combative fighting is prohibited in the state
24 of Missouri.

25 2. Anyone who promotes or participates in combative
26 fighting, or anyone who serves as an agent, principal partner,
27 publicist, vendor, producer, referee, or contractor of or for
28 combative fighting is guilty of a class [D] E felony.

1 3. Any medical personnel who administers to, treats or
2 assists any participants of combative fighting shall not be
3 subject to the provisions of this section.

4 4. Nothing in section 317.001 or this section is intended
5 to regulate, or interfere with or make illegal, traditional,
6 sanctioned amateur or scholastic boxing, amateur or scholastic
7 wrestling, amateur or scholastic kickboxing, or amateur or
8 scholastic full-contact karate or amateur or scholastic mixed
9 martial arts.

10 [571.085.] 319.1000. Residents of the state of Missouri may
11 purchase firearms in any state, provided that such residents
12 conform to the applicable provisions of the Federal Gun Control
13 Act of 1968, and regulations thereunder, and provided further
14 that such residents conform to the provisions of law applicable
15 to such purchase in the state of Missouri and in the state in
16 which the purchase is made.

17 [571.087.] 319.1005. Residents of any state may purchase
18 firearms in the state of Missouri, provided that such residents
19 conform to the applicable provisions of the Federal Gun Control
20 Act of 1968, and regulations thereunder, and provided further
21 that such residents conform to the provisions of law applicable
22 to such purchase in the state of Missouri and in the state in
23 which such persons reside.

24 [571.093.] 319.1007. If any sheriff retains records of
25 permits to obtain concealable firearms issued under former
26 section 571.090, as repealed by senate bills nos. 62 and 41 of
27 the ninety-fourth general assembly, then such records shall be
28 closed to the public. No such record shall be made available for

1 any purpose whatsoever unless its disclosure is mandated by a
2 valid court order relating to a criminal investigation.

3 **[571.095.]** 319.1010. Upon conviction for or attempting to
4 commit a felony in violation of any law perpetrated in whole or
5 in part by the use of a firearm, the court may, in addition to
6 the penalty provided by law for such offense, order the
7 confiscation and disposal or sale or trade to a licensed firearms
8 dealer of firearms and ammunition used in the commission of the
9 crime or found in the possession or under the immediate control
10 of the defendant at the time of his or her arrest. The proceeds
11 of any sale or gains from trade shall be the property of the
12 police department or sheriff's department responsible for the
13 defendant's arrest or the confiscation of the firearms and
14 ammunition. If such firearms or ammunition are not the property
15 of the convicted felon, they shall be returned to their rightful
16 owner if he or she is known and was not a participant in the
17 crime. Any proceeds collected under this section shall be
18 deposited with the municipality or by the county treasurer into
19 the county sheriff's revolving fund established in section
20 50.535.

21 **[571.101.]** 319.1025. 1. All applicants for concealed carry
22 endorsements issued pursuant to subsection 7 of this section must
23 satisfy the requirements of sections **[571.101 to 571.121]**
24 319.1025 to 319.1043. If the said applicant can show
25 qualification as provided by sections **[571.101 to 571.121]**
26 319.1025 to 319.1043, the county or city sheriff shall issue a
27 certificate of qualification for a concealed carry endorsement.
28 Upon receipt of such certificate, the certificate holder shall

1 apply for a driver's license or nondriver's license with the
2 director of revenue in order to obtain a concealed carry
3 endorsement. Any person who has been issued a concealed carry
4 endorsement on a driver's license or nondriver's license and such
5 endorsement or license has not been suspended, revoked,
6 cancelled, or denied may carry concealed firearms on or about his
7 or her person or within a vehicle. A concealed carry endorsement
8 shall be valid for a period of three years from the date of
9 issuance or renewal. The concealed carry endorsement is valid
10 throughout this state.

11 2. A certificate of qualification for a concealed carry
12 endorsement issued pursuant to subsection 7 of this section shall
13 be issued by the sheriff or his or her designee of the county or
14 city in which the applicant resides, if the applicant:

15 (1) Is at least twenty-one years [of age] old, is a citizen
16 of the United States and either:

17 (a) Has assumed residency in this state; or

18 (b) Is a member of the armed forces stationed in Missouri,
19 or the spouse of such member of the military;

20 (2) Is at least twenty-one years [of age] old, or is at
21 least eighteen years [of age] old and a member of the United
22 States Armed Forces or honorably discharged from the United
23 States Armed Forces, and is a citizen of the United States and
24 either:

25 (a) Has assumed residency in this state;

26 (b) Is a member of the armed forces stationed in Missouri;

27 or

28 (c) The spouse of such member of the military stationed in

1 Missouri and twenty-one years [of age] old;

2 (3) Has not [pled guilty to or entered a plea of nolo
3 contendere or been convicted of a crime] been found guilty of an
4 offense punishable by imprisonment for a term exceeding one year
5 under the laws of any state or of the United States other than a
6 crime classified as a misdemeanor under the laws of any state and
7 punishable by a term of imprisonment of one year or less that
8 does not involve an explosive weapon, firearm, firearm silencer
9 or gas gun;

10 (4) Has not been [convicted of, pled guilty to or entered a
11 plea of nolo contendere to] found guilty of one or more
12 misdemeanor offenses involving crimes of violence within a
13 five-year period immediately preceding application for a
14 certificate of qualification for a concealed carry endorsement or
15 if the applicant has not been [convicted] found guilty of two or
16 more misdemeanor offenses involving driving while under the
17 influence of intoxicating liquor or drugs or the possession or
18 abuse of a controlled substance within a five-year period
19 immediately preceding application for a certificate of
20 qualification for a concealed carry endorsement;

21 (5) Is not a fugitive from justice or currently charged in
22 an information or indictment with the commission of a crime
23 punishable by imprisonment for a term exceeding one year under
24 the laws of any state of the United States other than a crime
25 classified as a misdemeanor under the laws of any state and
26 punishable by a term of imprisonment of two years or less that
27 does not involve an explosive weapon, firearm, firearm silencer,
28 or gas gun;

1 (6) Has not been discharged under dishonorable conditions
2 from the United States armed forces;

3 (7) Has not engaged in a pattern of behavior, documented in
4 public records, that causes the sheriff to have a reasonable
5 belief that the applicant presents a danger to himself or herself
6 or others;

7 (8) Is not adjudged mentally incompetent at the time of
8 application or for five years prior to application, or has not
9 been committed to a mental health facility, as defined in section
10 632.005, or a similar institution located in another state
11 following a hearing at which the defendant was represented by
12 counsel or a representative;

13 (9) Submits a completed application for a certificate of
14 qualification as described in subsection 3 of this section;

15 (10) Submits an affidavit attesting that the applicant
16 complies with the concealed carry safety training requirement
17 pursuant to subsections 1 and 2 of section [571.111] 319.1034;

18 (11) Is not the respondent of a valid full order of
19 protection which is still in effect.

20 3. The application for a certificate of qualification for a
21 concealed carry endorsement issued by the sheriff of the county
22 of the applicant's residence shall contain only the following
23 information:

24 (1) The applicant's name, address, telephone number,
25 gender, and date and place of birth;

26 (2) An affirmation that the applicant has assumed residency
27 in Missouri or is a member of the armed forces stationed in
28 Missouri or the spouse of such a member of the armed forces and

1 is a citizen of the United States;

2 (3) An affirmation that the applicant is at least
3 twenty-one years [of age] old or is eighteen years [of age] old
4 or older and a member of the United States Armed Forces or
5 honorably discharged from the United States Armed Forces;

6 (4) An affirmation that the applicant has not [pled guilty
7 to or been convicted of a crime] been found guilty of an offense
8 punishable by imprisonment for a term exceeding one year under
9 the laws of any state or of the United States other than a crime
10 classified as a misdemeanor under the laws of any state and
11 punishable by a term of imprisonment of one year or less that
12 does not involve an explosive weapon, firearm, firearm silencer,
13 or gas gun;

14 (5) An affirmation that the applicant has not been
15 [convicted of, pled guilty to, or entered a plea of nolo
16 contendere to] found guilty of one or more misdemeanor offenses
17 involving crimes of violence within a five-year period
18 immediately preceding application for a certificate of
19 qualification to obtain a concealed carry endorsement or if the
20 applicant has not been [convicted] found guilty of two or more
21 misdemeanor offenses involving driving while under the influence
22 of intoxicating liquor or drugs or the possession or abuse of a
23 controlled substance within a five-year period immediately
24 preceding application for a certificate of qualification to
25 obtain a concealed carry endorsement;

26 (6) An affirmation that the applicant is not a fugitive
27 from justice or currently charged in an information or indictment
28 with the commission of a crime punishable by imprisonment for a

1 term exceeding one year under the laws of any state or of the
2 United States other than a crime classified as a misdemeanor
3 under the laws of any state and punishable by a term of
4 imprisonment of two years or less that does not involve an
5 explosive weapon, firearm, firearm silencer or gas gun;

6 (7) An affirmation that the applicant has not been
7 discharged under dishonorable conditions from the United States
8 armed forces;

9 (8) An affirmation that the applicant is not adjudged
10 mentally incompetent at the time of application or for five years
11 prior to application, or has not been committed to a mental
12 health facility, as defined in section 632.005, or a similar
13 institution located in another state, except that a person whose
14 release or discharge from a facility in this state pursuant to
15 chapter 632, or a similar discharge from a facility in another
16 state, occurred more than five years ago without subsequent
17 recommitment may apply;

18 (9) An affirmation that the applicant has received firearms
19 safety training that meets the standards of applicant firearms
20 safety training defined in subsection 1 or 2 of section [571.111]
21 319.1034;

22 (10) An affirmation that the applicant, to the applicant's
23 best knowledge and belief, is not the respondent of a valid full
24 order of protection which is still in effect; and

25 (11) A conspicuous warning that false statements made by
26 the applicant will result in prosecution for perjury pursuant to
27 the laws of the state of Missouri.

28 4. An application for a certificate of qualification for a

1 concealed carry endorsement shall be made to the sheriff of the
2 county or any city not within a county in which the applicant
3 resides. An application shall be filed in writing, signed under
4 oath and under the penalties of perjury, and shall state whether
5 the applicant complies with each of the requirements specified in
6 subsection 2 of this section. In addition to the completed
7 application, the applicant for a certificate of qualification for
8 a concealed carry endorsement must also submit the following:

9 (1) A photocopy of a firearms safety training certificate
10 of completion or other evidence of completion of a firearms
11 safety training course that meets the standards established in
12 subsection 1 or 2 of section ~~[571.111]~~ 319.1034; and

13 (2) A nonrefundable certificate of qualification fee as
14 provided by subsection 10 or 11 of this section.

15 5. Before an application for a certificate of qualification
16 for a concealed carry endorsement is approved, the sheriff shall
17 make only such inquiries as he or she deems necessary into the
18 accuracy of the statements made in the application. The sheriff
19 may require that the applicant display a Missouri driver's
20 license or nondriver's license or military identification and
21 orders showing the person being stationed in Missouri. In order
22 to determine the applicant's suitability for a certificate of
23 qualification for a concealed carry endorsement, the applicant
24 shall be fingerprinted. The sheriff shall request a criminal
25 background check through the appropriate law enforcement agency
26 within three working days after submission of the properly
27 completed application for a certificate of qualification for a
28 concealed carry endorsement. If no disqualifying record is

1 identified by the fingerprint check at the state level, the
2 fingerprints shall be forwarded to the Federal Bureau of
3 Investigation for a national criminal history record check. Upon
4 receipt of the completed background check, the sheriff shall
5 issue a certificate of qualification for a concealed carry
6 endorsement within three working days. The sheriff shall issue
7 the certificate within forty-five calendar days if the criminal
8 background check has not been received, provided that the sheriff
9 shall revoke any such certificate and endorsement within
10 twenty-four hours of receipt of any background check that results
11 in a disqualifying record, and shall notify the department of
12 revenue.

13 6. The sheriff may refuse to approve an application for a
14 certificate of qualification for a concealed carry endorsement if
15 he or she determines that any of the requirements specified in
16 subsection 2 of this section have not been met, or if he or she
17 has a substantial and demonstrable reason to believe that the
18 applicant has rendered a false statement regarding any of the
19 provisions of sections [571.101 to 571.121] 319.1025 to 319.1043.
20 If the applicant is found to be ineligible, the sheriff is
21 required to deny the application, and notify the applicant in
22 writing, stating the grounds for denial and informing the
23 applicant of the right to submit, within thirty days, any
24 additional documentation relating to the grounds of the denial.
25 Upon receiving any additional documentation, the sheriff shall
26 reconsider his or her decision and inform the applicant within
27 thirty days of the result of the reconsideration. The applicant
28 shall further be informed in writing of the right to appeal the

1 denial pursuant to subsections 2, 3, 4, and 5 of section
2 ~~[571.114]~~ 319.1037. After two additional reviews and denials by
3 the sheriff, the person submitting the application shall appeal
4 the denial pursuant to subsections 2, 3, 4, and 5 of section
5 ~~[571.114]~~ 319.1037.

6 7. If the application is approved, the sheriff shall issue
7 a certificate of qualification for a concealed carry endorsement
8 to the applicant within a period not to exceed three working days
9 after his or her approval of the application. The applicant
10 shall sign the certificate of qualification in the presence of
11 the sheriff or his or her designee and shall within seven days of
12 receipt of the certificate of qualification take the certificate
13 of qualification to the department of revenue. Upon verification
14 of the certificate of qualification and completion of a driver's
15 license or nondriver's license application pursuant to chapter
16 302, the director of revenue shall issue a new driver's license
17 or nondriver's license with an endorsement which identifies that
18 the applicant has received a certificate of qualification to
19 carry concealed weapons issued pursuant to sections ~~[571.101 to~~
20 ~~571.121]~~ 319.1025 to 319.1043 if the applicant is otherwise
21 qualified to receive such driver's license or nondriver's
22 license. Notwithstanding any other provision of chapter 302, a
23 nondriver's license with a concealed carry endorsement shall
24 expire three years from the date the certificate of qualification
25 was issued pursuant to this section. The requirements for the
26 director of revenue to issue a concealed carry endorsement
27 pursuant to this subsection shall not be effective until July 1,
28 2004, and the certificate of qualification issued by a county

1 sheriff pursuant to subsection 1 of this section shall allow the
2 person issued such certificate to carry a concealed weapon
3 pursuant to the requirements of subsection 1 of section [571.107]
4 319.1031 in lieu of the concealed carry endorsement issued by the
5 director of revenue from October 11, 2003, until the concealed
6 carry endorsement is issued by the director of revenue on or
7 after July 1, 2004, unless such certificate of qualification has
8 been suspended or revoked for cause.

9 8. The sheriff shall keep a record of all applications for
10 a certificate of qualification for a concealed carry endorsement
11 and his or her action thereon. The sheriff shall report the
12 issuance of a certificate of qualification to the Missouri
13 uniform law enforcement system. All information on any such
14 certificate that is protected information on any driver's or
15 nondriver's license shall have the same personal protection for
16 purposes of sections [571.101 to 571.121] 319.1025 to 319.1043.
17 An applicant's status as a holder of a certificate of
18 qualification or a concealed carry endorsement shall not be
19 public information and shall be considered personal protected
20 information. Any person who violates the provisions of this
21 subsection by disclosing protected information shall be guilty of
22 a class A misdemeanor.

23 9. Information regarding any holder of a certificate of
24 qualification or a concealed carry endorsement is a closed
25 record.

26 10. For processing an application for a certificate of
27 qualification for a concealed carry endorsement pursuant to
28 sections [571.101 to 571.121] 319.1025 to 319.1043, the sheriff

1 in each county shall charge a nonrefundable fee not to exceed one
2 hundred dollars which shall be paid to the treasury of the county
3 to the credit of the sheriff's revolving fund.

4 11. For processing a renewal for a certificate of
5 qualification for a concealed carry endorsement pursuant to
6 sections [571.101 to 571.121] 319.1025 to 319.1043, the sheriff
7 in each county shall charge a nonrefundable fee not to exceed
8 fifty dollars which shall be paid to the treasury of the county
9 to the credit of the sheriff's revolving fund.

10 12. For the purposes of sections [571.101 to 571.121]
11 319.1025 to 319.1043, the term "sheriff" shall include the
12 sheriff of any county or city not within a county or his or her
13 designee and in counties of the first classification the sheriff
14 may designate the chief of police of any city, town, or
15 municipality within such county.

16 [571.104.] 319.1028. 1. (1) A concealed carry endorsement
17 issued pursuant to sections [571.101 to 571.121] 319.1025 to
18 319.1043 shall be suspended or revoked if the concealed carry
19 endorsement holder becomes ineligible for such concealed carry
20 endorsement under the criteria established in subdivisions (2),
21 (3), (4), (5), and (7) of subsection 2 of section [571.101]
22 319.1025 or upon the issuance of a valid full order of
23 protection.

24 (2) When a valid full order of protection, or any arrest
25 warrant, discharge, or commitment for the reasons listed in
26 subdivision (2), (3), (4), (5), or (7) of subsection 2 of section
27 [571.101] 319.1025, is issued against a person holding a
28 concealed carry endorsement issued pursuant to sections [571.101

1 to 571.121] 319.1025 to 319.1043 upon notification of said order,
2 warrant, discharge or commitment or upon an order of a court of
3 competent jurisdiction in a criminal proceeding, a commitment
4 proceeding or a full order of protection proceeding ruling that a
5 person holding a concealed carry endorsement presents a risk of
6 harm to themselves or others, then upon notification of such
7 order, the holder of the concealed carry endorsement shall
8 surrender the driver's license or nondriver's license containing
9 the concealed carry endorsement to the court, to the officer, or
10 other official serving the order, warrant, discharge, or
11 commitment.

12 (3) The official to whom the driver's license or
13 nondriver's license containing the concealed carry endorsement is
14 surrendered shall issue a receipt to the licensee for the license
15 upon a form, approved by the director of revenue, that serves as
16 a driver's license or a nondriver's license and clearly states
17 the concealed carry endorsement has been suspended. The official
18 shall then transmit the driver's license or a nondriver's license
19 containing the concealed carry endorsement to the circuit court
20 of the county issuing the order, warrant, discharge, or
21 commitment. The concealed carry endorsement issued pursuant to
22 sections [571.101 to 571.121] 319.1025 to 319.1043 shall be
23 suspended until the order is terminated or until the arrest
24 results in a dismissal of all charges. Upon dismissal, the court
25 holding the driver's license or nondriver's license containing
26 the concealed carry endorsement shall return it to the
27 individual.

28 (4) Any conviction, discharge, or commitment specified in

1 sections [571.101 to 571.121] 319.1025 to 319.1043 shall result
2 in a revocation. Upon conviction, the court shall forward a
3 notice of conviction or action and the driver's license or
4 nondriver's license with the concealed carry endorsement to the
5 department of revenue. The department of revenue shall notify
6 the sheriff of the county which issued the certificate of
7 qualification for a concealed carry endorsement and shall report
8 the change in status of the concealed carry endorsement to the
9 Missouri uniform law enforcement system. The director of revenue
10 shall immediately remove the endorsement issued pursuant to
11 sections [571.101 to 571.121] 319.1025 to 319.1043 from the
12 individual's driving record within three days of the receipt of
13 the notice from the court. The director of revenue shall notify
14 the licensee that he or she must apply for a new license pursuant
15 to chapter 302 which does not contain such endorsement. This
16 requirement does not affect the driving privileges of the
17 licensee. The notice issued by the department of revenue shall
18 be mailed to the last known address shown on the individual's
19 driving record. The notice is deemed received three days after
20 mailing.

21 2. A concealed carry endorsement shall be renewed for a
22 qualified applicant upon receipt of the properly completed
23 renewal application and the required renewal fee by the sheriff
24 of the county of the applicant's residence. The renewal
25 application shall contain the same required information as set
26 forth in subsection 3 of section [571.101] 319.1025, except that
27 in lieu of the fingerprint requirement of subsection 5 of section
28 [571.101] 319.1025 and the firearms safety training, the

1 applicant need only display his or her current driver's license
2 or nondriver's license containing a concealed carry endorsement.
3 Upon successful completion of all renewal requirements, the
4 sheriff shall issue a certificate of qualification which contains
5 the date such certificate was renewed.

6 3. A person who has been issued a certificate of
7 qualification for a concealed carry endorsement who fails to file
8 a renewal application on or before its expiration date must pay
9 an additional late fee of ten dollars per month for each month it
10 is expired for up to six months. After six months, the sheriff
11 who issued the expired certificate shall notify the director of
12 revenue that such certificate is expired. The director of
13 revenue shall immediately cancel the concealed carry endorsement
14 and remove such endorsement from the individual's driving record
15 and notify the individual of such cancellation. The notice of
16 cancellation of the endorsement shall be conducted in the same
17 manner as described in subsection 1 of this section. Any person
18 who has been issued a certificate of qualification for a
19 concealed carry endorsement pursuant to sections [571.101 to
20 571.121] 319.1025 to 319.1043 who fails to renew his or her
21 application within the six-month period must reapply for a new
22 certificate of qualification for a concealed carry endorsement
23 and pay the fee for a new application. The director of revenue
24 shall not issue an endorsement on a renewed driver's license or
25 renewed nondriver's license unless the applicant for such license
26 provides evidence that he or she has renewed the certification of
27 qualification for a concealed carry endorsement in the manner
28 provided for such renewal pursuant to sections [571.101 to

1 571.121] 319.1025 to 319.1043. If an applicant for renewal of a
2 driver's license or nondriver's license containing a concealed
3 carry endorsement does not want to maintain the concealed carry
4 endorsement, the applicant shall inform the director at the time
5 of license renewal of his or her desire to remove the
6 endorsement. When a driver's or nondriver's license applicant
7 informs the director of his or her desire to remove the concealed
8 carry endorsement, the director shall renew the driver's license
9 or nondriver's license without the endorsement appearing on the
10 license if the applicant is otherwise qualified for such renewal.

11 4. Any person issued a concealed carry endorsement pursuant
12 to sections [571.101 to 571.121] 319.1025 to 319.1043 shall
13 notify the department of revenue and the sheriffs of both the old
14 and new jurisdictions of the endorsement holder's change of
15 residence within thirty days after the changing of a permanent
16 residence. The endorsement holder shall furnish proof to the
17 department of revenue and the sheriff in the new jurisdiction
18 that the endorsement holder has changed his or her residence.
19 The sheriff of the new jurisdiction may charge a processing fee
20 of not more than ten dollars for any costs associated with
21 notification of a change in residence. The change of residence
22 shall be made by the department of revenue onto the individual's
23 driving record and the new address shall be accessible by the
24 Missouri uniform law enforcement system within three days of
25 receipt of the information.

26 5. Any person issued a driver's license or nondriver's
27 license containing a concealed carry endorsement pursuant to
28 sections [571.101 to 571.121] 319.1025 to 319.1043 shall notify

1 the sheriff or his or her designee of the endorsement holder's
2 county or city of residence within seven days after actual
3 knowledge of the loss or destruction of his or her driver's
4 license or nondriver's license containing a concealed carry
5 endorsement. The endorsement holder shall furnish a statement to
6 the sheriff that the driver's license or nondriver's license
7 containing the concealed carry endorsement has been lost or
8 destroyed. After notification of the loss or destruction of a
9 driver's license or nondriver's license containing a concealed
10 carry endorsement, the sheriff shall reissue a new certificate of
11 qualification within three working days of being notified by the
12 concealed carry endorsement holder of its loss or destruction.
13 The reissued certificate of qualification shall contain the same
14 personal information, including expiration date, as the original
15 certificate of qualification. The applicant shall then take the
16 certificate to the department of revenue, and the department of
17 revenue shall proceed on the certificate in the same manner as
18 provided in subsection 7 section [571.101] 319.1025. Upon
19 application for a license pursuant to chapter 302, the director
20 of revenue shall issue a driver's license or nondriver's license
21 containing a concealed carry endorsement if the applicant is
22 otherwise eligible to receive such license.

23 6. If a person issued a concealed carry endorsement changes
24 his or her name, the person to whom the endorsement was issued
25 shall obtain a corrected certificate of qualification for a
26 concealed carry endorsement with a change of name from the
27 sheriff who issued such certificate upon the sheriff's
28 verification of the name change. The sheriff may charge a

1 processing fee of not more than ten dollars for any costs
2 associated with obtaining a corrected certificate of
3 qualification. The endorsement holder shall furnish proof of the
4 name change to the department of revenue and the sheriff within
5 thirty days of changing his or her name and display his or her
6 current driver's license or nondriver's license containing a
7 concealed carry endorsement. The endorsement holder shall apply
8 for a new driver's license or nondriver's license containing his
9 or her new name. Such application for a driver's license or
10 nondriver's license shall be made pursuant to chapter 302. The
11 director of revenue shall issue a driver's license or nondriver's
12 license with concealed carry endorsement with the endorsement
13 holder's new name if the applicant is otherwise eligible for such
14 license. The director of revenue shall take custody of the old
15 driver's license or nondriver's license. The name change shall
16 be made by the department of revenue onto the individual's
17 driving record and the new name shall be accessible by the
18 Missouri uniform law enforcement system within three days of
19 receipt of the information.

20 7. A concealed carry endorsement shall be automatically
21 invalid after thirty days if the endorsement holder has changed
22 his or her name or changed his or her residence and not notified
23 the department of revenue and sheriff of a change of name or
24 residence as required in subsections 4 and 6 of this section.

25 [571.107.] 319.1031. 1. A concealed carry endorsement
26 issued pursuant to sections [571.101 to 571.121] 319.1025 to
27 319.1043 or a concealed carry endorsement or permit issued by
28 another state or political subdivision of another state shall

1 authorize the person in whose name the permit or endorsement is
2 issued to carry concealed firearms on or about his or her person
3 or vehicle throughout the state. No driver's license or
4 nondriver's license containing a concealed carry endorsement
5 issued pursuant to sections [571.101 to 571.121] 319.1025 to
6 319.1043 or a concealed carry endorsement or permit issued by
7 another state or political subdivision of another state shall
8 authorize any person to carry concealed firearms into:

9 (1) Any police, sheriff, or highway patrol office or
10 station without the consent of the chief law enforcement officer
11 in charge of that office or station. Possession of a firearm in
12 a vehicle on the premises of the office or station shall not be a
13 criminal offense so long as the firearm is not removed from the
14 vehicle or brandished while the vehicle is on the premises;

15 (2) Within twenty-five feet of any polling place on any
16 election day. Possession of a firearm in a vehicle on the
17 premises of the polling place shall not be a criminal offense so
18 long as the firearm is not removed from the vehicle or brandished
19 while the vehicle is on the premises;

20 (3) The facility of any adult or juvenile detention or
21 correctional institution, prison or jail. Possession of a
22 firearm in a vehicle on the premises of any adult, juvenile
23 detention, or correctional institution, prison or jail shall not
24 be a criminal offense so long as the firearm is not removed from
25 the vehicle or brandished while the vehicle is on the premises;

26 (4) Any courthouse solely occupied by the circuit,
27 appellate or supreme court, or any courtrooms, administrative
28 offices, libraries or other rooms of any such court whether or

1 not such court solely occupies the building in question. This
2 subdivision shall also include, but not be limited to, any
3 juvenile, family, drug, or other court offices, any room or
4 office wherein any of the courts or offices listed in this
5 subdivision are temporarily conducting any business within the
6 jurisdiction of such courts or offices, and such other locations
7 in such manner as may be specified by supreme court rule pursuant
8 to subdivision (6) of this subsection. Nothing in this
9 subdivision shall preclude those persons listed in subdivision
10 (1) of subsection [2 of section 571.030] 1 of section 571.041
11 while within their jurisdiction and on duty, those persons listed
12 in subdivisions (2), (4), and [(10)] (9) of subsection [2 of
13 section 571.030] 1 of section 571.041, or such other persons who
14 serve in a law enforcement capacity for a court as may be
15 specified by supreme court rule pursuant to subdivision (6) of
16 this subsection from carrying a concealed firearm within any of
17 the areas described in this subdivision. Possession of a firearm
18 in a vehicle on the premises of any of the areas listed in this
19 subdivision shall not be a criminal offense so long as the
20 firearm is not removed from the vehicle or brandished while the
21 vehicle is on the premises;

22 (5) Any meeting of the governing body of a unit of local
23 government; or any meeting of the general assembly or a committee
24 of the general assembly, except that nothing in this subdivision
25 shall preclude a member of the body holding a valid concealed
26 carry endorsement from carrying a concealed firearm at a meeting
27 of the body which he or she is a member. Possession of a firearm
28 in a vehicle on the premises shall not be a criminal offense so

1 long as the firearm is not removed from the vehicle or brandished
2 while the vehicle is on the premises. Nothing in this
3 subdivision shall preclude a member of the general assembly, a
4 full-time employee of the general assembly employed under section
5 17, article III, Constitution of Missouri, legislative employees
6 of the general assembly as determined under section 21.155, or
7 statewide elected officials and their employees, holding a valid
8 concealed carry endorsement, from carrying a concealed firearm in
9 the state capitol building or at a meeting whether of the full
10 body of a house of the general assembly or a committee thereof,
11 that is held in the state capitol building;

12 (6) The general assembly, supreme court, county or
13 municipality may by rule, administrative regulation, or ordinance
14 prohibit or limit the carrying of concealed firearms by
15 endorsement holders in that portion of a building owned, leased
16 or controlled by that unit of government. Any portion of a
17 building in which the carrying of concealed firearms is
18 prohibited or limited shall be clearly identified by signs posted
19 at the entrance to the restricted area. The statute, rule or
20 ordinance shall exempt any building used for public housing by
21 private persons, highways or rest areas, firing ranges, and
22 private dwellings owned, leased, or controlled by that unit of
23 government from any restriction on the carrying or possession of
24 a firearm. The statute, rule or ordinance shall not specify any
25 criminal penalty for its violation but may specify that persons
26 violating the statute, rule or ordinance may be denied entrance
27 to the building, ordered to leave the building and if employees
28 of the unit of government, be subjected to disciplinary measures

1 for violation of the provisions of the statute, rule or
2 ordinance. The provisions of this subdivision shall not apply to
3 any other unit of government;

4 (7) Any establishment licensed to dispense intoxicating
5 liquor for consumption on the premises, which portion is
6 primarily devoted to that purpose, without the consent of the
7 owner or manager. The provisions of this subdivision shall not
8 apply to the licensee of said establishment. The provisions of
9 this subdivision shall not apply to any bona fide restaurant open
10 to the general public having dining facilities for not less than
11 fifty persons and that receives at least fifty-one percent of its
12 gross annual income from the dining facilities by the sale of
13 food. This subdivision does not prohibit the possession of a
14 firearm in a vehicle on the premises of the establishment and
15 shall not be a criminal offense so long as the firearm is not
16 removed from the vehicle or brandished while the vehicle is on
17 the premises. Nothing in this subdivision authorizes any
18 individual who has been issued a concealed carry endorsement to
19 possess any firearm while intoxicated;

20 (8) Any area of an airport to which access is controlled by
21 the inspection of persons and property. Possession of a firearm
22 in a vehicle on the premises of the airport shall not be a
23 criminal offense so long as the firearm is not removed from the
24 vehicle or brandished while the vehicle is on the premises;

25 (9) Any place where the carrying of a firearm is prohibited
26 by federal law;

27 (10) Any higher education institution or elementary or
28 secondary school facility without the consent of the governing

1 body of the higher education institution or a school official or
2 the district school board. Possession of a firearm in a vehicle
3 on the premises of any higher education institution or elementary
4 or secondary school facility shall not be a criminal offense so
5 long as the firearm is not removed from the vehicle or brandished
6 while the vehicle is on the premises;

7 (11) Any portion of a building used as a child care
8 facility without the consent of the manager. Nothing in this
9 subdivision shall prevent the operator of a child care facility
10 in a family home from owning or possessing a firearm or a
11 driver's license or nondriver's license containing a concealed
12 carry endorsement;

13 (12) Any riverboat gambling operation accessible by the
14 public without the consent of the owner or manager pursuant to
15 rules promulgated by the gaming commission. Possession of a
16 firearm in a vehicle on the premises of a riverboat gambling
17 operation shall not be a criminal offense so long as the firearm
18 is not removed from the vehicle or brandished while the vehicle
19 is on the premises;

20 (13) Any gated area of an amusement park. Possession of a
21 firearm in a vehicle on the premises of the amusement park shall
22 not be a criminal offense so long as the firearm is not removed
23 from the vehicle or brandished while the vehicle is on the
24 premises;

25 (14) Any church or other place of religious worship without
26 the consent of the minister or person or persons representing the
27 religious organization that exercises control over the place of
28 religious worship. Possession of a firearm in a vehicle on the

1 premises shall not be a criminal offense so long as the firearm
2 is not removed from the vehicle or brandished while the vehicle
3 is on the premises;

4 (15) Any private property whose owner has posted the
5 premises as being off-limits to concealed firearms by means of
6 one or more signs displayed in a conspicuous place of a minimum
7 size of eleven inches by fourteen inches with the writing thereon
8 in letters of not less than one inch. The owner, business or
9 commercial lessee, manager of a private business enterprise, or
10 any other organization, entity, or person may prohibit persons
11 holding a concealed carry endorsement from carrying concealed
12 firearms on the premises and may prohibit employees, not
13 authorized by the employer, holding a concealed carry endorsement
14 from carrying concealed firearms on the property of the employer.
15 If the building or the premises are open to the public, the
16 employer of the business enterprise shall post signs on or about
17 the premises if carrying a concealed firearm is prohibited.
18 Possession of a firearm in a vehicle on the premises shall not be
19 a criminal offense so long as the firearm is not removed from the
20 vehicle or brandished while the vehicle is on the premises. An
21 employer may prohibit employees or other persons holding a
22 concealed carry endorsement from carrying a concealed firearm in
23 vehicles owned by the employer;

24 (16) Any sports arena or stadium with a seating capacity of
25 five thousand or more. Possession of a firearm in a vehicle on
26 the premises shall not be a criminal offense so long as the
27 firearm is not removed from the vehicle or brandished while the
28 vehicle is on the premises;

1 (17) Any hospital accessible by the public. Possession of
2 a firearm in a vehicle on the premises of a hospital shall not be
3 a criminal offense so long as the firearm is not removed from the
4 vehicle or brandished while the vehicle is on the premises.

5 2. Carrying of a concealed firearm in a location specified
6 in subdivisions (1) to (17) of subsection 1 of this section by
7 any individual who holds a concealed carry endorsement issued
8 pursuant to sections ~~[571.101 to 571.121]~~ 319.1025 to 319.1043
9 shall not be a criminal act but may subject the person to denial
10 to the premises or removal from the premises. If such person
11 refuses to leave the premises and a peace officer is summoned,
12 such person may be issued a citation for an amount not to exceed
13 one hundred dollars for the first offense. If a second citation
14 for a similar violation occurs within a six-month period, such
15 person shall be fined an amount not to exceed two hundred dollars
16 and his or her endorsement to carry concealed firearms shall be
17 suspended for a period of one year. If a third citation for a
18 similar violation is issued within one year of the first
19 citation, such person shall be fined an amount not to exceed five
20 hundred dollars and shall have his or her concealed carry
21 endorsement revoked and such person shall not be eligible for a
22 concealed carry endorsement for a period of three years. Upon
23 conviction of charges arising from a citation issued pursuant to
24 this subsection, the court shall notify the sheriff of the county
25 which issued the certificate of qualification for a concealed
26 carry endorsement and the department of revenue. The sheriff
27 shall suspend or revoke the certificate of qualification for a
28 concealed carry endorsement and the department of revenue shall

1 issue a notice of such suspension or revocation of the concealed
2 carry endorsement and take action to remove the concealed carry
3 endorsement from the individual's driving record. The director
4 of revenue shall notify the licensee that he or she must apply
5 for a new license pursuant to chapter 302 which does not contain
6 such endorsement. A concealed carry endorsement suspension
7 pursuant to sections [571.101 to 571.121] 319.1025 to 319.1043
8 shall be reinstated at the time of the renewal of his or her
9 driver's license. The notice issued by the department of revenue
10 shall be mailed to the last known address shown on the
11 individual's driving record. The notice is deemed received three
12 days after mailing.

13 [571.111.] 319.1034. 1. An applicant for a concealed carry
14 endorsement shall demonstrate knowledge of firearms safety
15 training. This requirement shall be fully satisfied if the
16 applicant for a concealed carry endorsement:

17 (1) Submits a photocopy of a certificate of firearms safety
18 training course completion, as defined in subsection 2 of this
19 section, signed by a qualified firearms safety instructor as
20 defined in subsection 5 of this section; or

21 (2) Submits a photocopy of a certificate that shows the
22 applicant completed a firearms safety course given by or under
23 the supervision of any state, county, municipal, or federal law
24 enforcement agency; or

25 (3) Is a qualified firearms safety instructor as defined in
26 subsection 5 of this section; or

27 (4) Submits proof that the applicant currently holds any
28 type of valid peace officer license issued under the requirements

1 of chapter 590; or

2 (5) Submits proof that the applicant is currently allowed
3 to carry firearms in accordance with the certification
4 requirements of section 217.710; or

5 (6) Submits proof that the applicant is currently certified
6 as any class of corrections officer by the Missouri department of
7 corrections and has passed at least one eight-hour firearms
8 training course, approved by the director of the Missouri
9 department of corrections under the authority granted to him or
10 her by section 217.105, that includes instruction on the
11 justifiable use of force as prescribed in chapter 563; or

12 (7) Submits a photocopy of a certificate of firearms safety
13 training course completion that was issued on August 27, 2011, or
14 earlier so long as the certificate met the requirements of
15 subsection 2 of this section that were in effect on the date it
16 was issued.

17 2. A certificate of firearms safety training course
18 completion may be issued to any applicant by any qualified
19 firearms safety instructor. On the certificate of course
20 completion the qualified firearms safety instructor shall affirm
21 that the individual receiving instruction has taken and passed a
22 firearms safety course of at least eight hours in length taught
23 by the instructor that included:

24 (1) Handgun safety in the classroom, at home, on the firing
25 range and while carrying the firearm;

26 (2) A physical demonstration performed by the applicant
27 that demonstrated his or her ability to safely load and unload a
28 revolver and a semiautomatic pistol and demonstrated his or her

1 marksmanship with both;

2 (3) The basic principles of marksmanship;

3 (4) Care and cleaning of concealable firearms;

4 (5) Safe storage of firearms at home;

5 (6) The requirements of this state for obtaining a
6 certificate of qualification for a concealed carry endorsement
7 from the sheriff of the individual's county of residence and a
8 concealed carry endorsement issued by the department of revenue;

9 (7) The laws relating to firearms as prescribed in this
10 chapter;

11 (8) The laws relating to the justifiable use of force as
12 prescribed in chapter 563;

13 (9) A live firing exercise of sufficient duration for each
14 applicant to fire both a revolver and a semiautomatic pistol,
15 from a standing position or its equivalent, a minimum of fifty
16 rounds from each handgun at a distance of seven yards from a B-27
17 silhouette target or an equivalent target;

18 (10) A live fire test administered to the applicant while
19 the instructor was present of twenty rounds from each handgun
20 from a standing position or its equivalent at a distance from a
21 B-27 silhouette target, or an equivalent target, of seven yards.

22 3. A qualified firearms safety instructor shall not give a
23 grade of passing to an applicant for a concealed carry
24 endorsement who:

25 (1) Does not follow the orders of the qualified firearms
26 instructor or cognizant range officer; or

27 (2) Handles a firearm in a manner that, in the judgment of
28 the qualified firearm safety instructor, poses a danger to the

1 applicant or to others; or

2 (3) During the live fire testing portion of the course
3 fails to hit the silhouette portion of the targets with at least
4 fifteen rounds, with both handguns.

5 4. Qualified firearms safety instructors who provide
6 firearms safety instruction to any person who applies for a
7 concealed carry endorsement shall:

8 (1) Make the applicant's course records available upon
9 request to the sheriff of the county in which the applicant
10 resides;

11 (2) Maintain all course records on students for a period of
12 no less than four years from course completion date; and

13 (3) Not have more than forty students in the classroom
14 portion of the course or more than five students per range
15 officer engaged in range firing.

16 5. A firearms safety instructor shall be considered to be a
17 qualified firearms safety instructor by any sheriff issuing a
18 certificate of qualification for a concealed carry endorsement
19 pursuant to sections [571.101 to 571.121] 319.1025 to 319.1043 if
20 the instructor:

21 (1) Is a valid firearms safety instructor certified by the
22 National Rifle Association holding a rating as a personal
23 protection instructor or pistol marksmanship instructor; or

24 (2) Submits a photocopy of a certificate from a firearms
25 safety instructor's course offered by a local, state, or federal
26 governmental agency; or

27 (3) Submits a photocopy of a certificate from a firearms
28 safety instructor course approved by the department of public

1 safety; or

2 (4) Has successfully completed a firearms safety instructor
3 course given by or under the supervision of any state, county,
4 municipal, or federal law enforcement agency; or

5 (5) Is a certified police officer firearms safety
6 instructor.

7 6. Any firearms safety instructor who knowingly provides
8 any sheriff with any false information concerning an applicant's
9 performance on any portion of the required training and
10 qualification shall be guilty of a class C misdemeanor.

11 [571.114.] 319.1037. 1. In any case when the sheriff
12 refuses to issue a certificate of qualification or to act on an
13 application for such certificate, the denied applicant shall have
14 the right to appeal the denial within thirty days of receiving
15 written notice of the denial. Such appeals shall be heard in
16 small claims court as defined in section 482.300, and the
17 provisions of sections 482.300, 482.310 and 482.335 shall apply
18 to such appeals.

19 2. A denial of or refusal to act on an application for a
20 certificate of qualification may be appealed by filing with the
21 clerk of the small claims court a copy of the sheriff's written
22 refusal and a form substantially similar to the appeal form
23 provided in this section. Appeal forms shall be provided by the
24 clerk of the small claims court free of charge to any person:

25 SMALL CLAIMS COURT

26 In the Circuit Court of
27 Missouri
28

1 Denied Applicant
2)
3)
4 vs.) Case Number
5)
6) , Sheriff
7 Return Date

8 APPEAL OF A DENIAL
9 OF CERTIFICATE OF
10 QUALIFICATION FOR A
11 CONCEALED CARRY ENDORSEMENT

12 The denied applicant states that his or her properly completed
13 application for a certificate of qualification for a concealed
14 carry endorsement was denied by the sheriff of
15 County, Missouri, without just cause. The denied applicant
16 affirms that all of the statements in the application are true.
17 , Denied Applicant

18 3. The notice of appeal in a denial of a certificate of
19 qualification for a concealed carry endorsement appeal shall be
20 made to the sheriff in a manner and form determined by the small
21 claims court judge.

22 4. If at the hearing the person shows he or she is entitled
23 to the requested certificate of qualification for a concealed
24 carry endorsement, the court shall issue an appropriate order to
25 cause the issuance of the certificate of qualification for a
26 concealed carry endorsement. Costs shall not be assessed against
27 the sheriff unless the action of the sheriff is determined by the
28 judge to be arbitrary and capricious.

1 Sheriff of Issuance

2 PETITION FOR REVOCATION
3 OF CERTIFICATE OF QUALIFICATION
4 OR CONCEALED CARRY ENDORSEMENT

5 Plaintiff states to the court that the defendant,
6, has a certificate of qualification or a concealed
7 carry endorsement issued pursuant to sections [571.101 to
8 571.121] 319.1025 to 319.1043, RSMo, and that the defendant's
9 certificate of qualification or concealed carry endorsement
10 should now be revoked because the defendant either never was or
11 no longer is eligible for such a certificate or endorsement
12 pursuant to the provisions of sections [571.101 to 571.121]
13 319.1025 to 319.1043, RSMo, specifically plaintiff states that
14 defendant,, never was or no longer is eligible for
15 such certificate or endorsement for one or more of the following
16 reasons:

17 (CHECK BELOW EACH REASON

18 THAT APPLIES TO THIS DEFENDANT)

19 Defendant is not at least twenty-one years [of age] old or at
20 least eighteen years [of age] old and a member of the United
21 States Armed Forces or honorably discharged from the United
22 States Armed Forces.

23 Defendant is not a citizen of the United States.

24 Defendant had not resided in this state prior to issuance of
25 the permit and does not qualify as a military member or spouse of
26 a military member stationed in Missouri.

27 Defendant has [pled guilty to or been convicted of a crime]
28 been found guilty of an offense punishable by imprisonment for a

1 term exceeding one year under the laws of any state or of the
2 United States other than a crime classified as a misdemeanor
3 under the laws of any state and punishable by a term of
4 imprisonment of one year or less that does not involve an
5 explosive weapon, firearm, firearm silencer, or gas gun.

6 Defendant has been [convicted of, pled guilty to or entered a
7 plea of nolo contendere to] found guilty of one or more
8 misdemeanor offenses involving crimes of violence within a
9 five-year period immediately preceding application for a
10 certificate of qualification or concealed carry endorsement
11 issued pursuant to sections [571.101 to 571.121] 319.1025 to
12 319.1043, RSMo, or if the applicant has been convicted of two or
13 more misdemeanor offenses involving driving while under the
14 influence of intoxicating liquor or drugs or the possession or
15 abuse of a controlled substance within a five-year period
16 immediately preceding application for a certificate of
17 qualification or a concealed carry endorsement issued pursuant to
18 sections [571.101 to 571.121] 319.1025 to 319.1043, RSMo.

19 Defendant is a fugitive from justice or currently charged in
20 an information or indictment with the commission of a crime
21 punishable by imprisonment for a term exceeding one year under
22 the laws of any state of the United States other than a crime
23 classified as a misdemeanor under the laws of any state and
24 punishable by a term of imprisonment of one year or less that
25 does not involve an explosive weapon, firearm, firearm silencer,
26 or gas gun.

27 Defendant has been discharged under dishonorable conditions
28 from the United States armed forces.

1 Defendant is reasonably believed by the sheriff to be a danger
2 to self or others based on previous, documented pattern.

3 Defendant is adjudged mentally incompetent at the time of
4 application or for five years prior to application, or has been
5 committed to a mental health facility, as defined in section
6 632.005, RSMo, or a similar institution located in another state,
7 except that a person whose release or discharge from a facility
8 in this state pursuant to chapter 632, RSMo, or a similar
9 discharge from a facility in another state, occurred more than
10 five years ago without subsequent recommitment may apply.

11 Defendant failed to submit a completed application for a
12 certificate of qualification or concealed carry endorsement
13 issued pursuant to sections [571.101 to 571.121] 319.1025 to
14 319.1043, RSMo.

15 Defendant failed to submit to or failed to clear the required
16 background check.

17 Defendant failed to submit an affidavit attesting that the
18 applicant complies with the concealed carry safety training
19 requirement pursuant to subsection 1 of section [571.111] 1034,
20 RSMo.

21
22 The plaintiff subject to penalty for perjury states that the
23 information contained in this petition is true and correct to the
24 best of the plaintiff's knowledge, is reasonably based upon the
25 petitioner's personal knowledge and is not primarily intended to
26 harass the defendant/respondent named herein.

27 , PLAINTIFF

28 2. If at the hearing the plaintiff shows that the defendant

1 was not eligible for the certificate of qualification or the
2 concealed carry endorsement issued pursuant to sections [571.101
3 to 571.121] 319.1025 to 319.1043, at the time of issuance or
4 renewal or is no longer eligible for a certificate of
5 qualification or the concealed carry endorsement issued pursuant
6 to the provisions of sections [571.101 to 571.121] 319.1025 to
7 319.1043, the court shall issue an appropriate order to cause the
8 revocation of the certificate of qualification or concealed carry
9 endorsement. Costs shall not be assessed against the sheriff.

10 3. The finder of fact, in any action brought against an
11 endorsement holder pursuant to subsection 1 of this section,
12 shall make findings of fact and the court shall make conclusions
13 of law addressing the issues at dispute. If it is determined
14 that the plaintiff in such an action acted without justification
15 or with malice or primarily with an intent to harass the
16 endorsement holder or that there was no reasonable basis to bring
17 the action, the court shall order the plaintiff to pay the
18 defendant/respondent all reasonable costs incurred in defending
19 the action including, but not limited to, attorney's fees,
20 deposition costs, and lost wages. Once the court determines that
21 the plaintiff is liable to the defendant/respondent for costs and
22 fees, the extent and type of fees and costs to be awarded should
23 be liberally calculated in defendant/respondent's favor.

24 Notwithstanding any other provision of law, reasonable attorney's
25 fees shall be presumed to be at least one hundred fifty dollars
26 per hour.

27 4. Any person aggrieved by any final judgment rendered by a
28 small claims court in a petition for revocation of a certificate

1 of qualification or concealed carry endorsement may have a right
2 to trial de novo as provided in sections 512.180 to 512.320.

3 5. The office of the county sheriff or any employee or
4 agent of the county sheriff shall not be liable for damages in
5 any civil action arising from alleged wrongful or improper
6 granting, renewing, or failure to revoke a certificate of
7 qualification or a concealed carry endorsement issued pursuant to
8 sections ~~[571.101 to 571.121]~~ 319.1025 to 319.1043, so long as
9 the sheriff acted in good faith.

10 ~~[571.121.]~~ 319.1043. 1. Any person issued a concealed
11 carry endorsement pursuant to sections ~~[571.101 to 571.121]~~
12 319.1025 to 319.1043 shall carry the concealed carry endorsement
13 at all times the person is carrying a concealed firearm and shall
14 display the concealed carry endorsement upon the request of any
15 peace officer. Failure to comply with this subsection shall not
16 be a criminal offense but the concealed carry endorsement holder
17 may be issued a citation for an amount not to exceed thirty-five
18 dollars.

19 2. Notwithstanding any other provisions of law, the
20 director of revenue, by carrying out his or her requirement to
21 issue a driver's or nondriver's license reflecting that a
22 concealed carry permit has been granted, shall bear no liability
23 and shall be immune from any claims for damages resulting from
24 any determination made regarding the qualification of any person
25 for such permit or for any actions stemming from the conduct of
26 any person issued such a permit. By issuing the permit on the
27 driver's or nondriver's license, the director of revenue is
28 merely acting as a scrivener for any determination made by the

1 sheriff that the person is qualified for the permit.

2 320.089. 1. No person or other legal entity shall label
3 personal protective equipment as meeting the standards set forth
4 in subsection 2 of section 320.088 unless such equipment does in
5 fact meet such standards.

6 2. Any person who violates the provisions of subsection 1
7 of this section is guilty of a class **[D]** E felony.

8 320.161. Any person violating any provision of sections
9 320.106 to 320.161 is guilty of a class A misdemeanor, except
10 that a person violating section 320.136 is guilty of a class **[C]**
11 D felony.

12 324.1142. Any person who knowingly falsifies the
13 fingerprints or photographs or other information required to be
14 submitted under sections 324.1100 to 324.1148 is guilty of a
15 class **[D]** E felony; and any person who violates any of the other
16 provisions of sections 324.1100 to 324.1148 is guilty of a class
17 A misdemeanor.

18 324.1148. Any person who violates sections 324.1100 to
19 324.1148 is guilty of a class A misdemeanor. Any second or
20 subsequent violation of sections 324.1100 to 324.1148 is a class
21 **[D]** E felony.

22 334.250. 1. Any person who violates section 334.010 shall,
23 upon conviction, be adjudged guilty of a class **[C]** D felony for
24 each and every offense; and treating each patient is considered a
25 separate offense.

26 2. Any person filing or attempting to file as his own a
27 license of another, or forged affidavit of identification, shall
28 be guilty of a class **[C]** D felony and upon conviction thereof

1 shall be subjected to such fine and imprisonment as is provided
2 by the statutes of this state for the crime of forgery.

3 335.096. Any person who violates any of the provisions of
4 chapter 335 is guilty of a class ~~[D]~~ E felony and, upon
5 conviction, shall be punished as provided by law.

6 338.195. Any person, who is not licensed under this
7 chapter, who violates any provision of sections 338.010 to
8 338.315 shall, upon conviction, be adjudged guilty of a class ~~[C]~~
9 D felony.

10 338.315. 1. Except as otherwise provided by the board by
11 rule, it shall be unlawful for any pharmacist, pharmacy owner or
12 person employed by a pharmacy to knowingly purchase or receive
13 any legend drugs under 21 U.S.C. Section 353 from other than a
14 licensed or registered drug distributor or licensed pharmacy.
15 Any person who violates the provisions of this section shall,
16 upon conviction, be adjudged guilty of a class A misdemeanor.
17 Any subsequent conviction shall constitute a class ~~[D]~~ E felony.

18 2. Notwithstanding any other provision of law to the
19 contrary, the sale, purchase, or trade of a prescription drug by
20 a pharmacy to other pharmacies is permissible if the total dollar
21 volume of such sales, purchases, or trades are in compliance with
22 the rules of the board and do not exceed five percent of the
23 pharmacy's total annual prescription drug sales.

24 3. Pharmacies shall establish and maintain inventories and
25 records of all transactions regarding the receipt and
26 distribution or other disposition of legend drugs. Such records
27 shall be maintained for two years and be readily available upon
28 request by the board or its representatives.

1 4. The board shall promulgate rules to implement the
2 provisions of this section. Any rule or portion of a rule, as
3 that term is defined in section 536.010, that is created under
4 the authority delegated in this section shall become effective
5 only if it complies with and is subject to all of the provisions
6 of chapter 536 and, if applicable, section 536.028. This section
7 and chapter 536 are nonseverable and if any of the powers vested
8 with the general assembly pursuant to chapter 536 to review, to
9 delay the effective date, or to disapprove and annul a rule are
10 subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after August 28, 2012,
12 shall be invalid and void.

13 338.370. Every person who violates any provision of
14 sections 338.333, 338.337, and 338.340 shall, upon conviction
15 thereof, be adjudged guilty of a class [C] D felony.

16 [566.265.] 351.493. If a corporation or other business
17 [pleads guilty to or] is found guilty of violating section
18 566.203, 566.206, 566.209, [566.212, 566.213,] 566.210, 566.211,
19 or 566.215, in addition to the criminal penalties described in
20 such sections and other remedies provided for by law, the court
21 may:

- 22 (1) Order its dissolution or reorganization;
- 23 (2) Order the suspension or revocation of any license,
24 permit, or prior approval granted to it by the state;
- 25 (3) Order the surrender of its charter if it is organized
26 under Missouri law or the revocation of its certificate to
27 conduct business in Missouri if it is not organized under
28 Missouri law.

1 354.320. No officer, enrollment representative or employee
2 of any corporation subject to the provisions of sections 354.010
3 to 354.380, formed under the laws of this state, or doing
4 business herein, shall, directly or indirectly, use or employ, or
5 permit others to use or employ, any of the money, funds or
6 securities of such corporation for private profit or gain, except
7 for reasonable compensation for services performed and
8 reimbursement for expenses incurred, and any such use shall, upon
9 conviction thereof, be a class [D] E felony.

10 362.170. 1. As used in this section, the term "unimpaired
11 capital" includes common and preferred stock, capital notes, the
12 surplus fund, undivided profits and any reserves, not subject to
13 known charges as shown on the next preceding published report of
14 the bank or trust company to the director of finance or obtained
15 by the director pursuant to subsection 3 of section 361.130. For
16 purposes of lending limitations, goodwill may comprise no more
17 than ten percent of unimpaired capital.

18 2. No bank or trust company subject to the provisions of
19 this chapter shall:

20 (1) Directly or indirectly, lend to any individual,
21 partnership, corporation, limited liability company or body
22 politic, either by means of letters of credit, by acceptance of
23 drafts, or by discount or purchase of notes, bills of exchange,
24 or other obligations of the individual, partnership, corporation,
25 limited liability company or body politic an amount or amounts in
26 the aggregate which will exceed the greater of: (i) twenty-five
27 percent of the unimpaired capital of the bank or trust company,
28 provided such bank or trust company has a composite rating of 1

1 or 2 under the Capital, Assets, Management, Earnings, Liquidity
2 and Sensitivity (CAMELS) rating system of the Federal Financial
3 Institute Examination Counsel (FFIEC); (ii) fifteen percent of
4 the unimpaired capital of the bank or trust company if located in
5 a city having a population of one hundred thousand or over;
6 twenty percent of the unimpaired capital of the bank or trust
7 company if located in a city having a population of less than one
8 hundred thousand and over seven thousand; and twenty-five percent
9 of the unimpaired capital of the bank or trust company if located
10 elsewhere in the state, with the following exceptions:

11 (a) The restrictions in this subdivision shall not apply
12 to:

13 a. Bonds or other evidences of debt of the government of
14 the United States or its territorial and insular possessions, or
15 of the state of Missouri, or of any city, county, town, village,
16 or political subdivision of this state;

17 b. Bonds or other evidences of debt, the issuance of which
18 is authorized under the laws of the United States, and as to
19 which the government of the United States has guaranteed or
20 contracted to provide funds to pay both principal and interest;

21 c. Bonds or other evidences of debt of any state of the
22 United States other than the state of Missouri, or of any county,
23 city or school district of the foreign state, which county, city,
24 or school district shall have a population of fifty thousand or
25 more inhabitants, and which shall not have defaulted for more
26 than one hundred twenty days in the payment of any of its general
27 obligation bonds or other evidences of debt, either principal or
28 interest, for a period of ten years prior to the time of purchase

1 of the investment and provided that the bonds or other evidences
2 of debt shall be a direct general obligation of the county, city,
3 or school district;

4 d. Loans to the extent that they are insured or covered by
5 guaranties or by commitments or agreements to take over or
6 purchase made by any department, bureau, board, commission, or
7 establishment of the United States or of the state of Missouri,
8 including any corporation, wholly owned, directly or indirectly,
9 by the United States or of the state of Missouri, pursuant to the
10 authority of any act of Congress or the Missouri general assembly
11 heretofore or hereafter adopted or amended or pursuant to the
12 authority of any executive order of the President of the United
13 States or the governor of Missouri heretofore or hereafter made
14 or amended under the authority of any act of Congress heretofore
15 or hereafter adopted or amended, and the part of the loan not so
16 agreed to be purchased or discounted is within the restrictive
17 provisions of this section;

18 e. Obligations to any bank or trust company in the form of
19 notes of any person, copartnership, association, corporation or
20 limited liability company, secured by not less than a like amount
21 of direct obligations of the United States which will mature in
22 not exceeding five years from the date the obligations to the
23 bank are entered into;

24 f. Loans to the extent they are secured by a segregated
25 deposit account in the lending bank if the lending bank has
26 obtained a perfected security interest in such account;

27 g. Evidences of debt which are direct obligations of, or
28 which are guaranteed by, the Government National Mortgage

1 Association, the Federal National Mortgage Association, the
2 Student Loan Marketing Association, the Federal Home Loan Banks,
3 the Federal Farm Credit Bank or the Federal Home Loan Mortgage
4 Corporation, or evidences of debt which are fully collateralized
5 by direct obligations of, and which are issued by, the Government
6 National Mortgage Association, the Federal National Mortgage
7 Association, the Student Loan Marketing Association, a Federal
8 Home Loan Bank, the Federal Farm Credit Bank or the Federal Home
9 Loan Mortgage Corporation;

10 (b) The total liabilities to the bank or trust company of
11 any individual, partnership, corporation or limited liability
12 company may equal but not exceed thirty-five percent of the
13 unimpaired capital of the bank or trust company; provided, that
14 all of the total liabilities in excess of the legal loan limit of
15 the bank or trust company as defined in this subdivision are upon
16 paper based upon the collateral security of warehouse receipts
17 covering agricultural products or the manufactured or processed
18 derivatives of agricultural products in public elevators and
19 public warehouses subject to state supervision and regulation in
20 this state or in any other state of the United States, under the
21 following conditions: first, that the actual market value of the
22 property held in store and covered by the receipt shall at all
23 times exceed by at least fifteen percent the amount loaned upon
24 it; and second, that the property covered by the receipts shall
25 be insured to the full market value thereof against loss by fire
26 and lightning, the insurance policies to be issued by
27 corporations or individuals licensed to do business by the state
28 in which the property is located, and when the insurance has been

1 used to the limit that it can be secured, then in corporations or
2 with individuals licensed to do an insurance business by the
3 state or country of their incorporation or residence; and all
4 policies covering property on which the loan is made shall have
5 endorsed thereon, "loss, if any, payable to the holder of the
6 warehouse receipts"; and provided further, that in arriving at
7 the amount that may be loaned by any bank or trust company to any
8 individual, partnership, corporation or limited liability company
9 on elevator or warehouse receipts there shall be deducted from
10 the thirty-five percent of its unimpaired capital the total of
11 all other liabilities of the individual, partnership, corporation
12 or limited liability company to the bank or trust company;

13 (c) In computing the total liabilities of any individual to
14 a bank or trust company there shall be included all liabilities
15 to the bank or trust company of any partnership of which the
16 individual is a member, and any loans made for the individual's
17 benefit or for the benefit of the partnership; of any partnership
18 to a bank or trust company there shall be included all
19 liabilities of and all loans made for the benefit of the
20 partnership; of any corporation to a bank or trust company there
21 shall be included all loans made for the benefit of the
22 corporation and of any limited liability company to a bank or
23 trust company there shall be included all loans made for the
24 benefit of the limited liability company;

25 (d) The purchase or discount of drafts, or bills of
26 exchange drawn in good faith against actually existing values,
27 shall not be considered as money borrowed within the meaning of
28 this section; and the purchase or discount of negotiable or

1 nonnegotiable paper which carries the full recourse endorsements
2 or guaranty or agreement to repurchase of the person,
3 copartnership, association, corporation or limited liability
4 company negotiating the same shall not be considered as money
5 borrowed by the endorser or guarantor or the repurchaser within
6 the meaning of this section, provided that the files of the bank
7 or trust company acquiring the paper contain the written
8 certification by an officer designated for this purpose by its
9 board of directors that the responsibility of the makers has been
10 evaluated and the acquiring bank or trust company is relying
11 primarily upon the makers thereof for the payment of the paper;

12 (e) For the purpose of this section, a loan guaranteed by
13 an individual who does not receive the proceeds of the loan shall
14 not be considered a loan to the guarantor;

15 (f) Investments in mortgage-related securities, as
16 described in the Secondary Mortgage Market Enhancement Act of
17 1984, P.L. 98-440, excluding those described in subparagraph g.
18 of paragraph (a) of subdivision (1) of this subsection, shall be
19 subject to the restrictions of this section, provided that a bank
20 or trust company may invest up to two times its legal loan limit
21 in any such securities that are rated in one of the two highest
22 rating categories by at least one nationally recognized
23 statistical rating organization;

24 (2) Nor shall any of its directors, officers, agents, or
25 employees, directly or indirectly purchase or be interested in
26 the purchase of any certificate of deposit, pass book, promissory
27 note, or other evidence of debt issued by it, for less than the
28 principal amount of the debt, without interest, for which it was

1 issued. Every bank or trust company or person violating the
2 provisions of this subdivision shall forfeit to the state the
3 face value of the note or other evidence of debt so purchased;

4 (3) Make any loan or discount on the security of the shares
5 of its own capital stock, or be the purchaser or holder of these
6 shares, unless the security or purchase shall be necessary to
7 prevent loss upon a debt previously contracted in good faith, and
8 stock so purchased or acquired shall be sold at public or private
9 sale, or otherwise disposed of, within six months from the time
10 of its purchase or acquisition unless the time is extended by the
11 finance director. Any bank or trust company violating any of the
12 provisions of this subdivision shall forfeit to the state the
13 amount of the loan or purchase;

14 (4) Knowingly lend, directly or indirectly, any money or
15 property for the purpose of enabling any person to pay for or
16 hold shares of its stock, unless the loan is made upon security
17 having an ascertained or market value of at least fifteen percent
18 more than the amount of the loan. Any bank or trust company
19 violating the provision of this subdivision shall forfeit to the
20 state the amount of the loan;

21 (5) Loans or other extensions of credit to officers and
22 directors shall be in accordance with Federal Reserve Board
23 Regulation O (12 CFR 215.1, et seq.). Every bank or trust
24 company or officer thereof knowingly violating the provisions of
25 this subdivision shall, for each offense, forfeit to the state
26 the amount of the loan or extension of credit;

27 (6) Invest or keep invested in the stock of any private
28 corporation, provided however, a bank or trust company may invest

1 in equity stock in the Federal Home Loan Bank up to twice the
2 limit described in subdivision (1) of this subsection and except
3 as otherwise provided in this chapter.

4 3. Provided, that the provisions in this section shall not
5 be so construed as in any way to interfere with the rules and
6 regulations of any clearinghouse association in this state in
7 reference to the daily balances; and provided, that this section
8 shall not apply to balances due from any correspondent subject to
9 draft.

10 4. Provided, that a trust company which does not accept
11 demand deposits shall be permitted to make loans secured by a
12 first mortgage or deed of trust on real estate to any individual,
13 partnership, corporation or limited liability company, and to
14 deal and invest in the interest-bearing obligations of any state,
15 or any city, county, town, village, or political subdivision
16 thereof, in an amount not to exceed its unimpaired capital, the
17 loans on real estate not to exceed sixty-six and two-thirds
18 percent of the appraised value of the real estate.

19 5. Any officer, director, agent, clerk, or employee of any
20 bank or trust company who willfully and knowingly makes or
21 concurs in making any loan, either directly or indirectly, to any
22 individual, partnership, corporation or limited liability company
23 or by means of letters of credit, by acceptance of drafts, or by
24 discount or purchase of notes, bills of exchange or other
25 obligation of any person, partnership, corporation or limited
26 liability company, in excess of the amounts set out in this
27 section, shall be deemed guilty of a class **[C]** D felony.

28 6. A trust company in existence on October 15, 1967, or a

1 trust company incorporated thereafter which does not accept
2 demand deposits, may invest in but shall not invest or keep
3 invested in the stock of any private corporation an amount in
4 excess of fifteen percent of the capital and surplus fund of the
5 trust company; provided, however, that this limitation shall not
6 apply to the ownership of the capital stock of a safe deposit
7 company as provided in section 362.105; nor to the ownership by a
8 trust company in existence on October 15, 1967, or its
9 stockholders of a part or all of the capital stock of one bank
10 organized under the laws of the United States or of this state,
11 nor to the ownership of a part or all of the capital of one
12 corporation organized under the laws of this state for the
13 principal purpose of receiving savings deposits or issuing
14 debentures or loaning money on real estate or dealing in or
15 guaranteeing the payment of real estate securities, or investing
16 in other securities in which trust companies may invest under
17 this chapter; nor to the continued ownership of stocks lawfully
18 acquired prior to January 1, 1915, and the prohibition for
19 investments in this subsection shall not apply to investments
20 otherwise provided by law other than subdivision (4) of
21 subsection 3 of section 362.105.

22 7. Any bank or trust company to which the provisions of
23 subsection 2 of this section apply may continue to make loans
24 pursuant to the provisions of subsection 2 of this section for up
25 to five years after the appropriate decennial census indicates
26 that the population of the city in which such bank or trust
27 company is located has exceeded the limits provided in subsection
28 2 of this section.

1 367.031. 1. At the time of making any secured personal
2 credit loan, the lender shall execute and deliver to the borrower
3 a receipt for and describing the tangible personal property
4 subjected to the security interest to secure the payment of the
5 loan. The receipt shall contain the following:

6 (1) The name and address of the pawnshop;

7 (2) The name and address of the pledgor, the pledgor's
8 description, and the driver's license number, military
9 identification number, identification certificate number, or
10 other official number capable of identifying the pledgor;

11 (3) The date of the transaction;

12 (4) An identification and description of the pledged goods,
13 including serial numbers if reasonably available;

14 (5) The amount of cash advanced or credit extended to the
15 pledgor;

16 (6) The amount of the pawn service charge;

17 (7) The total amount which must be paid to redeem the
18 pledged goods on the maturity date;

19 (8) The maturity date of the pawn transaction; and

20 (9) A statement to the effect that the pledgor is not
21 obligated to redeem the pledged goods, and that the pledged goods
22 may be forfeited to the pawnbroker sixty days after the specified
23 maturity date.

24 2. The pawnbroker may be required, in accordance with local
25 ordinances, to furnish appropriate law enforcement authorities
26 with copies of information contained in subdivisions (1) to (4)
27 of subsection 1 of this section and information contained in
28 subdivision (6) of subsection 4 of section 367.040. The

1 pawnbroker may satisfy such requirements by transmitting such
2 information electronically to a database in accordance with this
3 section, except that paper copies shall be made available for an
4 on-site inspection upon request of any appropriate law
5 enforcement authority.

6 3. As used in this section, the following terms mean:

7 (1) "Database", a computer database established and
8 maintained by a third party engaged in the business of
9 establishing and maintaining one or more databases;

10 (2) "Permitted user", persons authorized by law enforcement
11 personnel to access the database;

12 (3) "Reportable data", the information required to be
13 recorded by pawnbrokers for pawn transactions pursuant to
14 subdivisions (1) to (4) of subsection 1 of this section and the
15 information required to be recorded by pawnbrokers for purchase
16 transactions pursuant to subdivision (6) of subsection 4 of
17 section 367.040;

18 (4) "Reporting pawnbroker", a pawnbroker who chooses to
19 transmit reportable data electronically to the database;

20 (5) "Search", the accessing of a single database record.

21 4. The database shall provide appropriate law enforcement
22 officials with the information contained in subdivisions (1) to
23 (4) of subsection 1 of this section and other useful information
24 to facilitate the investigation of alleged property crimes while
25 protecting the privacy rights of pawnbrokers and pawnshop
26 customers with regard to their transactions.

27 5. The database shall contain the pawn and purchase
28 transaction information recorded by reporting pawnbrokers

1 pursuant to this section and section 367.040 and shall be updated
2 as requested. The database shall also contain such security
3 features and protections as may be necessary to ensure that the
4 reportable data maintained in the database can only be accessed
5 by permitted users in accordance with the provisions of this
6 section.

7 6. The third party's charge for the database shall be based
8 on the number of permitted users. Law enforcement agencies shall
9 be charged directly for access to the database, and the charge
10 shall be reasonable in relation to the costs of the third party
11 in establishing and maintaining the database. No reporting
12 pawnbroker or customer of a reporting pawnbroker shall be charged
13 any costs for the creation or utilization of the database.

14 7. (1) The information in the database shall only be
15 accessible through the internet to permitted users who have
16 provided a secure identification or access code to the database
17 but shall allow such permitted users to access database
18 information from any jurisdiction transmitting such information
19 to that database. Such permitted users shall provide the
20 database with an identifier number of a criminal action for which
21 the identity of the pawn or purchase transaction customer is
22 needed and a representation that the information is connected to
23 an inquiry or to the investigation of a complaint or alleged
24 crime involving goods delivered by that customer in that
25 transaction. The database shall record, for each search, the
26 identity of the permitted user, the pawn or purchase transaction
27 involved in the search, and the identity of any customer accessed
28 through the search. Each search record shall be made available

1 to other permitted users regardless of their jurisdiction. The
2 database shall enable reporting pawnbrokers to transmit to the
3 database through the internet reportable data for each pawn and
4 purchase transaction.

5 (2) Any person who gains access to information in the
6 database through fraud or false pretenses shall be guilty of a
7 class [C] D felony.

8 8. Any pawnbroker licensed under section 367.043 shall meet
9 the following requirements:

10 (1) Provide all reportable data to appropriate users by
11 transmitting it through the internet to the database;

12 (2) Transmit all reportable data for one business day to
13 the database prior to the end of the following business day;

14 (3) Make available for on-site inspection to any
15 appropriate law enforcement official, upon request, paper copies
16 of any pawn or purchase transaction documents.

17 9. If a reporting pawnbroker or permitted user discovers
18 any error in the reportable data, notice of such error shall be
19 given to the database, which shall have a period of thirty days
20 in which to correct the error. Any reporting pawnbroker
21 experiencing a computer malfunction preventing the transmission
22 of reportable data or receipt of search requests shall be allowed
23 a period of at least thirty but no more than sixty days to repair
24 such malfunction, and during such period such pawnbroker shall
25 not be deemed to be in violation of this section if good faith
26 efforts are made to correct the malfunction. During the periods
27 specified in this subsection, the reporting pawnbroker and
28 permitted user shall arrange an alternative method or methods by

1 which the reportable data shall be made available.

2 10. No reporting pawnbroker shall be obligated to incur any
3 cost, other than internet service costs, in preparing,
4 converting, or delivering its reportable data to the database.

5 11. If the pawn ticket is lost, destroyed, or stolen, the
6 pledgor may so notify the pawnbroker in writing, and receipt of
7 such notice shall invalidate such pawn ticket, if the pledged
8 goods have not previously been redeemed. Before delivering the
9 pledged goods or issuing a new pawn ticket, the pawnbroker shall
10 require the pledgor to make a written affidavit of the loss,
11 destruction or theft of the ticket. The pawnbroker shall record
12 on the written statement the identifying information required,
13 the date the statement is given, and the number of the pawn
14 ticket lost, destroyed, or stolen. The affidavit shall be signed
15 by a notary public appointed by the secretary of state pursuant
16 to section 486.205 to perform notarial acts in this state.

17 367.045. 1. When the tangible personal property subject to
18 the pawn or sales transaction has been delivered or awarded to a
19 claimant pursuant to section 367.044, and within ten business
20 days after a written demand for payment and notice is deposited
21 by the pawnbroker as certified or registered mail in the United
22 States mail and addressed to the conveying customer, the
23 conveying customer fails to repay the pawnbroker the full amount
24 incurred by the pawnbroker in connection with such property and
25 the procedure described in section 367.044, the conveying
26 customer shall have committed the crime of fraudulently pledging
27 or selling misappropriated property.

28 2. Fraudulently pledging or selling property is a class B

1 misdemeanor if the amount received by the conveying customer from
2 the pawnbroker was less than fifty dollars. Fraudulently
3 pledging or selling property is a class A misdemeanor if the
4 amount received by the conveying customer from the pawnbroker was
5 more than fifty dollars and less than one hundred fifty dollars.
6 Fraudulently pledging or selling property is a class ~~C~~ D felony
7 if the amount received by the conveying customer from the
8 pawnbroker was one hundred fifty dollars or more.

9 374.210. 1. It is unlawful for any person in any
10 investigation, examination, inquiry, or other proceeding under
11 this chapter, chapter 354, and chapters 375 to 385, to:

12 (1) Knowingly make or cause to be made a false statement
13 upon oath or affirmation or in any record that is submitted to
14 the director or used in any proceeding under this chapter,
15 chapter 354, and chapters 375 to 385; or

16 (2) Make any false certificate or entry or memorandum upon
17 any of the books or papers of any insurance company, or upon any
18 statement or exhibit offered, filed or offered to be filed in the
19 department, or used in the course of any examination, inquiry, or
20 investigation under this chapter, chapter 354 and chapters 375 to
21 385.

22 2. If a person does not appear or refuses to testify, file
23 a statement, produce records, or otherwise does not obey a
24 subpoena as required by the director, the director may apply to
25 the circuit court of any county of the state or any city not
26 within a county, or a court of another state to enforce
27 compliance. The court may:

28 (1) Hold the person in contempt;

- 1 (2) Order the person to appear before the director;
- 2 (3) Order the person to testify about the matter under
- 3 investigation or in question;
- 4 (4) Order the production of records;
- 5 (5) Grant injunctive relief;
- 6 (6) Impose a civil penalty of up to fifty thousand dollars
- 7 for each violation; and

8 (7) Grant any other necessary or appropriate relief. The
9 director may also suspend, revoke or refuse any license or
10 certificate of authority issued by the director to any person who
11 does not appear or refuses to testify, file a statement, produce
12 records, or does not obey a subpoena.

13 3. This section does not preclude a person from applying to
14 the circuit court of any county of the state or any city not
15 within a county for relief from a request to appear, testify,
16 file a statement, produce records, or obey a subpoena.

17 4. A person is not excused from attending, testifying,
18 filing a statement, producing a record or other evidence, or
19 obeying a subpoena of the director under an action or proceeding
20 instituted by the director on the grounds that the required
21 testimony, statement, record, or other evidence, directly or
22 indirectly, may tend to incriminate the individual or subject the
23 individual to a criminal fine, penalty, or forfeiture. If the
24 person refuses to testify, file a statement, or produce a record
25 or other evidence on the basis of the individual's privilege
26 against self-incrimination, the director may apply to the circuit
27 court of any county of the state or any city not within a county
28 to compel the testimony, the filing of the statement, the

1 production of the record, or the giving of other evidence. The
2 testimony, record, or other evidence compelled under such an
3 order may not be used as evidence against the person in a
4 criminal case, except in a prosecution for perjury or contempt or
5 otherwise failing to comply with the order.

6 5. If the director determines that a person has engaged, is
7 engaging in, or has taken a substantial step toward engaging in
8 an act, practice or course of business constituting a violation
9 of this section, or a rule adopted or order issued pursuant
10 thereto, or that a person has materially aided or is materially
11 aiding an act, practice, omission, or course of business
12 constituting a violation of this section or a rule adopted or
13 order issued pursuant thereto, the director may issue such
14 administrative orders as authorized under section 374.046. A
15 violation of subsection 1 of this section is a level four
16 violation under section 374.049. The director may also suspend
17 or revoke the license or certificate of authority of such person
18 for any willful violation.

19 6. If the director believes that a person has engaged, is
20 engaging in, or has taken a substantial step toward engaging in
21 an act, practice or course of business constituting a violation
22 of this section or a rule adopted or order issued pursuant
23 thereto, or that a person has materially aided or is materially
24 aiding an act, practice, omission, or course of business
25 constituting a violation of this section or a rule adopted or
26 order issued pursuant thereto, the director may maintain a civil
27 action for relief authorized under section 374.048. A violation
28 of subsection 1 of this section is a level four violation under

1 section 374.049.

2 7. Any person who knowingly engages in any act, practice,
3 omission, or course of business in violation of subsection 1 of
4 this section is guilty of a class ~~[D]~~ E felony. If the offender
5 holds a license or certificate of authority under the insurance
6 laws of this state, the court imposing sentence shall order the
7 department to revoke such license or certificate of authority.

8 8. The director may refer such evidence as is available
9 concerning violations of this section to the proper prosecuting
10 attorney, who with or without a criminal reference, or the
11 attorney general under section 27.030, may institute the
12 appropriate criminal proceedings.

13 9. Nothing in this section shall limit the power of the
14 state to punish any person for any conduct that constitutes a
15 crime under any other state statute.

16 374.216. 1. A person commits the crime of filing a false
17 insurance statement if he prepares, makes, submits or files a
18 financial report or statement with the department of insurance,
19 financial institutions and professional registration with the
20 purpose to misrepresent the financial condition of the company in
21 whose behalf such report or statement is prepared, made,
22 submitted or filed. The crime shall require no mental state
23 other than that specifically provided herein.

24 2. The crime of filing a false insurance statement is a
25 class ~~[C]~~ D felony.

26 374.702. 1. No person shall engage in the bail bond
27 business as a bail bond agent or a general bail bond agent
28 without being licensed as provided in sections 374.695 to

1 374.775.

2 2. No judge, attorney, court official, law enforcement
3 officer, state, county, or municipal employee who is either
4 elected or appointed shall be licensed as a bail bond agent or a
5 general bail bond agent.

6 3. A licensed bail bond agent shall not execute or issue an
7 appearance bond in this state without holding a valid appointment
8 from a general bail bond agent and without attaching to the
9 appearance bond an executed and prenumbered power of attorney
10 referencing the general bail bond agent or insurer.

11 4. A person licensed as an active bail bond agent shall
12 hold the license for at least two years prior to owning or being
13 an officer of a licensed general bail bond agent.

14 5. A general bail bond agent shall not engage in the bail
15 bond business:

16 (1) Without having been licensed as a general bail bond
17 agent pursuant to sections 374.695 to 374.775; or

18 (2) Except through an agent licensed as a bail bond agent
19 pursuant to sections 374.695 to 374.775.

20 6. A general bail bond agent shall not permit any
21 unlicensed person to solicit or engage in the bail bond business
22 on the general bail bond agent's behalf, except for individuals
23 who are employed solely for the performance of clerical,
24 stenographic, investigative, or other administrative duties which
25 do not require a license pursuant to sections 374.695 to 374.789.

26 7. Any person who is convicted of a violation of this
27 section is guilty of a class A misdemeanor. For any subsequent
28 convictions, a person who is convicted of a violation of this

1 section is guilty of a class **[D]** E felony.

2 374.757. 1. Any agent licensed by sections 374.695 to
3 374.775 who intends to apprehend any person in this state shall
4 inform law enforcement authorities in the city or county in which
5 such agent intends such apprehension, before attempting such
6 apprehension. Such agent shall present to the local law
7 enforcement authorities a certified copy of the bond and all
8 other appropriate paperwork identifying the principal and the
9 person to be apprehended. Local law enforcement may accompany
10 the agent. Failure of any agent to whom this section applies to
11 comply with the provisions of this section shall be a class A
12 misdemeanor for the first violation and a class **[D]** E felony for
13 subsequent violations; and shall also be a violation of section
14 374.755 and may in addition be punished pursuant to that section.

15 2. The surety recovery agent shall inform the local law
16 enforcement in the county or city where such agent is planning to
17 enter a residence. Such agent shall have a certified copy of the
18 bond and all appropriate paperwork to identify the principal.
19 Local law enforcement, when notified, may accompany the surety
20 recovery agent to that location to keep the peace if an active
21 warrant is effective for a felony or misdemeanor. If a warrant
22 is not active, the local law enforcement officers may accompany
23 the surety recovery agent to such location. Failure to report to
24 the local law enforcement agency is a class A misdemeanor. For
25 any subsequent violations, failure to report to the local law
26 enforcement agency is a class **[D]** E felony.

27 374.789. 1. A person is guilty of a class **[D]** E felony if
28 he or she does not hold a valid surety recovery agent license or

1 a bail bond license and commits any of the following acts:

2 (1) Holds himself or herself out to be a licensed surety
3 recovery agent within this state;

4 (2) Claims that he or she can render surety recovery agent
5 services; or

6 (3) Engages in fugitive recovery in this state.

7 2. Any person who engages in fugitive recovery in this
8 state and wrongfully causes damage to any person or property,
9 including, but not limited to, unlawful apprehension, unlawful
10 detainment, or assault, shall be liable for such damages and may
11 be liable for punitive damages.

12 375.310. 1. It is unlawful for any person, association of
13 individuals, or any corporation to transact in this state any
14 insurance business unless the person, association, or corporation
15 is duly authorized by the director under a certificate of
16 authority or appropriate licensure, or is an insurance company
17 exempt from certification under section 375.786.

18 2. If the director determines that a person has engaged, is
19 engaging in, or has taken a substantial step toward engaging in
20 an act, practice or course of business constituting a violation
21 of this section or a rule adopted or order issued pursuant
22 thereto, or that a person has materially aided or is materially
23 aiding an act, practice, omission, or course of business
24 constituting a violation of this section or a rule adopted or
25 order issued pursuant thereto, the director may issue such
26 administrative orders as authorized under section 374.046. A
27 violation of this section is a level four violation under section
28 374.049.

1 3. If the director believes that a person has engaged, is
2 engaging in, or has taken a substantial step toward engaging in
3 an act, practice or course of business constituting a violation
4 of this section or a rule adopted or order issued pursuant
5 thereto, or that a person has materially aided or is materially
6 aiding an act, practice, omission, or course of business
7 constituting a violation of this section or a rule adopted or
8 order issued pursuant thereto, the director may maintain a civil
9 action for relief authorized under section 374.048. A violation
10 of this section is a level four violation under section 374.049.

11 4. Any person who knowingly engages in any act, practice,
12 omission, or course of business in violation of this section is
13 guilty of a class ~~D~~ E felony.

14 5. The director may refer such evidence as is available
15 concerning violations of this chapter to the proper prosecuting
16 attorney, who with or without a criminal reference, or the
17 attorney general under section 27.030, may institute the
18 appropriate criminal proceedings.

19 6. Nothing in this section shall limit the power of the
20 state to punish any person for any conduct that constitutes a
21 crime under any other state statute.

22 375.537. 1. As used in this section, the following terms
23 mean:

24 (1) "Chief executive officer", the person, irrespective of
25 his title, designated by the board of directors or trustees of an
26 insurer as the person charged with the responsibility of
27 administering and implementing the insurer's policies and
28 procedures;

1 (2) "Director", the director of the department of
2 insurance, financial institutions and professional registration;

3 (3) "Impaired", a financial situation in which the assets
4 of an insurer are less than the sum of the insurer's minimum
5 required capital, minimum required surplus and all liabilities as
6 determined in accordance with the requirements for the
7 preparation and filing of the annual statement of an insurer;

8 (4) "Insurer", any insurance company or other insurer
9 licensed to do business in this state.

10 2. Whenever an insurer is impaired, its chief executive
11 officer shall immediately notify the director in writing of such
12 impairment and shall also immediately notify in writing all of
13 the board of directors or trustees of the insurer.

14 3. Any officer, director or trustee of an insurer shall
15 notify the person serving as chief executive officer of the
16 impairment of such insurer in the event such officer, director or
17 trustee knows or has reason to know that the insurer is impaired.

18 4. Any person who knowingly or recklessly violates
19 subsection 2 or 3 of this section shall, upon conviction thereof,
20 be fined not more than fifty thousand dollars or be imprisoned
21 for not more than one year, or both. Any person who knowingly
22 does any of the following shall be guilty of a class **[D]** E
23 felony:

24 (1) Conceals any property belonging to an insurer;

25 (2) Transfers or conceals in contemplation of a state
26 insolvency proceeding his own property or property belonging to
27 an insurer;

28 (3) Conceals, destroys, mutilates, alters or makes a false

1 entry in any document which affects or relates to the property of
2 an insurer or withholds any such document from a receiver,
3 trustee or other officer of a court entitled to its possession;

4 (4) Gives, obtains or receives a thing of value for acting
5 or forbearing to act in any court proceedings; and any such act
6 or acts results in or contributes to an insurer's becoming
7 impaired or insolvent.

8 375.720. 1. Whenever, by this chapter, or by any other law
9 of this state, the director is authorized or required to take
10 possession of any of the general assets of any insurer, it is
11 unlawful for any person or company to knowingly neglect or refuse
12 to deliver to the director, on order or demand of the director,
13 any books, papers, evidences of title or debt, or any property
14 belonging to any such insurer in its, his or their possession, or
15 under his, its or their control.

16 2. If the director determines that a person has engaged, is
17 engaging in, or has taken a substantial step toward engaging in
18 an act, practice or course of business constituting a violation
19 of this section or a rule adopted or order issued pursuant
20 thereto, or that a person has materially aided or is materially
21 aiding an act, practice, omission, or course of business
22 constituting a violation of this section or a rule adopted or
23 order issued pursuant thereto, the director may issue such
24 administrative orders as authorized under section 374.046. A
25 violation of this section is a level three violation under
26 section 374.049. The director may also suspend or revoke the
27 license or certificate of authority of such person for any
28 willful violation.

1 3. If the director believes that a person has engaged, is
2 engaging in, or has taken a substantial step toward engaging in
3 an act, practice or course of business constituting a violation
4 of this section or a rule adopted or order issued pursuant
5 thereto, or that a person has materially aided or is materially
6 aiding an act, practice, omission, or course of business
7 constituting a violation of this section or a rule adopted or
8 order issued pursuant thereto, the director may maintain a civil
9 action for relief authorized under section 374.048. A violation
10 of this section is a level three violation under section 374.049.

11 4. Any person who knowingly engages in any act, practice,
12 omission, or course of business in violation of this section is
13 guilty of a class ~~C~~ D felony. If the offender holds a license
14 or certificate of authority under the insurance laws of this
15 state, the court imposing sentence shall order the director to
16 revoke such license.

17 5. The director may refer such evidence as is available
18 concerning violations of this section to the proper prosecuting
19 attorney, who with or without a criminal reference, or the
20 attorney general under section 27.030, may institute the
21 appropriate criminal proceedings.

22 6. Nothing in this section shall limit the power of the
23 state to punish any person for any conduct that constitutes a
24 crime under any other state statute.

25 375.786. 1. It is unlawful for any insurance company to
26 transact insurance business in this state, as set forth in
27 subsection 2, without a certificate of authority from the
28 director; provided, however, that this section shall not apply

1 to:

2 (1) The lawful transaction of insurance as provided in
3 chapter 384;

4 (2) The lawful transaction of reinsurance by insurance
5 companies;

6 (3) Transactions in this state involving a policy lawfully
7 solicited, written and delivered outside of this state covering
8 only subjects of insurance not resident, located or expressly to
9 be performed in this state at the time of issuance, and which
10 transactions are subsequent to the issuance of such policy;

11 (4) Attorneys acting in the ordinary relation of attorney
12 and client in the adjustment of claims or losses;

13 (5) Transactions in this state involving group life and
14 group sickness and accident or blanket sickness and accident
15 insurance or group annuities where the master policy of such
16 groups was lawfully issued and delivered in and pursuant to the
17 laws of a state in which the insurance company was authorized to
18 do an insurance business, to a group organized for purposes other
19 than the procurement of insurance, and where the policyholder is
20 domiciled or otherwise has a bona fide situs;

21 (6) Transactions in this state involving any policy of
22 insurance or annuity contract issued prior to August 13, 1972;

23 (7) Transactions in this state relative to a policy issued
24 or to be issued outside this state involving insurance on
25 vessels, craft or hulls, cargoes, marine builder's risk, marine
26 protection and indemnity or other risk, including strikes and war
27 risks commonly insured under ocean or wet marine forms of policy;

28 (8) Except as provided in chapter 384, transactions in this

1 state involving contracts of insurance issued to one or more
2 industrial insureds; provided that nothing herein shall relieve
3 an industrial insured from taxation imposed upon independently
4 procured insurance. An "industrial insured" is hereby defined as
5 an insured:

6 (a) Which procures the insurance of any risk or risks other
7 than life, health and annuity contracts by use of the services of
8 a full-time employee acting as an insurance manager or buyer or
9 the services of an insurance producer whose services are wholly
10 compensated by such insured and not by the insurer;

11 (b) Whose aggregate annual premiums for insurance excluding
12 workers' compensation insurance premiums total at least one
13 hundred thousand dollars; and

14 (c) Which has at least twenty-five full-time employees;

15 (9) Transactions in this state involving life insurance,
16 health insurance or annuities provided to educational or
17 religious or charitable institutions organized and operated
18 without profit to any private shareholder or individual for the
19 benefit of such institutions and individuals engaged in the
20 service of such institutions, provided that any company issuing
21 such contracts under this paragraph shall:

22 (a) File a copy of any policy or contract issued to
23 Missouri residents with the director;

24 (b) File a copy of its annual statement prepared pursuant
25 to the laws of its state of domicile, as well as such other
26 financial material as may be requested, with the director; and

27 (c) Provide, in such form as may be acceptable to the
28 director, for the appointment of the director as its true and

1 lawful attorney upon whom may be served all lawful process in any
2 action or proceeding against such company arising out of any
3 policy or contract it has issued to, or which is currently held
4 by, a Missouri citizen, and process so served against such
5 company shall have the same form and validity as if served upon
6 the company;

7 (10) Transactions in this state involving accident, health,
8 personal effects, liability or any other travel or auto-related
9 products or coverages provided or sold by a rental company after
10 January 1, 1994, to a renter in connection with and incidental to
11 the rental of motor vehicles.

12 2. Any of the following acts in this state effected by mail
13 or otherwise by or on behalf of an unauthorized insurance company
14 is deemed to constitute the transaction of an insurance business
15 in this state: (The venue of an act committed by mail is at the
16 point where the matter transmitted by mail is delivered and takes
17 effect. Unless otherwise indicated, the term "insurance company"
18 as used in sections 375.786 to 375.790 includes all corporations,
19 associations, partnerships and individuals engaged as principals
20 in the business of insurance and also includes interinsurance
21 exchanges and mutual benefit societies.)

22 (1) The making of or proposing to make an insurance
23 contract;

24 (2) The making of or proposing to make, as guarantor or
25 surety, any contract of guaranty or suretyship as a vocation and
26 not merely incidental to any other legitimate business or
27 activity of the guarantor or surety;

28 (3) The taking or receiving of any application for

1 insurance;

2 (4) The receiving or collection of any premium, commission,
3 membership fees, assessments, dues or other consideration for any
4 insurance or any part thereof;

5 (5) The issuance or delivery of contracts of insurance to
6 residents of this state or to persons authorized to do business
7 in this state;

8 (6) Directly or indirectly acting as an agent for or
9 otherwise representing or aiding on behalf of another any person
10 or insurance company in the solicitation, negotiation,
11 procurement or effectuation of insurance or renewals thereof or
12 in the dissemination of information as to coverage or rates, or
13 forwarding of applications, or delivery of policies or contracts,
14 or inspection of risks, a fixing of rates or investigation or
15 adjustment of claims or losses or in the transaction of matters
16 subsequent to effectuation of the contract and arising out of it,
17 or in any other manner representing or assisting a person or
18 insurance company in the transaction of insurance with respect to
19 subjects of insurance resident, located or to be performed in
20 this state. The provisions of this subsection shall not operate
21 to prohibit full-time salaried employees of a corporate insured
22 from acting in the capacity of an insurance manager or buyer in
23 placing insurance in behalf of such employer;

24 (7) The transaction of any kind of insurance business
25 specifically recognized as transacting an insurance business
26 within the meaning of the statutes relating to insurance;

27 (8) The transacting or proposing to transact any insurance
28 business in substance equivalent to any of the foregoing in a

1 manner designed to evade the provisions of the statutes. 3.

2 (1) The failure of an insurance company transacting insurance
3 business in this state to obtain a certificate of authority shall
4 not impair the validity of any act or contract of such insurance
5 company and shall not prevent such insurance company from
6 defending any action at law or suit in equity in any court of
7 this state, but no insurance company transacting insurance
8 business in this state without a certificate of authority shall
9 be permitted to maintain an action in any court of this state to
10 enforce any right, claim or demand arising out of the transaction
11 of such business until such insurance company shall have obtained
12 a certificate of authority.

13 (2) In the event of failure of any such unauthorized
14 insurance company to pay any claim or loss within the provisions
15 of such insurance contract, any person who assisted or in any
16 manner aided directly or indirectly in the procurement of such
17 insurance contract shall be liable to the insured for the full
18 amount of the claim or loss in the manner provided by the
19 provisions of such insurance contract.

20 4. If the director determines that a person has engaged, is
21 engaging in, or has taken a substantial step toward engaging in
22 an act, practice or course of business constituting a violation
23 of this section or a rule adopted or order issued pursuant
24 thereto, or that a person has materially aided or is materially
25 aiding an act, practice, omission, or course of business
26 constituting a violation of this section or a rule adopted or
27 order issued pursuant thereto, the director may issue such
28 administrative orders as authorized under section 374.046. A

1 violation of this section is a level four violation under section
2 374.049.

3 5. If the director believes that a person has engaged, is
4 engaging in, or has taken a substantial step toward engaging in
5 an act, practice or course of business constituting a violation
6 of this section or a rule adopted or order issued pursuant
7 thereto, or that a person has materially aided or is materially
8 aiding an act, practice, omission, or course of business
9 constituting a violation of this section or a rule adopted or
10 order issued pursuant thereto, the director may maintain a civil
11 action for relief authorized under section 374.048. A violation
12 of this section is a level four violation under section 374.049.

13 6. Any person who transacts insurance business without a
14 certificate of authority, as provided in this section, is guilty
15 of a class [C] D felony.

16 7. The director may refer such evidence as is available
17 concerning violations of this chapter to the proper prosecuting
18 attorney, who with or without a criminal reference, or the
19 attorney general under section 27.030, may institute the
20 appropriate criminal proceedings.

21 8. Nothing in this section shall limit the power of the
22 state to punish any person for any conduct that constitutes a
23 crime in any other state statute.

24 375.991. 1. As used in sections 375.991 to 375.994, the
25 term "statement" means any communication, notice statement, proof
26 of loss, bill of lading, receipt for payment, invoice, account,
27 estimate of damages, bills for services, diagnosis, prescription,
28 hospital or doctor records, x-rays, test results or other

1 evidence of loss, injury or expense.

2 2. For the purposes of sections 375.991 to 375.994, a
3 person commits a "fraudulent insurance act" if such person
4 knowingly presents, causes to be presented, or prepares with
5 knowledge or belief that it will be presented, to or by an
6 insurer, purported insurer, broker, or any agent thereof, any
7 oral or written statement including computer generated documents
8 as part of, or in support of, an application for the issuance of,
9 or the rating of, an insurance policy for commercial or personal
10 insurance, or a claim for payment or other benefit pursuant to an
11 insurance policy for commercial or personal insurance, which such
12 person knows to contain materially false information concerning
13 any fact material thereto or if such person conceals, for the
14 purpose of misleading another, information concerning any fact
15 material thereto.

16 3. A "fraudulent insurance act" shall also include but not
17 be limited to knowingly filing false insurance claims with an
18 insurer, health services corporation, or health maintenance
19 organization by engaging in any one or more of the following
20 false billing practices:

21 (1) "Unbundling", an insurance claim by claiming a number
22 of medical procedures were performed instead of a single
23 comprehensive procedure;

24 (2) "Upcoding", an insurance claim by claiming that a more
25 serious or extensive procedure was performed than was actually
26 performed;

27 (3) "Exploding", an insurance claim by claiming a series of
28 tests was performed on a single sample of blood, urine, or other

1 bodily fluid, when actually the series of tests was part of one
2 battery of tests; or

3 (4) "Duplicating", a medical, hospital or rehabilitative
4 insurance claim made by a health care provider by resubmitting
5 the claim through another health care provider in which the
6 original health care provider has an ownership interest.

7
8 Nothing in sections 375.991 to 375.994 shall prohibit providers
9 from making good faith efforts to ensure that claims for
10 reimbursement are coded to reflect the proper diagnosis and
11 treatment.

12 4. If, by its own inquiries or as a result of complaints,
13 the department of insurance, financial institutions and
14 professional registration has reason to believe that a person has
15 engaged in, or is engaging in, any fraudulent insurance act or
16 has violated any provision of chapters 375 to 385, it may
17 administer oaths and affirmations, serve subpoenas ordering the
18 attendance of witnesses or proffering of matter, and collect
19 evidence. The director may refer such evidence as is available
20 concerning violations of this chapter to the proper prosecuting
21 attorney or circuit attorney who may, with or without such
22 reference, initiate the appropriate criminal proceedings. 5.
23 If the matter that the department of insurance, financial
24 institutions and professional registration seeks to obtain by
25 request is located outside the state, the person so requested may
26 make it available to the department or its representative to
27 examine the matter at the place where it is located. The
28 department may designate representatives, including officials of

1 the state in which the matter is located, to inspect the matter
2 on its behalf, and it may respond to similar requests from
3 officials of other states.

4 6. A fraudulent insurance act for a first offense is a
5 class ~~[D]~~ E felony. Any person who pleads guilty to or is found
6 guilty of a fraudulent insurance act who has previously pled
7 guilty to or has been found guilty of a fraudulent insurance act
8 shall be guilty of a class ~~[C]~~ D felony.

9 7. Any person who pleads guilty or is found guilty of a
10 fraudulent insurance act shall be ordered by the court to make
11 restitution to any person or insurer for any financial loss
12 sustained as a result of such violation. The court shall
13 determine the extent and method of restitution.

14 8. Nothing in this section shall limit the power of the
15 state to punish any person for any conduct that constitutes a
16 crime by any other state statute.

17 375.1176. 1. An order to liquidate the business of a
18 domestic insurer shall appoint the director and his successors as
19 liquidator and shall direct the liquidator forthwith to take
20 immediate possession of the assets of the insurer and to
21 administer them subject to the supervision of the court until the
22 liquidator is discharged by the court. The liquidation of any
23 insurer shall be considered to be the business of insurance for
24 purposes of application of any law of this state. The liquidator
25 shall be vested by operation of law with the title to all of the
26 property, contracts and rights of action, and all of the books
27 and records of the insurer ordered liquidated, wherever located,
28 as of the entry of the order of liquidation. The order shall

1 require the liquidator to take immediate possession of and to
2 secure all of the records and property of the insurer wherever it
3 is located, and to take all measures necessary to preserve the
4 integrity of the insurer's records. The filing or recording of
5 the order with the clerk of the court and the recorder of deeds
6 of the county in which its principal office or place of business
7 is located or, in the case of real estate, with the recorder of
8 deeds of the county where the property is located, shall impart
9 the same notice as a deed, bill of sale or other evidence of
10 title duly filed or recorded with that recorder of deeds would
11 have imparted.

12 2. With the approval of the court, the director as
13 liquidator may appoint a special deputy or deputies to act for
14 him under sections 375.1175 to 375.1230. The special deputy
15 shall not be an employee of the department of insurance,
16 financial institutions and professional registration. The
17 special deputy shall have all powers of the liquidator granted by
18 sections 375.1175 to 375.1230. The special deputy shall
19 administer and liquidate the insolvent insurer subject to the
20 general supervision of the director and the specific supervision
21 of the court as provided in sections 375.1175 to 375.1230.

22 3. Upon issuance of the order of liquidation, the rights
23 and liabilities of any such insurer and of its creditors,
24 policyholders, shareholders, members and any other persons
25 interested in its estate shall become fixed and the termination
26 of any period fixed by any statute of limitations provided by law
27 shall be suspended as of the date of entry of the order of
28 liquidation, except as provided in sections 375.1178, 375.1206

1 and 375.1210. Rights of shareholders provided by any law other
2 than as provided by sections 375.1150 to 375.1246 shall be
3 suspended upon issuance of the order of liquidation.

4 4. An order to liquidate the business of an alien insurer
5 domiciled in this state shall be in the same terms and have the
6 same legal effect as an order to liquidate a domestic insurer,
7 except that the assets and the business in the United States
8 shall be the only assets and business included therein.

9 5. At the time of petitioning for an order of liquidation,
10 or at any time thereafter, the director, after making
11 determination of an insurer's insolvency, may petition the court
12 for a judicial declaration of such insolvency. After providing
13 such notice and hearing as it deems proper, the court may make
14 the declaration.

15 6. (1) Any order issued under this section shall require
16 periodic financial reports to the court by the liquidator.
17 Financial reports shall include, at a minimum, the assets and
18 liabilities of the insurer and all funds received or disbursed by
19 the liquidator during the current period. Financial reports
20 shall be filed within one year of the liquidation order and at
21 least annually thereafter.

22 (2) After an order of liquidation has been entered, the
23 liquidator of such insurer shall file with the director a
24 statement which shall reflect the claims reserves, including
25 losses incurred but not reported, and unearned premium reserves
26 which have been established by the liquidator and which shall
27 also set forth the amounts of such reserves that are allocable to
28 particular reinsurers of the insolvent company. A similar

1 statement shall be filed by each liquidator not less frequently
2 than annually and shall be considered for all intents and
3 purposes as the annual statement which was required to be filed
4 by the insurer with the director prior to the liquidation
5 proceedings. To the extent that any reinsurer of an insurer in
6 liquidation would have been required under any agreement
7 pertaining to reinsurance to post letters of credit or other
8 security prior to an order of liquidation to cover such reserves
9 reflected upon a statement filed with a regulatory authority,
10 such reinsurer shall be required to post letters of credit or
11 other security to cover such reserves after an insurer has been
12 placed in liquidation. If a reinsurer shall fail to post letters
13 of credit or other security required by a reinsurance agreement
14 or the provisions of this section, the director may issue an
15 order barring such reinsurer from thereafter reinsuring any
16 insurer which is incorporated under the laws of the state of
17 Missouri.

18 7. (1) Within five days after the initiation of an appeal
19 of an order of liquidation, the liquidator shall present for the
20 court's approval a plan for the continued performance of the
21 defendant company's policy claims obligations, including the duty
22 to defend insureds under liability insurance policies, during the
23 pendency of an appeal. Such plan shall provide for the continued
24 performance and payment of policy claims obligations in the
25 normal course of events, notwithstanding the grounds alleged in
26 support of the order of liquidation including the ground of
27 insolvency. In the event the defendant company's financial
28 condition, in the judgment of the liquidator, will not support

1 the full performance of all policy claims obligations during the
2 appeal pendency period, the plan may prefer the claims of certain
3 policyholders and claimants over creditors and interested parties
4 as well as other policyholders and claimants, as the liquidator
5 finds to be fair and equitable considering the relative
6 circumstances of such policyholders and claimants. The court
7 shall examine the plan submitted by the liquidator and if it
8 finds the plan to be in the best interests of the parties, the
9 court shall approve the plan. No action shall lie against the
10 liquidator or any of his deputies, agents, clerks, assistants or
11 attorneys by any party based on preference in an appeal pendency
12 plan approved by the court.

13 (2) The appeal pendency plan shall not supersede or affect
14 the obligations of any insurance guaranty association.

15 (3) Any such plans shall provide for equitable adjustments
16 to be made by the liquidator to any distributions of assets to
17 guaranty associations, in the event that the liquidator pays
18 claims from assets of the estate, which would otherwise be the
19 obligations of any particular guaranty association but for the
20 appeal of the order of liquidation, such that all guaranty
21 associations equally benefit on a pro rata basis from the assets
22 of the estate. Further, in the event an order of liquidation is
23 set aside upon any appeal, the company shall not be released from
24 delinquency proceedings unless and until all funds advanced by
25 any guaranty association, including reasonable allocated loss
26 adjustment expenses in connection therewith relating to
27 obligations of the company, shall be repaid in full, together
28 with interest at the judgment rate of interest or unless an

1 arrangement for repayment thereof has been made with the consent
2 of all applicable guaranty associations.

3 8. Any person who shall knowingly destroy, conceal, convert
4 or alter any records or property of an insurer after entry of an
5 order of liquidation, without having received prior written
6 permission of the liquidator or of the court, or who shall
7 knowingly neglect or refuse, upon the order or demand of the
8 liquidator, to deliver to the liquidator any records or property
9 of an insurer in his possession or control, shall be guilty of a
10 class [C] D felony.

11 375.1287. 1. A notice of transfer regarding an assumption
12 reinsurance agreement shall be provided to the policyholders of a
13 transferring insurer in the following manner:

14 (1) The transferring insurer shall provide or cause to be
15 provided to each policyholder a notice of transfer by first class
16 mail, addressed to the policyholder's last known address or to
17 the address to which premium notices or other policy documents
18 are sent or, with respect to home service business, by personal
19 delivery with acknowledged receipt. A notice of transfer shall
20 also be sent to the transferring insurer's agents and brokers of
21 record on the affected policies;

22 (2) The notice of transfer shall state or provide:

23 (a) The date on which the transfer and novation of the
24 policyholder's contract of insurance is proposed to take place;

25 (b) The name and addresses and telephone numbers of the
26 transferring insurer and assuming insurer;

27 (c) That the policyholder has the right to either consent
28 to or reject the transfer and novation;

1 (d) The procedures and time limit for consenting to or
2 rejecting the transfer and novation;

3 (e) A summary of any effect that consenting to or rejecting
4 the transfer and novation will have on the policyholder's rights;

5 (f) A statement that the assuming insurer is licensed to
6 write the type of business being assumed in the state where the
7 policyholder resides, or is otherwise authorized, as provided
8 herein, to assume such business;

9 (g) The name and address of the person at the transferring
10 insurer to whom the policyholder should send its written
11 statement of acceptance or rejection of the transfer and
12 novation;

13 (h) The address and phone number of the insurance
14 department where the policyholder resides so that the
15 policyholder may write or call its insurance department for
16 further information regarding the financial condition of the
17 assuming insurer; and

18 (i) The following financial data for both companies:

19 a. Ratings for the last five years if available or for such
20 lesser period as is available from two nationally recognized
21 insurance rating services acceptable to the director including
22 the rating service's explanation of the rating's meaning. If
23 ratings are unavailable for any year of the five-year period,
24 this shall also be disclosed;

25 b. A balance sheet as of December thirty-first for the
26 previous three years if available or for such lesser period as is
27 available and as of the date of the most recent quarterly
28 statement;

1 c. A copy of the management's discussion and analysis that
2 was filed as a supplement to the previous year's annual
3 statement; and

4 d. An explanation of the reason for the transfer;

5 (3) Notice in a form identical or substantially similar to
6 the following, or as specified by the director of the department
7 of insurance, financial institutions and professional
8 registration by regulation, shall be deemed to comply with the
9 requirements of this subsection:

10 (FIRST, SECOND OR THIRD AND FINAL)

11 NOTICE OF TRANSFER

12 IMPORTANT: THIS NOTICE AFFECTS YOUR CONTRACT RIGHTS. PLEASE
13 READ IT CAREFULLY.

14 TRANSFER OF POLICY

15 The (name of assuming insurance company) has agreed to replace us
16 as your insurer under (insert policy/certificate name and number)
17 effective (insert date). The (assuming insurance company's)
18 principal place of business is (insert address) and certain
19 financial information concerning both companies are attached,
20 including: (1) ratings for the last five years if available or
21 for such lesser period as is available from two nationally
22 recognized insurance rating services; (2) balance sheets for the
23 previous three years if available or for such lesser period as is
24 available and as of a date no later than ninety days prior to the
25 current date; (3) a copy of the management's discussion and
26 analysis that was filed as a supplement to the previous year's
27 annual statement; and (4) an explanation of the reason for the
28 transfer. You may obtain additional information concerning (name

1 of assuming insurance company) from reference materials in your
2 local library or by contacting your state insurance director at
3 (insert address). The (name of assuming insurance company) is
4 licensed to write this coverage in your state.

5 Your Rights

6 You may choose to accept or reject the transfer of your policy to
7 (name of assuming insurance company). If you want your policy
8 transferred, you must notify us in writing immediately by signing
9 and returning the enclosed preaddressed, postage-paid or by
10 writing to us at: (Insert name, address and facsimile number of
11 contact person.) Payment of your premiums to the assuming
12 company will also constitute acceptance of the transaction.
13 However, a method will be provided to allow you to pay the
14 premium while reserving the right to reject the transfer. If you
15 reject the transfer, you may keep your policy with us or exercise
16 any option under your policy. If we do not receive a written
17 rejection from you within thirty months of our first notice of
18 transfer, (insert date of initial mailing), you will, as a matter
19 of law, have consented to the transfer. However, before this
20 consent is final, you will be provided a second notice, twelve
21 months after our first notice, and a third and final notice,
22 twenty-four months after our first notice. After the third and
23 final notice is provided, you will have only six months to reply.
24 If you have paid your premium to (the assuming insurance company)
25 without reserving your right to reject the transfer, you will not
26 receive a subsequent notice.

27 Effect of Transfer

28 If you accept this transfer, (name of assuming insurance company)

1 will be your insurer. It will have direct responsibility to you
2 for the payment of all claims, benefits and for all other policy
3 obligations. We will no longer have any obligations to you. If
4 you accept this transfer, you should make all premium payments
5 and claims submissions to (name of assuming insurance company)
6 and direct all questions to (name of assuming insurance company).
7 If you have any further questions about this agreement, you may
8 contact (name of transferring insurance company) or (name of
9 assuming insurance company).

10 Sincerely,.....
11 (Name of Transferring (Name of Assuming
12 Insurance Company Insurance Company
13 Address Address
14 Telephone Number) Telephone Number)

15 For your convenience, we have enclosed a preaddressed
16 postage-paid response card. Please take time now to read the
17 enclosed notice and complete and return the response card to us.
18 (Notice Date)

19 RESPONSE CARD

20 Yes, I accept the transfer of my policy from (name of
21 transferring company) to (name of assuming company).
22 No, I reject the proposed transfer of my policy from (name
23 of transferring company) to (name of assuming company) and wish
24 to retain my policy with (name of transferring company).

25 (Date) (Signature)
26 Name:
27 Street Address:
28 City, State, Zip:

1 (4) The notice to transfer shall include a preaddressed,
2 postage-paid response card which a policyholder may return as its
3 written statement of acceptance or rejection of the transfer and
4 novation;

5 (5) The notice of transfer proposed to be used shall be
6 filed as part of the prior approval requirement set forth below
7 in subdivision (1) of subsection 2 of this section.

8 2. (1) Prior approval by the director is required for any
9 transaction where an insurer domiciled in this state assumes or
10 transfers obligations or risks on contracts of insurance under an
11 assumption reinsurance agreement. No insurer licensed in this
12 state shall transfer obligations or risks on contracts of
13 insurance owned by policyholders residing in this state to any
14 insurer that is not licensed in this state. An insurer domiciled
15 in this state shall not assume obligations or risks on contracts
16 of insurance owned by policyholders residing in any other state
17 unless it is licensed in the other state, or the insurance
18 regulatory official of that state has approved such assumption in
19 writing;

20 (2) Any licensed foreign insurer that enters into an
21 assumption reinsurance agreement, which transfers the obligations
22 or risks on contracts of insurance owned by policyholders
23 residing in this state, shall file or cause to be filed the
24 assumption certificate with the director of the department of
25 insurance, financial institutions and professional registration
26 of this state, a copy of the notice of transfer, and an affidavit
27 that the transaction is subject to substantially similar
28 requirements in the state of domicile of both the transferring

1 and assuming insurer;

2 (3) Any licensed foreign insurer that enters into an
3 assumption reinsurance agreement, which transfers the obligations
4 or risks on contracts of insurance owned by policyholders
5 residing in this state, shall obtain the prior approval of the
6 director of the department of insurance, financial institutions
7 and professional registration of this state and shall be subject
8 to all other requirements of sections 375.1280 to 375.1295 unless
9 the transferring and assuming insurers are subject to assumption
10 reinsurance requirements adopted by statute or regulation in the
11 jurisdiction of their domicile which are substantially similar to
12 sections 375.1280 to 375.1295;

13 (4) No insurer required to receive approval of assumption
14 reinsurance transactions under this section shall enter into an
15 assumption reinsurance transaction until:

16 (a) Thirty days after the director has received a request
17 for approval and has not within such period disapproved such
18 transaction; or

19 (b) The director shall have approved the transaction within
20 the thirty-day period;

21 (5) The following factors, along with such other factors as
22 the director deems appropriate under the circumstances, shall be
23 considered by the director in reviewing the request for approval:

24 (a) The financial condition of the transferring and
25 assuming insurer and the effect the transaction will have on the
26 financial condition of each company;

27 (b) The competence, experience and integrity of those
28 persons who control the operation of the assuming insurer;

1 (c) The plans or proposals the assuming party has with
2 respect to the administration of the policies subject to the
3 proposed transfer;

4 (d) Whether the transfer is fair and reasonable to the
5 policyholders of both companies;

6 (e) Whether the notice of transfer to be provided by the
7 insurer is fair, adequate and not misleading; and

8 (f) Whether the transfer lessens competition or restrains
9 trade.

10 3. Any officer, director or stockholder of any insurer
11 violating or consenting to the violation of any provision of
12 subsection 2 of this section is guilty of a class **[D]** E felony.

13 380.391. 1. It is unlawful for any officer, director,
14 member, agent or employee of any company operating under the
15 provisions of sections 380.201 to 380.611 to directly or
16 indirectly use or employ, or permit others to use or employ, any
17 of the money, funds or securities of the company for private
18 profit or gain.

19 2. Any person who willfully engages in any act, practice,
20 omission, or course of business in violation of this section is
21 guilty of a class **[D]** E felony.

22 3. The director may refer such evidence as is available
23 concerning violations of this section to the proper prosecuting
24 attorney, who with or without a criminal reference, or the
25 attorney general under section 27.030, may institute the
26 appropriate criminal proceedings.

27 4. Nothing in this section shall limit the power of the
28 state to punish any person for any conduct that constitutes a

1 crime in any other state statute.

2 382.275. Any officer, director, or employee of an insurance
3 holding company system who knowingly subscribes to or makes or
4 causes to be made any false statements or false reports or false
5 filings with the intent to deceive the director in the
6 performance of his duties under this chapter, upon conviction
7 thereof, shall be guilty of a class [D] E felony. Any fines
8 imposed shall be paid by the officer, director, or employee in
9 his individual capacity.

10 389.653. 1. Any person who commits the following acts
11 shall be deemed guilty of a "trespass to railroad property":

12 (1) Throwing an object at a railroad train or rail-mounted
13 work equipment; or

14 (2) Maliciously or wantonly causing in any manner the
15 derailment of a railroad train, railroad car or rail-mounted work
16 equipment.

17 2. Any person committing a trespass to railroad property
18 pursuant to this section shall be deemed guilty of a class A
19 misdemeanor.

20 3. Notwithstanding subsection 2 of this section, any person
21 committing a trespass to railroad property pursuant to this
22 section resulting in the damage or destruction of railroad
23 property in an amount exceeding one thousand five hundred dollars
24 or resulting in the injury or death of any person shall be deemed
25 guilty of a class [D] E felony.

26 4. Notwithstanding subsection 2 of this section, any person
27 committing a trespass to railroad property pursuant to this
28 section who discharges a firearm or a weapon at a railroad train

1 or rail-mounted work equipment shall be deemed guilty of a class
2 [D] E felony.

3 5. Nothing in this section shall be construed to interfere
4 with either the lawful use of a public or private railroad
5 crossing, or as limiting a representative of a labor organization
6 which represents or is seeking to represent the employees of the
7 railroad, from conducting such business as provided by the
8 Railway Labor Act.

9 6. As used in this section, "railroad property" includes,
10 but is not limited to, any train, locomotive, railroad car,
11 caboose, rail-mounted work equipment, rolling stock, work
12 equipment, safety device, switch, electronic signal, microwave
13 communication equipment, connection, railroad track, rail,
14 bridge, trestle, right-of-way or any other property owned,
15 leased, operated or possessed by a railroad.

16 407.020. 1. The act, use or employment by any person of
17 any deception, fraud, false pretense, false promise,
18 misrepresentation, unfair practice or the concealment,
19 suppression, or omission of any material fact in connection with
20 the sale or advertisement of any merchandise in trade or commerce
21 or the solicitation of any funds for any charitable purpose, as
22 defined in section 407.453, in or from the state of Missouri, is
23 declared to be an unlawful practice. The use by any person, in
24 connection with the sale or advertisement of any merchandise in
25 trade or commerce or the solicitation of any funds for any
26 charitable purpose, as defined in section 407.453, in or from the
27 state of Missouri of the fact that the attorney general has
28 approved any filing required by this chapter as the approval,

1 sanction or endorsement of any activity, project or action of
2 such person, is declared to be an unlawful practice. Any act,
3 use or employment declared unlawful by this subsection violates
4 this subsection whether committed before, during or after the
5 sale, advertisement or solicitation.

6 2. Nothing contained in this section shall apply to:

7 (1) The owner or publisher of any newspaper, magazine,
8 publication or printed matter wherein such advertisement appears,
9 or the owner or operator of a radio or television station which
10 disseminates such advertisement when the owner, publisher or
11 operator has no knowledge of the intent, design or purpose of the
12 advertiser; or

13 (2) Any institution, company, or entity that is subject to
14 chartering, licensing, or regulation by the director of the
15 department of insurance, financial institutions and professional
16 registration under chapter 354 or chapters 374 to 385, the
17 director of the division of credit unions under chapter 370, or
18 director of the division of finance under chapters 361 to 369, or
19 chapter 371, unless such directors specifically authorize the
20 attorney general to implement the powers of this chapter or such
21 powers are provided to either the attorney general or a private
22 citizen by statute.

23 3. Any person who willfully and knowingly engages in any
24 act, use, employment or practice declared to be unlawful by this
25 section with the intent to defraud shall be guilty of a class [D]
26 E felony.

27 4. It shall be the duty of each prosecuting attorney and
28 circuit attorney in their respective jurisdictions to commence

1 any criminal actions under this section, and the attorney general
2 shall have concurrent original jurisdiction to commence such
3 criminal actions throughout the state where such violations have
4 occurred.

5 5. It shall be an unlawful practice for any long-term care
6 facility, as defined in section 660.600, except a facility which
7 is a residential care facility or an assisted living facility, as
8 defined in section 198.006, which makes, either orally or in
9 writing, representation to residents, prospective residents,
10 their families or representatives regarding the quality of care
11 provided, or systems or methods utilized for assurance or
12 maintenance of standards of care to refuse to provide copies of
13 documents which reflect the facility's evaluation of the quality
14 of care, except that the facility may remove information that
15 would allow identification of any resident. If the facility is
16 requested to provide any copies, a reasonable amount, as
17 established by departmental rule, may be charged.

18 6. Any long-term care facility, as defined in section
19 660.600, which commits an unlawful practice under this section
20 shall be liable for damages in a civil action of up to one
21 thousand dollars for each violation, and attorney's fees and
22 costs incurred by a prevailing plaintiff, as allowed by the
23 circuit court.

24 407.095. 1. Whenever it appears to the attorney general
25 that a person has engaged in, is engaging in or is about to
26 engage in any method, act, use, practice or solicitation declared
27 to be unlawful by any provision of this chapter, he may issue and
28 cause to be served upon such person, and any other person or

1 persons concerned with or who, in any way, have participated, are
2 participating or are about to participate in such unlawful
3 method, act, use, practice or solicitation, an order prohibiting
4 such person or persons from engaging or continuing to engage in
5 such unlawful method, act, use, practice or solicitation. Such
6 order shall not be issued until the attorney general has notified
7 each person who will be subject to such order of the statutory
8 section which such person is alleged to have violated, be
9 violating or be about to violate, and the nature of the method,
10 act, use, practice or solicitation which is the basis of such
11 alleged violation. The person to whom such notice is given shall
12 have two business days from the receipt of such notice to file an
13 answer to such notice with the attorney general before the order
14 authorized by this subsection may be issued.

15 2. All orders issued by the attorney general under
16 subsection 1 of this section shall be signed by the attorney
17 general or, in the event of his absence, his duly authorized
18 representative, and shall be served in the manner provided in
19 section 407.040, for the service of civil investigative demands
20 and shall expire of their own force ten days after being served.

21 3. Any person who has been duly served with an order issued
22 under subsection 1 of this section and who willfully and
23 knowingly violates any provision of such order while such order
24 remains in effect, either as originally issued or as modified, is
25 guilty of a class [D] E felony. The attorney general shall have
26 original jurisdiction to commence all criminal actions necessary
27 to enforce this section.

28 407.420. Any person willfully violating any of the

1 provisions of section 407.405 is guilty of a class [D] E felony.
2 It shall be the duty of each prosecuting attorney and circuit
3 attorney in their respective jurisdictions to commence any
4 criminal actions under this section, and the attorney general
5 shall have concurrent original jurisdiction to commence such
6 criminal actions throughout the state where such violations have
7 occurred.

8 407.436. 1. Any person who willfully and knowingly, and
9 with the intent to defraud, engages in any practice declared to
10 be an unlawful practice in sections 407.430 to 407.436 of this
11 credit user protection law shall be guilty of a class [D] E
12 felony.

13 2. The violation of any provision of sections 407.430 to
14 407.436 of this credit user protection law constitutes an
15 unlawful practice pursuant to sections 407.010 to 407.130, and
16 the violator shall be subject to all penalties, remedies and
17 procedures provided in sections 407.010 to 407.130. The attorney
18 general shall have all powers, rights, and duties regarding
19 violations of sections 407.430 to 407.436 as are provided in
20 sections 407.010 to 407.130, in addition to rulemaking authority
21 as provided in section 407.145.

22 407.521. 1. A person commits the crime of odometer fraud
23 in the second degree if he, with the intent to defraud
24 disconnects, resets, or alters the odometer of any motor vehicle
25 with the intent to change the number of miles indicated thereon.

26 2. The disconnection, resetting, or altering of any
27 odometer while in the possession of the person shall be prima
28 facie evidence of intent to defraud.

1 3. Odometer fraud in the second degree is a class [D] E
2 felony.

3 407.536. 1. Any person transferring ownership of a motor
4 vehicle previously titled in this or any other state shall do so
5 by assignment of title and shall place the mileage registered on
6 the odometer at the time of transfer above the signature of the
7 transferor. The signature of the transferor below the mileage
8 shall constitute an odometer mileage statement. The transferee
9 shall sign such odometer mileage statement before an application
10 for certificate of ownership may be made. If the true mileage is
11 known to the transferor to be different from the number of miles
12 shown on the odometer or the true mileage is unknown, a statement
13 from the transferor shall accompany the assignment of title which
14 shall contain all facts known by the transferor concerning the
15 true mileage of the motor vehicle. That statement shall become a
16 part of the permanent record of the motor vehicle with the
17 Missouri department of revenue. The department of revenue shall
18 place on all new titles issued after September 28, 1977, a box
19 titled "mileage at the time of transfer".

20 2. Any person transferring the ownership of a motor vehicle
21 previously untitled in this or any other state to another person
22 shall give an odometer mileage statement to the transferee. The
23 statement shall include above the signature of the transferor and
24 transferee the cumulative mileage registered on the odometer at
25 the time of transfer. If the true mileage is known to the
26 transferor to be different from the number of miles shown on the
27 odometer or the true mileage is unknown, a statement from the
28 transferor shall accompany the assignment of title which shall

1 contain all facts known by the transferor concerning the true
2 mileage of the motor vehicle. That statement shall become a
3 permanent part of the records of the Missouri department of
4 revenue.

5 3. If, upon receiving an application for registration or
6 for a certificate of ownership of a motor vehicle, the director
7 of revenue has credible evidence that the odometer reading
8 provided by a transferor is materially inaccurate, he may place
9 an asterisk on the face of the title document issued by the
10 Missouri department of revenue, provided that the process
11 required thereby does not interfere with his obligations under
12 subdivision (2) of subsection 3 of section 301.190. The asterisk
13 shall refer to a statement on the face and at the bottom of the
14 title document which shall read as follows: "This may not be the
15 true and accurate mileage of this motor vehicle. Consult the
16 documents on file with the Missouri department of revenue for an
17 explanation of the inaccuracy." Nothing in this section shall
18 prevent any person from challenging the determination by the
19 director of revenue in the circuit courts of the state of
20 Missouri. The burden of proof shall be on the director of the
21 department of revenue in all such proceedings.

22 4. The mileage disclosed by the odometer mileage statement
23 for a new or used motor vehicle as described in subsections 1 and
24 2 of this section shall be placed by the transferor on any title
25 or document evidencing ownership. Additional statements shall be
26 placed on the title document as follows:

27 (1) If the transferor states that to the best of his
28 knowledge the mileage disclosed is the actual mileage of the

1 motor vehicle, an asterisk shall follow the mileage on the face
2 of the title or document of ownership issued by the Missouri
3 department of revenue. The asterisk shall reference to a
4 statement on the face and bottom of the title document which
5 shall read as follows: "Actual Mileage".

6 (2) Where the transferor has submitted an explanation why
7 this mileage is incorrect, an asterisk shall follow the mileage
8 on the face of the title or document of ownership issued by the
9 Missouri department of revenue. The asterisk shall reference to
10 a statement on the face and at the bottom of the title document
11 which shall read as follows: "This is not the true and accurate
12 mileage of this motor vehicle. Consult the documents on file
13 with the Missouri department of revenue for an explanation of the
14 inaccuracy." Further wording shall be included as follows:

15 (a) If the transferor states that the odometer reflects the
16 amount of mileage in excess of the designed mechanical odometer
17 limit, the above statement on the face of the title document
18 shall be followed by the words: "Mileage exceeds the mechanical
19 limits";

20 (b) If the transferor states that the odometer reading
21 differs from the mileage and that the difference is greater than
22 that caused by odometer calibration error and the odometer
23 reading does not reflect the actual mileage and should not be
24 relied upon, the above statement on the face of the title
25 document shall be preceded by the words: "Warning Odometer
26 Discrepancy".

27 5. The department of revenue shall notify all motor vehicle
28 ownership transferees of the civil and criminal penalties

1 involving odometer fraud.

2 6. Any person defacing or obscuring or otherwise falsifying
3 any odometer reading on any document required by this section
4 shall be guilty of a class **[D]** E felony.

5 7. The granting or creation of a security interest or lien
6 shall not be considered a change of ownership for the purpose of
7 this section, and the grantor of such lien or security interest
8 shall not be required to make an odometer mileage statement. The
9 release of a lien by a mortgage holder shall not be considered a
10 change of ownership of the motor vehicle for the purposes of this
11 section. The mortgage holder or lienholder shall not be required
12 to make an odometer disclosure statement or state the current
13 odometer setting at the time of the release of the lien where
14 there is no change of ownership.

15 8. For the purposes of the mileage disclosure requirements
16 of this section, if a certificate of ownership is held by a
17 lienholder, if the transferor makes application for a duplicate
18 certificate of ownership, or as otherwise provided in the federal
19 Motor Vehicle Information and Cost Savings Act and related
20 federal regulations, the transferor may execute a written power
21 of attorney authorizing a transfer of ownership. The person
22 granted such power of attorney shall restate exactly on the
23 assignment of title the actual mileage disclosed at the time of
24 transfer. The power of attorney shall accompany the certificate
25 of ownership and the original power of attorney and a copy of the
26 certificate of ownership shall be returned to the issuing state
27 in the manner prescribed by the director of revenue, unless
28 otherwise provided by federal law, rule or regulation. The

1 department of revenue may prescribe a secure document for use in
2 executing a written power of attorney. The department shall
3 collect a fee for each form issued, not to exceed the cost of
4 procuring the form.

