

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILLS NOS. 189, 36 & 37
AN ACT

To repeal sections 43.504, 43.507, 211.031, 211.071, 211.141, 217.345, 217.690, 488.650, 544.170, 547.031, 552.020, 558.016, 558.019, 558.031, 565.003, 565.240, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 595.209, and 610.140, RSMo, and to enact in lieu thereof thirty new sections relating to criminal laws, with penalty provisions and an emergency clause for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 43.504, 43.507, 211.031, 211.071, 211.141, 217.345, 217.690, 488.650, 544.170, 547.031, 552.020, 558.016, 558.019, 558.031, 565.003, 565.240, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 595.209, and 610.140, RSMo, are repealed and thirty new sections enacted in lieu thereof, to be known as sections 43.504, 43.507, 211.031, 211.071, 211.141, 211.600, 217.345, 217.690, 544.170, 547.031, 547.500, 552.020, 558.016, 558.019, 558.031, 565.003, 565.240, 565.258, 568.045, 571.015, 571.031, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 595.209, and 610.140, to read as follows:

43.504. 1. Notwithstanding section 610.120, the sheriff of any county, the sheriff of the City of St. Louis, and the judges of the circuit courts of this state may make available, for review, information obtained from the central repository to private entities responsible for probation supervision pursuant to sections 559.600 to 559.615, as well as to expungement clinics or legal aid organizations for the

8 purposes of pursuing relief under section 610.140. When the
9 term of probation is completed or when the material is no
10 longer needed for purposes related to the probation or
11 expungement, it shall be returned to the court or
12 destroyed. Criminal history information obtained from the
13 central repository may be made available to private entities
14 responsible for providing services associated with drug
15 treatment courts under sections 478.001 to 478.008 and to
16 expungement clinics or legal aid organizations for the
17 purposes of pursuing relief under section 610.140. The
18 private entities shall not use or make this information
19 available to any other person for any other purpose.

20 2. For the purposes of this section, "expungement
21 clinic" means a pro bono service provider established by the
22 Missouri Bar, a local or specialty bar association as
23 identified by the Missouri Bar, or a nonprofit organization
24 located in Missouri providing legal services to indigent
25 citizens of Missouri.

43.507. 1. All criminal history information, in the
2 possession or control of the central repository, except
3 criminal intelligence and investigative information, may be
4 made available to qualified persons and organizations for
5 research, evaluative and statistical purposes under written
6 agreements reasonably designed to ensure the security and
7 confidentiality of the information and the protection of the
8 privacy interests of the individuals who are subjects of the
9 criminal history.

10 2. Expungement clinics and legal aid organizations
11 which seek to expunge the records of petitioners at no
12 charge, pursuant to the provisions of section 610.140, shall
13 have access to all criminal history information in the
14 possession or control of the central repository, except
15 criminal intelligence and investigation, for each petitioner

16 who has executed a written agreement with said clinic or
17 organization. In these cases, pro bono clinics and legal
18 aid organizations shall not be subject to the provisions of
19 subsection 3 of this section.

20 3. Prior to such information being made available,
21 information that uniquely identifies the individual shall be
22 deleted. Organizations receiving such criminal history
23 information shall not reestablish the identity of the
24 individual and associate it with the criminal history
25 information being provided.

26 4. For purposes of this section, "expungement clinic"
27 means a pro bono service provider established by the
28 Missouri Bar, a local or specialty bar association as
29 identified by the Missouri Bar, or a nonprofit organization
30 located in Missouri providing legal services to indigent
31 citizens of Missouri.

211.031. 1. Except as otherwise provided in this
2 chapter, the juvenile court or the family court in circuits
3 that have a family court as provided in chapter 487 shall
4 have exclusive original jurisdiction in proceedings:

5 (1) Involving any child who may be a resident of or
6 found within the county and who is alleged to be in need of
7 care and treatment because:

8 (a) The parents, or other persons legally responsible
9 for the care and support of the child, neglect or refuse to
10 provide proper support, education which is required by law,
11 medical, surgical or other care necessary for his or her
12 well-being; except that reliance by a parent, guardian or
13 custodian upon remedial treatment other than medical or
14 surgical treatment for a child shall not be construed as
15 neglect when the treatment is recognized or permitted
16 pursuant to the laws of this state;

17 (b) The child is otherwise without proper care,
18 custody or support;

19 (c) The child was living in a room, building or other
20 structure at the time such dwelling was found by a court of
21 competent jurisdiction to be a public nuisance pursuant to
22 section 195.130; or

23 (d) The child is in need of mental health services and
24 the parent, guardian or custodian is unable to afford or
25 access appropriate mental health treatment or care for the
26 child;

27 (2) Involving any child who may be a resident of or
28 found within the county and who is alleged to be in need of
29 care and treatment because:

30 (a) The child while subject to compulsory school
31 attendance is repeatedly and without justification absent
32 from school;

33 (b) The child disobeys the reasonable and lawful
34 directions of his or her parents or other custodian and is
35 beyond their control;

36 (c) The child is habitually absent from his or her
37 home without sufficient cause, permission, or justification;

38 (d) The behavior or associations of the child are
39 otherwise injurious to his or her welfare or to the welfare
40 of others; or

41 (e) The child is charged with an offense not
42 classified as criminal, or with an offense applicable only
43 to children; except that, the juvenile court shall not have
44 jurisdiction over any child fifteen years of age who is
45 alleged to have violated a state or municipal traffic
46 ordinance or regulation, the violation of which does not
47 constitute a felony, or any child who is alleged to have
48 violated a state or municipal ordinance or regulation
49 prohibiting possession or use of any tobacco product;

50 (3) Involving any child who is alleged to have
51 violated a state law or municipal ordinance, or any person
52 who is alleged to have violated a state law or municipal
53 ordinance prior to attaining the age of eighteen years, in
54 which cases jurisdiction may be taken by the court of the
55 circuit in which [the child or person resides or may be
56 found or in which] the violation is alleged to have
57 occurred, except as provided in subsection 2 of this
58 section; except that, the juvenile court shall not have
59 jurisdiction over any child fifteen years of age who is
60 alleged to have violated a state or municipal traffic
61 ordinance or regulation, the violation of which does not
62 constitute a felony, and except that the juvenile court
63 shall have concurrent jurisdiction with the municipal court
64 over any child who is alleged to have violated a municipal
65 curfew ordinance, and except that the juvenile court shall
66 have concurrent jurisdiction with the circuit court on any
67 child who is alleged to have violated a state or municipal
68 ordinance or regulation prohibiting possession or use of any
69 tobacco product;

70 (4) For the adoption of a person;

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

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

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

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

81 (1) Prior to the filing of a petition and upon request
82 of any party or at the discretion of the juvenile officer,

83 the matter in the interest of a child may be transferred by
84 the juvenile officer, with the prior consent of the juvenile
85 officer of the receiving court, to the county of the child's
86 residence or the residence of the person eighteen years of
87 age for future action;

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

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

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

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

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

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

120 4. When an investigation by a juvenile officer
121 pursuant to this section reveals that the only basis for
122 action involves an alleged violation of section 167.031
123 involving a child who alleges to be home schooled, the
124 juvenile officer shall contact a parent or parents of such
125 child to verify that the child is being home schooled and
126 not in violation of section 167.031 before making a report
127 of such a violation. Any report of a violation of section
128 167.031 made by a juvenile officer regarding a child who is
129 being home schooled shall be made to the prosecuting
130 attorney of the county where the child legally resides.

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

211.071. 1. If a petition alleges that a child
2 between the ages of ~~twelve~~ fourteen and eighteen has
3 committed an offense which would be considered a felony if
4 committed by an adult, the court may, upon its own motion or
5 upon motion by the juvenile officer, the child or the
6 child's custodian, order a hearing and may, in its
7 discretion, dismiss the petition and such child may be
8 transferred to the court of general jurisdiction and
9 prosecuted under the general law; except that if a petition
10 alleges that ~~any~~ a child between the ages of twelve and
11 eighteen has committed an offense which would be considered

12 first degree murder under section 565.020, second degree
13 murder under section 565.021, first degree assault under
14 section 565.050, forcible rape under section 566.030 as it
15 existed prior to August 28, 2013, rape in the first degree
16 under section 566.030, forcible sodomy under section 566.060
17 as it existed prior to August 28, 2013, sodomy in the first
18 degree under section 566.060, first degree robbery under
19 section 569.020 as it existed prior to January 1, 2017, or
20 robbery in the first degree under section 570.023,
21 distribution of drugs under section 195.211 as it existed
22 prior to January 1, 2017, or the manufacturing of a
23 controlled substance under section 579.055, a dangerous
24 felony as defined in section 556.061, or has committed two
25 or more prior unrelated offenses which would be felonies if
26 committed by an adult, the court shall order a hearing, and
27 may in its discretion, dismiss the petition and transfer the
28 child to a court of general jurisdiction for prosecution
29 under the general law.

30 2. Upon apprehension and arrest, jurisdiction over the
31 criminal offense allegedly committed by any person between
32 eighteen and twenty-one years of age over whom the juvenile
33 court has retained continuing jurisdiction shall
34 automatically terminate and that offense shall be dealt with
35 in the court of general jurisdiction as provided in section
36 211.041.

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

44 4. Written notification of a transfer hearing shall be
45 given to the juvenile and his or her custodian in the same
46 manner as provided in sections 211.101 and 211.111. Notice
47 of the hearing may be waived by the custodian. Notice shall
48 contain a statement that the purpose of the hearing is to
49 determine whether the child is a proper subject to be dealt
50 with under the provisions of this chapter, and that if the
51 court finds that the child is not a proper subject to be
52 dealt with under the provisions of this chapter, the
53 petition will be dismissed to allow for prosecution of the
54 child under the general law.

55 5. The juvenile officer may consult with the office of
56 prosecuting attorney concerning any offense for which the
57 child could be certified as an adult under this section.
58 The prosecuting or circuit attorney shall have access to
59 police reports, reports of the juvenile or deputy juvenile
60 officer, statements of witnesses and all other records or
61 reports relating to the offense alleged to have been
62 committed by the child. The prosecuting or circuit attorney
63 shall have access to the disposition records of the child
64 when the child has been adjudicated pursuant to subdivision
65 (3) of subsection 1 of section 211.031. The prosecuting
66 attorney shall not divulge any information regarding the
67 child and the offense until the juvenile court at a judicial
68 hearing has determined that the child is not a proper
69 subject to be dealt with under the provisions of this
70 chapter.

71 6. A written report shall be prepared in accordance
72 with this chapter developing fully all available information
73 relevant to the criteria which shall be considered by the
74 court in determining whether the child is a proper subject
75 to be dealt with under the provisions of this chapter and
76 whether there are reasonable prospects of rehabilitation

77 within the juvenile justice system. These criteria shall
78 include but not be limited to:

79 (1) The seriousness of the offense alleged and whether
80 the protection of the community requires transfer to the
81 court of general jurisdiction;

82 (2) Whether the offense alleged involved viciousness,
83 force and violence;

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

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

90 (5) The record and history of the child, including
91 experience with the juvenile justice system, other courts,
92 supervision, commitments to juvenile institutions and other
93 placements;

94 (6) The sophistication and maturity of the child as
95 determined by consideration of his or her home and
96 environmental situation, emotional condition and pattern of
97 living;

98 (7) The age of the child;

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

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

104 (10) Racial disparity in certification.

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

108 (1) Findings showing that the court had jurisdiction
109 of the cause and of the parties;

110 (2) Findings showing that the child was represented by
111 counsel;

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

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

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

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

125 10. If a petition has been dismissed thereby
126 permitting a child to be prosecuted under the general law
127 and the child is found not guilty by a court of general
128 jurisdiction, the juvenile court shall have jurisdiction
129 over any later offense committed by that child which would
130 be considered a misdemeanor or felony if committed by an
131 adult, subject to the certification provisions of this
132 section.

133 11. If the court does not dismiss the petition to
134 permit the child to be prosecuted under the general law, it
135 shall set a date for the hearing upon the petition as
136 provided in section 211.171.

211.141. 1. When a child is taken into custody as
2 provided in section 211.131, the person taking the child
3 into custody shall, unless it has been otherwise ordered by
4 the court, return the child to his or her parent, guardian
5 or legal custodian on the promise of such person to bring
6 the child to court, if necessary, at a stated time or at

7 such times as the court may direct. The court may also
8 impose other conditions relating to activities of the
9 child. If these additional conditions are not met, the
10 court may order the child detained as provided in section
11 211.151. If additional conditions are imposed, the child
12 shall be notified that failure to adhere to the conditions
13 may result in the court imposing more restrictive conditions
14 or ordering the detention of the child. If the person
15 taking the child into custody believes it desirable, he may
16 request the parent, guardian or legal custodian to sign a
17 written promise to bring the child into court and
18 acknowledging any additional conditions imposed on the child.

19 2. If the child is not released as provided in
20 subsection 1 of this section, he or she may be conditionally
21 released or detained in any place of detention specified in
22 section 211.151 but only on order of the court specifying
23 the reason for the conditional release or the detention.
24 The parent, guardian or legal custodian of the child shall
25 be notified of the terms of the conditional release or the
26 place of detention as soon as possible.

27 3. The juvenile officer may conditionally release or
28 detain a child for a period not to exceed twenty-four hours
29 if it is impractical to obtain a written order from the
30 court because of the unreasonableness of the hour or the
31 fact that it is a Sunday or holiday. The conditional
32 release shall be as provided in subsection 1 of this
33 section, and the detention shall be as provided in section
34 211.151. A written record of such conditional release or
35 detention shall be kept and a report in writing filed with
36 the court. In the event that the judge is absent from his
37 circuit, or is unable to act, the approval of another
38 circuit judge of the same or adjoining circuit must be
39 obtained as a condition or continuing the conditional

40 release or detention of a child for more than twenty-four
41 hours.

