

FIRST REGULAR SESSION

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 1108 & 1181

102ND GENERAL ASSEMBLY

2147H.04C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 37.725, 43.539, 43.540, 67.145, 70.631, 170.310, 190.091, 193.265, 307.175, 491.075, 492.304, 556.021, 558.031, 566.151, 567.030, 569.010, 569.100, 570.010, 570.030, 575.205, 589.401, 589.403, 589.410, 589.414, 595.045, 610.021, 650.320, and 650.340, RSMo, and to enact in lieu thereof thirty-five new sections relating to public safety, with penalty provisions.

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

Section A. Sections 37.725, 43.539, 43.540, 67.145, 70.631, 170.310, 190.091, 193.265, 307.175, 491.075, 492.304, 556.021, 558.031, 566.151, 567.030, 569.010, 569.100, 570.010, 570.030, 575.205, 589.401, 589.403, 589.410, 589.414, 595.045, 610.021, 650.320, and 650.340, RSMo, are repealed and thirty-five new sections enacted in lieu thereof, to be known as sections 37.725, 43.539, 43.540, 67.145, 70.631, 170.310, 190.091, 193.265, 195.817, 307.018, 307.175, 491.075, 492.304, 547.500, 550.125, 556.021, 558.031, 566.151, 567.030, 569.010, 569.100, 570.010, 570.030, 570.212, 575.205, 579.021, 579.022, 589.401, 589.403, 589.410, 589.414, 595.045, 610.021, 650.320, and 650.340, to read as follows:

37.725. 1. Any files maintained by the advocate program shall be disclosed only at the discretion of the child advocate; except that the identity of any complainant or recipient shall not be disclosed by the office unless:

(1) The complainant or recipient, or the complainant's or recipient's legal representative, consents in writing to such disclosure; ~~[or]~~

(2) Such disclosure is required by court order; **or**

(3) **The disclosure is at the request of law enforcement as part of an investigation.**

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.

9 2. Any statement or communication made by the office relevant to a complaint
10 received by, proceedings before, or activities of the office and any complaint or information
11 made or provided in good faith by any person shall be absolutely privileged and such person
12 shall be immune from suit.

13 3. Any representative of the office conducting or participating in any examination of a
14 complaint who knowingly and willfully discloses to any person other than the office, or those
15 persons authorized by the office to receive it, the name of any witness examined or any
16 information obtained or given during such examination is guilty of a class A misdemeanor.
17 However, the office conducting or participating in any examination of a complaint shall
18 disclose the final result of the examination with the consent of the recipient.

19 4. The office shall not be required to testify in any court with respect to matters held
20 to be confidential in this section except as the court may deem necessary to enforce the
21 provisions of sections 37.700 to 37.730, or where otherwise required by court order.

43.539. 1. As used in this section, the following terms mean:

2 (1) "Applicant", a person who:

3 (a) Is actively employed by or seeks employment with a qualified entity;

4 (b) Is actively licensed or seeks licensure with a qualified entity;

5 (c) Actively volunteers or seeks to volunteer with a qualified entity;

6 (d) Is actively contracted with or seeks to contract with a qualified entity; or

7 (e) Owns or operates a qualified entity;

8 (2) "Care", the provision of care, treatment, education, training, instruction,
9 supervision, or recreation to children, the elderly, or disabled persons;

10 (3) "Missouri criminal record review", a review of criminal history records and sex
11 offender registration records under sections 589.400 to 589.425 maintained by the Missouri
12 state highway patrol in the Missouri criminal records repository;

13 (4) "Missouri Rap Back program", any type of automatic notification made by the
14 Missouri state highway patrol to a qualified entity indicating that an applicant who is
15 employed, licensed, or otherwise under the purview of that entity has been arrested for a
16 reported criminal offense in Missouri as required under section 43.506;

17 (5) "National criminal record review", a review of the criminal history records
18 maintained by the Federal Bureau of Investigation;

19 (6) "National Rap Back program", any type of automatic notification made by the
20 Federal Bureau of Investigation through the Missouri state highway patrol to a qualified
21 entity indicating that an applicant who is employed, licensed, or otherwise under the purview
22 of that entity has been arrested for a reported criminal offense outside the state of Missouri
23 and the fingerprints for that arrest were forwarded to the Federal Bureau of Investigation by
24 the arresting agency;

25 (7) "Patient or resident", a person who by reason of age, illness, disease, or physical
26 or mental infirmity receives or requires care or services furnished by an applicant, as defined
27 in this section, or who resides or boards in, or is otherwise kept, cared for, treated, or
28 accommodated in a facility as defined in section 198.006, for a period exceeding twenty-four
29 consecutive hours;

30 (8) "Qualified entity", a person, business, or organization that provides care, care
31 placement, or educational services for children, the elderly, or persons with disabilities as
32 patients or residents, including a business or organization that licenses or certifies others to
33 provide care or care placement services;

34 (9) "Youth services agency", any agency, school, or association that provides
35 programs, care, or treatment for or exercises supervision over minors.

36 2. The central repository shall have the authority to submit applicant fingerprints to
37 the National Rap Back program to be retained for the purpose of being searched against future
38 submissions to the National Rap Back program, including latent fingerprint searches.
39 Qualified entities may conduct Missouri and national criminal record reviews on applicants
40 and participate in Missouri and National Rap Back programs for the purpose of determining
41 suitability or fitness for a permit, license, or employment, and shall abide by the following
42 requirements:

43 (1) The qualified entity shall register with the Missouri state highway patrol prior to
44 submitting a request for screening under this section. As part of the registration, the qualified
45 entity shall indicate if it chooses to enroll applicants in the Missouri and National Rap Back
46 programs;

47 (2) Qualified entities shall notify applicants subject to a criminal record review under
48 this section that the applicant's fingerprints shall be retained by the state central repository and
49 the Federal Bureau of Investigation and shall be searched against other fingerprints on file,
50 including latent fingerprints;

51 (3) Qualified entities shall notify applicants subject to enrollment in the National Rap
52 Back program that the applicant's fingerprints, while retained, may continue to be compared
53 against other fingerprints submitted or retained by the Federal Bureau of Investigation,
54 including latent fingerprints;

55 (4) The criminal record review and Rap Back process described in this section shall
56 be voluntary and conform to the requirements established in the National Child Protection
57 Act of 1993, as amended, and other applicable state or federal law. As a part of the
58 registration, the qualified entity shall agree to comply with state and federal law and shall
59 indicate so by signing an agreement approved by the Missouri state highway patrol. The
60 Missouri state highway patrol may periodically audit qualified entities to ensure compliance
61 with federal law and this section;

62 (5) A qualified entity shall submit to the Missouri state highway patrol a request for
63 screening on applicants covered under this section using a completed fingerprint card;

64 (6) Each request shall be accompanied by a reasonable fee, as provided in section
65 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the
66 national criminal record review and enrollment in the National Rap Back program in
67 compliance with the National Child Protection Act of 1993, as amended, and other applicable
68 state or federal laws;

69 (7) The Missouri state highway patrol shall provide, directly to the qualified entity,
70 the applicant's state criminal history records that are not exempt from disclosure under
71 chapter 610 or otherwise confidential under law;

72 (8) The national criminal history data shall be available to qualified entities to use
73 only for the purpose of screening applicants as described under this section. The Missouri
74 state highway patrol shall provide the applicant's national criminal history record information
75 directly to the qualified entity;

76 (9) The determination whether the criminal history record shows that the applicant
77 has been convicted of or has a pending charge for any crime that bears upon the fitness of the
78 applicant to have responsibility for the safety and well-being of children, the elderly, or
79 disabled persons shall be made solely by the qualified entity. This section shall not require
80 the Missouri state highway patrol to make such a determination on behalf of any qualified
81 entity;

82 (10) The qualified entity shall notify the applicant, in writing, of his or her right to
83 obtain a copy of any criminal record review, including the criminal history records, if any,
84 contained in the report and of the applicant's right to challenge the accuracy and completeness
85 of any information contained in any such report and obtain a determination as to the validity
86 of such challenge before a final determination regarding the applicant is made by the qualified
87 entity reviewing the criminal history information. A qualified entity that is required by law to
88 apply screening criteria, including any right to contest or request an exemption from
89 disqualification, shall apply such screening criteria to the state and national criminal history
90 record information received from the Missouri state highway patrol for those applicants
91 subject to the required screening; and

92 (11) Failure to obtain the information authorized under this section, with respect to an
93 applicant, shall not be used as evidence in any negligence action against a qualified entity.
94 The state, any political subdivision of the state, or any agency, officer, or employee of the
95 state or a political subdivision shall not be liable for damages for providing the information
96 requested under this section.

97 3. The criminal record review shall include the submission of fingerprints to the
98 Missouri state highway patrol, who shall conduct a Missouri criminal record review,

99 including closed record information under section 610.120. The Missouri state highway
100 patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of
101 Investigation for a national criminal record review.

102 4. The applicant subject to a criminal record review shall provide the following
103 information to the qualified entity:

104 (1) Consent to obtain the applicant's fingerprints, conduct the criminal record review,
105 and participate in the Missouri and National Rap Back programs;

106 (2) Consent to obtain the identifying information required to conduct the criminal
107 record review, which may include, but not be limited to:

108 (a) Name;

109 (b) Date of birth;

110 (c) Height;

111 (d) Weight;

112 (e) Eye color;

113 (f) Hair color;

114 (g) Gender;

115 (h) Race;

116 (i) Place of birth;

117 (j) Social Security number; and

118 (k) The applicant's photo.

119 5. Any information received by an authorized state agency or a qualified entity under
120 the provisions of this section shall be used solely for internal purposes in determining the
121 suitability of an applicant. The dissemination of criminal history information from the
122 Federal Bureau of Investigation beyond the authorized state agency or related governmental
123 entity is prohibited. All criminal record check information shall be confidential, and any
124 person who discloses the information beyond the scope allowed is guilty of a class A
125 misdemeanor.

126 6. A qualified entity enrolled in either the Missouri or National Rap Back program
127 shall be notified by the Missouri state highway patrol that a new arrest has been reported on
128 an applicant who is employed, licensed, or otherwise under the purview of the qualified
129 entity. Upon receiving the Rap Back notification, if the qualified entity deems that the
130 applicant is still serving in an active capacity, the entity may request and receive the
131 individual's updated criminal history record. This process shall only occur if:

132 (1) The entity has abided by all procedures and rules promulgated by the Missouri
133 state highway patrol and Federal Bureau of Investigation regarding the Missouri and National
134 Rap Back programs;

135 (2) The individual upon whom the Rap Back notification is being made has
136 previously had a Missouri and national criminal record review completed for the qualified
137 entity under this section [~~within the previous six years~~]; and

138 (3) The individual upon whom the Rap Back notification is being made is a current
139 employee, licensee, or otherwise still actively under the purview of the qualified entity.

140 7. The Missouri state highway patrol shall make available or approve the necessary
141 forms, procedures, and agreements necessary to implement the provisions of this section.

43.540. 1. As used in this section, the following terms mean:

2 (1) "Applicant", a person who:

3 (a) Is actively employed by or seeks employment with a qualified entity;

4 (b) Is actively licensed or seeks licensure with a qualified entity;

5 (c) Actively volunteers or seeks to volunteer with a qualified entity; or

6 (d) Is actively contracted with or seeks to contract with a qualified entity;

7 (2) "Missouri criminal record review", a review of criminal history records and sex
8 offender registration records pursuant to sections 589.400 to 589.425 maintained by the
9 Missouri state highway patrol in the Missouri criminal records repository;

10 (3) "Missouri Rap Back program", shall include any type of automatic notification
11 made by the Missouri state highway patrol to a qualified entity indicating that an applicant
12 who is employed, licensed, or otherwise under the purview of that entity has been arrested for
13 a reported criminal offense in Missouri as required under section 43.506;

14 (4) "National criminal record review", a review of the criminal history records
15 maintained by the Federal Bureau of Investigation;

16 (5) "National Rap Back program", shall include any type of automatic notification
17 made by the Federal Bureau of Investigation through the Missouri state highway patrol to a
18 qualified entity indicating that an applicant who is employed, licensed, or otherwise under the
19 purview of that entity has been arrested for a reported criminal offense outside the state of
20 Missouri and the fingerprints for that arrest were forwarded to the Federal Bureau of
21 Investigation by the arresting agency;

22 (6) "Qualified entity", an entity that is:

23 (a) An office or division of state, county, or municipal government, including a
24 political subdivision or a board or commission designated by statute or approved local
25 ordinance, to issue or renew a license, permit, certification, or registration of authority;

26 (b) An office or division of state, county, or municipal government, including a
27 political subdivision or a board or commission designated by statute or approved local
28 ordinance, to make fitness determinations on applications for state, county, or municipal
29 government employment; or

30 (c) Any entity that is authorized to obtain criminal history record information under
31 28 CFR 20.33.

