

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1659
102ND GENERAL ASSEMBLY

3849H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 211.071, 217.345, 217.690, 547.031, 558.016, 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.653, and 600.042, RSMo, and to enact in lieu thereof twenty-two new sections relating to public safety, 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 211.071, 217.345, 217.690, 547.031, 558.016, 558.019, 568.045, 2 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.653, and 3 600.042, RSMo, are repealed and twenty-two new sections enacted in lieu thereof, to be 4 known as sections 211.071, 211.600, 217.345, 217.690, 547.031, 558.016, 558.019, 565.258, 5 568.045, 571.015, 571.031, 571.070, 575.010, 575.353, 578.007, 578.022, 579.021, 579.022, 6 579.065, 579.068, 590.653, and 600.042, to read as follows:

211.071. 1. If a petition alleges that a child between the ages of [~~twelve~~] **fourteen** 2 and eighteen has committed an offense which would be considered a felony if committed by 3 an adult, the court may, upon its own motion or upon motion by the juvenile officer, the child 4 or the child's custodian, order a hearing and may, in its discretion, dismiss the petition and 5 such child may be transferred to the court of general jurisdiction and prosecuted under the 6 general law; except that if a petition alleges that [~~any~~] **a child between the ages of twelve** 7 **and eighteen** has committed an offense which would be considered first degree murder under 8 section 565.020, second degree murder under section 565.021, first degree assault under 9 section 565.050, forcible rape under section 566.030 as it existed prior to August 28, 2013, 10 rape in the first degree under section 566.030, forcible sodomy under section 566.060 as it 11 existed prior to August 28, 2013, sodomy in the first degree under section 566.060, first 12 degree robbery under section 569.020 as it existed prior to January 1, 2017, or robbery in the

EXPLANATION — Matter enclosed in bold-faced brackets [~~thus~~] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 first degree under section 570.023, distribution of drugs under section 195.211 as it existed
14 prior to January 1, 2017, or the manufacturing of a controlled substance under section
15 579.055, **a dangerous felony as defined in section 556.061**, or has committed two or more
16 prior unrelated offenses which would be felonies if committed by an adult, the court shall
17 order a hearing, and may in its discretion, dismiss the petition and transfer the child to a court
18 of general jurisdiction for prosecution under the general law.

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

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

27 4. Written notification of a transfer hearing shall be given to the juvenile and his or
28 her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
29 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of
30 the hearing is to determine whether the child is a proper subject to be dealt with under the
31 provisions of this chapter, and that if the court finds that the child is not a proper subject to be
32 dealt with under the provisions of this chapter, the petition will be dismissed to allow for
33 prosecution of the child under the general law.

34 5. The juvenile officer may consult with the office of prosecuting attorney concerning
35 any offense for which the child could be certified as an adult under this section. The
36 prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or
37 deputy juvenile officer, statements of witnesses and all other records or reports relating to the
38 offense alleged to have been committed by the child. The prosecuting or circuit attorney shall
39 have access to the disposition records of the child when the child has been adjudicated
40 pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall
41 not divulge any information regarding the child and the offense until the juvenile court at a
42 judicial hearing has determined that the child is not a proper subject to be dealt with under the
43 provisions of this chapter.

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

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

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

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

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

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

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

60 (7) The age of the child;

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

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

65 (10) Racial disparity in certification.

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

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

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

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

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

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

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

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

85 11. If the court does not dismiss the petition to permit the child to be prosecuted under
86 the general law, it shall set a date for the hearing upon the petition as provided in section
87 211.171.

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

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

6 **(1) The number of certification petitions filed annually;**

7 **(2) The disposition of certification petitions filed annually;**

8 **(3) The offenses for which certification petitions are filed annually;**

9 **(4) The race of the juveniles for whom the certification petitions are filed**
10 **annually; and**

11 **(5) The number of juveniles who have waived their right to counsel.**

12 **3. The data collected pursuant to this section shall be made publicly available**
13 **annually.**

14 217.345. 1. Correctional treatment programs for first offenders **and offenders**
15 **eighteen years of age or younger** in the department shall be established, subject to the
16 control and supervision of the director, and shall include such programs deemed necessary
17 and sufficient for the successful rehabilitation of offenders.