42 4. In any matter referred to the juvenile court
43 pursuant to section 211.031, the juvenile officer shall make
44 a risk and needs assessment of the child and, before the
45 disposition of the matter, shall report the results of the
46 assessment to the juvenile court. The juvenile officer
47 shall use a cumulative total of points assessed for all
48 alleged offenses committed to determine whether or not the
49 court shall order the child to be detained as provided in
50 section 211.151. The assessment shall be written on a
51 standardized form approved by the office of state courts
52 administrator.

53 5. The division, in cooperation with juvenile officers
54 and juvenile courts, shall at least biennially review a
55 random sample of assessments of children and the disposition
56 of each child's case to recommend assessment and disposition
57 equity throughout the state. Such review shall identify any
58 evidence of racial disparity in certification. Such review
59 shall be conducted in a manner which protects the
60 confidentiality of the cases examined.

211.600. 1. The office of state courts administrator
2 shall collect information related to the filing and
3 disposition of petitions to certify juveniles pursuant to
4 section 211.071.

5 2. The data collected pursuant to this section shall
6 include the following:

7 (1) The number of certification petitions filed
8 annually;

9 (2) The disposition of certification petitions filed
10 annually;

11 (3) The offenses for which certification petitions are
12 filed annually;

13 (4) The race of the juveniles for whom the
14 certification petitions are filed annually; and

15 (5) The number of juveniles who have waived their
16 right to counsel.

17 3. The data collected pursuant to this section shall
18 be made publicly available annually.

217.345. 1. Correctional treatment programs for first
2 offenders and offenders eighteen years of age or younger in
3 the department shall be established, subject to the control
4 and supervision of the director, and shall include such
5 programs deemed necessary and sufficient for the successful
6 rehabilitation of offenders.

7 2. **[Correctional treatment programs for offenders who**
8 **are younger than eighteen years of age shall be established,**
9 **subject to the control and supervision of the director. By**
10 **January 1, 1998, such]** Programs established pursuant to this
11 section shall include physical separation of offenders who
12 are younger than eighteen years of age from offenders who
13 are eighteen years of age or older and shall include
14 educational programs that award a high school diploma or its
15 equivalent.

16 3. The department shall have the authority to
17 promulgate rules pursuant to subsection 2 of section 217.378
18 to establish correctional treatment programs for offenders
19 under age eighteen. Such rules may include:

20 (1) Establishing separate housing units for such
21 offenders; and

22 (2) Providing housing and program space in existing
23 housing units for such offenders that is not accessible to
24 adult offenders.

25 4. The department shall have the authority to
26 determine the number of juvenile offenders participating in
27 any treatment program depending on available

28 appropriations. The department may contract with any
29 private or public entity for the provision of services and
30 facilities for offenders under age eighteen. The department
31 shall apply for and accept available federal, state and
32 local public funds including project demonstration funds as
33 well as private moneys to fund such services and facilities.

34 5. The department shall develop and implement an
35 evaluation process for all juvenile offender programs.

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

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

24 3. The division of probation and parole has
25 discretionary authority to require the payment of a fee, not

26 to exceed sixty dollars per month, from every offender
27 placed under division supervision on probation, parole, or
28 conditional release, to waive all or part of any fee, to
29 sanction offenders for willful nonpayment of fees, and to
30 contract with a private entity for fee collections
31 services. All fees collected shall be deposited in the
32 inmate fund established in section 217.430. Fees collected
33 may be used to pay the costs of contracted collections
34 services. The fees collected may otherwise be used to
35 provide community corrections and intervention services for
36 offenders. Such services include substance abuse assessment
37 and treatment, mental health assessment and treatment,
38 electronic monitoring services, residential facilities
39 services, employment placement services, and other offender
40 community corrections or intervention services designated by
41 the division of probation and parole to assist offenders to
42 successfully complete probation, parole, or conditional
43 release. The division of probation and parole shall adopt
44 rules not inconsistent with law, in accordance with section
45 217.040, with respect to sanctioning offenders and with
46 respect to establishing, waiving, collecting, and using fees.

47 4. The parole board shall adopt rules not inconsistent
48 with law, in accordance with section 217.040, with respect
49 to the eligibility of offenders for parole, the conduct of
50 parole hearings or conditions to be imposed upon paroled
51 offenders. Whenever an order for parole is issued it shall
52 recite the conditions of such parole.

53 5. When considering parole for an offender with
54 consecutive sentences, the minimum term for eligibility for
55 parole shall be calculated by adding the minimum terms for
56 parole eligibility for each of the consecutive sentences,
57 except the minimum term for parole eligibility shall not

58 exceed the minimum term for parole eligibility for an
59 ordinary life sentence.

60 6. Any offender sentenced to a term of imprisonment
61 amounting to fifteen years or more or multiple terms of
62 imprisonment that, taken together, amount to fifteen or more
63 years who was under eighteen years of age at the time of the
64 commission of the offense or offenses may be eligible for
65 parole after serving fifteen years of incarceration,
66 regardless of whether the case is final for the purposes of
67 appeal, and may be eligible for reconsideration hearings in
68 accordance with regulations promulgated by the parole board.

69 7. The provisions of subsection 6 of this section
70 shall not apply to an offender found guilty of [murder in
71 the first degree or] capital murder, murder in the first
72 degree or murder in the second degree, when murder in the
73 second degree is committed pursuant to subdivision (1) of
74 subsection 1 of section 565.021, who was under eighteen
75 years of age when the offender committed the offense or
76 offenses who may be found ineligible for parole or whose
77 parole eligibility may be controlled by section 558.047 or
78 565.033.

79 8. Any offender under a sentence for first degree
80 murder who has been denied release on parole after a parole
81 hearing shall not be eligible for another parole hearing
82 until at least three years from the month of the parole
83 denial; however, this subsection shall not prevent a release
84 pursuant to subsection 4 of section 558.011.

85 9. A victim who has requested an opportunity to be
86 heard shall receive notice that the parole board is
87 conducting an assessment of the offender's risk and
88 readiness for release and that the victim's input will be
89 particularly helpful when it pertains to safety concerns and

90 specific protective measures that may be beneficial to the
91 victim should the offender be granted release.

92 10. Parole hearings shall, at a minimum, contain the
93 following procedures:

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

96 (2) The victim or person representing the victim who
97 attends a hearing shall have the option of giving testimony
98 in the presence of the inmate or to the hearing panel
99 without the inmate being present;

100 (3) The victim or person representing the victim may
101 call or write the parole board rather than attend the
102 hearing;

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

106 (5) The judge, prosecuting attorney or circuit
107 attorney and a representative of the local law enforcement
108 agency investigating the crime shall be allowed to attend
109 the hearing or provide information to the hearing panel in
110 regard to the parole consideration; and

111 (6) The parole board shall evaluate information listed
112 in the juvenile sex offender registry pursuant to section
113 211.425, provided the offender is between the ages of
114 seventeen and twenty-one, as it impacts the safety of the
115 community.

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

119 12. The parole board may, at its discretion, require
120 any offender seeking parole to meet certain conditions
121 during the term of that parole so long as said conditions
122 are not illegal or impossible for the offender to perform.

123 These conditions may include an amount of restitution to the
124 state for the cost of that offender's incarceration.

125 13. Special parole conditions shall be responsive to
126 the assessed risk and needs of the offender or the need for
127 extraordinary supervision, such as electronic monitoring.
128 The parole board shall adopt rules to minimize the
129 conditions placed on low-risk cases, to frontload conditions
130 upon release, and to require the modification and reduction
131 of conditions based on the person's continuing stability in
132 the community. Parole board rules shall permit parole
133 conditions to be modified by parole officers with review and
134 approval by supervisors.

135 14. Nothing contained in this section shall be
136 construed to require the release of an offender on parole
137 nor to reduce the sentence of an offender heretofore
138 committed.

139 15. Beginning January 1, 2001, the parole board shall
140 not order a parole unless the offender has obtained a high
141 school diploma or its equivalent, or unless the parole board
142 is satisfied that the offender, while committed to the
143 custody of the department, has made an honest good-faith
144 effort to obtain a high school diploma or its equivalent;
145 provided that the director may waive this requirement by
146 certifying in writing to the parole board that the offender
147 has actively participated in mandatory education programs or
148 is academically unable to obtain a high school diploma or
149 its equivalent.

150 16. Any rule or portion of a rule, as that term is
151 defined in section 536.010, that is created under the
152 authority delegated in this section shall become effective
153 only if it complies with and is subject to all of the
154 provisions of chapter 536 and, if applicable, section
155 536.028. This section and chapter 536 are nonseverable and

156 if any of the powers vested with the general assembly
157 pursuant to chapter 536 to review, to delay the effective
158 date, or to disapprove and annul a rule are subsequently
159 held unconstitutional, then the grant of rulemaking
160 authority and any rule proposed or adopted after August 28,
161 2005, shall be invalid and void.

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

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

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

22 4. Notwithstanding the provisions of subsection 1 of
23 this section to the contrary, all persons arrested and
24 confined in any jail or other place of confinement by any
25 peace officer, without warrant or other process, for a
26 criminal offense involving a dangerous felony or deadly
27 weapon as defined in section 556.061, or on suspicion

28 thereof, shall be discharged from said custody within forty-
29 eight hours from the time of such arrest, unless they shall
30 be charged with a criminal offense by the oath of some
31 credible person, and be held by warrant to answer to such
32 offense.

547.031. 1. A prosecuting or circuit attorney, in the
2 jurisdiction in which [a person was convicted of an offense]
3 charges were filed, may file a motion to vacate or set aside
4 the judgment at any time if he or she has information that
5 the convicted person may be innocent or may have been
6 erroneously convicted. The circuit court in which [the
7 person was convicted] charges were filed shall have
8 jurisdiction and authority to consider, hear, and decide the
9 motion.

10 2. Upon the filing of a motion to vacate or set aside
11 the judgment, the court shall order a hearing and shall
12 issue findings of fact and conclusions of law on all issues
13 presented. The attorney general shall be given notice of
14 hearing of such a motion by the circuit clerk and shall be
15 permitted to appear, question witnesses, and make arguments
16 in a hearing of such a motion.

17 3. The court shall grant the motion of the prosecuting
18 or circuit attorney to vacate or set aside the judgment
19 where the court finds that there is clear and convincing
20 evidence of actual innocence or constitutional error at the
21 original trial or plea that undermines the confidence in the
22 judgment. In considering the motion, the court shall take
23 into consideration the evidence presented at the original
24 trial or plea; the evidence presented at any direct appeal
25 or post-conviction proceedings, including state or federal
26 habeas actions; and the information and evidence presented
27 at the hearing on the motion.

28 4. The prosecuting attorney or circuit attorney shall
29 have the authority and right to file and maintain an appeal
30 of the denial or disposal of such a motion. The attorney
31 general may file a motion to intervene and, in addition to
32 such motion, file a motion to dismiss the motion to vacate
33 or to set aside the judgment in any appeal filed by the
34 prosecuting or circuit attorney.

547.500. 1. The Missouri office of prosecution
2 services may establish a conviction review unit to
3 investigate claims of actual innocence of any defendant
4 including those who plead guilty.

2. The Missouri office of prosecution services shall
6 have the power to promulgate rules and regulations to
7 receive and investigate claims of actual innocence.

3. The Missouri office of prosecution services shall
9 create an application process that at a minimum shall
10 include that:

11 (1) Any application for review of a claim of actual
12 innocence shall not have any excessive fees and fees shall
13 be waived in cases of indigence;

14 (2) No application shall be accepted if there is any
15 pending motion, writ, appeal, or other matter pending
16 regarding the defendant's conviction. Any application filed
17 shall be considered a pleading under the Missouri rules of
18 civil procedure and all attorneys shall comply with supreme
19 court rule 55.03 when signing the application and the
20 application shall be sworn and signed under penalty of
21 perjury by the applicant. Any witness statements attached
22 shall be sworn and signed under penalty of perjury; and

23 (3) Any review and investigation shall be based on
24 newly discovered and verifiable evidence of actual innocence
25 not presented at a trial. Such newly discovered and

26 verifiable evidence shall establish by clear and convincing
27 evidence the actual innocence of the defendant.

28 4. The conviction review unit shall consist of two
29 attorneys, hired by the executive director of the Missouri
30 office of prosecution services, who have extensive
31 experience prosecuting and defending criminal matters, an
32 investigator, a paralegal, and such administrative staff as
33 is needed to efficiently and effectively process all
34 applications and claims. The executive director of the
35 Missouri office of prosecution services shall coordinate the
36 activities and budget of the conviction review unit and act
37 as an ex officio member of the unit.

38 5. Once the review is complete, the conviction review
39 unit shall present its findings and recommendations to:

40 (1) The office of the prosecuting attorney or circuit
41 attorney who prosecuted the defendant's case; the attorney
42 general's office if it prosecuted the case, or the special
43 prosecutor who prosecuted the case; or

44 (2) If the review was requested by a prosecuting
45 attorney's office, the circuit attorney's office, attorney
46 general, or special prosecutor, the findings and
47 recommendation shall be presented to the office which
48 requested the review.

49 6. The circuit attorney, prosecuting attorney of any
50 county, special prosecutor, attorney general's office if it
51 prosecuted the case, Missouri office of prosecution
52 services, or other prosecutor who prosecuted the case is not
53 required to accept or follow the findings and
54 recommendations of the conviction review unit.

55 7. (1) The application, investigation, reports,
56 interviews, findings, and recommendations, and any
57 documents, written, electronic or otherwise, received or
58 generated by the conviction review unit are closed records.

