

# SENATE BILL NO. 894

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

5552S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 21.360, 29.080, 30.400, 34.160, 41.720, 92.920, 105.276, 115.405, 115.631, 115.633, 141.810, 143.911, 144.157, 144.480, 147.120, 149.071, 149.076, 192.2015, 194.275, 194.280, 217.305, 217.362, 217.655, 217.690, 217.760, 252.220, 257.430, 260.425, 268.151, 311.460, 361.290, 362.100, 362.171, 375.350, 375.390, 375.410, 375.470, 386.560, 387.290, 392.330, 393.220, 409.109, 409.5-501, 409.5-505, 409.5-508, 411.611, 411.621, 411.641, 411.651, 556.061, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.032, 566.060, 566.062, 566.067, 566.103, 566.125, 566.151, 566.203, 566.206, 566.209, 566.210, 566.211, 567.050, 568.060, 570.030, 571.015, 571.030, 573.025, 575.151, 575.270, 577.010, 578.425, 589.425, 622.470, 643.250, and 644.076, RSMo, and to enact in lieu thereof eighty-five new sections relating to criminal offenses, with penalty provisions.

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

Section A. Sections 21.360, 29.080, 30.400, 34.160,  
2 41.720, 92.920, 105.276, 115.405, 115.631, 115.633, 141.810,  
3 143.911, 144.157, 144.480, 147.120, 149.071, 149.076, 192.2015,  
4 194.275, 194.280, 217.305, 217.362, 217.655, 217.690, 217.760,  
5 252.220, 257.430, 260.425, 268.151, 311.460, 361.290, 362.100,  
6 362.171, 375.350, 375.390, 375.410, 375.470, 386.560, 387.290,  
7 392.330, 393.220, 409.109, 409.5-501, 409.5-505, 409.5-508,  
8 411.611, 411.621, 411.641, 411.651, 556.061, 557.011, 557.021,  
9 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030,  
10 566.032, 566.060, 566.062, 566.067, 566.103, 566.125, 566.151,  
11 566.203, 566.206, 566.209, 566.210, 566.211, 567.050, 568.060,

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 570.030, 571.015, 571.030, 573.025, 575.151, 575.270, 577.010,  
13 578.425, 589.425, 622.470, 643.250, and 644.076, RSMo, are  
14 repealed and eighty-five new sections enacted in lieu thereof,  
15 to be known as sections 21.360, 29.080, 30.400, 34.160, 41.720,  
16 92.920, 105.276, 115.405, 115.631, 115.633, 141.810, 143.911,  
17 144.157, 144.480, 147.120, 149.071, 149.076, 192.2015, 194.275,  
18 194.280, 217.305, 217.362, 217.655, 217.690, 217.760, 252.220,  
19 257.430, 260.425, 268.151, 311.460, 361.290, 362.100, 362.171,  
20 375.350, 375.390, 375.410, 375.470, 386.560, 387.290, 392.330,  
21 393.220, 409.109, 409.5-501, 409.5-505, 409.5-508, 411.611,  
22 411.621, 411.641, 411.651, 556.061, 557.011, 557.021, 558.011,  
23 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.032,  
24 566.060, 566.062, 566.067, 566.103, 566.125, 566.151, 566.203,  
25 566.206, 566.209, 566.210, 566.211, 567.050, 568.060, 570.030,  
26 571.015, 571.030, 573.025, 575.151, 575.270, 577.010, 578.425,  
27 589.425, 622.470, 643.250, and 644.076, to read as follows:

21.360. Any member of the house of representatives who  
2 through the medium of any voting station, records the vote  
3 of another member, or who authorizes another member, or  
4 other person, to record his vote, and any person, other than  
5 a member of the house, who through the medium of a voting  
6 station, records the vote of any member is guilty of a **class**  
7 **C** felony[, ] and, upon conviction, shall be punished by  
8 imprisonment [in the penitentiary] for a term [of] not less  
9 than three nor more than ten years. **Any person found guilty**  
10 **of a violation of this section may be subject to an extended**  
11 **prison term pursuant to section 558.016.**

29.080. For any violation of his **or her** oath of office  
2 or of any duty imposed upon him **or her** by this chapter, any  
3 examiner shall be guilty of a **class E** felony[, ] and, upon  
4 conviction, shall be punished by imprisonment [in the  
5 penitentiary] for a term not exceeding [five] **four** years, or

6 by a fine not less than one hundred dollars [or by  
7 imprisonment in the county jail for not less than one nor  
8 more than twelve months,] or by both such fine and  
9 imprisonment. **Any person found guilty of a violation of**  
10 **this section may be subject to an extended prison term**  
11 **pursuant to section 558.016.**

30.400. The making of profit by the state treasurer  
2 out of any moneys in the state treasury belonging to the  
3 state, the custody of which the state treasurer shall be  
4 charged with, by loaning, depositing, or otherwise using or  
5 disposing of the same in any manner whatever, or the removal  
6 by the state treasurer, or by his **or her** consent, of such  
7 moneys, or any part thereof, or any bonds deposited by any  
8 bank in compliance with the provisions of this chapter, or  
9 of United States obligations in which [he] **the state**  
10 **treasurer** has invested state moneys, out of the vaults of  
11 the treasury department in the state capitol, except for the  
12 payment of warrants legally drawn, or for the purpose of  
13 depositing the same in the bank or banks selected as  
14 depositaries under the provisions of this chapter, or for  
15 investing in United States obligations as provided by law,  
16 or for returning or disposing of said bonds or obligations  
17 according to law, shall be deemed a **class E** felony[, ] and,  
18 on conviction thereof, subject him **or her** to punishment by  
19 imprisonment [in the penitentiary] for a term [of] not  
20 [less] **more** than [two] **four** years, and [he] **the state**  
21 **treasurer** shall also be liable under and upon his **or her**  
22 official bond for all profits realized from any such  
23 unlawful using of said funds; and it shall be the duty of  
24 the attorney general to enter and prosecute to final  
25 determination all suits for a violation of any of the  
26 provisions of this chapter. **Any person found guilty of a**

27 **violation of this section may be subject to an extended**  
28 **prison term pursuant to section 558.016.**

34.160. The commissioner of administration shall not  
2 be interested in any manner in any person, firm, or  
3 corporation making bids for furnishing supplies or printing  
4 to the state or any subdivision or department thereof. [He]  
5 **The commissioner of administration** shall not receive nor  
6 accept, directly or indirectly, from any person, firm, or  
7 corporation who may bid for furnishing, or receive a  
8 contract to furnish, any supplies or printing of any kind to  
9 the state, any rebate, gift, or other valuable thing.  
10 Acceptance of any such rebate, gift, or other valuable thing  
11 by the commissioner of administration shall be deemed a  
12 **class E** felony and, on conviction thereof, he shall be  
13 punished by imprisonment [in the state penitentiary] for a  
14 **term** not [less than two nor] more than [five] **four** years, or  
15 by fine of not less than five hundred dollars nor more than  
16 two thousand dollars, or by both such fine and  
17 imprisonment. **Any person found guilty of a violation of**  
18 **this section may be subject to an extended prison term**  
19 **pursuant to section 558.016.**

41.720. After the proclamation by the governor as  
2 authorized by section 41.480, any person who resists or aids  
3 in resisting the execution of process in any area declared  
4 to be in a state of actual or threatened insurrection, or  
5 who aids or attempts the rescue or escape of another from  
6 lawful custody or confinement or who resists or aids in  
7 resisting any force ordered out by the governor to execute  
8 the laws, to suppress actual and prevent threatened  
9 insurrection or to repel invasion shall be guilty of a **class**  
10 **E** felony punishable by imprisonment [in the state  
11 penitentiary] for a term not [less] **more** than [two] **four**

12 years. **Any person found guilty of a violation of this**  
13 **section may be subject to an extended prison term pursuant**  
14 **to section 558.016.**

92.920. 1. Neither said members nor any salaried  
2 employee of the land reutilization authority provided for  
3 herein shall receive any compensation, emolument, or other  
4 profit directly or indirectly from the rental, management,  
5 purchase, sale or other disposition of any lands held by  
6 such land reutilization authority other than the salaries,  
7 expenses, and emoluments provided for herein **in sections**  
8 **92.700 to 92.920.**

2. Any person convicted of violating this section  
10 shall be deemed guilty of a **class E** felony and, upon  
11 conviction thereof, shall be sentenced to serve not [less  
12 than two nor] more than [five] **four** years [in the state  
13 penitentiary] **of imprisonment. Any person found guilty of a**  
14 **violation of this section may be subject to an extended**  
15 **prison term pursuant to section 558.016.**

105.276. Any person who with intent to defraud uses on  
2 a public security or an instrument of payment a facsimile  
3 signature, or any reproduction of it, of any authorized  
4 officer; or any facsimile seal, or any reproduction of it,  
5 of this state or any of its departments, agencies, or other  
6 instrumentalities or of any of its political subdivisions is  
7 guilty of a **class E** felony and shall be punishable by  
8 imprisonment for **a term** not [less than two or] more than  
9 [ten] **four** years in an institution designated by the state  
10 division of corrections. **Any person found guilty of a**  
11 **violation of this section may be subject to an extended**  
12 **prison term pursuant to section 558.016.**

115.405. Any person making a sworn statement,  
2 affidavit or declaration of candidacy required by this

3 subchapter who swears falsely or signs such document knowing  
4 the statements therein are untrue shall be deemed guilty of  
5 a class one election offense **and subject to a term of**  
6 **imprisonment not more than four years. Any person found**  
7 **guilty of a violation of this section may be subject to an**  
8 **extended prison term as a class E felony pursuant to section**  
9 **558.016.**

115.631. 1. The following offenses, and any others  
2 specifically so described by law, shall be class one  
3 election offenses and are deemed felonies connected with the  
4 exercise of the right of suffrage. Conviction for any of  
5 these offenses shall be punished by imprisonment **for a term**  
6 of not more than **[five]** **four** years or by fine of not less  
7 than two thousand five hundred dollars but not more than ten  
8 thousand dollars or by both such imprisonment and fine:

9 (1) Willfully and falsely making any certificate,  
10 affidavit, or statement required to be made pursuant to any  
11 provision of this chapter, including but not limited to  
12 statements specifically required to be made "under penalty  
13 of perjury"; or in any other manner knowingly furnishing  
14 false information to an election authority or election  
15 official engaged in any lawful duty or action in such a way  
16 as to hinder or mislead the authority or official in the  
17 performance of official duties. If an individual willfully  
18 and falsely makes any certificate, affidavit, or statement  
19 required to be made under section 115.155, including but not  
20 limited to statements specifically required to be made  
21 "under penalty of perjury", such individual shall be guilty  
22 of a class D felony;

23 (2) Voting more than once or voting at any election  
24 knowing that the person is not entitled to vote or that the

25 person has already voted on the same day at another location  
26 inside or outside the state of Missouri;

27 (3) Procuring any person to vote knowing the person is  
28 not lawfully entitled to vote or knowingly procuring an  
29 illegal vote to be cast at any election;

30 (4) Applying for a ballot in the name of any other  
31 person, whether the name be that of a person living or dead  
32 or of a fictitious person, or applying for a ballot in his  
33 or her own or any other name after having once voted at the  
34 election inside or outside the state of Missouri;

35 (5) Aiding, abetting or advising another person to  
36 vote knowing the person is not legally entitled to vote or  
37 knowingly aiding, abetting or advising another person to  
38 cast an illegal vote;

39 (6) An election judge knowingly causing or permitting  
40 any ballot to be in the ballot box at the opening of the  
41 polls and before the voting commences;

42 (7) Knowingly furnishing any voter with a false or  
43 fraudulent or bogus ballot, or knowingly practicing any  
44 fraud upon a voter to induce him or her to cast a vote which  
45 will be rejected, or otherwise defrauding him or her of his  
46 or her vote;

47 (8) An election judge knowingly placing or attempting  
48 to place or permitting any ballot, or paper having the  
49 semblance of a ballot, to be placed in a ballot box at any  
50 election unless the ballot is offered by a qualified voter  
51 as provided by law;

52 (9) Knowingly placing or attempting to place or  
53 causing to be placed any false or fraudulent or bogus ballot  
54 in a ballot box at any election;

55 (10) Knowingly removing any legal ballot from a ballot  
56 box for the purpose of changing the true and lawful count of

57 any election or in any other manner knowingly changing the  
58 true and lawful count of any election;

59 (11) Knowingly altering, defacing, damaging,  
60 destroying or concealing any ballot after it has been voted  
61 for the purpose of changing the lawful count of any election;

62 (12) Knowingly altering, defacing, damaging,  
63 destroying or concealing any poll list, report, affidavit,  
64 return or certificate for the purpose of changing the lawful  
65 count of any election;

66 (13) On the part of any person authorized to receive,  
67 tally or count a poll list, tally sheet or election return,  
68 receiving, tallying or counting a poll list, tally sheet or  
69 election return the person knows is fraudulent, forged or  
70 counterfeit, or knowingly making an incorrect account of any  
71 election;

72 (14) On the part of any person whose duty it is to  
73 grant certificates of election, or in any manner declare the  
74 result of an election, granting a certificate to a person  
75 the person knows is not entitled to receive the certificate,  
76 or declaring any election result the person knows is based  
77 upon fraudulent, fictitious or illegal votes or returns;

78 (15) Willfully destroying or damaging any official  
79 ballots, whether marked or unmarked, after the ballots have  
80 been prepared for use at an election and during the time  
81 they are required by law to be preserved in the custody of  
82 the election judges or the election authority;

83 (16) Willfully tampering with, disarranging, altering  
84 the information on, defacing, impairing or destroying any  
85 voting machine or marking device after the machine or  
86 marking device has been prepared for use at an election and  
87 during the time it is required by law to remain locked and  
88 sealed with intent to impair the functioning of the machine



89 or marking device at an election, mislead any voter at the  
90 election, or to destroy or change the count or record of  
91 votes on such machine;

92 (17) Registering to vote knowing the person is not  
93 legally entitled to register or registering in the name of  
94 another person, whether the name be that of a person living  
95 or dead or of a fictitious person;

96 (18) Procuring any other person to register knowing  
97 the person is not legally entitled to register, or aiding,  
98 abetting or advising another person to register knowing the  
99 person is not legally entitled to register;

100 (19) Knowingly preparing, altering or substituting any  
101 computer program or other counting equipment to give an  
102 untrue or unlawful result of an election;

103 (20) On the part of any person assisting a blind or  
104 disabled person to vote, knowingly failing to cast such  
105 person's vote as such person directs;

106 (21) On the part of any registration or election  
107 official, permitting any person to register to vote or to  
108 vote when such official knows the person is not legally  
109 entitled to register or not legally entitled to vote;

110 (22) On the part of a notary public acting in his or  
111 her official capacity, knowingly violating any of the  
112 provisions of this chapter or any provision of law  
113 pertaining to elections;

114 (23) Violation of any of the provisions of sections  
115 115.275 to 115.303, or of any provision of law pertaining to  
116 absentee voting;

117 (24) Assisting a person to vote knowing such person is  
118 not legally entitled to such assistance, or while assisting  
119 a person to vote who is legally entitled to such assistance,  
120 in any manner coercing, requesting or suggesting that the

121 voter vote for or against, or refrain from voting on any  
122 question, ticket or candidate;

123 (25) Engaging in any act of violence, destruction of  
124 property having a value of five hundred dollars or more, or  
125 threatening an act of violence with the intent of denying a  
126 person's lawful right to vote or to participate in the  
127 election process; and

128 (26) Knowingly providing false information about  
129 election procedures for the purpose of preventing any person  
130 from going to the polls.

131 **2. Any person found guilty of a violation of this**  
132 **section may be subject to an extended prison term as a class**  
133 **E felony pursuant to section 558.016.**

115.633. **1.** The following offenses, and any others  
2 specifically so described by law, shall be class two  
3 election offenses and are deemed felonies not connected with  
4 the exercise of the right of suffrage. Conviction for any  
5 of these offenses shall be punished by imprisonment **for a**  
6 **term** of not more than [five] **four** years or by fine of not  
7 less than two thousand five hundred dollars but not more  
8 than ten thousand dollars or by both such imprisonment and  
9 fine:

10 (1) On the day of election or before the counting of  
11 votes is completed, willfully concealing, breaking, or  
12 destroying any ballot box used or intended to be used at  
13 such election or willfully or fraudulently concealing or  
14 removing any ballot box from the custody of the election  
15 judges;

16 (2) Willfully tampering with, disarranging, defacing,  
17 materially altering, impairing, or destroying any voting  
18 machine or automatic tabulating equipment owned or leased by  
19 or loaned to an election authority.

20           2. Any person found guilty of a violation of this  
21 section may be subject to an extended prison term as a class  
22 **E felony pursuant to section 558.016.**

          141.810. 1. Neither said trustees nor any salaried  
2 employee of the land trust, provided for [herein] in  
3 **sections 141.210 to 141.810 and sections 141.980 to**  
4 **141.1015,** shall receive any compensation, emolument, or  
5 other profit directly or indirectly from the rental,  
6 management, purchase, sale, or other disposition of any  
7 lands held by such land trust other than the salaries,  
8 expenses, and emoluments provided for [herein] in **sections**  
9 **141.210 to 141.810 and sections 141.980 to 141.1015.**

10           2. Any person convicted of violating this section  
11 shall be deemed guilty of a **class E** felony and, upon  
12 conviction thereof, shall be sentenced to serve not [less  
13 than two nor] more than [five] **four** years [in the state  
14 penitentiary] **of imprisonment. Any person found guilty of a**  
15 **violation of this section may be subject to an extended**  
16 **prison term pursuant to section 558.016.**

          143.911. Any person who willfully attempts in any  
2 manner to evade or defeat any tax imposed by sections  
3 143.011 to 143.996 or the payment thereof shall[, in  
4 addition to other penalties provided by law, and upon  
5 conviction thereof, be fined not more than ten thousand  
6 dollars, or be imprisoned in the county jail for not more  
7 than one year or by not less than two nor more than five  
8 years in the state penitentiary or by both fine and  
9 imprisonment together with the cost of prosecution] **be**  
10 **guilty of a class E felony punishable by imprisonment for a**  
11 **term not more than four years and may also be subject to a**  
12 **fine of not more than ten thousand dollars. Any person**

13 **found guilty of a violation of this section may be subject**  
14 **to an extended prison term pursuant to section 558.016.**

144.157. 1. Any person required to collect,  
2 truthfully account for, and pay over any tax imposed by  
3 sections 67.1170 to 67.1180, sections 94.800 to 94.825, and  
4 sections 144.010 to 144.525 and 144.600 to 144.745 who  
5 willfully fails to collect such tax or truthfully account  
6 for and pay over such tax or willfully attempts in any  
7 manner to evade or defeat the tax or the payment thereof, or  
8 who shall willfully and knowingly overcharge or overcollect  
9 such tax with intent to make claim to any such overcharged  
10 or overcollected amounts under section 144.190, shall[,] **be**  
11 **guilty of a class E felony punishable by imprisonment for a**  
12 **term not more than four years.** In addition to other  
13 penalties provided by law, **any person found guilty may be**  
14 liable to a penalty equal to the total amount of the tax  
15 evaded, or not collected, or not accounted for and paid  
16 over, or overcharged or overcollected.