5 407.544. Notwithstanding any provision of law to the
6 contrary, a court may enhance the sentence for any person
7 convicted of violating section 407.516, 407.521, 407.526,
8 407.536, 407.542 or 407.543 who has a prior conviction for any
9 one of the foregoing sections to a fine and to a time of
10 imprisonment within the department of corrections and human
11 resources for a term not to exceed that otherwise authorized by
12 law for violation of a class **[D]** E felony.

13 407.740. 1. Any person who willfully and knowingly engages
14 in unlawful subleasing of a motor vehicle, as defined in section
15 407.742, shall be guilty of a class **[D]** E felony. It shall be
16 the duty of each prosecuting attorney and circuit attorney in
17 their respective jurisdictions to commence any criminal actions
18 under sections 407.738 to 407.745, and the attorney general shall
19 have concurrent original jurisdiction to commence such criminal
20 actions throughout the state where such violations have occurred.

21 2. Whenever it appears to the attorney general that a
22 person has engaged in, is engaging in, or is about to engage in
23 unlawful subleasing of a motor vehicle, he may bring an action
24 pursuant to section 407.100 for an injunction prohibiting such
25 person from continuing such methods, uses, acts, or practices, or
26 engaging therein, or doing anything in furtherance thereof. In
27 any action brought by the attorney general under this subsection,
28 all of the provisions of sections 407.100 to 407.140 shall apply

1 thereto.

2 407.1082. 1. It is unlawful pursuant to section 407.020 to
3 violate any provision of sections 407.1070 to 407.1085 or to
4 misrepresent or omit the required disclosures of section 407.1073
5 or 407.1076, and pursuant to sections 407.010 to 407.130, the
6 violator shall be subject to all penalties, remedies and
7 procedures provided in sections 407.010 to 407.130. The remedies
8 available in this section are cumulative and in addition to any
9 other remedies available by law.

10 2. Any person who willfully and knowingly engages in any
11 act or practice declared to be unlawful by any provision of
12 subdivisions (2) to (5) of section 407.1076 shall be guilty of a
13 class A misdemeanor. Any person who willfully and knowingly
14 engages in any act or practice declared to be unlawful by any
15 provision of subdivision (1) of section 407.1076, or of
16 subdivisions (6) to (11) of section 407.1076, shall be guilty of
17 a class ~~[D]~~ E felony. Any person previously convicted of a class
18 ~~[D]~~ E felony pursuant to this subsection shall, for each
19 subsequent conviction, be guilty of a class ~~[D]~~ E felony
20 punishable by the term of years set out for a class ~~[D]~~ E felony,
21 but with a fine of not more than five thousand dollars or a fine
22 equal to triple the gain, with no limit on the amount recoverable
23 pursuant to any triple-the-gain penalty. Any person who
24 willfully and knowingly fails to keep the records required in
25 section 407.1079 shall be guilty of a class A misdemeanor.

26 3. In addition to the remedies already provided in sections
27 407.1070 to 407.1085, any consumer that suffers a loss or harm as
28 a result of any unlawful telemarketing act or practice pursuant

1 to section 407.1076 may recover actual and punitive damages,
2 reasonable attorney's fees, court costs and any other remedies
3 provided by law.

4 407.1252. 1. Any individual who purchases a travel club
5 membership from a travel club and has a complaint resulting from
6 that purchase transaction has the option, in addition to filing a
7 civil suit, to file a written complaint with the office of the
8 state attorney general, or the county prosecuting attorney. The
9 office which receives the complaint shall deliver to the travel
10 club that is the subject of the complaint, by registered mail
11 within ten working days, all written complaints received under
12 this section in their entirety. Should the office receiving the
13 complaint, including the attorney general, fail to deliver the
14 complaint as stated herein, any action subsequently filed on the
15 complaint shall be stayed for a period of thirty business days
16 from the date the club is first notified and provided the written
17 complaint, thereby allowing the travel club that is the subject
18 of the complaint an opportunity to cure the complaint as provided
19 in subsection 2 of this section. 2. Prior to being subject to
20 any remedies available under sections 407.1240 to 407.1252, a
21 travel club shall have thirty business days following the date
22 that a filed complaint is provided to the travel club to cure any
23 grievances stated in the complaint. The parties shall not seek
24 other forms of redress during this period. Upon satisfaction or
25 settlement of any complaint, the parties shall execute a written
26 mutual release which shall contain the terms of the settlement
27 and operate to remove the matters contained in the release as a
28 basis for further action by any entity or person under this

1 chapter. Any payments to be made under a settlement shall be
2 made within fifteen business days of the signing date of the
3 settlement.

4 3. (1) The attorney general, prosecuting attorney, or
5 complainant may bring an action in a court of competent
6 jurisdiction to enjoin a violation of sections 407.1240 to
7 407.1252 if the conditions for a violation of sections 407.1240
8 to 407.1252 have been met.

9 (2) A person who violates any provision of sections
10 407.1240 to 407.1252 is guilty of a class **[D]** E felony and shall
11 be subject to a penalty of ten thousand dollars. Any fines
12 collected under this subsection shall be transferred to the state
13 school moneys fund as established in section 166.051 and
14 distributed to the public schools of this state in the manner
15 provided in section 163.031.

16 4. Any travel club registered to operate in this state
17 which has been adjudged to have failed to provide a refund equal
18 to the purchase price of the unused travel benefits of a person
19 who has validly exercised his or her rights of rescission under
20 sections 407.1240 to 407.1252 within fifteen business days of
21 such valid exercise or has been adjudged to have failed to honor
22 a settlement agreement entered into under the provisions of
23 sections 407.1240 to 407.1252 shall post a surety bond upon the
24 earlier of a judgment entered on said violations or its next
25 annual registration.

26 5. Any travel club registered to operate in this state
27 which has been adjudged to have engaged in fraud in the
28 procurement or sale of contracts shall be required to post a

1 security bond upon the earlier of the judgment finding such or
2 its next annual registration.

3 411.260. 1. Each person owning, operating, or desiring to
4 own or operate a grain warehouse who is required to be licensed,
5 shall apply for a license for each such warehouse he owns or
6 operates. The application for a license shall be subscribed and
7 sworn to under oath by the applicant or a duly authorized
8 representative of the applicant. The application shall be in a
9 form prescribed by the director. All items on the application
10 must be completed or marked "not applicable" as appropriate.

11 2. All applications shall be accompanied by a true and
12 accurate financial statement of the applicant, prepared within
13 six months of the date of the application, setting forth the
14 assets, liabilities and the net worth of the applicant. All
15 applications shall also be accompanied by a true and accurate
16 statement of income and expenses for the applicant's most
17 recently completed fiscal year. The financial statements
18 required by this chapter shall be prepared in conformity with
19 generally accepted accounting principles; except that, the
20 director may promulgate rules allowing for the valuation of
21 assets by competent appraisal.

22 3. The financial statements required by subsection 2 of
23 this section shall be audited or reviewed by a certified public
24 accountant. The financial statement may not be audited, reviewed
25 or prepared by the applicant, if an individual, or, if the
26 applicant is a corporation or partnership, by any officer,
27 shareholder, partner, or employee of the applicant.

28 4. The director may require any additional information or

1 verification with respect to the financial resources of the
2 applicant as he deems necessary for the effective administration
3 of this chapter. The director may promulgate rules setting forth
4 minimum standards of acceptance for the various types of
5 financial statements filed in accordance with the provisions of
6 this chapter. The director may promulgate rules requiring a
7 statement of retained earnings, a statement of changes in
8 financial position, and notes and disclosures to the financial
9 statements for all licensed warehousemen or all warehousemen
10 required to be licensed. The additional information or
11 verification referred to herein may include, but is not limited
12 to, requiring that the financial statement information be
13 reviewed or audited in accordance with standards established by
14 the American Institute of Certified Public Accountants.

15 5. All warehousemen shall provide the director with a copy
16 of all financial statements and updates to financial statements
17 utilized to secure the bonds required by this chapter. Also, all
18 warehousemen maintaining a uniform grain storage agreement with
19 the Commodity Credit Corporation or a United States Warehouse Act
20 license shall provide the director with a copy of all financial
21 statements and updates to financial statements utilized to secure
22 and maintain such agreement or license.

23 6. All financial statements submitted to the director for
24 the purposes of this chapter shall be accompanied by a
25 certification by the applicant or the chief executive officer of
26 the applicant, subject to the penalty provision set forth in
27 section 411.517 that to the best of his knowledge and belief the
28 financial statement accurately reflects the financial condition

1 of the applicant for the fiscal period covered in the statement.

2 7. Any person who knowingly prepares or assists in the
3 preparation of an inaccurate or false financial statement which
4 is submitted to the director for the purposes of this chapter, or
5 who during the course of providing bookkeeping services or in
6 reviewing or auditing a financial statement which is submitted to
7 the director for the purposes of this chapter, becomes aware of
8 false information in the financial statement and does not
9 disclose in notes accompanying the financial statements that such
10 false information exists, or does not disassociate himself from
11 the financial statements prior to submission, is guilty of a
12 class [C] D felony. Additionally, such persons are liable for
13 any damages incurred by depositors of grain with a warehouseman
14 who is licensed or allowed to maintain his license based upon
15 inaccuracies or falsifications contained in the financial
16 statement.

17 411.287. 1. If a license is suspended, revoked or a
18 shortage is known to exist and the director determines that there
19 is danger of loss to depositors, the director or his authorized
20 agents may enter the premises of the warehouseman, monitor the
21 activities of the warehouseman and take any actions authorized by
22 this chapter which are necessary to protect the interests of
23 depositors of grain. Additionally, when a shortage exists, the
24 director or his designated representative may order, verbally or
25 in writing, the warehouseman to cease shipping any grain until
26 such shortage is corrected. Should the warehouseman continue to
27 ship grain after being advised of such order to cease shipping,
28 such action of the warehouseman shall constitute a class [C] D

1 felony. The director and his designated representative shall
2 notify local law enforcement officials and request the immediate
3 arrest of the warehouseman.

4 2. Whenever the director or his authorized agents monitor
5 the operation of any warehouse, the warehouseman, upon a finding
6 by a court of competent jurisdiction that the director had
7 reasonable grounds to believe that this action was necessary to
8 protect the depositors, may be assessed and shall pay a fee of
9 one hundred dollars per person for each day or part thereof that
10 the director or his authorized agents monitored the operations.

11 411.371. 1. Warehouse receipts shall be issued by any
12 licensed public warehouseman as herein defined upon the request
13 of any depositor, and must be issued in manner and form as
14 provided by this chapter or prescribed by rule, and the form of
15 all receipts shall be approved by the director. The director
16 shall be authorized to have printed all warehouse receipts, grade
17 certificates, and weight certificates issued by public
18 warehousemen licensed under this chapter.

19 2. It shall be unlawful for any public warehouseman to
20 issue any warehouse receipts for any grain received except upon
21 warehouse receipts approved by the director. Any person who
22 shall issue or cause to be issued any counterfeit warehouse
23 receipt, or any warehouse receipt for grain, other than as
24 authorized and prescribed by the director, shall be guilty of a
25 class [C] D felony.

26 3. Whenever the license of a public warehouseman expires or
27 is revoked or suspended, he shall return all unused warehouse
28 receipts to the director; the director shall immediately notify

1 the holders of all outstanding receipts of the expiration or
2 revocation of the license.

3 4. It shall be unlawful for any person, other than a
4 licensed public grain warehouseman, to issue any negotiable
5 warehouse receipt for grain, or any warehouse receipt for grain
6 for collateral purposes. Any person who violates this subsection
7 is, upon conviction, guilty of a class [C] D felony.

8 411.517. 1. The warehouseman shall maintain in a place of
9 safety at each licensed warehouse facility current and complete
10 records with respect to all grain delivered to, withdrawn from
11 and received, stored or processed at that warehouse. The
12 director may allow the warehouseman to maintain said records at
13 the warehouseman's headquarters office on a case-by-case basis
14 taking into consideration the location from which grain payments
15 are made. Such records shall include but not be limited to the
16 following:

17 (1) A perpetual inventory showing the total quantity of
18 each kind and class of grain received and loaded out, the
19 quantity of each kind and class of grain remaining in the
20 warehouse and the total storage obligations for each kind and
21 class of grain. This record shall be kept current as of the
22 close of each business day; except that, if no transaction takes
23 place during a business day, a record showing the actual status
24 as to quantity and storage obligations at the close of the next
25 preceding business day during which recordable transactions
26 occurred shall be deemed to be current;

27 (2) A register which records all grain transactions not
28 evidenced by the warehouseman's own scale ticket, i.e., direct

1 farm to market shipments. This register shall be updated daily
2 showing, at a minimum, customer name, type of grain, quantity of
3 grain, date of shipment, name of terminal or other business
4 accepting the physical commodity, destination scale ticket number
5 and whether the grain was delivered for storage, sale or other
6 specified purpose;

7 (3) A current copy of the periodic insurance report
8 submitted to the insurer.

9 2. In addition to the records required by section 411.383
10 and subsection 1 of this section, the warehouseman shall maintain
11 such adequate financial records as will clearly reflect his
12 current financial position and will clearly support any financial
13 information required to be submitted to the director from time to
14 time.

15 3. Each grain warehouseman may also be required to keep
16 such records or make such reports as deemed necessary by the
17 director to protect the depositor or seller of grain as set forth
18 in this chapter and the regulations promulgated hereunder.

19 4. All books, records and accounts of warehousemen shall be
20 kept and held available for examination for a period of not less
21 than three years after the close of the period for which such
22 book or record was required; except that, canceled or voided
23 warehouse receipts and the warehouse receipt register required by
24 section 411.383 shall be kept and held available for examination
25 for a period of not less than six years from the date of
26 cancellation or voiding of receipts or, in the case of the
27 register, from the last date upon which a receipt referred to
28 therein shall have been canceled or voided.

1 5. A warehouseman licensed or required to be licensed under
2 this chapter shall keep available for examination all books,
3 records and accounts required by this chapter and any other
4 books, records and accounts relevant to his operating a public
5 grain warehouse. An examination may be performed by the director
6 or a warehouse auditor, and may take place at any time during the
7 normal business hours of the warehouseman or, if prior notice of
8 the examination is given to the warehouseman, at such time as is
9 prescribed in that notice.

10 6. Any warehouseman licensed or required to be licensed
11 under this chapter, or any officer, agent, employee, servant or
12 associate of such warehouseman, who files with the director false
13 records, scale tickets, financial statements, accounts, or
14 withholds records, scale tickets, financial statements or
15 accounts from the director, or who alters records, scale tickets,
16 financial statements or accounts in order to conceal outstanding
17 storage obligations or to conceal actual amounts of grain
18 received for storage or for purchase, whether or not paid for, or
19 to conceal warehouse obligations or for the purpose of misleading
20 in any way department warehouse auditors or officials, is guilty
21 of a class **[C]** D felony.

22 411.770. A warehouseman commits the crime of "stealing
23 grain" if he sells grain owned by another person which has been
24 delivered to him for the purpose of storage without the owner's
25 consent, or by means of deceit or coercion, with the intent to
26 deprive the owner of the grain either permanently or temporarily.
27 Stealing grain by a warehouseman is a class **[C]** D felony.

28 413.229. 1. Any person found in violation of any

1 provisions of this chapter shall be deemed guilty of a class A
2 misdemeanor.

3 2. Any person found to have purposely violated any
4 provisions of this chapter, has been previously convicted twice
5 for the same offense under the misdemeanor provisions of this
6 section, or uses or has in his or her possession for use a
7 commercial device which has been altered to facilitate the
8 commission of fraud shall be deemed guilty of a class [D] E
9 felony.

10 3. The prosecutor of each county in which a violation
11 occurs shall be empowered to bring an action hereunder. If a
12 prosecutor declines to bring such action, the attorney general
13 may bring an action instead, and in so doing shall have all of
14 the powers and jurisdiction of such prosecutor.

15 429.012. 1. Every original contractor, who shall do or
16 perform any work or labor upon, or furnish any material,
17 fixtures, engine, boiler or machinery for any building, erection
18 or improvements upon land, or for repairing the same, under or by
19 virtue of any contract, or without a contract if ordered by a
20 city, town, village or county having a charter form of government
21 to abate the conditions that caused a structure on that property
22 to be deemed a dangerous building under local ordinances pursuant
23 to section 67.410, shall provide to the person with whom the
24 contract is made or to the owner if there is no contract, prior
25 to receiving payment in any form of any kind from such person,
26 (a) either at the time of the execution of the contract, (b) when
27 the materials are delivered, (c) when the work is commenced, or
28 (d) delivered with first invoice, a written notice which shall

1 include the following disclosure language in ten-point bold type:
2 NOTICE TO OWNER

3 FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING
4 MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE
5 FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT
6 OF THIS CONTRACT PURSUANT TO CHAPTER 429, RSMO. TO AVOID THIS
7 RESULT YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL
8 PERSONS SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN
9 THIS CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR
10 PAYING FOR LABOR AND MATERIAL TWICE.

11 2. Compliance with subsection 1 of this section shall be a
12 condition precedent to the creation, existence or validity of any
13 mechanic's lien in favor of such original contractor.

14 3. Any original contractor who fails to provide the written
15 notice set out in subsection 1 of this section, with intent to
16 defraud, shall be guilty of a class B misdemeanor and any
17 contractor who knowingly issues a fraudulent lien waiver or a
18 false affidavit shall be guilty of a class **[C]** D felony.

19 4. The provisions of subsections 1 and 2 of this section
20 shall not apply to new residences for which the buyer has been
21 furnished mechanics' and suppliers' lien protection through a
22 title insurance company registered in the state of Missouri.

23 5. Any settlement agent, including but not limited to any
24 title insurance company, title insurance agency, title insurance
25 agent or escrow agent who knowingly accepts, with intent to
26 defraud, a fraudulent lien waiver or a false affidavit shall be
27 guilty of a class **[C]** D felony if the acceptance of the
28 fraudulent lien waiver or false affidavit results in a matter of

1 financial gain to:

2 (1) The settlement agent or to its officer, director or
3 employee other than a financial gain from the charges regularly
4 made in the course of its business;

5 (2) A person related as closely as the fourth degree of
6 consanguinity to the settlement agent or to an officer, director
7 or employee of the settlement agent;

8 (3) A spouse of the settlement agent, officer, director or
9 employee of the settlement agent; or

10 (4) A person related as closely as the fourth degree of
11 consanguinity to the spouse of the settlement agent, officer,
12 director or employee of the settlement agent.

13 429.013. 1. The provisions of this section shall apply
14 only to the repair or remodeling of or addition to owner-occupied
15 residential property of four units or less. The term "owner"
16 means the owner of record at the time any contractor, laborer or
17 materialman agrees or is requested to furnish any work, labor,
18 material, fixture, engine, boiler or machinery. The term
19 "owner-occupied" means that property which the owner currently
20 occupies, or intends to occupy and does occupy as a residence
21 within a reasonable time after the completion of the repair,
22 remodeling or addition which is the basis for the lien sought,
23 pursuant to this section. The term "residential property" means
24 property consisting of four or less existing units to which
25 repairs, remodeling or additions are undertaken. This section
26 shall not apply to the building, construction or erection of any
27 improvements constituting the initial or original residential
28 unit or units or other improvements or appurtenances forming a

1 part of the original development of the property. The provisions
2 added to this subsection in 1990 are intended to clarify the
3 scope and meaning of this section as originally enacted.

4 2. No person, other than an original contractor, who
5 performs any work or labor or furnishes any material, fixtures,
6 engine, boiler or machinery for any building or structure shall
7 have a lien under this section on such building or structure for
8 any work or labor performed or for any material, fixtures,
9 engine, boiler, or machinery furnished unless an owner of the
10 building or structure pursuant to a written contract has agreed
11 to be liable for such costs in the event that the costs are not
12 paid. Such consent shall be printed in ten point bold type and
13 signed separately from the notice required by section 429.012 and
14 shall contain the following words:

15 CONSENT OF OWNER

16 CONSENT IS HEREBY GIVEN FOR FILING OF MECHANIC'S LIENS BY
17 ANY PERSON WHO SUPPLIES MATERIALS OR SERVICES FOR THE WORK
18 DESCRIBED IN THIS CONTRACT ON THE PROPERTY ON WHICH IT IS LOCATED
19 IF HE IS NOT PAID.

20 3. In addition to complying with the provisions of section
21 429.012, every original contractor shall retain a copy of the
22 notice required by that section and any consent signed by an
23 owner and shall furnish a copy to any person performing work or
24 labor or furnishing material, fixtures, engines, boilers or
25 machinery upon his request for such copy of the notice or
26 consent. It shall be a condition precedent to the creation,
27 existence or validity of any lien by anyone other than an
28 original contractor that a copy of a consent in the form

1 prescribed in subsection 2 of this section, signed by an owner,
2 be attached to the recording of a claim of lien. The signature
3 of one or more of the owners shall be binding upon all owners.
4 Nothing in this section shall relieve the requirements of any
5 original contractor under sections 429.010 and 429.012.

6 4. In the absence of a consent described in subsection 2 of
7 this section, full payment of the amount due under a contract to
8 the contractor shall be a complete defense to all liens filed by
9 any person performing work or labor or furnishing material,
10 fixtures, engines, boilers or machinery. Partial payment to the
11 contractor shall only act as an offset to the extent of such
12 payment.

13 5. Any person falsifying the signature of an owner, with
14 intent to defraud, in the consent of owner provided in subsection
15 2 of this section shall be guilty of a class [C] D felony. Any
16 original contractor who knowingly issues a fraudulent consent of
17 owner shall be guilty of a class [C] D felony.

18 429.014. 1. Any original contractor, subcontractor or
19 supplier who fails or refuses to pay any subcontractor,
20 materialman, supplier or laborer for any services or materials
21 provided pursuant to any contract referred to in section 429.010,
22 429.012 or 429.013 for which the original contractor,
23 subcontractor or supplier has been paid, with the intent to
24 defraud, commits the crime of lien fraud, regardless of whether
25 the lien was perfected or filed within the time allowed by law.

26 2. A property owner or lessee who pays a subcontractor,
27 materialman, supplier or laborer for the services or goods
28 claimed pursuant to a lien, for which the original contractor,

1 subcontractor or supplier has been paid, shall have a claim
2 against the original contractor, subcontractor or supplier who
3 failed or refused to pay the subcontractor, materialman, supplier
4 or laborer.

5 3. Lien fraud is a class [C] D felony if the amount of the
6 lien filed or the aggregate amount of all liens filed on the
7 subject property as a result of the conduct described in
8 subsection 1 of this section is in excess of five hundred
9 dollars, otherwise lien fraud is a class A misdemeanor. If no
10 liens are filed, lien fraud is a class A misdemeanor.

11 436.485. 1. Any person, including the officers, directors,
12 partners, agents, or employees of such person, who shall
13 knowingly and willfully violate or assist or enable any person to
14 violate any provision of sections 436.400 to 436.520 by
15 incompetence, misconduct, gross negligence, fraud,
16 misrepresentation, or dishonesty is guilty of a class [C] D
17 felony. Each violation of any provision of sections 436.400 to
18 436.520 constitutes a separate offense and may be prosecuted
19 individually. The attorney general shall have concurrent
20 jurisdiction with any local prosecutor to prosecute under this
21 section.

22 2. Any violation of the provisions of sections 436.400 to
23 436.520 shall constitute a violation of the provisions of section
24 407.020. In any proceeding brought by the attorney general for a
25 violation of the provisions of sections 436.400 to 436.520, the
26 court may order all relief and penalties authorized under chapter
27 407 and, in addition to imposing the penalties provided for in
28 sections 436.400 to 436.520, order the revocation or suspension

1 of the license or registration of a defendant seller, provider,
2 or preneed agent.

3 443.810. Any person who violates any provision of sections
4 443.805 to 443.812 shall be deemed guilty of a class [C] D
5 felony. In addition, in any contested case proceeding, the
6 director or board may assess a civil penalty of up to twenty-five
7 thousand dollars per violation for any violation of any of the
8 provisions of sections 443.701 to 443.893.

9 443.819. 1. No person engaged in a business regulated by
10 sections 443.701 to 443.893 shall operate or engage in such
11 business under a name other than the real names of the persons
12 conducting such business, a corporate name adopted pursuant to
13 law, or a fictitious name registered with the secretary of
14 state's office.

15 2. Any person who knowingly violates this section shall be
16 deemed guilty of a class A misdemeanor. A person who is
17 convicted of a second or subsequent violation of this section
18 shall be deemed guilty of a class [C] D felony.

19 453.110. 1. No person, agency, organization or institution
20 shall surrender custody of a minor child, or transfer the custody
21 of such a child to another, and no person, agency, organization
22 or institution shall take possession or charge of a minor child
23 so transferred, without first having filed a petition before the
24 circuit court sitting as a juvenile court of the county where the
25 child may be, praying that such surrender or transfer may be
26 made, and having obtained such an order from such court approving
27 or ordering transfer of custody.

28 2. If any such surrender or transfer is made without first

1 obtaining such an order, such court shall, on petition of any
2 public official or interested person, agency, organization or
3 institution, order an investigation and report as described in
4 section 453.070 to be completed by the division of family
5 services and shall make such order as to the custody of such
6 child in the best interest of such child.

7 3. Any person violating the terms of this section shall be
8 guilty of a class ~~D~~ E felony.

9 4. The investigation required by subsection 2 of this
10 section shall be initiated by the division of family services
11 within forty-eight hours of the filing of the court order
12 requesting the investigation and report and shall be completed
13 within thirty days. The court shall order the person having
14 custody in violation of the provisions of this section to pay the
15 costs of the investigation and report.

16 5. This section shall not be construed to prohibit any
17 parent, agency, organization or institution from placing a child
18 with another individual for care if the right to supervise the
19 care of the child and to resume custody thereof is retained, or
20 from placing a child with a licensed foster home within the state
21 through a child-placing agency licensed by this state as part of
22 a preadoption placement.

23 6. After the filing of a petition for the transfer of
24 custody for the purpose of adoption, the court may enter an order
25 of transfer of custody if the court finds all of the following:

26 (1) A family assessment has been made as required in
27 section 453.070 and has been reviewed by the court;

28 (2) A recommendation has been made by the guardian ad

1 litem;

2 (3) A petition for transfer of custody for adoption has
3 been properly filed or an order terminating parental rights has
4 been properly filed;

5 (4) The financial affidavit has been filed as required
6 under section 453.075;

7 (5) The written report regarding the child who is the
8 subject of the petition containing the information has been
9 submitted as required by section 453.026;

10 (6) Compliance with the Indian Child Welfare Act, if
11 applicable; and

12 (7) Compliance with the Interstate Compact on the Placement
13 of Children pursuant to section 210.620.

14 7. A hearing on the transfer of custody for the purpose of
15 adoption is not required if:

16 (1) The conditions set forth in subsection 6 of this
17 section are met;

18 (2) The parties agree and the court grants leave; and

19 (3) Parental rights have been terminated pursuant to
20 section 211.444 or 211.447.

21 455.010. As used in this chapter, unless the context
22 clearly indicates otherwise, the following terms shall mean:

23 (1) "Abuse" includes but is not limited to the occurrence
24 of any of the following acts, attempts or threats against a
25 person who may be protected pursuant to this chapter, except
26 abuse shall not include abuse inflicted on a child by accidental
27 means by an adult household member or discipline of a child,
28 including spanking, in a reasonable manner:

1 (a) "Assault", purposely or knowingly placing or attempting
2 to place another in fear of physical harm;

3 (b) "Battery", purposely or knowingly causing physical harm
4 to another with or without a deadly weapon;

5 (c) "Coercion", compelling another by force or threat of
6 force to engage in conduct from which the latter has a right to
7 abstain or to abstain from conduct in which the person has a
8 right to engage;

9 (d) "Harassment", engaging in a purposeful or knowing
10 course of conduct involving more than one incident that alarms or
11 causes distress to an adult or child and serves no legitimate
12 purpose. The course of conduct must be such as would cause a
13 reasonable adult or child to suffer substantial emotional
14 distress and must actually cause substantial emotional distress
15 to the petitioner or child. Such conduct might include, but is
16 not limited to:

17 a. Following another about in a public place or places;

18 b. Peering in the window or lingering outside the residence
19 of another; but does not include constitutionally protected
20 activity;

21 (e) "Sexual assault", causing or attempting to cause
22 another to engage involuntarily in any sexual act by force,
23 threat of force, or duress;

24 (f) "Unlawful imprisonment", holding, confining, detaining
25 or abducting another person against that person's will;

26 (2) "Adult", any person seventeen years of age or older or
27 otherwise emancipated;

28 (3) "Child", any person under seventeen years of age unless

1 otherwise emancipated;

2 (4) "Court", the circuit or associate circuit judge or a
3 family court commissioner;

4 (5) "Domestic violence", abuse or stalking committed by a
5 family or household member, as [both] such terms are defined in
6 this section;

7 (6) "Ex parte order of protection", an order of protection
8 issued by the court before the respondent has received notice of
9 the petition or an opportunity to be heard on it;

10 (7) "Family" or "household member", spouses, former
11 spouses, any person related by blood or marriage, persons who are
12 presently residing together or have resided together in the past,
13 any person who is or has been in a continuing social relationship
14 of a romantic or intimate nature with the victim, and anyone who
15 has a child in common regardless of whether they have been
16 married or have resided together at any time;

17 (8) "Full order of protection", an order of protection
18 issued after a hearing on the record where the respondent has
19 received notice of the proceedings and has had an opportunity to
20 be heard;

21 (9) "Order of protection", either an ex parte order of
22 protection or a full order of protection;

23 (10) "Pending", exists or for which a hearing date has been
24 set;

25 (11) "Petitioner", a family or household member who has
26 been a victim of domestic violence, or any person who has been
27 the victim of stalking, or a person filing on behalf of a child
28 pursuant to section 455.503 who has filed a verified petition

1 pursuant to the provisions of section 455.020 or section 455.505;

2 (12) "Respondent", the family or household member alleged
3 to have committed an act of domestic violence, or person alleged
4 to have committed an act of stalking, against whom a verified
5 petition has been filed or a person served on behalf of a child
6 pursuant to section 455.503;

7 (13) "Stalking" is when any person purposely and repeatedly
8 engages in an unwanted course of conduct that causes alarm to
9 another person when it is reasonable in that person's situation
10 to have been alarmed by the conduct. As used in this
11 subdivision:

12 (a) "Alarm" means to cause fear of danger of physical harm;

13 (b) "Course of conduct" means a pattern of conduct composed
14 of repeated acts over a period of time, however short, that
15 serves no legitimate purpose. Such conduct may include, but is
16 not limited to, following the other person or unwanted
17 communication or unwanted contact; and

18 (c) "Repeated" means two or more incidents evidencing a
19 continuity of purpose.

20 455.015. The petition shall be filed in the county where
21 the petitioner resides, where the alleged incident of [abuse]
22 domestic violence occurred, or where the respondent may be
23 served.

24 455.020. 1. Any [adult] person who has been subject to
25 domestic violence by a present or former family or household
26 member, or who has been the victim of stalking, may seek relief
27 under sections 455.010 to 455.085 by filing a verified petition
28 alleging such domestic violence or stalking by the respondent.

1 2. [An adult's] A person's right to relief under sections
2 455.010 to 455.085 shall not be affected by [his] the person
3 leaving the residence or household to avoid domestic violence.

4 3. Any protection order issued pursuant to sections 455.010
5 to 455.085 shall be effective throughout the state in all cities
6 and counties.

7 455.030. 1. When the court is unavailable after business
8 hours or on holidays or weekends, a verified petition for
9 protection from [abuse] domestic violence or a motion for hearing
10 on violation of any order of protection under sections 455.010 to
11 455.085 may be filed before any available court in the city or
12 county having jurisdiction to hear the petition pursuant to the
13 guidelines developed pursuant to subsection 4 of this section.
14 An ex parte order may be granted pursuant to section 455.035.

15 2. All papers in connection with the filing of a petition
16 or the granting of an ex parte order of protection or a motion
17 for a hearing on a violation of an order of protection under this
18 section shall be certified by such court or the clerk within the
19 next regular business day to the circuit court having
20 jurisdiction to hear the petition.

21 3. A petitioner seeking a protection order shall not be
22 required to reveal any current address or place of residence
23 except to the court in camera for the purpose of determining
24 jurisdiction and venue. The petitioner may be required to
25 provide a mailing address unless the petitioner alleges that he
26 or she would be endangered by such disclosure, or that other
27 family or household members would be endangered by such
28 disclosure. Effective January 1, 2004, a petitioner shall not be

1 required to provide his or her Social Security number on any
2 petition or document filed in connection with a protection order;
3 except that, the court may require that a petitioner's Social
4 Security number be retained on a confidential case sheet or other
5 confidential record maintained in conjunction with the
6 administration of the case.

7 4. The supreme court shall develop guidelines which ensure
8 that a verified petition may be filed on holidays, evenings and
9 weekends.

10 455.032. In addition to any other jurisdictional grounds
11 provided by law, a court shall have jurisdiction to enter an
12 order of protection restraining or enjoining the respondent from
13 [abusing, threatening to abuse] committing or threatening to
14 commit domestic violence, stalking, molesting or disturbing the
15 peace of petitioner, pursuant to sections 455.010 to 455.085, if
16 the petitioner is present, whether permanently or on a temporary
17 basis within the state of Missouri and if the respondent's
18 actions constituting [abuse] domestic violence have occurred,
19 have been attempted or have been or are threatened within the
20 state of Missouri. For purposes of this section, if the
21 petitioner has been the subject of [abuse] domestic violence
22 within or outside of the state of Missouri, such evidence shall
23 be admissible to demonstrate the need for protection in Missouri.

24 455.035. 1. Upon the filing of a verified petition
25 pursuant to sections 455.010 to 455.085 and for good cause shown
26 in the petition, the court may immediately issue an ex parte
27 order of protection. An immediate and present danger of [abuse]
28 domestic violence to the petitioner or the child on whose behalf

1 the petition is filed shall constitute good cause for purposes of
2 this section. An ex parte order of protection entered by the
3 court shall take effect when entered and shall remain in effect
4 until there is valid service of process and a hearing is held on
5 the motion. The court shall deny the ex parte order and dismiss
6 the petition if the petitioner is not authorized to seek relief
7 pursuant to section 455.020.

8 2. Failure to serve an ex parte order of protection on the
9 respondent shall not affect the validity or enforceability of
10 such order. If the respondent is less than seventeen years of
11 age, unless otherwise emancipated, service of process shall be
12 made upon a custodial parent or guardian of the respondent, or
13 upon a guardian ad litem appointed by the court, requiring that
14 the person appear and bring the respondent before the court at
15 the time and place stated.

16 3. If an ex parte order is entered and [the allegations in
17 the petition would give rise to jurisdiction under section
18 211.031 because] the respondent is less than seventeen years of
19 age, the court shall transfer the case to juvenile court for a
20 hearing on a full order of protection. The court shall appoint a
21 guardian ad litem for any such respondent not represented by a
22 parent or guardian.

23 455.040. 1. Not later than fifteen days after the filing
24 of a petition [pursuant to sections 455.010 to 455.085] that
25 meets the requirements of section 455.020, a hearing shall be
26 held unless the court deems, for good cause shown, that a
27 continuance should be granted. At the hearing, if the petitioner
28 has proved the allegation of [abuse] domestic violence or

1 stalking by a preponderance of the evidence, the court shall
2 issue a full order of protection for a period of time the court
3 deems appropriate, except that the protective order shall be
4 valid for at least one hundred eighty days and not more than one
5 year. Upon motion by the petitioner, and after a hearing by the
6 court, the full order of protection may be renewed for a period
7 of time the court deems appropriate, except that the protective
8 order shall be valid for at least one hundred eighty days and not
9 more than one year from the expiration date of the originally
10 issued full order of protection. The court may, upon finding
11 that it is in the best interest of the parties, include a
12 provision that any full order of protection for one year shall
13 automatically renew unless the respondent requests a hearing by
14 thirty days prior to the expiration of the order. If for good
15 cause a hearing cannot be held on the motion to renew or the
16 objection to an automatic renewal of the full order of protection
17 prior to the expiration date of the originally issued full order
18 of protection, an ex parte order of protection may be issued
19 until a hearing is held on the motion. When an automatic renewal
20 is not authorized, upon motion by the petitioner, and after a
21 hearing by the court, the second full order of protection may be
22 renewed for an additional period of time the court deems
23 appropriate, except that the protective order shall be valid for
24 at least one hundred eighty days and not more than one year. For
25 purposes of this subsection, a finding by the court of a
26 subsequent act of [abuse] domestic violence or stalking is not
27 required for a renewal order of protection.

28 2. The court shall cause a copy of the petition and notice

1 of the date set for the hearing on such petition and any ex parte
2 order of protection to be served upon the respondent as provided
3 by law or by any sheriff or police officer at least three days
4 prior to such hearing. [Such notice shall be served at the
5 earliest time, and service of such notice shall take priority
6 over service in other actions, except those of a similar
7 emergency nature.] The court shall cause a copy of any full
8 order of protection to be served upon or mailed by certified mail
9 to the respondent at the respondent's last known address. Notice
10 of an ex parte or full order of protection shall be served at the
11 earliest time, and service of such notice shall take priority
12 over service in other actions, except those of a similar
13 emergency nature. Failure to serve or mail a copy of the full
14 order of protection to the respondent shall not affect the
15 validity or enforceability of a full order of protection.

16 3. A copy of any order of protection granted pursuant to
17 sections 455.010 to 455.085 shall be issued to the petitioner and
18 to the local law enforcement agency in the jurisdiction where the
19 petitioner resides. The clerk shall also issue a copy of any
20 order of protection to the local law enforcement agency
21 responsible for maintaining the Missouri uniform law enforcement
22 system or any other comparable law enforcement system the same
23 day the order is granted. The law enforcement agency responsible
24 for maintaining MULES shall, for purposes of verification, within
25 twenty-four hours from the time the order is granted, enter
26 information contained in the order including but not limited to
27 any orders regarding child custody or visitation and all
28 specifics as to times and dates of custody or visitation that are

1 provided in the order. A notice of expiration or of termination
2 of any order of protection or any change in child custody or
3 visitation within that order shall be issued to the local law
4 enforcement agency and to the law enforcement agency responsible
5 for maintaining MULES or any other comparable law enforcement
6 system. The law enforcement agency responsible for maintaining
7 the applicable law enforcement system shall enter such
8 information in the system within twenty-four hours of receipt of
9 information evidencing such expiration or termination. The
10 information contained in an order of protection may be entered in
11 the Missouri uniform law enforcement system or comparable law
12 enforcement system using a direct automated data transfer from
13 the court automated system to the law enforcement system.

14 4. The court shall cause a copy of any objection filed by
15 the respondent and notice of the date set for the hearing on such
16 objection to an automatic renewal of a full order of protection
17 for a period of one year to be personally served upon the
18 petitioner by personal process server as provided by law or by a
19 sheriff or police officer at least three days prior to such
20 hearing. Such service of process shall be served at the earliest
21 time and shall take priority over service in other actions except
22 those of a similar emergency nature.

23 455.045. Any ex parte order of protection granted pursuant
24 to sections 455.010 to 455.085 shall be to protect the petitioner
25 from [abuse] domestic violence or stalking and may include:

26 (1) Restraining the respondent from [abusing, threatening
27 to abuse] committing or threatening to commit domestic violence,
28 molesting, stalking or disturbing the peace of the petitioner;

1 (2) Restraining the respondent from entering the premises
2 of the dwelling unit of petitioner when the dwelling unit is:

3 (a) Jointly owned, leased or rented or jointly occupied by
4 both parties; or

5 (b) Owned, leased, rented or occupied by petitioner
6 individually; or

7 (c) Jointly owned, leased or rented by petitioner and a
8 person other than respondent; provided, however, no spouse shall
9 be denied relief pursuant to this section by reason of the
10 absence of a property interest in the dwelling unit; or

11 (d) Jointly occupied by the petitioner and a person other
12 than the respondent; provided that the respondent has no property
13 interest in the dwelling unit;

14 (3) Restraining the respondent from communicating with the
15 petitioner in any manner or through any medium;

16 (4) A temporary order of custody of minor children where
17 appropriate.

18 455.050. 1. Any full or ex parte order of protection
19 granted pursuant to sections 455.010 to 455.085 shall be to
20 protect the petitioner from domestic violence and may include
21 such terms as the court reasonably deems necessary to ensure the
22 petitioner's safety, including but not limited to:

23 (1) Temporarily enjoining the respondent from [abusing,
24 threatening to abuse] committing or threatening to commit
25 domestic violence, molesting, stalking or disturbing the peace of
26 the petitioner;

27 (2) Temporarily enjoining the respondent from entering the
28 premises of the dwelling unit of the petitioner when the dwelling

1 unit is:

2 (a) Jointly owned, leased or rented or jointly occupied by
3 both parties; or

4 (b) Owned, leased, rented or occupied by petitioner
5 individually; or

6 (c) Jointly owned, leased, rented or occupied by petitioner
7 and a person other than respondent; provided, however, no spouse
8 shall be denied relief pursuant to this section by reason of the
9 absence of a property interest in the dwelling unit; or

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

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

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

18 3. When the court has, after a hearing for any full order
19 of protection, issued an order of protection, it may, in
20 addition:

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

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

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

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

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

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

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

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

17 (9) Order the respondent to participate in a court-approved
18 counseling program designed to help batterers stop violent
19 behavior or to participate in a substance abuse treatment
20 program;

21 (10) Order the respondent to pay a reasonable fee for
22 housing and other services that have been provided or that are
23 being provided to the petitioner by a shelter for victims of
24 domestic violence;

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

26 (12) Order the respondent to pay the cost of medical
27 treatment and services that have been provided or that are being
28 provided to the petitioner as a result of injuries sustained to

1 the petitioner by an act of domestic violence committed by the
2 respondent.

3 4. A verified petition seeking orders for maintenance,
4 support, custody, visitation, payment of rent, payment of
5 monetary compensation, possession of personal property,
6 prohibiting the transfer, encumbrance, or disposal of property,
7 or payment for services of a shelter for victims of domestic
8 violence, shall contain allegations relating to those orders and
9 shall pray for the orders desired.

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

19 6. The court shall grant to the noncustodial parent rights
20 to visitation with any minor child born to or adopted by the
21 parties, unless the court finds, after hearing, that visitation
22 would endanger the child's physical health, impair the child's
23 emotional development or would otherwise conflict with the best
24 interests of the child, or that no visitation can be arranged
25 which would sufficiently protect the custodial parent from
26 further [abuse] domestic violence. The court may appoint a
27 guardian ad litem or court-appointed special advocate to
28 represent the minor child in accordance with chapter 452 whenever

1 the custodial parent alleges that visitation with the
2 noncustodial parent will damage the minor child.

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

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

13 455.060. 1. After notice and hearing, the court may modify
14 an order of protection at any time, upon subsequent motion filed
15 by the guardian ad litem, the court-appointed special advocate or
16 by either party together with an affidavit showing a change in
17 circumstances sufficient to warrant the modification. All full
18 orders of protection shall be final orders and appealable and
19 shall be for a fixed period of time as provided in section
20 455.040.

21 2. Any order for child support, custody, temporary custody,
22 visitation or maintenance entered under sections 455.010 to
23 455.085 shall terminate prior to the time fixed in the order upon
24 the issuance of a subsequent order pursuant to chapter 452 or any
25 other Missouri statute.

26 3. No order entered pursuant to sections 455.010 to 455.085
27 shall be res judicata to any subsequent proceeding, including,
28 but not limited to, any action brought under chapter 452[, RSMo

1 1978, as amended].

2 4. All provisions of an order of protection shall terminate
3 upon entry of a decree of dissolution of marriage or legal
4 separation except as to those provisions which require the
5 respondent to participate in a court-approved counseling program
6 or enjoin the respondent from [abusing, molesting, stalking or
7 disturbing the peace of] committing an act of domestic violence
8 against the petitioner and which enjoin the respondent from
9 entering the premises of the dwelling unit of the petitioner as
10 described in the order of protection when the petitioner
11 continues to reside in that dwelling unit unless the respondent
12 is awarded possession of the dwelling unit pursuant to a decree
13 of dissolution of marriage or legal separation.

14 5. Any order of protection or order for child support,
15 custody, temporary custody, visitation or maintenance entered
16 under sections 455.010 to 455.085 shall terminate upon the order
17 of the court granting a motion to terminate the order of
18 protection by the petitioner. [The court shall set the motion to
19 dismiss for hearing and both parties shall have an opportunity to
20 be heard.] Prior to terminating any order of protection, the
21 court may [examine the circumstances of the motion to dismiss and
22 may] inquire of the petitioner or others in camera in order to
23 [assist the court in determining if] determine whether the
24 dismissal is voluntary.

25 6. The order of protection may not change the custody of
26 children when an action for dissolution of marriage has been
27 filed or the custody has previously been awarded by a court of
28 competent jurisdiction.

1 455.080. 1. Law enforcement agencies may establish
2 procedures to ensure that dispatchers and officers at the scene
3 of an alleged incident of [abuse] domestic violence or stalking
4 or violation of an order of protection can be informed of any
5 recorded prior incident of [abuse] domestic violence or stalking
6 involving the abused party and can verify the effective dates and
7 terms of any recorded order of protection.

8 2. The law enforcement agency shall apply the same standard
9 for response to an alleged incident of [abuse] domestic violence
10 or stalking or a violation of any order of protection as applied
11 to any like offense involving strangers, except as otherwise
12 provided by law. Law enforcement agencies shall not assign lower
13 priority to calls involving alleged incidents of [abuse] domestic
14 violence or stalking or violation of protection orders than is
15 assigned in responding to offenses involving strangers.
16 Existence of any of the following factors shall be interpreted as
17 indicating a need for immediate response:

18 (1) The caller indicates that violence is imminent or in
19 progress; or

20 (2) A protection order is in effect; or

21 (3) The caller indicates that incidents of domestic
22 violence have occurred previously between the parties.

23 3. Law enforcement agencies may establish domestic crisis
24 teams or, if the agency has fewer than five officers whose
25 responsibility it is to respond to calls of this nature,
26 individual officers trained in methods of dealing with [family
27 and household quarrels] domestic violence. Such teams or
28 individuals may be supplemented by social workers, ministers or

1 other persons trained in counseling or crisis intervention. When
2 an alleged incident of [family or household abuse] domestic
3 violence is reported, the agency may dispatch a crisis team or
4 specially trained officer, if available, to the scene of the
5 incident.

6 4. The officer at the scene of an alleged incident of
7 [abuse] domestic violence or stalking shall inform the abused
8 party of available judicial remedies for relief from [adult
9 abuse] domestic violence and of available shelters for victims of
10 domestic violence.

11 5. Law enforcement officials at the scene shall provide or
12 arrange transportation for the abused party to a medical facility
13 for treatment of injuries or to a place of shelter or safety.

14 455.085. 1. When a law enforcement officer has probable
15 cause to believe a party has committed a violation of law
16 amounting to [abuse or assault] domestic violence, as defined in
17 section 455.010, against a family or household member, the
18 officer may arrest the offending party whether or not the
19 violation occurred in the presence of the arresting officer.
20 When the officer declines to make arrest pursuant to this
21 subsection, the officer shall make a written report of the
22 incident completely describing the offending party, giving the
23 victim's name, time, address, reason why no arrest was made and
24 any other pertinent information. Any law enforcement officer
25 subsequently called to the same address within a twelve-hour
26 period, who shall find probable cause to believe the same
27 offender has again committed a violation as stated in this
28 subsection against the same or any other family or household

1 member, shall arrest the offending party for this subsequent
2 offense. The primary report of nonarrest in the preceding
3 twelve-hour period may be considered as evidence of the
4 defendant's intent in the violation for which arrest occurred.
5 The refusal of the victim to sign an official complaint against
6 the violator shall not prevent an arrest under this subsection.

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

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

24 (1) The intent of the law to protect victims ~~[of domestic~~
25 ~~violence]~~ from continuing ~~[abuse]~~ domestic violence;

26 (2) The comparative extent of injuries inflicted or serious
27 threats creating fear of physical injury;

28 (3) The history of domestic violence between the persons

1 involved.

2

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

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

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

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

25 7. A violation of the terms and conditions, with regard to
26 [abuse] domestic violence, stalking, child custody, communication
27 initiated by the respondent or entrance upon the premises of the
28 petitioner's dwelling unit or place of employment or school, or

1 being within a certain distance of the petitioner or a child of
2 the petitioner, of an ex parte order of protection of which the
3 respondent has notice, shall be a class A misdemeanor unless the
4 respondent has previously pleaded guilty to or has been found
5 guilty in any division of the circuit court of violating an ex
6 parte order of protection or a full order of protection within
7 five years of the date of the subsequent violation, in which case
8 the subsequent violation shall be a class [D] E felony. Evidence
9 of prior pleas of guilty or findings of guilt shall be heard by
10 the court out of the presence of the jury prior to submission of
11 the case to the jury. If the court finds the existence of such
12 prior pleas of guilty or finding of guilt beyond a reasonable
13 doubt, the court shall decide the extent or duration of sentence
14 or other disposition and shall not instruct the jury as to the
15 range of punishment or allow the jury to assess and declare the
16 punishment as a part of its verdict.

17 8. A violation of the terms and conditions, with regard to
18 [abuse] domestic violence, stalking, child custody, communication
19 initiated by the respondent or entrance upon the premises of the
20 petitioner's dwelling unit or place of employment or school, or
21 being within a certain distance of the petitioner or a child of
22 the petitioner, of a full order of protection shall be a class A
23 misdemeanor, unless the respondent has previously pleaded guilty
24 to or has been found guilty in any division of the circuit court
25 of violating an ex parte order of protection or a full order of
26 protection within five years of the date of the subsequent
27 violation, in which case the subsequent violation shall be a
28 class [D] E felony. Evidence of prior pleas of guilty or

1 findings of guilt shall be heard by the court out of the presence
2 of the jury prior to submission of the case to the jury. If the
3 court finds the existence of such prior plea of guilty or finding
4 of guilt beyond a reasonable doubt, the court shall decide the
5 extent or duration of the sentence or other disposition and shall
6 not instruct the jury as to the range of punishment or allow the
7 jury to assess and declare the punishment as a part of its
8 verdict. For the purposes of this subsection, in addition to the
9 notice provided by actual service of the order, a party is deemed
10 to have notice of an order of protection if the law enforcement
11 officer responding to a call of a reported incident of [abuse]
12 domestic violence, stalking, or violation of an order of
13 protection presented a copy of the order of protection to the
14 respondent.

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

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

21 455.503. 1. A petition for an order of protection for a
22 child shall be filed in the county where the child resides, where
23 the alleged incident of [abuse] domestic violence or stalking
24 occurred, or where the respondent may be served.

25 2. Such petition may be filed by any of the following:

26 (1) A parent or guardian of the victim;

27 (2) A guardian ad litem or court-appointed special advocate
28 appointed for the victim; or

1 (3) The juvenile officer.

2 455.505. 1. An order of protection for a child who has
3 been subject to domestic violence by a present or former [adult]
4 household member or person stalking the child may be sought under
5 sections 455.500 to 455.538 by the filing of a verified petition
6 alleging such domestic violence or stalking by the respondent.

7 2. A child's right to relief under sections 455.500 to
8 455.538 shall not be affected by [his] the child's leaving the
9 residence or household to avoid domestic violence.

10 3. Any protection order issued pursuant to sections 455.500
11 to 455.538 shall be effective throughout the state in all cities
12 and counties.

13 455.513. 1. Upon the filing of a verified petition under
14 sections 455.500 to 455.538, for good cause shown in the
15 petition, and upon finding that no prior order regarding custody
16 is pending or has been made or that the respondent is less than
17 seventeen years of age, the court may immediately issue an ex
18 parte order of protection. An immediate and present danger of
19 [abuse] domestic violence or stalking to a child shall constitute
20 good cause for purposes of this section. An ex parte order of
21 protection entered by the court shall be in effect until the time
22 of the hearing. The court shall deny the ex parte order and
23 dismiss the petition if the petitioner is not authorized to seek
24 relief pursuant to section 455.505.

25 2. Upon the entry of the ex parte order of protection, the
26 court shall enter its order appointing a guardian ad litem or
27 court-appointed special advocate to represent the child victim.

28 3. If the allegations in the petition would give rise to

1 jurisdiction under section 211.031, the court may direct the
2 children's division to conduct an investigation and to provide
3 appropriate services. The division shall submit a written
4 investigative report to the court and to the juvenile officer
5 within thirty days of being ordered to do so. The report shall
6 be made available to the parties and the guardian ad litem or
7 court-appointed special advocate.

8 4. If [an ex parte order is entered and] the allegations in
9 the petition would give rise to jurisdiction under section
10 211.031 because the respondent is less than seventeen years of
11 age, the court may issue an ex parte order and shall transfer the
12 case to juvenile court for a hearing on a full order of
13 protection. Service of process shall be made pursuant to section
14 455.035.

15 455.520. 1. Any ex parte order of protection granted under
16 sections 455.500 to 455.538 shall be to protect the victim from
17 domestic violence or stalking and may include such terms as the
18 court reasonably deems necessary to ensure the [petitioner's]
19 victim's safety, including but not limited to:

20 (1) Restraining the respondent from [abusing, threatening
21 to abuse] committing or threatening to commit domestic violence,
22 stalking, molesting, or disturbing the peace of the victim;

23 (2) Restraining the respondent from entering the family
24 home of the victim except as specifically authorized by the
25 court;

26 (3) Restraining the respondent from communicating with the
27 victim in any manner or through any medium, except as
28 specifically authorized by the court;

1 (4) A temporary order of custody of minor children.

2 2. No ex parte order of protection excluding the respondent
3 from the family home shall be issued unless the court finds that:

4 (1) The order is in the best interests of the child or
5 children remaining in the home;

6 (2) The verified allegations of domestic violence present a
7 substantial risk to the child or children unless the respondent
8 is excluded; and

9 (3) A remaining adult family or household member is able to
10 care adequately for the child or children in the absence of the
11 excluded party.

12 455.523. 1. Any full order of protection granted under
13 sections 455.500 to 455.538 shall be to protect the victim from
14 domestic violence and stalking may include such terms as the
15 court reasonably deems necessary to ensure the petitioner's
16 safety, including but not limited to:

17 (1) Temporarily enjoining the respondent from [abusing]
18 committing domestic violence, threatening to [abuse] commit
19 domestic violence, stalking, molesting, or disturbing the peace
20 of the victim;

21 (2) Temporarily enjoining the respondent from entering the
22 family home of the victim, except as specifically authorized by
23 the court;

24 (3) Temporarily enjoining the respondent from communicating
25 with the victim in any manner or through any medium, except as
26 specifically authorized by the court.

27 2. When the court has, after hearing for any full order of
28 protection, issued an order of protection, it may, in addition:

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

5 (2) Award visitation;

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

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

10 (5) Order respondent to make or to continue to make rent or
11 mortgage payments on a residence occupied by the victim if the
12 respondent is found to have a duty to support the victim or other
13 dependent household members;

14 (6) Order the respondent to participate in a court-approved
15 counseling program designed to help [child abusers] stop violent
16 behavior or to treat substance abuse;

17 (7) Order the respondent to pay, to the extent that he or
18 she is able, the costs of his or her treatment, together with the
19 treatment costs incurred by the victim;

20 (8) Order the respondent to pay a reasonable fee for
21 housing and other services that have been provided or that are
22 being provided to the victim by a shelter for victims of domestic
23 violence.

24 455.538. 1. When a law enforcement officer has probable
25 cause to believe that a party, against whom a protective order
26 for a child has been entered, has committed an act [of abuse] in
27 violation of that order, [he] the officer shall have the
28 authority to arrest the respondent whether or not the violation

1 occurred in the presence of the arresting officer.

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

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

12 4. (1) Violation of the terms and conditions of an ex
13 parte or full order of protection with regard to [~~abuse~~] domestic
14 violence, stalking, child custody, communication initiated by the
15 respondent, or entrance upon the premises of the victim's
16 dwelling unit or place of employment or school, or being within a
17 certain distance of the petitioner or a child of the petitioner,
18 of which the respondent has notice, shall be a class A
19 misdemeanor, unless the respondent has previously pleaded guilty
20 to or has been found guilty in any division of the circuit court
21 of violating an ex parte order of protection or a full order of
22 protection within five years of the date of the subsequent
23 violation, in which case the subsequent violation shall be a
24 class [~~D~~] E felony. Evidence of a prior plea of guilty or
25 finding of guilt shall be heard by the court out of the presence
26 of the jury prior to submission of the case to the jury. If the
27 court finds the existence of a prior plea of guilty or finding of
28 guilt beyond a reasonable doubt, the court shall decide the

1 extent or duration of sentence or other disposition and shall not
2 instruct the jury as to the range of punishment or allow the jury
3 to assess and declare the punishment as a part of its verdict.

4 (2) For purposes of this subsection, in addition to the
5 notice provided by actual service of the order, a party is deemed
6 to have notice of an order of protection for a child if the law
7 enforcement officer responding to a call of a reported incident
8 of [abuse] domestic violence or stalking or violation of an order
9 of protection for a child presents a copy of the order of
10 protection to the respondent.

11 5. The fact that an act by a respondent is a violation of a
12 valid order of protection for a child shall not preclude
13 prosecution of the respondent for other crimes arising out of the
14 incident in which the protection order is alleged to have been
15 violated.

16 476.055. 1. There is hereby established in the state
17 treasury the "Statewide Court Automation Fund". All moneys
18 collected pursuant to section 488.027, as well as gifts,
19 contributions, devises, bequests, and grants received relating to
20 automation of judicial record keeping, and moneys received by the
21 judicial system for the dissemination of information and sales of
22 publications developed relating to automation of judicial record
23 keeping, shall be credited to the fund. Moneys credited to this
24 fund may only be used for the purposes set forth in this section
25 and as appropriated by the general assembly. Any unexpended
26 balance remaining in the statewide court automation fund at the
27 end of each biennium shall not be subject to the provisions of
28 section 33.080 requiring the transfer of such unexpended balance

1 to general revenue; except that, any unexpended balance remaining
2 in the fund on September 1, 2018, shall be transferred to general
3 revenue.

4 2. The statewide court automation fund shall be
5 administered by a court automation committee consisting of the
6 following: the chief justice of the supreme court, a judge from
7 the court of appeals, four circuit judges, four associate circuit
8 judges, four employees of the circuit court, the commissioner of
9 administration, two members of the house of representatives
10 appointed by the speaker of the house, two members of the senate
11 appointed by the president pro tem of the senate and two members
12 of the Missouri Bar. The judge members and employee members
13 shall be appointed by the chief justice. The commissioner of
14 administration shall serve ex officio. The members of the
15 Missouri Bar shall be appointed by the board of governors of the
16 Missouri Bar. Any member of the committee may designate another
17 person to serve on the committee in place of the committee
18 member.

19 3. The committee shall develop and implement a plan for a
20 statewide court automation system. The committee shall have the
21 authority to hire consultants, review systems in other
22 jurisdictions and purchase goods and services to administer the
23 provisions of this section. The committee may implement one or
24 more pilot projects in the state for the purposes of determining
25 the feasibility of developing and implementing such plan. The
26 members of the committee shall be reimbursed from the court
27 automation fund for their actual expenses in performing their
28 official duties on the committee.

1 4. Any purchase of computer software or computer hardware
2 that exceeds five thousand dollars shall be made pursuant to the
3 requirements of the office of administration for lowest and best
4 bid. Such bids shall be subject to acceptance by the office of
5 administration. The court automation committee shall determine
6 the specifications for such bids.

7 5. The court automation committee shall not require any
8 circuit court to change any operating system in such court,
9 unless the committee provides all necessary personnel, funds and
10 equipment necessary to effectuate the required changes. No
11 judicial circuit or county may be reimbursed for any costs
12 incurred pursuant to this subsection unless such judicial circuit
13 or county has the approval of the court automation committee
14 prior to incurring the specific cost.

15 6. Any court automation system, including any pilot
16 project, shall be implemented, operated and maintained in
17 accordance with strict standards for the security and privacy of
18 confidential judicial records. Any person who knowingly releases
19 information from a confidential judicial record is guilty of a
20 class B misdemeanor. Any person who, knowing that a judicial
21 record is confidential, uses information from such confidential
22 record for financial gain is guilty of a class **[D]** E felony.

23 7. On the first day of February, May, August and November
24 of each year, the court automation committee shall file a report
25 on the progress of the statewide automation system with the joint
26 legislative committee on court automation. Such committee shall
27 consist of the following:

- 28 (1) The chair of the house budget committee;

- 1 (2) The chair of the senate appropriations committee;
- 2 (3) The chair of the house judiciary committee;
- 3 (4) The chair of the senate judiciary committee;
- 4 (5) One member of the minority party of the house appointed
- 5 by the speaker of the house of representatives; and
- 6 (6) One member of the minority party of the senate
- 7 appointed by the president pro tempore of the senate.

8 8. The members of the joint legislative committee shall be

9 reimbursed from the court automation fund for their actual

10 expenses incurred in the performance of their official duties as

11 members of the joint legislative committee on court automation.

12 9. Section 488.027 shall expire on September 1, 2018. The

13 court automation committee established pursuant to this section

14 may continue to function until completion of its duties

15 prescribed by this section, but shall complete its duties prior

16 to September 1, 2020.

17 10. This section shall expire on September 1, 2020.

18 [476.055. 1. There is hereby established in the

19 state treasury the "Statewide Court Automation Fund".

20 All moneys collected pursuant to section 488.027, as

21 well as gifts, contributions, devises, bequests, and

22 grants received relating to automation of judicial

23 record keeping, and moneys received by the judicial

24 system for the dissemination of information and sales

25 of publications developed relating to automation of

26 judicial record keeping, shall be credited to the fund.

27 Moneys credited to this fund may only be used for the

28 purposes set forth in this section and as appropriated

29 by the general assembly. Any unexpended balance

30 remaining in the statewide court automation fund at the

31 end of each biennium shall not be subject to the

32 provisions of section 33.080 requiring the transfer of

33 such unexpended balance to general revenue; except

34 that, any unexpended balance remaining in the fund on

35 September 1, 2015, shall be transferred to general

36 revenue.

37 2. The statewide court automation fund shall be

1 administered by a court automation committee consisting
2 of the following: the chief justice of the supreme
3 court, a judge from the court of appeals, four circuit
4 judges, four associate circuit judges, four employees
5 of the circuit court, the commissioner of
6 administration, two members of the house of
7 representatives appointed by the speaker of the house,
8 two members of the senate appointed by the president
9 pro tem of the senate and two members of the Missouri
10 Bar. The judge members and employee members shall be
11 appointed by the chief justice. The commissioner of
12 administration shall serve ex officio. The members of
13 the Missouri Bar shall be appointed by the board of
14 governors of the Missouri Bar. Any member of the
15 committee may designate another person to serve on the
16 committee in place of the committee member.

17 3. The committee shall develop and implement a
18 plan for a statewide court automation system. The
19 committee shall have the authority to hire consultants,
20 review systems in other jurisdictions and purchase
21 goods and services to administer the provisions of this
22 section. The committee may implement one or more pilot
23 projects in the state for the purposes of determining
24 the feasibility of developing and implementing such
25 plan. The members of the committee shall be reimbursed
26 from the court automation fund for their actual
27 expenses in performing their official duties on the
28 committee.

29 4. Any purchase of computer software or computer
30 hardware that exceeds five thousand dollars shall be
31 made pursuant to the requirements of the office of
32 administration for lowest and best bid. Such bids
33 shall be subject to acceptance by the office of
34 administration. The court automation committee shall
35 determine the specifications for such bids.

36 5. The court automation committee shall not
37 require any circuit court to change any operating
38 system in such court, unless the committee provides all
39 necessary personnel, funds and equipment necessary to
40 effectuate the required changes. No judicial circuit
41 or county may be reimbursed for any costs incurred
42 pursuant to this subsection unless such judicial
43 circuit or county has the approval of the court
44 automation committee prior to incurring the specific
45 cost.

46 6. Any court automation system, including any
47 pilot project, shall be implemented, operated and
48 maintained in accordance with strict standards for the
49 security and privacy of confidential judicial records.
50 Any person who knowingly releases information from a
51 confidential judicial record is guilty of a class B

1 misdemeanor. Any person who, knowing that a judicial
2 record is confidential, uses information from such
3 confidential record for financial gain is guilty of a
4 class D felony.

5 7. On the first day of February, May, August and
6 November of each year, the court automation committee
7 shall file a report on the progress of the statewide
8 automation system with the joint legislative committee
9 on court automation. Such committee shall consist of
10 the following:

- 11 (1) The chair of the house budget committee;
- 12 (2) The chair of the senate appropriations
13 committee;
- 14 (3) The chair of the house judiciary committee;
- 15 (4) The chair of the senate judiciary committee;
- 16 (5) One member of the minority party of the house
17 appointed by the speaker of the house of
18 representatives; and
- 19 (6) One member of the minority party of the
20 senate appointed by the president pro tempore of the
21 senate.

22 8. The members of the joint legislative committee
23 shall be reimbursed from the court automation fund for
24 their actual expenses incurred in the performance of
25 their official duties as members of the joint
26 legislative committee on court automation.

27 9. Section 488.027 shall expire on September 1,
28 2015. The court automation committee established
29 pursuant to this section may continue to function until
30 completion of its duties prescribed by this section,
31 but shall complete its duties prior to September 1,
32 2017.]

33
34 10. This section shall expire on September 1, 2017.

35 [577.006.] 479.172. 1. Each municipal judge shall receive
36 adequate instruction on the laws related to intoxication-related
37 traffic offenses as defined in section [577.023] 577.001
38 including jurisdictional issues related to such offenses,
39 reporting requirements to the highway patrol central repository
40 as set out in section 43.503 and required assessment for
41 offenders under the substance abuse traffic offender program
42 (SATOP). Each municipal judge shall adopt a written policy
43 requiring that municipal court personnel timely report all

1 dispositions of all charges for intoxication-related traffic
2 offenses to the central repository.

3 2. Each municipal court shall provide a copy of its written
4 policy for reporting dispositions of intoxication-related traffic
5 offenses to the office of state courts administrator and the
6 highway patrol. To assist municipal courts, the office of state
7 courts administrator may create a model policy for the reporting
8 of dispositions of all charges for intoxication-related traffic
9 offenses.

10 3. Each municipal division of every circuit court in the
11 state of Missouri shall prepare a report every six months. The
12 report shall include, but shall not be limited to, the total
13 number and disposition of every intoxication-related traffic
14 offense adjudicated, dismissed or pending in its municipal court
15 division. The municipal court division shall submit said report
16 to the circuit court en banc. The report shall include the
17 six-month period beginning January first and ending June
18 thirtieth and the six-month period beginning July first and
19 ending December thirty-first of each year. The report shall be
20 submitted to the circuit court en banc no later than sixty days
21 following the end of the reporting period. The circuit court en
22 banc shall make recommendations or take any action it deems
23 appropriate based on its review of said reports.

24 [572.120.] 513.660. Any gambling device or gambling record,
25 or any money used as bets or stakes in unlawful gambling
26 activity, possessed or used in violation of this chapter may be
27 seized by any [peace] law enforcement officer and is forfeited to
28 the state. Forfeiture procedures shall be conducted as provided

1 by rule of court. Forfeited money and the proceeds from the sale
2 of forfeited property shall be paid into the school fund of the
3 county. Any forfeited gambling device or record not needed in
4 connection with any proceedings under this chapter and which has
5 no legitimate use shall be ordered publicly destroyed.

6 [570.123.] 537.123. In addition to all other penalties
7 provided by law, any person who makes, utters, draws, or delivers
8 any check, draft, or order for the payment of money upon any
9 bank, savings and loan association, credit union, or other
10 depository, financial institution, person, firm, or corporation
11 which is not honored because of lack of funds or credit to pay or
12 because of not having an account with the drawee and who fails to
13 pay the amount for which such check, draft, or order was made in
14 cash to the holder within thirty days after notice and a written
15 demand for payment, deposited as certified or registered mail in
16 the United States mail, or by regular mail, supported by an
17 affidavit of service by mailing, notice deemed conclusive three
18 days following the date the affidavit is executed, and addressed
19 to the maker and to the endorser, if any, of the check, draft, or
20 order at each of their addresses as it appears on the check,
21 draft, or order or to the last known address, shall, in addition
22 to the face amount owing upon such check, draft, or order, be
23 liable to the holder for three times the face amount owed or one
24 hundred dollars, whichever is greater, plus reasonable attorney
25 fees incurred in bringing an action pursuant to this section.
26 Only the original holder, whether the holder is a person, bank,
27 savings and loan association, credit union, or other depository,
28 financial institution, firm or corporation, may bring an action

1 pursuant to this section. No original holder shall bring an
2 action pursuant to this section if the original holder has been
3 paid the face amount of the check and costs recovered by the
4 prosecuting attorney or circuit attorney pursuant to subsection 6
5 of section 570.120. If the issuer of the check has paid the face
6 amount of the check and costs pursuant to subsection 6 of section
7 570.120, such payment shall be an affirmative defense to any
8 action brought pursuant to this section. The original holder
9 shall elect to bring an action pursuant to this section or
10 section 570.120, but may not bring an action pursuant to both
11 sections. In no event shall the damages allowed pursuant to this
12 section exceed five hundred dollars, exclusive of reasonable
13 attorney fees. In situations involving payroll checks, the
14 damages allowed pursuant to this section shall only be assessed
15 against the employer who issued the payroll check and not against
16 the employee to whom the payroll check was issued. The
17 provisions of sections 408.140 and 408.233 to the contrary
18 notwithstanding, a lender may bring an action pursuant to this
19 section. The provisions of this section will not apply in cases
20 where there exists a bona fide dispute over the quality of goods
21 sold or services rendered.

22 [570.087.] 537.127. 1. As used in this section, the
23 following terms mean:

24 (1) "Actual damages", the full retail value of any
25 merchandise which is taken or which has its price altered in a
26 manner described in subsection 2 of this section, plus any proven
27 incidental costs to the owner of the merchandise not to exceed
28 one hundred dollars;

1 (2) "Mercantile establishment", any place where merchandise
2 is displayed, held or offered for sale either at retail or at
3 wholesale;

4 (3) "Merchandise", all things movable and capable of manual
5 delivery and offered for sale either at retail or wholesale;

6 (4) "Unemancipated minor", an individual under the age of
7 eighteen years whose parents or guardian have not surrendered the
8 right to the care, custody and earnings of such individual, and
9 are under a duty to support or maintain such individual.

10 2. An adult or a minor who takes possession of any
11 merchandise from any mercantile establishment without the consent
12 of the owner, without paying the purchase price and with the
13 intention of converting such merchandise to his own use, or the
14 use of another, or who purchases merchandise after altering the
15 price indicia of such merchandise, shall be civilly liable to the
16 owner for actual damages plus a penalty payable to the owner of
17 not less than one hundred dollars nor more than two hundred fifty
18 dollars and all court costs and reasonable attorney fees. 3.

19 The parents or guardian having physical custody of an
20 unemancipated minor, who takes possession of any merchandise from
21 any mercantile establishment without the consent of the owner,
22 without paying the purchase price and with the intention of
23 converting such merchandise to his own use, or the use of
24 another, or who purchases merchandise after altering the price
25 indicia of such merchandise, shall be civilly liable to the owner
26 for actual damages, provided that a parent or guardian shall not
27 be liable if they have not had physical custody for a period in
28 excess of one year.

1 4. Notwithstanding the provisions of subsections 2 and 3 of
2 this section, any person who, without the consent of the owner,
3 takes possession of a shopping cart from any mercantile
4 establishment with the intent to convert such shopping cart to
5 his own use or the use of another shall be civilly liable to the
6 owner for actual damages plus a penalty payable to the owner of
7 one hundred dollars and all court costs and reasonable attorney
8 fees.

9 5. A conviction under section 570.030 [or 570.040] shall
10 not be a condition precedent to maintaining a civil action
11 pursuant to the provisions of this section.

12 6. No owner or agent or employee of the owner may attempt
13 to gain an advantage in a civil action by threatening to initiate
14 a criminal prosecution pertaining to the same incident.

15
16 527.290. 1. Public notice of such a change of name shall
17 be given at least three times in a newspaper published in the
18 county where such person is residing, within twenty days after
19 the order of court is made, and if no newspaper is published in
20 [his] the person's or any adjacent county, then such notice shall
21 be given in a newspaper published in the City of St. Louis, or at
22 the seat of government.

23 2. Public notice of such name change through publication as
24 required in subsection 1 of this section shall not be required,
25 and any system operated by the judiciary that is designed to
26 provide public case information electronically shall not post the
27 name change, if the petitioner is:

28 (1) The victim of a crime, the underlying factual basis of

1 which is found by the court on the record to include an act of
2 domestic violence, as defined in section 455.010;

3 (2) The victim of child abuse, as defined in section
4 210.110; or

5 (3) The victim of [~~abuse~~] domestic violence by a family or
6 household member, as defined in section 455.010.

7 542.402. 1. Except as otherwise specifically provided in
8 sections 542.400 to 542.422, a person is guilty of a class [D] E
9 felony and upon conviction shall be punished as provided by law,
10 if such person:

11 (1) Knowingly intercepts, endeavors to intercept, or
12 procures any other person to intercept or endeavor to intercept,
13 any wire communication;

14 (2) Knowingly uses, endeavors to use, or procures any other
15 person to use or endeavor to use any electronic, mechanical, or
16 other device to intercept any oral communication when such device
17 transmits communications by radio or interferes with the
18 transmission of such communication; provided, however, that
19 nothing in sections 542.400 to 542.422 shall be construed to
20 prohibit the use by law enforcement officers of body microphones
21 and transmitters in undercover investigations for the acquisition
22 of evidence and the protection of law enforcement officers and
23 others working under their direction in such investigations;

24 (3) Knowingly discloses, or endeavors to disclose, to any
25 other person the contents of any wire communication, when he
26 knows or has reason to know that the information was obtained
27 through the interception of a wire communication in violation of
28 this subsection; or

1 (4) Knowingly uses, or endeavors to use, the contents of
2 any wire communication, when he knows or has reason to know that
3 the information was obtained through the interception of a wire
4 communication in violation of this subsection.

5 2. It is not unlawful under the provisions of sections
6 542.400 to 542.422:

7 (1) For an operator of a switchboard, or an officer,
8 employee, or agent of any communication common carrier, whose
9 facilities are used in the transmission of a wire communication,
10 to intercept, disclose, or use that communication in the normal
11 course of his employment while engaged in any activity which is a
12 necessary incident to the rendition of his service or to the
13 protection of the rights or property of the carrier of such
14 communication, however, communication common carriers shall not
15 utilize service observing or random monitoring except for
16 mechanical or service quality control checks;

17 (2) For a person acting under law to intercept a wire or
18 oral communication, where such person is a party to the
19 communication or where one of the parties to the communication
20 has given prior consent to such interception;

21 (3) For a person not acting under law to intercept a wire
22 communication where such person is a party to the communication
23 or where one of the parties to the communication has given prior
24 consent to such interception unless such communication is
25 intercepted for the purpose of committing any criminal or
26 tortious act.

27 [566.013.] 542.425. In the course of a criminal
28 investigation under [this] chapter 566 or 573, when the venue of

1 the alleged criminal conduct cannot be readily determined without
2 further investigation, the attorney general may request the
3 prosecuting attorney of Cole County to request a circuit or
4 associate circuit judge of Cole County to issue a subpoena to any
5 witness who may have information for the purpose of oral
6 examination under oath or to require access to data or the
7 production of books, papers, records, or other material of
8 evidentiary nature at the office of the attorney general. If,
9 upon review of the evidence produced pursuant to the subpoenas,
10 it appears that a violation of [this] chapter 566 or 573 may have
11 been committed, the attorney general shall provide the evidence
12 produced pursuant to subpoena to an appropriate county
13 prosecuting attorney or circuit attorney having venue over the
14 criminal offense.

15 [577.039.] 544.218. An arrest without a warrant by a law
16 enforcement officer, including a uniformed member of the state
17 highway patrol, for a violation of section 577.010 or 577.012 is
18 lawful whenever the arresting officer has reasonable grounds to
19 believe that the person to be arrested has violated the section,
20 whether or not the violation occurred in the presence of the
21 arresting officer.

22 [577.680.] 544.472. 1. If verification of the nationality
23 or lawful immigration status of any person who is charged and
24 confined to jail for any period of time cannot be made from
25 documents in the possession of the prisoner or after a reasonable
26 effort on the part of the arresting agency to determine the
27 nationality or immigration status of the person so confined,
28 verification shall be made by the arresting agency within

1 forty-eight hours through a query to the Law Enforcement Support
2 Center (LESC) of the United States Department of Homeland
3 Security or other office or agency designated for that purpose by
4 the United States Department of Homeland Security. If it is
5 determined that the prisoner is in the United States unlawfully,
6 the arresting agency shall notify the United States Department of
7 Homeland Security. Until August 28, 2009, this section shall
8 only apply to officers employed by the department of public
9 safety to include: the highway patrol, water patrol, capitol
10 police, fire marshal's office, and division of alcohol and
11 tobacco control.

12 2. Nothing in this section shall be construed to deny any
13 person bond or prevent a person from being released from
14 confinement if such person is otherwise eligible for release.

15 544.665. 1. In addition to the forfeiture of any security
16 which was given or pledged for a person's release, any person
17 who, having been released upon a recognizance or bond pursuant to
18 any other provisions of law while pending preliminary hearing,
19 trial, sentencing, appeal, probation or parole revocation, or any
20 other stage of a criminal matter against him or her, knowingly
21 fails to appear before any court or judicial officer as required
22 shall be guilty of the crime of failure to appear.

23 2. Failure to appear is:

24 (1) A class [D] E felony if the criminal matter for which
25 the person was released included a felony;

26 (2) A class A misdemeanor if the criminal matter for which
27 the person was released includes a misdemeanor or misdemeanors
28 but no felony or felonies;

1 (3) An infraction if the criminal matter for which the
2 person was released includes only an infraction or infractions;

3 (4) An infraction if the criminal matter for which the
4 person was released includes only the violation of a municipal
5 ordinance, provided that the sentence imposed shall not exceed
6 the maximum fine which could be imposed for the municipal
7 ordinance for which the accused was arrested.

8 3. Nothing in sections 544.040 to 544.665 shall prevent the
9 exercise by any court of its power to punish for contempt.

10 [566.135.] 545.940. 1. Pursuant to a motion filed by the
11 prosecuting attorney or circuit attorney with notice given to the
12 defense attorney and for good cause shown, in any criminal case
13 in which a defendant has been charged by the prosecuting
14 attorney's office or circuit attorney's office with any offense
15 under [this chapter or pursuant to section 575.150, 567.020,
16 565.050, 565.060, 565.070,] chapter 566 or section 565.050,
17 assault in the first degree; 565.052, assault in the second
18 degree; 565.054, assault in the third degree; 565.056, assault in
19 the fourth degree; section 565.072, domestic assault in the first
20 degree; section 565.073, domestic assault in the second degree;
21 section 565.074, [565.075, 565.081, 565.082, 565.083,] domestic
22 assault in the third degree; section 565.076, domestic assault in
23 the fourth degree; section 567.020, prostitution; section
24 568.045, endangering the welfare of a child in the first degree;
25 section 568.050, [or] endangering the welfare of a child in the
26 second degree; section 568.060, abuse of a child; section
27 575.150, resisting or interfering with an arrest; or paragraph
28 (a), (b), or (c), of subdivision (2) of subsection 1 of section

1 191.677, recklessly exposing a person to HIV, the court may order
2 that the defendant be conveyed to a state-, city-, or
3 county-operated HIV clinic for testing for HIV, hepatitis B,
4 hepatitis C, syphilis, gonorrhea, and chlamydia. The results of
5 [the defendant's HIV, hepatitis B, hepatitis C, syphilis,
6 gonorrhea, and chlamydia] such tests shall be released to the
7 victim and his or her parent or legal guardian if the victim is a
8 minor. The results of [the defendant's HIV, hepatitis B,
9 hepatitis C, syphilis, gonorrhea, and chlamydia] such tests shall
10 also be released to the prosecuting attorney or circuit attorney
11 and the defendant's attorney. The state's motion to obtain said
12 testing, the court's order of the same, and the test results
13 shall be sealed in the court file.

14 2. As used in this section, "HIV" means the human
15 immunodeficiency virus that causes acquired immunodeficiency
16 syndrome.

17 556.011. [This code] Chapters 556 to 580 shall be known and
18 may be cited as "The Criminal Code".

19 556.021. 1. [An offense defined by this code or by any
20 other statute of this state constitutes an infraction if it is so
21 designated or if no other sentence than a fine, or fine and
22 forfeiture or other civil penalty is authorized upon conviction.

23 2.] An infraction does not constitute [a crime] a criminal
24 offense and conviction of an infraction shall not give rise to
25 any disability or legal disadvantage based on conviction of a
26 [crime] criminal offense.

27 [3.] 2. Except as otherwise provided by law, the procedure
28 for infractions shall be the same as for a misdemeanor.

1 [4.] 3. If a [defendant] person fails to appear in court
2 either solely for an infraction or for an infraction which is
3 committed in the same course of conduct as a criminal offense for
4 which the [defendant] person is charged, or if a [defendant]
5 person fails to respond to notice of an infraction from the
6 central violations bureau established in section 476.385, the
7 court may issue a default judgment for court costs and fines for
8 the infraction which shall be enforced in the same manner as
9 other default judgments, including enforcement under sections
10 488.5028 and 488.5030, unless the court determines that good
11 cause or excusable neglect exists for the [defendant's] person's
12 failure to appear for the infraction. The notice of entry of
13 default judgment and the amount of fines and costs imposed shall
14 be sent to the [defendant] person by first class mail. The
15 default judgment may be set aside for good cause if the
16 [defendant] person files a motion to set aside the judgment
17 within six months of the date the notice of entry of default
18 judgment is mailed.

19 [5.] 6. Notwithstanding subsection [4] 3 of this section or
20 any provisions of law to the contrary, a court may issue a
21 warrant for failure to appear for any violation which is
22 classified as an infraction.

23 [6.] 7. Judgment against the defendant for an infraction
24 shall be in the amount of the fine authorized by law and the
25 court costs for the offense.

26 [7. Subsections 3 to 6 of this section shall become
27 effective January 1, 2012.]

28 556.026. No conduct constitutes an offense or infraction

1 unless made so by this code or by other applicable statute.

2 556.036. 1. A prosecution for murder, forcible rape,
3 attempted forcible rape, forcible sodomy, attempted forcible
4 sodomy, or any class A felony may be commenced at any time.

5 2. Except as otherwise provided in this section,
6 prosecutions for other offenses must be commenced within the
7 following periods of limitation:

8 (1) For any felony, three years, except as provided in
9 subdivision (4) of this subsection;

10 (2) For any misdemeanor, one year;

11 (3) For any infraction, six months;

12 (4) For any violation of section 569.040, when classified
13 as a class B felony, or any violation of section 569.050 or
14 569.055, five years.

15 3. If the period prescribed in subsection 2 of this section
16 has expired, a prosecution may nevertheless be commenced for:

17 (1) Any offense a material element of which is either fraud
18 or a breach of fiduciary obligation within one year after
19 discovery of the offense by an aggrieved party or by a person who
20 has a legal duty to represent an aggrieved party and who is
21 himself or herself not a party to the offense, but in no case
22 shall this provision extend the period of limitation by more than
23 three years. As used in this subdivision, the term "person who
24 has a legal duty to represent an aggrieved party" shall mean the
25 attorney general or the prosecuting or circuit attorney having
26 jurisdiction pursuant to section 407.553, for purposes of
27 offenses committed pursuant to sections 407.511 to 407.556; and

28 (2) Any offense based upon misconduct in office by a public

1 officer or employee at any time when the [defendant] person is in
2 public office or employment or within two years thereafter, but
3 in no case shall this provision extend the period of limitation
4 by more than three years; and

5 (3) Any offense based upon an intentional and willful
6 fraudulent claim of child support arrearage to a public servant
7 in the performance of his or her duties within one year after
8 discovery of the offense, but in no case shall this provision
9 extend the period of limitation by more than three years.

10 4. An offense is committed either when every element
11 occurs, or, if a legislative purpose to prohibit a continuing
12 course of conduct plainly appears, at the time when the course of
13 conduct or the [defendant's] person's complicity therein is
14 terminated. Time starts to run on the day after the offense is
15 committed.

16 5. A prosecution is commenced for a misdemeanor or
17 infraction when the information is filed and for a felony when
18 the complaint or indictment is filed.

19 6. The period of limitation does not run:

20 (1) During any time when the accused is absent from the
21 state, but in no case shall this provision extend the period of
22 limitation otherwise applicable by more than three years; or

23 (2) During any time when the accused is concealing himself
24 from justice either within or without this state; or

25 (3) During any time when a prosecution against the accused
26 for the offense is pending in this state; or

27 (4) During any time when the accused is found to lack
28 mental fitness to proceed pursuant to section 552.020.

1 556.037. Notwithstanding the provisions of section 556.036,
2 prosecutions for unlawful sexual offenses involving a person
3 eighteen years of age or under must be commenced within thirty
4 years after the victim reaches the age of eighteen [unless], and
5 the following prosecutions [are for forcible rape, attempted
6 forcible rape, forcible sodomy, kidnapping, or attempted forcible
7 sodomy in which case such prosecutions may be commenced at any
8 time] may be commenced at any time:

9 (1) Kidnapping;

10 (2) An offense committed on after August 28, 2013, of rape
11 in the first degree, attempted rape in the first degree, sodomy
12 in the first degree, attempted sodomy in the first degree,
13 attempted forcible sodomy; or

14 (3) An offense committed prior to August 28, 2013, of
15 forcible rape, attempted forcible rape, forcible sodomy, or
16 attempted forcible sodomy.

17 [565.255.] 556.038. Notwithstanding the provisions of
18 section 556.036, either misdemeanor or felony prosecutions under
19 sections [565.250] 565.252 to 565.257 shall be commenced within
20 the following periods of limitation:

21 (1) Three years from the date the viewing, photographing or
22 filming occurred; or

23 (2) If the person who was viewed, photographed or filmed
24 did not realize at the time that he was being viewed,
25 photographed or filmed, within three years of the time the person
26 who was viewed or in the photograph or film first learns that he
27 was viewed, photographed or filmed.

28 556.041. When the same conduct of a person may establish

1 the commission of more than one offense he or she may be
2 prosecuted for each such offense. [He] Such person may not,
3 however, be convicted of more than one offense if:

4 (1) One offense is included in the other, as defined in
5 section 556.046; or

6 (2) Inconsistent findings of fact are required to establish
7 the commission of the offenses; or

8 (3) The offenses differ only in that one is defined to
9 prohibit a designated kind of conduct generally and the other to
10 prohibit a specific instance of such conduct; or

11 (4) The offense is defined as a continuing course of
12 conduct and the person's course of conduct was uninterrupted,
13 unless the law provides that specific periods of such conduct
14 constitute separate offenses.

15 556.046. 1. A [defendant] person may be convicted of an
16 offense included in an offense charged in the indictment or
17 information. An offense is so included when:

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

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

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

25 2. The court shall not be obligated to charge the jury with
26 respect to an included offense unless there is a basis for a
27 verdict acquitting the [defendant] person of the offense charged
28 and convicting him of the included offense. An offense is

1 charged for purposes of this section if:

2 (1) It is in an indictment or information; or

3 (2) It is an offense submitted to the jury because there is
4 a basis for a verdict acquitting the [defendant] person of the
5 offense charged and convicting the [defendant] person of the
6 included offense.

7 3. The court shall be obligated to instruct the jury with
8 respect to a particular included offense only if there is a basis
9 in the evidence for acquitting the [defendant] person of the
10 immediately higher included offense and there is a basis in the
11 evidence for convicting the [defendant] person of that particular
12 included offense.

13 556.061. In this code, unless the context requires a
14 different definition, the following [shall apply] terms shall
15 mean:

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

19 (2) "Affirmative defense" [has the meaning specified in
20 section 556.056]:

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

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

26 [(2)] (3) "Burden of injecting the issue" [has the meaning
27 specified in section 556.051]:

28 (a) The issue referred to is not submitted to the trier of

1 fact unless supported by evidence; and

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

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

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

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

28 (7) "Computer hardware", includes all equipment which can

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

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

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

26 (10) "Computer software", digital information which can be
27 interpreted by a computer and any of its related components to
28 direct the way they work. Software is stored in electronic,

1 magnetic, optical or other digital form. The term commonly
2 includes programs to run operating systems and applications, such
3 as word processing, graphic, or spreadsheet programs, utilities,
4 compilers, interpreters and communications programs;

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

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

11 [(4)] (13) "Confinement":

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

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

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

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

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

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

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

1 the person to or from a place of confinement;

2 [(5)] (14) "Consent": consent or lack of consent may be
3 expressed or implied. Assent does not constitute consent if:

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

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

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

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

15 [(6)] (16) "Criminal negligence" [has the meaning specified
16 in section 562.016], failure to be aware of a substantial and
17 unjustifiable risk that circumstances exist or a result will
18 follow, and such failure constitutes a gross deviation from the
19 standard of care which a reasonable person would exercise in the
20 situation;

21 [(7)] (17) "Custody", a person is in custody when [the
22 person] he or she has been arrested but has not been delivered to
23 a place of confinement;

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

27 [(8)] (19) "Dangerous felony" [means], the felonies of
28 arson in the first degree, assault in the first degree,

1 [attempted forcible rape if physical injury results, attempted
2 forcible sodomy if physical injury results, forcible rape,
3 forcible sodomy,] assault in the second degree if the victim of
4 such assault is a special victim as defined in subdivision (14)
5 of section 565.002, attempted rape in the first degree if injury
6 results, attempted sodomy in the first degree if injury results,
7 rape in the first degree, sodomy in the first degree, kidnapping,
8 murder in the second degree, [assault of a law enforcement
9 officer in the first degree,] domestic assault in the first
10 degree, [elder abuse in the first degree,] robbery in the first
11 degree, statutory rape in the first degree when the victim is a
12 child less than twelve years of age at the time of the commission
13 of the act giving rise to the offense, statutory sodomy in the
14 first degree when the victim is a child less than twelve years of
15 age at the time of the commission of the act giving rise to the
16 offense, child molestation in the first degree, and, abuse of a
17 child pursuant to subdivision (2) of subsection [3] 2 of section
18 568.060, child kidnapping, and [parental kidnapping committed by
19 detaining or concealing the whereabouts of the child for not less
20 than one hundred twenty days under section 565.153] driving while
21 intoxicated if the person is found to be a habitual offender as
22 the term "habitual offender is defined under subdivision (10) of
23 subsection 5 of section 577.001, and offenses committed before
24 August 28, 2013, of attempted forcible rape if physical injury
25 results, attempted forcible sodomy if physical injury results,
26 forcible rape, forcible sodomy, assault of a law enforcement
27 officer in the first degree, and first degree elder abuse;

28 [(9)] (20) "Dangerous instrument" [means], any instrument,

1 article or substance, which, under the circumstances in which it
2 is used, is readily capable of causing death or other serious
3 physical injury;

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

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

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

16 (24) "Disabled person", any person suffering from a mental
17 or physical impairment that substantially limits one or more
18 major life activities, whether the impairment is congenital or
19 acquired by accident, injury or disease, where such impairment is
20 verified by medical findings;

21 [(11)] (25) "Felony" [has the meaning specified in section
22 556.016], an offense so designated or an offense for which
23 persons found guilty thereof may be sentenced to death or
24 imprisonment for a term of more than one year;

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

27 [(12)] (27) "Forcible compulsion" means either:

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

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

4 [(13)] (28) "Incapacitated" [means that], a temporary or
5 permanent physical or mental condition, [temporary or
6 permanent,] in which a person is unconscious, unable to appraise
7 the nature of [such person's] his or her conduct, or unable to
8 communicate unwillingness to an act. A person is not
9 incapacitated with respect to an act committed upon such person
10 if he or she became unconscious, unable to appraise the nature of
11 [such person's] his or her conduct or unable to communicate
12 unwillingness to an act, after consenting to the act;

13 [(14)] (29) "Infraction" [has the meaning specified in
14 section 556.021], a violation defined by this code or by any
15 other statute of this state constitutes an infraction if it is so
16 designated or if no other sentence than a fine, or fine and
17 forfeiture or other civil penalty is authorized upon conviction;

18 [(15)] (30) "Inhabitable structure" [has the meaning
19 specified in section 569.010] a vehicle, vessel or structure:

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

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

25 (c) Which is used for overnight accommodation of persons.
26 Any such vehicle or structure is "inhabitable" regardless of
27 whether a person is actually present;

28 (d) If a building or structure is divided into separately

1 occupied units, any unit not occupied by the actor is an
2 "inhabitable structure of another";

3 [(16)] (31) "Knowingly" [has the meaning specified in
4 section 562.016], when used with respect to:

5 (a) Conduct or to attendant circumstances, means a person
6 is aware of the nature of his or conduct or that those
7 circumstances exist; or

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

10 [(17)] (32) "Law enforcement officer" [means], any public
11 servant having both the power and duty to make arrests for
12 violations of the laws of this state, and federal law enforcement
13 officers authorized to carry firearms and to make arrests for
14 violations of the laws of the United States;

15 [(18)] (33) "Misdemeanor" [has the meaning specified in
16 section 556.016], an offense so designated or an offense for
17 which persons found guilty thereof may be sentenced to
18 imprisonment for a term of which the maximum is one year or less;

19 [(19)] (34) "Offense" [means], any felony[,] or misdemeanor
20 [or infraction];

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

1 [(20)] (36) "Physical injury" [means physical pain,
2 illness, or any impairment of physical condition], slight
3 impairment of any function of the body or temporary loss of use
4 of any part of the body;

5 [(21)] (37) "Place of confinement" [means], any building or
6 facility and the grounds thereof wherein a court is legally
7 authorized to order that a person charged with or convicted of a
8 crime be held;

9 [(22)] (38) "Possess" or "possessed" [means], having actual
10 or constructive possession of an object with knowledge of its
11 presence. A person has actual possession if such person has the
12 object on his or her person or within easy reach and convenient
13 control. A person has constructive possession if such person has
14 the power and the intention at a given time to exercise dominion
15 or control over the object either directly or through another
16 person or persons. Possession may also be sole or joint. If one
17 person alone has possession of an object, possession is sole. If
18 two or more persons share possession of an object, possession is
19 joint;

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

22 [(23)] (40) "Public servant" [means], any person employed
23 in any way by a government of this state who is compensated by
24 the government by reason of such person's employment, any person
25 appointed to a position with any government of this state, or any
26 person elected to a position with any government of this state.
27 It includes, but is not limited to, legislators, jurors, members
28 of the judiciary and law enforcement officers. It does not

1 include witnesses;

2 [(24)] (41) "Purposely" [has the meaning specified in
3 section 562.016], when used with respect to a person's conduct or
4 to a result thereof, means when it is his or her conscious object
5 to engage in that conduct or to cause that result;

6 [(25)] (42) "Recklessly" [has the meaning specified in
7 section 562.016], consciously disregarding a substantial and
8 unjustifiable risk that circumstances exist or that a result will
9 follow, and such disregard constitutes a gross deviation from the
10 standard of care which a reasonable person would exercise in the
11 situation;

12 [(26) "Ritual" or "ceremony" means an act or series of acts
13 performed by two or more persons as part of an established or
14 prescribed pattern of activity;

15 (27)] (43) "Serious emotional injury", an injury that
16 creates a substantial risk of temporary or permanent medical or
17 psychological damage, manifested by impairment of a behavioral,
18 cognitive or physical condition. Serious emotional injury shall
19 be established by testimony of qualified experts upon the
20 reasonable expectation of probable harm to a reasonable degree of
21 medical or psychological certainty;

22 [(28)] (44) "Serious physical injury" [means], physical
23 injury that creates a substantial risk of death or that causes
24 serious disfigurement or protracted loss or impairment of the
25 function of any part of the body;

26 [(29) "Sexual conduct" means acts of human masturbation;
27 deviate sexual intercourse; sexual intercourse; or physical
28 contact with a person's clothed or unclothed genitals, pubic

1 area, buttocks, or the breast of a female in an act of apparent
2 sexual stimulation or gratification;

3 (30) "Sexual contact" means any touching of the genitals or
4 anus of any person, or the breast of any female person, or any
5 such touching through the clothing, for the purpose of arousing
6 or gratifying sexual desire of any person;

7 (31) "Sexual performance", any performance, or part
8 thereof, which includes sexual conduct by a child who is less
9 than seventeen years of age;]

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

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

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

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

28 [(32)] (49) "Voluntary act" [has the meaning specified in

1 section 562.011]:

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 control for a
6 sufficient time to have enabled him to dispose of it or terminate
7 his 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 [565.100.] 556.101. 1. It is an element of the offenses
14 described in sections 565.110 [through 565.130 of this chapter]
15 to 565.130 that the confinement, movement or restraint be
16 committed without the consent of the victim.

17 2. Lack of consent results from:

- 18 (1) Forcible compulsion; or
19 (2) Incapacity to consent.

20 3. A person is deemed incapable of consent if he is

- 21 (1) Less than fourteen years [old] of age; or
22 (2) Incapacitated.

23 557.016. 1. Felonies are classified for the purpose of
24 sentencing into the following [four] five categories:

- 25 (1) Class A felonies;
26 (2) Class B felonies;
27 (3) Class C felonies; [and]
28 (4) Class D felonies; and

1 (5) Class E felonies.

2 2. Misdemeanors are classified for the purpose of
3 sentencing into the following [~~three~~] four categories:

4 (1) Class A misdemeanors;

5 (2) Class B misdemeanors; [~~and~~]

6 (3) Class C misdemeanors; and

7 (4) Class D misdemeanors.

8 3. Infractions are not further classified.

9 557.021. 1. Any offense defined outside this code which is
10 declared to be a misdemeanor without specification of the penalty
11 therefor is a class A misdemeanor.

12 2. Any offense defined outside this code which is declared
13 to be a felony without specification of the penalty therefor is a
14 class [~~D~~] E felony.

15 3. For the purpose of applying the extended term provisions
16 of section 558.016 and the minimum prison term provisions of
17 section 558.019 and for determining the penalty for attempts and
18 conspiracies, offenses defined outside of this code shall be
19 classified as follows:

20 (1) If the offense is a felony:

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

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

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

1 (d) It is a class D felony if the maximum term of
2 imprisonment is less than ten years;

3 (e) It is a class E felony if the maximum term of
4 imprisonment is four years;

5 (2) If the offense is a misdemeanor:

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

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

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

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

15 (e) It is an infraction if there is no authorized
16 imprisonment.

17 557.026. 1. When a probation officer is available to any
18 court, such probation officer shall, unless waived by the
19 defendant, [make] conduct a presentence investigation in all
20 felony cases and make a sentencing assessment report to the court
21 before any authorized disposition is made under section 557.011.
22 In all class A misdemeanor cases a probation officer shall, if
23 directed by the court, [make] conduct a presentence investigation
24 and make a sentencing assessment report to the court before any
25 authorized disposition is made under section 557.011. The report
26 shall not be submitted to the court or its contents disclosed to
27 anyone until the defendant has [pleaded guilty or] been found
28 guilty.

1 2. The [presentence investigation] sentencing assessment
2 report shall be prepared, presented and utilized as provided by
3 rule of court, except that no court shall prevent the defendant
4 or the attorney for the defendant from having access to the
5 complete [presentence investigation] sentencing assessment report
6 and recommendations before any authorized disposition is made
7 under section 557.011.

8 3. The defendant shall not be obligated to make any
9 statement to a probation officer in connection with any
10 [presentence investigation hereunder] sentencing assessment
11 report.

12 4. When the jury enters a finding of [guilty] guilt and
13 assesses punishment, the probation officer shall, as part of the
14 presentence investigation, inquire of the victim of the offense
15 for which such punishment was assessed of the facts of the
16 offense and any personal injury or financial loss incurred by the
17 victim. If the victim is dead or otherwise unable to make a
18 statement, the probation officer shall attempt to obtain such
19 information from a member of the immediate family of the victim.

20 557.031. 1. In felony cases where the circumstances
21 surrounding the commission of the [crime] offense or other
22 circumstances brought to the attention of the court indicate a
23 strong likelihood that the defendant is suffering from a mental
24 disease or disorder, and the court desires more detailed
25 information about the defendant's mental condition before making
26 an authorized disposition under section 557.011, it may order the
27 commitment of the defendant for mental examination.

28 2. The court may commit the defendant to a facility of the

1 department of mental health or to a hospital and order the
2 defendant examined by such person or persons as the court or that
3 department or hospital may designate. The cost of guarding and
4 transporting any confined defendant to and from any such facility
5 or other place of examination shall be borne by the county. Any
6 commitment shall be for a period not exceeding thirty days unless
7 extended by the order of the court.

8 3. Within forty days after the order the person or persons
9 making such examination or examinations shall transmit to the
10 court a report thereof including answers to any specific
11 questions submitted by the court. The clerk of the court shall
12 immediately supply copies of the report to the prosecuting
13 attorney and to the defendant or his attorney.

14 4. Any period of commitment to a facility of the department
15 of mental health or to a hospital for the purpose of this section
16 shall be credited against any term of imprisonment imposed upon
17 the defendants.

18 557.035. 1. For all violations of subdivision (1) of
19 subsection 1 of section 569.100 or [subdivision (1), (2), (3),
20 (4), (6), (7) or (8) of] subsection 1 of section [571.030]
21 571.031, subdivision (2) of subsection 1 of section 571.033,
22 subsection 1 of section 571.034, section 571.036, or subdivision
23 (2) of subsection 1 of section 571.038, which the state believes
24 to be knowingly motivated because of race, color, religion,
25 national origin, sex, sexual orientation or disability of the
26 victim or victims, the state may charge the [crime or crimes]
27 offense or offenses under this section, and the violation is a
28 class [C] D felony.

1 2. For all violations of section ~~[565.070]~~ 565.054;
2 subdivisions (1), (3) and (4) of subsection 1 of section 565.090;
3 subdivision (1) of subsection 1 of section 569.090; subdivision
4 (1) of subsection 1 of section 569.120; section 569.140; or
5 section 574.050; which the state believes to be knowingly
6 motivated because of race, color, religion, national origin, sex,
7 sexual orientation or disability of the victim or victims, the
8 state may charge the ~~[crime or crimes]~~ offense or offenses under
9 this section, and the violation is a class ~~[D]~~ E felony.

10 3. The court shall assess punishment in all of the cases in
11 which the state pleads and proves any of the motivating factors
12 listed in this section.

13 [4. For the purposes of this section, the following terms
14 mean:

15 (1) "Disability", a physical or mental impairment which
16 substantially limits one or more of a person's major life
17 activities, being regarded as having such an impairment, or a
18 record of having such an impairment; and

19 (2) "Sexual orientation", male or female heterosexuality,
20 homosexuality or bisexuality by inclination, practice, identity
21 or expression, or having a self-image or identity not
22 traditionally associated with one's gender.]

23 557.036. 1. Upon a finding of guilt ~~[upon verdict or~~
24 ~~plea]~~, the court shall decide the extent or duration of sentence
25 or other disposition to be imposed under all the circumstances,
26 having regard to the nature and circumstances of the offense and
27 the history and character of the defendant and render judgment
28 accordingly.

1 2. Where an offense is submitted to the jury, the trial
2 shall proceed in two stages. At the first stage, the jury shall
3 decide only whether the defendant is guilty or not guilty of any
4 submitted offense. The issue of punishment shall not be
5 submitted to the jury at the first stage.

6 3. If the jury at the first stage of a trial finds the
7 defendant guilty of the submitted offense, the second stage of
8 the trial shall proceed. The issue at the second stage of the
9 trial shall be the punishment to be assessed and declared.
10 Evidence supporting or mitigating punishment may be presented.
11 Such evidence may include, within the discretion of the court,
12 evidence concerning the impact of the [crime] offense upon the
13 victim, the victim's family and others, the nature and
14 circumstances of the offense, and the history and character of
15 the defendant. Rebuttal and surrebuttal evidence may be
16 presented. The state shall be the first to proceed. The court
17 shall instruct the jury as to the range of punishment authorized
18 by statute for each submitted offense. The attorneys may argue
19 the issue of punishment to the jury, and the state shall have the
20 right to open and close the argument. The jury shall assess and
21 declare the punishment as authorized by statute.

22 4. A second stage of the trial shall not proceed and the
23 court, and not the jury, shall assess punishment if:

24 (1) The defendant requests in writing, prior to voir dire,
25 that the court assess the punishment in case of a finding of
26 guilt; or

27 (2) The state pleads and proves the defendant is a prior
28 offender, persistent offender, dangerous offender, or persistent

1 misdemeanor offender as defined in section 558.016, or a
2 persistent sexual offender or predatory sexual offender as
3 defined in section [558.018, or a predatory sexual offender as
4 defined in section 558.018] 566.125. If the jury cannot agree on
5 the punishment to be assessed, the court shall proceed as
6 provided in subsection 1 of this section. If, after due
7 deliberation by the jury, the court finds the jury cannot agree
8 on punishment, then the court may instruct the jury that if it
9 cannot agree on punishment that the court will assess punishment.

10 5. If the jury returns a verdict of guilty in the first
11 stage and declares a term of imprisonment in the second stage,
12 the court shall proceed as provided in subsection 1 of this
13 section except that any term of imprisonment imposed cannot
14 exceed the term declared by the jury unless the term declared by
15 the jury is less than the authorized lowest term for the offense,
16 in which event the court cannot impose a term of imprisonment
17 greater than the lowest term provided for the offense.

18 6. If the defendant is found to be a prior offender,
19 persistent offender, dangerous offender or persistent misdemeanor
20 offender as defined in section 558.016:

21 (1) If he has been found guilty of an offense, the court
22 shall proceed as provided in section 558.016; or

23 (2) If he has been found guilty of a class A felony, the
24 court may impose any sentence authorized for the class A felony.

25 7. The court shall not seek an advisory verdict from the
26 jury in cases of prior offenders, persistent offenders, dangerous
27 offenders, persistent sexual offenders or predatory sexual
28 offenders; if an advisory verdict is rendered, the court shall

1 not deem it advisory, but shall consider it as mere surplusage.

2 557.051. 1. A person who has been found guilty of an
3 offense under chapter 566, or any sex offense involving a child
4 under chapters 568 and 573, and who is granted a suspended
5 imposition or execution of sentence or placed under the
6 supervision of the board of probation and parole shall be
7 required to participate in and successfully complete a program of
8 treatment, education and rehabilitation designed for perpetrators
9 of sexual offenses. Persons required to attend a program under
10 this section shall be required to follow all directives of the
11 treatment program provider, and may be charged a reasonable fee
12 to cover the costs of such program.

13 2. A person who provides assessment services or who makes a
14 report, finding, or recommendation for any offender to attend any
15 counseling or program of treatment, education or rehabilitation
16 as a condition or requirement of probation following a finding of
17 guilt for an offense under chapter 566, or any sex offense
18 involving a child under chapters 568 and 573, shall not be
19 related within the third degree of consanguinity or affinity to
20 any person who has a financial interest, whether direct or
21 indirect, in the counseling or program of treatment, education or
22 rehabilitation or any financial interest, whether direct or
23 indirect, in any private entity which provides the counseling or
24 program of treatment, education or rehabilitation. A person who
25 violates this subsection shall thereafter:

26 (1) Immediately remit to the state of Missouri any
27 financial income gained as a direct or indirect result of the
28 action constituting the violation;

1 (2) Be prohibited from providing assessment or counseling
2 services or any program of treatment, education or rehabilitation
3 to, for, on behalf of, at the direction of, or in contract with
4 the state board of probation and parole or any office thereof;
5 and

6 (3) Be prohibited from having any financial interest,
7 whether direct or indirect, in any private entity which provides
8 assessment or counseling services or any program of treatment,
9 education or rehabilitation to, for, on behalf of, at the
10 direction of, or in contract with the state board of probation
11 and parole or any office thereof.

12 3. The provisions of subsection 2 of this section shall not
13 apply when the department of corrections has identified only one
14 qualified service provider within reasonably accessible distance
15 from the offender or when the only providers available within a
16 reasonable distance are related within the third degree of
17 consanguinity or affinity to any person who has a financial
18 interest in the service provider.

19 [560.011.] 558.002. 1. Except as otherwise provided for an
20 offense outside this code, a person who has been convicted of [a
21 class C or D felony] an offense may be sentenced

22 [(1)] to pay a fine which does not exceed [five thousand
23 dollars; or

24 (2)]:

25 (1) For a class C, D, or E felony, ten thousand dollars;

26 (2) For a class A misdemeanor, two thousand dollars;

27 (3) For a class B misdemeanor, one thousand dollars;

28 (4) For a class C misdemeanor, seven hundred fifty dollars;

1 (5) For a class D misdemeanor, five hundred dollars;

2 (6) For an infraction, four hundred dollars; or

3 (7) If the [offender] person has gained money or property
4 through the commission of the [crime] offense, to pay an amount,
5 fixed by the court, not exceeding double the amount of the
6 [offender's] person's gain from the commission of the [crime. An
7 individual offender may be fined not more than twenty thousand
8 dollars under this provision] offense.

9 2. A sentence to pay a fine, when imposed on a corporation
10 for an offense defined in this code or for any offense defined
11 outside this code for which no specific corporate fine is
12 specified, shall be a sentence to pay an amount, fixed by the
13 court, which does not exceed:

14 (1) For a felony, twenty thousand dollars;

15 (2) For a misdemeanor, ten thousand dollars;

16 (3) For an infraction, one thousand dollars; or

17 (4) If the corporation has gained money or property through
18 the commission of the offense, to pay an amount, fixed by the
19 court, not exceeding double the amount of the corporation's gain
20 from the commission of the offense.

21 3. As used in this section the term "gain" means the amount
22 of money or the value of property derived from the commission of
23 the [crime] offense. The amount of money or value of property
24 returned to the victim of the [crime] offense or seized by or
25 surrendered to lawful authority prior to the time sentence is
26 imposed shall be deducted from the fine. When the court imposes
27 a fine based on gain the court shall make a finding as to the
28 amount of the offender's gain from the crime. If the record does

1 not contain sufficient evidence to support such a finding, the
2 court may conduct a hearing upon the issue.

3 [3. The provisions of this section shall not apply to
4 corporations.]

5 [560.026.] 558.004. 1. In determining the amount and the
6 method of payment of a fine, the court shall, insofar as
7 practicable, proportion the fine to the burden that payment will
8 impose in view of the financial resources of an individual. The
9 court shall not sentence an offender to pay a fine in any amount
10 which will prevent him or her from making restitution or
11 reparation to the victim of the offense.

12 2. When any other disposition is authorized by statute, the
13 court shall not sentence an individual to pay a fine only unless,
14 having regard to the nature and circumstances of the offense and
15 the history and character of the offender, it is of the opinion
16 that the fine alone will suffice for the protection of the
17 public.

18 3. The court shall not sentence an individual to pay a fine
19 in addition to any other sentence authorized by section 557.011
20 unless

21 (1) He or she has derived a pecuniary gain from the
22 offense; or

23 (2) The court is of the opinion that a fine is uniquely
24 adapted to deterrence of the type of offense involved or to the
25 correction of the defendant.

26 4. When an offender is sentenced to pay a fine, the court
27 may provide for the payment to be made within a specified period
28 of time or in specified installments. If no such provision is

1 made a part of the sentence, the fine shall be payable forthwith.

2 5. When an offender is sentenced to pay a fine, the court
3 shall not impose at the same time an alternative sentence to be
4 served in the event that the fine is not paid. The response of
5 the court to nonpayment shall be determined only after the fine
6 has not been paid, as provided in section ~~[560.031]~~ 558.006.

7 ~~[560.031.]~~ 558.006. 1. When an offender sentenced to pay a
8 fine defaults in the payment of the fine or in any installment,
9 the court upon motion of the prosecuting attorney or upon its own
10 motion may require him or her to show cause why he or she should
11 not be imprisoned for nonpayment. The court may issue a warrant
12 of arrest or a summons for his or her appearance.

13 2. Following an order to show cause under subsection 1 of
14 this section, unless the offender shows that his or her default
15 was not attributable to an intentional refusal to obey the
16 sentence of the court, or not attributable to a failure on his or
17 her part to make a good faith effort to obtain the necessary
18 funds for payment, the court may order the defendant imprisoned
19 for a term not to exceed one hundred eighty days if the fine was
20 imposed for conviction of a felony or thirty days if the fine was
21 imposed for conviction of a misdemeanor or infraction. The court
22 may provide in its order that payment or satisfaction of the fine
23 at any time will entitle the offender to his or her release from
24 such imprisonment or, after entering the order, may at any time
25 reduce the sentence for good cause shown, including payment or
26 satisfaction of the fine.

27 3. If it appears that the default in the payment of a fine
28 is excusable under the standards set forth in subsection 2 of

1 this section, the court may enter an order allowing the offender
2 additional time for payment, reducing the amount of the fine or
3 of each installment, or revoking the fine or the unpaid portion
4 in whole or in part.

5 4. When a fine is imposed on a corporation it is the duty
6 of the person or persons authorized to make disbursement of the
7 assets of the corporation and their superiors to pay the fine
8 from the assets of the corporation. The failure of such persons
9 to do so shall render them subject to imprisonment under
10 subsections 1 and 2 of this section.

11 5. Upon default in the payment of a fine or any installment
12 thereof, the fine may be collected by any means authorized for
13 the enforcement of money judgments.

14 [560.036.] 558.008. A defendant who has been sentenced to
15 pay a fine may at any time petition the sentencing court for a
16 revocation of a fine or any unpaid portion thereof. If it
17 appears to the satisfaction of the court that the circumstances
18 which warranted the imposition of the fine no longer exist or
19 that it would otherwise be unjust to require payment of the fine,
20 the court may revoke the fine or the unpaid portion in whole or
21 in part or may modify the method of payment.

22 558.011. 1. The authorized terms of imprisonment,
23 including both prison and conditional release terms, are:

24 (1) For a class A felony, a term of years not less than ten
25 years and not to exceed thirty years, or life imprisonment;

26 (2) For a class B felony, a term of years not less than
27 five years and not to exceed fifteen years;

28 (3) For a class C felony, a term of years not less than

1 three years and not to exceed [seven] ten years;

2 (4) For a class D felony, a term of years not to exceed
3 [four] seven years;

4 (5) For a class E felony, a term of years not to exceed
5 four years;

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

8 [(6)] (7) For a class B misdemeanor, a term not to exceed
9 six months;

10 [(7)] (8) For a class C misdemeanor, a term not to exceed
11 fifteen days.

12 2. In cases of class [C and] D and E felonies, the court
13 shall have discretion to imprison for a special term not to
14 exceed one year in the county jail or other authorized penal
15 institution, and the place of confinement shall be fixed by the
16 court. If the court imposes a sentence of imprisonment for a
17 term longer than one year upon a person convicted of a class [C
18 or] D or E felony, it shall commit the person to the custody of
19 the department of corrections [for a term of years not less than
20 two years and not exceeding the maximum authorized terms provided
21 in subdivisions (3) and (4) of subsection 1 of this section].

22 3. (1) When a regular sentence of imprisonment for a
23 felony is imposed, the court shall commit the person to the
24 custody of the department of corrections for the term imposed
25 under section 557.036, or until released under procedures
26 established elsewhere by law.

27 (2) A sentence of imprisonment for a misdemeanor shall be
28 for a definite term and the court shall commit the person to the

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

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

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

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

14 (c) Five years for terms more than fifteen years; and the
15 prison term shall be the remainder of such term. The prison term
16 may be extended by the board of probation and parole pursuant to
17 subsection 5 of this section.

18 (2) "Conditional release" means the conditional discharge
19 of an offender by the board of probation and parole, subject to
20 conditions of release that the board deems reasonable to assist
21 the offender to lead a law-abiding life, and subject to the
22 supervision under the state board of probation and parole. The
23 conditions of release shall include avoidance by the offender of
24 any other [crime] offense, federal or state, and other conditions
25 that the board in its discretion deems reasonably necessary to
26 assist the releasee in avoiding further violation of the law.

27 5. The date of conditional release from the prison term may
28 be extended up to a maximum of the entire sentence of

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

23 558.016. 1. The court may sentence a person who has
24 [pleaded guilty to or has] been found guilty of an offense to a
25 term of imprisonment as authorized by section 558.011 or to a
26 term of imprisonment authorized by a statute governing the
27 offense if it finds the defendant is a prior offender or a
28 persistent misdemeanor offender[, or to]. The court may sentence

1 a person to an extended term of imprisonment if [it finds]:

2 (1) The defendant is a persistent offender or a dangerous
3 offender, and the person is sentenced under subsection 7 of this
4 section;

5 (2) The statute under which the person was found guilty
6 contains a sentencing enhancement provision that is based on a
7 prior finding of guilt or a finding of prior criminal conduct and
8 the person is sentenced according to the statute; or

9 (3) A more specific sentencing enhancement provision
10 applies that is based on a prior finding of guilt or a finding of
11 prior criminal conduct.

12 2. A "prior offender" is one who has [pleaded guilty to or
13 has] been found guilty of one felony.

14 3. A "persistent offender" is one who has [pleaded guilty
15 to or has] been found guilty of two or more felonies committed at
16 different times.

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

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

23 (2) Has [pleaded guilty to or has] been found guilty of a
24 class A or B felony or a dangerous felony.

25 5. A "persistent misdemeanor offender" is one who [has
26 pleaded guilty to or] has been found guilty of two or more [class
27 A or B misdemeanors] offenses, committed at different times[,
28 which] that are [defined as offenses under chapters 195, 565,

1 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, and 576]
2 classified as A or B misdemeanors under the laws of this state.

3 6. The [pleas or] findings of [guilty] guilt shall be prior
4 to the date of commission of the present offense.

5 7. [The total authorized maximum terms of imprisonment for
6 a persistent offender or a dangerous offender are:

7 (1) For a class A felony, any sentence authorized for a
8 class A felony;

9 (2) For a class B felony, any sentence authorized for a
10 class A felony;

11 (3) For a class C felony, any sentence authorized for a
12 class B felony;

13 (4) For a class D felony, any sentence authorized for a
14 class C felony] The court shall sentence a person, who has been
15 found to be a persistent offender or a dangerous offender, and is
16 found guilty of a class B, C, D, or E felony to the authorized
17 term of imprisonment for the offense that is one class higher
18 than the offense for which the person is found guilty.

19 558.019. 1. This section shall not be construed to affect
20 the powers of the governor under article IV, section 7, of the
21 Missouri Constitution. This statute shall not affect those
22 provisions of section 565.020, section [558.018] 566.125, or
23 section 571.015, which set minimum terms of sentences, or the
24 provisions of section 559.115, relating to probation.

25 2. The provisions of subsections 2 to 5 of this section
26 shall be applicable to all classes of felonies except those set
27 forth in chapter 195, and those otherwise excluded in subsection
28 1 of this section. For the purposes of this section, "prison

1 commitment" means and is the receipt by the department of
2 corrections of an offender after sentencing. For purposes of
3 this section, prior prison commitments to the department of
4 corrections shall not include commitment to a regimented
5 discipline program established pursuant to section 217.378, a one
6 hundred twenty-day program as described under section 559.115, or
7 a post-conviction drug treatment program established under
8 section 217.785. Other provisions of the law to the contrary
9 notwithstanding, any offender who has [pleaded guilty to or has]
10 been found guilty of a felony other than a dangerous felony as
11 defined in section 556.061 and is committed to the department of
12 corrections shall be required to serve the following minimum
13 prison terms:

14 (1) If the offender has one previous prison commitment to
15 the department of corrections for a felony offense, the minimum
16 prison term which the offender must serve shall be forty percent
17 of his or her sentence or until the offender attains seventy
18 years of age, and has served at least thirty percent of the
19 sentence imposed, whichever occurs first;

20 (2) If the offender has two previous prison commitments to
21 the department of corrections for felonies unrelated to the
22 present offense, the minimum prison term which the offender must
23 serve shall be fifty percent of his or her sentence or until the
24 offender attains seventy years of age, and has served at least
25 forty percent of the sentence imposed, whichever occurs first;

26 (3) If the offender has three or more previous prison
27 commitments to the department of corrections for felonies
28 unrelated to the present offense, the minimum prison term which

1 the offender must serve shall be eighty percent of his or her
2 sentence or until the offender attains seventy years of age, and
3 has served at least forty percent of the sentence imposed,
4 whichever occurs first.

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

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

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

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

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

25 6. (1) A sentencing advisory commission is hereby created
26 to consist of eleven members. One member shall be appointed by
27 the speaker of the house. One member shall be appointed by the
28 president pro tem of the senate. One member shall be the

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

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

27 (3) The commission shall study alternative sentences,
28 prison work programs, work release, home-based incarceration,

1 probation and parole options, and any other programs and report
2 the feasibility of these options in Missouri.

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

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

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

17 7. Courts shall retain discretion to lower or exceed the
18 sentence recommended by the commission as otherwise allowable by
19 law, and to order restorative justice methods, when applicable.

20 8. If the imposition or execution of a sentence is
21 suspended, the court may order any or all of the following
22 restorative justice methods, or any other method that the court
23 finds just or appropriate:

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

26 (2) Offender treatment programs;

27 (3) Mandatory community service;

28 (4) Work release programs in local facilities; and

1 (5) Community-based residential and nonresidential
2 programs.

3 9. The provisions of this section shall apply only to
4 offenses occurring on or after August 28, 2003.

5 10. Pursuant to subdivision (1) of subsection 8 of this
6 section, the court may order the assessment and payment of a
7 designated amount of restitution to a county law enforcement
8 restitution fund established by the county commission pursuant to
9 section 50.565. Such contribution shall not exceed three hundred
10 dollars for any charged offense. Any restitution moneys
11 deposited into the county law enforcement restitution fund
12 pursuant to this section shall only be expended pursuant to the
13 provisions of section 50.565.

14 11. A judge may order payment to a restitution fund only if
15 such fund had been created by ordinance or resolution of a county
16 of the state of Missouri prior to sentencing. A judge shall not
17 have any direct supervisory authority or administrative control
18 over any fund to which the judge is ordering a [defendant] person
19 to make payment.

20 12. A [defendant] person who fails to make a payment to a
21 county law enforcement restitution fund may not have his or her
22 probation revoked solely for failing to make such payment unless
23 the judge, after evidentiary hearing, makes a finding supported
24 by a preponderance of the evidence that the [defendant] person
25 either willfully refused to make the payment or that the
26 [defendant] person willfully, intentionally, and purposefully
27 failed to make sufficient bona fide efforts to acquire the
28 resources to pay.

1 13. Nothing in this section shall be construed to allow the
2 sentencing advisory commission to issue recommended sentences in
3 specific cases pending in the courts of this state.

4 558.026. 1. Multiple sentences of imprisonment shall run
5 concurrently unless the court specifies that they shall run
6 consecutively; except [that,] in the case of multiple sentences
7 of imprisonment imposed for [the felony of rape, forcible rape,
8 sodomy, forcible sodomy,] any offense committed during or at the
9 same time as, or multiple offenses of, the following felonies:

10 (1) Rape in the first degree;

11 (2) Statutory rape in the first degree;

12 (3) Sodomy in the first degree[,];

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

14 (5) An attempt to commit any of the [aforesaid and for
15 other offenses committed during or at the same time as that rape,
16 forcible rape, sodomy, forcible sodomy or an attempt to commit
17 any of the aforesaid, the sentences of imprisonment imposed for
18 the other offenses may run concurrently, but] felonies listed in
19 this subsection.

20
21 In such case, the sentence of imprisonment imposed for [the
22 felony of rape, forcible rape, sodomy, forcible sodomy] any
23 offense of rape in the first degree, statutory rape in the first
24 degree, sodomy in the first degree, statutory sodomy in the first
25 degree, or an attempt to commit any of the aforesaid shall run
26 consecutively to the other sentences. The sentences imposed for
27 any other offense may run concurrently.

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

1 release is sentenced to a term of imprisonment for an offense
2 committed after the granting of probation or parole or after the
3 start of his or her conditional release term, the court shall
4 direct the manner in which the sentence or sentences imposed by
5 the court shall run with respect to any resulting probation,
6 parole or conditional release revocation term or terms. If the
7 subsequent sentence to imprisonment is in another jurisdiction,
8 the court shall specify how any resulting probation, parole or
9 conditional release revocation term or terms shall run with
10 respect to the foreign sentence of imprisonment.

11 3. A court may cause any sentence it imposes to run
12 concurrently with a sentence an individual is serving or is to
13 serve in another state or in a federal correctional center. If
14 the Missouri sentence is served in another state or in a federal
15 correctional center, subsection 4 of section 558.011 and section
16 217.690 shall apply as if the individual were serving his or her
17 sentence within the department of corrections of the state of
18 Missouri, except that a personal hearing before the board of
19 probation and parole shall not be required for parole
20 consideration.

21 558.031. 1. A sentence of imprisonment shall commence when
22 a person convicted of [a crime] an offense in this state is
23 received into the custody of the department of corrections or
24 other place of confinement where the offender is sentenced. Such
25 person shall receive credit toward the service of a sentence of
26 imprisonment for all time in prison, jail or custody after the
27 offense occurred and before the commencement of the sentence,
28 when the time in custody was related to that offense, except:

1 (1) Such credit shall only be applied once when sentences
2 are consecutive;

3 (2) Such credit shall only be applied if the person
4 convicted was in custody in the state of Missouri, unless such
5 custody was compelled exclusively by the state of Missouri's
6 action; and

7 (3) As provided in section 559.100.

8 2. The officer required by law to deliver a person
9 convicted of [a crime] an offense in this state to the department
10 of corrections shall endorse upon the papers required by section
11 217.305 both the dates the offender was in custody and the period
12 of time to be credited toward the service of the sentence of
13 imprisonment, except as endorsed by such officer.

14 3. If a person convicted of [a crime] an offense escapes
15 from 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
21 jail time credit to be applied to a sentence which had not
22 commenced when the escape occurred.

23 4. If a sentence of imprisonment is vacated and a new
24 sentence imposed upon the offender for that offense, all time
25 served under the vacated sentence shall be credited against the
26 new sentence, unless the time has already been credited to
27 another sentence as provided in subsection 1 of this section.

28 5. If a person released from imprisonment on parole or

1 serving a conditional release term violates any of the conditions
2 of his or her parole or release, he or she may be treated as a
3 parole violator. If the board of probation and parole revokes
4 the parole or conditional release, the paroled person shall serve
5 the remainder of the prison term and conditional release term, as
6 an additional prison term, and the conditionally released person
7 shall serve the remainder of the conditional release term as a
8 prison term, unless released on parole.

9 558.041. 1. Any offender committed to the department of
10 corrections, except those persons committed pursuant to
11 subsection ~~[6]~~ 7 of section 558.016, or subsection 3 of section
12 ~~[558.018]~~ 566.125, may receive additional credit in terms of days
13 spent in confinement upon recommendation for such credit by the
14 offender's institutional superintendent when the offender meets
15 the requirements for such credit as provided in subsections 3 and
16 4 of this section. Good time credit may be rescinded by the
17 director or his or her designee pursuant to the divisional policy
18 issued pursuant to subsection 3 of this section.

19 2. Any credit extended to an offender shall only apply to
20 the sentence which the offender is currently serving.

21 3. The director of the department of corrections shall
22 issue a policy for awarding credit. The policy may reward an
23 inmate who has served his or her sentence in an orderly and
24 peaceable manner and has taken advantage of the rehabilitation
25 programs available to him or her. Any violation of institutional
26 rules or the laws of this state may result in the loss of all or
27 a portion of any credit earned by the inmate pursuant to this
28 section.

1 4. The department shall cause the policy to be published in
2 the code of state regulations.

3 5. No rule or portion of a rule promulgated under the
4 authority of this chapter shall become effective unless it has
5 been promulgated pursuant to the provisions of section 536.024.

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

10 (1) The convicted person was:

11 (a) Convicted of [a crime] an offense that did not involve
12 violence or the threat of violence; and

13 (b) Convicted of [a crime] an offense that involved alcohol
14 or illegal drugs; and

15 (2) Since the commission of such [crime] offense, the
16 convicted person has successfully completed a detoxification and
17 rehabilitation program; and

18 (3) The convicted person is not:

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

22 (b) A persistent sexual offender as defined in section
23 ~~[558.018]~~ 566.125; or

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

26 559.012. The court may place a person on probation for a
27 specific period upon conviction of any offense or upon suspending
28 imposition of sentence if, having regard to the nature and

1 circumstances of the offense and to the history and character of
2 the defendant, the court is of the opinion that

3 (1) Institutional confinement of the defendant is not
4 necessary for the protection of the public; and

5 (2) The defendant is in need of guidance, training or other
6 assistance which, in his or her case, can be effectively
7 administered through probation supervision.

