

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILLS NOS. 2637 & 3155  
AN ACT

To repeal sections 43.500, 43.503, 43.506, 43.509, 43.527, 43.530, 43.533, 43.650, 43.651, 56.265, 211.021, 211.071, 211.319, 211.331, 211.341, 217.362, 217.690, 217.760, 527.270, 556.061, 557.011, 557.021, 558.011, 558.016, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.032, 566.060, 566.103, 566.125, 566.203, 566.209, 566.210, 566.211, 568.045, 568.060, 577.800, 589.400, 589.401, 589.402, 589.403, 589.404, 589.405, 589.407, 589.410, 589.414, 589.415, 589.417, 589.425, 632.489, 632.492, 632.495, 632.504, and 632.520, RSMo, sections 211.021, 211.071, 211.331, 211.341, 211.342, 211.436, 217.362, 217.690, 217.760, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046. 559.115, 566.030, 566.060, 566.125, 566.210, 566.211, 568.060, and 589.425, as enacted by senate substitute no. 3 for senate bill number 888, one hundred third general assembly, second regular session, and sections 589.400 and 589.414 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 2273, 1946, 1814 & 2551, one hundred third general assembly, second regular session, and to enact in lieu thereof sixty-one new sections relating to the criminal justice system, with penalty provisions and

a delayed effective date for certain sections and an emergency clause for certain sections.

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

Section A. Sections 43.500, 43.503, 43.506, 43.509,  
2 43.527, 43.530, 43.533, 43.650, 43.651, 56.265, 211.021,  
3 211.071, 211.319, 211.331, 211.341, 217.362, 217.690, 217.760,  
4 527.270, 556.061, 557.011, 557.021, 558.011, 558.016, 558.019,  
5 558.026, 558.031, 558.046, 559.115, 566.030, 566.032, 566.060,  
6 566.103, 566.125, 566.203, 566.209, 566.210, 566.211, 568.045,  
7 568.060, 577.800, 589.400, 589.401, 589.402, 589.403, 589.404,  
8 589.405, 589.407, 589.410, 589.414, 589.415, 589.417, 589.425,  
9 632.489, 632.492, 632.495, 632.504, and 632.520, RSMo, sections  
10 211.021, 211.071, 211.331, 211.341, 211.342, 211.436, 217.362,  
11 217.690, 217.760, 557.011, 557.021, 558.011, 558.019, 558.026,  
12 558.031, 558.046. 559.115, 566.030, 566.060, 566.125, 566.210,  
13 566.211, 568.060, and 589.425, as enacted by senate substitute  
14 no. 3 for senate bill number 888, one hundred third general  
15 assembly, second regular session, and sections 589.400 and  
16 589.414 as enacted by senate substitute for senate committee  
17 substitute for house committee substitute for house bills nos.  
18 2273, 1946, 1814 & 2551, one hundred third general assembly,  
19 second regular session, are repealed and sixty-one new sections  
20 enacted in lieu thereof, to be known as sections 43.500, 43.503,  
21 43.506, 43.509, 43.527, 43.530, 56.265, 211.021, 211.071,  
22 211.319, 211.331, 211.341, 211.342, 217.362, 217.690, 217.760,  
23 527.270, 556.061, 557.011, 557.021, 558.011, 558.016, 558.019,  
24 558.026, 558.031, 558.046, 559.115, 566.030, 566.032, 566.060,  
25 566.103, 566.125, 566.203, 566.209, 566.210, 566.211, 568.045,  
26 568.060, 577.800, 589.400, 589.401, 589.403, 589.404, 589.405,  
27 589.407, 589.410, 589.411, 589.412, 589.413, 589.414, 589.415,  
28 589.417, 589.425, 589.900, 589.902, 632.489, 632.492, 632.495,  
29 632.504, 632.520, and 1, to read as follows:

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

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

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

19 (3) "Committee", criminal records and justice  
20 information advisory committee;

21 (4) "Comparable ordinance violation", a violation of  
22 an ordinance having all the essential elements of a  
23 statutory felony or a class A misdemeanor;

24 (5) "Criminal history record information", information  
25 collected by criminal justice agencies on individuals  
26 consisting of identifiable descriptions and notations of  
27 arrests, detentions, indictments, informations, or other  
28 formal criminal charges, and any disposition arising  
29 therefrom, sentencing, correctional supervision, and release;

30 (6) "Final disposition", the formal conclusion of a  
31 criminal proceeding at whatever stage it occurs in the  
32 criminal justice system;

33           (7) "Missouri charge code", a unique number assigned  
34 by the office of state courts administrator to an offense  
35 for tracking and grouping offenses. Beginning January 1,  
36 2005, the complete charge code shall consist of digits  
37 assigned by the office of state courts administrator, the  
38 two-digit national crime information center modifiers and a  
39 single digit designating attempt, accessory, or conspiracy.  
40 The only exception to the January 1, 2005, date shall be the  
41 courts that are not using the statewide court automation  
42 case management pursuant to section 476.055; the effective  
43 date will be as soon thereafter as economically feasible for  
44 all other courts;

45           (8) "State offense cycle number", a unique number,  
46 supplied by or approved by the Missouri state highway  
47 patrol, on the state criminal fingerprint card. The offense  
48 cycle number, OCN, is used to link the identity of a person,  
49 through unique biometric identification, to one or many  
50 offenses for which the person is arrested or charged. The  
51 OCN will be used to track an offense incident from the date  
52 of arrest to the final disposition when the offender exits  
53 from the criminal justice system;

54           (9) "Unique biometric identification", automated  
55 methods of recognizing and identifying an individual based  
56 on a physiological characteristic. Biometric identification  
57 methods may include but are not limited to facial  
58 recognition, fingerprints, palm prints, hand geometry, iris  
59 recognition, and retinal scan.

43.503. 1. For the purpose of maintaining complete  
2 and accurate criminal history record information, all police  
3 officers of this state, the clerk of each court, the  
4 department of corrections, the sheriff of each county, the  
5 chief law enforcement official of a city not within a county  
6 and the prosecuting attorney of each county or the circuit

7 attorney of a city not within a county shall submit certain  
8 criminal arrest, charge, and disposition information to the  
9 central repository for filing without undue delay in the  
10 form and manner required by sections 43.500 to [43.651]  
11 43.600.

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

32 3. In order for the Missouri office of prosecution  
33 services to maintain complete and accurate statewide reports  
34 as required by section 56.750, on or before January 1, 2028,  
35 and thereafter, all police officers of this state, the  
36 sheriff and each deputy sheriff of each county, and the  
37 chief law enforcement official of a city not within a county  
38 and his or her officers shall submit referrals for any  
39 traffic violation, ordinance violation, or misdemeanor or

40 felony offense referred to a prosecuting or circuit attorney  
41 in the form and manner approved by the Missouri office of  
42 prosecution services as required by subdivision (7) of  
43 subsection 1 of section 56.750. At a minimum, any referral  
44 to a prosecuting attorney or circuit attorney for a felony  
45 offense shall include a probable cause statement and an  
46 investigative report. Any law enforcement agency that  
47 violates this subsection shall be ineligible to receive  
48 state or federal funds that would otherwise be paid to such  
49 agency for law enforcement, safety, or criminal justice  
50 purposes.

51 4. In instances where an individual [less than  
52 seventeen] under eighteen years of age and not currently  
53 certified as an adult is taken into custody for an offense  
54 [which] that would be a class A or B felony, felony under  
55 chapter 566, or two felony offenses arising from distinct  
56 acts committed within one year of each other, if committed  
57 by an adult, the arresting officer shall take fingerprints  
58 for the central repository. These fingerprints shall be  
59 taken on fingerprint cards supplied by or approved by the  
60 highway patrol or transmitted electronically in a format and  
61 manner approved by the highway patrol and in compliance with  
62 the standards set by the Federal Bureau of Investigation in  
63 its Automated Fingerprint Identification System or its  
64 successor program. [The fingerprint cards shall be so  
65 constructed that the name of the juvenile should not be made  
66 available to the central repository.] The individual's name  
67 and the unique number associated with the fingerprints and  
68 other pertinent information shall be provided to the court  
69 of jurisdiction by the agency taking the juvenile into  
70 custody. The juvenile's fingerprints and other information  
71 shall be forwarded to the central repository and the courts  
72 without undue delay. The fingerprint information from the

73 card shall be captured and stored in the automated  
74 fingerprint identification system operated by the central  
75 repository. In the event the fingerprints are found to  
76 match other tenprints or unsolved latent prints, the central  
77 repository shall notify the submitting agency who shall  
78 notify the court of jurisdiction as per local agreement.  
79 Under section 211.031, in instances where a juvenile over  
80 fifteen and one-half years of age is alleged to have  
81 violated a state or municipal traffic ordinance or  
82 regulation, which does not constitute a felony, and the  
83 juvenile court does not have jurisdiction, the juvenile  
84 shall not be fingerprinted unless certified as an adult.  
85 Records of a juvenile who has been fingerprinted under this  
86 subsection shall be closed records as provided under section  
87 610.120.

88 5. Upon certification of the individual as an adult,  
89 the certifying court shall order a law enforcement agency to  
90 immediately fingerprint and photograph the individual and  
91 certification papers will be forwarded to the appropriate  
92 law enforcement agency with the order for fingerprinting.  
93 The law enforcement agency shall submit such fingerprints,  
94 photograph, and certification papers to the central  
95 repository within fifteen days and shall furnish the offense  
96 cycle number associated with the fingerprints to the  
97 prosecuting attorney or the circuit attorney of a city not  
98 within a county and to the clerk of the court ordering the  
99 subject fingerprinted. If the juvenile is acquitted of the  
100 crime and is no longer certified as an adult, the  
101 prosecuting attorney shall notify within fifteen days the  
102 central repository of the change of status of the juvenile.  
103 Records of a child who has been fingerprinted and  
104 photographed after being taken into custody shall be closed  
105 records as provided under section 610.100 if a petition has

106 not been filed within thirty days of the date that the child  
107 was taken into custody; and if a petition for the child has  
108 not been filed within one year of the date the child was  
109 taken into custody, any records relating to the child  
110 concerning the alleged offense may be expunged under the  
111 procedures in sections 610.122 to 610.126.

112 6. The prosecuting attorney of each county or the  
113 circuit attorney of a city not within a county or the  
114 municipal prosecuting attorney shall notify the central  
115 repository on standard forms supplied by the highway patrol  
116 or in a manner approved by the highway patrol of his or her  
117 decision to not file a criminal charge on any charge  
118 referred to such prosecuting attorney or circuit attorney  
119 for criminal charges. All records forwarded to the central  
120 repository and the courts by prosecutors or circuit  
121 attorneys as required by sections 43.500 to 43.530 shall  
122 include the state offense cycle number of the offense, the  
123 charge code for the offense, and the originating agency  
124 identifier number of the reporting prosecutor, using such  
125 numbers as assigned by the highway patrol.

126 7. The clerk of the courts of each county or city not  
127 within a county or municipal court clerk shall furnish the  
128 central repository, on standard forms supplied by the  
129 highway patrol or in a manner approved by the highway  
130 patrol, with a record of all charges filed, including all  
131 those added subsequent to the filing of a criminal court  
132 case, amended charges, and all final dispositions of cases  
133 for which the central repository has a record of an arrest  
134 or a record of fingerprints reported pursuant to sections  
135 43.500 to 43.506. Such information shall include, for each  
136 charge:

137 (1) All judgments of not guilty, acquittals on the  
138 ground of mental disease or defect excluding responsibility,

139 judgments or pleas of guilty including the sentence, if any,  
140 or probation, if any, pronounced by the court, nolle pros,  
141 discharges, releases and dismissals in the trial court;

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

145 (3) Judgments terminating or revoking a sentence to  
146 probation, supervision or conditional release and any  
147 resentencing after such revocation; and

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

151 8. The clerk of the courts of each county or city not  
152 within a county shall furnish, to the department of  
153 corrections or department of mental health, court judgment  
154 and sentence documents and the state offense cycle number  
155 and the charge code of the offense which resulted in the  
156 commitment or assignment of an offender to the jurisdiction  
157 of the department of corrections or the department of mental  
158 health if the person is committed pursuant to chapter 552.  
159 This information shall be reported to the department of  
160 corrections or the department of mental health at the time  
161 of commitment or assignment. If the offender was already in  
162 the custody of the department of corrections or the  
163 department of mental health at the time of such subsequent  
164 conviction, the clerk shall furnish notice of such  
165 subsequent conviction to the appropriate department by  
166 certified mail, return receipt requested, or in a manner and  
167 format mutually agreed to, within fifteen days of such  
168 disposition.

169 9. Information and fingerprints, photograph and if  
170 available, any other unique biometric identification  
171 collected, forwarded to the central repository, normally

172 obtained from a person at the time of the arrest, may be  
173 obtained at any time the subject is in the criminal justice  
174 system or committed to the department of mental health. A  
175 law enforcement agency or the department of corrections may  
176 fingerprint, photograph, and capture any other unique  
177 biometric identification of the person unless collecting  
178 other unique biometric identification of the person is not  
179 financially feasible for the law enforcement agency, and  
180 obtain the necessary information at any time the subject is  
181 in custody. If at the time of any court appearance, the  
182 defendant has not been fingerprinted and photographed for an  
183 offense in which a fingerprint and photograph is required by  
184 statute to be collected, maintained, or disseminated by the  
185 central repository, the court shall order a law enforcement  
186 agency or court marshal to fingerprint and photograph  
187 immediately the defendant. The order for fingerprints shall  
188 contain the offense, charge code, date of offense, and any  
189 other information necessary to complete the fingerprint  
190 card. The law enforcement agency or court marshal shall  
191 submit such fingerprints, photograph, and if available, any  
192 other unique biometric identification collected, to the  
193 central repository without undue delay and within thirty  
194 days and shall furnish the offense cycle number associated  
195 with the fingerprints to the prosecuting attorney or the  
196 circuit attorney of a city not within a county and to the  
197 court clerk of the court ordering the subject fingerprinted.

198 10. The department of corrections and the department  
199 of mental health shall furnish the central repository with  
200 all information concerning the receipt, escape, execution,  
201 death, release, pardon, parole, commutation of sentence,  
202 granting of executive clemency, legal name change, or  
203 discharge of an individual who has been sentenced to that  
204 department's custody for any offenses which are mandated by

205 law to be collected, maintained or disseminated by the  
206 central repository. All records forwarded to the central  
207 repository by the department as required by sections 43.500  
208 to ~~[43.651]~~ 43.600 shall include the offense cycle number of  
209 the offense, and the originating agency identifier number of  
210 the department using such numbers as assigned by the highway  
211 patrol.

43.506. 1. Those offenses considered reportable for  
2 the purposes of sections 43.500 to ~~[43.651]~~ 43.600 include  
3 all felonies; class A misdemeanors; all violations for  
4 driving under the influence of drugs or alcohol; any offense  
5 that can be enhanced to a class A misdemeanor or higher for  
6 subsequent violations; and comparable ordinance violations  
7 consistent with the reporting standards established by the  
8 National Crime Information Center, Federal Bureau of  
9 Investigation, for the Federal Interstate Identification  
10 Index System; and all cases arising under chapter 566. The  
11 following types of offenses shall not be considered  
12 reportable for the purposes of sections 57.403, 43.500 to  
13 ~~[43.651]~~ 43.600, and 595.200 to 595.218: nonspecific  
14 charges of suspicion or investigation, general traffic  
15 violations and all misdemeanor violations of the state  
16 wildlife code. All offenses considered reportable shall be  
17 reviewed annually and noted in the Missouri charge code  
18 manual established in section 43.512. All information  
19 collected pursuant to sections 43.500 to ~~[43.651]~~ 43.600  
20 shall be available only as set forth in section 610.120.

21 2. Law enforcement agencies, court clerks, prosecutors  
22 and custody agencies may report required information by  
23 electronic medium either directly to the central repository  
24 or indirectly to the central repository via other criminal  
25 justice agency computer systems in the state with the

26 approval of the highway patrol, based upon standards  
27 established by the advisory committee.

28 3. In addition to the repository of fingerprint  
29 records for individual offenders and applicants, the central  
30 repository of criminal history and identification records  
31 for the state shall maintain a repository of latent prints,  
32 palm prints and other unique biometric identification  
33 submitted to the repository.

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

43.527. For purposes of sections 43.500 to [43.651]  
2 43.600, all federal and nonstate of Missouri agencies and  
3 persons shall pay for criminal records checks, fingerprint  
4 searches, and any of the information as defined in  
5 subdivision (5) of section 43.500, when such information is  
6 not related to the administration of criminal justice.  
7 There shall be no charge for information supplied to  
8 criminal justice agencies for the administration of criminal  
9 justice. For purposes of sections 43.500 to [43.651]  
10 43.600, the administration of criminal justice is defined in

11 subdivision (1) of section 43.500 and shall be available  
12 only as set forth in section 610.120.

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

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

19 3. A request made under subsections 1 and 2 of this  
20 section shall be limited to check and search on one  
21 individual. Each request shall be accompanied by a check,  
22 warrant, voucher, money order, or electronic payment payable  
23 to the state of Missouri-criminal record system or payment  
24 shall be made in a manner approved by the highway patrol.  
25 The highway patrol may establish procedures for receiving  
26 requests for criminal history record information for  
27 classification and search for fingerprints, from courts and  
28 other entities, and for the payment of such requests. There  
29 is hereby established by the treasurer of the state of  
30 Missouri a fund to be entitled as the "Criminal Record  
31 System Fund". Notwithstanding the provisions of section

32 33.080 to the contrary, if the moneys collected and  
33 deposited into this fund are not totally expended annually  
34 for the purposes set forth in sections 43.500 to [43.651]  
35 43.600, the unexpended moneys in such fund shall remain in  
36 the fund and the balance shall be kept in the fund to  
37 accumulate from year to year.

56.265. 1. The county prosecuting attorney in any  
2 county[, other than in a chartered county,] shall receive an  
3 annual salary computed using the following schedule, when  
4 applicable. The assessed valuation factor shall be the  
5 amount thereof as shown for the year immediately preceding  
6 the year for which the computation is done by the Missouri  
7 tax commission.

8 (1) For a full-time [prosecutor] prosecuting attorney  
9 of a charter, first, or second class county, or of a city  
10 not within a county, the [prosecutor] prosecuting attorney  
11 shall receive compensation equal to one hundred percent of  
12 the compensation of [an associate] a circuit judge[;].

13 (2) [For a part-time prosecutor:] Upon approval by a  
14 majority of the county commission, a full-time prosecuting  
15 attorney of a third or fourth class county shall receive  
16 compensation equal to ninety-five percent of the  
17 compensation of a circuit judge.

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

| [Assessed Valuation        | Amount   |
|----------------------------|----------|
| \$18,000,000 to 40,999,999 | \$37,000 |
| 41,000,000 to 53,999,999   | 38,000   |

|    |                            |         |
|----|----------------------------|---------|
| 25 | 54,000,000 to 65,999,999   | 39,000  |
| 26 | 66,000,000 to 85,999,999   | 41,000  |
| 27 | 86,000,000 to 99,999,999   | 43,000  |
| 28 | 100,000,000 to 130,999,999 | 45,000  |
| 29 | 131,000,000 to 159,999,999 | 47,000  |
| 30 | 160,000,000 to 189,999,999 | 49,000  |
| 31 | 190,000,000 to 249,999,999 | 51,000  |
| 32 | 250,000,000 to 299,999,999 | 53,000  |
| 33 | 300,000,000 or more        | 55,000] |

34           (4) Notwithstanding any other provision of this  
35 section to the contrary, no prosecuting attorney who has  
36 held the office of prosecuting attorney prior to January 1,  
37 2027, shall have their compensation lowered by the  
38 implementation of the compensation procedures of this  
39 section, nor shall any prosecuting attorney have their  
40 compensation lowered during their tenure of office.

41           2. Two thousand dollars of the salary shall be payable  
42 to any prosecuting attorney only if the prosecuting attorney  
43 has completed at least twenty hours of classroom instruction  
44 each calendar year relating to the operations of the  
45 prosecuting attorney's office when approved by a  
46 professional association of the county prosecuting attorneys  
47 of Missouri unless exempted from the training by the  
48 professional association. The professional association  
49 approving the program shall provide a certificate of  
50 completion to each prosecuting attorney who completes the  
51 training program and shall send a list of certified  
52 prosecuting attorneys to the treasurer of each county or

53 city not within a county. Expenses incurred for attending  
54 the training session may be reimbursed to the prosecuting  
55 attorney in the same manner as other expenses as may be  
56 appropriated for that purpose.

57 3. Each calendar year, five thousand dollars of the  
58 salary shall be payable to any prosecuting attorney only if  
59 the prosecuting attorney has collected the data described in  
60 subsection 2 of section 56.750 in a manner approved by the  
61 prosecutors coordinators training council and makes the data  
62 described in subsection 2 of section 56.750 readily  
63 accessible to the Missouri office of prosecution services.  
64 The Missouri office of prosecution services shall provide a  
65 certificate of compliance to each prosecuting attorney who  
66 complies with this subsection and shall send a list of any  
67 certified prosecuting attorney to the respective treasurer  
68 of each county or city not within a county.

69 4. For each calendar year, three thousand dollars of  
70 the salary shall be payable to any prosecuting attorney only  
71 if the prosecuting attorney has provided discovery to  
72 criminal defense attorneys who have entered an appearance on  
73 behalf of a defendant in a manner approved by the  
74 prosecutors coordinators training council. The Missouri  
75 office of prosecution services shall provide a certificate  
76 of compliance to each prosecuting attorney who complies with  
77 this subsection and shall send a list of any certified  
78 prosecuting attorney to the respective treasurer of each  
79 county or city not within a county.

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

83 6. The prosecuting attorney of any county which  
84 becomes a county of the first classification during a four-  
85 year term of office or a county which passed the proposition

86 authorized by subsection 1 of section 56.363 shall not be  
87 required to devote full time to such office pursuant to  
88 section 56.067 until the beginning of the prosecuting  
89 attorney's next term of office or until the proposition  
90 otherwise becomes effective.

91 7. Notwithstanding any other provision of law to the  
92 contrary, any county with a vacancy in the office of  
93 prosecuting attorney for more than sixty days may  
94 consolidate with one contiguous county with a sitting  
95 prosecuting attorney upon a unanimous vote of the county  
96 commissions of such counties to establish a cooperative  
97 regional prosecuting attorney's office at any time. The  
98 prosecuting attorney of the contiguous county shall then  
99 become the prosecuting attorney of that region for the  
100 remainder of that prosecuting attorney's term of office or  
101 until such time as the governor appoints a prosecuting  
102 attorney to fill the vacant prosecuting attorney position  
103 pursuant to section 105.030. Regional prosecuting attorneys  
104 shall be designated as full-time prosecuting attorneys and  
105 shall be compensated in the manner provided under the  
106 provisions of subdivision (2) of subsection 1 of this  
107 section, and their compensation shall be determined by the  
108 highest assessed value of the counties within the region.  
109 No two counties that each have sitting prosecuting attorneys  
110 shall be permitted to consolidate in the manner described in  
111 this section.

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

115 9. (1) There is hereby created in the state treasury  
116 the "Missouri State Prosecutorial Services Grant Fund",  
117 which shall consist of moneys appropriated by the general  
118 assembly.

119           (2) The state treasurer shall be custodian of the  
120 fund. In accordance with sections 30.170 and 30.180, the  
121 state treasurer may approve disbursements. The fund shall  
122 be a dedicated fund and, upon appropriation, moneys in this  
123 fund shall be used solely as provided in section and shall  
124 be allocated to counties of the third and fourth  
125 classification on the basis of need in order for such  
126 counties to be in compliance with the prosecuting attorney  
127 compensation provisions of this section.

128           (3) Notwithstanding the provisions of section 33.080  
129 to the contrary, any moneys remaining in the fund at the end  
130 of the biennium shall not revert to the credit of the  
131 general revenue fund.

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

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

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

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

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

12          (4) "Juvenile detention facility", a place  
13 for the temporary care of a juvenile in judicial  
14 custody in a proceeding under subdivision (2) or  
15 (3) of subsection 1 of section 211.031 and  
16 includes a place that is physically confining,  
17 but does not include a jail or other adult  
18 detention facility unless the juvenile is  
19 seventeen years of age or older or unless the  
20 juvenile detention facility is operated,  
21 administered, and staffed separately and  
22 independently of a jail or other adult detention

23 facility and used exclusively for the lawful  
24 custody and treatment of juveniles. A juvenile  
25 detention facility may be located in the same  
26 building or grounds as a jail or other adult  
27 detention facility if there is spatial  
28 separation between the facilities which prevents  
29 haphazard or accidental contact between juvenile  
30 and adult detainees; there is separation between  
31 juvenile and adult program activities; and there  
32 are separate juvenile and adult staff other than  
33 specialized support staff who have infrequent  
34 contact with detainees. The facility may be  
35 owned or operated by public or private agencies;

36 (5) "Legal custody" [means], the right to  
37 the care, custody and control of a child and the  
38 duty to provide food, clothing, shelter,  
39 ordinary medical care, education, treatment and  
40 discipline of a child. Legal custody may be  
41 taken from a parent only by court action and if  
42 the legal custody is taken from a parent without  
43 termination of parental rights, the parent's  
44 duty to provide support continues even though  
45 the person having legal custody may provide the  
46 necessities of daily living;

47 [(5)] (6) "Parent" [means], either a  
48 natural parent or a parent by adoption and if  
49 the child is illegitimate, "parent" means the  
50 mother;

51 [(6)] (7) "Shelter care" [means], the  
52 temporary care of juveniles in physically  
53 unrestricting facilities pending final court  
54 disposition. These facilities may include:

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

59 (b) "Group foster home", the private home  
60 of foster parents providing twenty-four-hour  
61 care to no more than six children unrelated to  
62 the foster parents by blood, marriage or  
63 adoption;

64 (c) "Group home", a child care facility  
65 which approximates a family setting, provides  
66 access to community activities and resources,  
67 and provides care to no more than twelve  
68 children.]

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

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

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

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

(4) "Juvenile detention facility", a place for the temporary care of a juvenile in judicial custody in a proceeding under subdivision (2) or (3) of subsection 1 of section 211.031 and includes a place that is physically confining, but does not include a jail or other adult detention facility unless the juvenile is eighteen years of age or older or unless the juvenile detention facility is operated, administered, and staffed separately and independently of a jail or other adult detention facility and used exclusively for the lawful custody and treatment of juveniles. A juvenile detention facility may be located in the same building or grounds as a jail or other adult detention facility if there is spatial separation between the facilities which prevents haphazard or accidental contact between juvenile and adult detainees; there is separation between juvenile and adult program activities; and there are separate juvenile and adult staff other than specialized support staff who have infrequent contact with detainees. The facility may be owned or operated by public or private agencies;

(5) "Legal custody" [means], the right to the care, custody and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education, treatment and discipline of a child. Legal custody may be

34 taken from a parent only by court action and if the legal  
35 custody is taken from a parent without termination of  
36 parental rights, the parent's duty to provide support  
37 continues even though the person having legal custody may  
38 provide the necessities of daily living;

39 [(5)] (6) "Parent" [means], either a natural parent or  
40 a parent by adoption and if the child is illegitimate,  
41 "parent" means the mother;

42 [(6)] (7) "Shelter care" [means], the temporary care  
43 of juveniles in physically unrestricting facilities pending  
44 final court disposition. These facilities may include:

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

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

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

2 [211.071. 1. (1) If a petition or motion  
3 to modify alleges that a child between the ages  
4 of fourteen and eighteen has committed an  
5 offense that would be considered a class A or B  
6 felony, felony under chapter 566, or three  
7 felony offenses arising from distinct acts  
8 committed within one hundred eighty days of each  
9 other, if committed by an adult, the court may,  
10 upon its own motion or upon motion by the  
11 juvenile officer, the office of the prosecuting  
12 or circuit attorney, the child, or the child's  
13 custodian, order a hearing at which the  
14 prosecuting or circuit attorney may present  
evidence if the prosecuting or circuit attorney

15 filed the petition, and may, in its discretion,  
16 dismiss the petition or motion to modify and  
17 such child may be transferred to the court of  
18 general jurisdiction and prosecuted under the  
19 general law; except that, if a petition alleges  
20 that a child between the ages of twelve and  
21 eighteen has committed an offense that would be  
22 considered first degree murder under section  
23 565.020, second degree murder under section  
24 565.021, first degree assault under section  
25 565.050, forcible rape under section 566.030 as  
26 it existed prior to August 28, 2013, rape in the  
27 first degree under section 566.030, forcible  
28 sodomy under section 566.060 as it existed prior  
29 to August 28, 2013, sodomy in the first degree  
30 under section 566.060, first degree robbery  
31 under section 569.020 as it existed prior to  
32 January 1, 2017, robbery in the first degree  
33 under section 570.023, distribution of drugs  
34 under section 195.211 as it existed prior to  
35 January 1, 2017, or the manufacturing of a  
36 controlled substance under section 579.055, if  
37 committed by an adult, or a dangerous felony as  
38 defined in section 556.061, or any felony  
39 involving the use, assistance, or aid of a  
40 deadly weapon, or has committed two or more  
41 prior unrelated offenses that would be felonies  
42 if committed by an adult, the court shall order  
43 a hearing, and may, in its discretion, dismiss  
44 the petition or motion to modify and transfer  
45 the child to a court of general jurisdiction for  
46 prosecution under the general law.

47 (2) The moving party shall be solely  
48 responsible for all duties enumerated under this  
49 section. If the juvenile officer forwards to  
50 the prosecuting or circuit attorney a class A or  
51 B felony that is not certified by the juvenile  
52 officer, the prosecuting or circuit attorney  
53 shall notify the juvenile officer within  
54 fourteen days of the decision to certify the  
55 case.

56 2. Upon apprehension and arrest,  
57 jurisdiction over the criminal offense allegedly  
58 committed by any person between eighteen and  
59 twenty-one years of age over whom the juvenile  
60 court has retained continuing jurisdiction shall

61 automatically terminate and that offense shall  
62 be dealt with in the court of general  
63 jurisdiction as provided in section 211.041.

64 3. Knowing and willful age  
65 misrepresentation by a juvenile subject shall  
66 not affect any action or proceeding which occurs  
67 based upon the misrepresentation. Any evidence  
68 obtained during the period of time in which a  
69 child misrepresents his or her age may be used  
70 against the child and will be subject only to  
71 rules of evidence applicable in adult  
72 proceedings.

73 4. Written notification of a transfer  
74 hearing shall be given to the juvenile and his  
75 or her custodian in the same manner as provided  
76 in sections 211.101 and 211.111. Notice of the  
77 hearing may be waived by the custodian. Notice  
78 shall contain a statement that the purpose of  
79 the hearing is to determine whether the child is  
80 a proper subject to be dealt with under the  
81 provisions of this chapter, and that if the  
82 court finds that the child is not a proper  
83 subject to be dealt with under the provisions of  
84 this chapter, the petition or motion to modify  
85 will be dismissed to allow for prosecution of  
86 the child under the general law.

87 5. The juvenile officer [may] shall  
88 consult with the office of prosecuting or  
89 circuit attorney concerning any offense for  
90 which the child could be certified as an adult  
91 under this section. The prosecuting or circuit  
92 attorney shall [have access to] be provided  
93 police reports, reports of the juvenile or  
94 deputy juvenile officer, statements of  
95 witnesses, a copy of the completed Missouri  
96 Juvenile Detention Assessment Form (JDTA) or  
97 similar form that was used in determining  
98 detention, and all other records or reports  
99 relating to the offense alleged to have been  
100 committed by the child. The prosecuting or  
101 circuit attorney shall have access to the  
102 disposition records of the child when the child  
103 has been adjudicated pursuant to subdivision (3)  
104 of subsection 1 of section 211.031. The  
105 prosecuting or circuit attorney shall not  
106 divulge any information regarding the child and

107 the offense until the juvenile court at a  
108 judicial hearing has determined that the child  
109 is not a proper subject to be dealt with under  
110 the provisions of this chapter. Any sanction  
111 recommended as a result of the JDTA shall be  
112 used as a guideline and shall not be mandatory.

113 6. In every incident, the juvenile officer  
114 shall consider legally sufficient charges  
115 submitted by a law enforcement agency when  
116 utilizing the JDTA form to determine whether or  
117 not to detain a child and shall provide a copy  
118 of that completed JDTA form to the law  
119 enforcement agency once a determination has been  
120 made. For purposes of this section, the term  
121 "legally sufficient" means a reasonable belief  
122 with articulable facts that a crime has been or  
123 is being committed based on the totality of the  
124 circumstances.

125 7. Notwithstanding any other provision of  
126 law or the Missouri supreme court operating  
127 rules to the contrary, law enforcement agencies  
128 who detain juveniles for offenses where  
129 fingerprinting is required, shall collect  
130 fingerprints and forward detention information  
131 to the central repository, in a manner  
132 prescribed by the central repository. The  
133 juvenile officer and court of jurisdiction over  
134 the juvenile offender shall report all  
135 adjudication, delinquency, and custody  
136 information to the central repository, in a  
137 manner prescribed by the central repository.  
138 All information reported under this section  
139 shall be available to criminal justice agencies  
140 for the administration of criminal justice under  
141 section 43.500 through the Missouri Uniform Law  
142 Enforcement System (MULES). Such records  
143 maintained by the central repository under this  
144 subsection shall be closed pursuant to section  
145 610.120.

146 8. A written report shall be prepared in  
147 accordance with this chapter developing fully  
148 all available information relevant to the  
149 criteria which shall be considered by the court  
150 in determining whether the child is a proper  
151 subject to be dealt with under the provisions of  
152 this chapter and whether there are reasonable

153 prospects of rehabilitation within the juvenile  
154 justice system. These criteria shall include  
155 but not be limited to:

156 (1) The seriousness of the offense alleged  
157 and whether the protection of the community  
158 requires transfer to the court of general  
159 jurisdiction;

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

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

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

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

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

178 (7) The age of the child;

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

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

184 (10) Racial disparity in certification.

185 **[7.]** 9. If the court dismisses the  
186 petition to permit the child to be prosecuted  
187 under the general law, the court shall enter a  
188 dismissal order containing:

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

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

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

196 (4) Findings showing the reasons  
197 underlying the court's decision to transfer  
198 jurisdiction.

199 [8.] 10. A copy of the petition or motion  
200 to modify and order of the dismissal shall be  
201 sent to the prosecuting attorney.

202 [9.] 11. When a petition or motion to  
203 modify has been dismissed thereby permitting a  
204 child to be prosecuted under the general law and  
205 the prosecution of the child results in a  
206 conviction, the jurisdiction of the juvenile  
207 court over that child is forever terminated,  
208 except as provided in subsection [10] 12 of this  
209 section, for an act that would be a violation of  
210 a state law or municipal ordinance.

211 [10.] 12. If a petition or motion to  
212 modify has been dismissed thereby permitting a  
213 child to be prosecuted under the general law and  
214 the child is found not guilty by a court of  
215 general jurisdiction, the juvenile court shall  
216 have jurisdiction over any later offense  
217 committed by that child which would be  
218 considered a misdemeanor or felony if committed  
219 by an adult, subject to the certification  
220 provisions of this section.

221 [11.] 13. If the court does not dismiss  
222 the petition or motion to modify to permit the  
223 child to be prosecuted under the general law, it  
224 shall set a date for the hearing upon the  
225 petition as provided in section 211.171.]

211.071. 1. (1) If a petition or motion to modify  
2 alleges that a child between the ages of fourteen and  
3 eighteen has committed an offense that would be considered a  
4 class A or B felony, felony under chapter 566, or three  
5 felony offenses arising from distinct acts committed within  
6 one hundred eighty days of each other, if committed by an  
7 adult, the court may, upon its own motion or upon motion by  
8 the juvenile officer, the office of the prosecuting or  
9 circuit attorney, the child, or the child's custodian, order  
10 a hearing at which the prosecuting or circuit attorney may  
11 present evidence if the prosecuting or circuit attorney  
12 filed the motion, and may, in its discretion, dismiss the  
13 petition or motion to modify and such child may be

14 transferred to the court of general jurisdiction and  
15 prosecuted under the general law; except that, if a petition  
16 alleges that a child between the ages of twelve and eighteen  
17 has committed an offense that would be considered first  
18 degree murder under section 565.020, second degree murder  
19 under section 565.021, first degree assault under section  
20 565.050, forcible rape under section 566.030 as it existed  
21 prior to August 28, 2013, rape in the first degree under  
22 section 566.030, forcible sodomy under section 566.060 as it  
23 existed prior to August 28, 2013, sodomy in the first degree  
24 under section 566.060, first degree robbery under section  
25 569.020 as it existed prior to January 1, 2017, robbery in  
26 the first degree under section 570.023, distribution of  
27 drugs under section 195.211 as it existed prior to January  
28 1, 2017, or the manufacturing of a controlled substance  
29 under section 579.055, if committed by an adult, or a  
30 dangerous felony as defined in section 556.061, or any  
31 felony involving the use, assistance, or aid of a deadly  
32 weapon, or has committed two or more prior unrelated  
33 offenses that would be felonies if committed by an adult,  
34 the court shall order a hearing, and may, in its discretion,  
35 dismiss the petition or motion to modify and transfer the  
36 child to a court of general jurisdiction for prosecution  
37 under the general law.

38 (2) The moving party shall be solely responsible for  
39 all duties enumerated under this section. If the juvenile  
40 officer forwards to the prosecuting or circuit attorney a  
41 class A or B felony that is not certified by the juvenile  
42 officer, the prosecuting or circuit attorney shall notify  
43 the juvenile officer within fourteen days of the decision to  
44 certify the case. Should certification be sought, the  
45 prosecuting attorney shall have no more than fourteen days  
46 to file such motion.

47           2. Upon apprehension and arrest, jurisdiction over the  
48 criminal offense allegedly committed by any person between  
49 eighteen and twenty-one years of age over whom the juvenile  
50 court has retained continuing jurisdiction shall  
51 automatically terminate and that offense shall be dealt with  
52 in the court of general jurisdiction as provided in section  
53 211.041.

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

61           4. Written notification of a transfer hearing shall be  
62 given to the juvenile and his or her custodian in the same  
63 manner as provided in sections 211.101 and 211.111. Notice  
64 of the hearing may be waived by the custodian. Notice shall  
65 contain a statement that the purpose of the hearing is to  
66 determine whether the child is a proper subject to be dealt  
67 with under the provisions of this chapter, and that if the  
68 court finds that the child is not a proper subject to be  
69 dealt with under the provisions of this chapter, the  
70 petition or motion to modify will be dismissed to allow for  
71 prosecution of the child under the general law.

72           5. The juvenile officer **[may]** shall consult with the  
73 office of prosecuting or circuit attorney concerning any  
74 offense for which the child could be certified as an adult  
75 under this section. The prosecuting or circuit attorney  
76 shall **[have access to]** be provided police reports, reports  
77 of the juvenile or deputy juvenile officer, statements of  
78 witnesses, a copy of the completed Missouri Juvenile  
79 Detention Assessment Form (JDTA) or similar form that was

80 used in determining detention, and all other records or  
81 reports relating to the offense alleged to have been  
82 committed by the child. The prosecuting or circuit attorney  
83 shall have access to the disposition records of the child  
84 when the child has been adjudicated pursuant to subdivision  
85 (3) of subsection 1 of section 211.031. The prosecuting or  
86 circuit attorney shall not divulge any information regarding  
87 the child and the offense until the juvenile court at a  
88 judicial hearing has determined that the child is not a  
89 proper subject to be dealt with under the provisions of this  
90 chapter. Any recommendation as a result of the JDTA shall  
91 be used as a guideline and shall not be mandatory.