32 2. The central repository shall have the authority to submit applicant fingerprints to
33 the National Rap Back program to be retained for the purpose of being searched against future
34 submissions to the National Rap Back program, including latent fingerprint searches.
35 Qualified entities may conduct Missouri and national criminal record reviews on applicants
36 and participate in Missouri and National Rap Back programs for the purpose of determining
37 suitability or fitness for a permit, license, or employment, and shall abide by the following
38 requirements:

39 (1) The qualified entity shall register with the Missouri state highway patrol prior to
40 submitting a request for screening under this section. As part of such registration, the
41 qualified entity shall indicate if it chooses to enroll their applicants in the Missouri and
42 National Rap Back programs;

43 (2) Qualified entities shall notify applicants subject to a criminal record review under
44 this section that the applicant's fingerprints shall be retained by the state central repository and
45 the Federal Bureau of Investigation and shall be searched against other fingerprints on file,
46 including latent fingerprints;

47 (3) Qualified entities shall notify applicants subject to enrollment in the National Rap
48 Back program that the applicant's fingerprints, while retained, may continue to be compared
49 against other fingerprints submitted or retained by the Federal Bureau of Investigation,
50 including latent fingerprints;

51 (4) The criminal record review and Rap Back process described in this section shall
52 be voluntary and conform to the requirements established in Pub. L. 92-544 and other
53 applicable state or federal law. As a part of the registration, the qualified entity shall agree to
54 comply with state and federal law and shall indicate so by signing an agreement approved by
55 the Missouri state highway patrol. The Missouri state highway patrol may periodically audit
56 qualified entities to ensure compliance with federal law and this section;

57 (5) A qualified entity shall submit to the Missouri state highway patrol a request for
58 screening on applicants covered under this section using a completed fingerprint card;

59 (6) Each request shall be accompanied by a reasonable fee, as provided in section
60 43.530, plus the amount required, if any, by the Federal Bureau of Investigation for the
61 national criminal record review and enrollment in the National Rap Back program in
62 compliance with applicable state or federal laws;

63 (7) The Missouri state highway patrol shall provide, directly to the qualified entity,
64 the applicant's state criminal history records that are not exempt from disclosure under
65 chapter 610 or are otherwise confidential under law;

66 (8) The national criminal history data shall be available to qualified entities to use
67 only for the purpose of screening applicants as described under this section. The Missouri
68 state highway patrol shall provide the applicant's national criminal history record information
69 directly to the qualified entity;

70 (9) This section shall not require the Missouri state highway patrol to make an
71 eligibility determination on behalf of any qualified entity;

72 (10) The qualified entity shall notify the applicant, in writing, of his or her right to
73 obtain a copy of any criminal record review, including the criminal history records, if any,
74 contained in the report, and of the applicant's right to challenge the accuracy and
75 completeness of any information contained in any such report and to obtain a determination
76 as to the validity of such challenge before a final determination regarding the applicant is
77 made by the qualified entity reviewing the criminal history information. A qualified entity
78 that is required by law to apply screening criteria, including any right to contest or request an
79 exemption from disqualification, shall apply such screening criteria to the state and national
80 criminal history record information received from the Missouri state highway patrol for those
81 applicants subject to the required screening; and

82 (11) Failure to obtain the information authorized under this section with respect to an
83 applicant shall not be used as evidence in any negligence action against a qualified entity.
84 The state, any political subdivision of the state, or any agency, officer, or employee of the
85 state or a political subdivision shall not be liable for damages for providing the information
86 requested under this section.

87 3. The criminal record review shall include the submission of fingerprints to the
88 Missouri state highway patrol, who shall conduct a Missouri criminal record review,
89 including closed record information under section 610.120. The Missouri state highway
90 patrol shall also forward a copy of the applicant's fingerprints to the Federal Bureau of
91 Investigation for a national criminal record review.

92 4. The applicant subject to a criminal record review shall provide the following
93 information to the qualified entity:

94 (1) Consent to obtain the applicant's fingerprints, conduct the criminal record review,
95 and participate in the Missouri and National Rap Back programs;

96 (2) Consent to obtain the identifying information required to conduct the criminal
97 record review, which may include, but not be limited to:

98 (a) Name;

99 (b) Date of birth;

100 (c) Height;

101 (d) Weight;

102 (e) Eye color;

- 103 (f) Hair color;
104 (g) Gender;
105 (h) Race;
106 (i) Place of birth;
107 (j) Social Security number; and
108 (k) The applicant's photo.

109 5. Any information received by an authorized state agency or a qualified entity
110 pursuant to the provisions of this section shall be used solely for internal purposes in
111 determining the suitability of an applicant. The dissemination of criminal history information
112 from the Federal Bureau of Investigation beyond the authorized state agency or related
113 governmental entity is prohibited. All criminal record check information shall be confidential
114 and any person who discloses the information beyond the scope allowed is guilty of a class A
115 misdemeanor.

116 6. A qualified entity enrolled in either the Missouri or National Rap Back programs
117 shall be notified by the Missouri state highway patrol that a new arrest has been reported on
118 an applicant who is employed, licensed, or otherwise under the purview of the qualified
119 entity. Upon receiving the Rap Back notification, if the qualified entity deems that the
120 applicant is still serving in an active capacity, the entity may request and receive the
121 individual's updated criminal history record. This process shall only occur if:

122 (1) The agency has abided by all procedures and rules promulgated by the Missouri
123 state highway patrol and Federal Bureau of Investigation regarding the Missouri and National
124 Rap Back programs;

125 (2) The individual upon whom the Rap Back notification is being made has
126 previously had a Missouri and national criminal record review completed for the qualified
127 entity under this section [~~within the previous six years~~]; and

128 (3) The individual upon whom the Rap Back notification is being made is a current
129 employee, licensee, or otherwise still actively under the purview of the qualified entity.

130 7. The highway patrol shall make available or approve the necessary forms,
131 procedures, and agreements necessary to implement the provisions of this section.

67.145. 1. No political subdivision of this state shall prohibit any first responder from
2 engaging in any political activity while off duty and not in uniform, being a candidate for
3 elected or appointed public office, or holding such office unless such political activity or
4 candidacy is otherwise prohibited by state or federal law.

5 2. As used in this section, "first responder" means any person trained and authorized
6 by law or rule to render emergency medical assistance or treatment. Such persons may
7 include, but shall not be limited to, emergency first responders, **telecommunicator first**
8 **responders**, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and

9 attendant drivers, emergency medical technicians, mobile emergency medical technicians,
10 emergency medical technician-paramedics, registered nurses, or physicians.

70.631. 1. Each political subdivision may, by majority vote of its governing body,
2 elect to cover [~~emergency telecommunicators~~] **telecommunicator first responders**, jailors,
3 and emergency medical service personnel as public safety personnel members of the system.
4 The clerk or secretary of the political subdivision shall certify an election concerning the
5 coverage of [~~emergency telecommunicators~~] **telecommunicator first responders**, jailors,
6 and emergency medical service personnel as public safety personnel members of the system
7 to the board within ten days after such vote. The date in which the political subdivision's
8 election becomes effective shall be the first day of the calendar month specified by such
9 governing body, the first day of the calendar month next following receipt by the board of the
10 certification of the election, or the effective date of the political subdivision's becoming an
11 employer, whichever is the latest date. Such election shall not be changed after the effective
12 date. If the election is made, the coverage provisions shall be applicable to all past and future
13 employment with the employer by present and future employees. If a political subdivision
14 makes no election under this section, no [~~emergency~~] telecommunicator **first responder**,
15 jailor, or emergency medical service personnel of the political subdivision shall be considered
16 public safety personnel for purposes determining a minimum service retirement age as
17 defined in section 70.600.

18 2. If an employer elects to cover [~~emergency telecommunicators~~] **telecommunicator**
19 **first responders**, jailors, and emergency medical service personnel as public safety personnel
20 members of the system, the employer's contributions shall be correspondingly changed
21 effective the same date as the effective date of the political subdivision's election.

22 3. The limitation on increases in an employer's contributions provided by subsection
23 6 of section 70.730 shall not apply to any contribution increase resulting from an employer
24 making an election under the provisions of this section.

170.310. 1. For school year 2017-18 and each school year thereafter, upon
2 graduation from high school, pupils in public schools and charter schools shall have received
3 thirty minutes of cardiopulmonary resuscitation instruction and training in the proper
4 performance of the Heimlich maneuver or other first aid for choking given any time during a
5 pupil's four years of high school.

6 2. Beginning in school year 2017-18, any public school or charter school serving
7 grades nine through twelve shall provide enrolled students instruction in cardiopulmonary
8 resuscitation. Students with disabilities may participate to the extent appropriate as
9 determined by the provisions of the Individuals with Disabilities Education Act or Section
10 504 of the Rehabilitation Act (**29 U.S.C. Section 794**), **as amended**. Instruction shall be
11 included in the district's existing health or physical education curriculum. Instruction shall be

12 based on a program established by the American Heart Association or the American Red
13 Cross, or through a nationally recognized program based on the most current national
14 evidence-based emergency cardiovascular care guidelines, and psychomotor skills
15 development shall be incorporated into the instruction. For purposes of this section,
16 "psychomotor skills" means the use of hands-on practicing and skills testing to support
17 cognitive learning.

18 3. The teacher of the cardiopulmonary resuscitation course or unit shall not be
19 required to be a certified trainer of cardiopulmonary resuscitation if the instruction is not
20 designed to result in certification of students. Instruction that is designed to result in
21 certification being earned shall be required to be taught by an authorized cardiopulmonary
22 instructor. Schools may develop agreements with any local chapter of a voluntary
23 organization of first responders to provide the required hands-on practice and skills testing.
24 **For purposes of this subsection, "first responders" shall include telecommunicator first**
25 **responders as defined in section 650.320.**

26 4. The department of elementary and secondary education may promulgate rules to
27 implement this section. Any rule or portion of a rule, as that term is defined in section
28 536.010, that is created under the authority delegated in this section shall become effective
29 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
30 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
31 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
32 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
33 of rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be
34 invalid and void.

190.091. 1. As used in this section, the following terms mean:

2 (1) "Bioterrorism", the intentional use of any microorganism, virus, infectious
3 substance, or biological product that may be engineered as a result of biotechnology or any
4 naturally occurring or bioengineered component of any microorganism, virus, infectious
5 substance, or biological product to cause death, disease, or other biological malfunction in a
6 human, an animal, a plant, or any other living organism to influence the conduct of
7 government or to intimidate or coerce a civilian population;

8 (2) "Department", the Missouri department of health and senior services;

9 (3) "Director", the director of the department of health and senior services;

10 (4) "Disaster locations", any geographical location where a bioterrorism attack,
11 terrorist attack, catastrophic or natural disaster, or emergency occurs;

12 (5) "First responders", state and local law enforcement personnel, **telecommunicator**
13 **first responders**, fire department personnel, and emergency medical personnel who will be

14 deployed to bioterrorism attacks, terrorist attacks, catastrophic or natural disasters, and
15 emergencies.

16 2. The department shall offer a vaccination program for first responders who may be
17 exposed to infectious diseases when deployed to disaster locations as a result of a
18 bioterrorism event or a suspected bioterrorism event. The vaccinations shall include, but are
19 not limited to, smallpox, anthrax, and other vaccinations when recommended by the federal
20 Centers for Disease Control and Prevention's Advisory Committee on Immunization
21 Practices.

22 3. Participation in the vaccination program shall be voluntary by the first responders,
23 except for first responders who, as determined by their employer, cannot safely perform
24 emergency responsibilities when responding to a bioterrorism event or suspected bioterrorism
25 event without being vaccinated. The recommendations of the Centers for Disease Control
26 and Prevention's Advisory Committee on Immunization Practices shall be followed when
27 providing appropriate screening for contraindications to vaccination for first responders. A
28 first responder shall be exempt from vaccinations when a written statement from a licensed
29 physician is presented to their employer indicating that a vaccine is medically contraindicated
30 for such person.

31 4. If a shortage of the vaccines referred to in subsection 2 of this section exists
32 following a bioterrorism event or suspected bioterrorism event, the director, in consultation
33 with the governor and the federal Centers for Disease Control and Prevention, shall give
34 priority for such vaccinations to persons exposed to the disease and to first responders who
35 are deployed to the disaster location.

36 5. The department shall notify first responders concerning the availability of the
37 vaccination program described in subsection 2 of this section and shall provide education to
38 such first responders and their employers concerning the vaccinations offered and the
39 associated diseases.

40 6. The department may contract for the administration of the vaccination program
41 described in subsection 2 of this section with health care providers, including but not limited
42 to local public health agencies, hospitals, federally qualified health centers, and physicians.

43 7. The provisions of this section shall become effective upon receipt of federal
44 funding or federal grants which designate that the funding is required to implement
45 vaccinations for first responders in accordance with the recommendations of the federal
46 Centers for Disease Control and Prevention's Advisory Committee on Immunization
47 Practices. Upon receipt of such funding, the department shall make available the vaccines to
48 first responders as provided in this section.