59 (2) The conviction review unit's findings and
60 recommendations submitted to the prosecuting attorney,
61 circuit attorney, the attorney general's office if it
62 prosecuted the case, or the special prosecutor who
63 prosecuted the case, shall become open records after the
64 receiving entity of the submission makes a decision not to
65 pursue a motion under section 547.031 or, if such a motion
66 is filed, after the finality of all proceedings under
67 section 547.031, including appeals authorized therein.

552.020. 1. No person who as a result of mental
2 disease or defect lacks capacity to understand the
3 proceedings against him or her or to assist in his or her
4 own defense shall be tried, convicted or sentenced for the
5 commission of an offense so long as the incapacity endures.

6 2. Whenever any judge has reasonable cause to believe
7 that the accused lacks mental fitness to proceed, the judge
8 shall, upon his or her own motion or upon motion filed by
9 the state or by or on behalf of the accused, by order of
10 record, appoint one or more private psychiatrists or
11 psychologists, as defined in section 632.005, or physicians
12 with a minimum of one year training or experience in
13 providing treatment or services to persons with an
14 intellectual disability or developmental disability or
15 mental illness, who are neither employees nor contractors of
16 the department of mental health for purposes of performing
17 the examination in question, to examine the accused; or
18 shall direct the director to have the accused so examined by
19 one or more psychiatrists or psychologists, as defined in
20 section 632.005, or physicians with a minimum of one year
21 training or experience in providing treatment or services to
22 persons with an intellectual disability, developmental
23 disability, or mental illness. The order shall direct that
24 a written report or reports of such examination be filed

25 with the clerk of the court. No private physician,
26 psychiatrist, or psychologist shall be appointed by the
27 court unless he or she has consented to act. The
28 examinations ordered shall be made at such time and place
29 and under such conditions as the court deems proper; except
30 that, if the order directs the director of the department to
31 have the accused examined, the director, or his or her
32 designee, shall determine the time, place and conditions
33 under which the examination shall be conducted. The order
34 may include provisions for the interview of witnesses and
35 may require the provision of police reports to the
36 department for use in evaluations. The department shall
37 establish standards and provide training for those
38 individuals performing examinations pursuant to this section
39 and section 552.030. No individual who is employed by or
40 contracts with the department shall be designated to perform
41 an examination pursuant to this chapter unless the
42 individual meets the qualifications so established by the
43 department. Any examination performed pursuant to this
44 subsection shall be completed and filed with the court
45 within sixty days of the order unless the court for good
46 cause orders otherwise. Nothing in this section or section
47 552.030 shall be construed to permit psychologists to engage
48 in any activity not authorized by chapter 337. One pretrial
49 evaluation shall be provided at no charge to the defendant
50 by the department. All costs of subsequent evaluations
51 shall be assessed to the party requesting the evaluation.

52 3. A report of the examination made under this section
53 shall include:

- 54 (1) Detailed findings;
- 55 (2) An opinion as to whether the accused has a mental
56 disease or defect;

57 (3) An opinion based upon a reasonable degree of
58 medical or psychological certainty as to whether the
59 accused, as a result of a mental disease or defect, lacks
60 capacity to understand the proceedings against him or her or
61 to assist in his or her own defense;

62 (4) An opinion, if the accused is found to lack
63 capacity to understand the proceedings against him or her or
64 to assist in his or her own defense, as to whether there is
65 a substantial probability that the accused will be mentally
66 fit to proceed in the reasonably foreseeable future;

67 [(4)] (5) A recommendation as to whether the accused
68 should be held in custody in a suitable hospital facility
69 for treatment pending determination, by the court, of mental
70 fitness to proceed; [and

71 (5)] (6) A recommendation as to whether the accused,
72 if found by the court to be mentally fit to proceed, should
73 be detained in such hospital facility pending further
74 proceedings;

75 (7) A recommendation as to whether the accused, if
76 found by the court to lack the mental fitness to proceed,
77 should be committed to a suitable hospital facility for
78 treatment to restore the mental fitness to proceed or if
79 such treatments to restore the mental fitness to proceed may
80 be provided in a county jail or other detention facility
81 approved by the director or his or her designee; and

82 (8) A recommendation as to whether the accused, if
83 found by the court to lack the mental fitness to proceed,
84 and the accused is not charged with a dangerous felony as
85 defined in section 556.061, or murder in the first degree
86 pursuant to section 565.020, or rape in the second degree
87 pursuant to section 566.031, or the attempts thereof:

88 (a) Should be committed to a suitable hospital
89 facility; or

90 (b) May be appropriately treated in the community; and

91 (c) Whether the accused can comply with bond

92 conditions as set forth by the court and can comply with

93 treatment conditions and requirements as set forth by the

94 director of the department, or his or her designee.

95 4. When the court determines that the accused can

96 comply with the bond and treatment conditions as referenced

97 in paragraph (c) of subdivision (8) of subsection 3 of this

98 section, the court shall order that the accused remain on

99 bond while receiving treatment until the case is disposed of

100 as set out in subsection 12 of this section. If, at any

101 time, the court finds that the accused has failed to comply

102 with the bond or treatment conditions, then the court may

103 order that the accused be taken into law enforcement custody

104 until such time as a department inpatient bed is available

105 to provide treatment as set forth in this section.

106 **[4.]** 5. If the accused has pleaded lack of

107 responsibility due to mental disease or defect or has given

108 the written notice provided in subsection 2 of section

109 552.030, the court shall order the report of the examination

110 conducted pursuant to this section to include, in addition

111 to the information required in subsection 3 of this section,

112 an opinion as to whether at the time of the alleged criminal

113 conduct the accused, as a result of mental disease or

114 defect, did not know or appreciate the nature, quality, or

115 wrongfulness of his or her conduct or as a result of mental

116 disease or defect was incapable of conforming his or her

117 conduct to the requirements of law. A plea of not guilty by

118 reason of mental disease or defect shall not be accepted by

119 the court in the absence of any such pretrial evaluation

120 which supports such a defense. In addition, if the accused

121 has pleaded not guilty by reason of mental disease or

122 defect, and the alleged crime is not a dangerous felony as

123 defined in section 556.061, or those crimes set forth in
124 subsection 10 of section 552.040, or the attempts thereof,
125 the court shall order the report of the examination to
126 include an opinion as to whether or not the accused should
127 be immediately conditionally released by the court pursuant
128 to the provisions of section 552.040 or should be committed
129 to a mental health or developmental disability facility. If
130 such an evaluation is conducted at the direction of the
131 director of the department of mental health, the court shall
132 also order the report of the examination to include an
133 opinion as to the conditions of release which are consistent
134 with the needs of the accused and the interest of public
135 safety, including, but not limited to, the following factors:

136 (1) Location and degree of necessary supervision of
137 housing;

138 (2) Location of and responsibilities for appropriate
139 psychiatric, rehabilitation and aftercare services,
140 including the frequency of such services;

141 (3) Medication follow-up, including necessary testing
142 to monitor medication compliance;

143 (4) At least monthly contact with the department's
144 forensic case monitor;

145 (5) Any other conditions or supervision as may be
146 warranted by the circumstances of the case.

147 **[5.]** 6. If the report contains the recommendation that
148 the accused should be committed to or held in a suitable
149 hospital facility pending determination of the issue of
150 mental fitness to proceed, and if the accused is not
151 admitted to bail or released on other conditions, the court
152 may order that the accused be committed to or held in a
153 suitable hospital facility pending determination of the
154 issue of mental fitness to proceed.

155 [6.] 7. The clerk of the court shall deliver copies of
156 the report to the prosecuting or circuit attorney and to the
157 accused or his or her counsel. The report shall not be a
158 public record or open to the public. Within ten days after
159 the filing of the report, both the defendant and the state
160 shall, upon written request, be entitled to an order
161 granting them an examination of the accused by a
162 psychiatrist or psychologist, as defined in section 632.005,
163 or a physician with a minimum of one year training or
164 experience in providing treatment or services to persons
165 with an intellectual disability or developmental disability
166 or mental illness, of their own choosing and at their own
167 expense. An examination performed pursuant to this
168 subsection shall be completed and a report filed with the
169 court within sixty days of the date it is received by the
170 department or private psychiatrist, psychologist or
171 physician unless the court, for good cause, orders
172 otherwise. A copy shall be furnished the opposing party.

173 [7.] 8. If neither the state nor the accused nor his
174 or her counsel requests a second examination relative to
175 fitness to proceed or contests the findings of the report
176 referred to in subsections 2 and 3 of this section, the
177 court [may] shall make a determination and finding on the
178 basis of the report filed or [may] hold a hearing on its own
179 motion. If any such opinion is contested, the court shall
180 hold a hearing on the issue. The court shall determine the
181 issue of mental fitness to proceed and may impanel a jury of
182 six persons to assist in making the determination. The
183 report or reports may be received in evidence at any hearing
184 on the issue but the party contesting any opinion therein
185 shall have the right to summon and to cross-examine the
186 examiner who rendered such opinion and to offer evidence
187 upon the issue.

188 [8.] 9. At a hearing on the issue pursuant to
189 subsection [7] 8 of this section, the accused is presumed to
190 have the mental fitness to proceed. The burden of proving
191 that the accused does not have the mental fitness to proceed
192 is by a preponderance of the evidence and the burden of
193 going forward with the evidence is on the party raising the
194 issue. The burden of going forward shall be on the state if
195 the court raises the issue.

196 [9.] 10. If the court determines that the accused
197 lacks mental fitness to proceed, the criminal proceedings
198 shall be suspended and the court shall commit him or her to
199 the director of the department of mental health. The
200 director of the department, or his or her designee, shall
201 notify the court and the parties of the location and
202 conditions for treatment. After the person has been
203 committed, legal counsel for the department of mental health
204 shall have standing to file motions and participate in
205 hearings on the issue of involuntary medications.

206 [10.] 11. Any person committed pursuant to subsection
207 [9] 10 of this section shall be entitled to the writ of
208 habeas corpus upon proper petition to the court that
209 committed him or her. The issue of the mental fitness to
210 proceed after commitment under subsection [9] 10 of this
211 section may also be raised by a motion filed by the director
212 of the department of mental health or by the state, alleging
213 the mental fitness of the accused to proceed. A report
214 relating to the issue of the accused's mental fitness to
215 proceed may be attached thereto. When a motion to proceed
216 is filed, legal counsel for the department of mental health
217 shall have standing to participate in hearings on such
218 motions. If the motion is not contested by the accused or
219 his or her counsel or if after a hearing on a motion the
220 court finds the accused mentally fit to proceed, or if he or

221 she is ordered discharged from the director's custody upon a
222 habeas corpus hearing, the criminal proceedings shall be
223 resumed.

224 [11.] 12. The following provisions shall apply after a
225 commitment as provided in this section:

226 (1) Six months after such commitment, the court which
227 ordered the accused committed shall order an examination by
228 the head of the facility in which the accused is committed,
229 or a qualified designee, to ascertain whether the accused is
230 mentally fit to proceed and if not, whether there is a
231 substantial probability that the accused will attain the
232 mental fitness to proceed to trial in the foreseeable
233 future. The order shall direct that written report or
234 reports of the examination be filed with the clerk of the
235 court within thirty days and the clerk shall deliver copies
236 to the prosecuting attorney or circuit attorney and to the
237 accused or his or her counsel. The report required by this
238 subsection shall conform to the requirements under
239 subsection 3 of this section [with the additional
240 requirement that it] and shall include an opinion, if the
241 accused lacks mental fitness to proceed, as to whether there
242 is a substantial probability that the accused will attain
243 the mental fitness to proceed in the foreseeable future;

244 (2) Within ten days after the filing of the report,
245 both the accused and the state shall, upon written request,
246 be entitled to an order granting them an examination of the
247 accused by a psychiatrist or psychologist, as defined in
248 section 632.005, or a physician with a minimum of one year
249 training or experience in providing treatment or services to
250 persons with an intellectual disability or developmental
251 disability or mental illness, of their own choosing and at
252 their own expense. An examination performed pursuant to
253 this subdivision shall be completed and filed with the court

254 within thirty days unless the court, for good cause, orders
255 otherwise. A copy shall be furnished to the opposing party;

256 (3) If neither the state nor the accused nor his or
257 her counsel requests a second examination relative to
258 fitness to proceed or contests the findings of the report
259 referred to in subdivision (1) of this subsection, the court
260 may make a determination and finding on the basis of the
261 report filed, or may hold a hearing on its own motion. If
262 any such opinion is contested, the court shall hold a
263 hearing on the issue. The report or reports may be received
264 in evidence at any hearing on the issue but the party
265 contesting any opinion therein relative to fitness to
266 proceed shall have the right to summon and to cross-examine
267 the examiner who rendered such opinion and to offer evidence
268 upon the issue;

269 (4) If the accused is found mentally fit to proceed,
270 the criminal proceedings shall be resumed;

271 (5) If it is found that the accused lacks mental
272 fitness to proceed but there is a substantial probability
273 the accused will be mentally fit to proceed in the
274 reasonably foreseeable future, the court shall continue such
275 commitment for a period not longer than six months, after
276 which the court shall reinstitute the proceedings required
277 under subdivision (1) of this subsection;

278 (6) If it is found that the accused lacks mental
279 fitness to proceed and there is no substantial probability
280 that the accused will be mentally fit to proceed in the
281 reasonably foreseeable future, the court shall dismiss the
282 charges without prejudice and the accused shall be
283 discharged, but only if proper proceedings have been filed
284 under chapter 632 or chapter 475, in which case those
285 sections and no others will be applicable. The probate
286 division of the circuit court shall have concurrent

287 jurisdiction over the accused upon the filing of a proper
288 pleading to determine if the accused shall be involuntarily
289 detained under chapter 632, or to determine if the accused
290 shall be declared incapacitated under chapter 475, and
291 approved for admission by the guardian under section 632.120
292 or 633.120, to a mental health or developmental disability
293 facility. When such proceedings are filed, the criminal
294 charges shall be dismissed without prejudice if the court
295 finds that the accused is mentally ill and should be
296 committed or that he or she is incapacitated and should have
297 a guardian appointed. The period of limitation on
298 prosecuting any criminal offense shall be tolled during the
299 period that the accused lacks mental fitness to proceed.