18 2. [~~Correctional treatment programs for offenders who are younger than eighteen~~
19 ~~years of age shall be established, subject to the control and supervision of the director. By~~
20 ~~January 1, 1998, such] Programs **established pursuant to this section** shall include physical
21 separation of offenders who are younger than eighteen years of age from offenders who are
22 eighteen years of age or older **and shall include educational programs that award a high**
23 **school diploma or its equivalent.**~~

24 3. The department shall have the authority to promulgate rules pursuant to subsection
25 2 of section 217.378 to establish correctional treatment programs for offenders under age
26 eighteen. Such rules may include:

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

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

30 4. The department shall have the authority to determine the number of juvenile
31 offenders participating in any treatment program depending on available appropriations. The
32 department may contract with any private or public entity for the provision of services and
33 facilities for offenders under age eighteen. The department shall apply for and accept
34 available federal, state and local public funds including project demonstration funds as well as
35 private moneys to fund such services and facilities.

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

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

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

16 3. The division of probation and parole has discretionary authority to require the
17 payment of a fee, not to exceed sixty dollars per month, from every offender placed under
18 division supervision on probation, parole, or conditional release, to waive all or part of any
19 fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity
20 for fee collections services. All fees collected shall be deposited in the inmate fund
21 established in section 217.430. Fees collected may be used to pay the costs of contracted
22 collections services. The fees collected may otherwise be used to provide community
23 corrections and intervention services for offenders. Such services include substance abuse
24 assessment and treatment, mental health assessment and treatment, electronic monitoring
25 services, residential facilities services, employment placement services, and other offender
26 community corrections or intervention services designated by the division of probation and
27 parole to assist offenders to successfully complete probation, parole, or conditional release.
28 The division of probation and parole shall adopt rules not inconsistent with law, in accordance
29 with section 217.040, with respect to sanctioning offenders and with respect to establishing,
30 waiving, collecting, and using fees.

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

35 5. When considering parole for an offender with consecutive sentences, the minimum
36 term for eligibility for parole shall be calculated by adding the minimum terms for parole
37 eligibility for each of the consecutive sentences, except the minimum term for parole
38 eligibility shall not exceed the minimum term for parole eligibility for an ordinary life
39 sentence.

40 6. Any offender sentenced to a term of imprisonment amounting to fifteen years or
41 more or multiple terms of imprisonment that, taken together, amount to fifteen or more years
42 who was under eighteen years of age at the time of the commission of the offense or offenses
43 may be eligible for parole after serving fifteen years of incarceration, regardless of whether
44 the case is final for the purposes of appeal, and may be eligible for reconsideration hearings in
45 accordance with regulations promulgated by the parole board.

46 7. The provisions of subsection 6 of this section shall not apply to an offender found
47 guilty of ~~[murder in the first degree or]~~ capital murder, **murder in the first degree, or**
48 **murder in the second degree when murder in the second degree is committed pursuant**
49 **to subdivision (1) of subsection 1 of section 565.021**, who was under eighteen years of age
50 when the offender committed the offense or offenses who may be found ineligible for parole
51 or whose parole eligibility may be controlled by section 558.047 or 565.033.

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

56 9. A victim who has requested an opportunity to be heard shall receive notice that the
57 parole board is conducting an assessment of the offender's risk and readiness for release and
58 that the victim's input will be particularly helpful when it pertains to safety concerns and
59 specific protective measures that may be beneficial to the victim should the offender be
60 granted release.

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

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

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

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

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

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

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

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

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

83 13. Special parole conditions shall be responsive to the assessed risk and needs of the
84 offender or the need for extraordinary supervision, such as electronic monitoring. The parole
85 board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload
86 conditions upon release, and to require the modification and reduction of conditions based on
87 the person's continuing stability in the community. Parole board rules shall permit parole
88 conditions to be modified by parole officers with review and approval by supervisors.

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

91 15. Beginning January 1, 2001, the parole board shall not order a parole unless the
92 offender has obtained a high school diploma or its equivalent, or unless the parole board is
93 satisfied that the offender, while committed to the custody of the department, has made an
94 honest good-faith effort to obtain a high school diploma or its equivalent; provided that the
95 director may waive this requirement by certifying in writing to the parole board that the
96 offender has actively participated in mandatory education programs or is academically unable
97 to obtain a high school diploma or its equivalent.

98 16. Any rule or portion of a rule, as that term is defined in section 536.010, that is
99 created under the authority delegated in this section shall become effective only if it complies
100 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
101 This section and chapter 536 are nonseverable and if any of the powers vested with the
102 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
103 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
104 rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid
105 and void.