193.265. 1. For the issuance of a certification or copy of a death record, the applicant
2 shall pay a fee of fourteen dollars for the first certification or copy and a fee of eleven dollars

3 for each additional copy ordered at that time. For the issuance of a certification or copy of a
4 birth, marriage, divorce, or fetal death record, the applicant shall pay a fee of fifteen dollars.
5 No fee shall be required or collected for a certification of birth, death, or marriage if the
6 request for certification is made by the children's division, the division of youth services, a
7 guardian ad litem, or a juvenile officer on behalf of a child or person under twenty-one years
8 of age who has come under the jurisdiction of the juvenile court under section 211.031. All
9 fees collected under this subsection shall be deposited to the state department of revenue.
10 Beginning August 28, 2004, for each vital records fee collected, the director of revenue shall
11 credit four dollars to the general revenue fund, five dollars to the children's trust fund, one
12 dollar shall be credited to the endowed care cemetery audit fund, one dollar for each
13 certification or copy of death records to the Missouri state coroners' training fund established
14 in section 58.208, and three dollars for the first copy of death records and five dollars for
15 birth, marriage, divorce, and fetal death records shall be credited to the Missouri public health
16 services fund established in section 192.900. Money in the endowed care cemetery audit fund
17 shall be available by appropriation to the division of professional registration to pay its
18 expenses in administering sections 214.270 to 214.410. All interest earned on money
19 deposited in the endowed care cemetery audit fund shall be credited to the endowed care
20 cemetery fund. Notwithstanding the provisions of section 33.080 to the contrary, money
21 placed in the endowed care cemetery audit fund shall not be transferred and placed to the
22 credit of general revenue until the amount in the fund at the end of the biennium exceeds three
23 times the amount of the appropriation from the endowed care cemetery audit fund for the
24 preceding fiscal year. The money deposited in the public health services fund under this
25 section shall be deposited in a separate account in the fund, and moneys in such account, upon
26 appropriation, shall be used to automate and improve the state vital records system, and
27 develop and maintain an electronic birth and death registration system. For any search of the
28 files and records, when no record is found, the state shall be entitled to a fee equal to the
29 amount for a certification of a vital record for a five-year search to be paid by the applicant.
30 For the processing of each legitimation, adoption, court order or recording after the
31 registrant's twelfth birthday, the state shall be entitled to a fee equal to the amount for a
32 certification of a vital record. Except whenever a certified copy or copies of a vital record is
33 required to perfect any claim of any person on relief, or any dependent of any person who was
34 on relief for any claim upon the government of the state or United States, the state registrar
35 shall, upon request, furnish a certified copy or so many certified copies as are necessary,
36 without any fee or compensation therefor.

37 2. For the issuance of a certification of a death record by the local registrar, the
38 applicant shall pay a fee of fourteen dollars for the first certification or copy and a fee of
39 eleven dollars for each additional copy ordered at that time. For each fee collected under this

40 subsection, one dollar shall be deposited to the state department of revenue and the remainder
41 shall be deposited to the official city or county health agency. The director of revenue shall
42 credit all fees deposited to the state department of revenue under this subsection to the
43 Missouri state coroners' training fund established in section 58.208.

44 3. For the issuance of a certification or copy of a birth, marriage, divorce, or fetal
45 death record, the applicant shall pay a fee of fifteen dollars; except that, in any county with a
46 charter form of government and with more than six hundred thousand but fewer than seven
47 hundred thousand inhabitants, a donation of one dollar may be collected by the local registrar
48 over and above any fees required by law when a certification or copy of any marriage license
49 or birth certificate is provided, with such donations collected to be forwarded monthly by the
50 local registrar to the county treasurer of such county and the donations so forwarded to be
51 deposited by the county treasurer into the housing resource commission fund to assist
52 homeless families and provide financial assistance to organizations addressing homelessness
53 in such county. The local registrar shall include a check-off box on the application form for
54 such copies. All fees collected under this subsection, other than the donations collected in
55 any county with a charter form of government and with more than six hundred thousand but
56 fewer than seven hundred thousand inhabitants for marriage licenses and birth certificates,
57 shall be deposited to the official city or county health agency.

58 4. A certified copy of a death record by the local registrar can only be issued within
59 twenty-four hours of receipt of the record by the local registrar. Computer-generated
60 certifications of death records may be issued by the local registrar after twenty-four hours of
61 receipt of the records. The fees paid to the official county health agency shall be retained by
62 the local agency for local public health purposes.

63 5. No fee under this section shall be required or collected from a parent or guardian of
64 a homeless child or homeless youth, as defined in subsection 1 of section 167.020, or an
65 unaccompanied youth, as defined in 42 U.S.C. Section 11434a(6), for the issuance of a
66 certification, or copy of such certification, of birth of such child or youth. An unaccompanied
67 youth shall be eligible to receive a certification or copy of his or her own birth record without
68 the consent or signature of his or her parent or guardian; provided, that only one certificate
69 under this provision shall be provided without cost to the unaccompanied or homeless youth.
70 For the issuance of any additional certificates, the statutory fee shall be paid.

71 **6. No fee shall be required or collected for a certification of birth, death, or**
72 **marriage if the request for certification is made by a prosecuting attorney, a circuit**
73 **attorney, or the attorney general.**

195.817. 1. The department of health and senior services shall require all
2 **employees, contractors, owners, and volunteers of marijuana facilities to submit**

3 fingerprints to the Missouri state highway patrol for the purpose of conducting a state
4 and federal fingerprint-based criminal background check.

5 2. The department may require that such fingerprint submissions be made as
6 part of a marijuana facility application, a marijuana facility renewal application, and an
7 individual's application for a license or permit authorizing that individual to be an
8 employee, contractor, owner, or volunteer of a marijuana facility.

9 3. Fingerprint cards and any required fees shall be sent to the Missouri state
10 highway patrol's central repository. The fingerprints shall be used for searching the
11 state criminal records repository and shall also be forwarded to the Federal Bureau of
12 Investigation for a federal criminal records search under section 43.540. The Missouri
13 state highway patrol shall notify the department of any criminal history record
14 information or lack of criminal history record information discovered on the individual.
15 Notwithstanding the provisions of section 610.120 to the contrary, all records related to
16 any criminal history information discovered shall be accessible and available to the
17 department.

18 4. As used in this section, the following terms shall mean:

19 (1) "Contractor", a person performing work or service of any kind for a
20 marijuana facility in accordance with a contract with that facility;

21 (2) "Marijuana facility", an entity licensed or certified by the department of
22 health and senior services to cultivate, manufacture, test, transport, dispense, or
23 conduct research on marijuana or marijuana products;

24 (3) "Owner", an individual who has a financial interest or voting interest in ten
25 percent or greater of a marijuana facility.

307.018. Notwithstanding any other provision of law, no court shall issue a
2 warrant of arrest for a person's failure to respond, pay the fine assessed, or appear in
3 court with respect to a traffic citation issued for an infraction under the provisions of
4 this chapter. In lieu of such warrant of arrest, the court shall issue a notice of failure to
5 respond, pay the fine assessed, or appear, and the court shall schedule a second court
6 date for the person to respond, pay the fine assessed, or appear. A copy of the court's
7 notice with the new court date shall be sent to the driver of the vehicle. If the driver fails
8 to respond, pay the fine assessed, or appear on the second court date, the court shall
9 issue a second notice of failure to respond, pay the fine assessed, or appear. A copy of
10 the court's second notice shall be sent to the driver of the vehicle and to the director of
11 the department of revenue. Upon application by the driver for a driver's license or
12 driver's license renewal, the department shall deny the application until all delinquent
13 fines and fees in connection with the traffic offense have been satisfied. Upon

14 **satisfaction of the delinquent fines and fees, the department shall issue a driver's license**
15 **to the driver provided such person is otherwise eligible for such license or renewal.**

307.175. 1. Motor vehicles and equipment which are operated by any member of an
2 organized fire department, ambulance association, or rescue squad, **including a canine**
3 **search and rescue team**, whether paid or volunteer, may be operated on streets and highways
4 in this state as an emergency vehicle under the provisions of section 304.022 while
5 responding to a fire call [~~or~~], ambulance call, **or an emergency call requiring search and**
6 **rescue operations**, or at the scene of a fire call [~~or~~], ambulance call, **or an emergency call**
7 **requiring search and rescue operations**, and while using or sounding a warning siren and
8 using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights
9 shall be used only in bona fide emergencies.

10 2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or
11 display fixed, flashing, or rotating red or red and blue lights:

12 (a) Emergency vehicles, as defined in section 304.022, when responding to an
13 emergency;

14 (b) Vehicles operated as described in subsection 1 of this section;

15 (c) Vehicles and equipment owned or leased by a contractor or subcontractor
16 performing work for the department of transportation, except that the red or red and blue
17 lights shall be displayed on vehicles or equipment described in this paragraph only between
18 dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment
19 are located in a work zone as defined in section 304.580, highway workers as defined in
20 section 304.580 are present, and such work zone is designated by a sign or signs. No more
21 than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or
22 rotating lights under this subdivision;

23 (d) Vehicles and equipment owned, leased, or operated by a coroner, medical
24 examiner, or forensic investigator of the county medical examiner's office or a similar entity,
25 when responding to a crime scene, motor vehicle accident, workplace accident, or any
26 location at which the services of such professionals have been requested by a law
27 enforcement officer.

28 (2) The following vehicles and equipment may use or display fixed, flashing, or
29 rotating amber or amber and white lights:

30 (a) Vehicles and equipment owned or leased by the state highways and transportation
31 commission and operated by an authorized employee of the department of transportation;

32 (b) Vehicles and equipment owned or leased by a contractor or subcontractor
33 performing work for the department of transportation, except that the amber or amber and
34 white lights shall be displayed on vehicles described in this paragraph only when such
35 vehicles or equipment are located in a work zone as defined in section 304.580, highway

36 workers as defined in section 304.580 are present, and such work zone is designated by a sign
37 or signs;

38 (c) Vehicles and equipment operated by a utility worker performing work for the
39 utility, except that the amber or amber and white lights shall be displayed on vehicles
40 described in this paragraph only when such vehicles are stationary, such vehicles or
41 equipment are located in a work zone as defined in section 304.580, a utility worker is
42 present, and such work zone is designated by a sign or signs. As used in this paragraph, the
43 term "utility worker" means any employee while in performance of his or her job duties,
44 including any person employed under contract of a utility that provides gas, heat, electricity,
45 water, steam, telecommunications or cable services, or sewer services, whether privately,
46 municipally, or cooperatively owned.

47 3. Permits for the operation of such vehicles equipped with sirens or blue lights shall
48 be in writing and shall be issued and may be revoked by the chief of an organized fire
49 department, organized ambulance association, rescue squad, or the state highways and
50 transportation commission and no person shall use or display a siren or blue lights on a motor
51 vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A
52 permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle
53 so equipped with complying with all other traffic laws and regulations. Violation of this
54 section constitutes a class A misdemeanor.

491.075. 1. A statement made by a child under the age of ~~fourteen~~ **eighteen**, or a
2 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by
3 another, not otherwise admissible by statute or court rule, is admissible in evidence in
4 criminal proceedings in the courts of this state as substantive evidence to prove the truth of
5 the matter asserted if:

6 (1) The court finds, in a hearing conducted outside the presence of the jury that the
7 time, content and circumstances of the statement provide sufficient indicia of reliability; and

8 (2) (a) The child or vulnerable person testifies at the proceedings; or

9 (b) The child or vulnerable person is unavailable as a witness; or

10 (c) The child or vulnerable person is otherwise physically available as a witness but
11 the court finds that the significant emotional or psychological trauma which would result
12 from testifying in the personal presence of the defendant makes the child or vulnerable person
13 unavailable as a witness at the time of the criminal proceeding.

14 2. Notwithstanding subsection 1 of this section or any provision of law or rule of
15 evidence requiring corroboration of statements, admissions or confessions of the defendant,
16 and notwithstanding any prohibition of hearsay evidence, a statement by a child when under
17 the age of ~~fourteen~~ **eighteen**, or a vulnerable person, who is alleged to be victim of an
18 offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement,

19 admission or confession regardless of whether or not the child or vulnerable person is
20 available to testify regarding the offense.

21 3. A statement may not be admitted under this section unless the prosecuting attorney
22 makes known to the accused or the accused's counsel his or her intention to offer the
23 statement and the particulars of the statement sufficiently in advance of the proceedings to
24 provide the accused or the accused's counsel with a fair opportunity to prepare to meet the
25 statement.

26 4. Nothing in this section shall be construed to limit the admissibility of statements,
27 admissions or confessions otherwise admissible by law.

28 5. For the purposes of this section, "vulnerable person" shall mean a person who, as a
29 result of an inadequately developed or impaired intelligence or a psychiatric disorder that
30 materially affects ability to function, lacks the mental capacity to consent, or whose
31 developmental level does not exceed that of an ordinary child of ~~fourteen~~ **seventeen** years
32 of age.

492.304. 1. In addition to the admissibility of a statement under the provisions of
2 section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child
3 when under the age of ~~fourteen~~ **eighteen** ~~[who is alleged to be a victim of]~~ **or a vulnerable**
4 **person, relating to** an offense under the provisions of chapter 565, 566 ~~[or]~~ , 568, **or 573 if**
5 **performed by another**, is admissible into evidence if:

6 (1) No attorney for either party was present when the statement was made; except
7 that, for any statement taken at a state-funded child assessment center as provided for in
8 subsection 2 of section 210.001, an attorney representing the state of Missouri in a criminal
9 investigation may, as a member of a multidisciplinary investigation team, observe the taking
10 of such statement, but such attorney shall not be present in the room where the interview is
11 being conducted;

12 (2) The recording is both visual and aural and is recorded on film or videotape or by
13 other electronic means;

14 (3) The recording equipment was capable of making an accurate recording, the
15 operator of the equipment was competent, and the recording is accurate and has not been
16 altered;

17 (4) The statement was not made in response to questioning calculated to lead the child
18 **or vulnerable person** to make a particular statement or to act in a particular way;

19 (5) Every voice on the recording is identified;

20 (6) The person conducting the interview of the child **or vulnerable person** in the
21 recording is present at the proceeding and available to testify or be cross-examined by either
22 party; and

23 (7) The defendant or the attorney for the defendant is afforded an opportunity to view
24 the recording before it is offered into evidence.

