

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 807**  
**98TH GENERAL ASSEMBLY**

1938H.05C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, and sections 217.360, 221.111, 452.315, 452.317, 456.950, 478.463, 513.430, 566.210, 566.211, 566.212, and 566.213, RSMo, and to enact in lieu thereof fourteen new sections relating to court proceedings, with penalty provisions.

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

Section A. Section 570.010 as enacted by house bill no. 1888, ninety-first general  
2 assembly, second regular session, section 570.030 as enacted by senate bill no. 491, ninety-  
3 seventh general assembly, second regular session, section 570.030 as enacted by senate bill no.  
4 9, ninety-seventh general assembly, first regular session, and sections 217.360, 221.111, 452.315,  
5 452.317, 456.950, 478.463, 513.430, 566.210, 566.211, 566.212, and 566.213, RSMo, are  
6 repealed and fourteen new sections enacted in lieu thereof, to be known as sections 217.360,  
7 221.111, 452.315, 452.317, 456.950, 456.1-113, 478.463, 513.430, 566.210, 566.211, 566.212,  
8 566.213, 570.010, and 570.030, to read as follows:

217.360. 1. It shall be an offense for any person to knowingly deliver, attempt to deliver,  
2 have in his possession, deposit or conceal in or about the premises of any correctional center, or  
3 city or county jail, or private prison or jail:

4 (1) Any controlled substance as that term is defined by law, except upon the written  
5 prescription of a licensed physician, dentist, or veterinarian;

6 (2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any  
7 intoxicating liquor as defined in section 311.020;

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

8 (3) Any article or item of personal property which an offender is prohibited by law or  
9 by rule and regulation of the division from receiving or possessing;

10 (4) Any gun, knife, weapon, or other article or item of personal property that may be  
11 used in such manner as to endanger the safety or security of the correctional center, or city or  
12 county jail, or private prison or jail or as to endanger the life or limb of any offender or employee  
13 of such a center; **or**

14 **(5) Any two-way telecommunications device or its component parts.**

15 2. The violation of subdivision (1) of subsection 1 of this section shall be a class C  
16 felony; the violation of subdivision (2) **or (5)** of subsection 1 of this section shall be a class D  
17 felony; the violation of subdivision (3) of subsection 1 of this section shall be a class A  
18 misdemeanor; and the violation of subdivision (4) of subsection 1 of this section shall be a class  
19 B felony.

20 3. Any person who has been found guilty of or has pled guilty to a violation of  
21 subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to  
22 expungement of the record of the violation. The procedure to expunge the record shall be  
23 pursuant to section 610.123. The record of any person shall not be expunged if such person has  
24 been found guilty of or has pled guilty to knowingly delivering, attempting to deliver, having in  
25 his possession, or depositing or concealing any alkaloid of any controlled substance in or about  
26 the premises of any correctional center, or city or county jail, or private prison or jail.

27 **4. Subdivision (5) of subsection 1 of this section shall not apply to:**

28 **(1) Any law enforcement officer employed by a state, federal agency, or political**  
29 **subdivision lawfully engaged in his or her duties as a law enforcement officer; or**

30 **(2) Any other person who is authorized by the correctional center, city or county**  
31 **jail, or private prison to possess or use a two-way telecommunications device in the**  
32 **correctional center, city or county jail, or private prison or jail.**

221.111. 1. A person commits the offense of possession of unlawful items in a prison  
2 or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in  
3 or about the premises of any correctional center as the term "correctional center" is defined under  
4 section 217.010, or any city, county, or private jail:

5 (1) Any controlled substance as that term is defined by law, except upon the written  
6 prescription of a licensed physician, dentist, or veterinarian;

7 (2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating  
8 liquor is defined in section 311.020;

9 (3) Any article or item of personal property which a prisoner is prohibited by law, by rule  
10 made pursuant to section 221.060, or by regulation of the department of corrections from  
11 receiving or possessing, except as herein provided;

12 (4) Any gun, knife, weapon, or other article or item of personal property that may be  
13 used in such manner as to endanger the safety or security of the institution or as to endanger the  
14 life or limb of any prisoner or employee thereof;

15 **(5) Any two-way telecommunications device or its component parts.**

16 2. The violation of subdivision (1) of subsection 1 of this section shall be a class D  
17 felony; the violation of subdivision (2) **or (5) of subsection 1** of this section shall be a class E  
18 felony; the violation of subdivision (3) **of subsection 1** of this section shall be a class A  
19 misdemeanor; and the violation of subdivision (4) **of subsection 1** of this section shall be a class  
20 B felony.