92 6. In every incident, the juvenile officer shall  
93 consider legally sufficient charges submitted by a law  
94 enforcement agency when utilizing the JDTA form to determine  
95 whether or not to detain a child and shall provide a copy of  
96 that completed JDTA form to the law enforcement agency once  
97 a determination has been made. For purposes of this  
98 section, the term "legally sufficient" means a reasonable  
99 belief with articulable facts that a crime has been or is  
100 being committed based on the totality of the circumstances.

101 7. Notwithstanding any other provision of law or the  
102 Missouri supreme court operating rules to the contrary, law  
103 enforcement agencies who detain juveniles for offenses where  
104 fingerprinting is required, shall collect fingerprints and  
105 forward detention information to the central repository, in  
106 a manner prescribed by the central repository. The juvenile  
107 officer and court of jurisdiction over the juvenile offender  
108 shall report all adjudication, delinquency, and custody  
109 information to the central repository, in a manner  
110 prescribed by the central repository. All information  
111 reported under this section shall be available to criminal  
112 justice agencies for the administration of criminal justice

113 under section 43.500 through the Missouri Uniform Law  
114 Enforcement System (MULES). Such records maintained by the  
115 central repository under this subsection shall be closed  
116 pursuant to section 610.120.

117 8. A written report shall be prepared in accordance  
118 with this chapter developing fully all available information  
119 relevant to the criteria which shall be considered by the  
120 court in determining whether the child is a proper subject  
121 to be dealt with under the provisions of this chapter and  
122 whether there are reasonable prospects of rehabilitation  
123 within the juvenile justice system. These criteria shall  
124 include but not be limited to:

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

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

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

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

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

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

144 (7) The age of the child;

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

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

150 (10) Racial disparity in certification.

151 [7.] 9. If the court dismisses the petition to permit  
152 the child to be prosecuted under the general law, the court  
153 shall enter a dismissal order containing:

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

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

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

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

162 [8.] 10. A copy of the petition or motion to modify  
163 and order of the dismissal shall be sent to the prosecuting  
164 attorney.

165 [9.] 11. When a petition or motion to modify has been  
166 dismissed thereby permitting a child to be prosecuted under  
167 the general law and the prosecution of the child results in  
168 a conviction, the jurisdiction of the juvenile court over  
169 that child is forever terminated, except as provided in  
170 subsection [10] 12 of this section, for an act that would be  
171 a violation of a state law or municipal ordinance.

172 [10.] 12. If a petition or motion to modify has been  
173 dismissed thereby permitting a child to be prosecuted under  
174 the general law and the child is found not guilty by a court  
175 of general jurisdiction, the juvenile court shall have  
176 jurisdiction over any later offense committed by that child  
177 which would be considered a misdemeanor or felony if

178 committed by an adult, subject to the certification  
179 provisions of this section.

180 [11.] 13. If the court does not dismiss the petition  
181 or motion to modify to permit the child to be prosecuted  
182 under the general law, it shall set a date for the hearing  
183 upon the petition as provided in section 211.171.

211.319. 1. On or before July 1, 2005, all juvenile  
2 court proceedings conducted pursuant to subdivision (1) of  
3 subsection 1 of section 211.031 and for termination of  
4 parental rights cases pursuant to sections 211.442 to  
5 211.487 initiated by a juvenile officer or the division  
6 shall be open to the public; except that, when the parent  
7 has consented in writing to the termination of his or her  
8 parental rights in conjunction with a placement with a  
9 licensed child-placing agency under subsection 6 of section  
10 453.010, the hearing shall be closed. The court, on its own  
11 motion, may exclude for good cause shown any person or  
12 persons from the proceedings to protect the welfare and best  
13 interests of the child and for exceptional circumstances.  
14 Any party to a juvenile court proceeding referred to in this  
15 subsection, except the state, may file a motion requesting  
16 that the general public be excluded from the proceeding or  
17 any portion of the proceeding. Upon the filing of such  
18 motion, the court shall hear arguments by the parties, but  
19 no evidence, and shall make a determination whether closure  
20 is in the best interest of the parties or whether it is in  
21 the public interest to deny such motion. The court shall  
22 make a finding on the record when a motion to close a  
23 hearing pursuant to this section is made and heard by the  
24 court.

25 2. Notwithstanding the provisions of subsection 1 of  
26 this section, the general public shall be excluded from all  
27 juvenile court proceedings referred to in subsection 1 of

28 this section during the testimony of any child or victim and  
29 only such persons who have a direct interest in the case or  
30 in the work of the court will be admitted to the proceedings.

31 3. For juvenile court proceedings described in  
32 subsection 1 of this section, pleadings and orders of the  
33 juvenile court other than confidential files and those  
34 specifically ordered closed by the juvenile court judge  
35 shall be open to the general public. For purposes of this  
36 section, "confidential file" means all other records and  
37 reports considered closed or confidential by law, including  
38 but not limited to medical reports, psychological or  
39 psychiatric evaluations, investigation reports of the  
40 children's division, social histories, home studies, and  
41 police reports and law enforcement records. Only persons  
42 who are found by the court to have a legitimate interest  
43 shall be allowed access to confidential or closed files. In  
44 determining whether a person has a legitimate interest, the  
45 court shall consider the nature of the proceedings, the  
46 welfare and safety of the public, and the interest of any  
47 child involved.

48 4. For records made available to the public pursuant  
49 to this section:

50 (1) The identity of any child involved except the  
51 perpetrator shall not be disclosed and all references in  
52 such records to the identity of any child involved except  
53 the perpetrator shall be redacted prior to disclosure to the  
54 public; and

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

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

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

          [211.331. 1. In each county of the first  
2 and second classifications and in [the city of  
3 St. Louis] any city not within a county, it is  
4 the duty of the county [commission, or, where  
5 there is no county commission, such other  
6 authorized] governing body, to provide a place  
7 of juvenile detention [for children coming  
8 within the provisions of this chapter] or  
9 juvenile detention facility. It is also the  
10 duty of the county [commission or other  
11 authorized] governing body to provide offices  
12 for the personnel of the juvenile court.

          2. The place of juvenile detention or  
14 juvenile detention facility shall be so located  
15 and arranged that the child being detained does  
16 not come in contact, at any time or in any  
17 manner, with adults convicted or under arrest,  
18 and the care of children in detention shall  
19 approximate as closely as possible the care of  
20 children in good homes.

          3. The place of juvenile detention or  
22 juvenile detention facility shall be in charge  
23 of a superintendent. The judge of the juvenile  
24 court or the family court administrator, if  
25 provided by local rule, shall appoint and fix  
26 the compensation and maintenance of the  
27 superintendent and of any assistants or other  
28 personnel required to operate the detention  
29 facility. Such compensation and maintenance are  
30 payable out of funds of the county.

          4. The county [commission or other]  
32 governing body [of the county] is authorized to  
33 lease or to acquire by purchase, gift or devise  
34 land for such purpose, and to erect buildings  
35 thereon and to provide funds to equip and

36 maintain the same for the subsistence and  
37 education of the children placed therein.]

211.331. 1. In each county of the first and second  
2 classifications and in [the city of St. Louis] any city not  
3 within a county, it is the duty of the county [commission,  
4 or, where there is no county commission, such other  
5 authorized] governing body[, ] to provide a place of juvenile  
6 detention [for children coming within the provisions of this  
7 chapter] or juvenile detention facility. It is also the  
8 duty of the county [commission or other authorized]  
9 governing body to provide offices for the personnel of the  
10 juvenile court.

11 2. The place of juvenile detention or juvenile  
12 detention facility shall be so located and arranged that the  
13 child being detained does not come in contact, at any time  
14 or in any manner, with adults convicted or under arrest, and  
15 the care of children in detention shall approximate as  
16 closely as possible the care of children in good homes.

17 3. The place of juvenile detention or juvenile  
18 detention facility shall be in charge of a superintendent.  
19 The judge of the juvenile court or the family court  
20 administrator, if provided by local rule, shall appoint and  
21 fix the compensation and maintenance of the superintendent  
22 and of any assistants or other personnel required to operate  
23 the detention facility. Such compensation and maintenance  
24 are payable out of funds of the county.

25 4. The county [commission or other] governing body [of  
26 the county] is authorized to lease or to acquire by  
27 purchase, gift or devise land for such purpose, and to erect  
28 buildings thereon and to provide funds to equip and maintain  
29 the same for the subsistence and education of the children  
30 placed therein.

2 [211.341. 1. [Counties of the third and  
fourth classes within one judicial circuit,

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

18 2. The recommendation of the [circuit]  
19 presiding judge provided in subsection 1 of this  
20 section shall be made only after a hearing  
21 conducted by [him] the judge, after thirty days'  
22 notice, to determine the need and feasibility of  
23 establishing such a place of juvenile detention  
24 or juvenile detention facility within the  
25 judicial circuit.

26 3. The provisions of section 211.331 apply  
27 as to the form of operation and means of  
28 maintenance of the place of juvenile detention  
29 or juvenile detention facility, except that the  
30 total cost of establishment and operation of the  
31 places of juvenile detention or juvenile  
32 detention facilities shall be prorated among the  
33 several counties within that judicial circuit  
34 upon a ratio to be determined by a comparison of  
35 the respective populations of the counties. The  
36 point of location of the place of juvenile  
37 detention or juvenile detention facility shall  
38 be determined by the [circuit] presiding judge  
39 of the judicial circuit or pursuant to an  
40 agreement established by section 211.342.

41 [2. Circuit judges of any two or more  
42 adjoining judicial circuits after a hearing as  
43 provided in subsection 1 may, by agreement  
44 confirmed by judicial order, and] 4. In the  
45 interest of economy of administration, after a  
46 hearing as provided in subsection 2 of this  
47 section, the presiding judges of any two or more  
48 adjoining judicial circuit may establish one

49 place of juvenile detention or juvenile  
50 detention facility to serve their respective  
51 judicial circuits, by agreement confirmed by  
52 judicial order. In such event, the [circuit]  
53 presiding judges so agreeing shall jointly  
54 govern the affairs of the place of juvenile  
55 detention or juvenile detention facility and the  
56 cost thereof shall be apportioned among the  
57 counties served in the manner provided for in  
58 subsection 1 of this section.

59 [3.] 5. Any county of the third or fourth  
60 class desiring to provide its own place of  
61 juvenile detention or juvenile detention  
62 facility may do so in the manner prescribed for  
63 counties of the first and second classes.]

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

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

21 3. The provisions of section 211.331 apply as to the  
22 form of operation and means of maintenance of the place of

23 juvenile detention or juvenile detention facility, except  
24 that the total cost of establishment and operation of the  
25 places of juvenile detention or juvenile detention  
26 facilities shall be prorated among the several counties  
27 within that judicial circuit upon a ratio to be determined  
28 by a comparison of the respective populations of the  
29 counties. The point of location of the place of juvenile  
30 detention or juvenile detention facility shall be determined  
31 by the [circuit] presiding judge of the judicial circuit or  
32 pursuant to an agreement established by section 211.342.

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

47 [3.] 5. Any county of the third or fourth class  
48 desiring to provide its own place of juvenile detention or  
49 juvenile detention facility may do so in the manner  
50 prescribed for counties of the first and second classes.

[211.342. 1. (1) In coordination with  
2 each other, the governing bodies of the counties  
3 within the same judicial circuit may establish a  
4 juvenile detention facility to serve the  
5 judicial circuit.

6 (2) The governing body of each county  
7 desiring to coordinate a juvenile detention

8 facility under this subsection shall approve an  
9 ordinance, order, or resolution authorizing a  
10 juvenile detention facility within one of the  
11 counties and shall approve an agreement between  
12 all counties within the same judicial circuit,  
13 as specified by subsection 4 of this section.

14 2. (1) In coordination with each other,  
15 the governing bodies of the counties in  
16 adjoining judicial circuits may establish a  
17 juvenile detention facility to serve the  
18 judicial circuits.

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

27 3. The governing body of each county  
28 desiring to coordinate a juvenile detention  
29 facility under subsection 1 or 2 of this section  
30 shall notify the presiding judge of the judicial  
31 circuit or each judicial circuit of the  
32 authorization of a juvenile detention facility.  
33 The notice shall include the authorizing  
34 ordinance, order, or resolution of each county  
35 and the approved agreement, as specified in  
36 subsection 4 of this section.

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

39 (1) The total cost of establishment and  
40 operation of the places of detention;

41 (2) The prorated formula for the  
42 calculation of each county's contribution to the  
43 costs of a juvenile detention facility based  
44 upon a ratio of the respective populations of  
45 the counties;

46 (3) The methods and powers that may be  
47 used for constructing, leasing, or financing a  
48 juvenile detention facility;

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

51 (5) The point of location of the place of  
52 juvenile detention facility.



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are opposed to the question, place an "X"  
in the box opposite "NO".

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If a majority of the votes cast on the proposal  
by the qualified voters of the county voting  
thereon are in favor of the proposal, then the  
order and any amendment to such order shall be  
in effect on the first day of the second quarter  
immediately following the election approving the  
proposal. If the proposal receives less than  
the required majority, the governing body of the  
county shall have no power to impose the sales  
tax authorized pursuant to this section unless  
and until the governing body of the county shall  
again have submitted another proposal to  
authorize the county commission, or authorized  
body, to impose the sales tax authorized by this  
section and such proposal is approved by the  
required majority of the qualified voters of the  
county commission, or authorized body, voting on  
such proposal; however, in no event shall a  
proposal pursuant to this section be submitted  
to the voters sooner than twelve months from the  
date of the last submission of a proposal  
pursuant to this section.

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

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

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(5) All sales taxes collected by the  
director of revenue pursuant to this section on

140 behalf of any county, less one percent for cost  
141 of collection which shall be deposited in the  
142 state's general revenue fund after payment of  
143 premiums for surety bonds as provided in section  
144 32.087, shall be deposited in a special trust  
145 fund, which is hereby created, to be known as  
146 the "Juvenile Detention Facility Sales Tax Trust  
147 Fund". The moneys in the juvenile detention  
148 facility sales tax trust fund shall not be  
149 deemed to be state funds and shall not be  
150 commingled with any funds of the state. The  
151 director of revenue shall keep accurate records  
152 of the amount of money in the trust fund which  
153 was collected in each county imposing a sales  
154 tax pursuant to this section, and the records  
155 shall be open to the inspection of officers of  
156 each member county and the public. Not later  
157 than the tenth day of each month the director of  
158 revenue shall distribute all moneys deposited in  
159 the trust fund during the preceding month to the  
160 county which levied the tax. Such funds shall  
161 be deposited with the treasurer of each such  
162 county, and all expenditures of funds arising  
163 from the juvenile detention facility sales tax  
164 trust fund shall be paid pursuant to an  
165 appropriation adopted by the governing body of  
166 the county. Expenditures may be made from the  
167 fund for the function authorized in the order  
168 adopted by the governing body of the county  
169 submitting the juvenile detention facility tax  
170 to the voters.

171 (6) The director of revenue may make  
172 refunds from the amounts in the trust fund and  
173 credited to any county for erroneous payments  
174 and overpayments made, and may redeem dishonored  
175 checks and drafts deposited to the credit of  
176 such counties. If any county abolishes the tax,  
177 the governing body of the county shall notify  
178 the director of revenue of the action at least  
179 ninety days prior to the effective date of the  
180 repeal, and the director of revenue may order  
181 retention in the trust fund, for a period of one  
182 year, of two percent of the amount collected  
183 after receipt of such notice to cover possible  
184 refunds or overpayment of the tax and to redeem  
185 dishonored checks and drafts deposited to the

186 credit of such accounts. After one year has  
187 elapsed after the effective date of abolition of  
188 the tax in such county, the director of revenue  
189 shall remit the balance in the account to the  
190 county and close the account of that county.  
191 The director of revenue shall notify each county  
192 in each instance of any amount refunded or any  
193 check redeemed from receipts due the county.  
194 (7) Except as provided in this section,  
195 all provisions of sections 32.085 and 32.087  
196 shall apply to the tax imposed pursuant to this  
197 section.]

211.342. 1. (1) In coordination with each other, the  
2 governing bodies of the counties within the same judicial  
3 circuit may establish a juvenile detention facility to serve  
4 the judicial circuit.

5 (2) The governing body of each county desiring to  
6 coordinate a juvenile detention facility under this  
7 subsection shall approve an ordinance, order, or resolution  
8 authorizing a juvenile detention facility within one of the  
9 counties and shall approve an agreement between all counties  
10 within the same judicial circuit, as specified by subsection  
11 4 of this section.

12 2. (1) In coordination with each other, the governing  
13 bodies of the counties in adjoining judicial circuits may  
14 establish a juvenile detention facility to serve the  
15 judicial circuits.

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

23 3. The governing body of each county desiring to  
24 coordinate a juvenile detention facility under subsection 1

25 or 2 of this section shall notify the presiding judge of the  
26 judicial circuit or each judicial circuit of the  
27 authorization of a juvenile detention facility. The notice  
28 shall include the authorizing ordinance, order, or  
29 resolution of each county and the approved agreement, as  
30 specified in subsection 4 of this section.

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

33 (1) The total cost of establishment and operation of  
34 the places of detention;

35 (2) The prorated formula for the calculation of each  
36 county's contribution to the costs of a juvenile detention  
37 facility based upon a ratio of the respective populations of  
38 the counties;

39 (3) The methods and powers that may be used for  
40 constructing, leasing, or financing a juvenile detention  
41 facility;

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

44 (5) The point of location of the place of juvenile  
45 detention facility.

46 5. Subsections 3 and 4 of section 211.331 shall apply  
47 to a juvenile detention facility authorized pursuant to this  
48 section. The operation and support of a juvenile detention  
49 facility authorized pursuant to this section shall be  
50 regulated in accordance with the rules and standards of the  
51 Missouri supreme court under the governance of the presiding  
52 judge of the judicial circuit. If the counties of adjoining  
53 judicial circuits have authorized a juvenile detention  
54 facility pursuant to this section, the presiding judges  
55 shall jointly govern the affairs of the juvenile detention  
56 facility.

57           6. (1) The counties authorizing a juvenile detention  
58 facility pursuant to this section may impose, by order, a  
59 sales tax up to one percent on all retail sales made in such  
60 counties which are subject to taxation pursuant to the  
61 provisions of sections 144.010 to 144.525 for the purpose of  
62 providing a juvenile detention facility. The tax authorized  
63 by this section shall be in addition to any and all other  
64 sales taxes allowed by law, except that no order imposing a  
65 sales tax pursuant to this section shall be effective unless  
66 the governing body, for each county in the judicial circuit  
67 or circuits submits to the voters of the county, on any  
68 election date authorized in chapter 115, a proposal to  
69 authorize the governing body of the county to impose a tax.

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

72           Shall the (counties' names) impose a region-wide  
73 sales tax of           (insert amount) for the purpose  
74 of providing a juvenile detention facility within  
75 the jurisdiction of (judicial circuit's name or  
76 judicial circuits' names)?

77                            YES                            NO

78           If you are in favor of the question, place an "X" in  
79 the box opposite "YES". If you are opposed to the  
80 question, place an "X" in the box opposite "NO".

81 If a majority of the votes cast on the proposal by the  
82 qualified voters of the county voting thereon are in favor  
83 of the proposal, then the order and any amendment to such  
84 order shall be in effect on the first day of the second  
85 quarter immediately following the election approving the  
86 proposal. If the proposal receives less than the required  
87 majority, the governing body of the county shall have no

88 power to impose the sales tax authorized pursuant to this  
89 section unless and until the governing body of the county  
90 shall again have submitted another proposal to authorize the  
91 county commission, or authorized body, to impose the sales  
92 tax authorized by this section and such proposal is approved  
93 by the required majority of the qualified voters of the  
94 county commission, or authorized body, voting on such  
95 proposal; however, in no event shall a proposal pursuant to  
96 this section be submitted to the voters sooner than twelve  
97 months from the date of the last submission of a proposal  
98 pursuant to this section.

99 (3) All revenue received by a county from the tax  
100 authorized pursuant to this section shall be deposited in a  
101 special trust fund and shall be used solely for providing a  
102 juvenile detention facility for children coming within the  
103 provisions of this chapter for so long as the tax shall  
104 remain in effect.

105 (4) Once the tax authorized by this section is  
106 abolished or terminated by any means, all funds remaining in  
107 the special trust fund shall be used solely for providing a  
108 juvenile detention facility for children coming within the  
109 provisions of this chapter for the counties. Any funds in  
110 such special trust fund which are not needed for current  
111 expenditures may be invested by the county commission in  
112 accordance with applicable laws relating to the investment  
113 of other county funds.

114 (5) All sales taxes collected by the director of  
115 revenue pursuant to this section on behalf of any county,  
116 less one percent for cost of collection which shall be  
117 deposited in the state's general revenue fund after payment  
118 of premiums for surety bonds as provided in section 32.087,  
119 shall be deposited in a special trust fund, which is hereby  
120 created, to be known as the "Juvenile Detention Facility

121 Sales Tax Trust Fund". The moneys in the juvenile detention  
122 facility sales tax trust fund shall not be deemed to be  
123 state funds and shall not be commingled with any funds of  
124 the state. The director of revenue shall keep accurate  
125 records of the amount of money in the trust fund which was  
126 collected in each county imposing a sales tax pursuant to  
127 this section, and the records shall be open to the  
128 inspection of officers of each member county and the  
129 public. Not later than the tenth day of each month the  
130 director of revenue shall distribute all moneys deposited in  
131 the trust fund during the preceding month to the county  
132 which levied the tax. Such funds shall be deposited with  
133 the treasurer of each such county, and all expenditures of  
134 funds arising from the juvenile detention facility sales tax  
135 trust fund shall be paid pursuant to an appropriation  
136 adopted by the governing body of the county. Expenditures  
137 may be made from the fund for the function authorized in the  
138 order adopted by the governing body of the county submitting  
139 the juvenile detention facility tax to the voters.

140 (6) The director of revenue may make refunds from the  
141 amounts in the trust fund and credited to any county for  
142 erroneous payments and overpayments made, and may redeem  
143 dishonored checks and drafts deposited to the credit of such  
144 counties. If any county abolishes the tax, the governing  
145 body of the county shall notify the director of revenue of  
146 the action at least ninety days prior to the effective date  
147 of the repeal, and the director of revenue may order  
148 retention in the trust fund, for a period of one year, of  
149 two percent of the amount collected after receipt of such  
150 notice to cover possible refunds or overpayment of the tax  
151 and to redeem dishonored checks and drafts deposited to the  
152 credit of such accounts. After one year has elapsed after  
153 the effective date of abolition of the tax in such county,

154 the director of revenue shall remit the balance in the  
155 account to the county and close the account of that county.  
156 The director of revenue shall notify each county in each  
157 instance of any amount refunded or any check redeemed from  
158 receipts due the county.  
159 (7) Except as provided in this section, all provisions  
160 of sections 32.085 and 32.087 shall apply to the tax imposed  
161 pursuant to this section.

2 [217.362. 1. The department of  
3 corrections shall design and implement an  
4 intensive long-term program for the treatment of  
5 chronic nonviolent offenders with serious  
6 substance abuse addictions who have not  
7 **[pleaded]** pled guilty to or been convicted of a  
8 dangerous felony as defined in section 556.061.  
9 2. Prior to sentencing, any judge  
10 considering an offender for this program shall  
11 notify the department. The potential candidate  
12 for the program shall be screened by the  
13 department to determine eligibility. The  
14 department shall, by regulation, establish  
15 eligibility criteria and inform the court of  
16 such criteria. The department shall notify the  
17 court as to the offender's eligibility and the  
18 availability of space in the program.  
19 Notwithstanding any other provision of law to  
20 the contrary, except as provided for in section  
21 558.019, if an offender is eligible and there is  
22 adequate space, the court may sentence a person  
23 to the program which shall consist of  
24 institutional drug or alcohol treatment for a  
25 period of at least twelve and no more than  
26 twenty-four months, as well as a term of  
27 incarceration. The department shall determine  
28 the nature, intensity, duration, and completion  
29 criteria of the education, treatment, and  
30 aftercare portions of any program services  
31 provided. Execution of the offender's term of  
32 incarceration shall be suspended pending  
33 completion of said program. Allocation of space  
34 in the program may be distributed by the  
department in proportion to drug arrest patterns

35 in the state. If the court is advised that an  
36 offender is not eligible or that there is no  
37 space available, the court shall consider other  
38 authorized dispositions.

39 3. Upon successful completion of the  
40 program, the division of probation and parole  
41 shall advise the sentencing court of an  
42 offender's probationary release date thirty days  
43 prior to release. If the court determines that  
44 probation is not appropriate the court may order  
45 the execution of the offender's sentence.

46 4. If it is determined by the department  
47 that the offender has not successfully completed  
48 the program, or that the offender is not  
49 cooperatively participating in the program, the  
50 offender shall be removed from the program and  
51 the court shall be advised. Failure of an  
52 offender to complete the program shall cause the  
53 offender to serve the sentence prescribed by the  
54 court and void the right to be considered for  
55 probation on this sentence.

56 [5. An offender's first incarceration in a  
57 department of corrections program pursuant to  
58 this section prior to release on probation shall  
59 not be considered a previous prison commitment  
60 for the purpose of determining a minimum prison  
61 term pursuant to the provisions of section  
62 558.019.]]

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

7 2. Prior to sentencing, any judge considering an  
8 offender for this program shall notify the department. The  
9 potential candidate for the program shall be screened by the  
10 department to determine eligibility. The department shall,  
11 by regulation, establish eligibility criteria and inform the  
12 court of such criteria. The department shall notify the  
13 court as to the offender's eligibility and the availability

14 of space in the program. Notwithstanding any other  
15 provision of law to the contrary, except as provided for in  
16 section 558.019, if an offender is eligible and there is  
17 adequate space, the court may sentence a person to the  
18 program which shall consist of institutional drug or alcohol  
19 treatment for a period of at least twelve and no more than  
20 twenty-four months, as well as a term of incarceration. The  
21 department shall determine the nature, intensity, duration,  
22 and completion criteria of the education, treatment, and  
23 aftercare portions of any program services provided.  
24 Execution of the offender's term of incarceration shall be  
25 suspended pending completion of said program. Allocation of  
26 space in the program may be distributed by the department in  
27 proportion to drug arrest patterns in the state. If the  
28 court is advised that an offender is not eligible or that  
29 there is no space available, the court shall consider other  
30 authorized dispositions.

31 3. Upon successful completion of the program, the  
32 division of probation and parole shall advise the sentencing  
33 court of an offender's probationary release date thirty days  
34 prior to release. If the court determines that probation is  
35 not appropriate the court may order the execution of the  
36 offender's sentence.

37 4. If it is determined by the department that the  
38 offender has not successfully completed the program, or that  
39 the offender is not cooperatively participating in the  
40 program, the offender shall be removed from the program and  
41 the court shall be advised. Failure of an offender to  
42 complete the program shall cause the offender to serve the  
43 sentence prescribed by the court and void the right to be  
44 considered for probation on this sentence.

45 [5. An offender's first incarceration in a department  
46 of corrections program pursuant to this section prior to

47 release on probation shall not be considered a previous  
48 prison commitment for the purpose of determining a minimum  
49 prison term pursuant to the provisions of section 558.019.]

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

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

31 3. The division of probation and parole  
32 has discretionary authority to require the  
33 payment of a fee, not to exceed sixty dollars  
34 per month, from every offender placed under  
35 division supervision on probation, parole, or  
36 conditional release, to waive all or part of any  
37 fee, to sanction offenders for willful  
38 nonpayment of fees, and to contract with a  
39 private entity for fee collections services.  
40 All fees collected shall be deposited in the  
41 inmate fund established in section 217.430.  
Fees collected may be used to pay the costs of

42 contracted collections services. The fees  
43 collected may otherwise be used to provide  
44 community corrections and intervention services  
45 for offenders. Such services include substance  
46 abuse assessment and treatment, mental health  
47 assessment and treatment, electronic monitoring  
48 services, residential facilities services,  
49 employment placement services, and other  
50 offender community corrections or intervention  
51 services designated by the division of probation  
52 and parole to assist offenders to successfully  
53 complete probation, parole, or conditional  
54 release. The division of probation and parole  
55 shall adopt rules not inconsistent with law, in  
56 accordance with section 217.040, with respect to  
57 sanctioning offenders and with respect to  
58 establishing, waiving, collecting, and using  
59 fees.

60 4. The parole board shall adopt rules not  
61 inconsistent with law, in accordance with  
62 section 217.040, with respect to the eligibility  
63 of offenders for parole, the conduct of parole  
64 hearings or conditions to be imposed upon  
65 paroled offenders. Whenever an order for parole  
66 is issued it shall recite the conditions of such  
67 parole.

68 5. When considering parole for an offender  
69 with consecutive sentences, the minimum term for  
70 eligibility for parole shall be calculated by  
71 adding the minimum terms for parole eligibility  
72 for each of the consecutive sentences, except  
73 the minimum term for parole eligibility shall  
74 not exceed the minimum term for parole  
75 eligibility for an ordinary life sentence.

76 6. Any offender sentenced to a term of  
77 imprisonment amounting to fifteen years or more  
78 or multiple terms of imprisonment that, taken  
79 together, amount to fifteen or more years who  
80 was under eighteen years of age at the time of  
81 the commission of the offense or offenses may be  
82 eligible for parole after serving fifteen years  
83 of incarceration, regardless of whether the case  
84 is final for the purposes of appeal, and may be  
85 eligible for reconsideration hearings in  
86 accordance with regulations promulgated by the  
87 parole board.

88           7. The provisions of subsection 6 of this  
89 section shall not apply to an offender found  
90 guilty of capital murder, murder in the first  
91 degree or murder in the second degree, when  
92 murder in the second degree is committed  
93 pursuant to subdivision (1) of subsection 1 of  
94 section 565.021, who was under eighteen years of  
95 age when the offender committed the offense or  
96 offenses who may be found ineligible for parole  
97 or whose parole eligibility may be controlled by  
98 section 558.047 or 565.033.

99           8. Any offender under a sentence for first  
100 degree murder who has been denied release on  
101 parole after a parole hearing shall not be  
102 eligible for another parole hearing until at  
103 least three years from the month of the parole  
104 denial; however, this subsection shall not  
105 prevent a release pursuant to subsection [4] 7  
106 of section 558.011.

107           9. A victim who has requested an  
108 opportunity to be heard shall receive notice  
109 that the parole board is conducting an  
110 assessment of the offender's risk and readiness  
111 for release and that the victim's input will be  
112 particularly helpful when it pertains to safety  
113 concerns and specific protective measures that  
114 may be beneficial to the victim should the  
115 offender be granted release.

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

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

121           (2) The victim or person representing the  
122 victim who attends a hearing shall have the  
123 option of giving testimony in the presence of  
124 the inmate or to the hearing panel without the  
125 inmate being present;

126           (3) The victim or person representing the  
127 victim may call or write the parole board rather  
128 than attend the hearing;

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

133 (5) The judge, prosecuting attorney or  
134 circuit attorney and a representative of the  
135 local law enforcement agency investigating the  
136 crime shall be allowed to attend the hearing or  
137 provide information to the hearing panel in  
138 regard to the parole consideration; and

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

145 11. The parole board shall notify any  
146 person of the results of a parole eligibility  
147 hearing if the person indicates to the parole  
148 board a desire to be notified.

149 12. The parole board may, at its  
150 discretion, require any offender seeking parole  
151 to meet certain conditions during the term of  
152 that parole so long as said conditions are not  
153 illegal or impossible for the offender to  
154 perform. These conditions may include an amount  
155 of restitution to the state for the cost of that  
156 offender's incarceration.

157 13. Special parole conditions shall be  
158 responsive to the assessed risk and needs of the  
159 offender or the need for extraordinary  
160 supervision, such as electronic monitoring. The  
161 parole board shall adopt rules to minimize the  
162 conditions placed on low-risk cases, to  
163 frontload conditions upon release, and to  
164 require the modification and reduction of  
165 conditions based on the person's continuing  
166 stability in the community. Parole board rules  
167 shall permit parole conditions to be modified by  
168 parole officers with review and approval by  
169 supervisors.

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

174 15. Beginning January 1, 2001, the parole  
175 board shall not order a parole unless the  
176 offender has obtained a high school diploma or  
177 its equivalent, or unless the parole board is  
178 satisfied that the offender, while committed to

179 the custody of the department, has made an  
180 honest good-faith effort to obtain a high school  
181 diploma or its equivalent; provided that the  
182 director may waive this requirement by  
183 certifying in writing to the parole board that  
184 the offender has actively participated in  
185 mandatory education programs or is academically  
186 unable to obtain a high school diploma or its  
187 equivalent.

188 16. Any rule or portion of a rule, as that  
189 term is defined in section 536.010, that is  
190 created under the authority delegated in this  
191 section shall become effective only if it  
192 complies with and is subject to all of the  
193 provisions of chapter 536 and, if applicable,  
194 section 536.028. This section and chapter 536  
195 are nonseverable and if any of the powers vested  
196 with the general assembly pursuant to chapter  
197 536 to review, to delay the effective date, or  
198 to disapprove and annul a rule are subsequently  
199 held unconstitutional, then the grant of  
200 rulemaking authority and any rule proposed or  
201 adopted after August 28, 2005, shall be invalid  
202 and void.

203 17. When concurrent sentences are imposed  
204 by a court, the person shall serve the minimum  
205 required percentage for the longest sentence  
206 prior to parole eligibility.]

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 capital  
71 murder, murder in the first degree or murder in the second  
72 degree, when murder in the second degree is committed  
73 pursuant to subdivision (1) of subsection 1 of section  
74 565.021, who was under eighteen years of age when the  
75 offender committed the offense or offenses who may be found  
76 ineligible for parole or whose parole eligibility may be  
77 controlled by section 558.047 or 565.033.

78           8. Any offender under a sentence for first degree  
79 murder who has been denied release on parole after a parole

80 hearing shall not be eligible for another parole hearing  
81 until at least three years from the month of the parole  
82 denial; however, this subsection shall not prevent a release  
83 pursuant to subsection ~~[4]~~ 7 of section 558.011.

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

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

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

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

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

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

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

110 (6) The parole board shall evaluate information listed  
111 in the juvenile sex offender registry pursuant to section  
112 211.425, provided the offender is between the ages of

113 seventeen and twenty-one, as it impacts the safety of the  
114 community.

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

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

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

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

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

146 has actively participated in mandatory education programs or  
147 is academically unable to obtain a high school diploma or  
148 its equivalent.

149 16. Any rule or portion of a rule, as that term is  
150 defined in section 536.010, that is created under the  
151 authority delegated in this section shall become effective  
152 only if it complies with and is subject to all of the  
153 provisions of chapter 536 and, if applicable, section  
154 536.028. This section and chapter 536 are nonseverable and  
155 if any of the powers vested with the general assembly  
156 pursuant to chapter 536 to review, to delay the effective  
157 date, or to disapprove and annul a rule are subsequently  
158 held unconstitutional, then the grant of rulemaking  
159 authority and any rule proposed or adopted after August 28,  
160 2005, shall be invalid and void.

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

2 [217.760. 1. In all felony cases and  
3 class A misdemeanor cases, the basis of which  
4 misdemeanor cases are contained in chapters 565  
5 and 566 and section 577.023, at the request of a  
6 [circuit] sentencing judge of any circuit court,  
7 the division of probation and parole shall  
8 assign one or more state probation and parole  
9 officers to make an investigation of the person  
10 convicted of the crime or offense before  
11 sentence is imposed. In all felony cases in  
12 which the recommended sentence established by  
13 the sentencing advisory commission pursuant to  
14 subsection [7] 1 of section 558.019 includes  
15 probation but the recommendation of the  
16 prosecuting attorney or circuit attorney does  
17 not include probation, the division of probation  
18 and parole shall, prior to sentencing, provide  
19 the judge with a report on available  
20 alternatives to incarceration. If a presentence  
investigation report is completed then the

21 available alternatives shall be included in the  
22 presentence investigation report.

23 2. The report of the presentence  
24 investigation or preparole investigation shall  
25 contain any prior criminal record of the  
26 defendant and such information about his or her  
27 characteristics, his or her financial condition,  
28 his or her social history, the circumstances  
29 affecting his or her behavior as may be helpful  
30 in imposing sentence or in granting probation or  
31 in the correctional treatment of the defendant,  
32 information concerning the impact of the crime  
33 upon the victim, the recommended sentence  
34 established by the sentencing advisory  
35 commission and available alternatives to  
36 incarceration including opportunities for  
37 restorative justice, as well as a recommendation  
38 by the probation and parole officer. The  
39 officer shall secure such other information as  
40 may be required by the court and, whenever it is  
41 practicable and needed, such investigation shall  
42 include a physical and mental examination of the  
43 defendant.]

217.760. 1. In all felony cases and class A  
2 misdemeanor cases, the basis of which misdemeanor cases are  
3 contained in chapters 565 and 566 and section 577.023, at  
4 the request of a [circuit] sentencing judge of any circuit  
5 court, the division of probation and parole shall assign one  
6 or more state probation and parole officers to make an  
7 investigation of the person convicted of the crime or  
8 offense before sentence is imposed. In all felony cases in  
9 which the recommended sentence established by the sentencing  
10 advisory commission pursuant to subsection [7] 1 of section  
11 558.019 includes probation but the recommendation of the  
12 prosecuting attorney or circuit attorney does not include  
13 probation, the division of probation and parole shall, prior  
14 to sentencing, provide the judge with a report on available  
15 alternatives to incarceration. If a presentence  
16 investigation report is completed then the available

17 alternatives shall be included in the presentence  
18 investigation report.

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

527.270. 1. Hereafter every person desiring to change  
2 his or her name may present a petition to that effect,  
3 verified by affidavit, to the circuit court in the county of  
4 the petitioner's residence, which petition shall set forth  
5 the petitioner's full name, the new name desired, and a  
6 concise statement of the reason for such desired change; and  
7 it shall be the duty of the judge of such court to order  
8 such change to be made, and spread upon the records of the  
9 court, in proper form, if such judge is satisfied that the  
10 desired change would be proper and not detrimental to the  
11 interests of any other person.

12 2. Notwithstanding subsection 1 of this section, no  
13 person required to register under sections 589.400 to  
14 589.425 shall change his or her name for the period of time  
15 he or she is required to register on the registry.