300 [12.] 13. If the question of the accused's mental
301 fitness to proceed was raised after a jury was impaneled to
302 try the issues raised by a plea of not guilty and the court
303 determines that the accused lacks the mental fitness to
304 proceed or orders the accused committed for an examination
305 pursuant to this section, the court may declare a mistrial.
306 Declaration of a mistrial under these circumstances, or
307 dismissal of the charges pursuant to subsection [11] 12 of
308 this section, does not constitute jeopardy, nor does it
309 prohibit the trial, sentencing or execution of the accused
310 for the same offense after he or she has been found restored
311 to competency.

312 [13.] 14. The result of any examinations made pursuant
313 to this section shall not be a public record or open to the
314 public.

315 [14.] 15. No statement made by the accused in the
316 course of any examination or treatment pursuant to this
317 section and no information received by any examiner or other
318 person in the course thereof, whether such examination or
319 treatment was made with or without the consent of the

320 accused or upon his or her motion or upon that of others,
321 shall be admitted in evidence against the accused on the
322 issue of guilt in any criminal proceeding then or thereafter
323 pending in any court, state or federal. A finding by the
324 court that the accused is mentally fit to proceed shall in
325 no way prejudice the accused in a defense to the crime
326 charged on the ground that at the time thereof he or she was
327 afflicted with a mental disease or defect excluding
328 responsibility, nor shall such finding by the court be
329 introduced in evidence on that issue nor otherwise be
330 brought to the notice of the jury.

558.016. 1. The court may sentence a person who has
2 been found guilty of an offense to a term of imprisonment as
3 authorized by section 558.011 or to a term of imprisonment
4 authorized by a statute governing the offense if it finds
5 the defendant is a prior offender or a persistent
6 misdemeanor offender. The court may sentence a person to an
7 extended term of imprisonment if:

8 (1) The defendant is a persistent offender or a
9 dangerous offender, and the person is sentenced under
10 subsection 7 of this section;

11 (2) The statute under which the person was found
12 guilty contains a sentencing enhancement provision that is
13 based on a prior finding of guilt or a finding of prior
14 criminal conduct and the person is sentenced according to
15 the statute; or

16 (3) A more specific sentencing enhancement provision
17 applies that is based on a prior finding of guilt or a
18 finding of prior criminal conduct.

19 2. A "prior offender" is one who has been found guilty
20 of one felony.

21 3. A "persistent offender" is one who has been found
22 guilty of two or more felonies committed at different times,

23 or one who has been found guilty of a dangerous felony as
24 defined in subdivision (19) of section 556.061.

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

26 (1) Is being sentenced for a felony during the
27 commission of which he knowingly murdered or endangered or
28 threatened the life of another person or knowingly inflicted
29 or attempted or threatened to inflict serious physical
30 injury on another person; and

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

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

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

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

558.019. 1. This section shall not be construed to
2 affect the powers of the governor under Article IV, Section
3 7, of the Missouri Constitution. This statute shall not
4 affect those provisions of section 565.020[,] or section
5 566.125, [or section 571.015,] which set minimum terms of
6 sentences, or the provisions of section 559.115, relating to
7 probation.

8 2. The provisions of subsections 2 to 5 of this
9 section shall only be applicable to the offenses contained
10 in sections 565.021, 565.023, 565.024, 565.027, 565.050,
11 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,

12 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
13 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,
14 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
15 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,
16 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
17 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,
18 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,
19 570.023, 570.025, 570.030 when punished as a class A, B, or
20 C felony, 570.145 when punished as a class A or B felony,
21 570.223 when punished as a class B or C felony, 571.020,
22 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,
23 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,
24 575.150, 575.153, 575.155, 575.157, 575.200 when punished as
25 a class A felony, 575.210, 575.230 when punished as a class
26 B felony, 575.240 when punished as a class B felony,
27 576.070, 576.080, 577.010, 577.013, 577.078, 577.703,
28 577.706, 579.065, and 579.068 when punished as a class A or
29 B felony. For the purposes of this section, "prison
30 commitment" means and is the receipt by the department of
31 corrections of an offender after sentencing. For purposes
32 of this section, prior prison commitments to the department
33 of corrections shall not include an offender's first
34 incarceration prior to release on probation under section
35 217.362 or 559.115. Other provisions of the law to the
36 contrary notwithstanding, any offender who has been found
37 guilty of a felony other than a dangerous felony as defined
38 in section 556.061 and is committed to the department of
39 corrections shall be required to serve the following minimum
40 prison terms:

41 (1) If the offender has one previous prison commitment
42 to the department of corrections for a felony offense, the
43 minimum prison term which the offender must serve shall be
44 forty percent of his or her sentence or until the offender

45 attains seventy years of age, and has served at least thirty
46 percent of the sentence imposed, whichever occurs first;

47 (2) If the offender has two previous prison
48 commitments to the department of corrections for felonies
49 unrelated to the present offense, the minimum prison term
50 which the offender must serve shall be fifty percent of his
51 or her sentence or until the offender attains seventy years
52 of age, and has served at least forty percent of the
53 sentence imposed, whichever occurs first;

54 (3) If the offender has three or more previous prison
55 commitments to the department of corrections for felonies
56 unrelated to the present offense, the minimum prison term
57 which the offender must serve shall be eighty percent of his
58 or her sentence or until the offender attains seventy years
59 of age, and has served at least forty percent of the
60 sentence imposed, whichever occurs first.

61 3. Other provisions of the law to the contrary
62 notwithstanding, any offender who has been found guilty of a
63 dangerous felony as defined in section 556.061 and is
64 committed to the department of corrections shall be required
65 to serve a minimum prison term of eighty-five percent of the
66 sentence imposed by the court or until the offender attains
67 seventy years of age, and has served at least forty percent
68 of the sentence imposed, whichever occurs first.

69 4. For the purpose of determining the minimum prison
70 term to be served, the following calculations shall apply:

71 (1) A sentence of life shall be calculated to be
72 thirty years;

73 (2) Any sentence either alone or in the aggregate with
74 other consecutive sentences for offenses committed at or
75 near the same time which is over seventy-five years shall be
76 calculated to be seventy-five years.

77 5. For purposes of this section, the term "minimum
78 prison term" shall mean time required to be served by the
79 offender before he or she is eligible for parole,
80 conditional release or other early release by the department
81 of corrections.

82 6. An offender who was convicted of, or pled guilty
83 to, a felony offense other than those offenses listed in
84 subsection 2 of this section prior to August 28, 2019, shall
85 no longer be subject to the minimum prison term provisions
86 under subsection 2 of this section, and shall be eligible
87 for parole, conditional release, or other early release by
88 the department of corrections according to the rules and
89 regulations of the department.

90 7. (1) A sentencing advisory commission is hereby
91 created to consist of eleven members. One member shall be
92 appointed by the speaker of the house. One member shall be
93 appointed by the president pro tem of the senate. One
94 member shall be the director of the department of
95 corrections. Six members shall be appointed by and serve at
96 the pleasure of the governor from among the following: the
97 public defender commission; private citizens; a private
98 member of the Missouri Bar; the board of probation and
99 parole; and a prosecutor. Two members shall be appointed by
100 the supreme court, one from a metropolitan area and one from
101 a rural area. All members shall be appointed to a four-year
102 term. All members of the sentencing commission appointed
103 prior to August 28, 1994, shall continue to serve on the
104 sentencing advisory commission at the pleasure of the
105 governor.

106 (2) The commission shall study sentencing practices in
107 the circuit courts throughout the state for the purpose of
108 determining whether and to what extent disparities exist
109 among the various circuit courts with respect to the length

110 of sentences imposed and the use of probation for offenders
111 convicted of the same or similar offenses and with similar
112 criminal histories. The commission shall also study and
113 examine whether and to what extent sentencing disparity
114 among economic and social classes exists in relation to the
115 sentence of death and if so, the reasons therefor, if
116 sentences are comparable to other states, if the length of
117 the sentence is appropriate, and the rate of rehabilitation
118 based on sentence. It shall compile statistics, examine
119 cases, draw conclusions, and perform other duties relevant
120 to the research and investigation of disparities in death
121 penalty sentencing among economic and social classes.

122 (3) The commission shall study alternative sentences,
123 prison work programs, work release, home-based
124 incarceration, probation and parole options, and any other
125 programs and report the feasibility of these options in
126 Missouri.

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

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

135 (6) The circuit and associate circuit courts of this
136 state, the office of the state courts administrator, the
137 department of public safety, and the department of
138 corrections shall cooperate with the commission by providing
139 information or access to information needed by the
140 commission. The office of the state courts administrator
141 will provide needed staffing resources.

142 8. Courts shall retain discretion to lower or exceed
143 the sentence recommended by the commission as otherwise
144 allowable by law, and to order restorative justice methods,
145 when applicable.

146 9. If the imposition or execution of a sentence is
147 suspended, the court may order any or all of the following
148 restorative justice methods, or any other method that the
149 court finds just or appropriate:

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

153 (2) Offender treatment programs;

154 (3) Mandatory community service;

155 (4) Work release programs in local facilities; and

156 (5) Community-based residential and nonresidential
157 programs.

158 10. Pursuant to subdivision (1) of subsection 9 of
159 this section, the court may order the assessment and payment
160 of a designated amount of restitution to a county law
161 enforcement restitution fund established by the county
162 commission pursuant to section 50.565. Such contribution
163 shall not exceed three hundred dollars for any charged
164 offense. Any restitution moneys deposited into the county
165 law enforcement restitution fund pursuant to this section
166 shall only be expended pursuant to the provisions of section
167 50.565.

168 11. A judge may order payment to a restitution fund
169 only if such fund had been created by ordinance or
170 resolution of a county of the state of Missouri prior to
171 sentencing. A judge shall not have any direct supervisory
172 authority or administrative control over any fund to which
173 the judge is ordering a person to make payment.

174 12. A person who fails to make a payment to a county
175 law enforcement restitution fund may not have his or her
176 probation revoked solely for failing to make such payment
177 unless the judge, after evidentiary hearing, makes a finding
178 supported by a preponderance of the evidence that the person
179 either willfully refused to make the payment or that the
180 person willfully, intentionally, and purposefully failed to
181 make sufficient bona fide efforts to acquire the resources
182 to pay.

183 13. Nothing in this section shall be construed to
184 allow the sentencing advisory commission to issue
185 recommended sentences in specific cases pending in the
186 courts of this state.

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

6 2. Such person shall receive credit toward the service
7 of a sentence of imprisonment for all time in prison, jail
8 or custody after [conviction] the offense occurred and
9 before the commencement of the sentence, when the time in
10 custody was related to that offense[, and]. This credit
11 shall be based upon the certification of the sheriff as
12 provided in subdivision (3) of subsection 2 of section
13 217.305 and may be supplemented by a certificate of a
14 sheriff or other custodial officer from another jurisdiction
15 having held the person on the charge of the offense for
16 which the sentence of imprisonment is ordered. The circuit
17 court may, when pronouncing sentence, award additional
18 credit for time spent in prison, jail, or custody after the
19 offense occurred and before [conviction] the commencement of
20 the sentence toward the service of the sentence of

21 imprisonment for those offenses for which the person was
22 incarcerated but for whom no detainer or warrant was served,
23 except:

24 (1) Such credit shall only be applied once when
25 sentences are consecutive;

26 (2) Such credit shall only be applied if the person
27 convicted was in custody in the state of Missouri, unless
28 such custody was compelled exclusively by the state of
29 Missouri's action; and

30 (3) As provided in section 559.100.

31 3. The officer required by law to deliver a person
32 convicted of an offense in this state to the department of
33 corrections shall endorse upon the papers required by
34 section 217.305 both the dates the offender was in custody
35 and the period of time to be credited toward the service of
36 the sentence of imprisonment, except as endorsed by such
37 officer.

38 4. If a person convicted of an offense escapes from
39 custody, such escape shall interrupt the sentence. The
40 interruption shall continue until such person is returned to
41 the correctional center where the sentence was being served,
42 or in the case of a person committed to the custody of the
43 department of corrections, to any correctional center
44 operated by the department of corrections. An escape shall
45 also interrupt the jail time credit to be applied to a
46 sentence which had not commenced when the escape occurred.

47 5. If a sentence of imprisonment is vacated and a new
48 sentence imposed upon the offender for that offense, all
49 time served under the vacated sentence shall be credited
50 against the new sentence, unless the time has already been
51 credited to another sentence as provided in subsection 1 of
52 this section.

53 6. If a person released from imprisonment on parole or
54 serving a conditional release term violates any of the
55 conditions of his or her parole or release, he or she may be
56 treated as a parole violator. If the parole board revokes
57 the parole or conditional release, the paroled person shall
58 serve the remainder of the prison term and conditional
59 release term, as an additional prison term, and the
60 conditionally released person shall serve the remainder of
61 the conditional release term as a prison term, unless
62 released on parole.

63 7. Subsection 2 of this section shall be applicable to
64 offenses [occurring] for which the offender was sentenced on
65 or after August 28, [2021] 2023.

66 8. The total amount of credit given shall not exceed
67 the number of days between the date of offense and
68 commencement of sentence.

565.003. 1. (1) The culpable mental state necessary
2 for a homicide offense may be found to exist if the only
3 difference between what actually occurred and what was the
4 object of the offender's state of mind is that a different
5 person or persons were killed.