21 3. The chief operating officer of a county or city jail or other correctional facility or the  
22 administrator of a private jail may deny visitation privileges to or refer to the county prosecuting  
23 attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses,  
24 deposits, or conceals in or about the premises of such jail or facility any personal item which is  
25 prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list  
26 of personal items allowed in the jail or facility, shall be prominently posted for viewing both  
27 inside and outside such jail or facility in an area accessible to any visitor, and shall be made  
28 available to any person requesting such rule or regulation. Violation of this subsection shall be  
29 an infraction if not covered by other statutes.

30 4. Any person who has been found guilty of a violation of subdivision (2) of subsection  
31 1 of this section involving any alkaloid shall be entitled to expungement of the record of the  
32 violation. The procedure to expunge the record shall be pursuant to section 610.123. The record  
33 of any person shall not be expunged if such person has been found guilty of knowingly  
34 delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any  
35 controlled substance in or about the premises of any correctional center, or city or county jail,  
36 or private prison or jail.

37 **5. Subdivision (5) of subsection 1 of this section shall not apply to:**

38 **(1) Any law enforcement officer employed by a state, federal agency, or political**  
39 **subdivision lawfully engaged in his or her duties as a law enforcement officer; or**

40 **(2) Any other person who is authorized by the correctional center, or city, county,**  
41 **or private jail to possess or use a two-way telecommunications device in the correctional**  
42 **center, or city, county, or private jail.**

452.315. 1. In a proceeding for dissolution of marriage or legal separation, either party  
2 may move for temporary maintenance and for temporary support for each child entitled to  
3 support. The motion shall be accompanied by an affidavit setting forth the factual basis for the  
4 motion and the amounts requested. In a proceeding for disposition of property, maintenance or  
5 support following the dissolution of the marriage by a court which lacked personal jurisdiction

6 over the absent spouse, either party may move for maintenance and for support of each child  
7 entitled to support. This motion shall be accompanied by an affidavit setting forth the factual  
8 basis for the motion and the amounts requested. This motion and the affidavit shall be served  
9 as though an original pleading upon the opposite party.

10 2. As a part of a motion for temporary maintenance or support or by independent motion  
11 accompanied by affidavit, either party may request the court to issue an order after notice and  
12 hearing:

13 (1) Restraining any person from transferring, encumbering, concealing, or in any way  
14 disposing of any property except in the usual course of business or for the necessities of life and,  
15 if so restrained, requiring the person to notify the moving party of any proposed extraordinary  
16 expenditures and to account to the court for all extraordinary expenditures made after the order  
17 is issued;

18 (2) Enjoining a party from harassing, abusing, molesting or disturbing the peace of the  
19 other party or of any child;

20 (3) Excluding a party from the family home or from the home of the other party upon  
21 a showing that physical or emotional harm would otherwise result;

22 (4) Establishing and ordering compliance with a custody order and providing for the  
23 support of each child;

24 **(5) Reallocating or reapportioning between the parties any or all insurance costs**  
25 **under section 452.317 incurred during the pendency of the dissolution of marriage or legal**  
26 **separation.**

27 3. The court may issue a restraining order only if it finds on the evidence that irreparable  
28 injury would result to the moving party if an order is not issued until the time for answering has  
29 elapsed.

30 4. An answer may be filed within ten days after service of notice of motion or at the time  
31 specified in the restraining order.

32 5. On the basis of the showing made and in conformity with section 452.335 on  
33 maintenance and section 452.340 on support, the court may issue a temporary injunction and an  
34 order for temporary maintenance or support in such amounts and on such terms as are just and  
35 proper in the circumstances.

36 6. A restraining order or temporary injunction:

37 (1) Does not prejudice the rights of the parties or the child which are to be adjudicated  
38 at subsequent hearings in the proceedings;

39 (2) May be revoked or modified prior to final judgment on a showing by affidavit of the  
40 facts necessary to revocation or modification of a final judgment pursuant to section 452.370;  
41 and

42 (3) Terminates when the final judgment is entered or when the petition for dissolution  
43 or legal separation is voluntarily dismissed.