547.031. 1. A prosecuting or circuit attorney, in the jurisdiction in which ~~a person~~
2 ~~was convicted of an offense~~ **charges were filed**, may file a motion to vacate or set aside the

3 judgment at any time if he or she has information that the convicted person may be innocent
4 or may have been erroneously convicted. The circuit court in which ~~[the person was~~
5 ~~convicted]~~ **charges were filed** shall have jurisdiction and authority to consider, hear, and
6 decide the motion.

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

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

19 4. The prosecuting attorney or circuit attorney shall have the authority and right to file
20 and maintain an appeal of the denial or disposal of such a motion. The attorney general may
21 file a motion to intervene and, in addition to such motion, file a motion to dismiss the motion
22 to vacate or to set aside the judgment in any appeal filed by the prosecuting or circuit attorney.

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

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

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

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

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

14 3. A "persistent offender" is one who has been found guilty of two or more felonies
15 committed at different times **or one who has been previously found guilty of a dangerous**
16 **felony as defined in subdivision (19) of section 556.061.**

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

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

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

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

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

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

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

5 2. The provisions of subsections 2 to 5 of this section shall only be applicable to the
6 offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052,
7 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156,
8 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064,
9 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111,
10 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215,
11 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030
12 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony,
13 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023,
14 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150,
15 575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230
16 when punished as a class B felony, 575.240 when punished as a class B felony, 576.070,
17 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished
18 as a class A or B felony. For the purposes of this section, "prison commitment" means and is
19 the receipt by the department of corrections of an offender after sentencing. For purposes of
20 this section, prior prison commitments to the department of corrections shall not include an
21 offender's first incarceration prior to release on probation under section 217.362 or 559.115.
22 Other provisions of the law to the contrary notwithstanding, any offender who has been found
23 guilty of a felony other than a dangerous felony as defined in section 556.061 and is
24 committed to the department of corrections shall be required to serve the following minimum
25 prison terms:

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

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

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

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

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

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

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

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

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

59 7. (1) A sentencing advisory commission is hereby created to consist of eleven
60 members. One member shall be appointed by the speaker of the house. One member shall be
61 appointed by the president pro tem of the senate. One member shall be the director of the
62 department of corrections. Six members shall be appointed by and serve at the pleasure of the

63 governor from among the following: the public defender commission; private citizens; a
64 private member of the Missouri Bar; the board of probation and parole; and a prosecutor.
65 Two members shall be appointed by the supreme court, one from a metropolitan area and one
66 from a rural area. All members shall be appointed to a four-year term. All members of the
67 sentencing commission appointed prior to August 28, 1994, shall continue to serve on the
68 sentencing advisory commission at the pleasure of the governor.

69 (2) The commission shall study sentencing practices in the circuit courts throughout
70 the state for the purpose of determining whether and to what extent disparities exist among
71 the various circuit courts with respect to the length of sentences imposed and the use of
72 probation for offenders convicted of the same or similar offenses and with similar criminal
73 histories. The commission shall also study and examine whether and to what extent
74 sentencing disparity among economic and social classes exists in relation to the sentence of
75 death and if so, the reasons therefor, if sentences are comparable to other states, if the length
76 of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall
77 compile statistics, examine cases, draw conclusions, and perform other duties relevant to the
78 research and investigation of disparities in death penalty sentencing among economic and
79 social classes.

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

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

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

89 (6) The circuit and associate circuit courts of this state, the office of the state courts
90 administrator, the department of public safety, and the department of corrections shall
91 cooperate with the commission by providing information or access to information needed by
92 the commission. The office of the state courts administrator will provide needed staffing
93 resources.

94 8. Courts shall retain discretion to lower or exceed the sentence recommended by the
95 commission as otherwise allowable by law, and to order restorative justice methods, when
96 applicable.

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

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

102 (2) Offender treatment programs;

103 (3) Mandatory community service;

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

105 (5) Community-based residential and nonresidential programs.

106 10. Pursuant to subdivision (1) of subsection 9 of this section, the court may order the
107 assessment and payment of a designated amount of restitution to a county law enforcement
108 restitution fund established by the county commission pursuant to section 50.565. Such
109 contribution shall not exceed three hundred dollars for any charged offense. Any restitution
110 moneys deposited into the county law enforcement restitution fund pursuant to this section
111 shall only be expended pursuant to the provisions of section 50.565.

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

116 12. A person who fails to make a payment to a county law enforcement restitution
117 fund may not have his or her probation revoked solely for failing to make such payment
118 unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of
119 the evidence that the person either willfully refused to make the payment or that the person
120 willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire
121 the resources to pay.