25 2. If the child **or vulnerable person** does not testify at the proceeding, the visual and
26 aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not
27 be admissible under this section unless the recording qualifies for admission under section
28 491.075.

29 3. If the visual and aural recording of a verbal or nonverbal statement of a child **or**
30 **vulnerable person** is admissible under this section and the child **or vulnerable person**
31 testifies at the proceeding, it shall be admissible in addition to the testimony of the child **or**
32 **vulnerable person** at the proceeding whether or not it repeats or duplicates the child's **or**
33 **vulnerable person's** testimony.

34 4. As used in this section, a nonverbal statement shall be defined as any
35 demonstration of the child **or vulnerable person** by his or her actions, facial expressions,
36 demonstrations with a doll or other visual aid whether or not this demonstration is
37 accompanied by words.

38 5. For the purposes of this section, "vulnerable person" shall mean a person
39 who, as a result of an inadequately developed or impaired intelligence or a psychiatric
40 disorder that materially affects the ability to function, lacks the mental capacity to
41 consent, or whose developmental level does not exceed that of an ordinary child of
42 seventeen years of age.

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

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

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

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

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

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

18 **and verifiable evidence shall establish by clear and convincing evidence the actual**
19 **innocence of the defendant.**

20 **4. The conviction review unit shall consist of two attorneys, hired by the**
21 **executive director of the Missouri office of prosecution services, who have extensive**
22 **experience prosecuting and defending criminal matters, an investigator, a paralegal, and**
23 **such administrative staff as is needed to efficiently and effectively process all**
24 **applications and claims. The executive director of the Missouri office of prosecution**
25 **services shall coordinate the activities and budget of the conviction review unit and act**
26 **as an ex officio member of the unit.**

27 **5. Once the review is complete, the conviction review unit shall present its**
28 **findings and recommendations to:**

29 **(1) The office of the prosecuting attorney or circuit attorney who prosecuted the**
30 **defendant's case, the attorney general's office if it prosecuted the case, or the special**
31 **prosecutor who prosecuted the case; or**

32 **(2) If the review was requested by a prosecuting attorney's office, the circuit**
33 **attorney's office, the attorney general, or a special prosecutor, the findings and**
34 **recommendations shall be presented to the office that requested the review.**

35 **6. The circuit attorney, prosecuting attorney of any county, special prosecutor,**
36 **attorney general's office if it prosecuted the case, Missouri office of prosecution services,**
37 **or other prosecutor who prosecuted the case is not required to accept or follow the**
38 **findings and recommendations of the conviction review unit.**

39 **7. (1) The application, investigation, reports, interviews, findings, and**
40 **recommendations, and any documents, written, electronic, or otherwise, received or**
41 **generated by the conviction review unit are closed records.**

42 **(2) The conviction review unit's findings and recommendations submitted to the**
43 **prosecuting attorney, circuit attorney, the attorney general's office if it prosecuted the**
44 **case, or the special prosecutor who prosecuted the case shall become open records after**
45 **the receiving entity of the submission makes a decision not to pursue a motion under**
46 **section 547.031 or, if such a motion is filed, after the finality of all proceedings under**
47 **section 547.031, including appeals authorized therein.**

550.125. 1. There is hereby created in the state treasury the "Change of Venue
2 **for Capital Cases Fund", which shall consist of moneys appropriated to the fund by the**
3 **general assembly. The office of state courts administrator shall administer and disburse**
4 **moneys in the fund in accordance with subsection 2 of this section. The fund shall be a**
5 **dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the**
6 **administration of this section. Notwithstanding the provisions of section 33.080, any**
7 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**

8 the general revenue fund. The state treasurer shall invest moneys in the fund in the
9 same manner as other funds are invested. Any interest and moneys earned on such
10 investments shall be credited to the fund.

11 2. In a capital case in which a change of venue is taken from one county to any
12 other county, at the conclusion of such case the county from which the case was
13 transferred may apply to the office of state courts administrator for the county to which
14 the case was transferred to be reimbursed from the change of venue for capital cases
15 fund any costs associated with the sequestering of jurors. The costs of reimbursement
16 shall not exceed the then-approved state rates for travel reimbursement for lodging and
17 meals.

18 3. Except as provided under subsection 4 of this section, the office of state courts
19 administrator shall develop an application process and other procedures to determine if
20 a county is eligible for reimbursement under this section. If a county is eligible for
21 reimbursement, the office of state courts administrator shall disburse such moneys to
22 the county as provided under subsection 4 of this section. In the event the amount
23 disbursed is less than the county's actual costs associated with sequestering jurors, the
24 original county shall reimburse the county to which the case was transferred for the
25 difference. If the office of state courts administrator determines a county is not eligible
26 for reimbursement under this section, the county in which the capital case originated
27 shall be responsible for reimbursement.

28 4. Applications for reimbursement shall be submitted by May first of the current
29 fiscal year, and disbursements shall be made by June thirtieth of the current fiscal year.
30 Applications submitted after May first of the current fiscal year shall be reimbursed in
31 the following fiscal year. If the total dollar amount of the claims in a given year exceeds
32 the amount of moneys in the fund in the same year, the claims shall be reimbursed on a
33 pro rata basis.

34 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is
35 created under the authority delegated in this section shall become effective only if it
36 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
37 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
38 vested with the general assembly pursuant to chapter 536 to review, to delay the
39 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
40 then the grant of rulemaking authority and any rule proposed or adopted after August
41 28, 2023, shall be invalid and void.

556.021. 1. An infraction does not constitute a criminal offense and conviction of an
2 infraction shall not give rise to any disability or legal disadvantage based on conviction of a
3 criminal offense.

4 2. Except as otherwise provided by law, the procedure for infractions shall be the
5 same as for a misdemeanor.

6 3. If a person fails to appear in court either solely for an infraction or for an infraction
7 which is committed in the same course of conduct as a criminal offense for which the person
8 is charged, or if a person fails to respond to notice of an infraction from the central violations
9 bureau established in section 476.385, the court may issue a default judgment for court costs
10 and fines for the infraction which shall be enforced in the same manner as other default
11 judgments, including enforcement under sections 488.5028 and 488.5030, unless the court
12 determines that good cause or excusable neglect exists for the person's failure to appear for
13 the infraction. The notice of entry of default judgment and the amount of fines and costs
14 imposed shall be sent to the person by first class mail. The default judgment may be set aside
15 for good cause if the person files a motion to set aside the judgment within six months of the
16 date the notice of entry of default judgment is mailed.

17 4. Notwithstanding subsection 3 of this section or any provisions of law to the
18 contrary, a court may issue a warrant for failure to appear for any violation ~~[which]~~ **that** is
19 classified **or charged** as an infraction; **except that, a court shall not issue a warrant for**
20 **failure to appear for any violation that is classified or charged as an infraction under**
21 **chapter 307.**

22 5. Judgment against the defendant for an infraction shall be in the amount of the fine
23 authorized by law and the court costs for the offense.

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

4 2. Such person shall receive credit toward the service of a sentence of imprisonment
5 for all time in prison, jail or custody after ~~[conviction]~~ **the offense occurred** and before the
6 commencement of the sentence, when the time in custody was related to that offense~~[-and]~~.
7 **This credit shall be based upon the certification of the sheriff as provided in subdivision**
8 **(3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a**
9 **sheriff or other custodial officer from another jurisdiction having held the person on the**
10 **charge of the offense for which the sentence of imprisonment is ordered.** The circuit
11 court may, when pronouncing sentence, award **additional** credit for time spent in prison, jail,
12 or custody after the offense occurred and before ~~[conviction]~~ **the commencement of the**
13 **sentence** toward the service of the sentence of imprisonment **for those offenses for which**
14 **the person was incarcerated but for whom no detainer or warrant was served,** except:

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

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

19 (3) As provided in section 559.100.

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

24 4. If a person convicted of an offense escapes from custody, such escape shall
25 interrupt the sentence. The interruption shall continue until such person is returned to the
26 correctional center where the sentence was being served, or in the case of a person committed
27 to the custody of the department of corrections, to any correctional center operated by the
28 department of corrections. An escape shall also interrupt the jail time credit to be applied to a
29 sentence which had not commenced when the escape occurred.

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

34 6. If a person released from imprisonment on parole or serving a conditional release
35 term violates any of the conditions of his or her parole or release, he or she may be treated as
36 a parole violator. If the parole board revokes the parole or conditional release, the paroled
37 person shall serve the remainder of the prison term and conditional release term, as an
38 additional prison term, and the conditionally released person shall serve the remainder of the
39 conditional release term as a prison term, unless released on parole.

40 7. Subsection 2 of this section shall be applicable to offenses occurring on or after
41 August 28, 2021.

566.151. 1. A person twenty-one years of age or older commits the offense of
2 enticement of a child if he or she persuades, solicits, coaxes, entices, or lures whether by
3 words, actions or through communication via the internet or any electronic communication,
4 any person who is less than ~~fifteen~~ **seventeen** years of age for the purpose of engaging in
5 sexual conduct.

6 2. It is not a defense to a prosecution for a violation of this section that the other
7 person was a peace officer masquerading as a minor.

8 3. Enticement of a child or an attempt to commit enticement of a child is a felony for
9 which the authorized term of imprisonment shall be not less than five years and not more than
10 thirty years. No person convicted under this section shall be eligible for parole, probation,

11 conditional release, or suspended imposition or execution of sentence for a period of five
12 calendar years.

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

2 (1) Pursuant to a prior understanding, gives something of value to another person as
3 compensation for having engaged in sexual conduct with any person; or

4 (2) Gives or agrees to give something of value to another person with the
5 understanding that such person or another person will engage in sexual conduct with any
6 person; or

7 (3) Solicits or requests another person to engage in sexual conduct with any person in
8 return for something of value.

9 2. It shall not be a defense that the person believed that the individual he or she
10 patronized for prostitution was eighteen years of age or older.

11 3. The offense of patronizing prostitution is a class B misdemeanor, unless the
12 individual who the person patronizes is less than eighteen years of age but older than
13 ~~fourteen~~ **fifteen** years of age, in which case patronizing prostitution is a class E felony.

14 4. The offense of patronizing prostitution is a class ~~D~~ **B** felony if the individual who
15 the person patronizes is ~~fourteen~~ **fifteen** years of age or younger. Nothing in this section
16 shall preclude the prosecution of an individual for the offenses of:

17 (1) Statutory rape in the first degree pursuant to section 566.032;

18 (2) Statutory rape in the second degree pursuant to section 566.034;

19 (3) Statutory sodomy in the first degree pursuant to section 566.062; or

20 (4) Statutory sodomy in the second degree pursuant to section 566.064.

569.010. As used in this chapter the following terms mean:

2 (1) "Cave or cavern", any naturally occurring subterranean cavity enterable by a
3 person including, without limitation, a pit, pothole, natural well, grotto, and tunnel, whether
4 or not the opening has a natural entrance;

5 (2) "Enter unlawfully or remain unlawfully", a person enters or remains in or upon
6 premises when he or she is not licensed or privileged to do so. A person who, regardless of
7 his or her purpose, enters or remains in or upon premises which are at the time open to the
8 public does so with license and privilege unless he or she defies a lawful order not to enter or
9 remain, personally communicated to him or her by the owner of such premises or by other
10 authorized person. A license or privilege to enter or remain in a building which is only partly
11 open to the public is not a license or privilege to enter or remain in that part of the building
12 which is not open to the public;

13 (3) "Nuclear power plant", a power generating facility that produces electricity by
14 means of a nuclear reactor owned by a utility or a consortium utility. Nuclear power plant
15 shall be limited to property within the structure or fenced yard, as defined in section 563.011;

16 (4) "Teller machine", an automated teller machine (ATM) or interactive teller
17 machine (ITM) that is a remote computer terminal or other device owned or controlled
18 by a financial institution or a private business that allows individuals to obtain financial
19 services, including obtaining cash, transferring or transmitting moneys or digital
20 currencies, payment of bills, or loading moneys or digital currency to a payment card,
21 without physical in-person assistance from another person. "Teller machine" does not
22 include personally owned electronic devices used to access financial services;

23 (5) "To tamper", to interfere with something improperly, to meddle with it, displace it,
24 make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner
25 or possessor of that thing;

26 [~~5~~] (6) "Utility", an enterprise which provides gas, electric, steam, water, sewage
27 disposal, or communication, video, internet, or voice over internet protocol services, and any
28 common carrier. It may be either publicly or privately owned or operated.