44 7. The court shall enter a temporary order requiring the provision of child support  
45 pending the final judicial determination if there is clear and convincing evidence establishing a  
46 presumption of paternity pursuant to section 210.822. In determining the amount of child  
47 support, the court shall consider the factors set forth in section 452.340.

48 8. Any order entered in modification or vacation of any temporary order entered pursuant  
49 to this section may be retroactive to the date of entry of the original temporary order.

452.317. From the date of filing of the petition for dissolution of marriage or legal  
2 separation, no party shall terminate coverage during the pendency of the proceeding for any other  
3 party or any minor child of the marriage under any existing policy of health, dental or vision  
4 insurance. **Any insurance costs incurred during the pendency of the dissolution of marriage  
5 or legal separation shall be subject to court order for temporary maintenance or support  
6 under subdivision (5) of subsection 2 of section 452.315.**

456.950. 1. As used in this section, "qualified spousal trust" means a trust:

2 (1) The settlors of which are [husband and wife] **married to each other** at the time of  
3 the creation of the trust; and

4 (2) The terms of which provide that during the joint lives of the settlors all property [or  
5 interests in property] transferred to, or held by, the trustee are:

6 (a) Held and administered in one trust for the benefit of both settlors, revocable by either  
7 **settlor** or both settlors [acting together] while either or both are alive, and each settlor having  
8 the right to receive distributions of income or principal, whether mandatory or within the  
9 discretion of the trustee, from the entire trust for the joint lives of the settlors and for the  
10 survivor's life; or

11 (b) Held and administered in two separate shares of one trust for the benefit of each of  
12 the settlors, with the trust revocable by each settlor with respect to that settlor's separate share  
13 of that trust without the participation or consent of the other settlor, and each settlor having the  
14 right to receive distributions of income or principal, whether mandatory or within the discretion  
15 of the trustee, from that settlor's separate share for that settlor's life; or

16 (c) Held and administered under the terms and conditions contained in paragraphs (a)  
17 and (b) of this subdivision.

18 2. A qualified spousal trust may contain any other trust terms that are not inconsistent  
19 with the provisions of this section, **including, without limitation, a discretionary power to  
20 distribute trust property to a person in addition to a settlor.**

21 3. [Any property or interests in property that are at any time transferred to the trustee of  
22 a qualified spousal trust of which the husband and wife are the settlors, shall thereafter be

23 administered as provided by the trust terms in accordance with paragraph (a), (b), or (c) of  
24 subdivision (2) of subsection 1 of this section. All trust property and interests in property that  
25 is deemed for purposes of this section to be held as tenants by the entirety, including the proceeds  
26 thereof, the income thereon, and any property into which such property, proceeds, or income may  
27 be converted, shall have the same immunity from the claims of the separate creditors of the  
28 settlors as would have existed if the settlors had continued to hold that property as husband and  
29 wife as tenants by the entirety. Property or interests in property held by a husband and wife as  
30 tenants by the entirety or as joint tenants or other form of joint ownership with right of  
31 survivorship shall be conclusively deemed for purposes of this section to be held as tenants by  
32 the entirety upon its transfer to the qualified spousal trust. All such transfers shall retain said  
33 immunity, so long as:

34 (1) Both settlors are alive and remain married; and

35 (2) The property, proceeds, or income continue to be held in trust by the trustee of the  
36 qualified spousal trust] **All property at any time held in a qualified spousal trust, without  
37 regard to how such property was titled prior to it being so held, shall have the same  
38 immunity from the claims of a separate creditor of either settlor as if such property were  
39 held outside the trust by the settlors as tenants by the entirety, unless otherwise provided  
40 in writing by the settlor or settlors who transferred such property to the trust, and such  
41 property shall be treated for that purpose, including without limitation, federal and state  
42 bankruptcy laws, as tenants by entirety property. Property held in a qualified spousal  
43 trust shall cease to receive immunity from the claims of creditors upon dissolution of  
44 marriage of the settlors by the court.**