8 559.021. 1. The conditions of probation shall be such as
9 the court in its discretion deems reasonably necessary to ensure
10 that the defendant will not again violate the law. When a
11 defendant is placed on probation he or she shall be given a
12 certificate explicitly stating the conditions on which he or she
13 is being released.

14 2. In addition to such other authority as exists to order
15 conditions of probation, the court may order such conditions as
16 the court believes will serve to compensate the victim, any
17 dependent of the victim, any statutorily created fund for costs
18 incurred as a result of the offender's actions, or society. Such
19 conditions may include restorative justice methods pursuant to
20 section 217.777, or any other method that the court finds just or
21 appropriate including, but not limited to:

22 (1) Restitution to the victim or any dependent of the
23 victim, or statutorily created fund for costs incurred as a
24 result of the offender's actions in an amount to be determined by
25 the judge;

26 (2) The performance of a designated amount of free work for
27 a public or charitable purpose, or purposes, as determined by the
28 judge;

- 1 (3) Offender treatment programs;
2 (4) Work release programs in local facilities; and
3 (5) Community-based residential and nonresidential
4 programs.

5 3. The defendant may refuse probation conditioned on the
6 performance of free work. If he or she does so, the court shall
7 decide the extent or duration of sentence or other disposition to
8 be imposed and render judgment accordingly. Any county, city,
9 person, organization, or agency, or employee of a county, city,
10 organization or agency charged with the supervision of such free
11 work or who benefits from its performance shall be immune from
12 any suit by the defendant or any person deriving a cause of
13 action from him or her if such cause of action arises from such
14 supervision of performance, except for an intentional tort or
15 gross negligence. The services performed by the defendant shall
16 not be deemed employment within the meaning of the provisions of
17 chapter 288. A defendant performing services pursuant to this
18 section shall not be deemed an employee within the meaning of the
19 provisions of chapter 287.

20 4. In addition to such other authority as exists to order
21 conditions of probation, in the case of a [plea of guilty or a]
22 finding of guilt, the court may order the assessment and payment
23 of a designated amount of restitution to a county law enforcement
24 restitution fund established by the county commission pursuant to
25 section 50.565. Such contribution shall not exceed three hundred
26 dollars for any charged offense. Any restitution moneys
27 deposited into the county law enforcement restitution fund
28 pursuant to this section shall only be expended pursuant to the

1 provisions of section 50.565.

2 5. A judge may order payment to a restitution fund only if
3 such fund had been created by ordinance or resolution of a county
4 of the state of Missouri prior to sentencing. A judge shall not
5 have any direct supervisory authority or administrative control
6 over any fund to which the judge is ordering a defendant to make
7 payment.

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

16 7. The court may modify or enlarge the conditions of
17 probation at any time prior to the expiration or termination of
18 the probation term.

19 559.036. 1. A term of probation commences on the day it is
20 imposed. Multiple terms of Missouri probation, whether imposed at
21 the same time or at different times, shall run concurrently.
22 Terms of probation shall also run concurrently with any federal
23 or other state jail, prison, probation or parole term for another
24 offense to which the defendant is or becomes subject during the
25 period, unless otherwise specified by the Missouri court.

26 2. The court may terminate a period of probation and
27 discharge the defendant at any time before completion of the
28 specific term fixed under section 559.016 if warranted by the

1 conduct of the defendant and the ends of justice. The court may
2 extend the term of the probation, but no more than one extension
3 of any probation may be ordered except that the court may extend
4 the term of probation by one additional year by order of the
5 court if the defendant admits he or she has violated the
6 conditions of probation or is found by the court to have violated
7 the conditions of his or her probation. Total time on any
8 probation term, including any extension shall not exceed the
9 maximum term established in section 559.016. Procedures for
10 termination, discharge and extension may be established by rule
11 of court.

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

17 4. (1) If a continuation, modification, enlargement or
18 extension is not appropriate under this section, the court shall
19 order placement of the offender in one of the department of
20 corrections' one hundred twenty-day programs so long as:

21 (a) The underlying offense for the probation is a class [C]
22 D or [D] E felony or an offense listed in chapter [195] 579;
23 except that, the court may, upon its own motion or a motion of
24 the prosecuting or circuit attorney, make a finding that an
25 offender is not eligible if the underlying offense is involuntary
26 manslaughter in the first degree, involuntary manslaughter in the
27 second degree, [aggravated] stalking in the first degree, assault
28 in the second degree, [sexual assault] rape in the second degree,

1 domestic assault in the second degree, assault [of a law
2 enforcement officer in the second degree] in the third degree
3 when the victim is a special victim, statutory rape in the second
4 degree, statutory sodomy in the second degree, [deviate sexual
5 assault] sodomy in the second degree, sexual misconduct involving
6 a child, incest, endangering the welfare of a child in the first
7 degree under subdivision (1) or (2) of subsection 1 of section
8 568.045, abuse of a child, invasion of privacy or any case in
9 which the defendant is found guilty of a felony offense under
10 chapter 571;

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

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

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

26 (2) Upon receiving the order, the department of corrections
27 shall conduct an assessment of the offender and place such
28 offender in the appropriate one hundred twenty-day program under

1 subsection 3 of section 559.115.

2 (3) Notwithstanding any of the provisions of subsection 3
3 of section 559.115 to the contrary, once the defendant has
4 successfully completed the program under this subsection, the
5 court shall release the defendant to continue to serve the term
6 of probation, which shall not be modified, enlarged, or extended
7 based on the same incident of violation. Time served in the
8 program shall be credited as time served on any sentence imposed
9 for the underlying offense.

10 5. If the defendant is not eligible under subsection 4 of
11 this section for placement in a program and a continuation,
12 modification, enlargement, or extension of the term under this
13 section is not appropriate, the court may revoke probation and
14 order that any sentence previously imposed be executed. If
15 imposition of sentence was suspended, the court may revoke
16 probation and impose any sentence available under section
17 557.011. The court may mitigate any sentence of imprisonment by
18 reducing the prison or jail term by all or part of the time the
19 defendant was on probation. The court may, upon revocation of
20 probation, place an offender on a second term of probation. Such
21 probation shall be for a term of probation as provided by section
22 559.016, notwithstanding any amount of time served by the
23 offender on the first term of probation.

24 6. Probation shall not be revoked without giving the
25 probationer notice and an opportunity to be heard on the issues
26 of whether he or she violated a condition of probation and, if he
27 or she did, whether revocation is warranted under all the
28 circumstances.

1 7. The prosecuting or circuit attorney may file a motion to
2 revoke probation or at any time during the term of probation, the
3 court may issue a notice to the probationer to appear to answer a
4 charge of a violation, and the court may issue a warrant of
5 arrest for the violation. Such notice shall be personally served
6 upon the probationer. The warrant shall authorize the return of
7 the probationer to the custody of the court or to any suitable
8 detention facility designated by the court. Upon the filing of
9 the prosecutor's or circuit attorney's motion or on the court's
10 own motion, the court may immediately enter an order suspending
11 the period of probation and may order a warrant for the
12 defendant's arrest. The probation shall remain suspended until
13 the court rules on the prosecutor's or circuit attorney's motion,
14 or until the court otherwise orders the probation reinstated.

15 8. The power of the court to revoke probation shall extend
16 for the duration of the term of probation designated by the court
17 and for any further period which is reasonably necessary for the
18 adjudication of matters arising before its expiration, provided
19 that some affirmative manifestation of an intent to conduct a
20 revocation hearing occurs prior to the expiration of the period
21 and that every reasonable effort is made to notify the
22 probationer and to conduct the hearing prior to the expiration of
23 the period.

24 559.100. 1. The circuit courts of this state shall have
25 power, herein provided, to place on probation or to parole
26 persons convicted of any offense over which they have
27 jurisdiction, except as otherwise provided in [sections 195.275
28 to 195.296, section 558.018,] section 559.115, section 565.020,

1 sections 566.030, 566.060, 566.067, 566.125, 566.151, and
2 ~~[566.213]~~ 566.210, section 571.015, section 579.170, and
3 subsection 3 of section 589.425.

4 2. The circuit court shall have the power to revoke the
5 probation or parole previously granted under section 559.036 and
6 commit the person to the department of corrections. The circuit
7 court shall determine any conditions of probation or parole for
8 the defendant that it deems necessary to ensure the successful
9 completion of the probation or parole term, including the
10 extension of any term of supervision for any person while on
11 probation or parole. The circuit court may require that the
12 defendant pay restitution for his ~~[crime]~~ or her offense. The
13 probation or parole may be revoked under section 559.036 for
14 failure to pay restitution or for failure to conform his or her
15 behavior to the conditions imposed by the circuit court. The
16 circuit court may, in its discretion, credit any period of
17 probation or parole as time served on a sentence.

18 559.105. 1. Any person who has been found guilty of ~~[or~~
19 ~~has pled guilty to]~~ a violation of subdivision (2) of subsection
20 1 of section 569.080 or paragraph (a) of subdivision (3) of
21 subsection ~~[3]~~ 5 of section 570.030 may be ordered by the court
22 to make restitution to the victim for the victim's losses due to
23 such offense. Restitution pursuant to this section shall
24 include, but not be limited to, the following:

25 (1) A victim's reasonable expenses to participate in the
26 prosecution of the ~~[crime]~~ offense;

27 (2) A victim's payment for any repairs or replacement of
28 the motor vehicle, watercraft, or aircraft; and

1 (3) A victim's costs associated with towing or storage fees
2 for the motor vehicle caused by the acts of the defendant.

3 2. No person ordered by the court to pay restitution
4 pursuant to this section shall be released from probation until
5 such restitution is complete. If full restitution is not made
6 within the original term of probation, the court shall order the
7 maximum term of probation allowed for such offense.

8 3. Any person eligible to be released on parole for a
9 violation of subdivision (2) of subsection 1 of section 569.080
10 or [paragraph (a) of subdivision (3) of subsection 3 of] for
11 stealing a motor vehicle, watercraft, or aircraft under section
12 570.030 may be required, as a condition of parole, to make
13 restitution pursuant to this section. The board of probation and
14 parole shall not release any person from any term of parole for
15 such offense until the person has completed such restitution, or
16 until the maximum term of parole for such offense has been
17 served.

18 559.106. 1. Notwithstanding any statutory provision to the
19 contrary, when a court grants probation to an offender who has
20 pleaded guilty to or has been found guilty of an offense in
21 section 566.030, 566.032, 566.060, or 566.062, based on an act
22 committed on or after August 28, 2006, or the offender has
23 [pleaded guilty to or has] been found guilty of an offense under
24 section 566.067, 566.083, 566.100, 566.151, [566.212, 566.213,]
25 566.210, 566.211, 568.020, [568.080, or 568.090] 573.200 or
26 573.205, based on an act committed on or after August 28, 2006,
27 against a victim who was less than fourteen years [old] of age
28 and the offender is a prior sex offender as defined in subsection

1 2 of this section, the court shall order that the offender be
2 supervised by the board of probation and parole for the duration
3 of his or her natural life.

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

10 3. When probation for the duration of the offender's
11 natural life has been ordered, a mandatory condition of such
12 probation is that the offender be electronically monitored.
13 Electronic monitoring shall be based on a global positioning
14 system or other technology that identifies and records the
15 offender's location at all times.

16 4. In appropriate cases as determined by a risk assessment,
17 the court may terminate the probation of an offender who is being
18 supervised under this section when the offender is sixty-five
19 years [of age] old or older.

20 559.107. 1. The department of corrections shall notify the
21 highway patrol of any offender who is required as a mandatory
22 condition of lifetime supervision to be electronically monitored,
23 under section 217.735 and section 559.106, and shall notify the
24 highway patrol when the supervision of the offender has been
25 terminated in appropriate cases as determined by a risk
26 assessment when the offender is sixty-five years [of age] old or
27 older.

28 2. The highway patrol shall enter the electronic monitoring

1 of the offender into the Missouri law enforcement system (MULES)
2 and sexual offender registry where it is available to members of
3 the criminal justice system, and other entities as provided by
4 law, upon inquiry.

5 559.110. When the defendant is granted probation or parole
6 by the court, the court before or at the time of granting the
7 probation or parole, may in its discretion require the defendant,
8 with one or more sureties, to enter into bond to the state of
9 Missouri in a sum to be fixed by the court, conditioned that he
10 or she will appear in court as directed during the continuance of
11 the probation or parole, and not depart without leave of court.
12 The bond shall be approved by the court or by the clerk at the
13 direction of the court and forfeiture may be taken and prosecuted
14 to final judgment on the bond in the manner as provided by law in
15 cases of bonds taken for appearance of persons awaiting trial
16 upon information or indictment.

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

21 2. Unless otherwise prohibited by subsection 5 of this
22 section, a circuit court only upon its own motion and not that of
23 the state or the offender shall have the power to grant probation
24 to an offender anytime up to one hundred twenty days after such
25 offender has been delivered to the department of corrections but
26 not thereafter. The court may request information and a
27 recommendation from the department concerning the offender and
28 such offender's behavior during the period of incarceration.

1 Except as provided in this section, the court may place the
2 offender on probation in a program created pursuant to section
3 217.777, or may place the offender on probation with any other
4 conditions authorized by law.

5 3. The court may recommend placement of an offender in a
6 department of corrections one hundred twenty-day program under
7 this section or order such placement under subsection 4 of
8 section 559.036. Upon the recommendation or order of the court,
9 the department of corrections shall assess each offender to
10 determine the appropriate program in which to place the offender,
11 including shock incarceration or institutional treatment. When
12 the court recommends and receives placement of an offender in a
13 department of corrections one hundred twenty-day program, the
14 offender shall be released on probation if the department of
15 corrections determines that the offender has successfully
16 completed the program except as follows. Upon successful
17 completion of a treatment program, the board of probation and
18 parole shall advise the sentencing court of an offender's
19 probationary release date thirty days prior to release. The
20 court shall release the offender unless such release constitutes
21 an abuse of discretion. If the court determined that there is an
22 abuse of discretion, the court may order the execution of the
23 offender's sentence only after conducting a hearing on the matter
24 within ninety to one hundred twenty days of the offender's
25 sentence. If the court does not respond when an offender
26 successfully completes the program, the offender shall be
27 released on probation. Upon successful completion of a shock
28 incarceration program, the board of probation and parole shall

1 advise the sentencing court of an offender's probationary release
2 date thirty days prior to release. The court shall follow the
3 recommendation of the department unless the court determines that
4 probation is not appropriate. If the court determines that
5 probation is not appropriate, the court may order the execution
6 of the offender's sentence only after conducting a hearing on the
7 matter within ninety to one hundred twenty days of the offender's
8 sentence. If the department determines that an offender is not
9 successful in a program, then after one hundred days of
10 incarceration the circuit court shall receive from the department
11 of corrections a report on the offender's participation in the
12 program and department recommendations for terms and conditions
13 of an offender's probation. The court shall then release the
14 offender on probation or order the offender to remain in the
15 department to serve the sentence imposed.

16 4. If the department of corrections one hundred twenty-day
17 program is full, the court may place the offender in a private
18 program approved by the department of corrections or the court,
19 the expenses of such program to be paid by the offender, or in an
20 available program offered by another organization. If the
21 offender is convicted of a class C [or], class D, or class E,
22 nonviolent felony, the court may order probation while awaiting
23 appointment to treatment.

24 5. Except when the offender has been found to be a
25 predatory sexual offender pursuant to section [558.018] 566.125,
26 the court shall request that the offender be placed in the sexual
27 offender assessment unit of the department of corrections if the
28 defendant [has pleaded guilty to or] has been found guilty of

1 sexual abuse when classified as a class B felony.

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

13 7. An offender's first incarceration for one hundred twenty
14 days for participation in a department of corrections program
15 prior to release on probation shall not be considered a previous
16 prison commitment for the purpose of determining a minimum prison
17 term under the provisions of section 558.019.

18 8. Notwithstanding any other provision of law, probation
19 may not be granted pursuant to this section to offenders who have
20 been convicted of murder in the second degree [pursuant to] under
21 section 565.021; [forcible rape pursuant to] rape in the first
22 degree under section 566.030; [forcible sodomy pursuant to]
23 sodomy in the first degree under section 566.060; statutory rape
24 in the first degree [pursuant to] under section 566.032;
25 statutory sodomy in the first degree [pursuant to] under section
26 566.062; child molestation in the first degree [pursuant to]
27 under section 566.067 when classified as a class A felony; abuse
28 of a child [pursuant to] under section 568.060 when classified as

1 a class A felony; an offender who has been found to be a
2 predatory sexual offender [pursuant to section 558.018] under
3 section 566.125, forcible rape or sodomy as such offenses were
4 codified under sections 566.030 and 566.060 prior to August 28,
5 2013; or any offense in which there exists a statutory
6 prohibition against either probation or parole.

7 559.120. The circuit court may place a defendant on
8 probation and require his or her participation in a program
9 established pursuant to section 217.777 if, having regard to the
10 nature and circumstances of the offense and to the history and
11 character of the defendant, the court is of the opinion that:

12 (1) Traditional institutional confinement of the defendant
13 is not necessary for the protection of the public, given adequate
14 supervision; and

15 (2) The defendant is in need of guidance, training or other
16 assistance which, in his or her case, can be effectively
17 administered through participation in a community-based treatment
18 program.

19 559.125. 1. The clerk of the court shall keep in a
20 permanent file all applications for probation or parole by the
21 court, and shall keep in such manner as may be prescribed by the
22 court complete and full records of all presentence investigations
23 requested, probations or paroles granted, revoked or terminated
24 and all discharges from probations or paroles. All court orders
25 relating to any presentence investigation requested and probation
26 or parole granted under the provisions of this chapter and
27 sections 558.011 and 558.026 shall be kept in a like manner, and,
28 if the defendant subject to any such order is subject to an

1 investigation or is under the supervision of the state board of
2 probation and parole, a copy of the order shall be sent to the
3 board. In any county where a parole board ceases to exist, the
4 clerk of the court shall preserve the records of that board.

5 2. Information and data obtained by a probation or parole
6 officer shall be privileged information and shall not be
7 receivable in any court. Such information shall not be disclosed
8 directly or indirectly to anyone other than the members of a
9 parole board and the judge entitled to receive reports, except
10 the court or the board may in its discretion permit the
11 inspection of the report, or parts of such report, by the
12 defendant, or offender or his or her attorney, or other person
13 having a proper interest therein.

14 3. The provisions of subsection 2 of this section
15 notwithstanding, the presentence investigation report shall be
16 made available to the state and all information and data obtained
17 in connection with preparation of the presentence investigation
18 report may be made available to the state at the discretion of
19 the court upon a showing that the receipt of the information and
20 data is in the best interest of the state.

21 559.600. In cases where the board of probation and parole
22 is not required under section 217.750 to provide probation
23 supervision and rehabilitation services for misdemeanor
24 offenders, the circuit and associate circuit judges in a circuit
25 may contract with one or more private entities or other
26 court-approved entity to provide such services. The
27 court-approved entity, including private or other entities, shall
28 act as a misdemeanor probation office in that circuit and shall,

1 pursuant to the terms of the contract, supervise persons placed
2 on probation by the judges for class A, B, ~~[and]~~ C, and D
3 misdemeanor offenses, specifically including persons placed on
4 probation for violations of section 577.023. Nothing in sections
5 559.600 to 559.615 shall be construed to prohibit the board of
6 probation and parole, or the court, from supervising misdemeanor
7 offenders in a circuit where the judges have entered into a
8 contract with a probation entity.

9 559.604. Neither the state of Missouri nor any county of
10 the state shall be required to pay any part of the cost of
11 probation and rehabilitation services provided to misdemeanor
12 offenders under sections 559.600 to 559.615. The person placed
13 on probation shall contribute not less than thirty dollars or
14 more than fifty dollars per month to the private entity providing
15 him or her with supervision and rehabilitation services. The
16 amount of the contribution shall be determined by the sentencing
17 court. The court may exempt a person from all or part of the
18 foregoing contribution if it finds any of the following factors
19 to exist:

20 (1) The offender has diligently attempted, but has been
21 unable, to obtain employment which provides him or her sufficient
22 income to make such payments;

23 (2) The offender is a student in a school, college,
24 university or course of vocational or technical training designed
25 to fit the student for gainful employment. Certification of such
26 student status shall be supplied to the court by the educational
27 institution in which the offender is enrolled;

28 (3) The offender has an employment handicap, as determined

1 by a physical, psychological or psychiatric examination
2 acceptable to or ordered by the court;

3 (4) The offender's age prevents him or her from obtaining
4 employment;

5 (5) The offender is responsible for the support of
6 dependents, and the payment of such contribution constitutes an
7 undue hardship on the offender;

8 (6) There are other extenuating circumstances as determined
9 by the court to exempt or partially reduce such payments; or

10 (7) The offender has been transferred outside the state
11 under an interstate compact adopted pursuant to law.

12 559.633. 1. Upon [a plea of guilty or] a finding of
13 [guilty for a commission of] guilt for a felony offense pursuant
14 to chapter [195] 579, except for those offenses in which there
15 exists a statutory prohibition against either probation or
16 parole, when placing the person on probation, the court shall
17 order the person to begin a required educational assessment and
18 community treatment program within the first sixty days of
19 probation as a condition of probation. Persons who are placed on
20 probation after a period of incarceration pursuant to section
21 559.115 may not be required to participate in a required
22 educational assessment and community treatment program.

23 2. The fees for the required educational assessment and
24 community treatment program, or a portion of such fees, to be
25 determined by the department of corrections, shall be paid by the
26 person receiving the assessment. Any person who is assessed
27 shall pay, in addition to any fee charged for the assessment, a
28 supplemental fee of sixty dollars. The administrator of the

1 program shall remit to the department of corrections the
2 supplemental fees for all persons assessed, less two percent for
3 administrative costs. The supplemental fees received by the
4 department of corrections pursuant to this section shall be
5 deposited in the correctional substance abuse earnings fund
6 created pursuant to section 559.635.

7 561.016. 1. No person shall suffer any legal
8 disqualification or disability because of a finding of guilt or
9 conviction of [a crime] an offense or the sentence on his
10 conviction, unless the disqualification or disability involves
11 the deprivation of a right or privilege which is:

12 (1) Necessarily incident to execution of the sentence of
13 the court; or

14 (2) Provided by the constitution or the code; or

15 (3) Provided by a statute other than the code, when the
16 conviction is of [a crime] an offense defined by such statute; or

17 (4) Provided by the judgment, order or regulation of a
18 court, agency or official exercising a jurisdiction conferred by
19 law, or by the statute defining such jurisdiction, when the
20 commission of the [crime] offense or the conviction or the
21 sentence is reasonably related to the competency of the
22 individual to exercise the right or privilege of which he or she
23 is deprived.

24 2. Proof of a conviction as relevant evidence upon the
25 trial or determination of any issue, or for the purpose of
26 impeaching the convicted person as a witness, is not a
27 disqualification or disability within the meaning of this
28 chapter.

1 561.021. 1. A person holding any public office, elective
2 or appointive, under the government of this state or any agency
3 or political subdivision thereof, who is convicted of [a crime]
4 an offense shall, upon sentencing, forfeit such office if:

5 (1) He or she is convicted under the laws of this state of
6 a felony or under the laws of another jurisdiction of [a crime]
7 an offense which, if committed within this state, would be a
8 felony, or he or she pleads guilty or nolo contendere of such [a
9 crime] an offense; or

10 (2) He or she is convicted of or pleads guilty or nolo
11 contendere to [a crime] an offense involving misconduct in
12 office, or dishonesty; or

13 (3) The constitution or a statute other than the code so
14 provides.

15 2. Except as provided in subsection 3 of this section, a
16 person who pleads guilty or nolo contendere or is convicted under
17 the laws of this state of a felony or under the laws of another
18 jurisdiction of [a crime] an offense which, if committed within
19 this state, would be a felony, shall be ineligible to hold any
20 public office, elective or appointive, under the government of
21 this state or any agency or political subdivision thereof, until
22 the completion of his or her sentence or period of probation.

23 3. A person who pleads guilty or nolo contendere or is
24 convicted under the laws of this state or under the laws of
25 another jurisdiction of a felony connected with the exercise of
26 the right of suffrage shall be forever disqualified from holding
27 any public office, elective or appointive, under the government
28 of this state or any agency or political subdivision thereof.

1 561.026. Notwithstanding any other provision of law except
2 for section 610.140, a person who is convicted:

3 (1) Of any **[crime]** offense shall be disqualified from
4 registering and voting in any election under the laws of this
5 state while confined under a sentence of imprisonment;

6 (2) Of a felony or misdemeanor connected with the exercise
7 of the right of suffrage shall be forever disqualified from
8 registering and voting;

9 (3) Of any felony shall be forever disqualified from
10 serving as a juror.

11 562.011. 1. A person is not guilty of an offense unless
12 his or her liability is based on conduct which includes a
13 voluntary act.

14 2. A "voluntary act" is

15 (1) A bodily movement performed while conscious as a result
16 of effort or determination; or

17 (2) An omission to perform an act of which the actor is
18 physically capable.

19 3. Possession is a voluntary act if the possessor knowingly
20 procures or receives the thing possessed, or having acquired
21 control of it was aware of his or her control for a sufficient
22 time to have enabled him or her to dispose of it or terminate his
23 or her control.

24 4. A person is not guilty of an offense based solely upon
25 an omission to perform an act unless the law defining the offense
26 expressly so provides, or a duty to perform the omitted act is
27 otherwise imposed by law.

28 **[564.011.]** 562.012. 1. **[A person is guilty of attempt to**

1 commit an offense when, with the purpose of committing the
2 offense, he does] Guilt for an offense may be based upon an
3 attempt to commit an offense if, with the purpose of committing
4 the offense, a person performs any act which is a substantial
5 step towards the commission of the offense. A "substantial step"
6 is conduct which is strongly corroborative of the firmness of the
7 actor's purpose to complete the commission of the offense.

8 2. It is no defense to a prosecution [under this section]
9 that the offense attempted was, under the actual attendant
10 circumstances, factually or legally impossible of commission, if
11 such offense could have been committed had the attendant
12 circumstances been as the actor believed them to be.

13 3. Unless otherwise [provided, an attempt to commit an
14 offense is a:

15 (1) Class B felony if the offense attempted is a class A
16 felony.

17 (2) Class C felony if the offense attempted is a class B
18 felony.

19 (3) Class D felony if the offense attempted is a class C
20 felony.

21 (4) Class A misdemeanor if the offense attempted is a class
22 D felony.

23 (5) Class C misdemeanor if the offense attempted is a
24 misdemeanor of any degree] set forth in the statute creating the
25 offense, when guilt for a felony or misdemeanor is based upon an
26 attempt to commit that offense, the felony or misdemeanor shall
27 be classified one step lower than the class provided for the
28 felony or misdemeanor in the statute creating the offense.

1 [564.016.] 562.014. 1. [A person is guilty of conspiracy
2 with another person or persons to commit an offense if] Guilt for
3 an offense may be based upon a conspiracy to commit an offense
4 when a person, with the purpose of promoting or facilitating [its
5 commission he] the commission of an offense, agrees with [such
6 other] another person or persons that they or one or more of them
7 will engage in conduct which constitutes such offense.

8 2. [If a person guilty of conspiracy knows that a person
9 with whom he conspires to commit an offense has conspired with
10 another person or persons to commit the same offense, he is
11 guilty of conspiring with such other person or persons to commit
12 such offense, whether or not he knows their identity] It is no
13 defense to a prosecution for conspiring to commit an offense that
14 a person who knows that a person with whom he or she conspires to
15 commit an offense has conspired with another person or persons to
16 commit the same offense, does not know the identity of such other
17 person or persons.

18 3. If a person conspires to commit a number of offenses, he
19 [is] or she can be found guilty of only one [conspiracy] offense
20 so long as such multiple offenses are the object of the same
21 agreement.

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

27 5. (1) No [one] person shall be convicted of [conspiracy]
28 an offense based upon a conspiracy to commit an offense if, after

1 conspiring to commit the offense, he or she prevented the
2 accomplishment of the objectives of the conspiracy under
3 circumstances manifesting a renunciation of his or her criminal
4 purpose.

5 (2) The defendant shall have the burden of injecting the
6 issue of renunciation of criminal purpose under subdivision (1)
7 of this subsection.

8 6. For the purpose of time limitations on prosecutions:

9 (1) **[Conspiracy]** A conspiracy to commit an offense is a
10 continuing course of conduct which terminates when the offense or
11 offenses which are its object are committed or the agreement that
12 they be committed is abandoned by the defendant and by those with
13 whom he or she conspired.

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

19 7. A person **[may]** shall not be charged, convicted or
20 sentenced on the basis of the same course of conduct of both the
21 actual commission of an offense and a conspiracy to commit that
22 offense.

23 8. Unless otherwise **[provided]**, a conspiracy to commit an
24 offense is a:

25 (1) Class B felony if the object of the conspiracy is a
26 class A felony.

27 (2) Class C felony if the object of the conspiracy is a
28 class B felony.

1 (3) Class D felony if the object of the conspiracy is a
2 class C felony.

3 (4) Class A misdemeanor if the object of the conspiracy is
4 a class D felony.

5 (5) Class C misdemeanor if the object of the conspiracy is
6 a misdemeanor of any degree or an infraction] set forth in the
7 statute creating the offense, when guilt for a felony or
8 misdemeanor is based upon a conspiracy to commit that offense,
9 the felony or misdemeanor shall be classified one step lower than
10 the class provided for the felony or misdemeanor in the statute
11 creating the offense.

12 562.016. 1. Except as provided in section 562.026, a
13 person is not guilty of an offense unless he or she acts with a
14 culpable mental state, that is, unless he or she acts purposely
15 or knowingly or recklessly or with criminal negligence, as the
16 statute defining the offense may require with respect to the
17 conduct, the result thereof or the attendant circumstances which
18 constitute the material elements of the crime.

19 2. A person "acts purposely", or with purpose, with respect
20 to his or her conduct or to a result thereof when it is his or
21 her conscious object to engage in that conduct or to cause that
22 result.

23 3. A person "acts knowingly", or with knowledge,

24 (1) With respect to his or her conduct or to attendant
25 circumstances when he or she is aware of the nature of his or her
26 conduct or that those circumstances exist; or

27 (2) With respect to a result of his or her conduct when he
28 or she is aware that his or her conduct is practically certain to

1 cause that result.

2 4. A person "acts recklessly" or is reckless when he or she
3 consciously disregards a substantial and unjustifiable risk that
4 circumstances exist or that a result will follow, and such
5 disregard constitutes a gross deviation from the standard of care
6 which a reasonable person would exercise in the situation.

7 5. A person "acts with criminal negligence" or is
8 criminally negligent when he or she fails to be aware of a
9 substantial and unjustifiable risk that circumstances exist or a
10 result will follow, and such failure constitutes a gross
11 deviation from the standard of care which a reasonable person
12 would exercise in the situation.

13 562.031. 1. A person is not relieved of criminal liability
14 for conduct because he or she engages in such conduct under a
15 mistaken belief of fact or law unless such mistake negatives the
16 existence of the mental state required by the offense.

17 2. A person is not relieved of criminal liability for
18 conduct because he or she believes his or her conduct does not
19 constitute an offense unless his or her belief is reasonable and:

20 (1) The offense is defined by an administrative regulation
21 or order which is not known to him or her and has not been
22 published or otherwise made reasonably available to him or her,
23 and he or she could not have acquired such knowledge by the
24 exercise of due diligence pursuant to facts known to him or her;
25 or

26 (2) He or she acts in reasonable reliance upon an official
27 statement of the law, afterward determined to be invalid or
28 erroneous, contained in

- 1 (a) A statute;
- 2 (b) An opinion or order of an appellate court;
- 3 (c) An official interpretation of the statute, regulation
4 or order defining the offense made by a public official or agency
5 legally authorized to interpret such statute, regulation or
6 order.

7 3. The burden of injecting the issue of reasonable belief
8 that conduct does not constitute an offense under subdivisions
9 (1) and (2) of subsection 2 of this section is on the defendant.

10 562.036. A person with the required culpable mental state
11 is guilty of an offense if it is committed by his or her own
12 conduct or by the conduct of another person for which he or she
13 is criminally responsible, or both.

14 562.041. 1. A person is criminally responsible for the
15 conduct of another when:

16 (1) The statute defining the offense makes him or her so
17 responsible; or

18 (2) Either before or during the commission of an offense
19 with the purpose of promoting the commission of an offense, he or
20 she aids or agrees to aid or attempts to aid such other person in
21 planning, committing or attempting to commit the offense.

22 2. However, a person is not so responsible if:

23 (1) He or she is the victim of the offense committed or
24 attempted;

25 (2) The offense is so defined that his or her conduct was
26 necessarily incident to the commission or attempt to commit the
27 offense. If his or her conduct constitutes a related but
28 separate offense, he or she is criminally responsible for that

1 offense but not for the conduct or offense committed or attempted
2 by the other person;

3 (3) Before the commission of the offense [he] such person
4 abandons his or her purpose and gives timely warning to law
5 enforcement authorities or otherwise makes proper effort to
6 prevent the commission of the offense.

7 3. The defense provided by subdivision (3) of subsection 2
8 of this section is an affirmative defense.

9 562.051. Except as otherwise provided, when two or more
10 persons are criminally responsible for an offense which is
11 divided into degrees, each person is guilty of such degree as is
12 compatible with his or her own culpable mental state and with his
13 or her own accountability for an aggravating or mitigating fact
14 or circumstance.

15 562.056. 1. A corporation is guilty of an offense if:

16 (1) The conduct constituting the offense consists of an
17 omission to discharge a specific duty of affirmative performance
18 imposed on corporations by law; or

19 (2) The conduct constituting the offense is engaged in by
20 an agent of the corporation while acting within the scope of his
21 or her employment and in behalf of the corporation, and the
22 offense is a misdemeanor or an infraction, or the offense is one
23 defined by a statute that clearly indicates a legislative intent
24 to impose such criminal liability on a corporation; or

25 (3) The conduct constituting the offense is engaged in,
26 authorized, solicited, requested, commanded or knowingly
27 tolerated by the board of directors or by a high managerial agent
28 acting within the scope of his or her employment and in behalf of

1 the corporation.

2 2. An unincorporated association is guilty of an offense
3 if:

4 (1) The conduct constituting the offense consists of an
5 omission to discharge a specific duty of affirmative performance
6 imposed on the association by law; or

7 (2) The conduct constituting the offense is engaged in by
8 an agent of the association while acting within the scope of his
9 or her employment and in behalf of the association and the
10 offense is one defined by a statute that clearly indicates a
11 legislative intent to impose such criminal liability on the
12 association.

13 3. As used in this section:

14 (1) "Agent" means any director, officer or employee of a
15 corporation or unincorporated association or any other person who
16 is authorized to act in behalf of the corporation or
17 unincorporated association;

18 (2) "High managerial agent" means an officer of a
19 corporation or any other agent in a position of comparable
20 authority with respect to the formulation of corporate policy or
21 the supervision in a managerial capacity of subordinate
22 employees.

23 562.061. A person is criminally liable for conduct
24 constituting an offense which he or she performs or causes to be
25 performed in the name of or in behalf of a corporation or
26 unincorporated association to the same extent as if such conduct
27 were performed in his or her own name or behalf.

28 562.066. 1. The commission of acts which would otherwise

1 constitute an offense is not criminal if the actor engaged in the
2 prescribed conduct because he or she was entrapped by a law
3 enforcement officer or a person acting in cooperation with such
4 an officer.

5 2. An "entrapment" is perpetuated if a law enforcement
6 officer or a person acting in cooperation with such an officer,
7 for the purpose of obtaining evidence of the commission of an
8 offense, solicits, encourages or otherwise induces another person
9 to engage in conduct when he or she was not ready and willing to
10 engage in such conduct.

11 3. The relief afforded by subsection 1 of this section is
12 not available as to any crime which involves causing physical
13 injury to or placing in danger of physical injury a person other
14 than the person perpetrating the entrapment.

15 4. The defendant shall have the burden of injecting the
16 issue of entrapment.

17 562.071. 1. It is an affirmative defense that the
18 defendant engaged in the conduct charged to constitute an offense
19 because he or she was coerced to do so, by the use of, or
20 threatened imminent use of, unlawful physical force upon him or
21 her or a third person, which force or threatened force a person
22 of reasonable firmness in his situation would have been unable to
23 resist.

24 2. The defense of "duress" as defined in subsection 1 is
25 not available:

26 (1) As to the crime of murder;

27 (2) As to any offense when the defendant recklessly places
28 himself or herself in a situation in which it is probable that he

1 or she will be subjected to the force or threatened force
2 described in subsection 1 of this section.

3 562.076. 1. A person who is in an intoxicated or drugged
4 condition, whether from alcohol, drugs or other substance, is
5 criminally responsible for conduct unless such condition is
6 involuntarily produced and deprived him or her of the capacity to
7 know or appreciate the nature, quality or wrongfulness of his or
8 her conduct.

9 2. The defendant shall have the burden of injecting the
10 issue of intoxicated or drugged condition.

11 3. Evidence that a person was in a voluntarily intoxicated
12 or drugged condition may be admissible when otherwise relevant on
13 issues of conduct but in no event shall it be admissible for the
14 purpose of negating a mental state which is an element of the
15 offense. In a trial by jury, the jury shall be so instructed
16 when evidence that a person was in a voluntarily intoxicated or
17 drugged condition has been received into evidence.

18 562.086. 1. A person is not responsible for criminal
19 conduct if at the time of such conduct as a result of mental
20 disease or defect he was incapable of knowing and appreciating
21 the nature, quality or wrongfulness of his or her conduct.

22 2. The procedures for the defense of lack of responsibility
23 because of mental disease or defect are governed by the
24 provisions of chapter 552.

25 563.021. 1. Unless inconsistent with the provisions of
26 this chapter defining the justifiable use of physical force, or
27 with some other provision of law, conduct which would otherwise
28 constitute an offense is justifiable and not criminal when such

1 conduct is required or authorized by a statutory provision or by
2 a judicial decree. Among the kinds of such provisions and
3 decrees are:

4 (1) Laws defining duties and functions of public servants;

5 (2) Laws defining duties of private persons to assist
6 public servants in the performance of their functions;

7 (3) Laws governing the execution of legal process;

8 (4) Laws governing the military services and the conduct of
9 war;

10 (5) Judgments and orders of courts.

11 2. The defense of justification afforded by subsection 1 of
12 this section applies:

13 (1) When a person reasonably believes his or her conduct to
14 be required or authorized by the judgment or directions of a
15 competent court or tribunal or in the legal execution of legal
16 process, notwithstanding lack of jurisdiction of the court or
17 defect in the legal process;

18 (2) When a person reasonably believes his or her conduct to
19 be required or authorized to assist a public servant in the
20 performance of his or her duties, notwithstanding that the public
21 servant exceeded his or her legal authority.

22 3. The defendant shall have the burden of injecting the
23 issue of justification under this section.

24 563.026. 1. Unless inconsistent with other provisions of
25 this chapter defining justifiable use of physical force, or with
26 some other provision of law, conduct which would otherwise
27 constitute any **[crime]** offense other than a class A felony or
28 murder is justifiable and not criminal when it is necessary as an

1 emergency measure to avoid an imminent public or private injury
2 which is about to occur by reason of a situation occasioned or
3 developed through no fault of the actor, and which is of such
4 gravity that, according to ordinary standards of intelligence and
5 morality, the desirability of avoiding the injury outweighs the
6 desirability of avoiding the injury sought to be prevented by the
7 statute defining the [crime] offense charged.

8 2. The necessity and justifiability of conduct under
9 subsection 1 of this section may not rest upon considerations
10 pertaining only to the morality and advisability of the statute,
11 either in its general application or with respect to its
12 application to a particular class of cases arising thereunder.
13 Whenever evidence relating to the defense of justification under
14 this section is offered, the court shall rule as a matter of law
15 whether the claimed facts and circumstances would, if
16 established, constitute a justification.

17 3. The defense of justification under this section is an
18 affirmative defense.

19 563.033. 1. Evidence that [the actor] a person was
20 suffering from the battered spouse syndrome shall be admissible
21 upon the issue of whether [the actor] he or she lawfully acted in
22 self-defense or defense of another.

23 2. If the defendant proposes to offer evidence of the
24 battered spouse syndrome, he or she shall file written notice
25 thereof with the court in advance of trial. Thereafter, the
26 court, upon motion of the state, shall appoint one or more
27 private psychiatrists or psychologists, as defined in section
28 632.005, or physicians with a minimum of one year training or

1 experience in providing treatment or services to mentally
2 retarded or mentally ill individuals, who are neither employees
3 nor contractors of the department of mental health for the
4 purposes of performing the examination in question, to examine
5 the accused, or shall direct the director of the department of
6 mental health, or his or her designee, to have the accused so
7 examined by one or more psychiatrists or psychologists, as
8 defined in section 632.005, or physicians with a minimum of one
9 year training or experience in providing treatment or services to
10 mentally retarded or mentally ill individuals designated by the
11 director, or his or her designee, for the purpose of examining
12 the defendant. No private psychiatrist, psychologist, or
13 physician shall be appointed by the court unless he or she has
14 consented to act. The examinations ordered shall be made at such
15 time and place and under such conditions as the court deems
16 proper; except that if the order directs the director of the
17 department of mental health to have the accused examined, the
18 director, or his or her designee, shall determine the reasonable
19 time, place and conditions under which the examination shall be
20 conducted. The order may include provisions for the interview of
21 witnesses.

22 3. No statement made by the accused in the course of any
23 such examination and no information received by any physician or
24 other person in the course thereof, whether such examination was
25 made with or without the consent of the accused or upon his or
26 her motion or upon that of others, shall be admitted in evidence
27 against the accused on the issue of whether he or she committed
28 the act charged against him or her in any criminal proceeding

1 then or thereafter pending in any court, state or federal.

2 563.046. 1. A law enforcement officer need not retreat or
3 desist from efforts to effect the arrest, or from efforts to
4 prevent the escape from custody, of a person he or she reasonably
5 believes to have committed an offense because of resistance or
6 threatened resistance of the arrestee. In addition to the use of
7 physical force authorized under other sections of this chapter,
8 [he] a law enforcement officer is, subject to the provisions of
9 subsections 2 and 3, justified in the use of such physical force
10 as he or she reasonably believes is immediately necessary to
11 effect the arrest or to prevent the escape from custody.

12 2. The use of any physical force in making an arrest is not
13 justified under this section unless the arrest is lawful or the
14 law enforcement officer reasonably believes the arrest is lawful.

15 3. A law enforcement officer in effecting an arrest or in
16 preventing an escape from custody is justified in using deadly
17 force only:

18 (1) When [such is] deadly force is authorized under other
19 sections of this chapter; or

20 (2) When he or she reasonably believes that such use of
21 deadly force is immediately necessary to effect the arrest and
22 also reasonably believes that the person to be arrested:

23 (a) Has committed or attempted to commit a felony; or

24 (b) Is attempting to escape by use of a deadly weapon; or

25 (c) May otherwise endanger life or inflict serious physical
26 injury unless arrested without delay.

27 4. The defendant shall have the burden of injecting the
28 issue of justification under this section.

1 563.051. 1. A private person who has been directed by a
2 person he or she reasonably believes to be a law enforcement
3 officer to assist such officer to effect an arrest or to prevent
4 escape from custody may, subject to the limitations of subsection
5 3 of this section, use physical force when and to the extent that
6 he or she reasonably believes such to be necessary to carry out
7 such officer's direction unless he or she knows or believes that
8 the arrest or prospective arrest is not or was not authorized.

9 2. A private person acting on his or her own account may,
10 subject to the limitations of subsection 3 of this section, use
11 physical force to [effect] arrest or prevent the escape [only
12 when and to the extent such is immediately necessary to effect
13 the arrest, or to prevent escape from custody,] of a person whom
14 [he] such private person reasonably believes [to have] has
15 committed [a crime] an offense, and who in fact has committed
16 such [crime] offense, when the private person's actions are
17 immediately necessary to arrest the offender or prevent his or
18 her escape from custody.

19 3. A private person in effecting an arrest or in preventing
20 escape from custody is justified in using deadly force only:

21 (1) When [such is] deadly force is authorized under other
22 sections of this chapter; or

23 (2) When he or she reasonably believes [such to be] deadly
24 force is authorized under the circumstances and he or she is
25 directed or authorized by a law enforcement officer to use deadly
26 force; or

27 (3) When he or she reasonably believes such use of deadly
28 force is immediately necessary to [effect the] arrest [of] a

1 person who at that time and in his or her presence

2 (a) Committed or attempted to commit a class A felony or
3 murder; or

4 (b) Is attempting to escape by use of a deadly weapon.

5 4. The defendant shall have the burden of injecting the
6 issue of justification under this section.

7 563.056. 1. A guard or other law enforcement officer may,
8 subject to the provisions of subsection 2 of this section, use
9 physical force when he reasonably believes such to be immediately
10 necessary to prevent escape from confinement or in transit
11 thereto or therefrom.

12 2. A guard or other law enforcement officer may use deadly
13 force under circumstances described in subsection 1 of this
14 section only:

15 (1) When such use of deadly force is authorized under other
16 sections of this chapter; or

17 (2) When he or she reasonably believes there is a
18 substantial risk that the escapee will endanger human life or
19 cause serious physical injury unless the escape is prevented.

20 3. The defendant shall have the burden of injecting the
21 issue of justification under this section.

22 563.061. 1. The use of physical force by an actor upon
23 another person is justifiable when the actor is a parent,
24 guardian or other person entrusted with the care and supervision
25 of a minor or an incompetent person or when the actor is a
26 teacher or other person entrusted with the care and supervision
27 of a minor for a special purpose; and

28 (1) The actor reasonably believes that the force used is

1 necessary to promote the welfare of a minor or incompetent
2 person, or, if the actor's responsibility for the minor is for
3 special purposes, to further that special purpose or to maintain
4 reasonable discipline in a school, class or other group; and

5 (2) The force used is not designed to cause or believed to
6 create a substantial risk of causing death, serious physical
7 injury, disfigurement, extreme pain or extreme emotional
8 distress.

9 2. A warden or other authorized official of a jail, prison
10 or correctional institution may, in order to maintain order and
11 discipline, use whatever physical force, including deadly force,
12 that is authorized by law.

13 3. The use of physical force by an actor upon another
14 person is justifiable when the actor is a person responsible for
15 the operation of or the maintenance of order in a vehicle or
16 other carrier of passengers and the actor reasonably believes
17 that such force is necessary to prevent interference with its
18 operation or to maintain order in the vehicle or other carrier,
19 except that deadly force may be used only when the actor
20 reasonably believes it necessary to prevent death or serious
21 physical injury.

22 4. The use of physical force by an actor upon another
23 person is justified when the actor is a physician or a person
24 assisting at his or her direction; and

25 (1) The force is used for the purpose of administering a
26 medically acceptable form of treatment which the actor reasonably
27 believes to be adapted to promoting the physical or mental health
28 of the patient; and

1 (2) The treatment is administered with the consent of the
2 patient or, if the patient is a minor or an incompetent person,
3 with the consent of the parent, guardian, or other person legally
4 competent to consent on his or her behalf, or the treatment is
5 administered in an emergency when the actor reasonably believes
6 that no one competent to consent can be consulted and that a
7 reasonable person, wishing to safeguard the welfare of the
8 patient, would consent.

9 5. The use of physical force by an actor upon another
10 person is justifiable when the actor acts under the reasonable
11 belief that

12 (1) Such other person is about to commit suicide or to
13 inflict serious physical injury upon himself or herself; and

14 (2) The force used is necessary to thwart such result.

15 6. The defendant shall have the burden of injecting the
16 issue of justification under this section.

17 563.070. 1. Conduct which would otherwise constitute [a
18 crime] an offense under chapter 565 is excusable and not criminal
19 when it is the result of accident in any lawful act by lawful
20 means without knowingly causing or attempting to cause physical
21 injury and without acting with criminal negligence.

22 2. The defendant shall have the burden of injecting the
23 issue of excuse authorized under this section.

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

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

1 for self-control;

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

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

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

11 [(3)] (5) "Deliberation" means cool reflection for any
12 length of time no matter how brief;

13 [(4) "Intoxicated condition" means under the influence of
14 alcohol, a controlled substance, or drug, or any combination
15 thereof;

16 (5) "Operates" means physically driving or operating or
17 being in actual physical control of a motor vehicle;

18 (6) "Serious physical injury" means physical injury that
19 creates a substantial risk of death or that causes serious
20 disfigurement or protracted loss or impairment of the function of
21 any part of the body;]

22 (6) "Domestic victim", a household or family member as the
23 terms "family" or "household member" are defined in section
24 455.010, including any child who is a member of the household or
25 family;

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

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

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

7 (10) "Parent", either a biological parent or a parent by
8 adoption;

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

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

14 (13) "Place where a person would have a reasonable
15 expectation of privacy", any place where a reasonable person
16 would believe that a person could disrobe in privacy, without
17 being concerned that the person's undressing was being viewed,
18 photographed or filmed by another;

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

20 (a) A law enforcement officer assaulted in the performance
21 of official duties or as a direct result of such official duties;

22 (b) Emergency personnel, meaning any paid or volunteer
23 firefighter, emergency room or trauma center personnel, or
24 emergency medical technician, assaulted in the performance of
25 official duties or as a direct result of such official duties;

26 (c) A probation and parole officer assaulted in the
27 performance of official duties or as a direct result of such
28 official duties;

1 (d) Elderly person;

2 (e) Disabled person;

3 (f) Any jailer or corrections officer of the state or one
4 of its political subdivisions;

5 (g) A highway worker in a construction or work zone as the
6 terms "highway worker", "construction zone", or "work zone" are
7 defined under section 304.580;

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

13 (i) Any employee, including any person employed under
14 contract, of a cable operator as the term "cable operator" is
15 defined in 47 U.S.C. Section 522(5);

16 [(7)] (15) "Sudden passion" [means], passion directly
17 caused by and arising out of provocation by the victim or another
18 acting with the victim which passion arises at the time of the
19 offense and is not solely the result of former provocation;

20 [(8)] (16) "Trier" [means], the judge or jurors to whom
21 issues of fact, guilt or innocence, or the assessment and
22 declaration of punishment are submitted for decision;

23 (17) "Views", the looking upon of another person, with the
24 unaided eye or with any device designed or intended to improve
25 visual acuity, for the purpose of arousing or gratifying the
26 sexual desire of any person.

27 565.004. 1. Each homicide offense which is lawfully joined
28 in the same indictment or information together with any homicide

1 offense or offense other than a homicide shall be charged
2 together with such offense in separate counts. A count charging
3 any offense of homicide may only be charged and tried together
4 with one or more counts of any other homicide or offense other
5 than a homicide as provided in subsection 2 of section 545.140.
6 Except as provided in subsections 2, 3, and 4 of this section, no
7 murder in the first degree offense may be tried together with any
8 offense other than murder in the first degree. In the event of a
9 joinder of homicide offenses, all offenses charged which are
10 supported by the evidence in the case, together with all proper
11 lesser offenses under section [565.025] 565.029, shall, when
12 requested by one of the parties or the court, be submitted to the
13 jury or, in a jury-waived trial, considered by the judge.

14 2. A count charging any offense of homicide of a particular
15 individual may be joined in an indictment or information and
16 tried with one or more counts charging alternatively any other
17 homicide or offense other than a homicide committed against that
18 individual. The state shall not be required to make an election
19 as to the alternative count on which it will proceed. This
20 subsection in no way limits the right to try in the conjunctive,
21 where they are properly joined under subsection 1 of this
22 section, either separate offenses other than murder in the first
23 degree or separate offenses of murder in the first degree
24 committed against different individuals.

25 3. When a defendant has been charged and proven before
26 trial to be a prior offender pursuant to chapter 558 so that the
27 judge shall assess punishment and not a jury for an offense other
28 than murder in the first degree, that offense may be tried and

1 submitted to the trier together with any murder in the first
2 degree charge with which it is lawfully joined. In such case the
3 judge will assess punishment on any offense joined with a murder
4 in the first degree charge according to law and, when the trier
5 is a jury, it shall be instructed upon punishment on the charge
6 of murder in the first degree in accordance with section 565.030.

7 4. When the state waives the death penalty for a murder
8 first degree offense, that offense may be tried and submitted to
9 the trier together with any other charge with which it is
10 lawfully joined.

11 [565.080.] 565.010. 1. When conduct is charged to
12 constitute an offense because it causes or threatens physical
13 injury, consent to that conduct or to the infliction of the
14 injury is a defense only if:

15 (1) The physical injury consented to or threatened by the
16 conduct is not serious physical injury; or

17 (2) The conduct and the harm are reasonably foreseeable
18 hazards of

19 (a) The victim's occupation or profession; or

20 (b) Joint participation in a lawful athletic contest or
21 competitive sport; or

22 (3) The consent establishes a justification for the conduct
23 under chapter 563 of this code.

24 2. The defendant shall have the burden of injecting the
25 issue of consent.

26 565.020. 1. A person commits the [crime] offense of murder
27 in the first degree if he or she knowingly causes the death of
28 another person after deliberation upon the matter.

1 2. The offense of murder in the first degree is a class A
2 felony, and, if a person is eighteen years of age or older at the
3 time of the crime, the punishment shall be either death or
4 imprisonment for life without eligibility for probation or
5 parole, or release except by act of the governor[; except that,
6 if a person has not reached his sixteenth birthday at the time of
7 the commission of the crime, the punishment shall be imprisonment
8 for life without eligibility for probation or parole, or release
9 except by act of the governor].

10 3. If the person was less than eighteen years of age at the
11 time of the crime, the punishment shall be not less than the
12 minimum provided for a class A felony and not more than
13 imprisonment for life without eligibility for probation, parole,
14 or release except by act of the governor.

15 4. If the trier at the first stage of the trial finds a
16 person who was less than eighteen years of age at the time of the
17 crime guilty of murder in the first degree, a second stage of the
18 trial shall proceed at which the only issue shall be the
19 punishment to be assessed and declared. Evidence in aggravation
20 and mitigation of punishment, including but not limited to
21 evidence supporting any of the aggravating or mitigating
22 circumstances listed in subsection 2 or 3 of section 565.032, may
23 be presented subject to the rules of evidence at criminal trials.
24 Rebuttal and surrebuttal evidence may be presented. The state
25 shall be the first to proceed. If the trier is a jury, it shall
26 be instructed as to the range of punishment authorized by statute
27 and that the court will assess and declare punishment if the jury
28 cannot agree on punishment or declares a punishment that is not

1 authorized by statute. The attorneys may then argue the issue of
2 punishment to the jury, and the state shall have the right to
3 open and close the argument.

4 5. The trier shall assess and declare the punishment and,
5 if the trier declares the punishment to be imprisonment for life
6 without parole, the trier shall set out in writing in its
7 findings or verdict the aggravating circumstances or mitigating
8 circumstances it considered and the reasons supporting the
9 sentence imposed.

10 565.021. 1. A person commits the [crime] offense of murder
11 in the second degree if he or she:

12 (1) Knowingly causes the death of another person or, with
13 the purpose of causing serious physical injury to another person,
14 causes the death of another person; or

15 (2) Commits or attempts to commit any felony, and, in the
16 perpetration or the attempted perpetration of such felony or in
17 the flight from the perpetration or attempted perpetration of
18 such felony, another person is killed as a result of the
19 perpetration or attempted perpetration of such felony or
20 immediate flight from the perpetration of such felony or
21 attempted perpetration of such felony.

22 2. The offense of murder in the second degree is a class A
23 felony, and the punishment for second degree murder shall be in
24 addition to the punishment for commission of a related felony or
25 attempted felony, other than murder or manslaughter.

26 3. Notwithstanding section 556.046 and section [565.025]
27 565.029, in any charge of murder in the second degree, the jury
28 shall be instructed on, or, in a jury-waived trial, the judge

1 shall consider, any and all of the subdivisions in subsection 1
2 of this section which are supported by the evidence and requested
3 by one of the parties or the court.

4 565.023. 1. A person commits the [crime] offense of
5 voluntary manslaughter if he or she:

6 (1) Causes the death of another person under circumstances
7 that would constitute murder in the second degree under
8 subdivision (1) of subsection 1 of section 565.021, except that
9 he or she caused the death under the influence of sudden passion
10 arising from adequate cause; or

11 (2) Knowingly assists another in the commission of
12 self-murder.

13 2. The defendant shall have the burden of injecting the
14 issue of influence of sudden passion arising from adequate cause
15 under subdivision (1) of subsection 1 of this section.

16 3. The offense of voluntary manslaughter is a class B
17 felony.

18 565.024. 1. A person commits the [crime] offense of
19 involuntary manslaughter in the first degree if he or she[:

20 (1)] recklessly causes the death of another person[; or

21 (2) While in an intoxicated condition operates a motor
22 vehicle or vessel in this state and, when so operating, acts with
23 criminal negligence to cause the death of any person; or

24 (3) While in an intoxicated condition operates a motor
25 vehicle or vessel in this state, and, when so operating, acts
26 with criminal negligence to:

27 (a) Cause the death of any person not a passenger in the
28 vehicle or vessel operated by the defendant, including the death

1 of an individual that results from the defendant's vehicle
2 leaving a highway, as defined by section 301.010, or the
3 highway's right-of-way; or vessel leaving the water; or

4 (b) Cause the death of two or more persons; or

5 (c) Cause the death of any person while he or she has a
6 blood alcohol content of at least eighteen-hundredths of one
7 percent by weight of alcohol in such person's blood; or

8 (4) Operates a motor vehicle in violation of subsection 2
9 of section 304.022, and when so operating, acts with criminal
10 negligence to cause the death of any person authorized to operate
11 an emergency vehicle, as defined in section 304.022, while such
12 person is in the performance of official duties;

13 (5) Operates a vessel in violation of subsections 1 and 2
14 of section 306.132, and when so operating acts with criminal
15 negligence to cause the death of any person authorized to operate
16 an emergency watercraft, as defined in section 306.132, while
17 such person is in the performance of official duties].

18 2. The offense of involuntary manslaughter in the first
19 degree [under subdivision (1) or (2) of subsection 1 of this
20 section] is a class C felony. [Involuntary manslaughter in the
21 first degree under subdivision (3) of subsection 1 of this
22 section is a class B felony. A second or subsequent violation of
23 subdivision (3) of subsection 1 of this section is a class A
24 felony. For any violation of subdivision (3) of subsection 1 of
25 this section, the minimum prison term which the defendant must
26 serve shall be eighty-five percent of his or her sentence. Any
27 violation of subdivisions (4) and (5) of subsection 1 of this
28 section is a class B felony.

1 3. A person commits the crime of involuntary manslaughter
2 in the second degree if he acts with criminal negligence to cause
3 the death of any person.

4 4. Involuntary manslaughter in the second degree is a class
5 D felony.]

6 565.027. 1. A person commits the offense of involuntary
7 manslaughter in the second degree if he or she acts with criminal
8 negligence to cause the death of any person.

9 2. The offense of involuntary manslaughter in the second
10 degree is a class E felony.

11 [565.025.] 565.029. 1. With the exceptions provided in
12 subsection 3 of this section and subsection 3 of section 565.021,
13 section 556.046 shall be used for the purpose of consideration of
14 lesser offenses by the trier in all homicide cases.

15 2. The following lists shall comprise, in the order listed,
16 the lesser degree offenses:

17 (1) The lesser degree offenses of murder in the first
18 degree are:

19 (a) Murder in the second degree under subdivisions (1) and
20 (2) of subsection 1 of section 565.021;

21 (b) Voluntary manslaughter under subdivision (1) of
22 subsection 1 of section 565.023; [and]

23 (c) Involuntary manslaughter [under subdivision (1) of
24 subsection 1 of section 565.024] in the first degree; and

25 (d) Involuntary manslaughter in the second degree;

26 (2) The lesser degree offenses of murder in the second
27 degree are:

28 (a) Voluntary manslaughter under subdivision (1) of

1 subsection 1 of section 565.023; [and]

2 (b) Involuntary manslaughter [under subdivision (1) of
3 subsection 1 of section 565.024] in the first degree; and

4 (c) Involuntary manslaughter in the second degree.

5 3. No instruction on a lesser included offense shall be
6 submitted unless requested by one of the parties or the court.

7 565.030. 1. [Where murder in the first degree is charged
8 but not submitted or where the state waives the death penalty,
9 the submission to the trier and all subsequent proceedings in the
10 case shall proceed as in all other criminal cases with a single
11 stage trial in which guilt and punishment are submitted together.

12 2.] Where murder in the first degree is submitted to the
13 trier without a waiver of the death penalty, the trial shall
14 proceed in two stages before the same trier. At the first stage
15 the trier shall decide only whether the defendant is guilty or
16 not guilty of any submitted offense. The issue of punishment
17 shall not be submitted to the trier at the first stage. If an
18 offense is charged other than murder in the first degree in a
19 count together with a count of murder in the first degree, the
20 trial judge shall assess punishment on any such offense according
21 to law, after the defendant is found guilty of such offense and
22 after he finds the defendant to be a prior offender pursuant to
23 chapter 558.

24 [3.] 2. If murder in the first degree is submitted and the
25 death penalty was not waived but the trier finds the defendant
26 guilty of a lesser homicide, a second stage of the trial shall
27 proceed at which the only issue shall be the punishment to be
28 assessed and declared. No further evidence shall be received.

1 If the trier is a jury it shall be instructed on the law. The
2 attorneys may then argue as in other criminal cases the issue of
3 punishment, after which the trier shall assess and declare the
4 punishment as in all other criminal cases.

5 [4.] 3. If the trier at the first stage of a trial where
6 the death penalty was not waived finds the defendant guilty of
7 murder in the first degree, a second stage of the trial shall
8 proceed at which the only issue shall be the punishment to be
9 assessed and declared. Evidence in aggravation and mitigation of
10 punishment, including but not limited to evidence supporting any
11 of the aggravating or mitigating circumstances listed in
12 subsection 2 or 3 of section 565.032, may be presented subject to
13 the rules of evidence at criminal trials. Such evidence may
14 include, within the discretion of the court, evidence concerning
15 the murder victim and the impact of the [crime] offense upon the
16 family of the victim and others. Rebuttal and surrebuttal
17 evidence may be presented. The state shall be the first to
18 proceed. If the trier is a jury it shall be instructed on the
19 law. The attorneys may then argue the issue of punishment to the
20 jury, and the state shall have the right to open and close the
21 argument. The trier shall assess and declare the punishment at
22 life imprisonment without eligibility for probation, parole, or
23 release except by act of the governor:

24 (1) If the trier finds by a preponderance of the evidence
25 that the defendant is mentally retarded; or

26 (2) If the trier does not find beyond a reasonable doubt at
27 least one of the statutory aggravating circumstances set out in
28 subsection 2 of section 565.032; or

1 (3) If the trier concludes that there is evidence in
2 mitigation of punishment, including but not limited to evidence
3 supporting the statutory mitigating circumstances listed in
4 subsection 3 of section 565.032, which is sufficient to outweigh
5 the evidence in aggravation of punishment found by the trier; or

6 (4) If the trier decides under all of the circumstances not
7 to assess and declare the punishment at death. If the trier is a
8 jury it shall be so instructed. If the trier assesses and
9 declares the punishment at death it shall, in its findings or
10 verdict, set out in writing the aggravating circumstance or
11 circumstances listed in subsection 2 of section 565.032 which it
12 found beyond a reasonable doubt. If the trier is a jury it shall
13 be instructed before the case is submitted that if it is unable
14 to decide or agree upon the punishment the court shall assess and
15 declare the punishment at life imprisonment without eligibility
16 for probation, parole, or release except by act of the governor
17 or death. The court shall follow the same procedure as set out
18 in this section whenever it is required to determine punishment
19 for murder in the first degree.

20 [5.] 4. Upon written agreement of the parties and with
21 leave of the court, the issue of the defendant's mental
22 retardation may be taken up by the court and decided prior to
23 trial without prejudicing the defendant's right to have the issue
24 submitted to the trier of fact as provided in subsection 4 of
25 this section.

26 [6.] 5. As used in this section, the terms "mental
27 retardation" or "mentally retarded" refer to a condition
28 involving substantial limitations in general functioning

1 characterized by significantly subaverage intellectual
2 functioning with continual extensive related deficits and
3 limitations in two or more adaptive behaviors such as
4 communication, self-care, home living, social skills, community
5 use, self-direction, health and safety, functional academics,
6 leisure and work, which conditions are manifested and documented
7 before eighteen years of age.

8 [7.] 6. The provisions of this section shall only govern
9 offenses committed on or after August 28, 2001.

10 565.032. 1. In all cases of murder in the first degree for
11 which the death penalty is authorized, the judge in a jury-waived
12 trial shall consider, or [he] shall include in his or her
13 instructions to the jury for it to consider:

14 (1) Whether a statutory aggravating circumstance or
15 circumstances enumerated in subsection 2 of this section is
16 established by the evidence beyond a reasonable doubt; and

17 (2) If a statutory aggravating circumstance or
18 circumstances is proven beyond a reasonable doubt, whether the
19 evidence as a whole justifies a sentence of death or a sentence
20 of life imprisonment without eligibility for probation, parole,
21 or release except by act of the governor. In determining the
22 issues enumerated in subdivisions (1) and (2) of this subsection,
23 the trier shall consider all evidence which it finds to be in
24 aggravation or mitigation of punishment, including evidence
25 received during the first stage of the trial and evidence
26 supporting any of the statutory aggravating or mitigating
27 circumstances set out in subsections 2 and 3 of this section. If
28 the trier is a jury, it shall not be instructed upon any specific

1 evidence which may be in aggravation or mitigation of punishment,
2 but shall be instructed that each juror shall consider any
3 evidence which he or she considers to be aggravating or
4 mitigating.

5 2. Statutory aggravating circumstances for a murder in the
6 first degree offense shall be limited to the following:

7 (1) The offense was committed by a person with a prior
8 record of conviction for murder in the first degree, or the
9 offense was committed by a person who has one or more serious
10 assaultive criminal convictions;

11 (2) The murder in the first degree offense was committed
12 while the offender was engaged in the commission or attempted
13 commission of another unlawful homicide;

14 (3) The offender by his or her act of murder in the first
15 degree knowingly created a great risk of death to more than one
16 person by means of a weapon or device which would normally be
17 hazardous to the lives of more than one person;

18 (4) The offender committed the offense of murder in the
19 first degree for himself or herself or another, for the purpose
20 of receiving money or any other thing of monetary value from the
21 victim of the murder or another;

22 (5) The murder in the first degree was committed against a
23 judicial officer, former judicial officer, prosecuting attorney
24 or former prosecuting attorney, circuit attorney or former
25 circuit attorney, assistant prosecuting attorney or former
26 assistant prosecuting attorney, assistant circuit attorney or
27 former assistant circuit attorney, peace officer or former peace
28 officer, elected official or former elected official during or

1 because of the exercise of his official duty;

2 (6) The offender caused or directed another to commit
3 murder in the first degree or committed murder in the first
4 degree as an agent or employee of another person;

5 (7) The murder in the first degree was outrageously or
6 wantonly vile, horrible or inhuman in that it involved torture,
7 or depravity of mind;

8 (8) The murder in the first degree was committed against
9 any peace officer, or fireman while engaged in the performance of
10 his or her official duty;

11 (9) The murder in the first degree was committed by a
12 person in, or who has escaped from, the lawful custody of a peace
13 officer or place of lawful confinement;

14 (10) The murder in the first degree was committed for the
15 purpose of avoiding, interfering with, or preventing a lawful
16 arrest or custody in a place of lawful confinement, of himself or
17 herself or another;

18 (11) The murder in the first degree was committed while the
19 defendant was engaged in the perpetration or was aiding or
20 encouraging another person to perpetrate or attempt to perpetrate
21 a felony of any degree of rape, sodomy, burglary, robbery,
22 kidnapping, or any felony offense in chapter [195] 579;

23 (12) The murdered individual was a witness or potential
24 witness in any past or pending investigation or past or pending
25 prosecution, and was killed as a result of his or her status as a
26 witness or potential witness;

27 (13) The murdered individual was an employee of an
28 institution or facility of the department of corrections of this

1 state or local correction agency and was killed in the course of
2 performing his or her official duties, or the murdered individual
3 was an inmate of such institution or facility;

4 (14) The murdered individual was killed as a result of the
5 hijacking of an airplane, train, ship, bus or other public
6 conveyance;

7 (15) The murder was committed for the purpose of concealing
8 or attempting to conceal any felony offense defined in chapter
9 [195] 579;

10 (16) The murder was committed for the purpose of causing or
11 attempting to cause a person to refrain from initiating or aiding
12 in the prosecution of a felony offense defined in chapter [195]
13 579;

14 (17) The murder was committed during the commission of [a
15 crime] an offense which is part of a pattern of criminal street
16 gang activity as defined in section 578.421.

17 3. Statutory mitigating circumstances shall include the
18 following:

19 (1) The defendant has no significant history of prior
20 criminal activity;

21 (2) The murder in the first degree was committed while the
22 defendant was under the influence of extreme mental or emotional
23 disturbance;

24 (3) The victim was a participant in the defendant's conduct
25 or consented to the act;

26 (4) The defendant was an accomplice in the murder in the
27 first degree committed by another person and his or her
28 participation was relatively minor;

1 (5) The defendant acted under extreme duress or under the
2 substantial domination of another person;

3 (6) The capacity of the defendant to appreciate the
4 criminality of his or her conduct or to conform his or her
5 conduct to the requirements of law was substantially impaired;

6 (7) The age of the defendant at the time of the [crime]
7 offense.

8 565.035. 1. Whenever the death penalty is imposed in any
9 case, and upon the judgment becoming final in the trial court,
10 the sentence shall be reviewed on the record by the supreme court
11 of Missouri. The circuit clerk of the court trying the case,
12 within ten days after receiving the transcript, shall transmit
13 the entire record and transcript to the supreme court together
14 with a notice prepared by the circuit clerk and a report prepared
15 by the trial judge. The notice shall set forth the title and
16 docket number of the case, the name of the defendant and the name
17 and address of his attorney, a narrative statement of the
18 judgment, the offense, and the punishment prescribed. The report
19 by the judge shall be in the form of a standard questionnaire
20 prepared and supplied by the supreme court of Missouri.

21 2. The supreme court of Missouri shall consider the
22 punishment as well as any errors enumerated by way of appeal.

23 3. With regard to the sentence, the supreme court shall
24 determine:

25 (1) Whether the sentence of death was imposed under the
26 influence of passion, prejudice, or any other arbitrary factor;
27 and

28 (2) Whether the evidence supports the jury's or judge's

1 finding of a statutory aggravating circumstance as enumerated in
2 subsection 2 of section 565.032 and any other circumstance found;

3 (3) Whether the sentence of death is excessive or
4 disproportionate to the penalty imposed in similar cases,
5 considering both the [crime] offense, the strength of the
6 evidence and the defendant.

7 4. Both the defendant and the state shall have the right to
8 submit briefs within the time provided by the supreme court, and
9 to present oral argument to the supreme court.

10 5. The supreme court shall include in its decision a
11 reference to those similar cases which it took into
12 consideration. In addition to its authority regarding correction
13 of errors, the supreme court, with regard to review of death
14 sentences, shall be authorized to:

15 (1) Affirm the sentence of death; or

16 (2) Set the sentence aside and resentence the defendant to
17 life imprisonment without eligibility for probation, parole, or
18 release except by act of the governor; or

19 (3) Set the sentence aside and remand the case for retrial
20 of the punishment hearing. A new jury shall be selected or a
21 jury may be waived by agreement of both parties and then the
22 punishment trial shall proceed in accordance with this chapter,
23 with the exception that the evidence of the guilty verdict shall
24 be admissible in the new trial together with the official
25 transcript of any testimony and evidence properly admitted in
26 each stage of the original trial where relevant to determine
27 punishment.

28 6. There shall be an assistant to the supreme court, who

1 shall be an attorney appointed by the supreme court and who shall
2 serve at the pleasure of the court. The court shall accumulate
3 the records of all cases in which the sentence of death or life
4 imprisonment without probation or parole was imposed after May
5 26, 1977, or such earlier date as the court may deem appropriate.
6 The assistant shall provide the court with whatever extracted
7 information the court desires with respect thereto, including but
8 not limited to a synopsis or brief of the facts in the record
9 concerning the [crime] offense and the defendant. The court
10 shall be authorized to employ an appropriate staff, within the
11 limits of appropriations made for that purpose, and such methods
12 to compile such data as are deemed by the supreme court to be
13 appropriate and relevant to the statutory questions concerning
14 the validity of the sentence. The office of the assistant to the
15 supreme court shall be attached to the office of the clerk of the
16 supreme court for administrative purposes.

17 7. In addition to the mandatory sentence review, there
18 shall be a right of direct appeal of the conviction to the
19 supreme court of Missouri. This right of appeal may be waived by
20 the defendant. If an appeal is taken, the appeal and the
21 sentence review shall be consolidated for consideration. The
22 court shall render its decision on legal errors enumerated, the
23 factual substantiation of the verdict, and the validity of the
24 sentence.

25 565.040. 1. In the event that the death penalty provided
26 in this chapter is held to be unconstitutional, any person
27 convicted of murder in the first degree shall be sentenced by the
28 court to life imprisonment without eligibility for probation,

1 parole, or release except by act of the governor, with the
2 exception that when a specific aggravating circumstance found in
3 a case is held to be unconstitutional or invalid for another
4 reason, the supreme court of Missouri is further authorized to
5 remand the case for resentencing or retrial of the punishment
6 pursuant to subsection 5 of section ~~[565.036]~~ 565.035.

7 2. In the event that any death sentence imposed pursuant to
8 this chapter is held to be unconstitutional, the trial court
9 which previously sentenced the defendant to death shall cause the
10 defendant to be brought before the court and shall sentence the
11 defendant to life imprisonment without eligibility for probation,
12 parole, or release except by act of the governor, with the
13 exception that when a specific aggravating circumstance found in
14 a case is held to be inapplicable, unconstitutional or invalid
15 for another reason, the supreme court of Missouri is further
16 authorized to remand the case for retrial of the punishment
17 pursuant to subsection 5 of section 565.035.

18 565.050. 1. A person commits the ~~[crime]~~ offense of
19 assault in the first degree if he or she attempts to kill or
20 knowingly causes or attempts to cause serious physical injury to
21 another person.

22 2. The offense of assault in the first degree is a class B
23 felony unless in the course thereof the ~~[actor]~~ person inflicts
24 serious physical injury on the victim, or if the victim of such
25 assault is a special victim, as the term "special victim" is
26 defined under section 565.002, in which case it is a class A
27 felony.

28 ~~[565.060.]~~ 565.052. 1. A person commits the ~~[crime]~~

1 offense of assault in the second degree if he or she:

2 (1) Attempts to kill or knowingly causes or attempts to
3 cause serious physical injury to another person under the
4 influence of sudden passion arising out of adequate cause; or

5 (2) Attempts to cause or knowingly causes physical injury
6 to another person by means of a deadly weapon or dangerous
7 instrument; or

8 (3) Recklessly causes serious physical injury to another
9 person; or

10 (4) [While in an intoxicated condition or under the
11 influence of controlled substances or drugs, operates a motor
12 vehicle in this state and, when so operating, acts with criminal
13 negligence to cause physical injury to any other person than
14 himself; or

15 (5)] Recklessly causes physical injury to another person by
16 means of discharge of a firearm[; or

17 (6) Operates a motor vehicle in violation of subsection 2
18 of section 304.022, and when so operating, acts with criminal
19 negligence to cause physical injury to any person authorized to
20 operate an emergency vehicle, as defined in section 304.022,
21 while such person is in the performance of official duties].

22 2. The defendant shall have the burden of injecting the
23 issue of influence of sudden passion arising from adequate cause
24 under subdivision (1) of subsection 1 of this section.

25 3. The offense of assault in the second degree is a class
26 [C] D felony, unless the victim of such assault is a special
27 victim, as the term "special victim" is defined under section
28 565.002, in which case it is a class B felony.

1 [565.070.] 565.054. 1. A person commits the [crime]
2 offense of assault in the third degree if[:

3 (1) The person attempts to cause or recklessly causes
4 physical injury to another person; or

5 (2) With criminal negligence the person causes physical
6 injury to another person by means of a deadly weapon; or

7 (3) The person purposely places another person in
8 apprehension of immediate physical injury; or

9 (4) The person recklessly engages in conduct which creates
10 a grave risk of death or serious physical injury to another
11 person; or

12 (5) The person knowingly causes physical contact with
13 another person knowing the other person will regard the contact
14 as offensive or provocative; or

15 (6) The person knowingly causes physical contact with an
16 incapacitated person, as defined in section 475.010, which a
17 reasonable person, who is not incapacitated, would consider
18 offensive or provocative.

19 2. Except as provided in subsections 3 and 4 of this
20 section, assault in the third degree is a class A misdemeanor.

21 3. A person who violates the provisions of subdivision (3)
22 or (5) of subsection 1 of this section is guilty of a class C
23 misdemeanor.

24 4. A person who has pled guilty to or been found guilty of
25 the crime of assault in the third degree more than two times
26 against any family or household member as defined in section
27 455.010 is guilty of a class D felony for the third or any
28 subsequent commission of the crime of assault in the third degree

1 when a class A misdemeanor. The offenses described in this
2 subsection may be against the same family or household member or
3 against different family or household members] he or she
4 knowingly causes physical injury to another person.

5 2. The offense of assault in the third degree is a class E
6 felony, unless the victim of such assault is a special victim, as
7 the term "special victim" is defined under section 565.002, in
8 which case it is a class D felony.

9 565.056. 1. A person commits the offense of assault in the
10 fourth degree if:

11 (1) The person attempts to cause or recklessly causes
12 physical injury, physical pain, or illness to another person; or

13 (2) With criminal negligence the person causes physical
14 injury to another person by means of a firearm; or

15 (3) The person purposely places another person in
16 apprehension of immediate physical injury; or

17 (4) The person recklessly engages in conduct which creates
18 a substantial risk of death or serious physical injury to another
19 person; or

20 (5) The person knowingly causes physical contact with a
21 disabled person, which a reasonable person, who is not disabled,
22 would consider offensive or provocative; or

23 (6) The person knowingly causes physical contact with
24 another person knowing the other person will regard the contact
25 as offensive or provocative.

26 2. Except as provided in subsection 3 of this section,
27 assault in the fourth degree is a class A misdemeanor.

28 3. Violation of the provisions of subdivision (3) or (6) of

1 subsection 1 of this section is a class C misdemeanor unless the
2 victim is a special victim, as the term "special victim" is
3 defined under section 565.002, in which case a violation of such
4 provisions is a class A misdemeanor.

5 565.072. 1. A person commits the [crime] offense of
6 domestic assault in the first degree if he or she attempts to
7 kill or knowingly causes or attempts to cause serious physical
8 injury to a [family or household member, including any child who
9 is a member of the family or household, as defined in section
10 455.010] domestic victim, as the term "domestic victim" is
11 defined under section 565.002.

12 2. The offense of domestic assault in the first degree is a
13 class B felony unless in the course thereof the [actor] person
14 inflicts serious physical injury on the victim [or has previously
15 pleaded guilty to or been found guilty of committing this crime],
16 in which case it is a class A felony.

17 565.073. 1. A person commits the [crime] offense of
18 domestic assault in the second degree if the act involves a
19 [family or household member, including any child who is a member
20 of the family or household, as defined in section 455.010]
21 domestic victim, as the term "domestic victim" is defined under
22 section 565.002, and he or she:

23 (1) [Attempts to cause or] Knowingly causes physical injury
24 to such family or household member by any means, including but
25 not limited to, [by] use of a deadly weapon or dangerous
26 instrument, or by choking or strangulation; or

27 (2) Recklessly causes serious physical injury to such
28 family or household member; or

1 (3) Recklessly causes physical injury to such family or
2 household member by means of any deadly weapon.

3 2. The offense of domestic assault in the second degree is
4 a class [C] D felony.

5 565.074. 1. A person commits the [crime of domestic
6 assault in the third degree if the act involves a family or
7 household member, including any child who is a member of the
8 family or household, as defined in section 455.010 and:

9 (1) The person attempts to cause or recklessly causes
10 physical injury to such family or household member; or

11 (2) With criminal negligence the person causes physical
12 injury to such family or household member by means of a deadly
13 weapon or dangerous instrument; or

14 (3) The person purposely places such family or household
15 member in apprehension of immediate physical injury by any means;
16 or

17 (4) The person recklessly engages in conduct which creates
18 a grave risk of death or serious physical injury to such family
19 or household member; or

20 (5) The person knowingly causes physical contact with such
21 family or household member knowing the other person will regard
22 the contact as offensive; or

23 (6) The person knowingly attempts to cause or causes the
24 isolation of such family or household member by unreasonably and
25 substantially restricting or limiting such family or household
26 member's access to other persons, telecommunication devices or
27 transportation for the purpose of isolation.

28 2. Except as provided in subsection 3 of this section,

1 domestic assault in the third degree is a class A misdemeanor.

2 3. A person who has pleaded guilty to or been found guilty
3 of the crime of domestic assault in the third degree more than
4 two times against any family or household member as defined in
5 section 455.010, or of any offense committed in violation of any
6 county or municipal ordinance in any state, any state law, any
7 federal law, or any military law which, if committed in this
8 state, would be a violation of this section, is guilty of a class
9 D felony for the third or any subsequent commission of the crime
10 of domestic assault. The offenses described in this subsection
11 may be against the same family or household member or against
12 different family or household members] offense of domestic
13 assault in the third degree if he or she attempts to cause
14 physical injury or knowingly causes physical pain or illness to a
15 domestic victim, as the term "domestic victim" is defined under
16 section 565.002.

17 2. The offense of domestic assault in the third degree is a
18 class E felony.

19 565.076. 1. A person commits the offense of domestic
20 assault in the fourth degree if the act involves a domestic
21 victim, as the term "domestic victim" is defined under section
22 565.002, and:

23 (1) The person attempts to cause or recklessly causes
24 physical injury, physical pain, or illness to such domestic
25 victim; or

26 (2) With criminal negligence the person causes physical
27 injury to such domestic victim by means of a deadly weapon or
28 dangerous instrument; or

1 (3) The person purposely places such domestic victim in
2 apprehension of immediate physical injury by any means; or

3 (4) The person recklessly engages in conduct which creates
4 a substantial risk of death or serious physical injury to such
5 domestic victim; or

6 (5) The person knowingly causes physical contact with such
7 domestic victim knowing he or she will regard the contact as
8 offensive; or

9 (6) The person knowingly attempts to cause or causes the
10 isolation of such domestic victim by unreasonably and
11 substantially restricting or limiting his or her access to other
12 persons, telecommunication devices or transportation for the
13 purpose of isolation.

14 2. The offense of domestic assault in the fourth degree is
15 a class A misdemeanor, unless the person has previously been
16 found guilty of the offenses of assault of a domestic victim two
17 or more times, in which case it is a class E felony. The
18 offenses described in this subsection may be against the same
19 domestic victim or against different domestic victims.

20 [565.063.] 565.079. 1. As used in this section, the
21 following terms mean:

22 (1) "[Domestic] Assault offense":

23 (a) The commission of the crime of domestic assault in the
24 first degree or domestic assault in the second degree; or

25 (b) The commission of the crime of assault in the first
26 degree or assault in the second degree if the victim of the
27 assault was a family or household member;

28 (c) The commission of a crime in another state, or any

1 federal, tribal, or military offense which, if committed in this
2 state, would be a violation of any offense listed in paragraph
3 (a) or (b) of this subdivision;

4 (2) "Family" or "household member", spouses, former
5 spouses, adults related by blood or marriage, adults who are
6 presently residing together or have resided together in the past
7 and adults who have a child in common regardless of whether they
8 have been married or have resided together at any time;

9 (3)], the offenses of murder in the first degree, murder in
10 the second degree, voluntary manslaughter, involuntary
11 manslaughter in the first degree, assault in the first degree,
12 assault in the second degree, assault in the third degree,
13 assault in the fourth degree, domestic assault in the first
14 degree, domestic assault in the second degree, domestic assault
15 in the third degree, domestic assault in the fourth degree, or an
16 attempt to commit any of these offenses, or the commission of an
17 offense in another jurisdiction that if committed in this state
18 would constitute commission of any of the listed offenses;

19 (2) "Persistent [domestic violence] assault offender", a
20 person who has [pleaded guilty to or has] been found guilty of
21 two or more [domestic] assault offenses, where such two or more
22 offenses occurred within ten years of the occurrence of the
23 [domestic] assault offense for which the person is charged; and

24 [(4)] (3) "Prior [domestic violence] assault offender", a
25 person who has [pleaded guilty to or has] been found guilty of
26 one [domestic] assault offense, where such prior offense occurred
27 within five years of the occurrence of the [domestic] assault
28 offense for which the person is charged.

1 2. No court shall suspend the imposition of sentence as to
2 a prior or persistent [domestic violence] assault offender
3 pursuant to this section nor sentence such person to pay a fine
4 in lieu of a term of imprisonment, section 557.011 to the
5 contrary notwithstanding, nor shall such person be eligible for
6 parole or probation until such person has served a minimum of six
7 months' imprisonment.

8 3. The court shall find the defendant to be a prior
9 [domestic violence] assault offender or persistent [domestic
10 violence] assault offender, if:

11 (1) The indictment or information, original or amended, or
12 the information in lieu of an indictment pleads all essential
13 facts warranting a finding that the defendant is a prior
14 [domestic violence] assault offender or persistent [domestic
15 violence] assault offender; and

16 (2) Evidence is introduced that establishes sufficient
17 facts pleaded to warrant a finding beyond a reasonable doubt the
18 defendant is a prior [domestic violence] assault offender or
19 persistent [domestic violence] assault offender; and

20 (3) The court makes findings of fact that warrant a finding
21 beyond a reasonable doubt by the court that the defendant is a
22 prior [domestic violence] assault offender or persistent
23 [domestic violence] assault offender.

24 4. In a jury trial, such facts shall be pleaded,
25 established and found prior to submission to the jury outside of
26 its hearing.

27 5. In a trial without a jury or upon a plea of guilty, the
28 court may defer the proof in findings of such facts to a later

1 time, but prior to sentencing.

2 6. The defendant shall be accorded full rights of
3 confrontation and cross-examination, with the opportunity to
4 present evidence, at such hearings.

5 7. The defendant may waive proof of the facts alleged.

6 8. Nothing in this section shall prevent the use of
7 presentence investigations or commitments.

8 9. At the sentencing hearing both the state and the
9 defendant shall be permitted to present additional information
10 bearing on the issue of sentence.

11 10. The [pleas or] findings of [guilty] guilt shall be
12 prior to the date of commission of the present offense.

13 11. The court shall not instruct the jury as to the range
14 of punishment or allow the jury, upon a finding of [guilty]
15 guilt, to assess and declare the punishment as part of its
16 verdict in cases of prior [domestic violence] assault offenders
17 or persistent [domestic violence] assault offenders.

18 12. Evidence of prior convictions shall be heard and
19 determined by the trial court out of the hearing of the jury
20 prior to the submission of the case to the jury, and shall
21 include but not be limited to evidence of convictions received by
22 a search of the records of the Missouri uniform law enforcement
23 system maintained by the Missouri state highway patrol. After
24 hearing the evidence, the court shall enter its findings thereon.

25 13. [Evidence of similar criminal convictions of domestic
26 violence pursuant to this chapter, chapter 566, or chapter 568
27 within five years of the offense at issue, shall be admissible
28 for the purposes of showing a past history of domestic violence.

1 14. Any person who has pleaded guilty to or been found
2 guilty of a violation of section 565.072 shall be sentenced to
3 the authorized term of imprisonment for a class A felony if the
4 court finds the offender is a prior domestic violence offender.
5 The offender shall be sentenced to the authorized term of
6 imprisonment for a class A felony which term shall be served
7 without probation or parole if the court finds the offender is a
8 persistent domestic violence offender or the prior domestic
9 violence offender inflicts serious physical injury on the victim.

10 15. Any person who has pleaded guilty to or been found
11 guilty of a violation of section 565.073 shall be sentenced:

12 (1) To the authorized term of imprisonment for a class B
13 felony if the court finds the offender is a prior domestic
14 violence offender; or

15 (2) To the authorized term of imprisonment for a class A
16 felony if the court finds the offender is a persistent domestic
17 violence offender] The court shall sentence a person, who has
18 been found to be a prior assault offender, and is found guilty of
19 a class B, C, or D felony under this chapter to the authorized
20 term of imprisonment for the class one class step higher than the
21 offense for which the person was found guilty.

22 14. The court shall sentence a person, who has been found
23 to be a persistent assault offender, and is found guilty of a
24 class C or D felony under this chapter to the authorized term of
25 imprisonment for the class two steps higher than the offense for
26 which the person was found guilty. A person found to be a
27 persistent assault offender who is found guilty of a class B
28 felony shall be sentenced to the authorized term of imprisonment

1 for a class A felony.

2 565.090. 1. A person commits the crime of harassment in
3 the first degree if he or she[:

4 (1) Knowingly communicates a threat to commit any felony to
5 another person and in so doing frightens, intimidates, or causes
6 emotional distress to such other person; or

7 (2) When communicating with another person, knowingly uses
8 coarse language offensive to one of average sensibility and
9 thereby puts such person in reasonable apprehension of offensive
10 physical contact or harm; or

11 (3) Knowingly frightens, intimidates, or causes emotional
12 distress to another person by anonymously making a telephone call
13 or any electronic communication; or

14 (4) Knowingly communicates with another person who is, or
15 who purports to be, seventeen years of age or younger and in so
16 doing and without good cause recklessly frightens, intimidates,
17 or causes emotional distress to such other person; or

18 (5) Knowingly makes repeated unwanted communication to
19 another person; or

20 (6) Without good cause engages in any other act with the
21 purpose to frighten, intimidate, or cause emotional distress to
22 another person, cause such person to be frightened, intimidated,
23 or emotionally distressed, and such person's response to the act
24 is one of a person of average sensibilities considering the age
25 of such person], without good cause, engages in any act with the
26 purpose to cause emotional distress to another person, and such
27 act does cause such person to suffer emotional distress.

28 2. The offense of harassment [is a class A misdemeanor

1 unless:

2 (1) Committed by a person twenty-one years of age or older
3 against a person seventeen years of age or younger; or

4 (2) The person has previously pleaded guilty to or been
5 found guilty of a violation of this section, or of any offense
6 committed in violation of any county or municipal ordinance in
7 any state, any state law, any federal law, or any military law
8 which, if committed in this state, would be chargeable or
9 indictable as a violation of any offense listed in this
10 subsection. In such cases, harassment shall be a class D felony]
11 in the first degree is a class E felony.

12 3. This section shall not apply to activities of federal,
13 state, county, or municipal law enforcement officers conducting
14 investigations of violation of federal, state, county, or
15 municipal law.

16 565.091. 1. A person commits the offense of harassment in
17 the second degree if he or she without good cause, engages in any
18 act with the purpose to cause emotional distress to another
19 person.

20 2. The offense of harassment in the second degree is a
21 class A misdemeanor.

22 565.110. 1. A person commits the [crime] offense of
23 kidnapping in the first degree if he or she unlawfully removes
24 another person without his or her consent from the place where he
25 or she is found or unlawfully confines another person without his
26 or her consent for a substantial period, for the purpose of:

27 (1) Holding that person for ransom or reward, or for any
28 other act to be performed or not performed for the return or

1 release of that person; or

2 (2) Using the person as a shield or as a hostage; or

3 (3) Interfering with the performance of any governmental or
4 political function; or

5 (4) Facilitating the commission of any felony or flight
6 thereafter; or

7 (5) Inflicting physical injury on or terrorizing the victim
8 or another.

9 2. The offense of kidnapping in the first degree is a class
10 A felony unless committed under subdivision (4) or (5) of
11 subsection 1 in which cases it is a class B felony.

12 565.115. 1. A person commits the [crime] offense of child
13 kidnapping if [such person] he or she is not a relative of the
14 child within the third degree and [such person:

15 (1) Unlawfully removes a child under the age of fourteen
16 without the consent of such child's parent or guardian from the
17 place where such child is found; or

18 (2) Unlawfully confines a child under the age of fourteen
19 without the consent of such child's parent or guardian], knowing
20 he or she has no right to do so, removes a child under the age of
21 fourteen without consent of the child's parents or guardian, or
22 confines such child for a substantial period of time without such
23 consent.

24 2. In determining whether the child was removed or confined
25 unlawfully, it is an affirmative defense that the person
26 reasonably believed that the person's actions were necessary to
27 preserve the child from danger to his or her welfare.

28 3. The offense of child kidnapping is a class [A] B felony,

1 unless such child is under two years of age, in which case it is
2 a class A felony.

3 565.120. 1. A person commits the [crime of felonious
4 restraint] offense of kidnapping in the second degree if he or
5 she knowingly restrains another unlawfully and without consent so
6 as to interfere substantially with his or her liberty and exposes
7 him or her to a substantial risk of serious physical injury.

8 2. [Felonious restraint is a class C felony] The offense of
9 kidnapping in the second degree is a class D felony.

10 565.130. 1. A person commits the [crime of false
11 imprisonment] offense of kidnapping in the third degree if he or
12 she knowingly restrains another unlawfully and without consent so
13 as to interfere substantially with his or her liberty.

14 2. [False imprisonment] The offense of kidnapping in the
15 third degree is a class A misdemeanor unless the person
16 unlawfully restrained is removed from this state, in which case
17 it is a class [D] E felony.

18 565.140. 1. A person does not commit [false imprisonment]
19 the offense of kidnapping in the third degree under section
20 565.130 if the person restrained is a child [under the age of]
21 less than seventeen years of age and:

22 (1) A parent, guardian or other person responsible for the
23 general supervision of the child's welfare has consented to the
24 restraint; or

25 (2) The [actor] person is a relative of the child; and

26 (a) The [actor's] person's sole purpose is to assume
27 control of the child; and

28 (b) The child is not taken out of the state of Missouri.

1 2. For the purpose of this section, "relative" means a
2 parent or stepparent, ancestor, sibling, uncle or aunt, including
3 an adoptive relative of the same degree through marriage or
4 adoption.

5 3. The defendant shall have the burden of injecting the
6 issue of a defense under this section.

7 565.150. 1. A person commits the [crime] offense of
8 interference with custody if, knowing that he or she has no legal
9 right to do so, he or she takes or entices from legal custody any
10 person entrusted by order of a court to the custody of another
11 person or institution.

12 2. The offense of interference with custody is a class A
13 misdemeanor unless the person taken or enticed away from legal
14 custody is removed from this state, detained in another state or
15 concealed, in which case it is a class [D] E felony.

16 3. Upon a finding of guilt for an offense under this
17 section, the court may, in addition to or in lieu of any sentence
18 or fine imposed, assess as restitution against the defendant and
19 in favor of the legal custodian or parent, any reasonable
20 expenses incurred by the legal custodian or parent in searching
21 for or returning the child.

22 565.153. 1. In the absence of a court order determining
23 rights of custody or visitation to a child, a person having a
24 right of custody of the child commits the [crime] offense of
25 parental kidnapping if he or she removes, takes, detains,
26 conceals, or entices away that child within or without the state,
27 without good cause, and with the intent to deprive the custody
28 right of another person or a public agency also having a custody

1 right to that child.

2 2. Parental kidnapping is a class [D] E felony, unless
3 committed by detaining or concealing the whereabouts of the child
4 for:

5 (1) Not less than sixty days but not longer than one
6 hundred nineteen days, in which case, the [crime] offense is a
7 class [C] D felony;

8 (2) Not less than one hundred twenty days, in which case,
9 the [crime] offense is a class [B] C felony.

10 3. A subsequently obtained court order for custody or
11 visitation shall not affect the application of this section.

12 4. Upon a finding of guilt for an offense under this
13 section, the court may, in addition to or in lieu of any sentence
14 or fine imposed, assess as restitution against the defendant and
15 in favor of the legal custodian or parent, any reasonable
16 expenses incurred by the legal custodian or parent in searching
17 for or returning the child.

18 565.156. 1. A person commits the [crime] offense of child
19 abduction if he or she:

20 (1) Intentionally takes, detains, entices, conceals or
21 removes a child from a parent after being served with process in
22 an action affecting marriage or paternity but prior to the
23 issuance of a temporary or final order determining custody; or

24 (2) At the expiration of visitation rights outside the
25 state, intentionally fails or refuses to return or impedes the
26 return of the child to the legal custodian in Missouri; or

27 (3) Conceals, detains, or removes the child for payment or
28 promise of payment at the instruction of a person who has no

1 legal right to custody; or

2 (4) Retains in this state for thirty days a child removed
3 from another state without the consent of the legal custodian or
4 in violation of a valid court order of custody; or

5 (5) Having legal custody of the child pursuant to a valid
6 court order, removes, takes, detains, conceals or entices away
7 that child within or without the state, without good cause, and
8 with the intent to deprive the custody or visitation rights of
9 another person, without obtaining written consent as is provided
10 under section 452.377.

11 2. The offense of child abduction is a class [D] E felony.

12 3. Upon a finding of guilt for an offense under this
13 section, the court may, in addition to or in lieu of any sentence
14 or fine imposed, assess as restitution against the defendant and
15 in favor of the legal custodian or parent, any reasonable
16 expenses incurred by the legal custodian or parent in searching
17 for or returning the child.

18 565.160. It shall be an absolute defense to the [crimes]
19 offenses of interference with custody, parental kidnapping, and
20 child abduction that:

21 (1) The person had custody of the child pursuant to a valid
22 court order granting legal custody or visitation rights which
23 existed at the time of the alleged violation, except that this
24 defense is not available to persons charged with child abduction
25 under subdivision (5) of subsection 1 of section 565.156;

26 (2) [The person had physical custody of the child pursuant
27 to a court order granting legal custody or visitation rights and
28 failed to return the child as a result of circumstances beyond

1 his or her control, and the person notified or made a reasonable
2 attempt to notify the other parent or legal custodian of the
3 child of such circumstances within twenty-four hours after the
4 visitation period had expired and returned the child as soon as
5 possible] After expiration of a period of custody or visitation
6 granted by court order, the person failed to return the child as
7 a result of circumstances beyond such person's control, and the
8 person notified or made a reasonable attempt to notify the other
9 parent or legal custodian of the child of such circumstance
10 within twenty-four hours after the expiration of the period of
11 custody or visitation and returned the child as soon as possible;
12 or

13 (3) The person was fleeing an incident or pattern of
14 domestic violence.

15 565.163. Persons accused of committing the [crime] offense
16 of interference with custody, parental kidnapping or child
17 abduction [shall] may be prosecuted by the prosecuting attorney
18 or circuit attorney:

19 (1) In the county in which the child was taken or enticed
20 away from legal custody; or

21 (2) In any county in which the child who was taken or
22 enticed away from legal custody was taken or held by the
23 defendant; or

24 (3) The county in which lawful custody of the child taken
25 or enticed away was granted; or

26 (4) The county in which the defendant is found.

27 565.184. 1. A person commits the [crime of elder abuse in
28 the third degree] offense of abuse of an elderly or disabled

1 person if he or she:

2 (1) [Knowingly causes or attempts to cause physical contact
3 with any person sixty years of age or older or an eligible adult
4 as defined in section 660.250, knowing the other person will
5 regard the contact as harmful or provocative; or

6 (2)] Purposely engages in conduct involving more than one
7 incident that causes [grave] emotional distress to [a person
8 sixty years of age or older or an eligible adult, as defined in
9 section 660.250] an elderly or disabled person. The course of
10 conduct shall be such as would cause a reasonable [person age
11 sixty years of age or older or an eligible adult, as defined in
12 section 660.250,] elderly or disabled person to suffer
13 substantial emotional distress; or

14 [(3) Purposely or knowingly places a person sixty years of
15 age or older or an eligible adult, as defined in section 660.250,
16 in apprehension of immediate physical injury; or

17 (4)] (2) Intentionally fails to provide care, goods or
18 services to [a person sixty years of age or older or an eligible
19 adult, as defined in section 660.250] an elderly or disabled
20 person. The result of the conduct shall be such as would cause a
21 reasonable [person age sixty or older or an eligible adult, as
22 defined in section 660.250,] elderly or disabled person to suffer
23 physical or emotional distress; or

24 [(5)] (3) Knowingly acts or knowingly fails to act in a
25 manner which results in a [grave] substantial risk to the life,
26 body or health of [a person sixty years of age or older or an
27 eligible adult, as defined in section 660.250] an elderly or

1 disabled person.

2 2. [Elder abuse in the third degree] The offense of abuse
3 of an elderly or disabled person is a class A misdemeanor.

4 565.188. 1. [When any adult day care worker; chiropractor;
5 Christian Science practitioner; coroner; dentist; embalmer;
6 employee of the departments of social services, mental health, or
7 health and senior services; employee of a local area agency on
8 aging or an organized area agency on aging program; funeral
9 director; home health agency or home health agency employee;
10 hospital and clinic personnel engaged in examination, care, or
11 treatment of persons; in-home services owner, provider, operator,
12 or employee; law enforcement officer; long-term care facility
13 administrator or employee; medical examiner; medical resident or
14 intern; mental health professional; minister; nurse; nurse
15 practitioner; optometrist; other health practitioner; peace
16 officer; pharmacist; physical therapist; physician; physician's
17 assistant; podiatrist; probation or parole officer; psychologist;
18 social worker; or other person with responsibility for the care
19 of a person sixty years of age or older has reasonable cause to
20 suspect that such a person has been subjected to abuse or neglect
21 or observes such a person being subjected to conditions or
22 circumstances which would reasonably result in abuse or neglect,
23 he or she shall immediately report or cause a report to be made
24 to the department in accordance with the provisions of sections
25 660.250 to 660.295. Any other person who becomes aware of
26 circumstances which may reasonably be expected to be the result
27 of or result in abuse or neglect may report to the department.

28 2. Any person who knowingly fails to make a report as

1 required in subsection 1 of this section is guilty of a class A
2 misdemeanor.

3 3. Any person who purposely files a false report of elder
4 abuse or neglect is guilty of a class A misdemeanor.

5 4. Every person who has been previously convicted of or
6 pled guilty to making a false report to the department and who is
7 subsequently convicted of making a false report under subsection
8 3 of this section is guilty of a class D felony.

9 5. Evidence of prior convictions of false reporting shall
10 be heard by the court, out of the hearing of the jury, prior to
11 the submission of the case to the jury, and the court shall
12 determine the existence of the prior convictions] A person
13 commits the offense of failure to report elder abuse or neglect
14 if he or she is required to make a report as required under
15 subdivision (2) of subsection 1 of section 197.1002, and
16 knowingly fails to make a report.

17 2. The offense of failure to report elder abuse or neglect
18 is a class A misdemeanor.

19 565.189. 1. A person commits the offense of filing a false
20 elder abuse or neglect report if he or she knowingly files a
21 false report of elder abuse or neglect.

22 2. The offense of filing a false elder abuse or neglect
23 report is a class A misdemeanor, unless the person has previously
24 been found guilty of making a false report to the department and
25 is subsequently found guilty of making a false report under this
26 section, in which case it is a class E felony.

27 3. Evidence of prior convictions of false reporting shall
28 be heard by the court, out of the hearing of the jury, prior to

1 the submission of the case to the jury, and the court shall
2 determine the existence of the prior convictions.

3 565.218. 1. [When any physician, physician assistant,
4 dentist, chiropractor, optometrist, podiatrist, intern, resident,
5 nurse, nurse practitioner, medical examiner, social worker,
6 licensed professional counselor, certified substance abuse
7 counselor, psychologist, physical therapist, pharmacist, other
8 health practitioner, minister, Christian Science practitioner,
9 facility administrator, nurse's aide or orderly in a residential
10 facility, day program or specialized service operated, funded or
11 licensed by the department or in a mental health facility or
12 mental health program in which people may be admitted on a
13 voluntary basis or are civilly detained pursuant to chapter 632;
14 or employee of the departments of social services, mental health,
15 or health and senior services; or home health agency or home
16 health agency employee; hospital and clinic personnel engaged in
17 examination, care, or treatment of persons; in-home services
18 owner, provider, operator, or employee; law enforcement officer;
19 long-term care facility administrator or employee; mental health
20 professional; peace officer; probation or parole officer; or
21 other nonfamilial person with responsibility for the care of a
22 vulnerable person, as defined by section 630.005, has reasonable
23 cause to suspect that such a person has been subjected to abuse
24 or neglect or observes such a person being subjected to
25 conditions or circumstances that would reasonably result in abuse
26 or neglect, he or she shall immediately report or cause a report
27 to be made to the department in accordance with section 630.163.
28 Any other person who becomes aware of circumstances which may

1 reasonably be expected to be the result of or result in abuse or
2 neglect may report to the department. Notwithstanding any other
3 provision of this section, a duly ordained minister, clergy,
4 religious worker, or Christian Science practitioner while
5 functioning in his or her ministerial capacity shall not be
6 required to report concerning a privileged communication made to
7 him or her in his or her professional capacity.] A person commits
8 the offense of failure to report vulnerable person abuse or
9 neglect if he or she is required to make a report under section
10 630.162 and knowingly fails to make a report.

11 2. [Any person who knowingly fails to make a report as
12 required in subsection 1 of this section is guilty of a class A
13 misdemeanor and shall be subject to a fine up to one thousand
14 dollars] The offense of knowingly failing to make a report as
15 required in this section is a class A misdemeanor and the
16 offender shall be subject to a fine up to one thousand dollars,
17 unless the offender has previously been found guilty of failing
18 to make a report as required in this section, in which case the
19 offense is a class E felony and the offender shall be subject to
20 a fine up to five thousand dollars. Penalties collected for
21 violations of this section shall be transferred to the state
22 school moneys fund as established in section 166.051 and
23 distributed to the public schools of this state in the manner
24 provided in section 163.031. Such penalties shall not be
25 considered charitable for tax purposes.

26 [3. Every person who has been previously convicted of or
27 pled guilty to failing to make a report as required in subsection
28 1 of this section and who is subsequently convicted of failing to

1 make a report under subsection 2 of this section is guilty of a
2 class D felony and shall be subject to a fine up to five thousand
3 dollars. Penalties collected for violation of this subsection
4 shall be transferred to the state school moneys fund as
5 established in section 166.051 and distributed to the public
6 schools of this state in the manner provided in section 163.031.
7 Such penalties shall not be considered charitable for tax
8 purposes.

9 4. Any person who knowingly files a false report of
10 vulnerable person abuse or neglect is guilty of a class A
11 misdemeanor and shall be subject to a fine up to one thousand
12 dollars. Penalties collected for violations of this subsection
13 shall be transferred to the state school moneys fund as
14 established in section 166.051 and distributed to the public
15 schools of this state in the manner provided in section 163.031.
16 Such penalties shall not be considered charitable for tax
17 purposes.

18 5. Every person who has been previously convicted of or
19 pled guilty to making a false report to the department and who is
20 subsequently convicted of making a false report under subsection
21 4 of this section is guilty of a class D felony and shall be
22 subject to a fine up to five thousand dollars. Penalties
23 collected for violations of this subsection shall be transferred
24 to the state school moneys fund as established in section 166.051
25 and distributed to the public schools of this state in the manner
26 provided in section 163.031. Such penalties shall not considered
27 charitable for tax purposes.

28 6. Evidence of prior convictions of false reporting shall

1 be heard by the court, out of the hearing of the jury, prior to
2 the submission of the case to the jury, and the court shall
3 determine the existence of the prior convictions.

4 7. Any residential facility, day program or specialized
5 service operated, funded or licensed by the department that
6 prevents or discourages a patient, resident or client, employee
7 or other person from reporting that a patient, resident or client
8 of a facility, program or service has been abused or neglected
9 shall be subject to loss of their license issued pursuant to
10 sections 630.705 to 630.760, and civil fines of up to five
11 thousand dollars for each attempt to prevent or discourage
12 reporting.]

13 565.222. 1. A person commits the offense of filing a false
14 vulnerable abuse report if he or she knowingly files a false
15 report of vulnerable person abuse or neglect.

16 2. The offense of filing a false report of vulnerable
17 person abuse or neglect is a class A misdemeanor and the offender
18 shall be subject to a fine up to one thousand dollars, unless the
19 offender has previously been found guilty of making a false
20 report to the department, in which case the offense is a class E
21 felony and the offender shall be subject to a fine up to five
22 thousand dollars. Penalties collected for violations of this
23 subsection shall be transferred to the state school moneys fund
24 as established in section 166.051 and distributed to the public
25 schools of this state in the manner provided in section 163.031.
26 Such penalties shall not be considered charitable for tax
27 purposes.

28 3. Evidence of prior findings of guilt under this section

1 shall be heard by the court, out of the hearing of the jury,
2 prior to the submission of the case to the jury, and the court
3 shall determine the existence of the prior convictions.

4 565.225. 1. As used in this section and section 565.227,
5 the [following terms shall mean:

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

13 (2) "Credible threat", a threat communicated with the
14 intent to cause the person who is the target of the threat to
15 reasonably fear for his or her safety, or the safety of his or
16 her family, or household members or domestic animals or livestock
17 as defined in section 276.606 kept at such person's residence or
18 on such person's property. The threat must be against the life
19 of, or a threat to cause physical injury to, or the kidnapping
20 of, the person, the person's family, or the person's household
21 members or domestic animals or livestock as defined in section
22 276.606 kept at such person's residence or on such person's
23 property;

24 (3) "Harasses", to engage in a course of conduct directed
25 at a specific person that serves no legitimate purpose, that
26 would cause a reasonable person under the circumstances to be
27 frightened, intimidated, or emotionally distressed] term
28 "disturbs" shall mean to engage in a course of conduct directed

1 at a specific person that serves no legitimate purpose, that
2 would cause a reasonable person under the circumstances to be
3 frightened, intimidated, or emotionally distressed.

4 2. A person commits the [crime] offense of stalking in the
5 first degree if he or she purposely, through his or her course of
6 conduct, [harasses] disturbs or follows with the intent of
7 [harassing] disturbing another person[.

8 3. A person commits the crime of aggravated stalking if he
9 or she purposely, through his or her course of conduct, harasses
10 or follows with the intent of harassing another person,] and:

11 (1) Makes a [credible] threat communicated with the intent
12 to cause the person who is the target of the threat to reasonably
13 fear for his or her safety, or the safety of his or her family,
14 or household member or domestic animals or livestock, as defined
15 in section 276.606, kept at such person's residence or on such
16 person's property. The threat shall be against the life of, or a
17 threat to cause physical injury to, or the kidnapping of the
18 person, the person's family, or the person's household members or
19 domestic animals or livestock, as defined in section 276.606,
20 kept at such person's residence or on such person's property; or

21 (2) At least one of the acts constituting the course of
22 conduct is in violation of an order of protection and the person
23 has received actual notice of such order; or

24 (3) At least one of the actions constituting the course of
25 conduct is in violation of a condition of probation, parole,
26 pretrial release, or release on bond pending appeal; or

27 (4) At any time during the course of conduct, the other
28 person is seventeen years [of age] old or younger and the person

1 [harassing] disturbing the other person is twenty-one years [of
2 age] old or older; or

3 (5) He or she has previously pleaded guilty to or been
4 found guilty of domestic assault, violation of an order of
5 protection, or any other crime where the other person was the
6 victim.

7 [4. The crime of stalking shall be a class A misdemeanor
8 unless the person has previously pleaded guilty to or been found
9 guilty of a violation of this section, or of any offense
10 committed in violation of any county or municipal ordinance in
11 any state, any state law, any federal law, or any military law
12 which, if committed in this state, would be chargeable or
13 indictable as a violation of any offense listed in this section,
14 in which case stalking shall be a class D felony.

15 5. The crime of aggravated stalking shall be a class D
16 felony unless the person has previously pleaded guilty to or been
17 found guilty of a violation of this section, or of any offense
18 committed in violation of any county or municipal ordinance in
19 any state, any state law, any federal law, or any military law
20 which, if committed in this state, would be chargeable or
21 indictable as a violation of any offense listed in this section,
22 aggravated stalking shall be a class C felony.

23 6.] 4. Any law enforcement officer may arrest, without a
24 warrant, any person he or she has probable cause to believe has
25 violated the provisions of this section.

26 [7.] 5. This section shall not apply to activities of
27 federal, state, county, or municipal law enforcement officers
28 conducting investigations of violation of federal, state, county,

1 or municipal law.

2 6. The offense of stalking in the first degree is a class E
3 felony, unless the defendant has previously been found guilty of
4 a violation of this section or section 565.227, or any offense
5 committed in another jurisdiction which, if committed in this
6 state, would be chargeable or indictable as a violation of any
7 offense listed in this section or section 565.227, in which case
8 stalking in the first degree is a class D felony.

9 565.227. 1. A person commits the offense of stalking in
10 the second degree if he or she purposely, through his or her
11 course of conduct, disturbs, or follows with the intent of
12 disturbing another person.

13 2. This section shall not apply to activities of federal,
14 state, county, or municipal law enforcement officers conducting
15 investigations of violation of federal, state, county, or
16 municipal law.

17 3. Any law enforcement officer may arrest, without a
18 warrant, any person he or she has probable cause to believe has
19 violated the provisions of this section.

20 4. The offense of stalking in the second degree is a class
21 A misdemeanor, unless the defendant has previously been found
22 guilty of a violation of this section or section 565.225, or of
23 any offense committed in another jurisdiction which, if committed
24 in this state, would be chargeable or indictable as a violation
25 of any offense listed in this section or section 565.225, in
26 which case stalking in the second degree is a class E felony.

27 [578.450.] 565.240. [No person shall] 1. A person commits
28 the offense of unlawful posting of certain information over the

1 internet if he or she knowingly [post] posts the name, home
2 address, Social Security number, or telephone number of any
3 person on the internet intending to cause great bodily harm or
4 death, or threatening to cause great bodily harm or death to such
5 person. [Any person who violates this section is guilty of a
6 class C misdemeanor.]

7 2. The offense of unlawful posting of certain information
8 over the internet is a class C misdemeanor.

9 565.252. 1. A person commits the [crime] offense of
10 invasion of privacy in the first degree if [such person] he or
11 she knowingly:

12 (1) [Knowingly] Photographs [or], films, videotapes,
13 produces, or otherwise creates an image of another person,
14 without the person's [knowledge and] consent, while the person
15 [being photographed or filmed] is in a state of full or partial
16 nudity and is in a place where one would have a reasonable
17 expectation of privacy[, and the]; or

18 (2) Photographs, films, videotapes, produces, or otherwise
19 creates an image of another person under or through the clothing
20 worn by that other person for the purpose of viewing the body of
21 or the undergarments worn by that other person without that
22 person's consent.

23 2. Invasion of privacy is a class A misdemeanor unless:

24 (1) A person [subsequently] who creates an image in
25 violation of this section distributes the [photograph or film]
26 image to another or transmits the image [contained in the
27 photograph or film] in a manner that allows access to that image
28 via [a] computer; or

1 (2) [Knowingly] A person disseminates or permits the
2 dissemination by any means, to another person, of a videotape,
3 photograph, or film obtained in violation of [subdivision (1) of
4 this subsection or in violation of section 565.253.

5 2. Invasion of privacy in the first degree is a class D
6 felony] this section; or

7 (3) More than one person is viewed, photographed, filmed or
8 videotaped during the same course of conduct; or

9 (4) The offense was committed by a person who has
10 previously been found guilty of invasion of privacy;

11
12 in which case invasion of privacy is a class E felony.

13 3. Prior findings of guilt shall be pled and proven in the
14 same manner required by the provisions of section 558.021.

15 4. As used in this section, "same course of conduct" means
16 more than one person has been viewed, photographed, filmed, or
17 videotaped under the same or similar circumstances pursuant to
18 one scheme or course of conduct, whether at the same or different
19 times.

20 565.300. 1. This section shall be known and may be cited
21 as the "Infant's Protection Act".

22 2. As used in this section, and only in this section, the
23 following terms shall mean:

24 (1) "Born", complete separation of an intact child from the
25 mother regardless of whether the umbilical cord is cut or the
26 placenta detached;

27 (2) "Living infant", a human child, born or partially born,
28 who is alive, as determined in accordance with the usual and

1 customary standards of medical practice and is not dead as
2 determined pursuant to section 194.005, relating to the
3 determination of the occurrence of death, and has not attained
4 the age of thirty days post birth;

5 (3) "Partially born", partial separation of a child from
6 the mother with the child's head intact with the torso. If
7 vaginally delivered, a child is partially separated from the
8 mother when the head in a cephalic presentation, or any part of
9 the torso above the navel in a breech presentation, is outside
10 the mother's external cervical os. If delivered abdominally, a
11 child is partially separated from the mother when the child's
12 head in a cephalic presentation, or any part of the torso above
13 the navel in a breech presentation, is outside the mother's
14 external abdominal wall.

15 3. A person [is guilty of the crime] commits the offense of
16 infanticide if [such person] he or she causes the death of a
17 living infant with the purpose to cause said death by an overt
18 act performed when the infant is partially born or born.

19 4. The [crime] offense of infanticide [shall be] is a class
20 A felony.

21 5. A physician using procedures consistent with the usual
22 and customary standards of medical practice to save the life of
23 the mother during pregnancy or birth or to save the life of any
24 unborn or partially born child of the same pregnancy shall not be
25 criminally responsible under this section. In no event shall the
26 mother be criminally responsible pursuant to this section for the
27 acts of the physician if the physician is not held criminally
28 responsible pursuant to this section.

1 6. This section shall not apply to any person who performs
2 or attempts to perform a legal abortion if the act that causes
3 the death is performed prior to the child being partially born,
4 even though the death of the child occurs as a result of the
5 abortion after the child is partially born.

6 7. Only that person who performs the overt act required
7 under subsection 3 of this section shall be culpable under this
8 section, unless a person, with the purpose of committing
9 infanticide, does any act which is a substantial step towards the
10 commission of the offense which results in the death of the
11 living infant. A "substantial step" is conduct which is strongly
12 corroborative of the firmness of the actor's purpose to complete
13 the commission of the offense.

14 8. Nothing in this section shall be interpreted to exclude
15 the defenses otherwise available to any person under the law
16 including defenses provided pursuant to chapters 562 and 563.

17 566.010. As used in this chapter and chapter 568, the
18 following terms mean:

19 (1) "Aggravated sexual offense", any sexual offense, in the
20 course of which, the actor:

21 (a) Inflicts serious physical injury on the victim; or

22 (b) Displays a deadly weapon or dangerous instrument in a
23 threatening manner; or

24 (c) Subjects the victim to sexual intercourse or deviate
25 sexual intercourse with more than one person; or

26 (d) Had previously been found guilty of an offense under
27 this chapter or under section 573.200, child used in sexual
28 performance; section 573.205, promoting sexual performance by a

1 child; section 573.023, sexual exploitation of a minor; section
2 573.025, promoting child pornography in the first degree; section
3 573.035, promoting child pornography in the second degree;
4 section 573.037, possession of child pornography; or section
5 573.040, furnishing pornographic materials to minors; or has
6 previously been found guilty of an offense in another
7 jurisdiction which would constitute an offense under this chapter
8 or said sections; or

9 (e) Commits the offense as part of an act or series of acts
10 performed by two or more persons as part of an established or
11 prescribed pattern of activity;

12 (2) "Commercial sex act", any sex act on account of which
13 anything of value is given to or received by any person;

14 (3) "Deviate sexual intercourse", any act involving the
15 genitals of one person and the hand, mouth, tongue, or anus of
16 another person or a sexual act involving the penetration, however
17 slight, of the [male or female sex organ] penis, female
18 genitalia, or the anus by a finger, instrument or object done for
19 the purpose of arousing or gratifying the sexual desire of any
20 person or for the purpose of terrorizing the victim;

21 (4) "Forced labor", a condition of servitude induced by
22 means of:

23 (a) Any scheme, plan, or pattern of behavior intended to
24 cause a person to believe that, if the person does not enter into
25 or continue the servitude, such person or another person will
26 suffer substantial bodily harm or physical restraint; or

27 (b) The abuse or threatened abuse of the legal process;

28 [(2)] (5) "Sexual conduct", sexual intercourse, deviate

1 sexual intercourse or sexual contact;

2 [(3)] (6) "Sexual contact", any touching of another person
3 with the genitals or any touching of the genitals or anus of
4 another person, or the breast of a female person, or such
5 touching through the clothing, for the purpose of arousing or
6 gratifying the sexual desire of any person or for the purpose of
7 terrorizing the victim;

8 [(4)] (7) "Sexual intercourse", any penetration, however
9 slight, of the [female sex organ by the male sex organ, whether
10 or not an emission results] female genitalia by the penis.

11 566.020. 1. Whenever in this chapter the criminality of
12 conduct depends upon a victim's being incapacitated, no [crime]
13 offense is committed if the actor reasonably believed that the
14 victim was not incapacitated and reasonably believed that the
15 victim consented to the act. The defendant shall have the burden
16 of injecting the issue of belief as to capacity and consent.

17 2. Whenever in this chapter the criminality of conduct
18 depends upon a child being [thirteen years of age or younger]
19 less than fourteen years of age, it is no defense that the
20 defendant believed the child to be older.

21 3. Whenever in this chapter the criminality of conduct
22 depends upon a child being [under seventeen years of age] less
23 than seventeen years of age, it is an affirmative defense that
24 the defendant reasonably believed that the child was seventeen
25 years of age or older.

26 4. Consent is not [an affirmative] a defense to any offense
27 under this chapter [566] if the alleged victim is less than
28 [twelve] fourteen years of age.

1 566.023. It shall be an affirmative defense to prosecutions
2 [pursuant to sections] under section 566.032, statutory rape in
3 the first degree; section 566.034, statutory rape in the second
4 degree; section 566.062, statutory sodomy in the first degree;
5 section 566.064, statutory sodomy in the second degree; section
6 566.067, child molestation in the first degree; section 566.068,
7 [and 566.090] child molestation in the second degree; section
8 566.069, child molestation in the third degree; section 566.071,
9 child molestation in the fourth degree; section 566.083, sexual
10 misconduct involving a child; section 566.086, sexual contact
11 with a student; and section 573.040, furnishing pornographic
12 materials to minors; that the defendant was married to the victim
13 at the time of the offense.

14 566.030. 1. A person commits the [crime] offense of
15 [forcible] rape in the first degree if [such person] he or she
16 has sexual intercourse with another person by the use of forcible
17 compulsion. Forcible compulsion includes the use of a substance
18 administered without a victim's knowledge or consent which
19 renders the victim physically or mentally impaired so as to be
20 incapable of making an informed consent to sexual intercourse.

21 2. [Forcible] The offense of rape in the first degree or an
22 attempt to commit [forcible] rape in the first degree is a felony
23 for which the authorized term of imprisonment is life
24 imprisonment or a term of years not less than five years, unless:

25 (1) [In the course thereof the actor inflicts serious
26 physical injury or displays a deadly weapon or dangerous
27 instrument in a threatening manner or subjects the victim to
28 sexual intercourse or deviate sexual intercourse with more than

1 one person] The offense is an aggravated sexual offense, in which
2 case the authorized term of imprisonment is life imprisonment or
3 a term of years not less than fifteen years;

4 (2) The person is a persistent or predatory sexual offender
5 as defined in section 566.125 and subjected to an extended term
6 of imprisonment under said section;

7 (3) The victim is a child less than twelve years [of age]
8 old, in which case the required term of imprisonment is life
9 imprisonment without eligibility for probation or parole until
10 the [defendant] offender has served not less than thirty years of
11 such sentence or unless the [defendant] offender has reached the
12 age of seventy-five years and has served at least fifteen years
13 of such sentence, unless such [forcible] rape in the first degree
14 is described under subdivision [(3)] (4) of this subsection; or

15 [(3)] (4) The victim is a child less than twelve years [of
16 age] old and such [forcible] rape in the first degree or attempt
17 to commit rape in the first degree was outrageously or wantonly
18 vile, horrible or inhumane, in that it involved torture or
19 depravity of mind, in which case the required term of
20 imprisonment is life imprisonment without eligibility for
21 probation, parole or conditional release.

22 3. Subsection 4 of section 558.019 shall not apply to the
23 sentence of a person who has [pleaded guilty to or has] been
24 found guilty of [forcible] rape in the first degree or attempt to
25 commit rape in the first degree when the victim is [under the age
26 of] less than twelve years of age, and "life imprisonment" shall
27 mean imprisonment for the duration of a person's natural life for
28 the purposes of this section.

1 4. No person found guilty of [or pleading guilty to
2 forcible] rape in the first degree or an attempt to commit
3 [forcible] rape in the first degree shall be granted a suspended
4 imposition of sentence or suspended execution of sentence.

5 [566.040.] 566.031. 1. A person commits the [crime]
6 offense of [sexual assault] rape in the second degree if he or
7 she has sexual intercourse with another person knowing that he or
8 she does so without that person's consent.

9 2. [Sexual assault] The offense of rape in the second
10 degree is a class [C] D felony.

11 566.032. 1. A person commits the [crime] offense of
12 statutory rape in the first degree if he or she has sexual
13 intercourse with another person who is less than fourteen years
14 [old] of age.

15 2. The offense of statutory rape in the first degree or an
16 attempt to commit statutory rape in the first degree is a felony
17 for which the authorized term of imprisonment is life
18 imprisonment or a term of years not less than five years, unless
19 [in the course thereof the actor inflicts serious physical injury
20 on any person, displays a deadly weapon or dangerous instrument
21 in a threatening manner, subjects the victim to sexual
22 intercourse or deviate sexual intercourse with more than one
23 person];

24 (1) The offense is an aggravated sexual offense, or the
25 victim is less than twelve years [of age] old in which case the
26 authorized term of imprisonment is life imprisonment or a term of
27 years not less than ten years;

28 (2) The person is a persistent or predatory sexual offender

1 as defined in section 566.125 and subjected to an extended term
2 of imprisonment under said section.

3 566.034. 1. A person commits the [crime] offense of
4 statutory rape in the second degree if being twenty-one years [of
5 age] old or older, he or she has sexual intercourse with another
6 person who is less than seventeen years [of age] old.

7 2. The offense of statutory rape in the second degree is a
8 class [C] D felony.

9 566.060. 1. A person commits the [crime] offense of
10 [forcible] sodomy in the first degree if [such person] he or she
11 has deviate sexual intercourse with another person by the use of
12 forcible compulsion. Forcible compulsion includes the use of a
13 substance administered without a victim's knowledge or consent
14 which renders the victim physically or mentally impaired so as to
15 be incapable of making an informed consent to sexual intercourse.

16 2. [Forcible] The offense of sodomy in the first degree or
17 an attempt to commit [forcible] sodomy in the first degree is a
18 felony for which the authorized term of imprisonment is life
19 imprisonment or a term of years not less than five years, unless:

20 (1) [In the course thereof the actor inflicts serious
21 physical injury or displays a deadly weapon or dangerous
22 instrument in a threatening manner or subjects the victim to
23 sexual intercourse or deviate sexual intercourse with more than
24 one person] The offense is an aggravated sexual offense, in which
25 case the authorized term of imprisonment is life imprisonment or
26 a term of years not less than ten years; or

27 (2) The person is a persistent or predatory sexual offender
28 as defined in section 566.125 and subjected to an extended term

1 of imprisonment under said section; or

2 (3) The victim is a child less than twelve years [of age]
3 old, in which case the required term of imprisonment is life
4 imprisonment without eligibility for probation or parole until
5 the [defendant] offender has served not less than thirty years of
6 such sentence or unless the [defendant] offender has reached the
7 age of seventy-five years and has served at least fifteen years
8 of such sentence, unless such [forcible] sodomy in the first
9 degree is described under subdivision [(3)] (4) of this
10 subsection; or

11 [(3)] (4) The victim is a child less than twelve years [of
12 age] old and such [forcible] sodomy in the first degree or
13 attempt to commit sodomy in the first degree was outrageously or
14 wantonly vile, horrible or inhumane, in that it involved torture
15 or depravity of mind, in which case the required term of
16 imprisonment is life imprisonment without eligibility for
17 probation, parole or conditional release.

18 3. Subsection 4 of section 558.019 shall not apply to the
19 sentence of a person who has [pleaded guilty to or has] been
20 found guilty of [forcible] sodomy in the first degree or an
21 attempt to commit sodomy in the first degree when the victim is
22 [under the age of] less than twelve years of age, and "life
23 imprisonment" shall mean imprisonment for the duration of a
24 person's natural life for the purposes of this section.

25 4. No person found guilty of [or pleading guilty to
26 forcible] sodomy in the first degree or an attempt to commit
27 forcible sodomy shall be granted a suspended imposition of
28 sentence or suspended execution of sentence.

1 [566.070.] 566.061. 1. A person commits the [crime of
2 deviate sexual assault] offense of sodomy in the second degree if
3 he or she has deviate sexual intercourse with another person
4 knowing that he or she does so without that person's consent.

5 2. [Deviate sexual assault] The offense of sodomy in the
6 second degree is a class [C] D felony.