569.100. 1. A person commits the offense of property damage in the first degree if
2 such person:

3 (1) Knowingly damages property of another to an extent exceeding seven hundred
4 fifty dollars; or

5 (2) Damages property to an extent exceeding seven hundred fifty dollars for the
6 purpose of defrauding an insurer; [~~or~~]

7 (3) Knowingly damages a motor vehicle of another and the damage occurs while such
8 person is making entry into the motor vehicle for the purpose of committing the crime of
9 stealing therein or the damage occurs while such person is committing the crime of stealing
10 within the motor vehicle; or

11 (4) **Knowingly damages, modifies, or destroys a teller machine or otherwise**
12 **makes it inoperable.**

13 2. The offense of property damage in the first degree committed under subdivision (1)
14 or (2) of subsection 1 of this section is a class E felony, unless the offense of property damage
15 in the first degree was committed under subdivision (1) of subsection 1 of this section and the
16 victim was intentionally targeted as a law enforcement officer, as defined in section 556.061,
17 or the victim is targeted because he or she is a relative within the second degree of
18 consanguinity or affinity to a law enforcement officer, in which case it is a class D felony.
19 The offense of property damage in the first degree committed under subdivision (3) of
20 subsection 1 of this section is a class D felony unless committed as a second or subsequent
21 violation of subdivision (3) of subsection 1 of this section in which case it is a class B felony.
22 **The offense of property damage in the first degree committed under subdivision (4) of**
23 **subsection 1 of this section is a class D felony unless committed for the purpose of**
24 **executing any scheme or artifice to defraud or obtain any property, the value of which**

25 **exceeds seven hundred fifty dollars or the damage to the teller machine exceeds seven**
26 **hundred fifty dollars in which case it is a class C felony; except that, if the offense of**
27 **property damage in the first degree committed under subdivision (4) of subsection 1 of**
28 **this section is committed to obtain the personal financial credentials of another person**
29 **or committed as a second or subsequent violation of subdivision (4) of subsection 1 of**
30 **this section, the offense of property damage in the first degree is a class B felony.**

570.010. As used in this chapter, the following terms mean:

- 2 (1) "Adulterated", varying from the standard of composition or quality prescribed by
3 statute or lawfully promulgated administrative regulations of this state lawfully filed, or if
4 none, as set by commercial usage;
- 5 (2) "Appropriate", to take, obtain, use, transfer, conceal, retain or dispose;
- 6 (3) "Check", a check or other similar sight order or any other form of presentment
7 involving the transmission of account information for the payment of money;
- 8 (4) "Coercion", a threat, however communicated:
 - 9 (a) To commit any offense; or
 - 10 (b) To inflict physical injury in the future on the person threatened or another; or
 - 11 (c) To accuse any person of any offense; or
 - 12 (d) To expose any person to hatred, contempt or ridicule; or
 - 13 (e) To harm the credit or business reputation of any person; or
 - 14 (f) To take or withhold action as a public servant, or to cause a public servant to take
15 or withhold action; or
 - 16 (g) To inflict any other harm which would not benefit the actor. A threat of
17 accusation, lawsuit or other invocation of official action is justified and not coercion if the
18 property sought to be obtained by virtue of such threat was honestly claimed as restitution or
19 indemnification for harm done in the circumstances to which the accusation, exposure,
20 lawsuit or other official action relates, or as compensation for property or lawful service. The
21 defendant shall have the burden of injecting the issue of justification as to any threat;
- 22 (5) "Credit device", a writing, card, code, number or other device purporting to
23 evidence an undertaking to pay for property or services delivered or rendered to or upon the
24 order of a designated person or bearer;
- 25 (6) "Dealer", a person in the business of buying and selling goods;
- 26 (7) "Debit device", a writing, card, code, number or other device, other than a check,
27 draft or similar paper instrument, by the use of which a person may initiate an electronic fund
28 transfer, including but not limited to devices that enable electronic transfers of benefits to
29 public assistance recipients;
- 30 (8) "Deceit or deceive", making a representation which is false and which the actor
31 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,

32 intention or other state of mind, or concealing a material fact as to the terms of a contract or
33 agreement. The term "deceit" does not, however, include falsity as to matters having no
34 pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the
35 group addressed. Deception as to the actor's intention to perform a promise shall not be
36 inferred from the fact alone that he did not subsequently perform the promise;

37 (9) "Deprive":

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

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

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

42 (10) "Electronic benefits card" or "EBT card", a debit card used to access food stamps
43 or cash benefits issued by the department of social services;

44 (11) "Financial institution", a bank, trust company, savings and loan association, or
45 credit union;

46 (12) "Food stamps", the nutrition assistance program in Missouri that provides food
47 and aid to low-income individuals who are in need of benefits to purchase food operated by
48 the United States Department of Agriculture (USDA) in conjunction with the department of
49 social services;

50 (13) "Forcibly steals", a person, in the course of stealing, uses or threatens the
51 immediate use of physical force upon another person for the purpose of:

52 (a) Preventing or overcoming resistance to the taking of the property or to the
53 retention thereof immediately after the taking; or

54 (b) Compelling the owner of such property or another person to deliver up the
55 property or to engage in other conduct which aids in the commission of the theft;

56 (14) "Internet service", an interactive computer service or system or an information
57 service, system, or access software provider that provides or enables computer access by
58 multiple users to a computer server, and includes, but is not limited to, an information service,
59 system, or access software provider that provides access to a network system commonly
60 known as the internet, or any comparable system or service and also includes, but is not
61 limited to, a world wide web page, newsgroup, message board, mailing list, or chat area on
62 any interactive computer service or system or other online service;

63 (15) "Means of identification", anything used by a person as a means to uniquely
64 distinguish himself or herself;

65 (16) "Merchant", a person who deals in goods of the kind or otherwise by his or her
66 occupation holds oneself out as having knowledge or skill peculiar to the practices or goods
67 involved in the transaction or to whom such knowledge or skill may be attributed by his or

68 her employment of an agent or broker or other intermediary who by his or her occupation
69 holds oneself out as having such knowledge or skill;

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

74 (18) "Pharmacy", any building, warehouse, physician's office, hospital,
75 pharmaceutical house or other structure used in whole or in part for the sale, storage, or
76 dispensing of any controlled substance as defined in chapter 195;

77 (19) "Property", anything of value, whether real or personal, tangible or intangible, in
78 possession or in action, and shall include but not be limited to the evidence of a debt actually
79 executed but not delivered or issued as a valid instrument;

80 (20) "Public assistance benefits", anything of value, including money, food, EBT
81 cards, food stamps, commodities, clothing, utilities, utilities payments, shelter, drugs and
82 medicine, materials, goods, and any service including institutional care, medical care, dental
83 care, child care, psychiatric and psychological service, rehabilitation instruction, training,
84 transitional assistance, or counseling, received by or paid on behalf of any person under
85 chapters 198, 205, 207, 208, 209, and 660, or benefits, programs, and services provided or
86 administered by the Missouri department of social services or any of its divisions;

87 (21) "Services" includes transportation, telephone, electricity, gas, water, or other
88 public service, cable television service, video service, voice over internet protocol service, or
89 internet service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions
90 and use of vehicles;

91 (22) "Stealing-related offense", federal and state violations of criminal statutes
92 against stealing, robbery, or buying or receiving stolen property and shall also include
93 municipal ordinances against the same if the offender was either represented by counsel or
94 knowingly waived counsel in writing and the judge accepting the plea or making the findings
95 was a licensed attorney at the time of the court proceedings;

96 (23) **"Teller machine", an automated teller machine (ATM) or interactive teller**
97 **machine (ITM) that is a remote computer terminal or other device owned or controlled**
98 **by a financial institution or a private business that allows individuals to obtain financial**
99 **services, including obtaining cash, transferring or transmitting moneys or digital**
100 **currencies, payment of bills, or loading moneys or digital currency to a payment card,**
101 **without physical in-person assistance from another person. "Teller machine" does not**
102 **include personally owned electronic devices used to access financial services;**

103 (24) "Video service", the provision of video programming provided through wireline
104 facilities located at least in part in the public right-of-way without regard to delivery

105 technology, including internet protocol technology whether provided as part of a tier, on
106 demand, or a per-channel basis. This definition includes cable service as defined by 47
107 U.S.C. Section 522(6), but does not include any video programming provided by a
108 commercial mobile service provider as "commercial mobile service" is defined in 47 U.S.C.
109 Section 332(d), or any video programming provided solely as part of and via a service that
110 enables users to access content, information, electronic mail, or other services offered over
111 the public internet, and includes microwave television transmission, from a multipoint
112 distribution service not capable of reception by conventional television receivers without the
113 use of special equipment;

114 ~~[(24)]~~ **(25)** "Voice over internet protocol service", a service that:

115 (a) Enables real-time, two-way voice communication;

116 (b) Requires a broadband connection from the user's location;

117 (c) Requires internet protocol-compatible customer premises equipment; and

118 (d) Permits users generally to receive calls that originate on the public switched
119 telephone network and to terminate calls to the public switched telephone network;

120 ~~[(25)]~~ **(26)** "Writing" includes printing, any other method of recording information,
121 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks
122 and 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
3 her 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
6 or coercion; or

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

10 2. The offense of stealing is a class A felony if the property appropriated consists of
11 any of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer,
12 rail 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
18 conservation commission, and the value of the animal or animals appropriated exceeds three
19 thousand dollars and that person has previously been found guilty of appropriating any animal

20 considered livestock or captive wildlife held under permit issued by the conservation
21 commission. Notwithstanding any provision of law to the contrary, such person shall serve a
22 minimum prison term of not less than eighty percent of his or her sentence before he or she is
23 eligible for probation, parole, conditional release, or other early release by the department of
24 corrections;

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

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

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

35 4. The offense of stealing is a class C felony if the value of the property or services
36 appropriated is twenty-five thousand dollars or more **or the property is a teller machine or**
37 **the contents of a teller machine, including cash, regardless of the value or amount.**

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

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

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

43 (3) The property appropriated consists of:

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

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

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

47 (d) Any firearms;

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

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

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

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

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

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

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

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

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

61 (n) Ammonium nitrate;

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

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

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

70 (1) The property appropriated is an animal;

71 (2) The property is a catalytic converter; or

72 (3) A person has previously been found guilty of three stealing-related offenses
73 committed on three separate occasions where such offenses occurred within ten years of the
74 date of occurrence of the present offense.

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

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

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

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

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

**570.212. 1. As used in this section, "mail" means a letter, postal card, package,
2 bag, or other sealed article that:**

3 **(1) Is delivered by a common carrier or delivery service and not yet received by**
4 **the addressee; or**

5 **(2) Has been left to be collected for delivery by a common carrier or delivery**
6 **service.**

7 **2. A person commits the offense of mail theft if the person purposefully**
8 **appropriates mail from another person's mailbox or premises without consent of the**
9 **addressee and with intent to deprive such addressee of the mail.**

10 **3. The offense of mail theft is a class A misdemeanor for a first offense and a**
11 **class E felony for any second or subsequent offense.**

 575.205. 1. A person commits the offense of tampering with electronic monitoring
2 equipment if he or she intentionally removes, alters, tampers with, damages, [∅] destroys,
3 **fails to charge, or otherwise disables** electronic monitoring equipment which a court, the
4 division of probation and parole or the parole board has required such person to wear.

5 2. This section does not apply to the owner of the equipment or an agent of the owner
6 who is performing ordinary maintenance or repairs on the equipment.

7 3. The offense of tampering with electronic monitoring equipment is a class D felony.

8 **4. The offense of tampering with electronic monitoring equipment if a person**
9 **fails to charge or otherwise disables electronic monitoring equipment is a class E felony,**
10 **unless the offense for which the person was placed on electronic monitoring was a**
11 **misdemeanor, in which case it is a class A misdemeanor.**

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

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

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

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

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

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

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

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

 589.401. 1. A person on the sexual offender registry may file a petition in the
2 division of the circuit court in the county or city not within a county in which the offense
3 requiring registration was committed to have his or her name removed from the sexual
4 offender registry.

5 2. A person who is required to register in this state because of an offense that was
6 adjudicated in another jurisdiction shall file his or her petition for removal according to the
7 laws of the state, **federal**, territory, tribal, or military jurisdiction, the District of Columbia, or
8 foreign country in which his or her offense was adjudicated. Upon the grant of the petition
9 for removal in the jurisdiction where the offense was adjudicated, such judgment may be
10 registered in this state by sending the information required under subsection 5 of this section
11 as well as one authenticated copy of the order granting removal from the sexual offender
12 registry in the jurisdiction where the offense was adjudicated to the court in the county or city
13 not within a county in which the offender is required to register. On receipt of a request for
14 registration removal, the registering court shall cause the order to be filed as a foreign
15 judgment, together with one copy of the documents and information, regardless of their form.
16 The petitioner shall be responsible for costs associated with filing the petition.

17 3. A person required to register:

18 (1) As a tier III offender;

19 (2) **Under subdivision (7) of subsection 1 of section 589.400; or**

20 (3) **As a result of an offense that is sexual in nature committed against a minor or**
21 **against an incapacitated person as defined under section 475.010**

22

23 shall not file a petition under this section unless the requirement to register results from a
24 juvenile adjudication.

25 4. The petition shall be dismissed without prejudice if the following time periods
26 have not elapsed since the date the person was required to register for his or her most recent
27 offense under sections 589.400 to 589.425:

28 (1) For a tier I offense, ten years;

29 (2) For a tier II offense, twenty-five years; or

30 (3) For a tier III offense adjudicated delinquent, twenty-five years.