17 2. For purposes of this section, the term "person"  
18 includes an individual or an officer or employee of any  
19 corporation, including an administratively dissolved  
20 corporation or a foreign corporation that has had its  
21 certificate of authority revoked, or a member or employee of  
22 any partnership, who, as such officer, employee or member,  
23 is under a duty to perform the act in respect of which the  
24 violation occurs.

25 3. Any officers, directors, or statutory trustees of  
26 any corporation, including administratively dissolved  
27 corporations or foreign corporations that have had their  
28 certificate of authority revoked, subject to the provisions  
29 of sections 144.010 to 144.745, who has the direct control,  
30 supervision or responsibility for filing returns and making

31 payment of the amount of tax imposed in accordance with  
32 sections 144.010 to 144.745, and who fails to file such  
33 return or make payment of all taxes due with the director of  
34 revenue shall be **guilty of a class E felony and subject to**  
35 **the penalties provided in subsection 1 of this section. In**  
36 **addition to other penalties provided by law, any person**  
37 **found to have violated the terms outlined by sections**  
38 **67.1170 to 67.1180, sections 94.800 to 94.825, sections**  
39 **144.010 to 144.525, and sections 144.600 to 144.745 shall be**  
40 personally assessed for such amounts, including interest,  
41 additions to tax and penalties thereon. This assessment  
42 shall be imposed only in the event that the assessment on  
43 the corporation is final, and such corporation fails to pay  
44 such amounts to the director of revenue. Notice shall be  
45 given of the director of revenue's intent to make the  
46 assessment against such officers, directors, statutory  
47 trustees or employees. The personal liability of such  
48 officers, directors, statutory trustees or employees as  
49 provided in this section shall survive the administrative  
50 dissolution of the corporation or, if a foreign corporation,  
51 the revocation of the corporation's certificate of  
52 authority. **Any person found guilty of a violation of this**  
53 **section may be subject to an extended prison term pursuant**  
54 **to section 558.016.**

144.480. Any person required under sections 144.010 to  
2 144.510 to pay any tax, or required by sections 144.010 to  
3 144.510 to make a return, keep any records, or supply any  
4 information, who with intent to defraud willfully fails to  
5 pay such tax, make such return, keep such records, or supply  
6 such information, at the time or times required by law,  
7 shall[, ] **be guilty of a class E felony punishable by**  
8 **imprisonment for a term not more than four years. In**

9 addition to other penalties provided by law [and, upon  
10 conviction thereof], **any person found guilty pursuant to**  
11 **this section may** be fined not more than ten thousand  
12 dollars[, or be imprisoned in the county jail for not more  
13 than one year or by not less than two nor more than five  
14 years in the state penitentiary or by both fine and  
15 imprisonment together with the cost of prosecution]. **Any**  
16 **person found guilty of a violation of this section may be**  
17 **subject to an extended prison term pursuant to section**  
18 **558.016.**

147.120. 1. If any corporation fails or refuses to  
2 pay the taxes (including interest and penalties) assessed  
3 against it after such assessment becomes final, the director  
4 of revenue shall certify a list of the corporations so  
5 delinquent to the attorney general who shall proceed  
6 forthwith to collect the taxes. Suits for the collection of  
7 the taxes may be brought in the name of the state in any  
8 court of competent jurisdiction and any judgment rendered in  
9 such court in favor of the state shall be a first lien on  
10 all properties and assets of the corporation within this  
11 state.

12 2. The director of revenue shall notify the secretary  
13 of state of any corporation that fails or refuses to pay the  
14 taxes, including interest and penalties, assessed against it  
15 after such assessment becomes final and the secretary of  
16 state shall then administratively dissolve any domestic  
17 corporation that is delinquent pursuant to section 351.486  
18 and shall revoke the certificate of authority of any foreign  
19 corporation that is delinquent pursuant to section 351.602.

20 3. Any tax provided for pursuant to sections 147.010  
21 to 147.120 not paid on or before the last day prescribed for  
22 payment pursuant to sections 147.010 to 147.120 (determined

23 with regard to any extension of time for payment) shall be  
24 collected with a penalty of five percent per month or  
25 fractional part thereof until paid, not exceeding twenty-  
26 five percent in the aggregate. Interest at the rate  
27 determined by section 32.065 shall be added to any tax not  
28 paid on or before the date due pursuant to sections 147.010  
29 to 147.120 (determined without regard to any extension of  
30 time for payment). Nothing in sections 147.010 to 147.120  
31 shall be construed so as to permit any officer of this state  
32 to remit or abate such interest.

33 4. If any corporation fails to pay any tax due within  
34 the time prescribed pursuant to sections 147.010 to 147.120  
35 or if any corporation makes errors and omissions in reports  
36 or payments, and the director of revenue determines that  
37 such action is the result of mistake or is due to  
38 circumstances beyond reasonable control and that such  
39 delinquency or inaccuracy was unavoidable or devoid of any  
40 intent to evade the tax, the director of revenue may, at the  
41 director's discretion, waive any penalty that would  
42 otherwise be imposed.

43 5. The director of revenue shall set the interest rate  
44 as determined in section 32.065. Such interest rate shall  
45 be paid on all overpayments for the ensuing calendar year.  
46 The interest shall accrue from the due date or the date of  
47 overpayment, whichever is later. No interest shall be  
48 allowed or paid if overpayment is refunded within four  
49 months after the franchise tax report is filed.

50 6. Any notice of assessment of franchise tax due shall  
51 be mailed to the corporation within three years after the  
52 report was filed. The provisions of this subsection shall  
53 apply to all reports filed after December 31, 1981.

54           7. If no report is filed or if a false and fraudulent  
55 report is filed, a notice of assessment of franchise tax due  
56 may be mailed to the corporation at any time.

57           8. If fraud or evasion on the part of a corporation or  
58 anyone on behalf of a corporation is discovered, the  
59 director of revenue shall determine the amount of which the  
60 state has been defrauded, shall add to the amount so  
61 determined a penalty equal to fifty percent thereof, and  
62 shall assess the same against the corporation. The amount  
63 so assessed shall be immediately due and payable; except  
64 that, the director of revenue shall promptly thereafter give  
65 to such corporation written notice of such assessment and  
66 penalty, which notice shall be served by registered mail.  
67 Such corporation shall have the right to petition for  
68 hearing of such assessment, as is provided in sections  
69 147.010 to 147.120.

70           9. Any person who willfully makes a false corporation  
71 franchise tax report, or who willfully makes a false  
72 statement in any report under oath or otherwise filed with  
73 or transmitted to the director of revenue relating to the  
74 amount of any franchise tax due pursuant to sections 147.010  
75 to 147.120 shall, in addition to other penalties provided by  
76 law and, upon conviction thereof, be **guilty of a class E**  
77 **felony punishable by imprisonment for a term not more than**  
78 **four years. Any person found convicted pursuant to this**  
79 **section may be** fined not more than ten thousand dollars[, or  
80 be imprisoned in the county jail for not more than one year  
81 or by not less than two nor more than five years in the  
82 state penitentiary or by both fine and imprisonment together  
83 with the cost of prosecution]. **Any person found guilty of a**  
84 **violation of this section may be subject to an extended**  
85 **prison term pursuant to section 558.016.**



86           10. The director of revenue shall administer and  
87 enforce the tax imposed by sections 147.010 to 147.120, and  
88 the director is authorized to make such rules and  
89 regulations and to require such facts and information to be  
90 reported as the director may deem necessary to enforce the  
91 provisions of sections 147.010 to 147.120.

92           11. No rule or portion of a rule promulgated pursuant  
93 to the authority of sections 147.010 to 147.120 shall become  
94 effective unless it has been promulgated pursuant to the  
95 provisions of chapter 536.

96           12. Except as otherwise specifically provided in  
97 sections 147.010 to 147.120 the franchise tax shall be  
98 administered as prescribed in the following provisions of  
99 chapter 143: subsections 1 and 4 of section 143.551,  
100 sections 143.561, 143.571, 143.621, 143.631, 143.641,  
101 143.651, 143.661, 143.681, 143.691, 143.721 and 143.731,  
102 subsection 1 of section 143.741, subsections 1, 2 and 5 of  
103 section 143.751, sections 143.771 and 143.791, subsections  
104 1, 2 and 4 of section 143.811, sections 143.831, 143.841 and  
105 143.851, subsections 2 and 3 of section 143.861, and  
106 sections 143.901, 143.902, 143.971 and 143.986.

          149.071. Any person who shall, without the  
2 authorization of the director of revenue, make or  
3 manufacture, or who shall falsely or fraudulently forge,  
4 counterfeit, reproduce, restore, or process any stamp,  
5 impression, copy, facsimile, or other evidence for the  
6 purpose of indicating the payment of the tax levied by this  
7 chapter, or who shall knowingly or by a deceptive act use or  
8 pass, or tender as true, or affix, impress, or imprint, by  
9 use of any device, rubber stamp or by any other means, or  
10 any package containing cigarettes, any unauthorized, false,  
11 altered, forged, counterfeit or previously used stamp,

12 impressions, copies, facsimiles or other evidence of  
13 cigarette tax payment, shall be guilty of a **class E** felony  
14 and, upon conviction, shall be punished by imprisonment by  
15 the state department of corrections for a term of not [less  
16 than two years nor] more than [five] **four** years. **Any person**  
17 **found guilty of a violation of this section may be subject**  
18 **to an extended prison term pursuant to section 558.016.**

149.076. 1. No manufacturer, wholesaler or retailer  
2 shall fail or refuse to make any return required by the  
3 director, or refuse to permit the director or his or her  
4 duly authorized representatives to examine records, papers,  
5 files and equipment pertaining to the person's business made  
6 taxable by this chapter. No person shall make an  
7 incomplete, false or fraudulent return under this chapter,  
8 or attempt to do anything to evade full disclosure of the  
9 facts or to avoid the payment in whole or in part of the tax  
10 or interest due.

11 2. Any person who files a false report or application  
12 or makes a false entry in any record relating to the  
13 purchase and sale of cigarettes shall be guilty of a **class E**  
14 felony and, upon conviction, shall be punished by  
15 imprisonment by the state department of corrections for a  
16 term of [not less than two years nor] more than [five] **four**  
17 years. **Any person found guilty of a violation of this**  
18 **section may be subject to an extended prison term pursuant**  
19 **to section 558.016.**

192.2015. 1. Any registered caregiver who meets the  
2 requirements of this section shall be eligible for a shared  
3 care tax credit in an amount not to exceed five hundred  
4 dollars to defray the cost of caring for an elderly person.  
5 In order to be eligible for a shared care tax credit, a  
6 registered caregiver shall:

7           (1) Care for an elderly person, age sixty or older,  
8 who:

9           (a) Is physically or mentally incapable of living  
10 alone, as determined and certified by his or her physician  
11 licensed pursuant to chapter 334, or by the department staff  
12 when an assessment has been completed for the purpose of  
13 qualification for other services; and

14           (b) Requires assistance with activities of daily  
15 living to the extent that without care and oversight at home  
16 would require placement in a facility licensed pursuant to  
17 chapter 198; and

18           (c) Under no circumstances, is able or allowed to  
19 operate a motor vehicle; and

20           (d) Does not receive funding or services through  
21 Medicaid or social services block grant funding;

22           (2) Live in the same residence to give protective  
23 oversight for the elderly person meeting the requirements  
24 described in subdivision (1) of this subsection for an  
25 aggregate of more than six months per tax year;

26           (3) Not receive monetary compensation for providing  
27 care for the elderly person meeting the requirements  
28 described in subdivision (1) of this subsection; and

29           (4) File the original completed and signed physician  
30 certification for shared care tax credit form or the  
31 original completed and signed department certification for  
32 shared care tax credit form provided for in subsection 2 of  
33 section 192.2010 along with such caregiver's Missouri  
34 individual income tax return to the department of revenue.

35           2. The tax credit allowed by this section shall apply  
36 to any year beginning after December 31, 1999.

37           3. Any rule or portion of a rule, as that term is  
38 defined in section 536.010, that is created under the

39 authority delegated in sections 192.2000 to 192.2020 shall  
40 become effective only if it complies with and is subject to  
41 all of the provisions of chapter 536 and, if applicable,  
42 section 536.028. All rulemaking authority delegated prior  
43 to August 28, 1999, is of no force and effect and repealed.  
44 Nothing in this section shall be interpreted to repeal or  
45 affect the validity of any rule filed or adopted prior to  
46 August 28, 1999, if it fully complied with all applicable  
47 provisions of law. This section and chapter 536 are  
48 nonseverable and if any of the powers vested with the  
49 general assembly pursuant to chapter 536 to review, to delay  
50 the effective date or to disapprove and annul a rule are  
51 subsequently held unconstitutional, then the grant of  
52 rulemaking authority and any rule proposed or adopted after  
53 August 28, 1999, shall be invalid and void.

54 4. Any person who knowingly falsifies any document  
55 required for the shared care tax credit shall be **guilty of a**  
56 **class E felony and** subject to [the same penalties for  
57 falsifying other tax documents as provided in chapter 143] a  
58 **term of imprisonment not more than four years, in addition**  
59 **to other penalties provided by law. Any person found guilty**  
60 **of a violation of this section may be subject to an extended**  
61 **prison term pursuant to section 558.016.**

194.275. 1. Except as otherwise provided in  
2 subsection 2 of this section, a person that for valuable  
3 consideration knowingly purchases or sells a part for any  
4 purpose if removal of the whole body or a part from an  
5 individual is intended to occur after the individual's death  
6 commits a **class D** felony and, upon pleading or being found  
7 guilty, is subject to a fine not exceeding fifty thousand  
8 dollars or imprisonment not exceeding seven years, or both.  
9 **Any person found guilty of a violation of this section may**

10 **be subject to an extended prison term pursuant to section**  
11 **558.016.**

12 2. For purposes of this section, the term "valuable  
13 consideration" does not include the reasonable payments  
14 associated with the removal, transportation, implantation,  
15 processing, preservation, quality control, and storage of  
16 any part or a whole body.

194.280. Any person that in order to obtain a  
2 financial gain knowingly falsifies, forges, conceals,  
3 defaces, or obliterates a document of gift, an amendment or  
4 revocation of a document of gift, or a refusal commits a  
5 **class D** felony and, upon pleading or being found guilty, is  
6 subject to a fine not exceeding fifty thousand dollars or  
7 imprisonment not exceeding seven years, or both. **Any person**  
8 **found guilty of a violation of this section may be subject**  
9 **to an extended prison term pursuant to section 558.016.**

217.305. 1. The sheriff or other officer charged with  
2 the delivery of persons committed to the department for  
3 confinement in a correctional center shall deliver the  
4 person to the reception and diagnostic center designated by  
5 the director at times and dates as designated by the  
6 director and shall receive a certificate of delivery of the  
7 offender from the center.

8 2. Appropriate information relating to the offender  
9 shall be provided to the department in a written or  
10 electronic format, at or before the time the offender is  
11 delivered to the department, including, but not limited to:

12 (1) A certified copy of the sentence from the clerk of  
13 the sentencing court on the standardized form developed by  
14 the office of state courts administrator. Such form shall  
15 include specifics on any status violated, court-ordered  
16 probation not supervised by the department, the offense

17 cycle number [and], any court-ordered restitution owed to  
18 the victim, **and sentencing calculation, including jail time**  
19 **credit supplemented by a certificate of a sheriff or other**  
20 **custodial officer from another jurisdiction having held the**  
21 **person on the charge of the offense for which the sentence**  
22 **of imprisonment is ordered pursuant to the provisions of**  
23 **section 558.031;**

24 (2) Available information provided in writing by the  
25 prosecutor regarding the offender's age, crime for which  
26 sentenced, probable cause statement, circumstances  
27 surrounding the crime and sentence, names, telephone  
28 numbers, and last known address of victims, victim impact  
29 statements, and personal history, which may include facts  
30 related to the offender's home environment, or work habits,  
31 gang affiliations, if any, and previous convictions and  
32 commitments. Such information shall be prepared by the  
33 prosecuting attorney of the county or circuit attorney of  
34 any city not within a county who was charged with the  
35 offender's prosecution;

36 (3) Information provided by the sheriff or other  
37 officer charged with the delivery of persons committed to  
38 the department regarding the offender's physical and mental  
39 health while in jail. All records on medication, care, and  
40 treatment provided to the offender while in jail shall be  
41 provided to the department prior to or upon delivery of the  
42 offender. If the offender has had no physical or mental  
43 health care or medications while in jail, the sheriff or  
44 other officer shall certify that no physical or mental  
45 health care or medication records are available. The  
46 sheriff shall provide certification of all applicable jail-  
47 time credit.

48           3. The department may refuse to accept any offender  
49 who is delivered for confinement without all required  
50 information.