45 4. [Property or interests in property held by a husband and wife or held in the sole name  
46 of a husband or wife that are not held as tenants by the entirety or deemed held as tenants by the  
47 entirety for purposes of this section and are transferred to a qualified spousal trust shall be held  
48 as directed in the qualified spousal trust's governing instrument or in the instrument of transfer  
49 and the rights of any claimant to any interest in that property shall not be affected by this section]  
50 **As used in this section, "property" means any interest in any type of property held in a  
51 qualified spousal trust, the income thereon, and any property into which such interest,  
52 proceeds, or income may be converted.**

53 5. Upon the death of each settlor, all property [and interests in property] held by the  
54 trustee of the qualified spousal trust shall be distributed as directed by the then current terms of  
55 the governing instrument of such trust. Upon the death of the first settlor to die, if immediately  
56 prior to death the predeceased settlor's interest in the qualified spousal trust was then held in such  
57 settlor's separate share, the property [or interests in property] **held** in such settlor's separate share  
58 may pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the

59 governing instrument shall direct, including without limitation a spendthrift provision as  
60 provided in section 456.5-502.

61 6. [No transfer by a husband and wife as settlors to a qualified spousal trust shall affect  
62 or change either settlor's marital property rights to the transferred property or interest therein  
63 immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless  
64 both spouses otherwise expressly agree in writing.] **The respective rights of settlors who are  
65 married to each other in any property for purposes of a dissolution of the settlors'  
66 marriage shall not be affected or changed by reason of the transfer of that property to, or  
67 its subsequent administration as an asset of, a qualified spousal trust during the marriage  
68 of the settlors, unless both settlors expressly agree otherwise in writing.**

69 7. **No transfer to a qualified spousal trust shall avoid or defeat the Missouri  
70 Uniform Fraudulent Transfer Act in chapter 428.**

71 8. This section shall apply to all trusts which fulfill the criteria set forth in this section  
72 for a qualified spousal trust regardless of whether such trust was created before, **on**, or after  
73 August 28, 2011.

**456.1-113. Any transfer of an asset to a trustee of a trust, to such trust itself, or to  
2 a share of such trust, in a manner that is reasonably calculated to identify such trust or  
3 that share of such trust, subjects that asset to the terms of such trust or that share.**

478.463. There shall be nineteen circuit judges in the sixteenth judicial circuit consisting  
2 of the county of Jackson. These judges shall sit in nineteen divisions. Divisions one, three, four,  
3 six, seven, eight, nine, ten, eleven, [twelve,] thirteen, fourteen, fifteen and eighteen shall sit at  
4 the city of Kansas City and divisions two, five, **twelve**, sixteen and seventeen shall sit at the city  
5 of Independence. Division nineteen shall sit at both the city of Kansas City and the city of  
6 Independence. Notwithstanding the foregoing provisions, the judge of the probate division shall  
7 sit at both the city of Kansas City and the city of Independence.

513.430. 1. The following property shall be exempt from attachment and execution to  
2 the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances, books,  
4 animals, crops or musical instruments that are held primarily for personal, family or household  
5 use of such person or a dependent of such person, not to exceed three thousand dollars in value  
6 in the aggregate;

7 (2) A wedding ring not to exceed one thousand five hundred dollars in value and other  
8 jewelry held primarily for the personal, family or household use of such person or a dependent  
9 of such person, not to exceed five hundred dollars in value in the aggregate;

10 (3) Any other property of any kind, not to exceed in value six hundred dollars in the  
11 aggregate;

12 (4) Any implements or professional books or tools of the trade of such person or the  
13 trade of a dependent of such person not to exceed three thousand dollars in value in the  
14 aggregate;

15 (5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

16 (6) Any mobile home used as the principal residence but not attached to real property  
17 in which the debtor has a fee interest, not to exceed five thousand dollars in value;

18 (7) Any one or more unmaturred life insurance contracts owned by such person, other  
19 than a credit life insurance contract, **and up to fifteen thousand dollars of any matured life**  
20 **insurance proceeds for actual funeral, cremation, or burial expenses where the deceased**  
21 **is the spouse, child, or parent of the beneficiary;**