31 5. The petition shall be dismissed without prejudice if it fails to include any of the
32 following:

33 (1) The petitioner's:

- 34 (a) Full name, including any alias used by the individual;
35 (b) Sex;
36 (c) Race;
37 (d) Date of birth;
38 (e) Last four digits of the Social Security number;
39 (f) Address; and
40 (g) Place of employment, school, or volunteer status;
- 41 (2) The offense and tier of the offense that required the petitioner to register;
42 (3) The date the petitioner was adjudicated for the offense;
43 (4) The date the petitioner was required to register;
44 (5) The case number and court, including the county or city not within a county, that
45 entered the original order for the adjudicated sex offense;
46 (6) Petitioner's fingerprints on an applicant fingerprint card;
47 (7) If the petitioner was pardoned or an offense requiring registration was reversed,
48 vacated, or set aside, an authenticated copy of the order; and
49 (8) If the petitioner is currently registered under applicable law and has not been
50 adjudicated for failure to register in any jurisdiction and does not have any charges pending
51 for failure to register.
- 52 6. The petition shall name as respondents the Missouri state highway patrol and the
53 chief law enforcement official in the county or city not within a county in which the petition
54 is filed.
- 55 7. All proceedings under this section shall be governed under the Missouri supreme
56 court rules of civil procedure.
- 57 8. The person seeking removal or exemption from the registry shall provide the
58 prosecuting attorney in the circuit court in which the petition is filed with notice of the
59 petition. The prosecuting attorney may present evidence in opposition to the requested relief
60 or may otherwise demonstrate the reasons why the petition should be denied. Failure of the
61 person seeking removal or exemption from the registry to notify the prosecuting attorney of
62 the petition shall result in an automatic denial of such person's petition.
- 63 9. The prosecuting attorney in the circuit court in which the petition is filed shall have
64 access to all applicable records concerning the petitioner including, but not limited to,
65 criminal history records, mental health records, juvenile records, and records of the
66 department of corrections or probation and parole.
- 67 10. The prosecuting attorney shall make reasonable efforts to notify the victim of the
68 crime for which the person was required to register of the petition and the dates and times of
69 any hearings or other proceedings in connection with such petition.

70 11. The court shall not enter an order directing the removal of the petitioner's name
71 from the sexual offender registry unless it finds the petitioner:

72 (1) Has not been adjudicated or does not have charges pending for any additional
73 nonsexual offense for which imprisonment for more than one year may be imposed since the
74 date the offender was required to register for his or her current tier level;

75 (2) Has not been adjudicated or does not have charges pending for any additional sex
76 offense that would require registration under sections 589.400 to 589.425 since the date the
77 offender was required to register for his or her current tier level, even if the offense was
78 punishable by less than one year imprisonment;

79 (3) Has successfully completed any required periods of supervised release, probation,
80 or parole without revocation since the date the offender was required to register for his or her
81 current tier level;

82 (4) Has successfully completed an appropriate sex offender treatment program as
83 approved by a court of competent jurisdiction or the Missouri department of corrections; and

84 (5) Is not a current or potential threat to public safety.

85 12. In order to meet the criteria required by subdivisions (1) and (2) of subsection 11
86 of this section, the fingerprints filed in the case shall be examined by the Missouri state
87 highway patrol. The petitioner shall be responsible for all costs associated with the
88 fingerprint-based criminal history check of both state and federal files under section 43.530.

89 13. If the petition is denied due to an adjudication in violation of subdivision (1) or
90 (2) of subsection 11 of this section, the petitioner shall not file a new petition under this
91 section until:

92 (1) Fifteen years have passed from the date of the adjudication resulting in the denial
93 of relief if the petitioner is classified as a tier I offender;

94 (2) Twenty-five years have passed from the date of adjudication resulting in the
95 denial of relief if the petitioner is classified as a tier II offender; or

96 (3) Twenty-five years have passed from the date of the adjudication resulting in the
97 denial of relief if the petitioner is classified as a tier III offender on the basis of a juvenile
98 adjudication.

99 14. If the petition is denied due to the petitioner having charges pending in violation
100 of subdivision (1) or (2) of subsection 11 of this section, the petitioner shall not file a new
101 petition under this section until:

102 (1) The pending charges resulting in the denial of relief have been finally disposed of
103 in a manner other than adjudication; or

104 (2) If the pending charges result in an adjudication, the necessary time period has
105 elapsed under subsection 13 of this section.

106 15. If the petition is denied for reasons other than those outlined in subsection 11 of
107 this section, no successive petition requesting such relief shall be filed for at least five years
108 from the date the judgment denying relief is entered.

109 16. If the court finds the petitioner is entitled to have his or her name removed from
110 the sexual offender registry, the court shall enter judgment directing the removal of the name.
111 A copy of the judgment shall be provided to the respondents named in the petition.

112 17. Any person subject to the judgment requiring his or her name to be removed from
113 the sexual offender registry is not required to register under sections 589.400 to 589.425
114 unless such person is required to register for an offense that was different from that listed on
115 the judgment of removal.

116 18. The court shall not deny the petition unless the petition failed to comply with the
117 provisions of sections 589.400 to 589.425 or the prosecuting attorney provided evidence
118 demonstrating the petition should be denied.

 589.403. 1. Any person who is required to register under sections 589.400 to 589.425
2 and who is paroled, discharged, or otherwise released from any correctional facility of the
3 department of corrections, any mental health institution, private jail under section 221.095, or
4 other private facility recognized by or contracted with the department of corrections or
5 department of mental health where such person was confined shall:

6 (1) If the person plans to reside in this state, be informed by the official in charge of
7 such correctional facility, private jail, or mental health institution of the person's possible duty
8 to register pursuant to sections 589.400 to 589.425. If such person is required to register
9 pursuant to sections 589.400 to 589.425, the official in charge of the correctional facility,
10 private jail, or the mental health institution shall complete the initial registration notification
11 at least seven days prior to release and forward the offender's registration, within three
12 business days of release, to the Missouri state highway patrol and the chief law enforcement
13 official of the county or city not within a county where the person expects to reside upon
14 discharge, parole, or release; or

15 (2) If the person does not reside or plan to reside in Missouri, be informed by the
16 official in charge of such correctional facility, private jail, or mental health institution of the
17 person's possible duty to register under sections 589.400 to 589.425. If such person is
18 required to register under sections 589.400 to 589.425, the official in charge of the
19 correctional facility, private jail, or the mental health institution shall complete the initial
20 registration notification at least seven days prior to release and forward the offender's
21 registration, within three business days of release, to the Missouri state highway patrol and
22 the chief law enforcement official within the county or city not within a county where the
23 correctional facility, private jail, or mental health institution is located.

24 **2. If the person is currently a registered sex offender in Missouri, upon release of**
 25 **the offender from any correctional facility of the department of corrections, any mental**
 26 **health institution, a private jail under section 221.095, or other private facility**
 27 **recognized by or contracted with the department of corrections or department of mental**
 28 **health where such person was confined, the official in charge of such correctional**
 29 **facility, mental health institution, or private jail shall inform the chief law enforcement**
 30 **official of the county or city not within a county where the offender is registered of the**
 31 **offender's release.**

32 **3. If the offender refuses to complete and sign the registration information as outlined**
 33 **in this section or fails to register with the chief law enforcement official within three business**
 34 **days as directed, the offender commits the offense of failure to register under section 589.425**
 35 **within the jurisdiction where the correctional facility, private jail, or mental health institution**
 36 **is located.**

37 **4. When any person is incarcerated in any jail, municipal detention facility,**
 38 **correctional facility of the department of corrections, private jail under section 221.095,**
 39 **or other private facility contracted with the department of corrections, or any person is**
 40 **committed to the department of mental health or a mental health institution, the official**
 41 **in charge of such jail, detention facility, correctional facility, private jail, private facility,**
 42 **or mental health institution shall complete a check to see if the person is currently a**
 43 **registered sex offender in Missouri. If the person is a registered sex offender in**
 44 **Missouri, such official in charge shall inform the chief law enforcement official of the**
 45 **county or city not within a county where the offender is registered of the incarceration.**
 46 **If the person incarcerated is a registered sex offender, the chief law enforcement official**
 47 **of the county or city not within a county where the offender is registered shall ensure the**
 48 **offender's status is properly updated in the Missouri sex offender registry.**

589.410. The chief law enforcement official of a county or city not within a county
 2 shall ~~[forward]~~ enter the completed offender registration ~~[form to the Missouri state highway~~
 3 ~~patrol]~~ into the Missouri state highway patrol's sex offender registration system within
 4 three days. ~~[The patrol]~~ Such registration shall ~~[enter the information]~~ be entered into the
 5 Missouri uniform law enforcement system (MULES). The Missouri state highway patrol
 6 shall ensure the information entered into the Missouri sex offender registry is forwarded
 7 to the National Crime Information Center (NCIC) where it is available to members of the
 8 criminal justice system, and other entities as provided by law, upon inquiry.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall,
 2 within three business days, appear in person to the chief law enforcement officer of the
 3 county or city not within a county if there is a change to any of the following information:

4 (1) Name;

5 (2) Residence;

6 (3) Employment, including status as a volunteer or intern;

7 (4) Student status; or

8 (5) A termination to any of the items listed in this subsection.

9 2. Any person required to register under sections 589.400 to 589.425 shall, within
10 three business days, notify the chief law enforcement official of the county or city not within
11 a county of any changes to the following information:

12 (1) Vehicle information;

13 (2) Temporary lodging information;

14 (3) Temporary residence information;

15 (4) Email addresses, instant messaging addresses, and any other designations used in
16 internet communications, postings, or telephone communications; or

17 (5) Telephone or other cellular number, including any new forms of electronic
18 communication.

19 3. The chief law enforcement official in the county or city not within a county shall
20 immediately ~~[forward]~~ **enter** the registration changes described under subsections 1 and 2 of
21 this section ~~[to]~~ **into** the Missouri state highway ~~[patrol]~~ **patrol's sex offender registration**
22 **system** within three business days.

23 4. If any person required by sections 589.400 to 589.425 to register changes such
24 person's residence or address to a different county or city not within a county, the person shall
25 appear in person and shall inform both the chief law enforcement official with whom the
26 person last registered and the chief law enforcement official of the county or city not within a
27 county having jurisdiction over the new residence or address in writing within three business
28 days of such new address and phone number, if the phone number is also changed. If any
29 person required by sections 589.400 to 589.425 to register changes his or her state, territory,
30 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
31 residence, the person shall appear in person and shall inform both the chief law enforcement
32 official with whom the person was last registered and the chief law enforcement official of the
33 area in the new state, territory, the District of Columbia, or foreign country, or federal, tribal,
34 or military jurisdiction having jurisdiction over the new residence or address within three
35 business days of such new address. ~~[Whenever a registrant changes residence, the chief law~~
36 ~~enforcement official of the county or city not within a county where the person was~~
37 ~~previously registered shall inform the Missouri state highway patrol of the change within~~
38 ~~three business days.]~~ When the registrant is changing the residence to a new state, territory,
39 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction, the
40 Missouri state highway patrol shall inform the responsible official in the new state, territory,

41 the District of Columbia, or foreign country, or federal, tribal, or military jurisdiction of
42 residence within three business days.

43 5. Tier I sexual offenders, in addition to the requirements of subsections 1 to 4 of this
44 section, shall report in person to the chief law enforcement official annually in the month of
45 their birth to verify the information contained in their statement made pursuant to section
46 589.407. Tier I sexual offenders include:

47 (1) Any offender who has been adjudicated for the offense of:

48 (a) Sexual abuse in the first degree under section 566.100 if the victim is eighteen
49 years of age or older;

50 (b) ~~[Sexual misconduct involving a child under section 566.083 if it is a first offense~~
51 ~~and the punishment is less than one year;~~

52 ~~(e)]~~ Sexual abuse in the second degree under section 566.101 if the punishment is less
53 than a year;

54 ~~[(d)]~~ (c) Kidnapping in the second degree under section 565.120 with sexual
55 motivation;

56 ~~[(e)]~~ (d) Kidnapping in the third degree under section 565.130;

57 ~~[(f)]~~ (e) Sexual conduct with a nursing facility resident or vulnerable person in the
58 first degree under section 566.115 if ~~[the punishment is less than one year]~~ **the offense is a**
59 **misdemeanor;**

60 ~~[(g)]~~ (f) Sexual conduct under section 566.116 with a nursing facility resident or
61 vulnerable person;

62 ~~[(h)]~~ (g) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of public**
63 **duty** under section 566.145 if the victim is eighteen years of age or older;

64 ~~[(i)]~~ (h) Sex with an animal under section 566.111;

65 ~~[(j)]~~ (i) Trafficking for the purpose of sexual exploitation under section 566.209 if the
66 victim is eighteen years of age or older;

67 ~~[(k)]~~ (j) Possession of child pornography under section 573.037;

68 ~~[(l)]~~ (k) Sexual misconduct in the first degree under section 566.093;

69 ~~[(m)]~~ (l) Sexual misconduct in the second degree under section 566.095;

70 ~~[(n)]~~ ~~Child molestation in the second degree under section 566.068 as it existed prior~~
71 ~~to January 1, 2017, if the punishment is less than one year;~~ or

72 ~~[(o)]~~ (m) Invasion of privacy under section 565.252 if the victim is less than eighteen
73 years of age;

74 (2) Any offender who is or has been adjudicated in any other state, territory, the
75 District of Columbia, or foreign country, or under federal, tribal, or military jurisdiction of an
76 offense of a sexual nature or with a sexual element that is comparable to the tier I sexual
77 offenses listed in this subsection or, if not comparable to those in this subsection, comparable

78 to those described as tier I offenses under the Sex Offender Registration and Notification Act,
79 Title I of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