7 566.062. 1. A person commits the [crime] offense of
8 statutory sodomy in the first degree if he or she has deviate
9 sexual intercourse with another person who is less than fourteen
10 years [old] of age.

11 2. The offense of statutory sodomy in the first degree or
12 an attempt to commit statutory sodomy in the first degree is a
13 felony for which the authorized term of imprisonment is life
14 imprisonment or a term of years not less than five years, unless
15 [in the course thereof the actor inflicts serious physical injury
16 on any person, displays a deadly weapon or dangerous instrument
17 in a threatening manner, subjects the victim to sexual
18 intercourse or deviate sexual intercourse with more than one
19 person,]:

20 (1) The offense is an aggravated sexual offense or the
21 victim is less than twelve years of age, in which case the
22 authorized term of imprisonment is life imprisonment or a term of
23 years not less than ten years; or

24 (2) The person is a persistent or predatory sexual offender
25 as defined in section 566.125 and subjected to an extended term
26 of imprisonment under said section.

27 566.064. 1. A person commits the [crime] offense of
28 statutory sodomy in the second degree if being twenty-one years

1 [of age] old or older, he or she has deviate sexual intercourse
2 with another person who is less than seventeen years [of age]
3 old.

4 2. The offense of statutory sodomy in the second degree is
5 a class [C] D felony.

6 566.067. 1. A person commits the [crime] offense of child
7 molestation in the first degree if he or she subjects another
8 person who is less than [fourteen] twelve years of age to sexual
9 contact and the offense is an aggravated sexual offense.

10 2. The offense of child molestation in the first degree is
11 a class [B] A felony [unless:

12 (1) The actor has previously been convicted of an offense
13 under this chapter or in the course thereof the actor inflicts
14 serious physical injury, displays a deadly weapon or deadly
15 instrument in a threatening manner, or the offense is committed
16 as part of a ritual or ceremony, in which case the crime is a
17 class A felony; or

18 (2) The victim is a child less than twelve years of age
19 and:

20 (a) The actor has previously been convicted of an offense
21 under this chapter; or

22 (b) In the course thereof the actor inflicts serious
23 physical injury, displays a deadly weapon or deadly instrument in
24 a threatening manner, or if the offense is committed as part of a
25 ritual or ceremony, in which case, the crime is a class A felony
26 and such person shall serve his or her term of imprisonment
27 without eligibility for probation or parole].

28 566.068. 1. A person commits the [crime] offense of child

1 molestation in the second degree if he or she:

2 (1) Subjects [another person] a child who is less than
3 [seventeen] twelve years of age to sexual contact; or

4 (2) Being twenty-one years of age or older, subjects a
5 child who is less than seventeen years of age to sexual contact
6 and the offense is an aggravated sexual offense.

7 2. The offense of child molestation in the second degree is
8 a class [A misdemeanor unless the actor has previously been
9 convicted of an offense under this chapter or in the course
10 thereof the actor inflicts serious physical injury on any person,
11 displays a deadly weapon or dangerous instrument in a threatening
12 manner, or the offense is committed as part of a ritual or
13 ceremony, in which case the crime is a class D] B felony.

14 566.069. 1. A person commits the offense of child
15 molestation in the third degree if he or she subjects a child who
16 is less than fourteen years of age to sexual contact.

17 2. The offense of child molestation in the third degree is
18 a class C felony, unless committed by the use of forcible
19 compulsion, in which case it is a class B felony.

20 566.071. 1. A person commits the offense of child
21 molestation in the fourth degree if, being twenty-one years of
22 age or older, such person subjects another person who is less
23 than seventeen years of age to sexual contact.

24 2. The offense of child molestation in the fourth degree is
25 a class D felony.

26 566.083. 1. A person commits the [crime] offense of sexual
27 misconduct involving a child if such person:

28 (1) Knowingly exposes his or her genitals to a child less

1 than [fifteen] fourteen years of age under circumstances in which
2 he or she knows that his or her conduct is likely to cause
3 affront or alarm to the child;

4 (2) Knowingly exposes his or her genitals to a child less
5 than [fifteen] fourteen years of age for the purpose of arousing
6 or gratifying the sexual desire of any person, including the
7 child;

8 (3) Knowingly coerces or induces a child less than
9 [fifteen] fourteen years of age to expose the child's genitals
10 for the purpose of arousing or gratifying the sexual desire of
11 any person, including the child; or

12 (4) Knowingly coerces or induces a child who is known by
13 such person to be less than [fifteen] fourteen years of age to
14 expose the breasts of a female child through the internet or
15 other electronic means for the purpose of arousing or gratifying
16 the sexual desire of any person, including the child.

17 2. The provisions of this section shall apply regardless of
18 whether the person violates this section in person or via the
19 internet or other electronic means.

20 3. It is not [an affirmative] a defense to prosecution for
21 a violation of this section that the other person was a peace
22 officer masquerading as a minor.

23 4. The offense of sexual misconduct involving a child [or
24 attempted sexual misconduct involving a child] is a class [D] E
25 felony unless the [actor] person has previously [pleaded guilty
26 to or] been found guilty of an offense [pursuant to] under this
27 chapter or the [actor] person has previously [pleaded guilty to
28 or has been convicted] been found guilty of an offense [against

1 the laws of another state or] in another jurisdiction which would
2 constitute an offense under this chapter, in which case it is a
3 class [C] D felony.

4 566.086. 1. A person commits the [crime] offense of sexual
5 contact with a student if he or she has sexual contact with a
6 student of the [public] school and is:

7 (1) A teacher, as that term is defined in subdivisions (4),
8 (5), and (7) of section 168.104;

9 (2) A student teacher; or

10 (3) An employee of the school; or

11 (4) A volunteer of the school or of an organization working
12 with the school on a project or program who is not a student at
13 the public school; or

14 (5) An elected or appointed official of the [public] school
15 district; or

16 (6) A person employed by an entity that contracts with the
17 [public] school or school district to provide services.

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

22 3. The offense of sexual contact with a student is a class
23 [D] E felony.

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

26 566.090. 1. A person commits the [crime] offense of sexual
27 [misconduct] abuse in the [first] second degree if [such person]
28 he or she purposely subjects another person to sexual contact

1 without that person's consent.

2 2. The offense of sexual [misconduct] abuse in the [first]
3 second degree is a class A misdemeanor, unless [the actor has
4 previously been convicted of an offense under this chapter or
5 unless in the course thereof the actor displays a deadly weapon
6 in a threatening manner or the offense is committed as a part of
7 a ritual or ceremony] it is an aggravated sexual offense, in
8 which case it is a class [D] E felony.

9 566.093. 1. A person commits the [crime] offense of sexual
10 misconduct in the [second] first degree if such person:

11 (1) Exposes his or her genitals under circumstances in
12 which he or she knows that his or her conduct is likely to cause
13 affront or alarm;

14 (2) Has sexual contact in the presence of a third person or
15 persons under circumstances in which he or she knows that such
16 conduct is likely to cause affront or alarm; or

17 (3) Has sexual intercourse or deviate sexual intercourse in
18 a public place in the presence of a third person.

19 2. The offense of sexual misconduct in the [second] first
20 degree is a class B misdemeanor unless the [actor] person has
21 previously been [convicted] found guilty of an offense under this
22 chapter, or has previously been found guilty of an offense in
23 another jurisdiction which would constitute an offense under this
24 chapter, in which case it is a class A misdemeanor.

25 566.095. 1. A person commits the [crime] offense of sexual
26 misconduct in the [third] second degree if he or she solicits or
27 requests another person to engage in sexual conduct under
28 circumstances in which he or she knows that [his requests] such

1 request or solicitation is likely to cause affront or alarm.

2 2. The offense of sexual misconduct in the [third] second
3 degree is a class C misdemeanor.

4 566.100. 1. A person commits the [crime] offense of sexual
5 abuse in the first degree if he or she subjects another person to
6 sexual contact by the use of forcible compulsion.

7 2. The offense of sexual abuse in the first degree is a
8 class C felony unless [in the course thereof the actor inflicts
9 serious physical injury or displays a deadly weapon or dangerous
10 instrument in a threatening manner or subjects the victim to
11 sexual contact with more than one person or] the victim is less
12 than fourteen years of age, or it is an aggravated sexual
13 offense, in which case [the crime] it is a class B felony.

14 566.111. 1. A person commits the [crime] offense of
15 [unlawful] sex with an animal if [that person] he or she engages
16 in sexual conduct with an animal [or engages in sexual conduct
17 with an animal for commercial or recreational purposes].

18 2. [Unlawful] The offense of sex with an animal is a class
19 A misdemeanor unless the [defendant] person has previously been
20 [convicted] found guilty of an offense under this section or has
21 previously been found guilty of an offense in another
22 jurisdiction which would constitute an offense under this
23 section, in which case the [crime] offense is a class [D] E
24 felony.

25 3. In addition to any penalty imposed or as a condition of
26 probation the court may:

27 (1) Prohibit the [defendant] offender from harboring
28 animals or residing in any household where animals are present

1 during the period of probation [or if probation is not granted
2 for a period of time not to exceed two years after the
3 defendant's sentence is completed]; or

4 (2) Order all animals in the [defendant's] offender's
5 possession subject to a civil forfeiture action under chapter
6 513; or

7 (3) Order psychological evaluation and counseling of the
8 [defendant] offender at the [defendant's] offender's expense.

9 4. Nothing in this section shall be construed to prohibit
10 generally accepted animal husbandry, farming and ranching
11 practices or generally accepted veterinary medical practices.

12 5. For purposes of this section, the following terms mean:

13 (1) "Animal", every creature, either alive or dead, other
14 than a human being;

15 (2) "Sexual conduct with an animal", any touching of an
16 animal with the genitals or any touching of the genitals or anus
17 of an animal for the purpose of arousing or gratifying the
18 person's sexual desire.

19 566.115. 1. A person commits the offense of sexual conduct
20 with a nursing facility resident in the first degree if he or
21 she, being an owner or employee of a skilled nursing facility, as
22 defined in section 198.006, or an Alzheimer's special care unit
23 or program, as defined in section 198.505, has sexual intercourse
24 or deviate sexual intercourse with a resident.

25 2. The offense of sexual conduct with a nursing facility
26 resident in the first degree is a class A misdemeanor. Any
27 second or subsequent violation of this section is a class E
28 felony.

1 3. The provisions of this section shall not apply to an
2 owner or employee of a skilled nursing facility or Alzheimer's
3 special care unit or program who engages in sexual conduct with a
4 resident to whom the owner or employee is married.

5 4. Consent of the victim is not a defense to a prosecution
6 under this section.

7 [565.200.] 566.116. 1. [Any owner or employee of a skilled
8 nursing facility, as defined in section 198.006, or an
9 Alzheimer's special unit or program, as defined in section
10 198.505, who:

11 (1)] A person commits the offense of sexual conduct with a
12 nursing facility resident in the second degree if he or she,
13 being an owner or employee of a skilled nursing facility as
14 defined in section 198.006, or an Alzheimer's special care unit
15 program as defined in section 198.505 if he or she has sexual
16 contact, as defined in section 566.010, with a resident [is
17 guilty of a class B misdemeanor. Any person who commits a second
18 or subsequent violation of this subdivision is guilty of a class
19 A misdemeanor; or

20 (2) Has sexual intercourse or deviate sexual intercourse,
21 as defined in section 566.010, with a resident is guilty of a
22 class A misdemeanor. Any person who commits a second or
23 subsequent violation of this subdivision is guilty of a class D
24 felony].

25 2. The offense of sexual conduct with a nursing facility
26 resident in the second degree is a class B misdemeanor. Any
27 second or subsequent violation of this section is a class A
28 misdemeanor.

1 3. The provisions of this section shall not apply to an
2 owner or employee of a skilled nursing facility or Alzheimer's
3 special unit or program who engages in sexual conduct, as defined
4 in section 566.010, with a resident to whom the owner or employee
5 is married.

6 [3.] 4. Consent of the victim is not a defense to a
7 prosecution pursuant to this section.

8 [558.018.] 566.125. 1. The court shall sentence a person
9 [who has pleaded guilty to or] to an extended term of
10 imprisonment if it finds the defendant is a persistent sexual
11 offender and has been found guilty of [the felony of forcible
12 rape, statutory rape in the first degree, forcible sodomy,
13 statutory sodomy in the first degree or an attempt to commit any
14 of the crimes designated in this subsection to an extended term
15 of imprisonment if it finds the defendant is a persistent sexual
16 offender] attempting to commit or committing the following
17 offenses:

18 (1) Statutory rape in the first degree or statutory sodomy
19 in the first degree;

20 (2) Rape in the first degree or sodomy in the first degree
21 attempted or committed on or after August 28, 2013;

22 (3) Forcible rape committed or attempted any time during
23 the period of August 13, 1980 to August 27, 2013;

24 (4) Forcible sodomy committed or attempted any time during
25 the period of January 1, 1995 to August 27, 2013;

26 (5) Rape committed or attempted before August 13, 1980;

27 (6) Sodomy committed or attempted before January 1, 1995.

28 2. A "persistent sexual offender" is one who has previously

1 [pleaded guilty to or has been found guilty of the felony of
2 forcible rape, rape, statutory rape in the first degree, forcible
3 sodomy, sodomy, statutory sodomy in the first degree or an
4 attempt to commit any of the crimes designated in this
5 subsection] been found guilty of attempting to commit or
6 committing any of the offenses listed in subsection 1 of this
7 section, or one who has been previously been found guilty of an
8 offense in any other jurisdiction which would constitute any of
9 the offenses listed in subsection 1 of this section.

10 3. The term of imprisonment for one found to be a
11 persistent sexual offender shall be imprisonment for life without
12 eligibility for probation or parole. Subsection 4 of section
13 558.019 shall not apply to any person imprisoned under this
14 subsection, and "imprisonment for life" shall mean imprisonment
15 for the duration of the person's natural life.

16 4. The court shall sentence a person [who has pleaded
17 guilty to or has] to an extended term of imprisonment as provided
18 for in this section if it finds the defendant is a predatory
19 sexual offender and has been found guilty of [the felony of
20 forcible rape, statutory rape in the first degree, forcible
21 sodomy, statutory sodomy in the first degree, or an attempt to
22 commit any of the preceding crimes or] committing or attempting
23 to commit any of the offenses listed in subsection 1 of this
24 section or committing child molestation in the first or second
25 degree when [classified as a class B felony or sexual abuse when]
26 the offense of child molestation is classified as a class A or B
27 felony [to an extended term of imprisonment as provided for in
28 this section if it finds the defendant is a predatory sexual

1 offender] or sexual abuse when the offense is classified as a
2 class B felony.

3 5. For purposes of this section, a "predatory sexual
4 offender" is a person who:

5 (1) Has previously [pleaded guilty to or has] been found
6 guilty of [the felony of forcible rape, rape, statutory rape in
7 the first degree, forcible sodomy, sodomy, statutory sodomy in
8 the first degree, or an attempt to commit any of the preceding
9 crimes or] committing or attempting to commit any of the offenses
10 listed in subsection 1 of this section, or committing child
11 molestation in the first or second degree when the offense of
12 child molestation is classified as a class A or B felony or
13 sexual abuse when classified as a class B felony; or

14 (2) Has previously committed an act which would constitute
15 an offense listed in subsection 4 of this section, whether or not
16 the act resulted in a conviction; or

17 (3) Has committed an act or acts against more than one
18 victim which would constitute an offense or offenses listed in
19 subsection 4 of this section, whether or not the defendant was
20 charged with an additional offense or offenses as a result of
21 such act or acts.

22 6. A person found to be a predatory sexual offender shall
23 be imprisoned for life with eligibility for parole, however
24 subsection 4 of section 558.019 shall not apply to persons found
25 to be predatory sexual offenders for the purposes of determining
26 the minimum prison term or the length of sentence as defined or
27 used in such subsection. Notwithstanding any other provision of
28 law, in no event shall a person found to be a predatory sexual

1 offender receive a final discharge from parole.

2 7. Notwithstanding any other provision of law, the court
3 shall set the minimum time required to be served before a
4 predatory sexual offender is eligible for parole, conditional
5 release or other early release by the department of corrections.
6 The minimum time to be served by a person found to be a predatory
7 sexual offender who:

8 (1) Has previously [pleaded guilty to or has] been found
9 guilty of [the felony of forcible rape, rape, statutory rape in
10 the first degree, forcible sodomy, sodomy, statutory sodomy in
11 the first degree, or an attempt to commit any of the preceding
12 crimes and pleads guilty to or is found guilty of the felony of
13 forcible rape, statutory rape in the first degree, forcible
14 sodomy, statutory sodomy in the first degree or an attempt to
15 commit any of the preceding crimes] committing or attempting to
16 commit any of the offenses listed in subsection 1 of this section
17 and is found guilty of committing or attempting to commit any of
18 the offenses listed in subsection 1 of this section shall be any
19 number of years but not less than thirty years;

20 (2) Has previously [pleaded guilty to or has] been found
21 guilty of child molestation in the first or second degree when
22 the offense of child molestation is classified as a class A or B
23 felony or sexual abuse when classified as a class B felony and
24 [pleads guilty to or] is found guilty of attempting to commit or
25 committing [forcible rape, statutory rape in the first degree,
26 forcible sodomy or statutory sodomy in the first degree] any of
27 the offenses listed in subsection 1 of this section shall be any
28 number of years but not less than fifteen years;

1 (3) Has previously [pleaded guilty to or has] been found
2 guilty of [the felony of forcible rape, rape, statutory rape in
3 the first degree, forcible sodomy, sodomy, statutory sodomy in
4 the first degree, or an attempt to commit any of the preceding
5 crimes and pleads guilty to or is found guilty of] committing or
6 attempting to commit any of the offenses listed in subsection 1
7 of this section, or committing child molestation in the first or
8 second degree when classified as a class A or B felony or sexual
9 abuse when classified as a class B felony shall be any number of
10 years but not less than fifteen years;

11 (4) Has previously [pleaded guilty to or has] been found
12 guilty of child molestation in the first or second degree when
13 the offense is classified as a class A or B felony or sexual
14 abuse when classified as a class B felony, and [pleads guilty to
15 or] is found guilty of child molestation in the first or second
16 degree when classified as a class A or B felony or sexual abuse
17 when classified as a class B felony shall be any number of years
18 but not less than fifteen years;

19 (5) Is found to be a predatory sexual offender pursuant to
20 subdivision (2) or (3) of subsection 5 of this section shall be
21 any number of years within the range to which the person could
22 have been sentenced pursuant to the applicable law if the person
23 was not found to be a predatory sexual offender.

24 8. Notwithstanding any provision of law to the contrary,
25 the department of corrections, or any division thereof, may not
26 furlough an individual found to be and sentenced as a persistent
27 sexual offender or a predatory sexual offender.

28 566.145. 1. A person commits the [crime] offense of sexual

1 [contact] conduct with a prisoner or offender if he or she:

2 (1) [Such person] Is an employee of, or assigned to work
3 in, any jail, prison or correctional facility and [such person
4 has] engages in sexual [intercourse or deviate sexual
5 intercourse] conduct with a prisoner or an offender who is
6 confined in a jail, prison, or correctional facility; or

7 (2) [Such person] Is a probation and parole officer and
8 [has sexual intercourse or deviate sexual intercourse] engages in
9 sexual conduct with an offender who is under the direct
10 supervision of the officer.

11 2. For the purposes of this section the following terms
12 shall mean:

13 (1) "Offender", includes any person in the custody of a
14 prison or correctional facility and any person who is under the
15 supervision of the state board of probation and parole;

16 (2) "Prisoner", includes any person who is in the custody
17 of a jail, whether pretrial or after disposition of a charge.

18 3. The offense of sexual [contact] conduct with a prisoner
19 or offender is a class [D] E felony.

20 4. Consent of a prisoner or offender is not [an
21 affirmative] a defense.

22 566.147. 1. Any person who, since July 1, 1979, has been
23 or hereafter has [pleaded guilty or nolo contendere to, or been
24 convicted of, or] been found guilty of:

25 (1) Violating any of the provisions of this chapter or the
26 provisions of [subsection 2 of] section 568.020, incest; section
27 568.045, endangering the welfare of a child in the first degree;
28 [subsection 2 of section 568.080] section 573.200, use of a child

1 in a sexual performance; section [568.090] 573.205, promoting a
2 sexual performance by a child; section 573.023, sexual
3 exploitation of a minor; section 573.025, promoting child
4 pornography in the first degree; section 573.035, promoting child
5 pornography in the second degree; section 573.037, possession of
6 child pornography, or section 573.040, furnishing pornographic
7 material to minors; or

8 (2) Any offense in any other [state or foreign country, or
9 under federal, tribal, or military] jurisdiction which, if
10 committed in this state, would be a violation listed in this
11 section; shall not reside within one thousand feet of any public
12 school as defined in section 160.011, any private school giving
13 instruction in a grade or grades not higher than the twelfth
14 grade, or any child care facility that is licensed under chapter
15 210, or any child care facility as defined in section 210.201
16 that is exempt from state licensure but subject to state
17 regulation under section 210.252 and holds itself out to be a
18 child care facility, where the school or facility is in existence
19 at the time the individual begins to reside at the location.

20 2. If such person has already established a residence and a
21 public school, a private school, or child care facility is
22 subsequently built or placed within one thousand feet of such
23 person's residence, then such person shall, within one week of
24 the opening of such public school, private school, or child care
25 facility, notify the county sheriff where such public school,
26 private school, or child care facility is located that he or she
27 is now residing within one thousand feet of such public school,
28 private school, or child care facility and shall provide

1 verifiable proof to the sheriff that he or she resided there
2 prior to the opening of such public school, private school, or
3 child care facility.

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

7 4. Violation of the provisions of subsection 1 of this
8 section is a class ~~D~~ E felony except that the second or any
9 subsequent violation is a class B felony. Violation of the
10 provisions of subsection 2 of this section is a class A
11 misdemeanor except that the second or subsequent violation is a
12 class ~~D~~ E felony.

13 566.148. 1. Any person who has ~~[pleaded guilty or nolo~~
14 ~~contendere to, or]~~ been convicted of, or been found guilty of:

15 (1) Violating any of the provisions of this chapter or the
16 provisions of ~~[subsection 2 of]~~ section 568.020, incest; section
17 568.045, endangering the welfare of a child in the first degree;
18 ~~[subsection 2 of section 568.080]~~ section 573.200, use of a child
19 in a sexual performance; section ~~[568.090]~~ 573.205, promoting a
20 sexual performance by a child; section 573.023, sexual
21 exploitation of a minor; section 573.025, promoting child
22 pornography in the first degree; section 573.035, promoting child
23 pornography in the second degree; section 573.037, possession of
24 child pornography, or section 573.040, furnishing pornographic
25 material to minors; or

26 (2) Any offense in any other ~~[state or foreign country, or~~
27 ~~under federal, tribal, or military]~~ jurisdiction which, if
28 committed in this state, would be a violation listed in this

1 section; shall not knowingly be physically present in or loiter
2 within five hundred feet of or to approach, contact, or
3 communicate with any child under eighteen years of age in any
4 child care facility building, on the real property comprising any
5 child care facility when persons under the age of eighteen are
6 present in the building, on the grounds, or in the conveyance,
7 unless the offender is a parent, legal guardian, or custodian of
8 a student present in the building or on the grounds.

9 2. For purposes of this section, "child care facility"
10 shall [have the same meaning as such term is defined in section
11 210.201] include any child care facility licensed under chapter
12 210, or any child care facility that is exempt from state
13 licensure but subject to state regulation under section 210.252
14 and holds itself out to be a child care facility.

15 3. [Any person who violates] Violation of the provisions of
16 this section is [guilty of] a class A misdemeanor.

17 566.149. 1. Any person who has [pleaded guilty or nolo
18 contendere to, or been convicted of, or] been found guilty of:

19 (1) Violating any of the provisions of this chapter or the
20 provisions [of subsection 2] of section 568.020, incest; section
21 568.045, endangering the welfare of a child in the first degree;
22 [subsection 2 of section 568.080] 573.200, use of a child in a
23 sexual performance; section [568.090] 573.205, promoting a sexual
24 performance by a child; section 573.023, sexual exploitation of a
25 minor; section 573.025, promoting child pornography; or section
26 573.040, furnishing pornographic material to minors; or

27 (2) Any offense in any other [state or foreign country, or
28 under tribal, federal, or military] jurisdiction which, if

1 committed in this state, would be a violation listed in this
2 section; shall not be present in or loiter within five hundred
3 feet of any school building, on real property comprising any
4 school, or in any conveyance owned, leased, or contracted by a
5 school to transport students to or from school or a
6 school-related activity when persons under the age of eighteen
7 are present in the building, on the grounds, or in the
8 conveyance, unless the offender is a parent, legal guardian, or
9 custodian of a student present in the building and has met the
10 conditions set forth in subsection 2 of this section.

11 2. No parent, legal guardian, or custodian who has [pleaded
12 guilty or nolo contendere to, or been convicted of, or] been
13 found guilty of violating any of the offenses listed in
14 subsection 1 of this section shall be present in any school
15 building, on real property comprising any school, or in any
16 conveyance owned, leased, or contracted by a school to transport
17 students to or from school or a school-related activity when
18 persons under the age of eighteen are present in the building, on
19 the grounds or in the conveyance unless the parent, legal
20 guardian, or custodian has permission to be present from the
21 superintendent or school board or in the case of a private school
22 from the principal. In the case of a public school, if
23 permission is granted, the superintendent or school board
24 president must inform the principal of the school where the sex
25 offender will be present. Permission may be granted by the
26 superintendent, school board, or in the case of a private school
27 from the principal for more than one event at a time, such as a
28 series of events, however, the parent, legal guardian, or

1 custodian must obtain permission for any other event he or she
2 wishes to attend for which he or she has not yet had permission
3 granted.

4 3. Regardless of the person's knowledge of his or her
5 proximity to school property or a school-related activity,
6 violation of the provisions of this section [~~shall be~~] is a class
7 A misdemeanor.

8 566.150. 1. Any person who has [~~pleaded guilty to, or been~~
9 ~~convicted of, or~~] been found guilty of:

10 (1) Violating any of the provisions of this chapter or the
11 provisions of [~~subsection 2 of~~] section 568.020, incest; section
12 568.045, endangering the welfare of a child in the first degree;
13 [~~subsection 2 of section 568.080~~] 573.200, use of a child in a
14 sexual performance; section [~~568.090~~] 573.205, promoting a sexual
15 performance by a child; section 573.023, sexual exploitation of a
16 minor; section 573.025, promoting child pornography; or section
17 573.040, furnishing pornographic material to minors; or

18 (2) Any offense in any other [~~state or foreign country, or~~
19 ~~under federal, tribal, or military~~] jurisdiction which, if
20 committed in this state, would be a violation listed in this
21 section; shall not knowingly be present in or loiter within five
22 hundred feet of any real property comprising any public park with
23 playground equipment or a public swimming pool.

24 2. The first violation of the provisions of this section
25 [~~shall be~~] is a class [~~D~~] E felony.

26 3. A second or subsequent violation of this section [~~shall~~
27 ~~be~~] is a class [~~C~~] D felony.

28 566.151. 1. A person [~~at least~~] twenty-one years [~~of age~~]

1 old or older commits the [~~crime~~] offense of enticement of a child
2 if [~~that person~~] he or she persuades, solicits, coaxes, entices,
3 or lures whether by words, actions or through communication via
4 the internet or any electronic communication, any person who is
5 less than [~~fifteen~~] fourteen years of age for the purpose of
6 engaging in sexual conduct.

7 2. It is not [~~an affirmative~~] a defense to a prosecution
8 for a violation of this section that the other person was a peace
9 officer masquerading as a minor.

10 3. Enticement of a child or an attempt to commit enticement
11 of a child is a felony for which the authorized term of
12 imprisonment shall be not less than five years and not more than
13 thirty years. No person convicted under this section shall be
14 eligible for parole, probation, conditional release, or suspended
15 imposition or execution of sentence for a period of five calendar
16 years.

17 566.153. 1. A person commits the [~~crime~~] offense of age
18 misrepresentation with intent to solicit a minor when he or she
19 knowingly misrepresents his or her age with the intent to use the
20 internet or any electronic communication to engage in criminal
21 sexual conduct involving a minor.

22 2. The offense of age misrepresentation with intent to
23 solicit a minor is a class [~~D~~] E felony.

24 566.155. 1. Any person who has [~~pleaded guilty to, or been~~
25 convicted of, or] been found guilty of:

26 (1) Violating any of the provisions of this chapter or the
27 provisions [~~of subsection 2~~] of section 568.020, incest; section
28 568.045, endangering the welfare of a child in the first degree;

1 [subsection 2 of section 568.080] 573.200, use of a child in a
2 sexual performance; section [568.090] 573.205, promoting a sexual
3 performance by a child; section 573.023, sexual exploitation of a
4 minor; section 573.025, promoting child pornography; or section
5 573.040, furnishing pornographic material to minors; or

6 (2) Any offense in any other [state or foreign country, or
7 under federal, tribal, or military] jurisdiction which, if
8 committed in this state, would be a violation listed in this
9 section; shall not serve as an athletic coach, manager, or
10 athletic trainer for any sports team in which a child less than
11 seventeen years [of age] old is a member.

12 2. The first violation of the provisions of this section
13 [shall be] is a class [D] E felony.

14 3. A second or subsequent violation of this section [shall
15 be] is a class [C] D felony.

16 566.203. 1. A person commits the [crime] offense of
17 abusing an individual through forced labor by knowingly providing
18 or obtaining the labor or services of a person:

19 (1) By causing or threatening to cause serious physical
20 injury to any person;

21 (2) By physically restraining or threatening to physically
22 restrain another person;

23 (3) By blackmail;

24 (4) By means of any scheme, plan, or pattern of behavior
25 intended to cause such person to believe that, if the person does
26 not perform the labor services, the person or another person will
27 suffer serious physical injury, physical restraint, or financial
28 harm; or

1 (5) By means of the abuse or threatened abuse of the law or
2 the legal process.

3 2. A person who [pleads guilty to or] is found guilty of
4 the crime of abuse through forced labor shall not be required to
5 register as a sexual offender pursuant to the provisions of
6 section 589.400, unless such person is otherwise required to
7 register pursuant to the provisions of such section.

8 3. The [crime] offense of abuse through forced labor is a
9 felony punishable by imprisonment for a term of years not less
10 than five years and not more than twenty years and a fine not to
11 exceed two hundred fifty thousand dollars. If death results from
12 a violation of this section, or if the violation includes
13 kidnapping or an attempt to kidnap, sexual abuse when punishable
14 as a class B felony, or an attempt to commit sexual abuse when
15 punishable as a class B felony, or an attempt to kill, it shall
16 be punishable for a term of years not less than five years or
17 life and a fine not to exceed two hundred fifty thousand dollars.

18 566.206. 1. A person commits the [crime] offense of
19 trafficking for the purposes of slavery, involuntary servitude,
20 peonage, or forced labor if [a person] he or she knowingly
21 recruits, entices, harbors, transports, provides, or obtains by
22 any means, including but not limited to through the use of force,
23 abduction, coercion, fraud, deception, blackmail, or causing or
24 threatening to cause financial harm, another person for labor or
25 services, for the purposes of slavery, involuntary servitude,
26 peonage, or forced labor, or benefits, financially or by
27 receiving anything of value, from participation in such
28 activities.

1 2. A person who [pleads guilty to or] is found guilty of
2 the [crime] offense of trafficking for the purposes of slavery,
3 involuntary servitude, peonage, or forced labor shall not be
4 required to register as a sexual offender pursuant to the
5 provisions of section 589.400, unless [such person] he or she is
6 otherwise required to register pursuant to the provisions of such
7 section.

8 3. Except as provided in subsection 4 of this section, the
9 offense of trafficking for the purposes of slavery, involuntary
10 servitude, peonage, or forced labor is a felony punishable by
11 imprisonment for a term of years not less than five years and not
12 more than twenty years and a fine not to exceed two hundred
13 fifty thousand dollars.

14 4. If death results from a violation of this section, or if
15 the violation includes kidnapping or an attempt to kidnap, sexual
16 abuse when punishable as a class B felony or an attempt to commit
17 sexual abuse when the sexual abuse attempted is punishable as a
18 class B felony, or an attempt to kill, it shall be punishable by
19 imprisonment for a term of years not less than five years or life
20 and a fine not to exceed two hundred fifty thousand dollars.

21 566.209. 1. A person commits the [crime] offense of
22 trafficking for the purposes of sexual exploitation if [a person]
23 he or she knowingly recruits, entices, harbors, transports,
24 provides, or obtains by any means, including but not limited to
25 through the use of force, abduction, coercion, fraud, deception,
26 blackmail, or causing or threatening to cause financial harm,
27 another person for the use or employment of such person in sexual
28 conduct, a sexual performance, or the production of explicit

1 sexual material as defined in section [573.010] 556.061, without
2 his or her consent, or benefits, financially or by receiving
3 anything of value, from participation in such activities.

4 2. The [crime] offense of trafficking for the purposes of
5 sexual exploitation is a felony punishable by imprisonment for a
6 term of years not less than five years and not more than twenty
7 years and a fine not to exceed two hundred fifty thousand
8 dollars. If a violation of this section was effected by force,
9 abduction, or coercion, the crime of trafficking for the purposes
10 of sexual exploitation is a felony punishable by imprisonment for
11 a term of years not less than ten years or life and a fine not to
12 exceed two hundred fifty thousand dollars.

13 [566.213.] 566.210. 1. A person commits the [crime]
14 offense of sexual trafficking of a child [under the age of twelve
15 if the individual] in the first degree if he or she knowingly:

16 (1) Recruits, entices, harbors, transports, provides, or
17 obtains by any means, including but not limited to through the
18 use of force, abduction, coercion, fraud, deception, blackmail,
19 or causing or threatening to cause financial harm, a person under
20 the age of twelve to participate in a commercial sex act, a
21 sexual performance, or the production of explicit sexual material
22 as defined in section 573.010, or benefits, financially or by
23 receiving anything of value, from participation in such
24 activities; or

25 (2) Causes a person under the age of twelve to engage in a
26 commercial sex act, a sexual performance, or the production of
27 explicit sexual material as defined in section 573.010.

28 2. It shall not be a defense that the defendant believed

1 that the person was twelve years of age or older.

2 3. The offense of sexual trafficking of a child [less than
3 twelve years of age shall be] in the first degree is a felony for
4 which the authorized term of imprisonment is life imprisonment
5 without eligibility for probation or parole until the [defendant]
6 offender has served not less than twenty-five years of such
7 sentence. Subsection 4 of section 558.019 shall not apply to the
8 sentence of a person who has [pleaded guilty to or] been found
9 guilty of sexual trafficking of a child less than twelve years of
10 age, and "life imprisonment" shall mean imprisonment for the
11 duration of a person's natural life for the purposes of this
12 section.

13 [566.212.] 566.211. 1. A person commits the [crime]
14 offense of sexual trafficking of a child in the second degree if
15 [the individual] he or she knowingly:

16 (1) Recruits, entices, harbors, transports, provides, or
17 obtains by any means, including but not limited to through the
18 use of force, abduction, coercion, fraud, deception, blackmail,
19 or causing or threatening to cause financial harm, a person under
20 the age of eighteen to participate in a commercial sex act, a
21 sexual performance, or the production of explicit sexual material
22 as defined in section 573.010, or benefits, financially or by
23 receiving anything of value, from participation in such
24 activities; or

25 (2) Causes a person under the age of eighteen to engage in
26 a commercial sex act, a sexual performance, or the production of
27 explicit sexual material as defined in section 573.010.

28 2. It shall not be a defense that the defendant believed

1 that the person was eighteen years of age or older.

2 3. The offense sexual trafficking of a child in the second
3 degree is a felony punishable by imprisonment for a term of years
4 not less than ten years or life and a fine not to exceed two
5 hundred fifty thousand dollars if the child is under the age of
6 eighteen. If a violation of this section was effected by force,
7 abduction, or coercion, the crime of sexual trafficking of a
8 child shall be a felony for which the authorized term of
9 imprisonment is life imprisonment without eligibility for
10 probation or parole until the defendant has served not less than
11 twenty-five years of such sentence.

12 566.215. 1. A person commits the [crime] offense of
13 contributing to human trafficking through the misuse of
14 documentation when [the individual] he or she knowingly:

15 (1) Destroys, conceals, removes, confiscates, or possesses
16 a valid or purportedly valid passport, government identification
17 document, or other immigration document of another person while
18 committing [crimes] offenses or with the intent to commit
19 [crimes] offenses, pursuant to sections [566.200] 566.203 to
20 566.218; or

21 (2) Prevents, restricts, or attempts to prevent or
22 restrict, without lawful authority, a person's ability to move or
23 travel by restricting the proper use of identification, in order
24 to maintain the labor or services of a person who is the victim
25 of [a crime] an offense committed pursuant to sections [566.200]
26 566.203 to 566.218.

27 2. A person who [pleads guilty to or] is found guilty of
28 the [crime] offense of contributing to human trafficking through

1 the misuse of documentation shall not be required to register as
2 a sexual offender pursuant to the provisions of section 589.400,
3 unless [such person] he or she is otherwise required to register
4 pursuant to the provisions of such section.

5 3. The [crime] offense of contributing to human trafficking
6 through the misuse of documentation is a class [D] E felony.

7 566.218. Notwithstanding sections 557.011, 558.019, and
8 559.021, a [court sentencing a defendant convicted of] person
9 found guilty of violating [the] any provisions of section
10 566.203, 566.206, 566.209, [566.212, or 566.213 shall order the
11 defendant] 566.210, 566.211, or 566.215 shall be ordered by the
12 sentencing court to pay restitution to the victim of the offense
13 regardless of whether the defendant is sentenced to a term of
14 imprisonment or probation. The minimum restitution ordered by
15 the court shall be in the amount determined by the court
16 necessary to compensate the victim for the value of the victim's
17 labor and/or for the mental and physical rehabilitation of the
18 victim and any child of the victim.

19 567.010. As used in this chapter, the following terms mean:

20 (1) ["Promoting prostitution", a person promotes
21 prostitution if, acting other than as a prostitute or a patron of
22 a prostitute, he knowingly

23 (a) Causes or aids a person to commit or engage in
24 prostitution; or

25 (b) Procures or solicits patrons for prostitution; or

26 (c) Provides persons or premises for prostitution purposes;
27 or

28 (d) Operates or assists in the operation of a house of

1 prostitution or a prostitution enterprise; or

2 (e) Accepts or receives or agrees to accept or receive
3 something of value pursuant to an agreement or understanding with
4 any person whereby he participates or is to participate in
5 proceeds of prostitution activity; or

6 (f) Engages in any conduct designed to institute, aid or
7 facilitate an act or enterprise of prostitution;

8 (2) "Prostitution", a person commits prostitution if he
9 engages or offers or agrees to engage in sexual conduct with
10 another person in return for something of value to be received by
11 the person or by a third person;

12 (3) "Patronizing prostitution", a person patronizes
13 prostitution if

14 (a) Pursuant to a prior understanding, he gives something
15 of value to another person as compensation for that person or a
16 third person having engaged in sexual conduct with him or with
17 another; or

18 (b) He gives or agrees to give something of value to
19 another person on an understanding that in return therefor that
20 person or a third person will engage in sexual conduct with him
21 or with another; or

22 (c) He solicits or requests another person to engage in
23 sexual conduct with him or with another, or to secure a third
24 person to engage in sexual conduct with him or with another, in
25 return for something of value;

26 (4) "Deviate sexual intercourse", any sexual act involving
27 the genitals of one person and the mouth, hand, tongue or anus of
28 another person; or any act involving the penetration, however

1 slight, of the penis, the female genitalia, or the anus by a
2 finger, instrument, or object done for the purpose of arousing or
3 gratifying the sexual desire of any person or for the purpose of
4 terrorizing the victim;

5 (2) "Prostitution-related offense", any violation of state
6 law for prostitution, patronizing prostitution or promoting
7 prostitution;

8 (3) "Persistent prostitution offender", a person is a
9 persistent prostitution offender if they have pled guilty to or
10 been found guilty of two or more prostitution-related offenses;

11 (4) "Sexual conduct" [occurs when there is] sexual
12 intercourse, deviate sexual intercourse, or sexual contact;

13 [(a)] (5) "Sexual intercourse" [which means], any
14 penetration, however slight, of the female [sex organ] genitalia
15 by the [male sex organ, whether or not an emission results or]
16 penis;

17 [(b)] "Deviate sexual intercourse" which means any sexual
18 act involving the genitals of one person and the mouth, hand,
19 tongue or anus of another person; or

20 [(c)] (6) "Sexual contact" [which means], any touching[,
21 manual or otherwise, of the anus or] of another person with the
22 genitals [of one person by another, done] or any touching of the
23 genitals or anus of another person or the breast of a female
24 person, or such touching through the clothing, for the purpose of
25 arousing or gratifying sexual desire of [either party] any person
26 or for the purpose of terrorizing the victim;

27 [(5)] (7) "Something of value" [means], any money or
28 property, or any token, object or article exchangeable for money

1 or property[;].

2 567.020. 1. A person commits the [crime] offense of
3 prostitution if [the person performs an act of prostitution] he
4 or she engages in or offers or agrees to engage in sexual conduct
5 with another person in return for something of value to be
6 received by any person.

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

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

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

28 567.030. 1. A person commits the [crime] offense of

1 patronizing prostitution if he [patronizes prostitution] or she:

2 (1) Pursuant to a prior understanding, gives something of
3 value to another person as compensation for having engaged in
4 sexual conduct with any person; or

5 (2) Gives or agrees to give something of value to another
6 person on an understanding that such person or another person
7 will engage in sexual conduct with any person; or

8 (3) Solicits or requests another person to engage in sexual
9 conduct with any person in return for something of value.

10 2. It shall not be [an affirmative] a defense that the
11 [defendant] person believed that the [person] individual he or
12 she patronized for prostitution was eighteen years [of age] old
13 or older.

14 3. The offense of patronizing prostitution is a class B
15 misdemeanor, unless the individual who the person [is
16 patronizing] patronizes is [under the age of] less than eighteen
17 years of age but older than [the age of] fourteen years of age,
18 in which case patronizing prostitution is a class A misdemeanor.

19 4. The offense of patronizing prostitution is a class [D] E
20 felony if the individual who the person patronizes is fourteen
21 years of age or younger. Nothing in this section shall preclude
22 the prosecution of an individual for the offenses of:

23 (1) Statutory rape in the first degree pursuant to section
24 566.032;

25 (2) Statutory rape in the second degree pursuant to section
26 566.034;

27 (3) Statutory sodomy in the first degree pursuant to
28 section 566.062; or

1 (4) Statutory sodomy in the second degree pursuant to
2 section 566.064.

3 567.050. 1. A person commits the [crime] offense of
4 promoting prostitution in the first degree if he or she
5 knowingly:

6 (1) Promotes prostitution by compelling a person to enter
7 into, engage in, or remain in prostitution; or

8 (2) Promotes prostitution of a person less than sixteen
9 years [old] of age.

10 2. The term "compelling" includes

11 (1) The use of forcible compulsion;

12 (2) The use of a drug or intoxicating substance to render a
13 person incapable of controlling his conduct or appreciating its
14 nature;

15 (3) Withholding or threatening to withhold dangerous drugs
16 or a narcotic from a drug dependent person.

17 3. The offense of promoting prostitution in the first
18 degree is a class B felony.

19 567.060. 1. A person commits the [crime] offense of
20 promoting prostitution in the second degree if he or she
21 knowingly promotes prostitution by managing, supervising,
22 controlling or owning, either alone or in association with
23 others, a house of prostitution or a prostitution business or
24 enterprise involving prostitution activity by two or more
25 prostitutes.

26 2. The offense of promoting prostitution in the second
27 degree is a class [C] D felony.

28 567.070. 1. A person commits the [crime] offense of

1 promoting prostitution in the third degree if he or she knowingly
2 [promotes prostitution]:

3 (1) Causes or aids a person to commit or engage in
4 prostitution; or

5 (2) Procures or solicits patrons for prostitution; or

6 (3) Provides persons or premises for prostitution purposes;
7 or

8 (4) Operates or assists in the operation of a house of
9 prostitution or a prostitution business or enterprise; or

10 (5) Accepts or receives or agrees to accept or receive
11 something of value pursuant to an agreement or understanding with
12 any person whereby he or she participates or is to participate in
13 proceeds of prostitution activity; or

14 (6) Engages in any conduct designed to institute, aid or
15 facilitate an act or enterprise of prostitution.

16 2. The offense of promoting prostitution in the third
17 degree is a class [D] E felony.

18 567.080. 1. Any room, building or other structure
19 regularly used for [sexual contact for pay as defined in section
20 567.010 or] any [unlawful] prostitution activity prohibited by
21 this chapter is a public nuisance.

22 2. The attorney general, circuit attorney or prosecuting
23 attorney may, in addition to all criminal sanctions, prosecute a
24 suit in equity to enjoin the nuisance. If the court finds that
25 the owner of the room, building or structure knew or had reason
26 to believe that the premises were being used regularly for
27 [sexual contact for pay or unlawful] prostitution activity, the
28 court may order that the premises shall not be occupied or used

1 for such period as the court may determine, not to exceed one
2 year.

3 3. All persons, including owners, lessees, officers,
4 agents, inmates or employees, aiding or facilitating such a
5 nuisance may be made defendants in any suit to enjoin the
6 nuisance, and they may be enjoined from engaging in any [sexual
7 contact for pay or unlawful] prostitution activity anywhere
8 within the jurisdiction of the court.

9 4. Appeals shall be allowed from the judgment of the court
10 as in other civil actions.

11 567.085. 1. A person commits the [crime] offense of
12 promoting travel for prostitution if [the person] he or she
13 knowingly sells or offers to sell travel services that include or
14 facilitate travel for the purpose of engaging in prostitution as
15 defined by section [567.010] 567.020.

16 2. The [crime] offense of promoting travel for prostitution
17 is a class [C] D felony.

18 567.087. 1. No travel agency or charter tour operator
19 shall:

20 (1) Promote travel for prostitution [under] as described in
21 section 567.085;

22 (2) Sell, advertise, or otherwise offer to sell travel
23 services or facilitate travel:

24 (a) For the purpose of engaging in a commercial sex act as
25 defined in section [566.200] 566.010;

26 (b) That consists of tourism packages or activities using
27 and offering any sexual contact as defined in section 566.010 as
28 enticement for tourism; or

1 (c) That provides or purports to provide access to or that
2 facilitates the availability of sex escorts or sexual services.

3 2. There shall be a rebuttable presumption that any travel
4 agency or charter tour operator using advertisements that include
5 the term "sex tours" or "sex travel" or include depictions of
6 human genitalia is in violation of this section.

7 567.110. Any person who [pleads guilty to or is] has been
8 found guilty of a violation of section 567.020 or 567.030 and who
9 is alleged and proved to be a persistent prostitution offender is
10 guilty of a class [D] E felony.

11 567.120. Any person arrested for a prostitution-related
12 offense, who has [a prior conviction of or has pled] been found
13 guilty [to] of a prior prostitution-related offense, may, within
14 the sound discretion of the court, be required to undergo HIV
15 testing as a condition precedent to the issuance of bond for the
16 offense.

17 568.010. 1. A married person commits the [crime] offense
18 of bigamy if he or she:

19 (1) Purports to [contract] marry another [marriage]; or

20 (2) Cohabits [in this state after] with one whom he or she
21 entered into a bigamous marriage in another jurisdiction.

22 2. A married person does not commit bigamy if, at the time
23 of the subsequent marriage ceremony, he or she reasonably
24 believes that he or she is legally eligible to remarry.

25 3. The defendant shall have the burden of injecting the
26 issue of reasonable belief of eligibility to remarry.

27 4. An unmarried person commits the [crime] offense of
28 bigamy if he or she:

1 (1) Purports to [contract marriage] marry another knowing
2 that the other person is married; or

3 (2) Cohabits [in this state after] with one whom he or she
4 entered into a bigamous marriage in another jurisdiction.

5 5. The offense of bigamy is a class A misdemeanor.

6 568.020. 1. A person commits the [crime] offense of incest
7 if he or she marries or purports to marry or engages in sexual
8 intercourse or deviate sexual intercourse with a person he or she
9 knows to be, without regard to legitimacy, his or her:

10 (1) [His] Ancestor or descendant by blood or adoption; or

11 (2) [His] Stepchild, while the marriage creating that
12 relationship exists; or

13 (3) [His] Brother or sister of the whole or half-blood; or

14 (4) [His] Uncle, aunt, nephew or niece of the whole blood.

15 2. The offense of incest is a class [D] E felony.

16 3. The court shall not grant probation to a person who has
17 previously been found guilty of an offense under this section.

18 568.030. 1. A person commits the [crime] offense of
19 abandonment of a child in the first degree if, as a parent,
20 guardian or other person legally charged with the care or custody
21 of a child less than four years [old] of age, he or she leaves
22 the child in any place with purpose wholly to abandon [it] the
23 child, under circumstances which are likely to result in serious
24 physical injury or death.

25 2. The offense of abandonment of a child in the first
26 degree is a class [B] C felony, unless the child suffers serious
27 physical injury or death, in which case it is a class B felony.

28 568.032. 1. A person commits the [crime] offense of

1 abandonment of a child in the second degree if, as a parent,
2 guardian or other person legally charged with the care or custody
3 of a child less than eight years [old] of age, he or she leaves
4 the child in any place with purpose wholly to abandon [it] the
5 child, under circumstances which are likely to result in serious
6 physical injury or death.

7 2. The offense of abandonment of a child in the second
8 degree is a class [D] E felony, unless the child suffers serious
9 physical injury or death, in which case it is a class D felony.

10 568.040. 1. A person commits the [crime] offense of
11 nonsupport if [such person] he or she knowingly fails to provide
12 adequate support for his or her spouse; a parent commits the
13 [crime] offense of nonsupport if such parent knowingly fails to
14 provide adequate support which such parent is legally obligated
15 to provide for his or her child or stepchild who is not otherwise
16 emancipated by operation of law.

17 2. For purposes of this section:

18 (1) "Child" means any biological or adoptive child, or any
19 child whose paternity has been established under chapter 454, or
20 chapter 210, or any child whose relationship to the defendant has
21 been determined, by a court of law in a proceeding for
22 dissolution or legal separation, to be that of child to parent;

23 (2) "Good cause" means any substantial reason why the
24 defendant is unable to provide adequate support. Good cause does
25 not exist if the defendant purposely maintains his inability to
26 support;

27 (3) "Support" means food, clothing, lodging, and medical or
28 surgical attention;

1 (4) It shall not constitute a failure to provide medical
2 and surgical attention, if nonmedical remedial treatment
3 recognized and permitted under the laws of this state is
4 provided.

5 3. Inability to provide support for good cause shall be an
6 affirmative defense under this section. A [person] defendant who
7 raises such affirmative defense has the burden of proving the
8 defense by a preponderance of the evidence.

9 4. The defendant shall have the burden of injecting the
10 issues raised by subdivision (4) of subsection 2 and subsection 3
11 of this section.

12 5. The offense of criminal nonsupport is a class A
13 misdemeanor, unless the total arrearage is in excess of an
14 aggregate of twelve monthly payments due under any order of
15 support issued by any court of competent jurisdiction or any
16 authorized administrative agency, in which case it is a class [D]
17 E felony.

18 6. If at any time [a defendant] an offender convicted of
19 criminal nonsupport is placed on probation or parole, there may
20 be ordered as a condition of probation or parole that the
21 [defendant] offender commence payment of current support as well
22 as satisfy the arrearages. Arrearages may be satisfied first by
23 making such lump sum payment as the [defendant] offender is
24 capable of paying, if any, as may be shown after examination of
25 [defendant's] the offender's financial resources or assets, both
26 real, personal, and mixed, and second by making periodic
27 payments. Periodic payments toward satisfaction of arrears when
28 added to current payments due may be in such aggregate sums as is

1 not greater than fifty percent of the [defendant's] offender's
2 adjusted gross income after deduction of payroll taxes, medical
3 insurance that also covers a dependent spouse or children, and
4 any other court- or administrative-ordered support, only. If the
5 [defendant] offender fails to pay the current support and
6 arrearages as ordered, the court may revoke probation or parole
7 and then impose an appropriate sentence within the range for the
8 class of offense that the [defendant] offender was convicted of
9 as provided by law, unless the [defendant] offender proves good
10 cause for the failure to pay as required under subsection 3 of
11 this section.

12 7. During any period that a nonviolent [defendant] offender
13 is incarcerated for criminal nonsupport, if the [defendant]
14 offender is ready, willing, and able to be gainfully employed
15 during said period of incarceration, the [defendant] offender, if
16 he or she meets the criteria established by the department of
17 corrections, may be placed on work release to allow the
18 [defendant] offender to satisfy [defendant's] his or her
19 obligation to pay support. Arrearages shall be satisfied as
20 outlined in the collection agreement.

21 8. Beginning August 28, 2009, every nonviolent first- and
22 second-time offender then incarcerated for criminal nonsupport,
23 who has not been previously placed on probation or parole for
24 conviction of criminal nonsupport, may be considered for parole,
25 under the conditions set forth in subsection 6 of this section,
26 or work release, under the conditions set forth in subsection 7
27 of this section.

28 9. Beginning January 1, 1991, every prosecuting attorney in

1 any county which has entered into a cooperative agreement with
2 the child support enforcement service of the family support
3 division of the department of social services shall report to the
4 division on a quarterly basis the number of charges filed and the
5 number of convictions obtained under this section by the
6 prosecuting attorney's office on all IV-D cases. The division
7 shall consolidate the reported information into a statewide
8 report by county and make the report available to the general
9 public. 10. Persons accused of committing the offense of
10 nonsupport of the child shall be prosecuted:

11 (1) In any county in which the child resided during the
12 period of time for which the defendant is charged; or

13 (2) In any county in which the defendant resided during the
14 period of time for which the defendant is charged.

15 568.045. 1. A person commits the [crime] offense of
16 endangering the welfare of a child in the first degree if he or
17 she:

18 (1) [The person] Knowingly acts in a manner that creates a
19 substantial risk to the life, body, or health of a child less
20 than seventeen years [old] of age; or

21 (2) [The person] Knowingly engages in sexual conduct with a
22 person under the age of seventeen years over whom the person is a
23 parent, guardian, or otherwise charged with the care and custody;

24 (3) [The person] Knowingly encourages, aids or causes a
25 child less than seventeen years of age to engage in any conduct
26 which violates the provisions of chapter [195] 579;

27 (4) [Such person enlists the aid, either through payment or
28 coercion, of a person less than seventeen years of age to

1 unlawfully manufacture, compound, produce, prepare, sell,
2 transport, test or analyze amphetamine or methamphetamine or any
3 of their analogues, or to obtain any material used to
4 manufacture, compound, produce, prepare, test or analyze
5 amphetamine or methamphetamine or any of their analogues; or

6 (5) Such person,] In the presence of a [person] child less
7 than seventeen years [of age] old or in a residence where a
8 [person] child less than seventeen years [of age] old resides,
9 unlawfully manufactures, or attempts to manufacture compounds,
10 possesses, produces, prepares, sells, transports, tests or
11 analyzes amphetamine or methamphetamine or any of their
12 analogues.

13 2. The offense of endangering the welfare of a child in the
14 first degree is a class [C] E felony unless the offense:

15 (1) Is committed as part of [a ritual or ceremony, or
16 except on] an act or series of acts performed by two or more
17 persons as part of an established or prescribed pattern of
18 activity, or where physical injury to the child results, or the
19 offense is a second or subsequent offense under this section, in
20 which case the [crime] offense is a class [B] C felony; or

21 (2) Results in serious physical injury to the child, in
22 which case the offense is a class B felony; or

23 (3) Results in death of a child, in which case the offense
24 is a class A felony.

25 [3. This section shall be known as "Hope's Law".]

26 568.050. 1. A person commits the [crime] offense of
27 endangering the welfare of a child in the second degree if he or
28 she:

1 (1) [He or she] With criminal negligence acts in a manner
2 that creates a substantial risk to the life, body or health of a
3 child less than seventeen years [old] of age; or

4 (2) [He or she] Knowingly encourages, aids or causes a
5 child less than seventeen years [old] of age to engage in any
6 conduct which causes or tends to cause the child to come within
7 the provisions of paragraph (d) of subdivision (2) of subsection
8 1 or subdivision (3) of subsection 1 of section 211.031; or

9 (3) Being a parent, guardian or other person legally
10 charged with the care or custody of a child less than seventeen
11 years [old, he or she] of age, recklessly fails or refuses to
12 exercise reasonable diligence in the care or control of such
13 child to prevent him or her from coming within the provisions of
14 paragraph (c) of subdivision (1) of subsection 1 or paragraph (d)
15 of subdivision (2) of subsection 1 or subdivision (3) of
16 subsection 1 of section 211.031; or

17 (4) [He or she] Knowingly encourages, aids or causes a
18 child less than seventeen years of age to enter into any room,
19 building or other structure which is a public nuisance as defined
20 in section [195.130; or

21 (5) He or she operates a vehicle in violation of
22 subdivision (2) or (3) of subsection 1 of section 565.024,
23 subdivision (4) of subsection 1 of section 565.060, section
24 577.010, or section 577.012 while a child less than seventeen
25 years old is present in the vehicle] 579.105.

26 2. Nothing in this section shall be construed to mean the
27 welfare of a child is endangered for the sole reason that he or
28 she is being provided nonmedical remedial treatment recognized

1 and permitted under the laws of this state.

2 3. The offense of endangering the welfare of a child in the
3 second degree is a class A misdemeanor unless the offense is
4 committed as part of [a ritual or ceremony] an act or series of
5 acts performed by two or more persons as part of an established
6 or prescribed pattern of activity, in which case the [crime]
7 offense is a class [D] E felony.

8 568.060. 1. As used in this section, the following terms
9 shall mean:

10 (1) "Abuse", the infliction of physical, sexual, or mental
11 injury against a child by any person eighteen years of age or
12 older. For purposes of this section, abuse shall not include
13 injury inflicted on a child by accidental means by a person with
14 care, custody, or control of the child, or discipline of a child
15 by a person with care, custody, or control of the child,
16 including spanking, in a reasonable manner;

17 (2) "Abusive head trauma", a serious physical injury to the
18 head or brain caused by any means, including but not limited to
19 shaking, jerking, pushing, pulling, slamming, hitting, or
20 kicking;

21 (3) "Mental injury", an injury to the intellectual or
22 psychological capacity or the emotional condition of a child as
23 evidenced by an observable and substantial impairment of the
24 ability of the child to function within his or her normal range
25 of performance or behavior;

26 (4) "Neglect", the failure to provide, by those responsible
27 for the care, custody, and control of a child under the age of
28 eighteen years, the care reasonable and necessary to maintain the

1 physical and mental health of the child, when such failure
2 presents a substantial probability that death or physical injury
3 or sexual injury would result;

4 (5) "Physical injury", physical pain, illness, or any
5 impairment of physical condition, including but not limited to
6 bruising, lacerations, hematomas, welts, or permanent or
7 temporary disfigurement and impairment of any bodily function or
8 organ;

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

16 (7) "Serious physical injury", a physical injury that
17 creates a substantial risk of death or that causes serious
18 disfigurement or protracted loss or impairment of the function of
19 any part of the body.

20 2. A person commits the offense of abuse or neglect of a
21 child if such person knowingly causes a child who is less than
22 eighteen years of age:

23 (1) To suffer physical or mental injury as a result of
24 abuse or neglect; or

25 (2) To be placed in a situation in which the child may
26 suffer physical or mental injury as the result of abuse or
27 neglect.

28 3. A person commits the offense of abuse or neglect of a

1 child if such person recklessly causes a child who is less than
2 eighteen years of age to suffer from abusive head trauma.

3 4. A person does not commit the offense of abuse or neglect
4 of a child by virtue of the sole fact that the person delivers or
5 allows the delivery of child to a provider of emergency services.

6 5. The offense of abuse or neglect of a child is a class
7 [C] D felony, without eligibility for probation or parole until
8 the defendant has served no less than one year of such sentence,
9 unless the person has previously been found guilty of a violation
10 of this section or of a violation of the law of any other
11 jurisdiction that prohibits the same or similar conduct or the
12 injury inflicted on the child is a serious emotional injury or a
13 serious physical injury, in which case abuse or neglect of a
14 child is a class B felony, without eligibility for probation or
15 parole until the defendant has served not less than five years of
16 such sentence.

17 6. Notwithstanding subsection 5 of this section to the
18 contrary, the offense of abuse or neglect of a child is a class A
19 felony, without eligibility for probation or parole until the
20 defendant has served not less than fifteen years of such
21 sentence, if:

22 (1) The injury is a serious emotional injury or a serious
23 physical injury;

24 (2) The child is less than fourteen years of age; and

25 (3) The injury is the result of sexual abuse as defined
26 under section 566.100 or sexual exploitation of a minor as
27 defined under section 573.023.

28 7. The circuit or prosecuting attorney may refer a person

1 who is suspected of abuse or neglect of a child to an appropriate
2 public or private agency for treatment or counseling so long as
3 the agency has consented to taking such referrals. Nothing in
4 this subsection shall limit the discretion of the circuit or
5 prosecuting attorney to prosecute a person who has been referred
6 for treatment or counseling pursuant to this subsection.

7 8. Nothing in this section shall be construed to alter the
8 requirement that every element of any crime referred to herein
9 must be proven beyond a reasonable doubt.

10 9. Discipline, including spanking administered in a
11 reasonable manner, shall not be construed to be abuse under this
12 section.

13 568.065. 1. A person commits the ~~[crime]~~ offense of
14 genital mutilation if ~~[such person]~~ he or she:

15 (1) Excises or infibulates, in whole or in part, the labia
16 majora, labia minora, vulva or clitoris of a female child less
17 than seventeen years ~~[of age]~~ old; or

18 (2) Is a parent, guardian or other person legally
19 responsible for a female child less than seventeen years ~~[of age]~~
20 old and permits the excision or infibulation, in whole or in
21 part, of the labia majora, labia minora, vulva or clitoris of
22 such female child.

23 2. The offense of genital mutilation is a class B felony.

24 3. Belief that the conduct described in subsection 1 of
25 this section is required as a matter of custom, ritual or
26 standard practice, or consent to the conduct by the child on whom
27 it is performed or by the child's parent or legal guardian, shall
28 not be ~~[an affirmative]~~ a defense to a charge pursuant to this

1 section.

2 4. It is [an affirmative] a defense [that the defendant
3 engaged in] if the conduct [charged] which constitutes genital
4 mutilation [if the conduct] was:

5 (1) Necessary to preserve the health of the child on whom
6 it is performed and is performed by a person licensed to practice
7 medicine in this state; or

8 (2) Performed on a child who is in labor or who has just
9 given birth and is performed for medical purposes connected with
10 such labor or birth by a person licensed to practice medicine in
11 this state.

12 568.070. 1. A person commits the [crime] offense of
13 unlawful transactions with a child if he or she:

14 (1) Being a pawnbroker, junk dealer, dealer in secondhand
15 goods, or any employee of such person, [he] with criminal
16 negligence buys or receives any personal property other than
17 agricultural products from an unemancipated minor, unless the
18 child's custodial parent or guardian has consented in writing to
19 the transaction; or

20 (2) [He] Knowingly permits a minor child to enter or remain
21 in a place where illegal activity in controlled substances, as
22 defined in chapter [195] 579, is maintained or conducted; or

23 (3) [He] With criminal negligence sells blasting caps, bulk
24 gunpowder, or explosives to a child under the age of seventeen,
25 or fireworks as defined in section 320.110, to a child under the
26 age of fourteen, unless the child's custodial parent or guardian
27 has consented in writing to the transaction. Criminal negligence
28 as to the age of the child is not an element of this crime.

1 2. The offense of unlawful transactions with a child is a
2 class B misdemeanor.

3 568.175. 1. A person[, partnership, corporation, agency,
4 association, institution, society or other organization] or
5 entity commits the [crime] offense of trafficking in children if
6 he, she, or it offers, gives, receives or solicits any money,
7 consideration or other thing of value for the delivery or offer
8 of delivery of a child to another person[, partnership,
9 corporation, agency, association, institution, society or other
10 organization] or entity for purposes of adoption, or for the
11 execution of a consent to adopt or waiver of consent to future
12 adoption or a consent to termination of parental rights.

13 2. [A crime] An offense is not committed under this section
14 if the money, consideration or thing of value or conduct is
15 permitted under chapter 453 relating to adoption.

16 3. The [crime] offense of trafficking in children is a
17 class [C] D felony.

18 569.010. As used in this chapter the following terms mean:

19 (1) ["Forcibly steals", a person "forcibly steals", and
20 thereby commits robbery, when, in the course of stealing, as
21 defined in section 570.030, he uses or threatens the immediate
22 use of physical force upon another person for the purpose of:

23 (a) Preventing or overcoming resistance to the taking of
24 the property or to the retention thereof immediately after the
25 taking; or

26 (b) Compelling the owner of such property or another person
27 to deliver up the property or to engage in other conduct which
28 aids in the commission of the theft;

1 (2) "Inhabitable structure" includes a ship, trailer,
2 sleeping car, airplane, or other vehicle or 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 Any such vehicle or structure is "inhabitable" regardless of
10 whether a person is actually present;

11 (3) "Of another", property is that "of another" if any
12 natural person, corporation, partnership, association,
13 governmental subdivision or instrumentality, other than the
14 actor, has a possessory or proprietary interest therein;

15 (4) If a building or structure is divided into separately
16 occupied units, any unit not occupied by the actor is an
17 "inhabitable structure of another";

18 (5) "Vital public facility" includes a facility maintained
19 for use as a bridge, whether over land or water, dam, reservoir,
20 tunnel, communication installation or power station;

21 (6) "Utility", an enterprise which provides gas, electric,
22 steam, water, sewerage disposal or communication services and any
23 common carrier. It may be either publicly or privately owned or
24 operated;

25 (7) "To tamper", to interfere with something improperly, to
26 meddle with it, displace it, make unwarranted alterations in its
27 existing condition, or to deprive, temporarily, the owner or
28 possessor of that thing] "Cave or cavern", any naturally

1 occurring subterranean cavity enterable by man including, without
2 limitation, a pit, pothole, natural well, grotto, and tunnel,
3 whether or not the opening has a natural entrance;

4 [(8)] (2) "Enter unlawfully or remain unlawfully", a person
5 ["enters unlawfully or remains unlawfully"] enters or remains in
6 or upon premises when he or she is not licensed or privileged to
7 do so. A person who, regardless of his or her purpose, enters or
8 remains in or upon premises which are at the time open to the
9 public does so with license and privilege unless he defies a
10 lawful order not to enter or remain, personally communicated to
11 him or her by the owner of such premises or by other authorized
12 person. A license or privilege to enter or remain in a building
13 which is only partly open to the public is not a license or
14 privilege to enter or remain in that part of the building which
15 is not open to the public;

16 (3) "To tamper", to interfere with something improperly, to
17 meddle with it, displace it, make unwarranted alterations in its
18 existing condition, or to deprive, temporarily, the owner or
19 possessor of that thing;

20 (4) "Utility", an enterprise which provides gas, electric,
21 steam, water, sewerage disposal or communication services and any
22 common carrier. It may be either publicly or privately owned or
23 operated.

24 569.040. 1. A person commits the [crime] offense of arson
25 in the first degree [when] if he or she[:

26 (1)] knowingly damages a building or inhabitable structure,
27 and when any person is then present or in near proximity thereto,
28 by starting a fire or causing an explosion and thereby recklessly

1 places such person in danger of death or serious physical
2 injury[; or

3 (2) By starting a fire or explosion, damages a building or
4 inhabitable structure in an attempt to produce methamphetamine].

5 2. The offense of arson in the first degree is a class B
6 felony unless a person has suffered serious physical injury or
7 has died as a result of the fire or explosion set by the
8 [defendant or as a result of a fire or explosion started in an
9 attempt by the defendant to produce methamphetamine] person, in
10 which case arson in the first degree is a class A felony.

11 569.050. 1. A person commits the [crime] offense of arson
12 in the second degree [when] if he or she knowingly damages a
13 building or inhabitable structure by starting a fire or causing
14 an explosion.

15 2. A person does not commit a [crime] offense under this
16 section if:

17 (1) No person other than himself or herself has a
18 possessory, proprietary or security interest in the damaged
19 building, or if other persons have those interests, all of them
20 consented to his or her conduct; and

21 (2) [His] The person's sole purpose was to destroy or
22 damage the building for a lawful and proper purpose.

23 3. The defendant shall have the burden of injecting the
24 issue under subsection 2 of this section.

25 4. The offense of arson in the second degree is a class [C]
26 D felony unless a person has suffered serious physical injury or
27 has died as a result of the fire or explosion [set by the
28 defendant], in which case [arson in the second degree] it is a

1 class B felony.

2 569.053. 1. A person commits the offense of arson in the
3 third degree if he or she knowingly starts a fire or causes an
4 explosion and thereby recklessly damages or destroys a building
5 or an inhabitable structure of another.

6 2. The offense of arson in the third degree is a class A
7 misdemeanor.

8 569.055. 1. A person commits the [crime] offense of
9 knowingly burning or exploding [when] if he or she knowingly
10 damages property of another by starting a fire or causing an
11 explosion.

12 2. The offense of knowingly burning or exploding is a class
13 **[D] E** felony.

14 569.060. 1. A person commits the [crime] offense of
15 reckless burning or exploding [when] if he [knowingly] or she
16 recklessly starts a fire or causes an explosion and thereby
17 **[recklessly]** damages or destroys **[a building or an inhabitable**
18 **structure]** the property of another.

19 2. The offense of reckless burning or exploding is a class
20 **[A] B** misdemeanor.

21 569.065. 1. A person commits the [crime] offense of
22 negligent burning or exploding [when] if he or she with criminal
23 negligence causes damage to property or to the woodlands,
24 cropland, grassland, prairie, or marsh of another by **[fire or**
25 **explosion]:**

26 (1) Starting a fire or causing an explosion; or

27 (2) Allowing a fire burning on lands in his or her
28 possession or control onto the property of another.

1 2. The offense of negligent burning or exploding is a class
2 [B] C misdemeanor.

3 [578.445.] 569.075. 1. [No] A person [shall possess]
4 commits the offense of possessing a tool to break into a vending
5 machine if he or she possesses any key, tool, instrument,
6 explosive, or similar device, or a drawing, print, mold of a key,
7 tool, instrument, explosive, or device designed to open, break
8 into, tamper with, or damage a coin-operated vending machine or
9 any other machine or device which is activated by the customer
10 depositing some form of payment, with the intent to commit a
11 theft from such machine. [Violation of this subsection is a
12 class A misdemeanor.]

13 2. The owner of a coin-operated vending machine or any
14 other machine or device which is activated by the customer
15 depositing some form of payment may maintain a civil cause of
16 action against any person who [pleads guilty or if] has been
17 found guilty of a violation of [subsection 1 of] this section.
18 If such owner of a coin-operated vending machine or any other
19 machine or device which is activated by the customer depositing
20 some form of payment prevails in such action, the court may award
21 treble damages, reasonable attorney's fees, and costs.

22 3. The offense of possession of a tool to break into a
23 vending machine is a class A misdemeanor.

24 569.080. 1. A person commits the [crime] offense of
25 tampering in the first degree if he or she:

26 (1) [He or she] For the purpose of causing a substantial
27 interruption or impairment of a service rendered to the public by
28 a utility or by an institution providing health or safety

1 protection, damages or tampers with property or facilities of
2 such a utility or institution, and thereby causes substantial
3 interruption or impairment of service; or

4 (2) [He or she] Knowingly receives, possesses, sells,
5 [alters, defaces, destroys] or unlawfully operates an automobile,
6 airplane, motorcycle, motorboat or other motor-propelled vehicle
7 without the consent of the owner thereof.

8 2. [Tampering in the first degree is a class C felony.

9 3.] Upon a finding by the court that the probative value
10 outweighs the prejudicial effect, evidence of the following is
11 admissible in any criminal prosecution of a person under
12 subdivision (2) of subsection 1 of this section to prove the
13 requisite knowledge [or belief] that he or she:

14 (1) [That he or she] Received, possessed, sold, [altered,
15 defaced, destroyed,] or operated an automobile, airplane,
16 motorcycle, motorboat, or other motor-propelled vehicle
17 unlawfully on a separate occasion; or

18 (2) [That he or she] Acquired the automobile, airplane,
19 motorcycle, motorboat, or other motor-propelled vehicle for a
20 consideration which he or she knew was far below its reasonable
21 value.

22 3. The offense of tampering in the first degree is a class
23 D felony.

24 569.090. 1. A person commits the [crime] offense of
25 tampering in the second degree if he or she:

26 (1) Tampers with property of another for the purpose of
27 causing substantial inconvenience to that person or to another;
28 or

1 (2) Unlawfully rides in or upon another's automobile,
2 airplane, motorcycle, motorboat or other motor-propelled vehicle;
3 or

4 (3) Tamperers or makes connection with property of a utility;
5 or

6 (4) Tamperers with, or causes to be tampered with, any meter
7 or other property of an electric, gas, steam or water utility,
8 the effect of which tampering is either:

9 (a) To prevent the proper measuring of electric, gas, steam
10 or water service; or

11 (b) To permit the diversion of any electric, gas, steam or
12 water service.

13 2. In any prosecution under subdivision (4) of subsection
14 1, proof that a meter or any other property of a utility has been
15 tampered with, and the person or persons accused received the use
16 or direct benefit of the electric, gas, steam or water service,
17 with one or more of the effects described in subdivision (4) of
18 subsection 1, shall be sufficient to support an inference which
19 the trial court may submit to the trier of fact, from which the
20 trier of fact may conclude that there has been a violation of
21 such subdivision by the person or persons who use or receive the
22 direct benefit of the electric, gas, steam or water service.

23 3. Tampering in the second degree is a class A misdemeanor
24 unless:

25 (1) Committed as a second or subsequent violation of
26 subdivision (4) of subsection 1, in which case it is a class [D]
27 E felony; or

28 (2) The defendant has a prior conviction or has [had a

1 prior finding of guilt] previously been found guilty pursuant to
2 paragraph (a) of subdivision (3) of subsection 3 of section
3 570.030, [section 570.080,] or subdivision (2) of subsection 1 of
4 this section, in which case it is a class [C] D felony.

5 569.095. 1. A person commits the [crime] offense of
6 tampering with computer data if he or she knowingly and without
7 authorization or without reasonable grounds to believe that he
8 has such authorization:

9 (1) Modifies or destroys data or programs residing or
10 existing internal to a computer, computer system, or computer
11 network; or

12 (2) Modifies or destroys data or programs or supporting
13 documentation residing or existing external to a computer,
14 computer system, or computer network; or

15 (3) Discloses or takes data, programs, or supporting
16 documentation, residing or existing internal or external to a
17 computer, computer system, or computer network; or

18 (4) Discloses or takes a password, identifying code,
19 personal identification number, or other confidential information
20 about a computer system or network that is intended to or does
21 control access to the computer system or network;

22 (5) Accesses a computer, a computer system, or a computer
23 network, and intentionally examines information about another
24 person;

25 (6) Receives, retains, uses, or discloses any data he knows
26 or believes was obtained in violation of this subsection.

27 2. The offense of tampering with computer data is a class A
28 misdemeanor, unless the offense is committed for the purpose of

1 devising or executing any scheme or artifice to defraud or to
2 obtain any property, the value of which is [five] seven hundred
3 fifty dollars or more, in which case [tampering with computer
4 data] it is a class [D] E felony.

5 569.097. 1. A person commits the [crime] offense of
6 tampering with computer equipment if he knowingly and without
7 authorization or without reasonable grounds to believe that he
8 has such authorization:

9 (1) Modifies, destroys, damages, or takes equipment or data
10 storage devices used or intended to be used in a computer,
11 computer system, or computer network; or

12 (2) Modifies, destroys, damages, or takes any computer,
13 computer system, or computer network.

14 2. The offense of tampering with computer equipment is a
15 class A misdemeanor, unless:

16 (1) The offense is committed for the purpose of executing
17 any scheme or artifice to defraud or obtain any property, the
18 value of which is [five] seven hundred fifty dollars or more, in
19 which case it is a class [D] E felony; or

20 (2) The damage to such computer equipment or to the
21 computer, computer system, or computer network is [five] seven
22 hundred fifty dollars or more [but less than one thousand
23 dollars], in which case it is a class [D] E felony; or

24 (3) The damage to such computer equipment or to the
25 computer, computer system, or computer network is [one] twenty-
26 five thousand dollars or [greater] more, in which case it is a
27 class [C] D felony.

28 569.099. 1. A person commits the [crime] offense of

1 tampering with computer users if he or she knowingly and without
2 authorization or without reasonable grounds to believe that he or
3 she has such authorization:

4 (1) Accesses or causes to be accessed any computer,
5 computer system, or computer network; or

6 (2) Denies or causes the denial of computer system services
7 to an authorized user of such computer system services, which, in
8 whole or in part, is owned by, under contract to, or operated
9 for, or on behalf of, or in conjunction with another.

10 2. The offense of tampering with computer users is a class
11 A misdemeanor unless the offense is committed for the purpose of
12 devising or executing any scheme or artifice to defraud or to
13 obtain any property, the value of which is [~~five~~] seven hundred
14 fifty dollars or more, in which case tampering with computer
15 users is a class [~~D~~] E felony.

16 569.100. 1. A person commits the [~~crime~~] offense of
17 property damage in the first degree if such person:

18 (1) Knowingly damages property of another to an extent
19 exceeding seven hundred fifty dollars; or

20 (2) Damages property to an extent exceeding [~~one thousand~~]
21 seven hundred fifty dollars for the purpose of defrauding an
22 insurer; or

23 (3) Knowingly damages a motor vehicle of another and the
24 damage occurs while such person is making entry into the motor
25 vehicle for the purpose of committing the crime of stealing
26 therein or the damage occurs while such person is committing the
27 crime of stealing within the motor vehicle.

28 2. The offense of property damage in the first degree

1 committed under subdivision (1) or (2) of subsection 1 of this
2 section is a class [D] E felony. The offense of property damage
3 in the first degree committed under subdivision (3) of subsection
4 1 of this section is a class [C] D felony unless committed as a
5 second or subsequent violation of subdivision (3) of subsection 1
6 of this section in which case it is a class B felony.

7 569.120. 1. A person commits the [crime] offense of
8 property damage in the second degree if he or she:

9 (1) [He] Knowingly damages property of another; or

10 (2) [He] Damages property for the purpose of defrauding an
11 insurer.

12 2. The offense of property damage in the second degree is a
13 class B misdemeanor.

14 569.130. 1. A person does not commit an offense by
15 damaging, tampering with, operating, riding in or upon, or making
16 connection with property of another if he or she does so under a
17 claim of right and has reasonable grounds to believe he or she
18 has such a right.

19 2. The defendant shall have the burden of injecting the
20 issue of claim of right.

21 [578.416.] 569.132. [No person shall] 1. This section
22 shall be known and may be cited as the "Crop Protection Act".

23 2. A person commits the offense of prohibited acts
24 involving crops if he or she:

25 (1) Intentionally [cause] causes the loss of any crop;

26 (2) [Damage, vandalize, or steal] Damages, vandalizes, or
27 steals any property in or on a crop;

28 (3) [Obtain] Obtains access to a crop by false pretenses

1 for the purpose of performing acts not authorized by the
2 landowner;

3 (4) [Enter] Enters or otherwise [interfere] interferes with
4 a crop with the intent to destroy, alter, duplicate or obtain
5 unauthorized possession of such crop;

6 (5) Knowingly [obtain] obtains, by theft or deception,
7 control over a crop for the purpose of depriving the rightful
8 owner of such crop, or for the purpose of destroying such crop;
9 or

10 (6) [Enter or remain] Enters or remains on land on which a
11 crop is located with the intent to commit an act prohibited by
12 this section.

13 3. The offense of prohibited acts involving crops is a
14 class A misdemeanor for each such violation unless:

15 (1) The loss or damage to the crop is fifty dollars or
16 more, in which case it is a class E felony;

17 (2) The loss or damage to the crop is seven hundred fifty
18 dollars or more, in which case it is a class D felony;

19 (3) The loss or damage to the crop is one thousand dollars
20 or more, in which case it is a class C felony;

21 (4) The loss or damage to the crop is twenty-five thousand
22 dollars or more, in which case it is a class B felony;

23 (5) The loss or damage to the crop is seventy-five thousand
24 dollars or more, in which case it is a class A felony.

25 4. Any person who has been damaged by a violation of this
26 section shall have a civil cause of action under section 537.353.

27 5. Nothing in this section shall preclude any owner or
28 operator injured in his or her business or in his or her property

1 by a violation of this section from seeking appropriate relief
2 under any other provision of law or remedy including the issuance
3 of an injunction against any person who violates this section.
4 The owner or operator of the business may petition the court to
5 permanently enjoin such persons from violating this section and
6 the court shall provide such relief.

7 6. The director of the department of agriculture shall have
8 the authority to investigate any alleged violation of this
9 section, along with any other law enforcement agency, and may
10 take any action within the director's authority necessary for the
11 enforcement of this section. The attorney general, the highway
12 patrol, and other law enforcement officials shall provide
13 assistance required for the investigation.

14 7. The director may promulgate rules and regulations
15 necessary for the enforcement of this section. Any rule or
16 portion of a rule, as that term is defined in section 536.010
17 that is created under the authority delegated in this section
18 shall become effective only if it complies with and is subject to
19 all of the provisions of chapter 536, and, if applicable, section
20 536.028. This section and chapter 536 are nonseverable and if
21 any of the powers vested with the general assembly pursuant to
22 chapter 536, to review, to delay the effective date, or to
23 disapprove and annul a rule are subsequently held
24 unconstitutional, then the grant of rulemaking authority and any
25 rule proposed or adopted after August 28, 2013, shall be invalid
26 and void.

27 [578.210.] 569.135. 1. [A person, without the prior
28 written permission of the owner or if a corporation is the owner,

1 of an officer of the corporation, lessee, or if the cavern is
2 located on public land, the superintendent thereof shall not]
3 Unless a person has the prior written permission of the owner of
4 the cave or cavern, an officer of a cave or cavern, a lessee of
5 the cave or cavern, or a superintendent of the cave or cavern,
6 such person commits the offense of unlawfully entering or
7 defacing a cave or cavern if he or she:

8 (1) Willfully or knowingly [break, break off, crack, carve
9 upon, write or otherwise mark] breaks, breaks off, cracks, carves
10 upon, writes or otherwise marks upon, or in any manner [destroy,
11 mutilate, injure, deface, remove, displace, mar or harm]
12 destroys, mutilates, injures, defaces, removes, displaces, mars,
13 or harms the surfaces of any cave or any natural material therein
14 including, without limitation, stalactites, stalagmites,
15 helictites, anthodites, gypsum flowers, or needles, cave pearls,
16 flowstone, draperies, rimstone, spathites, columns or similar
17 crystalline mineral formation, including the host rock thereof[.

18 2. A person shall not, without the permission required in
19 subsection 1 of this section, break, force, tamper with, remove
20 or otherwise disturb]; or

21 (2) Breaks, forces, tampers with, removes, or otherwise
22 disturbs a lock, gate, door or other structure designed to
23 prevent entrance to a cave or cavern. A person violates this
24 subsection whether or not entrance to the cave or cavern is
25 achieved.

26 2. No additional appropriations may be made for the
27 enforcement of this section.

28 3. The provisions of this section do not apply to vertical

1 or horizontal underground mining operations.

2 4. The offense of unlawfully entering or defacing a cave or
3 cavern is a class A misdemeanor.

4 [578.215.] 569.137. 1. As used in this section the
5 following terms mean:

6 (1) "Cave system", the caves in a given area related to
7 each other hydrologically, whether continuous or discontinuous
8 from a single opening;

9 (2) "Sinkhole", a hollow place or depression in the ground
10 in which drainage may collect with an opening therefrom into an
11 underground channel or cave including any subsurface opening that
12 might be bridged by a formation of silt, gravel, humus, or any
13 other material through which percolation into the channel or cave
14 may occur.

15 2. A person [shall not] commits the offense of polluting
16 cave or subsurface waters if he or she purposely [introduce]
17 introduces into any cave, cave system, sinkhole or subsurface
18 waters of the state any substance or structure that will or could
19 violate any provision of the Missouri clean water law as set
20 forth in chapter [204] 644, or any water quality standard or
21 effluent limitation promulgated pursuant thereto.

22 [2.] 3. The provisions of [subsection 1 of] this section do
23 not apply:

24 (1) Where natural subsurface drainage systems including,
25 without limitation, caves, cave systems, sinkholes, fissures and
26 related openings are used for purposes of storm water drainage,
27 artificial recharge of aquifers, and irrigation return flow, and
28 where modifications of natural drainage systems are made for

1 purposes of improving natural drainage relationships; or
2 (2) To vertical or horizontal underground mining
3 operations.

4 **[3.] 4.** No additional appropriations may be made for the
5 enforcement of **[sections 578.200 to 578.225]** this section.

6 5. The offense of polluting cave or subsurface waters is a
7 class A misdemeanor.

8 569.140. 1. A person commits the **[crime]** offense of
9 trespass in the first degree if he or she knowingly enters
10 unlawfully or knowingly remains unlawfully in a building or
11 inhabitable structure or upon real property.

12 2. A person does not commit the **[crime]** offense of trespass
13 in the first degree by entering or remaining upon real property
14 unless the real property is fenced or otherwise enclosed in a
15 manner designed to exclude intruders or as to which notice
16 against trespass is given by:

17 (1) Actual communication to the actor; or

18 (2) Posting in a manner reasonably likely to come to the
19 attention of intruders.

20 3. The offense of trespass in the first degree is a class B
21 misdemeanor.

22 569.145. In addition to the posting of real property as set
23 forth in section 569.140, the owner or lessee of any real
24 property may post the property by placing identifying purple
25 marks on trees or posts around the area to be posted. Each
26 purple mark shall be:

27 (1) A vertical line of at least eight inches in length and
28 the bottom of the mark shall be no less than three feet nor more

1 than five feet high. Such marks shall be placed no more than one
2 hundred feet apart and shall be readily visible to any person
3 approaching the property; or

4 (2) A post capped or otherwise marked on at least its top
5 two inches. The bottom of the cap or mark shall be not less than
6 three feet but not more than five feet six inches high. Posts so
7 marked shall be placed not more than thirty-six feet apart and
8 shall be readily visible to any person approaching the property.
9 Prior to applying a cap or mark which is visible from both sides
10 of a fence shared by different property owners or lessees, all
11 such owners or lessees shall concur in the decision to post their
12 own property. [Property so posted is to be considered posted for
13 all purposes, and any unauthorized entry upon the property is
14 trespass in the first degree, and a class B misdemeanor] Posting
15 in such a manner shall be found to be reasonably likely to come
16 to the attention of intruders for the purposes of section
17 569.140.

18 569.150. 1. A person commits [the offense of] trespass in
19 the second degree if he or she enters unlawfully upon real
20 property of another. This is an offense of absolute liability.

21 2. Trespass in the second degree is an infraction.

22 569.155. 1. A person commits the [crime] offense of
23 trespass of a school bus if he or she knowingly and unlawfully
24 enters any part of or unlawfully operates any school bus.

25 2. [Trespass of a school bus is a class A misdemeanor.

26 3.] For the purposes of this section, the terms "unlawfully
27 enters" and "unlawfully operates" refer to any entry or operation
28 of a school bus which is not:

1 (1) Approved of and established in a school district's
2 written policy on access to school buses; or

3 (2) Authorized by specific written approval of the school
4 board.

5 [4.] 3. In order to preserve the public order, any district
6 which adopts the policies described in subsection [3] 2 of this
7 section shall establish and enforce a student behavior policy for
8 students on school buses.

9 4. The offense of trespass of a school bus is a class A
10 misdemeanor.

11 569.160. 1. A person commits the [crime] offense of
12 burglary in the first degree if he or she knowingly enters
13 unlawfully or knowingly remains unlawfully in a building or
14 inhabitable structure for the purpose of committing [a crime] an
15 offense therein, and when in effecting entry or while in the
16 building or inhabitable structure or in immediate flight
17 therefrom, [he] the person or another participant in the [crime]
18 offense:

19 (1) Is armed with explosives or a deadly weapon or;

20 (2) Causes or threatens immediate physical injury to any
21 person who is not a participant in the crime; or

22 (3) There is present in the structure another person who is
23 not a participant in the crime.

24 2. The offense of burglary in the first degree is a class B
25 felony.

26 569.170. 1. A person commits the [crime] offense of
27 burglary in the second degree when he or she knowingly enters
28 unlawfully or knowingly remains unlawfully in a building or

1 inhabitable structure for the purpose of committing a crime
2 therein.

3 2. The offense of burglary in the second degree is a class
4 [C] D felony.

5 569.180. 1. A person commits the [crime] offense of
6 possession of burglar's tools if he or she possesses any tool,
7 instrument or other article adapted, designed or commonly used
8 for committing or facilitating offenses involving forcible entry
9 into premises, with a purpose to use or knowledge that some
10 person has the purpose of using the same in making an unlawful
11 forcible entry into a building or inhabitable structure or a room
12 thereof.

13 2. The offense of possession of burglar's tools is a class
14 [D] E felony.

15 570.010. As used in this chapter the following terms mean:

16 (1) "Adulterated" [means], l varying from the standard of
17 composition or quality prescribed by statute or lawfully
18 promulgated administrative regulations of this state lawfully
19 filed, or if none, as set by commercial usage;

20 (2) "Appropriate" [means], l to take, obtain, use, transfer,
21 conceal [or], l retain [possession of] or dispose;

22 (3) "Authorization to participate" or "ATP card", a
23 document which is issued by a state or federal agency to a
24 certified household to show the food stamp allotment the
25 household is authorized to receive on presentation of the
26 document;

27 (4) "Cable television service", includes microwave
28 television transmission from a multipoint distribution service

1 not capable of reception by conventional television receivers
2 without the use of special equipment;

3 (5) "Check", a check or other similar sight order or any
4 other form of presentment involving the transmission of account
5 information for the payment of money;

6 (6) "Coercion" [means], a threat, however communicated:

7 (a) To commit any [crime] offense; or

8 (b) To inflict physical injury in the future on the person
9 threatened or another; or

10 (c) To accuse any person of any [crime] offense; or

11 (d) To expose any person to hatred, contempt or ridicule;

12 or

13 (e) To harm the credit or business [repute] reputation of
14 any person; or

15 (f) To take or withhold action as a public servant, or to
16 cause a public servant to take or withhold action; or

17 (g) To inflict any other harm which would not benefit the
18 actor. A threat of accusation, lawsuit or other invocation of
19 official action is justified and not coercion if the property
20 sought to be obtained by virtue of such threat was honestly
21 claimed as restitution or indemnification for harm done in the
22 circumstances to which the accusation, exposure, lawsuit or other
23 official action relates, or as compensation for property or
24 lawful service. The defendant shall have the burden of injecting
25 the issue of justification as to any threat;

26 **[(4)]** (7) "Credit device" [means], a writing, card, code,
27 number or other device purporting to evidence an undertaking to
28 pay for property or services delivered or rendered to or upon the

1 order of a designated person or bearer;

2 [(5)] (8) "Dealer" [means], a person in the business of
3 buying and selling goods;

4 [(6)] (9) "Debit device" [means], a writing, card, code,
5 number or other device, other than a check, draft or similar
6 paper instrument, by the use of which a person may initiate an
7 electronic fund transfer, including but not limited to devices
8 that enable electronic transfers of benefits to public assistance
9 recipients;

10 [(7)] (10) "Deceit or deceive" [means purposely], making a
11 representation which is false and which the actor does not
12 believe to be true and upon which the victim relies, as to a
13 matter of fact, law, value, intention or other state of mind, or
14 concealing a material fact as to the terms of a contract or
15 agreement. The term "deceit" does not, however, include falsity
16 as to matters having no pecuniary significance, or puffing by
17 statements unlikely to deceive ordinary persons in the group
18 addressed. Deception as to the actor's intention to perform a
19 promise shall not be inferred from the fact alone that he did not
20 subsequently perform the promise;

21 [(8)] (11) "Deprive" [means]:

22 (a) To withhold property from the owner permanently; or

23 (b) To restore property only upon payment of reward or
24 other compensation; or

25 (c) To use or dispose of property in a manner that makes
26 recovery of the property by the owner unlikely;

27 (12) "Financial institution", a bank, trust company,
28 savings and loan association, or credit union;

1 (13) "Food stamp coupons" or "food stamp", any coupon,
2 stamp or other type of document used or intended for use in the
3 purchase of food pursuant to the Missouri food stamp program;

4 (14) "Forcibly steals", a person, in the course of
5 stealing, uses or threatens the immediate use of physical force
6 upon another person for the purpose of:

7 (a) Preventing or overcoming resistance to the taking of
8 the property or to the retention thereof immediately after the
9 taking; or

10 (b) Compelling the owner of such property or another person
11 to deliver up the property or to engage in other conduct which
12 aids in the commission of the theft;

13 (15) "Means of identification", anything used by a person
14 as a means to uniquely distinguish himself or herself;

15 (16) "Merchant", a person who deals in goods of the kind or
16 otherwise by his or her occupation holds oneself out as having
17 knowledge or skill peculiar to the practices or goods involved in
18 the transaction or to whom such knowledge or skill may be
19 attributed by his or her employment of an agent or broker or
20 other intermediary who by his or her occupation holds oneself out
21 as having such knowledge or skill;

22 [(9)] (17) "Mislabeled" [means], varying from the standard
23 of truth or disclosure in labeling prescribed by statute or
24 lawfully promulgated administrative regulations of this state
25 lawfully filed, or if none, as set by commercial usage; or
26 represented as being another person's product, though otherwise
27 accurately labeled as to quality and quantity;

28 [(10) "New and unused property" means tangible personal

1 property that has never been used since its production or
2 manufacture and is in its original unopened package or container
3 if such property was packaged;

4 (11) "Of another" property or services is that "of another"
5 if any natural person, corporation, partnership, association,
6 governmental subdivision or instrumentality, other than the
7 actor, has a possessory or proprietary interest therein, except
8 that property shall not be deemed property of another who has
9 only a security interest therein, even if legal title is in the
10 creditor pursuant to a conditional sales contract or other
11 security arrangement;

12 (12) (18) "Pharmacy", any building, warehouse, physician's
13 office, hospital, pharmaceutical house or other structure used in
14 whole or in part for the sale, storage, or dispensing of any
15 controlled substance as defined in chapter 195;

16 (19) "Property" [means], anything of value, whether real or
17 personal, tangible or intangible, in possession or in action, and
18 shall include but not be limited to the evidence of a debt
19 actually executed but not delivered or issued as a valid
20 instrument;

21 [(13) "Receiving" means acquiring possession, control or
22 title or lending on the security of the property;

23 (14) (20) "Public assistance", anything of value,
24 including money, food, ATP cards, food stamp coupons,
25 commodities, clothing, utilities, utilities payments, shelter,
26 drugs and medicine, materials, goods, and any service including
27 institutional care, medical care, dental care, child care,
28 psychiatric and psychological service, rehabilitation

1 instruction, training, or counseling, received by or paid on
2 behalf of any person under chapters 198, 205, 207, 208, 209, and
3 660, or benefits, programs, and services provided or administered
4 by the Missouri department of social services or any of its
5 divisions;

6 (21) "Services" includes transportation, telephone,
7 electricity, gas, water, or other public service, cable
8 television service, accommodation in hotels, restaurants or
9 elsewhere, admission to exhibitions and use of vehicles;

10 (22) "Stealing-related offense", federal and state
11 violations of criminal statutes against stealing, robbery, or
12 buying or receiving stolen property and shall also include
13 municipal ordinances against the same if the offender was either
14 represented by counsel or knowingly waived counsel in writing and
15 the judge accepting the plea or making the findings was a
16 licensed attorney at the time of the court proceedings;

17 ~~[(15)]~~ (23) "Writing" includes printing, any other method
18 of recording information, money, coins, negotiable instruments,
19 tokens, stamps, seals, credit cards, badges, trademarks and any
20 other symbols of value, right, privilege or identification.

21 570.020. For the purposes of this chapter, the value of
22 property shall be ascertained as follows:

23 (1) Except as otherwise specified in this section, "value"
24 means the market value of the property at the time and place of
25 the crime, or if such cannot be satisfactorily ascertained, the
26 cost of replacement of the property within a reasonable time
27 after the crime. If the victim is a merchant, [as defined in
28 section 400.2-104,] and the property is a type that the merchant

1 sells in the ordinary course of business, then the property shall
2 be valued at the price that such merchant would normally sell
3 such property;

4 (2) Whether or not they have been issued or delivered,
5 certain written instruments, not including those having a readily
6 ascertainable market value such as some public and corporate
7 bonds and securities, shall be evaluated as follows:

8 (a) The value of an instrument constituting evidence of
9 debt, such as a check, draft or promissory note, shall be deemed
10 the amount due or collectible thereon or thereby, such figure
11 ordinarily being the face amount of the indebtedness less any
12 portion thereof which has been satisfied;

13 (b) The value of any other instrument which creates,
14 releases, discharges or otherwise affects any valuable legal
15 right, privilege or obligation shall be deemed the greatest
16 amount of economic loss which the owner of the instrument might
17 reasonably suffer by virtue of the loss of the instrument;

18 (3) When the value of property cannot be satisfactorily
19 ascertained pursuant to the standards set forth in subdivisions
20 (1) and (2) of this section, its value shall be deemed to be an
21 amount less than ~~five~~ seven hundred fifty dollars.

22 ~~[569.020.]~~ 570.023. 1. A person commits the ~~crime~~
23 offense of robbery in the first degree ~~when~~ if he or she
24 forcibly steals property and in the course thereof he or she, or
25 another participant in the ~~crime,~~ offense:

26 (1) Causes serious physical injury to any person; or

27 (2) Is armed with a deadly weapon; or

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

1 instrument against any person; or

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

4 (5) Steals any controlled substance from a pharmacy.

5 2. The offense of robbery in the first degree is a class A
6 felony.

7 [569.030.] 570.025. 1. A person commits the [crime]
8 offense of robbery in the second degree [when] if he or she
9 forcibly steals property and in the course thereof causes
10 physical injury to another person.

11 2. The offense of robbery in the second degree is a class
12 [B] C felony.

13 570.030. 1. A person commits the [crime] offense of
14 stealing if he or she:

15 (1) Appropriates property or services of another with the
16 purpose to deprive him or her thereof, either without his or her
17 consent or by means of deceit or coercion; or

18 (2) Attempts to appropriate anhydrous ammonia or liquid
19 nitrogen of another with the purpose to deprive him or her
20 thereof, either without his or her consent or by means of deceit
21 or coercion; or

22 (3) For the purpose of depriving the owner of a lawful
23 interest therein, receives, retains or disposes of property of
24 another knowing that it has been stolen, or believing that it has
25 been stolen.

26 2. [Evidence of the following is admissible in any criminal
27 prosecution pursuant to this section on the issue of the
28 requisite knowledge or belief of the alleged stealer:

1 (1) That he or she failed or refused to pay for property or
2 services of a hotel, restaurant, inn or boardinghouse;

3 (2) That he or she gave in payment for property or services
4 of a hotel, restaurant, inn or boardinghouse a check or
5 negotiable paper on which payment was refused;

6 (3) That he or she left the hotel, restaurant, inn or
7 boardinghouse with the intent to not pay for property or
8 services;

9 (4) That he or she surreptitiously removed or attempted to
10 remove his or her baggage from a hotel, inn or boardinghouse;

11 (5) That he or she, with intent to cheat or defraud a
12 retailer, possesses, uses, utters, transfers, makes, alters,
13 counterfeits, or reproduces a retail sales receipt, price tag, or
14 universal price code label, or possesses with intent to cheat or
15 defraud, the device that manufactures fraudulent receipts or
16 universal price code labels.

17 3. Notwithstanding any other provision of law, any offense
18 in which the value of property or services is an element is a
19 class C felony if:

20 (1) The value of the property or services appropriated is
21 five hundred dollars or more but less than twenty-five thousand
22 dollars; or

23 (2) The actor physically takes the property appropriated
24 from the person of the victim; or

25 (3) The property appropriated consists of:

26 (a) Any motor vehicle, watercraft or aircraft; or

27 (b) Any will or unrecorded deed affecting real property; or

28 (c) Any credit card or letter of credit; or

1 (d) Any firearms; or
2 (e) Any explosive weapon as defined in section 571.010; or
3 (f) A United States national flag designed, intended and
4 used for display on buildings or stationary flagstaffs in the
5 open; or

6 (g) Any original copy of an act, bill or resolution,
7 introduced or acted upon by the legislature of the state of
8 Missouri; or

9 (h) Any pleading, notice, judgment or any other record or
10 entry of any court of this state, any other state or of the
11 United States; or

12 (i) Any book of registration or list of voters required by
13 chapter 115; or

14 (j) Any animal considered livestock as that term is defined
15 in section 144.010; or

16 (k) Live fish raised for commercial sale with a value of
17 seventy-five dollars; or

18 (l) Captive wildlife held under permit issued by the
19 conservation commission; or

20 (m) Any controlled substance as defined by section 195.010;
21 or

22 (n) Anhydrous ammonia;

23 (o) Ammonium nitrate; or

24 (p) Any document of historical significance which has fair
25 market value of five hundred dollars or more.

26 4. If an actor appropriates any material with a value less
27 than five hundred dollars in violation of this section with the
28 intent to use such material to manufacture, compound, produce,

1 prepare, test or analyze amphetamine or methamphetamine or any of
2 their analogues, then such violation is a class C felony. The
3 theft of any amount of anhydrous ammonia or liquid nitrogen, or
4 any attempt to steal any amount of anhydrous ammonia or liquid
5 nitrogen, is a class B felony. The theft of any amount of
6 anhydrous ammonia by appropriation of a tank truck, tank trailer,
7 rail tank car, bulk storage tank, field (nurse) tank or field
8 applicator is a class A felony.

9 5. The theft of any item of property or services pursuant
10 to subsection 3 of this section which exceeds five hundred
11 dollars may be considered a separate felony and may be charged in
12 separate counts.

13 6. Any person with a prior conviction of paragraph (j) or
14 (1) of subdivision (3) of subsection 3 of this section and who
15 violates the provisions of paragraph (j) or (1) of subdivision
16 (3) of subsection 3 of this section when the value of the animal
17 or animals stolen exceeds three thousand dollars is guilty of a
18 class B felony. Notwithstanding any provision of law to the
19 contrary, such person shall serve a minimum prison term of not
20 less than eighty percent of his or her sentence before he or she
21 is eligible for probation, parole, conditional release, or other
22 early release by the department of corrections.

23 7. Any offense in which the value of property or services
24 is an element is a class B felony if the value of the property or
25 services equals or exceeds twenty-five thousand dollars.

26 8. Any violation of this section for which no other penalty
27 is specified in this section is a class A misdemeanor.] The
28 offense of stealing is a class A felony if the property

1 appropriated consists of any of the following containing any
2 amount of anhydrous ammonia: a tank truck, tank trailer, rail
3 tank car, bulk storage tank, field nurse, field tank or field
4 applicator.

5 3. The offense of stealing is a class B felony if:

6 (1) The property appropriated or attempted to be
7 appropriated consists of any amount of anhydrous ammonia or
8 liquid nitrogen; or

9 (2) A person has been found guilty of violating this
10 section, when the property is of the kind described under
11 paragraph (j) or (l) of subdivision (3) of subsection 5 of this
12 section and the value of the animal or animals stolen exceeds
13 three thousand dollars and that person has previously been found
14 guilty of stealing property of the kind described under paragraph
15 (j) or (l) of subdivision (3) of subsection 5 of this section.
16 Notwithstanding any provision of law to the contrary, such person
17 shall serve a minimum prison term of not less than eighty percent
18 of his or her sentence before he or she is eligible for
19 probation, parole, conditional release, or other early release by
20 the department of corrections;

21 (3) A person appropriates property consisting of a motor
22 vehicle, watercraft or aircraft, and that person has previously
23 pleaded guilty to or been found guilty of two stealing-related
24 offenses committed on two separate occasions where such offenses
25 occurred within ten years of the date of occurrence of the
26 present offense.

27 4. The offense of stealing is a class C felony if the value
28 of the property or services appropriated is twenty-five thousand

1 dollars or more.

2 5. The offense of stealing is a class D felony if:

3 (1) The value of the property or services appropriated is
4 seven hundred fifty dollars or more; or

5 (2) The offender physically takes the property appropriated
6 from the person of the victim; or

7 (3) The property appropriated consists of:

8 (a) Any motor vehicle, watercraft or aircraft; or

9 (b) Any will or unrecorded deed affecting real property; or

10 (c) Any credit device, debit device or letter of credit; or

11 (d) Any firearms; or

12 (e) Any explosive weapon as defined in section 571.010; or

13 (f) Any United States national flag designed, intended and
14 used for display on buildings or stationary flagstaffs in the
15 open; or

16 (g) Any original copy of an act, bill or resolution,
17 introduced or acted upon by the legislature of the state of
18 Missouri; or

19 (h) Any pleading, notice, judgment or any other record or
20 entry of any court of this state, any other state or of the
21 United States; or

22 (i) Any book of registration or list of voters required by
23 chapter 115; or

24 (j) Any animal considered livestock as that term is defined
25 in section 144.010; or

26 (k) Any live fish raised for commercial sale with a value
27 of seventy-five dollars or more; or

28 (l) Any captive wildlife held under permit issued by the

1 conservation commission; or

2 (m) Any controlled substance as defined by section 195.010;

3 or

4 (n) Ammonium nitrate; or

5 (o) Any wire, electrical transformer, metallic wire
6 associated with transmitting telecommunications, or any other
7 device or pipe that is associated with conducting electricity or
8 transporting natural gas or other combustible fuels; or

9 (p) Any material appropriated with the intent to use such
10 material to manufacture, compound, produce, prepare, test or
11 analyze amphetamine or methamphetamine or any of their analogues.

12 6. The offense of stealing is a class E felony if:

13 (1) The property appropriated is an animal; or

14 (2) A person has been previously found guilty of three
15 stealing-related offenses committed on three separate occasions
16 where such offenses occurred within ten years of the date of
17 occurrence of the present offense, and the person received a
18 sentence of ten days or more on such previous offenses.

19 7. The offense of stealing is a class D misdemeanor if the
20 property is not of a type listed in subsection 2, 3, 5, or 6 of
21 this section and the property appropriated has a value of less
22 than one hundred fifty dollars and the person has no previous
23 findings of guilt for a stealing-related offense.

24 8. The offense of stealing is a class A misdemeanor if not
25 other penalty is specified in this section.

26 9. If a violation of this section is subject to enhanced
27 punishment based on prior findings of guilt, such findings of
28 guilt shall be pleaded and proven in the same manner as required

1 by section 558.021.

2 10. The appropriation of any property or services of a type
3 listed in subsection 2, 3, 5, or 6 of this section or of a value
4 of seven hundred fifty dollars or more may be considered a
5 separate felony and may be charged in separate counts.

6 11. The value of property or services appropriated pursuant
7 to one scheme or course of conduct, whether from the same or
8 several owners and whether at the same or different times,
9 constitute a single criminal episode and may be aggregated in
10 determining the grade of the offense, except as set forth in
11 subsection 10 of this section.

12 570.039. A person who appropriates cable television service
13 shall not be deemed to have stolen that service within the
14 meaning of section 570.030, if a cable television company either:

15 (1) Provides unsolicited cable television service; or

16 (2) Fails to change or disconnect cable television service
17 within ten days after receiving written notice to do so by the
18 customer. The customer may deem such service to be a gift
19 without any obligation to the cable television company from ten
20 days after such written notice is received until the service is
21 changed or disconnected.

22 [578.075.] 570.053. 1. A person [who] commits the offense
23 of feigned blindness if he or she simulates blindness or pretends
24 to be a blind person with the purpose of obtaining something of
25 value from another person by deceit [commits the offense of
26 feigned blindness].

27 2. The offense of feigned blindness is a class A
28 misdemeanor.

1 [578.150.] 570.057. 1. A person commits the [crime]
2 offense of stealing leased or rented property if, with the intent
3 to deprive the owner thereof, such person:

4 (1) Purposefully fails to return leased or rented personal
5 property to the place and within the time specified in an
6 agreement in writing providing for the leasing or renting of such
7 personal property;

8 (2) Conceals or aids or abets the concealment of the
9 property from the owner;

10 (3) Sells, encumbers, conveys, pawns, loans, abandons or
11 gives away the leased or rented property or any part thereof,
12 without the written consent of the lessor, or without informing
13 the person to whom the property is transferred to that the
14 property is subject to a lease;

15 (4) Returns the property to the lessor at the end of the
16 lease term, plus any agreed upon extensions, but does not pay the
17 lease charges agreed upon in the written instrument, with the
18 intent to wrongfully deprive the lessor of the agreed upon
19 charges.

20 2. The provisions of this section shall apply to all forms
21 of leasing and rental agreements, including, but not limited to,
22 contracts which provide the consumer options to buy the leased or
23 rented personal property, lease-purchase agreements and
24 rent-to-own contracts. For the purpose of determining if a
25 violation of this section has occurred, leasing contracts which
26 provide options to buy the merchandise are owned by the owner of
27 the property until such time as the owner endorses the sale and
28 transfer of ownership of the leased property to the lessee.

1 3. Evidence that a lessee used a false, fictitious, or not
2 current name, address, or place of employment in obtaining the
3 property or that a lessee fails or refuses to return the property
4 or pay the lease charges to the lessor within seven days after
5 written demand for the return has been sent by certified mail,
6 return receipt requested, to the address the person set forth in
7 the lease agreement, or in the absence of the address, to the
8 person's last known place of residence, shall be evidence of
9 intent to violate the provisions of this section, except that if
10 a motor vehicle has not been returned within seventy-two hours
11 after the expiration of the lease or rental agreement, such
12 failure to return the motor vehicle shall be prima facie evidence
13 of the intent of the crime of stealing leased or rented property.
14 Where the leased or rented property is a motor vehicle, if the
15 motor vehicle has not been returned within seventy-two hours
16 after the expiration of the lease or rental agreement, the lessor
17 may notify the local law enforcement agency of the failure of the
18 lessee to return such motor vehicle, and the local law
19 enforcement agency shall cause such motor vehicle to be put into
20 any appropriate state and local computer system listing stolen
21 motor vehicles. Any law enforcement officer which stops such a
22 motor vehicle may seize the motor vehicle and notify the lessor
23 that he may recover such motor vehicle after it is photographed
24 and its vehicle identification number is recorded for evidentiary
25 purposes. Where the leased or rented property is not a motor
26 vehicle, if such property has not been returned within the
27 seven-day period prescribed in this subsection, the owner of the
28 property shall report the failure to return the property to the

1 local law enforcement agency, and such law enforcement agency may
2 within five days notify the person who leased or rented the
3 property that such person is in violation of this section, and
4 that failure to immediately return the property may subject such
5 person to arrest for the violation.

6 4. This section shall not apply if such personal property
7 is a vehicle and such return is made more difficult or expensive
8 by a defect in such vehicle which renders such vehicle
9 inoperable, if the lessee shall notify the lessor of the location
10 of such vehicle and such defect before the expiration of the
11 lease or rental agreement, or within ten days after proper
12 notice.

13 5. Any person who has leased or rented personal property of
14 another who destroys such property so as to avoid returning it to
15 the owner [~~shall be guilty~~] commits the offense of property
16 damage pursuant to section 569.100 or 569.120, in addition to
17 being in violation of this section.

18 6. Venue shall lie in the county where the personal
19 property was originally rented or leased.

20 7. The offense of stealing leased or rented property is a
21 class A misdemeanor unless the property involved has a value of
22 [~~one thousand~~] seven hundred fifty dollars or more, in which case
23 stealing leased or rented property is a class [C] D felony.

24 570.070. 1. A person does not commit an offense under
25 section 570.030 if, at the time of the appropriation, he or she:

26 (1) Acted in the honest belief that he had the right to do
27 so; or

28 (2) Acted in the honest belief that the owner, if present,

1 would have consented to the appropriation.

2 2. The defendant shall have the burden of injecting the
3 issue of claim of right.

4 570.085. 1. A person commits the [crime] offense of
5 alteration or removal of item numbers if he or she, with the
6 purpose of depriving the owner of a lawful interest therein:

7 (1) Destroys, removes, covers, conceals, alters, defaces,
8 or causes to be destroyed, removed, covered, concealed, altered,
9 or defaced, the manufacturer's original serial number or other
10 distinguishing owner-applied number or mark, on any item which
11 bears a serial number attached by the manufacturer or
12 distinguishing number or mark applied by the owner of the item,
13 for any reason whatsoever;

14 (2) Sells, offers for sale, pawns or uses as security for a
15 loan, any item on which the manufacturer's original serial number
16 or other distinguishing owner-applied number or mark has been
17 destroyed, removed, covered, concealed, altered, or defaced; or

18 (3) Buys, receives as security for a loan or in pawn, or in
19 any manner receives or has in his possession any item on which
20 the manufacturer's original serial number or other distinguishing
21 owner-applied number or mark has been destroyed, removed,
22 covered, concealed, altered, or defaced.

23 2. The offense of alteration or removal of item numbers is
24 a class [D] E felony if the value of the item or items in the
25 aggregate is [five] seven hundred fifty dollars or more[. If the
26 value of the item or items in the aggregate is less than five
27 hundred dollars, then]; otherwise it is a class B misdemeanor.

28 570.090. 1. A person commits the [crime] offense of

1 forgery if, with the purpose to defraud, the person:

2 (1) Makes, completes, alters or authenticates any writing
3 so that it purports to have been made by another or at another
4 time or place or in a numbered sequence other than was in fact
5 the case or with different terms or by authority of one who did
6 not give such authority; or

7 (2) Erases, obliterates or destroys any writing; or

8 (3) Makes or alters anything other than a writing,
9 including receipts and universal product codes, so that it
10 purports to have a genuineness, antiquity, rarity, ownership or
11 authorship which it does not possess; or

12 (4) Uses as genuine, or possesses for the purpose of using
13 as genuine, or transfers with the knowledge or belief that it
14 will be used as genuine, any writing or other thing including
15 receipts and universal product codes, which the [actor] person
16 knows has been made or altered in the manner described in this
17 section.

18 2. The offense of forgery is a class [C] D felony.

19 570.100. 1. A person commits the [crime] offense of
20 possession of a forging instrumentality if, with the purpose of
21 committing forgery, he or she makes, causes to be made or
22 possesses any plate, mold, instrument or device for making or
23 altering any writing or anything other than a writing.

24 2. The offense of possession of a forging instrumentality
25 is a class [C] D felony.

26 570.103. 1. As used in this section and section 570.105,
27 the following words mean:

28 (1) "Counterfeit mark", any unauthorized reproduction or

1 copy of intellectual property or intellectual property affixed to
2 any item knowingly sold, offered for sale, manufactured, or
3 distributed, or identifying services offered or rendered, without
4 the authority of the owner of the intellectual property;

5 (2) "Intellectual property", any trademark, service mark,
6 trade name, label, term, device, design, or word adopted or used
7 by a person to identify such person's goods or services;

8 (3) "Retail value", the counterfeiter's regular selling
9 price for the item or service bearing or identified by the
10 counterfeit mark. In the case of items bearing a counterfeit
11 mark which are components of a finished product, the retail value
12 shall be the counterfeiter's regular selling price of the
13 finished product on or in which the component would be utilized.

14 2. [Any] A person [who] commits the offense of
15 counterfeiting if he or she willfully manufactures, uses,
16 displays, advertises, distributes, offers for sale, sells, or
17 possesses [with intent to sell or distribute] for the purpose of
18 selling or distributing any item, or services, bearing or
19 identified by a counterfeit mark[, shall be guilty of the crime
20 of counterfeiting]. A person having possession, custody or
21 control of more than twenty-five items bearing a counterfeit mark
22 shall be presumed to possess said items [with intent to sell or
23 distribute] for the purpose of selling or distributing.

24 3. The offense of counterfeiting [shall be] is a class A
25 misdemeanor, except as provided in subsections 4 and 5 of this
26 section.

27 4. The offense of counterfeiting [shall be] is a class [D]
28 E felony if:

1 (1) The defendant has previously been convicted under this
2 section; or

3 (2) The violation involves more than one hundred but fewer
4 than one thousand items bearing a counterfeit mark or the total
5 retail value of all items bearing, or services identified by, a
6 counterfeit mark is seven hundred fifty dollars or more [than one
7 thousand dollars, but less than ten thousand dollars].

8 5. The offense of counterfeiting [shall be] is a class [C]
9 D felony if:

10 (1) The defendant has been previously convicted of two or
11 more offenses under this section;

12 (2) The violation involves the manufacture or production of
13 items bearing counterfeit marks; or

14 (3) The violation involves one thousand or more items
15 bearing a counterfeit mark or the total retail value of all items
16 bearing, or services identified by, a counterfeit mark is twenty-
17 five thousand dollars or more [than ten thousand dollars].

18 6. For purposes of this section, the quantity or retail
19 value of items or services shall include the aggregate quantity
20 or retail value of all items bearing, or services identified by,
21 every counterfeit mark the defendant manufactures, uses,
22 displays, advertises, distributes, offers for sale, sells or
23 possesses.

24 7. [Any person convicted of counterfeiting shall be fined
25 an amount up to three times the retail value of the items
26 bearing, or services identified by, a counterfeit mark, unless
27 extenuating circumstances are shown by the defendant.

28 8.] The remedies provided for herein shall be cumulative to

1 the other civil remedies provided by law.

2 [9.] 8. Any state or federal certificate of registration of
3 any intellectual property shall be prima facie evidence of the
4 facts stated therein.

5 570.110. 1. A person commits the [crime] offense of
6 issuing a false instrument or certificate when, being authorized
7 by law to take proof or acknowledgment of any instrument which by
8 law may be recorded, or being authorized by law to make or issue
9 official certificates or other official written instruments, he
10 or she issues such an instrument or certificate, or makes the
11 same with the purpose that it be issued, knowing:

12 (1) That it contains a false statement or false
13 information; or

14 (2) That it is wholly or partly blank.

15 2. The offense of issuing a false instrument or certificate
16 is a class A misdemeanor.

17 570.120. 1. A person commits the [crime] offense of
18 passing a bad check when he or she:

19 (1) With the purpose to defraud, [the person] makes, issues
20 or passes a check or other similar sight order or any other form
21 of presentment involving the transmission of account information
22 for the payment of money, knowing that it will not be paid by the
23 drawee, or that there is no such drawee; or

24 (2) [The person] Makes, issues, or passes a check or other
25 similar sight order or any other form of presentment involving
26 the transmission of account information for the payment of money,
27 knowing that there are insufficient funds in or on deposit with
28 that account for the payment of such check, sight order, or other

1 form of presentment involving the transmission of account
2 information in full and all other checks, sight orders, or other
3 forms of presentment involving the transmission of account
4 information upon such funds then outstanding, or that there is no
5 such account or no drawee and fails to pay the check or sight
6 order or other form of presentment involving the transmission of
7 account information within ten days after receiving actual notice
8 in writing that it has not been paid because of insufficient
9 funds or credit with the drawee or because there is no such
10 drawee.

11 2. As used in subdivision (2) of subsection 1 of this
12 section, "actual notice in writing" means notice of the
13 nonpayment which is actually received by the defendant. Such
14 notice may include the service of summons or warrant upon the
15 defendant for the initiation of the prosecution of the check or
16 checks which are the subject matter of the prosecution if the
17 summons or warrant contains information of the ten-day period
18 during which the instrument may be paid and that payment of the
19 instrument within such ten-day period will result in dismissal of
20 the charges. The requirement of notice shall also be satisfied
21 for written communications which are tendered to the defendant
22 and which the defendant refuses to accept.

23 3. The face amounts of any bad checks passed pursuant to
24 one course of conduct within any ten-day period may be aggregated
25 in determining the grade of the offense.

26 4. The offense of passing bad checks is a class A
27 misdemeanor, unless:

28 (1) The face amount of the check or sight order or the

1 aggregated amounts is [five] seven hundred fifty dollars or more;
2 or

3 (2) The issuer had no account with the drawee or if there
4 was no such drawee at the time the check or order was issued,
5
6 in which [cases] case passing a bad [checks] check is a class [C]
7 E felony.

8 5. (1) In addition to all other costs and fees allowed by
9 law, each prosecuting attorney or circuit attorney who takes any
10 action pursuant to the provisions of this section shall collect
11 from the issuer in such action an administrative handling cost.
12 The cost shall be twenty-five dollars for checks of less than one
13 hundred dollars, and fifty dollars for checks of one hundred
14 dollars but less than two hundred fifty dollars. For checks of
15 two hundred fifty dollars or more an additional fee of ten
16 percent of the face amount shall be assessed, with a maximum fee
17 for administrative handling costs not to exceed seventy-five
18 dollars total. Notwithstanding the provisions of sections 50.525
19 to 50.745, the costs provided for in this subsection shall be
20 deposited by the county treasurer into a separate
21 interest-bearing fund to be expended by the prosecuting attorney
22 or circuit attorney. The funds shall be expended, upon warrants
23 issued by the prosecuting attorney or circuit attorney directing
24 the treasurer to issue checks thereon, only for purposes related
25 to that previously authorized in this section. Any revenues that
26 are not required for the purposes of this section may be placed
27 in the general revenue fund of the county or city not within a
28 county. Notwithstanding any law to the contrary, in addition to

1 the administrative handling cost, the prosecuting attorney or
2 circuit attorney shall collect an additional cost of five dollars
3 per check for deposit to the Missouri office of prosecution
4 services fund established in subsection 2 of section 56.765. All
5 moneys collected pursuant to this section which are payable to
6 the Missouri office of prosecution services fund shall be
7 transmitted at least monthly by the county treasurer to the
8 director of revenue who shall deposit the amount collected
9 pursuant to the credit of the Missouri office of prosecution
10 services fund under the procedure established pursuant to
11 subsection 2 of section 56.765.

12 (2) The moneys deposited in the fund may be used by the
13 prosecuting or circuit attorney for office supplies, postage,
14 books, training, office equipment, capital outlay, expenses of
15 trial and witness preparation, additional employees for the staff
16 of the prosecuting or circuit attorney, employees' salaries, and
17 for other lawful expenses incurred by the circuit or prosecuting
18 attorney in operation of that office.

19 (3) This fund may be audited by the state auditor's office
20 or the appropriate auditing agency.

21 (4) If the moneys collected and deposited into this fund
22 are not totally expended annually, then the unexpended balance
23 shall remain in said fund and the balance shall be kept in said
24 fund to accumulate from year to year.

25 6. Notwithstanding any other provision of law to the
26 contrary:

27 (1) In addition to the administrative handling costs
28 provided for in subsection 5 of this section, the prosecuting

1 attorney or circuit attorney may collect from the issuer, in
2 addition to the face amount of the check, a reasonable service
3 charge, which along with the face amount of the check, shall be
4 turned over to the party to whom the bad check was issued;

5 (2) If a check that is dishonored or returned unpaid by a
6 financial institution is not referred to the prosecuting attorney
7 or circuit attorney for any action pursuant to the provisions of
8 this section, the party to whom the check was issued, or his or
9 her agent or assignee, or a holder, may collect from the issuer,
10 in addition to the face amount of the check, a reasonable service
11 charge, not to exceed twenty-five dollars, plus an amount equal
12 to the actual charge by the depository institution for the return
13 of each unpaid or dishonored instrument.

14 7. When any financial institution returns a dishonored
15 check to the person who deposited such check, it shall be in
16 substantially the same physical condition as when deposited, or
17 in such condition as to provide the person who deposited the
18 check the information required to identify the person who wrote
19 the check.

20 570.125. 1. A person commits the ~~[crime]~~ offense of
21 ~~["]fraudulently stopping payment of an instrument["]~~ if he or
22 she, ~~[knowingly,]~~ with the purpose to defraud, stops payment on a
23 check ~~[or]~~, draft [given], or debit device used in payment for
24 the receipt of goods or services.

25 2. The offense of fraudulently stopping payment of an
26 instrument is a class A misdemeanor, unless the face amount of
27 the check or draft is [five] seven hundred fifty dollars or more
28 or, if the stopping of payment of more than one check or draft is

1 involved in the same course of conduct, the aggregate amount is
2 ~~[five]~~ seven hundred fifty dollars or more, in which case the
3 offense is a class ~~[D]~~ E felony.

4 3. It shall be prima facie evidence of a violation of this
5 section if a person stops payment on a check ~~[or],~~ draft, or
6 debit device and fails to make good the check ~~[or],~~ draft, or
7 debit device transaction, or fails to return or make and comply
8 with reasonable arrangements to return the property for which the
9 check ~~[or],~~ draft, or debit device was ~~[given]~~ used in the same
10 or substantially the same condition as when received within ten
11 days after notice in writing from the payee that the check ~~[or],~~
12 draft, or debit device transaction has not been paid because of a
13 stop payment order by the issuer to the drawee.

14 4. "Notice in writing" means notice deposited as certified
15 or registered mail in the United States mail and addressed to the
16 issuer at his address as it appears on the dishonored check ~~[or],~~
17 draft, or debit device transaction or to his last known address.
18 The notice shall contain a statement that failure to make good
19 the check ~~[or],~~ draft, or debit device transaction within ten
20 days of receipt of the notice may subject the issuer to criminal
21 prosecution.

22 570.130. 1. A person commits the ~~[crime]~~ offense of
23 fraudulent use of a credit device or debit device if ~~[the person]~~
24 he or she uses a credit device or debit device for the purpose of
25 obtaining services or property, knowing that:

- 26 (1) The device is stolen, fictitious or forged; or
- 27 (2) The device has been revoked or canceled; or
- 28 (3) For any other reason his or her use of the device is

1 unauthorized; or

2 (4) Uses a credit device or debit device for the purpose of
3 paying property taxes and knowingly cancels [said] such charges
4 or payment without just cause. It shall be prima facie evidence
5 of a violation of this section if a person cancels [said] such
6 charges or payment after obtaining a property tax receipt to
7 obtain license tags from the Missouri department of revenue.

8 2. The offense of fraudulent use of a credit device or
9 debit device is a class A misdemeanor unless the value of the
10 property tax or the value of the property or services obtained or
11 sought to be obtained within any thirty-day period is [five]
12 seven hundred fifty dollars or more, in which case fraudulent use
13 of a credit device or debit device is a class [D] E felony.

14 570.135. 1. [No person shall] A person commits the offense
15 of fraudulent procurement of a credit or debit device if he or
16 she:

17 (1) Knowingly make or cause to be made, directly or
18 indirectly, a false statement regarding another person for the
19 purpose of fraudulently procuring the issuance of a credit [card]
20 or debit [card].

21 2. No person shall willfully obtains personal identifying
22 information] device; or

23 (2) Knowingly obtains a means of identification of another
24 person without the authorization of that person and [use] uses
25 that [information] means of identification fraudulently to
26 obtain, or attempt to obtain, credit, goods or services in the
27 name of the other person without the consent of that person.

28 [3. Any person who violates the provisions of subsection 1

1 or 2 of this section is guilty of a]

2 2. The offense of fraudulent procurement of a credit or
3 debit device is class A misdemeanor.

4 [4. As used in this section, "personal identifying
5 information" means the name, address, telephone number, driver's
6 license number, Social Security number, place of employment,
7 employee identification number, mother's maiden name, demand
8 deposit account number, savings account number or credit card
9 number of a person.

10 5.] 3. Notwithstanding [subsections 1 to 4 of] any other
11 provision of this section, no corporation, proprietorship,
12 partnership, limited liability company, limited liability
13 partnership or other business entity shall be liable under this
14 section for accepting applications for credit [cards] or debit
15 [cards] devices or for the use of a credit [cards] or debit
16 [cards] device in any [credit or debit] transaction, absent clear
17 and convincing evidence that such business entity conspired with
18 or was a part of the fraudulent procuring of the issuance of a
19 credit [card] or debit [card] device.

20 570.140. 1. A person commits the [crime] offense of
21 deceptive business practice if in the course of engaging in a
22 business, occupation or profession, he or she recklessly:

23 (1) Uses or possesses for use a false weight or measure, or
24 any other device for falsely determining or recording any quality
25 or quantity; or

26 (2) Sells, offers [or exposes], displays for sale, or
27 delivers less than the represented quantity of any commodity or
28 service; or

1 (3) Takes or attempts to take more than the represented
2 quantity of any commodity or service when as buyer he or she
3 furnishes the weight or measure; or

4 (4) Sells, offers, or exposes for sale adulterated or
5 mislabeled commodities; or

6 (5) Makes a false or misleading written statement for the
7 purpose of obtaining property or credit; or

8 (6) Promotes the sale of property or services by a false or
9 misleading statement in any advertisement; or

10 (7) Advertises in any manner the sale of property or
11 services with the purpose not to sell or provide the property or
12 services:

13 (a) At the price which he or she offered them; or

14 (b) In a quantity sufficient to meet the reasonably
15 expected public demand, unless the quantity is specifically
16 stated in the advertisement; or

17 (c) At all.