122 13. Nothing in this section shall be construed to allow the sentencing advisory
123 commission to issue recommended sentences in specific cases pending in the courts of this
124 state.

**565.258. 1. There is hereby created the "Stop Cyberstalking and Harassment
2 Task Force", to consist of the following members:**

3 **(1) Four members of the general assembly, who shall include:**

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

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

10 **(2) The director of the department of public safety or his or her designee;**

11 **(3) A representative of the Missouri state highway patrol appointed by the**
12 **superintendent of the Missouri state highway patrol;**

13 **(4) A representative of the Missouri Association of Prosecuting Attorneys**
14 **appointed by the president of the Missouri Association of Prosecuting Attorneys;**

15 **(5) One or more law enforcement officers with experience relating to**
16 **cyberstalking and harassment appointed by the governor;**

17 **(6) One or more representatives from a regional cyber crime task force**
18 **appointed by the governor;**

19 **(7) A person with experience in training law enforcement on issues of**
20 **cyberstalking or harassment appointed by the governor;**

21 **(8) A representative of a statewide coalition against domestic and sexual violence**
22 **appointed by the governor;**

23 **(9) A representative of the Missouri safe at home program appointed by the**
24 **secretary of state;**

25 **(10) A representative of the office of state courts administrator appointed by the**
26 **state courts administrator or his or her designee;**

27 **(11) A mental health service provider with experience serving victims or**
28 **perpetrators of crime appointed by the director of the department of mental health;**

29 **(12) One representative from elementary and secondary education services with**
30 **experience educating people about cyberstalking and harassment appointed by the**
31 **director of the department of elementary and secondary education;**

32 **(13) One representative from higher education services with experience**
33 **educating people about cyberstalking and harassment appointed by the director of**
34 **the department of higher education and workforce development; and**

35 **(14) One representative with experience in cybersecurity and technology**
36 **appointed by the commissioner of the office of administration.**

37 **2. The task force shall elect a chairperson by a majority vote of the members of**
38 **the task force. The task force shall have an initial meeting before October 1, 2024. The**
39 **members of the task force shall serve without compensation but shall be entitled to**
40 **necessary and actual expenses incurred in attending meetings of the task force.**

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

44 **(1) The treatment of victims of cyberstalking or harassment; and**

45 **(2) Actions to stop cyberstalking and harassment when it occurs.**

46 **4. The task force shall study and make recommendations including, but not**
47 **limited to:**

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

51 **(2) Whether a need exists for increased coordination among police departments**
52 **to address instances of cyberstalking or harassment and, if such a need does exist,**
53 **recommendations on how to best fill the need, whether legislatively or otherwise;**

54 **(3) Resources and tools law enforcement may need to identify patterns and**
55 **collect evidence in cases of cyberstalking or harassment;**

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

59 **(5) Educational and any other resources deemed necessary by the task force to**
60 **educate and inform victims and the public on ways to protect themselves from**
61 **cyberstalking and harassment; and**

62 **(6) Whether a need exists for increased victim services and training for victim**
63 **advocates relating to cyberstalking and harassment and, if such a need does exist,**
64 **recommendations on how to best fill the need, whether legislatively or otherwise.**

65 **5. The department of public safety shall provide administrative support to the**
66 **task force.**

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

69 **7. The task force shall expire on December 31, 2026, unless extended until**
70 **December 31, 2028, as determined necessary by the department of public safety.**

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

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

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

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

10 (4) In the presence of a child less than seventeen years of age or in a residence where
11 a child less than seventeen years of age resides, unlawfully manufactures[~~s~~] or attempts to
12 manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes
13 amphetamine or methamphetamine or any of [~~their~~] its analogues.

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

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

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

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

571.015. 1. Any person who commits any felony under the laws of this state by, with,
2 or through the use, assistance, or aid of a dangerous instrument or deadly weapon is also
3 guilty of the offense of armed criminal action. **The offense of armed criminal action shall**
4 **be an unclassified felony** and, upon conviction, shall be punished by imprisonment by the
5 department of corrections for a term of not less than three years and not to exceed fifteen
6 years, unless the person is unlawfully possessing a firearm, in which case the term of
7 imprisonment shall be for a term of not less than five years. The punishment imposed
8 pursuant to this subsection shall be in addition to and consecutive to any punishment provided
9 by law for the crime committed by, with, or through the use, assistance, or aid of a dangerous
10 instrument or deadly weapon. No person convicted under this subsection shall be eligible for
11 parole, probation, conditional release, or suspended imposition or execution of sentence for a
12 period of three calendar years.