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

          2. Prior to sentencing, any judge considering an  
8 offender for this program shall notify the department. The  
9 potential candidate for the program shall be screened by the  
10 department to determine eligibility. The department shall,  
11 by regulation, establish eligibility criteria and inform the  
12 court of such criteria. The department shall notify the  
13 court as to the offender's eligibility and the availability  
14 of space in the program. Notwithstanding any other  
15 provision of law to the contrary, except as provided for in  
16 section 558.019, if an offender is eligible and there is  
17 adequate space, the court may sentence a person to the  
18 program which shall consist of institutional drug or alcohol  
19 treatment for a period of at least twelve and no more than  
20 twenty-four months, as well as a term of incarceration. The  
21 department shall determine the nature, intensity, duration,  
22 and completion criteria of the education, treatment, and  
23 aftercare portions of any program services provided.  
24 Execution of the offender's term of incarceration shall be  
25 suspended pending completion of said program. Allocation of  
26 space in the program may be distributed by the department in  
27 proportion to drug arrest patterns in the state. If the  
28 court is advised that an offender is not eligible or that

29 there is no space available, the court shall consider other  
30 authorized dispositions.

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

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

45 [5. An offender's first incarceration in a department  
46 of corrections program pursuant to this section prior to  
47 release on probation shall not be considered a previous  
48 prison commitment for the purpose of determining a minimum  
49 prison term pursuant to the provisions of section 558.019.]

217.655. 1. The parole board shall be responsible for  
2 determining whether a person confined in the department  
3 shall be paroled [or released conditionally as provided by  
4 section 558.011]. The parole board shall receive  
5 administrative support from the division of probation and  
6 parole. The division of probation and parole shall provide  
7 supervision to all persons referred by the circuit courts of  
8 the state as provided by sections 217.750 and 217.760. The  
9 parole board shall exercise independence in making decisions  
10 about individual cases, but operate cooperatively within the  
11 department and with other agencies, officials, courts, and



12 stakeholders to achieve systemic improvement including the  
13 requirements of this section.

14 2. The parole board shall adopt parole guidelines to:

15 (1) Preserve finite prison capacity for the most  
16 serious and violent offenders;

17 (2) Release supervision-manageable cases consistent  
18 with section 217.690;

19 (3) Use finite resources guided by validated risk and  
20 needs assessments;

21 (4) Support a seamless reentry process;

22 (5) Set appropriate conditions of supervision; and

23 (6) Develop effective strategies for responding to  
24 violation behaviors.

25 3. The parole board shall collect, analyze, and apply  
26 data in carrying out its responsibilities to achieve its  
27 mission and end goals. The parole board shall establish  
28 agency performance and outcome measures that are directly  
29 responsive to statutory responsibilities and consistent with  
30 agency goals for release decisions, supervision, revocation,  
31 recidivism, and caseloads.

32 4. The parole board shall publish parole data,  
33 including grant rates, revocation and recidivism rates,  
34 length of time served, and successful supervision  
35 completions, and other performance metrics.

36 5. The chairperson of the parole board shall employ  
37 such employees as necessary to carry out its  
38 responsibilities, serve as the appointing authority over  
39 such employees, and provide for appropriate training to  
40 members and staff, including communication skills.

41 6. The division of probation and parole shall provide  
42 such programs as necessary to carry out its responsibilities  
43 consistent with its goals and statutory obligations.

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

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

24 3. The division of probation and parole has  
25 discretionary authority to require the payment of a fee, not  
26 to exceed sixty dollars per month, from every offender  
27 placed under division supervision on probation, parole, or  
28 conditional release, to waive all or part of any fee, to  
29 sanction offenders for willful nonpayment of fees, and to  
30 contract with a private entity for fee collections  
31 services. All fees collected shall be deposited in the  
32 inmate fund established in section 217.430. Fees collected

33 may be used to pay the costs of contracted collections  
34 services. The fees collected may otherwise be used to  
35 provide community corrections and intervention services for  
36 offenders. Such services include substance abuse assessment  
37 and treatment, mental health assessment and treatment,  
38 electronic monitoring services, residential facilities  
39 services, employment placement services, and other offender  
40 community corrections or intervention services designated by  
41 the division of probation and parole to assist offenders to  
42 successfully complete probation, parole, or conditional  
43 release. The division of probation and parole shall adopt  
44 rules not inconsistent with law, in accordance with section  
45 217.040, with respect to sanctioning offenders and with  
46 respect to establishing, waiving, collecting, and using fees.

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

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

60         6. Any offender sentenced to a term of imprisonment  
61 amounting to fifteen years or more or multiple terms of  
62 imprisonment that, taken together, amount to fifteen or more  
63 years who was under eighteen years of age at the time of the  
64 commission of the offense or offenses may be eligible for

65 parole after serving fifteen years of incarceration,  
66 regardless of whether the case is final for the purposes of  
67 appeal, and may be eligible for reconsideration hearings in  
68 accordance with regulations promulgated by the parole board.

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

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

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

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

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

95 (2) The victim or person representing the victim who  
96 attends a hearing shall have the option of giving testimony

97 in the presence of the inmate or to the hearing panel  
98 without the inmate being present;

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

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

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

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

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

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

124 13. Special parole conditions shall be responsive to  
125 the assessed risk and needs of the offender or the need for  
126 extraordinary supervision, such as electronic monitoring.  
127 The parole board shall adopt rules to minimize the  
128 conditions placed on low-risk cases, to frontload conditions

129 upon release, and to require the modification and reduction  
130 of conditions based on the person's continuing stability in  
131 the community. Parole board rules shall permit parole  
132 conditions to be modified by parole officers with review and  
133 approval by supervisors.

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

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

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

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

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

32 is practicable and needed, such investigation shall include  
33 a physical and mental examination of the defendant.

252.220. 1. It shall be unlawful for any person to  
2 place any explosive substance or preparation in any of the  
3 waters of this state, whereby any fish which may inhabit  
4 said waters may be killed, injured or destroyed; and no  
5 person, by any such means, shall kill, catch or take any  
6 fish from said waters; provided, however, that explosive  
7 substances or preparations may be used in said waters, but  
8 only with the permission and under the supervision of the  
9 commission.

10 2. Any person violating any of the provisions of this  
11 section shall be deemed guilty of a **class E** felony[, ] and,  
12 upon conviction, shall be fined not less than two hundred  
13 dollars, nor more than one thousand dollars, or by  
14 imprisonment [in the state penitentiary] for **a term** not more  
15 than [two] **four** years, or by both such fine and  
16 imprisonment, for each such offense. **Any person found**  
17 **guilty of a violation of this section may be subject to an**  
18 **extended prison term pursuant to section 558.016.**

257.430. The making of profit, directly or indirectly,  
2 by any officer of any district organized under this chapter,  
3 or by any other public officer within the state, out of any  
4 contracts entered into by the district, or the use of any  
5 money belonging to a district by loaning it or otherwise  
6 using it, or by depositing the same in any manner, contrary  
7 to law, or by removal of any money by any officer or by his  
8 consent and placing it elsewhere than is prescribed either  
9 by law or by the official acts of the board of trustees, for  
10 the purpose of profit, constitutes a **class E** felony,  
11 punishable by imprisonment for a term not exceeding [two]  
12 **four** years, or a fine not exceeding five thousand dollars,



13 or both fine and imprisonment; and the officer offending  
14 shall be liable personally and upon his official bond for  
15 all losses to the district and for all profits realized by  
16 such unlawful use of moneys. **Any person found guilty of a**  
17 **violation of this section may be subject to an extended**  
18 **prison term pursuant to section 558.016.**

260.425. 1. It is unlawful for any person to cause or  
2 permit any acts or hazardous waste management practices  
3 which violate sections 260.350 to 260.430 or any standard,  
4 rule or regulation, order or license or permit term or  
5 condition adopted or issued hereunder. In the event the  
6 commission or the department determines that any provision  
7 of sections 260.350 to 260.430 or any standard, rule or  
8 regulation, order or determination, or license or permit  
9 term or condition adopted or issued hereunder by the  
10 commission or the department, or any filing requirement  
11 under sections 260.350 to 260.430 or any provision which  
12 this state is required to enforce under any federal  
13 hazardous waste management act, is being, was, or is in  
14 imminent danger of being violated, the commission or  
15 department may, in addition to other remedies under sections  
16 260.350 to 260.430, cause to have instituted a civil action  
17 in any court of competent jurisdiction for injunctive relief  
18 to prevent any such violation or further violation or for  
19 the assessment of a civil penalty not to exceed ten thousand  
20 dollars per day for each day, or part thereof, the violation  
21 occurred and continues to occur, or both, as the court deems  
22 proper. A civil monetary penalty under this section shall  
23 not be assessed for a violation where an administrative  
24 penalty was assessed under section 260.412. The commission  
25 or the department may request either the attorney general or  
26 a prosecuting attorney to bring any action authorized in

27 this section in the name of the people of the state of  
28 Missouri. Suit may be brought in any county where the  
29 defendant's principal place of business is located or was  
30 located at the time the violation occurred, or has or may  
31 cause injury or threat to the health of humans or the  
32 environment. Any offer of settlement to resolve a civil  
33 penalty under this section shall be in writing, shall state  
34 that an action for imposition of a civil penalty may be  
35 initiated by the attorney general or a prosecuting attorney  
36 representing the department under authority of this section,  
37 and shall identify any dollar amount as an offer of  
38 settlement which shall be negotiated in good faith through  
39 conference, conciliation and persuasion.

40 2. Moneys received pursuant to this section which are  
41 not required by Article IX, Section 7, of the Constitution  
42 to be distributed to schools shall be deposited in the  
43 hazardous waste fund created in section 260.391.

44 3. Any person who knowingly:

45 (1) Transports any hazardous waste to a facility which  
46 is not authorized to receive such waste pursuant to sections  
47 260.350 to 260.430 or permits or causes any other hazardous  
48 waste transportation practice in violation of any provision  
49 of sections 260.350 to 260.430;

50 (2) Treats, stores, or disposes of any hazardous waste  
51 either:

52 (a) Without authorization to do so pursuant to  
53 sections 260.350 to 260.430; or

54 (b) In knowing violation of any material condition or  
55 requirement of such authorization; or

56 (c) In violation of any provision of sections 260.350  
57 to 260.430;

58 (3) Makes any false material statement, representation  
59 or certification in any application, label, permit, record,  
60 report, manifest, or other document filed, maintained, or  
61 required to be maintained under sections 260.350 to 260.430;

62 (4) Falsifies, tampers with, or renders inaccurate any  
63 monitoring device or result therefrom used, filed,  
64 maintained, or required to be maintained under sections  
65 260.350 to 260.430;

66 (5) Generates, treats, stores, transports, disposes  
67 of, or otherwise handles any hazardous waste, and who in  
68 connection therewith knowingly destroys, alters or conceals  
69 any record required to be maintained pursuant to sections  
70 260.350 to 260.430; or

71 (6) Owns, maintains, or operates any hazardous waste  
72 disposal facility in a manner which permits any acts or  
73 hazardous waste management practices in violation of  
74 sections 260.350 to 260.430[ , ];

75 shall[ , ] **be guilty of a class E felony and subject to a term**  
76 **of imprisonment not more than four years.** Upon conviction,  
77 **any person found to be in violation of this section may be**  
78 **punished by a fine of not less than [twenty-five] two**  
79 **thousand five hundred dollars nor more than twenty-five**  
80 **thousand dollars for each day of violation, [or by**  
81 **confinement in the county jail for not more than one year,**  
82 **or by both such fine and confinement] in addition to a**  
83 **required term of imprisonment.** Second and successive  
84 convictions for violation of this section shall be punished  
85 by a fine of not less than five thousand dollars nor more  
86 than fifty thousand dollars for each day of violation[ , or  
87 by imprisonment for not less than ten years, or by both such  
88 fine and imprisonment]. **Any person found guilty of a**

89 **violation of this section may be subject to an extended**  
90 **prison term pursuant to section 558.016.**

91 4. Whenever the director or his designee observes or  
92 has reason to believe any such person is violating or has  
93 violated the provisions of sections 260.350 to 260.430  
94 relating to hazardous waste facilities, the director or his  
95 designee may request the sheriff or deputy sheriff of the  
96 county where the hazardous waste facility is located, or any  
97 law enforcement officer otherwise authorized by law to issue  
98 a summons, to make investigation. If the officer views any  
99 violation of sections 260.350 to 260.430 or has probable  
100 cause to believe any violation of sections 260.350 to  
101 260.430 is occurring or has occurred, he shall issue to the  
102 owner or operator a summons, in lieu of arrest, which shall  
103 state the nature of any alleged violations and shall command  
104 the owner or operator to appear in circuit court, associate  
105 division, at a stated time and place in answer thereto. If  
106 the owner or operator shall fail to appear as commanded by  
107 the summons, a warrant of arrest shall be issued.

108 5. In addition to the authority granted to it under  
109 chapter 43, the Missouri state highway patrol, any of its  
110 officers, or any other law enforcement officer, who has  
111 probable cause to believe that such a violation of sections  
112 260.350 to 260.430 has been committed may detain any  
113 equipment involved in the violation and arrest the person  
114 controlling or operating such equipment. Any such officer  
115 shall also notify the department or the Missouri public  
116 service commission as soon as practicable, which shall, in  
117 addition, take whatever civil action they determine is  
118 necessary to correct or eliminate such violation or any  
119 threat to the health of humans or the environment. It shall  
120 be the duty of the Missouri state highway patrol as it

121 pertains to highway use, and all other officers of the state  
122 of Missouri charged with enforcement of criminal law, to  
123 further the purposes of sections 260.350 to 260.430 and to  
124 render and furnish to the department when requested all  
125 information and assistance in their possession and in their  
126 power.

127         6. The liabilities which shall be imposed pursuant to  
128 any provision of sections 260.350 to 260.430 upon persons  
129 violating the provisions of sections 260.350 to 260.430 or  
130 any standard, rule or regulation, or license or permit term  
131 or condition adopted or issued hereunder shall not be  
132 imposed for any violation caused by a strike or an act of  
133 God, war, riot or other catastrophe.

134         7. No provision of sections 260.350 to 260.430 shall  
135 be construed to limit any action at law or in equity from  
136 being brought by any person or political subdivision  
137 aggrieved by any violation of sections 260.350 to 260.430  
138 nor shall any provision be construed to prohibit any person  
139 from exercising otherwise existing rights to suppress  
140 nuisances.

       268.151. Any person who shall brand, attempt to brand,  
2 or cause to be branded the animals of another, or who shall  
3 efface, deface, or obliterate or attempt to efface, deface,  
4 or obliterate any brand upon any animal or animals of  
5 another, or who shall brand, attempt to brand, or cause to  
6 be branded the recorded brand of another on any animal shall  
7 be guilty of a **class E** felony and **[shall] may, in addition**  
8 **to other penalties provided by law**, be imprisoned by the  
9 department of corrections for not more than **[five] four**  
10 years. **Any person found guilty of a violation of this**  
11 **section may be subject to an extended prison term pursuant**  
12 **to section 558.016.**

311.460. Any person knowingly and willfully violating  
2 any provisions of sections 311.410 to 311.450 shall be  
3 deemed guilty of a **class E** felony and shall be punished,  
4 upon conviction, by imprisonment [in the penitentiary] for a  
5 **term** not exceeding [two] **four** years [or by imprisonment in  
6 the county jail not exceeding one year] or by a fine not  
7 exceeding one thousand dollars, **or by both such fine and**  
8 **imprisonment. Any person found guilty of a violation of**  
9 **this section may be subject to an extended prison term**  
10 **pursuant to section 558.016.**

361.290. Any director, deputy, examiner, employee,  
2 clerk or stenographer who shall violate his **or her** oath of  
3 office or shall neglect or violate any of the duties imposed  
4 upon him **or her** by this chapter, or shall be guilty of any  
5 other misfeasance or malfeasance in office for which no  
6 other or different punishment is by this chapter provided,  
7 shall be deemed guilty of a **class E** felony, and upon  
8 conviction, shall be punished by imprisonment [in the  
9 penitentiary] for a term [of] not [less than two years nor]  
10 exceeding [five] **four** years, or by a fine of not less than  
11 one hundred dollars nor more than one thousand dollars, [or  
12 by imprisonment in the county or city jail for not less than  
13 one month nor more than twelve months,] or by both such fine  
14 and imprisonment; and upon indictment of any such director,  
15 deputy, examiner, clerk or stenographer for any violation of  
16 this chapter, such officer or employee shall be disqualified  
17 from further discharging the duties of such office or  
18 position until such indictment is fully disposed of. **Any**  
19 **person found guilty of a violation of this section may be**  
20 **subject to an extended prison term pursuant to section**  
21 **558.016.**

362.100. Any person who shall, contrary to any of the  
2 provisions of law, knowingly aid, abet or participate  
3 directly or indirectly in issuing or selling or causing to  
4 be issued or sold any share or shares of stock in any bank  
5 or trust company shall be deemed guilty of a **class E** felony  
6 and, upon conviction, thereof shall be punished by  
7 imprisonment by the department of corrections [and human  
8 resources] for a term not exceeding [five] **four** years or [by  
9 confinement in the county jail for a term not exceeding six  
10 months or] by a fine of not more than ten thousand dollars,  
11 or by both such fine and confinement. **Any person found**  
12 **guilty of a violation of this section may be subject to an**  
13 **extended prison term pursuant to section 558.016.**

362.171. Any officer, director, agent, clerk or  
2 employee of any bank or trust company who willfully and  
3 knowingly makes or concurs in making any loan, either  
4 directly or indirectly, to any individual, partnership or  
5 corporation or by means of letters of credit, by acceptance  
6 of drafts or by discount or purchase of notes, bills of  
7 exchange or other obligation of any person, partnership or  
8 corporation, in excess of the amounts set out in section  
9 362.170, shall be deemed guilty of a **class E** felony and,  
10 upon conviction, shall be punished by imprisonment [in the  
11 penitentiary] for not [less than two years nor] more than  
12 [ten] **four** years [or by imprisonment in the county jail for  
13 not exceeding one year] or by a fine not exceeding five  
14 hundred dollars, or by both such fine and imprisonment. **Any**  
15 **person found guilty of a violation of this section may be**  
16 **subject to an extended prison term pursuant to section**  
17 **558.016.**

375.350. 1. No insurance company shall, directly or  
2 indirectly, purchase or hold, either absolutely or as

3 collateral, its own stock, after the same has been once  
4 issued, without prior approval of the director of the  
5 department of commerce and insurance. The written  
6 application shall specify the number of shares offered,  
7 their description, the price offered by the company, the  
8 book value of said shares and any other pertinent  
9 information regarding the value of said shares. A copy of  
10 said application shall be given to the seller prior to the  
11 filing of said written application with the director of the  
12 department of commerce and insurance. This section shall  
13 not prevent a company from buying its own stock, if the same  
14 shall be forfeited and sold to the company for nonpayment of  
15 assessments thereon, in which case it shall be treated and  
16 issued as part of the original stock. Any person willfully  
17 making a false statement or representation in the  
18 application mentioned above shall be deemed guilty of a  
19 **class E** felony and **may** be imprisoned for a period of not  
20 **[less than two years nor]** more than **[five]** **four** years. **Any**  
21 **person found guilty of a violation of this section may be**  
22 **subject to an extended prison term pursuant to section**  
23 **558.016.**

24 2. Notwithstanding the limitations set out in  
25 subsection 1 of this section, an insurance company may  
26 purchase or otherwise acquire its own stock, after the same  
27 has once been issued, without prior approval of the director  
28 of the department of commerce and insurance provided that:

29 (1) The insurance company does not thereby reduce its  
30 capital and surplus below the minimums required by law for  
31 such company to continue to do business; and

32 (2) The insurance company, within ten days after the  
33 end of any three-month period in which it acquires more than  
34 five percent of any class of its outstanding shares, files a



35 report with the director of the department of commerce and  
36 insurance showing:

- 37 (a) The date of such purchase;  
38 (b) The class of stock purchased;  
39 (c) The number of shares of each class so purchased;  
40 (d) The aggregate price paid for such shares of each  
41 class so purchased; and  
42 (e) The authorized capital, actual capital, and  
43 surplus of such company immediately prior to such purchase.