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

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

7 (2) "Affirmative defense":

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

10 (b) If the defense is submitted to the trier of fact  
11 the defendant has the burden of persuasion that the defense  
12 is more probably true than not;

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

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

16 (b) If the issue is submitted to the trier of fact any  
17 reasonable doubt on the issue requires a finding for the  
18 defendant on that issue;

19 (4) "Commercial film and photographic print  
20 processor", any person who develops exposed photographic  
21 film into negatives, slides or prints, or who makes prints  
22 from negatives or slides, for compensation. The term  
23 commercial film and photographic print processor shall  
24 include all employees of such persons but shall not include  
25 a person who develops film or makes prints for a public  
26 agency;

27 (5) "Computer", the box that houses the central  
28 processing unit (CPU), along with any internal storage  
29 devices, such as internal hard drives, and internal  
30 communication devices, such as internal modems capable of  
31 sending or receiving [electronic mail] email or fax cards,  
32 along with any other hardware stored or housed internally.  
33 Thus, computer refers to hardware, software and data

34 contained in the main unit. Printers, external modems  
35 attached by cable to the main unit, monitors, and other  
36 external attachments will be referred to collectively as  
37 peripherals and discussed individually when appropriate.  
38 When the computer and all peripherals are referred to as a  
39 package, the term "computer system" is used. Information  
40 refers to all the information on a computer system including  
41 both software applications and data;

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

45 (7) "Computer hardware", all equipment which can  
46 collect, analyze, create, display, convert, store, conceal  
47 or transmit electronic, magnetic, optical or similar  
48 computer impulses or data. Hardware includes, but is not  
49 limited to, any data processing devices, such as central  
50 processing units, memory typewriters and self-contained  
51 laptop or notebook computers; internal and peripheral  
52 storage devices, transistor-like binary devices and other  
53 memory storage devices, such as floppy disks, removable  
54 disks, compact disks, digital video disks, magnetic tape,  
55 hard drive, optical disks and digital memory; local area  
56 networks, such as two or more computers connected together  
57 to a central computer server via cable or modem; peripheral  
58 input or output devices, such as keyboards, printers,  
59 scanners, plotters, video display monitors and optical  
60 readers; and related communication devices, such as modems,  
61 cables and connections, recording equipment, RAM or ROM  
62 units, acoustic couplers, automatic dialers, speed dialers,  
63 programmable telephone dialing or signaling devices and  
64 electronic tone-generating devices; as well as any devices,  
65 mechanisms or parts that can be used to restrict access to  
66 computer hardware, such as physical keys and locks;

67           (8) "Computer network", two or more interconnected  
68 computers or computer systems;

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

72           (10) "Computer software", digital information which  
73 can be interpreted by a computer and any of its related  
74 components to direct the way they work. Software is stored  
75 in electronic, magnetic, optical or other digital form. The  
76 term commonly includes programs to run operating systems and  
77 applications, such as word processing, graphic, or  
78 spreadsheet programs, utilities, compilers, interpreters and  
79 communications programs;

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

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

86           (13) "Confinement":

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

90           a. A court orders the person's release; or  
91           b. The person is released on bail, bond, or  
92 recognizance, personal or otherwise; or

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

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

97           a. The person is on probation or parole, temporary or  
98 otherwise; or

99           b. The person is under sentence to serve a term of  
100 confinement which is not continuous, or is serving a  
101 sentence under a work-release program, and in either such  
102 case is not being held in a place of confinement or is not  
103 being held under guard by a person having the legal power  
104 and duty to transport the person to or from a place of  
105 confinement;

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

108           (a) It is given by a person who lacks the mental  
109 capacity to authorize the conduct charged to constitute the  
110 offense and such mental incapacity is manifest or known to  
111 the actor; or

112           (b) It is given by a person who by reason of youth,  
113 mental disease or defect, intoxication, a drug-induced  
114 state, or any other reason is manifestly unable or known by  
115 the actor to be unable to make a reasonable judgment as to  
116 the nature or harmfulness of the conduct charged to  
117 constitute the offense; or

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

119           (15) "Controlled substance", a drug, substance, or  
120 immediate precursor in Schedules I through V as defined in  
121 chapter 195;

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

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

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

133           (19) "Dangerous felony", the felonies [of] requiring  
134 eighty-five percent of the imposed sentence to be served  
135 prior to parole eligibility, which are arson in the first  
136 degree, assault in the first degree, attempted rape in the  
137 first degree if physical injury results, attempted forcible  
138 rape if physical injury results, attempted sodomy in the  
139 first degree if physical injury results, attempted forcible  
140 sodomy if physical injury results, rape in the first degree,  
141 forcible rape, sodomy in the first degree, forcible sodomy,  
142 assault in the second degree if the victim of such assault  
143 is a special victim as defined in subdivision (14) of  
144 section 565.002, kidnapping in the first degree, kidnapping,  
145 murder in the second degree, assault of a law enforcement  
146 officer in the first degree, domestic assault in the first  
147 degree, elder abuse in the first degree, robbery in the  
148 first degree, armed criminal action, conspiracy to commit an  
149 offense when the offense is a dangerous felony, vehicle  
150 hijacking when punished as a class A felony, statutory rape  
151 in the first degree [when the victim is a child less than  
152 twelve years of age at the time of the commission of the act  
153 giving rise to the offense], statutory sodomy in the first  
154 degree [when the victim is a child less than twelve years of  
155 age at the time of the commission of the act giving rise to  
156 the offense], child molestation in the first or second  
157 degree, abuse of a child if the child dies as a result of  
158 injuries sustained from conduct chargeable under section  
159 568.060, child kidnapping, parental kidnapping committed by  
160 detaining or concealing the whereabouts of the child for not  
161 less than one hundred twenty days under section 565.153, bus  
162 hijacking when punished as a class A felony, planting a bomb

163 or explosive in or near a bus or terminal, [and] an  
164 "intoxication-related traffic offense" or "intoxication-  
165 related boating offense" if the person is found to be a  
166 "habitual offender" or "habitual boating offender" as such  
167 terms are defined in section 577.001, abuse through forced  
168 labor when punished under subsection 4 of section 566.203,  
169 trafficking for the purposes of slavery, involuntary  
170 servitude, peonage, or forced labor or the attempt of such  
171 when punished under subsection 4 of section 566.206,  
172 trafficking for the purposes of sexual exploitation or the  
173 attempt of such when the offense was effected by force,  
174 abduction, or coercion, sexual trafficking of a child in the  
175 first degree, sexual trafficking of a child in the second  
176 degree, a third violation of failure to register as a sexual  
177 offender, and endangering the welfare of a child in the  
178 first degree when punished under section 568.045;

179 (20) "Dangerous instrument", any instrument, article  
180 or substance, which, under the circumstances in which it is  
181 used, is readily capable of causing death or other serious  
182 physical injury;

183 (21) "Data", a representation of information, facts,  
184 knowledge, concepts, or instructions prepared in a  
185 formalized or other manner and intended for use in a  
186 computer or computer network. Data may be in any form  
187 including, but not limited to, printouts, microfiche,  
188 magnetic storage media, punched cards and as may be stored  
189 in the memory of a computer;

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

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

198           (24) "Disability", a mental, physical, or  
199 developmental impairment that substantially limits one or  
200 more major life activities or the ability to provide  
201 adequately for one's care or protection, whether the  
202 impairment is congenital or acquired by accident, injury or  
203 disease, where such impairment is verified by medical  
204 findings;

205           (25) "Elderly person", a person sixty years of age or  
206 older;

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

210           (27) "Forcible compulsion" either:

211           (a) Physical force that overcomes reasonable  
212 resistance; or

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

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

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

224           (30) "Inhabitable structure", a vehicle, vessel or  
225 structure:

226           (a) Where any person lives or carries on business or  
227 other calling; or

228 (b) Where people assemble for purposes of business,  
229 government, education, religion, entertainment, or public  
230 transportation; or

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

233 Any such vehicle, vessel, or structure is inhabitable  
234 regardless of whether a person is actually present. If a  
235 building or structure is divided into separately occupied  
236 units, any unit not occupied by the actor is an inhabitable  
237 structure of another;

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

239 (a) Conduct or attendant circumstances, means a person  
240 is aware of the nature of his or her conduct or that those  
241 circumstances exist; or

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

245 (32) "Law enforcement officer", any public servant  
246 having both the power and duty to make arrests for  
247 violations of the laws of this state, and federal law  
248 enforcement officers authorized to carry firearms and to  
249 make arrests for violations of the laws of the United States;

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

254 (34) "Of another", property that any entity, including  
255 but not limited to any natural person, corporation, limited  
256 liability company, partnership, association, governmental  
257 subdivision or instrumentality, other than the actor, has a  
258 possessory or proprietary interest therein, except that  
259 property shall not be deemed property of another who has

260 only a security interest therein, even if legal title is in  
261 the creditor pursuant to a conditional sales contract or  
262 other security arrangement;

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

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

267 (37) "Place of confinement", any building or facility  
268 and the grounds thereof wherein a court is legally  
269 authorized to order that a person charged with or convicted  
270 of a crime be held;

271 (38) "Possess" or "possessed", having actual or  
272 constructive possession of an object with knowledge of its  
273 presence. A person has actual possession if such person has  
274 the object on his or her person or within easy reach and  
275 convenient control. A person has constructive possession if  
276 such person has the power and the intention at a given time  
277 to exercise dominion or control over the object either  
278 directly or through another person or persons. Possession  
279 may also be sole or joint. If one person alone has  
280 possession of an object, possession is sole. If two or more  
281 persons share possession of an object, possession is joint;

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

284 (40) "Public servant", any person employed in any way  
285 by a government of this state who is compensated by the  
286 government by reason of such person's employment, any person  
287 appointed to a position with any government of this state,  
288 or any person elected to a position with any government of  
289 this state. It includes, but is not limited to,  
290 legislators, jurors, members of the judiciary and law  
291 enforcement officers. It does not include witnesses;

292 (41) "Purposely", when used with respect to a person's  
293 conduct or to a result thereof, means when it is his or her  
294 conscious object to engage in that conduct or to cause that  
295 result;

296 (42) "Recklessly", consciously disregarding a  
297 substantial and unjustifiable risk that circumstances exist  
298 or that a result will follow, and such disregard constitutes  
299 a gross deviation from the standard of care which a  
300 reasonable person would exercise in the situation;

301 (43) "Serious emotional injury", an injury that  
302 creates a substantial risk of temporary or permanent medical  
303 or psychological damage, manifested by impairment of a  
304 behavioral, cognitive or physical condition. Serious  
305 emotional injury shall be established by testimony of  
306 qualified experts upon the reasonable expectation of  
307 probable harm to a reasonable degree of medical or  
308 psychological certainty;

309 (44) "Serious physical injury", physical injury that  
310 creates a substantial risk of death or that causes serious  
311 disfigurement or protracted loss or impairment of the  
312 function of any part of the body;

313 (45) "Services", when used in relation to a computer  
314 system or network, means use of a computer, computer system,  
315 or computer network and includes, but is not limited to,  
316 computer time, data processing, and storage or retrieval  
317 functions;

318 (46) "Sexual orientation", male or female  
319 heterosexuality, homosexuality or bisexuality by  
320 inclination, practice, identity or expression, or having a  
321 self-image or identity not traditionally associated with  
322 one's gender;

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

326 (48) "Vessel", any boat or craft propelled by a motor  
327 or by machinery, whether or not such motor or machinery is a  
328 principal source of propulsion used or capable of being used  
329 as a means of transportation on water, or any boat or craft  
330 more than twelve feet in length which is powered by sail  
331 alone or by a combination of sail and machinery, and used or  
332 capable of being used as a means of transportation on water,  
333 but not any boat or craft having, as the only means of  
334 propulsion, a paddle or oars;

335 (49) "Voluntary act":

336 (a) A bodily movement performed while conscious as a  
337 result of effort or determination. Possession is a  
338 voluntary act if the possessor knowingly procures or  
339 receives the thing possessed, or having acquired control of  
340 it was aware of his or her control for a sufficient time to  
341 have enabled him or her to dispose of it or terminate his or  
342 her control; or

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

348 (50) "Vulnerable person", any person in the custody,  
349 care, or control of the department of mental health who is  
350 receiving services from an operated, funded, licensed, or  
351 certified program.

2 [557.011. 1. Every person found guilty of  
3 an offense shall be dealt with by the court in  
4 accordance with the provisions of this chapter,  
5 except that for offenses defined outside this  
code and not repealed, the term of imprisonment

6 or the fine that may be imposed is that provided  
7 in the statute defining the offense; however,  
8 the conditional release term of any sentence of  
9 a term of years shall be determined as provided  
10 in subsection [4] 7 of section 558.011.

11 2. Whenever any person has been found  
12 guilty of a felony or a misdemeanor the court  
13 shall make one or more of the following  
14 dispositions of the offender in any appropriate  
15 combination. The court may:

- 16 (1) Sentence the person to a term of  
17 imprisonment as authorized by chapter 558;
- 18 (2) Sentence the person to pay a fine as  
19 authorized by chapter 560;
- 20 (3) Suspend the imposition of sentence,  
21 with or without placing the person on probation;
- 22 (4) Pronounce sentence and suspend its  
23 execution, placing the person on probation;
- 24 (5) Impose a period of detention as a  
25 condition of probation, as authorized by section  
26 559.026.

27 3. Whenever any person has been found  
28 guilty of an infraction, the court shall make  
29 one or more of the following dispositions of the  
30 offender in any appropriate combination. The  
31 court may:

- 32 (1) Sentence the person to pay a fine as  
33 authorized by chapter 560;
- 34 (2) Suspend the imposition of sentence,  
35 with or without placing the person on probation;
- 36 (3) Pronounce sentence and suspend its  
37 execution, placing the person on probation.

38 4. Whenever any organization has been  
39 found guilty of an offense, the court shall make  
40 one or more of the following dispositions of the  
41 organization in any appropriate combination.  
42 The court may:

- 43 (1) Sentence the organization to pay a  
44 fine as authorized by chapter 560;
- 45 (2) Suspend the imposition of sentence,  
46 with or without placing the organization on  
47 probation;
- 48 (3) Pronounce sentence and suspend its  
49 execution, placing the organization on probation;
- 50 (4) Impose any special sentence or  
51 sanction authorized by law.

52           5. This chapter shall not be construed to  
53           deprive the court of any authority conferred by  
54           law to decree a forfeiture of property, suspend  
55           or cancel a license, remove a person from  
56           office, or impose any other civil penalty. An  
57           appropriate order exercising such authority may  
58           be included as part of any sentence.

59           6. In the event a sentence of confinement  
60           is ordered executed, a court may order that an  
61           individual serve all or any portion of such  
62           sentence on electronic monitoring; except that  
63           all costs associated with the electronic  
64           monitoring shall be charged to the person on  
65           house arrest. If the judge finds the person  
66           unable to afford the costs associated with  
67           electronic monitoring, the judge may order that  
68           the person be placed on house arrest with  
69           electronic monitoring if the county commission  
70           agrees to pay the costs of such monitoring. If  
71           the person on house arrest is unable to afford  
72           the costs associated with electronic monitoring  
73           and the county commission does not agree to pay  
74           from the general revenue of the county the costs  
75           of such electronic monitoring, the judge shall  
76           not order that the person be placed on house  
77           arrest with electronic monitoring.]

557.011. 1. Every person found guilty of an offense  
2           shall be dealt with by the court in accordance with the  
3           provisions of this chapter, except that for offenses defined  
4           outside this code and not repealed, the term of imprisonment  
5           or the fine that may be imposed is that provided in the  
6           statute defining the offense; however, the conditional  
7           release term of any sentence of a term of years shall be  
8           determined as provided in subsection [4] 7 of section  
9           558.011.

10           2. Whenever any person has been found guilty of a  
11           felony or a misdemeanor the court shall make one or more of  
12           the following dispositions of the offender in any  
13           appropriate combination. The court may:

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

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

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

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

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

24           3. Whenever any person has been found guilty of an  
25 infraction, the court shall make one or more of the  
26 following dispositions of the offender in any appropriate  
27 combination. The court may:

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

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

32           (3) Pronounce sentence and suspend its execution,  
33 placing the person on probation.

34           4. Whenever any organization has been found guilty of  
35 an offense, the court shall make one or more of the  
36 following dispositions of the organization in any  
37 appropriate combination. The court may:

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

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

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

44           (4) Impose any special sentence or sanction authorized  
45 by law.

46           5. This chapter shall not be construed to deprive the  
47 court of any authority conferred by law to decree a  
48 forfeiture of property, suspend or cancel a license, remove  
49 a person from office, or impose any other civil penalty. An  
50 appropriate order exercising such authority may be included  
51 as part of any sentence.

52           6. In the event a sentence of confinement is ordered  
53 executed, a court may order that an individual serve all or  
54 any portion of such sentence on electronic monitoring;  
55 except that all costs associated with the electronic  
56 monitoring shall be charged to the person on house arrest.  
57 If the judge finds the person unable to afford the costs  
58 associated with electronic monitoring, the judge may order  
59 that the person be placed on house arrest with electronic  
60 monitoring if the county commission agrees to pay the costs  
61 of such monitoring. If the person on house arrest is unable  
62 to afford the costs associated with electronic monitoring  
63 and the county commission does not agree to pay from the  
64 general revenue of the county the costs of such electronic  
65 monitoring, the judge shall not order that the person be  
66 placed on house arrest with electronic monitoring.

          [557.021. 1. Any offense defined outside  
2 this code [which] that is declared to be a  
3 misdemeanor without specification of the penalty  
4 therefor is a class A misdemeanor.

          2. Any offense defined outside this code  
6 [which] that is declared to be a felony without  
7 specification of the penalty therefor is a class  
8 E felony and subject to the terms as provided in  
9 chapter 558.

          3. For the purpose of applying the  
11 extended term provisions of section 558.016 [and  
12 the minimum prison term provisions of], the  
13 parole eligibility provisions pursuant to  
14 section [558.019] 558.011 and for determining  
15 the penalty for attempts, offenses defined

16 outside of this code shall be classified as  
17 follows:

18 (1) If the offense is a felony:

19 (a) It is a class A felony if the  
20 authorized penalty includes death, life  
21 imprisonment or imprisonment for a term of  
22 twenty years or more;

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

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

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

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

33 (2) If the offense is a misdemeanor:

34 (a) It is a class A misdemeanor if the  
35 authorized imprisonment exceeds six months in  
36 jail;

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

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

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

45 (e) It is an infraction if there is no  
46 authorized imprisonment.]

557.021. 1. Any offense defined outside this code  
2 [which] that is declared to be a misdemeanor without  
3 specification of the penalty therefor is a class A  
4 misdemeanor.

5 2. Any offense defined outside this code [which] that  
6 is declared to be a felony without specification of the  
7 penalty therefor is a class E felony and subject to the  
8 terms as provided in chapter 558.

9 3. For the purpose of applying the extended term  
10 provisions of section 558.016 [and the minimum prison term

11 provisions of], the parole eligibility provisions pursuant  
12 to section [558.019] 558.011 and for determining the penalty  
13 for attempts, offenses defined outside of this code shall be  
14 classified as follows:

15 (1) If the offense is a felony:

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

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

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

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

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

28 (2) If the offense is a misdemeanor:

29 (a) It is a class A misdemeanor if the authorized  
30 imprisonment exceeds six months in jail;

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

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

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

39 (e) It is an infraction if there is no authorized  
40 imprisonment.

2 [558.011. 1. The authorized terms of  
3 imprisonment, including both prison and  
4 conditional release terms, for all offenses are  
as follows:

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

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

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

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

22 (b) Thirty percent of the imposed sentence  
23 prior to parole eligibility for a first offense  
24 other than an offense under paragraph (a) of  
25 this subdivision;

26 (c) Thirty-five percent of the imposed  
27 sentence prior to parole eligibility for a  
28 second offense other than an offense under  
29 paragraph (a) of this subdivision;

30 (d) Fifty percent of the imposed sentence  
31 prior to parole eligibility for a third or  
32 subsequent offense other than an offense under  
33 paragraph (a) of this subdivision;

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

37 (a) Twenty-five percent of the imposed  
38 sentence prior to parole eligibility for an  
39 offense under chapters 566, 568, and 573 that  
40 requires registration as a sex offender under  
41 chapter 589;

42 (b) Twenty percent of the imposed sentence  
43 prior to parole eligibility for a first offense  
44 other than an offense under paragraph (a) of  
45 this subdivision;

46 (c) Twenty-five percent of the imposed  
47 sentence prior to parole eligibility for a  
48 second offense other than an offense under  
49 paragraph (a) of this subdivision;

50           (d) Fifty percent of the imposed sentence  
51 prior to parole eligibility for a third or  
52 subsequent offense other than an offense under  
53 paragraph (a) of this subdivision;

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

57           (a) Twenty-five percent of the imposed  
58 sentence prior to parole eligibility for an  
59 offense under chapters 566, 568, and 573 that  
60 requires registration as a sex offender under  
61 chapter 589;

62           (b) Fifteen percent of the imposed  
63 sentence prior to parole eligibility for a first  
64 offense other than an offense under paragraph  
65 (a) of this subdivision;

66           (c) Twenty percent of the imposed sentence  
67 prior to parole eligibility for a second offense  
68 other than an offense under paragraph (a) of  
69 this subdivision;

70           (d) Fifty percent of the imposed sentence  
71 prior to parole eligibility for a third or  
72 subsequent offense other than an offense under  
73 paragraph (a) of this subdivision;

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

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

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

80           2. When a person is sentenced to the  
81 authorized term of imprisonment for a higher  
82 class than the offense for which the person was  
83 found guilty under sections 558.016, 565.079,  
84 and 579.170, the person shall also be sentenced  
85 to the parole eligibility percentage of the  
86 higher class.

87           3. The authorized terms of imprisonment  
88 under subsections 1 and 2 of this section shall  
89 apply to all offenses, except if the terms for  
90 parole eligibility otherwise provided by statute  
91 result in a higher parole eligibility  
92 percentage, in which case the statute resulting  
93 in the higher parole eligibility percentage  
94 shall apply.

95                   4. The authorized terms of imprisonment  
96 under subsection 1 of this section shall not  
97 apply to any offense where a suspended  
98 imposition of sentence is imposed or where the  
99 matter is referred to an adult treatment court  
100 as provided in chapter 478.

101                   5. In cases of class D and E felonies, the  
102 court shall have discretion to imprison for a  
103 special term not to exceed one year in the  
104 county jail or other authorized penal  
105 institution, and the place of confinement shall  
106 be fixed by the court. If the court imposes a  
107 sentence of imprisonment for a term longer than  
108 one year upon a person convicted of a class D or  
109 E felony, it shall commit the person to the  
110 custody of the department of corrections.

111                   [3.] 6. (1) When a regular sentence of  
112 imprisonment for a felony is imposed, the court  
113 shall commit the person to the custody of the  
114 department of corrections for the term imposed  
115 under section 557.036, or until released under  
116 procedures established elsewhere by law.

117                   (2) A sentence of imprisonment for a  
118 misdemeanor shall be for a definite term and the  
119 court shall commit the person to the county jail  
120 or other authorized penal institution for the  
121 term of his or her sentence or until released  
122 under procedure established elsewhere by law.

123                   [4.] 7. (1) Except as otherwise provided,  
124 a sentence of imprisonment for a term of years  
125 for felonies other than dangerous felonies as  
126 defined in section 556.061, and other than  
127 sentences of imprisonment which involve the  
128 individual's fourth or subsequent remand to the  
129 department of corrections shall consist of a  
130 prison term and a conditional release term. The  
131 conditional release term of any term imposed  
132 under section 557.036 shall be:

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

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

137                   (c) Five years for terms more than fifteen  
138 years; and the prison term shall be the  
139 remainder of such term. The prison term may be

140 extended by the parole board pursuant to  
141 subsection [5] 8 of this section.

142 (2) "Conditional release" means the  
143 conditional discharge of an offender by the  
144 parole board, subject to conditions of release  
145 that the parole board deems reasonable to assist  
146 the offender to lead a law-abiding life, and  
147 subject to the supervision under the division of  
148 probation and parole. The conditions of release  
149 shall include avoidance by the offender of any  
150 other offense, federal or state, and other  
151 conditions that the parole board in its  
152 discretion deems reasonably necessary to assist  
153 the releasee in avoiding further violation of  
154 the law.

155 [5.] 8. The date of conditional release  
156 from the prison term may be extended up to a  
157 maximum of the entire sentence of imprisonment  
158 by the parole board. The director of any  
159 division of the department of corrections except  
160 the division of probation and parole may file  
161 with the parole board a petition to extend the  
162 conditional release date when an offender fails  
163 to follow the rules and regulations of the  
164 division or commits an act in violation of such  
165 rules. Within ten working days of receipt of  
166 the petition to extend the conditional release  
167 date, the parole board shall convene a hearing  
168 on the petition. The offender shall be present  
169 and may call witnesses in his or her behalf and  
170 cross-examine witnesses appearing against the  
171 offender. The hearing shall be conducted as  
172 provided in section 217.670. If the violation  
173 occurs in close proximity to the conditional  
174 release date, the conditional release may be  
175 held for a maximum of fifteen working days to  
176 permit necessary time for the division director  
177 to file a petition for an extension with the  
178 parole board and for the parole board to conduct  
179 a hearing, provided some affirmative  
180 manifestation of an intent to extend the  
181 conditional release has occurred prior to the  
182 conditional release date. If at the end of a  
183 fifteen-working-day period a parole board  
184 decision has not been reached, the offender

185 shall be released conditionally. The decision  
186 of the parole board shall be final.

187 9. Any person who commits a class A or B  
188 felony or an offense under chapters 566, 568,  
189 and 573 that requires registration as a sex  
190 offender under chapter 589, on or after January  
191 1, 2028, shall not be eligible for conditional  
192 release for that offense.

193 10. Notwithstanding any other provision of  
194 law to the contrary, any offender who has been  
195 found guilty of a dangerous felony as defined in  
196 section 556.061 and is committed to the  
197 department of corrections shall be required to  
198 serve eighty-five percent of the sentence  
199 imposed by the court prior to parole eligibility.

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

204 (1) A sentence of life shall be calculated  
205 to be thirty years; and

206 (2) Any sentence either alone or in the  
207 aggregate with other consecutive sentences for  
208 offenses committed at or near the same time that  
209 is over seventy-five years shall be calculated  
210 to be seventy-five years.

211 12. When consecutive sentences are imposed  
212 by a court, the minimum percentage for each  
213 respective felony shall be met prior to parole  
214 eligibility.

215 13. When concurrent sentences are imposed  
216 by a court, the person shall serve the minimum  
217 required percentage for the longest sentence  
218 prior to parole eligibility.]

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

4 (1) For a class A felony, a term of years not less  
5 than ten years and not to exceed thirty years, or life  
6 imprisonment, for which an offender shall serve seventy  
7 percent of the imposed sentence prior to parole eligibility;

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

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

15 (a) Forty percent of the imposed sentence prior to  
16 parole eligibility for a conviction under chapters 566, 568,  
17 and 573 that requires registration as a sex offender under  
18 chapter 589;

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

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

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

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

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

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

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

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

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

47 (a) Twenty-five percent of the imposed sentence prior  
48 to parole eligibility for a conviction under chapters 566,  
49 568, and 573 that requires registration as a sex offender  
50 under chapter 589;

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

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

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

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

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

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

67 2. When a person is sentenced to the authorized term  
68 of imprisonment for a higher class than the offense for  
69 which the person was found guilty under sections 558.016,  
70 565.079, and 579.170, the person shall also be sentenced to  
71 the parole eligibility percentage of the higher class.

72 3. The authorized terms of imprisonment under  
73 subsections 1 and 2 of this section shall apply to all

74 offenses, except if the terms for parole eligibility  
75 otherwise provided by statute result in a higher parole  
76 eligibility percentage, in which case the statute resulting  
77 in the higher parole eligibility percentage shall apply.

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

83 5. In cases of class D and E felonies, the court shall  
84 have discretion to imprison for a special term not to exceed  
85 one year in the county jail or other authorized penal  
86 institution, and the place of confinement shall be fixed by  
87 the court. If the court imposes a sentence of imprisonment  
88 for a term longer than one year upon a person convicted of a  
89 class D or E felony, it shall commit the person to the  
90 custody of the department of corrections.

91 **[3.]** 6. (1) When a regular sentence of imprisonment  
92 for a felony is imposed, the court shall commit the person  
93 to the custody of the department of corrections for the term  
94 imposed under section 557.036, or until released under  
95 procedures established elsewhere by law.

96 (2) A sentence of imprisonment for a misdemeanor shall  
97 be for a definite term and the court shall commit the person  
98 to the county jail or other authorized penal institution for  
99 the term of his or her sentence or until released under  
100 procedure established elsewhere by law.

101 **[4.]** 7. (1) Except as otherwise provided, a sentence  
102 of imprisonment for a term of years for felonies other than  
103 dangerous felonies as defined in section 556.061, and other  
104 than sentences of imprisonment which involve the  
105 individual's fourth or subsequent remand to the department  
106 of corrections shall consist of a prison term and a

107 conditional release term. The conditional release term of  
108 any term imposed under section 557.036 shall be:

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

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

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

116 (2) "Conditional release" means the conditional  
117 discharge of an offender by the parole board, subject to  
118 conditions of release that the parole board deems reasonable  
119 to assist the offender to lead a law-abiding life, and  
120 subject to the supervision under the division of probation  
121 and parole. The conditions of release shall include  
122 avoidance by the offender of any other offense, federal or  
123 state, and other conditions that the parole board in its  
124 discretion deems reasonably necessary to assist the releasee  
125 in avoiding further violation of the law.

126 [5.] 8. The date of conditional release from the  
127 prison term may be extended up to a maximum of the entire  
128 sentence of imprisonment by the parole board. The director  
129 of any division of the department of corrections except the  
130 division of probation and parole may file with the parole  
131 board a petition to extend the conditional release date when  
132 an offender fails to follow the rules and regulations of the  
133 division or commits an act in violation of such rules.  
134 Within ten working days of receipt of the petition to extend  
135 the conditional release date, the parole board shall convene  
136 a hearing on the petition. The offender shall be present  
137 and may call witnesses in his or her behalf and cross-  
138 examine witnesses appearing against the offender. The  
139 hearing shall be conducted as provided in section 217.670.

140 If the violation occurs in close proximity to the  
141 conditional release date, the conditional release may be  
142 held for a maximum of fifteen working days to permit  
143 necessary time for the division director to file a petition  
144 for an extension with the parole board and for the parole  
145 board to conduct a hearing, provided some affirmative  
146 manifestation of an intent to extend the conditional release  
147 has occurred prior to the conditional release date. If at  
148 the end of a fifteen-working-day period a parole board  
149 decision has not been reached, the offender shall be  
150 released conditionally. The decision of the parole board  
151 shall be final.

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

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

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

166 (1) A sentence of life shall be calculated to be  
167 thirty years; and

168 (2) Any sentence either alone or in the aggregate with  
169 other consecutive sentences for offenses committed at or  
170 near the same time that is over seventy-five years shall be  
171 calculated to be seventy-five years.

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

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

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] shall sentence a  
7 person to an 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 previously found guilty of a dangerous  
24 felony as 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.

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

10 2. The provisions of subsections 2 to 5 of  
11 this section shall only be applicable to the  
12 offenses contained in sections 565.021, 565.023,  
13 565.024, 565.027, 565.050, 565.052, 565.054,  
14 565.072, 565.073, 565.074, 565.090, 565.110,  
15 565.115, 565.120, 565.153, 565.156, 565.225,  
16 565.300, 566.030, 566.031, 566.032, 566.034,  
17 566.060, 566.061, 566.062, 566.064, 566.067,  
18 566.068, 566.069, 566.071, 566.083, 566.086,  
19 566.100, 566.101, 566.103, 566.111, 566.115,  
20 566.145, 566.151, 566.153, 566.203, 566.206,  
21 566.209, 566.210, 566.211, 566.215, 568.030,  
22 568.045, 568.060, 568.065, 568.175, 569.040,  
569.160, 570.023, 570.025, 570.030 when punished

23 as a class A, B, or C felony, 570.145 when  
24 punished as a class A or B felony, 570.223 when  
25 punished as a class B or C felony, 571.020,  
26 571.030, 571.070, 573.023, 573.025, 573.035,  
27 573.037, 573.200, 573.205, 574.070, 574.080,  
28 574.115, 575.030, 575.150, 575.153, 575.155,  
29 575.157, 575.200 when punished as a class A  
30 felony, 575.210, 575.230 when punished as a  
31 class B felony, 575.240 when punished as a class  
32 B felony, 576.070, 576.080, 577.010, 577.013,  
33 577.078, 577.703, 577.706, 579.065, and 579.068  
34 when punished as a class A or B felony. For the  
35 purposes of this section, "prison commitment"  
36 means and is the receipt by the department of  
37 corrections of an offender after sentencing.  
38 For purposes of this section, prior prison  
39 commitments to the department of corrections  
40 shall not include an offender's first  
41 incarceration prior to release on probation  
42 under section 217.362 or 559.115. Other  
43 provisions of the law to the contrary  
44 notwithstanding, any offender who has been found  
45 guilty of a felony other than a dangerous felony  
46 as defined in section 556.061 and is committed  
47 to the department of corrections shall be  
48 required to serve the following minimum prison  
49 terms:

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

58 (2) If the offender has two previous  
59 prison commitments to the department of  
60 corrections for felonies unrelated to the  
61 present offense, the minimum prison term which  
62 the offender must serve shall be fifty percent  
63 of his or her sentence or until the offender  
64 attains seventy years of age, and has served at  
65 least forty percent of the sentence imposed,  
66 whichever occurs first;

67 (3) If the offender has three or more  
68 previous prison commitments to the department of

69 corrections for felonies unrelated to the  
70 present offense, the minimum prison term which  
71 the offender must serve shall be eighty percent  
72 of his or her sentence or until the offender  
73 attains seventy years of age, and has served at  
74 least forty percent of the sentence imposed,  
75 whichever occurs first.

76 3. Other provisions of the law to the  
77 contrary notwithstanding, any offender who has  
78 been found guilty of a dangerous felony as  
79 defined in section 556.061 and is committed to  
80 the department of corrections shall be required  
81 to serve a minimum prison term of eighty-five  
82 percent of the sentence imposed by the court or  
83 until the offender attains seventy years of age,  
84 and has served at least forty percent of the  
85 sentence imposed, whichever occurs first.

86 4. For the purpose of determining the  
87 minimum prison term to be served, the following  
88 calculations shall apply:

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

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

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

102 6. An offender who was convicted of, or  
103 pled guilty to, a felony offense other than  
104 those offenses listed in subsection 2 of this  
105 section prior to August 28, 2019, shall no  
106 longer be subject to the minimum prison term  
107 provisions under subsection 2 of this section,  
108 and shall be eligible for parole, conditional  
109 release, or other early release by the  
110 department of corrections according to the rules  
111 and regulations of the department.

112 7.] (1) A sentencing advisory commission  
113 is hereby created to consist of eleven members.  
114 One member shall be appointed by the speaker of

115 the house. One member shall be appointed by the  
116 president pro tem of the senate. One member  
117 shall be the director of the department of  
118 corrections. Six members shall be appointed by  
119 and serve at the pleasure of the governor from  
120 among the following: the public defender  
121 commission; private citizens; a private member  
122 of the Missouri Bar; the board of probation and  
123 parole; and a prosecutor. Two members shall be  
124 appointed by the supreme court, one from a  
125 metropolitan area and one from a rural area.  
126 All members shall be appointed to a four-year  
127 term. All members of the sentencing commission  
128 appointed prior to August 28, 1994, shall  
129 continue to serve on the sentencing advisory  
130 commission at the pleasure of the governor.

131 (2) The commission shall study sentencing  
132 practices in the circuit courts throughout the  
133 state for the purpose of determining whether and  
134 to what extent disparities exist among the  
135 various circuit courts with respect to the  
136 length of sentences imposed and the use of  
137 probation for offenders convicted of the same or  
138 similar offenses and with similar criminal  
139 histories. The commission shall also study and  
140 examine whether and to what extent sentencing  
141 disparity among economic and social classes  
142 exists in relation to the sentence of death and  
143 if so, the reasons therefor, if sentences are  
144 comparable to other states, if the length of the  
145 sentence is appropriate, and the rate of  
146 rehabilitation based on sentence. It shall  
147 compile statistics, examine cases, draw  
148 conclusions, and perform other duties relevant  
149 to the research and investigation of disparities  
150 in death penalty sentencing among economic and  
151 social classes.

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

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

161 (5) The members of the commission shall  
162 not receive compensation for their duties on the  
163 commission, but shall be reimbursed for actual  
164 and necessary expenses incurred in the  
165 performance of these duties and for which they  
166 are not reimbursed by reason of their other paid  
167 positions.

168 (6) The circuit and associate circuit  
169 courts of this state, the office of the state  
170 courts administrator, the department of public  
171 safety, and the department of corrections shall  
172 cooperate with the commission by providing  
173 information or access to information needed by  
174 the commission. The office of the state courts  
175 administrator will provide needed staffing  
176 resources.

177 [8.] 2. Courts shall retain discretion to  
178 lower or exceed the sentence recommended by the  
179 commission as otherwise allowable by law, and to  
180 order restorative justice methods, when  
181 applicable.

182 [9.] 3. If the imposition or execution of  
183 a sentence is suspended, the court may order any  
184 or all of the following restorative justice  
185 methods, or any other method that the court  
186 finds just or appropriate:

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

190 (2) Offender treatment programs;

191 (3) Mandatory community service;

192 (4) Work release programs in local  
193 facilities; and

194 (5) Community-based residential and  
195 nonresidential programs.

196 [10.] 4. Pursuant to subdivision (1) of  
197 subsection [9] 3 of this section, the court may  
198 order the assessment and payment of a designated  
199 amount of restitution to a county law  
200 enforcement restitution fund established by the  
201 county commission pursuant to section 50.565.  
202 Such contribution shall not exceed three hundred  
203 dollars for any charged offense. Any  
204 restitution moneys deposited into the county law  
205 enforcement restitution fund pursuant to this

206 section shall only be expended pursuant to the  
207 provisions of section 50.565.

208 [11.] 5. A judge may order payment to a  
209 restitution fund only if such fund had been  
210 created by ordinance or resolution of a county  
211 of the state of Missouri prior to sentencing. A  
212 judge shall not have any direct supervisory  
213 authority or administrative control over any  
214 fund to which the judge is ordering a person to  
215 make payment.

216 [12.] 6. A person who fails to make a  
217 payment to a county law enforcement restitution  
218 fund may not have his or her probation revoked  
219 solely for failing to make such payment unless  
220 the judge, after evidentiary hearing, makes a  
221 finding supported by a preponderance of the  
222 evidence that the person either willfully  
223 refused to make the payment or that the person  
224 willfully, intentionally, and purposefully  
225 failed to make sufficient bona fide efforts to  
226 acquire the resources to pay.

227 [13.] 7. Nothing in this section shall be  
228 construed to allow the sentencing advisory  
229 commission to issue recommended sentences in  
230 specific cases pending in the courts of this  
231 state.]

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, which set minimum terms of sentences, or the  
6 provisions of section 559.115, relating to probation.

7 2. The provisions of subsections 2 to 5 of this  
8 section shall only be applicable to the offenses contained  
9 in sections 565.021, 565.023, 565.024, 565.027, 565.050,  
10 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,  
11 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,  
12 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,  
13 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,  
14 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,

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

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

46 (2) If the offender has two previous prison  
47 commitments to the department of corrections for felonies

48 unrelated to the present offense, the minimum prison term  
49 which the offender must serve shall be fifty percent of his  
50 or her sentence or until the offender attains seventy years  
51 of age, and has served at least forty percent of the  
52 sentence imposed, whichever occurs first;

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

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

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

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

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

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

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

89           7.1 (1) A sentencing advisory commission is hereby  
90 created to consist of eleven members. One member shall be  
91 appointed by the speaker of the house. One member shall be  
92 appointed by the president pro tem of the senate. One  
93 member shall be the director of the department of  
94 corrections. Six members shall be appointed by and serve at  
95 the pleasure of the governor from among the following: the  
96 public defender commission; private citizens; a private  
97 member of the Missouri Bar; the board of probation and  
98 parole; and a prosecutor. Two members shall be appointed by  
99 the supreme court, one from a metropolitan area and one from  
100 a rural area. All members shall be appointed to a four-year  
101 term. All members of the sentencing commission appointed  
102 prior to August 28, 1994, shall continue to serve on the  
103 sentencing advisory commission at the pleasure of the  
104 governor.