13 2. Any person convicted of a second offense of armed criminal action under
14 subsection 1 of this section shall be punished by imprisonment by the department of
15 corrections for a term of not less than five years and not to exceed thirty years, unless the
16 person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for
17 a term not less than fifteen years. The punishment imposed pursuant to this subsection shall
18 be in addition to and consecutive to any punishment provided by law for the crime committed
19 by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.
20 No person convicted under this subsection shall be eligible for parole, probation, conditional
21 release, or suspended imposition or execution of sentence for a period of five calendar years.

22 3. Any person convicted of a third or subsequent offense of armed criminal action
23 under subsection 1 of this section shall be punished by imprisonment by the department of
24 corrections for a term of not less than ten years, unless the person is unlawfully possessing a
25 firearm, in which case the term of imprisonment shall be no less than fifteen years. The
26 punishment imposed pursuant to this subsection shall be in addition to and consecutive to any
27 punishment provided by law for the crime committed by, with, or through the use, assistance,
28 or aid of a dangerous instrument or deadly weapon. No person convicted under this

29 subsection shall be eligible for parole, probation, conditional release, or suspended imposition
30 or execution of sentence for a period of ten calendar years.

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

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

5 **3. This section shall not apply if the firearm is discharged:**

6 **(1) As allowed by a defense of justification under chapter 563;**

7 **(2) On a shooting range supervised by any person eighteen years of age or older;**

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

12 **(4) For the control of nuisance wildlife as permitted by the department of**
13 **conservation or the United States Fish and Wildlife Service;**

14 **(5) By special permit of the chief of police of the municipality;**

15 **(6) As required by an animal control officer in the performance of his or her**
16 **duties;**

17 **(7) Using blanks;**

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

19 **(9) In self-defense or defense of another person against an animal attack if a**
20 **reasonable person would believe that deadly physical force against the animal is**
21 **immediately necessary and reasonable under the circumstances to protect oneself or the**
22 **other person; or**

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

25 **4. A person who commits the offense of unlawful discharge of a firearm shall be**
26 **guilty of:**

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

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

29 **(3) For a third or subsequent offense, a class D felony.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 ~~[2.]~~ **3.** The offense of assault on a ~~[police]~~ **law enforcement** animal is a ~~[class E~~
9 ~~misdemeanor, unless]~~:

10 **(1) Class A misdemeanor if the law enforcement animal is not injured to the**
11 **point of requiring veterinary care or treatment;**

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

14 **(3) Class D felony if the assault results in the death of such animal** ~~[or disables such~~
15 ~~animal to the extent it is unable to be utilized as a police animal, in which case it is a class E~~
16 ~~felony].~~

578.007. The provisions of section 574.130~~;~~ **and** sections 578.005 to 578.023 shall
2 not apply to:

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

5 (2) Bona fide scientific experiments;

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

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

10 (5) Rodeo practices currently accepted by the Professional Rodeo Cowboy's
11 Association;

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

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

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

17 (9) The killing of an animal by any person at any time if such animal is outside of the
18 owned or rented property of the owner or custodian of such animal and the animal is injuring
19 any person or farm animal, but **this exemption** shall not include [~~police or guard dogs~~] **the**
20 **killing or injuring of a law enforcement animal** while working;

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

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

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

579.021. 1. A person commits the offense of delivery of a controlled substance
2 **causing serious physical injury, as defined in section 556.061, if a person delivers or**
3 **distributes a controlled substance under section 579.020 knowing such substance is**
4 **mixed with another controlled substance and serious physical injury results from the**
5 **use of such controlled substance.**

6 **2. It shall not be a defense that the user contributed to the user's own serious**
7 **physical injury by using the controlled substance or consenting to the administration of**
8 **the controlled substance by another.**

9 **3. The offense of delivery of a controlled substance causing serious physical**
10 **injury is a class C felony.**

11 **4. For purposes of this section, "controlled substance" means a Schedule I or**
12 **Schedule II controlled substance, as defined in section 195.017.**

579.022. 1. A person commits the offense of delivery of a controlled substance
2 **causing death if a person delivers or distributes a controlled substance under section**
3 **579.020 knowing such substance is mixed with another controlled substance and a death**
4 **results from the use of such controlled substance.**

5 **2. It shall not be a defense that the user contributed to the user's own death by**
6 **using the controlled substance or consenting to the administration of the controlled**
7 **substance by another.**

8 **3. The offense of delivery of a controlled substance causing death is a class A**
9 **felony.**