44 3. No shares which are or have been reacquired,  
45 purchased, pledged, or held by an insurance company pursuant  
46 to subsection 1 or 2 of this section shall be considered an  
47 admitted asset, nor shall be considered in determining the  
48 solvency of any insurance company.

375.390. No officer, stockholder, agent or employee of  
2 any insurance company, formed under the laws of this state,  
3 or doing business herein, shall, directly or indirectly, use  
4 or employ, or permit others to use or employ, any of the  
5 money, funds or securities of such company for private  
6 profit or gain, and any such use shall be deemed a **class E**  
7 felony, punishable, upon conviction, by imprisonment [in the  
8 penitentiary] **for a term** not [less than two years nor] more  
9 than [five] **four** years for each offense. **Any person found**  
10 **guilty of a violation of this section may be subject to an**  
11 **extended prison term pursuant to section 558.016.**

375.410. Any public official failing, neglecting or  
2 refusing to comply with any of the provisions of [sections  
3 375.390 and] **section** 375.400 shall be deemed guilty of a  
4 misdemeanor, and, upon conviction, shall be fined not less  
5 than five hundred dollars and forfeit his office.

375.470. If said director or his deputy shall  
2 willfully fail, refuse or neglect to faithfully keep,

3 deposit, account or surrender, in the manner by law  
4 authorized or required, any such securities as aforesaid,  
5 transferred to and received by him or into his custody,  
6 under the provisions of law, such director shall be  
7 responsible upon his official bond, and suit may be brought  
8 upon said bond by any person injured; and said director or  
9 his deputy so offending shall, upon conviction thereof, be  
10 adjudged guilty of a **class C** felony, and punished by a fine  
11 not exceeding ten thousand dollars, and by imprisonment [in  
12 the state penitentiary] for **a term** not less than [two] **three**  
13 or more than ten years[; and for any other willful violation  
14 or failure or neglect to perform any duty prescribe by law,  
15 and pertaining to his office, said director or his deputy,  
16 upon conviction thereof, shall be deemed guilty of a  
17 misdemeanor, and punished by a fine not exceeding one  
18 thousand dollars, or by imprisonment in the county jail not  
19 exceeding twelve months, or by both such fine and  
20 imprisonment]. **Any person found guilty of a violation of**  
21 **this section may be subject to an extended prison term**  
22 **pursuant to section 558.016.**

386.560. Any person who shall willfully make any false  
2 entry in the accounts, books of account, records, or  
3 memoranda kept by any corporation, person, or public utility  
4 governed by the provisions of this chapter, or who shall  
5 willfully destroy, mutilate, alter, or by any other means or  
6 device falsify the record of any such account, book of  
7 accounts, record, or memoranda, or who shall willfully  
8 neglect or fail to make full, true, and correct entries of  
9 such account, book of accounts, record, or memoranda of all  
10 facts and transactions appertaining to the business of such  
11 corporations, persons, or public utilities, or who shall  
12 falsely make any statement required to be made to the public

13 service commission, in which a penalty has not heretofore  
14 been provided for, shall be deemed guilty of a **class E**  
15 felony[, ] and, upon conviction, shall be punished by a fine  
16 of not less than one thousand dollars nor more than five  
17 thousand dollars, or by imprisonment for **a term of** not [less  
18 than two years nor] more than [five] **four** years, or by both  
19 such fine and imprisonment; provided, that the commission  
20 may, in its discretion, issue orders specifying such  
21 operating, accounting, or financial papers, records, books,  
22 blanks, tickets, stubs, or documents, of carriers which may  
23 after a reasonable time be destroyed, and prescribing the  
24 length of time such books, papers, or documents shall be  
25 preserved; and provided further, that such orders shall be  
26 in harmony with those of the Interstate Commerce  
27 Commission. **Any person found guilty of a violation of this**  
28 **section may be subject to an extended prison term pursuant**  
29 **to section 558.016.**

387.290. 1. The division of motor carrier and  
2 railroad safety shall have the power to require motor  
3 carriers to account for the disposition of the proceeds of  
4 all sales of stocks, bonds, notes, and other evidences of  
5 indebtedness in such form and detail as it may deem  
6 advisable and to establish such rules and regulations as it  
7 may deem reasonable and necessary to insure the disposition  
8 of such proceeds for the purpose or purposes specified in  
9 its order.

10 2. All stock, and every bond, note or evidence of  
11 indebtedness, of a motor carrier issued without an order of  
12 the division authorizing the same then in effect shall be  
13 void, and likewise all stock, and every bond, note or other  
14 evidence of indebtedness, of a motor carrier issued with the  
15 authorization of the division, but not conforming in its

16 provisions to the provisions, if any, which it is required  
17 by the order of authorization of the division to contain,  
18 shall be void; but no failure in any other respect to comply  
19 with the terms or conditions of the order of authorization  
20 of the division shall render void any stock, or any bond,  
21 note, or other evidence of indebtedness, except as to a  
22 corporation or person taking the same otherwise than in good  
23 faith and for value and without actual notice.

24         3. Every motor carrier, which directly or indirectly  
25 issues or causes to be issued, any stock or stock  
26 certificates, or bond, note, or other evidence of  
27 indebtedness, in nonconformity with the order of the  
28 division authorizing the same, or contrary to the provisions  
29 of this chapter, or of the constitution of the state, or  
30 which applies the proceeds from the sale thereof, or any  
31 part thereof, to any purpose other than the purpose or  
32 purposes specified in the division's order, as herein  
33 provided, or to any purpose specified in the division's  
34 order in excess of the amount in said order authorized for  
35 such purpose, is subject to a penalty of not less than five  
36 hundred dollars nor more than twenty thousand dollars for  
37 each offense.

38         4. Every officer, agent, or employee of a motor  
39 carrier, and every other person who knowingly authorizes,  
40 directs, aids in, issues or executes, or causes to be issued  
41 or executed, any stock, or bond, note, or other evidence of  
42 indebtedness, in nonconformity with the order of the  
43 division authorizing the same, or contrary to the provisions  
44 of this chapter, or of the constitution of this state, or  
45 who, in any proceeding before the division, knowingly makes  
46 any false statement or representation, or with knowledge of  
47 its falsity files or causes to be filed with the division

48 any false statement or representation which said statement  
49 or representation so made, filed or caused to be filed may  
50 tend in any way to influence the division to make an order  
51 authorizing the issue of any stock, or any bond, note, or  
52 other evidence of indebtedness, or which results in  
53 procuring from the division the making of any such order, or  
54 who, with knowledge that any false statement or  
55 representation was made to the division in any proceeding,  
56 tending in any way to influence the division to make such  
57 order, issues or executes or negotiates, or causes to be  
58 issued, executed or negotiated any such stock, or bond,  
59 note, or other evidence of indebtedness, or who directly or  
60 indirectly, knowingly applies, or causes or assists to be  
61 applied the proceeds or any part thereof, from the sale of  
62 any stock, or bond, note, or other evidence of indebtedness,  
63 to any purpose not specified in the division's order, or to  
64 any purpose specified in the division's order in excess of  
65 the amount authorized for such purpose, or who, with  
66 knowledge that any stock, or bond, note or other evidence of  
67 indebtedness, has been issued or executed in violation of  
68 any of the provisions of this chapter, negotiates, or causes  
69 the same to be negotiated, shall be deemed guilty of a **class**  
70 **E** felony[, ] and, upon conviction, shall be punished by a  
71 fine of not less than one thousand dollars nor more than  
72 five thousand dollars, or by imprisonment for **a term** not  
73 [less than two years nor] more than [five] **four** years, or by  
74 both such fine and imprisonment. **Any person found guilty of**  
75 **a violation of this section may be subject to an extended**  
76 **prison term pursuant to section 558.016.**

77 5. No provision of this chapter, and no deed or act  
78 done or performed under or in connection therewith, shall be  
79 held or construed to obligate the state of Missouri to pay

80 or guarantee, in any manner whatsoever, any stock, or bond,  
81 note, or other evidence of indebtedness, authorized, issued  
82 or executed under the provisions of this chapter.

83 6. All stocks, and every bond, note, or other evidence  
84 of indebtedness issued by any motor carrier after this  
85 chapter takes effect, upon the authority of any articles of  
86 incorporation or amendments thereto or vote of the  
87 stockholders or directors filed, taken or had, or other  
88 proceedings taken or had, previous to the taking effect of  
89 this chapter, shall be void, unless an order of the division  
90 authorizing the issue of such stock, or bonds, notes, or  
91 other evidences of indebtedness shall have been obtained  
92 from the division prior to such issue. The division may by  
93 its order impose such condition or conditions as it may deem  
94 reasonable and necessary.

392.330. 1. The commission shall have the power to  
2 require every telecommunications company to account for the  
3 disposition of the proceeds of all sales of stocks, bonds,  
4 notes, and other evidence of indebtedness, in such form and  
5 detail as it may deem advisable, and to establish such rules  
6 and regulations as it may deem reasonable and necessary to  
7 ensure the disposition of such proceeds for the purpose or  
8 purposes specified in its order. No rule or portion of a  
9 rule promulgated under the authority of this chapter shall  
10 become effective unless it has been promulgated pursuant to  
11 the provisions of section 536.024.

12 2. All stock and every bond, note, or other evidence  
13 of indebtedness of a telecommunications company issued  
14 without an order of the commission authorizing the same then  
15 in effect shall be void, and likewise all stock and every  
16 bond, note or other evidence of indebtedness of a  
17 telecommunications company issued with the authorization of

18 the commission, but not conforming in its provisions to the  
19 provisions, if any, which it is required by the order of  
20 authorization of the commission to contain, shall be void;  
21 but no failure in any other respect to comply with the terms  
22 or conditions of the order of authorization of the  
23 commission shall render void any stock or any bond, note, or  
24 other evidence of indebtedness, except as to a corporation  
25 or person taking the same otherwise than in good faith and  
26 for value and without actual notice.

27 3. Every telecommunications company which, directly or  
28 indirectly, issues or causes to be issued any stock, or  
29 bond, note, or other evidence of indebtedness, in  
30 nonconformity with the order of the commission authorizing  
31 the same, or contrary to the provisions of this chapter, or  
32 of the constitution of this state, or which applies the  
33 proceeds from the sale thereof, or any part thereof, to any  
34 purpose other than the purpose or purposes specified in the  
35 commission's order in excess of the amount in such order  
36 authorized for the purpose, is subject to a penalty of not  
37 less than five hundred dollars nor more than twenty thousand  
38 dollars for each offense.

39 4. Every officer, agent, or employee of a  
40 telecommunications company and every other person who  
41 knowingly authorizes, directs, aids in, issues or executes,  
42 or causes to be issued or executed, any stock, bond, note,  
43 or other evidence of indebtedness, in nonconformity with the  
44 order of the commission authorizing the same, or contrary to  
45 the provisions of sections 392.190 to 392.360, or to the  
46 constitution of this state, or who, in any proceeding before  
47 the commission, knowingly makes any false statement or  
48 representation or with knowledge of its falsity files or  
49 causes to be filed with the commission any false statement

50 or representation, which said statement or representation so  
51 made, filed or caused to be filed, may tend in any way to  
52 influence the commission to make an order authorizing the  
53 issue of any stock, or any bond, note, or other evidence of  
54 indebtedness, or which results in the procuring from the  
55 commission the making of any such order, or who, with  
56 knowledge that any false statement or representation was  
57 made to the commission, in any proceeding, tending in any  
58 way to influence the commission to make such order, issues  
59 or executes or negotiates, or causes to be issued or  
60 executed or negotiated any such stock, or bond, note, or  
61 other evidence of indebtedness, or who, directly or  
62 indirectly, knowingly applies, or causes or assists to be  
63 applied, the proceeds, or any part thereof, from the sale of  
64 any stock, bond, note, or other evidence of indebtedness, to  
65 any purpose not specified in the commission's order, or to  
66 any purpose specified in the commission's order in excess of  
67 the amount authorized for such purpose, or who, with  
68 knowledge that any stock, or bond, note, or other evidence  
69 of indebtedness has been issued or executed in violation of  
70 any of the provisions of this chapter, negotiates, or causes  
71 to be negotiated, any stock, bond, note, or other evidence  
72 of indebtedness, shall be deemed guilty of a **class E** felony,  
73 and, upon conviction, shall be punished by a fine of not  
74 less than one thousand dollars nor more than five thousand  
75 dollars, or by imprisonment for **a term** not [less than two  
76 years nor] more than [five] **four** years, or by both such fine  
77 and imprisonment. **Any person found guilty of a violation of**  
78 **this section may be subject to an extended prison term**  
79 **pursuant to section 558.016.**

80 5. No provision of this chapter, and no deed or act  
81 done or performed under or in connection therewith, shall be



82 held or construed to obligate the state of Missouri, to pay  
83 or guarantee, in any manner whatsoever, any stock, or bond,  
84 note, or other evidence of indebtedness, authorized, issued  
85 or executed under the provisions of sections 392.190 to  
86 392.360.

87 6. All stocks, and every bond, note, or other evidence  
88 of indebtedness issued by any public utility after this  
89 chapter takes effect, upon the authority of any articles of  
90 incorporation or amendments thereto or vote of the  
91 stockholders or directors filed, taken or had, or other  
92 proceedings taken or had, previous to the taking effect of  
93 this law, shall be void, unless an order of the commission  
94 authorizing the issue of such stocks, bonds, notes, or other  
95 evidences of indebtedness shall have been obtained from the  
96 commission prior to such issue. The commission may by its  
97 order impose such condition or conditions as it may deem  
98 reasonable and necessary.

99 7. Notwithstanding the other provisions of this  
100 section, the commission can approve all issues of stock,  
101 bonds, notes, or other evidence of indebtedness of a  
102 telecommunications company which were issued without prior  
103 approval when it can be shown that the stocks, bonds, notes,  
104 or other evidence of indebtedness were issued for purposes  
105 authorized by section 392.310, and were issued in good faith  
106 without knowledge of the requirement of obtaining prior  
107 approval.

393.220. 1. The commission shall have power to  
2 require gas corporations, electrical corporations, water  
3 corporations, and sewer corporations to account for the  
4 disposition of the proceeds of all sales of stocks, bonds,  
5 notes, and other evidences of indebtedness in such form and  
6 detail as it may deem advisable, and to establish such rules

7 and regulations as it may deem reasonable and necessary to  
8 insure the disposition of such proceeds for the purpose or  
9 purposes specified in its order.

10 2. All stock, and every bond, note, or other evidence  
11 of indebtedness of a gas corporation, electrical  
12 corporation, water corporation, or sewer corporation issued  
13 without an order of the commission authorizing the same then  
14 in effect shall be void, and likewise all stock, and every  
15 bond, note or other evidence of indebtedness of a gas  
16 corporation, electrical corporation, water corporation, or  
17 sewer corporation, issued with the authorization of the  
18 commission, but not conforming in its provisions to the  
19 provisions, if any, which it is required by the order of  
20 authorization of the commission to contain, shall be void;  
21 but no failure in any other respect to comply with the terms  
22 or conditions of the order of authorization of the  
23 commission shall render void any stock, or any bond, note,  
24 or other evidence of indebtedness, except as to a  
25 corporation or person taking the same otherwise than in good  
26 faith and for value and without actual notice.

27 3. Every gas corporation, electrical corporation,  
28 water corporation, or sewer corporation which, directly or  
29 indirectly, issues or causes to be issued any stock or bond,  
30 note, or other evidence of indebtedness, in nonconformity  
31 with the order of the commission authorizing the same, or  
32 contrary to the provisions of this chapter, or the  
33 constitution of this state, or which applies the proceeds  
34 from the sale thereof, or any part thereof, to any purpose  
35 other than the purpose or purposes specified in the  
36 commission's order in excess of the amount in said order  
37 authorized for the purpose, is subject to a penalty of not

38 less than five hundred dollars nor more than twenty thousand  
39 dollars for each offense.