105           (2) The commission shall study sentencing practices in  
106 the circuit courts throughout the state for the purpose of  
107 determining whether and to what extent disparities exist  
108 among the various circuit courts with respect to the length  
109 of sentences imposed and the use of probation for offenders  
110 convicted of the same or similar offenses and with similar  
111 criminal histories. The commission shall also study and  
112 examine whether and to what extent sentencing disparity  
113 among economic and social classes exists in relation to the

114 sentence of death and if so, the reasons therefor, if  
115 sentences are comparable to other states, if the length of  
116 the sentence is appropriate, and the rate of rehabilitation  
117 based on sentence. It shall compile statistics, examine  
118 cases, draw conclusions, and perform other duties relevant  
119 to the research and investigation of disparities in death  
120 penalty sentencing among economic and social classes.

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

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

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

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

141 [8.] 2. Courts shall retain discretion to lower or  
142 exceed the sentence recommended by the commission as  
143 otherwise allowable by law, and to order restorative justice  
144 methods, when applicable.

145 [9.] 3. If the imposition or execution of a sentence  
146 is suspended, the court may order any or all of the

147 following restorative justice methods, or any other method  
148 that the court finds just or appropriate:

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

152 (2) Offender treatment programs;

153 (3) Mandatory community service;

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

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

157 [10.] 4. Pursuant to subdivision (1) of subsection [9]  
158 3 of this section, the court may order the assessment and  
159 payment of a designated amount of restitution to a county  
160 law enforcement restitution fund established by the county  
161 commission pursuant to section 50.565. Such contribution  
162 shall not exceed three hundred dollars for any charged  
163 offense. Any restitution moneys deposited into the county  
164 law enforcement restitution fund pursuant to this section  
165 shall only be expended pursuant to the provisions of section  
166 50.565.

167 [11.] 5. A judge may order payment to a restitution  
168 fund only if such fund had been created by ordinance or  
169 resolution of a county of the state of Missouri prior to  
170 sentencing. A judge shall not have any direct supervisory  
171 authority or administrative control over any fund to which  
172 the judge is ordering a person to make payment.

173 [12.] 6. A person who fails to make a payment to a  
174 county law enforcement restitution fund may not have his or  
175 her probation revoked solely for failing to make such  
176 payment unless the judge, after evidentiary hearing, makes a  
177 finding supported by a preponderance of the evidence that  
178 the person either willfully refused to make the payment or  
179 that the person willfully, intentionally, and purposefully

180 failed to make sufficient bona fide efforts to acquire the  
181 resources to pay.

182 [13.] 7. Nothing in this section shall be construed to  
183 allow the sentencing advisory commission to issue  
184 recommended sentences in specific cases pending in the  
185 courts of this state.

[558.026. 1. Multiple sentences of  
2 imprisonment shall run concurrently unless the  
3 court specifies that they shall run  
4 consecutively; except in the case of multiple  
5 sentences of imprisonment imposed for any  
6 offense committed during or at the same time as,  
7 or multiple offenses of, the following felonies:

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

10 (2) Statutory rape in the first degree;

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

13 (4) Statutory sodomy in the first degree;  
14 or

15 (5) An attempt to commit any of the  
16 felonies listed in this subsection. In such  
17 case, the sentence of imprisonment imposed for  
18 any felony listed in this subsection or an  
19 attempt to commit any of the aforesaid shall run  
20 consecutively to the other sentences. The  
21 sentences imposed for any other offense may run  
22 concurrently.

23 2. If a person who is on probation, parole  
24 or conditional release is sentenced to a term of  
25 imprisonment for an offense committed after the  
26 granting of probation or parole or after the  
27 start of his or her conditional release term,  
28 the court shall direct the manner in which the  
29 sentence or sentences imposed by the court shall  
30 run with respect to any resulting probation,  
31 parole or conditional release revocation term or  
32 terms. If the subsequent sentence to  
33 imprisonment is in another jurisdiction, the  
34 court shall specify how any resulting probation,  
35 parole or conditional release revocation term or  
36 terms shall run with respect to the foreign  
37 sentence of imprisonment.

38           3. A court may cause any sentence it  
39 imposes to run concurrently with a sentence an  
40 individual is serving or is to serve in another  
41 state or in a federal correctional center. If  
42 the Missouri sentence is served in another state  
43 or in a federal correctional center, subsection  
44 [4] 7 of section 558.011 and section 217.690  
45 shall apply as if the individual were serving  
46 his or her sentence within the department of  
47 corrections of the state of Missouri, except  
48 that a personal hearing before the parole board  
49 shall not be required for parole consideration.]

558.026. 1. Multiple sentences of imprisonment shall  
2 run concurrently unless the court specifies that they shall  
3 run consecutively; except in the case of multiple sentences  
4 of imprisonment imposed for any offense committed during or  
5 at the same time as, or multiple offenses of, the following  
6 felonies:

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

8           (2) Statutory rape in the first degree;

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

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

12           (5) An attempt to commit any of the felonies listed in  
13 this subsection. In such case, the sentence of imprisonment  
14 imposed for any felony listed in this subsection or an  
15 attempt to commit any of the aforesaid shall run  
16 consecutively to the other sentences. The sentences imposed  
17 for any other offense may run concurrently.

18           2. If a person who is on probation, parole or  
19 conditional release is sentenced to a term of imprisonment  
20 for an offense committed after the granting of probation or  
21 parole or after the start of his or her conditional release  
22 term, the court shall direct the manner in which the  
23 sentence or sentences imposed by the court shall run with  
24 respect to any resulting probation, parole or conditional

25 release revocation term or terms. If the subsequent  
26 sentence to imprisonment is in another jurisdiction, the  
27 court shall specify how any resulting probation, parole or  
28 conditional release revocation term or terms shall run with  
29 respect to the foreign sentence of imprisonment.

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

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

8 2. [Such] When placing a person on  
9 probation for a suspended imposition of  
10 sentence, probation for a suspended execution of  
11 sentence, or when executing a sentence of  
12 imprisonment, the court shall record, as part of  
13 [shall receive credit toward the service of a  
14 sentence of imprisonment for all time] was in  
15 prison, jail, or custody, that was related to  
16 the offense, after the offense occurred and  
17 before [the commencement of the sentence, when  
18 the time in custody was related to that offense]  
19 being sentenced to imprisonment and the  
20 defendant shall be awarded credit toward the  
21 service of a sentence of imprisonment for that  
22 number of days. [This] The jail time credit  
23 calculation shall be based upon the  
24 certification of the sheriff as provided in  
25 subdivision (3) of subsection 2 of section

26 217.305 and may be supplemented by a certificate  
27 of a sheriff or other custodial officer from  
28 another jurisdiction having held the person on  
29 the charge of the offense for which the sentence  
30 of imprisonment is ordered and shall be  
31 pronounced at the time of the judgment, the  
32 execution of a suspended sentence, or the  
33 suspension of imposition of sentence, shall be  
34 included in the record, and shall include both  
35 the dates the person was in custody and the  
36 number of days to be credited toward the service  
37 of the sentence.

38 3. For purposes of this section, time in  
39 custody related to an offense includes time  
40 during which the offense was charged in a  
41 criminal proceeding, there was an arrest warrant  
42 issued in said criminal proceeding, and the  
43 arrest warrant was served upon the person, and  
44 includes time served on house arrest. The  
45 person shall not be entitled to any credit  
46 toward the service of a sentence of imprisonment  
47 for any time such person was not being held on  
48 said arrest warrant because such person posted  
49 bond, the arrest warrant was recalled, or the  
50 person was otherwise released.

51 4. The court may take judicial notice of  
52 all time the person has served in prison, jail,  
53 or custody, or on house arrest for a criminal  
54 proceeding by comparing dates of service on  
55 arrest warrants with evidence contained within  
56 the court file of dates of release and the  
57 prosecution and defense attorney may enter into  
58 a stipulation with regard to credit for the  
59 service of a sentence of imprisonment for all  
60 time in prison, jail, or custody, or on house  
61 arrest except in no event may the court approve  
62 a stipulation that is greater than or less than  
63 the time in custody related to an offense.

64 5. Upon motion and notice by defendant or  
65 defense counsel, for any such person who was  
66 held in a juvenile detention facility for an  
67 offense for which such person was subsequently  
68 adjudicated to stand trial as an adult, the  
69 court may also award credit toward the service  
70 of a sentence of imprisonment for any time such

71 person was confined in a juvenile detention  
72 facility.

73 6. In the event a criminal proceeding  
74 related to an offense is dismissed without  
75 prejudice by a court or nolle prossed by the  
76 state, upon motion and notice by defendant or  
77 defense counsel, the proceeding may be  
78 consolidated into the present matter for  
79 purposes of calculating credit for the service  
80 of a sentence of imprisonment.

81 7. The officer required by law to deliver  
82 a person convicted of an offense in this state  
83 to the department of corrections shall endorse  
84 upon the papers required by section 217.305 both  
85 the dates the offender was in custody and the  
86 period of time to be credited toward the service  
87 of the sentence of imprisonment, [except as  
88 endorsed by such officer] included in the  
89 judgment or suspended imposition of sentence and  
90 such additional days after the pronouncement of  
91 sentence and before the delivery of the person  
92 to the department of corrections.

93 [4.] 8. If a person convicted of an  
94 offense escapes from custody, such escape shall  
95 interrupt the sentence. The interruption shall  
96 continue until such person is returned to the  
97 correctional center where the sentence was being  
98 served, or in the case of a person committed to  
99 the custody of the department of corrections, to  
100 any correctional center operated by the  
101 department of corrections. An escape shall also  
102 interrupt the jail time credit to be applied to  
103 a sentence which had not commenced when the  
104 escape occurred.

105 [5.] 9. If a sentence of imprisonment is  
106 vacated and a new sentence imposed upon the  
107 offender for that offense, all time served under  
108 the vacated sentence shall be credited against  
109 the new sentence, unless the time has already  
110 been credited to another sentence as provided in  
111 subsection 1 of this section.

112 [6.] 10. If a person released from  
113 imprisonment on parole or serving a conditional  
114 release term violates any of the conditions of  
115 his or her parole or release, he or she may be  
116 treated as a parole violator. If the parole

117 board revokes the parole or conditional release,  
118 the paroled person shall serve the remainder of  
119 the prison term and conditional release term, as  
120 an additional prison term, and the conditionally  
121 released person shall serve the remainder of the  
122 conditional release term as a prison term,  
123 unless released on parole.

124 [7. Subsection 2 of this section shall be  
125 applicable to offenses for which the offender  
126 was sentenced on or after August 28, 2023.]

127 8. The total amount of credit given shall  
128 not exceed the number of days spent in prison,  
129 jail, or custody after the offense occurred and  
130 before the commencement of the sentence.]

131 11. A person may only challenge credit  
132 awarded or not awarded pursuant to this section  
133 by the filing of a petition for a writ of habeas  
134 corpus.]

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] When placing a person on probation for a  
7 suspended imposition of sentence, probation for a suspended  
8 execution of sentence, or when executing a sentence of  
9 imprisonment, the court shall record, as part of each  
10 judgment, the number of days the person [shall receive  
11 credit toward the service of a sentence of imprisonment for  
12 all time] was in prison, jail, or custody, that was related  
13 to the offense, after the offense occurred and before [the  
14 commencement of the sentence, when the time in custody was  
15 related to that offense] being sentenced to imprisonment and  
16 the defendant shall be awarded credit toward the service of  
17 a sentence of imprisonment for that number of days. [This]  
18 The jail time credit calculation shall be based upon the  
19 certification of the sheriff as provided in subdivision (3)  
20 of subsection 2 of section 217.305 and may be supplemented

21 by a certificate of a sheriff or other custodial officer  
22 from another jurisdiction having held the person on the  
23 charge of the offense for which the sentence of imprisonment  
24 is ordered and shall be pronounced at the time of the  
25 judgment, the execution of a suspended sentence, or the  
26 suspension of imposition of sentence, shall be included in  
27 the record, and shall include both the dates the person was  
28 in custody and the number of days to be credited toward the  
29 service of the sentence.

30 3. For purposes of this section, time in custody  
31 related to an offense includes time during which the offense  
32 was charged in a criminal proceeding, there was an arrest  
33 warrant issued in said criminal proceeding, and the arrest  
34 warrant was served upon the person, and includes time served  
35 on house arrest. The person shall not be entitled to any  
36 credit toward the service of a sentence of imprisonment for  
37 any time such person was not being held on said arrest  
38 warrant because such person posted bond, the arrest warrant  
39 was recalled, or the person was otherwise released.

40 4. The court may take judicial notice of all time the  
41 person has served in prison, jail, or custody, or on house  
42 arrest for a criminal proceeding by comparing dates of  
43 service on arrest warrants with evidence contained within  
44 the court file of dates of release and the prosecution and  
45 defense attorney may enter into a stipulation with regard to  
46 credit for the service of a sentence of imprisonment for all  
47 time in prison, jail, or custody, or on house arrest except  
48 in no event may the court approve a stipulation that is  
49 greater than or less than the time in custody related to an  
50 offense.

51 5. Upon motion and notice by defendant or defense  
52 counsel, for any such person who was held in a juvenile  
53 detention facility for an offense for which such person was

54 subsequently adjudicated to stand trial as an adult, the  
55 court may also award credit toward the service of a sentence  
56 of imprisonment for any time such person was confined in a  
57 juvenile detention facility.

58 6. In the event a criminal proceeding related to an  
59 offense is dismissed without prejudice by a court or nolle  
60 prossed by the state, upon motion and notice by defendant or  
61 defense counsel, the proceeding may be consolidated into the  
62 present matter for purposes of calculating credit for the  
63 service of a sentence of imprisonment.

64 7. The officer required by law to deliver a person  
65 convicted of an offense in this state to the department of  
66 corrections shall endorse upon the papers required by  
67 section 217.305 both the dates the offender was in custody  
68 and the period of time to be credited toward the service of  
69 the sentence of imprisonment, [except as endorsed by such  
70 officer] included in the judgment or suspended imposition of  
71 sentence and such additional days after the pronouncement of  
72 sentence and before the delivery of the person to the  
73 department of corrections.

74 [4.] 8. If a person convicted of an offense escapes  
75 from custody, such escape shall interrupt the sentence. The  
76 interruption shall continue until such person is returned to  
77 the correctional center where the sentence was being served,  
78 or in the case of a person committed to the custody of the  
79 department of corrections, to any correctional center  
80 operated by the department of corrections. An escape shall  
81 also interrupt the jail time credit to be applied to a  
82 sentence which had not commenced when the escape occurred.

83 [5.] 9. If a sentence of imprisonment is vacated and a  
84 new sentence imposed upon the offender for that offense, all  
85 time served under the vacated sentence shall be credited  
86 against the new sentence, unless the time has already been

87 credited to another sentence as provided in subsection 1 of  
88 this section.

89 [6.] 10. If a person released from imprisonment on  
90 parole or serving a conditional release term violates any of  
91 the conditions of his or her parole or release, he or she  
92 may be treated as a parole violator. If the parole board  
93 revokes the parole or conditional release, the paroled  
94 person shall serve the remainder of the prison term and  
95 conditional release term, as an additional prison term, and  
96 the conditionally released person shall serve the remainder  
97 of the conditional release term as a prison term, unless  
98 released on parole.

99 [7. Subsection 2 of this section shall be applicable  
100 to offenses for which the offender was sentenced on or after  
101 August 28, 2023.]

102 8. The total amount of credit given shall not exceed  
103 the number of days spent in prison, jail, or custody after  
104 the offense occurred and before the commencement of the  
105 sentence.]

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

2 [558.046. The sentencing court may, upon  
3 petition, reduce any term of sentence or  
4 probation pronounced by the court or a term of  
5 conditional release or parole pronounced by the  
6 parole board if the court determines that:  
7 (1) The convicted person was:  
8 (a) Convicted of an offense that did not  
9 involve violence or the threat of violence; and  
10 (b) Convicted of an offense that involved  
11 alcohol or illegal drugs; and  
12 (2) Since the commission of such offense,  
13 the convicted person has successfully completed  
14 a detoxification and rehabilitation program; and  
(3) The convicted person is not:

15 (a) A prior offender, a persistent  
16 offender, a dangerous offender or a persistent  
17 misdemeanor offender as defined by section  
18 558.016; or

19 (b) A persistent sexual offender as  
20 defined in section 566.125[; or

21 (c) A prior offender, a persistent  
22 offender or a class X offender as defined in  
23 section 558.019].]

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

5 (1) The convicted person was:

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

8 (b) Convicted of an offense that involved alcohol or  
9 illegal drugs; and

10 (2) Since the commission of such offense, the  
11 convicted person has successfully completed a detoxification  
12 and rehabilitation program; and

13 (3) The convicted person is not:

14 (a) A prior offender, a persistent offender, a  
15 dangerous offender or a persistent misdemeanor offender as  
16 defined by section 558.016; or

17 (b) A persistent sexual offender as defined in section  
18 566.125[; or

19 (c) A prior offender, a persistent offender or a class  
20 X offender as defined in section 558.019].

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

7 2. Unless otherwise prohibited by  
8 subsection [8] 7 of this section, a circuit

9 court only upon its own motion and not that of  
10 the state or the offender shall have the power  
11 to grant probation to an offender anytime up to  
12 one hundred twenty days after such offender has  
13 been delivered to the department of corrections  
14 but not thereafter. The court may request  
15 information and a recommendation from the  
16 department concerning the offender and such  
17 offender's behavior during the period of  
18 incarceration. Except as provided in this  
19 section, the court may place the offender on  
20 probation in a program created pursuant to  
21 section 217.777, or may place the offender on  
22 probation with any other conditions authorized  
23 by law.

24 3. The court may recommend placement of an  
25 offender in a department of corrections one  
26 hundred twenty-day program under this  
27 subsection. The department of corrections shall  
28 assess each offender to determine the  
29 appropriate one hundred twenty-day program in  
30 which to place the offender, which may include  
31 placement in the structured cognitive behavioral  
32 intervention program or institutional treatment  
33 program. The placement of an offender in the  
34 structured cognitive behavioral intervention  
35 program or institutional treatment program shall  
36 be at the sole discretion of the department  
37 based on the assessment of the offender and  
38 available bed space. When the court recommends  
39 and receives placement of an offender in a  
40 department of corrections one hundred twenty-day  
41 program, the offender shall be released on  
42 probation if the department of corrections  
43 determines that the offender has successfully  
44 completed the program except as follows. Upon  
45 successful completion of a program under this  
46 subsection, the division of probation and parole  
47 shall advise the sentencing court of an  
48 offender's probationary release date thirty days  
49 prior to release. The court shall follow the  
50 recommendation of the department unless the  
51 court determines that probation is not  
52 appropriate. If the court determines that  
53 probation is not appropriate, the court may  
54 order the execution of the offender's sentence

55 only after conducting a hearing on the matter  
56 within ninety to one hundred twenty days from  
57 the date the offender was delivered to the  
58 department of corrections. If the department  
59 determines the offender has not successfully  
60 completed a one hundred twenty-day program under  
61 this subsection, the division of probation and  
62 parole shall advise the prosecuting attorney and  
63 the sentencing court of the defendant's  
64 unsuccessful program exit and the defendant  
65 shall be removed from the program. The  
66 department shall report on the offender's  
67 participation in the program and may provide  
68 recommendations for terms and conditions of an  
69 offender's probation. The court shall then have  
70 the power to grant probation or order the  
71 execution of the offender's sentence.

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

87 5. Except when the offender has been found  
88 to be a predatory sexual offender pursuant to  
89 section 566.125, the court shall request the  
90 department of corrections to conduct a sexual  
91 offender assessment if the defendant has been  
92 found guilty of sexual abuse when classified as  
93 a class B felony. Upon completion of the  
94 assessment, the department shall provide to the  
95 court a report on the offender and may provide  
96 recommendations for terms and conditions of an  
97 offender's probation. The assessment shall not  
98 be considered a one hundred twenty-day program  
99 as provided under subsection 3 of this section.  
100 The process for granting probation to an

101 offender who has completed the assessment shall  
102 be as provided under subsections 2 and 6 of this  
103 section.

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

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

125 8.] Notwithstanding any other provision of  
126 law, probation may not be granted pursuant to  
127 this section to offenders who have been  
128 convicted of murder in the second degree  
129 pursuant to section 565.021; forcible rape  
130 pursuant to section 566.030 as it existed prior  
131 to August 28, 2013; rape in the first degree  
132 under section 566.030; forcible sodomy pursuant  
133 to section 566.060 as it existed prior to August  
134 28, 2013; sodomy in the first degree under  
135 section 566.060; statutory rape in the first  
136 degree pursuant to section 566.032; statutory  
137 sodomy in the first degree pursuant to section  
138 566.062; child molestation in the first degree  
139 pursuant to section 566.067 when classified as a  
140 class A felony; abuse of a child pursuant to  
141 section 568.060 when classified as a class A  
142 felony; or an offender who has been found to be  
143 a predatory sexual offender pursuant to section  
144 566.125; any offense under section 557.045; or  
145 any offense in which there exists a statutory  
146 prohibition against either probation or parole.]

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

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

19 3. The court may recommend placement of an offender in  
20 a department of corrections one hundred twenty-day program  
21 under this subsection. The department of corrections shall  
22 assess each offender to determine the appropriate one  
23 hundred twenty-day program in which to place the offender,  
24 which may include placement in the structured cognitive  
25 behavioral intervention program or institutional treatment  
26 program. The placement of an offender in the structured  
27 cognitive behavioral intervention program or institutional  
28 treatment program shall be at the sole discretion of the  
29 department based on the assessment of the offender and  
30 available bed space. When the court recommends and receives  
31 placement of an offender in a department of corrections one  
32 hundred twenty-day program, the offender shall be released  
33 on probation if the department of corrections determines

34 that the offender has successfully completed the program  
35 except as follows. Upon successful completion of a program  
36 under this subsection, the division of probation and parole  
37 shall advise the sentencing court of an offender's  
38 probationary release date thirty days prior to release. The  
39 court shall follow the recommendation of the department  
40 unless the court determines that probation is not  
41 appropriate. If the court determines that probation is not  
42 appropriate, the court may order the execution of the  
43 offender's sentence only after conducting a hearing on the  
44 matter within ninety to one hundred twenty days from the  
45 date the offender was delivered to the department of  
46 corrections. If the department determines the offender has  
47 not successfully completed a one hundred twenty-day program  
48 under this subsection, the division of probation and parole  
49 shall advise the prosecuting attorney and the sentencing  
50 court of the defendant's unsuccessful program exit and the  
51 defendant shall be removed from the program. The department  
52 shall report on the offender's participation in the program  
53 and may provide recommendations for terms and conditions of  
54 an offender's probation. The court shall then have the  
55 power to grant probation or order the execution of the  
56 offender's sentence.

57 4. If the court is advised that an offender is not  
58 eligible for placement in a one hundred twenty-day program  
59 under subsection 3 of this section, the court shall consider  
60 other authorized dispositions. If the department of  
61 corrections one hundred twenty-day program under subsection  
62 3 of this section is full, the court may place the offender  
63 in a private program approved by the department of  
64 corrections or the court, the expenses of such program to be  
65 paid by the offender, or in an available program offered by  
66 another organization. If the offender is convicted of a

67 class C, class D, or class E nonviolent felony, the court  
68 may order probation while awaiting appointment to treatment.

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

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

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

100           8.] Notwithstanding any other provision of law,  
101 probation may not be granted pursuant to this section to  
102 offenders who have been convicted of murder in the second  
103 degree pursuant to section 565.021; forcible rape pursuant  
104 to section 566.030 as it existed prior to August 28, 2013;  
105 rape in the first degree under section 566.030; forcible  
106 sodomy pursuant to section 566.060 as it existed prior to  
107 August 28, 2013; sodomy in the first degree under section  
108 566.060; statutory rape in the first degree pursuant to  
109 section 566.032; statutory sodomy in the first degree  
110 pursuant to section 566.062; child molestation in the first  
111 degree pursuant to section 566.067 when classified as a  
112 class A felony; abuse of a child pursuant to section 568.060  
113 when classified as a class A felony; or an offender who has  
114 been found to be a predatory sexual offender pursuant to  
115 section 566.125; any offense under section 557.045; or any  
116 offense in which there exists a statutory prohibition  
117 against either probation or parole.

          [566.030. 1. A person commits the offense  
2 of rape in the first degree if he or she has  
3 sexual intercourse with another person who is  
4 incapacitated, incapable of consent, or lacks  
5 the capacity to consent, or by the use of  
6 forcible compulsion. Forcible compulsion  
7 includes the use of a substance administered  
8 without a victim's knowledge or consent which  
9 renders the victim physically or mentally  
10 impaired so as to be incapable of making an  
11 informed consent to sexual intercourse.

          2. The offense of rape in the first degree  
13 or an attempt to commit rape in the first degree  
14 is a class A felony for which the authorized  
15 term of imprisonment is life imprisonment or a  
16 term of years not less than [five] ten years,  
17 not to exceed thirty years, unless:

          (1) The offense is an aggravated sexual  
19 offense, in which case the authorized term of  
20 imprisonment is life imprisonment as defined in  
21 section 558.011 or [a term of years not less

22 than fifteen years] life imprisonment without  
23 eligibility for probation or parole;

24 (2) The person is a persistent or  
25 predatory sexual offender as defined in section  
26 566.125 and subjected to an extended term of  
27 imprisonment under said section;

28 (3) The victim is a child less than twelve  
29 years of age, in which case the required term of  
30 imprisonment is life imprisonment as defined in  
31 section 558.011 or life imprisonment without  
32 eligibility for probation or parole [until the  
33 offender has served not less than thirty years  
34 of such sentence or unless the offender has  
35 reached the age of seventy-five years and has  
36 served at least fifteen years of such sentence,  
37 unless such rape in the first degree is  
38 described under subdivision (4) of this  
39 subsection]; or

40 (4) The victim is a child less than twelve  
41 years of age and such rape in the first degree  
42 or attempt to commit rape in the first degree  
43 was outrageously or wantonly vile, horrible or  
44 inhumane, in that it involved torture or  
45 depravity of mind, in which case the required  
46 term of imprisonment is life imprisonment  
47 without eligibility for probation, parole or  
48 conditional release.

49 3. [Subsection 4 of section 558.019 shall  
50 not apply to the sentence of a person who has  
51 been found guilty of rape in the first degree or  
52 attempt to commit rape in the first degree when  
53 the victim is less than twelve years of age, and  
54 "life imprisonment" shall mean imprisonment for  
55 the duration of a person's natural life for the  
56 purposes of this section.

57 4.] No person found guilty of rape in the  
58 first degree or an attempt to commit rape in the  
59 first degree shall be granted a suspended  
60 imposition of sentence or suspended execution of  
61 sentence.]

566.030. 1. A person commits the offense of rape in  
2 the first degree if he or she has sexual intercourse with  
3 another person who is incapacitated, incapable of consent,  
4 or lacks the capacity to consent, or by the use of forcible

5 compulsion. Forcible compulsion includes the use of a  
6 substance administered without a victim's knowledge or  
7 consent which renders the victim physically or mentally  
8 impaired so as to be incapable of making an informed consent  
9 to sexual intercourse.

10 2. The offense of rape in the first degree or an  
11 attempt to commit rape in the first degree is a class A  
12 felony for which the authorized term of imprisonment is life  
13 imprisonment or a term of years not less than ~~five~~ ten  
14 years, not to exceed thirty years, unless:

15 (1) The offense is an aggravated sexual offense, in  
16 which case the authorized term of imprisonment is life  
17 imprisonment as defined in section 558.011 or ~~a term of~~  
18 ~~years not less than fifteen years~~ life imprisonment without  
19 eligibility for probation or parole;

20 (2) The person is a persistent or predatory sexual  
21 offender as defined in section 566.125 and subjected to an  
22 extended term of imprisonment under said section;

23 (3) The victim is a child less than twelve years of  
24 age, in which case the required term of imprisonment is life  
25 imprisonment as defined in section 558.011 or life  
26 imprisonment without eligibility for probation or parole  
27 ~~[until the offender has served not less than thirty years of~~  
28 ~~such sentence or unless the offender has reached the age of~~  
29 ~~seventy-five years and has served at least fifteen years of~~  
30 ~~such sentence, unless such rape in the first degree is~~  
31 ~~described under subdivision (4) of this subsection];~~ or

32 (4) The victim is a child less than twelve years of  
33 age and such rape in the first degree or attempt to commit  
34 rape in the first degree was outrageously or wantonly vile,  
35 horrible or inhumane, in that it involved torture or  
36 depravity of mind, in which case the required term of

37 imprisonment is life imprisonment without eligibility for  
38 probation, parole or conditional release.

39 3. [Subsection 4 of section 558.019 shall not apply to  
40 the sentence of a person who has been found guilty of rape  
41 in the first degree or attempt to commit rape in the first  
42 degree when the victim is less than twelve years of age, and  
43 "life imprisonment" shall mean imprisonment for the duration  
44 of a person's natural life for the purposes of this section.

45 4.] No person found guilty of rape in the first degree  
46 or an attempt to commit rape in the first degree shall be  
47 granted a suspended imposition of sentence or suspended  
48 execution of sentence.

566.032. 1. A person commits the offense of statutory  
2 rape in the first degree if he or she has sexual intercourse  
3 with another person who is less than fourteen years of age.

4 2. The offense of statutory rape in the first degree  
5 or an attempt to commit statutory rape in the first degree  
6 is a felony for which the authorized term of imprisonment is  
7 life imprisonment or a term of years not less than [five]  
8 ten years, unless:

9 (1) The offense is an aggravated sexual offense, or  
10 the victim is less than twelve years of age in which case  
11 the authorized term of imprisonment is life imprisonment or  
12 a term of years not less than [ten] fifteen years; or

13 (2) The person is a persistent or predatory sexual  
14 offender as defined in section 566.125 and subjected to an  
15 extended term of imprisonment under said section.

[566.060. 1. A person commits the offense  
2 of sodomy in the first degree if he or she has  
3 deviate sexual intercourse with another person  
4 who is incapacitated, incapable of consent, or  
5 lacks the capacity to consent, or by the use of  
6 forcible compulsion. Forcible compulsion  
7 includes the use of a substance administered  
8 without a victim's knowledge or consent which

9 renders the victim physically or mentally  
10 impaired so as to be incapable of making an  
11 informed consent to sexual intercourse.

12 2. The offense of sodomy in the first  
13 degree or an attempt to commit sodomy in the  
14 first degree is a felony for which the  
15 authorized term of imprisonment is life  
16 imprisonment or a term of years not less than  
17 five years, unless:

18 (1) The offense is an aggravated sexual  
19 offense, in which case the authorized term of  
20 imprisonment is life imprisonment or a term of  
21 years not less than ten years;

22 (2) The person is a persistent or  
23 predatory sexual offender as defined in section  
24 566.125 and subjected to an extended term of  
25 imprisonment under said section;

26 (3) The victim is a child less than twelve  
27 years of age, in which case the required term of  
28 imprisonment is life imprisonment as defined in  
29 section 558.011 or life imprisonment without  
30 eligibility for probation or parole [until the  
31 offender has served not less than thirty years  
32 of such sentence or unless the offender has  
33 reached the age of seventy-five years and has  
34 served at least fifteen years of such sentence,  
35 unless such sodomy in the first degree is  
36 described under subdivision (4) of this  
37 subsection]; or

38 (4) The victim is a child less than twelve  
39 years of age and such sodomy in the first degree  
40 or attempt to commit sodomy in the first degree  
41 was outrageously or wantonly vile, horrible or  
42 inhumane, in that it involved torture or  
43 depravity of mind, in which case the required  
44 term of imprisonment is life imprisonment  
45 without eligibility for probation, parole or  
46 conditional release.

47 3. [Subsection 4 of section 558.019 shall  
48 not apply to the sentence of a person who has  
49 been found guilty of sodomy in the first degree  
50 or an attempt to commit sodomy in the first  
51 degree when the victim is less than twelve years  
52 of age, and "life imprisonment" shall mean  
53 imprisonment for the duration of a person's  
54 natural life for the purposes of this section.]

55           4.] No person found guilty of sodomy in  
56           the first degree or an attempt to commit sodomy  
57           in the first degree shall be granted a suspended  
58           imposition of sentence or suspended execution of  
59           sentence.]

          566.060. 1. A person commits the offense of sodomy in  
2           the first degree if he or she has deviate sexual intercourse  
3           with another person who is incapacitated, incapable of  
4           consent, or lacks the capacity to consent, or by the use of  
5           forcible compulsion. Forcible compulsion includes the use  
6           of a substance administered without a victim's knowledge or  
7           consent which renders the victim physically or mentally  
8           impaired so as to be incapable of making an informed consent  
9           to sexual intercourse.

10           2. The offense of sodomy in the first degree or an  
11           attempt to commit sodomy in the first degree is a felony for  
12           which the authorized term of imprisonment is life  
13           imprisonment or a term of years not less than five years,  
14           unless:

15           (1) The offense is an aggravated sexual offense, in  
16           which case the authorized term of imprisonment is life  
17           imprisonment or a term of years not less than ten years;

18           (2) The person is a persistent or predatory sexual  
19           offender as defined in section 566.125 and subjected to an  
20           extended term of imprisonment under said section;

21           (3) The victim is a child less than twelve years of  
22           age, in which case the required term of imprisonment is life  
23           imprisonment as defined in section 558.011 or life  
24           imprisonment without eligibility for probation or parole  
25           [until the offender has served not less than thirty years of  
26           such sentence or unless the offender has reached the age of  
27           seventy-five years and has served at least fifteen years of  
28           such sentence, unless such sodomy in the first degree is  
29           described under subdivision (4) of this subsection]; or

30 (4) The victim is a child less than twelve years of  
31 age and such sodomy in the first degree or attempt to commit  
32 sodomy in the first degree was outrageously or wantonly  
33 vile, horrible or inhumane, in that it involved torture or  
34 depravity of mind, in which case the required term of  
35 imprisonment is life imprisonment without eligibility for  
36 probation, parole or conditional release.

37 3. [Subsection 4 of section 558.019 shall not apply to  
38 the sentence of a person who has been found guilty of sodomy  
39 in the first degree or an attempt to commit sodomy in the  
40 first degree when the victim is less than twelve years of  
41 age, and "life imprisonment" shall mean imprisonment for the  
42 duration of a person's natural life for the purposes of this  
43 section.

44 4.] No person found guilty of sodomy in the first  
45 degree or an attempt to commit sodomy in the first degree  
46 shall be granted a suspended imposition of sentence or  
47 suspended execution of sentence.

566.103. 1. A person or entity commits the offense of  
2 promoting online sexual solicitation if such person or  
3 entity knowingly permits a web-based classified service  
4 owned or operated by such person or entity to be used by  
5 individuals to post advertisements promoting prostitution,  
6 enticing a child to engage in sexual conduct, or promoting  
7 sexual trafficking of a child after receiving notice under  
8 this section.

9 2. As used in this section, the term "web-based  
10 classified service" means a person or entity in whose name a  
11 specific URL or internet domain name is registered which has  
12 advertisements for goods and services or personal  
13 advertisements.

14 3. An advertisement may be deemed to promote  
15 prostitution, entice a child to engage in sexual conduct, or

16 promote sexual trafficking of a child, if the content of  
17 such advertisement would be interpreted by a reasonable  
18 person as offering to exchange sexual conduct for goods or  
19 services in violation of chapter 567, as seeking a child for  
20 the purpose of sexual conduct or commercial sex act, or as  
21 offering a child as a participant in sexual conduct or  
22 commercial sex act in violation of section 566.151,  
23 566.210, or 566.211.

24 4. It shall be prima facie evidence that a person or  
25 entity acts knowingly if an advertisement is not removed  
26 from the web-based classified service within seventy-two  
27 hours of that person or entity being notified that an  
28 advertisement has been posted on that service which is  
29 prohibited under this section.

30 5. Notice under this section may be provided by  
31 certified mail or facsimile transmission by the attorney  
32 general or any prosecuting attorney or circuit attorney.

33 6. A violation of this section shall be a class E  
34 felony, punishable by imprisonment or a fine in the amount  
35 of five thousand dollars per day that the advertisement  
36 remains posted on the web-based classified service after  
37 seventy-two hours of when notice has been provided pursuant  
38 to this section, or by both such fine and imprisonment.

39 7. Original jurisdiction for prosecution of a  
40 violation of this section shall be with the local  
41 prosecuting attorney or circuit attorney.

2 [566.125. 1. The court shall sentence a  
3 person to an extended term of imprisonment if it  
4 finds the defendant is a persistent sexual  
5 offender and has been found guilty of attempting  
6 to commit or committing the following offenses:

- 7 (1) Statutory rape in the first degree or  
8 statutory sodomy in the first degree;  
9 (2) Rape in the first degree or sodomy in  
10 the first degree;  
(3) Forcible rape;

- 11 (4) Forcible sodomy;
- 12 (5) Rape;
- 13 (6) Sodomy.

14 2. A "persistent sexual offender" is one  
15 who has previously been found guilty of  
16 attempting to commit or committing any of the  
17 offenses listed in subsection 1 of this section  
18 or one who has previously been found guilty of  
19 an offense in any other jurisdiction which would  
20 constitute any of the offenses listed in  
21 subsection 1 of this section.

22 3. The term of imprisonment for one found  
23 to be a persistent sexual offender shall be  
24 imprisonment for life without eligibility for  
25 probation or parole. [Subsection 4 of section  
26 558.019 shall not apply to any person imprisoned  
27 under this subsection, and] "Imprisonment for  
28 life" shall mean imprisonment for the duration  
29 of the person's natural life.

30 4. The court shall sentence a person to an  
31 extended term of imprisonment as provided for in  
32 this section if it finds the defendant is a  
33 predatory sexual offender and has been found  
34 guilty of committing or attempting to commit any  
35 of the offenses listed in subsection 1 of this  
36 section or committing child molestation in the  
37 first or second degree or sexual abuse when  
38 classified as a class B felony.

39 5. For purposes of this section, a  
40 "predatory sexual offender" is a person who:

41 (1) Has previously been found guilty of  
42 committing or attempting to commit any of the  
43 offenses listed in subsection 1 of this section,  
44 or committing child molestation in the first or  
45 second degree, or sexual abuse when classified  
46 as a class B felony; or

47 (2) Has previously committed an act which  
48 would constitute an offense listed in subsection  
49 4 of this section, whether or not the act  
50 resulted in a conviction; or

51 (3) Has committed an act or acts against  
52 more than one victim which would constitute an  
53 offense or offenses listed in subsection 4 of  
54 this section, whether or not the defendant was  
55 charged with an additional offense or offenses  
56 as a result of such act or acts.

57           6. A person found to be a predatory sexual  
58 offender shall be imprisoned for life with  
59 eligibility for parole[, however subsection 4 of  
60 section 558.019 shall not apply to persons found  
61 to be predatory sexual offenders for the  
62 purposes of determining the minimum prison term  
63 or the length of sentence as defined or used in  
64 such subsection]. Notwithstanding any other  
65 provision of law, in no event shall a person  
66 found to be a predatory sexual offender receive  
67 a final discharge from parole.