6 (2) It shall not be a defense to a homicide charge
7 that the identity of the person the offender intended to
8 kill cannot be established. If the state proves beyond a
9 reasonable doubt that the offender had the requisite mental
10 state toward a specific person or a general class of persons
11 who are not identified or who are not identifiable, such
12 intent shall be transferred to a person who is killed by the
13 offender while such mental state existed.

14 2. The length of time which transpires between conduct
15 which results in a death and is the basis of a homicide
16 offense and the event of such death is no defense to any
17 charge of homicide.

565.240. 1. A person commits the offense of unlawful
2 posting of certain information over the internet if he or
3 she knowingly posts the name, home address, Social Security
4 number, telephone number, or any other personally
5 identifiable information of any person on the internet
6 intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person.

9 2. The offense of unlawful posting of certain
10 information over the internet is a class C misdemeanor,
11 unless the person knowingly posts on the internet the name,
12 home address, Social Security number, telephone number, or
13 any other personally identifiable information of any law
14 enforcement officer, corrections officer, parole officer,
15 judge, commissioner, or prosecuting attorney, or of any
16 immediate family member of such law enforcement officer,
17 corrections officer, parole officer, judge, commissioner, or
18 prosecuting attorney, intending to cause great bodily harm
19 or death, or threatening to cause great bodily harm or
20 death, in which case it is a class E felony, and if such
21 intention or threat results in bodily harm or death to such
22 person or immediate family member, the offense of unlawful
23 posting of certain information over the internet is a class
24 D felony.

565.258. 1. There is hereby created the "Stop
2 Cyberstalking and Harassment Task Force" to consist of the
3 following members:
4 (1) The following four members of the general assembly:
5 (a) Two members of the senate, with one member to be
6 appointed by the president pro tempore of the senate and one
7 member to be appointed by the minority floor leader; and
8 (b) Two members of the house of representatives, with
9 one member to be appointed by the speaker of the house of

- 10 representatives and one member to be appointed by the
11 minority floor leader;
- 12 (2) The director of the department of public safety or
13 his or her designee;
- 14 (3) A representative of the Missouri highway patrol
15 appointed by the superintendent of the Missouri highway
16 patrol;
- 17 (4) A representative of the Missouri Association of
18 Prosecuting Attorneys appointed by the president of the
19 Missouri Association of Prosecuting Attorneys;
- 20 (5) One or more law enforcement officers with
21 experience relating to cyberstalking and harassment
22 appointed by the governor;
- 23 (6) One or more representatives from a regional cyber
24 crime task force appointed by the governor;
- 25 (7) A person with experience in training law
26 enforcement on issues of cyberstalking or harassment
27 appointed by the governor;
- 28 (8) A representative of a statewide coalition against
29 domestic and sexual violence appointed by the governor;
- 30 (9) A representative of the Missouri safe at home
31 program appointed by the secretary of state;
- 32 (10) A representative of the office of state courts
33 administrator appointed by the state courts administrator or
34 his or her designee;
- 35 (11) A mental health service provider with experience
36 serving victims or perpetrators of crime appointed by the
37 director of the department of mental health;
- 38 (12) One representative from elementary and secondary
39 education services with experience educating people about
40 cyberstalking and harassment appointed by the director of
41 the department of elementary and secondary education;

42 (13) One representative from higher education services
43 with experience educating people about cyberstalking and
44 harassment appointed by the director of higher education and
45 workforce development; and

46 (14) One representative with experience in
47 cybersecurity and technology appointed by the director of
48 the office of administration.

49 2. The task force shall appoint a chairperson who is
50 elected by a majority vote of the members of the task
51 force. The task force shall have an initial meeting before
52 October 1, 2023. The members of the task force shall serve
53 without compensation, but shall be entitled to necessary and
54 actual expenses incurred in attending meetings of the task
55 force.

56 3. The task force shall collect feedback from
57 stakeholders, which may include, but shall not be limited
58 to, victims, law enforcement, victim advocates, and digital
59 evidence and forensics experts, to inform development of
60 best practices regarding:

61 (1) The treatment of victims of cyberstalking or
62 harassment; and

63 (2) Actions to stop cyberstalking and harassment when
64 it occurs.

65 4. The task force shall study and make
66 recommendations, including, but not limited to:

67 (1) Whether a need exists for further training for law
68 enforcement relating to cyberstalking and harassment, and if
69 such a need does exist, recommendations on how to best fill
70 the need, whether legislatively or otherwise;

71 (2) Whether a need exists for increased coordination
72 among police departments to address instances of
73 cyberstalking or harassment, and if such a need does exist,

74 recommendations on how to best fill the need, whether
75 legislatively or otherwise;

76 (3) Resources and tools law enforcement may need to
77 identify patterns and collect evidence in cases of
78 cyberstalking or harassment;

79 (4) Whether a need exists for strengthening the rights
80 afforded to victims of cyberstalking or harassment in
81 Missouri law, and if such a need does exist, recommendations
82 on how to best fill the need;

83 (5) Educational and any other resources deemed
84 necessary by the taskforce to educate and inform victims and
85 the public on ways to protect themselves from cyberstalking
86 and harassment;

87 (6) Whether a need exists for increased victim
88 services and training for victim advocates relating to
89 cyberstalking and harassment, and if such a need does exist,
90 recommendations on how to best fill the need, whether
91 legislatively or otherwise.

92 5. The department of public safety shall provide
93 administrative support to the task force.

94 6. On or before December thirty-first of each year,
95 the task force shall submit a report on its findings to the
96 governor and the general assembly.

97 7. The task force shall expire on December 31, 2025,
98 unless extended until December 31, 2027, as determined
99 necessary by the department of public safety.

568.045. 1. A person commits the offense of
2 endangering the welfare of a child in the first degree if he
3 or she:

4 (1) Knowingly acts in a manner that creates a
5 substantial risk to the life, body, or health of a child
6 less than seventeen years of age; or

7 (2) Knowingly engages in sexual conduct with a person
8 under the age of seventeen years over whom the person is a
9 parent, guardian, or otherwise charged with the care and
10 custody;

11 (3) Knowingly encourages, aids or causes a child less
12 than seventeen years of age to engage in any conduct which
13 violates the provisions of chapter 571 or 579;

14 (4) In the presence of a child less than seventeen
15 years of age or in a residence where a child less than
16 seventeen years of age resides, unlawfully manufactures [,]
17 or attempts to manufacture compounds, possesses, produces,
18 prepares, sells, transports, tests or analyzes amphetamine
19 or methamphetamine or any of [their] its analogues.

20 2. The offense of endangering the welfare of a child
21 in the first degree is a class D felony unless the offense:

22 (1) Is committed as part of an act or series of acts
23 performed by two or more persons as part of an established
24 or prescribed pattern of activity, or where physical injury
25 to the child results, or the offense is a second or
26 subsequent offense under this section, in which case the
27 offense is a class C felony;

28 (2) Results in serious physical injury to the child,
29 in which case the offense is a class B felony; or

30 (3) Results in the death of a child, in which case the
31 offense is a class A felony.

571.015. 1. Any person who commits any felony under
2 the laws of this state by, with, or through the use,
3 assistance, or aid of a dangerous instrument or deadly
4 weapon is also guilty of the offense of armed criminal
5 action; the offense of armed criminal action shall be an
6 unclassified felony and, upon conviction, shall be punished
7 by imprisonment by the department of corrections for a term
8 of not less than three years [and not to exceed fifteen

9 years], unless the person is unlawfully possessing a
10 firearm, in which case the term of imprisonment shall be for
11 a term of not less than five years. The punishment imposed
12 pursuant to this subsection shall be in addition to and
13 consecutive to any punishment provided by law for the crime
14 committed by, with, or through the use, assistance, or aid
15 of a dangerous instrument or deadly weapon. No person
16 convicted under this subsection shall be eligible for
17 [parole,] probation, conditional release, or suspended
18 imposition or execution of sentence [for a period of three
19 calendar years].

20 2. Any person convicted of a second offense of armed
21 criminal action under subsection 1 of this section shall be
22 punished by imprisonment by the department of corrections
23 for a term of not less than five years [and not to exceed
24 thirty years], unless the person is unlawfully possessing a
25 firearm, in which case the term of imprisonment shall be for
26 a term not less than fifteen years. The punishment imposed
27 pursuant to this subsection shall be in addition to and
28 consecutive to any punishment provided by law for the crime
29 committed by, with, or through the use, assistance, or aid
30 of a dangerous instrument or deadly weapon. No person
31 convicted under this subsection shall be eligible for
32 [parole,] probation, conditional release, or suspended
33 imposition or execution of sentence [for a period of five
34 calendar years].

35 3. Any person convicted of a third or subsequent
36 offense of armed criminal action under subsection 1 of this
37 section shall be punished by imprisonment by the department
38 of corrections for a term of not less than ten years, unless
39 the person is unlawfully possessing a firearm, in which case
40 the term of imprisonment shall be no less than fifteen
41 years. The punishment imposed pursuant to this subsection

42 shall be in addition to and consecutive to any punishment
43 provided by law for the crime committed by, with, or through
44 the use, assistance, or aid of a dangerous instrument or
45 deadly weapon. No person convicted under this subsection
46 shall be eligible for [parole,] probation, conditional
47 release, or suspended imposition or execution of sentence
48 [for a period of ten calendar years].

2 571.031. 1. This section shall be known and may be
3 cited as "Blair's Law".

4 2. A person commits the offense of unlawful discharge
5 of a firearm if, with criminal negligence, he or she
6 discharges a firearm within or into the limits of any
7 municipality.

8 3. This section shall not apply if the firearm is
9 discharged:

10 (1) As allowed by a defense of justification under
11 chapter 563;

12 (2) On a properly supervised shooting range;

13 (3) To lawfully take wildlife during an open season
14 established by the department of conservation. Nothing in
15 this subdivision shall prevent a municipality from adopting
16 an ordinance restricting the discharge of a firearm within
17 one-quarter mile of an occupied structure;

18 (4) For the control of nuisance wildlife as permitted
19 by the department of conservation or the United States Fish
20 and Wildlife Service;

21 (5) By special permit of the chief of police of the
22 municipality;

23 (6) As required by an animal control officer in the
24 performance of his or her duties;

25 (7) Using blanks;

(8) More than one mile from any occupied structure;

26 (9) In self-defense or defense of another person
27 against an animal attack if a reasonable person would
28 believe that deadly physical force against the animal is
29 immediately necessary and reasonable under the circumstances
30 to protect oneself or the other person; or

31 (10) By law enforcement personnel, as defined in
32 section 590.1040, or a member of the United States Armed
33 Forces if acting in an official capacity.

34 4. A person who commits the offense of unlawful
35 discharge of a firearm shall be guilty of:

36 (1) For a first offense, a class A misdemeanor;

37 (2) For a second offense, a class E felony; and

38 (3) For a third or subsequent offense, a class D
39 felony.

 571.070. 1. A person commits the offense of unlawful
2 possession of a firearm if such person knowingly has any
3 firearm in his or her possession and:

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

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

11 2. Unlawful possession of a firearm is a class **[D]** C
12 felony, unless a person has been convicted of a dangerous
13 felony as defined in section 556.061, or the person has a
14 prior conviction for unlawful possession of a firearm in
15 which case it is a class **[C]** B felony.

16 3. The provisions of subdivision (1) of subsection 1
17 of this section shall not apply to the possession of an
18 antique firearm.

575.010. The following definitions shall apply to this chapter and chapter 576:

(1) "Affidavit" means any written statement which is authorized or required by law to be made under oath, and which is sworn to before a person authorized to administer oaths;

(2) "Government" means any branch or agency of the government of this state or of any political subdivision thereof;

(3) "Highway" means any public road or thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

(4) "Judicial proceeding" means any official proceeding in court, or any proceeding authorized by or held under the supervision of a court;

(5) "Juror" means a grand or petit juror, including a person who has been drawn or summoned to attend as a prospective juror;

(6) "Jury" means a grand or petit jury, including any panel which has been drawn or summoned to attend as prospective jurors;

(7) "Law enforcement animal" means a dog, horse, or other animal used in law enforcement or a correctional facility, or by a municipal police department, fire department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, accelerant detection dogs, bomb detection dogs, narcotic detection dogs, search and rescue dogs, and tracking animals;

(8) "Official proceeding" means any cause, matter, or proceeding where the laws of this state require that evidence considered therein be under oath or affirmation;

34 [(8) "Police animal" means a dog, horse or other
35 animal used in law enforcement or a correctional facility,
36 or by a municipal police department, fire department, search
37 and rescue unit or agency, whether the animal is on duty or
38 not on duty. The term shall include, but not be limited to,
39 accelerant detection dogs, bomb detection dogs, narcotic
40 detection dogs, search and rescue dogs and tracking animals;]

41 (9) "Public record" means any document which a public
42 servant is required by law to keep;

43 (10) "Testimony" means any oral statement under oath
44 or affirmation;

45 (11) "Victim" means any natural person against whom
46 any crime is deemed to have been perpetrated or attempted;

47 (12) "Witness" means any natural person:

48 (a) Having knowledge of the existence or nonexistence
49 of facts relating to any crime; or

50 (b) Whose declaration under oath is received as
51 evidence for any purpose; or

52 (c) Who has reported any crime to any peace officer or
53 prosecutor; or

54 (d) Who has been served with a subpoena issued under
55 the authority of any court of this state.

575.353. 1. This section shall be known and may be
2 cited as "Max's Law".

3 2. A person commits the offense of assault on a
4 [police] law enforcement animal if he or she knowingly
5 attempts to kill or disable or knowingly causes or attempts
6 to cause serious physical injury to a [police] law
7 enforcement animal when that animal is involved in law
8 enforcement investigation, apprehension, tracking, or
9 search, or the animal is in the custody of or under the
10 control of a law enforcement officer, department of

11 corrections officer, municipal police department, fire
12 department or a rescue unit or agency.