80 6. Tier II sexual offenders, in addition to the requirements of subsections 1 to 4 of this
81 section, shall report semiannually in person in the month of their birth and six months
82 thereafter to the chief law enforcement official to verify the information contained in their
83 statement made pursuant to section 589.407. Tier II sexual offenders include:

84 (1) Any offender who has been adjudicated for the offense of[~~]:~~

85 ~~(a) Statutory sodomy in the second degree under section 566.064 if the victim is~~
86 ~~sixteen to seventeen years of age;~~

87 ~~(b) Child molestation in the third degree under section 566.069 if the victim is~~
88 ~~between thirteen and fourteen years of age;~~

89 ~~(c) Sexual contact with a student under section 566.086 if the victim is thirteen to~~
90 ~~seventeen years of age;~~

91 ~~(d) Enticement of a child under section 566.151;~~

92 ~~(e) Abuse of a child under section 568.060 if the offense is of a sexual nature and the~~
93 ~~victim is thirteen to seventeen years of age;~~

94 ~~(f) Sexual exploitation of a minor under section 573.023;~~

95 ~~(g) Promoting child pornography in the first degree under section 573.025;~~

96 ~~(h) Promoting child pornography in the second degree under section 573.035;~~

97 ~~(i) patronizing prostitution under section 567.030[;]~~

98 ~~(j) Sexual contact with a prisoner or offender under section 566.145 if the victim is~~
99 ~~thirteen to seventeen years of age;~~

100 ~~(k) Child molestation in the fourth degree under section 566.071 if the victim is~~
101 ~~thirteen to seventeen years of age;~~

102 ~~(l) Sexual misconduct involving a child under section 566.083 if it is a first offense~~
103 ~~and the penalty is a term of imprisonment of more than a year; or~~

104 ~~(m) Age misrepresentation with intent to solicit a minor under section 566.153[;]~~

105 (2) Any person who is adjudicated of an offense comparable to a tier I offense listed
106 in this section or failure to register offense under section 589.425 or comparable out-of-state
107 failure to register offense **or a violation of a restriction under section 566.147, 566.148,**
108 **566.149, 566.150, 566.155, or 589.426** and who is already required to register as a tier I
109 offender due to having been adjudicated of a tier I offense on a previous occasion; or

110 (3) Any person who is or has been adjudicated in any other state, territory, the District
111 of Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense
112 of a sexual nature or with a sexual element that is comparable to the tier II sexual offenses
113 listed in this subsection or, if not comparable to those in this subsection, comparable to those

114 described as tier II offenses under the Sex Offender Registration and Notification Act, Title I
115 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248.

116 7. Tier III sexual offenders, in addition to the requirements of subsections 1 to 4 of
117 this section, shall report in person to the chief law enforcement official every ninety days to
118 verify the information contained in their statement made under section 589.407. Tier III
119 sexual offenders include:

120 (1) Any offender registered as a predatory sexual offender ~~[as defined in section~~
121 ~~566.123]~~ or a persistent sexual offender as defined in section ~~[566.124]~~ **566.125**;

122 (2) Any offender who has been adjudicated for the crime of:

123 (a) Rape in the first degree under section 566.030;

124 (b) Statutory rape in the first degree under section 566.032;

125 (c) Rape in the second degree under section 566.031;

126 (d) **Statutory rape in the second degree under section 566.034**;

127 (e) Endangering the welfare of a child in the first degree under section 568.045 if the
128 offense is sexual in nature;

129 ~~[(e)]~~ (f) Sodomy in the first degree under section 566.060;

130 ~~[(f)]~~ (g) Statutory sodomy under section 566.062;

131 ~~[(g)]~~ (h) Statutory sodomy under section 566.064 ~~[if the victim is under sixteen years~~
132 ~~of age]~~;

133 ~~[(h)]~~ (i) Sodomy in the second degree under section 566.061;

134 ~~[(i)]~~ (j) Sexual misconduct involving a child under section 566.083 ~~[if the offense is a~~
135 ~~second or subsequent offense]~~;

136 ~~[(j)]~~ (k) Sexual abuse in the first degree under section 566.100 ~~[if the victim is under~~
137 ~~thirteen years of age]~~;

138 ~~[(k)]~~ (l) **Age misrepresentation with intent to solicit a minor under section**
139 **566.153**;

140 (m) **Enticement of a child under section 566.151**;

141 (n) Kidnapping in the first degree under section 565.110 if the victim is under
142 eighteen years of age, excluding kidnapping by a parent or guardian;

143 ~~[(n)]~~ (o) Child kidnapping under section 565.115 **with sexual motivation**;

144 ~~[(m)]~~ (p) Sexual conduct with a nursing facility resident or vulnerable person in the
145 first degree under section 566.115 if ~~[the punishment is greater than a year]~~ **the offense is a**
146 **felony**;

147 ~~[(p)]~~ (q) Incest under section 568.020;

148 ~~[(q)]~~ (r) Endangering the welfare of a child in the first degree under section 568.045
149 with sexual intercourse or deviate sexual intercourse with a victim under eighteen years of
150 age;

- 151 ~~[(p)]~~ (s) Child molestation in the first degree under section 566.067;
- 152 ~~[(q)]~~ (t) Child molestation in the second degree under section 566.068 **or child**
- 153 **molestation in the second degree under section 566.068 as it existed prior to January 1,**
- 154 **2017, if the punishment is less than one year;**
- 155 ~~[(r)]~~ (u) Child molestation in the third degree under section 566.069 if the victim is
- 156 under ~~thirteen~~ **fourteen** years of age;
- 157 ~~[(s)]~~ (v) Promoting prostitution in the first degree under section 567.050 if the victim
- 158 is under eighteen years of age;
- 159 ~~[(t)]~~ (w) Promoting prostitution in the second degree under section 567.060 if the
- 160 victim is under eighteen years of age;
- 161 ~~[(u)]~~ (x) Promoting prostitution in the third degree under section 567.070 if the victim
- 162 is under eighteen years of age;
- 163 ~~[(v)]~~ (y) Promoting travel for prostitution under section 567.085 if the victim is under
- 164 eighteen years of age;
- 165 ~~[(w)]~~ (z) Trafficking for the purpose of sexual exploitation under section 566.209 if
- 166 the victim is under eighteen years of age;
- 167 ~~[(x)]~~ (aa) Sexual trafficking of a child in the first degree under section 566.210;
- 168 ~~[(y)]~~ (bb) Sexual trafficking of a child in the second degree under section 566.211;
- 169 ~~[(z)]~~ (cc) Genital mutilation of a female child under section 568.065;
- 170 ~~[(aa)]~~ (dd) Statutory rape in the second degree under section 566.034;
- 171 ~~[(bb)]~~ (ee) Child molestation in the fourth degree under section 566.071 if the victim
- 172 is under ~~thirteen~~ **seventeen** years of age;
- 173 ~~[(cc)]~~ (ff) Sexual abuse in the second degree under section 566.101 if ~~[the penalty is a~~
- 174 ~~term of imprisonment of more than a year]~~ **the offense is a felony;**
- 175 ~~[(dd)]~~ (gg) Patronizing prostitution under section 567.030 if the offender is a
- 176 persistent offender **or if the victim is under eighteen years of age;**
- 177 ~~[(ee)]~~ (hh) Abuse of a child under section 568.060 if the offense is of a sexual nature
- 178 and the victim is under ~~thirteen~~ **eighteen** years of age;
- 179 ~~[(ff)]~~ (ii) Sexual ~~[contact with a prisoner or offender]~~ **conduct in the course of**
- 180 **public duty** under section 566.145 if the victim is under ~~thirteen~~ **eighteen** years of age;
- 181 ~~[(gg)]~~ ~~Sexual intercourse with a prisoner or offender under section 566.145;~~
- 182 ~~[(hh)]~~ (jj) Sexual contact with a student under section 566.086 if the victim is under
- 183 ~~thirteen~~ **eighteen** years of age;
- 184 **(kk) Sexual exploitation of a minor under section 573.023;**
- 185 **(ll) Promoting child pornography in the first degree under section 573.025;**
- 186 **(mm) Promoting child pornography in the second degree under section 573.035;**
- 187 ~~[(ii)]~~ (nn) Use of a child in a sexual performance under section 573.200; or

188 ~~[(jj)]~~ **(oo)** Promoting a sexual performance by a child under section 573.205;

189 (3) Any offender who is adjudicated ~~[for a crime]~~ **of an offense** comparable to a tier I
190 or tier II offense listed in this section or failure to register offense under section 589.425, or
191 other comparable out-of-state failure to register offense **or a violation of a restriction under**
192 **section 566.147, 566.148, 566.149, 566.150, 566.155, or 589.426**, who has been or is already
193 required to register as a tier II offender because of having been adjudicated for a tier II
194 offense, two tier I offenses, or combination of a tier I offense and failure to register offense,
195 on a previous occasion;

196 (4) Any offender who is adjudicated in any other state, territory, the District of
197 Columbia, or foreign country, or under federal, tribal, or military jurisdiction for an offense of
198 a sexual nature or with a sexual element that is comparable to a tier III offense listed in this
199 section or a tier III offense under the Sex Offender Registration and Notification Act, Title I
200 of the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248; or

201 (5) Any offender who is adjudicated in Missouri for any offense of a sexual nature
202 requiring registration under sections 589.400 to 589.425 that is not classified as a tier I or tier
203 II offense in this section.

204 8. In addition to the requirements of subsections 1 to 7 of this section, all Missouri
205 registrants who work, including as a volunteer or unpaid intern, or attend any school whether
206 public or private, including any secondary school, trade school, professional school, or
207 institution of higher education, on a full-time or part-time basis or have a temporary residence
208 in this state shall be required to report in person to the chief law enforcement officer in the
209 area of the state where they work, including as a volunteer or unpaid intern, or attend any
210 school or training and register in that state. "Part-time" in this subsection means for more
211 than seven days in any twelve-month period.

212 9. If a person who is required to register as a sexual offender under sections 589.400
213 to 589.425 changes or obtains a new online identifier as defined in section 43.651, the person
214 shall report such information in the same manner as a change of residence before using such
215 online identifier.

595.045. 1. There is established in the state treasury the "Crime Victims'
2 Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs
3 in each court proceeding filed in any court in the state in all criminal cases including
4 violations of any county ordinance or any violation of criminal or traffic laws of the state,
5 including an infraction and violation of a municipal ordinance; except that no such fee shall
6 be collected in any proceeding in any court when the proceeding or the defendant has been
7 dismissed by the court or when costs are to be paid by the state, county, or municipality. A
8 surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court

9 proceeding in which a child is found by the court to come within the applicable provisions of
10 subdivision (3) of subsection 1 of section 211.031.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected
12 by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be
13 collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable
14 to the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of
17 public safety to provide financial assistance to defray expenses of crime laboratories if such
18 analytical laboratories are registered with the federal Drug Enforcement Agency or the
19 Missouri department of health and senior services. Subject to appropriations made therefor,
20 such funds shall be distributed by the department of public safety to the crime laboratories
21 serving the courts of this state making analysis of a controlled substance or analysis of blood,
22 breath or urine in relation to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted
24 to the payment of an annual appropriation for the administrative and operational costs of the
25 office for victims of crime and, if a statewide automated crime victim notification system is
26 established pursuant to section 650.310, to the monthly payment of expenditures actually
27 incurred in the operation of such system. Additional remaining funds shall be subject to the
28 following provisions:

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to
31 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
32 excluding sections 595.050 and 595.055;

33 (2) Beginning on September 1, 2004, and on the first of each month, the director of
34 revenue or the director's designee shall deposit fifty percent of the balance of funds available
35 to the credit of the crime victims' compensation fund and fifty percent to the services to
36 victims' fund established in section 595.100.

37 5. The director of revenue or such director's designee shall at least monthly report the
38 moneys paid pursuant to this section into the crime victims' compensation fund and the
39 services to victims fund to the department of public safety.

40 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
41 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five
42 percent of such moneys shall be payable to the city treasury of the city from which such funds
43 were collected. The remaining ninety-five percent of such moneys shall be payable to the
44 director of revenue. The funds received by the director of revenue pursuant to this subsection
45 shall be distributed as follows:

46 (1) On the first of every month, the director of revenue or the director's designee shall
47 determine the balance of the funds in the crime victims' compensation fund available to
48 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
49 excluding sections 595.050 and 595.055;

50 (2) Beginning on September 1, 2004, and on the first of each month the director of
51 revenue or the director's designee shall deposit fifty percent of the balance of funds available
52 to the credit of the crime victims' compensation fund and fifty percent to the services to
53 victims' fund established in section 595.100.

54 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
55 audit shall include all records associated with crime victims' compensation funds collected,
56 held or disbursed by any state agency.

57 8. In addition to the moneys collected pursuant to subsection 1 of this section, the
58 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
59 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
60 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~[or]~~, D,
61 or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor
62 under Missouri law except for those in chapter 252 relating to fish and game, chapter 302
63 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle
64 financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to
65 watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations.
66 Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse
67 such crime victims' compensation judgments in the manner provided by sections 488.010 to
68 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the
69 crime victims' compensation fund.