40 4. Every officer, agent, or employee of a gas  
41 corporation, electrical corporation, water corporation, or  
42 sewer corporation, and every other person who knowingly  
43 authorizes, directs, aids in, issues or executes, or causes  
44 to be issued or executed, any stock or bond, note, or other  
45 evidence of indebtedness, in nonconformity with the order of  
46 the commission authorizing the same, or contrary to the  
47 provisions of this chapter, or to the constitution of this  
48 state, or who, in any proceeding before the commission,  
49 knowingly makes any false statement or representation or  
50 with knowledge of its falsity files or causes to be filed  
51 with the commission any false statement or representation,  
52 which said statement or representation so made, filed or  
53 caused to be filed may tend in any way to influence the  
54 commission to make an order authorizing an issue of stock,  
55 or any bond, note or other evidence of indebtedness, or  
56 which results in the procuring from the commission the  
57 making of any such order, or who, with knowledge that any  
58 false statement or representation was made to the  
59 commission, in any proceeding, tending in any way to  
60 influence the commission to make such an order, issues or  
61 executes or negotiates, or causes to be issued, executed or  
62 negotiated any such stock or bond, note, or other evidence  
63 of indebtedness, or who, directly or indirectly, knowingly  
64 applies, or causes or assists to be applied the proceeds, or  
65 any part thereof, from the sale of any stock or bond, note,  
66 or other evidence of indebtedness, to any purpose not  
67 specified in the commission's order, or to any purpose  
68 specified in the commission's order, in excess of the amount  
69 authorized for such purpose, or who, with knowledge that any

70 stock or bond, note, or other evidence of indebtedness, has  
71 been issued or executed in violation of any of the  
72 provisions of this chapter, negotiates, or causes the same  
73 to be negotiated, shall be deemed guilty of a **class E**  
74 felony[,] and, upon conviction, shall be punished by a fine  
75 of not less than one thousand dollars nor more than five  
76 thousand dollars, or by imprisonment for not [less than two  
77 years nor] more than [five] **four** years, or by both such fine  
78 and imprisonment. **Any person found guilty of a violation of**  
79 **this section may be subject to an extended prison term**  
80 **pursuant to section 558.016.**

81 5. No provision of this chapter, and no deed or act  
82 done or performed under or in connection therewith, shall be  
83 held or construed to obligate the state of Missouri to pay  
84 or guarantee in any manner whatsoever, any stock or bond,  
85 note, or other evidence of indebtedness, authorized, issued  
86 or executed under the provisions of this chapter.

87 6. All stocks and bonds, notes, and other evidences of  
88 indebtedness issued by any public utility after this law  
89 takes effect, upon the authority of any articles of  
90 incorporation or amendments thereto or vote of the  
91 stockholders or directors filed, taken or had, or other  
92 proceedings taken or had, previous to the taking effect of  
93 this chapter, shall be void, unless an order of the  
94 commission authorizing the issue of such stocks, bonds,  
95 notes, or other evidences of indebtedness shall have been  
96 obtained from the commission prior to such issue. The  
97 commission may by its order impose such condition or  
98 conditions as it may deem reasonable and necessary.

99 7. Notwithstanding the other provisions of this  
100 section **to the contrary**, the commission can approve all  
101 issues of stock, bonds, notes, or other evidence of

102 indebtedness of a gas corporation, electrical corporation,  
103 water corporation, or sewer corporation, which were issued  
104 without prior approval when it can be shown that the stocks,  
105 bonds, notes, or other evidence of indebtedness were issued  
106 for purposes authorized by section 393.200, and were issued  
107 in good faith without knowledge of the requirement of  
108 obtaining prior approval.

409.109. A person who willfully violates section  
2 409.108 shall **be deemed guilty of a class C felony and**, upon  
3 conviction, be fined not more than five hundred thousand  
4 dollars or imprisoned **not less than three years and** not more  
5 than ten years, or both. The proper prosecuting attorney  
6 with or without a criminal reference from the commissioner,  
7 or the attorney general under section 27.030, may institute  
8 criminal proceedings under this section. **Any person found**  
9 **guilty of a violation of this section may be subject to an**  
10 **extended prison term pursuant to section 558.016.**

409.5-501. 1. It is unlawful for a person, in  
2 connection with the offer, sale, or purchase of a security,  
3 directly or indirectly:

4 (1) To employ a device, scheme, or artifice to defraud;

5 (2) To make an untrue statement of a material fact or  
6 to omit to state a material fact necessary in order to make  
7 the statement made, in the light of the circumstances under  
8 which it is made, not misleading; or

9 (3) To engage in an act, practice, or course of  
10 business that operates or would operate as a fraud or deceit  
11 upon another person.

12 2. **A person who willfully violates the terms of this**  
13 **section shall be deemed guilty of a class C felony and shall**  
14 **be subject to a term of imprisonment not less than three**  
15 **years and not more than ten years. Any person found guilty**

16 **of a violation of this section may be subject to an extended**  
17 **prison term pursuant to section 558.016.**

409.5-505. **1.** It is unlawful for a person to make or  
2 cause to be made, in a record that is used in an action or  
3 proceeding or filed under this act, a statement that, at the  
4 time and in the light of the circumstances under which it is  
5 made, is false or misleading in a material respect, or, in  
6 connection with the statement, to omit to state a material  
7 fact necessary to make the statement made, in the light of  
8 the circumstances under which it was made, not false or  
9 misleading.

10 **2. A person who willfully violates the terms of this**  
11 **section shall be deemed guilty of a class C felony and shall**  
12 **be subject to a term of imprisonment not less than three**  
13 **years and not more than ten years. Any person found guilty**  
14 **of a violation of this section may be subject to an extended**  
15 **prison term pursuant to section 558.016.**

409.5-508. (a) A person commits the **[crime] offense**  
2 of criminal securities fraud when such person willfully  
3 violates section 409.5-501.

4 (b) A person commits a criminal securities violation  
5 when such person willfully violates any other provision of  
6 this act, or a rule adopted or order issued under this act,  
7 except section 409.5-504 or the notice filing requirements  
8 of section 409.3-302 or 409.4-405, or that willfully  
9 violates section 409.5-505 knowing the statement made to be  
10 false or misleading in a material respect.

11 (c) A person convicted of criminal securities fraud or  
12 any other criminal securities violation shall be **deemed**  
13 **guilty of a class C felony and** fined not more than one  
14 million dollars or imprisoned **for a term not less than three**  
15 **years nor** more than ten years, or both, and if the violation

16 was committed against an elderly or disabled person, then  
17 the fine shall be not less than fifty thousand dollars. **Any**  
18 **person found guilty of a violation of this section may be**  
19 **subject to an extended prison term pursuant to section**  
20 **558.016.** For purposes of this section, the following terms  
21 mean:

22 (1) "Disabled person", a person with a physical or  
23 mental impairment that substantially limits one or more of  
24 the major life activities of such individual, a record of  
25 such impairment, or being regarded as having such an  
26 impairment;

27 (2) "Elderly person", a person sixty years of age or  
28 older.

29 (d) An individual convicted of violating a rule or  
30 order under this act may be fined, but may not be  
31 imprisoned, if the individual did not have knowledge of the  
32 rule or order.

33 (e) The attorney general or the proper prosecuting  
34 attorney with or without a reference from the commissioner  
35 may institute criminal proceedings under this act.

36 (f) This act does not limit the power of this state to  
37 punish a person for conduct that constitutes a crime under  
38 other laws of this state.

411.611. A warehouseman who issues or aids in issuing  
2 a receipt knowing that the grain for which the receipt is  
3 issued has not been actually received by the warehouseman,  
4 or is not under **[his]** **the** actual control **of the warehouseman**  
5 at the time of issuing the receipt, is guilty of a **class E**  
6 felony and, upon conviction, shall be punished for each  
7 offense by imprisonment by the department of corrections  
8 **[and human resources]** for **a term** not to exceed **[five]** **four**  
9 years. **Any person found guilty of a violation of this**

10 **section may be subject to an extended prison term pursuant**  
11 **to section 558.016.**

411.621. A warehouseman who fraudulently issues or  
2 aids in fraudulently issuing a receipt for grain, knowing  
3 that it contains any false statement, is guilty of a **class E**  
4 felony[, ] and, upon conviction, shall be punished for each  
5 offense by imprisonment by the department of corrections  
6 [and human resources] for a term not [less than two years  
7 nor] more than [five] **four** years. **Any person found guilty**  
8 **of a violation of this section may be subject to an extended**  
9 **prison term pursuant to section 558.016.**

411.641. A warehouseman who delivers grain out of his  
2 **or her** possession, knowing that a negotiable receipt, the  
3 negotiation of which would transfer the right to the  
4 possession of that grain, is outstanding and uncanceled,  
5 without obtaining possession of the receipt at or before the  
6 time of the delivery, is guilty of a **class E** felony[, ] and,  
7 upon conviction, shall be punished for each offense by  
8 imprisonment by the department of corrections [and human  
9 resources] for a term not [less than two nor] more than  
10 [five] **four** years. **Any person found guilty of a violation**  
11 **of this section may be subject to an extended prison term**  
12 **pursuant to section 558.016.**

411.651. Any person who deposits grain to which [he]  
2 **the person** has not title, or upon which there is a lien or  
3 mortgage, and who takes for the grain a negotiable receipt  
4 which [he] **the person** afterward negotiated for value with  
5 intent to defraud, or without disclosing his **or her** want of  
6 title, or the existence of the lien or mortgage, is guilty  
7 of a [crime,] **class E felony** and, upon conviction, shall be  
8 punished for each offense by imprisonment by the department  
9 of corrections [and human resources] **for a term** not



10 exceeding [five] **four** years, or by a fine not exceeding five  
11 thousand dollars, or both. **Any person found guilty of a**  
12 **violation of this section may be subject to an extended**  
13 **prison term pursuant to section 558.016.**

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

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

7 (2) "Affirmative defense":

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

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

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

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

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

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

27 (5) "Computer", the box that houses the central  
28 processing unit (CPU), along with any internal storage

29 devices, such as internal hard drives, and internal  
30 communication devices, such as internal modems capable of  
31 sending or receiving electronic mail or fax cards, along  
32 with any other hardware stored or housed internally. Thus,  
33 computer refers to hardware, software and data contained in  
34 the main unit. Printers, external modems attached by cable  
35 to the main unit, monitors, and other external attachments  
36 will be referred to collectively as peripherals and  
37 discussed individually when appropriate. When the computer  
38 and all peripherals are referred to as a package, the term  
39 "computer system" is used. Information refers to all the  
40 information on a computer system including both software  
41 applications and data;

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

45 (7) "Computer hardware", all equipment which can  
46 collect, analyze, create, display, convert, store, conceal  
47 or transmit electronic, magnetic, optical or similar  
48 computer impulses or data. Hardware includes, but is not  
49 limited to, any data processing devices, such as central  
50 processing units, memory typewriters and self-contained  
51 laptop or notebook computers; internal and peripheral  
52 storage devices, transistor-like binary devices and other  
53 memory storage devices, such as floppy disks, removable  
54 disks, compact disks, digital video disks, magnetic tape,  
55 hard drive, optical disks and digital memory; local area  
56 networks, such as two or more computers connected together  
57 to a central computer server via cable or modem; peripheral  
58 input or output devices, such as keyboards, printers,  
59 scanners, plotters, video display monitors and optical  
60 readers; and related communication devices, such as modems,

61 cables and connections, recording equipment, RAM or ROM  
62 units, acoustic couplers, automatic dialers, speed dialers,  
63 programmable telephone dialing or signaling devices and  
64 electronic tone-generating devices; as well as any devices,  
65 mechanisms or parts that can be used to restrict access to  
66 computer hardware, such as physical keys and locks;

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

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

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

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

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

86 (13) "Confinement":

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

90 a. A court orders the person's release; or

91 b. The person is released on bail, bond, or  
92 recognizance, personal or otherwise; or

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

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

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

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

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

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

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

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

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

122           (16) "Criminal negligence", failure to be aware of a  
123 substantial and unjustifiable risk that circumstances exist  
124 or a result will follow, and such failure constitutes a

125 gross deviation from the standard of care which a reasonable  
126 person would exercise in the situation;

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

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

133 (19) "Dangerous felony", the felonies of arson in the  
134 first degree, assault in the first degree, attempted rape in  
135 the first degree if physical injury results, attempted  
136 forcible rape if physical injury results, attempted sodomy  
137 in the first degree if physical injury results, attempted  
138 forcible sodomy if physical injury results, rape in the  
139 first degree, forcible rape, sodomy in the first degree,  
140 forcible sodomy, assault in the second degree if the victim  
141 of such assault is a special victim as defined in  
142 subdivision (14) of section 565.002, kidnapping in the first  
143 degree, kidnapping, murder in the second degree, assault of  
144 a law enforcement officer in the first degree, domestic  
145 assault in the first degree, elder abuse in the first  
146 degree, robbery in the first degree, armed criminal action,  
147 conspiracy to commit an offense when the offense is a  
148 dangerous felony, vehicle hijacking when punished as a class  
149 A felony, statutory rape in the first degree [when the  
150 victim is a child less than twelve years of age at the time  
151 of the commission of the act giving rise to the offense],  
152 statutory sodomy in the first degree [when the victim is a  
153 child less than twelve years of age at the time of the  
154 commission of the act giving rise to the offense], child  
155 molestation in the first or second degree, abuse of a child  
156 if the child dies as a result of injuries sustained from

157 conduct chargeable under section 568.060, child kidnapping,  
158 parental kidnapping committed by detaining or concealing the  
159 whereabouts of the child for not less than one hundred  
160 twenty days under section 565.153, bus hijacking when  
161 punished as a class A felony, planting a bomb or explosive  
162 in or near a bus or terminal, [and] an "intoxication-related  
163 traffic offense" or "intoxication-related boating offense"  
164 if the person is found to be a "habitual offender" or  
165 "habitual boating offender" as such terms are defined in  
166 section 577.001, **trafficking for the purposes of slavery,**  
167 **involuntary servitude, peonage, or forced labor or attempted**  
168 **trafficking for the purposes of slavery, involuntary**  
169 **servitude, peonage, or forced labor when punished as a class**  
170 **A felony pursuant to section 566.206, trafficking for the**  
171 **purposes of sexual exploitation or attempted trafficking for**  
172 **the purposes of sexual exploitation when punished as a class**  
173 **A felony pursuant to section 566.209, sexual trafficking of**  
174 **a child in the first degree, sexual trafficking of a child**  
175 **in the second degree, and the failure to register as a sex**  
176 **offender as a third offense under section 589.425;**

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

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

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

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

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

203           (25) "Elderly person", a person sixty years of age or  
204 older;

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

208           (27) "Forcible compulsion" either:

209           (a) Physical force that overcomes reasonable  
210 resistance; or

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

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

218           (29) "Infraction", a violation defined by this code or  
219 by any other statute of this state if it is so designated or

220 if no sentence other than a fine, or fine and forfeiture or  
221 other civil penalty, is authorized upon conviction;

222 (30) "Inhabitable structure", a vehicle, vessel or  
223 structure:

224 (a) Where any person lives or carries on business or  
225 other calling; or

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

229 (c) Which is used for overnight accommodation of  
230 persons.

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

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

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

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

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

248 (33) "Misdemeanor", an offense so designated or an  
249 offense for which persons found guilty thereof may be



250 sentenced to imprisonment for a term of which the maximum is  
251 one year or less;

252 (34) "Of another", property that any entity, including  
253 but not limited to any natural person, corporation, limited  
254 liability company, partnership, association, governmental  
255 subdivision or instrumentality, other than the actor, has a  
256 possessory or proprietary interest therein, except that  
257 property shall not be deemed property of another who has  
258 only a security interest therein, even if legal title is in  
259 the creditor pursuant to a conditional sales contract or  
260 other security arrangement;

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

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

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

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

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

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

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

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

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

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

311           (45) "Services", when used in relation to a computer  
312 system or network, means use of a computer, computer system,  
313 or computer network and includes, but is not limited to,

314 computer time, data processing, and storage or retrieval  
315 functions;

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

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

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

333 (49) "Voluntary act":

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51           6. In the event a sentence of confinement is ordered  
52 executed, a court may order that an individual serve all or  
53 any portion of such sentence on electronic monitoring;  
54 except that all costs associated with the electronic  
55 monitoring shall be charged to the person on house arrest.  
56 If the judge finds the person unable to afford the costs  
57 associated with electronic monitoring, the judge may order  
58 that the person be placed on house arrest with electronic  
59 monitoring if the county commission agrees to pay the costs  
60 of such monitoring. If the person on house arrest is unable

61 to afford the costs associated with electronic monitoring  
62 and the county commission does not agree to pay from the  
63 general revenue of the county the costs of such electronic  
64 monitoring, the judge shall not order that the person be  
65 placed on house arrest with electronic monitoring.

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

4 2. Any offense defined outside this code which is  
5 declared to be a felony without specification of the penalty  
6 therefor is a class E felony **and subject to the terms**  
7 **outlined in chapter 558.**

8 3. For the purpose of applying the extended term  
9 provisions of section 558.016 and the minimum prison term  
10 provisions of section [558.019] **558.011** and for determining  
11 the penalty for attempts, offenses defined outside of this  
12 code shall be classified as follows:

13 (1) If the offense is a felony:

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

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

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

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

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

26 (2) If the offense is a misdemeanor:

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

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

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

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

37 (e) It is an infraction if there is no authorized  
38 imprisonment.

558.011. 1. The authorized terms of imprisonment[,  
2 including both prison and conditional release terms,] **for**  
3 **all felony offenses** are:

4 (1) For a class A felony, a term of years not less  
5 than ten years and not to exceed thirty years, or life  
6 imprisonment, **for which an offender shall serve a minimum**  
7 **percentage between sixty to eighty percent of the imposed**  
8 **sentence, as determined by the sentencing court, prior to**  
9 **parole eligibility;**

10 (2) For a class B felony, a term of years not less  
11 than five years and not to exceed fifteen years, **for which**  
12 **an offender shall serve a minimum percentage between forty**  
13 **and sixty percent of the imposed sentence, as determined by**  
14 **the sentencing court, prior to parole eligibility;**

15 (3) For a class C felony, a term of years not less  
16 than three years and not to exceed ten years, **for which an**  
17 **offender shall serve a minimum percentage between thirty and**  
18 **fifty percent of the imposed sentence, as determined by the**  
19 **sentencing court, prior to parole eligibility;**

20           (4) For a class D felony, a term of years not to  
21 exceed seven years, **for which an offender shall serve a**  
22 **minimum percentage between seventeen and thirty-seven**  
23 **percent of the imposed sentence, as determined by the**  
24 **sentencing court, prior to parole eligibility;**

25           (5) For a class E felony, a term of years not to  
26 exceed four years, **for which an offender shall serve a**  
27 **minimum percentage between seventeen and thirty-seven**  
28 **percent of the imposed sentence, as determined by the**  
29 **sentencing court, prior to parole eligibility;**

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

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

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

36           2. **The authorized terms of imprisonment provided in**  
37 **subsection 1 of this section shall apply to all offenses**  
38 **within this code, excluding those categorized as dangerous**  
39 **felonies, as such term is defined in section 556.061.**

40           3. **In cases where the sentencing court does not impose**  
41 **a specific term of imprisonment required to be served in**  
42 **order for the person to become parole eligible, the minimum**  
43 **percentage of the term of imprisonment associated with the**  
44 **felony class for which the offender is being sentenced shall**  
45 **be the required term of imprisonment.**

46           4. **In cases of class D and E felonies, the court shall**  
47 **have discretion to imprison for a special term not to exceed**  
48 **one year in the county jail or other authorized penal**  
49 **institution, and the place of confinement shall be fixed by**  
50 **the court. If the court imposes a sentence of imprisonment**  
51 **for a term longer than one year upon a person convicted of a**



52 class D or E felony, it shall commit the person to the  
53 custody of the department of corrections.