10 **4. For purposes of this section, "controlled substance" means a Schedule I or**
11 **Schedule II controlled substance, as defined in section 195.017.**

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

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

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

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

14 ~~(4)]~~ More than five hundred milligrams of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD);

16 ~~[(5)]~~ (4) More than thirty grams of a mixture or substance containing a detectable
17 amount of phencyclidine (PCP);

18 ~~[(6)]~~ (5) More than four grams of phencyclidine;

19 ~~[(7)]~~ (6) More than thirty kilograms of a mixture or substance containing marijuana;

20 ~~[(8)]~~ (7) More than thirty grams of any material, compound, mixture, or preparation
21 containing any quantity of the following substances having a stimulant effect on the central
22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
24 and its salts; or methylphenidate;

25 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
26 which contains any quantity of 3,4-methylenedioxymethamphetamine;

27 ~~[(10)]~~ (9) One gram or more of flunitrazepam for the first offense;

28 ~~[(11)]~~ (10) Any amount of gamma-hydroxybutyric acid for the first offense; or

29 ~~[(12)]~~ (11) More than ten milligrams of fentanyl or carfentanil, or any derivative
30 thereof, or any combination thereof, or any compound, mixture, or substance containing a
31 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

37 (2) Four hundred fifty grams or more of a mixture or substance containing a
38 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
39 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
40 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
41 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
42 any quantity of any of the foregoing substances; or

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

45 ~~(4)~~ (4) One gram or more of a mixture or substance containing a detectable amount of
46 lysergic acid diethylamide (LSD); or

47 ~~[(5)]~~ (4) Ninety grams or more of a mixture or substance containing a detectable
48 amount of phencyclidine (PCP); or

49 ~~[(6)]~~ (5) Twelve grams or more of phencyclidine; or

50 ~~[(7)]~~ (6) One hundred kilograms or more of a mixture or substance containing
51 marijuana; or

52 ~~[(8)]~~ (7) Ninety grams or more of any material, compound, mixture, or preparation
53 containing any quantity of the following substances having a stimulant effect on the central
54 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
55 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
56 and its salts; or methylphenidate; or

57 ~~[(9)]~~ (8) More than thirty grams of any material, compound, mixture, or preparation
58 containing any quantity of the following substances having a stimulant effect on the central
59 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;
60 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine
61 and its salts; or methylphenidate, and the location of the offense was within two thousand feet
62 of real property comprising a public or private elementary, vocational, or secondary school,
63 college, community college, university, or any school bus, in or on the real property
64 comprising public housing or any other governmental assisted housing, or within a motor
65 vehicle, or in any structure or building which contains rooms furnished for the
66 accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
67 the public as a place where sleeping accommodations are sought for pay or compensation to
68 transient guests or permanent guests; or

69 ~~[(10)]~~ (9) Ninety grams or more of any material, compound, mixture or preparation
70 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

71 ~~[(11)]~~ **(10)** More than thirty grams of any material, compound, mixture, or
72 preparation which contains any quantity of 3,4-methylenedioxyamphetamine and the
73 location of the offense was within two thousand feet of real property comprising a public or
74 private elementary, vocational, or secondary school, college, community college, university,
75 or any school bus, in or on the real property comprising public housing or any other
76 governmental assisted housing, within a motor vehicle, or in any structure or building which
77 contains rooms furnished for the accommodation or lodging of guests, and kept, used,
78 maintained, advertised, or held out to the public as a place where sleeping accommodations
79 are sought for pay or compensation to transient guests or permanent guests; or

80 ~~[(12)]~~ **(11)** One gram or more of flunitrazepam for a second or subsequent offense; or

81 ~~[(13)]~~ **(12)** Any amount of gamma-hydroxybutyric acid for a second or subsequent
82 offense; or

83 ~~[(14)]~~ **(13)** Twenty milligrams or more of fentanyl or carfentanil, or any derivative
84 thereof, or any combination thereof, or any compound, mixture, or substance containing a
85 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

12 (3) ~~More than eight grams of a mixture or substance described in subdivision (2) of~~
13 ~~this subsection which contains cocaine base;~~

14 ~~(4)]~~ More than five hundred milligrams of a mixture or substance containing a
15 detectable amount of lysergic acid diethylamide (LSD);

16 ~~[(5)]~~ **(4)** More than thirty grams of a mixture or substance containing a detectable
17 amount of phencyclidine (PCP);

18 ~~[(6)]~~ **(5)** More than four grams of phencyclidine;