18 2. The offense of deceptive business practice is a class A
19 misdemeanor.

20 570.145. 1. A person commits the [crime] offense of
21 financial exploitation of an elderly or disabled person if such
22 person knowingly [by deception, intimidation, undue influence, or
23 force] obtains control over the elderly or disabled person's
24 property with the intent to permanently deprive the elderly or
25 disabled person of the use, benefit or possession of his or her
26 property thereby benefitting [such person] the offender or
27 detrimentally affecting the elderly or disabled person[.

28 Financial exploitation of an elderly or disabled person is a

1 class A misdemeanor if the value of the property is less than
2 fifty dollars, a class D felony if the value of the property is
3 fifty dollars but less than five hundred dollars, a class C
4 felony if the value of the property is five hundred dollars but
5 less than one thousand dollars, a class B felony if the value of
6 the property is one thousand dollars but less than fifty thousand
7 dollars, and a class A felony if the value of the property is
8 fifty thousand dollars or more.

9 2. For purposes of this section, the following terms mean:

10 (1) "Deception", a misrepresentation or concealment of
11 material fact relating to the terms of a contract or agreement
12 entered into with the elderly or disabled person or to the
13 existing or preexisting condition of any of the property involved
14 in such contract or agreement, or the use or employment of any
15 misrepresentation, false pretense or false promise in order to
16 induce, encourage or solicit the elderly or disabled person to
17 enter into a contract or agreement. Deception includes:

18 (a) Creating or confirming another person's impression
19 which is false and which the offender does not believe to be
20 true; or

21 (b) Failure to correct a false impression which the
22 offender previously has created or confirmed; or

23 (c) Preventing another person from acquiring information
24 pertinent to the disposition of the property involved; or

25 (d) Selling or otherwise transferring or encumbering
26 property, failing to disclose a lien, adverse claim or other
27 legal impediment to the enjoyment of the property, whether such
28 impediment is or is not valid, or is or is not a matter of

1 official record; or

2 (e) Promising performance which the offender does not
3 intend to perform or knows will not be performed. Failure to
4 perform standing alone is not sufficient evidence to prove that
5 the offender did not intend to perform;

6 (2) "Disabled person", a person with a mental, physical, or
7 developmental disability that substantially impairs the person's
8 ability to provide adequately for the person's care or
9 protection;

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

11 (4) "Intimidation", a threat of physical or emotional harm
12 to an elderly or disabled person, or the communication to an
13 elderly or disabled person that he or she will be deprived of
14 food and nutrition, shelter, prescribed medication, or medical
15 care and treatment;

16 (5) "Undue influence", use of influence by someone who
17 exercises authority over an elderly person or disabled person in
18 order to take unfair advantage of that persons's vulnerable state
19 of mind, neediness, pain, or agony. Undue influence includes,
20 but is not limited to, the improper or fraudulent use of a power
21 of attorney, guardianship, conservatorship, or other fiduciary
22 authority] by:

23 (1) Deceit;

24 (2) Coercion;

25 (3) Undue influence, which means the use of influence by
26 someone who exercises authority over an elderly person or
27 disabled person in order to take unfair advantage of that
28 persons's vulnerable state of mind, neediness, pain, or agony

1 including, but not limited to, the improper or fraudulent use of
2 a power of attorney, guardianship, conservatorship, or other
3 fiduciary authority;

4 (4) Creating or confirming another person's impression
5 which is false and which the offender does not believe to be
6 true;

7 (5) Failure to correct a false impression which the
8 offender previously has created or confirmed;

9 (6) Preventing another person from acquiring information
10 pertinent to the disposition of the property involved;

11 (7) Selling or otherwise transferring or encumbering
12 property, failing to disclose a lien, adverse claim or other
13 legal impediment to the enjoyment of the property, whether such
14 impediment is or is not valid, or is or is not a matter of
15 official record; or

16 (8) Promising performance which the offender does not
17 intend to perform or knows will not be performed. Failure to
18 perform standing alone is not sufficient evidence to prove that
19 the offender did not intend to perform.

20 2. The offense of financial exploitation of an elderly or
21 disabled person is a class A misdemeanor unless:

22 (1) The value of the property is fifty dollars or more, in
23 which case it is a class E felony;

24 (2) The value of the property is seven hundred fifty
25 dollars or more, in which case it is a class D felony;

26 (3) The value of the property is five thousand dollars or
27 more, in which case it is a class C felony;

28 (4) The value of the property is twenty-five thousand

1 dollars or more, in which case it is a class B felony;

2 (5) The value of the property is seventy-five thousand
3 dollars or more, in which case it is a class A felony.

4 3. Nothing in this section shall be construed to limit the
5 remedies available to the victim pursuant to any state law
6 relating to domestic violence.

7 4. Nothing in this section shall be construed to impose
8 criminal liability on a person who has made a good faith effort
9 to assist the elderly or disabled person in the management of his
10 or her property, but through no fault of his or her own has been
11 unable to provide such assistance.

12 5. Nothing in this section shall limit the ability to
13 engage in bona fide estate planning, to transfer property and to
14 otherwise seek to reduce estate and inheritance taxes; provided
15 that such actions do not adversely impact the standard of living
16 to which the elderly or disabled person has become accustomed at
17 the time of such actions.

18 6. It shall not be a defense to financial exploitation of
19 an elderly or disabled person that the accused reasonably
20 believed that the victim was not an elderly or disabled person.

21 7. (1) It shall be unlawful in violation of this section
22 for any person receiving or in the possession of funds of a
23 Medicaid-eligible elderly or disabled person residing in a
24 facility licensed under chapter 198 to fail to remit to the
25 facility in which the Medicaid-eligible person resides all money
26 owing the facility resident from any source, including, but not
27 limited to, Social Security, railroad retirement, or payments
28 from any other source disclosed as resident income contained in

1 the records of the department of social services, family support
2 division or its successor. The department of social services,
3 family support division or its successor is authorized to release
4 information from its records containing the resident's income or
5 assets to any prosecuting or circuit attorney in the state of
6 Missouri for purposes of investigating or prosecuting any
7 suspected violation of this section.

8 (2) The prosecuting or circuit attorney of any county
9 containing a facility licensed under chapter 198, who
10 successfully prosecutes a violation of the provisions of this
11 subsection, may request the circuit court of the county in which
12 the offender admits to or is found guilty of a violation, as a
13 condition of sentence and/or probation, to order restitution of
14 all amounts unlawfully withheld from a facility in his or her
15 county. Any order of restitution entered by the court or by
16 agreement shall provide that ten percent of any restitution
17 installment or payment paid by or on behalf of the defendant or
18 defendants shall be paid to the prosecuting or circuit attorney
19 of the county successfully prosecuting the violation to
20 compensate for the cost of prosecution with the remaining amount
21 to be paid to the facility.

22 570.150. 1. A person commits the [crime] offense of
23 commercial bribery if he or she:

24 (1) [If he] Solicits, accepts or agrees to accept any
25 benefit as consideration for knowingly violating or agreeing to
26 violate a duty of fidelity [to], which he or she is subject to
27 as:

28 (a) An agent or employee of another;

1 (b) A trustee, guardian or other fiduciary;

2 (c) A lawyer, physician, accountant, appraiser or other
3 professional adviser or informant;

4 (d) An officer, director, partner, manager or other
5 participant in the direction of the affairs of an incorporated or
6 unincorporated association; or

7 (e) An arbitrator or other purportedly disinterested
8 adjudicator or referee;

9 (2) [If] As a person who holds himself or herself out to
10 the public as being engaged in the business of making
11 disinterested selection, appraisal or criticism of commodities or
12 services, [he] solicits, accepts or agrees to accept any benefit
13 to influence his or her selection, appraisal or criticism;

14 (3) [If he] Confers or offers or agrees to confer any
15 benefit the acceptance of which would be criminal under
16 subdivisions (1) and (2) of this section.

17 2. The offense of commercial bribery is a class A
18 misdemeanor.

19 570.180. 1. A person commits the [crime] offense of
20 defrauding secured creditors if he or she destroys, removes,
21 conceals, encumbers, transfers or otherwise deals with property
22 subject to a security interest with purpose to defraud the holder
23 of the security interest.

24 2. The offense of defrauding secured creditors is a class A
25 misdemeanor unless the amount remaining to be paid on the secured
26 debt, including interest, is [five] seven hundred fifty dollars
27 or more, in which case defrauding secured creditors is a class
28 [D] E felony.

1 570.217. 1. A person commits the [crime] offense of
2 misapplication of funds of a financial institution if, being an
3 officer, director, agent, or employee of, or connected in any
4 capacity with, any [bank, trust company, savings and loan
5 association, or credit union] financial institution, he or she
6 embezzles, [abstracts, purloins] appropriates, or [willfully]
7 purposely misapplies any of the money, funds, or credits of such
8 financial institution or any moneys, funds, assets, or securities
9 entrusted to the custody or care of such financial institution,
10 or to the custody or care of any such agent, officer, director,
11 employee, or receiver.

12 2. The offense of misapplication of funds of a financial
13 institution is a class [C] E felony, [but if] unless the amount
14 embezzled, [abstracted, purloined] appropriated, or misapplied
15 [does not exceed one thousand dollars,] is seven hundred fifty
16 dollars or more, in which case it is a class D felony.

17 570.219. 1. A person commits the [crime] offense of making
18 false entries in the records of a financial institution if he or
19 she makes any false entry in any book, report, or statement of a
20 [bank, trust company, savings and loan association, or credit
21 union] financial institution with intent to injure or defraud
22 such [bank, trust company, savings and loan association, or
23 credit union] financial institution, or any other [company, body
24 politic or corporate, or any individual person] entity, or with
25 intent to deceive any officer or director of [such bank, trust
26 company, savings and loan association, or credit union,] a
27 financial institution or any agent or examiner appointed to

1 examine the affairs of such [bank, trust company, savings and
2 loan association, or credit union] financial institution.

3 2. The offense of making false entries in the records of a
4 financial institution is a class [C] D felony.

5 570.220. 1. A person commits the [crime] offense of check
6 kiting if he[, pursuant to a scheme or artifice] or she, with
7 intent to defraud, obtains money from a financial institution by
8 drawing a check against an account in which there [are] is not
9 sufficient collected funds to pay the check and, [as part of the
10 scheme or artifice,] he or she purports to cover that check by
11 depositing in such account another check drawn against
12 insufficient collected funds.

13 2. For purposes of this section, the term ["financial
14 institution" shall mean a bank, trust company, savings and loan
15 association, or credit union; "check" shall include any check,
16 draft, negotiable order of withdrawal, or similar instrument used
17 to transfer or withdraw funds held in a deposit account at a
18 financial institution; and the term] "collected funds" [shall
19 mean] means that portion of a deposit account representing checks
20 and other credits as to which the depository has directly and
21 affirmatively verified that final payment has been made or, in
22 the alternative, with respect to checks as to which at least ten
23 business days have elapsed, without return of the checks, since
24 presentation for payment.

25 3. The offense of check kiting is a class [C] E felony.

26 570.223. 1. A person commits the [crime] offense of
27 identity theft if he or she knowingly and with the intent to
28 deceive or defraud obtains, possesses, transfers, uses, or

1 attempts to obtain, transfer or use, one or more means of
2 identification not lawfully issued for his or her use.

3 2. [The term "means of identification" as used in this
4 section includes, but is not limited to, the following:

- 5 (1) Social Security numbers;
- 6 (2) Drivers license numbers;
- 7 (3) Checking account numbers;
- 8 (4) Savings account numbers;
- 9 (5) Credit card numbers;
- 10 (6) Debit card numbers;
- 11 (7) Personal identification (PIN) code;
- 12 (8) Electronic identification numbers;
- 13 (9) Digital signatures;
- 14 (10) Any other numbers or information that can be used to
15 access a person's financial resources;
- 16 (11) Biometric data;
- 17 (12) Fingerprints;
- 18 (13) Passwords;
- 19 (14) Parent's legal surname prior to marriage;
- 20 (15) Passports; or
- 21 (16) Birth certificates.

22 3. A person found guilty of identity theft shall be
23 punished as follows:

24 (1) Identity theft or attempted identity theft which does
25 not result in the theft or appropriation of credit, money, goods,
26 services, or other property] The offense of identity theft is a
27 class B misdemeanor[;

28 (2) Identity theft which results in the theft or

1 appropriation of credit, money, goods, services, or other
2 property] unless the identity theft results in the theft or
3 appropriation of credit, money, goods, services, or other
4 property:

5 (1) Not exceeding [five] seven hundred fifty dollars in
6 value, in which case it is a class A misdemeanor;

7 [(3) Identity theft which results in the theft or
8 appropriation of credit, money, goods, services, or other
9 property]

10 (2) Exceeding [five] seven hundred fifty dollars and not
11 exceeding [five] twenty-five thousand dollars in value, in which
12 case it is a class [C] D felony;

13 [(4) Identity theft which results in the theft or
14 appropriation of credit, money, goods, services, or other
15 property]

16 (3) Exceeding [five] twenty-five thousand dollars and not
17 exceeding [fifty] seventy-five thousand dollars in value, in
18 which case is a class [B] C felony;

19 [(5) Identity theft which results in the theft or
20 appropriation of credit, money, goods, services, or other
21 property]

22 (4) Exceeding [fifty] seventy-five thousand dollars in
23 value, in which case it is a class [A] B felony.

24 [4.] 3. In addition to the provisions of subsection [3] 2
25 of this section, the court may order that the defendant make
26 restitution to any victim of the offense. Restitution may
27 include payment for any costs, including attorney fees, incurred

1 by the victim:

2 (1) In clearing the credit history or credit rating of the
3 victim; and

4 (2) In connection with any civil or administrative
5 proceeding to satisfy any debt, lien, or other obligation of the
6 victim arising from the actions of the defendant.

7 [5.] 4. In addition to the criminal penalties in
8 subsections [3] 2 and [4] 3 of this section, any person who
9 commits an act made unlawful by subsection 1 of this section
10 shall be liable to the person to whom the identifying information
11 belonged for civil damages of up to five thousand dollars for
12 each incident, or three times the amount of actual damages,
13 whichever amount is greater. A person damaged as set forth in
14 subsection 1 of this section may also institute a civil action to
15 enjoin and restrain future acts that would constitute a violation
16 of subsection 1 of this section. The court, in an action brought
17 under this subsection, may award reasonable attorneys' fees to
18 the plaintiff.

19 [6.] 5. If the identifying information of a deceased person
20 is used in a manner made unlawful by subsection 1 of this
21 section, the deceased person's estate shall have the right to
22 recover damages pursuant to subsection [5] 4 of this section.

23 [7.] 6. Civil actions under this section must be brought
24 within five years from the date on which the identity of the
25 wrongdoer was discovered or reasonably should have been
26 discovered.

27 [8.] 7. Civil action pursuant to this section does not
28 depend on whether a criminal prosecution has been or will be

1 instituted for the acts that are the subject of the civil action.
2 The rights and remedies provided by this section are in addition
3 to any other rights and remedies provided by law.

4 [9.] 8. This section and section 570.224 shall not apply to
5 the following activities:

6 (1) A person obtains the identity of another person to
7 misrepresent his or her age for the sole purpose of obtaining
8 alcoholic beverages, tobacco, going to a gaming establishment, or
9 another privilege denied to minors[. Nothing in this subdivision
10 shall affect the provisions of subsection 10 of this section];

11 (2) A person obtains means of identification or information
12 in the course of a bona fide consumer or commercial transaction;

13 (3) A person exercises, in good faith, a security interest
14 or right of offset by a creditor or financial institution;

15 (4) A person complies, in good faith, with any warrant,
16 court order, levy, garnishment, attachment, or other judicial or
17 administrative order, decree, or directive, when any party is
18 required to do so;

19 (5) A person is otherwise authorized by law to engage in
20 the conduct that is the subject of the prosecution.

21 [10. Any person who obtains, transfers, or uses any means
22 of identification for the purpose of manufacturing and providing
23 or selling a false identification card to a person under the age
24 of twenty-one for the purpose of purchasing or obtaining alcohol
25 shall be guilty of a class A misdemeanor.

26 11.] 9. Notwithstanding the provisions of subdivision (1)
27 or (2) of subsection [3] 2 of this section, every person who has
28 previously [pled guilty to or] been found guilty of identity

1 theft or attempted identity theft, and who subsequently [pleads
2 guilty to or] is found guilty of identity theft or attempted
3 identity theft of credit, money, goods, services, or other
4 property not exceeding [five hundred] seven hundred fifty dollars
5 in value is guilty of a class [D] E felony and shall be punished
6 accordingly.

7 [12. The value of property or services is its highest value
8 by any reasonable standard at the time the identity theft is
9 committed. Any reasonable standard includes, but is not limited
10 to, market value within the community, actual value, or
11 replacement value.

12 13.] 10. If credit, property, or services are obtained by
13 two or more acts from the same person or location, or from
14 different persons by two or more acts which occur in
15 approximately the same location or time period so that the
16 identity thefts are attributable to a single scheme, plan, or
17 conspiracy, the acts may be considered as a single identity theft
18 and the value may be the total value of all credit, property, and
19 services involved.

20 570.224. 1. A person commits the [crime] offense of
21 trafficking in stolen identities [when such person] if he or she,
22 for the purpose of committing identity theft, manufactures,
23 sells, transfers, [purchases,] or possesses[,] with intent to
24 sell or transfer means of identification [as defined in
25 subsection 2 of section 570.223, for the purpose of committing
26 identity theft].

27 2. Possession of five or more means of identification of
28 the same person or possession of means of identification of five

1 or more separate persons shall be evidence that the identities
2 are possessed with intent to manufacture, sell, or transfer means
3 of identification for the purpose of committing identity theft.
4 In determining possession of five or more means of identification
5 of the same person, or possession of means of identification of
6 five or more separate persons for the purposes of evidence
7 pursuant to this subsection, the following do not apply:

8 (1) The possession of his or her own identification
9 documents;

10 (2) The possession of the identification documents of a
11 person who has consented to the person at issue possessing his or
12 her identification documents.

13 3. The offense of trafficking in stolen identities is a
14 class B felony.

15 570.225. [No] 1. A person [shall] commits the offense of
16 misappropriation of intellectual property if he or she, without
17 the consent of the owner[, transfer or cause to be transferred]:

18 (1) Copies any sounds recorded on [a phonograph record,
19 disc, wire, tape, film, videocassette or other article or] any
20 medium now known or later developed on which sounds are recorded,
21 with the [intent] purpose to sell or cause to be sold for profit
22 or used to promote the sale of any article on which sounds are
23 [so] transferred, except that this section shall only apply to
24 sound recordings initially fixed prior to February 15, 1972; or

25 (2) Records sounds or images of any performance whether
26 live before an audience or transmitted by wire or through the air
27 by radio or television, with the intent to sell the performance
28 or cause it to be sold for profit; or

1 (3) Offers for sale, or sells or processes for such
2 purposes any article that has been produced in violation of
3 subdivision (1) or (2) of subsection 1 of this section, knowing,
4 or having reasonable grounds to know, that the sounds or images
5 thereon have been so copied or recorded without the consent of
6 the owner; or

7 (4) Advertises, rents, sells, offers for rental or sale, or
8 possesses for such purposes any medium now known or later
9 developed on which sounds or images are recorded if the article's
10 label, cover, box or jacket does not contain in clearly readable
11 print the name and address of the manufacturer.

12 2. This section shall not apply to:

13 (1) Any radio or television broadcaster who transfers any
14 such sounds as part of, or in connection with, a radio or
15 television broadcast transmission or for archival preservation;

16 (2) Any person transferring any such sounds at home for his
17 or her personal use without any compensation being derived by
18 such person or any other person from such transfer; or

19 (3) Any cable television company that transfers any such
20 sounds as part of its regular cable television service.

21 3. The offense of misappropriation of intellectual property
22 is a class A misdemeanor unless:

23 (1) One hundred or more articles were involved; or

24 (2) A person is found guilty of violating this section, and
25 that person has previously been found guilty of a violation of
26 this section;

27
28 in which case it is a class D felony.

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

2 (1) "Audiovisual works", works that consist of a series of
3 related images which are intrinsically intended to be shown by
4 the use of machines, electronic equipment or other devices, now
5 known or later developed, together with accompanying sounds, if
6 any;

7 (2) "Manufacturer", the person who transfers or causes to
8 be transferred any sounds or images to the particular article,
9 medium, recording or other physical embodiment of such sounds or
10 images then in issue;

11 (3) "Motion pictures", audiovisual works consisting of a
12 series of related images which, when shown in succession, impart
13 an impression of motion, together with accompanying sounds, if
14 any;

15 (4) "Owner", the person who owns the sounds of any
16 performance not yet fixed in a medium of expression, or the
17 original fixation of sounds embodied in the master device or
18 medium now known or later developed for the use of reproducing
19 sounds, or other articles or media upon which sound is or may be
20 recorded, and from which the copied recorded sounds are directly
21 or indirectly derived;

22 (5) "Person", any natural person, corporation or other
23 business entity.

24 570.300. 1. A person commits the [crime] offense of
25 facilitating the theft of cable television service if he[:

26 (1) Knowingly obtains or attempts to obtain cable
27 television service without paying all lawful compensation to the
28 operator of such service, by means of artifice, trick, deception

1 or device; or

2 (2) Knowingly assists another person in obtaining or
3 attempting to obtain cable television service without paying all
4 lawful compensation to the operator of such service; or

5 (3) Knowingly connects to, tampers with or otherwise
6 interferes with any cables, wires or other devices used for the
7 distribution of cable television if the effect of such action is
8 to obtain cable television without paying all lawful compensation
9 therefor; or

10 (4) Knowingly sells, uses, manufactures, rents or offers
11 for sale, rental or use any device, plan or kit designed and
12 intended to obtain cable television service in violation of this
13 section; or

14 (5) Knowingly attempts to connect to, tamper with, or
15 otherwise interfere with any cable television signal, cables,
16 wires, devices, or equipment, which is used for the distribution
17 of cable television and which results in the unauthorized use of
18 a cable television system or the disruption of the delivery of
19 the cable television service. Nothing in this section shall be
20 construed to prohibit, restrict, or otherwise limit the purchase,
21 sale, or use of any products, including without limitation
22 hardware, software, or other items, intended to provide services
23 and features to a customer who has lawfully obtained a connection
24 from a cable company] or she knowingly sells, uses, manufactures,
25 rents, or offers for sale, rental, or use any device, plan, or
26 kit designed and intended to obtain cable television without
27 paying all lawful compensation to the operator of such service.

28 2. The offense of facilitating theft of cable television

1 service is a class [C] D felony[if the value of the service
2 appropriated is five hundred dollars or more or if the theft is a
3 violation of subdivision (5) of subsection 1 of this section,
4 otherwise theft of cable television services is a class A
5 misdemeanor.

6 3. Any cable television operator may bring an action to
7 enjoin and restrain any violation of the provisions of this
8 section or bring an action for conversion. In addition to any
9 actual damages, an operator may be entitled to punitive damages
10 and reasonable attorney fees in any case in which the court finds
11 that the violation was committed willfully and for purposes of
12 commercial advantage. In the event of a defendant's verdict the
13 defendant may be entitled to reasonable attorney fees.

14 4. The existence on the property and in the actual
15 possession of the accused of any connection wire, or conductor,
16 which is connected in such a manner as to permit the use of cable
17 television service without the same being reported for payment to
18 and specifically authorized by the operator of the cable
19 television service shall be sufficient to support an inference
20 which the trial court may submit to the trier of fact, from which
21 the trier of fact may conclude that the accused has committed the
22 crime of theft of cable television service.

23 5. If a cable television company either:

- 24 (1) Provides unsolicited cable television service; or
25 (2) Fails to change or disconnect cable television service
26 within ten days after receiving written notice to do so by the
27 customer, the customer may deem such service to be a gift without
28 any obligation to the cable television company from ten days

1 after such written notice is received until the service is
2 changed or disconnected].

3 [6.] 3. Nothing in this section shall be construed to
4 render unlawful or prohibit an individual or other legal entity
5 from owning or operating a video cassette recorder or devices
6 commonly known as a satellite receiving dish for the purpose of
7 receiving and utilizing satellite-relayed television signals for
8 his or her own use.

9 [7. As used in this section, the term "cable television
10 service" includes microwave television transmission from a
11 multipoint distribution service not capable of reception by
12 conventional television receivers without the use of special
13 equipment.]

14 [578.500.] 570.302. 1. [Any] A person commits the offense
15 of operating an audiovisual recording device in a motion picture
16 theater if he or she, while a motion picture is being exhibited,
17 [who] knowingly operates an audiovisual recording function of a
18 device in a motion picture theater without the consent of the
19 owner or lessee of the motion picture theater [shall be guilty of
20 criminal use of real property].

21 2. As used in this section, the term "audiovisual recording
22 function" means the capability of a device to record or transmit
23 a motion picture or any part thereof by means of any technology
24 now known or later developed.

25 3. As used in this section, the term "motion picture
26 theater" means a movie theater, screening room, or other venue
27 that is being utilized primarily for the exhibition of a motion
28 picture at the time of the offense, but excluding the lobby,

1 entrance, or other areas of the building where a motion picture
2 cannot be viewed.

3 4. The provisions of this section shall not prevent any
4 lawfully authorized investigative, law enforcement protective, or
5 intelligence-gathering employee or agent, of the state or federal
6 government, from operating any audiovisual recording device in
7 any facility where a motion picture is being exhibited, as part
8 of lawfully authorized investigative, protective, law
9 enforcement, or intelligence-gathering activities. The owner or
10 lessee of a facility where a motion picture is being exhibited,
11 or the authorized agent or employee of such owner or lessee, who
12 alerts law enforcement authorities of an alleged violation of
13 this section shall not be liable in any civil action arising out
14 of measures taken by such owner, lessee, agent, or employee in
15 the course of subsequently detaining a person that the owner,
16 lessee, agent, or employee in good faith believed to have
17 violated this section while awaiting the arrival of law
18 enforcement authorities, unless the plaintiff can show by clear
19 and convincing evidence that such measures were unreasonable or
20 the period of detention was unreasonably long.

21 5. [Any person who has pled guilty to or been found guilty
22 of violating the provisions of this section shall be guilty of]
23 The offense of operating an audiovisual recording device in a
24 motion picture theater is a class A misdemeanor, unless the
25 person has previously [pled guilty or] been found guilty of
26 violating the provisions of this section, in which case it is a
27 class [D] E felony.

28 570.310. 1. [It is unlawful for] A person commits the

1 offense of mortgage fraud if he or she, in connection with the
2 application for or procurement of a loan secured by real estate
3 [to], willfully:

4 (1) [Employ] Employs a device, scheme, or artifice to
5 defraud;

6 (2) [Make] Makes an untrue statement of a material fact or
7 [to omit] omits to state a material fact necessary in order to
8 make the statement made, in the light of the circumstances under
9 which it is made, not misleading;

10 (3) [Receive] Receives any portion of the purchase, sale,
11 or loan proceeds, or any other consideration paid or generated in
12 connection with a real estate closing that such person knew
13 involved a violation of this section; or

14 (4) [Influence] Influences, through extortion or bribery,
15 the development, reporting, result, or review of a real estate
16 appraisal, except that this subsection does not prohibit a
17 mortgage lender, mortgage broker, mortgage banker, real estate
18 licensee, or other person from asking the appraiser to do one or
19 more of the following:

20 (a) Consider additional property information;

21 (b) Provide further detail, substantiation, or explanation
22 for the appraiser's value conclusion; or

23 (c) Correct errors in the appraisal report in compliance
24 with the Uniform Standards of Professional Appraisal Practice.

25 2. [Such acts shall be deemed to constitute mortgage fraud.

26 3.] The offense of mortgage fraud is a class [C] D felony.

27 [4.] 3. Each transaction in violation of this section shall
28 constitute a separate offense.

1 [5.] 4. Venue over any dispute relating to mortgage fraud
2 or a conspiracy or endeavor to engage in or participate in a
3 pattern of mortgage fraud shall be:

4 (1) In the county in which the real estate is located;

5 (2) In the county in which any act was performed in
6 furtherance of mortgage fraud;

7 (3) In any county in which any person alleged to have
8 violated this section had control or possession of any proceeds
9 from mortgage fraud;

10 (4) In any county in which a related real estate closing
11 occurred; or

12 (5) In any county in which any document related to a
13 mortgage fraud is filed with the recorder of deeds.

14 [6. Prosecution under the provisions of this section shall
15 not preclude:

16 (1) The power of this state to punish a person for conduct
17 that constitutes a crime under other laws of this state;

18 (2) A civil action by any person;

19 (3) Administrative or disciplinary action by the state or
20 the United States or by any agency of the state or the United
21 States;

22 (4) A civil forfeiture action; or

23 (5) An action under chapter 407.]

24 5. The punishment imposed under this section shall be in
25 addition to any punishment provided by law for the offense.

26 [578.510.] 570.350. 1. This section shall be known and may
27 be cited as the "Stolen Valor Act of 2007".

28 2. Any person who, with the intent to misrepresent himself

1 or herself as a veteran or medal recipient, knowingly wears,
2 purchases, attempts to purchase, solicits for purchase, mails,
3 ships, imports, exports, produces blank certificates of receipt
4 for, manufactures, sells, attempts to sell, advertises for sale,
5 trades, barter, or exchanges for anything of value any
6 decoration or medal authorized under chapter 41, or by the
7 Congress for the armed forces of the United States, or any of the
8 service medals or badges awarded to the members of such forces,
9 or the ribbon, button, or rosette of any such badge, decoration,
10 or medal, or any colorable imitation thereof, except when
11 authorized under regulations promulgated under law, is guilty of
12 a class A misdemeanor. Any second or subsequent violation of
13 this subsection is a class [D] E felony.

14 3. Any person who misrepresents himself or herself,
15 verbally or in writing, to have been awarded any decoration or
16 medal authorized under chapter 41, or by Congress for the armed
17 forces of the United States, any of the service medals or badges
18 awarded to the members of such forces, the ribbon, button, or
19 rosette of any such badge, decoration, or medal, or any colorable
20 imitation of such item is guilty of a class A misdemeanor. Any
21 second or subsequent violation of this subsection is a class [D]
22 E felony.

23 4. Any person who fraudulently uses the title of "veteran",
24 as defined by the United States Department of Veterans Affairs or
25 its successor agency, in order to obtain personal benefit,
26 monetary or otherwise, and such person does not have verifiable
27 proof of his or her status as a veteran is guilty of a class A
28 misdemeanor. Any second or subsequent violation of this

1 subsection is a class [D] E felony.

2 5. If a decoration or medal involved in an offense
3 described in subsections 2 to 4 of this section is a
4 distinguished-service cross awarded under Section 3742 of Title
5 10 of the United States Code, a Navy Cross awarded under Section
6 6242 of Title 10 of the United States Code, an Air Force Cross
7 awarded under Section 8742 of Section 10 of the United States
8 Code, a Silver Star awarded under Section 3742, 6244, or 8746 of
9 Title 10 of the United States Code, a Purple Heart awarded under
10 Section 1129 of Title 10 of the United States Code, or any
11 replacement or duplicate medal for such medal as authorized by
12 law, in lieu of the penalty provided in subsection 2, 3, or 4 of
13 this section, the offender is guilty of a class [D] E felony.

14 6. If a decoration or medal involved in an offense
15 described in subsections 2 to 4 of this section is the Medal of
16 Honor awarded under Section 1560 of Title 38 of the United States
17 Code, the offender is guilty of a class [C] D felony.

18 [578.570.] 570.375. [Any] 1. A person [who] commits the
19 offense of fraud or deception in obtaining an instruction permit,
20 driver's license or nondriver's license if he or she:

21 (1) [Knowing] Knowingly or in reckless disregard of the
22 truth, assists any person in committing fraud or deception during
23 the examination process for an instruction permit, driver's
24 license, or nondriver's license; or

25 (2) [Knowing] Knowingly or in reckless disregard of the
26 truth, assists any person in [making application] applying for an
27 instruction permit, driver's license, or nondriver's license that
28 contains or is substantiated with false or fraudulent information

1 or documentation; or

2 (3) [Knowing] Knowingly or in reckless disregard of the
3 truth, assists any person in concealing a material fact or
4 otherwise committing a fraud in an application for an instruction
5 permit, driver's license, or nondriver's license; or

6 (4) Engages in any conspiracy to commit any of the
7 preceding acts or aids or abets the commission of any of the
8 preceding acts[;].

9 2. The offense of fraud or deception in obtaining an
10 instruction permit, driver's license, or nondriver's license is
11 [guilty of] a class A misdemeanor.

12 570.380. [Any] 1. A person [who] commits the offense of
13 manufacture or possession of five or more fake IDs if he or she
14 manufactures or possesses five or more fictitious or forged means
15 of identification, as defined in section [570.223] 570.010, with
16 the intent to distribute to others for the purpose of committing
17 [a crime shall be guilty of a class C felony] an offense.

18 2. The offense of manufacture or possession of five or more
19 fake IDs is a class D felony.

20 [578.377.] 570.400. 1. A person commits the [crime]
21 offense of unlawfully receiving food stamp coupons or ATP cards
22 if he or she knowingly receives or uses the proceeds of food
23 stamp coupons or ATP cards to which he or she is not lawfully
24 entitled or for which he has not applied and been approved by the
25 department to receive.

26 2. The offense of unlawfully receiving food stamp coupons
27 or ATP cards is a class [D felony unless the face value of the
28 food stamp coupon or ATP cards is less than five hundred dollars,

1 in which case unlawful receiving of food stamp coupons and ATP
2 cards is a class] A misdemeanor, unless the face value of the
3 food stamp coupons or ATP cards is seven hundred fifty dollars or
4 more, in which case it is a class E felony, or the person has
5 previously been found guilty of two violations under sections
6 570.400 to 570.410, in which case it is a class D felony.

7 [578.379.] 570.402. 1. A person commits the [crime]
8 offense of conversion of food stamp coupons or ATP cards if he or
9 she knowingly engages in any transaction to convert food stamp
10 coupons or ATP cards to other property contrary to statutes,
11 rules and regulations, either state or federal, governing the
12 food stamp program.

13 2. The offense of unlawful conversion of food stamp coupons
14 or ATP cards is a class [D felony unless the face value of said
15 food stamp coupons or ATP cards is less than five hundred
16 dollars, in which case unlawful conversion of food stamp coupons
17 or ATP cards is a class] A misdemeanor, unless the face value of
18 the food stamp coupons or ATP cards is seven hundred fifty
19 dollars or more, in which case it is a class E felony, or the
20 person has previously been found guilty of two violations under
21 sections 570.400 to 570.410, in which case it is a class D
22 felony.

23 [578.381.] 570.404. 1. A person commits the [crime]
24 offense of unlawful transfer of food stamp coupons or ATP cards
25 if he or she knowingly transfers food stamp coupons or ATP cards
26 to another not lawfully entitled or approved by the department of
27 social services to receive the food stamp coupons or ATP cards.

28 2. The offense of unlawful transfer of food stamp coupons

1 or ATP cards is a class [D felony unless the face value of said
2 food stamp coupons or ATP cards is less than five hundred
3 dollars, in which case unlawful transfer of food stamp coupons or
4 ATP cards is a class] A misdemeanor, unless the face value of the
5 food stamp coupons or ATP cards is seven hundred fifty dollars or
6 more, in which case it is a class E felony, or the person
7 previously been found guilty of two violations under sections
8 570.400 to 570.410, in which case it is a class D felony.

9 [578.383.] 570.406. The face value of all food stamp
10 coupons or ATP cards stolen, possessed, transferred or converted
11 from one scheme or course of conduct, whether from one or several
12 rightful possessors, or at the same or different times shall
13 constitute a single criminal episode and their face values may be
14 aggregated in determining the grade of offense.

15 [578.385.] 570.408. 1. A person commits the [crime]
16 offense of perjury for the purpose of [this section] obtaining
17 public assistance if he or she knowingly makes a false or
18 misleading statement or misrepresents a fact material for the
19 purpose of obtaining public assistance if the false or misleading
20 statement is reduced to writing and verified by the signature of
21 the person making the statement and by the signature of any
22 employee of the Missouri department of social services. The same
23 person may not be charged with unlawfully receiving public
24 assistance benefits and perjury pursuant to this section when
25 both offenses arise from the same application for benefits.

26 2. A statement or fact is material, regardless of its
27 admissibility under rules of evidence, if it could substantially
28 affect or did substantially affect the granting of public

1 assistance.

2 3. Knowledge of the materiality of the statement or fact is
3 not an element of this [crime] offense, and it is no defense
4 that:

5 (1) The [defendant] person mistakenly believed the fact to
6 be immaterial; or

7 (2) The [defendant] person was not competent, for reasons
8 other than mental disability, to make the statement.

9 4. [Perjury committed as part of a transaction involving
10 the making of an application to obtain public assistance is a
11 class D felony unless the value of the public assistance
12 unlawfully obtained or unlawfully attempted to be obtained is
13 less than five hundred dollars in which case it is a class A
14 misdemeanor] The offense of perjury for the purpose of obtaining
15 public assistance is a class A misdemeanor, unless the value of
16 the public assistance unlawfully obtained or unlawfully attempted
17 to be obtained is seven hundred fifty dollars or more, in which
18 case it is a class E felony, or the person has previously been
19 found guilty of two violations under sections 570.400 to 570.410,
20 in which case it is a class D felony.

21 [578.387.] 570.410. 1. For the purpose of any
22 investigation or proceeding relating to public assistance
23 unlawfully received or an application for public assistance
24 unlawfully tendered, the director of the department of social
25 services or any officer designated by him [and/or] or her or the
26 attorney general for the state of Missouri or any officer
27 designated by him or her may administer oaths and affirmations,
28 subpoena witnesses, compel their attendance, take testimony,

1 require answers to written interrogatories and require production
2 of any books, papers, correspondence, memoranda, agreements or
3 other documents or records which the director of the department
4 [and/or] or the attorney general deem relevant and material to
5 the inquiry.

6 2. In the case of contumacy by, or refusal to obey a
7 subpoena issued to, any person, the circuit court of any county
8 of the state or the city of St. Louis, upon application by the
9 department director [and/or] or the attorney general may issue to
10 the person an order requiring him or her to appear before the
11 department director[,] or the officer designated by him or her,
12 [and/or] or the attorney general[,] or the officer designated by
13 him or her, there to produce documentary evidence if so ordered
14 or to give testimony or answer interrogatories touching the
15 matter under investigation or in question in accordance with the
16 forms and procedures otherwise authorized by the Rules of Civil
17 Procedure. Failure to obey the order of the court may be
18 punished by the court as a contempt of court.

19 3. Information or documents obtained under this section by
20 the director of the department [and/or] or the attorney general
21 shall not be disclosed except in the course of civil or criminal
22 litigation or to another prosecutorial or investigative agency,
23 or to the divisions of the department.

24 4. [Anyone improperly disclosing information obtained] The
25 offense of improper disclosure under this section is [guilty of]
26 a class A misdemeanor.

27 5. The provisions of this section do not repeal existing
28 provisions of law and shall be construed as supplementary

1 thereto.

2 571.010. As used in this chapter, the following terms shall
3 mean:

4 (1) "Ammunition", any cartridge, shell, or projectile
5 designed for use in a firearm;

6 (2) "Antique, curio or relic firearm", includes any firearm
7 so defined by the National Gun Control Act, 18 U.S.C. Title 26,
8 Section 5845, and the United States Treasury/Bureau of Alcohol
9 Tobacco and Firearms, 27 CFR Section 178.11:

10 (a) "Antique firearm" is any firearm not designed or
11 redesigned for using rim fire or conventional center fire
12 ignition with fixed ammunition and manufactured in or before
13 1898, said ammunition not being manufactured any longer; this
14 includes any matchlock, wheel lock, flintlock, percussion cap or
15 similar type ignition system, or replica thereof;

16 (b) "Curio or relic firearm" is any firearm deriving value
17 as a collectible weapon due to its unique design, ignition
18 system, operation or at least fifty years [old] of age,
19 associated with a historical event, renown personage or major
20 war;

21 ~~[(2)]~~ (3) "Blackjack", any instrument that is designed or
22 adapted for the purpose of stunning or inflicting physical injury
23 by striking a person, and which is readily capable of lethal use;

24 (3) (4) "Blasting agent", any material or mixture,
25 consisting of fuel and oxidizer that is intended for blasting,
26 but not otherwise defined as an explosive under this section,
27 provided that the finished product, as mixed for use of shipment,
28 cannot be detonated by means of a numbered 8 test blasting cap

1 when unconfined;

2 [(4)] (5) "Concealable firearm", any firearm with a barrel
3 less than sixteen inches in length, measured from the face of the
4 bolt or standing breech;

5 [(5) "Deface", to alter or destroy the manufacturer's or
6 importer's serial number or any other distinguishing number or
7 identification mark;]

8 (6) "Detonator", any device containing a detonating charge
9 that is used for initiating detonation in an explosive, including
10 but not limited to, electric blasting caps of instantaneous and
11 delay types, nonelectric blasting caps for use with safety fuse
12 or shock tube and detonating cord delay connectors;

13 (7) "Explosive weapon", any explosive, incendiary, or
14 poison gas bomb or similar device designed or adapted for the
15 purpose of inflicting death, serious physical injury, or
16 substantial property damage; or any device designed or adapted
17 for delivering or shooting such a weapon. For the purposes of
18 this subdivision, the term "explosive" shall mean any chemical
19 compound mixture or device, the primary or common purpose of
20 which is to function by explosion, including but not limited to,
21 dynamite and other high explosives, pellet powder, initiating
22 explosives, detonators, safety fuses, squibs, detonating cords,
23 igniter cords, and igniters or blasting agents;

24 (8) "Firearm", any weapon that is designed or adapted to
25 expel a projectile by the action of an explosive;

26 (9) "Firearm silencer", any instrument, attachment, or
27 appliance that is designed or adapted to muffle the noise made by
28 the firing of any firearm;

1 (10) "Gas gun", any gas ejection device, weapon, cartridge,
2 container or contrivance other than a gas bomb that is designed
3 or adapted for the purpose of ejecting any poison gas that will
4 cause death or serious physical injury, but not any device that
5 ejects a repellant or temporary incapacitating substance;

6 (11) "Intoxicated", substantially impaired mental or
7 physical capacity resulting from introduction of any substance
8 into the body;

9 (12) "Knife", any dagger, dirk, stiletto, or bladed hand
10 instrument that is readily capable of inflicting serious physical
11 injury or death by cutting or stabbing a person. For purposes of
12 this chapter, "knife" does not include any ordinary pocketknife
13 with no blade more than four inches in length;

14 (13) "Knuckles", any instrument that consists of finger
15 rings or guards made of a hard substance that is designed or
16 adapted for the purpose of inflicting serious physical injury or
17 death by striking a person with a fist enclosed in the knuckles;

18 (14) "Machine gun", any firearm that is capable of firing
19 more than one shot automatically, without manual reloading, by a
20 single function of the trigger;

21 (15) "Projectile weapon", any bow, crossbow, pellet gun,
22 slingshot or other weapon that is not a firearm, which is capable
23 of expelling a projectile that could inflict serious physical
24 injury or death by striking or piercing a person;

25 (16) "Rifle", any firearm designed or adapted to be fired
26 from the shoulder and to use the energy of the explosive in a
27 fixed metallic cartridge to fire a projectile through a rifled
28 bore by a single function of the trigger;

1 (17) "Short barrel", a barrel length of less than sixteen
2 inches for a rifle and eighteen inches for a shotgun, both
3 measured from the face of the bolt or standing breech, or an
4 overall rifle or shotgun length of less than twenty-six inches;

5 (18) "Shotgun", any firearm designed or adapted to be fired
6 from the shoulder and to use the energy of the explosive in a
7 fixed shotgun shell to fire a number of shot or a single
8 projectile through a smooth bore barrel by a single function of
9 the trigger;

10 (19) ["Spring gun", any fused, timed or nonmanually
11 controlled trap or device designed or adapted to set off an
12 explosion for the purpose of inflicting serious physical injury
13 or death;

14 (20)] "Switchblade knife", any knife which has a blade that
15 folds or closes into the handle or sheath, and:

16 (a) That opens automatically by pressure applied to a
17 button or other device located on the handle; or

18 (b) That opens or releases from the handle or sheath by the
19 force of gravity or by the application of centrifugal force.

20 571.014. 1. A person commits the [crime] offense of
21 unlawful refusal to transfer by denying the sale of a firearm to
22 a nonlicensee, who is otherwise not prohibited from possessing a
23 firearm under state or federal law, solely on the basis that the
24 nonlicensee purchased a firearm that was later the subject of a
25 trace request by law enforcement.

26 2. [Violation of subsection 1 of this section shall be] The
27 offense of unlawful refusal to transfer by denying the sale of a
28 firearm a class A misdemeanor.

1 3. Notwithstanding any other provision of law to the
2 contrary, no [federal firearms] dealer [licensed under 18 U.S.C.
3 Section 923] who engages in the sale of firearms within this
4 state shall fail or refuse to complete the sale of a firearm to a
5 customer in every case in which the sale is authorized by federal
6 law.

7 4. [The provisions of] This section shall not apply to any
8 [individual federal firearms license holder, his agents, or
9 employees to the extent they chose in their] firearms dealer who,
10 in his or her individual judgment [to], chooses not to complete
11 the sale or transfer of a firearm for articulable reasons
12 specific to that transaction, so long as those reasons are not
13 based on the race, gender, religion, or creed of the buyer.

14 571.015. 1. Except as provided in subsection 4 of this
15 section, any person who commits any felony under the laws of this
16 state by, with, or through the use, assistance, or aid of a
17 dangerous instrument or deadly weapon is also guilty of the
18 [crime] offense of armed criminal action and, upon conviction,
19 shall be punished by imprisonment by the department of
20 corrections [and human resources] for a term of not less than
21 three years. The punishment imposed pursuant to this subsection
22 shall be in addition to any punishment provided by law for the
23 crime committed by, with, or through the use, assistance, or aid
24 of a dangerous instrument or deadly weapon. No person convicted
25 under this subsection shall be eligible for parole, probation,
26 conditional release or suspended imposition or execution of
27 sentence for a period of three calendar years.

28 2. Any person convicted of a second offense of armed

1 criminal action shall be punished by imprisonment by the
2 department of corrections [and human resources] for a term of not
3 less than five years. The punishment imposed pursuant to this
4 subsection shall be in addition to any punishment provided by law
5 for the [crime] offense committed by, with, or through the use,
6 assistance, or aid of a dangerous instrument or deadly weapon.
7 No person convicted under this subsection shall be eligible for
8 parole, probation, conditional release or suspended imposition or
9 execution of sentence for a period of five calendar years.

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

20 4. The provisions of this section shall not apply to the
21 felonies defined in [sections 564.590, 564.610, 564.620, 564.630,
22 and 564.640] this chapter.

23 5. Nothing contained in any other provisions of law, except
24 as provided in subsection 4 of this section, shall prevent
25 imposition of sentences for both armed criminal action and the
26 crime committed by, with or through the use, assistance, or aid
27 of a dangerous instrument or deadly weapon.

28 571.020. 1. A person commits [a crime] the offense of

1 unlawful possession, manufacture, or sale of a weapon if such
2 person knowingly possesses, manufactures, [transports, repairs,]
3 or sells:

4 (1) An explosive weapon;

5 (2) An explosive, incendiary or poison substance or
6 material with the purpose to possess, manufacture or sell an
7 explosive weapon;

8 (3) A gas gun;

9 (4) A bullet or projectile which explodes or detonates upon
10 impact because of an independent explosive charge after having
11 been shot from a firearm; [or]

12 (5) Knuckles; or

13 (6) Any of the following in violation of federal law:

14 (a) A machine gun;

15 (b) A short-barreled rifle or shotgun;

16 (c) A firearm silencer; or

17 (d) A switchblade knife.

18 2. A person does not commit [a crime pursuant to] an
19 offense under this section if his or her conduct involved any of
20 the items in subdivisions (1) to (5) of subsection 1 of this
21 section, the item was possessed in conformity with any applicable
22 federal law, and the conduct:

23 (1) Was incident to the performance of official duty by the
24 armed forces, national guard, a governmental law enforcement
25 agency, or a penal institution; or

26 (2) Was incident to engaging in a lawful commercial or
27 business transaction with an organization enumerated in
28 subdivision (1) of this section; or

1 (3) Was incident to using an explosive weapon in a manner
2 reasonably related to a lawful industrial or commercial
3 enterprise; or

4 (4) Was incident to displaying the weapon in a public
5 museum or exhibition; or

6 (5) Was incident to using the weapon in a manner reasonably
7 related to a lawful dramatic performance.

8 3. [A crime pursuant to] An offense under subdivision (1),
9 (2), (3) or (6) of subsection 1 of this section is a class [C] D
10 felony; [a crime pursuant to] an offense under subdivision (4) or
11 (5) of subsection 1 of this section is a class A misdemeanor.

12 571.031. 1. A person commits the offense of carrying a
13 concealed weapon if he or she knowingly carries concealed upon or
14 about his or her person a knife, a firearm, a blackjack or any
15 other weapon readily capable of lethal use.

16 2. The offense of carrying a concealed weapon is a class E
17 felony.

18 3. This section shall not apply to any person who:

19 (1) Has a valid concealed carry endorsement issued under
20 sections 319.1025 to 319.1043 or a valid permit or endorsement to
21 carry concealed firearms issued by another state or political
22 subdivision of another state; or

23 (2) Being twenty-one years of age or older, or eighteen
24 years of age or older and a member of the United States armed
25 forces or honorably discharged from the United States armed
26 forces, is transporting a concealable firearm in the passenger
27 compartment of a motor vehicle, so long as such concealable
28 firearm is otherwise lawfully possessed; or

1 (3) Is transporting weapons in a nonfunctioning state or in
2 an unloaded state when ammunition is not readily accessible or
3 when such weapons are not readily accessible; or

4 (4) Is also in possession of an exposed firearm or
5 projectile weapon for the lawful pursuit of game; or

6 (5) Is in his or her dwelling unit or upon premises over
7 which the person has possession, authority or control; or

8 (6) Is traveling in a continuous journey peaceably through
9 this state.

10 4. No person found guilty of the offense of carrying a
11 concealed weapon shall receive a suspended imposition of sentence
12 if such person has previously received a suspended imposition of
13 sentence for any other firearms or weapons-related felony
14 offense.

15 571.033. 1. A person commits the offense of unlawful
16 discharge of a firearm in the first degree if he or she knowingly
17 discharges or shoots a firearm:

18 (1) At any person; or

19 (2) Into a dwelling house or habitable structure or a
20 building used for the assembling of people; or

21 (3) At or from a motor vehicle, as the term "motor vehicle"
22 is defined in section 301.010, or at any other motor vehicle,
23 railroad train, boat, aircraft, building, or habitable structure.

24 2. The offense of unlawful discharge of a firearm in the
25 first degree shall be punished as follows:

26 (1) For a first violation a person shall be sentenced to
27 the maximum authorized term of imprisonment for a class B felony;

28 (2) For any violation by a prior offender as defined in

1 section 558.016, a person shall be sentenced to the maximum
2 authorized term of imprisonment for a class B felony without the
3 possibility of parole, probation or conditional release for a
4 term of ten years;

5 (3) For any violation by a persistent offender as defined
6 in section 558.016, a person shall be sentenced to the maximum
7 authorized term of imprisonment for a class B felony without the
8 possibility of parole, probation, or conditional release;

9 (4) For any violation which results in injury or death to
10 another person, a person shall be sentenced to an authorized
11 disposition for a class A felony.

12 3. No person found guilty of unlawful discharge of a
13 firearm in the first degree shall receive a suspended imposition
14 of sentence if such person has previously received a suspended
15 imposition of sentence for any other firearms or weapons-related
16 felony offense.

17 571.034. 1. A person commits the offense of unlawful
18 discharge of a firearm in the second degree if he or she
19 knowingly discharges or shoots a firearm at a mark, at any
20 object, or at random, on, along or across a public highway, or
21 into any outbuilding, or within one hundred yards of any occupied
22 schoolhouse, courthouse, or church building.

23 2. The offense of unlawful discharge of a firearm in the
24 second degree is a class B misdemeanor.

25 3. Nothing in this section shall make it unlawful for a
26 student to actually participate in school-sanctioned gun safety
27 courses, student military or ROTC courses, or other school-
28 sponsored or club-sponsored firearm-related events, provided the

1 student does not carry a firearm or other weapon readily capable
2 of lethal use into any school, onto any school bus, or onto the
3 premises of any other function or activity sponsored or
4 sanctioned by school officials or the district school board.

5 4. No person found guilty of unlawful discharge of a
6 firearm in the second degree shall receive a suspended imposition
7 of sentence if such person has previously received a suspended
8 imposition of sentence for any other firearms or weapons-related
9 felony offense.

10 571.036. 1. A person commits the offense of brandishing a
11 weapon if he or she, in the presence of one or more persons,
12 exhibits any weapon readily capable of lethal use in an angry or
13 threatening manner.

14 2. The offense of brandishing a weapon is a class E felony.

15 3. No person found guilty of brandishing a weapon shall
16 receive a suspended imposition of sentence if such person has
17 previously received a suspended imposition of sentence for any
18 other firearms or weapons-related felony offense.

19 571.038. 1. A person commits the offense of possession of
20 a weapon in a prohibited place if he or she knowingly:

21 (1) Carries a firearm, whether loaded or unloaded, or any
22 other weapon readily capable of lethal use into any school, onto
23 any school bus, or onto the premises of any function or activity
24 sponsored or sanctioned by school officials or the district
25 school board; or

26 (2) Carries a firearm or any other weapon readily capable
27 of lethal use into any church or place where people have
28 assembled for worship, or into any election precinct on any

1 election day, or into any building owned or occupied by any
2 agency of the federal government, state government, or political
3 subdivision thereof.

4 2. The offense of possession of a weapon in a prohibited
5 place shall be punished as follows:

6 (1) Violation of subdivision (1) of subsection 1 of this
7 section is a class A misdemeanor, unless committed with a loaded
8 firearm, in which case it is a class E felony;

9 (2) Violation of subdivision (2) of subsection 1 of this
10 section is a class B misdemeanor.

11 3. This section shall not apply to any person who:

12 (1) Has a valid concealed carry endorsement issued under
13 sections 319.1025 to 319.1043 or a valid permit or endorsement to
14 carry concealed firearms issued by another state or political
15 subdivision of another state; or

16 (2) Otherwise lawfully possesses a firearm while traversing
17 school premises for the purposes of transporting a student to or
18 from school, or is an adult who lawfully possesses a firearm for
19 the purposes of facilitation of a school-sanctioned firearm-
20 related event or club event; or

21 (3) Is transporting a weapon in a nonfunctioning state or
22 in an unloaded state when ammunition is not readily accessible or
23 when such weapons are not readily accessible.

24 4. Nothing in this section shall make it unlawful for a
25 student to actually participate in school-sanctioned gun safety
26 courses, student military or ROTC courses, or other school-
27 sponsored or club-sponsored firearm-related events, provided the
28 student does not carry a firearm or other weapon readily capable

1 of lethal use into any school, onto any school bus, or onto the
2 premises of any other function or activity sponsored or
3 sanctioned by school officials or the district school board.

4 5. No person found guilty of possession of a weapon in a
5 prohibited place shall receive a suspended imposition of sentence
6 if such person has previously received a suspended imposition of
7 sentence for any other firearms or weapons-related felony
8 offense.

9 571.041. 1. Nothing in section 571.031, carrying a
10 concealed weapon, and section 571.038, possession of a weapon in
11 a prohibited place, shall apply to any of the following persons
12 described in this section, regardless of whether such uses are
13 reasonably associated with or are necessary to the fulfillment of
14 such person's official duties, except as otherwise provided in
15 this section. Nothing in section 571.033, unlawful discharge of
16 a firearm in the first degree; section 571.034, unlawful
17 discharge of a firearm in the second degree; and section 571.036,
18 brandishing a weapon, shall apply to or effect any of the
19 following persons when such uses are reasonably associated with
20 or are necessary to the fulfillment of such person's official
21 duties, except as otherwise provided in this section:

22 (1) All state, county, and municipal peace officers who
23 have completed the training required by the police officer
24 standards and training commission under sections 590.030 to
25 590.050 and who possess the duty and power of arrest for
26 violations of the general criminal laws of the state or for
27 violations of ordinances of counties or municipalities of the
28 state, whether such officers are on or off duty, and whether such

1 officers are within or outside of the law enforcement agency's
2 jurisdiction, or all qualified retired peace officers, as defined
3 in subsection 2 of this section, and who carry the identification
4 defined in subsection 3 of this section, or any person summoned
5 by such officers to assist in making arrests or preserving the
6 peace while actually engaged in assisting such officer;

7 (2) Wardens, superintendents, and keepers of prisons,
8 penitentiaries, jails, and other institutions for the detention
9 of persons accused or convicted of crime;

10 (3) Members of the armed forces or national guard while
11 performing their official duty;

12 (4) Those persons vested by article V, section 1 of the
13 Constitution of Missouri with the judicial power of the state and
14 those persons vested by Article III of the Constitution of the
15 United States with the judicial power of the United States, the
16 members of the federal judiciary;

17 (5) Any person whose bona fide duty is to execute process,
18 civil or criminal;

19 (6) Any federal probation officer or federal flight deck
20 officer as defined under the federal flight deck officer program,
21 49 U.S.C. Section 44921, regardless of whether such officers are
22 on duty, or within the law enforcement agency's jurisdiction;

23 (7) Any state probation or parole officer, including
24 supervisors and members of the board of probation and parole;

25 (8) Any corporate security advisor meeting the definition
26 and fulfilling the requirements of the regulations established by
27 the board of police commissioners under section 84.340;

28 (9) Any prosecuting attorney or assistant prosecuting

1 attorney or any circuit attorney or assistant circuit attorney
2 who has completed the firearms safety training course required
3 under subsection 2 of section 319.1034;

4 (10) Any member of a fire department or fire protection
5 district, who is employed on a full-time basis as a fire
6 investigator and who has a valid concealed carry endorsement
7 under sections 319.1025 to 319.1043, when such uses are
8 reasonably associated with or are necessary to the fulfillment of
9 such person's official duties; and

10 (11) Any coroner, deputy coroner, medical examiner, or
11 assistant medical examiner.

12 2. As used in this section "qualified retired peace
13 officer" means an individual who:

14 (1) Retired in good standing from service with a public
15 agency as a peace officer, other than for reasons of mental
16 instability;

17 (2) Before such retirement, was authorized by law to engage
18 in or supervise the prevention, detection, investigation, or
19 prosecution of, or the incarceration of any person for, any
20 violation of law, and had statutory powers of arrest;

21 (3) Before such retirement, was regularly employed as a
22 peace officer for an aggregate of fifteen years or more, or
23 retired from service with such agency, after completing any
24 applicable probationary period of such service, due to a service-
25 connected disability, as determined by such agency;

26 (4) Has a nonforfeitable right to benefits under the
27 retirement plan of the agency if such a plan is available;

28 (5) During the most recent twelve-month period, has met, at

1 the expense of the individual, the standards for training and
2 qualification for active peace officers to carry firearms;

3 (6) Is not under the influence of alcohol or another
4 intoxicating or hallucinatory drug or substance; and

5 (7) Is not prohibited by federal law from receiving a
6 firearm.

7 3. The identification required by subdivision (1) of
8 subsection 1 of this section is:

9 (1) A photographic identification issued by the agency from
10 which the individual retired from service as a peace officer that
11 indicates that the individual has, within one year of the date
12 the individual is carrying the concealed firearm, been tested or
13 otherwise found by the agency to meet the standards established
14 by the agency for training and qualification for active peace
15 officers to carry a firearm of the same type as the concealed
16 firearm; or

17 (2) A photographic identification issued by the agency from
18 which the individual retired from service as a peace officer; and

19 (3) A certification issued by the state in which the
20 individual resides that indicates that the individual has, within
21 one year of the date the individual is carrying the concealed
22 firearm, been tested or otherwise found by the state to meet the
23 standards established by the state for training and qualification
24 for active peace officers to carry a firearm of the same type as
25 the concealed firearm.

26 571.042. 1. A person commits the offense of possession of
27 a weapon while intoxicated if he or she has a firearm or
28 projectile weapon readily capable of lethal use on his or her

1 person, while he or she is intoxicated.

2 2. The offense of possession of a weapon while intoxicated
3 is a class A misdemeanor, unless committed with a loaded firearm,
4 in which case it is a class E felony.

5 3. This section shall not apply to a person transporting
6 such weapons in a nonfunctioning state or in an unloaded state
7 when ammunition is not readily accessible or when such weapons
8 are not readily accessible.

9 4. It shall be an affirmative defense to this section that
10 the person is in his or her own residence at the time of the
11 offense, unless he or she handles or otherwise uses such firearm
12 or projectile weapon in either a negligent or unlawful manner or
13 discharges such firearm or projectile weapon.

14 5. No person found guilty of possession of a weapon while
15 intoxicated shall receive a suspended imposition of sentence if
16 such person has previously received a suspended imposition of
17 sentence for any other firearms or weapons-related felony
18 offense.

19 571.043. It shall be a defense to section 571.033, unlawful
20 discharge of a firearm in the first degree; section 571.034,
21 unlawful discharge of a firearm in the second degree; section
22 571.036, brandishing a weapon; section 571.038, possession of a
23 weapon in a prohibited place; and section 571.042, possession of
24 a weapon while intoxicated; that the offense was committed by a
25 person engaged in a lawful act of defense under section 563.031.
26 The defendant shall have the burden of injecting the issue of
27 lawful defense.

28 571.044. 1. A person commits the offense of setting a

1 spring gun if he or she knowingly sets any fused, timed or
2 nonmanually controlled trap or device designed or adapted to set
3 off an explosion for the purpose of inflicting serious physical
4 injury or death.

5 2. The offense of setting a spring gun is a class E felony.

6 3. No person found guilty of setting a spring gun shall
7 receive a suspended imposition of sentence if such person has
8 previously received a suspended imposition of sentence for any
9 other firearms or weapons-related felony offense.

10 571.045. 1. A person commits the [crime] offense of
11 defacing a firearm if he or she knowingly [defaces] alters or
12 destroys the manufacturer's or importer's serial number or any
13 other distinguishing number or identification mark of any
14 firearm.

15 2. The offense of defacing a firearm is a class A
16 misdemeanor.

17 571.050. 1. A person commits the [crime] offense of
18 possession of a defaced firearm if he or she knowingly possesses
19 a firearm on which [is defaced] the manufacturer's or importer's
20 serial number or any other distinguishing number or
21 identification mark has been altered or destroyed.

22 2. The offense of possession of a defaced firearm is a
23 class B misdemeanor.

24 571.060. 1. A person commits the [crime] offense of
25 unlawful transfer of [weapons] a weapon if he or she:

26 (1) Knowingly [sells, leases, loans, gives away or
27 delivers] transfers a firearm or ammunition for a firearm to any
28 person who, under the provisions of section 571.070, is not

1 lawfully entitled to possess such;

2 (2) Knowingly [sells, leases, loans, gives away or
3 delivers] transfers a blackjack to a person less than eighteen
4 years [old] of age without the consent of the child's custodial
5 parent or guardian[,]; or

6 (3) Recklessly[, as defined in section 562.016, sells,
7 leases, loans, gives away or delivers] transfers any firearm to a
8 person less than eighteen years [old] of age without the consent
9 of the child's custodial parent or guardian; [provided, that this
10 does not prohibit the delivery of such weapons to any peace
11 officer or member of the armed forces or national guard while
12 performing his official duty;] or

13 [(3)] (4) Recklessly, [as defined in section 562.016,
14 sells, leases, loans, gives away or delivers] transfers a firearm
15 or ammunition for a firearm to a person who is intoxicated.

16 2. The offense of unlawful transfer of [weapons] a weapon
17 under subdivision (1) of subsection 1 of this section is a class
18 [D] E felony; unlawful transfer of [weapons] a weapon under
19 subdivisions (2) [and], (3) and (4) of subsection 1 of this
20 section is a class A misdemeanor.

21 571.063. 1. [As used in this section the following terms
22 shall mean:

23 (1) "Ammunition", any cartridge, shell, or projectile
24 designed for use in a firearm;

25 (2) "Licensed dealer", a person who is licensed under 18
26 U.S.C. Section 923 to engage in the business of dealing in
27 firearms;

28 (3) "Materially false information", any information that

1 portrays an illegal transaction as legal or a legal transaction
2 as illegal;

3 (4) "Private seller", a person who sells or offers for sale
4 any firearm, as defined in section 571.010, or ammunition.

5 2.] A person commits the [crime] offense of fraudulent
6 purchase of a firearm if [such person] he or she:

7 (1) Knowingly solicits, persuades, encourages or entices a
8 [licensed dealer or private] seller of firearms or ammunition to
9 transfer a firearm or ammunition under circumstances which the
10 person knows would violate the laws of this state or the United
11 States; or

12 (2) Provides to a [licensed dealer or private] seller of
13 firearms or ammunition what the person knows to be [materially]
14 false information with intent to deceive the [dealer or] seller
15 about the legality of a transfer of a firearm or ammunition[; or

16 (3) Willfully procures another to violate the provisions of
17 subdivision (1) or (2) of this subsection].

18 [3.] 2. The offense of fraudulent purchase of a firearm is
19 a class [D] E felony.

20 [4.] 3. This section shall not apply to criminal
21 investigations conducted by the United States Bureau of Alcohol,
22 Tobacco, Firearms and Explosives, authorized agents of such
23 investigations, or to a [peace] law enforcement officer, [as
24 defined in section 542.261,] acting at the explicit direction of
25 the United States Bureau of Alcohol, Tobacco, Firearms and
26 Explosives.

27 571.070. 1. A person commits the [crime] offense of
28 unlawful possession of a firearm or explosive weapon if [such

1 person] he or she knowingly has any firearm or explosive weapon
2 in his or her possession and such person:

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

7 (2) [Such person] Is a fugitive from justice[,] ; or

8 (3) Is habitually in an intoxicated or drugged
9 condition[,] ; or

10 (4) Is currently adjudged mentally incompetent.

11 2. The offense of unlawful possession of a firearm or
12 explosive weapon is a class [C] D felony.

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

16 571.150. 1. As used in this section, the term
17 "metal-penetrating bullet" means handgun bullet or projectile of
18 9 mm, .25, .32, .38, .357, .41, .44, or .451 or other caliber
19 which is comprised of a hardened core equal to the minimum of the
20 maximum attainable hardness by solid red metal alloy which
21 purposely reduces the normal expansion or mushrooming of the
22 bullet's or projectile's shape upon impact. Metal-penetrating
23 bullet does not include any bullet or projectile composed of
24 copper or brass jacket with lead or lead alloy cores or any
25 bullet or projectile composed of lead or lead alloys.

26 2. [Any person who uses or possesses] The offense of using
27 or possessing a metal-penetrating bullet during the commission of
28 [a crime is guilty of] an offense is a class B felony.

1 572.010. As used in this chapter the following terms mean:

2 (1) "Advance gambling activity", a person "advances
3 gambling activity" if, acting other than as a player, he or she
4 engages in conduct that materially aids any form of gambling
5 activity. Conduct of this nature includes but is not limited to
6 conduct directed toward the creation or establishment of the
7 particular game, lottery, contest, scheme, device or activity
8 involved, toward the acquisition or maintenance of premises,
9 paraphernalia, equipment or apparatus therefor, toward the
10 solicitation or inducement of persons to participate therein,
11 toward the actual conduct of the playing phases thereof, toward
12 the arrangement or communication of any of its financial or
13 recording phases, or toward any other phase of its operation. A
14 person advances gambling activity if, having substantial
15 proprietary control or other authoritative control over premises
16 being used with his or her knowledge for purposes of gambling
17 activity, he or she permits that activity to occur or continue or
18 makes no effort to prevent its occurrence or continuation. The
19 supplying, servicing and operation of a licensed excursion
20 gambling boat under sections 313.800 to 313.840 does not
21 constitute advancing gambling activity;

22 (2) "Bookmaking", [means] advancing gambling activity by
23 unlawfully accepting bets from members of the public as a
24 business, rather than in a casual or personal fashion, upon the
25 outcomes of future contingent events;

26 (3) "Contest of chance" [means], any contest, game, gaming
27 scheme or gaming device in which the outcome depends in a
28 material degree upon an element of chance, notwithstanding that

1 the skill of the contestants may also be a factor therein;

2 (4) "Gambling", a person engages in "gambling" when he or
3 she stakes or risks something of value upon the outcome of a
4 contest of chance or a future contingent event not under his or
5 her control or influence, upon an agreement or understanding that
6 he or she will receive something of value in the event of a
7 certain outcome. Gambling does not include bona fide business
8 transactions valid under the law of contracts, including but not
9 limited to contracts for the purchase or sale at a future date of
10 securities or commodities, and agreements to compensate for loss
11 caused by the happening of chance, including but not limited to
12 contracts of indemnity or guaranty and life, health or accident
13 insurance; nor does gambling include playing an amusement device
14 that confers only an immediate right of replay not exchangeable
15 for something of value. Gambling does not include any licensed
16 activity, or persons participating in such games which are
17 covered by sections 313.800 to 313.840;

18 (5) "Gambling device" [means], any device, machine,
19 paraphernalia or equipment that is used or usable in the playing
20 phases of any gambling activity, whether that activity consists
21 of gambling between persons or gambling by a person with a
22 machine. However, lottery tickets, policy slips and other items
23 used in the playing phases of lottery and policy schemes are not
24 gambling devices within this definition;

25 (6) "Gambling record" [means], any article, instrument,
26 record, receipt, ticket, certificate, token, slip or notation
27 used or intended to be used in connection with unlawful gambling
28 activity;

1 (7) "Lottery" or "policy" [means], an unlawful gambling
2 scheme in which for a consideration the participants are given an
3 opportunity to win something of value, the award of which is
4 determined by chance;

5 (8) "Player" [means], a person who engages in any form of
6 gambling solely as a contestant or bettor, without receiving or
7 becoming entitled to receive any profit therefrom other than
8 personal gambling winnings, and without otherwise rendering any
9 material assistance to the establishment, conduct or operation of
10 the particular gambling activity. A person who gambles at a
11 social game of chance on equal terms with the other participants
12 therein does not otherwise render material assistance to the
13 establishment, conduct or operation thereof by performing,
14 without fee or remuneration, acts directed toward the arrangement
15 or facilitation of the game, such as inviting persons to play,
16 permitting the use of premises therefor and supplying cards or
17 other equipment used therein. A person who engages in
18 "bookmaking" as defined in subdivision (2) of this section is not
19 a "player";

20 (9) "Professional player" [means], a player who engages in
21 gambling for a livelihood or who has derived at least twenty
22 percent of his or her income in any one year within the past five
23 years from acting solely as a player;

24 (10) "Profit from gambling activity", a person "profits
25 from gambling activity" if, other than as a player, he or she
26 accepts or receives money or other property pursuant to an
27 agreement or understanding with any person whereby he
28 participates or is to participate in the proceeds of gambling

1 activity;

2 (11) "Slot machine" [means], a gambling device that as a
3 result of the insertion of a coin or other object operates,
4 either completely automatically or with the aid of some physical
5 act by the player, in such a manner that, depending upon elements
6 of chance, it may eject something of value. A device so
7 constructed or readily adaptable or convertible to such use is no
8 less a slot machine because it is not in working order or because
9 some mechanical act of manipulation or repair is required to
10 accomplish its adaptation, conversion or workability. Nor is it
11 any less a slot machine because apart from its use or
12 adaptability as such it may also sell or deliver something of
13 value on a basis other than chance;

14 (12) "Something of value" [means], any money or property,
15 any token, object or article exchangeable for money or property,
16 or any form of credit or promise directly or indirectly
17 contemplating transfer of money or property or of any interest
18 therein or involving extension of a service, entertainment or a
19 privilege of playing at a game or scheme without charge;

20 (13) "Unlawful" [means], not specifically authorized by
21 law.

22 572.015. Nothing in this chapter prohibits constitutionally
23 authorized activities under article III, sections 39(a) to 39(f)
24 of the Missouri Constitution.

25 572.020. 1. A person commits the [crime] offense of
26 gambling if he or she knowingly engages in gambling.

27 2. The offense of gambling is [a class C misdemeanor] an
28 infraction unless:

1 (1) It is committed by a professional player, in which case
2 it is a class [D felony] A misdemeanor; or

3 (2) The person knowingly engages in gambling with a [minor]
4 child less than seventeen years of age, in which case it is a
5 class B misdemeanor.

6 572.030. 1. A person commits the [crime] offense of
7 promoting gambling in the first degree if he or she knowingly
8 advances or profits from unlawful gambling or lottery activity
9 by:

10 (1) Setting up and operating a gambling device to the
11 extent that more than one hundred dollars of money is gambled
12 upon or by means of the device in any one day, or setting up and
13 operating any slot machine; or

14 (2) Engaging in bookmaking to the extent that he or she
15 receives or accepts in any one day more than one bet and a total
16 of more than one hundred dollars in bets; or

17 (3) Receiving in connection with a lottery or policy or
18 enterprise:

19 (a) Money or written records from a person other than a
20 player whose chances or plays are represented by such money or
21 records; or

22 (b) More than one hundred dollars in any one day of money
23 played in the scheme or enterprise; or

24 (c) Something of value played in the scheme or enterprise
25 with a fair market value exceeding one hundred dollars in any one
26 day.

27 2. The offense of promoting gambling in the first degree is
28 a class [D] E felony.

1 572.040. 1. A person commits the [crime] offense of
2 promoting gambling in the second degree if he or she knowingly
3 advances or profits from unlawful gambling or lottery activity.

4 2. The offense of promoting gambling in the second degree
5 is a class A misdemeanor.

6 572.050. 1. A person commits the [crime] offense of
7 possession of gambling records in the first degree if, with
8 knowledge of the contents thereof, he or she possesses any
9 gambling record of a kind used:

10 (1) In the operation or promotion of a bookmaking scheme or
11 enterprise, and constituting, reflecting or representing more
12 than five bets totaling more than five hundred dollars; or

13 (2) In the operation, promotion or playing of a lottery or
14 policy scheme or enterprise, and constituting, reflecting or
15 representing more than five hundred plays or chances therein.

16 2. [A person does not commit a crime] No offense is
17 committed under subdivision (1) of subsection 1 of this section
18 if the gambling record possessed by the [defendant] person
19 constituted, reflected or represented his or her own bets [of the
20 defendant himself] in a number not exceeding ten.

21 3. The defendant shall have the burden of injecting the
22 issue under subsection 2.

23 4. The offense of possession of gambling records in the
24 first degree is a class [D] E felony.

25 572.060. 1. A person commits the [crime] offense of
26 possession of gambling records in the second degree if, with
27 knowledge of the contents thereof, he or she possesses any
28 gambling record of a kind used:

1 (1) In the operation or promotion of a bookmaking scheme or
2 enterprise; or

3 (2) In the operation, promotion or playing of a lottery or
4 policy scheme or enterprise.

5 2. [A person does not commit a crime] No offense is
6 committed under subdivision (1) of subsection 1 of this section
7 if the gambling record possessed by the [defendant] person
8 constituted, reflected or represented bets [of the defendant
9 himself] in a number not exceeding ten.

10 3. The defendant shall have the burden of injecting the
11 issue under subsection 2.

12 4. The offense of possession of gambling records in the
13 second degree is a class A misdemeanor.

14 572.070. 1. A person commits the [crime] offense of
15 possession of a gambling device if, with knowledge of the
16 character thereof, he or she manufactures, sells, transports,
17 places or possesses, or conducts or negotiates any transaction
18 affecting or designed to affect ownership, custody or use of:

19 (1) A slot machine; or

20 (2) Any other gambling device, knowing or having reason to
21 believe that it is to be used in the state of Missouri in the
22 advancement of unlawful gambling activity.

23 2. The offense of possession of a gambling device is a
24 class A misdemeanor.

25 573.010. As used in this chapter the following terms shall
26 mean:

27 (1) "Adult cabaret", a nightclub, bar, juice bar,
28 restaurant, bottle club, or other commercial establishment,

1 regardless of whether alcoholic beverages are served, which
2 regularly features persons who appear semi-nude;

3 (2) "Characterized by", describing the essential character
4 or dominant theme of an item;

5 (3) "Child", any person under the age of fourteen;

6 [(2)] (4) "Child pornography":

7 (a) Any obscene material or performance depicting sexual
8 conduct, sexual contact as defined in section 566.010, or a
9 sexual performance[, as these terms are defined in section
10 556.061,] and which has as one of its participants or portrays as
11 an observer of such conduct, contact, or performance a minor
12 [under the age of eighteen]; or

13 (b) Any visual depiction, including any photograph, film,
14 video, picture, or computer or computer-generated image or
15 picture, whether made or produced by electronic, mechanical, or
16 other means, of sexually explicit conduct where:

17 a. The production of such visual depiction involves the use
18 of a minor engaging in sexually explicit conduct;

19 b. Such visual depiction is a digital image, computer
20 image, or computer-generated image that is, or is
21 indistinguishable from, that of a minor engaging in sexually
22 explicit conduct, in that the depiction is such that an ordinary
23 person viewing the depiction would conclude that the depiction is
24 of an actual minor engaged in sexually explicit conduct; or

25 c. Such visual depiction has been created, adapted, or
26 modified to show that an identifiable minor is engaging in
27 sexually explicit conduct. "Identifiable minor" means a person
28 who was a minor at the time the visual depiction was created,

1 adapted, or modified; or whose image as a minor was used in
2 creating, adapting, or modifying the visual depiction; and who is
3 recognizable as an actual person by the person's face, likeness,
4 or other distinguishing characteristic, such as a unique
5 birthmark or other recognizable feature. The term "identifiable
6 minor" shall not be construed to require proof of the actual
7 identity of the identifiable minor;

8 [(3) "Displays publicly", exposing, placing, posting,
9 exhibiting, or in any fashion displaying in any location, whether
10 public or private, an item in such a manner that it may be
11 readily seen and its content or character distinguished by normal
12 unaided vision viewing it from a street, highway or public
13 sidewalk, or from the property of others or from any portion of
14 the person's store, or the exhibitor's store or property when
15 items and material other than this material are offered for sale
16 or rent to the public;

17 (4)] (5) "Employ", "employee", or "employment", means any
18 person who performs any service on the premises of a sexually
19 oriented business, on a full-time, part-time, or contract basis,
20 whether or not the person is denominated an employee, independent
21 contractor, agent, or otherwise. Employee does not include a
22 person exclusively on the premises for repair or maintenance of
23 the premises or for the delivery of goods to the premises;

24 (6) "Explicit sexual material", any pictorial or
25 three-dimensional material depicting human masturbation, deviate
26 sexual intercourse, sexual intercourse, direct physical
27 stimulation or unclothed genitals, sadomasochistic abuse, or
28 emphasizing the depiction of postpubertal human genitals;

1 provided, however, that works of art or of anthropological
2 significance shall not be deemed to be within the foregoing
3 definition;

4 [(5)] (7) "Furnish", to issue, sell, give, provide, lend,
5 mail, deliver, transfer, circulate, disseminate, present, exhibit
6 or otherwise provide;

7 [(6) "Graphic", when used with respect to a depiction of
8 sexually explicit conduct, that a viewer can observe any part of
9 the genitals or pubic area of any depicted person or animal
10 during any part of the time that the sexually explicit conduct is
11 being depicted;

12 (7) "Identifiable minor":

13 (a) A person:

14 a. (i) Who was a minor at the time the visual depiction
15 was created, adapted, or modified; or

16 (ii) Whose image as a minor was used in creating, adapting,
17 or modifying the visual depiction; and

18 b. Who is recognizable as an actual person by the person's
19 face, likeness, or other distinguishing characteristic, such as a
20 unique birthmark or other recognizable feature; and

21 (b) The term shall not be construed to require proof of the
22 actual identity of the identifiable minor;

23 (8) "Indistinguishable", when used with respect to a
24 depiction, virtually indistinguishable, in that the depiction is
25 such that an ordinary person viewing the depiction would conclude
26 that the depiction is of an actual minor engaged in sexually
27 explicit conduct. Indistinguishable does not apply to depictions
28 that are drawings, cartoons, sculptures, or paintings depicting

1 minors or adults;

2 (9) (8) "Material", anything printed or written, or any
3 picture, drawing, photograph, motion picture film, videotape or
4 videotape production, or pictorial representation, or any
5 recording or transcription, or any mechanical, chemical, or
6 electrical reproduction, or stored computer data, or anything
7 which is or may be used as a means of communication. Material
8 includes undeveloped photographs, molds, printing plates, stored
9 computer data and other latent representational objects;

10 [(10)] (9) "Minor", any person [under the age of] less than
11 eighteen years of age;

12 [(11)] (10) "Nudity" or "state of nudity", the showing of
13 [postpubertal] the human genitals [or], pubic area, vulva, anus,
14 anal cleft, or the female breast with less than a fully opaque
15 covering of any part of the nipple or areola;

16 [(12)] (11) "Obscene", any comment, request, suggestion,
17 material, or performance [is obscene] if, taken as a whole:

18 (a) Applying contemporary community standards, its
19 predominant appeal is to prurient interest in sex; and

20 (b) The average person, applying contemporary community
21 standards, would find the material depicts or describes sexual
22 conduct in a patently offensive way; and

23 (c) A reasonable person would find the material lacks
24 serious literary, artistic, political or scientific value;

25 (12) "Operator", any person on the premises of a sexually
26 oriented business who causes the business to function or who puts
27 or keeps in operation the business or who is authorized to manage
28 the business or exercise overall operational control of the

1 business premises. A person may be found to be operating or
2 causing to be operated a sexually oriented business whether or
3 not such person is an owner, part owner, or licensee of the
4 business;

5 (13) "Performance", any play, motion picture film,
6 videotape, dance or exhibition performed before an audience of
7 one or more;

8 (14) "Pornographic for minors", any material or performance
9 [is pornographic for minors] if the following apply:

10 (a) The average person, applying contemporary community
11 standards, would find that the material or performance, taken as
12 a whole, has a tendency to cater or appeal to a prurient interest
13 of minors; and

14 (b) The material or performance depicts or describes
15 nudity, sexual conduct, [sexual excitement] the condition of
16 human genitals when in a state of sexual stimulation or arousal,
17 or sadomasochistic abuse in a way which is patently offensive to
18 the average person applying contemporary adult community
19 standards with respect to what is suitable for minors; and

20 (c) The material or performance, taken as a whole, lacks
21 serious literary, artistic, political, or scientific value for
22 minors;

23 (15) "Premises", the real property upon which a sexually
24 oriented business is located, and all appurtenances thereto and
25 buildings thereon, including but not limited to the sexually
26 oriented business, the grounds, private walkways, and parking
27 lots or parking garages or both;

28 (16) "Promote", to manufacture, issue, sell, provide, mail,

1 deliver, transfer, transmute, publish, distribute, circulate,
2 disseminate, present, exhibit, or advertise, or to offer or agree
3 to do the same, by any means including a computer;

4 (17) "Regularly", the consistent and repeated doing of the
5 act so described;

6 [(16)] (18) "Sadomasochistic abuse", flagellation or
7 torture by or upon a person as an act of sexual stimulation or
8 gratification;

9 (19) "Semi-nude" or "state of semi-nudity", the showing of
10 the female breast below a horizontal line across the top of the
11 areola and extending across the width of the breast at such
12 point, or the showing of the male or female buttocks. Such
13 definition includes the lower portion of the human female breast,
14 but shall not include any portion of the cleavage of the female
15 breasts exhibited by a bikini, dress, blouse, shirt, leotard, or
16 similar wearing apparel provided the areola is not exposed in
17 whole or in part;

18 [(17)] (20) "Sexual conduct", actual or simulated, normal
19 or perverted acts of human masturbation; deviate sexual
20 intercourse; sexual intercourse; or physical contact with a
21 person's clothed or unclothed genitals, pubic area, buttocks, or
22 the breast of a female in an act of apparent sexual stimulation
23 or gratification or any sadomasochistic abuse or acts including
24 animals or any latent objects in an act of apparent sexual
25 stimulation or gratification;

26 [(18)] (21) "Sexually explicit conduct", actual or
27 simulated:

28 (a) Sexual intercourse, including genital-genital,

1 oral-genital, anal-genital, or oral-anal, whether between persons
2 of the same or opposite sex;

3 (b) Bestiality;

4 (c) Masturbation;

5 (d) Sadistic or masochistic abuse; or

6 (e) Lascivious exhibition of the genitals or pubic area of
7 any person;

8 [(19) "Sexual excitement", the condition of human male or
9 female genitals when in a state of sexual stimulation or arousal;

10 (20)] (22) "Sexually oriented business" includes:

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

22 a. Has a substantial portion of its displayed merchandise
23 which consists of such items; or

24 b. Has a substantial portion of the wholesale value of its
25 displayed merchandise which consists of such items; or

26 c. Has a substantial portion of the retail value of its
27 displayed merchandise which consists of such items; or

28 d. Derives a substantial portion of its revenues from the

1 sale or rental, for any form of consideration, of such items; or

2 e. Maintains a substantial section of its interior business
3 space for the sale or rental of such items; or

4 f. Maintains an adult arcade. "Adult arcade" means any
5 place to which the public is permitted or invited wherein coin-
6 operated or slug-operated or electronically, electrically, or
7 mechanically controlled still or motion picture machines,
8 projectors, or other image-producing devices are regularly
9 maintained to show images to five or fewer persons per machine at
10 any one time, and where the images so displayed are characterized
11 by their emphasis upon matter exhibiting specified sexual
12 activities or specified anatomical areas;

13 (b) An adult cabaret;

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

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

28 a. By a college, junior college, or university supported

1 entirely or partly by taxation;

2 b. By a private college or university which maintains and
3 operates educational programs in which credits are transferable
4 to a college, junior college, or university supported entirely or
5 partly by taxation; or

6 c. In a structure:

7 (i) Which has no sign visible from the exterior of the
8 structure and no other advertising that indicates a semi-nude
9 person is available for viewing; and

10 (ii) Where, in order to participate in a class, a student
11 must enroll at least three days in advance of the class;

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

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

21 (24) "Specified anatomical areas" include:

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

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

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

1 (a) Intercourse, oral copulation, masturbation, or sodomy;
2 or

3 (b) Excretory functions as a part of or in connection with
4 any of the activities described in paragraph (a) of this
5 subdivision;

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

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

11 (21) "Wholesale promote", to manufacture, issue, sell,
12 provide, mail, deliver, transfer, transmute, publish, distribute,
13 circulate, disseminate, or to offer or agree to do the same for
14 purposes of resale or redistribution].

15 573.020. 1. A person commits the [crime] offense of
16 promoting obscenity in the first degree if he or she:

17 (1) [He or she] Wholesale promotes or possesses with the
18 purpose to wholesale promote any obscene material; or

19 (2) [He or she] Wholesale promotes for minors or possesses
20 with the purpose to wholesale promote for minors any material
21 pornographic for minors; or

22 (3) [He or she] Promotes, wholesale promotes or possesses
23 with the purpose to wholesale promote for minors material that is
24 pornographic for minors via computer, internet or computer
25 network if the person made the matter available to a specific
26 individual known by the defendant to be a minor.

27 2. The offense of promoting obscenity in the first degree
28 is a class [D] E felony.

1 3. As used in this section, "wholesale promote" means to
2 manufacture, issue, sell, provide, mail, deliver, transfer,
3 transmute, publish, distribute, circulate, disseminate, or to
4 offer or agree to do the same for purposes of resale or
5 redistribution.

6 573.023. 1. A person commits the [crime] offense of sexual
7 exploitation of a minor if such person knowingly or recklessly
8 photographs, films, videotapes, produces or otherwise creates
9 obscene material with a minor or child pornography.

10 2. The offense of sexual exploitation of a minor is a class
11 B felony unless the minor is a child, in which case it is a class
12 A felony.

13 573.025. 1. A person commits the [crime] offense of
14 promoting child pornography in the first degree if [such person]
15 he or she possesses with the intent to promote or promotes child
16 pornography of a child less than fourteen years [of age] old or
17 obscene material portraying what appears to be a child less than
18 fourteen years [of age] old.

19 2. The offense of promoting child pornography in the first
20 degree is a class B felony unless the person knowingly promotes
21 such material to a minor, in which case it is a class A felony.
22 No person who [pleads guilty to or is] has been found guilty of[,
23 or is convicted of,] promoting child pornography in the first
24 degree shall be eligible for probation, parole, or conditional
25 release for a period of three calendar years.

26 3. Nothing in this section shall be construed to require a
27 provider of electronic communication services or remote computing
28 services to monitor any user, subscriber or customer of the

1 provider, or the content of any communication of any user,
2 subscriber or customer of the provider.

3 573.030. 1. A person commits the [crime] offense of
4 promoting pornography for minors or obscenity in the second
5 degree if he or she:

6 (1) Promotes or possesses with the purpose to promote any
7 obscene material for pecuniary gain; or

8 (2) Produces, presents, directs or participates in any
9 obscene performance for pecuniary gain; or

10 (3) Promotes or possesses with the purpose to promote any
11 material pornographic for minors for pecuniary gain; or

12 (4) Produces, presents, directs or participates in any
13 performance pornographic for minors for pecuniary gain; or

14 (5) Promotes, possesses with the purpose to promote,
15 produces, presents, directs or participates in any performance
16 that is pornographic for minors via computer, electronic
17 transfer, internet or computer network if the person made the
18 matter available to a specific individual known by the defendant
19 to be a minor.

20 2. The offense of promoting pornography for minors or
21 obscenity in the second degree is a class A misdemeanor unless
22 the person has [pleaded guilty to or has] been found guilty of an
23 offense pursuant to this section committed at a different time,
24 in which case it is a class [D] E felony.

25 573.035. 1. A person commits the [crime] offense of
26 promoting child pornography in the second degree if such person
27 possesses with the intent to promote or promotes child
28 pornography of a minor [under the age of] less than eighteen

1 years of age or obscene material portraying what appears to be a
2 minor [under the age of] less than eighteen years of age.

3 2. The offense of promoting child pornography in the second
4 degree is a class [C] D felony unless the person knowingly
5 promotes such material to a minor, in which case it is a class B
6 felony. No person who is found guilty of[, pleads guilty to, or
7 is convicted of] promoting child pornography in the second degree
8 shall be eligible for probation.

9 573.037. 1. A person commits the [crime] offense of
10 possession of child pornography if such person knowingly or
11 recklessly possesses any child pornography of a minor under the
12 age of eighteen or obscene material portraying what appears to be
13 a minor [under the age of] less than eighteen years old.

14 2. The offense of possession of child pornography is a
15 class [C] D felony unless the person possesses more than twenty
16 still images of child pornography, possesses one motion picture,
17 film, videotape, videotape production, or other moving image of
18 child pornography, or has [pleaded guilty to or has] been found
19 guilty of an offense under this section, in which case it is a
20 class B felony.

21 573.040. 1. A person commits the [crime] offense of
22 furnishing pornographic material to minors if he or she:

23 (1) Furnishes any material pornographic for minors, knowing
24 that the person to whom it is furnished is a minor or acting in
25 reckless disregard of the likelihood that such person is a minor;
26 or

27 (2) Produces, presents, directs or participates in any
28 performance pornographic for minors that is furnished to a minor

1 knowing that any person viewing such performance is a minor or
2 acting in reckless disregard of the likelihood that a minor is
3 viewing the performance; or

4 (3) Furnishes, produces, presents, directs, participates in
5 any performance or otherwise makes available material that is
6 pornographic for minors via computer, electronic transfer,
7 internet or computer network if the person made the matter
8 available to a specific individual known by the [defendant]
9 person to be a minor.

10 2. It is not an affirmative defense to a prosecution for a
11 violation of this section that the person being furnished the
12 pornographic material is a peace officer masquerading as a minor.

13 3. The offense of furnishing pornographic material to
14 minors or attempting to furnish pornographic material to minors
15 is a class A misdemeanor unless the person has [pleaded guilty to
16 or has] been found guilty of an offense committed at a different
17 time pursuant to this chapter, chapter 566 or chapter 568, in
18 which case it is a class [D] E felony.

19 573.050. 1. In any prosecution under this chapter evidence
20 shall be admissible to show:

21 (1) What the predominant appeal of the material or
22 performance would be for ordinary adults or minors;

23 (2) The literary, artistic, political or scientific value
24 of the material or performance;

25 (3) The degree of public acceptance in this state and in
26 the local community;

27 (4) The appeal to prurient interest in advertising or other
28 promotion of the material or performance;

1 (5) The purpose of the author, creator, promoter, furnisher
2 or publisher of the material or performance.

3 2. Testimony of the author, creator, promoter, furnisher,
4 publisher, or expert testimony, relating to factors entering into
5 the determination of the issues of obscenity or child
6 pornography, shall be admissible.

7 3. In any prosecution [for possession of child pornography
8 or promoting child pornography in the first or second degree, the
9 determination that the person who participated in the child
10 pornography was younger than eighteen years of age may be made as
11 set forth in section 568.100, or reasonable inferences drawn by a
12 judge or jury after viewing the alleged pornographic material
13 shall constitute sufficient evidence of the child's age to
14 support a conviction] under this chapter, when it becomes
15 necessary to determine whether a person was less than seventeen
16 or eighteen years old, the court or jury may make this
17 determination by any of the following methods:

18 (1) Personal inspection of the child;

19 (2) Inspection of the photograph or motion picture that
20 shows the child engaging in the sexual performance;

21 (3) Oral testimony by a witness to the sexual performance
22 as to the age of the child based on the child's appearance at the
23 time;

24 (4) Expert medical testimony based on the appearance of the
25 child engaging in the sexual performance; or

26 (5) Any other method authorized by law or by the rules of
27 evidence.

28 4. In any prosecution for promoting child pornography in

1 the first or second degree, no showing is required that the
2 performance or material involved appeals to prurient interest,
3 that it lacks serious literary, artistic, political or scientific
4 value, or that it is patently offensive to prevailing standards
5 in the community as a whole.

6 573.052. Upon receipt of any information that child
7 pornography as defined in section 573.010 is contained on a
8 website, the attorney general shall investigate such information.
9 If the attorney general has probable cause to believe the website
10 contains child pornography, the attorney general shall notify a
11 website operator of any child pornography site residing on that
12 website operator's server, in writing. If the website operator
13 promptly, but in no event longer than five days after receiving
14 notice, removes the alleged pornography from its server, and so
15 long as the website operator is not the purveyor of such child
16 pornography, it shall be immune from civil liability. If the
17 website operator does not promptly remove the alleged
18 pornography, the attorney general may seek an injunction pursuant
19 to section 573.070 to remove the child pornography site from the
20 website operator's server. This section shall not be construed
21 to create any defense to any criminal charges brought pursuant to
22 this chapter [or chapter 568].

23 573.060. 1. A person commits the [crime] offense of public
24 display of explicit sexual material if he [knowingly] or she
25 recklessly:

26 (1) [Displays publicly] Exposes, places, exhibits, or in
27 any fashion, displays explicit sexual material in any location,
28 whether public or private, and in such a manner that it may be

1 readily seen and its content or character distinguished by normal
2 unaided vision as viewed from a street, highway, public sidewalk,
3 or the property of others, or from any portion of the person's
4 store, the exhibitor's store or property when items and material
5 other than this material are offered for sale or rent to the
6 public; or

7 (2) Fails to take prompt action to remove such a display
8 from property in his or her possession after learning of its
9 existence.

10 2. The offense of public display of explicit sexual
11 material is a class A misdemeanor unless the person has [pleaded
12 guilty to or has] been found guilty of an offense under this
13 section committed at a different time, in which case it is a
14 class [D] E felony.

15 3. For purposes of this section, each day there is a
16 violation of this section shall constitute a separate offense.

17 573.065. 1. A person commits the [crime] offense of
18 coercing acceptance of obscene material if he or she:

19 (1) [He] Requires acceptance of obscene material as a
20 condition to any sale, allocation, consignment or delivery of any
21 other material; or

22 (2) [He] Denies any franchise or imposes any penalty,
23 financial or otherwise, by reason of the failure or refusal of
24 any person to accept any material obscene or pornographic for
25 minors.

26 2. The offense of coercing acceptance of obscene material
27 is a class [D] E felony.

28 573.090. 1. Video cassettes or other video reproduction

1 devices, or the jackets, cases or coverings of such video
2 reproduction devices shall be displayed or maintained in a
3 separate area if the same are pornographic for minors as defined
4 in section 573.010, or if:

5 (1) Taken as a whole and applying contemporary community
6 standards, the average person would find that it has a tendency
7 to cater or appeal to morbid interest in violence for persons
8 [under the age of] less than seventeen years of age; and

9 (2) It depicts violence in a way which is patently
10 offensive to the average person applying contemporary adult
11 community standards with respect to what is suitable for persons
12 [under the age of] less than seventeen years of age; and

13 (3) Taken as a whole, it lacks serious literary, artistic,
14 political, or scientific value for persons [under the age of]
15 less than seventeen years of age.

16 2. Any video cassettes or other video reproduction devices
17 meeting the description in subsection 1 of this section shall not
18 be rented or sold to a person [under the age of] less than
19 seventeen years of age.

20 3. [Any] Violation of the provisions of subsection 1 or 2
21 of this section shall be punishable as an infraction, unless such
22 violation constitutes furnishing pornographic materials to minors
23 as defined in section 573.040, in which case it shall be
24 punishable as a class A misdemeanor or class [D] E felony as
25 prescribed in section 573.040, or unless such violation
26 constitutes promoting obscenity in the second degree as defined
27 in section 573.030, in which case it shall be punishable as a
28 class A misdemeanor or class [D] E felony as prescribed in

1 section 573.030.

2 573.100. 1. As used in this section, the [following terms
3 mean:

4 (1)] term "indecent" [,] means language or material that
5 depicts or describes, in terms patently offensive as measured by
6 contemporary community standards, sexual or excretory activities
7 or organs[;

8 (2) "Obscene", any comment, request, suggestion or proposal
9 is obscene if:

10 (a) Applying contemporary community standards, its
11 predominant appeal is to prurient interest in sex; and

12 (b) Taken as a whole with respect to the average person,
13 applying contemporary community standards, it depicts or
14 describes sexual conduct in a patently offensive way; and

15 (c) Taken as a whole, it lacks serious literary, artistic,
16 political or scientific value. Obscenity shall be judged with
17 reference to its impact upon ordinary adults].

18 2. [It shall be unlawful for any] A person commits the
19 offense of obscene or indecent commercial messaging if he or she,
20 by means of a telephone communication for commercial purposes,
21 [to make] makes directly or by means of an electronic recording
22 device, any comment, request, suggestion, or proposal which is
23 obscene or indecent; or knowingly permits any telephone or
24 telephone facility connected to a local exchange telephone under
25 such person's control to be used for obscene or indecent
26 commercial messaging. Any person who makes any such comment,
27 request, suggestion, or proposal shall be in violation of the
28 provisions of this section regardless of whether such person

1 placed or initiated the telephone call.

2 3. [It shall be unlawful for any person to permit knowingly
3 any telephone or telephone facility connected to a local exchange
4 telephone under such person's control to be used for any purpose
5 prohibited by subsection 2 of this section.

6 4. Any person who violates any provision of this section is
7 guilty of] The offense of obscene or indecent commercial
8 messaging is a class A misdemeanor unless such person has
9 [pleaded guilty to or has] been found guilty of the same offense
10 committed at a different time, in which case the violation is a
11 class [D] E felony. For purposes of this subsection, each
12 violation constitutes a separate offense.

13 [5.] 4. The prohibitions and penalties contained herein are
14 not applicable to a telecommunications company as defined in
15 section 386.020 over whose facilities prohibited communications
16 may be transmitted.

17 [568.080.] 573.200. 1. A person commits the [crime]
18 offense of use of a child in a sexual performance if, knowing the
19 character and content thereof, the person employs, authorizes, or
20 induces a child less than [seventeen] eighteen years of age to
21 engage in a [sexual] performance which includes sexual conduct
22 or, being a parent, legal guardian, or custodian of such child,
23 consents to the participation by such child in such sexual
24 performance.

25 2. The offense of use of a child in a sexual performance is
26 a class C felony, unless in the course thereof the person
27 inflicts serious emotional injury on the child, in which case the
28 [crime] offense is a class B felony.

1 3. The court shall not grant a suspended imposition of
2 sentence or a suspended execution of sentence to a person who has
3 previously been found guilty of an offense under this section.

4 [568.090.] 573.205. 1. A person commits the [crime]
5 offense of promoting a sexual performance by a child if, knowing
6 the character and content thereof, the person promotes a [sexual]
7 performance which includes sexual conduct by a child less than
8 [seventeen] eighteen years of age or produces, or directs[, or
9 promotes] any performance which includes sexual conduct by a
10 child less than [seventeen] eighteen years of age.

11 2. The offense of promoting a sexual performance by a child
12 is a class C felony.

13 3. The court shall not grant a suspended imposition of
14 sentence or a suspended execution of sentence to a person who has
15 previously been found guilty of an offense under this section.

16 [568.110.] 573.215. 1. [Any] A person commits the offense
17 of failure to report child pornography if he or she being a film
18 and photographic print processor, computer provider, installer or
19 repair person, or any internet service provider who has knowledge
20 of or observes, within the scope of the person's professional
21 capacity or employment, any film, photograph, videotape,
22 negative, slide, or computer-generated image or picture depicting
23 a child under [the age of] eighteen years of age engaged in an
24 act of sexual conduct [shall] fails to report such instance to
25 [the] any law enforcement agency [having jurisdiction over the
26 case] immediately or as soon as practically possible.

27 2. The offense of failure to [make such report shall be]
28 report child pornography is a class B misdemeanor.

1 3. Nothing in this section shall be construed to require a
2 provider of electronic communication services or remote computing
3 services to monitor any user, subscriber or customer of the
4 provider, or the content of any communication of any user,
5 subscriber or customer of the provider.

6 573.509. 1. No person less than nineteen years [of age]
7 old shall dance in an adult cabaret [as defined in section
8 573.500], nor shall any proprietor of such establishment permit
9 any person less than nineteen years [of age] old to dance in an
10 adult cabaret.

11 2. [Any person who violates the provisions of subsection 1]
12 Violation of this section is [guilty of] a class A misdemeanor.

13 573.531. 1. No person shall establish a sexually oriented
14 business within one thousand feet of any preexisting primary or
15 secondary school, house of worship, state-licensed day care
16 facility, public library, public park, residence, or other
17 sexually oriented business. This subsection shall not apply to
18 any sexually oriented business lawfully established prior to
19 August 28, 2010. For purposes of this subsection, measurements
20 shall be made in a straight line, without regard to intervening
21 structures or objects, from the closest portion of the parcel
22 containing the sexually oriented business to the closest portion
23 of the parcel containing the preexisting primary or secondary
24 school, house of worship, state-licensed day care facility,
25 public library, public park, residence, or other sexually
26 oriented business.

27 2. No person shall establish a sexually oriented business
28 if a person with an influential interest in the sexually oriented

1 business has been [convicted of or pled guilty or nolo contendere
2 to a specified criminal act] found guilty of any of the following
3 specified offenses for which less than eight years has elapsed
4 since the date of conviction or the date of release from
5 confinement for the conviction, whichever is later:

6 (1) Rape and sexual assault offenses;

7 (2) Sexual offenses involving minors;

8 (3) Offenses involving prostitution;

9 (4) Obscenity offenses;

10 (5) Offenses involving money laundering;

11 (6) Offenses involving tax evasion;

12 (7) Any attempt, solicitation, or conspiracy to commit one
13 of the offenses listed in subdivisions (1) to (6) of this
14 subsection; or

15 (8) Any offense committed in another jurisdiction which if
16 committed in this state would have constituted an offense listed
17 in subdivisions (1) to (7) of this subsection.

18 3. No person shall knowingly or intentionally, in a
19 sexually oriented business, appear in a state of nudity.

20 4. No employee shall knowingly or intentionally, in a
21 sexually oriented business, appear in a semi-nude condition
22 unless the employee, while semi-nude, shall be and remain on a
23 fixed stage at least six feet from all patrons and at least
24 eighteen inches from the floor in a room of at least six hundred
25 square feet.

26 5. No employee, who appears in a semi-nude condition in a
27 sexually oriented business, shall knowingly or intentionally
28 touch a patron or the clothing of a patron in a sexually oriented

1 business.

2 6. A sexually oriented business, which exhibits on the
3 premises, through any mechanical or electronic image-producing
4 device, a film, video cassette, digital video disc, or other
5 video reproduction, characterized by an emphasis on the display
6 of specified sexual activities or specified anatomical areas
7 shall comply with the following requirements:

8 (1) The interior of the premises shall be configured in
9 such a manner that there is an unobstructed view from an
10 operator's station of every area of the premises, including the
11 interior of each viewing room but excluding restrooms, to which
12 any patron is permitted access for any purpose;

13 (2) An operator's station shall not exceed thirty-two
14 square feet of floor area;

15 (3) If the premises has two or more operator's stations
16 designated, the interior of the premises shall be configured in
17 such a manner that there is an unobstructed view of each area of
18 the premises to which any patron is permitted access for any
19 purpose from at least one of the operator's stations;

20 (4) The view required under this subsection shall be by
21 direct line of sight from the operator's station;

22 (5) It is the duty of the operator to ensure that at least
23 one employee is on duty and situated in an operator's station at
24 all times that any patron is on the portion of the premises
25 monitored by such operator station; and

26 (6) It shall be the duty of the operator and of any
27 employees present on the premises to ensure that the view area
28 specified in this subsection remains unobstructed by any doors,

1 curtains, walls, merchandise, display racks, or other materials
2 or enclosures at all times that any patron is present on the
3 premises.

4 7. Sexually oriented businesses that do not have stages or
5 interior configurations which meet at least the minimum
6 requirements of sections 573.525 to 573.537 shall be given one
7 hundred eighty days after August 28, 2010, to comply with the
8 stage and building requirements of sections 573.525 to 573.537.
9 During such one hundred eighty-day period, any employee who
10 appears within view of any patron in a semi-nude condition shall
11 remain, while semi-nude, at least six feet from all patrons.

12 8. No operator shall allow or permit a sexually oriented
13 business to be or remain open between the hours of 12:00 midnight
14 and 6:00 a.m. on any day.

15 9. No person shall knowingly or intentionally sell, use, or
16 consume alcoholic beverages on the premises of a sexually
17 oriented business.

18 10. No person shall knowingly allow a person under the age
19 of eighteen years on the premises of a sexually oriented
20 business.

21 11. As used in this section the following terms mean:

22 (1) "Establish" or "establishment", includes any of the
23 following:

24 (a) The opening or commencement of any sexually oriented
25 business as a new business;

26 (b) The conversion of an existing business, whether or not
27 a sexually oriented business, to any sexually oriented business;

28 or

1 (c) The addition of any sexually oriented business to any
2 other existing sexually oriented business;

3 (2) "Influential interest", includes any of the following:

4 (a) The actual power to operate a sexually oriented
5 business or control the operation, management, or policies of a
6 sexually oriented business or legal entity which operates a
7 sexually oriented business;

8 (b) Ownership of a financial interest of thirty percent or
9 more of a business or of any class of voting securities of a
10 business; or

11 (c) Holding an office, such as president, vice president,
12 secretary, treasurer, managing member, or managing director, in a
13 legal entity which operates a sexually oriented business;

14 (3) "Viewing room", the room, booth, or area where a patron
15 of a sexually oriented business would ordinarily be positioned
16 while watching a film, video cassette, digital video disc, or
17 other video reproduction.

18 574.005. 1. As used in this chapter the following terms
19 mean:

20 (1) "Property of another", any property in which the person
21 does not have a possessory interest;

22 (2) "Private property", any place which at the time of the
23 offense is not open to the public. It includes property which is
24 owned publicly or privately;

25 (3) "Public place", any place which at the time of the
26 offense is open to the public. It includes property which is
27 owned publicly or privately.

28 574.010. 1. A person commits the [crime] offense of peace

1 disturbance if he or she:

2 (1) [He] Unreasonably and knowingly disturbs or alarms
3 another person or persons by:

4 (a) Loud noise; or

5 (b) Offensive language addressed in a face-to-face manner
6 to a specific individual and uttered under circumstances which
7 are likely to produce an immediate violent response from a
8 reasonable recipient; or

9 (c) Threatening to commit a felonious act against any
10 person under circumstances which are likely to cause a reasonable
11 person to fear that such threat may be carried out; or

12 (d) Fighting; or

13 (e) Creating a noxious and offensive odor;

14 (2) [He] Is in a public place or on private property of
15 another without consent and purposely causes inconvenience to
16 another person or persons by unreasonably and physically
17 obstructing:

18 (a) Vehicular or pedestrian traffic; or

19 (b) The free ingress or egress to or from a public or
20 private place.

21 2. The offense of peace disturbance is a class B
22 misdemeanor upon the first conviction. Upon a second or
23 subsequent conviction, peace disturbance is a class A
24 misdemeanor. Upon a third or subsequent conviction, a person
25 shall be sentenced to pay a fine of no less than one thousand
26 dollars and no more than five thousand dollars.

27 574.020. 1. A person commits the [crime] offense of
28 private peace disturbance if he or she is on private property and

1 unreasonably and purposely causes alarm to another person or
2 persons on the same premises by:

3 (1) Threatening to commit [a crime] an offense against any
4 person; or

5 (2) Fighting.

6 2. The offense of private peace disturbance is a class C
7 misdemeanor.

8 3. For purposes of this section, if a building or structure
9 is divided into separately occupied units, such units are
10 separate premises.

11 574.040. 1. A person commits the [crime] offense of
12 unlawful assembly if he or she knowingly assembles with six or
13 more other persons and agrees with such persons to violate any of
14 the criminal laws of this state or of the United States with
15 force or violence.

16 2. The offense of unlawful assembly is a class B
17 misdemeanor.

18 574.050. 1. A person commits the [crime] offense of
19 rioting if he or she knowingly assembles with six or more other
20 persons and agrees with such persons to violate any of the
21 criminal laws of this state or of the United States with force or
22 violence, and thereafter, while still so assembled, does violate
23 any of said laws with force or violence.

24 2. The offense of rioting is a class A misdemeanor.

25 574.060. 1. A person commits the [crime] offense of
26 refusal to disperse if, being present at the scene of an unlawful
27 assembly, or at the scene of a riot, he or she knowingly fails or
28 refuses to obey the lawful command of a law enforcement officer

1 to depart from the scene of such unlawful assembly or riot.

2 2. The offense of refusal to disperse is a class C
3 misdemeanor.

4 574.070. 1. As used in this section, the following terms
5 mean:

6 (1) "Civil disorder", any public disturbance involving acts
7 of violence by assemblages of three or more persons, which causes
8 an immediate danger of or results in damage or injury to the
9 property or person of any other individual;

10 (2) "Explosive or incendiary device", includes:

11 (a) Dynamite and all other forms of high explosives;

12 (b) Any explosive bomb, grenade, missile, or similar
13 device; and

14 (c) Any incendiary bomb or grenade, fire bomb, or similar
15 device, including any device which consists of or includes a
16 breakable container containing a flammable liquid or compound and
17 a wick composed of any material which, when ignited, is capable
18 of igniting such flammable liquid or compound, and can be carried
19 or thrown by one individual acting alone;

20 (3) "Firearm", any weapon which is designed to or may
21 readily be converted to expel any projectile by the action of an
22 explosive, or the frame or receiver of any such weapon;

23 (4) "Law enforcement officer", any officer or employee of
24 the United States, any state, any political subdivision of a
25 state, or the District of Columbia. The term "law enforcement
26 officer" shall specifically include, but shall not be limited to,
27 members of the National Guard, as defined in section 101(9) of
28 title 10, United States Code, and members of the organized

1 militia of any state or territory of the United States, the
2 Commonwealth of Puerto Rico, or the District of Columbia, not
3 included within the definition of National Guard as defined by
4 section 101(9) of title 10, United States Code, and members of
5 the armed forces of the United States.

6 2. [Whoever] A person commits the offense of promoting
7 civil disorder if he or she teaches or demonstrates to any other
8 person the use, application, or construction of any firearm,
9 explosive, or incendiary device capable of causing injury or
10 death to any person, knowing or intending that such firearm,
11 explosive, or incendiary device be used in furtherance of a civil
12 disorder[, is guilty of the crime of promoting civil disorder in
13 the first degree].

14 3. The offense of promoting civil disorder is a class D
15 felony.

16 4. Nothing contained in this section shall be construed to
17 prohibit the training or teaching of the use of weapons for law
18 enforcement purposes, hunting, recreation, competition, or other
19 lawful uses and activities.

20 [4. Promoting civil disorder in the first degree is a class
21 C felony.]

22 [569.070.] 574.080. 1. A person commits the [crime]
23 offense of causing catastrophe if he or she knowingly causes a
24 catastrophe by explosion, fire, flood, collapse of a building,
25 release of poison, radioactive material, bacteria, virus or other
26 dangerous and difficult to confine force or substance.

27 2. As used in this section the following terms mean:

28 (1) "Catastrophe" [means], death or serious physical injury

1 to ten or more people or substantial damage to five or more
2 buildings or inhabitable structures or substantial damage to a
3 vital public facility which seriously impairs its usefulness or
4 operation;

5 (2) "Vital public facility", includes a facility maintained
6 for use as a bridge, whether over land or water, dam, reservoir,
7 tunnel, communication installation or power station.

8 3. The offense of causing catastrophe is a class A felony.

9 574.085. 1. A person commits the [crime] offense of
10 institutional vandalism [by knowingly vandalizing, defacing or
11 otherwise damaging] if he or she knowingly vandalizes, defaces,
12 or otherwise damages:

13 (1) Any church, synagogue or other building, structure or
14 place used for religious worship or other religious purpose;

15 (2) Any cemetery, mortuary, military monument or other
16 facility used for the purpose of burial or memorializing the
17 dead;

18 (3) Any school, educational facility, community center,
19 hospital or medical clinic owned and operated by a religious or
20 sectarian group;

21 (4) The grounds adjacent to, and owned or rented by, any
22 institution, facility, building, structure or place described in
23 subdivision (1), (2), or (3) of this subsection;

24 (5) Any personal property contained in any institution,
25 facility, building, structure or place described in subdivision
26 (1), (2), or (3) of this subsection; or

27 (6) Any motor vehicle which is owned, operated, leased or
28 under contract by a school district or a private school for the

1 transportation of school children.

2 2. The offense of institutional vandalism [is punishable as
3 follows:

4 (1) institutional vandalism] is a class A misdemeanor,
5 [except as provided in subdivisions (2) and (3) of this
6 subsection;

7 (2) Institutional vandalism is a class D felony if the
8 offender commits any act described in subsection 1 of this
9 section which causes damage to, or loss of, the property of
10 another in an amount in excess of one thousand dollars;

11 (3) Institutional vandalism is a class C felony if the
12 offender commits any act described in subsection 1 of this
13 section which causes damage to, or loss of, the property of
14 another in an amount in excess of five thousand dollars] unless
15 the value of the property damage is seven hundred fifty dollars
16 or more, in which case the offense is a class E felony; or the
17 value of the property damage is more than five thousand dollars,
18 in which case the offense is a class D felony.

19 3. In determining the amount of damage to property [or loss
20 of property], for purposes of this section, damage includes the
21 cost of repair or, where necessary, replacement of the property
22 that was damaged [or lost].

23 574.105. 1. As used in this section, the following terms
24 mean:

25 (1) "Conducts", initiating, concluding or participating in
26 initiating or concluding a transaction;

27 (2) "Criminal activity", any act or activity constituting
28 an offense punishable as a felony pursuant to the laws of

1 Missouri or the United States;

2 (3) "Currency", currency and coin of the United States;

3 (4) "Currency transaction", a transaction involving the
4 physical transfer of currency from one person to another. A
5 transaction which is a transfer of funds by means of bank check,
6 bank draft, wire transfer or other written order, and which does
7 not include the physical transfer of currency is not a currency
8 transaction;

9 (5) "Person", natural persons, partnerships, trusts,
10 estates, associations, corporations and all entities cognizable
11 as legal personalities.

12 2. A person commits the [crime] offense of money laundering
13 if he or she:

14 (1) Conducts or attempts to conduct a currency transaction
15 with the purpose to promote or aid the carrying on of criminal
16 activity; or

17 (2) Conducts or attempts to conduct a currency transaction
18 with the purpose to conceal or disguise in whole or in part the
19 nature, location, source, ownership or control of the proceeds of
20 criminal activity; or

21 (3) Conducts or attempts to conduct a currency transaction
22 with the purpose to avoid currency transaction reporting
23 requirements under federal law; or

24 (4) Conducts or attempts to conduct a currency transaction
25 with the purpose to promote or aid the carrying on of criminal
26 activity for the purpose of furthering or making a terrorist
27 threat or act.

28 3. The [crime] offense of money laundering is a class B

1 felony and in addition to penalties otherwise provided by law, a
2 fine of not more than five hundred thousand dollars or twice the
3 amount involved in the transaction, whichever is greater, may be
4 assessed.

5 574.115. 1. A person commits the [crime] offense of making
6 a terrorist threat in the first degree if such person
7 [communicates a threat to cause an incident or condition
8 involving danger to life, communicates a knowingly false report
9 of an incident or condition involving danger to life, or
10 knowingly causes a false belief or fear that an incident has
11 occurred or that a condition exists involving danger to life:

12 (1) With the purpose of frightening ten or more people;

13 (2) With the purpose of causing the evacuation, quarantine
14 or closure of any portion of a building, inhabitable structure,
15 place of assembly or facility of transportation; or

16 (3) With reckless disregard of the risk of causing the
17 evacuation, quarantine or closure of any portion of a building,
18 inhabitable structure, place of assembly or facility of
19 transportation; or

20 (4) With criminal negligence with regard to the risk of
21 causing the evacuation, quarantine or closure of any portion of a
22 building, inhabitable structure, place of assembly or facility of
23 transportation.

24 2. Making a terrorist threat is a class C felony unless
25 committed under subdivision (3) of subsection 1 of this section
26 in which case it is a class D felony or unless committed under
27 subdivision (4) of subsection 1 of this section in which case it
28 is a class A misdemeanor.

1 3. For the purpose of this section, "threat" includes an
2 express or implied threat.

3 4. A person who acts in good faith with the purpose to
4 prevent harm does not commit a crime pursuant to this section.]
5 with the purpose of frightening ten or more people or causing the
6 evacuation, quarantine or closure of any portion of a building,
7 inhabitable structure, place of assembly or facility of
8 transportation and knowingly:

9 (1) Communicates an express or implied threat to cause an
10 incident or condition involving danger to life; or

11 (2) Communicates a false report of an incident or condition
12 involving danger to life; or

13 (3) Causes a false belief or fear that an incident has
14 occurred or that a condition exists involving danger to life.

15 2. The offense of making a terrorist threat in the first
16 degree is a class D felony.

17 3. No offense is committed under this section by a person
18 acting in good faith with the purpose to prevent harm.

19 574.120. 1. A person commits the offense of making a
20 terrorist threat in the second degree if he or she, recklessly
21 disregards the risk of causing the evacuation, quarantine or
22 closure of any portion of a building, inhabitable structure,
23 place of assembly or facility of transportation and knowingly:

24 (1) Communicates an express or implied threat to cause an
25 incident or condition involving danger to life; or

26 (2) Communicates a false report of an incident or condition
27 involving danger to life; or

28 (3) Causes a false belief or fear that an incident has

1 occurred or that a condition exists involving danger to life.

2 2. The offense of making a terrorist threat in the second
3 degree is a class E felony.

4 3. No offense is committed under this section by a person
5 acting in good faith with the purpose to prevent harm.

6 574.125. 1. A person commits the offense of making a
7 terrorist threat in the third degree if he or she, with criminal
8 negligence with regard to the risk of causing the evacuation,
9 quarantine or closure of any portion of a building, inhabitable
10 structure, place of assembly or facility of transportation and
11 knowingly:

12 (1) Communicates an express or implied threat to cause an
13 incident or condition involving danger to life; or

14 (2) Communicates a knowingly false report of an incident or
15 condition involving danger to life; or

16 (3) Causes a false belief or fear that an incident has
17 occurred or that a condition exists involving danger to life.

18 2. The offense of making a terrorist threat in the third
19 degree is a class A misdemeanor.

20 3. No offense is committed under this section by a person
21 acting in good faith with the purpose to prevent harm.

22 [578.008.] 574.130. 1. A person commits the [crime]
23 offense of agroterrorism if such person purposely spreads any
24 type of contagious, communicable or infectious disease among
25 crops, poultry, livestock as defined in section 267.565, or other
26 animals.

27 2. Agroterrorism is a class [D] E felony unless the damage
28 to crops, poultry, livestock or animals is ten million dollars or

1 more in which case it is a class B felony.

2 3. It shall be a defense to the crime of agroterrorism if
3 such spreading is consistent with medically recognized
4 therapeutic procedures or done in the course of legitimate,
5 professional scientific research.

6 [565.095.] 574.140. 1. [It shall be unlawful for any
7 person or persons with the intent to intimidate any person or
8 group of persons to burn, or cause to be burned, a cross. Any
9 person who shall violate any provision of this section shall be
10 guilty of a class A misdemeanor for a first offense and a class D
11 felony for a second or subsequent offense] A person commits the
12 offense of cross burning if he or she burns, or causes to be
13 burned, a cross with the purpose to frighten, intimidate, or
14 cause emotional distress to any person or group of persons.

15 2. [For purposes of this section, a person acts with the
16 intent to intimidate when he or she intentionally places or
17 attempts to place another person in fear of physical injury or
18 fear of damage to property] The offense of cross burning is a
19 class A misdemeanor, unless the person has previously been found
20 guilty of an offense under this section, in which case it is a
21 class E felony.

22 [578.501.] 574.150. 1. This section shall be known as
23 "Spc. Edward Lee Myers' Law".

24 2. [It shall be unlawful for any] A person [to engage]
25 commits the offense of unlawful funeral protest if he or she
26 engages in picketing or other protest activities in front of or
27 about any location at which a funeral is held, within one hour
28 prior to the commencement of any funeral, and until one hour

1 following the cessation of any funeral. Each day on which a
2 violation occurs shall constitute a separate offense. [Violation
3 of this section is a class B misdemeanor, unless committed by a
4 person who has previously pled guilty to or been found guilty of
5 a violation of this section, in which case the violation is a
6 class A misdemeanor.]

7 3. For the purposes of this section, "funeral" means the
8 ceremonies, processions and memorial services held in connection
9 with the burial or cremation of the dead.

10 4. The offense of unlawful funeral protest is a class B
11 misdemeanor, unless committed by a person who has previously been
12 found guilty of a violation of this section, in which case it is
13 a class A misdemeanor.

14 [578.502.] 574.151. 1. This section shall be known as
15 "Spc. Edward Lee Myers' Law".

16 2. [It shall be unlawful for any] A person [to engage]
17 commits the offense of unlawful funeral protest if he or she
18 engages in picketing or other protest activities within three
19 hundred feet of or about any location at which a funeral is held,
20 within one hour prior to the commencement of any funeral, and
21 until one hour following the cessation of any funeral. Each day
22 on which a violation occurs shall constitute a separate offense.
23 [Violation of this section is a class B misdemeanor, unless
24 committed by a person who has previously pled guilty to or been
25 found guilty of a violation of this section, in which case the
26 violation is a class A misdemeanor.]

27 3. For purposes of this section, "funeral" means the
28 ceremonies, processions, and memorial services held in connection

1 with the burial or cremation of the dead.

2 4. The offense of unlawful funeral protest is a class B
3 misdemeanor, unless committed by a person who has previously been
4 found guilty of a violation of this section, in which case it is
5 a class A misdemeanor.

6 [578.503.] 574.152. The enactment of section [578.502]
7 574.151 shall become effective only on the date the provisions of
8 section [578.501] 574.150 are finally declared void or
9 unconstitutional by a court of competent jurisdiction and upon
10 notification by the attorney general to the revisor of statutes.

11 575.020. 1. A person commits the [crime] offense of
12 concealing an offense if he or she:

13 (1) [He] Confers or agrees to confer any pecuniary benefit
14 or other consideration to any person in consideration of that
15 person's concealing of any offense, refraining from initiating or
16 aiding in the prosecution of an offense, or withholding any
17 evidence thereof; or

18 (2) [He] Accepts or agrees to accept any pecuniary benefit
19 or other consideration in consideration of his or her concealing
20 any offense, refraining from initiating or aiding in the
21 prosecution of an offense, or withholding any evidence thereof.

22 2. The offense of concealing an offense is a class [D
23 felony if the offense concealed is a felony; otherwise concealing
24 an offense is a class] A misdemeanor, unless the offense
25 concealed is a felony, in which case concealing an offense is a
26 class E felony.

27 575.021. 1. A person commits the [crime] offense of
28 obstruction of an ethics investigation if [such person] he or

1 she, for the purpose of obstructing or preventing an ethics
2 investigation, knowingly [commits any of the following acts]:

3 (1) Confers or agrees to confer anything of pecuniary
4 benefit to any person in direct exchange for that person's
5 concealing or withholding any information concerning any
6 violation of sections 105.450 to 105.496 and chapter 130; or

7 (2) **[Accepting or agreeing]** Accepts or agrees to accept
8 anything of pecuniary benefit in direct exchange for concealing
9 or withholding any information concerning any violation of
10 sections 105.450 to 105.496 or chapter 130; or

11 (3) Utters or submits a false statement that the person
12 does not believe to be true to any member or employee of the
13 Missouri ethics commission or to any official investigating any
14 violation of sections 105.450 to 105.496 or chapter 130; or

15 (4) Submits any writing or other documentation that is
16 inaccurate and that the person does not believe to be true to any
17 member or employee of the Missouri ethics commission or to any
18 official investigating any violation of sections 105.450 to
19 105.496 or chapter 130.

20 2. It is a defense to a prosecution under subdivisions (3)
21 and (4) of subsection 1 of this section that the person retracted
22 the false statement, writing, or other documentation, but this
23 defense shall not apply if the retraction was made after:

24 (1) The falsity of the statement, writing, or other
25 documentation was exposed; or

26 (2) Any member or employee of the Missouri ethics
27 commission or any official investigating any violation of
28 sections 105.450 to 105.496 or chapter 130 took substantial

1 action in reliance on the statement, writing, or other
2 documentation.

3 3. The defendant shall have the burden of injecting the
4 issue of retraction under this section.

5 4. The offense of obstruction of an ethics investigation
6 [under this section] is a class A misdemeanor.

7 575.030. 1. A person commits the [crime] offense of
8 hindering prosecution if, for the purpose of preventing the
9 apprehension, prosecution, conviction or punishment of another
10 person for conduct constituting [a crime] an offense, he or she:

11 (1) Harbors or conceals such person; or

12 (2) Warns such person of impending discovery or
13 apprehension, except this does not apply to a warning given in
14 connection with an effort to bring another into compliance with
15 the law; or

16 (3) Provides such person with money, transportation,
17 weapon, disguise or other means to aid him in avoiding discovery
18 or apprehension; or

19 (4) Prevents or obstructs, by means of force, deception or
20 intimidation, anyone from performing an act that might aid in the
21 discovery or apprehension of such person.

22 2. The offense of hindering prosecution is a class [D
23 felony if the conduct of the other person constitutes a felony;
24 otherwise hindering prosecution is a class] A misdemeanor, unless
25 the conduct of the other person constitutes a felony, in which
26 case hindering prosecution is a class E felony.

27 575.040. 1. A person commits the [crime] offense of
28 perjury if, with the purpose to deceive, he or she knowingly

1 testifies falsely to any material fact upon oath or affirmation
2 legally administered, in any official proceeding before any
3 court, public body, notary public or other officer authorized to
4 administer oaths.

5 2. A fact is material, regardless of its admissibility
6 under rules of evidence, if it could substantially affect, or did
7 substantially affect, the course or outcome of the cause, matter
8 or proceeding.

9 3. Knowledge of the materiality of the statement is not an
10 element of this crime, and it is no defense that:

11 (1) The [defendant] person mistakenly believed the fact to
12 be immaterial; or

13 (2) The [defendant] person was not competent, for reasons
14 other than mental disability or immaturity, to make the
15 statement.

16 4. It is a defense to a prosecution under subsection 1 of
17 this section that the [actor] person retracted the false
18 statement in the course of the official proceeding in which it
19 was made provided he or she did so before the falsity of the
20 statement was exposed. Statements made in separate hearings at
21 separate stages of the same proceeding, including but not limited
22 to statements made before a grand jury, at a preliminary hearing,
23 at a deposition or at previous trial, are made in the course of
24 the same proceeding.

25 5. The defendant shall have the burden of injecting the
26 issue of retraction under subsection 4 of this section.