54 [3.] 5. (1) When a regular sentence of imprisonment  
55 for a felony is imposed, the court shall commit the person  
56 to the custody of the department of corrections for the term  
57 imposed under section 557.036, or until released under  
58 procedures established elsewhere by law.

59 (2) A sentence of imprisonment for a misdemeanor shall  
60 be for a definite term and the court shall commit the person  
61 to the county jail or other authorized penal institution for  
62 the term of his or her sentence or until released under  
63 procedure established elsewhere by law.

64 [4. (1) Except as otherwise provided, a sentence of  
65 imprisonment for a term of years for felonies other than  
66 dangerous felonies as defined in section 556.061, and other  
67 than sentences of imprisonment which involve the  
68 individual's fourth or subsequent remand to the department  
69 of corrections shall consist of a prison term and a  
70 conditional release term. The conditional release term of  
71 any term imposed under section 557.036 shall be:

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

73 (b) Three years for terms between nine and fifteen  
74 years;

75 (c) Five years for terms more than fifteen years; and  
76 the prison term shall be the remainder of such term. The  
77 prison term may be extended by the parole board pursuant to  
78 subsection 5 of this section.

79 (2) "Conditional release" means the conditional  
80 discharge of an offender by the parole board, subject to  
81 conditions of release that the parole board deems reasonable  
82 to assist the offender to lead a law-abiding life, and  
83 subject to the supervision under the division of probation

84 and parole. The conditions of release shall include  
85 avoidance by the offender of any other offense, federal or  
86 state, and other conditions that the parole board in its  
87 discretion deems reasonably necessary to assist the releasee  
88 in avoiding further violation of the law.

89 5. The date of conditional release from the prison  
90 term may be extended up to a maximum of the entire sentence  
91 of imprisonment by the parole board. The director of any  
92 division of the department of corrections except the  
93 division of probation and parole may file with the parole  
94 board a petition to extend the conditional release date when  
95 an offender fails to follow the rules and regulations of the  
96 division or commits an act in violation of such rules.  
97 Within ten working days of receipt of the petition to extend  
98 the conditional release date, the parole board shall convene  
99 a hearing on the petition. The offender shall be present  
100 and may call witnesses in his or her behalf and cross-  
101 examine witnesses appearing against the offender. The  
102 hearing shall be conducted as provided in section 217.670.  
103 If the violation occurs in close proximity to the  
104 conditional release date, the conditional release may be  
105 held for a maximum of fifteen working days to permit  
106 necessary time for the division director to file a petition  
107 for an extension with the parole board and for the parole  
108 board to conduct a hearing, provided some affirmative  
109 manifestation of an intent to extend the conditional release  
110 has occurred prior to the conditional release date. If at  
111 the end of a fifteen-working-day period a parole board  
112 decision has not been reached, the offender shall be  
113 released conditionally. The decision of the parole board  
114 shall be final.]

115           6. This section shall not be construed to affect the  
116 powers of the governor under Section 7 of Article IV of the  
117 Constitution of Missouri. This section shall not affect  
118 those provisions of section 565.020 or 566.125, which set  
119 minimum terms of sentences, or the provisions of section  
120 559.115 relating to probation.

121           7. Notwithstanding any other provision of law to the  
122 contrary, any offender who has been found guilty of a  
123 dangerous felony and is committed to the department of  
124 corrections shall be required to serve a minimum prison term  
125 of eighty-five percent of the sentence imposed by the  
126 sentencing court.

127           8. For the purpose of determining the minimum prison  
128 term to be served, the following calculations shall apply:

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

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

135           9. For purposes of this section, the term "minimum  
136 prison term" shall mean time required to be served by the  
137 offender before he or she is eligible for parole or other  
138 early release by the department of corrections.

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

7           2. The provisions of subsections 2 to 5 of this  
8 section shall only be applicable to the offenses contained

9 in sections 565.021, 565.023, 565.024, 565.027, 565.050,  
10 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,  
11 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,  
12 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,  
13 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,  
14 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,  
15 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,  
16 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,  
17 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,  
18 570.023, 570.025, 570.030 when punished as a class A, B, or  
19 C felony, 570.145 when punished as a class A or B felony,  
20 570.223 when punished as a class B or C felony, 571.020,  
21 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,  
22 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,  
23 575.150, 575.153, 575.155, 575.157, 575.200 when punished as  
24 a class A felony, 575.210, 575.230 when punished as a class  
25 B felony, 575.240 when punished as a class B felony,  
26 576.070, 576.080, 577.010, 577.013, 577.078, 577.703,  
27 577.706, 579.065, and 579.068 when punished as a class A or  
28 B felony. For the purposes of this section, "prison  
29 commitment" means and is the receipt by the department of  
30 corrections of an offender after sentencing. For purposes  
31 of this section, prior prison commitments to the department  
32 of corrections shall not include an offender's first  
33 incarceration prior to release on probation under section  
34 217.362 or 559.115. Other provisions of the law to the  
35 contrary notwithstanding, any offender who has been found  
36 guilty of a felony other than a dangerous felony as defined  
37 in section 556.061 and is committed to the department of  
38 corrections shall be required to serve the following minimum  
39 prison terms:

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

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

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

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

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

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

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

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

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

89 7.] (1) A sentencing advisory commission is hereby  
90 created to consist of eleven members. One member shall be  
91 appointed by the speaker of the house. One member shall be  
92 appointed by the president pro tem of the senate. One  
93 member shall be the director of the department of  
94 corrections. Six members shall be appointed by and serve at  
95 the pleasure of the governor from among the following: the  
96 public defender commission; private citizens; a private  
97 member of the Missouri Bar; the board of probation and  
98 parole; and a prosecutor. Two members shall be appointed by  
99 the supreme court, one from a metropolitan area and one from  
100 a rural area. All members shall be appointed to a four-year  
101 term. All members of the sentencing commission appointed  
102 prior to August 28, 1994, shall continue to serve on the

103 sentencing advisory commission at the pleasure of the  
104 governor.

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

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

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

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

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

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

145 [9.] 3. If the imposition or execution of a sentence  
146 is suspended, the court may order any or all of the  
147 following restorative justice methods, or any other method  
148 that the court finds just or appropriate:

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

152 (2) Offender treatment programs;

153 (3) Mandatory community service;

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

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

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



165 shall only be expended pursuant to the provisions of section  
166 50.565.

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

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

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

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

- 7 (1) Rape in the first degree, forcible rape, or rape;
- 8 (2) Statutory rape in the first degree;
- 9 (3) Sodomy in the first degree, forcible sodomy, or  
10 sodomy;
- 11 (4) Statutory sodomy in the first degree; or

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

18           2. If a person who is on probation[, ] or parole [or  
19 conditional release] is sentenced to a term of imprisonment  
20 for an offense committed after the granting of probation or  
21 parole [or after the start of his or her conditional release  
22 term], the court shall direct the manner in which the  
23 sentence or sentences imposed by the court shall run with  
24 respect to any resulting probation, parole or conditional  
25 release revocation term or terms. If the subsequent  
26 sentence to imprisonment is in another jurisdiction, the  
27 court shall specify how any resulting probation, parole or  
28 conditional release revocation term or terms shall run with  
29 respect to the foreign sentence of imprisonment.

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

40           **4. When consecutive sentences are imposed by a court,**  
41 **the sentencing equation shall be calculated using the**  
42 **imposed term of years with respect to the minimum percentage**

43 of the term authorized by the judge that shall be required  
44 to be served prior to parole eligibility.

45 (1) For each felony offense of the consecutive  
46 sentences to be served, the sentencing court shall impose  
47 half of the term of years for each felony offense to be  
48 served in prison prior to parole eligibility.

49 (2) For consecutive sentencing, the sentencing court  
50 shall add half of the total number of years together from  
51 each of the included felony offenses to be run consecutively  
52 to determine the total number of years required to be served  
53 prior to parole eligibility.

54 5. When concurrent sentences are imposed by a court, a  
55 person shall serve the minimum required percentage for each  
56 offense prior to parole eligibility.

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

6 2. [Such] The court shall, when pronouncing a  
7 sentence, executing a suspended sentence, or suspending the  
8 imposition of a sentence, record, as part of the judgment,  
9 the number of days the person [shall receive credit toward  
10 the service of a sentence of imprisonment for all time] was  
11 in prison, jail, or custody, which was related to the  
12 offense, after the offense occurred and before the  
13 [commencement] pronouncement of the sentence[, when the time  
14 in custody was related to that offense] or suspension of  
15 imposition of the sentence, and award credit towards the  
16 service of a sentence of imprisonment for that number of  
17 days. [This] The jail time credit calculation shall be  
18 [based upon the certification of the sheriff as provided in

19 subdivision (3) of subsection 2 of section 217.305 and may  
20 be supplemented by a certificate of a sheriff or other  
21 custodial officer from another jurisdiction having held the  
22 person on the charge of the offense for which the sentence  
23 of imprisonment is ordered] pronounced at the time of the  
24 judgment, the execution of a suspended sentence, or the  
25 suspension of imposition of sentence, shall be included in  
26 the record, and shall include both the dates the person was  
27 in custody and the number of days to be credited toward the  
28 service of the sentence.

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

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

49       5. Upon motion and notice by defendant or defense  
50 counsel, for any such person who was held in a juvenile

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

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

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

72 [4.] 8. If a person convicted of an offense escapes  
73 from custody, such escape shall interrupt the sentence. The  
74 interruption shall continue until such person is returned to  
75 the correctional center where the sentence was being served,  
76 or in the case of a person committed to the custody of the  
77 department of corrections, to any correctional center  
78 operated by the department of corrections. An escape shall  
79 also interrupt the jail time credit to be applied to a  
80 sentence which had not commenced when the escape occurred.

81 [5.] 9. If a sentence of imprisonment is vacated and a  
82 new sentence imposed upon the offender for that offense, all

83 time served under the vacated sentence shall be credited  
84 against the new sentence, unless the time has already been  
85 credited to another sentence as provided in subsection 1 of  
86 this section.

87 **[6.] 10.** If a person released from imprisonment on  
88 parole or serving a conditional release term violates any of  
89 the conditions of his or her parole or release, he or she  
90 may be treated as a parole violator. If the parole board  
91 revokes the parole or conditional release, the paroled  
92 person shall serve the remainder of the prison term and  
93 conditional release term, as an additional prison term, and  
94 the conditionally released person shall serve the remainder  
95 of the conditional release term as a prison term, unless  
96 released on parole.

97 **[7.] 11.** Subsection 2 of this section shall be  
98 applicable to offenses for which the offender was sentenced  
99 on or after August 28, **[2023] 2026.**

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

104 **12. The court shall retain jurisdiction to rule on any**  
105 **motion challenging the number of days of jail time credit**  
106 **awarded in the pronouncement of a sentence.**

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

5 (1) The convicted person was:

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

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

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

13 (3) The convicted person is not:

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

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

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

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

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

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



51 defendant shall be removed from the program. The department  
52 shall report on the offender's participation in the program  
53 and may provide recommendations for terms and conditions of  
54 an offender's probation. The court shall then have the  
55 power to grant probation or order the execution of the  
56 offender's sentence.

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

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

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

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

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

115 section 566.125; any offense under section 557.045; or any  
116 offense in which there exists a statutory prohibition  
117 against either probation or parole.

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

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

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

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

23 (3) The victim is a child less than **[twelve] fourteen**  
24 years of age, in which case the required term of  
25 imprisonment is **life imprisonment as described in section**  
26 **558.011 or** life imprisonment without eligibility for  
27 probation or parole **[until the offender has served not less**  
28 **than thirty years of such sentence or unless the offender**  
29 **has reached the age of seventy-five years and has served at**

30 least fifteen years of such sentence, unless such rape in  
31 the first degree is described under subdivision (4) of this  
32 subsection]; or

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

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

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

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

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

10 (1) The offense is an aggravated sexual offense, or  
11 the victim is less than twelve years of age in which case

12 the authorized term of imprisonment is life imprisonment or  
13 a term of years not less than ten years; or

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

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

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

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

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

22 (3) The victim is a child less than twelve years of  
23 age, in which case the **offense is a class A felony for which**  
24 **the** required term of imprisonment is **life imprisonment or**  
25 life imprisonment without eligibility for probation or  
26 parole [until the offender has served not less than thirty  
27 years of such sentence or unless the offender has reached

28 the age of seventy-five years and has served at least  
29 fifteen years of such sentence, unless such sodomy in the  
30 first degree is described under subdivision (4) of this  
31 subsection]; or

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

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

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

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

5 2. The offense of statutory sodomy in the first degree  
6 or an attempt to commit statutory sodomy in the first degree  
7 is a **class B** felony for which the authorized term of  
8 imprisonment is life imprisonment or a term of years not  
9 less than five years **and not more than fifteen years**, unless:

10 (1) The offense is an aggravated sexual offense or the  
11 victim is less than twelve years of age, in which case **the**  
12 **offense shall be considered a class A felony for which** the  
13 authorized term of imprisonment is life imprisonment or a  
14 term of years not less than ten years; or

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

566.067. 1. A person commits the offense of child  
2 molestation in the first degree if he or she subjects  
3 another person who is less than fourteen years of age to  
4 sexual contact and the offense is an aggravated sexual  
5 offense.

6 2. The offense of child molestation in the first  
7 degree is a class A felony and **subject to a term of**  
8 **imprisonment not less than ten years and not more than**  
9 **thirty years**, if the victim is a child less than twelve  
10 years of age, the person shall serve his or her term of  
11 imprisonment without eligibility for probation[, ] **or**  
12 parole[, or conditional release].

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

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

12 advertisements for goods and services or personal  
13 advertisements.

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

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

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

33         6. A violation of this section shall be a **class E**  
34 **felony, [punishable by] where the authorized term of**  
35 **imprisonment shall not exceed four years. A person may, in**  
36 **addition to a term of imprisonment, be assessed** a fine in  
37 the amount of five thousand dollars per day that the  
38 advertisement remains posted on the web-based classified  
39 service after seventy-two hours of when notice has been  
40 provided pursuant to this section.

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



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

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

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

9 (3) Forcible rape;

10 (4) Forcible sodomy;

11 (5) Rape;

12 (6) Sodomy.

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

19 3. The term of imprisonment for one found to be a  
20 persistent sexual offender shall be imprisonment for life  
21 without eligibility for probation or parole. Subsection [4]  
22 8 of section [558.019] 558.011 shall not apply to any person  
23 imprisoned under this subsection, and "imprisonment for  
24 life" shall mean imprisonment for the duration of the  
25 person's natural life.

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

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

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

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

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

48           6. A person found to be a predatory sexual offender  
49 shall be imprisoned for life with eligibility for parole,  
50 however subsection [4] 8 of section [558.019] 558.011 shall  
51 not apply to persons found to be predatory sexual offenders  
52 for the purposes of determining the minimum prison term or  
53 the length of sentence as defined or used in such  
54 subsection. Notwithstanding any other provision of law, in  
55 no event shall a person found to be a predatory sexual  
56 offender receive a final discharge from parole.

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

63           (1) Has previously been found guilty of committing or  
64 attempting to commit any of the offenses listed in

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

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

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

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

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

93 8. Notwithstanding any provision of law to the  
94 contrary, the department of corrections, or any division  
95 thereof, may not furlough an individual found to be and

96 sentenced as a persistent sexual offender or a predatory  
97 sexual offender.

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

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

11 3. Enticement of a child or an attempt to commit  
12 enticement of a child is a **class B** felony for which the  
13 authorized term of imprisonment shall be not less than five  
14 years and not more than [thirty] **fifteen** years. [No person  
15 convicted under this section shall be eligible for parole,  
16 probation, conditional release, or suspended imposition or  
17 execution of sentence for a period of five calendar years.]

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

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

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

8 (3) By blackmail;

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

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

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

21 3. The offense of abuse through forced labor is [a  
22 felony] punishable [by] **as a class B felony. A person who**  
23 **commits the offense of abuse through forced labor shall be**  
24 **sentenced to** imprisonment for a term of years not less than  
25 five years and not more than [twenty] **fifteen** years and **may**  
26 **be assessed** a fine not to exceed two hundred fifty thousand  
27 dollars.

28 4. If death results from a violation of this section,  
29 or if the violation includes kidnapping or an attempt to  
30 kidnap, sexual abuse when punishable as a class B felony, or  
31 an attempt to commit sexual abuse when punishable as a class  
32 B felony, or an attempt to kill, it shall be **considered a**  
33 **dangerous felony as defined in section 556.061 and shall be**  
34 **punishable as a class A felony. A person found guilty**  
35 **pursuant to the provisions of this section shall be**  
36 **sentenced to imprisonment** for a term of years not less than  
37 [five] **ten** years [or life] **and not more than thirty years**  
38 and a fine not to exceed two hundred fifty thousand dollars.

566.206. 1. A person commits the offense of  
2 trafficking for the purposes of slavery, involuntary  
3 servitude, peonage, or forced labor if he or she knowingly  
4 recruits, entices, harbors, transports, provides, or obtains  
5 by any means, including but not limited to through the use  
6 of force, abduction, coercion, fraud, deception, blackmail,  
7 or causing or threatening to cause financial harm, another

8 person for labor or services, for the purposes of slavery,  
9 involuntary servitude, peonage, or forced labor, or  
10 benefits, financially or by receiving anything of value,  
11 from participation in such activities.