13 [2.] 3. The offense of assault on a [police] law
14 enforcement animal is a [class C misdemeanor, unless]:

15 (1) Class A misdemeanor, if the law enforcement animal
16 is not injured to the point of requiring veterinary care or
17 treatment;

18 (2) Class E felony if the law enforcement animal is
19 seriously injured to the point of requiring veterinary care
20 or treatment; and

21 (3) Class D felony if the assault results in the death
22 of such animal [or disables such animal to the extent it is
23 unable to be utilized as a police animal, in which case it
24 is a class E felony].

578.007. The provisions of section 574.130[,] and
2 sections 578.005 to 578.023 shall not apply to:

3 (1) Care or treatment performed by a licensed
4 veterinarian within the provisions of chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by
7 chapter 252, including all practices and privileges as
8 allowed under the Missouri Wildlife Code;

9 (4) Facilities and publicly funded zoological parks
10 currently in compliance with the federal "Animal Welfare
11 Act" as amended;

12 (5) Rodeo practices currently accepted by the
13 Professional Rodeo Cowboy's Association;

14 (6) The killing of an animal by the owner thereof, the
15 agent of such owner, or by a veterinarian at the request of
16 the owner thereof;

17 (7) The lawful, humane killing of an animal by an
18 animal control officer, the operator of an animal shelter, a
19 veterinarian, or law enforcement or health official;

20 (8) With respect to farm animals, normal or accepted
21 practices of animal husbandry;

22 (9) The killing of an animal by any person at any time
23 if such animal is outside of the owned or rented property of
24 the owner or custodian of such animal and the animal is
25 injuring any person or farm animal, but this exemption shall
26 not include [police or guard dogs] the killing or injuring
27 of a law enforcement animal while working;

28 (10) The killing of house or garden pests; or

29 (11) Field trials, training and hunting practices as
30 accepted by the Professional Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of
2 which is employed, by a law enforcement agency and that
3 bites or injures another animal or human in the course of
4 their official duties is exempt from the provisions of
5 sections 273.033 [and], 273.036 [and section], 578.012, and
6 578.024.

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

6 (1) More than thirty grams of a mixture or substance
7 containing a detectable amount of heroin;

8 (2) More than one hundred fifty grams of a mixture or
9 substance containing a detectable amount of coca leaves,
10 except coca leaves and extracts of coca leaves from which
11 cocaine, ecgonine, and derivatives of ecgonine or their
12 salts have been removed; cocaine salts and their optical and
13 geometric isomers, and salts of isomers; ecgonine, its
14 derivatives, their salts, isomers, and salts of isomers; or
15 any compound, mixture, or preparation which contains any
16 quantity of any of the foregoing substances;

17 (3) [More than eight grams of a mixture or substance
18 described in subdivision (2) of this subsection which
19 contains cocaine base;

20 [(4)] More than five hundred milligrams of a mixture or
21 substance containing a detectable amount of lysergic acid
22 diethylamide (LSD);

23 [(5)] (4) More than thirty grams of a mixture or
24 substance containing a detectable amount of phencyclidine
25 (PCP);

26 [(6)] (5) More than four grams of phencyclidine;

27 [(7)] (6) More than thirty kilograms of a mixture or
28 substance containing marijuana;

29 [(8)] (7) More than thirty grams of any material,
30 compound, mixture, or preparation containing any quantity of
31 the following substances having a stimulant effect on the
32 central nervous system: amphetamine, its salts, optical
33 isomers and salts of its optical isomers; methamphetamine,
34 its salts, optical isomers and salts of its optical isomers;
35 phenmetrazine and its salts; or methylphenidate;

36 [(9)] (8) More than thirty grams of any material,
37 compound, mixture, or preparation which contains any
38 quantity of 3,4-methylenedioxymethamphetamine;

39 [(10)] (9) One gram or more of flunitrazepam for the
40 first offense;

41 [(11)] (10) Any amount of gamma-hydroxybutyric acid
42 for the first offense; or

43 [(12)] (11) More than ten milligrams of fentanyl or
44 carfentanil, or any derivative thereof, or any combination
45 thereof, or any compound, mixture, or substance containing a
46 detectable amount of fentanyl or carfentanil, or their
47 optical isomers or analogues.

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

50 3. The offense of trafficking drugs in the first
51 degree is a class A felony if the quantity involved is:
52 (1) Ninety grams or more of a mixture or substance
53 containing a detectable amount of heroin; or
54 (2) Four hundred fifty grams or more of a mixture or
55 substance containing a detectable amount of coca leaves,
56 except coca leaves and extracts of coca leaves from which
57 cocaine, ecgonine, and derivatives of ecgonine or their
58 salts have been removed; cocaine salts and their optical and
59 geometric isomers, and salts of isomers; ecgonine, its
60 derivatives, their salts, isomers, and salts of isomers; or
61 any compound, mixture, or preparation which contains any
62 quantity of any of the foregoing substances; or
63 (3) **Twenty-four grams or more of a mixture or**
64 **substance described in subdivision (2) of this subsection**
65 **which contains cocaine base; or**
66 **(4)** One gram or more of a mixture or substance
67 containing a detectable amount of lysergic acid diethylamide
68 (LSD); or
69 **[(5)]** (4) Ninety grams or more of a mixture or
70 substance containing a detectable amount of phencyclidine
71 (PCP); or
72 **[(6)]** (5) Twelve grams or more of phencyclidine; or
73 **[(7)]** (6) One hundred kilograms or more of a mixture
74 or substance containing marijuana; or
75 **[(8)]** (7) Ninety grams or more of any material,
76 compound, mixture, or preparation containing any quantity of
77 the following substances having a stimulant effect on the
78 central nervous system: amphetamine, its salts, optical
79 isomers and salts of its optical isomers; methamphetamine,
80 its salts, optical isomers and salts of its optical isomers;
81 phenmetrazine and its salts; or methylphenidate; or

82 [(9)] (8) More than thirty grams of any material,
83 compound, mixture, or preparation containing any quantity of
84 the following substances having a stimulant effect on the
85 central nervous system: amphetamine, its salts, optical
86 isomers, and salts of its optical isomers; methamphetamine,
87 its salts, optical isomers, and salts of its optical
88 isomers; phenmetrazine and its salts; or methylphenidate,
89 and the location of the offense was within two thousand feet
90 of real property comprising a public or private elementary,
91 vocational, or secondary school, college, community college,
92 university, or any school bus, in or on the real property
93 comprising public housing or any other governmental assisted
94 housing, or within a motor vehicle, or in any structure or
95 building which contains rooms furnished for the
96 accommodation or lodging of guests, and kept, used,
97 maintained, advertised, or held out to the public as a place
98 where sleeping accommodations are sought for pay or
99 compensation to transient guests or permanent guests; or

100 [(10)] (9) Ninety grams or more of any material,
101 compound, mixture or preparation which contains any quantity
102 of 3,4-methylenedioxymethamphetamine; or

103 [(11)] (10) More than thirty grams of any material,
104 compound, mixture, or preparation which contains any
105 quantity of 3,4-methylenedioxymethamphetamine and the
106 location of the offense was within two thousand feet of real
107 property comprising a public or private elementary,
108 vocational, or secondary school, college, community college,
109 university, or any school bus, in or on the real property
110 comprising public housing or any other governmental assisted
111 housing, within a motor vehicle, or in any structure or
112 building which contains rooms furnished for the
113 accommodation or lodging of guests, and kept, used,
114 maintained, advertised, or held out to the public as a place

115 where sleeping accommodations are sought for pay or
116 compensation to transient guests or permanent guests; or
117 [(12)] (11) One gram or more of flunitrazepam for a
118 second or subsequent offense; or
119 [(13)] (12) Any amount of gamma-hydroxybutyric acid
120 for a second or subsequent offense; or
121 [(14)] (13) Twenty milligrams or more of fentanyl or
122 carfentanil, or any derivative thereof, or any combination
123 thereof, or any compound, mixture, or substance containing a
124 detectable amount of fentanyl or carfentanil, or their
125 optical isomers or analogues.

579.068. 1. A person commits the offense of
2 trafficking drugs in the second degree if, except as
3 authorized by this chapter or chapter 195, such person
4 knowingly possesses or has under his or her control,
5 purchases or attempts to purchase, or brings into this state:

6 (1) More than thirty grams of a mixture or substance
7 containing a detectable amount of heroin;

8 (2) More than one hundred fifty grams of a mixture or
9 substance containing a detectable amount of coca leaves,
10 except coca leaves and extracts of coca leaves from which
11 cocaine, ecgonine, and derivatives of ecgonine or their
12 salts have been removed; cocaine salts and their optical and
13 geometric isomers, and salts of isomers; ecgonine, its
14 derivatives, their salts, isomers, and salts of isomers; or
15 any compound, mixture, or preparation which contains any
16 quantity of any of the foregoing substances;

17 (3) [More than eight grams of a mixture or substance
18 described in subdivision (2) of this subsection which
19 contains cocaine base;

20 (4)] More than five hundred milligrams of a mixture or
21 substance containing a detectable amount of lysergic acid
22 diethylamide (LSD);

23 [(5)] (4) More than thirty grams of a mixture or
24 substance containing a detectable amount of phencyclidine
25 (PCP);

26 [(6)] (5) More than four grams of phencyclidine;

27 [(7)] (6) More than thirty kilograms of a mixture or
28 substance containing marijuana;

29 [(8)] (7) More than thirty grams of any material,
30 compound, mixture, or preparation containing any quantity of
31 the following substances having a stimulant effect on the
32 central nervous system: amphetamine, its salts, optical
33 isomers and salts of its optical isomers; methamphetamine,
34 its salts, optical isomers and salts of its optical isomers;
35 phenmetrazine and its salts; or methylphenidate;

36 [(9)] (8) More than thirty grams of any material,
37 compound, mixture, or preparation which contains any
38 quantity of 3,4-methylenedioxymethamphetamine; or

39 [(10)] (9) More than ten milligrams of fentanyl or
40 carfentanil, or any derivative thereof, or any combination
41 thereof, or any compound, mixture, or substance containing a
42 detectable amount of fentanyl or carfentanil, or their
43 optical isomers or analogues.

44 2. The offense of trafficking drugs in the second
45 degree is a class C felony.

46 3. The offense of trafficking drugs in the second
47 degree is a class B felony if the quantity involved is:

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

50 (2) Four hundred fifty grams or more of a mixture or
51 substance containing a detectable amount of coca leaves,
52 except coca leaves and extracts of coca leaves from which
53 cocaine, ecgonine, and derivatives of ecgonine or their
54 salts have been removed; cocaine salts and their optical and
55 geometric isomers, and salts of isomers; ecgonine, its

56 derivatives, their salts, isomers, and salts of isomers; or
57 any compound, mixture, or preparation which contains any
58 quantity of any of the foregoing substances; or

59 (3) [Twenty-four grams or more of a mixture or
60 substance described in subdivision (2) of this subsection
61 which contains cocaine base; or

62 (4) One gram or more of a mixture or substance
63 containing a detectable amount of lysergic acid diethylamide
64 (LSD); or

65 [(5)] (4) Ninety grams or more of a mixture or
66 substance containing a detectable amount of phencyclidine
67 (PCP); or

68 [(6)] (5) Twelve grams or more of phencyclidine; or

69 [(7)] (6) One hundred kilograms or more of a mixture
70 or substance containing marijuana; or

71 [(8)] (7) More than five hundred marijuana plants; or

72 [(9)] (8) Ninety grams or more but less than four
73 hundred fifty grams of any material, compound, mixture, or
74 preparation containing any quantity of the following
75 substances having a stimulant effect on the central nervous
76 system: amphetamine, its salts, optical isomers and salts
77 of its optical isomers; methamphetamine, its salts, optical
78 isomers and salts of its optical isomers; phenmetrazine and
79 its salts; or methylphenidate; or

80 [(10)] (9) Ninety grams or more but less than four
81 hundred fifty grams of any material, compound, mixture, or
82 preparation which contains any quantity of 3,4-
83 methylenedioxymethamphetamine; or

84 [(11)] (10) Twenty milligrams or more of fentanyl or
85 carfentanil, or any derivative thereof, or any combination
86 thereof, or any compound, mixture, or substance containing a
87 detectable amount of fentanyl or carfentanil, or their
88 optical isomers or analogues.

89 4. The offense of trafficking drugs in the second
90 degree is a class A felony if the quantity involved is four
91 hundred fifty grams or more of any material, compound,
92 mixture or preparation which contains:

93 (1) Any quantity of the following substances having a
94 stimulant effect on the central nervous system:

95 amphetamine, its salts, optical isomers and salts of its
96 optical isomers; methamphetamine, its salts, isomers and
97 salts of its isomers; phenmetrazine and its salts; or
98 methylphenidate; or

99 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

100 5. The offense of drug trafficking in the second
101 degree is a class C felony for the first offense and a class
102 B felony for any second or subsequent offense for the
103 trafficking of less than one gram of flunitrazepam.