27 6. The offense of perjury committed in any proceeding not
28 involving a felony charge is a class [D] E felony.

1 7. The offense of perjury committed in any proceeding
2 involving a felony charge is a class [C] D felony unless:

3 (1) It is committed during a criminal trial for the purpose
4 of securing the conviction of an accused for any felony except
5 murder, in which case it is a class [A] B felony; or

6 (2) It is committed during a criminal trial for the purpose
7 of securing the conviction of an accused for [any felony except]
8 murder, in which case it is a class [B] A felony.

9 575.050. 1. A person commits the [crime] offense of making
10 a false affidavit if, with purpose to mislead any person, he or
11 she, in any affidavit, swears falsely to a fact which is material
12 to the purpose for which said affidavit is made.

13 2. The provisions of subsections 2 and 3 of section 575.040
14 shall apply to prosecutions under subsection 1 of this section.

15 3. It is a defense to a prosecution under subsection 1 of
16 this section that the [actor] person retracted the false
17 statement by affidavit or testimony but this defense shall not
18 apply if the retraction was made after:

19 (1) The falsity of the statement was exposed; or

20 (2) Any person took substantial action in reliance on the
21 statement.

22 4. The defendant shall have the burden of injecting the
23 issue of retraction under subsection 3 of this section.

24 5. The offense of making a false affidavit is a class [A] C
25 misdemeanor [if], unless done for the purpose of misleading a
26 public servant in the performance of his or her duty[; otherwise
27 making a false affidavit], in which case it is a class [C] A
28 misdemeanor.

1 575.060. 1. A person commits the [crime] offense of making
2 a false declaration if, with the purpose to mislead a public
3 servant in the performance of his or her duty, [he] such person:

4 (1) Submits any written false statement, which he or she
5 does not believe to be true;

6 (a) In an application for any pecuniary benefit or other
7 consideration; or

8 (b) On a form bearing notice, authorized by law, that false
9 statements made therein are punishable; or

10 (2) Submits or invites reliance on

11 (a) Any writing which he or she knows to be forged, altered
12 or otherwise lacking in authenticity; or

13 (b) Any sample, specimen, map, boundary mark, or other
14 object which he or she knows to be false.

15 2. The falsity of the statement or the item under
16 subsection 1 of this section must be as to a fact which is
17 material to the purposes for which the statement is made or the
18 item submitted; and the provisions of subsections 2 and 3 of
19 section 575.040 shall apply to prosecutions under subsection 1 of
20 this section.

21 3. It is a defense to a prosecution under subsection 1 of
22 this section that the [actor] person retracted the false
23 statement or item but this defense shall not apply if the
24 retraction was made after:

25 (1) The falsity of the statement or item was exposed; or

26 (2) The public servant took substantial action in reliance
27 on the statement or item.

28 4. The defendant shall have the burden of injecting the

1 issue of retraction under subsection 3 of this section.

2 5. For the purpose of this section, "written" shall include
3 filings submitted in an electronic or other format or medium
4 approved or prescribed by the secretary of state.

5 6. The offense of making a false declaration is a class B
6 misdemeanor.

7 575.070. No person shall be convicted of a violation of
8 sections 575.040, 575.050 or 575.060 based upon the making of a
9 false statement except upon proof of the falsity of the statement
10 by:

11 (1) The direct evidence of two witnesses; or

12 (2) The direct evidence of one witness together with
13 strongly corroborating circumstances; or

14 (3) Demonstrative evidence which conclusively proves the
15 falsity of the statement; or

16 (4) A directly contradictory statement by the defendant
17 under oath together with:

18 (a) The direct evidence of one witness; or

19 (b) Strongly corroborating circumstances; or

20 (5) A judicial admission by the defendant that he or she
21 made the statement knowing it was false. An admission, which is
22 not a judicial admission, by the defendant that he or she made
23 the statement knowing it was false may constitute strongly
24 corroborating circumstances.

25 575.080. 1. A person commits the [crime] offense of making
26 a false report if he or she knowingly:

27 (1) Gives false information to any person for the purpose
28 of implicating another person in [a crime] an offense; or

1 (2) Makes a false report to a law enforcement officer that
2 [a crime] an offense has occurred or is about to occur; or

3 (3) Makes a false report or causes a false report to be
4 made to a law enforcement officer, security officer, fire
5 department or other organization, official or volunteer, which
6 deals with emergencies involving danger to life or property that
7 a fire or other incident calling for an emergency response has
8 occurred or is about to occur.

9 2. It is a defense to a prosecution under subsection 1 of
10 this section that the [actor] person retracted the false
11 statement or report before the law enforcement officer or any
12 other person took substantial action in reliance thereon.

13 3. The defendant shall have the burden of injecting the
14 issue of retraction under subsection 2 of this section.

15 4. The offense of making a false report is a class B
16 misdemeanor.

17 575.090. 1. A person commits the [crime] offense of making
18 a false bomb report if he or she knowingly makes a false report
19 or causes a false report to be made to any person that a bomb or
20 other explosive has been placed in any public or private place or
21 vehicle.

22 2. Making a false bomb report is a class [D] E felony.

23 [565.084.] 575.095. 1. A person commits the [crime]
24 offense of tampering with a judicial officer if, with the purpose
25 to harass, intimidate or influence a judicial officer in the
26 performance of such officer's official duties, such person:

27 (1) Threatens or causes harm to such judicial officer or
28 members of such judicial officer's family;

1 (2) Uses force, threats, or deception against or toward
2 such judicial officer or members of such judicial officer's
3 family;

4 (3) Offers, conveys or agrees to convey any benefit direct
5 or indirect upon such judicial officer or such judicial officer's
6 family;

7 (4) Engages in conduct reasonably calculated to harass or
8 alarm such judicial officer or such judicial officer's family,
9 including stalking pursuant to section 565.225 or 565.227.

10 2. A judicial officer for purposes of this section shall be
11 a judge, arbitrator, special master, juvenile officer, deputy
12 juvenile officer, state prosecuting or circuit attorney, state
13 assistant prosecuting or circuit attorney, juvenile court
14 commissioner, state probation or parole officer, or referee.

15 3. A judicial officer's family for purposes of this section
16 shall be:

17 (1) Such officer's spouse; or

18 (2) Such officer or such officer's spouse's ancestor or
19 descendant by blood or adoption; or

20 (3) Such officer's stepchild, while the marriage creating
21 that relationship exists.

22 4. The offense of tampering with a judicial officer is a
23 class [C] D felony.

24 575.100. 1. A person commits the [crime] offense of
25 tampering with physical evidence if he or she:

26 (1) Alters, destroys, suppresses or conceals any record,
27 document or thing with purpose to impair its verity, legibility
28 or availability in any official proceeding or investigation; or

1 (2) Makes, presents or uses any record, document or thing
2 knowing it to be false with the purpose to mislead a public
3 servant who is or may be engaged in any official proceeding or
4 investigation.

5 2. The offense of tampering with physical evidence is a
6 class [D felony if the actor impairs or obstructs the prosecution
7 or defense of a felony; otherwise, tampering with physical
8 evidence is a class] A misdemeanor, unless the person impairs or
9 obstructs the prosecution or defense of a felony, in which case
10 tampering with physical evidence is a class E felony.

11 575.110. 1. A person commits the [crime] offense of
12 tampering with a public record if with the purpose to impair the
13 verity, legibility or availability of a public record, he or she:

14 (1) [He] Knowingly makes a false entry in or falsely alters
15 any public record; or

16 (2) Knowing he or she lacks authority to do so, [he]
17 destroys, suppresses or conceals any public record.

18 2. The offense of tampering with a public record is a class
19 A misdemeanor.

20 575.120. 1. A person commits the [crime] offense of false
21 impersonation if such person:

22 (1) Falsely represents himself or herself to be a public
23 servant with the purpose to induce another to submit to his or
24 her pretended official authority or to rely upon his or her
25 pretended official acts, and

26 (a) Performs an act in that pretended capacity; or

27 (b) Causes another to act in reliance upon his or her
28 pretended official authority;

1 (2) Falsely represents himself or herself to be a person
2 licensed to practice or engage in any profession for which a
3 license is required by the laws of this state with purpose to
4 induce another to rely upon such representation, and

5 (a) Performs an act in that pretended capacity; or

6 (b) Causes another to act in reliance upon such
7 representation; or

8 (3) Upon being arrested, falsely represents himself or
9 herself, to a law enforcement officer, with the first and last
10 name, date of birth, or Social Security number, or a substantial
11 number of identifying factors or characteristics as that of
12 another person that results in the filing of a report or record
13 of arrest or conviction for an infraction[, misdemeanor, or
14 felony] or offense that contains the first and last name, date of
15 birth, and Social Security number, or a substantial number of
16 identifying factors or characteristics to that of such other
17 person as to cause such other person to be identified as the
18 actual person arrested or convicted.

19 2. If a violation of subdivision (3) of subsection 1 of
20 this section is discovered prior to any conviction of the person
21 actually arrested for an underlying charge, then the prosecuting
22 attorney, bringing any action on the underlying charge, shall
23 notify the court thereof, and the court shall order the
24 false-identifying factors ascribed to the person actually
25 arrested as are contained in the arrest and court records amended
26 to correctly and accurately identify the defendant and shall
27 expunge the incorrect and inaccurate identifying factors from the
28 arrest and court records.

1 3. If a violation of subdivision (3) of subsection 1 of
2 this section is discovered after any conviction of the person
3 actually arrested for an underlying charge, then the prosecuting
4 attorney of the county in which the conviction occurred shall
5 file a motion in the underlying case with the court to correct
6 the arrest and court records after discovery of the fraud upon
7 the court. The court shall order the false identifying factors
8 ascribed to the person actually arrested as are contained in the
9 arrest and court records amended to correctly and accurately
10 identify the defendant and shall expunge the incorrect and
11 inaccurate identifying factors from the arrest and court records.

12 4. Any person who is the victim of a false impersonation
13 and whose identity has been falsely reported in arrest or
14 conviction records may move for expungement and correction of
15 said records under the procedures set forth in section 610.123.
16 Upon a showing that a substantial number of identifying factors
17 of the victim was falsely ascribed to the person actually
18 arrested or convicted, the court shall order the false
19 identifying factors ascribed to the person actually arrested as
20 are contained in the arrest and court records amended to
21 correctly and accurately identify the defendant and shall expunge
22 the incorrect and inaccurate factors from the arrest and court
23 records.

24 5. The offense of false impersonation is a class B
25 misdemeanor unless the person represents himself or herself to be
26 a law enforcement officer in which case [false impersonation] it
27 is a class A misdemeanor.

28 575.130. 1. A person commits the [crime] offense of

1 simulating legal process if, with purpose to mislead the
2 recipient and cause him or her to take action in reliance
3 thereon, he or she delivers or causes to be delivered:

4 (1) A request for the payment of money on behalf of any
5 creditor that in form and substance simulates any legal process
6 issued by any court of this state; or

7 (2) Any purported summons, subpoena or other legal process
8 knowing that the process was not issued or authorized by any
9 court.

10 2. This section shall not apply to a subpoena properly
11 issued by a notary public.

12 3. [Simulating legal process is a class B misdemeanor.

13 4. No person shall file] A person commits the offense of
14 filing a nonconsensual common law lien if he or she files a
15 nonconsensual common law lien as defined in section 428.105.

16 [5. A violation of subsection 4 of this section is a class
17 B misdemeanor.

18 6.] 4. Subsection [4] 3 of this section shall not apply to
19 a filing officer as defined in section 428.105 that is acting in
20 the scope of his or her employment.

21 5. The offense of simulating legal process or filing a
22 nonconsensual common law lien is a class B misdemeanor.

23 575.145. 1. It shall be the duty of the operator or driver
24 of any vehicle or any other conveyance regardless of means of
25 propulsion, or the rider of any animal traveling on the highways
26 of this state to stop on signal of any [sheriff or deputy
27 sheriff] law enforcement officer and to obey any other reasonable
28 signal or direction of such [sheriff or deputy sheriff] law

1 enforcement officer given in directing the movement of traffic on
2 the highways[. Any person who] or enforcing any offense or
3 infraction.

4 2. The offense of willfully [fails or refuses] failing or
5 refusing to obey such signals or directions or [who] willfully
6 [resists or opposes a sheriff or deputy sheriff] resisting or
7 opposing a law enforcement officer in the proper discharge of his
8 or her duties [shall be guilty of] is a class A misdemeanor [and
9 on conviction thereof shall be punished as provided by law for
10 such offenses].

11 575.150. 1. A person commits the [crime] offense of
12 resisting or interfering with arrest, detention, or stop if[,
13 knowing] he or she knows or reasonably should know that a law
14 enforcement officer is making an arrest[,] or attempting to
15 lawfully detain or stop an individual or vehicle, [or the person
16 reasonably should know that a law enforcement officer is making
17 an arrest or attempting to lawfully detain or lawfully stop an
18 individual or vehicle,] and for the purpose of preventing the
19 officer from effecting the arrest, stop or detention, [the
20 person] he or she:

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

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

27 2. This section applies to:

28 (1) Arrests, stops, or detentions, with or without

1 warrants;

2 (2) Arrests, stops, or detentions, for any [crime] offense,
3 infraction, or ordinance violation; and

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

6 3. A person is presumed to be fleeing a vehicle stop if
7 [that person] he or she continues to operate a motor vehicle
8 after [that person] he or she has seen or should have seen
9 clearly visible emergency lights or has heard or should have
10 heard an audible signal emanating from the law enforcement
11 vehicle pursuing [that person] him or her.

12 4. It is no defense to a prosecution pursuant to subsection
13 1 of this section that the law enforcement officer was acting
14 unlawfully in making the arrest. However, nothing in this
15 section shall be construed to bar civil suits for unlawful
16 arrest.

17 5. The offense of resisting or interfering with an arrest
18 is a class [D] E felony for an arrest for a:

19 (1) Felony; or

20 (2) Warrant issued for failure to appear on a felony case;
21 or

22 (3) Warrant issued for a probation violation on a felony
23 case.

24
25 The offense of resisting an arrest, detention or stop [by fleeing
26 in such a manner that the person fleeing creates a substantial
27 risk of serious physical injury or death to any person is a class
28 D felony; otherwise, resisting or interfering with an arrest,

1 detention or stop] in violation of subdivision (1) or (2) of
2 subsection 1 of this section is a class A misdemeanor, unless the
3 person fleeing creates a substantial risk of serious physical
4 injury or death to any person, in which case it is a class E
5 felony.

6 575.153. 1. A person commits the [crime] offense of
7 disarming a peace officer, as defined in section 590.100, or a
8 correctional officer if [such person] he or she intentionally:

9 (1) Removes a firearm or other deadly weapon from the
10 person of a peace officer or correctional officer while such
11 officer is acting within the scope of his or her official duties;
12 or

13 (2) Deprives a peace officer or correctional officer of
14 such officer's use of a firearm or deadly weapon while the
15 officer is acting within the scope of his or her official duties.

16 2. The provisions of this section shall not apply when:

17 (1) The [defendant] person does not know or could not
18 reasonably have known that the person he or she disarmed was a
19 peace officer or correctional officer; or

20 (2) The peace officer or correctional officer was engaged
21 in an incident involving felonious conduct by the peace officer
22 or correctional officer at the time the [defendant] person
23 disarmed such officer.

24 3. The offense of disarming a peace officer or correctional
25 officer is a class [C] D felony.

26 [565.085.] 575.155. 1. An offender or prisoner commits the
27 [crime] offense of endangering a corrections employee, a visitor
28 to a correctional [facility] center, county or city jail, or

1 another offender or prisoner if he or she attempts to cause or
2 knowingly causes such person to come into contact with blood,
3 seminal fluid, urine, feces, or saliva.

4 2. For the purposes of this section, the following terms
5 mean:

6 (1) "Corrections employee", a person who is an employee, or
7 contracted employee of a subcontractor, of a department or agency
8 responsible for operating a jail, prison, correctional facility,
9 or sexual offender treatment center or a person who is assigned
10 to work in a jail, prison, correctional facility, or sexual
11 offender treatment center;

12 (2) "Offender", a person in the custody of the department
13 of corrections;

14 (3) "Prisoner", a person confined in a county or city jail.

15 3. The offense of endangering a corrections employee, a
16 visitor to a correctional [facility] center, county or city jail,
17 or another offender or prisoner is a class **[D]** E felony unless
18 the substance is unidentified in which case it is a class A
19 misdemeanor. If an offender or prisoner is knowingly infected
20 with the human immunodeficiency virus (HIV), hepatitis B or
21 hepatitis C and exposes another person to HIV or hepatitis B or
22 hepatitis C by committing the **[crime]** offense of endangering a
23 corrections employee, a visitor to a correctional facility, or
24 another offender or prisoner, it is a class **[C]** D felony.

25 **[565.086.] 575.157.** 1. An offender commits the **[crime]**
26 offense of endangering a department of mental health employee, a
27 visitor or other person at a secure facility, or another offender
28 if he or she attempts to cause or knowingly causes such

1 individual to come into contact with blood, seminal fluid, urine,
2 feces, or saliva.

3 2. For purposes of this section, the following terms mean:

4 (1) "Department of mental health employee", a person who is
5 an employee of the department of mental health, an employee or
6 contracted employee of a subcontractor of the department of
7 mental health, or an employee or contracted employee of a
8 subcontractor of an entity responsible for confining offenders as
9 authorized by section 632.495;

10 (2) "Offender", persons ordered to the department of mental
11 health after a determination by the court that such persons may
12 meet the definition of a sexually violent predator, persons
13 ordered to the department of mental health after a finding of
14 probable cause under section 632.489, and persons committed for
15 control, care, and treatment by the department of mental health
16 under sections 632.480 to 632.513;

17 (3) "Secure facility", a facility operated by the
18 department of mental health or an entity responsible for
19 confining offenders as authorized by section 632.495.

20 3. The offense of endangering a department of mental health
21 employee, a visitor or other person at a secure facility, or
22 another offender is a class [D] E felony [unless the substance is
23 unidentified, in which case it is a class A misdemeanor]. If an
24 offender is knowingly infected with the human immunodeficiency
25 virus (HIV), hepatitis B, or hepatitis C and exposes another
26 individual to HIV or hepatitis B or hepatitis C by committing the
27 [crime] offense of endangering a department of mental health
28 employee, a visitor or other person at a mental health facility,

1 or another offender, [it] the offense is a class [C] D felony.

2 575.159. 1. A person commits the [crime] offense of aiding
3 a sexual offender if [such person] he or she knows that another
4 person is a convicted sexual offender who is required to register
5 as a sexual offender and has reason to believe that such sexual
6 offender is not complying, or has not complied with the
7 requirements of sections 589.400 to 589.425, and who, with the
8 intent to assist the sexual offender in eluding a law enforcement
9 agency that is seeking to find the sexual offender to question
10 the offender about, or to arrest the offender for, his or her
11 noncompliance with the requirements of sections 589.400 to
12 589.425:

13 (1) Withholds information from or does not notify the law
14 enforcement agency about the sexual offender's noncompliance with
15 the requirements of sections 589.400 to 589.425, and, if known,
16 the whereabouts of the sexual offender;

17 (2) Harbors or attempts to harbor or assists another person
18 in harboring or attempting to harbor the sexual offender;

19 (3) Conceals or attempts to conceal or assists another
20 person in concealing or attempting to conceal the sexual
21 offender; or

22 (4) Provides information to the law enforcement agency
23 regarding the sexual offender which [the person] he or she knows
24 to be false information.

25 2. [Aiding a sexual offender is a class D felony.

26 3.] The provisions of this section do not apply if the
27 sexual offender is incarcerated in, or is in the custody of, a
28 state correctional facility, a private correctional facility, a

1 local jail, or a federal correctional facility.

2 3. The offense of aiding a sexual offender is a class E
3 felony.

4 575.160. 1. A person commits the [crime] offense of
5 interference with legal process if, knowing [any] another person
6 is authorized by law to serve process, he or she interferes with
7 or obstructs such person for the purpose of preventing such
8 person from effecting the service of any process[, he interferes
9 with or obstructs such person].

10 2. "Process" includes any writ, summons, subpoena, warrant
11 other than an arrest warrant, or other process or order of a
12 court.

13 3. The offense of interference with legal process is a
14 class B misdemeanor.

15 575.170. 1. [Any] An employer, or [any] agent who is in
16 charge of a business establishment, commits the [crime] offense
17 of refusing to make an employee available for service of process
18 if he or she knowingly refuses to assist any officer authorized
19 by law to serve process who calls at such business establishment
20 during the working hours of an employee for the purpose of
21 serving process on such employee, by failing or refusing to make
22 such employee available for service of process.

23 2. The offense of refusing to make an employee available
24 for service of process is a class C misdemeanor.

25 575.180. 1. A law enforcement officer commits the [crime]
26 offense of failure to execute an arrest warrant if, with the
27 purpose of allowing any person charged with or convicted of a
28 crime to escape, he or she fails to execute any arrest warrant,

1 capias, or other lawful process ordering apprehension or
2 confinement of such person, which he or she is authorized and
3 required by law to execute.

4 2. The offense of failure to execute an arrest warrant is a
5 class [D felony if the offense involved is a felony; otherwise,
6 failure to execute an arrest warrant is a class] A misdemeanor,
7 unless the offense involved is a felony, in which case failure to
8 execute an arrest warrant is a class E felony.

9 575.190. 1. A person commits the [crime] offense of
10 refusal to identify as a witness if, knowing he or she has
11 witnessed any portion of [a crime] an offense, or of any other
12 incident resulting in physical injury or substantial property
13 damage, [upon demand by a law enforcement officer engaged in the
14 performance of his official duties,] he or she refuses to report
15 or gives a false report of his or her name and present address to
16 [such] a law enforcement officer engaged in the performance of
17 his or her duties.

18 2. The offense of refusal to identify as a witness is a
19 class C misdemeanor.

20 575.195. 1. A person commits the [crime] offense of escape
21 from commitment, detention, or conditional release if he or she
22 has been committed to a state mental hospital under the
23 provisions of sections 552.010 to 552.080 or sections 632.480 to
24 632.513, or has been ordered to be taken into custody, detained,
25 or held pursuant to sections 632.480 to 632.513, or as provided
26 by section 632.475, has been committed to the department of
27 mental health as a criminal sexual psychopath under statutes in
28 effect before August 13, 1980, or has been granted a conditional

1 release under the provisions of sections 552.010 to 552.080 or
2 sections 632.480 to 632.513, and he or she escapes from such
3 commitment, detention, or conditional release.

4 2. The offense of escape from commitment, detention, or
5 conditional release is a class [D] E felony.

6 575.200. 1. A person commits the [crime] offense of escape
7 from custody or attempted escape from custody if, while being
8 held in custody after arrest for any crime, he or she escapes or
9 attempts to escape from custody.

10 2. The offense of escape or attempted escape from custody
11 is a class A misdemeanor unless:

12 (1) [It is effected or attempted by means of a deadly
13 weapon or dangerous instrument or by holding any person as
14 hostage, in which case escape or attempted escape from custody is
15 a class A felony;

16 (2)] The person escaping or attempting to escape is under
17 arrest for a felony, in which case [escape from custody] it is a
18 class [D] E felony; or

19 (2) The offense is committed by means of a deadly weapon or
20 dangerous instrument or by holding any person as hostage, in
21 which case it is a class A felony.

22 575.205. 1. A person commits the [crime] offense of
23 tampering with electronic monitoring equipment if [the person] he
24 or she intentionally removes, alters, tampers with, damages, or
25 destroys electronic monitoring equipment which a court or the
26 board of probation and parole has required such person to wear.

27 2. This section does not apply to the owner of the
28 equipment or an agent of the owner who is performing ordinary

1 maintenance or repairs on the equipment.

2 3. The [crime] offense of tampering with electronic
3 monitoring equipment is a class [C] D felony.

4 575.206. 1. A person commits the [crime] offense of
5 violating a condition of lifetime supervision if [the person] he
6 or she knowingly violates a condition of probation, parole, or
7 conditional release when such condition was imposed by an order
8 of a court under section 559.106 or an order of the board of
9 probation and parole under section 217.735.

10 2. The [crime] offense of violating a condition of lifetime
11 supervision is a class [C] D felony.

12 575.210. 1. A person commits the [crime] offense of escape
13 or attempted escape from confinement if, while being held in
14 confinement after arrest for any [crime] offense, while serving a
15 sentence after conviction for any [crime] offense, or while at an
16 institutional treatment center operated by the department of
17 corrections as a condition of probation or parole, [such person]
18 he or she escapes or attempts to escape from confinement.

19 2. The offense of escape or attempted escape from
20 confinement in the department of corrections is a class B felony.

21 3. The offense of escape or attempted escape from
22 confinement in a county or private jail or city or county
23 correctional facility is a class [D] E felony [except that it is]
24 unless:

25 (1) [A class A felony if it is effected or attempted by
26 means of a deadly weapon or dangerous instrument or by holding
27 any person as hostage] The offense is facilitated by striking or
28 beating any person, in which case it is a class D felony;

1 (2) [A class C felony if the escape or attempted escape is
2 facilitated by striking or beating any person] The offense is
3 committed by means of a deadly weapon or dangerous instrument or
4 by holding any person as hostage, in which case it is a class A
5 felony.

6 575.220. 1. A person commits the [crime] offense of
7 failure to return to confinement if, while serving a sentence for
8 any [crime] offense under a work-release program, or while under
9 sentence of any [crime] offense to serve a term of confinement
10 which is not continuous, or while serving any other type of
11 sentence for any [crime] offense wherein he or she is temporarily
12 permitted to go at large without guard, he or she purposely fails
13 to return to confinement when he or she is required to do so.

14 2. This section does not apply to persons who are free on
15 bond, bail or recognizance, personal or otherwise, nor to persons
16 who are on probation or parole, temporary or otherwise.

17 3. The offense of failure to return to confinement is a
18 class C misdemeanor unless:

19 (1) The sentence being served is [to the Missouri
20 department of corrections and human resources, in which case
21 failure to return to confinement is a class D felony] one of
22 confinement in a county or private jail on conviction of a
23 felony, in which case it is a class A misdemeanor; or

24 (2) The sentence being served is [one of confinement in a
25 county or private jail on conviction of a felony, in which case
26 failure to return to confinement is a class A misdemeanor] to the
27 Missouri department of corrections, in which case it is a class E
28 felony.

1 575.230. 1. A person commits the [crime] offense of aiding
2 escape of a prisoner if [the person] he or she:

3 (1) Introduces into any place of confinement any deadly
4 weapon or dangerous instrument, or other thing adapted or
5 designed for use in making an escape, with the purpose of
6 facilitating the escape of any prisoner confined therein, or of
7 facilitating the commission of any other [crime] offense; or

8 (2) Assists or attempts to assist any prisoner who is being
9 held in custody or confinement for the purpose of effecting the
10 prisoner's escape from custody or confinement.

11 2. [Aiding escape of a prisoner by introducing a deadly
12 weapon or dangerous instrument into a place of confinement is a
13 class B felony. Aiding escape of a prisoner being held in
14 custody or confinement on the basis of a felony charge or
15 conviction is a class B felony. Otherwise, aiding escape of a
16 prisoner is a class A misdemeanor.] The offense of aiding escape
17 of a prisoner is a class A misdemeanor, unless committed by
18 introducing a deadly weapon or dangerous instrument into a place
19 of confinement or aiding escape of a prisoner being held in
20 custody or confinement on the basis of a felony charge or
21 conviction, in which case it is a class B felony.

22 575.240. 1. A public servant, contract employee of a
23 county or private jail, or employee of a private jail who is
24 authorized and required by law to have charge of any person
25 charged with or convicted of any [crime] offense commits the
26 [crime] offense of permitting escape if he or she knowingly:

27 (1) Suffers, allows or permits any deadly weapon or
28 dangerous instrument, or anything adapted or designed for use in

1 making an escape, to be introduced into or allowed to remain in
2 any place of confinement, in violation of law, regulations or
3 rules governing the operation of the place of confinement; or

4 (2) Suffers, allows or permits a person in custody or
5 confinement to escape.

6 2. The offense of permitting escape [by suffering, allowing
7 or permitting any deadly weapon or dangerous instrument to be
8 introduced into a place of confinement is a class B felony;
9 otherwise, permitting escape] is a class [D] E felony, unless
10 committed by suffering, allowing, or permitting any deadly weapon
11 or dangerous instrument to be introduced into a place of
12 confinement, in which case it is a class B felony.

13 575.250. 1. A person commits the [crime] offense of
14 disturbing a judicial proceeding if, with the purpose to
15 intimidate a judge, attorney, juror, party or witness[,] and
16 thereby [to] influence a judicial proceeding, he or she disrupts
17 or disturbs a judicial proceeding by participating in an assembly
18 and calling aloud, shouting, or holding or displaying a placard
19 or sign containing written or printed matter, concerning the
20 conduct of the judicial proceeding, or the character of a judge,
21 attorney, juror, party or witness engaged in such proceeding, or
22 calling for or demanding any specified action or determination by
23 such judge, attorney, juror, party, or witness in connection with
24 such proceeding.

25 2. The offense of disturbing a judicial proceeding is a
26 class A misdemeanor.

27 575.260. 1. A person commits the [crime] offense of
28 tampering with a judicial proceeding if, with the purpose to

1 influence the official action of a judge, juror, special master,
2 referee, arbitrator, state prosecuting or circuit attorney, state
3 assistant prosecuting or circuit attorney, or attorney general in
4 a judicial proceeding, he or she:

5 (1) Threatens or causes harm to any person or property; or

6 (2) Engages in conduct reasonably calculated to harass or
7 alarm such official or juror; or

8 (3) Offers, confers, or agrees to confer any benefit,
9 direct or indirect, upon such official or juror.

10 2. The offense of tampering with a judicial proceeding is a
11 class [C] D felony.

12 575.270. 1. A person commits the [crime] offense of
13 tampering with a witness if, with the purpose to induce a witness
14 or a prospective witness to disobey a subpoena or other legal
15 process, [or to] absent himself or herself, avoid subpoena or
16 other legal process, [or to] withhold evidence, information, or
17 documents, or [to] testify falsely, he or she:

18 (1) Threatens or causes harm to any person or property; or

19 (2) Uses force, threats or deception; or

20 (3) Offers, confers or agrees to confer any benefit, direct
21 or indirect, upon such witness; or

22 (4) Conveys any of the foregoing to another in furtherance
23 of a conspiracy.

24 2. A person commits the [crime] offense of "victim
25 tampering" if[, with purpose to do so,] he or she purposely
26 prevents or dissuades or attempts to prevent or dissuade any
27 person who has been a victim of any crime or a person who is
28 acting on behalf of any such victim from:

1 (1) Making any report of such victimization to any peace
2 officer, [or] state, local or federal law enforcement officer
3 [or], prosecuting agency, or [to] any judge;

4 (2) Causing a complaint, indictment or information to be
5 sought and prosecuted or assisting in the prosecution thereof;

6 (3) Arresting or causing or seeking the arrest of any
7 person in connection with such victimization.

8 3. The offense of tampering with a witness [in a
9 prosecution, tampering with a witness with purpose to induce the
10 witness to testify falsely,] or victim [tampering] is a class [C
11 felony if the original charge is a felony. Otherwise, tampering
12 with a witness or victim tampering is a class] A misdemeanor,
13 unless the original charge is a felony, in which case tampering
14 with a witness or victim is a class D felony. Persons convicted
15 under this section shall not be eligible for parole.

16 575.280. 1. A person commits the [crime] offense of
17 acceding to corruption if he or she:

18 (1) [He] Is a judge, juror, special master, referee or
19 arbitrator and knowingly solicits, accepts, or agrees to accept
20 any benefit, direct or indirect, on the representation or
21 understanding that it will influence his or her official action
22 in a judicial proceeding pending in any court or before such
23 official or juror;

24 (2) [He] Is a witness or prospective witness in any
25 official proceeding and knowingly solicits, accepts, or agrees to
26 accept any benefit, direct or indirect, on the representation or
27 understanding that he or she will disobey a subpoena or other
28 legal process, [or] absent himself or herself, avoid subpoena or

1 other legal process, [or] withhold evidence, information or
2 documents, or testify falsely.

3 2. The offense of acceding to corruption [under subdivision
4 (1) of subsection 1 of this section is a class C felony.

5 3. Acceding to corruption under subdivision (2) of
6 subsection 1 of this section in a felony prosecution, or on the
7 representation or understanding of testifying falsely is a class
8 D felony. Otherwise, acceding to corruption] is a class A
9 misdemeanor, unless committed under subdivision (1) of subsection
10 1 of this section, in which case it is a class C felony; or
11 committed under subdivision (2) of subsection 1 of this section
12 in a felony prosecution, or on the representation or
13 understanding of testifying falsely, in which case it is a class
14 E felony.

15 575.290. 1. A person commits the [crime] offense of
16 improper communication if he or she communicates, directly or
17 indirectly, with any juror, special master, referee, or
18 arbitrator in a judicial proceeding, other than as part of the
19 proceedings in a case, for the purpose of influencing the
20 official action of such person.

21 2. The offense of improper communication is a class B
22 misdemeanor.

23 575.300. 1. A [person] juror commits the [crime] offense
24 of misconduct by a juror if[, being a juror,] he or she
25 knowingly:

26 (1) Promises or agrees, prior to the submission of a cause
27 to the jury for deliberation, to vote for or agree to a verdict
28 for or against any party in a judicial proceeding; or

1 (2) Receives any paper, evidence or information from anyone
2 in relation to any judicial proceeding for the trial of which he
3 has been or may be sworn, without the authority of the court or
4 officer before whom such proceeding is pending, and does not
5 immediately disclose the same to such court or officer.

6 2. The offense of misconduct by a juror is a class A
7 misdemeanor.

8 575.310. 1. A public servant authorized by law to select
9 or summon any juror commits the [crime] offense of misconduct in
10 selecting or summoning a juror if he or she knowingly acts
11 unfairly, improperly or not impartially in selecting or summoning
12 any person or persons to be a member or members of a jury.

13 2. The offense of misconduct in selecting or summoning a
14 juror is a class B misdemeanor.

15 575.320. 1. A public servant, in his or her public
16 capacity or under color of his or her office or employment,
17 commits the [crime] offense of misconduct in administration of
18 justice if he or she:

19 (1) [He] Is charged with the custody of any person accused
20 or convicted of any [crime] offense or municipal ordinance
21 violation and he or she coerces, threatens, abuses or strikes
22 such person for the purpose of securing a confession from him or
23 her;

24 (2) [He] Knowingly seizes or levies upon any property or
25 dispossesses anyone of any lands or tenements without due and
26 legal process, or other lawful authority; or

27 (3) [He] Is a judge and knowingly accepts a plea of guilty
28 from any person charged with a violation of a statute or

1 ordinance at any place other than at the place provided by law
2 for holding court by such judge; or

3 (4) [He] Is a jailer or keeper of a county jail and
4 knowingly refuses to receive, in the jail under his or her
5 charge, any person lawfully committed to such jail on any
6 criminal charge or criminal conviction by any court of this
7 state, or on any warrant and commitment or capias on any criminal
8 charge issued by any court of this state; or

9 (5) [He] Is a law enforcement officer and violates the
10 provisions of section 544.170 by knowingly:

11 (a) Refusing to release any person in custody who is
12 entitled to such release; or

13 (b) Refusing to permit a person in custody to see and
14 consult with counsel or other persons; or

15 (c) Transferring any person in custody to the custody or
16 control of another, or to another place, for the purpose of
17 avoiding the provisions of that section; or

18 (d) [~~Preferring~~] Proffering against any person in custody a
19 false charge for the purpose of avoiding the provisions of that
20 section;

21 (6) [He] Orders or suggests to an employee of a county of
22 the first class having a charter form of government with a
23 population over nine hundred thousand and not containing any part
24 of a city of three hundred fifty thousand or more inhabitants
25 that such employee shall issue a certain number of traffic
26 citations on a daily, weekly, monthly, quarterly, yearly or other
27 quota basis, except when such employee is assigned exclusively to
28 traffic control and has no other responsibilities or duties.

1 2. The offense of misconduct in the administration of
2 justice is a class A misdemeanor.

3 575.353. 1. A person commits the [crime] offense of
4 assault on a police animal [when such person] if he or she
5 knowingly attempts to kill or disable or knowingly causes or
6 attempts to cause serious physical injury to a police animal when
7 that animal is involved in law enforcement investigation,
8 apprehension, tracking, or search, or the animal is in the
9 custody of or under the control of a law enforcement officer,
10 department of corrections officer, municipal police department,
11 fire department or a rescue unit or agency.

12 2. The offense of assault on a police animal is a class C
13 misdemeanor, unless the assault results in the death of such
14 animal or disables such animal to the extent it is unable to be
15 utilized as a police animal, in which case it is a class E
16 felony.

17 576.010. 1. A person commits the [crime] offense of
18 bribery of a public servant if he or she knowingly offers,
19 confers or agrees to confer upon any public servant any benefit,
20 direct or indirect, in return for:

21 (1) The recipient's official vote, opinion, recommendation,
22 judgment, decision, action or exercise of discretion as a public
23 servant; or

24 (2) The recipient's violation of a known legal duty as a
25 public servant.

26 2. It is no defense that the recipient was not qualified to
27 act in the desired way because he or she had not yet assumed
28 office, or lacked jurisdiction, or for any other reason.

1 3. The offense of bribery of a public servant is a class
2 [D] E felony.

3 576.020. 1. A public servant commits the [crime] offense
4 of acceding to corruption if he or she knowingly solicits,
5 accepts or agrees to accept any benefit, direct or indirect, in
6 return for his or her:

7 (1) [His] Official vote, opinion, recommendation, judgment,
8 decision, action or exercise of discretion as a public servant;
9 or

10 (2) [His] Violation of a known legal duty as a public
11 servant.

12 2. The offense of acceding to corruption by a public
13 servant is a class [D] E felony.

14 576.030. 1. A person commits the [crime] offense of
15 obstructing government operations if he or she purposely
16 obstructs, impairs, hinders or perverts the performance of a
17 governmental function by the use or threat of violence, force, or
18 other physical interference or obstacle.

19 2. The offense of obstructing government operations is a
20 class B misdemeanor.

21 576.040. 1. A public servant, in [his] such person's
22 public capacity or under color of [his] such person's office or
23 employment, commits the [crime] offense of official misconduct if
24 he or she:

25 (1) [He] Knowingly discriminates against any employee or
26 any applicant for employment on account of race, creed, color,
27 sex or national origin, provided such employee or applicant
28 possesses adequate training and educational qualifications;

1 (2) [He] Knowingly demands or receives any fee or reward
2 for the execution of any official act or the performance of a
3 duty imposed by law or by the terms of his or her employment,
4 that is not due, or that is more than is due, or before it is
5 due;

6 (3) [He] Knowingly collects taxes when none are due, or
7 exacts or demands more than is due;

8 (4) [He] Is a city or county treasurer, city or county
9 clerk, or other municipal or county officer[, or judge of a
10 municipal or county commission,] and knowingly orders the payment
11 of any money, or draws any warrant, or pays over any money for
12 any purpose other than the specific purpose for which the same
13 was assessed, levied and collected, unless it is or shall have
14 become impossible to use such money for that specific purpose;

15 (5) [He] Is an officer or employee of any court and
16 knowingly charges, collects or receives less fee for his services
17 than is provided by law;

18 (6) [He] Is an officer or employee of any court and
19 knowingly, directly or indirectly, buys, purchases or trades for
20 any fee taxed or to be taxed as costs in any court of this state,
21 or any county warrant, at less than par value which may be by law
22 due or to become due to any person by or through any such court;
23 or

24 (7) [He] Is a county officer, deputy or employee and
25 knowingly traffics for or purchases at less than the par value or
26 speculates in any [court] county warrant issued by order of the
27 county commission of his or her county, or in any claim or demand
28 held against such county.

1 2. The offense of official misconduct is a class A
2 misdemeanor.

3 576.050. 1. A public servant commits the [crime] offense
4 of misuse of official information if, in contemplation of
5 official action by himself or herself or by a governmental unit
6 with which he or she is associated, or in reliance on information
7 to which he or she has access in his or her official capacity and
8 which has not been made public, he or she knowingly:

9 (1) Acquires a pecuniary interest in any property,
10 transaction, or enterprise which may be affected by such
11 information or official action; or

12 (2) Speculates or wagers on the basis of such information
13 or official action; or

14 (3) Aids, advises or encourages another to do any of the
15 foregoing with purpose of conferring a pecuniary benefit on any
16 person.

17 2. A person commits the [crime] offense of misuse of
18 official information if he or she [knowingly or] recklessly
19 obtains or discloses information from the Missouri uniform law
20 enforcement system (MULES) or the National Crime Information
21 Center System (NCIC), or any other criminal justice information
22 sharing system that contains individually identifiable
23 information for private or personal use, or for a purpose other
24 than in connection with their official duties and performance of
25 their job.

26 3. The offense of misuse of official information is a class
27 A misdemeanor.

28 576.060. 1. A person commits the [crime] violation of

1 failure to give a tax list if, when requested by a government
2 assessor, he or she knowingly fails to give a true list of all
3 his or her taxable property, or to take and subscribe an oath or
4 affirmation to such list as required by law.

5 2. Failure to give a tax list is an infraction.

6 576.070. 1. A person owing allegiance to the state commits
7 the offense of treason if he or she purposely levies war against
8 the state, or adheres to its enemies by giving them aid and
9 comfort.

10 2. No person shall be convicted of treason unless one or
11 more overt acts are alleged in the indictment or information.

12 3. In a trial on a charge of treason, no evidence shall be
13 given of any overt act that is not specifically alleged in the
14 indictment or information.

15 4. No person shall be convicted of treason except upon the
16 direct evidence of two or more witnesses to the same overt act,
17 or upon his or her confession under oath in open court.

18 5. The offense of treason is a class A felony.

19 576.080. 1. A person commits the [crime] offense of
20 supporting terrorism if such person knowingly provides material
21 support to any organization designated as a foreign terrorist
22 organization pursuant to 8 U.S.C. 1189, as amended and acts
23 recklessly with regard to whether such organization had been
24 designated as a foreign terrorist organization pursuant to 8
25 U.S.C. 1189.

26 2. For the purpose of this section, "material support"
27 includes currency or other financial securities, financial
28 services, lodging, training, safehouses, false documentation or

1 identification, communications equipment, facilities, weapons,
2 lethal substances, explosives, personnel, transportation and
3 other physical assets, except medicine or religious materials.

4 3. The offense of supporting terrorism is a class [C] D
5 felony.

6 577.001. 1. As used in this chapter, [the term "court"
7 means any circuit, associate circuit, or municipal court,
8 including traffic court, but not any juvenile court or drug
9 court.

10 2. As used in this chapter, the term "drive", "driving",
11 "operates" or "operating" means physically driving or operating a
12 motor vehicle.

13 3. As used in this chapter, a person is in an "intoxicated
14 condition" when he is under the influence of alcohol, a
15 controlled substance, or drug, or any combination thereof.

16 4. As used in this chapter, the term "law enforcement
17 officer" or "arresting officer" includes the definition of law
18 enforcement officer in subdivision (17) of section 556.061 and
19 military policemen conducting traffic enforcement operations on a
20 federal military installation under military jurisdiction in the
21 state of Missouri.

22 5. As used in this chapter, "substance abuse traffic
23 offender program" means a program certified by the division of
24 alcohol and drug abuse of the department of mental health to
25 provide education or rehabilitation services pursuant to a
26 professional assessment screening to identify the individual
27 needs of the person who has been referred to the program as the
28 result of an alcohol- or drug-related traffic offense.

1 Successful completion of such a program includes participation in
2 any education or rehabilitation program required to meet the
3 needs identified in the assessment screening. The assignment
4 recommendations based upon such assessment shall be subject to
5 judicial review as provided in subsection 7 of section 577.041]
6 the following terms mean:

7 (1) "Aggravated offender", a person who has been found
8 guilty of:

9 (a) Three or more intoxication-related traffic offenses
10 committed on separate occasions; or

11 (b) Two or more intoxication-related traffic offenses
12 committed on separate occasions where at least one of the
13 intoxication-related traffic offenses is an offense committed in
14 violation of any state law, county or municipal ordinance, any
15 federal offense, or any military offense in which the defendant
16 was operating a vehicle while intoxicated and another person was
17 injured or killed;

18 (2) "Aggravated boating offender", a person who has been
19 found guilty of:

20 (a) Three or more intoxication-related boating offenses; or

21 (b) Has been found guilty of one or more intoxication-
22 related boating offenses committed on separate occasions where at
23 least one of the intoxication-related traffic offenses is an
24 offense committed in violation of any state law, county or
25 municipal ordinance, any federal offense, or any military offense
26 in which the defendant was operating a vessel while intoxicated
27 and another person was injured or killed;

28 (3) "All-terrain vehicle", any motorized vehicle

1 manufactured and used exclusively for off-highway use which is
2 fifty inches or less in width, with an unladen dry weight of one
3 thousand pounds or less, traveling on three, four or more low
4 pressure tires, with a seat designed to be straddled by the
5 operator, or with a seat designed to carry more than one person,
6 and handlebars for steering control;

7 (4) "Court", any circuit, associate circuit, or municipal
8 court, including traffic court, but not any juvenile court or
9 drug court;

10 (5) "Chronic offender", a person who has been found guilty
11 of:

12 (a) Four or more intoxication-related traffic offenses
13 committed on separate occasions; or

14 (b) Three or more intoxication-related traffic offenses
15 committed on separate occasions where at least one of the
16 intoxication-related traffic offenses is an offense committed in
17 violation of any state law, county or municipal ordinance, any
18 federal offense, or any military offense in which the defendant
19 was operating a vehicle while intoxicated and another person was
20 injured or killed; or

21 (c) Two or more intoxication-related traffic offenses
22 committed on separate occasions where both intoxication-related
23 traffic offenses were offenses committed in violation of any
24 state law, county or municipal ordinance, any federal offense, or
25 any military offense in which the defendant was operating a
26 vehicle while intoxicated and another person was injured or
27 killed;

28 (6) "Chronic boating offender", a person who has been found

1 guilty of:

2 (a) Four or more intoxication-related boating offenses; or

3 (b) Three or more intoxication-related boating offenses
4 committed on separate occasions where at least one of the
5 intoxication-related boating offense is an offense committed in
6 violation of any state law, county or municipal ordinance, any
7 federal offense, or any military offense in which the defendant
8 was operating a vessel while intoxicated and another person was
9 injured or killed; or

10 (c) Two or more intoxication-related boating offenses
11 committed on separate occasions where both intoxication-related
12 boating offenses were offenses committed in violation of any
13 state law, county or municipal ordinance, any federal offense, or
14 any military offense in which the defendant was operating a
15 vessel while intoxicated and another person was injured or
16 killed;

17 (7) "Controlled substance", a drug, substance, or immediate
18 precursor in schedules I to V listed in section 195.017;

19 (8) "Drive", "driving", "operates" or "operating", means
20 physically driving or operating a vehicle or vessel;

21 (9) "Drug", any natural or synthetic substance other than
22 food, intended to affect the structure or any function of the
23 body of humans or animals;

24 (10) "Flight crew member", the pilot in command, copilots,
25 flight engineers, and flight navigators;

26 (11) "Habitual offender", a person who has been found
27 guilty of:

28 (a) Five or more intoxication-related traffic offenses

1 committed on separate occasions; or

2 (b) Four or more intoxication-related traffic offenses
3 committed on separate occasions where at least one of the
4 intoxication-related traffic offenses is an offense committed in
5 violation of any state law, county or municipal ordinance, any
6 federal offense, or any military offense in which the defendant
7 was operating a vehicle while intoxicated and another person was
8 injured or killed; or

9 (c) Three or more intoxication-related traffic offenses
10 committed on separate occasions where at least two of the
11 intoxication-related traffic offenses were offenses committed in
12 violation of any state law, county or municipal ordinance, any
13 federal offense, or any military offense in which the defendant
14 was operating a vehicle while intoxicated and another person was
15 injured or killed;

16 (12) "Habitual boating offender", a person who has been
17 found guilty of:

18 (a) Five or more intoxication-related boating offenses; or

19 (b) Four or more intoxication-related boating offenses
20 committed on separate occasions where at least one of the
21 intoxication-related boating offense is an offense committed in
22 violation of any state law, county or municipal ordinance, any
23 federal offense, or any military offense in which the defendant
24 was operating a vessel while intoxicated and another person was
25 injured or killed; or

26 (c) Three or more intoxication-related boating offenses
27 committed on separate occasions where at least two of the
28 intoxication-related boating offenses were offenses committed in

1 violation of any state law, county or municipal ordinance, any
2 federal offense, or any military offense in which the defendant
3 was operating a vessel while intoxicated and another person was
4 injured or killed;

5 (13) "Intoxicated" or "intoxicated condition", when a
6 person is under the influence of alcohol, a controlled substance,
7 or drug, or any combination thereof;

8 (14) "Intoxication-related boating offense", operating a
9 vessel while intoxicated; boating while intoxicated; operating a
10 vessel with excessive blood alcohol or an offense in which the
11 defendant was operating a vessel while intoxicated and another
12 person was injured or killed in violation of any state law,
13 county or municipal ordinance, any federal offense, or any
14 military offense;

15 (15) "Intoxication-related traffic offense", driving while
16 intoxicated, driving with excessive blood alcohol content or an
17 offense in which the defendant was operating a vehicle while
18 intoxicated and another person was injured or killed in violation
19 of any state law, county or municipal ordinance, any federal
20 offense, or any military offense;

21 (16) "Law enforcement officer" or "arresting officer",
22 includes the definition of law enforcement officer in subdivision
23 (17) of section 556.061 and military policemen conducting traffic
24 enforcement operations on a federal military installation under
25 military jurisdiction in the state of Missouri;

26 (17) "Operate a vessel", to physically control the movement
27 of a vessel in motion under mechanical or sail power in water;

28 (18) "Persistent offender", a person who has been found

1 guilty of two or more intoxication-related traffic offenses
2 committed on separate occasions;

3 (19) "Persistent boating offender", a person who has been
4 found guilty of two or more intoxication-related boating offenses
5 committed on separate occasions;

6 (20) "Prior offender", a person who has been found guilty
7 of one intoxication-related traffic offense, where such prior
8 offense occurred within five years of the occurrence of the
9 intoxication-related traffic offense for which the person is
10 charged;

11 (21) "Prior boating offender", a person who has been found
12 guilty of one intoxication-related boating offense, where such
13 prior offense occurred within five years of the occurrence of the
14 intoxication-related boating offense for which the person is
15 charged.

16 577.010. 1. A person commits the [crime] offense of
17 ["]driving while intoxicated["] if he or she operates a [motor]
18 vehicle while in an intoxicated [or drugged] condition.

19 2. The offense of driving while intoxicated is [for the
20 first offense, a class B misdemeanor. No person convicted of or
21 pleading guilty to the offense of driving while intoxicated shall
22 be granted a suspended imposition of sentence for such offense,
23 unless such person shall be placed on probation for a minimum of
24 two years]:

25 (1) A class B misdemeanor;

26 (2) A class A misdemeanor if:

27 (a) The defendant is a prior offender; or

28 (b) A person less than seventeen years of age is present in

1 the vehicle;

2 (3) A class E felony if:

3 (a) The defendant is a persistent offender; or

4 (b) While driving while intoxicated, the defendant acts
5 with criminal negligence to cause physical injury to another
6 person;

7 (4) A class D felony if:

8 (a) The defendant is an aggravated offender;

9 (b) While driving while intoxicated, the defendant acts
10 with criminal negligence to cause physical injury to a law
11 enforcement officer or emergency personnel; or

12 (c) While driving while intoxicated, the defendant acts
13 with criminal negligence to cause serious physical injury to
14 another person;

15 (5) A class C felony if:

16 (a) The defendant is a chronic offender;

17 (b) While driving while intoxicated, the defendant acts
18 with criminal negligence to cause serious physical injury to a
19 law enforcement officer or emergency personnel; or

20 (c) While driving while intoxicated, the defendant acts
21 with criminal negligence to cause the death of another person;

22 (6) A class B felony if:

23 (a) The defendant is a habitual offender;

24 (b) While driving while intoxicated, the defendant acts
25 with criminal negligence to cause the death of a law enforcement
26 officer or emergency personnel; or

27 (c) While driving while intoxicated, the defendant acts
28 with criminal negligence to cause the death of two or more

1 persons unless it is a second or subsequent violation of this
2 subsection, in which case it is a class A felony.

3 3. Notwithstanding the provisions of subsection 2 of this
4 section, [in a circuit where a DWI court or docket created under
5 section 478.007 or other court-ordered treatment program is
6 available, no person who operated a motor vehicle with
7 fifteen-hundredths of one percent or more by weight of alcohol in
8 such person's blood shall be granted a suspended imposition of
9 sentence unless the individual participates and successfully
10 completes a program under such DWI court or docket or other
11 court-ordered treatment program] a person found guilty of the
12 offense of driving while intoxicated as a first offense shall not
13 be granted a suspended imposition of sentence:

14 (1) Unless such person shall be placed on probation for a
15 minimum of two years; or

16 (2) In a circuit where a DWI court or docket created under
17 section 478.007 or other court-ordered treatment program is
18 available, and where the offense was committed with fifteen-
19 hundredths of one percent or more by weight of alcohol in such
20 person's blood, unless the individual participates and
21 successfully completes a program under such DWI court or docket
22 or other court-ordered treatment program.

23 4. If a person is not granted a suspended imposition of
24 sentence for the reasons described in subsection 3 of this
25 section [for such first offense]:

26 (1) If the individual operated the motor vehicle with
27 fifteen-hundredths to twenty-hundredths of one percent by weight
28 of alcohol in such person's blood, the required term of

1 imprisonment shall be not less than forty-eight hours;

2 (2) If the individual operated the motor vehicle with
3 greater than twenty-hundredths of one percent by weight of
4 alcohol in such person's blood, the required term of imprisonment
5 shall be not less than five days.

6 5. A person found guilty of the offense of driving while
7 intoxicated as a first offense shall be ordered to participate in
8 and successfully complete a substance abuse traffic offender
9 program pursuant to the provisions governing substance abuse
10 traffic offender programs in chapter 302.

11 6. A person found guilty of the offense of driving while
12 intoxicated:

13 (1) As a prior offender, persistent offender, aggravated
14 offender, chronic offender, or habitual offender shall not be
15 granted a suspended imposition of sentence or be sentenced to pay
16 a fine in lieu of a term of imprisonment, section 557.011 to the
17 contrary notwithstanding;

18 (2) As a prior offender shall not be granted parole or
19 probation until he or she has served a minimum of ten days'
20 imprisonment:

21 (a) Unless as a condition of such parole or probation such
22 person performs at least two hundred forty hours of community
23 service under the supervision of the court in those jurisdictions
24 which have a recognized program for community service; or

25 (b) The offender participates in and successfully completes
26 a program established under section 478.007 or other court-
27 ordered treatment program, if available, and as part of either
28 program, the offender performs at least thirty days of community

1 service under the supervision of the court;

2 (3) As a persistent offender shall not be eligible for
3 parole or probation until he or she has served a minimum of
4 thirty days imprisonment;

5 (a) Unless as a condition of such parole or probation such
6 person performs at least four hundred eighty hours of community
7 service under the supervision of the court in those jurisdictions
8 which have a recognized program for community service; or

9 (b) The offender participates in and successfully completes
10 a program established under section 478.007 or other court-
11 ordered treatment program, if available, and as part of either
12 program, the offender performs at least sixty days of community
13 service under the supervision of the court;

14 (4) As an aggravated offender shall not be eligible for
15 parole or probation until he or she has served a minimum of sixty
16 days imprisonment;

17 (5) As a chronic offender shall not be eligible for parole
18 or probation until he or she has served a minimum of two years
19 imprisonment.

20 577.012. 1. A person commits the [crime] offense of
21 ["]driving with excessive blood alcohol content["] if such person
22 operates:

23 (1) A [motor] vehicle [in this state with] while having
24 eight-hundredths of one percent or more by weight of alcohol in
25 [such person's] his or her blood; or

26 (2) A commercial motor vehicle while having four one-
27 hundredths of a percent or more by weight of alcohol in his or
28 her blood.

1 2. As used in this section, percent by weight of alcohol in
2 the blood shall be based upon grams of alcohol per one hundred
3 milliliters of blood or two hundred ten liters of breath and may
4 be shown by chemical analysis of the person's blood, breath,
5 saliva or urine. For the purposes of determining the alcoholic
6 content of a person's blood under this section, the test shall be
7 conducted in accordance with the provisions of sections [577.020
8 to 577.041] 302.550 to 302.574.

9 3. [For the first offense,] The offense of driving with
10 excessive blood alcohol content is [a class B misdemeanor]:

11 (1) A class B misdemeanor;

12 (2) A class A misdemeanor if the defendant is alleged and
13 proved to be a prior offender;

14 (3) A class E felony if the defendant is alleged and proved
15 to be a persistent offender;

16 (4) A class D felony if the defendant is alleged and proved
17 to be an aggravated offender;

18 (5) A class C felony if the defendant is alleged and proved
19 to be a chronic offender;

20 (6) A class B felony if the defendant is alleged and proved
21 to be a habitual offender.

22 4. [In a circuit where a DWI court or docket created under
23 section 478.007 or other court-ordered treatment program is
24 available, no person who operated a motor vehicle with
25 fifteen-hundredths of one percent or more by weight of alcohol in
26 such person's blood shall be granted a suspended imposition of
27 sentence unless the individual participates and successfully
28 completes a program under such DWI court or docket or other

1 court-ordered treatment program] A person found guilty of the
2 offense of driving with an excessive blood alcohol content as a
3 first offense shall not be granted a suspended imposition of
4 sentence:

5 (1) Unless such person shall be placed on probation for a
6 minimum of two years; or

7 (2) In a circuit where a DWI court or docket created under
8 section 478.007 or other court-ordered treatment program is
9 available, and where the offense was committed with fifteen-
10 hundredths of one percent or more by weight of alcohol in such
11 person's blood, unless the individual participates in and
12 successfully completes a program under such DWI court or docket
13 or other court-ordered treatment program.

14 5. If a person is not granted a suspended imposition of
15 sentence for the reasons described in subsection 4 of this
16 section[, for such first offense]:

17 (1) If the individual operated the [motor] vehicle with
18 fifteen-hundredths to twenty-hundredths of one percent by weight
19 of alcohol in such person's blood, the required term of
20 imprisonment shall be not less than forty-eight hours;

21 (2) If the individual operated the [motor] vehicle with
22 greater than twenty-hundredths of one percent by weight of
23 alcohol in such person's blood, the required term of imprisonment
24 shall be not less than five days.

25
26 A person found guilty of the offense of driving with excessive
27 blood alcohol content as a first offense shall be ordered to
28 participate in and successfully complete a substance abuse

1 traffic offender program pursuant to the provisions governing
2 substance abuse traffic offender programs in chapter 302.

3 6. A person found guilty of driving with excessive blood
4 alcohol content:

5 (1) As a prior offender, persistent offender, aggravated
6 offender, chronic offender or habitual offender shall not be
7 granted a suspended imposition of sentence or be sentenced to pay
8 a fine in lieu of a term of imprisonment, section 557.011, to the
9 contrary notwithstanding;

10 (2) As a prior offender shall not be granted parole or
11 probation until he or she has served a minimum of ten days
12 imprisonment:

13 (a) Unless as a condition of such parole or probation such
14 person performs at least two hundred forty hours of community
15 service under the supervision of the court in those jurisdictions
16 which have a recognized program for community service; or

17 (b) The offender participates in and successfully completes
18 a program established under section 478.007 or other court-
19 ordered treatment program, if available, and as part of either
20 program, the offender performs at least thirty days of community
21 service under the supervision of the court;

22 (3) As a persistent offender shall not be granted parole or
23 probation until he or she has served a minimum of thirty days
24 imprisonment:

25 (a) Unless as a condition of such parole or probation such
26 person performs at least four hundred eighty hours of community
27 service under the supervision of the court in those jurisdictions
28 which have a recognized program for community service; or

1 (b) The offender participates in and successfully completes
2 a program established under section 478.007 or other court-
3 ordered treatment program, if available, and as part of either
4 program, the offender performs at least sixty days of community
5 service under the supervision of the court;

6 (4) As an aggravated offender shall not be eligible for
7 parole or probation until he or she has served a minimum of sixty
8 days imprisonment;

9 (5) As a chronic offender shall not be eligible for parole
10 or probation until he or she has served a minimum of two years
11 imprisonment.

12 577.013. 1. A person commits the offense of boating while
13 intoxicated if he or she operates a vessel while in an
14 intoxicated condition.

15 2. The offense of boating while intoxicated is:

16 (1) A class B misdemeanor;

17 (2) A class A misdemeanor if:

18 (a) The defendant is a prior boating offender; or

19 (b) A person less than seventeen years of age is present in
20 the vessel;

21 (3) A class E felony if:

22 (a) The defendant is a persistent boating offender; or

23 (b) While boating while intoxicated, the defendant acts
24 with criminal negligence to cause physical injury to another
25 person;

26 (4) A class D felony if:

27 (a) The defendant is an aggravated boating offender;

28 (b) While boating while intoxicated, the defendant acts

1 with criminal negligence to cause physical injury to a law
2 enforcement officer or emergency personnel; or

3 (c) While boating while intoxicated, the defendant acts
4 with criminal negligence to cause serious physical injury to
5 another person;

6 (5) A class C felony if:

7 (a) The defendant is a chronic boating offender;

8 (b) While boating while intoxicated, the defendant acts
9 with criminal negligence to cause serious physical injury to a
10 law enforcement officer or emergency personnel; or

11 (c) While boating while intoxicated, the defendant acts
12 with criminal negligence to cause the death of another person;

13 (6) A class B felony if:

14 (a) The defendant is a habitual boating offender;

15 (b) While boating while intoxicated, the defendant acts
16 with criminal negligence to cause the death of a law enforcement
17 officer or emergency personnel; or

18 (c) While boating while intoxicated, the defendant acts
19 with criminal negligence to cause the death of two or more
20 persons unless it is a second or subsequent violation of this
21 subsection, in which case it is a class A felony.

22 3. Notwithstanding the provisions of subsection 2 of this
23 section, a person found guilty of the offense of boating while
24 intoxicated as a first offense shall not be granted a suspended
25 imposition of sentence:

26 (1) Unless such person shall be placed on probation for a
27 minimum of two years; or

28 (2) In a circuit where a DWI court or docket created under

1 section 478.007 or other court-ordered treatment program is
2 available, and where the offense was committed with fifteen-
3 hundredths of one percent or more by weight of alcohol in such
4 person's blood, unless the individual participates in and
5 successfully completes a program under such DWI court or docket
6 or other court-ordered treatment program.

7 4. If a person is not granted a suspended imposition of
8 sentence for the reasons described in subsection 3 of this
9 section:

10 (1) If the individual operated the vessel with fifteen-
11 hundredths to twenty hundredths of one percent by weight of
12 alcohol in such person's blood, the required term of imprisonment
13 shall be not less than forty-eight hours;

14 (2) If the individual operated the vessel with greater than
15 twenty hundredths of one percent by weight of alcohol in such
16 person's blood, the required term of imprisonment shall be not
17 less than five days.

18 5. A person found guilty of the offense of boating while
19 intoxicated:

20 (1) As a prior boating offender, persistent boating
21 offender, aggravated boating offender, chronic boating offender
22 or habitual boating offender shall not be granted a suspended
23 imposition of sentence or be sentenced to pay a fine in lieu of a
24 term of imprisonment, section 557.011 to the contrary
25 notwithstanding;

26 (2) As a prior boating offender shall not be granted parole
27 or probation until he or she has served a minimum of ten days
28 imprisonment;

1 (a) Unless as a condition of such parole or probation such
2 person performs at least two hundred forty hours of community
3 service under the supervision of the court in those jurisdictions
4 which have a recognized program for community service; or

5 (b) The offender participates in and successfully completes
6 a program established under section 478.007 or other court-
7 ordered treatment program, if available;

8 (3) As a persistent offender shall not be eligible for
9 parole or probation until he or she has served a minimum of
10 thirty days imprisonment:

11 (a) Unless as a condition of such parole or probation such
12 person performs at least four hundred eighty hours of community
13 service under the supervision of the court in those jurisdictions
14 which have a recognized program for community service; or

15 (b) The offender participates in and successfully completes
16 a program established under section 478.007 or other court-
17 ordered treatment program, if available;

18 (4) As an aggravated boating offender shall not be eligible
19 for parole or probation until he or she has served a minimum of
20 sixty days imprisonment;

21 (5) As a chronic boating offender shall not be eligible for
22 parole or probation until he or she has served a minimum of two
23 years imprisonment.

24 577.014. 1. A person commits the offense of boating with
25 excessive blood alcohol content if he or she operates a vessel
26 while having eight-hundredths of one percent or more by weight of
27 alcohol in his or her blood.

28 2. As used in this section, percent by weight of alcohol in

1 the blood shall be based upon grams of alcohol per one hundred
2 milliliters of blood or two hundred ten liters of breath and may
3 be shown by chemical analysis of the person's blood, breath,
4 saliva or urine. For the purposes of determining the alcoholic
5 content of a person's blood under this section, the test shall be
6 conducted in accordance with the provisions of sections 302.550
7 to 302.574.

8 3. The offense of boating with excessive blood alcohol
9 content is:

10 (1) A class B misdemeanor;

11 (2) A class A misdemeanor if the defendant is alleged and
12 proved to be a prior boating offender;

13 (3) A class E felony if the defendant is alleged and proved
14 to be a persistent boating offender;

15 (4) A class D felony if the defendant is alleged and proved
16 to be an aggravated boating offender;

17 (5) A class C felony if the defendant is alleged and proved
18 to be a chronic boating offender;

19 (6) A class B felony if the defendant is alleged and proved
20 to be a habitual boating offender.

21 4. A person found guilty of the offense of boating with
22 excessive blood alcohol content as a first offense shall not be
23 granted a suspended imposition of sentence:

24 (1) Unless such person shall be placed on probation for a
25 minimum of two years; or

26 (2) In a circuit where a DWI court or docket created under
27 section 478.007 or other court-ordered treatment program is
28 available, and where the offense was committed with fifteen-

1 hundredths of one percent or more by weight of alcohol in such
2 person's blood unless the individual participates in and
3 successfully completes a program under such DWI court or docket
4 or other court-ordered treatment program.

5 5. When a person is not granted a suspended imposition of
6 sentence for the reasons described in subsection 3 of this
7 section:

8 (1) If the individual operated the vessel with fifteen-
9 hundredths to twenty hundredths of one percent by weight of
10 alcohol in such person's blood, the required term of imprisonment
11 shall be not less than forty-eight hours;

12 (2) If the individual operated the vessel with greater than
13 twenty hundredths of one percent by weight of alcohol in such
14 person's blood, the required term of imprisonment shall be not
15 less than five days.

16 6. A person found guilty of the offense of boating with
17 excessive blood alcohol content:

18 (1) As a prior boating offender, persistent boating
19 offender, aggravated boating offender, chronic boating offender
20 or habitual boating offender shall not be granted a suspended
21 imposition of sentence or be sentenced to pay a fine in lieu of a
22 term of imprisonment, section 557.011, to the contrary
23 notwithstanding;

24 (2) As a prior boating offender shall not be granted parole
25 or probation until he or she has served a minimum of ten days
26 imprisonment:

27 (a) Unless as a condition of such parole or probation such
28 person performs at least two hundred forty hours of community

1 service under the supervision of the court in those jurisdictions
2 which have a recognized program for community service; or

3 (b) The offender participates in and successfully completes
4 a program established under section 478.007 or other court-
5 ordered treatment program, if available;

6 (3) As a persistent boating offender shall not be granted
7 parole or probation until he or she has served a minimum of
8 thirty days imprisonment;

9 (a) Unless as a condition of such parole or probation such
10 person performs at least four hundred eighty hours of community
11 service under the supervision of the court in those jurisdictions
12 which have a recognized program for community service; or

13 (b) The offender participates in and successfully completes
14 a program established under section 478.007 or other court-
15 ordered treatment program, if available;

16 (4) As an aggravated boating offender shall not be eligible
17 for parole or probation until he or she has served a minimum of
18 sixty days imprisonment;

19 (5) As a chronic boating offender shall not be eligible for
20 parole or probation until he or she has served a minimum of two
21 years imprisonment.

22 [577.203.] 577.015. 1. [It is unlawful for any] A person
23 [to operate, or act as a flight crew member of, any aircraft in
24 this state:

25 (1) While under the influence of alcohol or a controlled
26 substance, or any combination thereof;

27 (2) With four one-hundredths of one percent or more by
28 weight of alcohol in his blood; or

1 (3) Within eight hours after the consumption of any
2 alcoholic beverage.

3 2. Any person found guilty of violating this section and
4 section 577.201 shall have committed a class C misdemeanor.

5 3. Any person found guilty a second or subsequent time of
6 violating this section and section 577.201 shall have committed a
7 class A misdemeanor] commits the offense of operating an aircraft
8 while intoxicated if he or she, while in an intoxicated
9 condition, knowingly operates any aircraft or knowingly acts as a
10 copilot, flight engineer or flight navigator for an aircraft
11 while in operation.

12 2. The offense of operating an aircraft while intoxicated
13 is:

14 (1) A class C misdemeanor;

15 (2) A class A misdemeanor if the person has previously been
16 found guilty of the offense of operating an aircraft while
17 intoxicated or with an excessive blood alcohol content, or any
18 offense committed in another jurisdiction which, if committed in
19 this state, would be the offense of operating an aircraft with
20 excessive blood alcohol content or while intoxicated.

21 577.016. 1. A person commits the offense of operating an
22 aircraft with excessive blood alcohol content if he or she
23 knowingly operates any aircraft or knowingly acts as a copilot,
24 flight engineer or flight navigator for an aircraft while in
25 operation:

26 (1) With four one-hundredths of one percent or more by
27 weight of alcohol in his or her blood; or

28 (2) Within eight hours after the consumption of any

1 alcoholic beverage.

2 2. The offense of operating an aircraft with excessive
3 blood alcohol content is:

4 (1) A class C misdemeanor;

5 (2) A class A misdemeanor if the defendant has been found
6 guilty of operating an aircraft with excessive blood alcohol
7 content or operating an aircraft while intoxicated or any offense
8 committed in any jurisdiction which, if committed in this state,
9 would be the offense of operating an aircraft with excessive
10 blood alcohol content or operating an aircraft while intoxicated.

11 577.017. 1. [No] A person [shall consume any] commits the
12 offense of consumption of an alcoholic beverage while [operating]
13 driving if he or she operates a moving motor vehicle upon [the
14 highways, as defined in section 301.010] any public thoroughfare
15 for vehicles, including state roads, county roads and public
16 streets, avenues, boulevards, parkways or alleys in any
17 municipality while consuming any alcoholic beverage.

18 2. [Any person found guilty of violating the provisions of
19 this section is guilty of an infraction.

20 3. Any infraction under this section shall not reflect on
21 any records with the department of revenue] The offense of
22 consumption of an alcoholic beverage while driving is an
23 infraction and shall not be reflected on any records maintained
24 by the department of revenue.

25 577.020. 1. Any person who operates a [motor] vehicle upon
26 the public highways of this state, a vessel, or any aircraft, or
27 acts as a flight crew member of an aircraft shall be deemed to
28 have given consent [to], subject to the provisions of sections

1 577.019 to 577.041, to a chemical test or tests of the person's
2 breath, blood, saliva, or urine for the purpose of determining
3 the alcohol or drug content of the person's blood pursuant to the
4 following circumstances:

5 (1) If the person is arrested for any offense arising out
6 of acts which the arresting officer had reasonable grounds to
7 believe were committed while the person was [driving a motor]
8 operating a vehicle or a vessel while in an intoxicated [or
9 drugged] condition; or

10 (2) Detained for any offense of operating an aircraft while
11 intoxicated under section 577.015 or operating an aircraft with
12 excessive blood alcohol content under section 577.016; or

13 (3) If the person is under the age of twenty-one, has been
14 stopped by a law enforcement officer, and the law enforcement
15 officer has reasonable grounds to believe that such person was
16 [driving a motor] operating a vehicle or a vessel with a blood
17 alcohol content of two-hundredths of one percent or more by
18 weight; or

19 [(3)] (4) If the person is under the age of twenty-one, has
20 been stopped by a law enforcement officer, and the law
21 enforcement officer has reasonable grounds to believe that such
22 person has committed a violation of the traffic laws of the
23 state, or any political subdivision of the state, and such
24 officer has reasonable grounds to believe, after making such
25 stop, that such person has a blood alcohol content of
26 two-hundredths of one percent or greater;

27 [(4)] (5) If the person is under the age of twenty-one, has
28 been stopped at a sobriety checkpoint or roadblock and the law

1 enforcement officer has reasonable grounds to believe that such
2 person has a blood alcohol content of two-hundredths of one
3 percent or greater;

4 [(5)] (6) If the person, while operating a [motor] vehicle,
5 has been involved in a [motor vehicle] collision or accident
6 which resulted in a fatality or a readily apparent serious
7 physical injury as defined in section 565.002, or has been
8 arrested as evidenced by the issuance of a uniform traffic ticket
9 for the violation of any state law or county or municipal
10 ordinance with the exception of equipment violations contained in
11 [chapter] chapters 306 and 307, or similar provisions contained
12 in county or municipal ordinances; or

13 [(6) If the person, while operating a motor vehicle, has
14 been involved in a motor vehicle collision which resulted in a
15 fatality or serious physical injury as defined in section
16 565.002.]

17 (7) The test shall be administered at the direction of the
18 law enforcement officer whenever the person has been [arrested
19 or] stopped, detained, or arrested for any reason.

20 2. The implied consent to submit to the chemical tests
21 listed in subsection 1 of this section shall be limited to not
22 more than two such tests arising from the same stop, detention,
23 arrest, incident or charge.

24 3. To be considered valid, chemical analysis of the
25 person's breath, blood, saliva, or urine [to be considered valid
26 pursuant to the provisions of sections 577.019 to 577.041] shall
27 be performed, according to methods approved by the state
28 department of health and senior services, by licensed medical

1 personnel or by a person possessing a valid permit issued by the
2 state department of health and senior services for this purpose.

3 4. The state department of health and senior services shall
4 approve satisfactory techniques, devices, equipment, or methods
5 to be **[considered valid]** used in the chemical test pursuant to
6 the provisions of sections 577.019 to 577.041 **[and]**. The
7 department shall also establish standards to ascertain the
8 qualifications and competence of individuals to conduct such
9 analyses and **[to]** issue permits for such purpose, which shall be
10 subject to termination or revocation by the state department of
11 health and senior services.

12 5. The person tested may have a physician, or a qualified
13 technician, chemist, registered nurse, or other qualified person
14 at the choosing and expense of the person to be tested,
15 administer a test in addition to any administered at the
16 direction of a law enforcement officer. The failure or inability
17 to obtain an additional test by a person shall not preclude the
18 admission of evidence relating to the test taken at the direction
19 of a law enforcement officer.

20 6. Upon the request of the person who is tested, full
21 information concerning the test shall be made available to such
22 person. Full information is limited to the following:

23 (1) The type of test administered and the procedures
24 followed;

25 (2) The time of the collection of the blood **[or]**, breath
26 **[sample]**, or urine sample analyzed;

27 (3) The numerical results of the test indicating the
28 alcohol content of the blood and breath and urine;

1 (4) The type and status of any permit which was held by the
2 person who performed the test;

3 (5) If the test was administered by means of a
4 breath-testing instrument, the date [of performance] of the most
5 recent [required] maintenance of such instrument. Full
6 information does not include manuals, schematics, or software of
7 the instrument used to test the person or any other material that
8 is not in the actual possession of the state. Additionally, full
9 information does not include information in the possession of the
10 manufacturer of the test instrument.

11 7. Any person given a chemical test of the person's breath
12 pursuant to subsection 1 of this section or a field sobriety test
13 may be videotaped during any such test at the direction of the
14 law enforcement officer. Any such video recording made during
15 the chemical test pursuant to this subsection or a field sobriety
16 test shall be admissible as evidence at [either] any trial of
17 such person for [either] a violation of any state law or county
18 or municipal ordinance, [or] and at any license revocation or
19 suspension proceeding held pursuant to the provisions of chapter
20 302.

21 577.021. 1. Any state, county or municipal law enforcement
22 officer [who has the power of arrest for violations of section
23 577.010 or 577.012 and] who is certified pursuant to chapter 590
24 may, prior to arrest, administer a chemical test to any person
25 suspected of operating a [motor] vehicle [in violation of section
26 577.010 or 577.012], vessel, or aircraft or acting as a flight
27 crew member of an aircraft while in an intoxicated condition or
28 with an excessive blood alcohol content.

1 2. Any state, county, or municipal law enforcement officer
2 who has the power of arrest for violations of section 577.010 or
3 577.012 and who is certified under chapter 590 shall make all
4 reasonable efforts to administer a chemical test to any person
5 suspected of ~~driving a motor~~ operating a vehicle or vessel
6 involved in a collision or accident which resulted in a fatality
7 or serious physical injury as defined in section ~~565.002~~
8 556.061.

9 3. A test administered pursuant to this section shall be
10 admissible as evidence of probable cause to arrest and as
11 exculpatory evidence, but shall not be admissible as evidence of
12 blood alcohol content. The provisions of sections 577.019 and
13 577.020 shall not apply to a test administered prior to arrest
14 pursuant to this section. ~~【The provisions changing chapter 577~~
15 ~~are severable from this legislation. The general assembly would~~
16 ~~have enacted the remainder of this legislation without the~~
17 ~~changes made to chapter 577, and the remainder of the legislation~~
18 ~~is not essentially and inseparably connected with or dependent~~
19 ~~upon the changes to chapter 577.】~~

20 577.023. 1. ~~【For purposes of this section, unless the~~
21 ~~context clearly indicates otherwise:~~

22 (1) An "aggravated offender" is a person who:

23 (a) Has pleaded guilty to or has been found guilty of three
24 or more intoxication-related traffic offenses; or

25 (b) Has pleaded guilty to or has been found guilty of one
26 or more intoxication-related traffic offense and, in addition,
27 any of the following: involuntary manslaughter under subdivision

28 (2) or (3) of subsection 1 of section 565.024; murder in the

1 second degree under section 565.021, where the underlying felony
2 is an intoxication-related traffic offense; or assault in the
3 second degree under subdivision (4) of subsection 1 of section
4 565.060; or assault of a law enforcement officer in the second
5 degree under subdivision (4) of subsection 1 of section 565.082;

6 (2) A "chronic offender" is:

7 (a) A person who has pleaded guilty to or has been found
8 guilty of four or more intoxication-related traffic offenses; or

9 (b) A person who has pleaded guilty to or has been found
10 guilty of, on two or more separate occasions, any combination of
11 the following: involuntary manslaughter under subdivision (2) or
12 (3) of subsection 1 of section 565.024; murder in the second
13 degree under section 565.021, where the underlying felony is an
14 intoxication-related traffic offense; assault in the second
15 degree under subdivision (4) of subsection 1 of section 565.060;
16 or assault of a law enforcement officer in the second degree
17 under subdivision (4) of subsection 1 of section 565.082; or

18 (c) A person who has pleaded guilty to or has been found
19 guilty of two or more intoxication-related traffic offenses and,
20 in addition, any of the following: involuntary manslaughter
21 under subdivision (2) or (3) of subsection 1 of section 565.024;
22 murder in the second degree under section 565.021, where the
23 underlying felony is an intoxication-related traffic offense;
24 assault in the second degree under subdivision (4) of subsection
25 1 of section 565.060; or assault of a law enforcement officer in
26 the second degree under subdivision (4) of subsection 1 of
27 section 565.082;

28 (3) "Continuous alcohol monitoring", automatically testing

1 breath, blood, or transdermal alcohol concentration levels and
2 tampering attempts at least once every hour, regardless of the
3 location of the person who is being monitored, and regularly
4 transmitting the data. Continuous alcohol monitoring shall be
5 considered an electronic monitoring service under subsection 3 of
6 section 217.690;

7 (4) An "intoxication-related traffic offense" is driving
8 while intoxicated, driving with excessive blood alcohol content,
9 involuntary manslaughter pursuant to subdivision (2) or (3) of
10 subsection 1 of section 565.024, murder in the second degree
11 under section 565.021, where the underlying felony is an
12 intoxication-related traffic offense, assault in the second
13 degree pursuant to subdivision (4) of subsection 1 of section
14 565.060, assault of a law enforcement officer in the second
15 degree pursuant to subdivision (4) of subsection 1 of section
16 565.082, or driving under the influence of alcohol or drugs in
17 violation of state law or a county or municipal ordinance;

18 (5) A "persistent offender" is one of the following:

19 (a) A person who has pleaded guilty to or has been found
20 guilty of two or more intoxication-related traffic offenses;

21 (b) A person who has pleaded guilty to or has been found
22 guilty of involuntary manslaughter pursuant to subdivision (2) or
23 (3) of subsection 1 of section 565.024, assault in the second
24 degree pursuant to subdivision (4) of subsection 1 of section
25 565.060, assault of a law enforcement officer in the second
26 degree pursuant to subdivision (4) of subsection 1 of section
27 565.082; and

28 (6) A "prior offender" is a person who has pleaded guilty

1 to or has been found guilty of one intoxication-related traffic
2 offense, where such prior offense occurred within five years of
3 the occurrence of the intoxication-related traffic offense for
4 which the person is charged.

5 2. Any person who pleads guilty to or is found guilty of a
6 violation of section 577.010 or 577.012 who is alleged and proved
7 to be a prior offender shall be guilty of a class A misdemeanor.

8 3. Any person who pleads guilty to or is found guilty of a
9 violation of section 577.010 or 577.012 who is alleged and proved
10 to be a persistent offender shall be guilty of a class D felony.

11 4. Any person who pleads guilty to or is found guilty of a
12 violation of section 577.010 or section 577.012 who is alleged
13 and proved to be an aggravated offender shall be guilty of a
14 class C felony.

15 5. Any person who pleads guilty to or is found guilty of a
16 violation of section 577.010 or section 577.012 who is alleged
17 and proved to be a chronic offender shall be guilty of a class B
18 felony.

19 6. No state, county, or municipal court shall suspend the
20 imposition of sentence as to a prior offender, persistent
21 offender, aggravated offender, or chronic offender under this
22 section nor sentence such person to pay a fine in lieu of a term
23 of imprisonment, section 557.011 to the contrary notwithstanding.

24 (1) No prior offender shall be eligible for parole or
25 probation until he or she has served a minimum of ten days
26 imprisonment:

27 (a) Unless as a condition of such parole or probation such
28 person performs at least thirty days involving at least two

1 hundred forty hours of community service under the supervision of
2 the court in those jurisdictions which have a recognized program
3 for community service; or

4 (b) The offender participates in and successfully completes
5 a program established pursuant to section 478.007 or other
6 court-ordered treatment program, if available, and as part of
7 either program, the offender performs at least thirty days of
8 community service under the supervision of the court.

9 (2) No persistent offender shall be eligible for parole or
10 probation until he or she has served a minimum of thirty days
11 imprisonment:

12 (a) Unless as a condition of such parole or probation such
13 person performs at least sixty days involving at least four
14 hundred eighty hours of community service under the supervision
15 of the court; or

16 (b) The offender participates in and successfully completes
17 a program established pursuant to section 478.007 or other
18 court-ordered treatment program, if available, and as part of
19 either program, the offender performs at least sixty days of
20 community service under the supervision of the court.

21 (3) No aggravated offender shall be eligible for parole or
22 probation until he or she has served a minimum of sixty days
23 imprisonment.

24 (4) No chronic offender shall be eligible for parole or
25 probation until he or she has served a minimum of two years
26 imprisonment. In addition to any other terms or conditions of
27 probation, the court shall consider, as a condition of probation
28 for any person who pleads guilty to or is found guilty of an

1 intoxication-related traffic offense, requiring the offender to
2 abstain from consuming or using alcohol or any products
3 containing alcohol as demonstrated by continuous alcohol
4 monitoring or by verifiable breath alcohol testing performed a
5 minimum of four times per day as scheduled by the court for such
6 duration as determined by the court, but not less than ninety
7 days. The court may, in addition to imposing any other fine,
8 costs, or assessments provided by law, require the offender to
9 bear any costs associated with continuous alcohol monitoring or
10 verifiable breath alcohol testing.

11 7. The state, county, or municipal] A court shall find the
12 defendant to be a prior offender, prior boating offender,
13 persistent offender, persistent boating offender, aggravated
14 offender, [or] aggravated boating offender, chronic offender,
15 chronic boating offender, habitual offender, or habitual boating
16 offender if:

17 (1) The indictment or information, original or amended, or
18 the information in lieu of an indictment pleads all essential
19 facts warranting a finding that the defendant is a prior
20 offender, prior boating offender, persistent offender, persistent
21 boating offender, aggravated offender, aggravated boating
22 offender, chronic offender, chronic boating offender, habitual
23 offender, or habitual boating offender; and

24 (2) Evidence is introduced that establishes sufficient
25 facts pleaded to warrant a finding beyond a reasonable doubt the
26 defendant is a prior offender, prior boating offender, persistent
27 offender, persistent boating offender, aggravated offender, [or]
28 aggravated boating offender, chronic offender, chronic boating

1 offender, habitual offender, or habitual boating offender; and

2 (3) The court makes findings of fact that warrant a finding
3 beyond a reasonable doubt by the court that the defendant is a
4 prior offender, prior boating offender, persistent offender,
5 persistent boating offender, aggravated offender, [or] aggravated
6 boating offender, chronic offender, chronic boating offender,
7 habitual offender, or habitual boating offender.

8 [8.] 2. In a jury trial, the [facts] defendant's status as
9 a prior offender, prior boating offender, persistent offender,
10 persistent boating offender, aggravated offender, aggravated
11 boating offender, chronic offender, chronic boating offender,
12 habitual offender, or habitual boating offender shall be
13 [pleaded, established and] found prior to submission to the jury
14 outside of its hearing.

15 [9.] 3. In a trial without a jury or upon a plea of guilty,
16 [the court may defer the proof in findings of such facts to a
17 later time, but] a determination of the defendant's status as a
18 prior offender, prior boating offender, persistent offender,
19 persistent boating offender, aggravated offender, aggravated
20 boating offender, chronic offender, chronic boating offender,
21 habitual offender, or habitual boating offender may be made by
22 the court at any time prior to sentencing.

23 4. Evidence offered as proof of the defendant's status as a
24 prior offender, prior boating offender, persistent offender,
25 persistent boating offender, aggravated offender, aggravated
26 boating offender, chronic offender, chronic boating offender,
27 habitual offender or habitual boating offender shall include but
28 not be limited to evidence of findings of guilt received by a

1 search of the records of the Missouri uniform law enforcement
2 system, including criminal history records from the central
3 repository or records from the driving while intoxicated tracking
4 system (DWITS) maintained by the Missouri state highway patrol,
5 or the certified driving record maintained by the Missouri
6 department of revenue. Any findings of guilt used to establish
7 defendant's status as a prior offender, prior boating offender,
8 persistent offender, persistent boating offender, aggravated
9 offender, aggravated boating offender, chronic offender, chronic
10 boating offender, habitual offender or habitual boating offender
11 shall be prior to the date of commission of the present offense.

12 [10.] 5. The defendant shall be accorded full rights of
13 confrontation and cross-examination, with the opportunity to
14 present evidence, at such hearings.

15 [11.] 6. The defendant may waive proof of the facts
16 [alleged] used to prove his or her status as a prior offender,
17 prior boating offender, persistent offender, persistent boating
18 offender, aggravated offender, aggravated boating offender,
19 chronic offender, chronic boating offender, habitual offender, or
20 habitual boating offender.

21 [12. Nothing in this section shall prevent the use of
22 presentence investigations or commitments.

23 13. At the sentencing hearing both the state, county, or
24 municipality and the defendant shall be permitted to present
25 additional information bearing on the issue of sentence.

26 14. The pleas or findings of guilt shall be prior to the
27 date of commission of the present offense.

28 15.] 7. If a court finds the defendant to be a prior

1 offender, prior boating offender, persistent offender, persistent
2 boating offender, aggravated offender, aggravated boating
3 offender, chronic offender, chronic boating offender, habitual
4 offender, or habitual boating offender, the court shall not
5 instruct the jury as to the range of punishment or allow the
6 jury, upon a finding of guilt, to assess and declare the
7 punishment as part of its verdict [in cases of prior offenders,
8 persistent offenders, aggravated offenders, or chronic
9 offenders].

10 [16. Evidence of a prior conviction, plea of guilty, or
11 finding of guilt in an intoxication-related traffic offense shall
12 be heard and determined by the trial court out of the hearing of
13 the jury prior to the submission of the case to the jury, and
14 shall include but not be limited to evidence received by a search
15 of the records of the Missouri uniform law enforcement system,
16 including criminal history records from the central repository or
17 records from the driving while intoxicated tracking system
18 (DWITS) maintained by the Missouri state highway patrol, or the
19 certified driving record maintained by the Missouri department of
20 revenue. After hearing the evidence, the court shall enter its
21 findings thereon. A plea of guilty or a finding of guilt
22 followed by incarceration, a fine, a suspended imposition of
23 sentence, suspended execution of sentence, probation or parole or
24 any combination thereof in any intoxication-related traffic
25 offense in a state, county or municipal court or any combination
26 thereof, shall be treated as a prior plea of guilty or finding of
27 guilt for purposes of this section.]

28 8. At sentencing, all parties shall be permitted to present

1 additional information bearing on the issue of the sentence.
2 Nothing in this section shall prevent the use of presentence
3 investigations, sentencing advisory reports or commitments.

4 577.029. A licensed physician, registered nurse,
5 phlebotomist, or trained medical technician, acting at the
6 request and direction of the law enforcement officer, shall
7 withdraw blood for the purpose of determining the alcohol content
8 of the blood, unless such medical personnel, in his or her good
9 faith medical judgment, believes such procedure would endanger
10 the life or health of the person in custody. Blood may be
11 withdrawn only by such medical personnel, but such restriction
12 shall not apply to the taking of a breath test, a saliva
13 specimen, or a urine specimen. In withdrawing blood for the
14 purpose of determining the alcohol content thereof, only a
15 previously unused and sterile needle and sterile vessel shall be
16 utilized and the withdrawal shall otherwise be in strict accord
17 with accepted medical practices. Upon the request of the person
18 who is tested, full information concerning the test taken at the
19 direction of the law enforcement officer shall be made available
20 to him or her.

21 577.031. No person who administers any test pursuant to the
22 provisions of sections 577.020 to 577.041 upon the request of a
23 law enforcement officer, no hospital in or with which such person
24 is employed or is otherwise associated or in which such test is
25 administered, and no other person, firm, or corporation by whom
26 or with which such person is employed or is in any way
27 associated, shall be civilly liable in damages to the person
28 tested unless for gross negligence [or by], willful or wanton

1 act, or omission.

2 577.037. 1. Upon the trial of any person for [violation of
3 any of the provisions of section 565.024, or section 565.060, or
4 section 577.010 or 577.012, or upon the trial of any criminal
5 action] any criminal offense or violations of county or municipal
6 ordinances, or in any license suspension or revocation proceeding
7 pursuant to the provisions of this chapter [302] arising out of
8 acts alleged to have been committed by any person while [driving]
9 operating a motor vehicle, vessel, or aircraft, or acting as a
10 flight crew member of any aircraft, while in an intoxicated
11 condition or with an excessive blood alcohol content, the amount
12 of alcohol in the person's blood at the time of the act
13 [alleged], as shown by any chemical analysis of the person's
14 blood, breath, saliva, or urine, is admissible in evidence and
15 the provisions of subdivision (5) of section 491.060 shall not
16 prevent the admissibility or introduction of such evidence if
17 otherwise admissible. [If there was eight-hundredths of one
18 percent or more by weight of alcohol in the person's blood, this
19 shall be prima facie evidence that the person was intoxicated at
20 the time the specimen was taken.]

21 2. If a chemical analysis of the defendant's breath, blood,
22 saliva, or urine demonstrates there was eight-hundredths of one
23 percent or more by weight of alcohol in the person's blood, this
24 shall be prima facie evidence that the person was intoxicated at
25 the time the specimen was taken. If a chemical analysis of the
26 defendant's breath, blood, saliva, or urine demonstrates that
27 there was less than eight-hundredths of one percent of alcohol in
28 the defendant's blood, any charge alleging a criminal offense

1 related to the operation of a vehicle, vessel, or aircraft while
2 in an intoxicated condition or with an excessive blood alcohol
3 content shall be dismissed with prejudice unless one or more of
4 the following considerations cause the court to find a dismissal
5 unwarranted:

6 (1) There is evidence that the chemical analysis is
7 unreliable as evidence of the defendant's intoxication at the
8 time of the alleged violation due to the lapse of time between
9 the alleged violation and the obtaining of the specimen;

10 (2) There is evidence that the defendant was under the
11 influence of a controlled substance, or drug, or a combination of
12 either or both with or without alcohol; or

13 (3) There is substantial evidence of intoxication from
14 physical observations of witnesses or admissions of the
15 defendant.

16 3. Percent by weight of alcohol in the blood shall be based
17 upon grams of alcohol per one hundred milliliters of blood or
18 grams of alcohol per two hundred ten liters of breath.

19 **[3.]** 4. The foregoing provisions of this section shall not
20 be construed as limiting the introduction of any other competent
21 evidence bearing upon the question of whether the person was
22 intoxicated.

23 **[4.]** 5. A chemical analysis of a person's breath, blood,
24 saliva or urine, in order to give rise to the presumption or to
25 have the effect provided for in subsection **[1]** 2 of this section,
26 shall have been performed as provided in sections 577.020 to
27 577.041 and in accordance with methods and standards approved by
28 the state department of health and senior services.

1 [5. Any charge alleging a violation of section 577.010 or
2 577.012 or any county or municipal ordinance prohibiting driving
3 while intoxicated or driving under the influence of alcohol shall
4 be dismissed with prejudice if a chemical analysis of the
5 defendant's breath, blood, saliva, or urine performed in
6 accordance with sections 577.020 to 577.041 and rules promulgated
7 thereunder by the state department of health and senior services
8 demonstrate that there was less than eight-hundredths of one
9 percent of alcohol in the defendant's blood unless one or more of
10 the following considerations cause the court to find a dismissal
11 unwarranted:

12 (1) There is evidence that the chemical analysis is
13 unreliable as evidence of the defendant's intoxication at the
14 time of the alleged violation due to the lapse of time between
15 the alleged violation and the obtaining of the specimen;

16 (2) There is evidence that the defendant was under the
17 influence of a controlled substance, or drug, or a combination of
18 either or both with or without alcohol; or

19 (3) There is substantial evidence of intoxication from
20 physical observations of witnesses or admissions of the
21 defendant.]

22 577.041. 1. If a person [under arrest, or who has been
23 stopped pursuant to] detained, stopped, or arrested under
24 subdivision (2) or (3) of subsection 1 of section 577.020,
25 refuses upon the request of the officer to submit to any test
26 allowed pursuant to section 577.020, then evidence of the refusal
27 shall be admissible in [a] any proceeding [pursuant to section
28 565.024, 565.060, or 565.082, or section 577.010 or 577.012]

1 related to the acts resulting from such detention, stop, or
2 arrest.

3 2. The request of the officer to submit to any chemical
4 test shall include the reasons of the officer for requesting the
5 person to submit to a test and also shall inform the person that
6 evidence of refusal to take the test may be used against such
7 person [and that the person's]. If such person was operating a
8 vehicle prior to such detention, stop, or arrest, he or she shall
9 further be informed that his or her license shall be immediately
10 revoked upon refusal to take the test.

11 3. If a person, when requested to submit to any test
12 allowed pursuant to section 577.020, requests to speak to an
13 attorney, the person shall be granted twenty minutes in which to
14 attempt to contact an attorney. If, upon the completion of the
15 twenty-minute period, the person continues to refuse to submit to
16 any test, it shall be deemed a refusal. [In the event, the
17 officer shall, on behalf of the director of revenue, serve the
18 notice of license revocation personally upon the person and shall
19 take possession of any license to operate a motor vehicle issued
20 by this state which is held by that person. The officer shall
21 issue a temporary permit, on behalf of the director of revenue,
22 which is valid for fifteen days and shall also give the person a
23 notice of such person's right to file a petition for review to
24 contest the license revocation.

25 2. The officer shall make a certified report under
26 penalties of perjury for making a false statement to a public
27 official. The report shall be forwarded to the director of
28 revenue and shall include the following:

1 (1) That the officer has:

2 (a) Reasonable grounds to believe that the arrested person
3 was driving a motor vehicle while in an intoxicated or drugged
4 condition; or

5 (b) Reasonable grounds to believe that the person stopped,
6 being under the age of twenty-one years, was driving a motor
7 vehicle with a blood alcohol content of two-hundredths of one
8 percent or more by weight; or

9 (c) Reasonable grounds to believe that the person stopped,
10 being under the age of twenty-one years, was committing a
11 violation of the traffic laws of the state, or political
12 subdivision of the state, and such officer has reasonable grounds
13 to believe, after making such stop, that the person had a blood
14 alcohol content of two-hundredths of one percent or greater;

15 (2) That the person refused to submit to a chemical test;

16 (3) Whether the officer secured the license to operate a
17 motor vehicle of the person;

18 (4) Whether the officer issued a fifteen-day temporary
19 permit;

20 (5) Copies of the notice of revocation, the fifteen-day
21 temporary permit and the notice of the right to file a petition
22 for review, which notices and permit may be combined in one
23 document; and

24 (6) Any license to operate a motor vehicle which the
25 officer has taken into possession.

26 3. Upon receipt of the officer's report, the director shall
27 revoke the license of the person refusing to take the test for a
28 period of one year; or if the person is a nonresident, such

1 person's operating permit or privilege shall be revoked for one
2 year; or if the person is a resident without a license or permit
3 to operate a motor vehicle in this state, an order shall be
4 issued denying the person the issuance of a license or permit for
5 a period of one year.

6 4. If a person's license has been revoked because of the
7 person's refusal to submit to a chemical test, such person may
8 petition for a hearing before a circuit division or associate
9 division of the court in the county in which the arrest or stop
10 occurred. The person may request such court to issue an order
11 staying the revocation until such time as the petition for review
12 can be heard. If the court, in its discretion, grants such stay,
13 it shall enter the order upon a form prescribed by the director
14 of revenue and shall send a copy of such order to the director.
15 Such order shall serve as proof of the privilege to operate a
16 motor vehicle in this state and the director shall maintain
17 possession of the person's license to operate a motor vehicle
18 until termination of any revocation pursuant to this section.
19 Upon the person's request the clerk of the court shall notify the
20 prosecuting attorney of the county and the prosecutor shall
21 appear at the hearing on behalf of the director of revenue. At
22 the hearing the court shall determine only:

23 (1) Whether or not the person was arrested or stopped;

24 (2) Whether or not the officer had:

25 (a) Reasonable grounds to believe that the person was
26 driving a motor vehicle while in an intoxicated or drugged
27 condition; or

28 (b) Reasonable grounds to believe that the person stopped,

1 being under the age of twenty-one years, was driving a motor
2 vehicle with a blood alcohol content of two-hundredths of one
3 percent or more by weight; or

4 (c) Reasonable grounds to believe that the person stopped,
5 being under the age of twenty-one years, was committing a
6 violation of the traffic laws of the state, or political
7 subdivision of the state, and such officer had reasonable grounds
8 to believe, after making such stop, that the person had a blood
9 alcohol content of two-hundredths of one percent or greater; and

10 (3) Whether or not the person refused to submit to the
11 test.

12 5. If the court determines any issue not to be in the
13 affirmative, the court shall order the director to reinstate the
14 license or permit to drive.

15 6. Requests for review as provided in this section shall go
16 to the head of the docket of the court wherein filed.

17 7. No person who has had a license to operate a motor
18 vehicle suspended or revoked pursuant to the provisions of this
19 section shall have that license reinstated until such person has
20 participated in and successfully completed a substance abuse
21 traffic offender program defined in section 577.001, or a program
22 determined to be comparable by the department of mental health or
23 the court. Assignment recommendations, based upon the needs
24 assessment as described in subdivision (23) of section 302.010,
25 shall be delivered in writing to the person with written notice
26 that the person is entitled to have such assignment
27 recommendations reviewed by the court if the person objects to
28 the recommendations. The person may file a motion in the

1 associate division of the circuit court of the county in which
2 such assignment was given, on a printed form provided by the
3 state courts administrator, to have the court hear and determine
4 such motion pursuant to the provisions of chapter 517. The
5 motion shall name the person or entity making the needs
6 assessment as the respondent and a copy of the motion shall be
7 served upon the respondent in any manner allowed by law. Upon
8 hearing the motion, the court may modify or waive any assignment
9 recommendation that the court determines to be unwarranted based
10 upon a review of the needs assessment, the person's driving
11 record, the circumstances surrounding the offense, and the
12 likelihood of the person committing a like offense in the future,
13 except that the court may modify but may not waive the assignment
14 to an education or rehabilitation program of a person determined
15 to be a prior or persistent offender as defined in section
16 577.023, or of a person determined to have operated a motor
17 vehicle with fifteen-hundredths of one percent or more by weight
18 in such person's blood. Compliance with the court determination
19 of the motion shall satisfy the provisions of this section for
20 the purpose of reinstating such person's license to operate a
21 motor vehicle. The respondent's personal appearance at any
22 hearing conducted pursuant to this subsection shall not be
23 necessary unless directed by the court.

24 8. The fees for the substance abuse traffic offender
25 program, or a portion thereof to be determined by the division of
26 alcohol and drug abuse of the department of mental health, shall
27 be paid by the person enrolled in the program. Any person who is
28 enrolled in the program shall pay, in addition to any fee charged

1 for the program, a supplemental fee to be determined by the
2 department of mental health for the purposes of funding the
3 substance abuse traffic offender program defined in section
4 302.010 and section 577.001. The administrator of the program
5 shall remit to the division of alcohol and drug abuse of the
6 department of mental health on or before the fifteenth day of
7 each month the supplemental fee for all persons enrolled in the
8 program, less two percent for administrative costs. Interest
9 shall be charged on any unpaid balance of the supplemental fees
10 due the division of alcohol and drug abuse pursuant to this
11 section and shall accrue at a rate not to exceed the annual rates
12 established pursuant to the provisions of section 32.065, plus
13 three percentage points. The supplemental fees and any interest
14 received by the department of mental health pursuant to this
15 section shall be deposited in the mental health earnings fund
16 which is created in section 630.053.

17 9. Any administrator who fails to remit to the division of
18 alcohol and drug abuse of the department of mental health the
19 supplemental fees and interest for all persons enrolled in the
20 program pursuant to this section shall be subject to a penalty
21 equal to the amount of interest accrued on the supplemental fees
22 due the division pursuant to this section. If the supplemental
23 fees, interest, and penalties are not remitted to the division of
24 alcohol and drug abuse of the department of mental health within
25 six months of the due date, the attorney general of the state of
26 Missouri shall initiate appropriate action of the collection of
27 said fees and interest accrued. The court shall assess attorney
28 fees and court costs against any delinquent program.

1 10. Any person who has had a license to operate a motor
2 vehicle revoked more than once for violation of the provisions of
3 this section shall be required to file proof with the director of
4 revenue that any motor vehicle operated by the person is equipped
5 with a functioning, certified ignition interlock device as a
6 required condition of license reinstatement. Such ignition
7 interlock device shall further be required to be maintained on
8 all motor vehicles operated by the person for a period of not
9 less than six months immediately following the date of
10 reinstatement. If the person fails to maintain such proof with
11 the director as required by this section, the license shall be
12 rerevoked and the person shall be guilty of a class A
13 misdemeanor.

14 11. The revocation period of any person whose license and
15 driving privilege has been revoked under this section and who has
16 filed proof of financial responsibility with the department of
17 revenue in accordance with chapter 303 and is otherwise eligible,
18 shall be terminated by a notice from the director of revenue
19 after one year from the effective date of the revocation. Unless
20 proof of financial responsibility is filed with the department of
21 revenue, the revocation shall remain in effect for a period of
22 two years from its effective date. If the person fails to
23 maintain proof of financial responsibility in accordance with
24 chapter 303, the person's license and driving privilege shall be
25 rerevoked and the person shall be guilty of a class A
26 misdemeanor.]

27 577.060. 1. A person commits the [crime] offense of
28 leaving the scene of [a motor vehicle] an accident when:

1 (1) Being the operator [or driver] of a vehicle [on the
2 highway or on any publicly or privately owned parking lot or

3 parking facility generally open for use by the public and knowing

4 that an injury has been caused to a person or damage has been

5 caused to property, due to his culpability or to accident,] or a

6 vessel involved in an accident resulting in injury or death or

7 damage to property of another person; and

8 (2) Having knowledge of such accident he or she leaves the
9 place of the injury, damage or accident without stopping and

10 giving [his name, residence, including city and street number,

11 motor vehicle number and driver's license number, if any,] the

12 following information to the [injured] other party or to a

13 [police] law enforcement officer, or if no [police] law

14 enforcement officer is in the vicinity, then to the nearest

15 [police station or judicial officer] law enforcement agency:

16 (a) His or her name; and

17 (b) His or her residence, including city and street number;

18 and

19 (c) The registration or license number for his or her

20 vehicle or vessel; and

21 (d) His or her operator's license number, if any.

22 2. For the purposes of this section, all [peace] law

23 enforcement officers shall have jurisdiction, when invited by an

24 injured person, to enter the premises of any privately owned

25 [parking lot or parking facility] property for the purpose of

26 investigating an accident and performing all necessary duties

27 regarding such accident.

28 3. The offense of leaving the scene of [a motor vehicle] an

1 accident is [a class A misdemeanor, except that it shall be a
2 class D felony if the accident resulted in:

- 3 (1) Physical injury to another party; or
4 (2) Property damage in excess of one thousand dollars; or
5 (3) If the defendant has previously pled guilty to or been
6 found guilty of a violation of this section]:

7 (1) A class A misdemeanor;

8 (2) A class E felony if:

9 (a) Physical injury was caused to another party; or

10 (b) Damage in excess of one thousand dollars was caused to
11 the property of another person; or

12 (c) The defendant has previously been found guilty of a
13 violation of any offense committed in another jurisdiction which,
14 if committed in this state, would be a violation of an offense in
15 this section.

16 4. A law enforcement officer who investigates or receives
17 information of an accident involving an all-terrain vehicle and
18 also involving the loss of life or serious physical injury shall
19 make a written report of the investigation or information
20 received and such additional facts relating to the accident as
21 may come to his or her knowledge, mail the information to the
22 department of public safety, and keep a record thereof in his or
23 her office.

24 5. The provisions of this section shall not apply to the
25 operation of all-terrain vehicles when property damage is
26 sustained in sanctioned all-terrain vehicle races, derbies and
27 rallies.

28 577.068. 1. A person commits the [crime] offense of

1 [leaving the scene of] failure to report a shooting when[,]:

2 (1) Being in possession of a firearm or projectile weapon
3 as defined in section 571.010, [such person] he or she discharges
4 such firearm or projectile weapon and causes injury or death to
5 another person [and such person,]; and

6 (2) Knowing that he or she has caused such injury or death,
7 [leaves the place of the shooting without giving his name,
8 address, and driver's license number, if applicable,] fails to
9 report such shooting to a law enforcement officer. If no such
10 officer is in the vicinity where the shooting occurs, the person
11 must provide such information to the nearest [police station or]
12 law enforcement [officer. A person is not in violation of this
13 section if he leaves the scene of a shooting in order to obtain
14 medical assistance or contact law enforcement authorities to
15 notify them of the shooting, so long as such person returns to
16 the scene of the shooting or otherwise provides the information
17 required by this section to a law enforcement officer within a
18 reasonable time after the shooting] agency.

19 2. Failure to report a shooting is:

20 (1) A class A misdemeanor;

21 (2) A class E felony if the person has previously been
22 found guilty of a violation of this section or any offense
23 committed in another jurisdiction which, if committed in this
24 state, would be a violation of an offense described in this
25 section.

26 3. A person is not in violation of this section if he or
27 she fails to report a shooting in order to obtain medical
28 assistance or contact law enforcement authorities to notify them

1 of the shooting, so long as such person returns to the scene of
2 the shooting or otherwise reports the shooting as provided herein
3 within a reasonable time after the shooting.

4 [2.] 4. All [peace] law enforcement officers and reserve
5 [peace] law enforcement officers [certified under the provisions
6 of chapter 590] shall have authority to investigate shootings and
7 arrest a person who violates subsection 1 of this section, except
8 that conservation agents may enforce such provisions as to
9 hunting related shootings. For the purpose of this section, a
10 "hunting-related shooting" shall be defined as any shooting in
11 which a person is injured as a result of hunting activity that
12 involves the discharge of a hunting weapon.

13 [3. Leaving the scene of a shooting is a class A
14 misdemeanor, except that it is a class D felony if the person has
15 previously pled guilty to or been found guilty of a violation of
16 this section.]

17 577.070. 1. A person commits the [crime] offense of
18 littering if he [throws or] or she places, deposits, or causes to
19 be [thrown or] placed or deposited, any glass, glass bottles,
20 wire, nails, tacks, hedge, cans, garbage, trash, refuse, or
21 rubbish of any kind, nature or description on the right-of-way of
22 any public road or state highway or on or in any of the waters in
23 this state or on the banks of any stream, or on any land or water
24 owned, operated or leased by the state, any board, department,
25 agency or commission thereof or on any land or water owned,
26 operated or leased by the federal government or on any private
27 real property owned by another without [his] the owner's consent.

28 2. The offense of littering is a class [A] C misdemeanor

1 unless:

2 (1) Such littering creates a substantial risk of physical
3 injury or property damage to another; or

4 (2) The person has been found guilty of a violation of this
5 section or an offense committed in another jurisdiction which, if
6 committed in this state, would be a violation under this section,
7 in which case it is a class A misdemeanor.

8 577.073. 1. [It is unlawful for any person to throw waste
9 paper, tin cans, bottles, rubbish of any kind, or contaminate in
10 any manner, any spring, pool or stream within a state park, nor
11 shall any person other than authorized personnel of the
12 department of natural resources cut, prune, pick or deface or
13 injure in any manner the flowers, trees, shrub or any other flora
14 growing on the land or in the water of any state park] A person
15 commits the offense of damaging state park property if he or she:

16 (1) Knowingly places or deposits waste paper, tin cans,
17 bottles, or rubbish of any kind within a state park;

18 (2) Contaminates, in any manner, any spring, pool, or
19 stream within a state park;

20 (3) Cuts, prunes, picks, defaces, or injures, in any
21 manner, the flowers, trees, shrub, or any other flora growing on
22 the land or in the water of any state park except as performed or
23 directed by authorized personnel of the department of natural
24 resources; or

25 (4) Removes, injures, disfigures, defaces, or destroys an
26 object of archaeological or historical value or interest within a
27 state park except as performed or directed by authorized
28 personnel of the department of natural resources.

1 2. [No person shall be permitted to offer or advertise
2 merchandise or other goods for sale or hire, or to maintain any
3 concession, or use any park facilities, buildings, trails, roads
4 or other state park property for commercial use except by written
5 permission or concession contract with the department of natural
6 resources; except that, the provisions of this subsection shall
7 not apply to the normal and customary use of public roads by
8 commercial and noncommercial organizations for the purpose of
9 transporting persons or vehicles, including, but not limited to,
10 canoes.

11 3. No object of archaeological or historical value or
12 interest within a state park may be removed, injured, disfigured,
13 defaced or destroyed except by authorized personnel.

14 4. Any person violating any of the provisions of this
15 section shall be deemed guilty of a misdemeanor] The offense of
16 damaging state park property is a class C misdemeanor, unless:

17 (1) Such damage creates a substantial risk of physical
18 injury or property damage to another; or

19 (2) The defendant has previously been found guilty of a
20 violation of this section or an offense committed in another
21 jurisdiction which, if committed in this state, would be a
22 violation under this section, in which case it is a class A
23 misdemeanor.

24 577.075. 1. [It shall be unlawful for any] A person
25 commits the offense of unlawful release of anhydrous ammonia if
26 he or she is not the owner or not in lawful control of an
27 approved container of anhydrous ammonia [to release or allow] and
28 knowingly releases or allows the escape of anhydrous ammonia into

1 the atmosphere.

2 2. The offense of unlawful release of anhydrous ammonia is
3 a class B felony, unless such release causes serious physical
4 injury or death [of a human being or causes serious physical
5 injury] to any person in which case it is a class A felony.

6 577.076. 1. [If any] A person [or persons shall put any
7 dead animal, carcass or part thereof, the offal or any other
8 filth] commits the offense of unlawful disposition of a dead
9 animal if he or she knowingly places or causes to be placed the
10 carcass or offal of any dead animal:

11 (1) Into any well, spring, brook, branch, creek, pond, or
12 lake[, every person so offending shall, on conviction thereof, be
13 fined not less than twenty-five nor more than five hundred
14 dollars.

15 2. If any person shall remove, or cause to be removed and
16 placed in or near any]; or

17 (2) On any public road or highway, river, stream, or
18 watercourse or upon premises not his or her own[, or in any
19 river, stream or watercourse any dead animal, carcass or part
20 thereof, or other nuisance, to the annoyance of the citizens of
21 this state, or any of them, every person so offending shall, upon
22 conviction thereof, be fined for every offense not less than
23 twenty-five dollars nor more than five hundred dollars, and if
24 such nuisance be not removed within three days thereafter, it
25 shall be deemed a second offense against the provisions of this
26 section] for the purpose of annoying another or others.

27 2. The offense of unlawful disposition of a dead animal is
28 a class C misdemeanor.

1 [569.072.] 577.078. 1. A person commits the [crime]
2 offense of criminal water contamination if such person knowingly
3 introduces any dangerous radiological, chemical or biological
4 agent or substance into any public or private waters of the state
5 or any water supply with the purpose of causing death or serious
6 physical injury to another person.

7 2. The offense of criminal water contamination is a class B
8 felony.

9 577.080. 1. A person commits the [crime] offense of
10 abandoning a [motor] vehicle, vessel, or trailer if he or she
11 knowingly abandons any motor vehicle, vessel, or trailer on:

12 (1) The right-of-way of any public road or state highway
13 [or];

14 (2) On or in any of the waters in this state [or];

15 (3) On the banks of any stream[, or];

16 (4) On any land or water owned, operated or leased by the
17 state, any board, department, agency or commission thereof, or
18 any political subdivision thereof [or];

19 (5) On any land or water owned, operated or leased by the
20 federal government; or

21 (6) On any private real property owned by another without
22 his or her consent.

23 2. For purposes of this section, the last owner of record
24 of a [motor] vehicle, vessel, or trailer found abandoned and not
25 shown to be transferred pursuant to sections 301.196 and 301.197
26 shall be deemed prima facie [to have been the owner] evidence of
27 ownership of such [motor] vehicle, vessel, or trailer at the time
28 it was abandoned and [to have been] the person who abandoned the

1 [motor] vehicle, vessel, or trailer or caused or procured its
2 abandonment. The registered owner of the abandoned [motor]
3 vehicle, vessel, or trailer shall not be subject to the penalties
4 provided by this section if the [motor] vehicle, vessel, or
5 trailer was in the care, custody, or control of another person at
6 the time of the violation. In such instance, the owner shall
7 submit such evidence in an affidavit permitted by the court
8 setting forth the name, address, and other pertinent information
9 of the person who leased, rented, or otherwise had care, custody,
10 or control of the [motor] vehicle, vessel, or trailer at the time
11 of the alleged violation. The affidavit submitted pursuant to
12 this subsection shall be admissible in a court proceeding
13 adjudicating the alleged violation and shall raise a rebuttable
14 presumption that the person identified in the affidavit was in
15 actual control of the [motor] vehicle, vessel, or trailer. In
16 such case, the court has the authority to terminate the
17 prosecution of the summons issued to the owner and issue a
18 summons to the person identified in the affidavit as the
19 operator. If the [motor] vehicle, vessel, or trailer is alleged
20 to have been stolen, the owner of the [motor] vehicle, vessel, or
21 trailer shall submit proof that a police report was filed in a
22 timely manner indicating that the vehicle or vessel was stolen at
23 the time of the alleged violation.

24 3. The offense of abandoning a [motor] vehicle, vessel, or
25 trailer is a class A misdemeanor.

26 4. Any person convicted pursuant to this section shall be
27 civilly liable for all reasonable towing, storage, and
28 administrative costs associated with the abandonment of the

1 [motor] vehicle, vessel, or trailer. Any reasonable towing,
2 storage, and administrative costs in excess of the value of the
3 abandoned [motor] vehicle, vessel, or trailer that exist at the
4 time the [motor vehicle or vessel] property is transferred
5 pursuant to section 304.156 shall remain the liability of the
6 person convicted pursuant to this section so long as the towing
7 company, as defined in chapter 304, provided the title owner and
8 lienholders, as ascertained by the department of revenue records,
9 a notice within the time frame and in the form as described in
10 subsection 1 of section 304.156.

11 577.100. 1. A person commits the [crime] offense of
12 abandonment of an airtight [icebox] or semiairtight container if
13 he or she knowingly abandons, discards, or [knowingly] permits to
14 remain on premises under his or her control, in a place
15 accessible to children, any abandoned or discarded icebox,
16 refrigerator, or other airtight or semiairtight container which
17 has a capacity of one and one-half cubic feet or more and an
18 opening of fifty square inches or more and which has a door or
19 lid equipped with hinge, latch or other fastening device capable
20 of securing such door or lid, without rendering such equipment
21 harmless to human life by removing such hinges, latches or other
22 hardware which may cause a person to be confined therein.

23 2. Subsection 1 of this section does not apply to an
24 icebox, refrigerator or other airtight or semiairtight container
25 located in that part of a building occupied by a dealer,
26 [warehouseman or repairman] warehouse operator or repair person.

27 3. The defendant shall have the burden of injecting the
28 issue under subsection 2 of this section.

1 4. The offense of abandonment of an airtight [icebox] or
2 semiairtight container is a class B misdemeanor.

3 577.150. [Whoever willfully or maliciously] 1. A person
4 commits the offense of tampering with a water supply if he or she
5 purposely:

6 (1) Poisons, defiles or in any way corrupts the water of a
7 well, spring, brook or reservoir used for domestic or municipal
8 purposes[, or whoever willfully or maliciously]; or

9 (2) Diverts, dams up and holds back from its natural course
10 and flow any spring, brook or other water supply for domestic or
11 municipal purposes, after said water supply shall have once been
12 taken for use by any person or persons, corporation, town or city
13 for their use[, shall be adjudged guilty of a misdemeanor, and
14 punished by a fine not less than fifty nor more than five hundred
15 dollars, or by imprisonment in the county jail not exceeding one
16 year, or by both such fine and imprisonment, and shall be liable
17 to the party injured for three times the actual damage sustained,
18 to be recovered by suit at law].

19 2. The offense of tampering with a water supply is a class
20 A misdemeanor.

21 577.155. 1. [No] A person, firm, corporation or political
22 subdivision [shall construct or use any waste disposal well
23 located in this state] commits the offense of construction or use
24 of a waste disposal well if such person, firm, corporation, or
25 political subdivision knowingly constructs or uses a waste
26 disposal well.

27 2. As used in this section, "waste disposal well" [shall
28 mean] means any subsurface void porous formation or cavity,

1 natural or artificial, used for the disposal of liquid or
2 semi-aqueous waste except as excluded in subsection 3 of this
3 section.

4 3. "Waste disposal well" shall not include:

5 (1) Sanitary landfills or surface mining pits used for the
6 disposal of nonputrescible solid wastes as defined in section
7 64.460;

8 (2) Cesspools used solely for disposal of waste from
9 private residences; or

10 (3) Septic tanks used solely for disposal of waste.

11 4. It shall not be a violation of this section to:

12 (1) Inject or return fluids into subsurface formations in
13 connection with oil or gas operations regulated by the state oil
14 and gas council pursuant to chapter 259;

15 (2) Inject or return water into subsurface formations
16 pursuant to chapter 644 and section 192.020 in connection with
17 the following instances:

18 (a) Any groundwater heat pump injection/withdrawal well
19 that is limited to a single family residence;

20 (b) Any groundwater heat pump injection/withdrawal well
21 that is limited to eight or less single family residences as long
22 as the combined injection/withdrawal rate is less than six
23 hundred thousand British Thermal Units per hour;

24 (c) All other uses of groundwater heat pump
25 injection/withdrawal wells shall be subject to a permitting
26 procedure as established and regulated by the clean water
27 commission; or

28 (3) Backfill cavities as an integral part of the mining

1 operation with aggregate or other material obtained from that
2 operation to either reduce accumulation of waste on the surface
3 or to provide additional ground support in the mined-out areas or
4 to inundate such cavities with water devoid of toxic liquid
5 wastes, but the person, firm, or corporation who so backfills may
6 not do so without the consent of the owner of the property to be
7 backfilled.

8 5. [Any person, firm, or corporation who violates any
9 provision of this section is guilty of a misdemeanor and, upon
10 conviction, shall be punished as provided by law] The offense of
11 construction or use of a waste disposal well is a class A
12 misdemeanor. Each day of violation constitutes a separate
13 offense.

14 577.161. 1. [No] A person [shall prohibit] commits the
15 offense of prohibiting the use of a life jacket if he or she
16 knowingly disallows the use of a life jacket in a swimming pool
17 by any individual who, as evidenced by a statement signed by a
18 licensed physician, suffers from a physical disability or
19 condition which necessitates the use of such life jacket.

20 2. [Any person violating subsection 1 of this section shall
21 be guilty of] As used in this section the following terms mean:

22 (1) "Swimming pool", any artificial basin of water which is
23 modified, improved, constructed or installed for the purpose of
24 public swimming, and includes: pools for community use, pools at
25 apartments, condominiums, and other groups of associations having
26 five or more living units, clubs, churches, camps, schools,
27 institutions, Y.M.C.A. and Y.W.C.A. parks, recreational areas,
28 motels, hotels and other commercial establishments. It does not

1 include pools at private residences intended only for the use of
2 the owner or guests;

3 (2) "Person", any individual, group of individuals,
4 association, trust, partnership, corporation, person doing
5 business under an assumed name, county, municipality, the state
6 of Missouri, or any political subdivision or department thereof,
7 or any other entity;

8 (3) "Life jacket", a life jacket, life vest or any other
9 flotation device designed to be worn about the body to assist in
10 maintaining buoyancy in water.

11 3. The offense of prohibiting the use of a life jacket is a
12 class C misdemeanor.

13 [568.052.] 577.300. 1. As used in this section, the
14 following terms mean:

15 (1) "Collision", the act of a motor vehicle coming into
16 contact with an object or a person;

17 (2) ["Injury",] "Injures", to cause physical harm to the
18 body of a person;

19 (3) "Motor vehicle", any automobile, truck, truck-tractor,
20 or any motor bus or motor-propelled vehicle not exclusively
21 operated or driven on fixed rails or tracks;

22 (4) "Unattended", not accompanied by an individual fourteen
23 years [of age] old or older.

24 2. A person commits the [crime] offense of leaving a child
25 unattended in a motor vehicle in the first degree if such person
26 knowingly leaves a child [ten years of age or] less than eleven
27 years old unattended in a motor vehicle and such child fatally
28 injures another person by causing a motor vehicle collision or by

1 causing the motor vehicle to fatally injure a pedestrian. [Such
2 person shall be guilty of]

3 3. Leaving a child unattended in a motor vehicle in the
4 first degree is a class C felony.

5 [3.] 4. A person commits the [crime] offense of leaving a
6 child unattended in a motor vehicle in the second degree if such
7 person knowingly leaves a child [ten years of age or] less than
8 eleven years old unattended in a motor vehicle and such child
9 injures another person by causing a motor vehicle collision or by
10 causing the motor vehicle to injure a pedestrian. [Such person
11 shall be guilty of]

12 5. The offense of leaving a child unattended in a motor
13 vehicle in the second degree is a class A misdemeanor.

14 577.599. 1. A person commits the offense of failure to
15 comply with ignition interlock device requirements if he or she
16 knowingly operates a motor vehicle that is not equipped with a
17 functioning certified ignition interlock device in violation of a
18 court order to use such a device.

19 2. The offense of failure to comply with ignition interlock
20 device requirements is a class A misdemeanor.

21 577.600. 1. [In addition to any other provisions of law, a
22 court may require that any person who is found guilty of or
23 pleads guilty to a first intoxication-related traffic offense, as
24 defined in section 577.023, and a court shall require that any
25 person who is found guilty of or pleads guilty to a second or
26 subsequent intoxication-related traffic offense, as defined in
27 section 577.023, shall not operate any motor vehicle unless that
28 vehicle is equipped with a functioning, certified ignition

1 interlock device for a period of not less than six months from
2 the date of reinstatement of the person's driver's license. In
3 addition, any court authorized to grant a limited driving
4 privilege under section 302.309 to any person who is found guilty
5 of or pleads guilty to a second or subsequent
6 intoxication-related traffic offense shall require the use of an
7 ignition interlock device on all vehicles operated by the person
8 as a required condition of the limited driving privilege. These
9 requirements shall be in addition to any other provisions of this
10 chapter or chapter 302 requiring installation and maintenance of
11 an ignition interlock device. Any person required to use an
12 ignition interlock device, either under the provisions of this
13 chapter or chapter 302, shall comply with such requirement
14 subject to the penalties provided by this section.

15 2. No] A person [shall knowingly rent, lease or lend a
16 motor] commits the offense of renting, leasing, or lending a
17 vehicle to a person [known to have had that person's driving
18 privilege restricted as provided in subsection 1 of this
19 section,] with a limited driving privilege if he or she knowingly
20 rents, leases, or lends a vehicle to a person subject to a
21 limited driving privilege under section 302.309 requiring that
22 person to use an ignition interlock device on all vehicles
23 operated by the person unless the vehicle [is equipped with a
24 functioning, certified ignition interlock device. Any person
25 whose driving privilege is restricted as provided in subsection 1
26 of this section shall notify any other person who rents, leases
27 or loans a motor vehicle to that person of the driving
28 restriction imposed pursuant to this section.

1 3. Any person convicted of a violation of this section
2 shall be guilty of] being rented, leased, or loaned is equipped
3 with a functioning, certified ignition interlock device.

4 2. The offense of renting, leasing, or lending a vehicle to
5 a person with a restricted driving privilege is a class A
6 misdemeanor.

7 577.605. 1. A person commits the offense of failure to
8 notify another of driving restrictions if he or she is subject to
9 a limited driving privilege under section 302.309, requiring him
10 or her to use of an ignition interlock device on all vehicles he
11 or she operates and he or she knowingly fails to notify any other
12 person who rents, leases or loans a vehicle to that person of
13 such driving restriction.

14 2. The offense of failing to notify another of driving
15 restrictions is a class A misdemeanor.

16 577.612. 1. [It is unlawful for any] A person [whose
17 driving privilege is restricted pursuant to the provisions of
18 this chapter or chapter 302 to request or solicit any other
19 person to blow into an ignition interlock device or to start a
20 motor vehicle equipped with the device for the purpose of
21 providing the person so restricted with an operable motor
22 vehicle.

23 2. It is unlawful to blow] commits the offense of tampering
24 with or circumventing the operation of an ignition interlock
25 device if:

26 (1) His or her driving privilege is restricted by a
27 prohibition on the operation of any vehicle unless that vehicle
28 is equipped with a functioning, certified ignition interlock

1 device, and he or she knowingly requests or solicits any other
2 person to blow into an ignition interlock device or to start a
3 vehicle equipped with the device for the purpose of providing the
4 person so restricted with an operable vehicle; or

5 (2) He or she blows into an ignition interlock device or
6 [to start a motor] starts a vehicle equipped with the device for
7 the purpose of providing an operable [motor] vehicle to a person
8 whose driving privilege is restricted pursuant to the provisions
9 of this chapter or chapter 302[.

10 3. It is unlawful to tamper] by a prohibition on the
11 operation of any vehicle unless that vehicle is equipped with a
12 functioning, certified ignition interlock device; or

13 (3) He or she tampers with, or [circumvent] circumvents the
14 operation of, an ignition interlock device.

15 [4. Any person who violates any provision of this section
16 is guilty of]

17 2. The offense of tampering with or circumventing the
18 operation of an ignition interlock device is a class A
19 misdemeanor.

20 577.675. 1. [It shall be unlawful for any person to
21 knowingly transport, move, or attempt to transport in the state
22 of Missouri] A person commits the offense of transportation of an
23 illegal alien if he or she knowingly transports, moves, or
24 attempts to transport or move any illegal alien who is not
25 lawfully present in the United States, according to the terms of
26 8 U.S.C. Section 1101, et seq., for the purposes of trafficking
27 in violation of sections 566.200 to 566.215, drug trafficking in
28 violation of sections [195.222 and 195.223] 579.065 and 579.068,

1 prostitution in violation of chapter 567, or employment.