68           7. Notwithstanding any other provision of  
69 law, the court shall set the minimum time  
70 required to be served before a predatory sexual  
71 offender is eligible for parole, conditional  
72 release or other early release by the department  
73 of corrections. The minimum time to be served  
74 by a person found to be a predatory sexual  
75 offender who:

76           (1) Has previously been found guilty of  
77 committing or attempting to commit any of the  
78 offenses listed in subsection 1 of this section  
79 and is found guilty of committing or attempting  
80 to commit any of the offenses listed in  
81 subsection 1 of this section shall be any number  
82 of years but not less than thirty years;

83           (2) Has previously been found guilty of  
84 child molestation in the first or second degree,  
85 or sexual abuse when classified as a class B  
86 felony and is found guilty of attempting to  
87 commit or committing any of the offenses listed  
88 in subsection 1 of this section shall be any  
89 number of years but not less than fifteen years;

90           (3) Has previously been found guilty of  
91 committing or attempting to commit any of the  
92 offenses listed in subsection 1 of this section,  
93 or committing child molestation in the first or  
94 second degree, or sexual abuse when classified  
95 as a class B felony shall be any number of years  
96 but not less than fifteen years;

97           (4) Has previously been found guilty of  
98 child molestation in the first degree or second  
99 degree, or sexual abuse when classified as a  
100 class B felony, and is found guilty of child  
101 molestation in the first or second degree, or  
102 sexual abuse when classified as a class B felony

103 shall be any number of years but not less than  
104 fifteen years;

105 (5) Is found to be a predatory sexual  
106 offender pursuant to subdivision (2) or (3) of  
107 subsection 5 of this section shall be any number  
108 of years within the range to which the person  
109 could have been sentenced pursuant to the  
110 applicable law if the person was not found to be  
111 a predatory sexual offender.

112 8. Notwithstanding any provision of law to  
113 the contrary, the department of corrections, or  
114 any division thereof, may not furlough an  
115 individual found to be and sentenced as a  
116 persistent sexual offender or a predatory sexual  
117 offender.]

566.125. 1. The court shall sentence a person to an  
2 extended term of imprisonment if it finds the defendant is a  
3 persistent sexual offender and has been found guilty of  
4 attempting to commit or committing the following offenses:

5 (1) Statutory rape in the first degree or statutory  
6 sodomy in the first degree;

7 (2) Rape in the first degree or sodomy in the first  
8 degree;

9 (3) Forcible rape;

10 (4) Forcible sodomy;

11 (5) Rape;

12 (6) Sodomy.

13 2. A "persistent sexual offender" is one who has  
14 previously been found guilty of attempting to commit or  
15 committing any of the offenses listed in subsection 1 of  
16 this section or one who has previously been found guilty of  
17 an offense in any other jurisdiction which would constitute  
18 any of the offenses listed in subsection 1 of this section.

19 3. The term of imprisonment for one found to be a  
20 persistent sexual offender shall be imprisonment for life  
21 without eligibility for probation or parole. [Subsection 4  
22 of section 558.019 shall not apply to any person imprisoned

23 under this subsection, and] "Imprisonment for life" shall  
24 mean imprisonment for the duration of the person's natural  
25 life.

26 4. The court shall sentence a person to an extended  
27 term of imprisonment as provided for in this section if it  
28 finds the defendant is a predatory sexual offender and has  
29 been found guilty of committing or attempting to commit any  
30 of the offenses listed in subsection 1 of this section or  
31 committing child molestation in the first or second degree  
32 or sexual abuse when classified as a class B felony.

33 5. For purposes of this section, a "predatory sexual  
34 offender" is a person who:

35 (1) Has previously been found guilty of committing or  
36 attempting to commit any of the offenses listed in  
37 subsection 1 of this section, or committing child  
38 molestation in the first or second degree, or sexual abuse  
39 when classified as a class B felony; or

40 (2) Has previously committed an act which would  
41 constitute an offense listed in subsection 4 of this  
42 section, whether or not the act resulted in a conviction; or

43 (3) Has committed an act or acts against more than one  
44 victim which would constitute an offense or offenses listed  
45 in subsection 4 of this section, whether or not the  
46 defendant was charged with an additional offense or offenses  
47 as a result of such act or acts.

48 6. A person found to be a predatory sexual offender  
49 shall be imprisoned for life with eligibility for parole[,  
50 however subsection 4 of section 558.019 shall not apply to  
51 persons found to be predatory sexual offenders for the  
52 purposes of determining the minimum prison term or the  
53 length of sentence as defined or used in such subsection].

54 Notwithstanding any other provision of law, in no event

55 shall a person found to be a predatory sexual offender  
56 receive a final discharge from parole.

57 7. Notwithstanding any other provision of law, the  
58 court shall set the minimum time required to be served  
59 before a predatory sexual offender is eligible for parole,  
60 conditional release or other early release by the department  
61 of corrections. The minimum time to be served by a person  
62 found to be a predatory sexual offender who:

63 (1) Has previously been found guilty of committing or  
64 attempting to commit any of the offenses listed in  
65 subsection 1 of this section and is found guilty of  
66 committing or attempting to commit any of the offenses  
67 listed in subsection 1 of this section shall be any number  
68 of years but not less than thirty years;

69 (2) Has previously been found guilty of child  
70 molestation in the first or second degree, or sexual abuse  
71 when classified as a class B felony and is found guilty of  
72 attempting to commit or committing any of the offenses  
73 listed in subsection 1 of this section shall be any number  
74 of years but not less than fifteen years;

75 (3) Has previously been found guilty of committing or  
76 attempting to commit any of the offenses listed in  
77 subsection 1 of this section, or committing child  
78 molestation in the first or second degree, or sexual abuse  
79 when classified as a class B felony shall be any number of  
80 years but not less than fifteen years;

81 (4) Has previously been found guilty of child  
82 molestation in the first degree or second degree, or sexual  
83 abuse when classified as a class B felony, and is found  
84 guilty of child molestation in the first or second degree,  
85 or sexual abuse when classified as a class B felony shall be  
86 any number of years but not less than fifteen years;

87           (5) Is found to be a predatory sexual offender  
88 pursuant to subdivision (2) or (3) of subsection 5 of this  
89 section shall be any number of years within the range to  
90 which the person could have been sentenced pursuant to the  
91 applicable law if the person was not found to be a predatory  
92 sexual offender.

93           8. Notwithstanding any provision of law to the  
94 contrary, the department of corrections, or any division  
95 thereof, may not furlough an individual found to be and  
96 sentenced as a persistent sexual offender or a predatory  
97 sexual offender.

          566.203. 1. A person commits the offense of abusing  
2 an individual through forced labor by knowingly providing or  
3 obtaining the labor or services of a person:

4           (1) By causing or threatening to cause serious  
5 physical injury to any person;

6           (2) By physically restraining or threatening to  
7 physically restrain another person;

8           (3) By blackmail;

9           (4) By means of any scheme, plan, or pattern of  
10 behavior intended to cause such person to believe that, if  
11 the person does not perform the labor services, the person  
12 or another person will suffer serious physical injury,  
13 physical restraint, or financial harm; or

14           (5) By means of the abuse or threatened abuse of the  
15 law or the legal process.

16           2. A person who is found guilty of the crime of abuse  
17 through forced labor shall not be required to register as a  
18 sexual offender pursuant to the provisions of section  
19 589.400, unless such person is otherwise required to  
20 register pursuant to the provisions of such section.

21           3. The offense of abuse through forced labor is a  
22 felony punishable by imprisonment for a term of years not

23 less than five years and not more than twenty years and a  
24 fine not to exceed two hundred fifty thousand dollars.

25 4. If death results from a violation of this section,  
26 or if the violation includes kidnapping or an attempt to  
27 kidnap, sexual abuse when punishable as a class B felony, or  
28 an attempt to commit sexual abuse when punishable as a class  
29 B felony, or an attempt to kill, it shall be punishable for  
30 a term of years not less than ~~five~~ ten years or life and a  
31 fine not to exceed two hundred fifty thousand dollars.

566.209. 1. A person commits the ~~crime~~ offense of  
2 trafficking for the purposes of sexual exploitation if a  
3 person knowingly recruits, entices, harbors, transports,  
4 provides, advertises the availability of or obtains by any  
5 means, including but not limited to through the use of  
6 force, intoxicating or inhibiting substances, abduction,  
7 coercion, fraud, deception, blackmail, or causing or  
8 threatening to cause financial harm, another person for the  
9 use or employment of such person in a commercial sex act,  
10 sexual conduct, a sexual performance, or the production of  
11 explicit sexual material as defined in section 573.010,  
12 without his or her consent, or benefits, financially or by  
13 receiving anything of value, from participation in such  
14 activities.

15 2. The ~~crime~~ offense of trafficking for the purposes  
16 of sexual exploitation is a felony punishable by  
17 imprisonment for a term of years not less than five years  
18 and not more than twenty years and a fine not to exceed two  
19 hundred fifty thousand dollars. If a violation of this  
20 section was effected by force, abduction, or coercion, the  
21 crime of trafficking for the purposes of sexual exploitation  
22 is a felony punishable by imprisonment for a term of years  
23 not less than ten years or life and a fine not to exceed two  
24 hundred fifty thousand dollars.

2 [566.210. 1. A person commits the offense  
3 of sexual trafficking of a child in the first  
4 degree if he or she knowingly:

5 (1) Recruits, entices, harbors,  
6 transports, provides, or obtains by any means,  
7 including but not limited to through the use of  
8 force, abduction, coercion, fraud, deception,  
9 blackmail, or causing or threatening to cause  
10 financial harm, a person under the age of  
11 fourteen to participate in a commercial sex act,  
12 a sexual performance, or the production of  
13 explicit sexual material as defined in section  
14 573.010, or benefits, financially or by  
15 receiving anything of value, from participation  
16 in such activities;

17 (2) Causes a person under the age of  
18 fourteen to engage in a commercial sex act, a  
19 sexual performance, or the production of  
20 explicit sexual material as defined in section  
21 573.010; or

22 (3) Advertises the availability of a  
23 person under the age of fourteen to participate  
24 in a commercial sex act, a sexual performance,  
25 or the production of explicit sexual material as  
26 defined in section 573.010.

27 2. It shall not be a defense that the  
28 defendant believed that the person was fourteen  
29 years of age or older.

30 3. The offense of sexual trafficking of a  
31 child in the first degree is a felony for which  
32 the authorized term of imprisonment is life  
33 imprisonment without eligibility for probation  
34 or parole until the offender has served not less  
35 than thirty years of such sentence. [Subsection  
36 4 of section 558.019 shall not apply to the  
37 sentence of a person who has been found guilty  
38 of sexual trafficking of a child less than  
39 fourteen years of age, and "life imprisonment"  
40 shall mean imprisonment for the duration of a  
41 person's natural life for the purposes of this  
section.]]

566.210. 1. A person commits the offense of sexual  
2 trafficking of a child in the first degree if he or she  
3 knowingly:

4 (1) Recruits, entices, harbors, transports, provides,  
5 or obtains by any means, including but not limited to  
6 through the use of force, abduction, coercion, fraud,  
7 deception, blackmail, or causing or threatening to cause  
8 financial harm, a person under the age of fourteen to  
9 participate in a commercial sex act, a sexual performance,  
10 or the production of explicit sexual material as defined in  
11 section 573.010, or benefits, financially or by receiving  
12 anything of value, from participation in such activities;

13 (2) Causes a person under the age of fourteen to  
14 engage in a commercial sex act, a sexual performance, or the  
15 production of explicit sexual material as defined in section  
16 573.010; or

17 (3) Advertises the availability of a person under the  
18 age of fourteen to participate in a commercial sex act, a  
19 sexual performance, or the production of explicit sexual  
20 material as defined in section 573.010.

21 2. It shall not be a defense that the defendant  
22 believed that the person was fourteen years of age or older.

23 3. The offense of sexual trafficking of a child in the  
24 first degree is a felony for which the authorized term of  
25 imprisonment is life imprisonment without eligibility for  
26 probation or parole until the offender has served not less  
27 than thirty years of such sentence. [Subsection 4 of  
28 section 558.019 shall not apply to the sentence of a person  
29 who has been found guilty of sexual trafficking of a child  
30 less than fourteen years of age, and "life imprisonment"  
31 shall mean imprisonment for the duration of a person's  
32 natural life for the purposes of this section.]

[566.211. 1. A person commits the offense  
2 of sexual trafficking of a child in the second  
3 degree if he or she knowingly:

4 (1) Recruits, entices, harbors,  
5 transports, provides, or obtains by any means,

6 including but not limited to through the use of  
7 force, abduction, coercion, fraud, deception,  
8 blackmail, or causing or threatening to cause  
9 financial harm, a person under the age of  
10 eighteen to participate in a commercial sex act,  
11 a sexual performance, or the production of  
12 explicit sexual material as defined in section  
13 573.010, or benefits, financially or by  
14 receiving anything of value, from participation  
15 in such activities;

16 (2) Causes a person under the age of  
17 eighteen to engage in a commercial sex act, a  
18 sexual performance, or the production of  
19 explicit sexual material as defined in section  
20 573.010; or

21 (3) Advertises the availability of a  
22 person under the age of eighteen to participate  
23 in a commercial sex act, a sexual performance,  
24 or the production of explicit sexual material as  
25 defined in section 573.010.

26 2. It shall not be a defense that the  
27 defendant believed that the person was eighteen  
28 years of age or older.

29 3. The offense of sexual trafficking of a  
30 child in the second degree is a felony  
31 punishable by imprisonment for a term of years  
32 not less than twenty years or life and a fine  
33 not to exceed two hundred fifty thousand dollars  
34 if the child is under the age of eighteen. If a  
35 violation of this section was effected by force,  
36 abduction, or coercion, the [crime] offense of  
37 sexual trafficking of a child shall be a felony  
38 for which the authorized term of imprisonment is  
39 life imprisonment without eligibility for  
40 probation or parole until the defendant has  
41 served [not less than twenty-five years] eighty-  
42 five percent of such sentence as provided under  
43 section 558.011.]

566.211. 1. A person commits the offense of sexual  
2 trafficking of a child in the second degree if he or she  
3 knowingly:

4 (1) Recruits, entices, harbors, transports, provides,  
5 or obtains by any means, including but not limited to

6 through the use of force, abduction, coercion, fraud,  
7 deception, blackmail, or causing or threatening to cause  
8 financial harm, a person under the age of eighteen to  
9 participate in a commercial sex act, a sexual performance,  
10 or the production of explicit sexual material as defined in  
11 section 573.010, or benefits, financially or by receiving  
12 anything of value, from participation in such activities;

13 (2) Causes a person under the age of eighteen to  
14 engage in a commercial sex act, a sexual performance, or the  
15 production of explicit sexual material as defined in section  
16 573.010; or

17 (3) Advertises the availability of a person under the  
18 age of eighteen to participate in a commercial sex act, a  
19 sexual performance, or the production of explicit sexual  
20 material as defined in section 573.010.

21 2. It shall not be a defense that the defendant  
22 believed that the person was eighteen years of age or older.

23 3. The offense of sexual trafficking of a child in the  
24 second degree is a felony punishable by imprisonment for a  
25 term of years not less than twenty years or life and a fine  
26 not to exceed two hundred fifty thousand dollars if the  
27 child is under the age of eighteen. If a violation of this  
28 section was effected by force, abduction, or coercion, the  
29 [crime] offense of sexual trafficking of a child shall be a  
30 felony for which the authorized term of imprisonment is life  
31 imprisonment without eligibility for probation or parole  
32 until the defendant has served [not less than twenty-five  
33 years] eighty-five percent of such sentence as provided  
34 under section 558.011.

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~~ eighteen years of age;

7 (2) Knowingly engages in sexual conduct with a person  
8 under the age of eighteen 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~~ eighteen years of age to engage in any  
13 conduct which violates the provisions of chapter 571 or 579;  
14 or

15 (4) In the presence of a child less than ~~seventeen~~  
16 eighteen years of age or in a residence where a child less  
17 than ~~seventeen~~ eighteen years of age resides, unlawfully  
18 manufactures or attempts to manufacture compounds,  
19 possesses, produces, prepares, sells, transports, tests or  
20 analyzes any of the following: fentanyl, carfentanil,  
21 amphetamine, or methamphetamine, or any analogue thereof.

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

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

30 (2) Involves fentanyl or carfentanil, or any analogue  
31 thereof, in which case:

32 (a) The offense is a class B felony; and

33 (b) A person sentenced under this subdivision shall  
34 not be eligible for conditional release or parole until he  
35 or she has served at least five years of imprisonment;

36 (3) Results in serious physical injury to the child,  
37 in which case the offense is a class B felony; or

38 (4) Results in the death of a child, in which case the  
39 offense is a class A felony.

[568.060. 1. As used in this section, the  
2 following terms shall mean:

3 (1) "Abuse", the infliction of physical,  
4 sexual, or mental injury against a child by any  
5 person eighteen years of age or older. For  
6 purposes of this section, abuse shall not  
7 include injury inflicted on a child by  
8 accidental means by a person with care, custody,  
9 or control of the child, or discipline of a  
10 child by a person with care, custody, or control  
11 of the child, including spanking, in a  
12 reasonable manner;

13 (2) "Abusive head trauma", a serious  
14 physical injury to the head or brain caused by  
15 any means, including but not limited to shaking,  
16 jerking, pushing, pulling, slamming, hitting, or  
17 kicking;

18 (3) "Mental injury", an injury to the  
19 intellectual or psychological capacity or the  
20 emotional condition of a child as evidenced by  
21 an observable and substantial impairment of the  
22 ability of the child to function within his or  
23 her normal range of performance or behavior;

24 (4) "Neglect", the failure to provide, by  
25 those responsible for the care, custody, and  
26 control of a child under the age of eighteen  
27 years, the care reasonable and necessary to  
28 maintain the physical and mental health of the  
29 child, when such failure presents a substantial  
30 probability that death or physical injury or  
31 sexual injury would result;

32 (5) "Physical injury", physical pain,  
33 illness, or any impairment of physical  
34 condition, including but not limited to  
35 bruising, lacerations, hematomas, welts, or  
36 permanent or temporary disfigurement and  
37 impairment of any bodily function or organ;

38 (6) "Serious emotional injury", an injury  
39 that creates a substantial risk of temporary or  
40 permanent medical or psychological damage,

41 manifested by impairment of a behavioral,  
42 cognitive, or physical condition. Serious  
43 emotional injury shall be established by  
44 testimony of qualified experts upon the  
45 reasonable expectation of probable harm to a  
46 reasonable degree of medical or psychological  
47 certainty;

48 (7) "Serious physical injury", a physical  
49 injury that creates a substantial risk of death  
50 or that causes serious disfigurement or  
51 protracted loss or impairment of the function of  
52 any part of the body.

53 2. A person commits the offense of abuse  
54 or neglect of a child if such person knowingly  
55 causes a child who is less than eighteen years  
56 of age:

57 (1) To suffer physical or mental injury as  
58 a result of abuse or neglect; or

59 (2) To be placed in a situation in which  
60 the child may suffer physical or mental injury  
61 as the result of abuse or neglect.

62 3. A person commits the offense of abuse  
63 or neglect of a child if such person recklessly  
64 causes a child who is less than eighteen years  
65 of age to suffer from abusive head trauma.

66 4. A person does not commit the offense of  
67 abuse or neglect of a child by virtue of the  
68 sole fact that the person delivers or allows the  
69 delivery of a child to a provider of emergency  
70 services.

71 5. (1) A person does not commit the  
72 offense of abuse or neglect of a child by virtue  
73 of the sole fact that the person allows the  
74 child to engage in independent activities  
75 without adult supervision and the person is a  
76 parent to the child or is responsible for the  
77 child's care, provided that the:

78 (a) Independent activities are appropriate  
79 based on the child's age, maturity, and physical  
80 and mental abilities; and

81 (b) Lack of adult supervision does not  
82 constitute conduct that is so grossly negligent  
83 as to endanger the health or safety of the child.

84 (2) As used in this subsection,  
85 "independent activities" shall include traveling  
86 to or from school or nearby locations by bicycle

87 or on foot, playing outdoors, or remaining at  
88 home for a reasonable period of time without  
89 adult supervision.

90 6. The offense of abuse or neglect of a  
91 child is:

92 (1) A class D felony[, without eligibility  
93 for probation, parole, or conditional release  
94 until the defendant has served no less than one  
95 year of such sentence], unless the person has  
96 previously been found guilty of a violation of  
97 this section or of a violation of the law of any  
98 other jurisdiction that prohibits the same or  
99 similar conduct or the injury inflicted on the  
100 child is a serious emotional injury or a serious  
101 physical injury, in which case abuse or neglect  
102 of a child is a class B felony, without  
103 eligibility for probation or parole until the  
104 defendant has served not less than five years of  
105 such sentence; or

106 (2) A class A felony if the child dies as  
107 a result of injuries sustained from conduct  
108 chargeable under the provisions of this section.

109 7. Notwithstanding subsection 6 of this  
110 section to the contrary, the offense of abuse or  
111 neglect of a child is a class A felony, without  
112 eligibility for probation, parole, or  
113 conditional release until the defendant has  
114 served not less than fifteen years of such  
115 sentence, if:

116 (1) The injury is a serious emotional  
117 injury or a serious physical injury;

118 (2) The child is less than fourteen years  
119 of age; and

120 (3) The injury is the result of sexual  
121 abuse or sexual abuse in the first degree as  
122 defined under section 566.100 or sexual  
123 exploitation of a minor as defined under section  
124 573.023.

125 8. The circuit or prosecuting attorney may  
126 refer a person who is suspected of abuse or  
127 neglect of a child to an appropriate public or  
128 private agency for treatment or counseling so  
129 long as the agency has consented to taking such  
130 referrals. Nothing in this subsection shall  
131 limit the discretion of the circuit or  
132 prosecuting attorney to prosecute a person who

133 has been referred for treatment or counseling  
134 pursuant to this subsection.

135 9. Nothing in this section shall be  
136 construed to alter the requirement that every  
137 element of any crime referred to herein must be  
138 proven beyond a reasonable doubt.

139 10. Discipline, including spanking  
140 administered in a reasonable manner, shall not  
141 be construed to be abuse under this section.]

568.060. 1. As used in this section, the following  
2 terms shall mean:

3 (1) "Abuse", the infliction of physical, sexual, or  
4 mental injury against a child by any person eighteen years  
5 of age or older. For purposes of this section, abuse shall  
6 not include injury inflicted on a child by accidental means  
7 by a person with care, custody, or control of the child, or  
8 discipline of a child by a person with care, custody, or  
9 control of the child, including spanking, in a reasonable  
10 manner;

11 (2) "Abusive head trauma", a serious physical injury  
12 to the head or brain caused by any means, including but not  
13 limited to shaking, jerking, pushing, pulling, slamming,  
14 hitting, or kicking;

15 (3) "Mental injury", an injury to the intellectual or  
16 psychological capacity or the emotional condition of a child  
17 as evidenced by an observable and substantial impairment of  
18 the ability of the child to function within his or her  
19 normal range of performance or behavior;

20 (4) "Neglect", the failure to provide, by those  
21 responsible for the care, custody, and control of a child  
22 under the age of eighteen years, the care reasonable and  
23 necessary to maintain the physical and mental health of the  
24 child, when such failure presents a substantial probability  
25 that death or physical injury or sexual injury would result;

26 (5) "Physical injury", physical pain, illness, or any  
27 impairment of physical condition, including but not limited  
28 to bruising, lacerations, hematomas, welts, or permanent or  
29 temporary disfigurement and impairment of any bodily  
30 function or organ;

31 (6) "Serious emotional injury", an injury that creates  
32 a substantial risk of temporary or permanent medical or  
33 psychological damage, manifested by impairment of a  
34 behavioral, cognitive, or physical condition. Serious  
35 emotional injury shall be established by testimony of  
36 qualified experts upon the reasonable expectation of  
37 probable harm to a reasonable degree of medical or  
38 psychological certainty;

39 (7) "Serious physical injury", a physical injury that  
40 creates a substantial risk of death or that causes serious  
41 disfigurement or protracted loss or impairment of the  
42 function of any part of the body.

43 2. A person commits the offense of abuse or neglect of  
44 a child if such person knowingly causes a child who is less  
45 than eighteen years of age:

46 (1) To suffer physical or mental injury as a result of  
47 abuse or neglect; or

48 (2) To be placed in a situation in which the child may  
49 suffer physical or mental injury as the result of abuse or  
50 neglect.

51 3. A person commits the offense of abuse or neglect of  
52 a child if such person recklessly causes a child who is less  
53 than eighteen years of age to suffer from abusive head  
54 trauma.

55 4. A person does not commit the offense of abuse or  
56 neglect of a child by virtue of the sole fact that the  
57 person delivers or allows the delivery of a child to a  
58 provider of emergency services.

59           5. (1) A person does not commit the offense of abuse  
60 or neglect of a child by virtue of the sole fact that the  
61 person allows the child to engage in independent activities  
62 without adult supervision and the person is a parent to the  
63 child or is responsible for the child's care, provided that  
64 the:

65           (a) Independent activities are appropriate based on  
66 the child's age, maturity, and physical and mental  
67 abilities; and

68           (b) Lack of adult supervision does not constitute  
69 conduct that is so grossly negligent as to endanger the  
70 health or safety of the child.

71           (2) As used in this subsection, "independent  
72 activities" shall include traveling to or from school or  
73 nearby locations by bicycle or on foot, playing outdoors, or  
74 remaining at home for a reasonable period of time without  
75 adult supervision.

76           6. The offense of abuse or neglect of a child is:

77           (1) A class D felony[, without eligibility for  
78 probation, parole, or conditional release until the  
79 defendant has served no less than one year of such  
80 sentence], unless the person has previously been found  
81 guilty of a violation of this section or of a violation of  
82 the law of any other jurisdiction that prohibits the same or  
83 similar conduct or the injury inflicted on the child is a  
84 serious emotional injury or a serious physical injury, in  
85 which case abuse or neglect of a child is a class B felony,  
86 without eligibility for probation or parole until the  
87 defendant has served not less than five years of such  
88 sentence; or

89           (2) A class A felony if the child dies as a result of  
90 injuries sustained from conduct chargeable under the  
91 provisions of this section.

92 7. Notwithstanding subsection 6 of this section to the  
93 contrary, the offense of abuse or neglect of a child is a  
94 class A felony, without eligibility for probation, parole,  
95 or conditional release until the defendant has served not  
96 less than fifteen years of such sentence, if:

97 (1) The injury is a serious emotional injury or a  
98 serious physical injury;

99 (2) The child is less than fourteen years of age; and

100 (3) The injury is the result of sexual abuse or sexual  
101 abuse in the first degree as defined under section 566.100  
102 or sexual exploitation of a minor as defined under section  
103 573.023.

104 8. The circuit or prosecuting attorney may refer a  
105 person who is suspected of abuse or neglect of a child to an  
106 appropriate public or private agency for treatment or  
107 counseling so long as the agency has consented to taking  
108 such referrals. Nothing in this subsection shall limit the  
109 discretion of the circuit or prosecuting attorney to  
110 prosecute a person who has been referred for treatment or  
111 counseling pursuant to this subsection.

112 9. Nothing in this section shall be construed to alter  
113 the requirement that every element of any crime referred to  
114 herein must be proven beyond a reasonable doubt.

115 10. Discipline, including spanking administered in a  
116 reasonable manner, shall not be construed to be abuse under  
117 this section.

577.800. 1. A person commits the offense of unlawful  
2 use of unmanned aircraft over an open-air facility or  
3 critical infrastructure facility if he or she purposely:

4 (1) Operates an unmanned aircraft within a vertical  
5 distance of four hundred feet from the ground and within the  
6 property line of an open-air facility; [or]

7           (2) Uses an unmanned aircraft with the purpose of  
8 delivering to a person within an open-air facility any  
9 object described in subdivision (1) or (2) of subsection 4  
10 of this section;

11           (3) Uses an unmanned aircraft within the boundary of  
12 any critical infrastructure facility; or

13           (4) Operates an unmanned aircraft within a vertical  
14 distance of four hundred feet from the ground and within the  
15 property line of a critical infrastructure facility in  
16 furtherance of any violation of criminal law.

17           2. For purposes of this section, "open-air facility"  
18 shall mean any sports, theater, music, performing arts, or  
19 other entertainment facility with a capacity of five  
20 [thousand] hundred people or more and not completely  
21 enclosed by a roof or other structure. For purposes of this  
22 section, "critical infrastructure facility" shall have the  
23 same meaning as section 569.086.

24           3. The provisions of this section shall not prohibit  
25 the operation of an unmanned aircraft by:

26           (1) An employee, owner, or operator of an open-air  
27 facility [at the direction of the president or chief  
28 executive officer of the open-air facility] or critical  
29 infrastructure facility for the purpose of monitoring,  
30 inspecting, operating, or maintaining the facility;

31           (2) A person who has written consent from the  
32 president or chief executive officer of the open-air  
33 facility or critical infrastructure facility;

34           (3) An employee of a law enforcement agency, fire  
35 department, or emergency medical service in the exercise of  
36 official duties;

37           (4) A government official or employee in the exercise  
38 of official duties;

39           (5) A public utility or a rural electric cooperative  
40 if:

41           (a) The unmanned aircraft is used for the purpose of  
42 inspecting, repairing, or maintaining utility transmission  
43 or distribution lines or other utility equipment or  
44 infrastructure;

45           (b) The utility or cooperative notifies the open-air  
46 facility or critical infrastructure facility before flying  
47 the unmanned aircraft, except during an emergency; and

48           (c) The person operating the unmanned aircraft does  
49 not physically enter the prohibited space without an escort  
50 provided by the open-air facility or critical infrastructure  
51 facility; or

52           (6) An employee of a railroad in the exercise of  
53 official duties on any land owned or operated by a railroad  
54 corporation regulated by the Federal Railroad Administration.

55           4. The offense of unlawful use of unmanned aircraft  
56 over an open-air facility or critical infrastructure  
57 facility shall be punishable as an infraction unless the  
58 person uses an unmanned aircraft for:

59           (1) Delivering a gun, knife, weapon, or other article,  
60 including any explosive device or material, that may be used  
61 in such manner to endanger the life of an employee or guest  
62 at an open-air facility or critical infrastructure facility,  
63 in which case the offense is a class B felony; or

64           (2) Delivering a controlled substance, as that term is  
65 defined under section 195.010, in which case the offense is  
66 a class D felony.

67           5. Each open-air facility or critical infrastructure  
68 facility shall post a sign warning of the provisions of this  
69 section. The sign shall be at least eleven inches by  
70 fourteen inches and posted in a conspicuous place.

71           6. This section shall not apply to an operator of an  
72 unmanned aircraft that is being used for a commercial  
73 purpose that is otherwise operating lawfully, provided the  
74 operator is authorized by the Federal Aviation  
75 Administration to conduct lawful operations in that airspace.

          [589.400. 1. Sections 589.400 to 589.425  
2 shall apply to:

3           (1) Any person who, since July 1, 1979,  
4 has been or is hereafter adjudicated for an  
5 offense referenced in section 589.414, unless  
6 such person is exempt from registering under  
7 subsection 9 or 10 of this section or section  
8 589.401;

9           (2) Any person who, since July 1, 1979,  
10 has been or is hereafter convicted of, been  
11 found guilty of, or pled guilty or nolo  
12 contendere to committing, attempting to commit,  
13 or conspiring to commit one or more of the  
14 following offenses: kidnapping or kidnapping in  
15 the first degree when the victim was a child and  
16 the defendant was not a parent or guardian of  
17 the child; abuse of a child under section  
18 568.060 when such abuse is sexual in nature;  
19 felonious restraint or kidnapping in the second  
20 degree when the victim was a child and the  
21 defendant is not a parent or guardian of the  
22 child; sexual contact or sexual intercourse with  
23 a resident of a nursing home or sexual conduct  
24 with a nursing facility resident or vulnerable  
25 person in the first or second degree;  
26 endangering the welfare of a child under section  
27 568.045 when the endangerment is sexual in  
28 nature; genital mutilation of a female child,  
29 under section 568.065; promoting prostitution in  
30 the first degree; promoting prostitution in the  
31 second degree; promoting prostitution in the  
32 third degree; sexual exploitation of a minor;  
33 promoting child pornography in the first degree  
34 as it existed prior to August 28, 2026;  
35 promoting child sexual abuse material in the  
36 first degree; promoting child pornography in the  
37 second degree as it existed prior to August 28,  
38 2026; promoting child sexual abuse material in  
39 the second degree; possession of child

40 pornography as it existed prior to August 28,  
41 2026; possession of child sexual abuse material;  
42 furnishing pornographic material to minors;  
43 public display of explicit sexual material;  
44 coercing acceptance of obscene material;  
45 promoting obscenity in the first degree;  
46 promoting pornography for minors or obscenity in  
47 the second degree; incest; use of a child in a  
48 sexual performance; or promoting sexual  
49 performance by a child; patronizing prostitution  
50 if the individual the person patronizes is less  
51 than eighteen years of age; grooming of a minor;  
52 nonconsensual dissemination of private sexual  
53 images; or threatening the nonconsensual  
54 dissemination of private sexual images;

55 (3) Any person who, since July 1, 1979,  
56 has been committed to the department of mental  
57 health as a criminal sexual psychopath;

58 (4) Any person who, since July 1, 1979,  
59 has been found not guilty as a result of mental  
60 disease or defect of any offense referenced in  
61 section 589.414;

62 (5) Any juvenile certified as an adult and  
63 transferred to a court of general jurisdiction  
64 who has been adjudicated for an offense listed  
65 under section 589.414;

66 (6) Any juvenile fourteen years of age or  
67 older at the time of the offense who has been  
68 adjudicated for an offense which is equal to or  
69 more severe than aggravated sexual abuse under  
70 18 U.S.C. Section 2241, which shall include any  
71 attempt or conspiracy to commit such offense;

72 (7) Any person who is a resident of this  
73 state who has, since July 1, 1979, been or is  
74 hereafter adjudicated in any other state,  
75 territory, the District of Columbia, or foreign  
76 country, or under federal, tribal, or military  
77 jurisdiction for an offense which, if committed  
78 in this state, would constitute an offense  
79 listed under section 589.414, or has been or is  
80 required to register in another state,  
81 territory, the District of Columbia, or foreign  
82 country, or has been or is required to register  
83 under tribal, federal, or military law; or

84 (8) Any person who has been or is required  
85 to register in another state, territory, the

86 District of Columbia, or foreign country, or has  
87 been or is required to register under tribal,  
88 federal, or military law and who works or  
89 attends an educational institution, whether  
90 public or private in nature, including any  
91 secondary school, trade school, professional  
92 school, or institution of higher education on a  
93 full-time or on a part-time basis or has a  
94 temporary residence in Missouri. "Part-time" in  
95 this subdivision means for more than seven days  
96 in any twelve-month period.

97 2. Any person to whom sections 589.400 to  
98 589.425 apply shall, within three business days  
99 of adjudication, release from incarceration, or  
100 placement upon probation, register with the  
101 chief law enforcement official of the county or  
102 city not within a county in which such person  
103 resides unless such person has already  
104 registered in that county for the same offense.  
105 For any juvenile under subdivision (6) of  
106 subsection 1 of this section, within three  
107 business days of adjudication or release from  
108 commitment to the division of youth services,  
109 the department of mental health, or other  
110 placement, such juvenile shall register with the  
111 chief law enforcement official of the county or  
112 city not within a county in which he or she  
113 resides unless he or she has already registered  
114 in such county or city not within a county for  
115 the same offense. Any person to whom sections  
116 589.400 to 589.425 apply if not currently  
117 registered in their county of residence shall  
118 register with the chief law enforcement official  
119 of such county or city not within a county  
120 within three business days. The chief law  
121 enforcement official shall forward a copy of the  
122 registration form required by section 589.407 to  
123 a city, town, village, or campus law enforcement  
124 agency located within the county of the chief  
125 law enforcement official.

126 3. The registration requirements of  
127 sections 589.400 through 589.425 shall be as  
128 provided under subsection 4 of this section  
129 unless:

130 (1) All offenses requiring registration  
131 are reversed, vacated, or set aside;

132 (2) The registrant is no longer required  
133 to register and his or her name shall be removed  
134 from the registry under the provisions of  
135 section 589.414; or

136 (3) The court orders the removal or  
137 exemption of such person from the registry under  
138 section 589.401.

139 4. The registration requirements shall be  
140 as follows:

141 (1) Fifteen years if the offender is a  
142 tier I sex offender as provided under section  
143 589.414;

144 (2) Twenty-five years if the offender is a  
145 tier II sex offender as provided under section  
146 589.414; or

147 (3) The life of the offender if the  
148 offender is a tier III sex offender.

149 5. (1) The registration period shall be  
150 reduced as described in subdivision (3) of this  
151 subsection for a sex offender who maintains a  
152 clean record for the periods described under  
153 subdivision (2) of this subsection by:

154 (a) Not being adjudicated of any offense  
155 for which imprisonment for more than one year  
156 may be imposed;

157 (b) Not being adjudicated of any sex  
158 offense;

159 (c) Successfully completing any periods of  
160 supervised release, probation, or parole; and

161 (d) Successfully completing an appropriate  
162 sex offender treatment program certified by the  
163 attorney general.

164 (2) In the case of a:

165 (a) Tier I sex offender, the period during  
166 which the clean record shall be maintained is  
167 ten years;

168 (b) Tier III sex offender adjudicated  
169 delinquent for the offense which required  
170 registration in a sex offender registry under  
171 sections 589.400 to 589.425, the period during  
172 which the clean record shall be maintained is  
173 twenty-five years.

174 (3) In the case of a:

175 (a) Tier I sex offender, the reduction is  
176 five years;

177 (b) Tier III sex offender adjudicated  
178 delinquent, the reduction is from life to that  
179 period for which the clean record under  
180 paragraph (b) of subdivision (2) of this  
181 subsection is maintained.

182 6. For processing an initial sex offender  
183 registration the chief law enforcement officer  
184 of the county or city not within a county may  
185 charge the offender registering a fee of up to  
186 ten dollars.

187 7. For processing any change in  
188 registration required pursuant to section  
189 589.414 the chief law enforcement official of  
190 the county or city not within a county may  
191 charge the person changing their registration a  
192 fee of five dollars for each change made after  
193 the initial registration.

194 8. Any person currently on the sexual  
195 offender registry or who otherwise would be  
196 required to register for being adjudicated for  
197 the offense of felonious restraint of a  
198 nonsexual nature when the victim was a child and  
199 he or she was the parent or guardian of the  
200 child, nonsexual child abuse that was committed  
201 under section 568.060, or kidnapping of a  
202 nonsexual nature when the victim was a child and  
203 he or she was the parent or guardian of the  
204 child shall be removed from the registry.  
205 However, such person shall remain on the sexual  
206 offender registry for any other offense for  
207 which he or she is required to register under  
208 sections 589.400 to 589.425.