 595.209. 1. The following rights shall automatically
2 be afforded to victims of dangerous felonies, as defined in
3 section 556.061, victims of murder in the first degree, as
4 defined in section 565.020, victims of voluntary
5 manslaughter, as defined in section 565.023, victims of any
6 offense under chapter 566, victims of an attempt to commit
7 one of the preceding crimes, as defined in section 562.012,
8 and victims of domestic assault, as defined in sections
9 565.072 to 565.076; and, upon written request, the following
10 rights shall be afforded to victims of all other crimes and
11 witnesses of crimes:

12 (1) For victims, the right to be present at all
13 criminal justice proceedings at which the defendant has such
14 right, including juvenile proceedings where the offense
15 would have been a felony if committed by an adult, even if
16 the victim is called to testify or may be called to testify
17 as a witness in the case;

18 (2) For victims, the right to information about the
19 crime, as provided for in subdivision (5) of this subsection;

20 (3) For victims and witnesses, to be informed, in a
21 timely manner, by the prosecutor's office of the filing of
22 charges, preliminary hearing dates, trial dates,
23 continuances and the final disposition of the case. Final
24 disposition information shall be provided within five days;

25 (4) For victims, the right to confer with and to be
26 informed by the prosecutor regarding bail hearings, guilty
27 pleas, pleas under chapter 552 or its successors, hearings,
28 sentencing and probation revocation hearings and the right
29 to be heard at such hearings, including juvenile
30 proceedings, unless in the determination of the court the
31 interests of justice require otherwise;

32 (5) The right to be informed by local law enforcement
33 agencies, the appropriate juvenile authorities or the
34 custodial authority of the following:

35 (a) The status of any case concerning a crime against
36 the victim, including juvenile offenses;

37 (b) The right to be informed by local law enforcement
38 agencies or the appropriate juvenile authorities of the
39 availability of victim compensation assistance, assistance
40 in obtaining documentation of the victim's losses,
41 including, but not limited to and subject to existing law
42 concerning protected information or closed records, access
43 to copies of complete, unaltered, unedited investigation
44 reports of motor vehicle, pedestrian, and other similar
45 accidents upon request to the appropriate law enforcement
46 agency by the victim or the victim's representative, and
47 emergency crisis intervention services available in the
48 community;

49 (c) Any release of such person on bond or for any
50 other reason;

51 (d) Within twenty-four hours, any escape by such
52 person from a municipal detention facility, county jail, a
53 correctional facility operated by the department of
54 corrections, mental health facility, or the division of
55 youth services or any agency thereof, and any subsequent
56 recapture of such person;

57 (6) For victims, the right to be informed by
58 appropriate juvenile authorities of probation revocation
59 hearings initiated by the juvenile authority and the right
60 to be heard at such hearings or to offer a written
61 statement, video or audio tape, counsel or a representative
62 designated by the victim in lieu of a personal appearance,
63 the right to be informed by the board of probation and
64 parole of probation revocation hearings initiated by the
65 board and of parole hearings, the right to be present at
66 each and every phase of parole hearings, the right to be
67 heard at probation revocation and parole hearings or to
68 offer a written statement, video or audio tape, counsel or a
69 representative designated by the victim in lieu of a
70 personal appearance, and the right to have, upon written
71 request of the victim, a partition set up in the probation
72 or parole hearing room in such a way that the victim is
73 shielded from the view of the probationer or parolee, and
74 the right to be informed by the custodial mental health
75 facility or agency thereof of any hearings for the release
76 of a person committed pursuant to the provisions of chapter
77 552, the right to be present at such hearings, the right to
78 be heard at such hearings or to offer a written statement,
79 video or audio tape, counsel or a representative designated
80 by the victim in lieu of personal appearance;

81 (7) For victims and witnesses, upon their written
82 request, the right to be informed by the appropriate
83 custodial authority, including any municipal detention

84 facility, juvenile detention facility, county jail,
85 correctional facility operated by the department of
86 corrections, mental health facility, division of youth
87 services or agency thereof if the offense would have been a
88 felony if committed by an adult, postconviction or
89 commitment pursuant to the provisions of chapter 552 of the
90 following:

91 (a) The projected date of such person's release from
92 confinement;

93 (b) Any release of such person on bond;

94 (c) Any release of such person on furlough, work
95 release, trial release, electronic monitoring program, or to
96 a community correctional facility or program or release for
97 any other reason, in advance of such release;

98 (d) Any scheduled parole or release hearings,
99 including hearings under section 217.362, regarding such
100 person and any changes in the scheduling of such hearings.
101 No such hearing shall be conducted without thirty days'
102 advance notice;

103 (e) Within twenty-four hours, any escape by such
104 person from a municipal detention facility, county jail, a
105 correctional facility operated by the department of
106 corrections, mental health facility, or the division of
107 youth services or any agency thereof, and any subsequent
108 recapture of such person;

109 (f) Any decision by a parole board, by a juvenile
110 releasing authority or by a circuit court presiding over
111 releases pursuant to the provisions of chapter 552, or by a
112 circuit court presiding over releases under section 217.362,
113 to release such person or any decision by the governor to
114 commute the sentence of such person or pardon such person;

115 (g) Notification within thirty days of the death of
116 such person;

117 (8) For witnesses who have been summoned by the
118 prosecuting attorney and for victims, to be notified by the
119 prosecuting attorney in a timely manner when a court
120 proceeding will not go on as scheduled;

121 (9) For victims and witnesses, the right to reasonable
122 protection from the defendant or any person acting on behalf
123 of the defendant from harm and threats of harm arising out
124 of their cooperation with law enforcement and prosecution
125 efforts;

126 (10) For victims and witnesses, on charged cases or
127 submitted cases where no charge decision has yet been made,
128 to be informed by the prosecuting attorney of the status of
129 the case and of the availability of victim compensation
130 assistance and of financial assistance and emergency and
131 crisis intervention services available within the community
132 and information relative to applying for such assistance or
133 services, and of any final decision by the prosecuting
134 attorney not to file charges;

135 (11) For victims, to be informed by the prosecuting
136 attorney of the right to restitution which shall be
137 enforceable in the same manner as any other cause of action
138 as otherwise provided by law;

139 (12) For victims and witnesses, to be informed by the
140 court and the prosecuting attorney of procedures to be
141 followed in order to apply for and receive any witness fee
142 to which they are entitled;

143 (13) When a victim's property is no longer needed for
144 evidentiary reasons or needs to be retained pending an
145 appeal, the prosecuting attorney or any law enforcement
146 agency having possession of the property shall, upon request
147 of the victim, return such property to the victim within
148 five working days unless the property is contraband or
149 subject to forfeiture proceedings, or provide written

150 explanation of the reason why such property shall not be
151 returned;

152 (14) An employer may not discharge or discipline any
153 witness, victim or member of a victim's immediate family for
154 honoring a subpoena to testify in a criminal proceeding,
155 attending a criminal proceeding, or for participating in the
156 preparation of a criminal proceeding, or require any
157 witness, victim, or member of a victim's immediate family to
158 use vacation time, personal time, or sick leave for honoring
159 a subpoena to testify in a criminal proceeding, attending a
160 criminal proceeding, or participating in the preparation of
161 a criminal proceeding;

162 (15) For victims, to be provided with creditor
163 intercession services by the prosecuting attorney if the
164 victim is unable, as a result of the crime, temporarily to
165 meet financial obligations;

166 (16) For victims and witnesses, the right to speedy
167 disposition of their cases, and for victims, the right to
168 speedy appellate review of their cases, provided that
169 nothing in this subdivision shall prevent the defendant from
170 having sufficient time to prepare such defendant's defense.
171 The attorney general shall provide victims, upon their
172 written request, case status information throughout the
173 appellate process of their cases. The provisions of this
174 subdivision shall apply only to proceedings involving the
175 particular case to which the person is a victim or witness;

176 (17) For victims and witnesses, to be provided by the
177 court, a secure waiting area during court proceedings and to
178 receive notification of the date, time and location of any
179 hearing conducted by the court for reconsideration of any
180 sentence imposed, modification of such sentence or recall
181 and release of any defendant from incarceration;

182 (18) For victims, the right to receive upon request
183 from the department of corrections a photograph taken of the
184 defendant prior to release from incarceration.

185 2. The provisions of subsection 1 of this section
186 shall not be construed to imply any victim who is
187 incarcerated by the department of corrections or any local
188 law enforcement agency has a right to be released to attend
189 any hearing or that the department of corrections or the
190 local law enforcement agency has any duty to transport such
191 incarcerated victim to any hearing.

192 3. Those persons entitled to notice of events pursuant
193 to the provisions of subsection 1 of this section shall
194 provide the appropriate person or agency with their current
195 addresses, electronic mail address, and telephone numbers or
196 the addresses, electronic mail address, or telephone numbers
197 at which they wish notification to be given.

198 4. Notification by the appropriate person or agency
199 utilizing the statewide automated crime victim notification
200 system as established in section 650.310 shall constitute
201 compliance with the victim notification requirement of this
202 section. If notification utilizing the statewide automated
203 crime victim notification system cannot be used, then
204 written notification shall be sent by certified mail or
205 electronic mail to the most current address or electronic
206 mail address provided by the victim.

207 5. Victims' rights as established in Section 32 of
208 Article I of the Missouri Constitution or the laws of this
209 state pertaining to the rights of victims of crime shall be
210 granted and enforced regardless of the desires of a
211 defendant and no privileges of confidentiality shall exist
212 in favor of the defendant to exclude victims or prevent
213 their full participation in each and every phase of parole
214 hearings or probation revocation hearings. The rights of

215 the victims granted in this section are absolute and the
216 policy of this state is that the victim's rights are
217 paramount to the defendant's rights. The victim has an
218 absolute right to be present at any hearing in which the
219 defendant is present before a probation and parole hearing
220 officer.

610.140. 1. For the purposes of this section, the
2 following terms mean:

3 (1) "Court", any Missouri municipal, associate
4 circuit, or circuit court;

5 (2) "Crime", any offense, violation, or infraction of
6 Missouri state, county, municipal, or administrative law;

7 (3) "Extended course of criminal conduct", crimes
8 which:

9 (a) Occur during a period of addiction, however long,
10 in which a person suffers from a problematic pattern of use
11 of one or more controlled substances leading to significant
12 impairment or distress that would be characterized as
13 moderate or severe by the most recently published Diagnostic
14 and Statistical Manual of Mental Disorders (DSM). A
15 clinical diagnosis of addiction is not required to prove
16 addiction; or

17 (b) Occur while a person is between the ages of
18 sixteen to twenty-five;

19 (4) "Prosecutor" or "prosecuting attorney", the
20 prosecuting attorney, circuit attorney, or municipal
21 prosecuting attorney;

22 (5) "Same course of criminal conduct", crimes which:

23 (a) Are charged as counts in the same indictment or
24 information; or

25 (b) Occur within a time period suggesting a common
26 connection between the offenses, not to exceed one year.

27 2. Notwithstanding any other provision of law and
28 subject to the provisions of this section, any person may
29 apply to any court in which such person was charged or found
30 guilty of any [offenses, violations, or infractions] crimes
31 for an order to expunge records of such arrest, plea, trial,
32 or conviction.

33 (1) Subject to the limitations of subsection [12] 13
34 of this section, a person may apply to have one or more
35 [offenses, violations, or infractions] crimes expunged if
36 each such [offense, violation, or infraction] crime occurred
37 within the state of Missouri and was prosecuted under the
38 jurisdiction of a Missouri [municipal, associate circuit, or
39 circuit] court, so long as such person lists all the
40 [offenses, violations, and infractions] crimes he or she is
41 seeking to have expunged in the petition and so long as all
42 such [offenses, violations, and infractions] crimes are not
43 excluded under subsection [2] 3 of this section.

44 (2) If the [offenses, violations, or infractions were
45 charged as counts in the same indictment or information or]
46 crimes sought to be expunged were committed as part of the
47 same course of criminal conduct, the person may include all
48 [the] such related [offenses, violations, and infractions]
49 crimes in the petition, regardless of the limits of
50 subsection [12] 13 of this section, and [the petition] those
51 related crimes shall only count as [a petition for
52 expungement of] the highest level [violation or offense
53 contained in the petition] for the purpose of determining
54 current and future eligibility for expungement.

55 (3) If the crimes sought to be expunged were committed
56 as part of an extended course of criminal conduct, the
57 person may include all such related crimes in the petition:

58 (a) The person may include all crimes that were
59 committed during a period of addiction as defined in

60 subsection 1 of this section, regardless of the limits of
61 subsection 13 of this section, and those crimes shall count
62 only as the highest level among them for the purpose of
63 determining current and future eligibility for expungement.

64 (b) The person may include all crimes that were
65 committed while a person was between the ages of sixteen and
66 twenty-five, regardless of the limits of subsection 13 of
67 this section, and those crimes shall count only as the
68 highest level among them for the purpose of determining
69 current and future eligibility for expungement.

70 [2.] 3. The following [offenses, violations, and
71 infractions] crimes shall not be eligible for expungement
72 under this section:

73 (1) Any class A felony offense;

74 (2) Any dangerous felony as that term is defined in
75 section 556.061;

76 (3) Any offense at the time of conviction that
77 requires registration as a sex offender;

78 (4) Any felony offense where death is an element of
79 the offense;

80 (5) Any felony offense of assault; misdemeanor or
81 felony offense of domestic assault; or felony offense of
82 kidnapping;

83 (6) Any offense listed, [or] previously listed, or is
84 a successor to an offense in chapter 566 or section 105.454,
85 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,
86 194.425, [217.360,] 217.385, 334.245, 375.991, 389.653,
87 455.085, 455.538, 557.035, [565.084, 565.085, 565.086,
88 565.095,] 565.120, 565.130, 565.156, [565.200, 565.214,]
89 566.093, 566.111, 566.115, 566.116, 568.020, 568.030,
90 568.032, 568.045, 568.060, 568.065, [568.080, 568.090,]
91 568.175, [569.030, 569.035,] 569.040, 569.050, 569.055,
92 569.060, 569.065, 569.067, 569.072, 569.160, 570.025,

93 [570.090,] 570.180, 570.223, 570.224, [570.310,] 571.020,
94 571.060, 571.063, 571.070, 571.072, 571.150, 573.200,
95 573.205, 574.070, 574.105, 574.115, 574.120, 574.130,
96 574.140, 575.040, 575.095, 575.153, 575.155, 575.157,
97 575.159, 575.195, 575.200, 575.210, 575.220, 575.230,
98 575.240, [575.350,] 575.353, 577.078, 577.703, 577.706,
99 [578.008, 578.305, 578.310,] or 632.520;

100 (7) Any offense eligible for expungement under section
101 [577.054 or] 610.130;

102 (8) Any intoxication-related traffic or boating
103 offense as defined in section 577.001, or any offense of
104 operating an aircraft with an excessive blood alcohol
105 content or while in an intoxicated condition;

106 (9) Any ordinance violation that is the substantial
107 equivalent of any offense that is not eligible for
108 expungement under this section;

109 (10) Any violation of any state law or county or
110 municipal ordinance regulating the operation of motor
111 vehicles when committed by an individual who has been issued
112 a commercial driver's license or is required to possess a
113 commercial driver's license issued by this state or any
114 other state; and

115 (11) Any felony offense of section 571.030, except any
116 offense under subdivision (1) of subsection 1 of section
117 571.030 where the person was convicted or found guilty prior
118 to January 1, 2017, or any offense under subdivision (4) of
119 subsection 1 of section 571.030.