12 2. A person who is found guilty of the offense of  
13 trafficking for the purposes of slavery, involuntary  
14 servitude, peonage, or forced labor shall not be required to  
15 register as a sexual offender pursuant to the provisions of  
16 section 589.400, unless he or she is otherwise required to  
17 register pursuant to the provisions of such section.

18 3. Except as provided in subsection 4 of this section,  
19 the offense of trafficking for the purposes of slavery,  
20 involuntary servitude, peonage, or forced labor is a **class B**  
21 felony punishable by imprisonment for a term of years not  
22 less than five years and not more than [twenty] **fifteen**  
23 years and a fine not to exceed two hundred fifty thousand  
24 dollars.

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

566.209. 1. A person commits the [crime] **offense** of  
2 trafficking for the purposes of sexual exploitation if a  
3 person knowingly recruits, entices, harbors, transports,  
4 provides, advertises the availability of or obtains by any  
5 means, including but not limited to through the use of  
6 force, abduction, coercion, fraud, deception, blackmail, or

7 causing or threatening to cause financial harm, another  
8 person for the use or employment of such person in a  
9 commercial sex act, sexual conduct, a sexual performance, or  
10 the production of explicit sexual material as defined in  
11 section 573.010, without his or her consent, or benefits,  
12 financially or by receiving anything of value, from  
13 participation in such activities.

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

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

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

13 (2) Causes a person under the age of fourteen to  
14 engage in a commercial sex act, a sexual performance, or the

15 production of explicit sexual material as defined in section  
16 573.010; or

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

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

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

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

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

13 (2) Causes a person under the age of eighteen to  
14 engage in a commercial sex act, a sexual performance, or the



15 production of explicit sexual material as defined in section  
16 573.010; or

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

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

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

567.050. 1. A person commits the offense of promoting  
2 prostitution in the first degree if he or she knowingly:

3 (1) Promotes prostitution by compelling a person to  
4 enter into, engage in, or remain in prostitution;

5 (2) Promotes prostitution of a person less than  
6 sixteen years of age; or

7 (3) Owns, manages, or operates an interactive computer  
8 service, or conspires or attempts to do so, with the intent  
9 to promote or facilitate the prostitution of another. As  
10 used in this subdivision, the term "interactive computer  
11 service" shall mean any information service, system, or

12 access software provider that provides or enables computer  
13 access by multiple users to a computer server, including  
14 specifically a service or system that provides access to the  
15 internet and such systems operated or services offered by  
16 libraries or educational institutions.

17 2. The term "compelling" includes:

18 (1) The use of forcible compulsion;

19 (2) The use of a drug or intoxicating substance to  
20 render a person incapable of controlling his conduct or  
21 appreciating its nature;

22 (3) Withholding or threatening to withhold dangerous  
23 drugs or a narcotic from a drug dependent person.

24 3. (1) The offense of promoting prostitution in the  
25 first degree under subdivision (1) [or (3)] of subsection 1  
26 of this section is a class B felony.

27 (2) The offense of promoting prostitution in the first  
28 degree under [subdivision] **subdivisions (2) and** (3) of  
29 subsection 1 of this section is a class A felony if a person  
30 acts in reckless disregard of the fact that such conduct  
31 contributed to the offense of trafficking for the purposes  
32 of sexual exploitation under section 566.209.

33 (3) The offense of promoting prostitution in the first  
34 degree under subdivision (2) of subsection 1 of this section  
35 is a **class A** felony punishable by a term of imprisonment not  
36 less than ten years and not to exceed [fifteen] **thirty** years.

37 4. A person injured by the acts committed in violation  
38 of subdivision (3) of subsection 1 of this section or  
39 subdivision (2) of subsection 3 of this section shall have a  
40 civil cause of action to recover damages and reasonable  
41 [attorneys'] **attorney's** fees for such injury.

42 5. In addition to the court's authority to order a  
43 defendant to make restitution for the damage or loss caused

44 by his or her offense as provided in section 559.105, the  
45 court shall enter a judgment of restitution against the  
46 defendant convicted of violating subdivision (3) of  
47 subsection 1 of this section and subdivision (2) of  
48 subsection 3 of this section.

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

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

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

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

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

26 (5) "Physical injury", physical pain, illness, or any  
27 impairment of physical condition, including but not limited

28 to bruising, lacerations, hematomas, welts, or permanent or  
29 temporary disfigurement and impairment of any bodily  
30 function or organ;

31 (6) "Serious emotional injury", an injury that creates  
32 a substantial risk of temporary or permanent medical or  
33 psychological damage, manifested by impairment of a  
34 behavioral, cognitive, or physical condition. Serious  
35 emotional injury shall be established by testimony of  
36 qualified experts upon the reasonable expectation of  
37 probable harm to a reasonable degree of medical or  
38 psychological certainty;

39 (7) "Serious physical injury", a physical injury that  
40 creates a substantial risk of death or that causes serious  
41 disfigurement or protracted loss or impairment of the  
42 function of any part of the body.

43 2. A person commits the offense of abuse or neglect of  
44 a child if such person knowingly causes a child who is less  
45 than eighteen years of age:

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

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

51 3. A person commits the offense of abuse or neglect of  
52 a child if such person recklessly causes a child who is less  
53 than eighteen years of age to suffer from abusive head  
54 trauma.

55 4. A person does not commit the offense of abuse or  
56 neglect of a child by virtue of the sole fact that the  
57 person delivers or allows the delivery of a child to a  
58 provider of emergency services.

59           5. (1) A person does not commit the offense of abuse  
60 or neglect of a child by virtue of the sole fact that the  
61 person allows the child to engage in independent activities  
62 without adult supervision and the person is a parent to the  
63 child or is responsible for the child's care, provided that  
64 the:

65           (a) Independent activities are appropriate based on  
66 the child's age, maturity, and physical and mental  
67 abilities; and

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

71           (2) As used in this subsection, "independent  
72 activities" shall include traveling to or from school or  
73 nearby locations by bicycle or on foot, playing outdoors, or  
74 remaining at home for a reasonable period of time without  
75 adult supervision.

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

77           (1) A class D felony, [without eligibility for  
78 probation, parole, or conditional release until the  
79 defendant has served no less than one year of such sentence]  
80 **punishable by a term of imprisonment not to exceed seven**  
81 **years**, unless the person has previously been found guilty of  
82 a violation of this section or of a violation of the law of  
83 any other jurisdiction that prohibits the same or similar  
84 conduct or the injury inflicted on the child is a serious  
85 emotional injury or a serious physical injury, in which case  
86 abuse or neglect of a child is a class [B] A felony,  
87 [without eligibility for probation or parole until the  
88 defendant has served not less than five years of such  
89 sentence] **punishable by a term of imprisonment not less than**  
90 **ten years and not to exceed thirty years; or**

91           (2) A class A felony, **subject to a term of**  
92 **imprisonment not less than ten years and not to exceed**  
93 **thirty years**, if the child dies as a result of injuries  
94 sustained from conduct chargeable under the provisions of  
95 this section.

96           7. Notwithstanding subsection 6 of this section to the  
97 contrary, the offense of abuse or neglect of a child is a  
98 class A felony, without eligibility for probation[, ] **or**  
99 parole[, or conditional release] until the defendant has  
100 served not less than [fifteen] **ten years and not to exceed**  
101 **thirty years** of such sentence, if:

102           (1) The injury is a serious emotional injury or a  
103 serious physical injury;

104           (2) The child is less than fourteen years of age; and

105           (3) The injury is the result of sexual abuse or sexual  
106 abuse in the first degree as defined under section 566.100  
107 or sexual exploitation of a minor as defined under section  
108 573.023.

109           8. The circuit or prosecuting attorney may refer a  
110 person who is suspected of abuse or neglect of a child to an  
111 appropriate public or private agency for treatment or  
112 counseling so long as the agency has consented to taking  
113 such referrals. Nothing in this subsection shall limit the  
114 discretion of the circuit or prosecuting attorney to  
115 prosecute a person who has been referred for treatment or  
116 counseling pursuant to this subsection.

117           9. Nothing in this section shall be construed to alter  
118 the requirement that every element of any crime referred to  
119 herein must be proven beyond a reasonable doubt.

120           10. Discipline, including spanking administered in a  
121 reasonable manner, shall not be construed to be abuse under  
122 this section.

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

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

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

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

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

19 3. The offense of stealing is a class B felony **and**  
20 **subject to a term of imprisonment not less than five years**  
21 **and not more than fifteen years** if:

22 (1) The property appropriated or attempted to be  
23 appropriated consists of any amount of anhydrous ammonia or  
24 liquid nitrogen;

25 (2) The property consists of any animal considered  
26 livestock as the term livestock is defined in section  
27 144.010, or any captive wildlife held under permit issued by  
28 the conservation commission, and the value of the animal or  
29 animals appropriated exceeds three thousand dollars and that  
30 person has previously been found guilty of appropriating any  
31 animal considered livestock or captive wildlife held under  
32 permit issued by the conservation commission.

33 [Notwithstanding any provision of law to the contrary, such  
34 person shall serve a minimum prison term of not less than  
35 eighty percent of his or her sentence before he or she is  
36 eligible for probation, parole, conditional release, or  
37 other early release by the department of corrections];

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

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

48 (5) The property appropriated or attempted to be  
49 appropriated is owned by or in the custody of a financial  
50 institution and the property is taken or attempted to be  
51 taken physically from an individual person to deprive the  
52 owner or custodian of the property; or

53 (6) The person appropriates property, the person's  
54 course of conduct is part of an organized retail theft, and  
55 the value of the property taken, combined with any property  
56 damage inflicted in such theft, is ten thousand dollars or  
57 more.

58 4. The offense of stealing is a class C felony if:

59 (1) The value of the property or services appropriated  
60 is twenty-five thousand dollars or more;

61 (2) The property is a teller machine or the contents  
62 of a teller machine, including cash, regardless of the value  
63 or amount; or



64           (3) The person appropriates property, the person's  
65 course of conduct is part of an organized retail theft, and  
66 the value of the property taken, combined with any property  
67 damage inflicted in such theft, is seven hundred fifty  
68 dollars or more but less than ten thousand dollars.

69           5. The offense of stealing is a class D felony **and**  
70 **subject to a term of imprisonment not to exceed seven years**  
71 if:

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

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

76           (3) The property appropriated consists of:

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

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

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

82           (d) Any firearms;

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

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

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

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

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

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

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

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

101           (m) Any controlled substance as defined by section  
102 195.010;

103           (n) Ammonium nitrate;

104           (o) Any wire, electrical transformer, or metallic wire  
105 associated with transmitting telecommunications, video,  
106 internet, or voice over internet protocol service, or any  
107 other device or pipe that is associated with conducting  
108 electricity or transporting natural gas or other combustible  
109 fuels; or

110           (p) Any material appropriated with the intent to use  
111 such material to manufacture, compound, produce, prepare,  
112 test or analyze amphetamine or methamphetamine or any of  
113 their analogues.

114           6. The offense of stealing is a class E felony **and**  
115 **subject to a term of imprisonment not to exceed four years**  
116 if:

117           (1) The property appropriated is an animal;

118           (2) The property is a catalytic converter;

119           (3) A person has previously been found guilty of three  
120 stealing-related offenses committed on three separate  
121 occasions where such offenses occurred within ten years of  
122 the date of occurrence of the present offense; or

123           (4) The property appropriated is a letter, postal  
124 card, package, bag, or other sealed article that was  
125 delivered by a common carrier or delivery service and not  
126 yet received by the addressee or that had been left to be

127 collected for shipment by a common carrier or delivery  
128 service.

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

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

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

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

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

151         12. As used in this section, the term "organized  
152 retail theft" means:

153         (1) Any act of stealing committed by one or more  
154 persons, as part of any agreement to steal property from any  
155 business, and separate acts of stealing that are part of any  
156 ongoing agreement to steal may be aggregated for the purpose  
157 of determining value regardless of whether such acts are  
158 committed in the same jurisdiction or at the same time;

159           (2) Any act of receiving or possessing any property  
160 that has been taken or stolen in violation of subdivision  
161 (1) of this subsection while knowing or having reasonable  
162 grounds to believe the property is stolen from any business  
163 in violation of this section, and separate acts of receiving  
164 or possessing such stolen property that are part of any  
165 ongoing agreement to receive or possess such stolen property  
166 may be aggregated for the purpose of determining value  
167 regardless of whether such acts are committed in the same  
168 jurisdiction or at the same time; or

169           (3) Any act of organizing, supervising, financing,  
170 leading, or managing between one or more persons to engage  
171 for profit in a scheme or course of conduct to effectuate or  
172 intend to effectuate the transfer or sale of property stolen  
173 from any business in violation of this section, and separate  
174 acts of organizing, supervising, financing, leading, or  
175 managing between one or more persons to engage for profit in  
176 a scheme or course of conduct to effectuate or intend to  
177 effectuate the transfer or sale of such stolen property that  
178 are part of any ongoing agreement to organize, supervise,  
179 finance, lead, or manage between one or more persons to  
180 engage for profit in a scheme or course of conduct to  
181 effectuate or intend to effectuate the transfer or sale of  
182 such stolen property may be aggregated for the purpose of  
183 determining the value regardless of whether such acts are  
184 committed in the same jurisdiction or at the same time.

185           13. If any prosecuting attorney or circuit attorney  
186 makes a request in writing to the attorney general, the  
187 attorney general shall have the authority to commence and  
188 prosecute the offense of stealing if such offense involves  
189 organized retail theft, and any other offenses that directly  
190 arise from or causally occur as a result of an alleged

191 violation of the offense of stealing involving organized  
192 retail theft, in each or any county or a city not within a  
193 county in which the offense occurred with the same power and  
194 authority granted to prosecuting attorneys in section 56.060  
195 and circuit attorneys in section 56.450, except that all  
196 costs and fees of such prosecution by the attorney general  
197 shall be paid by the state and not by any county or local  
198 government.

199 14. No provision of this section shall grant any  
200 additional power to the attorney general beyond commencement  
201 and prosecution of offenses as authorized in this section.

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

20 2. Any person convicted of a second offense of armed  
21 criminal action under subsection 1 of this section shall be

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

35 3. Any person convicted of a third or subsequent  
36 offense of armed criminal action under subsection 1 of this  
37 section shall be [punished by] **sentenced to life**  
38 imprisonment **without the possibility of probation or parole**  
39 by the department of corrections [for a term of not less  
40 than ten years, unless the person is unlawfully possessing a  
41 firearm, in which case the term of imprisonment shall be no  
42 less than fifteen years. The punishment imposed pursuant to  
43 this subsection shall be in addition to and consecutive to  
44 any punishment provided by law for the crime committed by,  
45 with, or through the use, assistance, or aid of a dangerous  
46 instrument or deadly weapon. No person convicted under this  
47 subsection shall be eligible for parole, probation,  
48 conditional release, or suspended imposition or execution of  
49 sentence for a period of ten calendar years].

571.030. 1. A person commits the offense of unlawful  
2 use of weapons, except as otherwise provided by sections  
3 571.101 to 571.121, if he or she knowingly:

4           (1) Carries concealed upon or about his or her person  
5 a knife, a firearm, a blackjack or any other weapon readily  
6 capable of lethal use into any area where firearms are  
7 restricted under section 571.107; or

8           (2) Sets a spring gun; or

9           (3) Discharges or shoots a firearm into a dwelling  
10 house, a railroad train, boat, aircraft, or motor vehicle as  
11 defined in section 302.010, or any building or structure  
12 used for the assembling of people; or

13           (4) Exhibits, in the presence of one or more persons,  
14 any weapon readily capable of lethal use in an angry or  
15 threatening manner; or

16           (5) Has a firearm or projectile weapon readily capable  
17 of lethal use on his or her person, while he or she is  
18 intoxicated, and handles or otherwise uses such firearm or  
19 projectile weapon in either a negligent or unlawful manner  
20 or discharges such firearm or projectile weapon unless  
21 acting in self-defense; or

22           (6) Discharges a firearm within one hundred yards of  
23 any occupied schoolhouse, courthouse, or church building; or

24           (7) Discharges or shoots a firearm at a mark, at any  
25 object, or at random, on, along or across a public highway  
26 or discharges or shoots a firearm into any outbuilding; or

27           (8) Carries a firearm or any other weapon readily  
28 capable of lethal use into any church or place where people  
29 have assembled for worship, or into any election precinct on  
30 any election day, or into any building owned or occupied by  
31 any agency of the federal government, state government, or  
32 political subdivision thereof; or

33           (9) Discharges or shoots a firearm at or from a motor  
34 vehicle, as defined in section 301.010, discharges or shoots  
35 a firearm at any person, or at any other motor vehicle, or

36 at any building or habitable structure, unless the person  
37 was lawfully acting in self-defense; or

38 (10) Carries a firearm, whether loaded or unloaded, or  
39 any other weapon readily capable of lethal use into any  
40 school, onto any school bus, or onto the premises of any  
41 function or activity sponsored or sanctioned by school  
42 officials or the district school board; or

43 (11) Possesses a firearm while also knowingly in  
44 possession of a controlled substance that is sufficient for  
45 a felony violation of section 579.015.