2 2. [Any person violating the provisions of subsection 1 of
3 this section shall be guilty of a felony for which the authorized
4 term of imprisonment is a term of years not less than one year,
5 or by a fine in an amount not less than one thousand dollars, or
6 by both such fine and imprisonment] The offense of transportation
7 of an illegal alien is a class D felony.

8 3. Nothing in this section shall be construed to deny any
9 victim of an offense under sections 566.200 to 566.215 of rights
10 afforded by the federal Trafficking Victims Protection Act of
11 2000, Public Law 106-386, as amended.

12 [578.300.] 577.700. As used in sections [578.300 to
13 578.330] 577.700 to 577.718 and section 307.176 unless the
14 context clearly requires otherwise, the following terms shall
15 mean:

16 (1) "Bus", any passenger bus or coach or other motor
17 vehicle having a seating capacity of not less than fifteen
18 passengers operated by a bus transportation company for the
19 purpose of carrying passengers or cargo for hire, but not to
20 include a bus or coach utilized exclusively to transport children
21 to and from schools;

22 (2) "Bus transportation company" or "company", any person,
23 groups of persons or corporation providing for-hire transport to
24 passengers or cargo by bus upon the highways of this state,
25 whether in interstate or intrastate travel, but not to include a
26 company utilizing buses transporting children to and from school.
27 This term shall also include bus transportation facilities owned
28 or operated by local public bodies, municipalities, public

1 corporations, boards and commissions except school districts
2 established under the laws of this state;

3 (3) "Charter", a group of persons who, pursuant to a common
4 purpose and under a single contract, and at a fixed charge for
5 the vehicle in accordance with a bus transportation company's
6 tariff, have acquired the exclusive use of a bus to travel
7 together as a group to a specified destination;

8 (4) "Passenger", any person served by the transportation
9 company and, in addition to the ordinary meaning of passenger,
10 this term shall also include persons accompanying or meeting
11 another who is transported by a company, any person shipping or
12 receiving cargo;

13 (5) "Terminal", a bus station or depot or any facility
14 operated or leased by or operated on behalf of a bus
15 transportation company, including a reasonable area immediately
16 adjacent to any designated stop along the route traveled by any
17 coach operated by a bus transportation company, and parking lots
18 or parking areas adjacent to a terminal.

19 [578.305.] 577.703. 1. A person commits the offense of
20 ["]bus hijacking[" is defined as the seizure or exercise of] if
21 he or she seizes or exercises control, by force or violence or
22 threat of force or violence, of any bus [within the jurisdiction
23 of this state]. The offense of bus hijacking [shall be] is a
24 class B felony.

25 2. The offense of "assault with the intent to commit bus
26 hijacking" is defined as an intimidation, threat, assault or
27 battery toward any driver, attendant or guard of a bus so as to
28 interfere with the performance of duties by such person. Assault

1 to commit bus hijacking [shall be] is a class [C] D felony.

2 3. Any person, who, in the commission of such intimidation,
3 threat, assault or battery with the intent to commit bus
4 hijacking, employs a dangerous or deadly weapon or other means
5 capable of inflicting serious bodily injury shall, upon
6 conviction, be guilty of a class A felony.

7 4. Any passenger who boards a bus with a dangerous or
8 deadly weapon or other means capable of inflicting serious bodily
9 injury concealed upon his or her person or effects is guilty of
10 the felony of "possession and concealment of a dangerous or
11 deadly weapon" upon a bus. Possession and concealment of a
12 dangerous and deadly weapon by a passenger upon a bus [shall be]
13 is a class [C] D felony. The provisions of this subsection shall
14 not apply to duly elected or appointed law enforcement officers
15 or commercial security personnel who are in possession of weapons
16 used within the course and scope of their employment; nor shall
17 the provisions of this subsection apply to persons who are in
18 possession of weapons or other means of inflicting serious bodily
19 injury with the consent of the owner of such bus, [or] his or her
20 agent, or the lessee or bailee of such bus.

21 [578.310.] 577.706. 1. [It is unlawful for any person at
22 any time to bomb or to plant or place] A person commits the
23 offense of planting a bomb or explosive in or near a bus or
24 terminal if he or she bombs, plants, or places any bomb or other
25 explosive matter or thing in, upon, or near any terminal or bus,
26 wherein a person or persons are located or being transported, or
27 where there is being stored, [or] shipped or prepared for
28 shipment, any goods, wares, merchandise or anything of value.

1 [Any person who violates the provisions of this subsection shall
2 be guilty of] The offense of planting a bomb or explosive in or
3 near a bus or terminal is a class A felony.

4 2. [It is unlawful for any person to threaten to commit the
5 offense defined in subsection 1 of this section.] Any person
6 [convicted of threatening] who threatens to commit the offense
7 [defined in subsection 1] of planting a bomb or explosive in or
8 near a bus or terminal shall be guilty of a class [C] D felony.

9 3. [It is unlawful to discharge] Any person who discharges
10 any firearm or [hurl] hurls any missile at, [or] into [and/or],
11 or upon any bus, terminal, or other transportation facility[.
12 Any person who violates the provisions of this subsection] shall
13 be guilty of a class B felony.

14 [578.315.] 577.709. 1. It is unlawful, while on a bus, in
15 the terminal, or on property contiguous thereto for any person:

16 (1) To threaten a breach of the peace or use any obscene,
17 profane, or vulgar language;

18 (2) To be under the influence of alcohol [or], unlawfully
19 under the influence of a controlled substance [or], to ingest or
20 have in his possession any controlled substance unless properly
21 prescribed by a physician or medical facility, or to drink
22 intoxicating liquor of any kind in or upon any passenger bus
23 except a chartered bus;

24 (3) To fail to obey a reasonable request or order of a bus
25 driver or any duly authorized company representative.

26 2. If any person shall violate any provision of [subsection
27 1] this section, the driver of the bus, or person in charge

1 thereof, may stop it at the place where the offense is committed,
2 or at the next regular or convenient stopping place of the bus
3 and require the person to leave the bus.

4 3. [Any person violating any provision of subsection 1 is
5 deemed guilty of] Violation of this section is a class C
6 misdemeanor.

7 [578.320.] 577.712. 1. In order to provide for the safety,
8 comfort, and well-being of passengers and others having a bona
9 fide business interest in any terminal, a bus transportation
10 company may refuse admission to terminals to any person not
11 having bona fide business within the terminal. Any such refusal
12 shall not be inconsistent or contrary to state or federal laws,
13 regulations pursuant thereto, or to any ordinance of the
14 political subdivision in which such terminal is located. A duly
15 authorized company representative may ask any person in a
16 terminal or on the premises of a terminal to identify himself or
17 herself and state his or her business. Failure to comply with
18 such request or failure to state an acceptable business purpose
19 shall be grounds for the company representative to request that
20 such person leave the terminal. Refusal to comply with such
21 request shall constitute disorderly conduct. Disorderly conduct
22 shall be a class C misdemeanor.

23 2. It is unlawful for any person to carry a deadly or
24 dangerous weapon or any explosives or hazardous material into a
25 terminal or aboard a bus. Possession of a deadly or dangerous
26 weapon, explosive or hazardous material shall be a class [C] D
27 felony. Upon the discovery of any such item or material, the
28 company may obtain possession and retain custody of such item or

1 material until it is transferred to the custody of law
2 enforcement officers.

3 [578.325.] 577.715. A duly authorized security guard may
4 detain within the terminal any person committing an act declared
5 unlawful by any provision of sections [578.300 to 578.330]
6 577.700 to 577.718 and section 307.176 until law enforcement
7 authorities arrive. Such detention shall not constitute unlawful
8 imprisonment and neither the company nor such company
9 representative personally shall be civilly or criminally liable
10 upon grounds of unlawful imprisonment or assault providing that
11 only reasonable force is exercised against any person so
12 detained.

13 [578.330.] 577.718. [1. It is unlawful to remove] A person
14 commits the offense of removal of baggage or cargo without the
15 owner's permission if he or she removes any baggage, cargo or
16 other item transported upon a bus or stored in a terminal without
17 the consent of the owner of such property or the company, or its
18 duly authorized representative. [Any person violating the
19 provisions of this subsection shall be guilty of a class D
20 felony.

21 2. The actual value of an item removed in violation of
22 subsection 1 shall not be material to the crime herein defined.]
23 The actual value of an item removed is not material to the
24 offense. The offense of removal of baggage or cargo without the
25 owner's permission is a class E felony.

26 578.009. 1. A person [is guilty] commits the offense of
27 animal neglect [when] if he or she:

28 (1) Has custody or ownership [or both] of an animal and

1 fails to provide adequate care or adequate control, which results
2 in substantial harm to the animal; or

3 (2) Knowingly abandons an animal in any place without
4 making provisions for its adequate care.

5 2. [A person is guilty of abandonment he has knowingly
6 abandoned an animal in any place without making provisions for
7 its adequate care.

8 3.] The offense of animal neglect [and abandonment] is a
9 class C misdemeanor [upon first conviction and for each offense,
10 punishable by imprisonment or a fine not to exceed five hundred
11 dollars, or both, and a class B misdemeanor punishable by
12 imprisonment or a fine not to exceed one thousand dollars, or
13 both upon the second and all subsequent convictions] unless the
14 person has previously been found guilty of an offense under this
15 section, or an offense in another jurisdiction which would
16 constitute an offense under this section, in which case it is a
17 class B misdemeanor.

18 3. All fines and penalties for a first [conviction of
19 animal neglect or abandonment] finding of guilt under this
20 section may be waived by the court [provided that] if the person
21 found guilty of animal neglect [or abandonment] shows that
22 adequate, permanent remedies for the neglect [or abandonment]
23 have been made. Reasonable costs incurred for the care and
24 maintenance of neglected [or abandoned] animals may not be
25 waived. This section shall not apply to the provisions of
26 section 578.007.

27 4. In addition to any other penalty imposed by this
28 section, the court may order a person found guilty of animal

1 neglect [or abandonment] to pay all reasonable costs and expenses
2 necessary for:

3 (1) The care and maintenance of neglected [or abandoned]
4 animals within the person's custody or ownership;

5 (2) The disposal of any dead or diseased animals within the
6 person's custody or ownership;

7 (3) The reduction of resulting organic debris affecting the
8 immediate area of the neglect [or abandonment]; and

9 (4) The avoidance or minimization of any public health
10 risks created by the neglect [or abandonment] of the animals.

11 578.012. 1. A person [is guilty] commits the offense of
12 animal abuse [when a person] if he or she:

13 (1) Intentionally or purposely kills an animal in any
14 manner not allowed by or expressly exempted from the provisions
15 of sections 578.005 to 578.023 and 273.030;

16 (2) Purposely or intentionally causes injury or suffering
17 to an animal; or

18 (3) Having ownership or custody of an animal knowingly
19 fails to provide adequate care or adequate control.

20 2. Animal abuse is a class A misdemeanor, unless the
21 defendant has previously [plead guilty to or has] been found
22 guilty of animal abuse or the suffering involved in subdivision
23 (2) of subsection 1 of this section is the result of torture or
24 mutilation[, or both,] consciously inflicted while the animal was
25 alive, in which case it is a class [D] E felony.

26 578.018. 1. Any duly authorized public health official or
27 law enforcement official may seek a warrant from the appropriate
28 court to enable him or her to enter private property in order to

1 inspect, care for, or impound neglected or abused animals. All
2 requests for such warrants shall be accompanied by an affidavit
3 stating the probable cause to believe a violation of sections
4 578.005 to 578.023 has occurred. A person acting under the
5 authority of a warrant shall:

6 (1) Be given a disposition hearing before the court through
7 which the warrant was issued, within thirty days of the filing of
8 the request for the purpose of granting immediate disposition of
9 the animals impounded;

10 (2) Place impounded animals in the care or custody of a
11 veterinarian, the appropriate animal control authority, or an
12 animal shelter. If no appropriate veterinarian, animal control
13 authority, or animal shelter is available, the animal shall not
14 be impounded unless it is diseased or disabled beyond recovery
15 for any useful purpose;

16 (3) Humanely kill any animal impounded if it is determined
17 by a licensed veterinarian that the animal is diseased or
18 disabled beyond recovery for any useful purpose;

19 (4) Not be liable for any necessary damage to property
20 while acting under such warrant.

21 2. The owner or custodian or any person claiming an
22 interest in any animal that has been impounded because of neglect
23 or abuse may prevent disposition of the animal by posting bond or
24 security in an amount sufficient to provide for the animal's care
25 and keeping for at least thirty days, inclusive of the date on
26 which the animal was taken into custody. Notwithstanding the
27 fact that bond may be posted pursuant to this subsection, the
28 authority having custody of the animal may humanely dispose of

1 the animal at the end of the time for which expenses are covered
2 by the bond or security, unless there is a court order
3 prohibiting such disposition. Such order shall provide for a
4 bond or other security in the amount necessary to protect the
5 authority having custody of the animal from any cost of the care,
6 keeping or disposal of the animal. The authority taking custody
7 of an animal shall give notice of the provisions of this section
8 by posting a copy of this section at the place where the animal
9 was taken into custody or by delivering it to a person residing
10 on the property.

11 3. The owner or custodian of any animal humanely killed
12 pursuant to this section shall not be entitled to recover any
13 damages related to nor the actual value of the animal if the
14 animal was found by a licensed veterinarian to be diseased or
15 disabled, or if the owner or custodian failed to post bond or
16 security for the care, keeping and disposition of the animal
17 after being notified of impoundment.

18 578.021. If a person is [adjudicated] found guilty of the
19 [crime] offense of animal neglect or animal abuse and the court
20 having jurisdiction is satisfied that an animal owned or
21 controlled by such person would in the future be subject to such
22 neglect or abuse, such animal shall not be returned to or allowed
23 to remain with such person, but its disposition shall be
24 determined by the court.

25 578.023. 1. [No person may keep] A person commits the
26 offense of keeping a dangerous wild animal if he or she keeps any
27 lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain
28 lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear,

1 nonhuman primate, coyote, any deadly, dangerous, or poisonous
2 reptile, or any deadly or dangerous reptile over eight feet long,
3 in any place other than a properly maintained zoological park,
4 circus, scientific, or educational institution, research
5 laboratory, veterinary hospital, or animal refuge, unless [such
6 person] he or she has registered such animals with the local law
7 enforcement agency in the county in which the animal is kept.

8 2. [Any person violating the provisions of this section
9 shall be guilty of] The offense of keeping a dangerous wild
10 animal is a class C misdemeanor.

11 578.024. 1. [If a dog that has] A person commits the
12 offense of keeping a dangerous dog if he or she owns or possesses
13 a dog that has previously bitten a person or a domestic animal
14 without provocation and that dog bites any person on a subsequent
15 occasion[, the owner or possessor is guilty of a class B
16 misdemeanor unless such attack].

17 2. The offense of keeping a dangerous dog is a class B
18 misdemeanor, unless such attack:

19 (1) Results in serious injury to any person, in which case,
20 [the owner or possessor is guilty of] it is a class A
21 misdemeanor; or

22 (2) Results in serious injury to any person and any
23 previous attack also resulted in serious injury to any person, in
24 which case, [the owner or possessor is guilty of] it is a class
25 [D] E felony; or

26 (3) Results in the death of any person, in which case, [the
27 owner or possessor shall be guilty of] it is a class [C] D
28 felony.

1 [2.] 3. In addition to the penalty included in subsection
2 [1] 2 of this section, if any dog that has previously bitten a
3 person or a domestic animal without provocation bites any person
4 on a subsequent occasion or if a dog that has not previously
5 bitten a person attacks and causes serious injury to or the death
6 of any human, the dog shall be seized immediately by an animal
7 control authority or by the county sheriff. The dog shall be
8 impounded and held for ten business days after the owner or
9 possessor is given written notification and thereafter destroyed.

10 [3.] 4. The owner or possessor of the dog that has been
11 impounded may file a written appeal to the circuit court to
12 contest the impoundment and destruction of such dog. The owner
13 or possessor shall provide notice of the filing of the appeal to
14 the animal control authority or county sheriff who seized the
15 dog. If the owner or possessor files such an appeal and provides
16 proper notice, the dog shall remain impounded and shall not be
17 destroyed while such appeal is pending and until the court issues
18 an order for the destruction of the dog. The court shall hold a
19 disposition hearing within thirty days of the filing of the
20 appeal to determine whether such dog shall be humanely destroyed.
21 The court may order the owner or possessor of the dog to pay the
22 costs associated with the animal's keeping and care during the
23 pending appeal.

24 [4.] 5. Notwithstanding any provision of sections 273.033
25 and 273.036, section 578.022 and this section to the contrary, if
26 a dog attacks or bites a person who is engaged in or attempting
27 to engage in a criminal activity at the time of the attack, the
28 owner or possessor is not guilty of any crime specified under

1 this section or section 273.036, and is not civilly liable under
2 this section or section 273.036, nor shall such dog be destroyed
3 as provided in subsection ~~[2]~~ 3 of this section, nor shall such
4 person engaged in or attempting to engage in a criminal activity
5 at the time of the attack be entitled to the defenses set forth
6 in section 273.033. For purposes of this section "criminal
7 activity" shall not include the act of trespass upon private
8 property under section 569.150 as long as the trespasser does not
9 otherwise engage in, attempt to engage in, or have intent to
10 engage in other criminal activity nor shall it include any
11 trespass upon private property by a person under the age of
12 twelve under section 569.140.

13 578.025. 1. ~~[Any person who]~~ A person commits the offense
14 of dogfighting if he or she:

15 (1) Owns, possesses, keeps, or trains any dog, with the
16 intent that such dog shall be engaged in an exhibition of
17 fighting with another dog;

18 (2) For amusement or gain, causes any dog to fight with
19 another dog, or causes any dogs to injure each other; or

20 (3) Permits any act as described in subdivision (1) or (2)
21 of this subsection to be done on any premises under his or her
22 charge or control, or aids or abets any such act ~~[is guilty of a~~
23 ~~class D felony]~~.

24 2. ~~[Any person who]~~ The offense of dogfighting is a class E
25 felony.

26 3. A person commits the offense of spectating dogfighting
27 if he or she is knowingly present, as a spectator, at any place,
28 building, or structure where preparations are being made for an

1 exhibition of the fighting of dogs, with the intent to be present
2 at such preparations, or is knowingly present at such exhibition
3 or at any other fighting or injuring as described in subdivision
4 (2) of subsection 1 of this section, with the intent to be
5 present at such exhibition, fighting, or injuring [is guilty of a
6 class A misdemeanor].

7 4. The offense of spectating dogfighting is a class A
8 misdemeanor.

9 [3.] 5. Nothing in this section shall be construed to
10 prohibit:

11 (1) The use of dogs in the management of livestock by the
12 owner of such livestock [or], his or her employees or agents, or
13 other persons in lawful custody of such livestock; or

14 (2) The use of dogs in hunting; or

15 (3) The training of dogs or the use of equipment in the
16 training of dogs for any purpose not prohibited by law.

17 578.027. 1. [No person shall tie or attach or fasten] A
18 person commits the offense of causing a dog to pursue a live
19 animal propelled by a device if he or she ties or attaches or
20 fastens any live animal to any machine or device propelled by any
21 power for the purpose of causing such animal to be pursued by a
22 dog or dogs.

23 2. [Any person violating this section is guilty of] The
24 offense of causing a dog to pursue a live animal propelled by a
25 device is a class A misdemeanor.

26 578.028. [Any] 1. A person [who] commits the offense of
27 unlawful removal of an electronic dog collar or radio
28 transmitting device if he or she removes an electronic or radio

1 transmitting collar from a dog without the permission of the
2 owner of the dog with the intent to prevent or hinder the owner
3 from locating the dog [is guilty of a class A misdemeanor. Upon
4 a plea or finding of guilt,].

5 2. The offense of unlawful removal of an electronic dog
6 collar or radio transmitting device is a class A misdemeanor.
7 The court shall order [that the defendant] any person found
8 guilty under this section to pay as restitution the actual value
9 of any dog lost or killed as a result of such removal. The court
10 may also order restitution to the owner for any lost breeding
11 revenues.

12 578.029. 1. A person commits the [crime] offense of
13 knowingly releasing an animal if [that person] he or she, acting
14 without the consent of the owner or custodian of an animal,
15 intentionally releases any animal that is lawfully confined for
16 the purpose of companionship or protection of persons or property
17 or for recreation, exhibition or educational purposes.

18 2. As used in this section "animal" means every living
19 creature, domesticated or wild, but not including Homo sapiens.

20 3. The provisions of this section shall not apply to a
21 public servant acting in the course of such servant's official
22 duties.

23 4. The offense of intentionally releasing an animal is a
24 class B misdemeanor [except that the second or any subsequent
25 offense], unless the defendant has previously been found guilty
26 of a violation under this section, in which case it is a class
27 [D] E felony.

28 578.030. 1. The provisions of section 43.200

1 notwithstanding, any member of the state highway patrol or other
2 law enforcement officer may apply for and serve a search warrant,
3 and shall have the power of search and seizure in order to
4 enforce the provisions of sections 578.025 to 578.050.

5 2. Any member of the state highway patrol or other law
6 enforcement officer making an arrest under section 578.025 shall
7 lawfully take possession of all dogs or other animals and all
8 paraphernalia, implements, or other property or things used or
9 employed, or about to be employed, in the violation of any of the
10 provisions of section 578.025. Such officer, after taking
11 possession of such dogs, animals, paraphernalia, implements or
12 other property or things, shall file with the court before whom
13 the complaint is made against any person so arrested an affidavit
14 stating therein the name of the person charged in such complaint,
15 a description of the property so taken and the time and place of
16 the taking thereof together with the name of the person from whom
17 the same was taken and the name of the person who claims to own
18 such property, if known, and that the affiant has reason to
19 believe and does believe, stating the ground of such belief, that
20 the property so taken was used or employed, or was about to be
21 used or employed, in such violation of section 578.025. He or
22 she shall thereupon deliver the property so taken to the court,
23 which shall, by order in writing, place the same in the custody
24 of an officer or other proper person named and designated in such
25 order, to be kept by him or her until the conviction or final
26 discharge of such person complained against, and shall send a
27 copy of such order without delay to the prosecuting attorney of
28 the county. The officer or person so named and designated in

1 such order shall immediately thereupon assume the custody of such
2 property and shall retain the same, subject to the order of the
3 court before which such person so complained against may be
4 required to appear for trial. Upon the conviction of the person
5 so charged, all property so seized shall be adjudged by the court
6 to be forfeited and shall thereupon be destroyed or otherwise
7 disposed of as the court may order. In the event of the
8 acquittal or final discharge without conviction of the person so
9 charged, such court shall, on demand, direct the delivery of such
10 property so held in custody to the owner thereof.

11 578.050. [Any person who shall keep or use] 1. A person
12 commits the offense of bullbaiting or cockfighting if he or she:

13 (1) Keeps, uses, or in any way [be] is connected with or
14 interested in the management of, or [shall receive] receives
15 money for the admission of any person to, any place kept or used
16 for the purpose of fighting or baiting any bull, bear, cock, or
17 other creature, except dogs[, and any person who shall encourage,
18 aid or assist or be present thereat,];

19 (2) Encourages, aids, assists, or is present at any place
20 kept or used for such purpose; or [who shall permit or suffer]

21 (3) Permits or suffers any place belonging to him or her,
22 or under his or her control, to be so kept or used[, shall, on
23 conviction thereof, be guilty of a class A misdemeanor].

24 2. The offense of bullbaiting or cockfighting is a class A
25 misdemeanor.

26 578.095. 1. [Any person who] A person commits the offense
27 of desecrating a flag if he or she purposefully and publicly
28 mutilates, defaces, defiles, tramples upon or otherwise

1 desecrates the national flag of the United States or the state
2 flag of the state of Missouri [is guilty of the crime of flag
3 desecration].

4 2. [National flag desecration] The offense of desecrating a
5 flag is a class A misdemeanor.

6 578.100. 1. [Whoever] A person commits the offense of
7 selling goods on a Sunday if he or she engages on Sunday in the
8 business of selling or sells or offers for sale on such day, at
9 retail, motor vehicles; clothing and wearing apparel; clothing
10 accessories; furniture; housewares; home, business or office
11 furnishings; household, business or office appliances; hardware;
12 tools; paints; building and lumber supply materials; jewelry;
13 silverware; watches; clocks; luggage; musical instruments and
14 recordings or toys; excluding novelties and souvenirs[; is guilty
15 of a misdemeanor and shall upon conviction for the first offense
16 be sentenced to pay a fine of not exceeding one hundred dollars,
17 and for the second or any subsequent offense be sentenced to pay
18 a fine of not exceeding two hundred dollars or undergo
19 confinement not exceeding thirty days in the county jail in
20 default thereof].

21 2. The offense of selling goods on a Sunday is a
22 misdemeanor and persons found guilty for the first offense shall
23 be sentenced to pay a fine not exceeding on hundred dollars, and
24 for the second or any subsequent offense be sentenced to pay a
25 fine not exceeding two hundred dollars or undergo confinement not
26 exceeding thirty days in the county jail.

27 3. Each separate sale or offer to sell shall constitute a
28 separate offense.

1 [3.] 4. Information charging violations of this section
2 shall be brought within five days after the commission of the
3 alleged offense and not thereafter.

4 [4.] 5. The operation of any place of business where any
5 goods, wares or merchandise are sold or exposed for sale in
6 violation of this section is hereby declared to be a public and
7 common nuisance.

8 [5. Any county of this state containing all or part of a
9 city with a population of over four hundred thousand may exempt
10 itself from the application of this section by submission of the
11 proposition to the voters of the county at a general election or
12 a special election called for that purpose, and the proposition
13 receiving a majority of the votes cast therein. The proposal to
14 exempt the county from the provisions of this section shall be
15 submitted to the voters of the county upon a majority vote of the
16 governing body of the county or when a petition requesting the
17 submission of the proposal to the voters and signed by a number
18 of qualified voters residing in the county equal to eight percent
19 of the votes cast in the county in the next preceding
20 gubernatorial election is filed with the governing body of the
21 county. The ballot of submission shall contain, but not be
22 limited to, the following language:

23 FOR the exemption of County from the
24 Sunday sales law

25 AGAINST the exemption of County from the
26 Sunday sales law

27
28 If a majority of the votes cast on the proposal by the qualified

1 voters voting thereon in the county are in favor of the proposal,
2 then the provisions of this section shall no longer apply within
3 that county. If a majority of the votes cast on the proposal by
4 the qualified voters voting thereon in the county are opposed to
5 the proposal, then the provisions of this section shall continue
6 to apply and be enforced within that county. The exemption of
7 any county from the provisions of this section shall not become
8 effective in that county until the results of the vote exempting
9 the county have been filed with the secretary of state and with
10 the revisor of statutes and have been certified as received by
11 those officers. The revisor of statutes shall note which
12 counties are exempt from the provisions of this section in the
13 Missouri revised statutes.]

14 6. This section shall not apply to any county in which the
15 voters have elected to be exempted from the provision of this
16 section as of August 28, 2013, nor shall it apply to any county
17 that exempts itself under this section. In addition to any other
18 method of exemption provided by law, the governing body of any
19 county of this state may exempt itself from the application of
20 this section by order or ordinance of the governing body of the
21 county after public hearing upon the matter. Such public hearing
22 shall be preceded by public notice which shall, at a minimum, be
23 published at least three different times in the newspaper with
24 the greatest circulation in the county. Upon such order or
25 ordinance becoming effective, such county shall be exempt from
26 the provisions of this section and no election or other method of
27 exemption shall be required. The exemption of any county from
28 the provisions of this section by order or ordinance shall not

1 become effective in that county until the order or ordinance has
2 been filed with the secretary of state and the revisor of
3 statutes and has been certified as received by those officers.

4 The revisor of statutes shall note which counties are exempt from
5 the provisions of this section in the Missouri revised statutes.

6 7. Any other county may exempt itself from the application
7 of this section by a vote of the qualified voters of the county.
8 The county shall submit the proposition to the voters of the
9 county at any election, and the proposition shall receive a
10 majority of the votes cast. The proposition to exempt the county
11 from the provisions of this section shall be submitted to the
12 voters of the county upon a majority vote of the governing body
13 of the county or when a petition requesting the submission of the
14 proposition to the voters and signed by a number of registered
15 voters residing in the county equal to eight percent of the votes
16 cast in the county in the next preceding gubernatorial election
17 is filed with the governing body of the county. The ballot of
18 submission shall contain, but need not be limited to, the
19 following language:

20
21 To exempt County from the Sunday sales law.

22 YES

23 NO

24 If a majority of the votes cast on the proposal by the registered
25 voters voting thereon in the county are in favor of the proposal,
26 then the provisions of this section shall no longer apply within
27 that county. If a majority of the votes cast on the proposal by
28 the registered voters voting thereon in the county are opposed to

1 the proposal, then the provisions of section 578.100 shall
2 continue to apply and be enforced within that county. The
3 exemption of the county from the provisions of section 578.100
4 shall not become effective in that county until the results of
5 the vote exempting the county have been filed with the secretary
6 of state and with the revisor of statutes and have been certified
7 as received by those officers. The revisor of statutes shall
8 note which counties are exempt from the provisions of this
9 section in the Missouri revised statutes.

10 8. (1) Notwithstanding any provision in this chapter to
11 the contrary, no dealer, distributor or manufacturer licensed
12 under section 301.559 may keep open, operate, or assist in
13 keeping open or operating any established place of business for
14 the purpose of buying, selling, bartering or exchanging, or
15 offering for sale, barter or exchange, any motor vehicle, whether
16 new or used, on Sunday. However, this section does not apply to
17 the sale of manufactured housing; the sale of recreational motor
18 vehicles; washing, towing, wrecking or repairing operations; the
19 sale of petroleum products, tires, and repair parts and
20 accessories; or new vehicle shows or displays participated in by
21 five or more franchised dealers or in towns or cities with five
22 or fewer dealers, a majority.

23 (2) No association consisting of motor vehicle dealers,
24 distributors or manufacturers licensed under section 301.559
25 shall be in violation of antitrust or restraint of trade statutes
26 under chapter 416 or regulation promulgated thereunder solely
27 because it encourages its members not to open or operate on
28 Sunday a place of business for the purpose of buying, selling,

1 bartering or exchanging any motor vehicle.

2 (3) Violation of the provisions of this subsection is a
3 class C misdemeanor.

4 578.151. 1. It is the intent of the general assembly of
5 the state of Missouri to recognize that all persons shall have
6 the right to hunt, fish and trap in this state in accordance with
7 law and the rules and regulations made by the commission as
8 established in article IV of the Constitution of Missouri.

9 2. ~~[Any person who]~~ A person commits the offense of
10 interference with hunting, fishing, or trapping in the first
11 degree if he or she intentionally interferes with the lawful
12 taking of wildlife by another [is guilty of the crime of
13 interference with lawful hunting, fishing or trapping in the
14 first degree].

15 3. It shall be considered a violation of this section to
16 intentionally harass, drive, or disturb any game animal or fish
17 for the purpose of disrupting lawful hunting, fishing or
18 trapping.

19 4. The offense of interference with lawful hunting, fishing
20 or trapping in the first degree is a class A misdemeanor.

21 578.152. 1. ~~[Any person who]~~ A person commits the offense
22 of interference with hunting, fishing, or trapping in the second
23 degree if he or she enters or remains in a hunting, fishing or
24 trapping area where lawful hunting, fishing or trapping may occur
25 with the intent to interfere with the lawful taking of wildlife
26 [is guilty of the crime of interference with lawful hunting,
27 fishing or trapping in the second degree].

28 2. The offense of interference with lawful hunting,

1 fishing, or trapping in the second degree is a class B
2 misdemeanor.

3 578.153. 1. A peace officer as defined by chapter 590 who
4 reasonably believes that a person has violated section 578.151 or
5 578.152 may order the person to desist. The offense of failure
6 to obey the order of a peace officer to desist from conduct in
7 violation of sections 578.151 and 578.152 ~~[shall be]~~ is a class A
8 misdemeanor.

9 2. Any law enforcement officer shall and any agent of the
10 conservation commission may enforce the provisions of sections
11 578.151, 578.152 and this section and arrest violators of such
12 sections.

13 3. The conduct declared unlawful by sections 578.151 and
14 578.152 shall not include any lawful activity by the landowner or
15 persons in lawful possession of the land.

16 578.173. ~~[Baiting or fighting animals -- penalty.]~~

17 1. ~~[Any person who commits any of the following acts is~~
18 ~~guilty of a class D felony]~~ A person commits the offense of
19 baiting or fighting animals if he or she:

20 (1) ~~[Baiting or fighting]~~ Baits or fights animals;

21 (2) ~~[Permitting]~~ Permits baiting or animal fighting to be
22 done on any premises under his or her charge or control;

23 (3) ~~[Promoting, conducting, or staging]~~ Promotes, conducts,
24 or stages a baiting or fight between two or more animals;

25 (4) ~~[Advertising]~~ Advertises a baiting or fight between two
26 or more animals;

27 (5) ~~[Collecting]~~ Collects any admission fee for a baiting
28 or fight between two or more animals[.

1 2. Any person who commits any of the following acts is
2 guilty of a class A misdemeanor:

3 (1)];

4 (6) Knowingly ~~[attending]~~ attends the baiting or fighting
5 of animals;

6 ~~[(2)]~~ (7) Knowingly ~~[selling, offering for sale, shipping,~~
7 ~~or transporting]~~ sells, offers for sale, ships, or transports any
8 animal which has been bred or trained to bait or fight another
9 animal;

10 ~~[(3) Owning or possessing]~~

11 (8) Owens or possesses any of the cockfighting implements,
12 commonly known as gaffs and slashers, or any other sharp
13 implement designed to be attached to the leg of a gamecock; or

14 ~~[(4) Manufacturing, selling, bartering or exchanging]~~

15 (9) Manufactures, sells, barter, or exchanges any of the
16 cockfighting implements, commonly known as gaffs and slashers, or
17 any other sharp implement designed to be attached to the leg of a
18 gamecock.

19 2. The offense of baiting or fighting animals is a class E
20 felony.

21 578.176. [Bear wrestling -- penalty. Any person who
22 commits any of the following acts is guilty of a class A
23 misdemeanor] 1. A person commits the offense of bear wrestling
24 if he or she:

25 (1) Wrestles a bear ~~[wrestling]~~;

26 (2) ~~[(Permitting)]~~ Permits bear wrestling to be done on any
27 premises under his or her charge or control;

28 (3) ~~[(Promoting, conducting, or staging)]~~ Promotes, conducts,

1 or stages bear wrestling;

2 (4) [Advertising] Advertises bear wrestling;

3 (5) [Collecting] Collects any admission fee for bear
4 wrestling;

5 (6) [Purchasing, selling, or possessing] Purchases, sells,
6 or possesses a bear which he or she knows will be used for bear
7 wrestling;

8 (7) [Training] Trains a bear for bear wrestling;

9 (8) [Subjecting] Subjects a bear to surgical alteration for
10 bear wrestling.

11 2. The offense of bear wrestling is a class A misdemeanor.

12 578.350. 1. [Any] A person licensed under chapter 334 or
13 335 who treats a person for a wound inflicted by gunshot [shall]
14 commits the infraction of medical deception if he or she
15 knowingly fails to immediately report to a local law enforcement
16 official the name and address of the person, if known, and if
17 unknown, a description of the person, together with an
18 explanation of the nature of the wound and the circumstances
19 under which the treatment was rendered.

20 2. [Any person licensed under chapter 334 or 335 who
21 knowingly fails to report the injuries described in this section
22 is guilty of the offense of medical deception.

23 3. Medical deception is an infraction.] A person licensed
24 under chapter 334 or 335 who, in good faith, makes a report under
25 this section shall have immunity from civil liability that
26 otherwise might result from such report and shall have the same
27 immunity with respect to any good faith participation in any
28 judicial proceeding in which the reported gunshot wound is an

1 issue. Notwithstanding the provisions of subdivision (5) of
2 section 491.060, the existence of a physician-patient
3 relationship shall not prevent a physician from submitting the
4 report required in this section, or testifying regarding
5 information acquired from a patient treated for a gunshot wound
6 if such testimony is otherwise admissible.

7 578.365. 1. A person commits the ~~[crime]~~ offense of hazing
8 if he or she knowingly participates in or causes [hazing, as it
9 is defined in section 578.360.

10 2. Hazing is a class A misdemeanor, unless the act creates
11 a substantial risk to the life of the student or prospective
12 member, in which case it is a class C felony] a willful act,
13 occurring on or off the campus of a public or private college or
14 university, directed against a student or a prospective member of
15 an organization operating under the sanction of a public or
16 private college or university, that recklessly endangers the
17 mental or physical health or safety of a student or prospective
18 member for the purpose of initiation or admission into or
19 continued membership in any such organization to the extent that
20 such person is knowingly placed at probable risk of the loss of
21 life or probable bodily or psychological harm. Acts of hazing
22 include:

23 (1) Any activity which recklessly endangers the physical
24 health or safety of the student or prospective member, including
25 but not limited to physical brutality, whipping, beating,
26 branding, exposure to the elements, forced consumption of any
27 food, liquor, drug or other substance, or forced smoking or
28 chewing of tobacco products; or

1 (2) Any activity which recklessly endangers the mental
2 health of the student or prospective member, including but not
3 limited to sleep deprivation, physical confinement, or other
4 extreme stress-inducing activity; or

5 (3) Any activity that requires the student or prospective
6 member to perform a duty or task which involves a violation of
7 the criminal laws of this state or any political subdivision in
8 this state.

9 2. Public or private colleges or universities in this state
10 shall adopt a written policy prohibiting hazing by any
11 organization operating under the sanction of the institution.

12 3. Nothing in [sections 578.360 to 578.365] this section
13 shall be interpreted as creating a new private cause of action
14 against any educational institution.

15 4. Consent is not a defense to hazing. Section 565.080
16 does not apply to hazing cases or to homicide cases arising out
17 of hazing activity.

18 5. The offense of hazing is a class A misdemeanor, unless
19 the act creates a substantial risk to the life of the student or
20 prospective member, in which case it is a class D felony.

21 578.398. 1. A person commits the offense of sports bribery
22 in the first degree if he or she gives, promises or offers any
23 benefit to any participant or prospective participant in any
24 sport or game with the purpose to influence him or her to lose or
25 try to lose or cause to be lost or to limit the margin of victory
26 in any sport or game in which the participant is taking part, or
27 expects to take part, or has any duty or connection therewith.

28 2. The offense of sports bribery in the first degree is a

1 class D felony.

2 578.399. 1. A person commits the offense of sports bribery
3 in the second degree if he or she, being a participant or
4 prospective participant in any sport or game, accepts, attempts
5 to obtain, or solicits any benefit in exchange for losing or
6 trying to lose or causing to be lost or limiting the margin of
7 victory in any sport or game in which the participant is taking
8 part, or expects to take part, or has any duty or connection
9 therewith.

10 2. The offense of sports bribery in the second degree is a
11 class A misdemeanor.

12 578.405. 1. [Sections 578.405 to 578.412] This section
13 shall be known and may be cited as "The Animal Research and
14 Production Facilities Protection Act".

15 2. As used in [sections 578.405 to 578.412] this section,
16 the following terms mean:

17 (1) "Animal", every living creature, domestic or wild, but
18 not including Homo sapiens;

19 (2) "Animal facility", any facility engaging in legal
20 scientific research or agricultural production or involving the
21 use of animals, including any organization with a primary purpose
22 of representing livestock production or processing, any
23 organization with a primary purpose of promoting or marketing
24 livestock or livestock products, any person licensed to practice
25 veterinary medicine, any organization involved in the production
26 of pet food or pet food research, and any organization with a
27 primary purpose of representing any such person, organization, or
28 institution. The term shall include the owner, operator, and

1 employees of any animal facility and the offices and vehicles of
2 any such persons while engaged in duties related to the animal
3 facility, and any premises where animals are located[;

4 (3) "Director", the director of the department of
5 agriculture].

6 [578.407. No person shall] 3. A person commits the offense
7 of prohibited acts against animal research and production
8 facilities if he or she:

9 (1) [~~Release, steal~~] Releases, steals, or otherwise
10 intentionally [~~cause~~] causes the death, injury, or loss of any
11 animal at or from an animal facility and not authorized by that
12 facility;

13 (2) [~~Damage, vandalize, or steal~~] Damages, vandalizes, or
14 steals any property in or on an animal facility;

15 (3) [~~Obtain~~] Obtains access to an animal facility by false
16 pretenses for the purpose of performing acts not authorized by
17 the facility;

18 (4) [~~Enter~~] Enters or otherwise [~~interfere~~] interferes with
19 an animal facility with the intent to destroy, alter, duplicate
20 or obtain unauthorized possession of records, data, material,
21 equipment, or animals;

22 (5) Knowingly [~~obtain~~] obtains, by theft or deception,
23 control over records, data, material, equipment, or animals of
24 any animal facility for the purpose of depriving the rightful
25 owner or animal facility of the records, material, data,
26 equipment, or animals, or for the purpose of concealing,
27 abandoning, or destroying such records, material, data,
28 equipment, or animals; or

1 (6) [Enter or remain] Enters or remains on an animal
2 facility with the intent to commit an act prohibited by this
3 section.

4 4. The offense of prohibited acts against animal research
5 and production facilities is a class A misdemeanor unless:

6 (1) The loss or damage to the animal facility is fifty
7 dollars or more, in which case it is a class E felony;

8 (2) The loss or damage to the animal facility is seven
9 hundred fifty dollars or more, in which case it is a class D
10 felony;

11 (3) The loss or damage to the animal facility is one
12 thousand dollars or more, in which case it is a class C felony;

13 (4) The loss or damage to the animal facility is twenty-
14 five thousand dollars or more, in which case it is a class B
15 felony.

16 5. Any person who intentionally agrees with another person
17 to violate this section and commits an act in furtherance of such
18 violation shall be guilty of the same class of violation as
19 provided in subsection 4 of this section.

20 6. In the determination of the value of the loss, theft, or
21 damage to an animal facility, the court shall conduct a hearing
22 to determine the reasonable cost of replacement of materials,
23 data, equipment, animals, and records that were damaged,
24 destroyed, lost, or cannot be returned, as well as the reasonable
25 cost of lost production funds and repeating experimentation that
26 may have been disrupted or invalidated as a result of the
27 violation of this section.

28 7. Any persons found guilty of a violation of this section

1 shall be ordered by the court to make restitution, jointly and
2 severally, to the owner, operator, or both, of the animal
3 facility, in the full amount of the reasonable cost as determined
4 under subsection 6 of this section.

5 8. Any person who has been damaged by a violation of this
6 section may recover all actual and consequential damages,
7 punitive damages, and court costs, including reasonable
8 attorneys' fees, from the person causing such damage.

9 9. Nothing in this section shall preclude any animal
10 facility injured in its business or property by a violation of
11 this section from seeking appropriate relief under any other
12 provision of law or remedy including the issuance of an
13 injunction against any person who violates this section. The
14 owner or operator of the animal facility may petition the court
15 to permanently enjoin such persons from violating this section
16 and the court shall provide such relief.

17 10. The director of the department of agriculture may
18 promulgate rules and regulations necessary for the enforcement of
19 this section. The director shall have the authority to
20 investigate any alleged violation of this section, along with any
21 other law enforcement agency, and may take any action within the
22 director's authority necessary for the enforcement of this
23 section. The attorney general, the highway patrol, and other law
24 enforcement officials shall provide assistance required in the
25 conduct of an investigation. Any rule or portion of a rule, as
26 that term is defined in section 536.010, that is created under
27 the authority delegated in this section shall become effective
28 only if it complies with and is subject to all of the provisions

1 of chapter 536 and if applicable, section 536.028. This section
2 and chapter 536 are nonseverable and if any of the powers vested
3 with the general assembly pursuant to chapter 536 to review, to
4 delay the effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2013,
7 shall be invalid and void.

8 578.421. As used in sections 578.421 to 578.437, the
9 following terms mean:

10 (1) "Criminal street gang", any ongoing organization,
11 association, or group of three or more persons, whether formal or
12 informal, having as one of its primary activities the commission
13 of one or more of the criminal acts enumerated in subdivision (2)
14 of this section, which has a common name or common identifying
15 sign or symbol, whose members individually or collectively engage
16 in or have engaged in a pattern of criminal gang activity;

17 (2) "Pattern of criminal street gang activity", the
18 commission, attempted commission, or solicitation of two or more
19 of the following offenses, provided at least one of those
20 offenses occurred after August 28, 1993, and the last of those
21 offenses occurred within three years after a prior offense, and
22 the offenses are committed on separate occasions, or by two or
23 more persons:

24 (a) Assault with a deadly weapon or by means of force
25 likely to cause serious physical injury, as provided in sections
26 565.050 and ~~565.060~~ 565.052;

27 (b) Robbery, arson and those offenses under chapter 569
28 which are related to robbery and arson;

1 (c) Murder or manslaughter, as provided in sections 565.020
2 to 565.024;

3 (d) Any violation of the provisions of chapter [195] 579
4 which involves the distribution, delivery or manufacture of a
5 substance prohibited by chapter [195] 579;

6 (e) [Unlawful use of a weapon which is a felony pursuant to
7 section 571.030] Any felony offense of sections 571.031 to
8 571.044; or

9 (f) Tampering with witnesses and victims, as provided in
10 section 575.270.

11 578.425. Any person who is convicted of a felony or a
12 misdemeanor which is committed for the benefit of, at the
13 direction of, or in association with, any criminal street gang,
14 with the specific intent to promote, further, or assist in any
15 criminal conduct by gang members, shall be punished in the
16 following manner:

17 (1) Any person who violates this section in the commission
18 of a misdemeanor shall be punished by imprisonment in the county
19 jail not to exceed one year, or by imprisonment in a state
20 correctional facility for one, two, or three years;

21 (2) Any person who violates this section in the commission
22 of a felony shall, upon conviction of that felony, in addition
23 and consecutive to the punishment prescribed for the felony of
24 which he or she has been convicted, be punished by an additional
25 term of one, two, or three years at the court's discretion. If
26 the underlying felony is committed on the grounds of, or within
27 one thousand feet of a public or private elementary, vocational,
28 junior high or high school, the additional term shall be two,

1 three, or four years, at the court's discretion. The court shall
2 order the imposition of the middle term of the sentence
3 enhancement, unless there are circumstances in aggravation or
4 mitigation. The court shall state the reasons for its choice of
5 sentence enhancements on the record at the time of sentencing;

6 (3) Any person who violates this section in the commission
7 of a felony punishable by death or imprisonment for life shall
8 not be paroled until a minimum of fifteen calendar years have
9 been served in the custody of the department of corrections.

10 578.430. 1. Any room, building, structure or inhabitable
11 structure as defined in section [569.010] 556.061 which is used
12 by a criminal street gang in a pattern of criminal street gang
13 activity shall be deemed a public nuisance. No person shall keep
14 or maintain such a public nuisance.

15 2. The attorney general, circuit attorney or prosecuting
16 attorney may, in addition to any criminal prosecutions, prosecute
17 a suit in equity to enjoin the public nuisance. If the court
18 finds that the owner of the room, building, structure or
19 inhabitable structure knew that the premises were being used for
20 criminal street gangs in a pattern of criminal street gang
21 activity, the court may order that the premises shall not be
22 occupied or used for such period as the court may determine, not
23 to exceed one year.

24 3. All persons, including owners, lessees, officers,
25 agents, offenders or employees, aiding or facilitating such a
26 nuisance may be made defendants in any suit to enjoin the
27 nuisance.

28 4. It is unlawful for a person to keep or maintain such a

1 public nuisance. In addition to any other criminal prosecutions,
2 the prosecuting attorney or circuit attorney may by information
3 or indictment charge the owner or the occupant, or both the owner
4 and the occupant, of the room, building, structure, or
5 inhabitable structure with the crime of keeping or maintaining a
6 public nuisance. Keeping or maintaining a public nuisance is a
7 class D felony.

8 578.437. No weapon shall be declared a nuisance pursuant to
9 section 578.435 and this section unless reasonable notice has
10 been given to the lawful owner thereof, if his or her identity
11 and address can be reasonably ascertained. The law enforcement
12 agency shall inform the lawful owner at that person's last known
13 address by registered mail that the owner of the weapon has
14 thirty days from the date of receipt of the notice to respond to
15 the clerk of the court to confirm his or her desire for a
16 hearing, and that the failure to respond shall result in a
17 default order and thereupon such weapon shall be declared a
18 nuisance. If the person requests a hearing the court shall set a
19 hearing no later than sixty days from the receipt of such
20 request, and shall notify the person, the law enforcement agency
21 involved, and the prosecuting attorney of the date, time, and
22 place of the hearing. At such hearing the burden of proof shall
23 be upon the state to show by a preponderance of the evidence that
24 the seized item has been or will be used in criminal street gang
25 activity, or that the return of the weapon would likely result in
26 the endangering of the lives of others.

27 [566.221.] 578.475. 1. An international marriage broker
28 shall provide notice to each recruit that the criminal history

1 record information and marital history information of clients and
2 basic rights information are available from the organization.
3 The notice of the availability of such information must be in a
4 conspicuous location, in the recruit's native language, in
5 lettering that is at least one-quarter of an inch in height, and
6 presented in a manner that separates the different types of
7 information available.

8 2. An international marriage broker shall disseminate to a
9 recruit the criminal history record information and marital
10 history information of a client and basic rights information no
11 later than thirty days after the date the international marriage
12 broker receives the criminal history record information and the
13 marital history information on the client. Such information must
14 be provided in the recruit's native language and the organization
15 shall pay the costs incurred to translate the information.

16 3. A client of an international marriage broker shall:

17 (1) Obtain a copy of his or her own criminal history record
18 information;

19 (2) Provide the criminal history record information to the
20 international marriage broker; and

21 (3) Provide to the international marriage broker his or her
22 own marital history information.

23 4. An international marriage broker shall require the
24 client to affirm that the marital history information is complete
25 and accurate and includes information regarding marriages,
26 annulments, and dissolutions that occurred in another state or
27 foreign country.

28 5. An international marriage broker shall not provide any

1 further services to the client or the recruit until the
2 organization has obtained the required criminal history record
3 information and marital history information and provided the
4 information to the recruit.

5 6. An international marriage broker shall be deemed to be
6 doing business in Missouri if it contracts for matchmaking
7 services with a Missouri resident or is considered to be doing
8 business pursuant to other laws of the state.

9 7. A person who ~~pleads guilty to or~~ is found guilty of
10 violating the provisions of this section shall not be required to
11 register as a sexual offender pursuant to the provisions of
12 section 589.400, unless such person is otherwise required to
13 register pursuant to the provisions of such section.

14 8. It shall be a class ~~D~~ E felony to willfully provide
15 incomplete or false information pursuant to this section.

16 9. Failure to provide the information and notice required
17 pursuant to this section shall be a class ~~D~~ E felony.

18 10. No provision of this section shall preempt any other
19 right or remedy available under law to any party utilizing the
20 services of an international marriage broker or other
21 international marriage organization.

22 578.520. 1. ~~No person shall fish, hunt, or trap~~ A person
23 commits the offense of unlawful fishing, hunting, or trapping on
24 private land if he or she fishes, hunts, or traps upon or
25 ~~retrieve~~ retrieves wildlife from any private land that is not
26 owned or in the possession of such person without permission from
27 the owner or lessee of such land.

28 2. ~~Any person who violates the provisions of this section~~

1 is guilty of a class B misdemeanor.

2 3.] Any person who knowingly enters or remains on private
3 property for the purpose of hunting, fishing, trapping, or
4 retrieving wildlife in violation of subsection 1 of this section
5 may, in addition to the penalty in subsection [2] 4 of this
6 section, be required by the court to surrender and deliver any
7 license or permit issued by the department of conservation to
8 hunt, fish, or trap. The court shall notify the conservation
9 commission of any conviction under this section and request the
10 commission take necessary action to revoke all privileges to
11 hunt, fish, or trap for at least one year from the date of
12 conviction.

13 3. It shall be an affirmative defense to prosecution for a
14 violation of this section that the premises were at the time open
15 to members of the public and the person complied with all lawful
16 conditions imposed concerning access to or the privilege of
17 remaining on the premises.

18 4. The offense of unlawful fishing, hunting, or trapping on
19 private land is a class B misdemeanor.

20 578.525. 1. [No person shall] A person commits the offense
21 of unlawful retrieval of large or small game if he or she, while
22 engaged in the retrieval of wildlife from private land that is
23 not owned or in the possession of such person with permission of
24 the landowner or lessee of the land:

25 (1) Intentionally [drive or flush] drives or flushes any
26 large or small game located on the land toward other hunters of
27 the retriever's same hunting group located on other parcels of
28 land or right-of-ways; or

1 (2) Intentionally [~~discharge~~] discharges a firearm at large
2 or small game that originates from the private land during
3 retrieval.

4 2. [Unlawful retrieval of large or small game is a class B
5 misdemeanor.] It shall be an affirmative defense to prosecution
6 for a violation of this section that the premises were at the
7 time open to members of the public and the person complied with
8 all lawful conditions imposed concerning access to or the
9 privilege of remaining on the premises.

10 3. The offense of unlawful retrieval of large or small game
11 is a class B misdemeanor.

12 578.614. 1. Subject to subsection 2 of this section, any
13 person who violates sections 578.600 to 578.624 is guilty of a
14 class A misdemeanor. Any person who fails to obtain a permit as
15 required by sections 578.600 to 578.624 is guilty of a class A
16 misdemeanor. Any person who intentionally releases a large
17 carnivore except to the care, custody, and control of another
18 person is guilty of a class ~~[D]~~ E felony. In addition, a person
19 who violates sections 578.600 to 578.624 may be punished by one
20 or more of the following:

21 (1) Community service work for not more than five hundred
22 hours;

23 (2) The loss of privileges to own or possess any animal.

24 2. Subsection 1 of this section does not apply to a law
25 enforcement officer, animal control officer, qualified
26 veterinarian, or department of agriculture employee with respect
27 to the performance of the duties of a law enforcement officer,
28 animal control officer, qualified veterinarian, or department of

1 agriculture employee under sections 578.600 to 578.624.

2 [195.202.] 579.015. 1. [Except as authorized by sections
3 195.005 to 195.425, it is unlawful for any person to possess or
4 have under his control a controlled substance] A person commits
5 the offense of possession of a controlled substance if he or she
6 knowingly possesses a controlled substance, except as authorized
7 by this chapter or chapter 195.

8 2. [Any person who violates this section with respect to]
9 The offense of possession of any controlled substance except
10 thirty-five grams or less of marijuana or any synthetic
11 cannabinoid is [guilty of a class C] a class E felony.

12 3. [Any person who violates this section with respect to]
13 The offense of possession of not more than thirty-five grams of
14 marijuana or any synthetic cannabinoid is [guilty of] a class [A]
15 D misdemeanor, unless the defendant has previously been found
16 guilty of any offense of the laws related to controlled
17 substances of this state, or of the United States, or any state,
18 territory, or district, in which case, it shall be a class A
19 misdemeanor. Prior findings of guilt shall be pleaded and proven
20 in the same manner as required by section 558.021.

21 4. In any complaint, information, or indictment, and in any
22 action or proceeding brought for the enforcement of any provision
23 of this chapter, it shall not be necessary to include any
24 exception, excuse, proviso, or exemption contained in this
25 chapter, and the burden of proof of any such exception, excuse,
26 proviso or exemption shall be upon the defendant.

27 [195.212.] 579.020. 1. A person commits the offense of
28 [unlawful distribution of a controlled substance to a minor if he

1 violates section 195.211 by distributing or delivering any
2 controlled substance to a person under seventeen years of age who
3 is at least two years that person's junior.

4 2. Unlawful distribution of a controlled substance to a
5 minor is a class B felony.

6 3. It is not a defense to a violation of this section that
7 the defendant did not know the age of the person to whom he was
8 distributing or delivering.] delivery of a controlled substance
9 if, except as authorized in this chapter, he or she:

10 (1) Knowingly distributes or delivers a controlled
11 substance; or

12 (2) Attempts to distribute or deliver a controlled
13 substance; or

14 (3) Knowingly possesses a controlled substance with the
15 intent to distribute or deliver any amount of a controlled
16 substance; or

17 (4) Knowingly permits a minor child to purchase or
18 transport illegally obtained controlled substances.

19 2. The offense of delivery of a controlled substance,
20 except when the controlled substance is thirty-five grams or less
21 of marijuana or synthetic cannabinoid, is a class C felony.

22 3. The offense of delivery of thirty-five grams or less of
23 marijuana or synthetic cannabinoid is a class E felony.

24 4. The offense of delivery of a controlled substance is a
25 class B felony if:

26 (1) The delivery or distribution is any amount of a
27 controlled substance except thirty-five grams or less of
28 marijuana or synthetic cannabinoid, to a person less than

1 seventeen years of age who is at least two years younger than the
2 defendant; or

3 (2) The person knowingly permits a minor child to purchase
4 or transport illegally obtained controlled substances.

5 5. The offense of delivery of thirty-five grams or less of
6 marijuana or thirty-five grams or less of synthetic cannabinoid
7 to a person less than seventeen years of age who is at least two
8 years younger than the defendant is a class C felony.

9 [195.218.] 579.030. 1. A person commits the offense of
10 distribution of a controlled substance [near public housing or
11 other governmental assisted housing if he violates section
12 195.211 by unlawfully distributing or delivering any controlled
13 substance to a person in or on, or within one thousand feet of
14 the real property comprising public housing or other governmental
15 assisted housing.

16 2. Distribution of a controlled substance near public
17 housing or other governmental assisted housing is a class A
18 felony which term shall be served without probation or parole if
19 the court finds the defendant is a persistent drug offender] in a
20 restricted location if he or she knowingly distributes, sells, or
21 delivers any controlled substance, except thirty-five grams or
22 less of marijuana or synthetic cannabinoid, to a person with
23 knowledge that that distribution, delivery or sale is:

24 (1) In, on, or within one thousand feet of, the real
25 property comprising a public or private elementary or secondary
26 school, public vocational school, or on any school bus; or

27 (2) In or on, or within one thousand feet of, the real
28 property comprising a public park, state park, county park,

1 municipal park, or private park designed for public recreational
2 purposes, as park is defined in section 253.010; or

3 (3) In or on the real property comprising public housing or
4 other governmental assisted housing.

5 2. The offense of unlawful distribution of a controlled
6 substance in a restricted location is a class A felony.

7 579.040. 1. A person commits the offense of unlawful
8 distribution, delivery, or sale of drug paraphernalia if he or
9 she unlawfully distributes, delivers, or sells, or possesses with
10 intent to distribute, deliver, or sell drug paraphernalia
11 knowing, or under circumstances in which one reasonably should
12 know, that it will be used to plant, propogate, cultivate, grow,
13 harvest, manufacture, compound, convert, produce, process,
14 prepare, test, analyze, pack, repack, store, contain, conceal,
15 inject, ingest, inhale, or otherwise introduce into the human
16 body a controlled substance or an imitation controlled substance
17 in violation of this chapter.

18 2. The offense of unlawful delivery of drug paraphernalia
19 is a class A misdemeanor, unless done for commercial purposes in
20 which case it is a class E felony.

21 [195.204.] 579.045. 1. A person commits the offense of
22 fraudulently attempting to obtain a controlled substance if he or
23 she knowingly obtains or attempts to obtain a controlled
24 substance, or knowingly procures or attempts to procure [the] an
25 administration of the controlled substance by fraud[, deceit,
26 misrepresentation, or subterfuge; or by the forgery or alteration
27 of a prescription or of any written order; or by the concealment
28 of a material fact; or by the use of a false name or the giving

1 of a false address]. The [crime] offense of fraudulently
2 attempting to obtain a controlled substance shall include, but
3 shall not be limited to nor be limited by, the following:

4 (1) Knowingly making a false statement in any prescription,
5 order, report, or record, required by [sections 195.005 to
6 195.425] this chapter;

7 (2) For the purpose of obtaining a controlled substance,
8 falsely assuming the title of, or representing oneself to be, a
9 manufacturer, wholesaler, pharmacist, physician, dentist,
10 podiatrist, veterinarian, nurse, or other authorized person;

11 (3) Making or uttering any false or forged prescription or
12 false or forged written order;

13 (4) Affixing any false or forged label to a package or
14 receptacle containing controlled substances;

15 (5) Possess a false or forged prescription with intent to
16 obtain a controlled substance.

17 2. The offense of fraudulently attempting to obtain a
18 controlled substance is a class [D] E felony.

19 3. Information communicated to a physician in an effort
20 unlawfully to procure a controlled substance or unlawfully to
21 procure the administration of any such drug [shall not be] is not
22 deemed a privileged communication; provided, however, that no
23 physician or surgeon shall be competent to testify concerning any
24 information which he or she may have acquired from any patient
25 while attending him or her in a professional character and which
26 information was necessary to enable him or her to prescribe for
27 such patient as a physician, or to perform any act for him or her
28 as a surgeon.

1 [4. The provisions of this section shall apply to all
2 transactions relating to narcotic drugs under the provisions of
3 section 195.080, in the same way as they apply to transactions
4 under all other sections.]

5 579.050. 1. A person commits the offense of manufacture of
6 an imitation controlled substance if he or she knowingly
7 manufactures with intent to deliver any imitation controlled
8 substances.

9 2. The offense of manufacture of an imitation controlled
10 substance is a class E felony.

11 [195.211.] 579.055. 1. [Except as authorized by sections
12 195.005 to 195.425 and except as provided in section 195.222, it
13 is unlawful for any person to distribute, deliver, manufacture,
14 produce or attempt to distribute, deliver, manufacture or produce
15 a controlled substance or to possess with intent to distribute,
16 deliver, manufacture, or produce a controlled substance] A person
17 commits the offense of manufacture of a controlled substance if,
18 except as authorized in this chapter, he or she:

19 (1) Knowingly manufactures, produces, or grows a controlled
20 substance; or

21 (2) Attempts to manufacture, produce, or grow a controlled
22 substance; or

23 (3) Knowingly possesses a controlled substance with the
24 intent to manufacture, produce, or grow any amount of controlled
25 substance.

26 2. [Any person who violates or attempts to violate this
27 section with respect to manufacturing or production of a
28 controlled substance of any amount except for five grams or less

1 of marijuana in a residence where a child resides or] The offense
2 of manufacturing or attempting to manufacture any amount of
3 controlled substance is a class B felony when committed within
4 [two] one thousand feet of the real property comprising a public
5 or private elementary or public or private elementary or
6 secondary school, public vocational school or a public or private
7 community college, or a college or university[, or any school bus
8 is guilty of]. It is a class A felony if a person has suffered
9 serious physical injury or has died as a result of a fire or
10 explosion started in an attempt by the defendant to produce
11 methamphetamine.

12 3. [Any person who violates or attempts to violate this
13 section with respect to any] The offense of manufacturing or
14 attempting to manufacture any amount of a controlled substance,
15 except [five] thirty-five grams or less of marijuana or synthetic
16 cannabinoid is [guilty of] a class [B] C felony.

17 4. [Any person who violates this section with respect to
18 distributing or delivering not more than five grams of marijuana
19 is guilty of a class C felony] The offense of manufacturing
20 thirty-five grams or less of marijuana or synthetic cannabinoid
21 is a class E felony.

22 579.060. 1. A person commits the offense of unlawful sale
23 or distribution of over-the-counter methamphetamine precursor
24 drugs if he or she:

25 (1) Recklessly sells, distributes, dispenses, or otherwise
26 provides any number of packages of any drug product containing
27 detectable amounts of ephedrine, phenylpropanolamine, or
28 pseudoephedrine, or any of their salts, optical isomers, or salts

1 of optical isomers, in a total amount greater than nine grams to
2 the same individual within a thirty-day period, unless the amount
3 is dispensed, sold, or distributed pursuant to a valid
4 prescription; or

5 (2) Recklessly dispenses or offers drug products that are
6 not excluded from Schedule V in subsection 17 or 18 of section
7 195.017 and that contain detectable amounts of ephedrine,
8 phenylpropanolamine, or pseudoephedrine, or any of their salts,
9 optical isomers, or salts of optical isomers, without ensuring
10 that such products are located behind a pharmacy counter where
11 the public is not permitted and that such products are dispensed
12 by a registered pharmacist or pharmacy technician under
13 subsection 11 of section 195.017; or

14 (3) Holds a retail sales license issued under chapter 144
15 and knowingly sells or dispenses packages that do not conform to
16 the packaging requirements of section 195.418.

17 2. A pharmacist, intern pharmacist, or registered pharmacy
18 technician commits the offense of unlawful sale or distribution
19 of over-the-counter methamphetamine precursor drugs if he or she:

20 (1) Recklessly sells, distributes, dispenses, or otherwise
21 provides any number of packages of any drug product containing
22 detectable amounts of ephedrine, phenylpropanolamine, or
23 pseudoephedrine, or any of their salts or optical isomers, or
24 salts of optical isomers, in a total amount greater than three
25 and six-tenth grams to the same individual within a twenty-four
26 hour period, unless the amount is dispensed, sold, or distributed
27 pursuant to a valid prescription; or

28 (2) Recklessly fails to submit information under subsection

1 13 of section 195.017 and subsection 5 of section 195.417 about
2 the sales of any compound, mixture, or preparation of products
3 containing detectable amounts of ephedrine, phenylpropanolamine,
4 or pseudoephedrine, or any of their salts, optical isomers, or
5 salts of optical isomers, in accordance with transmission methods
6 and frequency established by the department of health and senior
7 services; or

8 (3) Recklessly fails to implement and maintain an
9 electronic log, as required by subsection 12 of section 195.017,
10 of each transaction involving any detectable quantity of
11 pseudoephedrine, its salts, isomers, or salts of optical isomers
12 or ephedrine, its salts, optical isomers, or salts of optical
13 isomers; or

14 (4) Knowingly sells, distributes, dispenses or otherwise
15 provides to an individual under eighteen years of age without a
16 valid prescription any number of packages of any drug product
17 containing any detectable quantity of pseudoephedrine, its salts,
18 isomers, or salts of optical isomers, or ephedrine, its salts or
19 optical isomers, or salts of optical isomers.

20 3. Any person who violates the packaging requirements of
21 section 195.418 and is considered the general owner or operator
22 of the outlet where ephedrine, pseudoephedrine, or
23 phenylpropanolamine products are available for sale shall not be
24 penalized if he or she documents that an employee training
25 program was in place to provide the employee who made the
26 unlawful retail sale with information on the state and federal
27 regulations regarding ephedrine, pseudoephedrine, or
28 phenylpropanolamine.

1 4. The offense of unlawful sale or distribution of over-
2 the-counter methamphetamine precursor drugs is a class A
3 misdemeanor.

4 [195.222.] 579.065. 1. A person commits the [crime]
5 offense of trafficking drugs in the first degree if, except as
6 authorized by [sections 195.005 to 195.425, he] this chapter,
7 such person knowingly distributes, delivers, manufactures,
8 produces or attempts to distribute, deliver, manufacture or
9 produce [more than thirty grams of a mixture or substance
10 containing a detectable amount of heroin. Violations of this
11 subsection shall be punished as follows:

12 (1) If the quantity involved is more than thirty grams but
13 less than ninety grams the person shall be sentenced to the
14 authorized term of imprisonment for a class A felony;

15 (2) If the quantity involved is ninety grams or more the
16 person shall be sentenced to the authorized term of imprisonment
17 for a class A felony which term shall be served without probation
18 or parole.

19 2. A person commits the crime of trafficking drugs in the
20 first degree if, except as authorized by sections 195.005 to
21 195.425, he distributes, delivers, manufactures, produces or
22 attempts to distribute, deliver, manufacture or produce more than
23 one hundred fifty grams of a mixture or substance containing a
24 detectable amount of coca leaves, except coca leaves and extracts
25 of coca leaves from which cocaine, ecgonine, and derivatives of
26 ecgonine or their salts have been removed; cocaine salts and
27 their optical and geometric isomers, and salts of isomers;
28 ecgonine, its derivatives, their salts, isomers, and salts of

1 isomers; or any compound, mixture, or preparation which contains
2 any quantity of any of the foregoing substances. Violations of
3 this subsection shall be punished as follows:

4 (1) If the quantity involved is more than one hundred fifty
5 grams but less than four hundred fifty grams the person shall be
6 sentenced to the authorized term of imprisonment for a class A
7 felony;

8 (2) If the quantity involved is four hundred fifty grams or
9 more the person shall be sentenced to the authorized term of
10 imprisonment for a class A felony which term shall be served
11 without probation or parole.

12 3. A person commits the crime of trafficking drugs in the
13 first degree if, except as authorized by sections 195.005 to
14 195.425, he distributes, delivers, manufactures, produces or
15 attempts to distribute, deliver, manufacture or produce more than
16 eight grams of a mixture or substance described in subsection 2
17 of this section which contains cocaine base. Violations of this
18 subsection shall be punished as follows:

19 (1) If the quantity involved is more than eight grams but
20 less than twenty-four grams the person shall be sentenced to the
21 authorized term of imprisonment for a class A felony;

22 (2) If the quantity involved is twenty-four grams or more
23 the person shall be sentenced to the authorized term of
24 imprisonment for a class A felony which term shall be served
25 without probation or parole.

26 4. A person commits the crime of trafficking drugs in the
27 first degree if, except as authorized by sections 195.005 to
28 195.425, he distributes, delivers, manufactures, produces or

1 attempts to distribute, deliver, manufacture or produce more than
2 five hundred milligrams of a mixture or substance containing a
3 detectable amount of lysergic acid diethylamide (LSD).

4 Violations of this subsection shall be punished as follows:

5 (1) If the quantity involved is more than five hundred
6 milligrams but less than one gram the person shall be sentenced
7 to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is one gram or more the person
9 shall be sentenced to the authorized term of imprisonment for a
10 class A felony which term shall be served without probation or
11 parole.

12 5. A person commits the crime of trafficking drugs in the
13 first degree if, except as authorized by sections 195.005 to
14 195.425, he distributes, delivers, manufactures, produces or
15 attempts to distribute, deliver, manufacture or produce more than
16 thirty grams of a mixture or substance containing a detectable
17 amount of phencyclidine (PCP). Violations of this subsection
18 shall be punished as follows:

19 (1) If the quantity involved is more than thirty grams but
20 less than ninety grams the person shall be sentenced to the
21 authorized term of imprisonment for a class A felony;

22 (2) If the quantity involved is ninety grams or more the
23 person shall be sentenced to the authorized term of imprisonment
24 for a class A felony which term shall be served without probation
25 or parole.

26 6. A person commits the crime of trafficking drugs in the
27 first degree if, except as authorized by sections 195.005 to
28 195.425, he distributes, delivers, manufactures, produces or

1 attempts to distribute, deliver, manufacture or produce more than
2 four grams of phencyclidine. Violations of this subsection shall
3 be punished as follows:

4 (1) If the quantity involved is more than four grams but
5 less than twelve grams the person shall be sentenced to the
6 authorized term of imprisonment for a class A felony;

7 (2) If the quantity involved is twelve grams or more the
8 person shall be sentenced to the authorized term of imprisonment
9 for a class A felony which term shall be served without probation
10 or parole.

11 7. A person commits the crime of trafficking drugs in the
12 first degree if, except as authorized by sections 195.005 to
13 195.425, he distributes, delivers, manufactures, produces or
14 attempts to distribute, deliver, manufacture or produce more than
15 thirty kilograms of a mixture or substance containing marijuana.
16 Violations of this subsection shall be punished as follows:

17 (1) If the quantity involved is more than thirty kilograms
18 but less than one hundred kilograms the person shall be sentenced
19 to the authorized term of imprisonment for a class A felony;

20 (2) If the quantity involved is one hundred kilograms or
21 more the person shall be sentenced to the authorized term of
22 imprisonment for a class A felony which term shall be served
23 without probation or parole.

24 8. A person commits the crime of trafficking drugs in the
25 first degree if, except as authorized by sections 195.005 to
26 195.425, he distributes, delivers, manufactures, produces or
27 attempts to distribute, deliver, manufacture or produce more than
28 thirty grams of any material, compound, mixture or preparation

1 which contains any quantity of the following substances having a
2 stimulant effect on the central nervous system: amphetamine, its
3 salts, optical isomers and salts of its optical isomers;
4 methamphetamine, its salts, optical isomers and salts of its
5 optical isomers; phenmetrazine and its salts; or methylphenidate.
6 Violations of this subsection or attempts to violate this
7 subsection shall be punished as follows:

8 (1) If the quantity involved is more than thirty grams but
9 less than ninety grams the person shall be sentenced to the
10 authorized term of imprisonment for a class A felony;

11 (2) If the quantity involved is ninety grams or more, or if
12 the quantity involved was thirty grams or more and the location
13 of the offense was within two thousand feet of a school or public
14 housing as defined in section 195.214 or section 195.218 or
15 within a motor vehicle, or any structure or building which
16 contains rooms furnished for the accommodation or lodging of
17 guests, and kept, used, maintained, advertised, or held out to
18 the public as a place where sleeping accommodations are sought
19 for pay or compensation to transient guests or permanent guests,
20 the person shall be sentenced to the authorized term of
21 imprisonment for a class A felony which term shall be served
22 without probation or parole.

23 9. A person commits the crime of trafficking drugs in the
24 first degree if, except as authorized by sections 195.005 to
25 195.425, he or she distributes, delivers, manufactures, produces
26 or attempts to distribute, deliver, manufacture or produce more
27 than thirty grams of any material, compound, mixture or
28 preparation which contains any quantity of

1 3,4-methylenedioxymethamphetamine. Violations of this subsection
2 or attempts to violate this subsection shall be punished as
3 follows:

4 (1) If the quantity involved is more than thirty grams but
5 less than ninety grams the person shall be sentenced to the
6 authorized term of imprisonment for a class A felony;

7 (2) If the quantity involved is ninety grams or more, or if
8 the quantity involved was thirty grams or more and the location
9 of the offense was within two thousand feet of a school or public
10 housing as defined in section 195.214 or section 195.218 or
11 within a motor vehicle, or any structure or building which
12 contains rooms furnished for the accommodation or lodging of
13 guests, and kept, used, maintained, advertised, or held out to
14 the public as a place where sleeping accommodations are sought
15 for pay or compensation to transient guests or permanent guests,
16 the person shall be sentenced to the authorized term of
17 imprisonment for a class A felony which term shall be served
18 without probation or parole.]:

19 (1) More than thirty grams but less than ninety grams of a
20 mixture or substance containing a detectable amount of heroin;

21 (2) More than one hundred fifty grams but less than four
22 hundred fifty grams of a mixture or substance containing a
23 detectable amount of coca leaves, except coca leaves and extracts
24 of coca leaves from which cocaine, ecgonine, and derivatives of
25 ecgonine or their salts have been removed; cocaine salts and
26 their optical and geometric isomers, and salts of isomers;
27 ecgonine, its derivatives, their salts, isomers, and salts of
28 isomers; or any compound, mixture, or preparation which contains

1 any quantity of any of the foregoing substances;

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

5 (4) More than five hundred milligrams but less than one
6 gram of a mixture or substance containing a detectable amount of
7 lysergic acid diethylamide (LSD);

8 (5) More than thirty grams but less than ninety grams of a
9 mixture or substance containing a detectable amount of
10 phencyclidine (PCP);

11 (6) More than four grams but less than twelve grams of
12 phencyclidine;

13 (7) More than thirty kilograms but less than one hundred
14 kilograms of a mixture or substance containing marijuana;

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

22 (9) More than thirty grams but less than ninety grams of
23 any material, compound, mixture, or preparation which contains
24 any quantity of 3,4-methylenedioxymethamphetamine.

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

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

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

3 (2) Four hundred fifty grams or more of a mixture or
4 substance containing a detectable amount of coca leaves, except
5 coca leaves and extracts of coca leaves from which cocaine,
6 ecgonine, and derivatives of ecgonine or their salts have been
7 removed; cocaine salts and their optical and geometric isomers,
8 and salts of isomers; ecgonine, its derivatives, their salts,
9 isomers, and salts of isomers; or any compound, mixture, or
10 preparation which contains any quantity of any of the foregoing
11 substances; or

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

15 (4) One gram or more of a mixture or substance containing a
16 detectable amount of lysergic acid diethylamide (LSD); or

17 (5) Ninety grams or more of a mixture or substance
18 containing a detectable amount of phencyclidine (PCP); or

19 (6) Twelve grams or more of phencyclidine; or

20 (7) One hundred kilograms or more of a mixture or substance
21 containing marijuana; or

22 (8) Ninety grams or more of any material, compound,
23 mixture, or preparation containing any quantity of the following
24 substances having a stimulant effect on the central nervous
25 system: amphetamine, its salts, optical isomers and salts of its
26 optical isomers; methamphetamine, its salts, optical isomers and
27 salts of its optical isomers; phenmetrazine and its salts; or
28 methylphenidate; or

1 (9) More than thirty grams of any material, compound,
2 mixture, or preparation containing any quantity of the following
3 substances having a stimulant effect on the central nervous
4 system: amphetamine, its salts, optical isomers, and salts of
5 its optical isomers; methamphetamine, its salts, optical isomers,
6 and salts of its optical isomers; phenmetrazine and its salts; or
7 methylphenidate, and the location of the offense was within one
8 thousand feet of a school, in or on the real property comprising
9 public housing or any other governmental assisted housing, or
10 within a motor vehicle, or in any structure or building which
11 contains rooms furnished for the accommodation or lodging of
12 guests, and kept, used, maintained, advertised, or held out to
13 the public as a place where sleeping accommodations are sought
14 for pay or compensation to transient guests or permanent guests;
15 or

16 (10) Ninety grams or more of any material, compound,
17 mixture or preparation which contains any quantity of 3,4-
18 methylenedioxymethamphetamine; or

19 (11) More than thirty grams of any material, compound,
20 mixture, or preparation which contains any quantity of 3,4-
21 methylenedioxymethamphetamine and the location of the offense was
22 within one thousand feet of a school, in or on the real property
23 comprising public housing or any other governmental assisted
24 housing, within a motor vehicle, or in any structure or building
25 which contains rooms furnished for the accommodation or lodging
26 of guests, and kept, used, maintained, advertised, or held out to
27 the public as a place where sleeping accommodations are sought
28 for pay or compensation to transient guests or permanent guests.

1 [195.223.] 579.068. 1. A person commits the [crime]
2 offense of trafficking drugs in the second degree if, except as
3 authorized by [sections 195.005 to 195.425, he] this chapter,
4 such person knowingly possesses or has under his or her control,
5 purchases or attempts to purchase, or brings into this state
6 [more than thirty grams of a mixture or substance containing a
7 detectable amount of heroin. Violations of this subsection shall
8 be punished as follows:

9 (1) If the quantity involved is more than thirty grams but
10 less than ninety grams the person shall be guilty of a class B
11 felony;

12 (2) If the quantity involved is ninety grams or more the
13 person shall be guilty of a class A felony.

14 2. A person commits the crime of trafficking drugs in the
15 second degree if, except as authorized by sections 195.005 to
16 195.425, he possesses or has under his control, purchases or
17 attempts to purchase, or brings into this state more than one
18 hundred fifty grams of a mixture or substance containing a
19 detectable amount of coca leaves, except coca leaves and extracts
20 of coca leaves from which cocaine, ecgonine, and derivatives of
21 ecgonine or their salts have been removed; cocaine salts and
22 their optical and geometric isomers, and salts of isomers;
23 ecgonine, its derivatives, their salts, isomers, and salts of
24 isomers; or any compound, mixture, or preparation which contains
25 any quantity of any of the foregoing substances. Violations of
26 this subsection shall be punished as follows:

27 (1) If the quantity involved is more than one hundred fifty
28 grams but less than four hundred fifty grams the person shall be

1 guilty of a class B felony;

2 (2) If the quantity involved is four hundred fifty grams or
3 more the person shall be guilty of a class A felony.

4 3. A person commits the crime of trafficking drugs in the
5 second degree if, except as authorized by sections 195.005 to
6 195.425, he possesses or has under his control, purchases or
7 attempts to purchase, or brings into this state more than eight
8 grams of a mixture or substance described in subsection 2 of this
9 section which contains cocaine base. Violations of this
10 subsection shall be punished as follows:

11 (1) If the quantity involved is more than eight grams but
12 less than twenty-four grams the person shall be guilty of a class
13 B felony;

14 (2) If the quantity involved is twenty-four grams or more
15 the person shall be guilty of a class A felony.

16 4. A person commits the crime of trafficking drugs in the
17 second degree if, except as authorized by sections 195.005 to
18 195.425, he possesses or has under his control, purchases or
19 attempts to purchase, or brings into this state more than five
20 hundred milligrams of a mixture or substance containing a
21 detectable amount of lysergic acid diethylamide (LSD).
22 Violations of this subsection shall be punished as follows:

23 (1) If the quantity involved is more than five hundred
24 milligrams but less than one gram the person shall be guilty of a
25 class B felony;

26 (2) If the quantity involved is one gram or more the person
27 shall be guilty of a class A felony.

28 5. A person commits the crime of trafficking drugs in the

1 second degree if, except as authorized by sections 195.005 to
2 195.425, he possesses or has under his control, purchases or
3 attempts to purchase, or brings into this state more than thirty
4 grams of a mixture or substance containing a detectable amount of
5 phencyclidine (PCP). Violations of this subsection shall be
6 punished as follows:

7 (1) If the quantity involved is more than thirty grams but
8 less than ninety grams the person shall be guilty of a class B
9 felony;

10 (2) If the quantity involved is ninety grams or more the
11 person shall be guilty of a class A felony.

12 6. A person commits the crime of trafficking drugs in the
13 second degree if, except as authorized by sections 195.005 to
14 195.425, he possesses or has under his control, purchases or
15 attempts to purchase, or brings into this state more than four
16 grams of phencyclidine. Violations of this subsection shall be
17 punished as follows:

18 (1) If the quantity involved is more than four grams but
19 less than twelve grams the person shall be guilty of a class B
20 felony;

21 (2) If the quantity involved is twelve grams or more the
22 person shall be guilty of a class A felony.

23 7. A person commits the crime of trafficking drugs in the
24 second degree if, except as authorized by sections 195.005 to
25 195.425, he possesses or has under his control, purchases or
26 attempts to purchase, or brings into this state more than thirty
27 kilograms or more of a mixture or substance containing marijuana.
28 Violations of this subsection shall be punished as follows:

1 (1) If the quantity involved is more than thirty kilograms
2 but less than one hundred kilograms the person shall be guilty of
3 a class B felony;

4 (2) If the quantity involved is one hundred kilograms or
5 more the person shall be guilty of a class A felony.

6 8. A person commits the class A felony of trafficking drugs
7 in the second degree if, except as authorized by sections 195.005
8 to 195.425, he possesses or has under his control, purchases or
9 attempts to purchase, or brings into this state more than five
10 hundred marijuana plants.

11 9. A person commits the crime of trafficking drugs in the
12 second degree if, except as authorized by sections 195.005 to
13 195.425, he possesses or has under his control, purchases or
14 attempts to purchase, or brings into this state more than thirty
15 grams of any material, compound, mixture or preparation which
16 contains any quantity of the following substances having a
17 stimulant effect on the central nervous system: amphetamine, its
18 salts, optical isomers and salts of its optical isomers;
19 methamphetamine, its salts, isomers and salts of its isomers;
20 phenmetrazine and its salts; or methylphenidate. Violations of
21 this subsection or attempts to violate this subsection shall be
22 punished as follows:

23 (1) If the quantity involved is more than thirty grams but
24 less than ninety grams the person shall be guilty of a class B
25 felony;

26 (2) If the quantity involved is ninety grams or more but
27 less than four hundred fifty grams, the person shall be guilty of
28 a class A felony;

1 (3) If the quantity involved is four hundred fifty grams or
2 more, the person shall be guilty of a class A felony and the term
3 of imprisonment shall be served without probation or parole.

4 10. A person commits the crime of trafficking drugs in the
5 second degree if, except as authorized by sections 195.005 to
6 195.425, he or she possesses or has under his or her control,
7 purchases or attempts to purchase, or brings into this state more
8 than thirty grams of any material, compound, mixture or
9 preparation which contains any quantity of
10 3,4-methylenedioxymethamphetamine. Violations of this subsection
11 or attempts to violate this subsection shall be punished as
12 follows:

13 (1) If the quantity involved is more than thirty grams but
14 less than ninety grams the person shall be guilty of a class B
15 felony;

16 (2) If the quantity involved is ninety grams or more but
17 less than four hundred fifty grams, the person shall be guilty of
18 a class A felony;

19 (3) If the quantity involved is four hundred fifty grams or
20 more, the person shall be guilty of a class A felony and the term
21 of imprisonment shall be served without probation or parole.]:

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

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

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

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

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

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

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

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

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

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

28 2. The offense of trafficking drugs in the second degree is

1 a class C felony.

2 3. The offense of trafficking drugs in the second degree is
3 a class B felony if the quantity involved if:

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

6 (2) Four hundred fifty grams or more of a mixture or
7 substance containing a detectable amount of coca leaves, except
8 coca leaves and extracts of coca leaves from which cocaine,
9 ecgonine, and derivatives of ecgonine or their salts have been
10 removed; cocaine salts and their optical and geometric isomers,
11 and salts of isomers; ecgonine, its derivatives, their salts,
12 isomers, and salts of isomers; or any compound, mixture, or
13 preparation which contains any quantity of any of the foregoing
14 substances; or

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

18 (4) One gram or more of a mixture or substance containing a
19 detectable amount of lysergic acid diethylamide (LSD); or

20 (5) Ninety grams or more of a mixture or substance
21 containing a detectable amount of phencyclidine (PCP); or

22 (6) Twelve grams or more of phencyclidine; or

23 (7) One hundred kilograms or more of a mixture or substance
24 containing marijuana; or

25 (8) More than five hundred marijuana plants; or

26 (9) Ninety grams or more but less than four hundred fifty
27 grams of any material, compound, mixture, or preparation
28 containing any quantity of the following substances having a

1 stimulant effect on the central nervous system: amphetamine, its
2 salts, optical isomers and salts of its optical isomers;
3 methamphetamine, its salts, optical isomers and salts of its
4 optical isomers; phenmetrazine and its salts; or methylphenidate;
5 or

6 (10) Ninety grams or more but less than four hundred fifty
7 grams of any material, compound, mixture, or preparation which
8 contains any quantity of 3,4-methylenedioxymethamphetamine.

9 4. The offense of trafficking drugs in the second degree is
10 a class A felony if the quantity involved is four hundred fifty
11 grams or more of any material, compound, mixture or preparation
12 which contains:

13 (1) Any quantity of the following substances having a
14 stimulant effect on the central nervous system: amphetamine, its
15 salts, optical isomers and salts of its optical isomers;
16 methamphetamine, its salts, isomers and salts of its isomers;
17 phenmetrazine and its salts; or methylphenidate; or

18 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

19 [565.065.] 579.070. 1. A person commits the [crime]
20 offense of [unlawful endangerment of another] creating a danger
21 if, while [engaged in or as a part of the enterprise for the
22 production of] producing, or attempting to produce, a controlled
23 substance, he or she purposely protects or attempts to protect
24 the production of the controlled substance by creating, setting
25 up, building, erecting, or using any device or weapon which
26 causes or is intended to cause physical injury to another person.

27 2. [Unlawful endangerment of another] The offense of
28 creating a danger is a class C felony.

1 [195.226.] 579.072. 1. [No] A person [shall provide]
2 commits the offense of furnishing materials for the production of
3 a controlled substance if he or she provides any reagents,
4 solvents or precursor materials used in the production of a
5 controlled substance as defined in section 195.010 to any other
6 person knowing that the person to whom such materials are
7 provided intends to use such materials for the illegal production
8 of a controlled substance.

9 2. [Any person who violates the provisions of subsection 1
10 of this section is guilty of a class D felony] The offense of
11 furnishing materials for the production of a controlled substance
12 is a class E felony.

13 [195.233.] 579.074. 1. [It is unlawful for any person to
14 use, or to possess] A person commits the offense of unlawful
15 possession of drug paraphernalia if he or she knowingly uses, or
16 possesses with intent to use, drug paraphernalia to plant,
17 propagate, cultivate, grow, harvest, manufacture, compound,
18 convert, produce, process, prepare, test, analyze, pack, repack,
19 store, contain, conceal, inject, ingest, inhale, or otherwise
20 introduce into the human body, a controlled substance or an
21 imitation controlled substance in violation of [sections 195.005
22 to 195.425] this chapter.

23 2. [A person who violates this section is guilty of a class
24 A misdemeanor, unless the person uses, or possesses with intent
25 to use, the paraphernalia in combination with each other to
26 manufacture, compound, produce, prepare, test or analyze
27 amphetamine or methamphetamine or any of their analogues] The
28 offense of unlawful possession of drug paraphernalia is a class D

1 misdemeanor, unless the person has previously been found guilty
2 of any offense of the laws of this state related to controlled
3 substances or of the laws of another jurisdiction related to
4 controlled substances, in which case the violation of this
5 section is a class [D felony.] A misdemeanor. Prior findings of
6 guilt shall be pleaded and proven in the same manner as required
7 by section 558.021.

8 3. The offense of unlawful possession of drug paraphernalia
9 is a class E felony if the person uses, or possesses with intent
10 to use, the paraphernalia in combination with each other to
11 manufacture, compound, produce, prepare, test, or analyze
12 amphetamine or methamphetamine or any of their analogues.

13 [195.235.] 579.076. 1. [It is unlawful for any person to
14 deliver, possess with intent to deliver, or manufacture, with
15 intent to deliver,] A person commits the offense of unlawful
16 manufacture of drug paraphernalia if he or she unlawfully
17 manufactures with intent to deliver drug paraphernalia, knowing,
18 or under circumstances where one reasonably should know, that it
19 will be used to plant, propagate, cultivate, grow, harvest,
20 manufacture, compound, convert, produce, process, prepare, test,
21 analyze, pack, repack, store, contain, conceal, inject, ingest,
22 inhale, or otherwise introduce into the human body a controlled
23 substance or an imitation controlled substance in violation of
24 [sections 195.005 to 195.425] this chapter.

25 2. [Possession of more than twenty-four grams of any
26 methamphetamine precursor drug or combination of methamphetamine
27 precursor drugs shall be prima facie evidence of intent to
28 violate this section. This subsection shall not apply to any

1 practitioner or to any product possessed in the course of a
2 legitimate business.

3 3. A person who violates this section is guilty of a class
4 D felony.] The offense of unlawful manufacture of drug
5 paraphernalia is a class A misdemeanor, unless done for
6 commercial purposes, in which case it is a class E felony.

7 [195.241.] 579.078. 1. [It is unlawful for any person to
8 possess an imitation controlled substance in violation of this
9 chapter.] A person commits the offense of possession of an
10 imitation controlled substance if he or she knowingly possesses
11 an imitation controlled substance.

12 2. [A person who violates this section is guilty of] The
13 offense of possession of an imitation controlled substance is a
14 class A misdemeanor.

15 [195.242.] 579.080. 1. [It is unlawful for any person to
16 deliver, possess with intent to deliver, manufacture with intent
17 to deliver, or cause] A person commits the offense of delivery of
18 an imitation controlled substance if he or she knowingly
19 delivers, possesses with intent to deliver, or causes to be
20 delivered any imitation controlled substance.

21 2. [A person who violates this section is guilty of a class
22 D felony.] The offense of delivery of an imitation controlled
23 substance is a class E felony.

24 [195.248.] 579.082. 1. [It is unlawful for any person to
25 market, sell, distribute, advertise or label] A person commits
26 the offense of unlawful marketing of ephedrine or pseudoephedrine
27 if he or she knowingly markets, sells, distributes, advertises,
28 or labels any drug product containing ephedrine, its salts,

1 optical isomers and salts of optical isomers, or pseudoephedrine,
2 its salts, optical isomers and salts of optical isomers, for
3 indication of stimulation, mental alertness, weight loss,
4 appetite control, energy or other indications not approved
5 [pursuant to] under the pertinent federal over-the-counter drug
6 Final Monograph or Tentative Final Monograph or approved new drug
7 application.

8 2. [A person who violates this section is guilty of a class
9 D] The offense of unlawful marketing of ephedrine or
10 pseudoephedrine is a class E felony.

11 [195.252.] 579.084. 1. [It is unlawful for any] A person
12 commits the offense of distribution of a controlled substance in
13 violation of registration requirements if he or she:

14 (1) [Who] Is subject to the provisions of sections 195.005
15 to 195.198 [to distribute or dispense], and knowingly distributes
16 or dispenses a controlled substance in violation of section
17 195.030;

18 (2) [Who] Is a registrant, [to manufacture a controlled
19 substance not authorized by that person's registration, or to
20 distribute or dispense] and knowingly distributes or dispenses a
21 controlled substance not authorized by that person's registration
22 to another registrant or other authorized person;

23 (3) [To refuse or fail] Knowingly refuses or fails to make,
24 keep or furnish any record, notification, order form, statement,
25 invoice or information required under section 195.050.

26 2. [Any person who violates subdivision (1) of subsection 1
27 of this section or subdivision (2) of subsection 1 of this
28 section is guilty of a class D felony.] The offense of

1 distribution of a controlled substance in violation of
2 registration requirements is a class E felony when the offense is
3 a violation of subdivision (1) or (2) of subsection 1 of this
4 section.

5 3. [Any person who violates subdivision (3) of subsection 1
6 of this section is guilty of a class A misdemeanor.] The offense
7 of distribution of a controlled substance in violation of
8 registration requirements is a class A misdemeanor when the
9 offense is a violation of subdivision (3) of subsection 1 of this
10 section.

11 [195.254.] 579.086. 1. [It is unlawful for any] A
12 manufacturer or distributor [or agent], or an employee of a
13 manufacturer or distributor, [having reasonable cause to believe
14 that] commits the offense of unlawful delivery of a controlled
15 substance when he or she knowingly delivers a controlled
16 substance while acting recklessly as to whether the controlled
17 substance will be used in violation of [sections 195.005 to
18 195.425 to deliver the controlled substance] this chapter.

19 2. [Any person who violates this section is guilty of a
20 class D] The offense of unlawful delivery of a controlled
21 substance by a manufacturer or distributor is a class E felony.

22 [565.350.] 579.090. 1. Any pharmacist licensed [pursuant
23 to] under chapter 338 commits the [crime] offense of tampering
24 with a prescription or a prescription drug order as defined in
25 section 338.095 if such person knowingly:

26 (1) Causes the intentional adulteration of the
27 concentration or chemical structure of a prescribed drug or drug
28 therapy without the knowledge and consent of the prescribing

1 practitioner; or

2 (2) Misrepresents a misbranded, altered, or diluted
3 prescription drug or drug therapy with the purpose of misleading
4 the recipient or the administering person of the prescription
5 drug or drug therapy; or

6 (3) Sells a misbranded, altered, or diluted prescription
7 drug therapy with the intention of misleading the purchaser.

8 2. The offense of tampering with a prescription drug order
9 is a class A felony.

10 [578.154.] 579.095. 1. A person commits the [crime]
11 offense of possession of anhydrous ammonia in a nonapproved
12 container if he or she possesses any quantity of anhydrous
13 ammonia in a cylinder or other portable container that was not
14 designed, fabricated, tested, constructed, marked and placarded
15 in accordance with the United States Department of Transportation
16 Hazardous Materials regulations contained in CFR 49 Parts 100 to
17 185, revised as of October 1, 2002, [which are herein
18 incorporated by reference,] and approved for the storage and
19 transportation of anhydrous ammonia, or any container that is not
20 a tank truck, tank trailer, rail tank car, bulk storage tank,
21 field (nurse) tank or field applicator.

22 2. Cylinder and other portable container valves and other
23 fittings, or hoses attached thereto, used in anhydrous ammonia
24 service shall be constructed of material resistant to anhydrous
25 ammonia and shall not be constructed of brass, copper, silver,
26 zinc, or other material subject to attack by ammonia. Each
27 cylinder utilized for the storage and transportation of anhydrous
28 ammonia shall be labeled, in a conspicuous location, with the

1 words "ANHYDROUS AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and
2 the UN number 1005 (UN 1005).

3 3. [A violation of this section is a class D] The offense
4 of possession of anhydrous ammonia in a nonapproved container is
5 a class E felony.

6 [578.250.] 579.097. No person shall intentionally smell or
7 inhale the fumes of any solvent, particularly toluol, amyl
8 nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl
9 nitrite, and propyl nitrite and their iso-analogues or induce any
10 other person to do so, for the purpose of causing a condition of,
11 or inducing symptoms of, intoxication, elation, euphoria,
12 dizziness, excitement, irrational behavior, exhilaration,
13 paralysis, stupefaction, or dulling of senses or nervous system,
14 or for the purpose of, in any manner, changing, distorting, or
15 disturbing the audio, visual, or mental processes; except that
16 this section shall not apply to the inhalation of any anesthesia
17 for medical or dental purposes.

18 [578.255.] 579.099. 1. As used in this section, "alcohol
19 beverage vaporizer" means any device which, by means of heat, a
20 vibrating element, or any other method, is capable of producing a
21 breathable mixture containing one or more alcoholic beverages to
22 be dispensed for inhalation into the lungs via the nose or mouth
23 or both.

24 2. No person shall intentionally or willfully induce the
25 symptoms of intoxication, elation, euphoria, dizziness,
26 excitement, irrational behavior, exhilaration, paralysis,
27 stupefaction, or dulling of the senses or nervous system,
28 distortion of audio, visual or mental processes by the use or

1 abuse of any of the following substances:

- 2 (1) Solvents, particularly toluol;
- 3 (2) Ethyl alcohol;
- 4 (3) Amyl nitrite and its iso-analogues;
- 5 (4) Butyl nitrite and its iso-analogues;
- 6 (5) Cyclohexyl nitrite and its iso-analogues;
- 7 (6) Ethyl nitrite and its iso-analogues;
- 8 (7) Pentyl nitrite and its iso-analogues; and
- 9 (8) Propyl nitrite and its iso-analogues.

10 3. This section shall not apply to substances that have
11 been approved by the United States Food and Drug Administration
12 as therapeutic drug products or are contained in approved
13 over-the-counter drug products or administered lawfully pursuant
14 to the order of an authorized medical practitioner.

15 4. No person shall intentionally possess any solvent,
16 particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl
17 nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and
18 their iso-analogues for the purpose of using it in the manner
19 prohibited by section [578.250] 579.097 and this section.

20 5. No person shall possess or use an alcoholic beverage
21 vaporizer.

22 6. Nothing in this section shall be construed to prohibit
23 the legal consumption of intoxicating liquor, as defined by
24 section 311.020, or nonintoxicating beer[, as defined by section
25 312.010].

26 [578.260.] 579.101. 1. No person shall intentionally
27 possess or buy any solvent, particularly toluol, amyl nitrite,
28 butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite,

1 and propyl nitrite and their iso-analogues for the purpose of
2 inducing or aiding any other person to violate the provisions of
3 sections [578.250 and 578.255] 579.097 and 579.099.

4 2. Any person who violates any provision of sections
5 [578.250 to 578.260] 579.097 to 579.101 is guilty of a class B
6 misdemeanor for the first violation and a class [D] E felony for
7 any subsequent violations.

8 [578.265.] 579.103. 1. [No person shall] A person commits
9 the offense of selling or transferring solvents to cause certain
10 symptoms if he or she knowingly and intentionally [sell] sells or
11 otherwise [transfer] transfers possession of any solvent,
12 particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl
13 nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and
14 their iso-analogues to any person for the purpose of causing a
15 condition of, or inducing symptoms of, intoxication, elation,
16 euphoria, dizziness, excitement, irrational behavior,
17 exhilaration, paralysis, stupefaction, or dulling of senses or
18 nervous system, or for the purpose of, in any manner, changing,
19 distorting, or disturbing the audio, visual, or mental processes.

20 2. No person who owns or operates any business which
21 receives over fifty percent of its gross annual income from the
22 sale of alcoholic beverages or beer, or which operates as a venue
23 for live entertainment performance or receives fifty percent of
24 its gross annual income from the sale of recorded video
25 equipment, shall sell or offer for sale toluol, amyl nitrite,
26 butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite,
27 and propyl nitrite and their iso-analogues, or any toxic glue.

28 3. [No person who owns or operates any business which

1 operates as a venue for live entertainment performance or
2 receives over fifty percent of its gross annual income from the
3 sale of recorded video entertainment shall sell or offer for sale
4 toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl
5 nitrite, pentyl nitrite, propyl nitrite or their iso-analogues.

6 4. Any person who violates the provisions] Violation of
7 [subsection 1 or 2 of] this section is [guilty of] a class [C] D
8 felony.

9 [195.130.] 579.105. 1. [Any room, building, structure or
10 inhabitable structure as defined in section 569.010 which is used
11 for the illegal use, keeping or selling of controlled substances
12 is a "public nuisance". No person shall keep or maintain such a
13 public nuisance.

14 2. The attorney general, circuit attorney or prosecuting
15 attorney may, in addition to any criminal prosecutions, prosecute
16 a suit in equity to enjoin the public nuisance. If the court
17 finds that the owner of the room, building, structure or
18 inhabitable structure knew that the premises were being used for
19 the illegal use, keeping or selling of controlled substances, the
20 court may order that the premises shall not be occupied or used
21 for such period as the court may determine, not to exceed one
22 year.

23 3. All persons, including owners, lessees, officers,
24 agents, inmates or employees, aiding or facilitating such a
25 nuisance may be made defendants in any suit to enjoin the
26 nuisance.

27 4. It is unlawful for a person to keep or maintain such a
28 public nuisance.] A person commits the offense of keeping or

1 maintaining a public nuisance if he or she knowingly keeps or
2 maintains:

3 (1) Any room, building, structure or inhabitable structure,
4 as defined in section 556.061, which is used for the illegal
5 manufacture, distribution, storage, or sale of any amount of a
6 controlled substance, except thirty-five grams or less of
7 marijuana or thirty-five grams or less of any synthetic
8 cannabinoid; or

9 (2) Any room, building, structure or inhabitable structure,
10 as defined in section 556.061, where on three or more separate
11 occasions within the period of a year, two or more persons, who
12 were not residents of the room, building, structure, or
13 inhabitable structure, gathered for the principal of unlawfully
14 ingesting, injecting, inhaling or using any amount of a
15 controlled substance, except thirty-five grams or less of
16 marijuana or thirty-five grams or less of any synthetic
17 cannabinoid.

18 2. In addition to any other criminal prosecutions, the
19 prosecuting attorney or circuit attorney may by information or
20 indictment charge the owner or the occupant, or both the owner
21 and the occupant of the room, building, structure, or inhabitable
22 structure with the [crime] offense of keeping or maintaining a
23 public nuisance. [Keeping or maintaining a public nuisance is a
24 class C felony.]

25 3. The offense of keeping or maintaining a public nuisance
26 is a class E felony.

27 [5.] 4. Upon the conviction of the owner pursuant to
28 subsection [4] 2 of this section, the room, building, structure,

1 or inhabitable structure is subject to the provisions of sections
2 513.600 to 513.645.

3 [195.180.] 579.107. 1. A person may lawfully possess or
4 have under his or her control a controlled substance if [such
5 person] he or she obtained the controlled substance directly
6 from, or pursuant to, a valid prescription or [order of a
7 practitioner while acting] practitioner's order issued in the
8 course of a practitioner's professional practice or except as
9 otherwise authorized by [sections 195.005 to 195.425] this
10 chapter.

11 2. In any complaint, information, or indictment, and in any
12 action or proceeding brought for the enforcement of any provision
13 of [sections 195.005 to 195.425] this chapter, it shall not be
14 necessary to negate any exception, excuse, proviso, or
15 exemption, contained in [sections 195.005 to 195.425] this
16 chapter, and the burden of proof of any such exception, excuse,
17 proviso or exemption, shall be upon the defendant.

18 [195.420.] 579.110. 1. [It is unlawful for any person to
19 possess] A person commits the offense of possession of
20 methamphetamine precursors if he or she knowingly possesses one
21 or more chemicals listed in subsection 2 of section 195.400, [or]
22 reagents, [or] solvents, or any other chemicals proven to be
23 precursor ingredients of methamphetamine or amphetamine, as
24 established by expert testimony [pursuant to subsection 3 of this
25 section], with the intent to manufacture, compound, convert,
26 produce, process, prepare, test, or otherwise alter that chemical
27 to create a controlled substance or a controlled substance
28 analogue in violation of [sections 195.005 to 195.425] this

1 chapter.

2 2. [A person who violates this section is guilty of a class
3 C felony.] Possession of more than twenty-four grams of ephedrine
4 or pseudoephedrine shall be prima facie evidence of intent to
5 violate this section. This subsection shall not apply to any
6 practitioner or to any product possessed in the course of a
7 legitimate business.

8 3. [The state may present expert testimony to provide a
9 prima facie case that any chemical, whether or not listed in
10 subsection 2 of section 195.400, is an immediate precursor
11 ingredient for producing methamphetamine or amphetamine.] The
12 offense of possession of methamphetamine precursors is a class E
13 felony.

14 [195.515.] 579.115. 1. Any manufacturer or wholesaler who
15 sells, transfers, or otherwise furnishes ephedrine,
16 pseudoephedrine or phenylpropanolamine, or any of their salts,
17 optical isomers and salts of optical isomers, alone or in a
18 mixture, and is required by federal law to report any suspicious
19 transaction to the United States attorney general, shall submit a
20 copy of the report to the chief law enforcement official with
21 jurisdiction before completion of the sale or as soon as
22 practicable thereafter.

23 2. As used in this section, "suspicious transaction" means
24 any sale or transfer required to be reported pursuant to 21
25 U.S.C. 830(b)(1).

26 3. [Any violation of this section shall be a class D
27 felony.] The offense of failure to report suspicious transactions
28 is a class E felony.

1 [577.625.] 579.150. 1. [No person less than twenty-one
2 years of age shall distribute] A person commits the offense of
3 distribution of prescription medication on school property if he
4 or she is less than twenty-one years of age and knowingly
5 distributes upon the real property comprising a public or private
6 elementary or secondary school or school bus a prescription
7 medication to any individual who does not have a valid
8 prescription for such medication. For purposes of this section,
9 prescription medication shall not include medication containing a
10 controlled substance, as defined in section 195.010.

11 2. The provisions of this section shall not apply to any
12 person authorized to distribute a prescription medication by any
13 school personnel who are responsible for storing, maintaining, or
14 dispensing any prescription medication under chapter 338. This
15 section shall not limit the use of any prescription medication by
16 emergency personnel[, as defined in section 565.081,] during an
17 emergency situation.

18 3. [Any person less than twenty-one years of age who
19 violates this section is guilty of] The offense of distribution
20 of prescription medication on school property is a class B
21 misdemeanor for a first offense and a class A misdemeanor for any
22 second or subsequent offense.

23 [577.628.] 579.155. 1. [No person less than twenty-one
24 years of age shall possess] A person commits the offense of
25 possession of prescription medication on school property if he or
26 she is less than twenty-one years of age and knowingly possesses
27 upon the real property comprising a public or private elementary
28 or secondary school or school bus prescription medication without

1 a valid prescription for such medication. For purposes of this
2 section, prescription medication shall not include medication
3 containing a controlled substance, as defined in section 195.010.

4 2. The provisions of this section shall not apply to any
5 person authorized to possess a prescription medication by any
6 school personnel who are responsible for storing, maintaining, or
7 dispensing any prescription medication under chapter 338. This
8 section shall not limit the use of any prescription medication by
9 emergency personnel[, as defined in section 565.081,] during an
10 emergency situation.

11 3. [Any person less than twenty-one years of age who
12 violates the provisions of this section is guilty of] The offense
13 of possession of prescription medication on school property is a
14 class C misdemeanor for a first offense and a class B misdemeanor
15 for any second or subsequent offense.

16 [195.275.] 579.170. 1. The following words or phrases as
17 used in [sections 195.005 to 195.425] this chapter have the
18 following meanings, unless the context otherwise requires:

19 (1) "Prior drug offender", one who [has previously pleaded
20 guilty to or] has been found guilty of any felony offense of the
21 laws of this state, or of the United States, or any other state,
22 territory or district relating to controlled substances;

23 (2) "Persistent drug offender", one who [has previously
24 pleaded guilty to or] has been found guilty of two or more felony
25 offenses of the laws of this state or of the United States, or
26 any other state, territory or district relating to controlled
27 substances.

28 2. Prior [pleas of guilty and prior] findings of [guilty]

1 guilt shall be pleaded and proven in the same manner as required
2 by section 558.021.

3 3. The court shall not instruct the jury as to the range of
4 punishment or allow the jury, upon a finding of guilty, to assess
5 and declare the punishment as part of its verdict in cases of
6 prior drug offenders or persistent drug offenders.

7 4. [The provisions of sections 195.285 to 195.296 shall not
8 be construed to affect and may be used in addition to the
9 sentencing provisions of sections 558.016 and 558.019.] The court
10 shall sentence a person who has been found to be a prior drug
11 offender and is found guilty of a class C, D, or E felony under
12 this chapter to the authorized term of imprisonment for one class
13 higher offense than the offense for which the person was found
14 guilty.

15 5. The court shall sentence a person who has been found to
16 be a persistent drug offender and is found guilty of a class B,
17 C, D, or E felony under this chapter to the authorized term of
18 imprisonment for two classes higher offense than the offense for
19 which the person was found guilty. The court shall sentence a
20 persistent drug offender who is found guilty of a class B felony
21 under this chapter to the authorized term of imprisonment for a
22 class A felony offense.

23 [195.280.] 579.175. Any peace officer of the state of
24 Missouri, or of any political subdivision thereof, may, within
25 the boundaries of the political entity from which he or she
26 derives his or her authority, arrest without a warrant any person
27 he or she sees violating or whom he or she has probable cause to
28 believe has violated any provision of this chapter.

1 [195.367.] 579.180. 1. It is not necessary for the state
2 to negate any exemption or exception in [sections 195.005 to
3 195.425] this chapter in any complaint, information, indictment,
4 or other pleading or in any trial, hearing, or other proceeding
5 under [sections 195.005 to 195.425] this chapter. The burden of
6 producing evidence of any exemption or exception is upon the
7 person claiming it.

8 2. In the absence of proof that a person is the duly
9 authorized holder of an appropriate registration or order form
10 issued under chapter 195, the person is presumed not to be the
11 holder of the registration or form. The burden of producing
12 evidence with respect to the registration or order form is upon
13 such person claiming to be the authorized holder of the
14 registration or form.

15 [195.371.] 579.185. No criminal liability is imposed by
16 [sections 195.005 to 195.425] this chapter upon any authorized
17 state, county, or municipal officer, lawfully engaged in the
18 enforcement of [sections 195.005 to 195.425] this chapter in good
19 faith.

20 589.425. 1. A person commits the crime of failing to
21 register as a sex offender when the person is required to
22 register under sections 589.400 to 589.425 and fails to comply
23 with any requirement of sections 589.400 to 589.425. Failing to
24 register as a sex offender is a class [D] E felony unless the
25 person is required to register based on having committed an
26 offense in chapter 566 which was an unclassified felony, a class
27 A or B felony, or a felony involving a child under the age of
28 fourteen, in which case it is a class [C] D felony.

1 2. A person commits the crime of failing to register as a
2 sex offender as a second offense by failing to comply with any
3 requirement of sections 589.400 to 589.425 and he or she has
4 previously pled guilty to or has previously been found guilty of
5 failing to register as a sex offender. Failing to register as a
6 sex offender as a second offense is a class **[D]** E felony unless
7 the person is required to register based on having committed an
8 offense in chapter 566, or an offense in any other state or
9 foreign country, or under federal, tribal, or military
10 jurisdiction, which if committed in this state would be an
11 offense under chapter 566 which was an unclassified felony, a
12 class A or B felony, or a felony involving a child under the age
13 of fourteen, in which case it is a class **[C]** D felony.

14 3. (1) A person commits the crime of failing to register
15 as a sex offender as a third offense by failing to meet the
16 requirements of sections 589.400 to 589.425 and he or she has, on
17 two or more occasions, previously pled guilty to or has
18 previously been found guilty of failing to register as a sex
19 offender. Failing to register as a sex offender as a third
20 offense is a felony which shall be punished by a term of
21 imprisonment of not less than ten years and not more than thirty
22 years.

23 (2) No court may suspend the imposition or execution of
24 sentence of a person who pleads guilty to or is found guilty of
25 failing to register as a sex offender as a third offense. No
26 court may sentence such person to pay a fine in lieu of a term of
27 imprisonment.

28 (3) A person sentenced under this subsection shall not be

1 eligible for conditional release or parole until he or she has
2 served at least two years of imprisonment.

3 (4) Upon release, an offender who has committed failing to
4 register as a sex offender as a third offense shall be
5 electronically monitored as a mandatory condition of supervision.
6 Electronic monitoring may be based on a global positioning system
7 or any other technology which identifies and records the
8 offender's location at all times.

9 [566.224.] 595.223. No prosecuting or circuit attorney,
10 peace officer, governmental official, or employee of a law
11 enforcement agency shall request or require a victim of [sexual
12 assault] an offense under [section 566.040 or forcible rape under
13 section 566.030] chapter 566, or a victim of an offense of
14 domestic assault or stalking to submit to any polygraph test or
15 psychological stress evaluator exam as a condition for proceeding
16 with a criminal investigation of such [crime] offense.

17 [566.226.] 595.226. 1. After August 28, 2007, any
18 information contained in any court record, whether written or
19 published on the internet, that could be used to identify or
20 locate any victim of [sexual assault,] an offense under chapter
21 566 or a victim of domestic assault, or stalking, [or forcible
22 rape] shall be closed and redacted from such record prior to
23 disclosure to the public. Identifying information shall include
24 the name, home or temporary address, telephone number, Social
25 Security number, place of employment or physical characteristics.

26 2. If the court determines that a person or entity who is
27 requesting identifying information of a victim has a legitimate
28 interest in obtaining such information, the court may allow

1 access to the information, but only if the court determines that
2 disclosure to the person or entity would not compromise the
3 welfare or safety of such victim, and only after providing
4 reasonable notice to the victim and after allowing the victim
5 right to respond to such request.

6 3. Notwithstanding the provisions of subsection 1 of this
7 section, the judge presiding over a [sexual assault,] case under
8 chapter 566, or a case of domestic assault[,] or stalking[, or
9 forcible rape case] shall have the discretion to publicly
10 disclose identifying information regarding the defendant which
11 could be used to identify or locate the victim of the crime. The
12 victim may provide a statement to the court regarding whether he
13 or she desires such information to remain closed. When making
14 the decision to disclose such information, the judge shall
15 consider the welfare and safety of the victim and any statement
16 to the court received from the victim regarding the disclosure.

17 [557.041.] 595.229. 1. Prior to the acceptance of a plea
18 bargain by the court with respect to any person who has pled
19 guilty to an offense after initially being charged with a felony,
20 the court shall allow the victim of such offense to submit a
21 written statement or appear before the court personally or by
22 counsel for the purpose of making a statement. The statement
23 shall relate solely to the facts of the case and any personal
24 injuries or financial loss incurred by the victim. A member of
25 the immediate family of the victim may appear personally or by
26 counsel to make a statement if the victim has died or is
27 otherwise unable to appear as a result of the offense committed
28 by the defendant.

1 2. At the time of sentencing of any person who has pled
2 guilty or been found guilty of a felony offense, the victim of
3 such offense may appear before the court personally or by counsel
4 for the purpose of making a statement or may submit a written
5 statement. The statement shall relate solely to the facts of the
6 case and any personal injuries or financial loss incurred by the
7 victim. A member of the immediate family of the victim may
8 appear personally or by counsel to make a statement if the victim
9 has died or is otherwise unable to appear as a result of the
10 offense committed by the defendant.

11 3. The prosecuting attorney shall inform the victim or
12 shall inform a member of the immediate family of the victim if
13 the victim is dead or otherwise is unable to make a statement as
14 a result of the offense committed by the defendant of the right
15 to make a statement pursuant to subsections 1 and 2 of this
16 section. If the victim or member of the immediate family
17 supplies a stamped, self-addressed envelope, the prosecutor shall
18 send notice of the time and location that the court will hear the
19 guilty plea or render sentence.

20 [570.222.] 595.232. 1. Notwithstanding that jurisdiction
21 may lie elsewhere for investigation and prosecution of [a crime]
22 an offense of identity theft, victims of identity theft have the
23 right to contact the local law enforcement agency where the
24 victim is domiciled and request that an incident report about the
25 identity theft be prepared and filed. The victim may also
26 request from the local law enforcement agency to receive a copy
27 of the incident report. The law enforcement agency may share the
28 incident report with law enforcement agencies located in other

1 jurisdictions.

2 2. As used in this section, "incident report" means a loss
3 or other similar report prepared and filed by a local law
4 enforcement agency.

5 3. Nothing in this section shall interfere with the
6 discretion of a local law enforcement agency to allocate
7 resources for investigations of crimes or to provide an incident
8 report as permitted in this section. An incident report prepared
9 and filed under this section shall not be an open case for
10 purposes of compiling open case statistics.

11 610.125. 1. A person subject to an order of the court in
12 subsection 4 of section 610.123 who knowingly fails to expunge or
13 obliterate, or releases arrest information which has been ordered
14 expunged pursuant to section 610.123 is guilty of a class B
15 misdemeanor.

16 2. A person subject to an order of the court in subsection
17 4 of section 610.123 who, knowing the records have been ordered
18 expunged, uses the arrest information for financial gain is
19 guilty of a class [D] E felony.

20 [577.054.] 610.130. 1. After a period of not less than ten
21 years, an individual who has pleaded guilty or has been convicted
22 for a first [alcohol-related driving] intoxication-related
23 traffic offense or intoxication-related boating offense which is
24 a misdemeanor or a county or city ordinance violation and which
25 is not a conviction for driving a commercial motor vehicle while
26 under the influence of alcohol and who since such date has not
27 been convicted of any [other alcohol-related driving]
28 intoxication-related traffic offense or intoxication-related

1 boating offense may apply to the court in which he or she pled
2 guilty or was sentenced for an order to expunge from all official
3 records all recordations of his or her arrest, plea, trial or
4 conviction.

5 2. If the court determines, after hearing, that such person
6 has not been convicted of any subsequent [alcohol-related
7 driving] intoxication-related traffic offense or intoxication-
8 related boating offense, has no other subsequent alcohol-related
9 enforcement contacts as defined in section 302.525, and has no
10 other [alcohol-related driving charges] intoxication-related
11 traffic offense or intoxication-related boating offenses or
12 alcohol-related enforcement actions pending at the time of the
13 hearing on the application, the court shall enter an order of
14 expungement.

15 3. Upon granting of the order of expungement, the records
16 and files maintained in any administrative or court proceeding in
17 an associate or circuit division of the circuit court under this
18 section shall be confidential and only available to the parties
19 or by order of the court for good cause shown. The effect of
20 such order shall be to restore such person to the status he or
21 she occupied prior to such arrest, plea or conviction and as if
22 such event had never taken place. No person as to whom such
23 order has been entered shall be held thereafter under any
24 provision of any law to be guilty of perjury or otherwise giving
25 a false statement by reason of his or her failure to recite or
26 acknowledge such arrest, plea, trial, conviction or expungement
27 in response to any inquiry made of him or her for any purpose
28 whatsoever and no such inquiry shall be made for information

1 relating to an expungement under this section. A person shall
2 only be entitled to one expungement pursuant to this section.
3 Nothing contained in this section shall prevent the director from
4 maintaining such records as to ensure that an individual receives
5 only one expungement pursuant to this section for the purpose of
6 informing the proper authorities of the contents of any record
7 maintained pursuant to this section.

8 [2.] 4. The provisions of this section shall not apply to
9 any individual who has been issued a commercial driver's license
10 or is required to possess a commercial driver's license issued by
11 this state or any other state.

12 630.155. 1. A person commits the crime of "patient,
13 resident or client abuse or neglect" against any person admitted
14 on a voluntary or involuntary basis to any mental health facility
15 or mental health program in which people may be civilly detained
16 pursuant to chapter 632, or any patient, resident or client of
17 any residential facility, day program or specialized service
18 operated, funded or licensed by the department if he knowingly
19 does any of the following:

20 (1) Beats, strikes or injures any person, patient, resident
21 or client;

22 (2) Mistreats or maltreats, handles or treats any such
23 person, patient, resident or client in a brutal or inhuman
24 manner;

25 (3) Uses any more force than is reasonably necessary for
26 the proper control, treatment or management of such person,
27 patient, resident or client;

28 (4) Fails to provide services which are reasonable and

1 necessary to maintain the physical and mental health of any
2 person, patient, resident or client when such failure presents
3 either an imminent danger to the health, safety or welfare of the
4 person, patient, resident or client, or a substantial probability
5 that death or serious physical harm will result.

6 2. Patient, resident or client abuse or neglect is a class
7 A misdemeanor unless committed under subdivision (2) or (4) of
8 subsection 1 of this section in which case such abuse or neglect
9 shall be a class [D] E felony.

10 [565.216.] 630.161. The department of mental health shall
11 investigate incidents and reports of vulnerable person abuse
12 using the procedures established in sections 630.163 to 630.167
13 and, upon substantiation of the report of vulnerable person
14 abuse, shall promptly report the incident to the appropriate law
15 enforcement agency and prosecutor. If the department is unable
16 to substantiate whether abuse occurred due to the failure of the
17 operator or any of the operator's agents or employees to
18 cooperate with the investigation, the incident shall be promptly
19 reported to appropriate law enforcement agencies.

20 630.162. 1. When any physician, physician assistant,
21 dentist, chiropractor, optometrist, podiatrist, intern, resident,
22 nurse, nurse practitioner, medical examiner, social worker,
23 licensed professional counselor, certified substance abuse
24 counselor, psychologist, physical therapist, pharmacist, other
25 health practitioner, minister, Christian Science practitioner,
26 facility administrator, nurse's aide or orderly in a residential
27 facility, day program or specialized service operated, funded or
28 licensed by the department or in a mental health facility or

1 mental health program in which people may be admitted on a
2 voluntary basis or are civilly detained under chapter 632; or
3 employee of the departments of social services, mental health, or
4 health and senior services; or home health agency or home health
5 agency employee; hospital and clinic personnel engaged in
6 examination, care, or treatment of persons; in-home services
7 owner, provider, operator, or employee; law enforcement officer;
8 long-term care facility administrator or employee; mental health
9 professional; peace officer; probation or parole officer; or
10 other nonfamilial person with responsibility for the care of a
11 vulnerable person, as defined by section 630.005, has reasonable
12 cause to suspect that such a person has been subjected to abuse
13 or neglect or observes such a person being subjected to
14 conditions or circumstances that would reasonably result in abuse
15 or neglect, he or she shall immediately report or cause a report
16 to be made to the department in accordance with section 630.163.
17 Any other person who becomes aware of circumstances which may
18 reasonably be expected to be the result of or result in abuse or
19 neglect may report to the department. Notwithstanding any other
20 provision of this section, a duly ordained minister, clergy,
21 religious worker, or Christian Science practitioner while
22 functioning in his or her ministerial capacity shall not be
23 required to report concerning a privileged communication made to
24 him or her in his or her professional capacity.

25 2. Any residential facility, day program or specialized
26 service operated, funded or licensed by the department that
27 prevents or discourages a patient, resident or client, employee
28 or other person from reporting that a patient, resident or client

1 of a facility, program or service has been abused or neglected
2 shall be subject to loss of their license issued under sections
3 630.705 to 630.760, and civil fines of up to five thousand
4 dollars for each attempt to prevent or discourage reporting.

5 [565.220.] 630.164. Any person, official or institution
6 complying with the provisions of section [565.218] 630.162, in
7 the making of a report, or in cooperating with the department in
8 any of its activities pursuant to sections [565.216 and 565.218]
9 630.161 to 630.167, except [any] the person, official, or
10 institution [violating section 565.210, 565.212, or 565.214]
11 accused of abusing or neglecting the vulnerable person shall be
12 immune from any civil or criminal liability for making such a
13 report, or in cooperating with the department, unless such person
14 acted negligently, recklessly, in bad faith, or with malicious
15 purpose.

16 630.165. 1. When any physician, physician assistant,
17 dentist, chiropractor, optometrist, podiatrist, intern, resident,
18 nurse, nurse practitioner, medical examiner, social worker,
19 licensed professional counselor, certified substance abuse
20 counselor, psychologist, other health practitioner, minister,
21 Christian Science practitioner, peace officer, pharmacist,
22 physical therapist, facility administrator, nurse's aide, orderly
23 or any other direct-care staff in a residential facility, day
24 program, group home or developmental disability facility as
25 defined in section 633.005, or specialized service operated,
26 licensed, certified, or funded by the department or in a mental
27 health facility or mental health program in which people may be
28 admitted on a voluntary basis or are civilly detained pursuant to

1 chapter 632, or employee of the departments of social services,
2 mental health, or health and senior services; or home health
3 agency or home health agency employee; hospital and clinic
4 personnel engaged in examination, care, or treatment of persons;
5 in-home services owner, provider, operator, or employee; law
6 enforcement officer, long-term care facility administrator or
7 employee; mental health professional, probation or parole
8 officer, or other nonfamilial person with responsibility for the
9 care of a patient, resident, or client of a facility, program, or
10 service has reasonable cause to suspect that a patient, resident
11 or client of a facility, program or service has been subjected to
12 abuse or neglect or observes such person being subjected to
13 conditions or circumstances that would reasonably result in abuse
14 or neglect, he or she shall immediately report or cause a report
15 to be made to the department in accordance with section 630.163.

16 2. Any person who knowingly fails to make a report as
17 required in subsection 1 of this section is guilty of a class A
18 misdemeanor and shall be subject to a fine up to one thousand
19 dollars. Penalties collected for violations of this section
20 shall be transferred to the state school moneys fund as
21 established in section 166.051 and distributed to the public
22 schools of this state in the manner provided in section 163.031.
23 Such penalties shall not be considered charitable for tax purposes.

24 3. Every person who has been previously convicted of or
25 pled guilty to failing to make a report as required in subsection
26 1 of this section and who is subsequently convicted of failing to
27 make a report under subsection 2 of this section is guilty of a
28 class [D] E felony and shall be subject to a fine up to five

1 thousand dollars. Penalties collected for violation of this
2 subsection shall be transferred to the state school moneys fund
3 as established in section 166.051 and distributed to the public
4 schools of this state in the manner provided in section 163.031.
5 Such penalties shall not considered charitable for tax purposes.

6 4. Any person who knowingly files a false report of
7 vulnerable person abuse or neglect is guilty of a class A
8 misdemeanor and shall be subject to a fine up to one thousand
9 dollars. Penalties collected for violations of this subsection
10 shall be transferred to the state school moneys fund as
11 established in section 166.051 and distributed to the public
12 schools of this state in the manner provided in section 163.031.
13 Such penalties shall not considered charitable for tax purposes.

14 5. Every person who has been previously convicted of or
15 pled guilty to making a false report to the department and who is
16 subsequently convicted of making a false report under subsection
17 4 of this section is guilty of a class **[D]** E felony and shall be
18 subject to a fine up to five thousand dollars. Penalties
19 collected for violations of this subsection shall be transferred
20 to the state school moneys fund as established in section 166.051
21 and distributed to the public schools of this state in the manner
22 provided in section 163.031. Such penalties shall not considered
23 charitable for tax purposes.

24 6. Evidence of prior convictions of false reporting shall
25 be heard by the court, out of the hearing of the jury, prior to
26 the submission of the case to the jury, and the court shall
27 determine the existence of the prior convictions.

28 7. Any residential facility, day program, or specialized

1 service operated, funded, or licensed by the department that
2 prevents or discourages a patient, resident, client, employee, or
3 other person from reporting that a patient, resident, or client
4 of a facility, program, or service has been abused or neglected
5 shall be subject to loss of their license issued pursuant to
6 sections 630.705 to 630.760 and civil fines of up to five
7 thousand dollars for each attempt to prevent or discourage
8 reporting.

9 [195.501.] 650.150. Sections [195.501 to 195.511] 650.150
10 to 650.165 shall be known and may be cited as the
11 "Intergovernmental Drug Laws Enforcement Act".

12 [195.503.] 650.153. As used in sections [195.501 to
13 195.511] 650.150 to 650.165, the following terms mean:

14 (1) "Department", the department of public safety;

15 (2) "Director", the director of the department of public
16 safety;

17 (3) "Drug laws", all laws regulating the production, sale,
18 prescribing, manufacturing, administering, transporting, having
19 in possession, dispensing, distributing, or use of controlled
20 substances, as defined in section 195.010;

21 (4) "Multijurisdictional enforcement group", or "MEG", a
22 combination of political subdivisions established under sections
23 573.500 and 573.503, section 178.653, and section 311.329 to
24 investigate and enforce computer, internet-based, narcotics, and
25 drug violations.

26 [195.505.] 650.156. 1. Any two or more political
27 subdivisions or the state highway patrol and any one or more
28 political subdivisions may by order or ordinance agree to

1 cooperate with one another in the formation of a
2 multijurisdictional enforcement group for the purpose of
3 intensive professional investigation of computer, internet-based,
4 narcotics and drug law violations.