22 (8) The amount of any accrued dividend or interest under, or loan value of, any one or  
23 more unmaturred life insurance contracts owned by such person under which the insured is such  
24 person or an individual of whom such person is a dependent; provided, however, that if  
25 proceedings under Title 11 of the United States Code are commenced by or against such person,  
26 the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand  
27 dollars in the aggregate less any amount of property of such person transferred by the life  
28 insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a  
29 premium or to carry out a nonforfeiture insurance option and is required to be so transferred  
30 automatically under a life insurance contract with such company or society that was entered into  
31 before commencement of such proceedings. No amount of any accrued dividend or interest  
32 under, or loan value of, any such life insurance contracts shall be exempt from any claim for  
33 child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such  
34 proceedings under any such insurance contract which was purchased by such person within one  
35 year prior to the commencement of such proceedings;

36 (9) Professionally prescribed health aids for such person or a dependent of such person;

37 (10) Such person's right to receive:

38 (a) A Social Security benefit, unemployment compensation or a public assistance  
39 benefit;

40 (b) A veteran's benefit;

41 (c) A disability, illness or unemployment benefit;

42 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars  
43 a month;

44 (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan,  
45 profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established  
46 pursuant to section 456.014, the person's right to a participant account in any deferred  
47 compensation program offered by the state of Missouri or any of its political subdivisions, or



48 annuity or similar plan or contract on account of illness, disability, death, age or length of  
49 service, to the extent reasonably necessary for the support of such person and any dependent of  
50 such person unless:

51       a. Such plan or contract was established by or under the auspices of an insider that  
52 employed such person at the time such person's rights under such plan or contract arose;

53       b. Such payment is on account of age or length of service; and

54       c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A  
55 or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a),  
56 403(b), 408, 408A or 409);

57

58 except that any such payment to any person shall be subject to attachment or execution pursuant  
59 to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue  
60 Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or  
61 legal separation or a proceeding for disposition of property following dissolution of marriage by  
62 a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to  
63 dispose of marital property at the time of the original judgment of dissolution;

64       (f) Any money or assets, payable to a participant or beneficiary from, or any interest of  
65 any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or  
66 similar plan, including an inherited account or plan, that is qualified under Section 401(a),  
67 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether  
68 such participant's or beneficiary's interest arises by inheritance, designation, appointment, or  
69 otherwise, except as provided in this paragraph. Any plan or arrangement described in this  
70 paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic  
71 relations order; however, the interest of any and all alternate payees under a qualified domestic  
72 relations order shall be exempt from any and all claims of any creditor, other than the state of  
73 Missouri through its department of social services. As used in this paragraph, the terms  
74 "alternate payee" and "qualified domestic relations order" have the meaning given to them in  
75 Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title  
76 11 of the United States Code are commenced by or against such person, no amount of funds shall  
77 be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as  
78 defined in subsection 2 of section 428.024 and for the period such person participated within  
79 three years prior to the commencement of such proceedings. For the purposes of this section,  
80 when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and  
81 then treated as though the funds had never been contributed to the plan, contract, or trust;

82 (11) The debtor's right to receive, or property that is traceable to, a payment on account  
83 of the wrongful death of an individual of whom the debtor was a dependent, to the extent  
84 reasonably necessary for the support of the debtor and any dependent of the debtor.

85 2. Nothing in this section shall be interpreted to exempt from attachment or execution  
86 for a valid judicial or administrative order for the payment of child support or maintenance any  
87 money or assets, payable to a participant or beneficiary from, or any interest of any participant  
88 or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal  
89 Revenue Code of 1986, as amended.

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

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

9 (2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual  
10 performance, or the production of explicit sexual material as defined in section 573.010.

11 2. It shall not be a defense that the defendant believed that the person was twelve years  
12 of age or older.

13 3. The offense of sexual trafficking of a child in the first degree is a felony for which the  
14 authorized term of imprisonment is life imprisonment without eligibility for probation or parole  
15 until the offender has served not less than twenty-five years of such sentence. Subsection 4 of  
16 section 558.019 shall not apply to the sentence of a person who has been found guilty of sexual  
17 trafficking of a child less than twelve years of age, and "life imprisonment" shall mean  
18 imprisonment for the duration of a person's natural life for the purposes of this section.

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

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

9 (2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual  
10 performance, or the production of explicit sexual material as defined in section 573.010.