209 9. The following persons shall be exempt  
210 from registering as a sexual offender upon  
211 petition to the court of jurisdiction under  
212 section 589.401; except that, such person shall  
213 remain on the sexual offender registry for any  
214 other offense for which he or she is required to  
215 register under sections 589.400 to 589.425:

216 (1) Any person currently on the sexual  
217 offender registry or who otherwise would be  
218 required to register for a sexual offense  
219 involving:

220 (a) Sexual conduct where no force or  
221 threat of force was directed toward the victim  
222 or any other individual involved, if the victim

223 was an adult, unless the adult was under the  
224 custodial authority of the offender at the time  
225 of the offense; or  
226 (b) Sexual conduct where no force or  
227 threat of force was directed toward the victim,  
228 the victim was at least fourteen years of age,  
229 and the offender was not more than four years  
230 older than the victim at the time of the  
231 offense; or  
232 (2) Any person currently required to  
233 register for the following sexual offenses:  
234 (a) Promoting obscenity in the first  
235 degree under section 573.020;  
236 (b) Promoting obscenity in the second  
237 degree under section 573.030;  
238 (c) Furnishing pornographic materials to  
239 minors under section 573.040;  
240 (d) Public display of explicit sexual  
241 material under section 573.060;  
242 (e) Coercing acceptance of obscene  
243 material under section 573.065;  
244 (f) Trafficking for the purpose of  
245 slavery, involuntary servitude, peonage, or  
246 forced labor under section 566.206;  
247 (g) Abusing an individual through forced  
248 labor under section 566.203;  
249 (h) Contributing to human trafficking  
250 through the misuse of documentation under  
251 section 566.215; or  
252 (i) Acting as an international marriage  
253 broker and failing to provide the information  
254 and notice as required under section 578.475.  
255 10. Any person currently on the sexual  
256 offender registry for having been adjudicated  
257 for a tier I or II offense or adjudicated  
258 delinquent for a tier III offense or other  
259 comparable offenses listed under section 589.414  
260 may file a petition under section 589.401.  
261 11. Any nonresident worker, including work  
262 as a volunteer or intern, or nonresident student  
263 shall register for the duration of such person's  
264 employment, including participation as a  
265 volunteer or intern, or attendance at any school  
266 of higher education whether public or private,  
267 including any secondary school, trade school,  
268 professional school, or institution of higher

269 education on a full-time or part-time basis in  
270 this state unless granted relief under section  
271 589.401. Any registered offender shall provide  
272 information regarding any place in which the  
273 offender is staying when away from his or her  
274 residence for seven or more days, including the  
275 period of time the offender is staying in such  
276 place. Any registered offender from another  
277 state who has a temporary residence in this  
278 state and resides more than seven days in a  
279 twelve-month period shall register for the  
280 duration of such person's temporary residency  
281 unless granted relief under section 589.401.]

589.400. 1. Unless exempt from registering under  
2 section 589.401, sections 589.400 to 589.425 shall apply to:

3 (1) Any person who, since July 1, 1979, has been or is  
4 hereafter adjudicated for an offense [referenced in section  
5 589.414, unless such person is exempt from registering under  
6 subsection 9 or 10 of this section or section 589.401] that  
7 would classify the person as a tier I offender, tier II  
8 offender, or tier III offender in this state;

9 (2) [Any person who, since July 1, 1979, has been or  
10 is hereafter convicted of, been found guilty of, or pled  
11 guilty or nolo contendere to committing, attempting to  
12 commit, or conspiring to commit one or more of the following  
13 offenses: kidnapping or kidnapping in the first degree when  
14 the victim was a child and the defendant was not a parent or  
15 guardian of the child; abuse of a child under section  
16 568.060 when such abuse is sexual in nature; felonious  
17 restraint or kidnapping in the second degree when the victim  
18 was a child and the defendant is not a parent or guardian of  
19 the child; sexual contact or sexual intercourse with a  
20 resident of a nursing home or sexual conduct with a nursing  
21 facility resident or vulnerable person in the first or  
22 second degree; endangering the welfare of a child under  
23 section 568.045 when the endangerment is sexual in nature;

24 genital mutilation of a female child, under section 568.065;  
25 promoting prostitution in the first degree; promoting  
26 prostitution in the second degree; promoting prostitution in  
27 the third degree; sexual exploitation of a minor; promoting  
28 child pornography in the first degree; promoting child  
29 pornography in the second degree; possession of child  
30 pornography; furnishing pornographic material to minors;  
31 public display of explicit sexual material; coercing  
32 acceptance of obscene material; promoting obscenity in the  
33 first degree; promoting pornography for minors or obscenity  
34 in the second degree; incest; use of a child in a sexual  
35 performance; or promoting sexual performance by a child;  
36 patronizing prostitution if the individual the person  
37 patronizes is less than eighteen years of age;

38 [(3)] Any person who, since July 1, 1979, has been  
39 committed to the department of mental health as a criminal  
40 sexual psychopath;

41 [(4)] (3) Any person who, since July 1, 1979, has been  
42 found not guilty as a result of mental disease or defect of  
43 any offense [referenced in section 589.414] that would  
44 classify the person as a tier I offender, tier II offender,  
45 or tier III offender;

46 [(5)] (4) Any juvenile certified as an adult and  
47 transferred to a court of general jurisdiction who has been  
48 adjudicated for an offense [listed under section 589.414]  
49 that would classify the juvenile as a tier I offender, tier  
50 II offender, or tier III offender;

51 [(6)] (5) Any juvenile fourteen years of age or older  
52 at the time of the offense who has been adjudicated for an  
53 offense which is equal to or more severe than aggravated  
54 sexual abuse under 18 U.S.C. Section 2241, which shall  
55 include any attempt or conspiracy to commit such offense.  
56 Juveniles registering under this subdivision shall be

57 assigned a tier under the provisions of section 589.414 and  
58 eligible for removal when meeting all other qualifications  
59 in sections 589.400 to 589.425. The tier assignment under  
60 section 589.414 shall be only for the purposes of  
61 registration visit frequency and removal eligibility and  
62 shall not otherwise affect the analysis of whether  
63 registration is required under this section;

64 [(7)] (6) Any person who is a resident of this state  
65 who has, since July 1, 1979, been or is hereafter  
66 adjudicated in any other state, territory, the District of  
67 Columbia, or foreign country, or under federal, tribal, or  
68 military jurisdiction for an offense which, if committed in  
69 this state, would constitute an offense [listed under  
70 section 589.414] that would classify the person as a tier I  
71 offender, tier II offender, or tier III offender, or has  
72 been or is required to register in another state, territory,  
73 the District of Columbia, or foreign country, or has been or  
74 is required to register under tribal, federal, or military  
75 law. Persons registering under this subdivision shall be  
76 assigned a tier under the provisions of section 589.414 and  
77 eligible for removal when meeting all other qualifications  
78 in sections 589.400 to 589.425. The tier assignment under  
79 section 589.414 shall be only for the purposes of  
80 registration visit frequency and removal eligibility and  
81 shall not otherwise affect the analysis of whether  
82 registration is required under this section; or

83 [(8)] (7) Any person who has been or is required to  
84 register in another state, territory, the District of  
85 Columbia, or foreign country, or has been or is required to  
86 register under tribal, federal, or military law and who  
87 works or attends an educational institution, whether public  
88 or private in nature, including any secondary school, trade  
89 school, professional school, or institution of higher

90 education on a full-time or on a part-time basis or has a  
91 temporary residence in Missouri. ["Part-time" in this  
92 subdivision means for more than seven days in any twelve-  
93 month period.] Persons registering under this subdivision  
94 shall be assigned a tier under the provisions of section  
95 589.414 and eligible for removal when meeting all other  
96 qualifications in sections 589.400 to 589.425. The tier  
97 assignment under section 589.414 shall be only for the  
98 purposes of registration visit frequency and removal  
99 eligibility and shall not otherwise affect the analysis of  
100 whether registration is required under this section.

101 2. Any person or juvenile to whom sections 589.400 to  
102 589.425 apply shall, within three business days of  
103 adjudication, release from incarceration, [or] placement  
104 upon probation, release from commitment to the division of  
105 youth services, release from the department of mental  
106 health, or release from other placement, register with the  
107 [chief law enforcement] registration official of the county  
108 or city not within a county in which such person or juvenile  
109 resides unless such person has already registered in that  
110 county for the same offense. [For any juvenile under  
111 subdivision (6) of subsection 1 of this section, within  
112 three business days of adjudication or release from  
113 commitment to the division of youth services, the department  
114 of mental health, or other placement, such juvenile shall  
115 register with the chief law enforcement official of the  
116 county or city not within a county in which he or she  
117 resides unless he or she has already registered in such  
118 county or city not within a county for the same offense.]  
119 Any person or juvenile to whom sections 589.400 to 589.425  
120 apply if not currently registered in their county of  
121 residence shall register with the [chief law enforcement]  
122 registration official [of such county or city not within a

123 county] within three business days. The [chief law  
124 enforcement] registration official shall forward a copy of  
125 the registration form required by section 589.407 to a city,  
126 town, village, or campus law enforcement agency located  
127 within the county of the [chief law enforcement]  
128 registration official.

129 3. [The registration requirements of sections 589.400  
130 through 589.425 shall be as provided under subsection 4 of  
131 this section unless:

132 (1) All offenses requiring registration are reversed,  
133 vacated, or set aside;

134 (2) The registrant is no longer required to register  
135 and his or her name shall be removed from the registry under  
136 the provisions of section 589.414; or

137 (3) The court orders the removal or exemption of such  
138 person from the registry under section 589.401.

139 4.] The registration requirements shall be as follows:

140 (1) Fifteen years if the offender is a tier I [sex]  
141 offender [as provided under section 589.414];

142 (2) Twenty-five years if the offender is a tier II  
143 [sex] offender [as provided under section 589.414]; or

144 (3) The life of the offender if the offender is a tier  
145 III [sex] offender.

146 [5.] 4. (1) The registration period shall be reduced  
147 as described in subdivision (3) of this subsection for a sex  
148 offender who maintains a clean record for the periods  
149 described under subdivision (2) of this subsection by:

150 (a) Not being adjudicated of any offense for which  
151 imprisonment for more than one year may be imposed;

152 (b) Not being adjudicated of any sex offense;

153 (c) Successfully completing any periods of supervised  
154 release, probation, or parole; and

155 (d) Successfully completing an appropriate sex  
156 offender treatment program certified by a jurisdiction or  
157 the attorney general, regardless of whether such program was  
158 court ordered or voluntary. If records of program  
159 completion are unavailable and completion of such program  
160 was required as a term of probation, an order discharging  
161 the offender from probation or other record acknowledging  
162 satisfactory completion of probation shall constitute prima  
163 facie evidence that the offender successfully completed the  
164 necessary sex offender treatment program unless rebutted by  
165 evidence to the contrary.

166 (2) In the case of a:

167 (a) Tier I [sex] offender, the period during which the  
168 clean record shall be maintained is ten years;

169 (b) Tier III [sex] offender adjudicated delinquent for  
170 the offense which required registration in a sex offender  
171 registry under sections 589.400 to 589.425, the period  
172 during which the clean record shall be maintained is twenty-  
173 five years.

174 (3) In the case of a:

175 (a) Tier I [sex] offender, the reduction is five years;

176 (b) Tier III [sex] offender adjudicated delinquent,  
177 the reduction is from life to that period for which the  
178 clean record under paragraph (b) of subdivision (2) of this  
179 subsection is maintained.

180 [6.] 5. For processing an initial sex offender  
181 registration, the [chief law enforcement officer of the  
182 county or city not within a county] registration official  
183 may charge the offender registering a fee of up to ten  
184 dollars.

185 [7.] 6. For processing any change in registration  
186 required pursuant to section 589.414, the [chief law  
187 enforcement] registration official [of the county or city

188 not within a county] may charge the person changing their  
189 registration a fee of five dollars for each change made  
190 after the initial registration.

191 [8. Any person currently on the sexual offender  
192 registry or who otherwise would be required to register for  
193 being adjudicated for the offense of felonious restraint of  
194 a nonsexual nature when the victim was a child and he or she  
195 was the parent or guardian of the child, nonsexual child  
196 abuse that was committed under section 568.060, or  
197 kidnapping of a nonsexual nature when the victim was a child  
198 and he or she was the parent or guardian of the child shall  
199 be removed from the registry. However, such person shall  
200 remain on the sexual offender registry for any other offense  
201 for which he or she is required to register under sections  
202 589.400 to 589.425.

203 9. The following persons shall be exempt from  
204 registering as a sexual offender upon petition to the court  
205 of jurisdiction under section 589.401; except that, such  
206 person shall remain on the sexual offender registry for any  
207 other offense for which he or she is required to register  
208 under sections 589.400 to 589.425:

209 (1) Any person currently on the sexual offender  
210 registry or who otherwise would be required to register for  
211 a sexual offense involving:

212 (a) Sexual conduct where no force or threat of force  
213 was directed toward the victim or any other individual  
214 involved, if the victim was an adult, unless the adult was  
215 under the custodial authority of the offender at the time of  
216 the offense; or

217 (b) Sexual conduct where no force or threat of force  
218 was directed toward the victim, the victim was at least  
219 fourteen years of age, and the offender was not more than

220 four years older than the victim at the time of the offense;  
221 or

222 (2) Any person currently required to register for the  
223 following sexual offenses:

224 (a) Promoting obscenity in the first degree under  
225 section 573.020;

226 (b) Promoting obscenity in the second degree under  
227 section 573.030;

228 (c) Furnishing pornographic materials to minors under  
229 section 573.040;

230 (d) Public display of explicit sexual material under  
231 section 573.060;

232 (e) Coercing acceptance of obscene material under  
233 section 573.065;

234 (f) Trafficking for the purpose of slavery,  
235 involuntary servitude, peonage, or forced labor under  
236 section 566.206;

237 (g) Abusing an individual through forced labor under  
238 section 566.203;

239 (h) Contributing to human trafficking through the  
240 misuse of documentation under section 566.215; or

241 (i) Acting as an international marriage broker and  
242 failing to provide the information and notice as required  
243 under section 578.475.

244 10. Any person currently on the sexual offender  
245 registry for having been adjudicated for a tier I or II  
246 offense or adjudicated delinquent for a tier III offense or  
247 other comparable offenses listed under section 589.414 may  
248 file a petition under section 589.401. ]

249 7. Any person with a primary residence outside this  
250 state who has a temporary residence in this state in which  
251 he or she resides for more than a part-time period shall  
252 register with the registration official in the jurisdiction

253 of the temporary residence in accordance with this section  
254 for the duration of such person's temporary residency.

255 [11.] 8. Any [nonresident worker] person who is not a  
256 resident of this state and not currently registered due to  
257 temporary residence under subsection 7 of this section and  
258 who works, including work as a volunteer or intern, or is a  
259 nonresident student shall register for the duration of such  
260 person's employment, including participation as a volunteer  
261 or intern, or attendance at any school of higher education,  
262 whether public or private, including any secondary school,  
263 trade school, professional school, or institution of higher  
264 education on a full-time or part-time basis [in this state  
265 unless granted relief under section 589.401. Any registered  
266 offender shall provide information regarding any place in  
267 which the offender is staying when away from his or her  
268 residence for seven or more days, including the period of  
269 time the offender is staying in such place. Any registered  
270 offender from another state who has a temporary residence in  
271 this state and resides more than seven days in a twelve-  
272 month period shall register for the duration of such  
273 person's temporary residency unless granted relief under  
274 section 589.401], as long as the status requiring  
275 registration remains active. Such registration shall occur  
276 in the county or city not within a county where the status  
277 requiring registration occurs. If more than one county or  
278 city not within a county meets the requirement, priority  
279 shall be in the following order:

- 280 (1) The county of work;  
281 (2) The county of school; and  
282 (3) The county of volunteering or any other required  
283 status;

284 with registration being required at only the highest  
285 priority county or city not within a county where the  
286 registerable status remains.

589.401. 1. A person on the sexual offender registry  
2 of this state may file a petition in the division of the  
3 circuit court in the county or city not within a county in  
4 which the offense requiring registration was [committed]  
5 adjudicated to have his or her name exempted or removed from  
6 the sexual offender registry in accordance with this section.

7 2. (1) A person who is required to register in this  
8 state because of an offense that was adjudicated in another  
9 jurisdiction shall file his or her petition for removal,  
10 termination, or relief from registration, or the declaratory  
11 judgment providing for removal, termination, or relief from  
12 registration according to the laws of the state, federal,  
13 territory, tribal, or military jurisdiction, the District of  
14 Columbia, or foreign country in which his or her offense was  
15 adjudicated. Upon [the grant of the petition for removal in  
16 the] entry of a judgment by a court of competent  
17 jurisdiction [where the offense was adjudicated] providing  
18 that the person is no longer required to register as a sex  
19 offender under the laws of the adjudicating jurisdiction,  
20 such judgment may be registered in this state by sending the  
21 information required under subsection 5 of this section as  
22 well as one authenticated copy of the order granting removal  
23 from the sexual offender registry in the jurisdiction where  
24 the offense was adjudicated to the court in the county or  
25 city not within a county in which the offender is required  
26 to register. On receipt of a request for registration  
27 removal, the registering court shall cause the order to be  
28 filed as a foreign judgment, together with one copy of the  
29 documents and information, regardless of their form. The  
30 petitioner shall be responsible for costs associated with

31 filing the petition. Nothing in this subdivision shall be  
32 construed to remove any requirements for a petition under  
33 this section or to remove the requirement that a person  
34 prove he or she is entitled to removal under Missouri law,  
35 when applicable.

36 (2) A person required to register as an offender in  
37 this state based solely on an offense adjudicated in another  
38 jurisdiction may file a petition for removal from this  
39 state's sexual offender registry, provided that:

40 (a) The offense did not require the person to register  
41 as an offender in the adjudicating jurisdiction at the time  
42 the offense was adjudicated; or

43 (b) The person never resided, worked, or attended  
44 school in the adjudicating jurisdiction and was never  
45 required to register in the adjudicating jurisdiction.

46 (3) A petition filed under subdivision (2) of this  
47 subsection shall otherwise satisfy the requirements  
48 applicable to a petition filed under subdivision (1) of this  
49 subsection.

50 3. A person required to register as a tier III  
51 offender shall not file a petition under this section unless  
52 the requirement to register results from a juvenile  
53 adjudication.

54 4. The petition shall be dismissed without prejudice  
55 if the following time periods have not elapsed since the  
56 date the person was required to register for his or her most  
57 recent offense under sections 589.400 to 589.425:

58 (1) For a tier I offense, ten years;

59 (2) For a tier II offense, twenty-five years; or

60 (3) For a tier III offense adjudicated delinquent,  
61 twenty-five years.

62 5. The petition shall be dismissed without prejudice  
63 if it fails to include any of the following:

64 (1) The petitioner's:  
65 (a) Full name, including any alias used by the  
66 [individual] petitioner;  
67 (b) Sex;  
68 (c) Race;  
69 (d) Date of birth;  
70 (e) Last four digits of the Social Security number;  
71 (f) Address; and  
72 (g) Place of employment, school, or volunteer status;  
73 (2) The offense and tier of the offense that required  
74 the petitioner to register;  
75 (3) The date the petitioner was adjudicated for the  
76 offense;  
77 (4) The date the petitioner was required to register;  
78 (5) The case number and court, including the county or  
79 city not within a county, that entered the original order  
80 for the adjudicated sex offense;  
81 (6) Petitioner's original fingerprints on an applicant  
82 fingerprint card;  
83 (7) If the petitioner was pardoned or an offense  
84 requiring registration was reversed, vacated, or set aside,  
85 an authenticated copy of the order; and  
86 (8) If the petitioner is currently registered under  
87 applicable law and has not been adjudicated for failure to  
88 register in any jurisdiction and does not have any charges  
89 pending for failure to register.  
90 6. The petition shall name as respondents the Missouri  
91 state highway patrol and the [chief law enforcement]  
92 registration official in the county or city not within a  
93 county in which the petition is filed.  
94 7. All proceedings under this section shall be  
95 governed under the Missouri supreme court rules of civil  
96 procedure.

97           8. The person seeking removal or exemption from the  
98 registry shall provide the prosecuting attorney in the  
99 circuit court in which the petition is filed with notice of  
100 the petition. The prosecuting attorney may present evidence  
101 in opposition to the requested relief or may otherwise  
102 demonstrate the reasons why the petition should be denied.  
103 Failure of the person seeking removal or exemption from the  
104 registry to notify the prosecuting attorney of the petition  
105 shall result in an automatic denial of such person's  
106 petition.

107           9. The Missouri state highway patrol, the prosecuting  
108 attorney in the circuit court in which the petition is  
109 filed, and the petitioner shall have access to all  
110 applicable records concerning the petitioner including, but  
111 not limited to, criminal history records, mental health  
112 records, juvenile records, and records of the department of  
113 corrections or probation and parole.

114           10. The prosecuting attorney shall make reasonable  
115 efforts to notify the victim of the crime for which the  
116 person was required to register of the petition and the  
117 dates and times of any hearings or other proceedings in  
118 connection with such petition.

119           11. The court shall not enter an order directing the  
120 removal of the petitioner's name from the sexual offender  
121 registry unless it finds the petitioner:

122           (1) Has not been adjudicated or does not have charges  
123 pending for any additional nonsexual offense for which  
124 imprisonment for more than one year may be imposed since the  
125 date the offender was required to register for his or her  
126 current tier level;

127           (2) Has not been adjudicated or does not have charges  
128 pending for any additional sex offense that would require  
129 registration under sections 589.400 to 589.425 since the

130 date the offender was required to register for his or her  
131 current tier level, even if the offense was punishable by  
132 less than one year imprisonment;

133 (3) Has successfully completed any required periods of  
134 supervised release, probation, or parole without revocation  
135 since the date the offender was required to register for his  
136 or her current tier level, or, in the case of lifetime  
137 supervision or probation, such term has been reduced or  
138 terminated by a court of competent jurisdiction;

139 (4) Has successfully completed an appropriate sex  
140 offender treatment program as approved by a court of  
141 competent jurisdiction or the Missouri department of  
142 corrections; and

143 (5) Is not a current or potential threat to public  
144 safety.

145 12. In order to meet the criteria required by  
146 subdivisions (1) and (2) of subsection 11 of this section,  
147 the fingerprints filed in the case shall be examined by the  
148 Missouri state highway patrol. The petitioner shall be  
149 responsible for all costs associated with the fingerprint-  
150 based criminal history check of both state and federal files  
151 under section 43.530.

152 13. If the petition is denied due to an adjudication  
153 in violation of subdivision (1) or (2) of subsection 11 of  
154 this section, the petitioner shall not file a new petition  
155 under this section until:

156 (1) Fifteen years have passed from the date of the  
157 adjudication resulting in the denial of relief if the  
158 petitioner is classified as a tier I offender;

159 (2) Twenty-five years have passed from the date of  
160 adjudication resulting in the denial of relief if the  
161 petitioner is classified as a tier II offender; or

162           (3) Twenty-five years have passed from the date of the  
163 adjudication resulting in the denial of relief if the  
164 petitioner is classified as a tier III offender on the basis  
165 of a juvenile adjudication.

166           14. If the petition is denied due to the petitioner  
167 having charges pending in violation of subdivision (1) or  
168 (2) of subsection 11 of this section, the petitioner shall  
169 not file a new petition under this section until:

170           (1) The pending charges resulting in the denial of  
171 relief have been finally disposed of in a manner other than  
172 adjudication; or

173           (2) If the pending charges result in an adjudication,  
174 the necessary time period has elapsed under subsection 13 of  
175 this section.

176           15. (1) Except as provided in subdivision (2) of this  
177 subsection, if the petition is denied for reasons other than  
178 those outlined in subsection 11 of this section, no  
179 successive petition requesting such relief shall be filed  
180 for at least five years from the date the judgment denying  
181 relief is entered.

182           (2) If the denial was based on a statute or law that  
183 has since been amended, repealed, or invalidated, a person  
184 may file a new petition within the five-year period. In  
185 addition to the requirements under subsection 5 of this  
186 section, the new petition shall include the case number and  
187 court of the prior petition and identify the applicable  
188 change in the statute or law.

189           16. If the court finds the petitioner is entitled to  
190 have his or her name removed from the sexual offender  
191 registry, the court shall enter judgment directing the  
192 removal of the name. A copy of the judgment shall be  
193 provided to the respondents named in the petition.

194           17. Any person subject to the judgment requiring his  
195 or her name to be removed from the sexual offender registry  
196 is not required to register under sections 589.400 to  
197 589.425 unless such person is required to register for an  
198 offense that was different from that listed on the judgment  
199 of removal.

200           18. The court shall not deny the petition unless the  
201 petition failed to comply with the provisions of sections  
202 589.400 to 589.425 or the prosecuting attorney provided  
203 evidence demonstrating the petition should be denied.

204           19. (1) The provisions of subsections 3 and 4 of this  
205 section shall not apply to persons filing for exemption  
206 pursuant to this subsection.

207           (2) Except as provided in this subsection, a petition  
208 for exemption shall be governed by the other requirements  
209 provided in this section.

210           (3) A petition for exemption under this subsection  
211 shall be the exclusive remedy for adjudicating the  
212 applicability of the exemptions in this subsection.

213           (4) A person shall be ordered exempt from registration  
214 if the person meets the requirements of this section and the  
215 offense requiring registration is:

216           (a) Sexual conduct where no force or threat of force  
217 was directed toward the victim, the victim was at least  
218 fourteen years of age, and the person was not more than four  
219 years older than the victim at the time of the offense,  
220 unless the victim was under the custodial authority of the  
221 offender at the time of the offense;

222           (b) Sexual conduct where no force or threat of force  
223 was directed toward the victim or any other individual  
224 involved if the victim or other individual was eighteen  
225 years of age or older, unless the victim was under the

226 custodial authority of the offender at the time of the  
227 offense;

228 (c) Promoting obscenity in the first degree under  
229 section 573.020;

230 (d) Promoting obscenity in the second degree under  
231 section 573.030;

232 (e) Furnishing pornographic materials to minors under  
233 section 573.040;

234 (f) Public display of explicit sexual material under  
235 section 573.060; or

236 (g) Coercing acceptance of obscene material under  
237 section 573.065.

238 (5) The person shall have the burden of proving the  
239 person meets the requirements for exemption. In determining  
240 whether the person meets the requirements, a court may look  
241 beyond the offense of conviction and consider the underlying  
242 facts and conduct of the offense when evaluating  
243 noncategorical exemptions.

244 (6) If a court determines a person to be exempt, the  
245 provisions of sections 589.400 to 589.425 shall not apply  
246 for the purposes of the exempt offense. In the event a  
247 person currently registering is found to be exempt from the  
248 registration visit requirements, the person shall also be  
249 removed from the sexual offender registry.

250 (7) Nothing in this subsection shall prohibit a person  
251 from remaining or being placed on the sexual offender  
252 registry for any other nonexempt offense for which the  
253 person is required to register under sections 589.400 to  
254 589.425.

255 (8) If a petition for exemption is filed before a  
256 person is required to register under sections 589.400 to  
257 589.425, the requirements of sections 589.400 to 589.425  
258 shall be automatically stayed pending the outcome. In the

259 event a petition is denied, the requirements of sections  
260 589.400 to 589.425 shall be in effect three business days  
261 following the exhaustion of all appeal rights. Nothing in  
262 this subdivision shall alter or be construed to give any  
263 court authority to alter ongoing requirements for persons  
264 whose initial registration requirement begins prior to the  
265 filing of a petition for exemption until a final order of  
266 exemption is entered.

267 20. The provisions of subsections 3 and 4 of this  
268 section shall not apply to persons filing for removal if the  
269 offense requiring registration is reversed, vacated, or set  
270 aside. A petition for removal due to the offense being  
271 reversed, vacated, or set aside shall be filed in accordance  
272 with all other requirements of this section and shall be the  
273 exclusive remedy for removal in such situations. Such  
274 petition shall include a certified copy of the action  
275 reversing, vacating, or setting aside the offense requiring  
276 registration.

277 21. This section shall be the sole remedy for removal  
278 or exemption for persons adjudicated of a registerable  
279 offense. No declaratory action shall be filed for relief  
280 from registration requirements, except if registration, or  
281 threat thereof, is the result of an offense never requiring  
282 registration. Nothing in this subsection shall be construed  
283 to prohibit the filing of a declaratory action solely on the  
284 issue of what tier an offender should be classified under.

285 22. Notwithstanding any other provision of law, no  
286 person convicted of an offense that requires him or her to  
287 register under sections 589.400 to 589.425 shall change his  
288 or her legal name for the period of time he or she is  
289 required to register. To the extent the person has a prior  
290 legal name that was utilized on or after the date of

291 conviction for any offense requiring registration, such name  
292 shall be reported under this section as an alias.

589.403. 1. Any person who is required to register  
2 under sections 589.400 to 589.425 and who is paroled,  
3 discharged, or otherwise released from any correctional  
4 facility of the department of corrections, any mental health  
5 institution, private jail under section 221.095, or other  
6 private facility recognized by or contracted with the  
7 department of corrections or department of mental health  
8 where such person was confined shall:

9 (1) If the person plans to reside in this state, be  
10 informed by the official in charge of such correctional  
11 facility, private jail, or mental health institution of the  
12 person's possible duty to register pursuant to sections  
13 589.400 to 589.425. If such person is required to register  
14 pursuant to sections 589.400 to 589.425, the official in  
15 charge of the correctional facility, private jail, or the  
16 mental health institution shall complete the initial  
17 registration notification at least seven days prior to  
18 release and **[forward]** report the offender's initial  
19 registration**[,]** notification in accordance with subsection 1  
20 of section 589.410 within three business days of release**[,]**  
21 to the Missouri state highway patrol and the **[chief law**  
22 **enforcement]** registration official of the county or city not  
23 within a county where the person expects to reside upon  
24 discharge, parole, or release; or

25 (2) If the person does not reside or plan to reside in  
26 Missouri, be informed by the official in charge of such  
27 correctional facility, private jail, or mental health  
28 institution of the person's possible duty to register under  
29 sections 589.400 to 589.425. If such person is required to  
30 register under sections 589.400 to 589.425, the official in  
31 charge of the correctional facility, private jail, or **[the]**

32 mental health institution shall complete the initial  
33 registration notification at least seven days prior to  
34 release and [forward] report the offender's initial  
35 registration [,] notification in accordance with subsection 1  
36 of section 589.410 within three business days of release [,]  
37 to the Missouri state highway patrol and the [chief law  
38 enforcement] registration official [within] of the county or  
39 city not within a county where the correctional facility,  
40 private jail, or mental health institution is located.

41 2. If the offender refuses to complete and sign the  
42 registration information as outlined in this section or  
43 fails to register with the [chief law enforcement]  
44 registration official within three business days as  
45 directed, the offender commits the offense of failure to  
46 register under section 589.425 within the jurisdiction where  
47 the correctional facility, private jail, or mental health  
48 institution is located.

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

3 (1) "Adjudicated" or "adjudication", adjudication of  
4 delinquency, a finding of guilt, plea of guilt, finding of  
5 not guilty due to mental disease or defect, or plea of nolo  
6 contendere to committing, attempting to commit, or  
7 conspiring to commit. Adjudication does not require the  
8 imposition of sentence for the purposes of sections 589.400  
9 to 589.425. The term "adjudication" shall include by  
10 reference all acts meeting the definition of "conviction"  
11 under Section 111 of the Sex Offender Registration and  
12 Notification Act, Title I of the Adam Walsh Child Protection  
13 and Safety Act of 2006, P.L. 109-248, as amended;

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

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

20 (4) "Electronic mail", the transmission of information  
21 or communication by the use of the internet, a computer, a  
22 facsimile machine, a pager, a cellular telephone or other  
23 wireless communication device, a video recorder, or other  
24 electronic means sent to a person identified by a unique  
25 address or address number and received by that person;

26 (5) "Entity", a business or organization that provides  
27 internet service, electronic communications service, remote  
28 computing service, online service, electronic mail service,  
29 or electronic instant message or chat services regardless of  
30 whether the business or organization is within or outside  
31 this state;

32 (6) "Instant message", a form of real-time text  
33 communication between two or more people. The communication  
34 is conveyed via computers connected over a network such as  
35 the internet, or between cell phone or wireless  
36 communication device users, or over a cell phone or wireless  
37 communication device network;

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

45 (8) "Online identifier", includes all of the  
46 following: electronic mail address, instant message screen  
47 name, user ID, cell phone number or wireless communication  
48 device number or identifier, chat or other internet  
49 communication name, social media profiles, IP addresses, or

50 other identity information specified on the registration  
51 form by the Missouri state highway patrol;

52 (9) "Part-time", more than seven days in any twelve-  
53 month period;

54 (10) "Probation officer", includes any agent of a  
55 private entity assigned to provide probation supervision  
56 services to an offender due to the offender's status as a  
57 sexual offender who is required to register pursuant to  
58 sections 589.400 to 589.425;

59 (11) "Registration official", the chief law  
60 enforcement official for the county or city not within a  
61 county in which the offender is required to register;

62 [(5)] (12) "Residence", [any place where an offender  
63 sleeps for seven or more consecutive or nonconsecutive days  
64 or nights within a twelve-month period] the domicile of the  
65 offender;

66 [(6)] (13) "Sex offender", any person who meets the  
67 criteria to register under sections 589.400 to 589.425 or  
68 under the Sex Offender Registration and Notification Act,  
69 Title I of the Adam Walsh Child Protection and Safety Act of  
70 2006, P.L. 109-248, as amended;

71 (14) "Sex offender registry", a system maintained by  
72 the Missouri state highway patrol to collect, store, and  
73 disseminate all initial notification information,  
74 registration information, offender status, and all other  
75 information required under sections 589.400 to 589.425. The  
76 sex offender registry is a distinct system from the website  
77 maintained by the Missouri state highway patrol, which  
78 displays a distinct set of information contained within the  
79 sex offender registry publicly on the web in accordance with  
80 this section;

81 [(7)] (15) "Sex offense", any offense [which] that is  
82 listed [under section 589.414 or comparable to those listed

83 under section 589.414 or otherwise] as a tier I offense,  
84 tier II offense, or tier III offense, that is comparable to  
85 offenses listed as a tier I offense, tier II offense, or  
86 tier III offense, or that is otherwise comparable to  
87 offenses covered under the Sex Offender Registration and  
88 Notification Act, Title I of the Adam Walsh Child Protection  
89 and Safety Act of 2006, P.L. 109-248, as amended;

90 [(8)] (16) "Sexual act", any type or degree of  
91 genital, oral, or anal penetration;

92 [(9)] (17) "Sexual conduct", sexual intercourse,  
93 deviate sexual intercourse, or sexual contact;

94 [(10)] (18) "Sexual contact", any touching of another  
95 person with the genitals or any touching of the genitals or  
96 anus of another person, or the breast of a female person, or  
97 such touching through the clothing, or causing semen,  
98 seminal fluid, or other ejaculate to come into contact with  
99 another person, for the purpose of arousing or gratifying  
100 the sexual desire of any person or for the purpose of  
101 terrorizing the victim;

102 [(11)] (19) "Sexual element", used for the purposes of  
103 distinguishing if sexual contact or a sexual act was  
104 committed. Authorities shall refer to information filed by  
105 the prosecutor, amended information filed by the prosecutor,  
106 indictment information filed by the prosecutor, or amended  
107 indictment information filed by the prosecutor, the plea  
108 agreement, or court documentation to determine if a sexual  
109 element exists;

110 [(12)] (20) "Signature", the name of the offender  
111 signed in writing or electronic form approved by the  
112 Missouri state highway patrol;

113 [(13)] (21) "Student", an individual who enrolls in or  
114 attends the physical location of an educational institution,

115 including a public or private secondary school, trade or  
116 professional school, or an institution of higher education;

117 (22) "Temporary residence", any place where a person  
118 sleeps for seven or more consecutive or nonconsecutive days  
119 or nights within a twelve-month period, other than the  
120 person's domicile;

121 (23) "Tier I offender":

122 (a) An individual who has been adjudicated for a tier  
123 I offense; or

124 (b) Any offender who is or has been adjudicated in any  
125 other state, territory, the District of Columbia, or foreign  
126 country, or under federal, tribal, or military jurisdiction  
127 for an offense comparable to a tier I offense or that meets  
128 the definition of a tier I offense under the Sex Offender  
129 Registration and Notification Act, Title I of the Adam Walsh  
130 Child Protection and Safety Act of 2006, P.L. 109-248, as  
131 amended;

132 (24) "Tier II offender":

133 (a) An individual who has been adjudicated for a tier  
134 II offense; or

135 (b) Any offender who is adjudicated for an offense  
136 comparable to a tier I offense or failure to register  
137 offense under section 589.425 or comparable out-of-state  
138 failure to register offense and who is already required to  
139 register as a tier I offender due to having been adjudicated  
140 of a tier I offense on a previous occasion; or

141 (c) Any offender who is or has been adjudicated in any  
142 other state, territory, the District of Columbia, or foreign  
143 country, or under federal, tribal, or military jurisdiction  
144 for an offense of a sexual nature or with a sexual element  
145 that is comparable to a tier II offense or that meets the  
146 definition of a tier II offense under the Sex Offender  
147 Registration and Notification Act, Title I of the Adam Walsh

148 Child Protection and Safety Act of 2006, P.L. 109-248, as  
149 amended;

150 (25) "Tier III offender":

151 (a) An individual who has been adjudicated for a tier  
152 III offense;

153 (b) Any offender registered as a predatory sexual  
154 offender or a persistent sexual offender, as the terms  
155 "predatory sexual offender" and "persistent sexual offender"  
156 are defined in section 566.125;

157 (c) Any offender who is adjudicated for an offense  
158 comparable to a tier I offense or tier II offense or failure  
159 to register offense under section 589.425, or other  
160 comparable out-of-state failure to register offense, who has  
161 been or is already required to register as a tier II  
162 offender because of having been adjudicated for a tier II  
163 offense, two tier I offenses, or a combination of a tier I  
164 offense and a failure to register offense, on a previous  
165 occasion;

166 (d) Any offender who is adjudicated in any other  
167 state, territory, the District of Columbia, or foreign  
168 country, or under federal, tribal, or military jurisdiction  
169 for an offense of a sexual nature or with a sexual element  
170 that is comparable to a tier III offense or that meets the  
171 definition of a tier III offense under the Sex Offender  
172 Registration and Notification Act, Title I of the Adam Walsh  
173 Child Protection and Safety Act of 2006, P.L. 109-248, as  
174 amended; or

175 (e) Any offender who is adjudicated in this state for  
176 any offense of a sexual nature or with a sexual element  
177 requiring registration under sections 589.400 to 589.425  
178 that is not classified as a tier I offense or tier II  
179 offense in this section;

180           (26) "Tier I offense", the following adjudicated  
181 offenses:  
182           (a) Kidnapping in the first degree under section  
183 565.110 with sexual motivation if the victim is eighteen  
184 years of age or older;  
185           (b) Kidnapping in the second degree under section  
186 565.120 with sexual motivation if the victim is eighteen  
187 years of age or older;  
188           (c) Kidnapping in the third degree under section  
189 565.130 with sexual motivation if the victim is eighteen  
190 years of age or older;  
191           (d) Invasion of privacy under section 565.252 if the  
192 victim is less than eighteen years of age;  
193           (e) Child molestation in the second degree under  
194 section 566.068 as it existed prior to January 1, 2017, if  
195 the punishment is less than one year;  
196           (f) Sexual misconduct involving a child under section  
197 566.083 if it is a first offense and the punishment is less  
198 than one year;  
199           (g) Sexual misconduct in the first degree under  
200 section 566.093;  
201           (h) Sexual misconduct in the second degree under  
202 section 566.095;  
203           (i) Sexual abuse in the first degree under section  
204 566.100 if the victim is eighteen years of age or older;  
205           (j) Sexual abuse in the second degree under section  
206 566.101 if the punishment is less than a year;  
207           (k) Sex with an animal under section 566.111;  
208           (l) Sexual conduct with a nursing facility resident or  
209 vulnerable person in the first degree under section 566.115  
210 if the punishment is less than one year;  
211           (m) Sexual conduct under section 566.116 with a  
212 nursing facility resident or vulnerable person;