19 ~~[(7)]~~ **(6)** More than thirty kilograms of a mixture or substance containing marijuana;

20 ~~[(8)]~~ **(7)** More than thirty grams of any material, compound, mixture, or preparation
21 containing any quantity of the following substances having a stimulant effect on the central
22 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;

23 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine
24 and its salts; or methylphenidate;

25 ~~[(9)]~~ **(8)** More than thirty grams of any material, compound, mixture, or preparation
26 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

27 ~~[(10)]~~ **(9)** More than ten milligrams of fentanyl or carfentanil, or any derivative
28 thereof, or any combination thereof, or any compound, mixture, or substance containing a
29 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

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

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

35 (2) Four hundred fifty grams or more of a mixture or substance containing a
36 detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which
37 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts
38 and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their
39 salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains
40 any quantity of any of the foregoing substances; or

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

43 ~~[(4)]~~ One gram or more of a mixture or substance containing a detectable amount of
44 lysergic acid diethylamide (LSD); or

45 ~~[(5)]~~ **(4)** Ninety grams or more of a mixture or substance containing a detectable
46 amount of phencyclidine (PCP); or

47 ~~[(6)]~~ **(5)** Twelve grams or more of phencyclidine; or

48 ~~[(7)]~~ **(6)** One hundred kilograms or more of a mixture or substance containing
49 marijuana; or

50 ~~[(8)]~~ **(7)** More than five hundred marijuana plants; or

51 ~~[(9)]~~ **(8)** Ninety grams or more but less than four hundred fifty grams of any material,
52 compound, mixture, or preparation containing any quantity of the following substances
53 having a stimulant effect on the central nervous system: amphetamine, its salts, optical
54 isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts
55 of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

56 ~~[(10)]~~ **(9)** Ninety grams or more but less than four hundred fifty grams of any
57 material, compound, mixture, or preparation which contains any quantity of 3,4-
58 methylenedioxymethamphetamine; or

59 ~~[(H)]~~ **(10)** Twenty milligrams or more of fentanyl or carfentanil, or any derivative
 60 thereof, or any combination thereof, or any compound, mixture, or substance containing a
 61 detectable amount of fentanyl or carfentanil, or their optical isomers or analogues.

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

65 (1) Any quantity of the following substances having a stimulant effect on the central
 66 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;
 67 methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or
 68 methylphenidate; or

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

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

590.653. 1. Each city, county, and city not within a county may establish a civilian
 2 review board, **division of civilian oversight, or any other entity that provides civilian**
 3 **review or oversight of police agencies**, or may use an existing civilian review board ~~[which]~~
 4 **or division of civilian oversight or other named entity that** has been appointed by the local
 5 governing body, with the authority to investigate allegations of misconduct by local law
 6 enforcement officers towards members of the public. The members shall not receive
 7 compensation but shall receive reimbursement from the local governing body for all
 8 reasonable and necessary expenses.

9 2. The board, **division, or any other such entity** shall have ~~[the]~~ its power ~~[to~~
 10 ~~receive, investigate, make]~~ **solely limited to receiving, investigating, making** findings and
 11 ~~[recommend]~~ **recommending** disciplinary action upon complaints by members of the public
 12 against members of the police department that allege misconduct involving excessive use of
 13 force, abuse of authority, discourtesy, or use of offensive language, including, but not limited
 14 to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The
 15 findings and recommendations of the board, **division, or other entity**, and the basis therefor,
 16 shall be submitted to the chief law enforcement official. No finding or recommendation shall
 17 be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated,
 18 unfounded or withdrawn complaints be the basis for any such findings or recommendations.
 19 **Only the powers specifically granted herein are authorized, and any and all authority**
 20 **granted to future or existing boards, divisions, or entities outside the scope of the powers**
 21 **listed herein are expressly preempted and void as a matter of law.**

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state public
3 defender office personnel appointed pursuant to this chapter; and he or she and the deputy
4 director or directors may participate in the trial and appeal of criminal actions at the request of
5 the defender;

6 (2) Submit to the commission, between August fifteenth and September fifteenth of
7 each year, a report which shall include all pertinent data on the operation of the state public
8 defender system, the costs, projected needs, and recommendations for statutory changes.
9 Prior to October fifteenth of each year, the commission shall submit such report along with
10 such recommendations, comments, conclusions, or other pertinent information it chooses to
11 make to the chief justice, the governor, and the general assembly. Such reports shall be a
12 public record, shall be maintained in the office of the state public defender, and shall be
13 otherwise distributed as the commission shall direct;