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

13           3. The offense sexual trafficking of a child in the second degree is a felony punishable  
14 by imprisonment for a term of years not less than ten years or life and a fine not to exceed two  
15 hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this  
16 section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child  
17 shall be a felony for which the authorized term of imprisonment is life imprisonment without  
18 eligibility for probation or parole until the defendant has served not less than twenty-five years  
19 of such sentence.

          566.212. 1. A person commits the crime of sexual trafficking of a child if the individual  
2 knowingly:

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

9           (2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual  
10 performance, or the production of explicit sexual material as defined in section 573.010.

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

13           3. Sexual trafficking of a child is a felony punishable by imprisonment for a term of  
14 years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars  
15 if the child is under the age of eighteen. If a violation of this section was effected by force,  
16 abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the  
17 authorized term of imprisonment is life imprisonment without eligibility for probation or parole  
18 until the defendant has served not less than twenty-five years of such sentence.

          566.213. 1. A person commits the crime of sexual trafficking of a child under the age  
2 of twelve if the individual knowingly:

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

9 (2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual  
10 performance, or the production of explicit sexual material as defined in section 573.010.

11 2. It shall not be a defense that the defendant believed that the person was twelve years  
12 of age or older.

13 3. Sexual trafficking of a child less than twelve years of age shall be a felony for which  
14 the authorized term of imprisonment is life imprisonment without eligibility for probation or  
15 parole until the defendant has served not less than twenty-five years of such sentence.  
16 Subsection 4 of section 558.019 shall not apply to the sentence of a person who has pleaded  
17 guilty to or been found guilty of sexual trafficking of a child less than twelve years of age, and  
18 "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the  
19 purposes of this section.

570.010. As used in this chapter:

2 (1) "Adulterated" means varying from the standard of composition or quality prescribed  
3 by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if  
4 none, as set by commercial usage;

5 (2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;

6 (3) "Coercion" means a threat, however communicated:

7 (a) To commit any crime; or

8 (b) To inflict physical injury in the future on the person threatened or another; or

9 (c) To accuse any person of any crime; or

10 (d) To expose any person to hatred, contempt or ridicule; or

11 (e) To harm the credit or business repute of any person; or

12 (f) To take or withhold action as a public servant, or to cause a public servant to take or  
13 withhold action; or

14 (g) To inflict any other harm which would not benefit the actor. A threat of accusation,  
15 lawsuit or other invocation of official action is not coercion if the property sought to be obtained  
16 by virtue of such threat was honestly claimed as restitution or indemnification for harm done in  
17 the circumstances to which the accusation, exposure, lawsuit or other official action relates, or  
18 as compensation for property or lawful service. The defendant shall have the burden of injecting  
19 the issue of justification as to any threat;

20 (4) "Credit device" means a writing, number or other device purporting to evidence an  
21 undertaking to pay for property or services delivered or rendered to or upon the order of a  
22 designated person or bearer;

23 (5) "Dealer" means a person in the business of buying and selling goods;

24 (6) "Debit device" means a card, code, number or other device, other than a check, draft  
25 or similar paper instrument, by the use of which a person may initiate an electronic fund transfer,

26 including but not limited to devices that enable electronic transfers of benefits to public  
27 assistance recipients;

28 (7) "Deceit" means purposely making a representation which is false and which the actor  
29 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,  
30 intention or other state of mind. The term "deceit" does not, however, include falsity as to  
31 matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary  
32 persons in the group addressed. Deception as to the actor's intention to perform a promise shall  
33 not be inferred from the fact alone that he did not subsequently perform the promise;

34 (8) "Deprive" means:

35 (a) To withhold property from the owner permanently; or

36 (b) To restore property only upon payment of reward or other compensation; or

37 (c) To use or dispose of property in a manner that makes recovery of the property by the  
38 owner unlikely;

39 (9) **"Financial institution" means a bank, trust company, savings and loan**  
40 **association, or credit union;**

41 (10) "Misabeled" means varying from the standard of truth or disclosure in labeling  
42 prescribed by statute or lawfully promulgated administrative regulations of this state lawfully  
43 filed, or if none, as set by commercial usage; or represented as being another person's product,  
44 though otherwise accurately labeled as to quality and quantity;

45 [(10)] (11) "New and unused property" means tangible personal property that has never  
46 been used since its production or manufacture and is in its original unopened package or  
47 container if such property was packaged;