213 (n) Sexual conduct in the course of public duty under  
214 section 566.145 if the victim is eighteen years of age or  
215 older;

216 (o) Trafficking for the purpose of sexual exploitation  
217 under section 566.209 if the victim is eighteen years of age  
218 or older;

219 (p) Promoting obscenity in the first degree under  
220 section 573.020 if the victim is less than eighteen years of  
221 age;

222 (q) Promoting pornography for minors or obscenity in  
223 the second degree under section 573.030 if the victim is  
224 less than eighteen years of age;

225 (r) Possession of child pornography under section  
226 573.037 as it existed prior to August 28, 2026;

227 (s) Possession of child sexual abuse material under  
228 section 573.037;

229 (t) Furnishing pornographic material to minors under  
230 section 573.040;

231 (u) Public display of explicit sexual material under  
232 section 573.060 if the victim is less than eighteen years of  
233 age; or

234 (v) Coercing acceptance of obscene material under  
235 section 573.065 if the victim is less than eighteen years of  
236 age;

237 (27) "Tier II offense", the following adjudicated  
238 offenses:

239 (a) Statutory sodomy in the second degree under  
240 section 566.064 if the victim is sixteen to seventeen years  
241 of age;

242 (b) Child molestation in the third degree under  
243 section 566.069 if the victim is between thirteen and  
244 fourteen years of age;

245           (c) Child molestation in the fourth degree under  
246 section 566.071 if the victim is thirteen to seventeen years  
247 of age;

248           (d) Sexual misconduct involving a child under section  
249 566.083 if it is a first offense and the penalty is a term  
250 of imprisonment of one year or more;

251           (e) Sexual contact with a student under section  
252 566.086 if the victim is thirteen to seventeen years of age;

253           (f) Sexual abuse in the first degree under section  
254 566.100 if the victim is thirteen to seventeen years of age;

255           (g) Sexual conduct in the course of public duty under  
256 section 566.145 if the victim is thirteen to seventeen years  
257 of age;

258           (h) Grooming or enticement of a minor under section  
259 566.151;

260           (i) Age misrepresentation with intent to solicit a  
261 minor under section 566.153;

262           (j) Patronizing prostitution under section 567.030 if  
263 the person patronized is eighteen years of age or older;

264           (k) Promoting prostitution in the first degree under  
265 section 567.050 if the victim is eighteen years of age or  
266 older;

267           (l) Promoting prostitution in the second degree under  
268 section 567.060 if the victim is eighteen years of age or  
269 older;

270           (m) Promoting prostitution in the third degree under  
271 section 567.070 if the victim is eighteen years of age or  
272 older;

273           (n) Abuse of a child under section 568.060 if the  
274 offense is of a sexual nature and the victim is thirteen to  
275 seventeen years of age;

276           (o) Sexual exploitation of a minor under section  
277 573.023;

278 (p) Promoting child pornography in the first degree  
279 under section 573.025 as it existed prior to August 28, 2026;

280 (q) Promoting child sexual abuse material in the first  
281 degree under section 573.025;

282 (r) Promoting child pornography in the second degree  
283 under section 573.035 as it existed prior to August 28, 2026;

284 (s) Promoting child sexual abuse material in the  
285 second degree under section 573.035;

286 (t) Nonconsensual dissemination of private sexual  
287 images under section 573.110 if the victim is seventeen  
288 years of age or under or if coercion of the victim was  
289 sexual in nature; or

290 (u) Threatening the nonconsensual dissemination of  
291 private sexual images under section 573.112 if the victim is  
292 seventeen years of age or under or if coercion of the victim  
293 was sexual in nature;

294 (28) "Tier III offense", the following adjudicated  
295 offenses:

296 (a) Kidnapping in the first degree under section  
297 565.110 if the victim is under eighteen years of age,  
298 excluding kidnapping by a parent or guardian of a nonsexual  
299 nature;

300 (b) Kidnapping in the second degree under section  
301 565.120 if the victim is under eighteen years of age,  
302 excluding kidnapping by a parent or guardian of a nonsexual  
303 nature;

304 (c) Kidnapping in the third degree under section  
305 565.130 if the victim is under eighteen years of age,  
306 excluding kidnapping by a parent or guardian of a nonsexual  
307 nature;

308 (d) Child kidnapping under section 565.115;

309 (e) Rape in the first degree under section 566.030;

310 (f) Rape in the second degree under section 566.031;

311           (g) Statutory rape in the first degree under section  
312 566.032;

313           (h) Statutory rape in the second degree under section  
314 566.034;

315           (i) Sodomy in the first degree under section 566.060;  
316           (j) Sodomy in the second degree under section 566.061;  
317           (k) Statutory sodomy in the first degree under section  
318 566.062;

319           (l) Statutory sodomy in the second degree under  
320 section 566.064 if the victim is under sixteen years of age;

321           (m) Child molestation in the first degree under  
322 section 566.067;

323           (n) Child molestation in the second degree under  
324 section 566.068;

325           (o) Child molestation in the third degree under  
326 section 566.069 if the victim is under thirteen years of age;

327           (p) Child molestation in the fourth degree under  
328 section 566.071 if the victim is under thirteen years of age;

329           (q) Sexual misconduct involving a child under section  
330 566.083 if the offense is a second or subsequent offense;

331           (r) Sexual contact with a student under section  
332 566.086 if the victim is under thirteen years of age;

333           (s) Sexual abuse in the first degree under section  
334 566.100 if the victim is under thirteen years of age;

335           (t) Sexual abuse in the second degree under section  
336 566.101 if the penalty is a term of imprisonment of one year  
337 or more;

338           (u) Sexual conduct with a nursing facility resident or  
339 vulnerable person in the first degree under section 566.115  
340 if the punishment is one year or more;

341           (v) Sexual conduct in the course of public duty under  
342 section 566.145 if the victim is under thirteen years of age;

343           (w) Trafficking for the purpose of sexual exploitation  
344 under section 566.209 if the victim is under eighteen years  
345 of age;

346           (x) Sexual trafficking of a child in the first degree  
347 under section 566.210;

348           (y) Sexual trafficking of a child in the second degree  
349 under section 566.211;

350           (z) Patronizing prostitution under section 567.030 if  
351 the offender is a persistent offender or if the person  
352 patronized is less than eighteen years of age;

353           (aa) Promoting prostitution in the first degree under  
354 section 567.050 if the victim is under eighteen years of age;

355           (bb) Promoting prostitution in the second degree under  
356 section 567.060 if the victim is under eighteen years of age;

357           (cc) Promoting prostitution in the third degree under  
358 section 567.070 if the victim is under eighteen years of age;

359           (dd) Promoting travel for prostitution under section  
360 567.085 if the victim is under eighteen years of age;

361           (ee) Incest under section 568.020;

362           (ff) Endangering the welfare of a child in the first  
363 degree under section 568.045 if the offense is sexual in  
364 nature or if the offense involves sexual intercourse or  
365 deviate sexual intercourse with a victim under eighteen  
366 years of age;

367           (gg) Abuse of a child under section 568.060 if the  
368 offense is of a sexual nature and the victim is under  
369 thirteen years of age;

370           (hh) Genital mutilation of a female child under  
371 section 568.065;

372           (ii) Use of a child in a sexual performance under  
373 section 573.200; or

374           (jj) Promoting a sexual performance by a child under  
375 section 573.205;

376 [(14)] (29) "Vehicle", any land vehicle, watercraft,  
377 or aircraft.

589.405. 1. Any person who is required to register  
2 under sections 589.400 to 589.425 and who is released on  
3 probation, discharged upon payment of a fine, or released  
4 after confinement in a county jail shall, prior to such  
5 release or discharge and at the time of adjudication, be  
6 informed of the possible duty to register pursuant to  
7 sections 589.400 to 589.425 by the court having jurisdiction  
8 over the case. If such person is required to register  
9 pursuant to sections 589.400 to 589.425 and is placed on  
10 probation, the court shall make it a condition of probation  
11 that the offender report within three business days to the  
12 [chief law enforcement] registration official of the county  
13 of adjudication or city not within a county of adjudication  
14 to complete initial registration. If such offender is not  
15 placed on probation, the court shall:

16 (1) If the offender resides in Missouri, complete the  
17 initial notification of duty to register form approved by  
18 the state judicial records committee and the Missouri state  
19 highway patrol and forward the form within three business  
20 days to the Missouri state highway patrol and the [chief law  
21 enforcement] registration official in the county or city not  
22 within a county in which the offender resides; or

23 (2) If the offender does not reside in Missouri:

24 (a) Order the offender to report directly to the  
25 [chief law enforcement] registration official in the county  
26 or city not within a county where the adjudication was heard  
27 to register as provided in sections 589.400 to 589.425; and

28 (b) Complete the initial notification of duty to  
29 register form approved by the state judicial records  
30 committee and the Missouri state highway patrol and forward  
31 the form within three business days to the Missouri state

32 highway patrol and the [chief law enforcement] registration  
33 official in the county or city not within a county where the  
34 offender was adjudicated.

35 2. If the offender resides in Missouri and refuses to  
36 complete and sign the registration information as provided  
37 in subdivision (1) of subsection 1 of this section, or if  
38 the offender resides outside of Missouri and refuses to  
39 directly report to the [chief law enforcement] registration  
40 official as provided in subdivision (2) of subsection 1 of  
41 this section, the offender commits the offense of failure to  
42 register under section 589.425.

589.407. 1. Any registration pursuant to sections  
2 589.400 to 589.425 shall consist of completion of an  
3 offender registration form developed by the Missouri state  
4 highway patrol or other format approved by the Missouri  
5 state highway patrol. Such form shall consist of a  
6 statement, including the signature of the offender, and  
7 shall include, but is not limited to, the following:

8 (1) A statement in writing signed by the person,  
9 giving the name, address, date of birth, biological sex, as  
10 defined in section 191.1720, Social Security number, and  
11 phone number of the person, the license plate number and  
12 vehicle description, including the year, make, model, and  
13 color of each vehicle owned or operated by the offender, any  
14 online identifiers[, as defined in section 43.651,] used by  
15 the person, the place of employment of such person,  
16 enrollment within any institutions of higher education, the  
17 crime which requires registration, whether the person was  
18 sentenced as a persistent or predatory offender pursuant to  
19 section 566.125, the date, place, and a brief description of  
20 such crime, the date and place of the conviction or plea  
21 regarding such crime, the age and gender of the victim at  
22 the time of the offense and whether the person successfully

23 completed the Missouri sexual offender program pursuant to  
24 section 589.040, if applicable;

25 (2) The fingerprints and palm prints of the person;

26 (3) Unless the offender's appearance has not changed  
27 significantly, a photograph of such offender as follows:

28 (a) Quarterly if a tier III sex offender under  
29 section 589.414]. Such photograph shall be taken every  
30 ninety days beginning in the month of the person's birth;

31 (b) Semiannually if a tier II sex offender. Such  
32 photograph shall be taken in the month of the person's birth  
33 and six months thereafter; and

34 (c) Yearly if a tier I sex offender. Such photograph  
35 shall be taken in the month of the person's birth; and]

36 (4) A DNA sample from the individual, if a sample has  
37 not already been obtained; and

38 (5) Information regarding any temporary residence  
39 where the offender is staying away from his or her primary  
40 residence for seven or more days, including the period of  
41 time the offender is staying in such place, regardless of  
42 whether the temporary residence is in Missouri or any other  
43 place.

44 2. The offender shall provide positive identification  
45 and documentation to substantiate the accuracy of the  
46 information completed on the offender registration form,  
47 including but not limited to the following:

48 (1) A photocopy of a valid driver's license or  
49 nondriver's identification card;

50 (2) A document verifying proof of the offender's  
51 residency; and

52 (3) A photocopy of the vehicle registration for each  
53 of the offender's vehicles.

54 3. The Missouri state highway patrol shall maintain  
55 all required registration information in digitized form.

56 4. [Upon receipt of any changes to an offender's  
57 registration information contained in this section, the  
58 Missouri state highway patrol shall immediately notify all  
59 other jurisdictions in which the offender is either  
60 registered or required to register.

61 5.] The offender shall be responsible for reviewing  
62 his or her existing registration information for accuracy at  
63 every regular in-person appearance and, if any inaccuracies  
64 are found, provide proof of the information in question.

65 5. (1) Regular in-person appearances to the  
66 registration official following initial registration shall  
67 be required:

- 68 (a) Annually for tier I offenders;
- 69 (b) Every six months for tier II offenders; and
- 70 (c) Every ninety days for tier III offenders.

71 (2) For the purposes of establishing a schedule for  
72 registration appearances, the registration official shall  
73 ensure that the required registration interval is followed  
74 from the date of any initial registration until the month of  
75 an offender's birth and at the appropriate interval  
76 beginning from the month of the offender's birth thereafter.

77 6. The signed offender registration form shall serve  
78 as proof that the individual understands his or her duty to  
79 register as a sexual offender under sections 589.400 to  
80 589.425 and a statement to this effect shall be included on  
81 the form that the individual is required to sign at each  
82 registration.

83 7. If an offender has a guardian appointed by a court  
84 of competent jurisdiction, the guardian may sign affirming  
85 the accuracy of the offender registration form under this  
86 section. Nothing in this subsection shall alleviate the  
87 requirements of the offender to appear in person, nor shall  
88 this subsection be construed to affect any restrictions

89 applicable to an offender because of the offender's status  
90 on the sexual offender registry.

91 8. Notwithstanding subsection 1 of section 527.270, no  
92 person required to register under sections 589.400 to  
93 589.425 shall change his or her name for the period of time  
94 he or she is required to be placed on the registry.

589.410. 1. All notifications of a requirement to  
2 register shall be reported to the sex offender registry  
3 within three days, in a manner prescribed by the Missouri  
4 state highway patrol.

5 2. The [chief law enforcement] registration official  
6 shall [forward] enter the completed offender registration  
7 [form to] forms and related updates into the sex offender  
8 registry in a manner prescribed by the Missouri state  
9 highway patrol within three days. The Missouri state  
10 highway patrol shall [enter] ensure the information entered  
11 into the sex offender registry is accessible through the  
12 Missouri uniform law enforcement system (MULES) [where it  
13 is] and forwarded to the National Crime Information Center  
14 (NCIC) in accordance with applicable law. The information  
15 shall also be available to members of the criminal justice  
16 system, and other entities as provided by law, upon  
17 inquiry. Certain portions of the information shall also be  
18 published on the internet in accordance with this section.

[43.650.] 589.411. 1. The Missouri state highway  
2 patrol shall[, subject to appropriation,] maintain a web  
3 page on the internet which shall be open to the public and  
4 shall include a registered sexual offender search capability.

5 2. Except as provided in subsections 4 and 5 of this  
6 section, the registered sexual offender search shall make it  
7 possible for any person using the internet to search for and  
8 find the information specified in subsection 4 of this

9 section, if known, on offenders registered in this state  
10 pursuant to sections 589.400 to 589.425.

11 3. The registered sexual offender search shall include  
12 the capability to search for sexual offenders by name, zip  
13 code, and by typing in an address and specifying a search  
14 within a certain number of miles radius from that address.

15 4. Only the information listed in this subsection  
16 shall be provided to the public in the registered sexual  
17 offender search:

18 (1) The name and any known aliases of the offender;

19 (2) The date of birth and any known alias dates of  
20 birth of the offender;

21 (3) A physical description of the offender;

22 (4) The residence, temporary, work, and school  
23 addresses of the offender, including the street address,  
24 city, county, state, and zip code;

25 (5) Any photographs of the offender;

26 (6) A physical description of the offender's vehicles,  
27 including the year, make, model, color, and license plate  
28 number;

29 (7) The nature and dates of all offenses qualifying  
30 the offender to register, including the tier level assigned  
31 to the offender under sections 589.400 to 589.425;

32 (8) The date on which the offender was released from  
33 the department of mental health, prison, or jail, or placed  
34 on parole, supervised release, or probation for the offenses  
35 qualifying the offender to register;

36 (9) Compliance status of the offender with the  
37 provisions of section 589.400 to 589.425; and

38 (10) Any online identifiers[, as defined in section  
39 43.651,] used by the person. Such online identifiers shall  
40 not be included in the general profile of an offender on the  
41 web page and shall only be available to a member of the

42 public by a search using the specific online identifier to  
43 determine if a match exists with a registered offender.

44 5. Juveniles required to register under subdivision  
45 (5) of subsection 1 of section 589.400 shall be exempt from  
46 public notification on the internet to include any  
47 adjudications from another state, territory, the District of  
48 Columbia, or foreign country or any federal, tribal, or  
49 military jurisdiction.

50 6. The Missouri state highway patrol shall regularly  
51 update the web page to remove persons who have been ordered  
52 removed or exempt by a court in accordance with section  
53 589.401, persons who are deceased, and persons who have  
54 moved out of the state. In the case of a person who has  
55 moved out of the state, the entry shall remain until the  
56 Missouri state highway patrol confirms the person has  
57 complied with all registration requirements in the person's  
58 new state, territory, or country of residence, when  
59 applicable.

60 7. In addition to the web page maintained by the  
61 Missouri state highway patrol, a registration official may  
62 maintain a web page on the internet, which shall be open to  
63 the public and shall include a registered sexual offender  
64 search capability. Except as provided in subsections 5 and  
65 6 of this section, the registered sexual offender search  
66 shall make it possible for any person using the internet to  
67 search for and find the information specified in subsection  
68 5 of this section, if known, on offenders registered in this  
69 state pursuant to sections 589.400 to 589.425. The chief  
70 law enforcement officer of any county or city not within a  
71 county may also publish in any newspaper distributed in the  
72 county or city not within a county the offender information  
73 provided under subsection 3 of this section for any offender  
74 residing in the county or city not within a county.

[43.651.] 589.412. [1. As used in this section, the following terms shall mean:

(1) "Electronic mail", the transmission of information or communication by the use of the internet, a computer, a facsimile machine, a pager, a cellular telephone or other wireless communication device, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person;

(2) "Entity", a business or organization that provides internet service, electronic communications service, remote computing service, online service, electronic mail service, or electronic instant message or chat services whether the business or organization is within or outside this state;

(3) "Instant message", a form of real-time text communication between two or more people. The communication is conveyed via computers connected over a network such as the internet, or between cell phone or wireless communication device users, or over a cell phone or wireless communication device network;

(4) "Online identifier", includes all of the following: electronic mail address and instant message screen name, user ID, cell phone number or wireless communication device number or identifier, chat or other internet communication name, or other identity information.

2.] Subject to appropriations, the Missouri state highway patrol shall make registry information regarding a registered sexual offender's online identifiers available to an entity for the purpose of allowing the entity to prescreen users or for comparison with information held by the entity as provided by this subsection:

(1) The information obtained by an entity from the state sexual offender registry shall not be used for any purpose other than for prescreening its users or comparing

34 the database of registered users of the entity against the  
35 list of online identifiers of persons in the state sexual  
36 offender registry in order to protect children from online  
37 sexual predators. The Missouri state highway patrol shall  
38 promulgate rules and regulations regarding the release and  
39 use of online identifier information. Any rule or portion  
40 of a rule, as that term is defined in section 536.010, that  
41 is created under the authority delegated in this section  
42 shall become effective only if it complies with and is  
43 subject to all of the provisions of chapter 536 and, if  
44 applicable, section 536.028. This section and chapter 536  
45 are nonseverable and if any of the powers vested with the  
46 general assembly pursuant to chapter 536 to review, to delay  
47 the effective date, or to disapprove and annul a rule are  
48 subsequently held unconstitutional, then the grant of  
49 rulemaking authority and any rule proposed or adopted after  
50 August 28, 2008, shall be invalid and void;

51 (2) Any entity desiring to prescreen its users or  
52 compare its database of registered users to the list of  
53 online identifiers of persons in the state sexual offender  
54 registry may apply to the Missouri state highway patrol to  
55 access the information. An entity that complies with the  
56 rules and regulations promulgated by the Missouri state  
57 highway patrol regarding the release and use of the online  
58 identifier information and pays the fee established by the  
59 Missouri state highway patrol may screen new users or  
60 compare its database of registered users to the list of  
61 online identifiers of persons in the state sexual offender  
62 registry as frequently as the Missouri state highway patrol  
63 may allow for the purpose of identifying a registered user  
64 associated with an online identifier contained in the state  
65 sexual offender registry;

66 (3) Any entity complying with this subsection in good  
67 faith shall be immune from any civil or criminal liability  
68 resulting from:

69 (a) The entity's refusal to provide system service to  
70 a person on the basis that the entity believed that the  
71 person was required to register under sections 589.400 to  
72 589.425;

73 (b) A person's criminal or tortious acts when the  
74 person is required to register pursuant to sections 589.400  
75 to 589.425, and the person complied with the requirement to  
76 register their online identifiers under section 589.407, and  
77 committed the criminal or tortious acts against a minor with  
78 whom he or she had communicated on the entity's system by  
79 using their registered online identifier; or

80 (c) Any activity for which the entity would be immune  
81 from liability under 47 U.S.C. Section 230.

[43.533.] 589.413. 1. The Missouri state highway  
2 patrol shall, subject to appropriation, operate a toll-free  
3 telephone number in order to disseminate registration  
4 information provided by individuals persons who are  
5 required to register under sections 589.400 to 589.425, and  
6 receive information from persons regarding the residency of  
7 a registered sexual offender. The information available via  
8 the telephone number shall include only information that  
9 offenders are required to provide under section 589.407.  
10 When the Missouri state highway patrol provides such  
11 information regarding a sexual offender, the patrol  
12 personnel shall advise the person making the inquiry that  
13 positive identification of a person believed to be a sexual  
14 offender cannot be established unless a fingerprint  
15 comparison is made, and that it is illegal to use such  
16 information regarding a registered sexual offender to  
17 facilitate the commission of a crime. The toll-free

18 telephone number shall be published on the Missouri state  
19 highway patrol's sexual offender registry website maintained  
20 under section [43.650] 589.411.

21 2. The Missouri state highway patrol shall promulgate  
22 rules to effect the enforcement of this section. Any rule  
23 or portion of a rule, as that term is defined in section  
24 536.010, that is created under the authority delegated in  
25 this section shall become effective only if it complies with  
26 and is subject to all of the provisions of chapter 536 and,  
27 if applicable, section 536.028. This section and chapter  
28 536 are nonseverable and if any of the powers vested with  
29 the general assembly pursuant to chapter 536 to review, to  
30 delay the effective date, or to disapprove and annul a rule  
31 are subsequently held unconstitutional, then the grant of  
32 rulemaking authority and any rule proposed or adopted after  
33 August 28, 2006, shall be invalid and void.

2 [589.414. 1. Any person required by  
3 sections 589.400 to 589.425 to register shall,  
4 within three business days, appear in person to  
5 the chief law enforcement officer of the county  
6 or city not within a county if there is a change  
7 to any of the following information:

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

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

- 20 (1) Vehicle information;
- 21 (2) Temporary lodging information;
- 22 (3) Temporary residence information;

23 (4) Email addresses, instant messaging  
24 addresses, and any other designations used in  
25 internet communications, postings, or telephone  
26 communications; or

27 (5) Telephone or other cellular number,  
28 including any new forms of electronic  
29 communication.

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

36 4. If any person required by sections  
37 589.400 to 589.425 to register changes such  
38 person's residence or address to a different  
39 county or city not within a county, the person  
40 shall appear in person and shall inform both the  
41 chief law enforcement official with whom the  
42 person last registered and the chief law  
43 enforcement official of the county or city not  
44 within a county having jurisdiction over the new  
45 residence or address in writing within three  
46 business days of such new address and phone  
47 number, if the phone number is also changed. If  
48 any person required by sections 589.400 to  
49 589.425 to register changes his or her state,  
50 territory, the District of Columbia, or foreign  
51 country, or federal, tribal, or military  
52 jurisdiction of residence, the person shall  
53 appear in person and shall inform both the chief  
54 law enforcement official with whom the person  
55 was last registered and the chief law  
56 enforcement official of the area in the new  
57 state, territory, the District of Columbia, or  
58 foreign country, or federal, tribal, or military  
59 jurisdiction having jurisdiction over the new  
60 residence or address within three business days  
61 of such new address. Whenever a registrant  
62 changes residence, the chief law enforcement  
63 official of the county or city not within a  
64 county where the person was previously  
65 registered shall inform the Missouri state  
66 highway patrol of the change within three  
67 business days. When the registrant is changing  
68 the residence to a new state, territory, the

69 District of Columbia, or foreign country, or  
70 federal, tribal, or military jurisdiction, the  
71 Missouri state highway patrol shall inform the  
72 responsible official in the new state,  
73 territory, the District of Columbia, or foreign  
74 country, or federal, tribal, or military  
75 jurisdiction of residence within three business  
76 days.

77 5. Tier I sexual offenders, in addition to  
78 the requirements of subsections 1 to 4 of this  
79 section, shall report in person to the chief law  
80 enforcement official annually in the month of  
81 their birth to verify the information contained  
82 in their statement made pursuant to section  
83 589.407. Tier I sexual offenders include:

84 (1) Any offender who has been adjudicated  
85 for the offense of:

86 (a) Sexual abuse in the first degree under  
87 section 566.100 if the victim is eighteen years  
88 of age or older;

89 (b) Sexual misconduct involving a child  
90 under section 566.083 if it is a first offense  
91 and the punishment is less than one year;

92 (c) Sexual abuse in the second degree  
93 under section 566.101 if the punishment is less  
94 than a year;

95 (d) Kidnapping in the second degree under  
96 section 565.120 with sexual motivation;

97 (e) Kidnapping in the third degree under  
98 section 565.130;

99 (f) Sexual conduct with a nursing facility  
100 resident or vulnerable person in the first  
101 degree under section 566.115 if the punishment  
102 is less than one year;

103 (g) Sexual conduct under section 566.116  
104 with a nursing facility resident or vulnerable  
105 person;

106 (h) Sexual [contact with a prisoner or  
107 offender] conduct in the course of public duty  
108 under section 566.145 if the victim is eighteen  
109 years of age or older;

110 (i) Sex with an animal under section  
111 566.111;

112 (j) Trafficking for the purpose of sexual  
113 exploitation under section 566.209 if the victim  
114 is eighteen years of age or older;

115 (k) Possession of child pornography under  
116 section 573.037 as it existed prior to August  
117 28, 2026;

118 (l) Possession of child sexual abuse  
119 material under section 573.037;

120 (m) Sexual misconduct in the first degree  
121 under section 566.093;

122 [(m)] (n) Sexual misconduct in the second  
123 degree under section 566.095;

124 [(n)] (o) Child molestation in the second  
125 degree under section 566.068 as it existed prior  
126 to January 1, 2017, if the punishment is less  
127 than one year; [or

128 (o)] (p) Invasion of privacy under section  
129 565.252 if the victim is less than eighteen  
130 years of age; or

131 (q) Grooming of a minor under section  
132 566.152;

133 (2) Any offender who is or has been  
134 adjudicated in any other state, territory, the  
135 District of Columbia, or foreign country, or  
136 under federal, tribal, or military jurisdiction  
137 of an offense of a sexual nature or with a  
138 sexual element that is comparable to the tier I  
139 sexual offenses listed in this subsection or, if  
140 not comparable to those in this subsection,  
141 comparable to those described as tier I offenses  
142 under the Sex Offender Registration and  
143 Notification Act, Title I of the Adam Walsh  
144 Child Protection and Safety Act of 2006, Pub. L.  
145 109-248.

146 6. Tier II sexual offenders, in addition  
147 to the requirements of subsections 1 to 4 of  
148 this section, shall report semiannually in  
149 person in the month of their birth and six  
150 months thereafter to the chief law enforcement  
151 official to verify the information contained in  
152 their statement made pursuant to section  
153 589.407. Tier II sexual offenders include:

154 (1) Any offender who has been adjudicated  
155 for the offense of:

156 (a) Statutory sodomy in the second degree  
157 under section 566.064 if the victim is sixteen  
158 to seventeen years of age;

159 (b) Child molestation in the third degree  
160 under section 566.069 if the victim is between  
161 thirteen and fourteen years of age;

162 (c) Sexual contact with a student under  
163 section 566.086 if the victim is thirteen to  
164 seventeen years of age;

165 (d) Enticement of a child under section  
166 566.151;

167 (e) Abuse of a child under section 568.060  
168 if the offense is of a sexual nature and the  
169 victim is thirteen to seventeen years of age;

170 (f) Sexual exploitation of a minor under  
171 section 573.023;

172 (g) Promoting child pornography in the  
173 first degree under section 573.025 as it existed  
174 prior to August 28, 2026;

175 (h) Promoting child sexual abuse material  
176 in the first degree under section 573.025;

177 (i) Promoting child pornography in the  
178 second degree under section 573.035 as it  
179 existed prior to August 28, 2026;

180 (j) Promoting child sexual abuse material  
181 in the second degree under section 573.035;

182 [(i)] (k) Patronizing prostitution under  
183 section 567.030;

184 [(j)] (l) Sexual [contact with a prisoner  
185 or offender] conduct in the course of public  
186 duty under section 566.145 if the victim is  
187 thirteen to seventeen years of age;

188 [(k)] (m) Child molestation in the fourth  
189 degree under section 566.071 if the victim is  
190 thirteen to seventeen years of age;

191 [(l)] (n) Sexual misconduct involving a  
192 child under section 566.083 if it is a first  
193 offense and the penalty is a term of  
194 imprisonment of more than a year; [or

195 (m)] (o) Age misrepresentation with intent  
196 to solicit a minor under section 566.153;

197 (p) Nonconsensual dissemination of private  
198 sexual images under section 573.110 if the  
199 victim is seventeen years of age or under or if  
200 coercion of the victim was sexual in nature; or

201 (q) Threatening the nonconsensual  
202 dissemination of private sexual images under  
203 section 573.112 if the victim is seventeen years

204 of age or under or if coercion of the victim was  
205 sexual in nature;

206 (2) Any person who is adjudicated of an  
207 offense comparable to a tier I offense listed in  
208 this section or failure to register offense  
209 under section 589.425 or comparable out-of-state  
210 failure to register offense and who is already  
211 required to register as a tier I offender due to  
212 having been adjudicated of a tier I offense on a  
213 previous occasion; or

214 (3) Any person who is or has been  
215 adjudicated in any other state, territory, the  
216 District of Columbia, or foreign country, or  
217 under federal, tribal, or military jurisdiction  
218 for an offense of a sexual nature or with a  
219 sexual element that is comparable to the tier II  
220 sexual offenses listed in this subsection or, if  
221 not comparable to those in this subsection,  
222 comparable to those described as tier II  
223 offenses under the Sex Offender Registration and  
224 Notification Act, Title I of the Adam Walsh  
225 Child Protection and Safety Act of 2006, Pub. L.  
226 109-248.

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

234 (1) Any offender registered as a predatory  
235 [sexual offender as defined in section 566.123  
236 or a] or persistent sexual offender as defined  
237 in section [566.124] 566.125;

238 (2) Any offender who has been adjudicated  
239 for the crime of:

240 (a) Rape in the first degree under section  
241 566.030;

242 (b) Statutory rape in the first degree  
243 under section 566.032;

244 (c) Rape in the second degree under  
245 section 566.031;

246 (d) Endangering the welfare of a child in  
247 the first degree under section 568.045 if the  
248 offense is sexual in nature;

249 (e) Sodomy in the first degree under  
250 section 566.060;  
251 (f) Statutory sodomy under section 566.062;  
252 (g) Statutory sodomy under section 566.064  
253 if the victim is under sixteen years of age;  
254 (h) Sodomy in the second degree under  
255 section 566.061;  
256 (i) Sexual misconduct involving a child  
257 under section 566.083 if the offense is a second  
258 or subsequent offense;  
259 (j) Sexual abuse in the first degree under  
260 section 566.100 if the victim is under thirteen  
261 years of age;  
262 (k) Kidnapping in the first degree under  
263 section 565.110 if the victim is under eighteen  
264 years of age, excluding kidnapping by a parent  
265 or guardian;  
266 (l) Child kidnapping under section 565.115;  
267 (m) Sexual conduct with a nursing facility  
268 resident or vulnerable person in the first  
269 degree under section 566.115 if the punishment  
270 is greater than a year;  
271 (n) Incest under section 568.020;  
272 (o) Endangering the welfare of a child in  
273 the first degree under section 568.045 with  
274 sexual intercourse or deviate sexual intercourse  
275 with a victim under eighteen years of age;  
276 (p) Child molestation in the first degree  
277 under section 566.067;  
278 (q) Child molestation in the second degree  
279 under section 566.068;  
280 (r) Child molestation in the third degree  
281 under section 566.069 if the victim is under  
282 thirteen years of age;  
283 (s) Promoting prostitution in the first  
284 degree under section 567.050 if the victim is  
285 under eighteen years of age;  
286 (t) Promoting prostitution in the second  
287 degree under section 567.060 if the victim is  
288 under eighteen years of age;  
289 (u) Promoting prostitution in the third  
290 degree under section 567.070 if the victim is  
291 under eighteen years of age;  
292 (v) Promoting travel for prostitution  
293 under section 567.085 if the victim is under  
294 eighteen years of age;

295 (w) Trafficking for the purpose of sexual  
296 exploitation under section 566.209 if the victim  
297 is under eighteen years of age;

298 (x) Sexual trafficking of a child in the  
299 first degree under section 566.210;

300 (y) Sexual trafficking of a child in the  
301 second degree under section 566.211;

302 (z) Genital mutilation of a female child  
303 under section 568.065;

304 (aa) Statutory rape in the second degree  
305 under section 566.034;

306 (bb) Child molestation in the fourth  
307 degree under section 566.071 if the victim is  
308 under thirteen years of age;

309 (cc) Sexual abuse in the second degree  
310 under section 566.101 if the penalty is a term  
311 of imprisonment of more than a year;

312 (dd) Patronizing prostitution under  
313 section 567.030 if the offender is a persistent  
314 offender;

315 (ee) Abuse of a child under section  
316 568.060 if the offense is of a sexual nature and  
317 the victim is under thirteen years of age;

318 (ff) Sexual contact with a prisoner or  
319 offender conduct in the course of public duty  
320 under section 566.145 if the victim is under  
321 thirteen years of age;

322 (gg) Sexual intercourse with a prisoner  
323 or offender under section 566.145;

324 (hh) Sexual contact with a student under  
325 section 566.086 if the victim is under thirteen  
326 years of age;

327 [(ii)] (hh) Use of a child in a sexual  
328 performance under section 573.200; or

329 [(jj)] (ii) Promoting a sexual performance  
330 by a child under section 573.205;

331 (3) Any offender who is adjudicated for a  
332 crime comparable to a tier I or tier II offense  
333 listed in this section or failure to register  
334 offense under section 589.425, or other  
335 comparable out-of-state failure to register  
336 offense, who has been or is already required to  
337 register as a tier II offender because of having  
338 been adjudicated for a tier II offense, two tier  
339 I offenses, or combination of a tier I offense

340 and failure to register offense, on a previous  
341 occasion;

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

352 (5) Any offender who is adjudicated in  
353 Missouri for any offense of a sexual nature  
354 requiring registration under sections 589.400 to  
355 589.425 that is not classified as a tier I or  
356 tier II offense in this section.

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

372 9. If a person who is required to register  
373 as a sexual offender under sections 589.400 to  
374 589.425 changes or obtains a new online  
375 identifier as defined in section 43.651, the  
376 person shall report such information in the same  
377 manner as a change of residence before using  
378 such online identifier.]

589.414. 1. Any person required by sections 589.400  
2 to 589.425 to register shall, within three business days,  
3 appear in person to the [chief law enforcement officer of  
4 the county or city not within a county] registration

5 official if there is a change to any of the following  
6 information:

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

14 2. Any person required to register under sections  
15 589.400 to 589.425 shall, within three business days, notify  
16 the [chief law enforcement] registration official [of the  
17 county or city not within a county] of any changes to the  
18 following information:

- 19 (1) Vehicle information;
- 20 (2) [Temporary lodging information;
- 21 (3)] Temporary residence information;
- 22 [(4) Email addresses, instant messaging addresses, and  
23 any other designations used in internet communications,  
24 postings, or telephone communications; or
- 25 (5)] (3) Telephone or other cellular number, including  
26 any new forms of electronic communication; or
- 27 (4) Online identifiers.

28 3. The [chief law enforcement] registration official  
29 [in the county or city not within a county] shall  
30 immediately forward the registration changes described under  
31 subsections 1 and 2 of this section to the Missouri state  
32 highway patrol within three business days in accordance with  
33 section 589.410.

34 4. (1) If any person required by sections 589.400 to  
35 589.425 to register changes such person's residence or  
36 address to a different county or city not within a county,  
37 the person shall appear in person and shall inform both the

38 [chief law enforcement] registration official with whom the  
39 person last registered and the [chief law enforcement]  
40 registration official of the county or city not within a  
41 county having jurisdiction over the new residence or address  
42 in writing within three business days of such new address  
43 and phone number, if the phone number is also changed.

44 (2) If any person required by sections 589.400 to  
45 589.425 to register changes his or her state, territory, the  
46 District of Columbia, or foreign country, or federal,  
47 tribal, or military jurisdiction of residence, the person  
48 shall appear in person and shall inform both the [chief law  
49 enforcement] registration official with whom the person was  
50 last registered and the [chief law enforcement] registration  
51 official of the area in the new state, territory, the  
52 District of Columbia, or foreign country, or federal,  
53 tribal, or military jurisdiction having jurisdiction over  
54 the new residence or address within three business days of  
55 such new address.

56 (3) Whenever a registrant changes residence, the  
57 [chief law enforcement] registration official of the county  
58 or city not within a county where the person was previously  
59 registered shall inform the Missouri state highway patrol of  
60 the change within three business days.

61 (4) When the registrant is changing the residence to a  
62 new state, territory, the District of Columbia, or foreign  
63 country, or federal, tribal, or military jurisdiction, the  
64 Missouri state highway patrol shall inform the responsible  
65 official in the new state, territory, the District of  
66 Columbia, or foreign country, or federal, tribal, or  
67 military jurisdiction of residence within three business  
68 days.

69 5. Registrants shall appear in person before the  
70 registration official and complete all forms required for

71 such purposes by the United States Marshal's Service no less  
72 than twenty-one days before travel outside of the United  
73 States. Such information shall be forwarded to the United  
74 States Marshal's Service, and a copy shall be provided by  
75 the registration official to the Missouri state highway  
76 patrol in a manner prescribed by the Missouri state highway  
77 patrol.

78 6. Offenders shall be classified as a tier I offender,  
79 tier II offender, or tier III offender in accordance with  
80 this section. To the extent more than one tier definition  
81 applies to an offender, the highest tier that applies shall  
82 be the tier into which the offender is classified.

83 7. The initial determination as to the tier of an  
84 offender shall be made by the registration official when an  
85 offender first appears for registration with the official.  
86 Upon receipt of an initial offender registration from a new  
87 registration official, the Missouri state highway patrol  
88 shall analyze the initial tier determination for accuracy.  
89 If the Missouri state highway patrol determines the initial  
90 tier decision is inaccurate, the Missouri state highway  
91 patrol shall notify the registration official, and the  
92 Missouri state highway patrol's determination shall control  
93 the tier classification. Upon receipt of an updated tiering  
94 decision, the registration official shall notify the  
95 offender no later than the next previously scheduled in-  
96 person check-in for the offender. Upon notification of the  
97 offender or failure of the offender to appear at the next  
98 regularly scheduled in-person check, reporting requirements  
99 aligning with the new tier determination shall be in effect.