14 (3) With the approval of the commission, establish such divisions, facilities and
15 offices and select such professional, technical and other personnel, including investigators, as
16 he deems reasonably necessary for the efficient operation and discharge of the duties of the
17 state public defender system under this chapter;

18 (4) Administer and coordinate the operations of defender services and be responsible
19 for the overall supervision of all personnel, offices, divisions and facilities of the state public
20 defender system, except that the director shall have no authority to direct or control the legal
21 defense provided by a defender to any person served by the state public defender system;

22 (5) Develop programs and administer activities to achieve the purposes of this
23 chapter;

24 (6) Keep and maintain proper financial records with respect to the provision of all
25 public defender services for use in the calculating of direct and indirect costs of any or all
26 aspects of the operation of the state public defender system;

27 (7) Supervise the training of all public defenders and other personnel and establish
28 such training courses as shall be appropriate;

29 (8) With approval of the commission, promulgate necessary rules, regulations and
30 instructions consistent with this chapter defining the organization of the state public defender
31 system and the responsibilities of division directors, district defenders, deputy district
32 defenders, assistant public defenders and other personnel;

33 (9) With the approval of the commission, apply for and accept on behalf of the public
34 defender system any funds which may be offered or which may become available from
35 government grants, private gifts, donations or bequests or from any other source. Such
36 moneys shall be deposited in the ~~[state general revenue]~~ **public defender - federal and other**
37 fund;

38 (10) Contract for legal services with private attorneys on a case-by-case basis and
39 with assigned counsel as the commission deems necessary considering the needs of the area,
40 for fees approved and established by the commission;

41 (11) With the approval and on behalf of the commission, contract with private
42 attorneys for the collection and enforcement of liens and other judgments owed to the state for
43 services rendered by the state public defender system.

44 2. No rule or portion of a rule promulgated under the authority of this chapter shall
45 become effective unless it has been promulgated pursuant to the provisions of section
46 536.024.

47 3. The director and defenders shall, within guidelines as established by the
48 commission and as set forth in subsection 4 of this section, accept requests for legal services
49 from eligible persons entitled to counsel under this chapter or otherwise so entitled under the
50 constitution or laws of the United States or of the state of Missouri and provide such persons
51 with legal services when, in the discretion of the director or the defenders, such provision of
52 legal services is appropriate.

53 4. The director and defenders shall provide legal services to an eligible person:

54 (1) Who is detained or charged with a felony, including appeals from a conviction in
55 such a case;

56 (2) Who is detained or charged with a misdemeanor which will probably result in
57 confinement in the county jail upon conviction, including appeals from a conviction in such a
58 case, unless the prosecuting or circuit attorney has waived a jail sentence;

59 (3) Who is charged with a violation of probation when it has been determined by a
60 judge that the appointment of counsel is necessary to protect the person's due process rights
61 under section 559.036;

62 (4) Who has been taken into custody pursuant to section 632.489, including appeals
63 from a determination that the person is a sexually violent predator and petitions for release,
64 notwithstanding any provisions of law to the contrary;

65 (5) For whom the federal constitution or the state constitution requires the
66 appointment of counsel; and

67 (6) Who is charged in a case in which he or she faces a loss or deprivation of liberty,
68 and in which the federal or the state constitution or any law of this state requires the
69 appointment of counsel; however, the director and the defenders shall not be required to
70 provide legal services to persons charged with violations of county or municipal ordinances,
71 or misdemeanor offenses except as provided in this section.

72 5. The director may:

73 (1) Delegate the legal representation of an eligible person to any member of the state
74 bar of Missouri;

75 (2) Designate persons as representatives of the director for the purpose of making
76 indigency determinations and assigning counsel.

77 **6. There is hereby created within the state treasury the "Public Defender -**
78 **Federal and Other Fund", which shall be funded annually by appropriation and which**
79 **shall contain moneys received from any other funds from government grants, private**
80 **gifts, donations, bequests, or any other source, to be used for the purpose of funding**
81 **local offices of the office of the state public defender. The state treasurer shall be the**
82 **custodian of the fund and shall approve disbursements from the fund upon the request**
83 **of the director of the office of state public defender. Any interest or other earnings with**
84 **respect to amounts transferred to the fund shall be credited to the fund.**
85 **Notwithstanding the provisions of section 33.080 to the contrary, any unexpended**
86 **balances in the fund at the end of any fiscal year shall not be transferred to the general**
87 **revenue fund or any other fund.**

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

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