48 [(11)] (12) "Of another" property or services is that "of another" if any natural person,  
49 corporation, partnership, association, governmental subdivision or instrumentality, other than  
50 the actor, has a possessory or proprietary interest therein, except that property shall not be  
51 deemed property of another who has only a security interest therein, even if legal title is in the  
52 creditor pursuant to a conditional sales contract or other security arrangement;

53 [(12)] (13) "Property" means anything of value, whether real or personal, tangible or  
54 intangible, in possession or in action, and shall include but not be limited to the evidence of a  
55 debt actually executed but not delivered or issued as a valid instrument;

56 [(13)] (14) "Receiving" means acquiring possession, control or title or lending on the  
57 security of the property;

58 [(14)] (15) "Services" includes transportation, telephone, electricity, gas, water, or other  
59 public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and  
60 use of vehicles;

61            [(15)] (16) "Writing" includes printing, any other method of recording information,  
62 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and  
63 any other symbols of value, right, privilege or identification.

570.030. 1. A person commits the offense of stealing if he or she:

2            (1) Appropriates property or services of another with the purpose to deprive him or her  
3 thereof, either without his or her consent or by means of deceit or coercion;

4            (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the  
5 purpose to deprive him or her thereof, either without his or her consent or by means of deceit or  
6 coercion; or

7            (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains  
8 or disposes of property of another knowing that it has been stolen, or believing that it has been  
9 stolen.

10           2. The offense of stealing is a class A felony if the property appropriated consists of any  
11 of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail  
12 tank car, bulk storage tank, field nurse, field tank or field applicator.

13           3. The offense of stealing is a class B felony if:

14           (1) The property appropriated or attempted to be appropriated consists of any amount  
15 of anhydrous ammonia or liquid nitrogen;

16           (2) The property consists of any animal considered livestock as the term livestock is  
17 defined in section 144.010, or any captive wildlife held under permit issued by the conservation  
18 commission, and the value of the animal or animals appropriated exceeds three thousand dollars  
19 and that person has previously been found guilty of appropriating any animal considered  
20 livestock or captive wildlife held under permit issued by the conservation commission.  
21 Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison  
22 term of not less than eighty percent of his or her sentence before he or she is eligible for  
23 probation, parole, conditional release, or other early release by the department of corrections;

24           (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft,  
25 and that person has previously been found guilty of two stealing-related offenses committed on  
26 two separate occasions where such offenses occurred within ten years of the date of occurrence  
27 of the present offense; [or]

28           (4) The property appropriated or attempted to be appropriated consists of any animal  
29 considered livestock as the term is defined in section 144.010 if the value of the livestock  
30 exceeds ten thousand dollars; or

31           **(5) The property appropriated or attempted to be appropriated is owned by or in**  
32 **the custody of a financial institution, and the property is taken or attempted to be taken**  
33 **physically from an individual person to deprive the owner or custodian of the property.**

34 4. The offense of stealing is a class C felony if the value of the property or services  
35 appropriated is twenty-five thousand dollars or more.

36 5. The offense of stealing is a class D felony if:

37 (1) The value of the property or services appropriated is seven hundred fifty dollars or  
38 more;

39 (2) The offender physically takes the property appropriated from the person of the  
40 victim; or

41 (3) The property appropriated consists of:

42 (a) Any motor vehicle, watercraft or aircraft;

43 (b) Any will or unrecorded deed affecting real property;

44 (c) Any credit device, debit device or letter of credit;

45 (d) Any firearms;

46 (e) Any explosive weapon as defined in section 571.010;

47 (f) Any United States national flag designed, intended and used for display on buildings  
48 or stationary flagstaffs in the open;

49 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the  
50 legislature of the state of Missouri;

51 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,  
52 any other state or of the United States;

53 (i) Any book of registration or list of voters required by chapter 115;

54 (j) Any animal considered livestock as that term is defined in section 144.010;

55 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

56 (l) Any captive wildlife held under permit issued by the conservation commission;

57 (m) Any controlled substance as defined by section 195.010;

58 (n) Ammonium nitrate;

59 (o) Any wire, electrical transformer, or metallic wire associated with transmitting  
60 telecommunications, video, internet, or voice over internet protocol service, or any other device  
61 or pipe that is associated with conducting electricity or transporting natural gas or other  
62 combustible fuels; or

63 (p) Any material appropriated with the intent to use such material to manufacture,  
64 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their  
65 analogues.