120 [3.] 4. The petition shall name as defendants all law
121 enforcement agencies, courts, prosecuting or circuit
122 attorneys, [municipal prosecuting attorneys,] central state
123 repositories of criminal records, or others who the
124 petitioner has reason to believe may possess the records
125 subject to expungement for each of the [offenses,

126 [violations, and infractions] crimes listed in the petition.
127 The court's order of expungement shall not affect any person
128 or entity not named as a defendant in the action.

129 [4.] 5. The petition shall include the following
130 information:

131 (1) The petitioner's:

132 (a) Full name;

133 (b) Sex;

134 (c) Race;

135 (d) Driver's license number, if applicable; and

136 (e) Current address;

137 (2) Each [offense, violation, or infraction] crime for
138 which the petitioner is requesting expungement;

139 (3) The approximate date the petitioner was charged
140 for each [offense, violation, or infraction] crime; and

141 (4) The name of the county where the petitioner was
142 charged for each [offense, violation, or infraction] crime
143 and if any of the [offenses, violations, or infractions]
144 crimes occurred in a municipality, the name of the
145 municipality for each [offense, violation, or infraction]
146 crime; and

147 (5) The case number and name of the court for each
148 [offense] crime.

149 [5.] 6. The clerk of the court shall give notice of
150 the filing of the petition to the office of the prosecuting
151 attorney[, circuit attorney, or municipal prosecuting
152 attorney] that prosecuted the [offenses, violations, or
153 infractions] crimes listed in the petition. If the
154 prosecuting attorney[, circuit attorney, or municipal
155 prosecuting attorney] objects to the petition for
156 expungement, he or she shall do so in writing within thirty
157 days after receipt of service. Unless otherwise agreed upon
158 by the parties, the court shall hold a hearing within sixty

159 days after any written objection is filed, giving reasonable
160 notice of the hearing to the petitioner. If no objection
161 has been filed within thirty days after receipt of service,
162 the court may set a hearing on the matter and shall give
163 reasonable notice of the hearing to each entity named in the
164 petition. At any hearing, the court may accept evidence and
165 hear testimony on, and may consider, the following criteria
166 for each of the [offenses, violations, or infractions]
167 crimes listed in the petition for expungement:

168 (1) At the time the petition is filed, it has been at
169 least three years if the offense is a felony, or at least
170 one year if the offense is a misdemeanor, municipal
171 [offense] violation, or infraction, from the date the
172 petitioner completed any authorized disposition imposed
173 under section 557.011 for each [offense, violation, or
174 infraction] crime listed in the petition;

175 (2) At the time the petition is filed, it has been at
176 least ten years from the date on which the authorized
177 dispositions imposed under section 557.011 for all crimes
178 committed within the relevant period have been completed if
179 the crimes sought to be expunged were committed as part of
180 an extended course of criminal conduct under subdivision (3)
181 of subsection 2 of this section;

182 (3) At the time the petition is filed, the person has
183 not been found guilty of any other misdemeanor or felony,
184 not including violations of the traffic regulations provided
185 under chapters 301, 302, 303, 304, and 307, during the time
186 period specified for the underlying [offense, violation, or
187 infraction] crime in subdivision (1) or (2) of this
188 subsection;

189 [(3)] (4) The person has satisfied all obligations
190 relating to any such disposition, including the payment of
191 any fines or restitution;

192 [(4)] (5) The person does not have charges pending;

193 [(5)] (6) The petitioner's habits and conduct
194 demonstrate that the petitioner is not a threat to the
195 public safety of the state; and

196 [(6)] (7) The expungement is consistent with the
197 public welfare and the interests of justice warrant the
198 expungement.

199 A pleading by the petitioner that such petitioner meets the
200 requirements of subdivisions [(5)] (6) and [(6)] (7) of this
201 subsection shall create a rebuttable presumption that the
202 expungement is warranted so long as the criteria contained
203 in subdivisions (1) to [(4)] (5) of this subsection are
204 otherwise satisfied. The burden shall shift to the
205 prosecuting attorney[,] or circuit attorney[, or municipal
206 prosecuting attorney] to rebut the presumption. A victim of
207 [an offense, violation, or infraction] a crime listed in the
208 petition shall have an opportunity to be heard at any
209 hearing held under this section[, and the court may make a
210 determination based solely on such victim's testimony]. A
211 court may find that the continuing impact of the offense
212 upon the victim rebuts the presumption that expungement is
213 warranted.

214 [6.] 7. A petition to expunge records related to an
215 arrest for an eligible [offense, violation, or infraction]
216 crime may be made in accordance with the provisions of this
217 section to a court of competent jurisdiction in the county
218 where the petitioner was arrested no earlier than [three
219 years] eighteen months from the date of arrest; provided
220 that, during such time, the petitioner has not been charged
221 and the petitioner has not been found guilty of any
222 misdemeanor or felony offense.

223 [7.] 8. If the court determines that such person meets
224 all the criteria set forth in subsection [5] 6 of this

225 section for each of the [offenses, violations, or
226 infractions] crimes listed in the petition for expungement,
227 the court shall enter an order of expungement. In all cases
228 under this section, the court shall issue an order of
229 expungement or dismissal within six months of the filing of
230 the petition. A copy of the order of expungement shall be
231 provided to the petitioner and each entity possessing
232 records subject to the order, and, upon receipt of the
233 order, each entity shall close any record in its possession
234 relating to any [offense, violation, or infraction] crime
235 listed in the petition, in the manner established by section
236 610.120. The records and files maintained in any
237 administrative or court proceeding in a municipal,
238 associate, or circuit court for any [offense, infraction, or
239 violation] crime ordered expunged under this section shall
240 be confidential and only available to the parties or by
241 order of the court for good cause shown. The central
242 repository shall request the Federal Bureau of Investigation
243 to expunge the records from its files.

244 [8.] 9. The order shall not limit any of the
245 petitioner's rights that were restricted as a collateral
246 consequence of such person's criminal record, and such
247 rights shall be restored upon issuance of the order of
248 expungement. Except as otherwise provided under this
249 section, the effect of such order shall be to fully restore
250 the civil rights of such person to the status he or she
251 occupied prior to such arrests, pleas, trials, or
252 convictions as if such events had never taken place. This
253 includes fully restoring the civil rights of a person to the
254 right to vote, the right to hold public office, and to serve
255 as a juror. For purposes of 18 U.S.C. Section
256 921(a)(33)(B)(ii), an order [or] of expungement granted
257 pursuant to this section shall be considered a complete

258 removal of all effects of the expunged conviction. Except
259 as otherwise provided under this section, the effect of such
260 order shall be to restore such person to the status he or
261 she occupied prior to such arrests, pleas, trials, or
262 convictions as if such events had never taken place. No
263 person as to whom such order has been entered shall be held
264 thereafter under any provision of law to be guilty of
265 perjury or otherwise giving a false statement by reason of
266 his or her failure to recite or acknowledge such arrests,
267 pleas, trials, convictions, or expungement in response to an
268 inquiry made of him or her and no such inquiry shall be made
269 for information relating to an expungement, except the
270 petitioner shall disclose the expunged [offense, violation,
271 or infraction] crime to any court when asked or upon being
272 charged with any subsequent [offense, violation, or
273 infraction] crime. The expunged [offense, violation, or
274 infraction] crime may be considered a prior offense in
275 determining a sentence to be imposed for any subsequent
276 offense that the person is found guilty of committing.

277 [9.] 10. Notwithstanding the provisions of subsection
278 [8] 9 of this section to the contrary, a person granted an
279 expungement shall disclose any expunged [offense, violation,
280 or infraction] crime when the disclosure of such information
281 is necessary to complete any application for:

282 (1) A license, certificate, or permit issued by this
283 state to practice such individual's profession;

284 (2) Any license issued under chapter 313 or permit
285 issued under chapter 571;

286 (3) Paid or unpaid employment with an entity licensed
287 under chapter 313, any state-operated lottery, or any
288 emergency services provider, including any law enforcement
289 agency;

290 (4) Employment with any federally insured bank or
291 savings institution or credit union or an affiliate of such
292 institution or credit union for the purposes of compliance
293 with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

294 (5) Employment with any entity engaged in the business
295 of insurance or any insurer for the purpose of complying
296 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or
297 other similar law which requires an employer engaged in the
298 business of insurance to exclude applicants with certain
299 criminal convictions from employment; or

300 (6) Employment with any employer that is required to
301 exclude applicants with certain criminal convictions from
302 employment due to federal or state law, including
303 corresponding rules and regulations.

304 An employer shall notify an applicant of the requirements
305 under subdivisions (4) to (6) of this subsection.

306 Notwithstanding any provision of law to the contrary, an
307 expunged [offense, violation, or infraction] crime shall not
308 be grounds for automatic disqualification of an applicant,
309 but may be a factor for denying employment, or a
310 professional license, certificate, or permit; except that,
311 [an offense, violation, or infraction] a crime expunged
312 under the provisions of this section may be grounds for
313 automatic disqualification if the application is for
314 employment under subdivisions (4) to (6) of this subsection.

315 [10.] 11. A person who has been granted an expungement
316 of records pertaining to a [misdemeanor or felony offense,
317 an ordinance violation, or an infraction] crime may answer
318 "no" to an employer's inquiry into whether the person has
319 ever been arrested, charged, or convicted of a crime if,
320 after the granting of the expungement, the person has no
321 public record of a [misdemeanor or felony offense, an
322 ordinance violation, or an infraction] crime. The person,

323 however, shall answer such an inquiry affirmatively and
324 disclose his or her criminal convictions, including any
325 offense [or violation] expunged under this section or
326 similar law, if the employer is required to exclude
327 applicants with certain criminal convictions from employment
328 due to federal or state law, including corresponding rules
329 and regulations.

330 [11.] 12. If the court determines that the petitioner
331 has not met the criteria for any of the [offenses,
332 violations, or infractions] crimes listed in the petition
333 for expungement or the petitioner has knowingly provided
334 false information in the petition, the court shall enter an
335 order dismissing the petition. Any person whose petition
336 for expungement has been dismissed by the court for failure
337 to meet the criteria set forth in subsection [5] 6 of this
338 section may not refile another petition until a year has
339 passed since the date of filing for the previous petition.

340 [12.] 13. A person may be granted more than one
341 expungement under this section provided that during his or
342 her lifetime, the total number of [offenses, violations, or
343 infractions] crimes for which orders of expungement are
344 granted to the person shall not exceed the following limits:

345 (1) Not more than [two] three misdemeanor offenses or
346 ordinance violations that have an authorized term of
347 imprisonment; and

348 (2) Not more than [one] two felony [offense] offenses.

349 A person may be granted expungement under this section for
350 any number of infractions. [Nothing in this section shall
351 prevent the court from maintaining records to ensure that an
352 individual has not exceeded the limitations of this
353 subsection] A person may not be granted more than one
354 expungement under subdivision (3) of subsection 2 of this
355 section. Nothing in this section shall be construed to

356 limit or impair in any way the subsequent use of any record
357 expunged under this section of any arrests or findings of
358 guilt by a law enforcement agency, criminal justice agency,
359 prosecuting attorney[,] or circuit attorney[, or municipal
360 prosecuting attorney,] including its use as a prior
361 [offense, violation, or infraction] crime.

362 [13.] 14. The court shall make available a form for
363 pro se petitioners seeking expungement, which shall include
364 the following statement: "I declare under penalty of
365 perjury that the statements made herein are true and correct
366 to the best of my knowledge, information, and belief."

367 [14.] 15. Nothing in this section shall be construed
368 to limit or restrict the availability of expungement to any
369 person under any other law.

2 [488.650. There shall be assessed as costs
3 a surcharge in the amount of two hundred fifty
4 dollars on all petitions for expungement filed
5 under the provisions of section 610.140. The
6 judge may waive the surcharge if the petitioner
7 is found by the judge to be indigent and unable
8 to pay the costs. Such surcharge shall be
9 collected and disbursed by the clerk of the
10 court as provided by sections 488.010 to
11 488.020. Moneys collected from this surcharge
shall be payable to the general revenue fund.]

Section B. Because immediate action is necessary to
2 further equip and enhance our criminal justice system to
3 fight violent crime in Missouri and protect our citizens and
4 residents due to the recent unprecedented wave of violent
5 crime across our nation and state, the repeal and
6 reenactment of sections 211.071, 217.345, and 568.045 and
7 the enactment of section 211.600 of this act is deemed
8 necessary for the immediate preservation of the public
9 health, welfare, peace, and safety, and is hereby declared
10 to be an emergency act within the meaning of the
11 constitution, and the repeal and reenactment of sections
12 211.071, 217.345, and 568.045 and the enactment of section

13 211.600 of this act shall be in full force and effect upon
14 its passage and approval.