100 8. Tier I [sexual] offenders, in addition to the  
101 requirements of subsections 1 to [4] 5 of this section,  
102 shall report in person [to] before the [chief law  
103 enforcement] registration official annually in the month of

104 their birth to verify the information contained in their  
105 statement made pursuant to section 589.407. [Tier I sexual  
106 offenders include:

107 (1) Any offender who has been adjudicated for the  
108 offense of:

109 (a) Sexual abuse in the first degree under section  
110 566.100 if the victim is eighteen years of age or older;

111 (b) Sexual misconduct involving a child under section  
112 566.083 if it is a first offense and the punishment is less  
113 than one year;

114 (c) Sexual abuse in the second degree under section  
115 566.101 if the punishment is less than a year;

116 (d) Kidnapping in the second degree under section  
117 565.120 with sexual motivation;

118 (e) Kidnapping in the third degree under section  
119 565.130;

120 (f) Sexual conduct with a nursing facility resident or  
121 vulnerable person in the first degree under section 566.115  
122 if the punishment is less than one year;

123 (g) Sexual conduct under section 566.116 with a  
124 nursing facility resident or vulnerable person;

125 (h) Sexual contact with a prisoner or offender under  
126 section 566.145 if the victim is eighteen years of age or  
127 older;

128 (i) Sex with an animal under section 566.111;

129 (j) Trafficking for the purpose of sexual exploitation  
130 under section 566.209 if the victim is eighteen years of age  
131 or older;

132 (k) Possession of child pornography under section  
133 573.037;

134 (l) Sexual misconduct in the first degree under  
135 section 566.093;

136 (m) Sexual misconduct in the second degree under  
137 section 566.095;

138 (n) Child molestation in the second degree under  
139 section 566.068 as it existed prior to January 1, 2017, if  
140 the punishment is less than one year; or

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

143 (2) Any offender who is or has been adjudicated in any  
144 other state, territory, the District of Columbia, or foreign  
145 country, or under federal, tribal, or military jurisdiction  
146 of an offense of a sexual nature or with a sexual element  
147 that is comparable to the tier I sexual offenses listed in  
148 this subsection or, if not comparable to those in this  
149 subsection, comparable to those described as tier I offenses  
150 under the Sex Offender Registration and Notification Act,  
151 Title I of the Adam Walsh Child Protection and Safety Act of  
152 2006, Pub. L. 109-248.

153 6.] 9. Tier II [sexual] offenders, in addition to the  
154 requirements of subsections 1 to [4] 5 of this section,  
155 shall report semiannually in person in the month of their  
156 birth and six months thereafter to the [chief law  
157 enforcement] registration official to verify the information  
158 contained in their statement made pursuant to section  
159 589.407. [Tier II sexual offenders include:

160 (1) Any offender who has been adjudicated for the  
161 offense of:

162 (a) Statutory sodomy in the second degree under  
163 section 566.064 if the victim is sixteen to seventeen years  
164 of age;

165 (b) Child molestation in the third degree under  
166 section 566.069 if the victim is between thirteen and  
167 fourteen years of age;

168 (c) Sexual contact with a student under section  
169 566.086 if the victim is thirteen to seventeen years of age;  
170 (d) Enticement of a child under section 566.151;  
171 (e) Abuse of a child under section 568.060 if the  
172 offense is of a sexual nature and the victim is thirteen to  
173 seventeen years of age;  
174 (f) Sexual exploitation of a minor under section  
175 573.023;  
176 (g) Promoting child pornography in the first degree  
177 under section 573.025;  
178 (h) Promoting child pornography in the second degree  
179 under section 573.035;  
180 (i) Patronizing prostitution under section 567.030;  
181 (j) Sexual contact with a prisoner or offender under  
182 section 566.145 if the victim is thirteen to seventeen years  
183 of age;  
184 (k) Child molestation in the fourth degree under  
185 section 566.071 if the victim is thirteen to seventeen years  
186 of age;  
187 (l) Sexual misconduct involving a child under section  
188 566.083 if it is a first offense and the penalty is a term  
189 of imprisonment of more than a year; or  
190 (m) Age misrepresentation with intent to solicit a  
191 minor under section 566.153;  
192 (2) Any person who is adjudicated of an offense  
193 comparable to a tier I offense listed in this section or  
194 failure to register offense under section 589.425 or  
195 comparable out-of-state failure to register offense and who  
196 is already required to register as a tier I offender due to  
197 having been adjudicated of a tier I offense on a previous  
198 occasion; or  
199 (3) Any person who is or has been adjudicated in any  
200 other state, territory, the District of Columbia, or foreign

201 country, or under federal, tribal, or military jurisdiction  
202 for an offense of a sexual nature or with a sexual element  
203 that is comparable to the tier II sexual offenses listed in  
204 this subsection or, if not comparable to those in this  
205 subsection, comparable to those described as tier II  
206 offenses under the Sex Offender Registration and  
207 Notification Act, Title I of the Adam Walsh Child Protection  
208 and Safety Act of 2006, Pub. L. 109-248.

209 7.] 10. Tier III [sexual] offenders, in addition to  
210 the requirements of subsections 1 to [4] 5 of this section,  
211 shall report in person [to] before the [chief law  
212 enforcement] registration official every ninety days to  
213 verify the information contained in their statement made  
214 under section 589.407. [Tier III sexual offenders include:

215 (1) Any offender registered as a predatory sexual  
216 offender as defined in section 566.123 or a persistent  
217 sexual offender as defined in section 566.124;

218 (2) Any offender who has been adjudicated for the  
219 crime of:

220 (a) Rape in the first degree under section 566.030;

221 (b) Statutory rape in the first degree under section  
222 566.032;

223 (c) Rape in the second degree under section 566.031;

224 (d) Endangering the welfare of a child in the first  
225 degree under section 568.045 if the offense is sexual in  
226 nature;

227 (e) Sodomy in the first degree under section 566.060;

228 (f) Statutory sodomy under section 566.062;

229 (g) Statutory sodomy under section 566.064 if the  
230 victim is under sixteen years of age;

231 (h) Sodomy in the second degree under section 566.061;

232 (i) Sexual misconduct involving a child under section  
233 566.083 if the offense is a second or subsequent offense;

234 (j) Sexual abuse in the first degree under section  
235 566.100 if the victim is under thirteen years of age;  
236 (k) Kidnapping in the first degree under section  
237 565.110 if the victim is under eighteen years of age,  
238 excluding kidnapping by a parent or guardian;  
239 (l) Child kidnapping under section 565.115;  
240 (m) Sexual conduct with a nursing facility resident or  
241 vulnerable person in the first degree under section 566.115  
242 if the punishment is greater than a year;  
243 (n) Incest under section 568.020;  
244 (o) Endangering the welfare of a child in the first  
245 degree under section 568.045 with sexual intercourse or  
246 deviate sexual intercourse with a victim under eighteen  
247 years of age;  
248 (p) Child molestation in the first degree under  
249 section 566.067;  
250 (q) Child molestation in the second degree under  
251 section 566.068;  
252 (r) Child molestation in the third degree under  
253 section 566.069 if the victim is under thirteen years of age;  
254 (s) Promoting prostitution in the first degree under  
255 section 567.050 if the victim is under eighteen years of age;  
256 (t) Promoting prostitution in the second degree under  
257 section 567.060 if the victim is under eighteen years of age;  
258 (u) Promoting prostitution in the third degree under  
259 section 567.070 if the victim is under eighteen years of age;  
260 (v) Promoting travel for prostitution under section  
261 567.085 if the victim is under eighteen years of age;  
262 (w) Trafficking for the purpose of sexual exploitation  
263 under section 566.209 if the victim is under eighteen years  
264 of age;  
265 (x) Sexual trafficking of a child in the first degree  
266 under section 566.210;

267 (y) Sexual trafficking of a child in the second degree  
268 under section 566.211;

269 (z) Genital mutilation of a female child under section  
270 568.065;

271 (aa) Statutory rape in the second degree under section  
272 566.034;

273 (bb) Child molestation in the fourth degree under  
274 section 566.071 if the victim is under thirteen years of age;

275 (cc) Sexual abuse in the second degree under section  
276 566.101 if the penalty is a term of imprisonment of more  
277 than a year;

278 (dd) Patronizing prostitution under section 567.030 if  
279 the offender is a persistent offender;

280 (ee) Abuse of a child under section 568.060 if the  
281 offense is of a sexual nature and the victim is under  
282 thirteen years of age;

283 (ff) Sexual contact with a prisoner or offender under  
284 section 566.145 if the victim is under thirteen years of age;

285 (gg) Sexual intercourse with a prisoner or offender  
286 under section 566.145;

287 (hh) Sexual contact with a student under section  
288 566.086 if the victim is under thirteen years of age;

289 (ii) Use of a child in a sexual performance under  
290 section 573.200; or

291 (jj) Promoting a sexual performance by a child under  
292 section 573.205;

293 (3) Any offender who is adjudicated for a crime  
294 comparable to a tier I or tier II offense listed in this  
295 section or failure to register offense under section  
296 589.425, or other comparable out-of-state failure to  
297 register offense, who has been or is already required to  
298 register as a tier II offender because of having been  
299 adjudicated for a tier II offense, two tier I offenses, or

300 combination of a tier I offense and failure to register  
301 offense, on a previous occasion;

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

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

314 8.] 11. In addition to the requirements of subsections  
315 1 to ~~7~~ 5 and 8 to 10 of this section, all Missouri  
316 registrants who work, including as a volunteer or unpaid  
317 intern, or attend any school whether public or private,  
318 including any secondary school, trade school, professional  
319 school, or institution of higher education, on a full-time  
320 or part-time basis or have a temporary residence in this  
321 state shall be required to report in person ~~to~~ before the  
322 ~~chief law enforcement officer~~ registration official in the  
323 area of the state where they work, including as a volunteer  
324 or unpaid intern, or attend any school or training and  
325 register in that state. ~~"Part-time"~~ in this subsection  
326 means for more than seven days in any twelve-month period.

327 9.] 12. If a person who is required to register as a  
328 sexual offender under sections 589.400 to 589.425 changes or  
329 obtains a new online identifier ~~as defined in section~~  
330 ~~43.651~~, the person shall report such information in the  
331 same manner as a change of residence before using such  
332 online identifier.

589.415. [1.] Any probation officer or parole officer  
2 assigned to a sexual offender who is required to register  
3 pursuant to sections 589.400 to 589.425 shall notify the  
4 appropriate law enforcement officials whenever the probation  
5 officer or parole officer has reason to believe that the  
6 offender will be changing his or her residence. Upon  
7 obtaining the new address where the offender expects to  
8 reside, the probation officer or parole officer shall report  
9 such address to the [chief law enforcement] registration  
10 official with whom the offender last registered and the  
11 [chief law enforcement] registration official of the county  
12 having jurisdiction over the new residence, if different.  
13 The probation officer or parole officer shall also inform  
14 the offender of the offender's duty to register. However,  
15 nothing in this section shall affect the offender's duty to  
16 register, pursuant to sections 589.400 to 589.425.

[2. As used in this section, the term "probation  
17 officer" includes any agent of a private entity assigned to  
18 provide probation supervision services to an offender due to  
19 the offender's status as a sexual offender who is required  
20 to register pursuant to sections 589.400 to 589.425. ]

589.417. 1. Except for the specific information  
2 listed in subsection 2 of this section, the complete  
3 statements, photographs and fingerprints required by  
4 sections 589.400 to 589.425 shall not be subject to the  
5 provisions of chapter 610 and are not public records as  
6 defined in section 610.010, and shall be available only to  
7 courts, prosecutors and law enforcement agencies.

2. [Notwithstanding any provision of law to the  
9 contrary, the chief law enforcement official of the county]  
10 (1) The following information shall be available as an open  
11 record under chapter 610:

12           (a) Any information retained by the Missouri state  
13 highway patrol required to be published on the internet at  
14 the time of the request, as provided in section 589.411; and

15           (b) The name, offense requiring registration, dates of  
16 registration, and compliance status of any offender who has  
17 been removed from the internet because of death or a move  
18 out of the state. For offenders who have moved out of the  
19 state, the new state of residence shall also be an open  
20 record.

21           (2) The registration official shall maintain, for all  
22 offenders registered in such county, a complete list of the  
23 names, addresses and crimes for which such offenders are  
24 registered. Any person may request such list from the  
25 [chief law enforcement] registration official of the county.

26           3. Nothing in this section shall be construed to open  
27 any records relating to an offender who has been removed  
28 from the sexual offender registry or found exempt under  
29 section 589.401. Such records shall be governed by the  
30 provisions of chapter 610.

31           4. The metadata recorded by the sex offender registry  
32 system, website, or other related databases utilized by the  
33 sex offender registry including activity logs, user  
34 information, or other related information shall be a closed  
35 record, available only to authorized users for the  
36 administration of criminal justice, as the term  
37 "administration of criminal justice" is defined in section  
38 43.500.

          [589.425. 1. A person commits the crime  
2 of failing to register as a sex offender when  
3 the person is required to register under  
4 sections 589.400 to 589.425 and fails to comply  
5 with any requirement of sections 589.400 to  
6 589.425. Failing to register as a sex offender  
7 is a class E felony unless the person is  
8 required to register based on having committed

9 an offense in chapter 566 which was an  
10 unclassified felony, a class A or B felony, or a  
11 felony involving a child under the age of  
12 fourteen, in which case it is a class D felony.

13 2. A person commits the crime of failing  
14 to register as a sex offender as a second  
15 offense by failing to comply with any  
16 requirement of sections 589.400 to 589.425 and  
17 he or she has previously pled guilty to or has  
18 previously been found guilty of failing to  
19 register as a sex offender. Failing to register  
20 as a sex offender as a second offense is a class  
21 E felony unless the person is required to  
22 register based on having committed an offense in  
23 chapter 566, or an offense in any other state or  
24 foreign country, or under federal, tribal, or  
25 military jurisdiction, which if committed in  
26 this state would be an offense under chapter 566  
27 which was an unclassified felony, a class A or B  
28 felony, or a felony involving a child under the  
29 age of fourteen, in which case it is a class D  
30 felony.

31 3. (1) A person commits the crime of  
32 failing to register as a sex offender as a third  
33 offense by failing to meet the requirements of  
34 sections 589.400 to 589.425 and he or she has,  
35 on two or more occasions, previously pled guilty  
36 to or has previously been found guilty of  
37 failing to register as a sex offender. Failing  
38 to register as a sex offender as a third offense  
39 is a class A felony, which shall be punished by  
40 a term of imprisonment of not less than ten  
41 years and not more than thirty years.

42 (2) No court may suspend the imposition or  
43 execution of sentence of a person who pleads  
44 guilty to or is found guilty of failing to  
45 register as a sex offender as a third offense.  
46 No court may sentence such person to pay a fine  
47 in lieu of a term of imprisonment.

48 (3) [A person sentenced under this  
49 subsection shall not be eligible for conditional  
50 release or parole until he or she has served at  
51 least two years of imprisonment.

52 (4)] Upon release, an offender who has  
53 committed failing to register as a sex offender  
54 as a third offense shall be electronically

55 monitored as a mandatory condition of  
56 supervision. Electronic monitoring may be based  
57 on a global positioning system or any other  
58 technology which identifies and records the  
59 offender's location at all times.]

589.425. 1. A person commits the crime of failing to  
2 register as a sex offender when the person is required to  
3 register under sections 589.400 to 589.425 and fails to  
4 comply with any requirement of sections 589.400 to 589.425.  
5 Failing to register as a sex offender is a class E felony  
6 unless the person is required to register based on having  
7 committed an offense in chapter 566 which was an  
8 unclassified felony, a class A or B felony, or a felony  
9 involving a child under the age of fourteen, in which case  
10 it is a class D felony.

11 2. A person commits the crime of failing to register  
12 as a sex offender as a second offense by failing to comply  
13 with any requirement of sections 589.400 to 589.425 and he  
14 or she has previously pled guilty to or has previously been  
15 found guilty of failing to register as a sex offender.  
16 Failing to register as a sex offender as a second offense is  
17 a class E felony unless the person is required to register  
18 based on having committed an offense in chapter 566, or an  
19 offense in any other state or foreign country, or under  
20 federal, tribal, or military jurisdiction, which if  
21 committed in this state would be an offense under chapter  
22 566 which was an unclassified felony, a class A or B felony,  
23 or a felony involving a child under the age of fourteen, in  
24 which case it is a class D felony.

25 3. (1) A person commits the crime of failing to  
26 register as a sex offender as a third offense by failing to  
27 meet the requirements of sections 589.400 to 589.425 and he  
28 or she has, on two or more occasions, previously pled guilty  
29 to or has previously been found guilty of failing to

30 register as a sex offender. Failing to register as a sex  
31 offender as a third offense is a class A felony, which shall  
32 be punished by a term of imprisonment of not less than ten  
33 years and not more than thirty years.

34 (2) No court may suspend the imposition or execution  
35 of sentence of a person who pleads guilty to or is found  
36 guilty of failing to register as a sex offender as a third  
37 offense. No court may sentence such person to pay a fine in  
38 lieu of a term of imprisonment.

39 (3) [A person sentenced under this subsection shall  
40 not be eligible for conditional release or parole until he  
41 or she has served at least two years of imprisonment.

42 (4)] Upon release, an offender who has committed  
43 failing to register as a sex offender as a third offense  
44 shall be electronically monitored as a mandatory condition  
45 of supervision. Electronic monitoring may be based on a  
46 global positioning system or any other technology which  
47 identifies and records the offender's location at all times.

589.900. 1. For the purposes of sections 589.900 to  
2 589.902, the following terms mean:

3 (1) "Authorized individuals", peace officers, as  
4 defined in section 590.010, who are certified in accordance  
5 with federal requirements, including the Homeland Security  
6 Act of 2002, Pub. L. 107-296, as amended, when applicable,  
7 to conduct unmanned aircraft and unmanned aerial system  
8 mitigation;

9 (2) "Mitigate", any of the following actions:

10 (a) During the operation of an unmanned aircraft  
11 system, to detect, identify, monitor, or track the unmanned  
12 aircraft system or unmanned aircraft, without prior consent,  
13 including by means of intercept or other access of a wire  
14 communication, an oral communication, or an electronic

15 communication used to control the unmanned aircraft system  
16 or unmanned aircraft;

17 (b) To warn the operator of the unmanned aircraft  
18 system or unmanned aircraft, including by passive or active  
19 and direct or indirect physical, electronic, radio, or  
20 electromagnetic means, or through the use of remote  
21 identification broadcast or other means;

22 (c) To disrupt control of the unmanned aircraft system  
23 or unmanned aircraft, without prior consent, including by  
24 disabling the unmanned aircraft system or unmanned aircraft  
25 by intercepting, interfering, or causing interference with  
26 wire, oral, electronic, or radio communications used to  
27 control the unmanned aircraft system or unmanned aircraft;

28 (d) To seize or exercise control of the unmanned  
29 aircraft system or unmanned aircraft; or

30 (e) To use reasonable force, if necessary, to disable,  
31 damage, or destroy the unmanned aircraft system or unmanned  
32 aircraft.

33 2. The terms "unmanned aircraft" and "unmanned  
34 aircraft system" shall have the meanings given such terms in  
35 49 U.S.C. Section 44801.

589.902. 1. To the greatest extent permissible under  
2 applicable federal law, including the Homeland Security Act  
3 of 2002, Pub. L. 107-296, as amended, authorized individuals  
4 in this state shall be empowered to take necessary action to  
5 mitigate a credible threat that an unmanned aircraft or  
6 unmanned aircraft system poses to the safety or security of  
7 people, facilities, assets, a venue or set of venues used  
8 for large-scale public gatherings or events, critical  
9 infrastructure, or correctional facilities.

10 2. Nothing in this section shall be construed to limit  
11 the power of a law enforcement officer in this state to  
12 seize an unmanned aircraft system or unmanned aircraft in

13 the course of their duties. A law enforcement officer may  
14 use all lawful means to effect such a seizure, which may  
15 include the use of mitigation techniques where permissible.

16 3. Any unmanned aircraft system or unmanned aircraft  
17 seized under this section or in connection with a criminal  
18 act shall be subject to forfeiture under section 513.607.

19 4. Nothing in this section shall be construed to  
20 permit the jamming of or interference with any signal,  
21 except in accordance with all applicable federal laws,  
22 rules, and regulations, including, but not limited to, the  
23 Homeland Security Act of 2002, Pub. L. 107-296, as amended.

632.489. 1. Upon filing a petition pursuant to  
2 section 632.484 or 632.486, the judge shall determine  
3 whether probable cause exists to believe that the person  
4 named in the petition is a sexually violent predator. If  
5 such probable cause determination is made, the judge shall  
6 direct that person be taken into custody and direct that the  
7 person be transferred to an appropriate secure facility,  
8 including, but not limited to, a county jail. If the person  
9 is ordered to the department of mental health, the director  
10 of the department of mental health shall determine the  
11 appropriate secure facility to house the person under the  
12 provisions of section 632.495.

13 2. Within seventy-two hours after a person is taken  
14 into custody pursuant to subsection 1 of this section,  
15 excluding Saturdays, Sundays and legal holidays, such person  
16 shall be provided with notice of, and an opportunity to  
17 appear in person at, a hearing to contest probable cause as  
18 to whether the detained person is a sexually violent  
19 predator. At this hearing the court shall:

- 20 (1) Verify the detainee's identity; and  
21 (2) Determine whether probable cause exists to believe  
22 that the person is a sexually violent predator. The state

23 may rely upon the petition and supplement the petition with  
24 additional documentary evidence or live testimony.

25 3. At the probable cause hearing as provided in  
26 subsection 2 of this section, the detained person shall have  
27 the following rights in addition to the rights previously  
28 specified:

29 (1) To be represented by counsel;

30 (2) To present evidence on such person's behalf;

31 (3) To cross-examine witnesses who testify against  
32 such person; and

33 (4) To view and copy all petitions and reports in the  
34 court file, including the assessment of the  
35 multidisciplinary team.

36 4. If the probable cause determination is made, the  
37 court shall direct that the person be transferred to an  
38 appropriate secure facility, including, but not limited to,  
39 a county jail, for an evaluation as to whether the person is  
40 a sexually violent predator. If the person is ordered to  
41 the department of mental health, the director of the  
42 department of mental health shall determine the appropriate  
43 secure facility, which may include the department of  
44 corrections or a county jail as set forth in section  
45 632.495, to house the person. The court shall direct the  
46 director of the department of mental health to have the  
47 person examined by a psychiatrist or psychologist as defined  
48 in section 632.005 who was not a member of the  
49 multidisciplinary team that previously reviewed the person's  
50 records. In addition, such person may be examined by a  
51 consenting psychiatrist or psychologist of the person's  
52 choice at the person's own expense. Any examination shall  
53 be conducted in the facility in which the person is  
54 confined. Any examinations ordered shall be made at such  
55 time and under such conditions as the court deems proper;

56 except that, if the order directs the director of the  
57 department of mental health to have the person examined, the  
58 director shall determine the time, place and conditions  
59 under which the examination shall be conducted. The  
60 psychiatrist or psychologist conducting such an examination  
61 shall be authorized to interview family and associates of  
62 the person being examined, as well as victims and witnesses  
63 of the person's offense or offenses, for use in the  
64 examination unless the court for good cause orders  
65 otherwise. The psychiatrist or psychologist shall have  
66 access to all materials provided to and considered by the  
67 multidisciplinary team and to any police reports related to  
68 sexual offenses committed by the person being examined. Any  
69 examination performed pursuant to this section shall be  
70 completed and filed with the court within sixty days of the  
71 date the order is received by the director or other  
72 evaluator unless the court for good cause orders otherwise.  
73 One examination shall be provided at no charge by the  
74 department. All costs of any subsequent evaluations shall  
75 be assessed to the party requesting the evaluation.

632.492. Within sixty days after the completion of any  
2 examination held pursuant to section 632.489, the court  
3 shall conduct a trial to determine whether the person is a  
4 sexually violent predator. The trial may be continued upon  
5 the request of either party and a showing of good cause, or  
6 by the court on its own motion in the due administration of  
7 justice, and when the respondent will not be substantially  
8 prejudiced. At all stages of the proceedings pursuant to  
9 sections 632.480 to 632.513, any person subject to sections  
10 632.480 to 632.513 shall be entitled to the assistance of  
11 counsel, and if the person is indigent, the court shall  
12 appoint counsel to assist such person. The person, the  
13 attorney general, or the judge shall have the right to

14 demand that the trial be before a jury. If the trial is  
15 held before a jury, the judge shall instruct the jury that  
16 if it finds that the person is a sexually violent predator,  
17 the person shall be committed to the custody of the director  
18 of the department of mental health to be housed in an  
19 appropriate secure facility, as determined by the director  
20 of the department of mental health as set forth in section  
21 632.495, for control, care and treatment. If no demand for  
22 a jury is made, the trial shall be before the court. The  
23 court shall conduct all trials pursuant to this section in  
24 open court, except as otherwise provided for by the child  
25 victim witness protection law pursuant to sections 491.675  
26 to 491.705.

632.495. 1. The court or jury shall determine  
2 whether, by clear and convincing evidence, the person is a  
3 sexually violent predator. If such determination that the  
4 person is a sexually violent predator is made by a jury,  
5 such determination shall be by unanimous verdict of such  
6 jury. Any determination as to whether a person is a  
7 sexually violent predator may be appealed.

8 2. If the court or jury determines that the person is  
9 a sexually violent predator, the person shall be committed  
10 to the custody of the director of the department of mental  
11 health for control, care and treatment until such time as  
12 the person's mental abnormality has so changed that the  
13 person is safe to be at large. Such control, care and  
14 treatment shall be provided or arranged by the department of  
15 mental health in an appropriate secure facility, as  
16 determined by the director of the department of mental  
17 health as set forth in this section.

18 3. At all times, persons ordered to the department of  
19 mental health after a determination by the court that such  
20 persons may meet the definition of a sexually violent

21 predator, persons ordered to the department of mental health  
22 after a finding of probable cause under section 632.489, and  
23 persons committed for control, care and treatment by the  
24 department of mental health pursuant to sections 632.480 to  
25 632.513 shall be kept in a secure facility designated by the  
26 director of the department of mental health and such persons  
27 shall be segregated at all times from any other patient  
28 under the supervision of the director of the department of  
29 mental health. The department of mental health shall not  
30 place or house a person ordered to the department of mental  
31 health after a determination by the court that such person  
32 may meet the definition of a sexually violent predator, a  
33 person ordered to the department of mental health after a  
34 finding of probable cause under section 632.489, or a person  
35 committed for control, care, and treatment by the department  
36 of mental health, pursuant to sections 632.480 to 632.513,  
37 with other mental health patients. The provisions of this  
38 subsection shall not apply to a person who has been  
39 conditionally released under section 632.505.

40 4. The department of mental health is authorized to  
41 enter into an interagency agreement with the department of  
42 corrections for the confinement of [such] persons ordered to  
43 the department of mental health after a determination by the  
44 court that such persons may meet the definition of a  
45 sexually violent predator or for the confinement of persons  
46 ordered to the department of mental health after a finding  
47 of probable cause under section 632.489, provided the  
48 department of corrections has necessary space and services  
49 available and the director of the department of corrections  
50 has agreed to provide such confinement through an  
51 interagency agreement with the department of mental health.  
52 Such persons who are in the confinement of the department of  
53 corrections pursuant to an interagency agreement shall be

54 housed and managed separately from offenders in the custody  
55 of the department of corrections, and except for occasional  
56 instances of supervised incidental contact, shall be  
57 segregated from such offenders. If the department of mental  
58 health and the department of corrections have entered into  
59 an interagency agreement as provided in this subsection, the  
60 department of corrections is authorized to enter into one or  
61 more contract agreements as may be necessary to perform the  
62 agreed upon responsibilities of the department of  
63 corrections under the interagency agreement including, but  
64 not limited to, a contract agreement with one or more  
65 licensed professionals or providers of health care services  
66 to provide health care services to the persons identified in  
67 this subsection.

68         5. The department of mental health is authorized to  
69 enter into a contract agreement with one or more county  
70 jails in Missouri for the confinement of persons ordered to  
71 the department of mental health after a determination by the  
72 court that such persons may meet the definition of a  
73 sexually violent predator or for the confinement of persons  
74 ordered to the department of mental health after a finding  
75 of probable cause under section 632.489. Such persons who  
76 are in the confinement of a county jail pursuant to a  
77 contract agreement shall be housed and managed separately  
78 from offenders in the custody of the county jail, and except  
79 for occasional instances of supervised incidental contact,  
80 shall be segregated from such offenders.

81         6. The department of mental health is authorized to  
82 enter into an interagency agreement with the department of  
83 corrections for the control and care, including health care  
84 services, of persons committed to the department of mental  
85 health by the court as a sexually violent predator, provided  
86 the department of corrections has necessary space and

87 services available and the director of the department of  
88 corrections has agreed to provide such control and care  
89 through an interagency agreement with the department of  
90 mental health. Such persons who are in the control and care  
91 of the department of corrections under an interagency  
92 agreement shall be housed and managed separately from  
93 offenders in the custody of the department of corrections,  
94 and except for occasional instances of supervised incidental  
95 contact, shall be segregated from such offenders. If the  
96 department of mental health and the department of  
97 corrections have entered into an interagency agreement as  
98 provided in this subsection, the department of corrections  
99 is authorized to enter into one or more contract agreements  
100 as may be necessary to perform the agreed upon  
101 responsibilities of the department of corrections under the  
102 interagency agreement including, but not limited to, a  
103 contract agreement with one or more licensed professionals  
104 or providers of health care services to provide health care  
105 services to the persons identified in this subsection.

106 7. The department of mental health is authorized to  
107 enter into a contract agreement with one or more licensed  
108 professionals or providers of health care or mental health  
109 care services to provide health care or mental health care  
110 services to persons ordered to the department of mental  
111 health after a determination by the court that such persons  
112 may meet the definition of a sexually violent predator,  
113 persons ordered to the department of mental health after a  
114 finding of probable cause under section 632.489, and persons  
115 committed for control, care, and treatment by the department  
116 of mental health under sections 632.480 to 632.513.

117 8. If the court or jury is not satisfied by clear and  
118 convincing evidence that the person is a sexually violent  
119 predator, the court shall direct the person's release.

120           [7.] 9. Upon a mistrial, the court shall direct that  
121 the person be held at an appropriate secure facility,  
122 including, but not limited to, a county jail, until another  
123 trial is conducted. If the person is ordered to the  
124 department of mental health, the director of the department  
125 of mental health shall determine the appropriate secure  
126 facility to house the person. Any subsequent trial  
127 following a mistrial shall be held within ninety days of the  
128 previous trial, unless such subsequent trial is continued as  
129 provided in section 632.492.

          632.504. Nothing in sections 632.480 to 632.513 shall  
2 prohibit a person from filing a petition for release  
3 pursuant to sections 632.480 to 632.513. However, if a  
4 person has previously filed a petition for release without  
5 the [director's] director of the department of mental  
6 health's approval and the court determined either upon  
7 review of the petition or following a hearing that the  
8 petitioner's petition was frivolous or that the petitioner's  
9 condition had not so changed that the person was safe to be  
10 at large, then the court shall deny the subsequent petition  
11 unless the petition contains facts upon which a court could  
12 find the condition of the petitioner had so changed that a  
13 hearing was warranted. Upon receipt of a first or  
14 subsequent petition from committed persons without the  
15 director's approval, the court shall endeavor whenever  
16 possible to review the petition and determine if the  
17 petition is based upon frivolous grounds and if so shall  
18 deny the petition without a hearing.

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

3           (1) "Employee of the department of mental health", a  
4 person who is an employee of the department of mental  
5 health, an employee or contracted employee of a

6 subcontractor of the department of mental health, or an  
7 employee or contracted employee of a subcontractor of an  
8 entity [responsible for confining offenders] under an  
9 interagency agreement or contract with the department of  
10 mental health as authorized by section 632.495;

11 (2) "Offender", a person ordered to the department of  
12 mental health after a determination by the court that the  
13 person meets the definition of a sexually violent predator,  
14 a person ordered to the department of mental health after a  
15 finding of probable cause under section 632.489, or a person  
16 committed for control, care, and treatment by the department  
17 of mental health under sections 632.480 to 632.513;

18 (3) "Secure facility", a facility operated by the  
19 department of mental health or an entity [responsible for  
20 confining offenders] designated by the department of mental  
21 health to confine offenders or provide control and care to  
22 offenders as authorized by section 632.495.

23 2. No offender shall knowingly commit violence to an  
24 employee of the department of mental health or to another  
25 offender housed in a secure facility. Violation of this  
26 subsection shall be a class B felony.

27 3. No offender shall knowingly damage any building or  
28 other property owned or operated by the department of mental  
29 health. Violation of this subsection shall be a class D  
30 felony.

Section 1. In the event that any section, provision,  
2 clause, phrase, or word of this act or the application  
3 thereof is declared invalid under the Constitution of the  
4 United States or the Constitution of the State of Missouri,  
5 it is the intent of the general assembly that the remaining  
6 sections of this act remain in force and effect as far as  
7 they are capable of being carried into execution as intended  
8 by the general assembly. The general assembly hereby

9 declares that it would have passed each section, provision,  
10 clause, phrase, or word thereof, irrespective of the fact  
11 that any one or more sections, provisions, clauses, phrases,  
12 or words of this act or the application of this act would be  
13 declared unenforceable, unconstitutional, or invalid.

[211.436. 1. Instruments of restraint,  
2 including handcuffs, chains, irons, or  
3 straitjackets, shall not be used on a child  
4 during a proceeding in a juvenile court and  
5 shall be removed prior to the child's appearance  
6 before the court unless, after a hearing, the  
7 court finds both that:

8 (1) The use of restraints is necessary due  
9 to one of the following factors:

10 (a) Instruments of restraint are necessary  
11 to prevent physical harm to the child or another  
12 person;

13 (b) The child has a history of disruptive  
14 courtroom behavior that has placed others in  
15 potentially harmful situations or presents a  
16 substantial risk of inflicting physical harm on  
17 himself or herself or others as evidenced by  
18 recent behavior; or

19 (c) There is evidence that the child  
20 presents a substantial risk of flight from the  
21 courtroom; and

22 (2) There are no less restrictive  
23 alternatives to restraints that will prevent  
24 flight or physical harm to the child or another  
25 person including, but not limited to, the  
26 presence of court personnel, law enforcement  
27 officers, or bailiffs.

28 2. If the juvenile officer believes that  
29 there is an immediate safety or flight risk, as  
30 provided under subsection 1 of this section, the  
31 juvenile officer shall advise the attorney for  
32 the child and make a request in writing prior to  
33 the commencement of the proceeding for the child  
34 to remain restrained during the court proceeding  
35 while in the presence of the parties to the  
36 proceeding.

37 3. If a request for restraints is made by  
38 the juvenile officer, the court shall order a  
39 hearing and provide the child's attorney an

40 opportunity to be heard before the court orders  
41 the use of restraints. If restraints are  
42 ordered, the court shall make findings of fact  
43 in support of the order.

44 4. If restraints are used, the restraints  
45 shall allow the child limited movement of the  
46 hands to read and handle documents and writings  
47 necessary to the proceeding. Under no  
48 circumstances shall a child be restrained using  
49 restraints fixed to a wall, floor, furniture, or  
50 other stationary object.

51 5. Leg restraints shall not be used on a  
52 child unless the child is charged with a class A  
53 or class B felony, or the official overseeing  
54 custody of the child determines the child to be  
55 an immediate safety or flight risk.]

2 [589.402. 1. The chief law enforcement  
3 officer of the county or city not within a  
4 county may maintain a web page on the internet,  
5 which shall be open to the public and shall  
6 include a registered sexual offender search  
7 capability.

8 2. Except as provided in subsections 4 and  
9 5 of this section, the registered sexual  
10 offender search shall make it possible for any  
11 person using the internet to search for and find  
12 the information specified in subsection 3 of  
13 this section, if known, on offenders registered  
14 in this state pursuant to sections 589.400 to  
15 589.425.

16 3. Only the information listed in this  
17 subsection shall be provided to the public in  
18 the registered sexual offender search:

19 (1) The name and any known aliases of the  
20 offender;

21 (2) The date of birth and any known alias  
22 dates of birth of the offender;

23 (3) A physical description of the offender;

24 (4) The residence, temporary, work, and  
25 school addresses of the offender, including the  
26 street address, city, county, state, and zip  
27 code;

(5) Any photographs of the offender;

- 28 (6) A physical description of the  
29 offender's vehicles, including the year, make,  
30 model, color, and license plate number;
- 31 (7) The nature and dates of all offenses  
32 qualifying the offender to register, including  
33 the tier level assigned to the offender under  
34 sections 589.400 to 589.425;
- 35 (8) The date on which the offender was  
36 released from the department of mental health,  
37 prison, or jail, or placed on parole, supervised  
38 release, or probation for the offenses  
39 qualifying the offender to register;
- 40 (9) Compliance status of the offender with  
41 the provisions of sections 589.400 to 589.425;  
42 and
- 43 (10) Any online identifiers, as defined in  
44 section 43.651, used by the person. Such online  
45 identifiers shall not be included in the general  
46 profile of an offender on the web page and shall  
47 only be available to a member of the public by a  
48 search using the specific online identifier to  
49 determine if a match exists with a registered  
50 offender.

51 4. The chief law enforcement officer of  
52 any county or city not within a county may  
53 publish in any newspaper distributed in the  
54 county or city not within a county the sexual  
55 offender information provided under subsection 3  
56 of this section for any offender residing in the  
57 county or city not within a county.

58 5. Juveniles required to register under  
59 subdivision (6) of subsection 1 of section  
60 589.400 shall be exempt from public notification  
61 to include any adjudications from another state,  
62 territory, the District of Columbia, or foreign  
63 country or any federal, tribal, or military  
64 jurisdiction.]

Section B. The repeal of sections 211.436, 217.362,  
2 217.690, 217.760, 557.011, 557.021, 558.011, 558.019,  
3 558.026, 558.031, 558.046, 559.115, 566.030, 566.060,  
4 566.125, 566.210, 566.211, 568.060, and 589.425 as enacted  
5 by senate substitute no. 3 for senate bill number 888, one  
6 hundred third general assembly, second regular session, of

7 this act shall become effective on August 28, 2026. The  
8 repeal and reenactment of sections 217.362, 217.690,  
9 217.760, 557.011, 557.021, 558.011, 558.019, 558.026,  
10 558.031, 558.046, 559.115, 566.030, 566.060, 566.125,  
11 566.210, 566.211, 568.060, and 589.425 of this act shall  
12 become effective on January 1, 2028.

Section C. Because immediate action is necessary to  
2 address the urgent need of Missouri law enforcement agencies  
3 to be able to ensure and provide for the safety and security  
4 of Missouri residents from the threat that weaponized  
5 unmanned aircraft systems present to Missouri, the enactment  
6 of sections 589.900 and 589.902 and the repeal and  
7 reenactment of section 577.800 of this act are 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 enactment of sections 589.900 and  
12 589.902 and the repeal and reenactment of section 577.800 of  
13 this act shall be in full force and effect upon its passage  
14 and approval.