5 2. The power of arrest of any peace officer who is duly
6 authorized as a member of a MEG unit shall only be exercised
7 during the time such peace officer is an active member of a MEG
8 unit and only within the scope of the investigation on which the
9 MEG unit is working. Notwithstanding other provisions of law to
10 the contrary, such MEG officer shall have the power of arrest, as
11 limited in this subsection, anywhere in the state and shall
12 provide prior notification to the chief of police of the
13 municipality in which the arrest is to take place or the sheriff
14 of the county if the arrest is to be made in his venue. If
15 exigent circumstances exist, such arrest may be made; however,
16 notification shall be made to the chief of police or sheriff, as
17 appropriate, as soon as practical. The chief of police or
18 sheriff may elect to work with the MEG unit at his or her option
19 when such MEG is operating within the jurisdiction of such chief
20 of police or sheriff.

21 [195.507.] 650.159. 1. A county bordering another state
22 may enter into agreement with the political subdivisions in such
23 other state's contiguous county pursuant to section 70.220 to
24 form a multijurisdictional enforcement group for the enforcement
25 of drug and controlled substance laws and work in cooperation
26 pursuant to sections [195.501 to 195.511] 650.150 to 650.165.

27 2. Such other state's law enforcement officers may be
28 deputized as officers of the counties of this state participating

1 in an agreement pursuant to subsection 1 of this section, and
2 shall be deemed to have met all requirements of peace officer
3 training and certification pursuant to chapter 590 for the
4 purposes of conducting investigations and making arrests in this
5 state pursuant to the provisions of section 195.505, provided
6 such officers have satisfied the applicable peace officer
7 training and certification standards in force in such other
8 state.

9 3. Such other state's law enforcement officers shall have
10 the same powers and immunities when working under an agreement
11 pursuant to subsection 1 of this section as if working under an
12 agreement with another political subdivision in Missouri pursuant
13 to section 70.815.

14 4. A multijurisdictional enforcement group formed pursuant
15 to this section is eligible to receive state grants to help
16 defray the costs of its operation pursuant to the terms of
17 section 195.509.

18 5. The provisions of subsections 2, 3, and 4 of this
19 section shall not be in force unless such other state has
20 provided or shall provide legal authority for its political
21 subdivisions to enter into such agreements and to extend
22 reciprocal powers and privileges to the law enforcement officers
23 of this state working pursuant to such agreements.

24 [195.509.] 650.161. 1. A multijurisdictional enforcement
25 group which meets the minimum criteria established in this
26 section is eligible to receive state grants to help defray the
27 costs of operation.

28 2. To be eligible for state grants, a MEG shall:

1 (1) Be established and operating pursuant to
2 intergovernmental contracts written and executed in conformity by
3 law, and involve two or more units of local government;

4 (2) Establish a MEG policy board composed of an elected
5 official, or his designee, and the chief law enforcement officer
6 from each participating unit of local government and a
7 representative of a hazardous materials response team or, if such
8 team is not formed, then a representative of the local fire
9 response agency, to oversee the operations of the MEG and make
10 such reports to the department of public safety as the department
11 may require;

12 (3) Designate a single appropriate official of a
13 participating unit of local government to act as the financial
14 officer of the MEG for all participating units of the local
15 government and to receive funds for the operation of the MEG;

16 (4) Limit its target operation to enforcement of drug laws;

17 (5) Cooperate with the department of public safety in order
18 to assure compliance with sections [195.501 to 195.511] 650.150
19 to 650.165 and to enable the department to fulfill its duties
20 under sections [195.501 to 195.511] 650.150 to 650.165 and supply
21 the department with all information the department deems
22 necessary therefor;

23 (6) Cooperate with the local hazardous material response
24 team to establish a local emergency response strategy.

25 3. The department of public safety shall monitor the
26 operations of all MEG units which receive state grants. From the
27 moneys appropriated annually, if funds are made available by the
28 general assembly for this purpose, the director shall determine

1 and certify to the auditor the amount of the grant to be made to
2 each designated MEG financial officer. No provision of this
3 section shall prohibit funding of multijurisdictional enforcement
4 groups by sources other than those provided by the general
5 assembly, if such funding is in accordance with and in such a
6 manner as provided by law.

7 [195.511.] 650.165. The director shall report annually, no
8 later than January first of each year, to the governor and the
9 general assembly on the operations of the multijurisdictional
10 enforcement groups, including a breakdown of the appropriation
11 for the current fiscal year indicating the amount of the state
12 grant each MEG received or will receive.

13 701.320. 1. Except as otherwise provided, violation of the
14 provisions of sections 701.308, 701.309, 701.310, 701.311 and
15 701.316 is a class A misdemeanor.

16 2. Any lead inspector, risk assessor, lead abatement
17 supervisor, lead abatement worker, project designer, or lead
18 abatement contractor who engages in a lead abatement project
19 while such person's license, issued under section 701.312, is
20 under suspension or revocation is guilty of a class [D] E felony.

21 [195.025. 1. No person shall:

22 (1) Transport, carry, and convey any controlled
23 substance by means of any vessel, vehicle, or aircraft,
24 except as authorized in sections 195.010 to 195.320;

25 (2) Conceal or possess any controlled substance
26 in or upon any vessel, vehicle or aircraft; or

27 (3) Use any vessel, vehicle, or aircraft to
28 facilitate the transportation, carriage, conveyance,
29 concealment, receive possession, purchase, sell,
30 barter, exchange or giving away of any controlled
31 substance.

32 2. When used in this section the term:

33 (1) "Aircraft" includes every description of
34 craft or carriage or other contrivance used or capable
35 of being used as a means of transportation through air;

1 (2) "Vehicle" includes every description of
2 carriage or other contrivance used or capable of being
3 used as a means of transportation, on, below, or above
4 the land, and shall include but not be limited to
5 automobiles, trucks, station wagons, trailers and
6 motorcycles, but does not include aircraft;

7 (3) "Vessel" includes every description of water
8 craft or other contrivance used or capable of being
9 used as a means of transportation in water, but does
10 not include aircraft.]

11
12 [195.110. A person to whom or for whose use any
13 controlled substance in Schedule II has been
14 prescribed, sold, or dispensed by a physician, dentist,
15 podiatrist, or pharmacist, or other person authorized
16 under the provisions of section 195.050 and the owner
17 of any animal for which any such drug has been
18 prescribed, sold, or dispensed, by a veterinarian, may
19 lawfully possess it only in the container in which it
20 was delivered to him by the person selling or
21 dispensing the same.]

22
23 [195.135. 1. A search warrant may issue, and
24 execution and seizure may be had, as provided in the
25 rules of criminal procedure for the courts of Missouri,
26 for any controlled substance or imitation controlled
27 substance unlawfully in the possession or under the
28 control of any person, or for any drug paraphernalia
29 for the unauthorized administration or use of
30 controlled substances or imitation controlled
31 substances in the possession or under the control of
32 any person.

33 2. Any peace officer of the state, upon making an
34 arrest for a violation of this chapter, shall seize
35 without warrant any controlled substance or imitation
36 controlled substance or drug paraphernalia kept for the
37 unauthorized administration or use of a controlled
38 substance or imitation controlled substance in the
39 possession or under the control of the person or
40 persons arrested, providing such seizure shall be made
41 incident to the arrest.]

42
43 [195.213. 1. A person commits the crime of
44 unlawful purchase or transport of a controlled
45 substance with a minor if he knowingly permits a minor
46 child to purchase or transport illegally obtained
47 controlled substances.

48 2. Unlawful purchase or transport of a controlled
49 substance with a minor is a class B felony.]

1 [195.214. 1. A person commits the offense of
2 distribution of a controlled substance near schools if
3 such person violates section 195.211 by unlawfully
4 distributing or delivering any controlled substance to
5 a person in or on, or within two thousand feet of, the
6 real property comprising a public or private elementary
7 or secondary school, public vocational school, or a
8 public or private community college, college or
9 university or on any school bus.

10 2. Distribution of a controlled substance near
11 schools is a class A felony which term shall be served
12 without probation or parole if the court finds the
13 defendant is a persistent drug offender.]
14

15 [195.217. 1. A person commits the offense of
16 distribution of a controlled substance near a park if
17 such person violates section 195.211 by unlawfully
18 distributing or delivering heroin, cocaine, cocaine
19 base, LSD, amphetamine, or methamphetamine to a person
20 in or on, or within one thousand feet of, the real
21 property comprising a public park, state park, county
22 park, or municipal park or a public or private park
23 designed for public recreational purposes, as park is
24 defined in section 253.010.

25 2. Distribution of a controlled substance near a
26 park is a class A felony.]
27

28 [195.219. 1. A person commits the crime of
29 unlawful endangerment of property if, while engaged in
30 or as a part of the enterprise for the production of a
31 controlled substance, he protects or attempts to
32 protect the production of the controlled substance by
33 creating, setting up, building, erecting or using any
34 device or weapon which causes or is intended to cause
35 damage to the property of, or injury to, another
36 person.

37 2. Unlawful endangerment of property is a class C
38 felony, unless there is physical injury to a person
39 whereby the offense is a class B felony, or there is
40 serious physical injury to a person whereby the offense
41 is a class A felony.]
42

43 [195.246. 1. It is unlawful for any person to
44 possess any methamphetamine precursor drug with the
45 intent to manufacture amphetamine, methamphetamine or
46 any of their analogs.

47 2. Possession of more than twenty-four grams of
48 any methamphetamine precursor drug or combination of
49 methamphetamine precursor drugs shall be prima facie
50 evidence of intent to violate this section. This

1 subsection shall not apply to any practitioner or to
2 any product possessed in the course of a legitimate
3 business.

4 3. A person who violates this section is guilty
5 of a class D felony.]
6

7 [195.256. 1. It is unlawful for any person to
8 manufacture, deliver or possess with intent to
9 manufacture or deliver, a controlled substance which,
10 or the container or labeling of which, without
11 authorization and with knowledge of the nature of his
12 actions, bears the trademark, trade name, or other
13 identifying mark, imprint, number or device or any
14 likeness thereof, of a manufacturer, distributor, or
15 dispenser, other than the person who in fact
16 manufactured, distributed, or dispensed the substance.

17 2. A person who violates this section is guilty
18 of a class D felony.]
19

20 [195.285. 1. Any person who has pleaded guilty
21 to or been found guilty of a violation of subsection 2
22 of section 195.202 shall be sentenced to the authorized
23 term of imprisonment for a class B felony if the court
24 finds the defendant is a prior drug offender.

25 2. Any person who has pleaded guilty to or been
26 found guilty of a violation of subsection 2 of section
27 195.202 shall be sentenced to the authorized term of
28 imprisonment for a class A felony if it finds the
29 defendant is a persistent drug offender.]
30

31 [195.291. 1. Any person who has pleaded guilty
32 to or been found guilty of a violation of section
33 195.211, when punishable as a class B felony, shall be
34 sentenced to the authorized term of imprisonment for a
35 class A felony if the court finds the defendant is a
36 prior drug offender.

37 2. Any person who has pleaded guilty to or been
38 found guilty of a violation of section 195.211, when
39 punishable as a class B felony, shall be sentenced to
40 the authorized term of imprisonment for a class A
41 felony which term shall be served without probation or
42 parole if the court finds the defendant is a persistent
43 drug offender.]
44

45 [195.292. Any person who has pleaded guilty to or
46 been found guilty of a violation of section 195.212 or
47 195.213 shall be sentenced to the authorized term of
48 imprisonment for a class A felony which term shall be
49 served without probation or parole if the court finds
50 the defendant is a prior drug offender.]

1 [195.295. 1. Any person who has pleaded guilty
2 to or been found guilty of violation of subdivision (1)
3 of subsection 1 of section 195.223, subdivision (1) of
4 subsection 2 of section 195.223, subdivision (1) of
5 subsection 3 of section 195.223, subdivision (1) of
6 subsection 4 of section 195.223, subdivision (1) of
7 subsection 5 of section 195.223, subdivision (1) of
8 subsection 6 of section 195.223, or subdivision (1) of
9 subsection 7 of section 195.223 shall be sentenced to
10 the authorized term of imprisonment for a class A
11 felony if the court finds the defendant is a prior drug
12 offender.

13 2. Any person who has pleaded guilty to or been
14 found guilty of a violation of subdivision (1) of
15 subsection 1 of section 195.223, subdivision (1) of
16 subsection 2 of section 195.223, subdivision (1) of
17 subsection 3 of section 195.223, subdivision (1) of
18 subsection 4 of section 195.223, subdivision (1) of
19 subsection 5 of section 195.223, subdivision (1) of
20 subsection 6 of section 195.223, or subdivision (1) of
21 subsection 7 of section 195.223, or subdivision (1) of
22 subsection 9 of section 195.223 shall be sentenced to
23 the authorized term of imprisonment for a class A
24 felony, which term shall be without probation or
25 parole, if the court finds the defendant is a
26 persistent drug offender.

27 3. Any person who has pleaded guilty to or been
28 found guilty of a violation of subdivision (2) of
29 subsection 1 of section 195.223, subdivision (2) of
30 subsection 2 of section 195.223, subdivision (2) of
31 subsection 3 of section 195.223, subdivision (2) of
32 subsection 4 of section 195.223, subdivision (2) of
33 subsection 5 of section 195.223, subdivision (2) of
34 subsection 6 of section 195.223, or subdivision (2) of
35 subsection 7 of section 195.223 or subsection 8 of
36 section 195.223, or subdivision (2) of subsection 9 of
37 section 195.223 shall be sentenced to the authorized
38 term of imprisonment for a class A felony, which term
39 shall be served without probation or parole, if the
40 court finds the defendant is a prior drug offender.]

41
42 [195.296. Any person who has pleaded guilty to or
43 been found guilty of violation of subdivision (1) of
44 subsection 1 of section 195.222, subdivision (1) of
45 subsection 2 of section 195.222, subdivision (1) of
46 subsection 3 of section 195.222, subdivision (1) of
47 subsection 4 of section 195.222, subdivision (1) of
48 subsection 5 of section 195.222, subdivision (1) of
49 subsection 6 of section 195.222, or subdivision (1) of
50 subsection 7 of section 195.222, or subdivision (1) of
51 subsection 8 of section 195.222 shall be sentenced to

1 the authorized term of imprisonment for a class A
2 felony which term shall be served without probation or
3 parole if the court finds the defendant is a prior drug
4 offender.]

5
6 [195.369. In the absence of proof that a person
7 is the duly authorized holder of an appropriate
8 registration or order form issued under sections
9 195.005 to 195.425, the person is presumed not to be
10 the holder of the registration or form. The burden of
11 producing evidence with respect to the registration or
12 order form is upon that person.]

13
14 [306.112. 1. A person commits the crime of
15 operating a vessel with excessive blood alcohol content
16 if such person operates a vessel on the Mississippi
17 River, Missouri River or the lakes of this state with
18 eight-hundredths of one percent or more by weight of
19 alcohol in such person's blood.

20 2. As used in this section, percent by weight of
21 alcohol in the blood shall be based upon grams of
22 alcohol per one hundred milliliters of blood and may be
23 shown by chemical analysis of the person's blood,
24 breath, urine, or saliva.

25 3. Operating a vessel with excessive blood
26 alcohol content is a class B misdemeanor.]

27
28 [306.114. 1. No person convicted of or pleading
29 guilty to a violation of section 306.111 or 306.112
30 shall be granted a suspended imposition of sentence,
31 unless such person is placed on probation for a minimum
32 of two years and a record of the conviction or plea of
33 guilty is entered into the records of the Missouri
34 uniform law enforcement system maintained by the
35 Missouri state highway patrol.

36 2. Chemical tests of a person's blood, breath,
37 urine, or saliva to be considered valid under the
38 provisions of sections 306.111 to 306.119 shall be
39 performed according to methods and devices approved by
40 the department of health and senior services by
41 licensed medical personnel or by a person possessing a
42 valid permit issued by the department of health and
43 senior services for this purpose. In addition, any
44 state, county, or municipal law enforcement officer who
45 is certified pursuant to chapter 590 may, prior to
46 arrest, administer a portable chemical test to any
47 person suspected of operating any vessel in violation
48 of section 306.111 or 306.112. A portable chemical
49 test shall be admissible as evidence of probable cause
50 to arrest and as exculpatory evidence, but shall not be

1 admissible as evidence of blood alcohol content. The
2 provisions of section 306.116 shall not apply to a test
3 administered prior to arrest pursuant to this section.

4 3. The department of health and senior services
5 shall approve satisfactory techniques, devices,
6 equipment, or methods to conduct tests required by
7 sections 306.111 to 306.119, and shall establish
8 standards as to the qualifications and competence of
9 individuals to conduct analyses and to issue permits
10 which shall be subject to termination, suspension or
11 revocation by the department of health and senior
12 services.

13 4. A licensed physician, registered nurse, or
14 trained medical technician, acting at the request and
15 direction of a law enforcement officer, shall withdraw
16 blood for the purpose of determining the alcohol
17 content of the blood, unless the medical personnel, in
18 the exercise of good faith medical judgment, believes
19 such procedure would endanger the life or health of the
20 person in custody. Blood may be withdrawn only by such
21 medical personnel, but such restriction shall not apply
22 to the taking of a breath test or a urine or saliva
23 specimen. In withdrawing blood for the purpose of
24 determining the alcohol content in the blood, only a
25 previously unused and sterile needle and sterile vessel
26 shall be used and the withdrawal shall otherwise be in
27 strict accord with accepted medical practices. Upon
28 the request of the person who is tested, full
29 information concerning the test taken at the direction
30 of the law enforcement officer shall be made available
31 to such person.

32 5. No person who administers any test pursuant to
33 the provisions of sections 306.111 to 306.119 upon the
34 request of a law enforcement officer, no hospital in or
35 with which such person is employed or is otherwise
36 associated or in which such test is administered, and
37 no other person, firm, or corporation by whom or with
38 which such person is employed or is in any way
39 associated shall be civilly liable for damages to the
40 person tested, except for negligence in administering
41 of the test or for willful and wanton acts or
42 omissions.

43 6. Any person who is dead, unconscious or who is
44 otherwise in a condition rendering such person
45 incapable of refusing to take a test as provided in
46 sections 306.111 to 306.119 shall be deemed not to have
47 withdrawn the consent provided by section 306.116 and
48 the test or tests may be administered.]

49
50 [306.116. 1. Any person who operates a vessel
51 upon the Mississippi River, Missouri River or the lakes

1 of this state shall be deemed to have given consent to,
2 subject to the provisions of sections 306.111 to
3 306.119, a chemical test or tests of such person's
4 breath, blood, urine, or saliva for the purpose of
5 determining the alcohol or drug content of such
6 person's blood if arrested for any offense arising out
7 of acts which the arresting law enforcement officer had
8 reasonable grounds to believe were committed while the
9 person was operating a vessel upon the Mississippi
10 River, Missouri River or lakes of this state in
11 violation of section 306.111 or 306.112. The test
12 shall be administered at the direction of the arresting
13 law enforcement officer whenever the person has been
14 arrested for the offense.

15 2. The implied consent to submit to the chemical
16 tests listed in subsection 1 of this section shall be
17 limited to not more than two such tests arising from
18 the same arrest, incident, or charge.

19 3. The person tested may have a physician, or a
20 qualified technician, chemist, registered nurse, or
21 other qualified person of such person's choosing and at
22 such person's expense administer a test in addition to
23 any administered at the direction of a law enforcement
24 officer. The failure or inability to obtain an
25 additional test by a person shall not preclude the
26 admission of evidence relating to the test taken at the
27 direction of a law enforcement officer.

28 4. Upon the request of the person who is tested,
29 full information concerning the test shall be made
30 available to such person.]

31
32 [306.117. 1. Upon the trial of any person for
33 violation of any of the provisions of section 306.111
34 or 306.112 the amount of alcohol or drugs in the
35 person's blood at the time of the act alleged as shown
36 by any chemical analysis of the person's blood, breath,
37 urine, or saliva is admissible in evidence and the
38 provisions of subdivision (5) of section 491.060 shall
39 not prevent the admissibility or introduction of such
40 evidence if otherwise admissible. Evidence of alcohol
41 in a person's blood shall be given the following
42 effect:

43 (1) If there was five-hundredths of one percent
44 or less by weight of alcohol in such person's blood, it
45 shall be presumed that the person was not intoxicated
46 at the time the specimen was obtained;

47 (2) If there was in excess of five-hundredths of
48 one percent but less than eight-hundredths of one
49 percent by weight of alcohol in such person's blood,
50 the fact shall not give rise to any presumption that
51 the person was or was not intoxicated, but the fact may

1 be considered with other competent evidence in
2 determining whether the person was intoxicated;

3 (3) If there was eight-hundredths of one percent
4 or more by weight of alcohol in the person's blood,
5 this shall be prima facie evidence that the person was
6 intoxicated at the time the specimen was taken.

7 2. Percent by weight of alcohol in the blood
8 shall be based upon grams of alcohol per one hundred
9 milliliters of blood.

10 3. A chemical analysis of a person's breath,
11 blood, urine, or saliva, in order to give rise to the
12 presumption or to have the effect provided for in
13 subsection 1 of this section, shall have been performed
14 as provided in sections 306.111 to 306.119 and in
15 accordance with methods and standards approved by the
16 department of health and senior services.

17 4. The provisions of this section shall not be
18 construed as limiting the introduction of any other
19 competent evidence bearing upon the question whether
20 the person was intoxicated or under the influence of a
21 controlled substance, or drug, or a combination of
22 either or both with or without alcohol.]

23
24 [306.118. 1. For purposes of this section,
25 unless the context clearly indicates otherwise, the
26 following terms mean:

27 (1) "Aggravated offender", a person who:

28 (a) Has pleaded guilty to or has been found
29 guilty of three or more intoxication-related boating
30 offenses; or

31 (b) Has pleaded guilty to or has been found
32 guilty of one or more intoxication-related boating
33 offenses and any of the following: involuntary
34 manslaughter under subsection 3 of section 306.111;
35 assault with a vessel in the second degree under
36 subsection 4 of section 306.111, or assault of a law
37 enforcement officer in the second degree under
38 subdivision (4) of subsection 1 of section 565.082;

39 (2) "Chronic offender":

40 (a) A person who has pleaded guilty to or has
41 been found guilty of four or more intoxication-related
42 boating offenses; or

43 (b) A person who has pleaded guilty to or has
44 been found guilty of, on two or more separate
45 occasions, any combination of the following:
46 involuntary manslaughter under subsection 3 of section
47 306.111; assault with a vessel in the second degree
48 under subsection 4 of section 306.111; or assault of a
49 law enforcement officer in the second degree under
50 subdivision (4) of subsection 1 of section 565.082; or

51 (c) A person who has pleaded guilty to or has

1 been found guilty of two or more intoxication-related
2 boating offenses and any of the following: involuntary
3 manslaughter under subsection 3 of section 306.111;
4 assault with a vessel in the second degree under
5 subsection 4 of section 306.111; or assault of a law
6 enforcement officer in the second degree under
7 subdivision (4) of subsection 1 of section 565.082;

8 (3) "Intoxication-related boating offense",
9 operating a vessel while intoxicated under subsection 2
10 of section 306.111; operating a vessel with excessive
11 blood alcohol content under section 306.112;
12 involuntary manslaughter under subsection 3 of section
13 306.111; assault with a vessel in the second degree
14 under subsection 4 of section 306.111; any violation of
15 subsection 2 of section 306.110; or assault of a law
16 enforcement officer in the second degree under
17 subdivision (4) of subsection 1 of section 565.082;

18 (4) "Persistent offender", one of the following:

19 (a) A person who has pleaded guilty to or has
20 been found guilty of two or more intoxication-related
21 boating offenses;

22 (b) A person who has pleaded guilty to or has
23 been found guilty of involuntary manslaughter under
24 subsection 3 of section 306.111, assault in the second
25 degree under subsection 4 of section 306.111, assault
26 of a law enforcement officer in the second degree under
27 subdivision (4) of subsection 1 of section 565.082;

28 (5) "Prior offender", a person who has pleaded
29 guilty to or has been found guilty of one
30 intoxication-related boating offense, where such prior
31 offense occurred within five years of the occurrence of
32 the intoxication-related boating offense for which the
33 person is charged.

34 2. Any person who pleads guilty to or is found
35 guilty of a violation of subsection 2 of section
36 306.110, section 306.111, or section 306.112, who is
37 alleged and proved to be a prior offender shall be
38 guilty of a class A misdemeanor.

39 3. Any person who pleads guilty to or is found
40 guilty of a violation of subsection 2 of section
41 306.110, section 306.111, or section 306.112, who is
42 alleged and proved to be a persistent offender shall be
43 guilty of a class D felony.

44 4. Any person who pleads guilty to or is found
45 guilty of a violation of subsection 2 of section
46 306.110, section 306.111, or section 306.112, who is
47 alleged and proved to be an aggravated offender shall
48 be guilty of a class C felony.

49 5. Any person who pleads guilty to or is found
50 guilty of a violation of subsection 2 of section
51 306.110, section 306.111, or section 306.112 who is

1 alleged and proved to be a chronic offender shall be
2 guilty of a class B felony.

3 6. No state, county, or municipal court shall
4 suspend the imposition of sentence as to a prior
5 offender, persistent offender, aggravated offender, or
6 chronic offender under this section, nor sentence such
7 person to pay a fine in lieu of a term of imprisonment,
8 notwithstanding the provisions of section 557.011 to
9 the contrary notwithstanding. No prior offender shall
10 be eligible for parole or probation until he or she has
11 served a minimum of five days imprisonment, unless as a
12 condition of such parole or probation such person
13 performs at least thirty days of community service
14 under the supervision of the court in those
15 jurisdictions which have a recognized program for
16 community service. No persistent offender shall be
17 eligible for parole or probation until he or she has
18 served a minimum of ten days imprisonment, unless as a
19 condition of such parole or probation such person
20 performs at least sixty days of community service under
21 the supervision of the court. No aggravated offender
22 shall be eligible for parole or probation until he or
23 she has served a minimum of sixty days imprisonment.
24 No chronic offender shall be eligible for parole or
25 probation until he or she has served a minimum of two
26 years imprisonment.

27 7. The state, county, or municipal court shall
28 find the defendant to be a prior offender, persistent
29 offender, aggravated offender, or chronic offender if:

30 (1) The indictment or information, original or
31 amended, or the information in lieu of an indictment
32 pleads all essential facts warranting a finding that
33 the defendant is a prior offender, persistent offender,
34 aggravated offender, or chronic offender; and

35 (2) Evidence is introduced that establishes
36 sufficient facts pleaded to warrant a finding beyond a
37 reasonable doubt the defendant is a prior offender,
38 persistent offender, aggravated offender, or chronic
39 offender; and

40 (3) The court makes findings of fact that warrant
41 a finding beyond a reasonable doubt by the court that
42 the defendant is a prior offender, persistent offender,
43 aggravated offender, or chronic offender.

44 8. In a jury trial, the facts shall be pleaded,
45 established and found prior to submission to the jury
46 outside of its hearing.

47 9. In a trial without a jury or upon a plea of
48 guilty, the court may defer the proof in findings of
49 such facts to a later time, but prior to sentencing.

50 10. The defendant shall be accorded full rights
51 of confrontation and cross-examination, with the

1 opportunity to present evidence, at such hearings.

2 11. The defendant may waive proof of the facts
3 alleged.

4 12. Nothing in this section shall prevent the use
5 of presentence investigations or commitments.

6 13. At the sentencing hearing both the state,
7 county, or municipality and the defendant shall be
8 permitted to present additional information bearing on
9 the issue of sentence.

10 14. The pleas or findings of guilt shall be prior
11 to the date of commission of the present offense.

12 15. The court shall not instruct the jury as to
13 the range of punishment or allow the jury, upon a
14 finding of guilt, to assess and declare the punishment
15 as part of its verdict in cases of prior offenders,
16 persistent offenders, aggravated offenders, or chronic
17 offenders.]

18
19 [306.119. 1. If an arresting officer requests a
20 person under arrest to submit to a chemical test, such
21 request shall include the reasons of the officer for
22 requesting the person to submit to a test and shall
23 inform the person that he or she may refuse such
24 request but that such person's refusal may be used as
25 evidence against him or her. If a person refuses a
26 test as provided in this subsection, no test shall be
27 given.

28 2. If a person refuses to submit to a chemical
29 test of such person's breath, blood, urine, or saliva
30 and that person stands trial for the crimes provided in
31 section 306.111 or 306.112, such refusal may be
32 admissible into evidence at the trial.]

33
34 [306.141. 1. A person commits the crime of
35 leaving the scene of a vessel accident if:

36 (1) The person is an operator of a vessel on a
37 waterway;

38 (2) The person knows that an injury was caused to
39 another person or to the property of another person,
40 due to the person's action, whether purposefully,
41 negligently or accidentally; and

42 (3) The person leaves the place of the injury,
43 damage, or accident without stopping and giving the
44 following information to the other party or to a water
45 patrol officer or other law enforcement officer or, if
46 no officer is in the vicinity, then without delay to
47 the nearest police station or judicial officer:

48 (a) The operator's name;

49 (b) The operator's residence, including city and
50 street number;

51 (c) The vessel registration number; and

1 (d) The operator's license number for any license
2 issued under chapter 302.

3 2. Leaving the scene of a vessel accident is a
4 class A misdemeanor, unless:

5 (1) The defendant has previously pled guilty to,
6 or been found guilty of, a violation of this section;
7 or

8 (2) The accident resulted in physical injury to
9 another person. In which cases, leaving the scene of a
10 vessel accident is a class D felony.]

11
12 [556.016. 1. An offense defined by this code or
13 by any other statute of this state, for which a
14 sentence of death or imprisonment is authorized,
15 constitutes a "crime". Crimes are classified as
16 felonies and misdemeanors.

17 2. A crime is a "felony" if it is so designated
18 or if persons convicted thereof may be sentenced to
19 death or imprisonment for a term which is in excess of
20 one year.

21 3. A crime is a "misdemeanor" if it is so
22 designated or if persons convicted thereof may be
23 sentenced to imprisonment for a term of which the
24 maximum is one year or less.]

25
26 [556.022. It shall be the duty of the operator or
27 driver of any vehicle or the rider of any animal
28 traveling on the roads of this state to stop on signal
29 of any law enforcement officer and to obey any other
30 reasonable signal or direction of such law enforcement
31 officer given in the course of enforcing any
32 infraction. Any person who willfully fails or refuses
33 to obey any signal or direction of a law enforcement
34 officer given in the course of enforcing any
35 infraction, or who willfully resists or opposes a law
36 enforcement officer in the proper discharge of his or
37 her duties in the course of enforcing any infraction,
38 is guilty of a class A misdemeanor and on plea or
39 finding of guilt thereof shall be punished as provided
40 by law for such offenses.]

41
42 [556.051. When the phrase "The defendant shall
43 have the burden of injecting the issue" is used in the
44 code, it means

45 (1) The issue referred to is not submitted to the
46 trier of fact unless supported by evidence; and

47 (2) If the issue is submitted to the trier of
48 fact any reasonable doubt on the issue requires a
49 finding for the defendant on that issue.]

1 [556.056. When the phrase "affirmative defense"
2 is used in the code, it means

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

5 (2) If the defense is submitted to the trier of
6 fact the defendant has the burden of persuasion that
7 the defense is more probably true than not.]
8

9 [556.063. In all criminal statutes, unless the
10 context requires a different definition, the following
11 terms mean:

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

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

32 (3) "Computer equipment", computers, terminals,
33 data storage devices, and all other computer hardware
34 associated with a computer system or network;

35 (4) "Computer hardware", all equipment which can
36 collect, analyze, create, display, convert, store,
37 conceal or transmit electronic, magnetic, optical or
38 similar computer impulses or data. Hardware includes,
39 but is not limited to, any data processing devices,
40 such as central processing units, memory typewriters
41 and self-contained laptop or notebook computers;
42 internal and peripheral storage devices,
43 transistor-like binary devices and other memory storage
44 devices, such as floppy disks, removable disks, compact
45 disks, digital video disks, magnetic tape, hard drive,
46 optical disks and digital memory; local area networks,
47 such as two or more computers connected together to a
48 central computer server via cable or modem; peripheral
49 input or output devices, such as keyboards, printers,
50 scanners, plotters, video display monitors and optical
51 readers; and related communication devices, such as

1 modems, cables and connections, recording equipment,
2 RAM or ROM units, acoustic couplers, automatic dialers,
3 speed dialers, programmable telephone dialing or
4 signaling devices and electronic tone-generating
5 devices; as well as any devices, mechanisms or parts
6 that can be used to restrict access to computer
7 hardware, such as physical keys and locks;

8 (5) "Computer network", a complex consisting of
9 two or more interconnected computers or computer
10 systems;

11 (6) "Computer program", a set of instructions,
12 statements, or related data that directs or is intended
13 to direct a computer to perform certain functions;

14 (7) "Computer software", digital information
15 which can be interpreted by a computer and any of its
16 related components to direct the way they work.
17 Software is stored in electronic, magnetic, optical or
18 other digital form. It commonly includes programs to
19 run operating systems and applications, such as word
20 processing, graphic, or spreadsheet programs,
21 utilities, compilers, interpreters and communications
22 programs;

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

27 (9) "Computer system", a set of related,
28 connected or unconnected, computer equipment, data, or
29 software;

30 (10) "Damage", any alteration, deletion, or
31 destruction of any part of a computer system or
32 network;

33 (11) "Data", a representation of information,
34 facts, knowledge, concepts, or instructions prepared in
35 a formalized or other manner and intended for use in a
36 computer or computer network. Data may be in any form
37 including, but not limited to, printouts, microfiche,
38 magnetic storage media, punched cards and as may be
39 stored in the memory of a computer;

40 (12) "Digital camera", a camera that records
41 images in a format which enables the images to be
42 downloaded into a computer;

43 (13) "Property", anything of value as defined in
44 subdivision (10) of section 570.010 and includes, but
45 is not limited to, financial instruments, information,
46 including electronically produced data and computer
47 software and programs in either machine or human
48 readable form, and any other tangible or intangible
49 item of value;

50 (14) "Services", the use of a computer, computer
51 system, or computer network and includes, but is not

1 limited to, computer time, data processing, and storage
2 or retrieval functions.]

3
4 [557.046. In all felony cases, the court shall
5 give notice of the time and place of sentencing to the
6 prosecuting attorney and the law enforcement agency
7 within whose jurisdiction the prosecution was
8 initiated. The prosecuting attorney and a
9 representative of the law enforcement agency may appear
10 at sentencing and provide relevant information to the
11 court prior to the court's decision.]

12
13 [560.016. 1. Except as otherwise provided for an
14 offense outside this code, a person who has been
15 convicted of a misdemeanor or infraction may be
16 sentenced to pay a fine which does not exceed:

17 (1) For a class A misdemeanor, one thousand
18 dollars;

19 (2) For a class B misdemeanor, five hundred
20 dollars;

21 (3) For a class C misdemeanor, three hundred
22 dollars;

23 (4) For an infraction, two hundred dollars.

24 2. In lieu of a fine imposed under subsection 1,
25 a person who has been convicted of a misdemeanor or
26 infraction through which he derived "gain" as defined
27 in section 560.011, may be sentenced to a fine which
28 does not exceed double the amount of gain from the
29 commission of the offense. An individual offender may
30 be fined not more than twenty thousand dollars under
31 this provision.]

32
33 [560.021. 1. A sentence to pay a fine, when
34 imposed on a corporation for an offense defined in this
35 code or for any offense defined outside this code for
36 which no special corporate fine is specified, shall be
37 a sentence to pay an amount, fixed by the court, not
38 exceeding:

39 (1) Ten thousand dollars, when the conviction is
40 of a felony;

41 (2) Five thousand dollars, when the conviction is
42 of a class A misdemeanor;

43 (3) Two thousand dollars, when the conviction is
44 of a class B misdemeanor;

45 (4) One thousand dollars, when the conviction is
46 of a class C misdemeanor;

47 (5) Five hundred dollars, when the conviction is
48 of an infraction;

49 (6) Any higher amount not exceeding double the
50 amount of the corporation's gain from the commission of

1 the offense, as determined under section 560.011.

2 2. In the case of an offense defined outside the
3 code, if a special fine for a corporation is expressly
4 specified in the statute that defines the offense, the
5 fine fixed by the court shall be

6 (1) An amount within the limits specified in the
7 statute that defines the offense; or

8 (2) Any higher amount not exceeding double the
9 amount of the corporation's gain from the commission of
10 the offense, as determined under section 560.011.]

11
12 [565.075. 1. A person commits the crime of
13 assault while on school property if the person:

14 (1) Knowingly causes physical injury to another
15 person; or

16 (2) With criminal negligence, causes physical
17 injury to another person by means of a deadly weapon;
18 or

19 (3) Recklessly engages in conduct which creates a
20 grave risk of death or serious physical injury to
21 another person; and the act described under subdivision
22 (1), (2) or (3) of this subsection occurred on school
23 or school district property, or in a vehicle that at
24 the time of the act was in the service of a school or
25 school district, or arose as a result of a school or
26 school district-sponsored activity.

27 2. Assault while on school property is a class D
28 felony.]

29
30 [565.081. 1. A person commits the crime of
31 assault of a law enforcement officer, corrections
32 officer, emergency personnel, highway worker in a
33 construction zone or work zone, utility worker, cable
34 worker, or probation and parole officer in the first
35 degree if such person attempts to kill or knowingly
36 causes or attempts to cause serious physical injury to
37 a law enforcement officer, corrections officer,
38 emergency personnel, highway worker in a construction
39 zone or work zone, utility worker, cable worker, or
40 probation and parole officer.

41 2. As used in this section, "emergency personnel"
42 means any paid or volunteer firefighter, emergency room
43 or trauma center personnel, or emergency medical
44 technician as defined in subdivisions (15), (16), (17),
45 and (18) of section 190.100.

46 3. As used in this section the term "corrections
47 officer" includes any jailer or corrections officer of
48 the state or any political subdivision of the state.

49 4. When used in this section, the terms "highway
50 worker", "construction zone", or "work zone" shall have
51 the same meaning as such terms are defined in section

1 304.580.

2 5. As used in this section, the term "utility
3 worker" means any employee while in performance of
4 their job duties, including any person employed under
5 contract of a utility that provides gas, heat,
6 electricity, water, steam, telecommunications services,
7 or sewer services, whether privately, municipally, or
8 cooperatively owned.

9 6. As used in this section, the term "cable
10 worker" means any employee including any person
11 employed under contract of a cable operator, as such
12 term is defined in section 67.2677.

13 7. Assault of a law enforcement officer,
14 corrections officer, emergency personnel, highway
15 worker in a construction zone or work zone, utility
16 worker, cable worker, or probation and parole officer
17 in the first degree is a class A felony.]

18
19 [565.082. 1. A person commits the crime of
20 assault of a law enforcement officer, corrections
21 officer, emergency personnel, highway worker in a
22 construction zone or work zone, utility worker, cable
23 worker, or probation and parole officer in the second
24 degree if such person:

25 (1) Knowingly causes or attempts to cause
26 physical injury to a law enforcement officer,
27 corrections officer, emergency personnel, highway
28 worker in a construction zone or work zone, utility
29 worker, cable worker, or probation and parole officer
30 by means of a deadly weapon or dangerous instrument;

31 (2) Knowingly causes or attempts to cause
32 physical injury to a law enforcement officer,
33 corrections officer, emergency personnel, highway
34 worker in a construction zone or work zone, utility
35 worker, cable worker, or probation and parole officer
36 by means other than a deadly weapon or dangerous
37 instrument;

38 (3) Recklessly causes serious physical injury to
39 a law enforcement officer, corrections officer,
40 emergency personnel, highway worker in a construction
41 zone or work zone, utility worker, cable worker, or
42 probation and parole officer; or

43 (4) While in an intoxicated condition or under
44 the influence of controlled substances or drugs,
45 operates a motor vehicle or vessel in this state and
46 when so operating, acts with criminal negligence to
47 cause physical injury to a law enforcement officer,
48 corrections officer, emergency personnel, highway
49 worker in a construction zone or work zone, utility
50 worker, cable worker, or probation and parole officer;

51 (5) Acts with criminal negligence to cause

1 physical injury to a law enforcement officer,
2 corrections officer, emergency personnel, highway
3 worker in a construction zone or work zone, utility
4 worker, cable worker, or probation and parole officer
5 by means of a deadly weapon or dangerous instrument;

6 (6) Purposely or recklessly places a law
7 enforcement officer, corrections officer, emergency
8 personnel, highway worker in a construction zone or
9 work zone, utility worker, cable worker, or probation
10 and parole officer in apprehension of immediate serious
11 physical injury; or

12 (7) Acts with criminal negligence to create a
13 substantial risk of death or serious physical injury to
14 a law enforcement officer, corrections officer,
15 emergency personnel, highway worker in a construction
16 zone or work zone, utility worker, cable worker, or
17 probation and parole officer.

18 2. As used in this section, "emergency personnel"
19 means any paid or volunteer firefighter, emergency room
20 or trauma center personnel, or emergency medical
21 technician as defined in subdivisions (15), (16), (17),
22 and (18) of section 190.100.

23 3. As used in this section the term "corrections
24 officer" includes any jailer or corrections officer of
25 the state or any political subdivision of the state.

26 4. When used in this section, the terms "highway
27 worker", "construction zone", or "work zone" shall have
28 the same meaning as such terms are defined in section
29 304.580.

30 5. As used in this section, the term "utility
31 worker" means any employee while in performance of
32 their job duties, including any person employed under
33 contract of a utility that provides gas, heat,
34 electricity, water, steam, telecommunications services,
35 or sewer services, whether privately, municipally, or
36 cooperatively owned.

37 6. As used in this section, the term "cable
38 worker" means any employee, including any person
39 employed under contract of a cable operator, as such
40 term is defined in section 67.2677.

41 7. Assault of a law enforcement officer,
42 corrections officer, emergency personnel, highway
43 worker in a construction zone or work zone, utility
44 worker, cable worker, or probation and parole officer
45 in the second degree is a class B felony unless
46 committed pursuant to subdivision (2), (5), (6), or (7)
47 of subsection 1 of this section in which case it is a
48 class C felony. For any violation of subdivision (1),
49 (3), or (4) of subsection 1 of this section, the
50 defendant must serve mandatory jail time as part of his
51 or her sentence.]

1
2 [565.083. 1. A person commits the crime of
3 assault of a law enforcement officer, corrections
4 officer, emergency personnel, highway worker in a
5 construction zone or work zone, utility worker, cable
6 worker, or probation and parole officer in the third
7 degree if:

8 (1) Such person recklessly causes physical injury
9 to a law enforcement officer, corrections officer,
10 emergency personnel, highway worker in a construction
11 zone or work zone, utility worker, cable worker, or
12 probation and parole officer;

13 (2) Such person purposely places a law
14 enforcement officer, corrections officer, emergency
15 personnel, highway worker in a construction zone or
16 work zone, utility worker, cable worker, or probation
17 and parole officer in apprehension of immediate
18 physical injury;

19 (3) Such person knowingly causes or attempts to
20 cause physical contact with a law enforcement officer,
21 corrections officer, emergency personnel, highway
22 worker in a construction zone or work zone, utility
23 worker, cable worker, or probation and parole officer
24 without the consent of the law enforcement officer,
25 corrections officer, emergency personnel, highway
26 worker in a construction zone or work zone, utility
27 worker, cable worker, or probation and parole officer.

28 2. As used in this section, "emergency personnel"
29 means any paid or volunteer firefighter, emergency room
30 or trauma center personnel, or emergency medical
31 technician as defined in subdivisions (15), (16), (17),
32 and (18) of section 190.100.

33 3. As used in this section the term "corrections
34 officer" includes any jailer or corrections officer of
35 the state or any political subdivision of the state.

36 4. When used in this section, the terms "highway
37 worker", "construction zone", or "work zone" shall have
38 the same meaning as such terms are defined in section
39 304.580.

40 5. As used in this section, the term "utility
41 worker" means any employee while in performance of
42 their job duties, including any person employed under
43 contract of a utility that provides gas, heat,
44 electricity, water, steam, telecommunications services,
45 or sewer services, whether privately, municipally, or
46 cooperatively owned.

47 6. As used in this section, the term "cable
48 worker" means any employee, including any person
49 employed under contract of a cable operator, as such
50 term is defined in section 67.2677.

51 7. Assault of a law enforcement officer,

1 corrections officer, emergency personnel, highway
2 worker in a construction zone or work zone, utility
3 worker, cable worker, or probation and parole officer
4 in the third degree is a class A misdemeanor.]
5

6 [565.092. 1. A patient or respondent is guilty
7 of aggravated harassment of an employee when, with
8 intent to harass, annoy, threaten or alarm a person in
9 a facility whom the person knows or reasonably should
10 know to be an employee of such facility or the
11 department of mental health or to be an employee of any
12 law enforcement agency, the person causes or attempts
13 to cause such employee to come into contact with blood,
14 seminal fluid, urine or feces, by throwing, tossing or
15 expelling such fluid or material.

16 2. For the purposes of this section, "patient"
17 means any person who is a patient in a facility
18 operated by the department of mental health. For
19 purposes of this section, "respondent" means a juvenile
20 in a secure facility operated and maintained by the
21 division of youth services. For purposes of this
22 section, "facility" means a hospital operated by the
23 department of mental health or a secure facility
24 operated by the division of youth services.

25 3. Any person who violates the provisions of this
26 section is guilty of a class A misdemeanor.]
27

28 [565.149. As used in sections 565.149 to 565.169,
29 the following words and phrases mean:

30 (1) "Child", a person under seventeen years of
31 age;

32 (2) "Legal custody", the right to the care,
33 custody and control of a child;

34 (3) "Parent", either a biological parent or a
35 parent by adoption;

36 (4) "Person having a right of custody", a parent
37 or legal guardian of the child.]
38

39 [565.165. 1. A person commits the crime of
40 assisting in child abduction or parental kidnapping if
41 he:

42 (1) Before or during the commission of a child
43 abduction or parental kidnapping as defined in section
44 565.153 or 565.156 and with the intent to promote or
45 facilitate such offense, intentionally assists another
46 in the planning or commission of child abduction or
47 parental kidnapping, unless before the commission of
48 the offense he makes proper efforts to prevent the
49 commission of the offense; or

50 (2) With the intent to prevent the apprehension

1 of a person known to have committed the offense of
2 child abduction or parental kidnapping, or with the
3 intent to obstruct or prevent efforts to locate the
4 child victim of a child abduction, knowingly destroys,
5 alters, conceals or disguises physical evidence or
6 furnishes false information.

7 2. Assisting in child abduction or parental
8 kidnapping is a class A misdemeanor.]
9

10 [565.169. Upon conviction or guilty plea of a
11 person under section 565.150, or section 565.153 or
12 565.156, the court may, in addition to or in lieu of
13 any sentence or fine imposed, assess as restitution
14 against the defendant and in favor of the legal
15 custodian or parent any reasonable expenses incurred by
16 the legal custodian or parent in searching for or
17 returning the child.]
18

19 [565.180. 1. A person commits the crime of elder
20 abuse in the first degree if he attempts to kill,
21 knowingly causes or attempts to cause serious physical
22 injury, as defined in section 565.002, to any person
23 sixty years of age or older or an eligible adult as
24 defined in section 660.250.

25 2. Elder abuse in the first degree is a class A
26 felony.]
27

28 [565.182. 1. A person commits the crime of elder
29 abuse in the second degree if he:

30 (1) Knowingly causes, attempts to cause physical
31 injury to any person sixty years of age or older or an
32 eligible adult, as defined in section 660.250, by means
33 of a deadly weapon or dangerous instrument; or

34 (2) Recklessly or purposely causes serious
35 physical injury, as defined in section 565.002, to a
36 person sixty years of age or older or an eligible adult
37 as defined in section 660.250.

38 2. Elder abuse in the second degree is a class B
39 felony.]
40

41 [565.210. 1. A person commits the crime of
42 vulnerable person abuse in the first degree if he or
43 she attempts to kill or knowingly causes or attempts to
44 cause serious physical injury to a vulnerable person,
45 as defined in section 630.005.

46 2. Vulnerable person abuse in the first degree is
47 a class A felony.]
48

49 [565.212. 1. A person commits the crime of
50 vulnerable person abuse in the second degree if he or

1 she:

2 (1) Knowingly causes or attempts to cause
3 physical injury to a vulnerable person, as defined in
4 section 630.005, by means of a deadly weapon or
5 dangerous instrument; or

6 (2) Recklessly causes serious physical injury to
7 any vulnerable person, as defined in section 630.005.

8 2. Vulnerable person abuse in the second degree
9 is a class B felony.]

10
11 [565.214. 1. A person commits the crime of
12 vulnerable person abuse in the third degree if he or
13 she:

14 (1) Knowingly causes or attempts to cause
15 physical contact with any vulnerable person as defined
16 in section 630.005, knowing the other person will
17 regard the contact as harmful or offensive; or

18 (2) Purposely engages in conduct involving more
19 than one incident that causes grave emotional distress
20 to a vulnerable person, as defined in section 630.005.
21 The result of the conduct shall be such as would cause
22 a vulnerable person, as defined in section 630.005, to
23 suffer substantial emotional distress; or

24 (3) Purposely or knowingly places a vulnerable
25 person, as defined in section 630.005, in apprehension
26 of immediate physical injury; or

27 (4) Intentionally fails to provide care, goods or
28 services to a vulnerable person, as defined in section
29 630.005. The result of the conduct shall be such as
30 would cause a vulnerable person, as defined in section
31 630.005, to suffer physical or emotional distress; or

32 (5) Knowingly acts or knowingly fails to act with
33 malice in a manner that results in a grave risk to the
34 life, body or health of a vulnerable person, as defined
35 in section 630.005; or

36 (6) Is a person who is a vendor, provider, agent,
37 or employee of a department operated, funded, licensed,
38 or certified program and engages in sexual contact, as
39 defined by subdivision (3) of section 566.010, or
40 sexual intercourse, as defined by subdivision (4) of
41 section 566.010, with a vulnerable person.

42 2. Vulnerable person abuse in the third degree is
43 a class A misdemeanor.

44 3. Actions done in good faith and without gross
45 negligence that are designed to protect the safety of
46 the individual and the safety of others, or are
47 provided within accepted standards of care and
48 treatment, shall not be considered as abuse of a
49 vulnerable person as defined in this section.

50 4. Nothing in this section shall be construed to
51 mean that a vulnerable person is abused solely because

1 such person chooses to rely on spiritual means through
2 prayer, in lieu of medical care, for his or her health
3 care, as evidenced by the vulnerable person's explicit
4 consent, advance directive for health care, or
5 practice.]
6

7 [565.250. As used in sections 565.250 to 565.257,
8 the following terms mean:

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

13 (2) "Photographs" or "films", the making of any
14 photograph, motion picture film, videotape, or any
15 other recording or transmission of the image of a
16 person;

17 (3) "Place where a person would have a reasonable
18 expectation of privacy", any place where a reasonable
19 person would believe that a person could disrobe in
20 privacy, without being concerned that the person's
21 undressing was being viewed, photographed or filmed by
22 another;

23 (4) "Prior invasion of privacy offender", a
24 person who previously has pleaded or been found guilty
25 of the crime of invasion of privacy;

26 (5) "Same course of conduct", more than one
27 person has been filmed in full or partial nudity under
28 the same or similar circumstances pursuant to one
29 scheme or course of conduct, whether at the same or
30 different times;

31 (6) "Views", the looking upon of another person,
32 with the unaided eye or with any device designed or
33 intended to improve visual acuity, for the purpose of
34 arousing or gratifying the sexual desire of any
35 person.]
36

37 [565.253. 1. A person commits the crime of
38 invasion of privacy in the second degree if:

39 (1) Such person knowingly views, photographs or
40 films another person, without that person's knowledge
41 and consent, while the person being viewed,
42 photographed or filmed is in a state of full or partial
43 nudity and is in a place where one would have a
44 reasonable expectation of privacy; or

45 (2) Such person knowingly uses a concealed
46 camcorder or photographic camera of any type to
47 secretly videotape, photograph, or record by electronic
48 means another person under or through the clothing worn
49 by that other person for the purpose of viewing the
50 body of or the undergarments worn by that other person
51 without that person's consent.

1 2. Invasion of privacy in the second degree
2 pursuant to subdivision (1) of subsection 1 of this
3 section is a class A misdemeanor; unless more than one
4 person is viewed, photographed or filmed in full or
5 partial nudity in violation of sections 565.250 to
6 565.257 during the same course of conduct, in which
7 case invasion of privacy is a class D felony; and
8 unless committed by a person who has previously pled
9 guilty to or been found guilty of invasion of privacy,
10 in which case invasion of privacy is a class D felony.
11 Invasion of privacy in the second degree pursuant to
12 subdivision (2) of subsection 1 of this section is a
13 class A misdemeanor; unless more than one person is
14 secretly videotaped, photographed or recorded in
15 violation of sections 565.250 to 565.257 during the
16 same course of conduct, in which case invasion of
17 privacy is a class D felony; and unless committed by a
18 person who has previously pled guilty to or been found
19 guilty of invasion of privacy, in which case invasion
20 of privacy is a class C felony. Prior pleas or
21 findings of guilt shall be pled and proven in the same
22 manner required by the provisions of section 558.021.]
23

24 [566.025. In prosecutions pursuant to this
25 chapter or chapter 568 of a sexual nature involving a
26 victim under fourteen years of age, whether or not age
27 is an element of the crime for which the defendant is
28 on trial, evidence that the defendant has committed
29 other charged or uncharged crimes of a sexual nature
30 involving victims under fourteen years of age shall be
31 admissible for the purpose of showing the propensity of
32 the defendant to commit the crime or crimes with which
33 he or she is charged unless the trial court finds that
34 the probative value of such evidence is outweighed by
35 the prejudicial effect.]
36

37 [566.140. 1. Any person who has pleaded guilty
38 to or been found guilty of violating the provisions of
39 this chapter and is granted a suspended imposition or
40 execution of sentence or placed under the supervision
41 of the board of probation and parole shall be required
42 to participate in and successfully complete a program
43 of treatment, education and rehabilitation designed for
44 perpetrators of sexual offenses. Persons required to
45 attend a program pursuant to this section may be
46 charged a reasonable fee to cover the costs of such
47 program.

48 2. No person who provides assessment services or
49 who makes a report, finding, or recommendation for any
50 probationer to attend any counseling or program of
51 treatment, education or rehabilitation as a condition

1 or requirement of probation, following the
2 probationer's plea of guilty to or a finding of guilt
3 of violating any provision of this chapter or chapter
4 565, may be related within the third degree of
5 consanguinity or affinity to any person who has a
6 financial interest, whether direct or indirect, in the
7 counseling or program of treatment, education or
8 rehabilitation or any financial interest, whether
9 direct or indirect, in any private entity which
10 provides the counseling or program of treatment,
11 education or rehabilitation. Any person who violates
12 this subsection shall thereafter:

13 (1) Immediately remit to the state of Missouri
14 any financial income gained as a direct or indirect
15 result of the action constituting the violation;

16 (2) Be prohibited from providing assessment or
17 counseling services or any program of treatment,
18 education or rehabilitation to, for, on behalf of, at
19 the direction of, or in contract with the state board
20 of probation and parole or any office thereof; and

21 (3) Be prohibited from having any financial
22 interest, whether direct or indirect, in any private
23 entity which provides assessment or counseling services
24 or any program of treatment, education or
25 rehabilitation to, for, on behalf of, at the direction
26 of, or in contract with the state board of probation
27 and parole or any office thereof.

28 3. The provisions of subsection 2 of this section
29 shall not apply when the department of corrections has
30 identified only one qualified service provider within
31 reasonably accessible distance from the offender or
32 when the only providers available within a reasonable
33 distance are related within the third degree of
34 consanguinity or affinity to any person who has a
35 financial interest in the service provider.]

36
37 [566.141. Any person who is convicted of or
38 pleads guilty or nolo contendere to any sexual offense
39 involving a child shall be required as a condition of
40 probation or parole to be involved in and successfully
41 complete an appropriate treatment program. Any person
42 involved in such a program shall be required to follow
43 all directives of the treatment program provider.]

44
45 [567.040. In any prosecution for prostitution or
46 patronizing a prostitute, the sex of the two parties or
47 prospective parties to the sexual conduct engaged in,
48 contemplated or solicited is immaterial, and it is no
49 defense that

50 (1) Both persons were of the same sex; or

51 (2) The person who received, agreed to receive or

1 solicited something of value was a male and the person
2 who gave or agreed or offered to give something of
3 value was a female.]

4
5 [568.100. 1. When it becomes necessary for the
6 purposes of section 568.060, 568.080 or 568.090 to
7 determine whether a child who participated in a sexual
8 performance was younger than seventeen years of age,
9 the court or jury may make this determination by any of
10 the following methods:

- 11 (1) Personal inspection of the child;
- 12 (2) Inspection of the photograph or motion
13 picture that shows the child engaging in the sexual
14 performance;
- 15 (3) Oral testimony by a witness to the sexual
16 performance as to the age of the child based on the
17 child's appearance at the time;
- 18 (4) Expert medical testimony based on the
19 appearance of the child engaging in the sexual
20 performance; or
- 21 (5) Any other method authorized by law or by the
22 rules of evidence.

23 2. When it becomes necessary for the purposes of
24 section 568.060, 568.080 or 568.090 to determine
25 whether a child who participated in the sexual conduct
26 consented to the conduct, the term "consent" shall have
27 the meaning given it in section 556.061.

28 3. Upon request of the prosecuting attorney, the
29 court may order that the child's testimony be
30 videotaped pursuant to section 492.303 or as otherwise
31 provided by law.]

32
33 [568.120. 1. Any person who has pleaded guilty
34 to or been found guilty of violating the provisions of
35 section 568.020, 568.060, 568.080 or 568.090, and who
36 is granted a suspended imposition or execution of
37 sentence, or placed under the supervision of the board
38 of probation and parole, shall be required to
39 participate in an appropriate program of treatment,
40 education and rehabilitation. Persons required to
41 attend a program pursuant to this section may be
42 charged a reasonable fee to cover the costs of such
43 program.

44 2. Notwithstanding other provisions of law to the
45 contrary, any person who has previously pleaded guilty
46 to or been found guilty of violating the provisions of
47 sections 568.020, 568.060, 568.080 and 568.090, and who
48 subsequently pleads guilty or is found guilty of
49 violating any one of the foregoing sections, shall not
50 be granted a suspended imposition of sentence, a
51 suspended execution of sentence, nor probation by the

1 circuit court for the subsequent offense.]

2
3 [569.025. 1. A person commits the crime of
4 pharmacy robbery in the first degree when he forcibly
5 steals any controlled substance from a pharmacy and in
6 the course thereof he, or another participant in the
7 crime:

- 8 (1) Causes serious physical injury to any person;
9 (2) Is armed with a deadly weapon;
10 (3) Uses or threatens the immediate use of a
11 dangerous instrument against any person; or
12 (4) Displays or threatens the use of what appears
13 to be a deadly weapon or dangerous instrument.

14 2. For purposes of this section the following
15 terms mean:

16 (1) "Controlled substance", a drug, substance or
17 immediate precursor in schedules I through V as defined
18 in sections 195.005 to 195.425;

19 (2) "Pharmacy", any building, warehouse,
20 physician's office, hospital, pharmaceutical house or
21 other structure used in whole or in part for the sale,
22 storage or dispensing of any controlled substance as
23 defined by sections 195.005 to 195.425.

24 3. Pharmacy robbery in the first degree is a
25 class A felony, but, notwithstanding any other
26 provision of law, a person convicted pursuant to this
27 section shall not be eligible for suspended execution
28 of sentence, parole or conditional release until having
29 served a minimum of ten years of imprisonment.]

30
31 [569.035. 1. A person commits the crime of
32 pharmacy robbery in the second degree when he forcibly
33 steals any controlled substance from a pharmacy.

34 2. For purposes of this section the following
35 terms mean:

36 (1) "Controlled substance", a drug, substance or
37 immediate precursor in schedules I through V as defined
38 in sections 195.005 to 195.425;

39 (2) "Pharmacy", any building, warehouse,
40 physician's office, hospital, pharmaceutical house or
41 other structure used in whole or in part for the sale,
42 storage or dispensing of any controlled substance as
43 defined by sections 195.005 to 195.425.

44 3. Pharmacy robbery in the second degree is a
45 class B felony, but, notwithstanding any other
46 provision of law, a person convicted pursuant to this
47 section shall not be eligible for suspended execution
48 of sentence, parole or conditional release until having
49 served a minimum of five years of imprisonment.]

1 [569.067. 1. A person commits the crime of
2 negligently setting fire to a woodland, cropland,
3 grassland, prairie or marsh when he with criminal
4 negligence causes damage to a woodland, cropland,
5 grassland, prairie or marsh of another by starting a
6 fire.

7 2. A person commits the crime of negligently
8 allowing a fire to escape when he with criminal
9 negligence allows a fire burning on lands in his
10 possession or control to escape onto property of
11 another.

12 3. Negligently setting fire to a woodland,
13 cropland, grassland, prairie or marsh or negligently
14 allowing a fire to escape is a class B misdemeanor.]
15

16 [569.094. In a prosecution under sections 569.095
17 to 569.099, computer printouts shall be competent
18 evidence of any computer software, program, or data
19 contained in or taken from a computer, computer system,
20 or computer network.]
21

22 [570.033. Any person who, without lawful
23 authority, willfully takes another's animal with the
24 intent to deprive him of his property is guilty of a
25 class D felony.]
26

27 [570.040. 1. Every person who has previously
28 pled guilty to or been found guilty of two
29 stealing-related offenses committed on two separate
30 occasions where such offenses occurred within ten years
31 of the date of occurrence of the present offense and
32 who subsequently pleads guilty or is found guilty of a
33 stealing-related offense is guilty of a class D felony,
34 unless the subsequent plea or guilty verdict is
35 pursuant to paragraph (a) of subdivision (3) of
36 subsection 3 of section 570.030, in which case the
37 person shall be guilty of a class B felony, and shall
38 be punished accordingly.

39 2. As used in this section, the term
40 "stealing-related offense" shall include federal and
41 state violations of criminal statutes against stealing,
42 robbery, or buying or receiving stolen property and
43 shall also include municipal ordinances against same if
44 the defendant was either represented by counsel or
45 knowingly waived counsel in writing and the judge
46 accepting the plea or making the findings was a
47 licensed attorney at the time of the court proceedings.

48 3. Evidence of prior guilty pleas or findings of
49 guilt shall be heard by the court, out of the hearing
50 of the jury, prior to the submission of the case to the

1 jury, and the court shall determine the existence of
2 the prior guilty pleas or findings of guilt.]

3
4 [570.050. Amounts stolen pursuant to one scheme
5 or course of conduct, whether from the same or several
6 owners and whether at the same or different times,
7 constitute a single criminal episode and may be
8 aggregated in determining the grade of the offense.]
9

10 [570.055. Any person who steals or appropriates,
11 without consent of the owner, any wire, electrical
12 transformer, metallic wire associated with transmitting
13 telecommunications, or any other device or pipe that is
14 associated with conducting electricity or transporting
15 natural gas or other combustible fuels shall be guilty
16 of a class C felony.]
17

18 [570.080. 1. A person commits the crime of
19 receiving stolen property if for the purpose of
20 depriving the owner of a lawful interest therein, he or
21 she receives, retains or disposes of property of
22 another knowing that it has been stolen, or believing
23 that it has been stolen.

24 2. Evidence of the following is admissible in any
25 criminal prosecution pursuant to this section to prove
26 the requisite knowledge or belief of the alleged
27 receiver:

28 (1) That he or she was found in possession or
29 control of other property stolen on separate occasions
30 from two or more persons;

31 (2) That he or she received other stolen property
32 in another transaction within the year preceding the
33 transaction charged;

34 (3) That he or she acquired the stolen property
35 for a consideration which he or she knew was far below
36 its reasonable value;

37 (4) That he or she obtained control over stolen
38 property knowing the property to have been stolen or
39 under such circumstances as would reasonably induce a
40 person to believe the property was stolen.

41 3. Except as otherwise provided in subsections 4
42 and 5 of this section, receiving stolen property is a
43 class A misdemeanor.

44 4. Receiving stolen property is a class C felony
45 if:

46 (1) The value of the property or services
47 appropriated is five hundred dollars or more but less
48 than twenty-five thousand dollars;

49 (2) The property has been physically taken from
50 the person of the victim; or

- 1 (3) The property appropriated includes:
2 (a) Any motor vehicle, watercraft, or aircraft;
3 (b) Any will or unrecorded deed affecting real
4 property;
5 (c) Any credit card or letter of credit;
6 (d) Any firearm;
7 (e) Any explosive weapon as that term is defined
8 in section 571.010;
9 (f) A United States national flag designed,
10 intended, and used for display on buildings or
11 stationary flagstaffs in the open;
12 (g) Any original copy of an act, bill, or
13 resolution, introduced or acted upon by the legislature
14 of the state of Missouri;
15 (h) Any pleading, notice, judgment, or any other
16 record or entry of any court of this state, any other
17 state, or of the United States;
18 (i) Any book of registration or list of voters
19 required by chapter 115;
20 (j) Any animal considered livestock as that term
21 is defined in section 144.010;
22 (k) Any live fish raised for commercial sale with
23 a value of seventy-five dollars or more;
24 (l) Any captive wildlife held under permit issued
25 by the conservation commission;
26 (m) Any controlled substance as that term is
27 defined in section 195.010;
28 (n) Anhydrous ammonia;
29 (o) Ammonium nitrate; or
30 (p) Any document of historical significance which
31 has a fair market value of five hundred dollars or
32 more.

33 5. The receipt of any item of property or
34 services pursuant to subsection 4 of this section which
35 exceeds five hundred dollars may be considered a
36 separate felony and may be charged in separate counts.

37 6. Any person who previously has been found
38 guilty of, or pled guilty to, receiving stolen
39 property, when the property is of the kind described
40 under paragraph (j) or (l) of subdivision (3) of
41 subsection 4 of this section and the value of the
42 animal or animals received exceeds three thousand
43 dollars, is guilty of a class B felony. Such person
44 shall serve a minimum prison term of not less than
45 eighty percent of his or her sentence before being
46 eligible for probation, parole, conditional release, or
47 other early release by the department of corrections.

48 7. Receiving stolen property is a class B felony
49 if the value of the property or services equals or
50 exceeds twenty-five thousand dollars.]
51

1 [570.155. 1. It shall be unlawful:

2 (1) For any person to give, promise or offer to
3 any professional or amateur baseball, football, hockey,
4 polo, tennis or basketball player or boxer or any
5 player who participates or expects to participate in
6 any professional or amateur game or sport or any
7 jockey, driver, groom or any person participating or
8 expecting to participate in any horse race, including
9 owners of race tracks and their employees, stewards,
10 trainers, judges, starters or special policemen, or to
11 any manager, coach or trainer of any team or
12 participant or prospective participant in any such
13 game, contest or sport, any valuable thing with intent
14 to influence him to lose or try to lose or cause to be
15 lost or to limit his or his team's margin of victory in
16 a baseball, football, hockey or basketball game,
17 boxing, tennis or polo match or a horse race or any
18 professional or amateur sport, or game, in which such
19 player or participant or jockey or driver, is taking
20 part or expects to take part, or has any duty or
21 connection therewith;

22 (2) For any professional or amateur baseball,
23 football, hockey, basketball, tennis or polo player,
24 boxer, or jockey, driver, or groom or participant or
25 prospective participant in any sport or game, or
26 manager, coach or trainer of any team or individual
27 participant or prospective participant in any such
28 game, contest or sport to accept, attempt to obtain, or
29 to solicit any valuable thing to influence him to lose
30 or try to lose or cause to be lost or to limit his or
31 his team's margin of victory in a baseball, football,
32 hockey or basketball game or boxing, tennis, or polo
33 match, or horse race or any game or sport in which he
34 is taking part, or expects to take part, or has any
35 duty or connection therewith.

36 2. (1) Any person violating the provisions of
37 subdivision (1) of subsection 1 shall be deemed guilty
38 of a felony, and, upon conviction thereof, shall be
39 punished by imprisonment in the penitentiary for a term
40 of not to exceed ten years or by imprisonment in the
41 county jail for a period not to exceed one year, or by
42 a fine not to exceed ten thousand dollars or by both
43 such fine and imprisonment;

44 (2) Any person violating the provisions of
45 subdivision (2) of subsection 1 shall be deemed guilty
46 of a misdemeanor.]

47
48 [570.160. 1. A person commits the crime of false
49 advertising if, in connection with the promotion of the
50 sale of, or to increase the consumption of, property or
51 services, he recklessly makes or causes to be made a

1 false or misleading statement in any advertisement
2 addressed to the public or to a substantial number of
3 persons.

4 2. False advertising is a class A misdemeanor.]
5

6 [570.170. 1. A person commits the crime of bait
7 advertising if he advertises in any manner the sale of
8 property or services with the purpose not to sell or
9 provide the property or services:

10 (1) At the price which he offered them; or

11 (2) In a quantity sufficient to meet the
12 reasonably expected public demand, unless the quantity
13 is specifically stated in the advertisement; or

14 (3) At all.

15 2. Bait advertising is a class A misdemeanor.]
16

17 [570.190. 1. A person commits the crime of
18 telephone service fraud if the person by deceit obtains
19 or attempts to obtain telephone service without paying
20 the lawful charge, except that it shall not be unlawful
21 for a person to purchase, rent or use telephones or
22 telephone receiving equipment acquired from a lawful
23 source, other than the telephone utility certified to
24 serve the area in which such person resides.

25 2. A person commits the crime of electronic
26 telephone fraud if the person knowingly

27 (1) Uses, in connection with the making or
28 receiving of a telephone call; or

29 (2) Has possession of; or

30 (3) Transfers possession or causes the transfer
31 of possession to another; or

32 (4) Makes or assembles; an electronic or
33 mechanical device which, when used in connection with a
34 telephone call, will cause the billing system of a
35 telephone company to record incorrectly, or omit to
36 record correctly, any fact by which the person
37 responsible for paying the charge for a telephone call
38 is determined.

39 3. Venue for trial shall be as follows:

40 (1) An offense under subsection 1 and subdivision
41 (1) of subsection 2 which involves the placing of
42 telephone calls may be deemed to have been committed at
43 either the place at which the telephone calls were
44 made, or at the place where the telephone calls were
45 received.

46 (2) An offense under subdivisions (2), (3) and
47 (4) of subsection 2 may be deemed to have been
48 committed where the device was found, or at the place
49 where the device was transferred or fabricated.

50 4. (1) An offense under subsection 1 shall be
51 punished by a fine not to exceed five hundred dollars

1 or by confinement in jail for not more than six months,
2 or both; except that if the telephone charges avoided
3 or attempted to be avoided pursuant to one scheme or
4 course of conduct exceed fifty dollars, the offense
5 shall be punished by a fine of not more than one
6 thousand dollars, or by confinement in jail for not
7 more than one year, or both.

8 (2) An offense under subdivisions (1) through (5)
9 of subsection 2 shall be punished by a fine of not more
10 than one thousand dollars, confinement in jail for not
11 more than one year, or both; except that if defendant
12 received consideration from another as a consequence of
13 the use, transfer, or fabrication of the device, the
14 offense shall be punished as provided in subdivision
15 (3) of subsection 4.

16 (3) If the defendant has been convicted
17 previously of an offense under this section or of an
18 offense under the laws of another state of the United
19 States which would have been an offense under this
20 section if committed in this state, then the offense
21 shall be punished by a fine of not more than five
22 thousand dollars or by imprisonment by the department
23 of corrections and human resources for not less than
24 two nor more than five years, or both.

25 5. A search warrant shall be issued by any court
26 of competent jurisdiction upon a finding of probable
27 cause to believe an instrument or device described in
28 subsections 1 and 2 is housed in a particular
29 structure, vehicle or upon the person.]
30

31 [570.200. As used in this act, unless the context
32 clearly indicates otherwise, the following terms shall
33 mean:

34 (1) "Library", any public library or any library
35 of an educational, historical or eleemosynary
36 institution, organization or society; any museum; any
37 repository of public or institutional records; or any
38 archive;

39 (2) "Library card", a card or other device
40 utilized by a library for purposes of identifying a
41 person authorized to borrow library material, subject
42 to all limitations and conditions imposed on such
43 borrowing by the library issuing or honoring such card;

44 (3) "Library material", any book, plate, picture,
45 photograph, engraving, painting, sculpture, artifact,
46 drawing, map, newspaper, microform, sound recording,
47 audiovisual material, magnetic or other tape,
48 electronic data processing record or other document,
49 written or printed material, regardless of physical
50 form or characteristic, which is a constituent element
51 of a library's collection or any part thereof,

1 belonging to, on loan to, or otherwise in the custody
2 of a library;

3 (4) "Notice in writing", any notice deposited as
4 certified or registered mail in the United States mail
5 and addressed to the person at his address as it
6 appears on the library card or to his last known
7 address. The notice shall contain a statement that
8 failure to return the library material within ten days
9 of receipt of the notice may subject the user to
10 criminal prosecution;

11 (5) "Premises of a library", a building structure
12 or other enclosure in which a library is located or in
13 which the library keeps, displays and makes available
14 for inspection, borrowing or return of library
15 materials.]

16
17 [570.210. 1. A person commits the crime of
18 library theft if with the purpose to deprive, such
19 person:

20 (1) Knowingly removes any library material from
21 the premises of a library without authorization; or

22 (2) Borrows or attempts to borrow any library
23 material from a library by use of a library card:

24 (a) Without the consent of the person to whom it
25 was issued; or

26 (b) Knowing that the library card is revoked,
27 canceled or expired; or

28 (c) Knowing that the library card is falsely
29 made, counterfeit or materially altered; or

30 (3) Borrows library material from any library
31 pursuant to an agreement or procedure established by
32 the library which requires the return of such library
33 material and, with the purpose to deprive the library
34 of the library material, fails to return the library
35 material to the library; or

36 (4) Knowingly writes on, injures, defaces, tears,
37 cuts, mutilates, or destroys a book, document, or other
38 library material belonging to, on loan to, or otherwise
39 in the custody of a library.

40 2. It shall be prima facie evidence of the
41 person's purpose to deprive the library of the library
42 materials if, within ten days after notice in writing
43 deposited as certified mail from the library demanding
44 the return of such library material, such person
45 without good cause shown fails to return the library
46 material. A person is presumed to have received the
47 notice required by this subsection if the library mails
48 such notice to the last address provided to the library
49 by such person. Payment to the library, in an amount
50 equal to the fair market value of an item of no
51 historical significance shall be considered returning

1 the item for purposes of this subsection.

2 3. The crime of library theft is a class C
3 misdemeanor if the value of the library materials is
4 less than five hundred dollars. The crime of library
5 theft is a class C felony if the value of the library
6 material is between five hundred dollars and
7 twenty-five thousand dollars. The crime of library
8 theft is a class B felony if the value of the library
9 material is greater than twenty-five thousand dollars.]

10
11 [570.215. Any librarian, his agent or employee,
12 who has reasonable grounds to believe that a person on
13 the premises of the library has committed or is about
14 to commit the crime of library theft, may detain such
15 person in a reasonable manner and for a reasonable
16 length of time for the purpose of investigating whether
17 there has been or may be a wrongful taking of such
18 library material. Any such reasonable detention shall
19 not constitute an unlawful arrest or detention, nor
20 shall it render the librarian, his agent or employee
21 criminally or civilly liable to the person so
22 detained.]

23
24 [570.226. No person shall, without the consent of
25 the owner, transfer or cause to be transferred to any
26 phonograph record, disc, wire, tape, film,
27 videocassette, or other article or medium now known or
28 later developed on which sounds or images are recorded
29 or otherwise stored, any performance whether live
30 before an audience or transmitted by wire or through
31 the air by radio or television, with the intent to sell
32 or cause to be sold for profit.]

33
34 [570.230. No person shall advertise, or offer for
35 sale, resale, or sell or resell, or cause to be sold,
36 resold or process for such purposes any article that
37 has been produced in violation of the provisions of
38 section 570.225 or 570.226, knowing, or having
39 reasonable grounds to know, that the sounds thereon
40 have been so transferred without the consent of the
41 owner.]

42
43 [570.235. As used in sections 570.225 to 570.255,
44 the following terms mean:

45 (1) "Audiovisual works", works that consist of a
46 series of related images which are intrinsically
47 intended to be shown by the use of machines, electronic
48 equipment or other devices, now known or later
49 developed, together with accompanying sounds, if any;

50 (2) "Manufacturer", the person who transfers or

1 causes to be transferred any sounds or images to the
2 particular article, medium, recording or other physical
3 embodiment of such sounds or images then in issue;

4 (3) "Motion pictures", audiovisual works
5 consisting of a series of related images which, when
6 shown in succession, impart an impression of motion,
7 together with accompanying sounds, if any;

8 (4) "Owner", the person who owns the sounds of
9 any performance not yet fixed in a medium of
10 expression, or the original fixation of sounds embodied
11 in the master phonograph record, master disc, master
12 tape, master film, master videocassette, or other
13 device or medium now known or later developed, used for
14 reproducing sounds on phonograph records, discs, tapes,
15 films, videocassettes, or other articles or medium upon
16 which sound is or may be recorded, and from which the
17 transferred recorded sounds are directly or indirectly
18 derived;

19 (5) "Person", any natural person, corporation or
20 other business entity.]

21
22 [570.240. The label, cover, box or jacket on all
23 phonograph records, discs, wires, tapes, films,
24 videocassettes or other articles or medium now known or
25 later developed on which sounds or images are recorded
26 shall contain thereon in clearly readable print the
27 name and address of the manufacturer.]

28
29 [570.241. No person shall advertise, or offer for
30 rental, sale, resale, or rent, sell, resell, or cause
31 to be sold, resold, or possess for such purposes any
32 article that has been produced in violation of the
33 provisions of section 570.240, knowing, or having
34 reasonable grounds to know, that the article has been
35 produced in violation of the provisions of section
36 570.240.]

37
38 [570.245. Sections 570.225 to 570.255 do not
39 apply to:

40 (1) Any radio or television broadcaster who
41 transfers any such sounds as part of or in connection
42 with a radio or television broadcast transmission or
43 for archival preservation;

44 (2) Any person transferring any such sounds at
45 home for his personal use without any compensation
46 being derived by such person or any other person from
47 such transfer;

48 (3) Any cable television company that transfers
49 any such sounds as part of its regular cable television
50 service.]

1 [570.255. 1. Any person guilty of a violation of
2 sections 570.225 to 570.255 is punishable as follows:

3 (1) For the first offense of a violation of
4 sections 570.225 to 570.241 which is not a felony under
5 subdivision (2) of this subsection, such person is
6 guilty of a misdemeanor, and upon conviction shall be
7 punished by a fine not exceeding five thousand dollars,
8 or by confinement in the county jail not exceeding six
9 months, or by both such fine and confinement.

10 (2) For any offense of a violation of section
11 570.240 or 570.241 involving one hundred or more
12 articles upon which motion pictures or audiovisual
13 works are recorded, or any other violation of section
14 570.225 to 570.241 involving one hundred or more
15 articles, such person is guilty of a felony and, upon
16 conviction, shall be punished by a fine not exceeding
17 fifty thousand dollars, or by imprisonment by the
18 department of corrections for not more than five years,
19 or by both such fine and imprisonment.

20 (3) For the second and subsequent violations of
21 sections 570.225 to 570.255, such person is guilty of a
22 felony and, upon conviction, shall be punished by a
23 fine not exceeding one hundred thousand dollars, or by
24 imprisonment by the department of corrections for not
25 less than two years nor more than five years, or by
26 both such fine and imprisonment.

27 2. If a person is convicted of any violation of
28 sections 570.225 to 570.255, the court in its judgment
29 of conviction may order the forfeiture and destruction
30 or other disposition of all unlawful recordings and all
31 implements, devices and equipment used or intended to
32 be used in the manufacture of the unlawful recordings.
33 The court may enter an order preserving such recordings
34 and all implements, devices and equipment as evidence
35 for use in other cases or pending in the final
36 determination of an appeal. The provisions of this
37 subsection shall not be construed to allow an order to
38 destroy any such implements, devices, or equipment used
39 or intended to be used in such manufacture subject to
40 any valid lien or rights under any security agreement
41 or title retention contract when the holder thereof is
42 an innocent party.

43 3. The penalties provided under sections 570.225
44 to 570.255 are not exclusive and are in addition to any
45 other penalties provided by law.]

46
47 [571.017. Nothing contained in any other
48 provision of law, except as provided in subsection 4 of
49 section 571.015, shall prevent imposition of sentences
50 for both armed criminal action and the crime committed
51 by, with, or through the use, assistance, or aid of a

1 dangerous instrument or deadly weapon.]

2
3 [571.030. 1. A person commits the crime of
4 unlawful use of weapons if he or she knowingly:

5 (1) Carries concealed upon or about his or her
6 person a knife, a firearm, a blackjack or any other
7 weapon readily capable of lethal use; or

8 (2) Sets a spring gun; or

9 (3) Discharges or shoots a firearm into a
10 dwelling house, a railroad train, boat, aircraft, or
11 motor vehicle as defined in section 302.010, or any
12 building or structure used for the assembling of
13 people; or

14 (4) Exhibits, in the presence of one or more
15 persons, any weapon readily capable of lethal use in an
16 angry or threatening manner; or

17 (5) Has a firearm or projectile weapon readily
18 capable of lethal use on his or her person, while he or
19 she is intoxicated, and handles or otherwise uses such
20 firearm or projectile weapon in either a negligent or
21 unlawful manner or discharges such firearm or
22 projectile weapon unless acting in self-defense;

23 (6) Discharges a firearm within one hundred yards
24 of any occupied schoolhouse, courthouse, or church
25 building; or

26 (7) Discharges or shoots a firearm at a mark, at
27 any object, or at random, on, along or across a public
28 highway or discharges or shoots a firearm into any
29 outbuilding; or

30 (8) Carries a firearm or any other weapon readily
31 capable of lethal use into any church or place where
32 people have assembled for worship, or into any election
33 precinct on any election day, or into any building
34 owned or occupied by any agency of the federal
35 government, state government, or political subdivision
36 thereof; or

37 (9) Discharges or shoots a firearm at or from a
38 motor vehicle, as defined in section 301.010,
39 discharges or shoots a firearm at any person, or at any
40 other motor vehicle, or at any building or habitable
41 structure, unless the person was lawfully acting in
42 self-defense; or

43 (10) Carries a firearm, whether loaded or
44 unloaded, or any other weapon readily capable of lethal
45 use into any school, onto any school bus, or onto the
46 premises of any function or activity sponsored or
47 sanctioned by school officials or the district school
48 board.

49 2. Subdivisions (1), (8), and (10) of subsection
50 1 of this section shall not apply to the persons
51 described in this subsection, regardless of whether

1 such uses are reasonably associated with or are
2 necessary to the fulfillment of such person's official
3 duties except as otherwise provided in this subsection.
4 Subdivisions (3), (4), (6), (7), and (9) of subsection
5 1 of this section shall not apply to or affect any of
6 the following persons, when such uses are reasonably
7 associated with or are necessary to the fulfillment of
8 such person's official duties, except as otherwise
9 provided in this subsection:

10 (1) All state, county and municipal peace
11 officers who have completed the training required by
12 the police officer standards and training commission
13 pursuant to sections 590.030 to 590.050 and who possess
14 the duty and power of arrest for violation of the
15 general criminal laws of the state or for violation of
16 ordinances of counties or municipalities of the state,
17 whether such officers are on or off duty, and whether
18 such officers are within or outside of the law
19 enforcement agency's jurisdiction, or all qualified
20 retired peace officers, as defined in subsection 11 of
21 this section, and who carry the identification defined
22 in subsection 12 of this section, or any person
23 summoned by such officers to assist in making arrests
24 or preserving the peace while actually engaged in
25 assisting such officer;

26 (2) Wardens, superintendents and keepers of
27 prisons, penitentiaries, jails and other institutions
28 for the detention of persons accused or convicted of
29 crime;

30 (3) Members of the armed forces or national guard
31 while performing their official duty;

32 (4) Those persons vested by article V, section 1
33 of the Constitution of Missouri with the judicial power
34 of the state and those persons vested by Article III of
35 the Constitution of the United States with the judicial
36 power of the United States, the members of the federal
37 judiciary;

38 (5) Any person whose bona fide duty is to execute
39 process, civil or criminal;

40 (6) Any federal probation officer or federal
41 flight deck officer as defined under the federal flight
42 deck officer program, 49 U.S.C. Section 44921
43 regardless of whether such officers are on duty, or
44 within the law enforcement agency's jurisdiction;

45 (7) Any state probation or parole officer,
46 including supervisors and members of the board of
47 probation and parole;

48 (8) Any corporate security advisor meeting the
49 definition and fulfilling the requirements of the
50 regulations established by the board of police
51 commissioners under section 84.340;

1 (9) Any coroner, deputy coroner, medical
2 examiner, or assistant medical examiner;

3 (10) Any prosecuting attorney or assistant
4 prosecuting attorney or any circuit attorney or
5 assistant circuit attorney who has completed the
6 firearms safety training course required under
7 subsection 2 of section 571.111; and

8 (11) Any member of a fire department or fire
9 protection district who is employed on a full-time
10 basis as a fire investigator and who has a valid
11 concealed carry endorsement under section 571.111 when
12 such uses are reasonably associated with or are
13 necessary to the fulfillment of such person's official
14 duties. 3. Subdivisions (1), (5), (8), and (10) of
15 subsection 1 of this section do not apply when the
16 actor is transporting such weapons in a nonfunctioning
17 state or in an unloaded state when ammunition is not
18 readily accessible or when such weapons are not readily
19 accessible. Subdivision (1) of subsection 1 of this
20 section does not apply to any person twenty-one years
21 of age or older or eighteen years of age or older and a
22 member of the United States Armed Forces, or honorably
23 discharged from the United States Armed Forces,
24 transporting a concealable firearm in the passenger
25 compartment of a motor vehicle, so long as such
26 concealable firearm is otherwise lawfully possessed,
27 nor when the actor is also in possession of an exposed
28 firearm or projectile weapon for the lawful pursuit of
29 game, or is in his or her dwelling unit or upon
30 premises over which the actor has possession, authority
31 or control, or is traveling in a continuous journey
32 peaceably through this state. Subdivision (10) of
33 subsection 1 of this section does not apply if the
34 firearm is otherwise lawfully possessed by a person
35 while traversing school premises for the purposes of
36 transporting a student to or from school, or possessed
37 by an adult for the purposes of facilitation of a
38 school-sanctioned firearm-related event or club event.

39 4. Subdivisions (1), (8), and (10) of subsection
40 1 of this section shall not apply to any person who has
41 a valid concealed carry endorsement issued pursuant to
42 sections 571.101 to 571.121 or a valid permit or
43 endorsement to carry concealed firearms issued by
44 another state or political subdivision of another
45 state.

46 5. Subdivisions (3), (4), (5), (6), (7), (8),
47 (9), and (10) of subsection 1 of this section shall not
48 apply to persons who are engaged in a lawful act of
49 defense pursuant to section 563.031.

50 6. Nothing in this section shall make it unlawful
51 for a student to actually participate in

1 school-sanctioned gun safety courses, student military
2 or ROTC courses, or other school-sponsored or
3 club-sponsored firearm-related events, provided the
4 student does not carry a firearm or other weapon
5 readily capable of lethal use into any school, onto any
6 school bus, or onto the premises of any other function
7 or activity sponsored or sanctioned by school officials
8 or the district school board.

9 7. Unlawful use of weapons is a class D felony
10 unless committed pursuant to subdivision (6), (7), or
11 (8) of subsection 1 of this section, in which cases it
12 is a class B misdemeanor, or subdivision (5) or (10) of
13 subsection 1 of this section, in which case it is a
14 class A misdemeanor if the firearm is unloaded and a
15 class D felony if the firearm is loaded, or subdivision
16 (9) of subsection 1 of this section, in which case it
17 is a class B felony, except that if the violation of
18 subdivision (9) of subsection 1 of this section results
19 in injury or death to another person, it is a class A
20 felony.

21 8. Violations of subdivision (9) of subsection 1
22 of this section shall be punished as follows:

23 (1) For the first violation a person shall be
24 sentenced to the maximum authorized term of
25 imprisonment for a class B felony;

26 (2) For any violation by a prior offender as
27 defined in section 558.016, a person shall be sentenced
28 to the maximum authorized term of imprisonment for a
29 class B felony without the possibility of parole,
30 probation or conditional release for a term of ten
31 years;

32 (3) For any violation by a persistent offender as
33 defined in section 558.016, a person shall be sentenced
34 to the maximum authorized term of imprisonment for a
35 class B felony without the possibility of parole,
36 probation, or conditional release;

37 (4) For any violation which results in injury or
38 death to another person, a person shall be sentenced to
39 an authorized disposition for a class A felony.

40 9. Any person knowingly aiding or abetting any
41 other person in the violation of subdivision (9) of
42 subsection 1 of this section shall be subject to the
43 same penalty as that prescribed by this section for
44 violations by other persons.

45 10. Notwithstanding any other provision of law,
46 no person who pleads guilty to or is found guilty of a
47 felony violation of subsection 1 of this section shall
48 receive a suspended imposition of sentence if such
49 person has previously received a suspended imposition
50 of sentence for any other firearms- or weapons-related
51 felony offense.

1 11. As used in this section "qualified retired
2 peace officer" means an individual who:

3 (1) Retired in good standing from service with a
4 public agency as a peace officer, other than for
5 reasons of mental instability;

6 (2) Before such retirement, was authorized by law
7 to engage in or supervise the prevention, detection,
8 investigation, or prosecution of, or the incarceration
9 of any person for, any violation of law, and had
10 statutory powers of arrest;

11 (3) Before such retirement, was regularly
12 employed as a peace officer for an aggregate of fifteen
13 years or more, or retired from service with such
14 agency, after completing any applicable probationary
15 period of such service, due to a service-connected
16 disability, as determined by such agency;

17 (4) Has a nonforfeitable right to benefits under
18 the retirement plan of the agency if such a plan is
19 available;

20 (5) During the most recent twelve-month period,
21 has met, at the expense of the individual, the
22 standards for training and qualification for active
23 peace officers to carry firearms;

24 (6) Is not under the influence of alcohol or
25 another intoxicating or hallucinatory drug or
26 substance; and

27 (7) Is not prohibited by federal law from
28 receiving a firearm.

29 12. The identification required by subdivision
30 (1) of subsection 2 of this section is:

31 (1) A photographic identification issued by the
32 agency from which the individual retired from service
33 as a peace officer that indicates that the individual
34 has, not less recently than one year before the date
35 the individual is carrying the concealed firearm, been
36 tested or otherwise found by the agency to meet the
37 standards established by the agency for training and
38 qualification for active peace officers to carry a
39 firearm of the same type as the concealed firearm; or

40 (2) A photographic identification issued by the
41 agency from which the individual retired from service
42 as a peace officer; and

43 (3) A certification issued by the state in which
44 the individual resides that indicates that the
45 individual has, not less recently than one year before
46 the date the individual is carrying the concealed
47 firearm, been tested or otherwise found by the state to
48 meet the standards established by the state for
49 training and qualification for active peace officers to
50 carry a firearm of the same type as the concealed
51 firearm.]

1 [571.072. 1. A person commits the crime of
2 unlawful possession of an explosive weapon if he or she
3 has any explosive weapon in his or her possession and:

4 (1) He or she has pled guilty to or has been
5 convicted of a dangerous felony, as defined in section
6 556.061, or of an attempt to commit a dangerous felony,
7 or of a crime under the laws of any state or of the
8 United States which, if committed within this state,
9 would be a dangerous felony, or confined therefor in
10 this state or elsewhere during the five-year period
11 immediately preceding the date of such possession; or

12 (2) He or she is a fugitive from justice, is
13 habitually in an intoxicated or drugged condition, or
14 is currently adjudged mentally incompetent.

15 2. Unlawful possession of an explosive weapon is
16 a class C felony.]

17
18 [571.080. A person commits the crime of transfer
19 of a concealable firearm if such person violates 18
20 U.S.C. Section 922(b) or 18 U.S.C. Section 922(x).]

21
22 [571.102. The repeal and reenactment of sections
23 302.181 and 571.101 shall become effective on the date
24 the director of the department of revenue begins to
25 issue nondriver licenses with conceal carry
26 endorsements that expire three years from the dates the
27 certificates of qualification were issued, or on
28 January 1, 2013, whichever occurs first. If the
29 director of revenue begins issuing nondriver licenses
30 with conceal carry endorsements that expire three years
31 from the dates the certificates of qualification were
32 issued under the authority granted under sections
33 302.181 and 571.101 prior to January 1, 2013, the
34 director of the department of revenue shall notify the
35 revisor of statutes of such fact.]

36
37 [573.013. In the course of a criminal
38 investigation under this chapter, when the venue of the
39 alleged criminal conduct cannot be readily determined
40 without further investigation, the attorney general may
41 request the prosecuting attorney of Cole County to
42 request a circuit or associate circuit judge of Cole
43 County to issue a subpoena to any witness who may have
44 information for the purpose of oral examination under
45 oath or to require access to data or the production of
46 books, papers, records, or other material of
47 evidentiary nature at the office of the attorney
48 general. If, upon review of the evidence produced
49 pursuant to the subpoenas, it appears that a violation
50 of this chapter may have been committed, the attorney

1 general shall provide the evidence produced pursuant to
2 subpoena to an appropriate county prosecuting attorney
3 or circuit attorney having venue over the criminal
4 offense.】

5
6 [573.500. As used in sections 573.500 to 573.507,
7 the following terms mean:

8 (1) "Adult cabaret", a nightclub, bar,
9 restaurant, or similar establishment in which persons
10 appear in a state of nudity in the performance of their
11 duties;

12 (2) "Nudity", the showing of either:

13 (a) The human male or female genitals or pubic
14 area with less than a fully opaque covering; or

15 (b) The female breast with less than a fully
16 opaque covering on any part of the nipple.】

17
18 [573.528. For purposes of sections 573.525 to
19 573.537, the following terms shall mean:

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

32 (a) Has a substantial portion of its displayed
33 merchandise which consists of such items; or

34 (b) Has a substantial portion of the wholesale
35 value of its displayed merchandise which consists of
36 such items; or

37 (c) Has a substantial portion of the retail value
38 of its displayed merchandise which consists of such
39 items; or

40 (d) Derives a substantial portion of its revenues
41 from the sale or rental, for any form of consideration,
42 of such items; or

43 (e) Maintains a substantial section of its
44 interior business space for the sale or rental of such
45 items; or

46 (f) Maintains an adult arcade. "Adult arcade"
47 means any place to which the public is permitted or
48 invited wherein coin-operated or slug-operated or
49 electronically, electrically, or mechanically
50 controlled still or motion picture machines,
51 projectors, or other image-producing devices are

1 regularly maintained to show images to five or fewer
2 persons per machine at any one time, and where the
3 images so displayed are characterized by their emphasis
4 upon matter exhibiting specified sexual activities or
5 specified anatomical areas;

6 (2) "Adult cabaret", a nightclub, bar, juice bar,
7 restaurant, bottle club, or other commercial
8 establishment, regardless of whether alcoholic
9 beverages are served, which regularly features persons
10 who appear semi-nude;

11 (3) "Adult motion picture theater", a commercial
12 establishment where films, motion pictures, video
13 cassettes, slides, or similar photographic
14 reproductions, which are characterized by their
15 emphasis upon the display of specified sexual
16 activities or specified anatomical areas are regularly
17 shown to more than five persons for any form of
18 consideration;

19 (4) "Characterized by", describing the essential
20 character or dominant theme of an item;

21 (5) "Employ", "employee", or "employment",
22 describe and pertain to any person who performs any
23 service on the premises of a sexually oriented
24 business, on a full-time, part-time, or contract basis,
25 whether or not the person is denominated an employee,
26 independent contractor, agent, or otherwise. Employee
27 does not include a person exclusively on the premises
28 for repair or maintenance of the premises or for the
29 delivery of goods to the premises;

30 (6) "Establish" or "establishment", any of the
31 following:

32 (a) The opening or commencement of any sexually
33 oriented business as a new business;

34 (b) The conversion of an existing business,
35 whether or not a sexually oriented business, to any
36 sexually oriented business; or

37 (c) The addition of any sexually oriented
38 business to any other existing sexually oriented
39 business;

40 (7) "Influential interest", any of the following:

41 (a) The actual power to operate the sexually
42 oriented business or control the operation, management,
43 or policies of the sexually oriented business or legal
44 entity which operates the sexually oriented business;

45 (b) Ownership of a financial interest of thirty
46 percent or more of a business or of any class of voting
47 securities of a business; or

48 (c) Holding an office, such as president, vice
49 president, secretary, treasurer, managing member, or
50 managing director, in a legal entity which operates the
51 sexually oriented business;

1 (8) "Nudity" or "state of nudity", the showing of
2 the human male or female genitals, pubic area, vulva,
3 anus, anal cleft, or cleavage with less than a fully
4 opaque covering, or the showing of the female breast
5 with less than a fully opaque covering of any part of
6 the nipple or areola;

7 (9) "Operator", any person on the premises of a
8 sexually oriented business who causes the business to
9 function or who puts or keeps in operation the business
10 or who is authorized to manage the business or exercise
11 overall operational control of the business premises.
12 A person may be found to be operating or causing to be
13 operated a sexually oriented business whether or not
14 such person is an owner, part owner, or licensee of the
15 business;

16 (10) "Premises", the real property upon which the
17 sexually oriented business is located, and all
18 appurtenances thereto and buildings thereon, including
19 but not limited to the sexually oriented business, the
20 grounds, private walkways, and parking lots or parking
21 garages or both;

22 (11) "Regularly", the consistent and repeated
23 doing of the act so described;

24 (12) "Semi-nude" or "state of semi-nudity", the
25 showing of the female breast below a horizontal line
26 across the top of the areola and extending across the
27 width of the breast at such point, or the showing of
28 the male or female buttocks. Such definition includes
29 the lower portion of the human female breast, but shall
30 not include any portion of the cleavage of the female
31 breasts exhibited by a bikini, dress, blouse, shirt,
32 leotard, or similar wearing apparel provided the areola
33 is not exposed in whole or in part;

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

42 (a) By a college, junior college, or university
43 supported entirely or partly by taxation;

44 (b) By a private college or university which
45 maintains and operates educational programs in which
46 credits are transferable to a college, junior college,
47 or university supported entirely or partly by taxation;
48 or

49 (c) In a structure:

50 a. Which has no sign visible from the exterior of
51 the structure and no other advertising that indicates a

1 semi-nude person is available for viewing; and

2 b. Where, in order to participate in a class, a
3 student must enroll at least three days in advance of
4 the class;

5 (14) "Sexual encounter center", a business or
6 commercial enterprise that, as one of its principal
7 purposes, purports to offer for any form of
8 consideration physical contact in the form of wrestling
9 or tumbling between two or more persons when one or
10 more of the persons is semi-nude;

11 (15) "Sexually oriented business", an adult
12 bookstore or adult video store, an adult cabaret, an
13 adult motion picture theater, a semi-nude model studio,
14 or a sexual encounter center;

15 (16) "Specified anatomical areas":

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

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

22 (17) "Specified criminal act", any of the
23 following specified offenses for which less than eight
24 years has elapsed since the date of conviction or the
25 date of release from confinement for the conviction,
26 whichever is later:

27 (a) Rape and sexual assault offenses;

28 (b) Sexual offenses involving minors;

29 (c) Offenses involving prostitution;

30 (d) Obscenity offenses;

31 (e) Offenses involving money laundering;

32 (f) Offenses involving tax evasion;

33 (g) Any attempt, solicitation, or conspiracy to
34 commit one of the offenses listed in paragraphs (a) to
35 (f) of this subdivision; or

36 (h) Any offense committed in another jurisdiction
37 which if committed in this state would have constituted
38 an offense listed in paragraphs (a) to (g) of this
39 subdivision;

40 (18) "Specified sexual activity", any of the
41 following:

42 (a) Intercourse, oral copulation, masturbation,
43 or sodomy; or

44 (b) Excretory functions as a part of or in
45 connection with any of the activities described in
46 paragraph (a) of this subdivision;

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

49 (20) "Viewing room", the room, booth, or area
50 where a patron of a sexually oriented business would
51 ordinarily be positioned while watching a film, video

1 cassette, digital video disc, or other video
2 reproduction.]

3
4 [574.030. For the purposes of sections 574.010
5 and 574.020

6 (1) "Property of another" means any property in
7 which the actor does not have a possessory interest;

8 (2) "Private property" means any place which at
9 the time is not open to the public. It includes
10 property which is owned publicly or privately;

11 (3) "Public place" means any place which at the
12 time is open to the public. It includes property which
13 is owned publicly or privately;

14 (4) If a building or structure is divided into
15 separately occupied units, such units are separate
16 premises.]

17
18 [575.350. 1. A person commits the crime of
19 killing or disabling a police animal when such person
20 knowingly causes the death of a police animal, or
21 knowingly disables a police animal to the extent it is
22 unable to be utilized as a police animal, when that
23 animal is involved in a law enforcement investigation,
24 apprehension, tracking, or search and rescue, or the
25 animal is in the custody of or under the control of a
26 law enforcement officer, department of corrections
27 officer, municipal police department, fire department
28 and a rescue unit or agency. 2. Killing or
29 disabling a police animal is a class D felony.]

30
31 [577.026. 1. Chemical tests of the person's
32 breath, blood, saliva, or urine to be considered valid
33 under the provisions of sections 577.020 to 577.041,
34 shall be performed according to methods and devices
35 approved by the state department of health and senior
36 services by licensed medical personnel or by a person
37 possessing a valid permit issued by the state
38 department of health and senior services for this
39 purpose.

40 2. The state department of health and senior
41 services shall approve satisfactory techniques,
42 devices, equipment, or methods to conduct tests
43 required by sections 577.020 to 577.041, and shall
44 establish standards as to the qualifications and
45 competence of individuals to conduct analyses and to
46 issue permits which shall be subject to termination or
47 revocation by the state department of health and senior
48 services.]

49
50 [577.065. 1. Whenever any all-terrain vehicle is

1 involved in an accident resulting in loss of life,
2 personal injury or damage to property and the operator
3 thereof has knowledge of such accident, he shall stop
4 and give his name and address, the name and address of
5 the owner thereof and the registration number of the
6 all-terrain vehicle to the injured person or the person
7 sustaining the damage or to a police officer. In case
8 no police officer nor the person sustaining the damage
9 is present at the place where the damage occurred, then
10 the operator shall immediately report the accident, as
11 soon as he is physically able, to the nearest law
12 enforcement agency.

13 2. A law enforcement officer who investigates or
14 receives information of an accident involving an
15 all-terrain vehicle and also involving the loss of life
16 or serious physical injury, as defined in section
17 556.061, shall make a written report of the
18 investigation or information received, and such
19 additional facts relating to the accident as may come
20 to his knowledge, and mail the information to the
21 department of public safety and keep a record thereof
22 in his office.

23 3. This section does not apply when property
24 damage is sustained in sanctioned all-terrain vehicle
25 races, derbies and rallies.

26 4. Any person leaving the scene of an accident
27 involving an all-terrain vehicle which results in a
28 serious personal injury shall be guilty of a class A
29 misdemeanor, except that it shall be a class D felony
30 if the accident resulted in death of another party or
31 if defendant has previously pled guilty or been found
32 guilty of a violation of this section.]

33
34 [577.071. The prosecutor of any county and the
35 circuit attorney of any city not within a county shall
36 investigate reports of violations of sections 260.211
37 and 260.212 and may, by information or indictment,
38 institute a prosecution for any violation of sections
39 260.211 and 260.212.]

40
41 [577.090. Any law enforcement officer shall and
42 any agent of the conservation commission or deputy or
43 member of the highway patrol, water patrol division,
44 may enforce the provisions of sections 577.070 and
45 577.080 and arrest violators thereof; except that
46 conservation agents may enforce such provisions only
47 upon the water, the banks thereof or upon public land.]

48
49 [577.105. 1. "Party line", as used in this
50 section, means a subscriber's line telephone circuit,

1 consisting of two or more main telephone stations
2 connected therewith, each station with a distinctive
3 ring or telephone number. "Emergency", as used in this
4 section, means a situation in which property or human
5 life are in jeopardy and the prompt summoning of aid is
6 essential.

7 2. Any person who willfully refuses to
8 immediately relinquish a party line when informed that
9 the line is needed for an emergency call to a fire
10 department or law enforcement official or for medical
11 aid or ambulance service, or any person who secures the
12 use of a party line by falsely stating that the line is
13 needed for an emergency call, is guilty of a
14 misdemeanor.

15 3. Every telephone directory hereafter
16 distributed to the members of the general public in
17 this state or in any portion thereof which lists the
18 calling numbers of telephones of any telephone exchange
19 located in this state shall contain a notice which
20 explains the offense provided for in this section, the
21 notice to be preceded by the word "warning"; provided,
22 that the provisions of this section shall not apply to
23 those directories distributed solely for business
24 advertising purposes, commonly known as classified
25 directories, nor to any telephone directory heretofore
26 distributed to the general public. Any person, firm or
27 corporation providing telephone service which
28 distributes or causes to be distributed in the state
29 copies of a telephone directory which is subject to the
30 provisions of this section and which do not contain the
31 notice herein provided for is guilty of a misdemeanor.]
32

33 [577.110. No person under the age of sixteen
34 years shall operate a motor vehicle on the highways of
35 this state. Any person who violates this section, upon
36 conviction thereof, shall be punished by a fine of not
37 less than five dollars nor more than five hundred
38 dollars.]
39

40 [577.160. 1. As used in sections 577.160 and
41 577.161, the following words mean:

42 (1) "Swimming pool", any artificial basin of
43 water which is modified, improved, constructed or
44 installed for the purpose of public swimming, and
45 includes: pools for community use, pools at
46 apartments, condominiums, and other groups of
47 associations having five or more living units, clubs,
48 churches, camps, schools, institutions, Y.M.C.A. and
49 Y.W.C.A. parks, recreational areas, motels, hotels and
50 other commercial establishments. It does not include
51 pools at private residences intended only for the use

1 of the owner or guests;

2 (2) "Person", any individual, group of
3 individuals, association, trust, partnership,
4 corporation, person doing business under an assumed
5 name, county, municipality, the state of Missouri, or
6 any political subdivision or department thereof, or any
7 other entity;

8 (3) "Life jacket", a life jacket, life vest or
9 any other flotation device designed to be worn about
10 the body to assist in maintaining buoyancy in water.]
11

12 [577.201. As used in this section and section
13 577.203, "flight crew member" shall include the pilot
14 in command, copilots, flight engineers and flight
15 navigators.]
16

17 [577.206. 1. Any person who operates, or acts as
18 a flight crew member of, any aircraft in this state is
19 deemed to have given his or her consent to chemical
20 testing of his or her blood, breath, or urine for the
21 purpose of determining the alcohol or drug content of
22 the blood. The consent shall be deemed only if the
23 person is detained for any offense allegedly committed
24 in violation of sections 577.201 and 577.203 or if any
25 officer requests chemical testing as part of an
26 investigation of a suspected violation of state or
27 local law. The test shall be administered at the
28 direction of the law enforcement officer.

29 2. The implied consent to submit to the chemical
30 tests shall be limited to not more than two such tests
31 arising from the same incident.]
32

33 [577.208. 1. Chemical tests of the person's
34 breath, blood, or urine to be considered valid shall be
35 performed according to methods and devices approved by
36 the state department of health and senior services and
37 shall be performed by licensed medical personnel or by
38 a person possessing a valid permit issued by the state
39 department of health and senior services for this
40 purpose. A blood test shall not be performed if the
41 medical personnel, in good faith medical judgment,
42 believe such procedure would endanger the health of the
43 person in custody.

44 2. Upon request of the person tested, full
45 information concerning the test shall be made available
46 to him.

47 3. No person administering a chemical test
48 under this section and sections 577.206, 577.211 and
49 577.214, or any other person, firm or corporation with
50 whom he is associated, shall be civilly liable for

1 damages to the person tested except for negligence or
2 by willful or wanton act or omission.]

3
4 [577.211. Any person who is dead, unconscious, or
5 otherwise incapable of refusing to take a test shall be
6 deemed to not have withdrawn the consent, and the
7 chemical test may be administered.]

8
9 [577.214. The provisions of section 491.060 shall
10 not prevent the admissibility of evidence of any
11 chemical analysis performed under this section and
12 sections 577.206, 577.208 and 577.211. In any criminal
13 prosecution for the violation of sections 577.201 and
14 577.203, the results of any properly performed chemical
15 test of the defendant's blood, breath or urine shall be
16 admissible as evidence.]

17
18 [578.105. If any county of the first class having
19 a charter form of government containing the major
20 portion of a city of over four hundred fifty thousand
21 inhabitants exempts itself from the application of
22 section 578.100 by a vote of the voters of the county
23 pursuant to provisions of law permitting such vote,
24 then a county in the following classification may also
25 exempt itself from the application of section 578.100:
26 Any county of the second class as of 1977 that is
27 adjacent to any county containing a portion of a city
28 with a population of more than four hundred thousand
29 inhabitants in the 1970 census. The county may exempt
30 itself from the provisions of section 578.100 by
31 submission of the proposition to the voters of the
32 county at a general election or a primary election, and
33 the proposition receiving a majority of the votes cast
34 therein. The proposal to exempt the county from the
35 provisions of section 578.100 shall be submitted to the
36 voters of the county upon a majority vote of the
37 governing body of the county or when a petition
38 requesting the submission of the proposal to the voters
39 and signed by a number of qualified voters residing in
40 the county equal to eight percent of the votes cast in
41 the county in the next preceding gubernatorial election
42 is filed with the governing body of the county. The
43 ballot of submission shall contain, but not be limited
44 to, the following language: To exempt County
45 from the Sunday sales law.

46 YES NO

47
48 If a majority of the votes cast on the proposal by the
49 qualified voters voting thereon in the county are in
50 favor of the proposal, then the provisions of section

1 578.100 shall no longer apply within that county. If a
2 majority of the votes cast on the proposal by the
3 qualified voters voting thereon in the county are
4 opposed to the proposal, then the provisions of section
5 578.100 shall continue to apply and be enforced within
6 that county. The exemption of any county from the
7 provisions of section 578.100 shall not become
8 effective in that county until the results of the vote
9 exempting the county have been filed with the secretary
10 of state and with the revisor of statutes and have been
11 certified as received by those officers. The revisor
12 of statutes shall note which counties are exempt from
13 the provisions of section 578.100 in the Missouri
14 revised statutes.]

15
16 [578.106. 1. The governing body of any city not
17 within a county may, by ordinance, exempt areas of the
18 city located within two thousand five hundred yards of
19 a convention center owned by the city or within two
20 thousand five hundred yards of a municipal auditorium
21 owned by the city, or either of such areas, or parts of
22 either or both of such areas, from the application of
23 section 578.100. The ordinance of exemption shall
24 specifically define the area or areas to be exempted
25 and upon passage of such ordinance and filing with the
26 secretary of state and the revisor of statutes, the
27 provisions of section 578.100 shall no longer apply
28 within the designated area or areas of the city but
29 shall continue to apply and be enforced in all parts of
30 the city not included within the designated area or
31 areas. However, the sale of automobiles shall not be
32 permitted within the exempted area or areas. The
33 governing body of any city adopting an ordinance
34 pursuant to this section shall file a copy of such
35 ordinance with the secretary of state and with the
36 revisor of statutes and such officer shall certify the
37 receipt of the ordinance. The revisor of statutes
38 shall note in the Missouri revised statutes that an
39 area or areas of the named city are exempt from the
40 provisions of section 578.100.

41 2. Following the effective date of any exemption
42 adopted pursuant to subsection 1 of this section, no
43 person who leases any structure, or portion thereof,
44 within the area to which such exemption applies to any
45 person engaged in selling merchandise at retail, may
46 include in the lease, contract, or other document
47 governing such lease any provision which would,
48 directly or indirectly, require the lessee to open his
49 business to the general public on Sundays.

50 3. Following the effective date of any exemption
51 adopted pursuant to subsection 1 of this section, no

1 lease, contract, or other document governing the lease
2 of any structure, or portion thereof, to any person
3 engaged in selling merchandise at retail, which was in
4 effect prior to the date of such exemption shall be
5 interpreted to require the lessee to open his business
6 to the general public on Sundays if the lessee was not
7 required to open his business to the general public at
8 the time he signed such lease, contract, or other
9 document.

10 4. If any portion of this section is found by a
11 court of competent jurisdiction to be unconstitutional,
12 all remaining portions of this section shall remain
13 valid unless the court finds that the valid provisions
14 of this section are so essentially and inseparably
15 connected with the invalid provision that they cannot
16 stand alone.]

17
18 [578.110. 1. As used in this section, the term
19 "area" includes all cities not with in a county, all
20 first class counties having a charter form of
21 government and adjoining such cities not within a
22 county and all first class counties which adjoin such
23 first class counties having a charter form of
24 government and adjoining cities not within a county;
25 and the term "county" means any county of this state
26 not within an area.

27 2. In addition to the counties which may exempt
28 themselves from the application of section 578.100,
29 under the provisions of section 578.100 or section
30 578.105, any other county or area may also exempt
31 itself from the application of section 578.100 by a
32 vote of the qualified voters of the county or area;
33 provided that, before any area may so exempt itself
34 from the provisions of section 578.100, the qualified
35 voters of each city not within a county and each county
36 within such area shall vote on the proposal for
37 exemption from the provisions of section 578.100 at the
38 same election and a majority of the total votes cast in
39 such area shall be in favor of the proposal before
40 either such city or any of such counties may be
41 exempted from the provisions of section 578.100.

42 3. In order to exempt itself from the provisions
43 of section 578.100, the county or area shall submit the
44 proposition to the voters of the county or area at any
45 election, and the proposition shall receive a majority
46 of the votes cast. The proposition to exempt the
47 county from the provisions of section 578.100 shall be
48 submitted to the voters of the county upon a majority
49 vote of the governing body of the county or when a
50 petition requesting the submission of the proposition
51 to the voters and signed by a number of registered

1 voters residing in the county equal to eight percent of
2 the votes cast in the county in the next preceding
3 gubernatorial election is filed with the governing body
4 of the county. When a petition signed by a number of
5 registered voters residing in the area equal to eight
6 percent of the votes cast in the area in the next
7 preceding gubernatorial election requesting the
8 submission of a proposition to exempt the area from the
9 provisions of section 578.100 is filed with each of the
10 governing bodies of the area, the proposition shall be
11 submitted to the voters of the area. The ballot of
12 submission shall contain, but need not be limited to,
13 the following language:

14 To exempt County (or the area
15 consisting
16 of city and
17
18 counties) from the Sunday sales law.

19 YES NO

20
21 If a majority of the votes cast on the proposal by the
22 registered voters voting thereon in the county or area
23 are in favor of the proposal, then the provisions of
24 section 578.100 shall no longer apply within that
25 county or area. If a majority of the votes cast on the
26 proposal by the registered voters voting thereon in the
27 county or area are opposed to the proposal, then the
28 provisions of section 578.100 shall continue to apply
29 and be enforced within that county or area. The
30 exemption of the county or area from the provisions of
31 section 578.100 shall not become effective in that
32 county or area until the results of the vote exempting
33 the county or area have been filed with the secretary
34 of state and with the revisor of statutes and have been
35 certified as received by those officers. The revisor
36 of statutes shall note which counties or areas are
37 exempt from the provisions of section 578.100 in the
38 Missouri revised statutes.]

39
40 [578.120. 1. Notwithstanding any provision in
41 this chapter to the contrary, no dealer, distributor or
42 manufacturer licensed under section 301.559 may keep
43 open, operate, or assist in keeping open or operating
44 any established place of business for the purpose of
45 buying, selling, bartering or exchanging, or offering
46 for sale, barter or exchange, any motor vehicle,
47 whether new or used, on Sunday. However, this section
48 does not apply to the sale of manufactured housing; the
49 sale of recreational motor vehicles; washing, towing,
50 wrecking or repairing operations; the sale of petroleum
51 products, tires, and repair parts and accessories; or

1 new vehicle shows or displays participated in by five
2 or more franchised dealers or in towns or cities with
3 five or fewer dealers, a majority.

4 2. No association consisting of motor vehicle
5 dealers, distributors or manufacturers licensed under
6 section 301.559 shall be in violation of antitrust or
7 restraint of trade statutes under chapter 416 or
8 regulation promulgated thereunder solely because it
9 encourages its members not to open or operate on Sunday
10 a place of business for the purpose of buying, selling,
11 bartering or exchanging any motor vehicle.

12 3. Any person who violates the provisions of this
13 section shall be guilty of a class C misdemeanor.]

14
15 [578.200. Sections 578.200 to 578.225 shall be
16 known and may be cited as the "Cave Resources Act".]

17
18 [578.205. When used in sections 578.200 to
19 578.225, the following words and phrases shall have the
20 meanings ascribed to them in this section unless the
21 context clearly requires otherwise:

22 (1) "Cave or cavern", any naturally occurring
23 subterranean cavity enterable by man including, without
24 limitation, a pit, pothole, natural well, grotto and
25 tunnel, whether or not the opening has a natural
26 entrance;

27 (2) "Cave system", the caves in a given area
28 related to each other hydrologically, whether
29 continuous or discontinuous from a single opening;

30 (3) "Show cave", any cave or cavern wherein
31 trails have been created and some type of lighting
32 provided by the owner or operator for purpose of
33 exhibition to the general public as a profit or
34 nonprofit enterprise, wherein a fee is generally
35 collected for entry;

36 (4) "Sinkhole", a hollow place or depression in
37 the ground in which drainage may collect with an
38 opening therefrom into an underground channel or cave
39 including any subsurface opening that might be bridged
40 by a formation of silt, gravel, humus or any other
41 material through which percolation into the channel or
42 cave may occur.]

43
44 [578.220. Sections 578.200 to 578.225 shall not
45 apply to vertical or horizontal underground mining
46 operations.]

47
48 [578.225. Any person who violates any provision
49 of sections 578.200 to 578.225 is guilty of a class A
50 misdemeanor.]

1 [578.353. Any person licensed under chapter 334
2 or 335 who, in good faith, makes a report pursuant to
3 section 578.350 shall have immunity from civil
4 liability that otherwise might result from such report
5 and shall have the same immunity with respect to any
6 good faith participation in any judicial proceeding in
7 which the reported gunshot wound is an issue.
8 Notwithstanding the provisions of subdivision (5) of
9 section 491.060, the existence of a physician-patient
10 relationship shall not prevent a physician from
11 submitting the report required in section 578.350, or
12 testifying regarding information acquired from a
13 patient treated for a gunshot wound if such testimony
14 is otherwise admissible.]
15

16 [578.360. As used in sections 578.360 to 578.365,
17 unless the context clearly requires otherwise, the
18 following terms mean:

19 (1) "Educational institution", a public or
20 private college or university;

21 (2) "Hazing", a willful act, occurring on or off
22 the campus of an educational institution, directed
23 against a student or a prospective member of an
24 organization operating under the sanction of an
25 educational institution, that recklessly endangers the
26 mental or physical health or safety of a student or
27 prospective member for the purpose of initiation or
28 admission into or continued membership in any such
29 organization to the extent that such person is
30 knowingly placed at probable risk of the loss of life
31 or probable bodily or psychological harm. Acts of
32 hazing shall include:

33 (a) Any activity which recklessly endangers the
34 physical health or safety of the student or prospective
35 member, including but not limited to physical
36 brutality, whipping, beating, branding, exposure to the
37 elements, forced consumption of any food, liquor, drug
38 or other substance or forced smoking or chewing of
39 tobacco products; or

40 (b) Any activity which recklessly endangers the
41 mental health of the student or prospective member,
42 including but not limited to sleep deprivation,
43 physical confinement, or other extreme stress-inducing
44 activity; or

45 (c) Any activity that requires the student or
46 prospective member to perform a duty or task which
47 involves a violation of the criminal laws of this state
48 or any political subdivision in this state.]
49

50 [578.363. Each educational institution in this
51 state shall adopt a written policy prohibiting hazing

1 by any organization operating under the sanction of the
2 institution.]

3
4 [578.375. As used in sections 578.375 to 578.389,
5 the following terms mean:

6 (1) "Authorization to participate" or "ATP card",
7 a document which is issued by a state or federal agency
8 to a certified household to show the food stamp
9 allotment the household is authorized to receive on
10 presentation of the document;

11 (2) "Department", the Missouri department of
12 social services or any of its divisions;

13 (3) "Employment information", the following facts
14 if reasonably available: complete name, beginning and
15 ending dates of employment during the most recent five
16 years, amount of money earned in any month or months
17 during the most recent five years, last known address,
18 date of birth, and Social Security account number;

19 (4) "Food stamp coupons" or "food stamp", any
20 coupon, stamp or other type of document used or
21 intended for use in the purchase of food pursuant to
22 the Missouri food stamp program;

23 (5) "Public assistance", anything of value,
24 including money, food, ATP cards, food stamp coupons,
25 commodities, clothing, utilities, utilities payments,
26 shelter, drugs and medicine, materials, goods, and any
27 service including institutional care, medical care,
28 dental care, child care, psychiatric and psychological
29 service, rehabilitation instruction, training, or
30 counseling, received by or paid on behalf of any person
31 under chapters 198, 205, 207, 208, 209, and 660, or
32 benefits, programs, and services provided or
33 administered by the Missouri department of social
34 services or any of its divisions.]

35
36 [578.389. 1. Every person who has been
37 previously convicted of two violations in section
38 578.377, 578.379, 578.381, 578.383, 578.385, 578.387,
39 or 578.389 or any two of them shall, upon a subsequent
40 conviction of any of these offenses, be guilty of a
41 class C felony and shall be punished accordingly.

42 2. Evidence of prior convictions shall be heard
43 by the court, out of the hearing of the jury, prior to
44 the submission of the case to the jury, and the court
45 shall determine the existence of the prior
46 convictions.]

47
48 [578.409. 1. Any person who violates section
49 578.407:

50 (1) Shall be guilty of a misdemeanor for each

1 such violation unless the loss, theft, or damage to the
2 animal facility exceeds three hundred dollars in value;

3 (2) Shall be guilty of a class D felony if the
4 loss, theft, or damage to the animal facility property
5 exceeds three hundred dollars in value but does not
6 exceed ten thousand dollars in value;

7 (3) Shall be guilty of a class C felony if the
8 loss, theft, or damage to the animal facility property
9 exceeds ten thousand dollars in value but does not
10 exceed one hundred thousand dollars in value;

11 (4) Shall be guilty of a class B felony if the
12 loss, theft, or damage to the animal facility exceeds
13 one hundred thousand dollars in value.

14 2. Any person who intentionally agrees with
15 another person to violate section 578.407 and commits
16 an act in furtherance of such violation shall be guilty
17 of the same class of violation as provided in
18 subsection 1 of this section. 3. In the
19 determination of the value of the loss, theft, or
20 damage to an animal facility, the court shall conduct a
21 hearing to determine the reasonable cost of replacement
22 of materials, data, equipment, animals, and records
23 that were damaged, destroyed, lost, or cannot be
24 returned, as well as the reasonable cost of lost
25 production funds and repeating experimentation that may
26 have been disrupted or invalidated as a result of the
27 violation of section 578.407.

28 4. Any persons found guilty of a violation of
29 section 578.407 shall be ordered by the court to make
30 restitution, jointly and severally, to the owner,
31 operator, or both, of the animal facility, in the full
32 amount of the reasonable cost as determined under
33 subsection 3 of this section.

34 5. Any person who has been damaged by a violation
35 of section 578.407 may recover all actual and
36 consequential damages, punitive damages, and court
37 costs, including reasonable attorneys' fees, from the
38 person causing such damage. 6. Nothing in sections
39 578.405 to 578.412 shall preclude any animal facility
40 injured in its business or property by a violation of
41 section 578.407 from seeking appropriate relief under
42 any other provision of law or remedy including the
43 issuance of an injunction against any person who
44 violates section 578.407. The owner or operator of the
45 animal facility may petition the court to permanently
46 enjoin such persons from violating sections 578.405 to
47 578.412 and the court shall provide such relief.]

48
49 [578.412. 1. The director shall have the
50 authority to investigate any alleged violation of
51 sections 578.405 to 578.412, along with any other law

1 enforcement agency, and may take any action within the
2 director's authority necessary for the enforcement of
3 sections 578.405 to 578.412. The attorney general, the
4 highway patrol, and other law enforcement officials
5 shall provide assistance required in the conduct of an
6 investigation.

7 2. The director may promulgate rules and
8 regulations necessary for the enforcement of sections
9 578.405 to 578.412. No rule or portion of a rule
10 promulgated under the authority of sections 578.405 to
11 578.412 shall become effective unless it has been
12 promulgated pursuant to the provisions of section
13 536.024.]

14
15 [578.414. Sections 578.414 to 578.420 shall be
16 known and may be cited as "The Crop Protection Act".
17 As used in sections 578.414 to 578.420, the term
18 "director" shall mean the director of the department of
19 agriculture.]

20
21 [578.418. 1. Any person who violates section
22 578.416:

23 (1) Shall be guilty of a misdemeanor for each
24 such violation unless the loss or damage to the crop
25 exceeds five hundred dollars in value;

26 (2) Shall be guilty of a class D felony if the
27 loss or damage to the crop exceeds five hundred dollars
28 in value but does not exceed one thousand dollars in
29 value;

30 (3) Shall be guilty of a class C felony if the
31 loss or damage to the crop exceeds one thousand dollars
32 in value but does not exceed one hundred thousand
33 dollars in value;

34 (4) Shall be guilty of a class B felony if the
35 loss or damage to the crop exceeds one hundred thousand
36 dollars in value.

37 2. Any person who has been damaged by a violation
38 of section 578.416 may have a civil cause of action
39 pursuant to section 537.353.

40 3. Nothing in sections 578.414 to 578.420 shall
41 preclude any owner or operator injured in his or her
42 business or property by a violation of section 578.416
43 from seeking appropriate relief under any other
44 provision of law or remedy including the issuance of an
45 injunction against any person who violates section
46 578.416. The owner or operator of the business may
47 petition the court to permanently enjoin such persons
48 from violating sections 578.414 to 578.420 and the
49 court shall provide such relief.]

1 [578.420. 1. The director shall have the
2 authority to investigate any alleged violation of
3 sections 578.414 to 578.420, along with any other law
4 enforcement agency, and may take any action within the
5 director's authority necessary for the enforcement of
6 sections 578.414 to 578.420. The attorney general, the
7 highway patrol, and other law enforcement officials
8 shall provide assistance required in the conduct of an
9 investigation.

10 2. The director may promulgate rules and
11 regulations necessary for the enforcement of sections
12 578.414 to 578.420. Any rule or portion of a rule, as
13 that term is defined in section 536.010, that is
14 created under the authority delegated in sections
15 578.414 to 578.420 shall become effective only if it
16 complies with and is subject to all of the provisions
17 of chapter 536 and, if applicable, section 536.028.
18 Sections 578.414 to 578.420 and chapter 536 are
19 nonseverable and if any of the powers vested with the
20 general assembly pursuant to chapter 536 to review, to
21 delay the effective date or to disapprove and annul a
22 rule are subsequently held unconstitutional, then the
23 grant of rulemaking authority and any rule proposed or
24 adopted after August 28, 2001, shall be invalid and
25 void.]
26

27 [578.433. It is unlawful for a person to keep or
28 maintain such a public nuisance. In addition to any
29 other criminal prosecutions, the prosecuting attorney
30 or circuit attorney may by information or indictment
31 charge the owner or the occupant, or both the owner and
32 the occupant, of the room, building, structure, or
33 inhabitable structure with the crime of keeping or
34 maintaining a public nuisance. Keeping or maintaining
35 a public nuisance is a class C felony.]
36

37 [578.530. It shall be an affirmative defense to
38 prosecution for a violation of sections 578.520 and
39 578.525 that the premises were at the time open to
40 members of the public and the person complied with all
41 lawful conditions imposed concerning access to or the
42 privilege of remaining on the premises.]
43

44 Section B. The repeal and reenactment of section 302.060 as
45 enacted by conference committee substitute for senate substitute
46 for senate committee substitute for house committee substitute
47 for house bill no. 1402 merged with conference committee
48 substitute for house committee substitute no. 2 for senate
49 committee substitute for senate bill no. 480, ninety-sixth

1 general assembly, second regular session shall become effective
2 October 1, 2013, and the repeal and reenactment of section
3 302.060 as enacted by conference committee substitute for senate
4 substitute for senate committee substitute for house committee
5 substitute for house bill no. 1402, ninety-sixth general
6 assembly, second regular session shall expire on October 1, 2013.

Unofficial

Bill

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