66 6. The offense of stealing is a class E felony if:

67 (1) The property appropriated is an animal; or

68 (2) A person has previously been found guilty of three stealing-related offenses  
69 committed on three separate occasions where such offenses occurred within ten years of the date  
70 of occurrence of the present offense.

71 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed  
72 in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one  
73 hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related  
74 offense.

75 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this  
76 section.

77 9. If a violation of this section is subject to enhanced punishment based on prior findings  
78 of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by  
79 section 558.021.

80 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5,  
81 or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a  
82 separate felony and may be charged in separate counts.

83 11. The value of property or services appropriated pursuant to one scheme or course of  
84 conduct, whether from the same or several owners and whether at the same or different times,  
85 constitutes a single criminal episode and may be aggregated in determining the grade of the  
86 offense, except as set forth in subsection 10 of this section.

570.030. 1. A person commits the crime of stealing if he or she appropriates property  
2 or services of another with the purpose to deprive him or her thereof, either without his or her  
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution pursuant to this  
5 section on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,  
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or  
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not  
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage  
13 from a hotel, inn or boardinghouse;

14 (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,  
15 transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal  
16 price code label, or possesses with intent to cheat or defraud, the device that manufactures  
17 fraudulent receipts or universal price code labels.



18           3. Notwithstanding any other provision of law, any offense in which the value of  
19 property or services is an element is a class C felony if:

20           (1) The value of the property or services appropriated is five hundred dollars or more but  
21 less than twenty-five thousand dollars; or

22           (2) The actor physically takes the property appropriated from the person of the victim;  
23 or

24           (3) The property appropriated consists of:

25           (a) Any motor vehicle, watercraft or aircraft; or

26           (b) Any will or unrecorded deed affecting real property; or

27           (c) Any credit card or letter of credit; or

28           (d) Any firearms; or

29           (e) Any explosive weapon as defined in section 571.010; or

30           (f) A United States national flag designed, intended and used for display on buildings  
31 or stationary flagstuffs in the open; or

32           (g) Any original copy of an act, bill or resolution, introduced or acted upon by the  
33 legislature of the state of Missouri; or

34           (h) Any pleading, notice, judgment or any other record or entry of any court of this state,  
35 any other state or of the United States; or

36           (i) Any book of registration or list of voters required by chapter 115; or

37           (j) Any animal considered livestock as that term is defined in section 144.010; or

38           (k) Live fish raised for commercial sale with a value of seventy-five dollars; or

39           (l) Captive wildlife held under permit issued by the conservation commission; or

40           (m) Any controlled substance as defined by section 195.010; or

41           (n) Anhydrous ammonia;

42           (o) Ammonium nitrate; or

43           (p) Any document of historical significance which has fair market value of five hundred  
44 dollars or more.

45           4. Notwithstanding any other provision of law, stealing of any animal considered  
46 livestock, as that term is defined in section 144.010, is a class B felony if the value of the  
47 livestock exceeds ten thousand dollars.

48           5. If an actor appropriates any material with a value less than five hundred dollars in  
49 violation of this section with the intent to use such material to manufacture, compound, produce,  
50 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such  
51 violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,  
52 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony.

53 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail  
54 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

55 **6. If the actor appropriates or attempts to appropriate property that is owned by**  
56 **or in the custody of a financial institution and the property is taken or attempted to be**  
57 **taken physically from an individual person to deprive the owner or custodian of the**  
58 **property, the theft is a class B felony.**

59 **7.** The theft of any item of property or services pursuant to subsection 3 of this section  
60 which exceeds five hundred dollars may be considered a separate felony and may be charged in  
61 separate counts.

62 [7.] **8.** Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of  
63 subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision  
64 (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three  
65 thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the  
66 contrary, such person shall serve a minimum prison term of not less than eighty percent of his  
67 or her sentence before he or she is eligible for probation, parole, conditional release, or other  
68 early release by the department of corrections.

69 [8.] **9.** Any offense in which the value of property or services is an element is a class B  
70 felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

71 [9.] **10.** Any violation of this section for which no other penalty is specified in this  
72 section is a class A misdemeanor.

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