70 9. The clerk of the court processing such funds shall maintain records of all
71 dispositions described in subsection 1 of this section and all dispositions where a judgment
72 has been entered against a defendant in favor of the state of Missouri in accordance with this
73 section; all payments made on judgments for alcohol-related traffic offenses; and any
74 judgment or portion of a judgment entered but not collected. These records shall be subject to
75 audit by the state auditor. The clerk of each court transmitting such funds shall report
76 separately the amount of dollars collected on judgments entered for alcohol-related traffic
77 offenses from other crime victims' compensation collections or services to victims
78 collections.

79 10. The department of revenue shall maintain records of funds transmitted to the
80 crime victims' compensation fund by each reporting court and collections pursuant to
81 subsection 16 of this section and shall maintain separate records of collection for alcohol-
82 related offenses.

83 11. The state courts administrator shall include in the annual report required by
84 section 476.350 the circuit court caseloads and the number of crime victims' compensation
85 judgments entered.

86 12. All awards made to injured victims under sections 595.010 to 595.105 and all
87 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
88 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
89 remaining in the crime victims' compensation fund at the end of each biennium shall not be
90 subject to the provision of section 33.080 requiring the transfer of such unexpended balance
91 to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation
92 fund. In the event that there are insufficient funds in the crime victims' compensation fund to
93 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the
94 crime victims' compensation fund, then no claim shall be paid until funds have again
95 accumulated in the crime victims' compensation fund. When sufficient funds become
96 available from the fund, awards which have not been paid shall be paid in chronological order
97 with the oldest paid first. In the event an award was to be paid in installments and some
98 remaining installments have not been paid due to a lack of funds, then when funds do become
99 available that award shall be paid in full. All such awards on which installments remain due
100 shall be paid in full in chronological order before any other postdated award shall be paid.
101 Any award pursuant to this subsection is specifically not a claim against the state, if it cannot
102 be paid due to a lack of funds in the crime victims' compensation fund.

103 13. When judgment is entered against a defendant as provided in this section and such
104 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
105 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri
106 to such defendant an amount equal to the unpaid amount of such judgment. Such amount
107 shall be paid forthwith to the crime victims' compensation fund and satisfaction of such
108 judgment shall be entered on the court record. Under no circumstances shall the general
109 revenue fund be used to reimburse court costs or pay for such judgment. The director of the
110 department of corrections shall have the authority to pay into the crime victims' compensation
111 fund from an offender's compensation or account the amount owed by the offender to the
112 crime victims' compensation fund, provided that the offender has failed to pay the amount
113 owed to the fund prior to entering a correctional facility of the department of corrections.

114 14. All interest earned as a result of investing funds in the crime victims'
115 compensation fund shall be paid into the crime victims' compensation fund and not into the
116 general revenue of this state.

117 15. Any person who knowingly makes a fraudulent claim or false statement in
118 connection with any claim hereunder is guilty of a class A misdemeanor.

119 16. The department may receive gifts and contributions for the benefit of crime
120 victims. Such gifts and contributions shall be credited to the crime victims' compensation
121 fund as used solely for compensating victims under the provisions of sections 595.010 to
122 595.075.

 610.021. Except to the extent disclosure is otherwise required by law, a public
2 governmental body is authorized to close meetings, records and votes, to the extent they relate
3 to the following:

4 (1) Legal actions, causes of action or litigation involving a public governmental body
5 and any confidential or privileged communications between a public governmental body or
6 its representatives and its attorneys. However, any minutes, vote or settlement agreement
7 relating to legal actions, causes of action or litigation involving a public governmental body
8 or any agent or entity representing its interests or acting on its behalf or with its authority,
9 including any insurance company acting on behalf of a public government body as its insured,
10 shall be made public upon final disposition of the matter voted upon or upon the signing by
11 the parties of the settlement agreement, unless, prior to final disposition, the settlement
12 agreement is ordered closed by a court after a written finding that the adverse impact to a
13 plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of
14 section 610.011, however, the amount of any moneys paid by, or on behalf of, the public
15 governmental body shall be disclosed; provided, however, in matters involving the exercise of
16 the power of eminent domain, the vote shall be announced or become public immediately
17 following the action on the motion to authorize institution of such a legal action. Legal work
18 product shall be considered a closed record;

19 (2) Leasing, purchase or sale of real estate by a public governmental body where
20 public knowledge of the transaction might adversely affect the legal consideration therefor.
21 However, any minutes, vote or public record approving a contract relating to the leasing,
22 purchase or sale of real estate by a public governmental body shall be made public upon
23 execution of the lease, purchase or sale of the real estate;

24 (3) Hiring, firing, disciplining or promoting of particular employees by a public
25 governmental body when personal information about the employee is discussed or recorded.
26 However, any vote on a final decision, when taken by a public governmental body, to hire,
27 fire, promote or discipline an employee of a public governmental body shall be made
28 available with a record of how each member voted to the public within seventy-two hours of
29 the close of the meeting where such action occurs; provided, however, that any employee so
30 affected shall be entitled to prompt notice of such decision during the seventy-two-hour
31 period before such decision is made available to the public. As used in this subdivision, the
32 term "personal information" means information relating to the performance or merit of
33 individual employees;

- 34 (4) The state militia or national guard or any part thereof;
- 35 (5) Nonjudicial mental or physical health proceedings involving identifiable persons,
36 including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or
37 treatment;
- 38 (6) Scholastic probation, expulsion, or graduation of identifiable individuals,
39 including records of individual test or examination scores; however, personally identifiable
40 student records maintained by public educational institutions shall be open for inspection by
41 the parents, guardian or other custodian of students under the age of eighteen years and by the
42 parents, guardian or other custodian and the student if the student is over the age of eighteen
43 years;
- 44 (7) Testing and examination materials, before the test or examination is given or, if it
45 is to be given again, before so given again;
- 46 (8) Welfare cases of identifiable individuals;
- 47 (9) Preparation, including any discussions or work product, on behalf of a public
48 governmental body or its representatives for negotiations with employee groups;
- 49 (10) Software codes for electronic data processing and documentation thereof;
- 50 (11) Specifications for competitive bidding, until either the specifications are
51 officially approved by the public governmental body or the specifications are published for
52 bid;
- 53 (12) Sealed bids and related documents, until the bids are opened; and sealed
54 proposals and related documents or any documents related to a negotiated contract until a
55 contract is executed, or all proposals are rejected;
- 56 (13) Individually identifiable personnel records, performance ratings or records
57 pertaining to employees or applicants for employment, except that this exemption shall not
58 apply to the names, positions, salaries and lengths of service of officers and employees of
59 public agencies once they are employed as such, and the names of private sources donating or
60 contributing money to the salary of a chancellor or president at all public colleges and
61 universities in the state of Missouri and the amount of money contributed by the source;
- 62 (14) Records which are protected from disclosure by law;
- 63 (15) Meetings and public records relating to scientific and technological innovations
64 in which the owner has a proprietary interest;
- 65 (16) Records relating to municipal hotlines established for the reporting of abuse and
66 wrongdoing;
- 67 (17) Confidential or privileged communications between a public governmental body
68 and its auditor, including all auditor work product; however, all final audit reports issued by
69 the auditor are to be considered open records pursuant to this chapter;

70 (18) **(a) Security measures, global positioning system (GPS) data, investigative**
71 **information, or investigative or surveillance techniques of any public agency responsible**
72 **for law enforcement or public safety that, if disclosed, has the potential to endanger the**
73 **health or safety of an individual or the public.**

74 **(b) Any information or data provided to a tip line for the purpose of safety or**
75 **security at an educational institution that, if disclosed, has the potential to endanger the**
76 **health or safety of an individual or the public.**

77 **(c) Any information contained in any suspicious activity report provided to law**
78 **enforcement that, if disclosed, has the potential to endanger the health or safety of an**
79 **individual or the public.**

80 **(d) Operational guidelines, policies and specific response plans developed, adopted,**
81 **or maintained by any public agency responsible for law enforcement, public safety, first**
82 **response, or public health for use in responding to or preventing any critical incident which is**
83 **or appears to be terrorist in nature and which has the potential to endanger individual or**
84 **public safety or health. Financial records related to the procurement of or expenditures**
85 **relating to operational guidelines, policies or plans purchased with public funds shall be open.**
86 **When seeking to close information pursuant to this exception, the public governmental body**
87 **shall affirmatively state in writing that disclosure would impair the public governmental**
88 **body's ability to protect the security or safety of persons or real property, and shall in the same**
89 **writing state that the public interest in nondisclosure outweighs the public interest in**
90 **disclosure of the records;**

91 (19) Existing or proposed security systems and structural plans of real property
92 owned or leased by a public governmental body, and information that is voluntarily submitted
93 by a nonpublic entity owning or operating an infrastructure to any public governmental body
94 for use by that body to devise plans for protection of that infrastructure, the public disclosure
95 of which would threaten public safety:

96 (a) Records related to the procurement of or expenditures relating to security systems
97 purchased with public funds shall be open;

98 (b) When seeking to close information pursuant to this exception, the public
99 governmental body shall affirmatively state in writing that disclosure would impair the public
100 governmental body's ability to protect the security or safety of persons or real property, and
101 shall in the same writing state that the public interest in nondisclosure outweighs the public
102 interest in disclosure of the records;

103 (c) Records that are voluntarily submitted by a nonpublic entity shall be reviewed by
104 the receiving agency within ninety days of submission to determine if retention of the
105 document is necessary in furtherance of a state security interest. If retention is not necessary,
106 the documents shall be returned to the nonpublic governmental body or destroyed;

107 (20) The portion of a record that identifies security systems or access codes or
108 authorization codes for security systems of real property;

109 (21) Records that identify the configuration of components or the operation of a
110 computer, computer system, computer network, or telecommunications network, and would
111 allow unauthorized access to or unlawful disruption of a computer, computer system,
112 computer network, or telecommunications network of a public governmental body. This
113 exception shall not be used to limit or deny access to otherwise public records in a file,
114 document, data file or database containing public records. Records related to the procurement
115 of or expenditures relating to such computer, computer system, computer network, or
116 telecommunications network, including the amount of moneys paid by, or on behalf of, a
117 public governmental body for such computer, computer system, computer network, or
118 telecommunications network shall be open;

119 (22) Credit card numbers, personal identification numbers, digital certificates,
120 physical and virtual keys, access codes or authorization codes that are used to protect the
121 security of electronic transactions between a public governmental body and a person or entity
122 doing business with a public governmental body. Nothing in this section shall be deemed to
123 close the record of a person or entity using a credit card held in the name of a public
124 governmental body or any record of a transaction made by a person using a credit card or
125 other method of payment for which reimbursement is made by a public governmental body;

126 (23) Records submitted by an individual, corporation, or other business entity to a
127 public institution of higher education in connection with a proposal to license intellectual
128 property or perform sponsored research and which contains sales projections or other
129 business plan information the disclosure of which may endanger the competitiveness of a
130 business;

131 (24) Records relating to foster home or kinship placements of children in foster care
132 under section 210.498; and

133 (25) Individually identifiable customer usage and billing records for customers of a
134 municipally owned utility, unless the records are requested by the customer or authorized for
135 release by the customer, except that a municipally owned utility shall make available to the
136 public the customer's name, billing address, location of service, and dates of service provided
137 for any commercial service account.

650.320. For the purposes of sections 650.320 to 650.340, the following terms mean:

2 (1) "Board", the Missouri 911 service board established in section 650.325;

3 (2) "Public safety answering point", the location at which 911 calls are answered;

4 (3) "Telecommunicator **first responder**", any person employed as an emergency
5 telephone worker, call taker or public safety dispatcher whose duties include receiving,

6 processing or transmitting public safety information received through a 911 public safety
7 answering point.

650.340. 1. The provisions of this section may be cited and shall be known as the
2 "911 Training and Standards Act".

3 2. Initial training requirements for ~~[telecommunicators]~~ **telecommunicator first**
4 **responders** who answer 911 calls that come to public safety answering points shall be as
5 follows:

6 (1) Police telecommunicator **first responder**, 16 hours;

7 (2) Fire telecommunicator **first responder**, 16 hours;

8 (3) Emergency medical services telecommunicator **first responder**, 16 hours;

9 (4) Joint communication center telecommunicator **first responder**, 40 hours.

10 3. All persons employed as a telecommunicator **first responder** in this state shall be
11 required to complete ongoing training so long as such person engages in the occupation as a
12 telecommunicator **first responder**. Such persons shall complete at least twenty-four hours of
13 ongoing training every three years by such persons or organizations as provided in subsection
14 6 of this section.

15 4. Any person employed as a telecommunicator on August 28, 1999, shall not be
16 required to complete the training requirement as provided in subsection 2 of this section. Any
17 person hired as a telecommunicator **or a telecommunicator first responder** after August 28,
18 1999, shall complete the training requirements as provided in subsection 2 of this section
19 within twelve months of the date such person is employed as a telecommunicator **or a**
20 **telecommunicator first responder**.

21 5. The training requirements as provided in subsection 2 of this section shall be
22 waived for any person who furnishes proof to the committee that such person has completed
23 training in another state which is at least as stringent as the training requirements of
24 subsection 2 of this section.

25 6. The board shall determine by administrative rule the persons or organizations
26 authorized to conduct the training as required by subsection 2 of this section.

27 7. This section shall not apply to an emergency medical dispatcher or **dispatch**
28 agency as defined in section 190.100, or a person trained by an entity accredited or certified
29 under section 190.131, or a person who provides prearrival medical instructions who works
30 for an agency which meets the requirements set forth in section 190.134.

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