46 2. Subdivisions (1), (8), and (10) of subsection 1 of  
47 this section shall not apply to the persons described in  
48 this subsection, regardless of whether such uses are  
49 reasonably associated with or are necessary to the  
50 fulfillment of such person's official duties except as  
51 otherwise provided in this subsection. Subdivisions (3),  
52 (4), (6), (7), and (9) of subsection 1 of this section shall  
53 not apply to or affect any of the following persons, when  
54 such uses are reasonably associated with or are necessary to  
55 the fulfillment of such person's official duties, except as  
56 otherwise provided in this subsection:

57 (1) All state, county and municipal peace officers who  
58 have completed the training required by the police officer  
59 standards and training commission pursuant to sections  
60 590.030 to 590.050 and who possess the duty and power of  
61 arrest for violation of the general criminal laws of the  
62 state or for violation of ordinances of counties or  
63 municipalities of the state, whether such officers are on or  
64 off duty, and whether such officers are within or outside of  
65 the law enforcement agency's jurisdiction, or all qualified  
66 retired peace officers, as defined in subsection 12 of this  
67 section, and who carry the identification defined in



68 subsection 13 of this section, or any person summoned by  
69 such officers to assist in making arrests or preserving the  
70 peace while actually engaged in assisting such officer;

71 (2) Wardens, superintendents and keepers of prisons,  
72 penitentiaries, jails and other institutions for the  
73 detention of persons accused or convicted of crime;

74 (3) Members of the Armed Forces or National Guard  
75 while performing their official duty;

76 (4) Those persons vested by Article V, Section 1 of  
77 the Constitution of Missouri with the judicial power of the  
78 state and those persons vested by Article III of the  
79 Constitution of the United States with the judicial power of  
80 the United States, the members of the federal judiciary;

81 (5) Any person whose bona fide duty is to execute  
82 process, civil or criminal;

83 (6) Any federal probation officer or federal flight  
84 deck officer as defined under the federal flight deck  
85 officer program, 49 U.S.C. Section 44921, regardless of  
86 whether such officers are on duty, or within the law  
87 enforcement agency's jurisdiction;

88 (7) Any state probation or parole officer, including  
89 supervisors and members of the parole board;

90 (8) Any corporate security advisor meeting the  
91 definition and fulfilling the requirements of the  
92 regulations established by the department of public safety  
93 under section 590.750;

94 (9) Any coroner, deputy coroner, medical examiner, or  
95 assistant medical examiner;

96 (10) Any municipal or county prosecuting attorney or  
97 assistant prosecuting attorney; circuit attorney or  
98 assistant circuit attorney; municipal, associate, or circuit  
99 judge; or any person appointed by a court to be a special

100 prosecutor who has completed the firearms safety training  
101 course required under subsection 2 of section 571.111;

102 (11) Any member of a fire department or fire  
103 protection district who is employed on a full-time basis as  
104 a fire investigator and who has a valid concealed carry  
105 endorsement issued prior to August 28, 2013, or a valid  
106 concealed carry permit under section 571.111 when such uses  
107 are reasonably associated with or are necessary to the  
108 fulfillment of such person's official duties; and

109 (12) Upon the written approval of the governing body  
110 of a fire department or fire protection district, any paid  
111 fire department or fire protection district member who is  
112 employed on a full-time basis and who has a valid concealed  
113 carry endorsement issued prior to August 28, 2013, or a  
114 valid concealed carry permit, when such uses are reasonably  
115 associated with or are necessary to the fulfillment of such  
116 person's official duties.

117 3. Subdivisions (1), (5), (8), and (10) of subsection  
118 1 of this section do not apply when the actor is  
119 transporting such weapons in a nonfunctioning state or in an  
120 unloaded state when ammunition is not readily accessible or  
121 when such weapons are not readily accessible. Subdivision  
122 (1) of subsection 1 of this section does not apply to any  
123 person nineteen years of age or older or eighteen years of  
124 age or older and a member of the United States Armed Forces,  
125 or honorably discharged from the United States Armed Forces,  
126 transporting a concealable firearm in the passenger  
127 compartment of a motor vehicle, so long as such concealable  
128 firearm is otherwise lawfully possessed, nor when the actor  
129 is also in possession of an exposed firearm or projectile  
130 weapon for the lawful pursuit of game, or is in his or her  
131 dwelling unit or upon premises over which the actor has

132 possession, authority or control, or is traveling in a  
133 continuous journey peaceably through this state.  
134 Subdivision (10) of subsection 1 of this section does not  
135 apply if the firearm is otherwise lawfully possessed by a  
136 person while traversing school premises for the purposes of  
137 transporting a student to or from school, or possessed by an  
138 adult for the purposes of facilitation of a school-  
139 sanctioned firearm-related event or club event.

140 4. Subdivisions (1), (8), and (10) of subsection 1 of  
141 this section shall not apply to any person who has a valid  
142 concealed carry permit issued pursuant to sections 571.101  
143 to 571.121, a valid concealed carry endorsement issued  
144 before August 28, 2013, or a valid permit or endorsement to  
145 carry concealed firearms issued by another state or  
146 political subdivision of another state.

147 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and  
148 (10) of subsection 1 of this section shall not apply to  
149 persons who are engaged in a lawful act of defense pursuant  
150 to section 563.031.

151 6. Notwithstanding any provision of this section to  
152 the contrary, the state shall not prohibit any state  
153 employee from having a firearm in the employee's vehicle on  
154 the state's property provided that the vehicle is locked and  
155 the firearm is not visible. This subsection shall only  
156 apply to the state as an employer when the state employee's  
157 vehicle is on property owned or leased by the state and the  
158 state employee is conducting activities within the scope of  
159 his or her employment. For the purposes of this subsection,  
160 "state employee" means an employee of the executive,  
161 legislative, or judicial branch of the government of the  
162 state of Missouri.

163           7. (1) Subdivision (10) of subsection 1 of this  
164 section shall not apply to a person who is a school officer  
165 commissioned by the district school board under section  
166 162.215 or who is a school protection officer, as described  
167 under section 160.665.

168           (2) Nothing in this section shall make it unlawful for  
169 a student to actually participate in school-sanctioned gun  
170 safety courses, student military or ROTC courses, or other  
171 school-sponsored or club-sponsored firearm-related events,  
172 provided the student does not carry a firearm or other  
173 weapon readily capable of lethal use into any school, onto  
174 any school bus, or onto the premises of any other function  
175 or activity sponsored or sanctioned by school officials or  
176 the district school board.

177           8. A person who commits the crime of unlawful use of  
178 weapons under:

179           (1) Subdivision (2), (3), (4), or (11) of subsection 1  
180 of this section shall be guilty of a class E felony;

181           (2) Subdivision (1), (6), (7), or (8) of subsection 1  
182 of this section shall be guilty of a class B misdemeanor,  
183 except when a concealed weapon is carried onto any private  
184 property whose owner has posted the premises as being off-  
185 limits to concealed firearms by means of one or more signs  
186 displayed in a conspicuous place of a minimum size of eleven  
187 inches by fourteen inches with the writing thereon in  
188 letters of not less than one inch, in which case the  
189 penalties of subsection 2 of section 571.107 shall apply;

190           (3) Subdivision (5) or (10) of subsection 1 of this  
191 section shall be guilty of a class A misdemeanor if the  
192 firearm is unloaded and a class E felony if the firearm is  
193 loaded;

194           (4) Subdivision (9) of subsection 1 of this section  
195 shall be guilty of a class B felony, except that if the  
196 violation of subdivision (9) of subsection 1 of this section  
197 results in injury or death to another person, it is a class  
198 A felony.

199           9. Violations of subdivision (9) of subsection 1 of  
200 this section shall be punished as follows:

201           (1) For the first violation a person shall be  
202 sentenced to the maximum authorized term of imprisonment for  
203 a class B felony, **including a term of years not less than**  
204 **five and not more than fifteen;**

205           (2) For any violation by a prior offender as defined  
206 in section 558.016, a person shall be sentenced to the  
207 maximum authorized term of imprisonment for a class B felony  
208 [without the possibility of parole, probation or conditional  
209 release for a term of ten years];

210           (3) For any violation by a persistent offender as  
211 defined in section 558.016, a person shall be sentenced to  
212 the maximum authorized term of imprisonment for a class B  
213 felony [without the possibility of parole, probation, or  
214 conditional release];

215           (4) For any violation which results in injury or death  
216 to another person, a person shall be sentenced to an  
217 authorized disposition for a class A felony, **including a**  
218 **term of imprisonment not less than ten years and not more**  
219 **than thirty years.**

220           10. Any person knowingly aiding or abetting any other  
221 person in the violation of subdivision (9) of subsection 1  
222 of this section shall be subject to the same penalty as that  
223 prescribed by this section for violations by other persons.

224           11. Notwithstanding any other provision of law, no  
225 person who pleads guilty to or is found guilty of a felony

226 violation of subsection 1 of this section shall receive a  
227 suspended imposition of sentence if such person has  
228 previously received a suspended imposition of sentence for  
229 any other firearms- or weapons-related felony offense.

230 12. As used in this section "qualified retired peace  
231 officer" means an individual who:

232 (1) Retired in good standing from service with a  
233 public agency as a peace officer, other than for reasons of  
234 mental instability;

235 (2) Before such retirement, was authorized by law to  
236 engage in or supervise the prevention, detection,  
237 investigation, or prosecution of, or the incarceration of  
238 any person for, any violation of law, and had statutory  
239 powers of arrest;

240 (3) Before such retirement, was regularly employed as  
241 a peace officer for an aggregate of fifteen years or more,  
242 or retired from service with such agency, after completing  
243 any applicable probationary period of such service, due to a  
244 service-connected disability, as determined by such agency;

245 (4) Has a nonforfeitable right to benefits under the  
246 retirement plan of the agency if such a plan is available;

247 (5) During the most recent twelve-month period, has  
248 met, at the expense of the individual, the standards for  
249 training and qualification for active peace officers to  
250 carry firearms;

251 (6) Is not under the influence of alcohol or another  
252 intoxicating or hallucinatory drug or substance; and

253 (7) Is not prohibited by federal law from receiving a  
254 firearm.

255 13. The identification required by subdivision (1) of  
256 subsection 2 of this section is:

257 (1) A photographic identification issued by the agency  
258 from which the individual retired from service as a peace  
259 officer that indicates that the individual has, not less  
260 recently than one year before the date the individual is  
261 carrying the concealed firearm, been tested or otherwise  
262 found by the agency to meet the standards established by the  
263 agency for training and qualification for active peace  
264 officers to carry a firearm of the same type as the  
265 concealed firearm; or

266 (2) A photographic identification issued by the agency  
267 from which the individual retired from service as a peace  
268 officer; and

269 (3) A certification issued by the state in which the  
270 individual resides that indicates that the individual has,  
271 not less recently than one year before the date the  
272 individual is carrying the concealed firearm, been tested or  
273 otherwise found by the state to meet the standards  
274 established by the state for training and qualification for  
275 active peace officers to carry a firearm of the same type as  
276 the concealed firearm.

573.025. 1. A person commits the offense of promoting  
2 child pornography in the first degree if, knowing of its  
3 content and character, such person possesses with the intent  
4 to promote or promotes child pornography of a child less  
5 than fourteen years of age or obscene material portraying  
6 what appears to be a child less than fourteen years of age.

7 2. The offense of promoting child pornography in the  
8 first degree is a class B felony, **punishable by a term of**  
9 **imprisonment not less than five years and not more than**  
10 **fifteen years**, unless the person knowingly promotes such  
11 material to a minor, in which case it is a class A felony,  
12 **punishable by a term of imprisonment not less than ten years**

13 **and not more than thirty years.** [No person who is found  
14 guilty of promoting child pornography in the first degree  
15 shall be eligible for probation, parole, or conditional  
16 release for a period of three calendar years.]

17 3. Nothing in this section shall be construed to  
18 require a provider of electronic communication services or  
19 remote computing services to monitor any user, subscriber or  
20 customer of the provider, or the content of any  
21 communication of any user, subscriber or customer of the  
22 provider.

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

3 2. A person commits the offense of aggravated fleeing  
4 a stop or detention of a motor vehicle if he or she knows or  
5 reasonably should know that a law enforcement officer is  
6 attempting to detain or stop a motor vehicle, and for the  
7 purpose of preventing the officer from effecting the stop or  
8 detention, he or she flees and:

9 (1) Such person operates a motor vehicle at a high  
10 speed or in any manner which creates a substantial risk of  
11 serious physical injury or death to any person;

12 (2) As a result of such flight causes physical injury  
13 to another person; or

14 (3) As a result of such flight causes death to another  
15 person.

16 3. A person is presumed to be fleeing a vehicle stop  
17 or detention if he or she continues to operate a motor  
18 vehicle after he or she has seen or reasonably should have  
19 seen clearly visible emergency lights or has heard or  
20 reasonably should have heard an audible signal emanating  
21 from the law enforcement vehicle pursuing him or her.



22           4. It is no defense to a prosecution pursuant to  
23 subsection 2 of this section that the law enforcement  
24 officer was acting unlawfully in making the arrest.  
25 However, nothing in this section shall be construed to bar  
26 civil suits for unlawful arrest. A person need not know the  
27 basis for the arrest, detention, or stop, only that the  
28 person was being stopped or detained.

29           5. The offense of aggravated fleeing a stop or  
30 detention in violation of subdivision (1) of subsection 2 of  
31 this section shall be a class D felony, [without eligibility  
32 for probation, parole, or conditional release until the  
33 defendant has served no less than one year of such sentence]  
34 **punishable by a term of imprisonment not to exceed seven**  
35 **years.** The offense of aggravated fleeing a stop or  
36 detention in violation of subdivision (2) of subsection 2 of  
37 this section shall be a class B felony, **punishable by a term**  
38 **of imprisonment not less than five years and not to exceed**  
39 **fifteen years.** The offense of aggravated fleeing a stop or  
40 detention in violation of subdivision (3) of subsection 2 of  
41 this section shall be a class A felony, **punishable by a term**  
42 **of imprisonment not less than ten years and not to exceed**  
43 **thirty years.**

575.270. 1. A person commits the offense of tampering  
2 with a witness or victim if:

3           (1) With the purpose to induce a witness or a  
4 prospective witness to disobey a subpoena or other legal  
5 process, absent himself or herself, avoid subpoena or other  
6 legal process, withhold evidence, information, or documents,  
7 or testify falsely, he or she:

8           (a) Threatens or causes harm to any person or  
9 property; or

10           (b) Uses force, threats or deception; or

11 (c) Offers, confers or agrees to confer any benefit,  
12 direct or indirect, upon such witness; or

13 (d) Conveys any of the foregoing to another in  
14 furtherance of a conspiracy; or

15 (2) He or she purposely prevents or dissuades or  
16 attempts to prevent or dissuade any person who has been a  
17 victim of any crime or a person who is acting on behalf of  
18 any such victim from:

19 (a) Making any report of such victimization to any  
20 peace officer, state, local or federal law enforcement  
21 officer, prosecuting agency, or judge;

22 (b) Causing a complaint, indictment or information to  
23 be sought and prosecuted or assisting in the prosecution  
24 thereof;

25 (c) Arresting or causing or seeking the arrest of any  
26 person in connection with such victimization.

27 2. The offense of tampering with a witness or victim  
28 is a class A misdemeanor, unless the original charge is a  
29 felony, in which case [tampering with a witness or victim is  
30 a class D felony. Persons convicted under this section  
31 shall not be eligible for parole] **a person convicted under  
32 this section shall be sentenced to a term of imprisonment  
33 one felony class lower than that of the original charge.**

577.010. 1. A person commits the offense of driving  
2 while intoxicated if he or she operates a vehicle while in  
3 an intoxicated condition.

4 2. The offense of driving while intoxicated is:

5 (1) A class B misdemeanor;

6 (2) A class A misdemeanor if:

7 (a) The defendant is a prior offender; or

8 (b) A person less than seventeen years of age is  
9 present in the vehicle;

- 10           (3) A class E felony if:
- 11           (a) The defendant is a persistent offender; or
- 12           (b) While driving while intoxicated, the defendant
- 13 acts with criminal negligence to cause physical injury to
- 14 another person;
- 15           (4) A class D felony if:
- 16           (a) The defendant is an aggravated offender;
- 17           (b) While driving while intoxicated, the defendant
- 18 acts with criminal negligence to cause physical injury to a
- 19 law enforcement officer or emergency personnel; or
- 20           (c) While driving while intoxicated, the defendant
- 21 acts with criminal negligence to cause serious physical
- 22 injury to another person;
- 23           (5) A class C felony if:
- 24           (a) The defendant is a chronic offender;
- 25           (b) While driving while intoxicated, the defendant
- 26 acts with criminal negligence to cause serious physical
- 27 injury to a law enforcement officer or emergency personnel;
- 28 or
- 29           (c) While driving while intoxicated, the defendant
- 30 acts with criminal negligence to cause the death of another
- 31 person;
- 32           (6) A class B felony if:
- 33           (a) The defendant is a habitual offender;
- 34           (b) While driving while intoxicated, the defendant
- 35 acts with criminal negligence to cause the death of a law
- 36 enforcement officer or emergency personnel;
- 37           (c) While driving while intoxicated, the defendant
- 38 acts with criminal negligence to cause the death of any
- 39 person not a passenger in the vehicle operated by the
- 40 defendant, including the death of an individual that results

41 from the defendant's vehicle leaving a highway, as defined  
42 in section 301.010, or the highway's right-of-way;

43 (d) While driving while intoxicated, the defendant  
44 acts with criminal negligence to cause the death of two or  
45 more persons; or

46 (e) While driving while intoxicated, the defendant  
47 acts with criminal negligence to cause the death of any  
48 person while he or she has a blood alcohol content of at  
49 least eighteen-hundredths of one percent by weight of  
50 alcohol in such person's blood;

51 (7) A class A felony if the defendant has previously  
52 been found guilty of an offense under paragraphs (a) to (e)  
53 of subdivision (6) of this subsection and is found guilty of  
54 a subsequent violation of such paragraphs.

55 3. Notwithstanding the provisions of subsection 2 of  
56 this section, a person found guilty of the offense of  
57 driving while intoxicated as a first offense shall not be  
58 granted a suspended imposition of sentence:

59 (1) Unless such person shall be placed on probation  
60 for a minimum of two years; or

61 (2) In a circuit where a DWI court or docket created  
62 under section 478.007 or other court-ordered treatment  
63 program is available, and where the offense was committed  
64 with fifteen-hundredths of one percent or more by weight of  
65 alcohol in such person's blood, unless the individual  
66 participates and successfully completes a program under such  
67 DWI court or docket or other court-ordered treatment program.

68 4. If a person is found guilty of a second or  
69 subsequent offense of driving while intoxicated, the court  
70 may order the person to submit to a period of continuous  
71 alcohol monitoring or verifiable breath alcohol testing

72 performed a minimum of four times per day as a condition of  
73 probation.

74 5. If a person is not granted a suspended imposition  
75 of sentence for the reasons described in subsection 3 of  
76 this section:

77 (1) If the individual operated the vehicle with  
78 fifteen-hundredths to twenty-hundredths of one percent by  
79 weight of alcohol in such person's blood, the required term  
80 of imprisonment shall be not less than forty-eight hours;

81 (2) If the individual operated the vehicle with  
82 greater than twenty-hundredths of one percent by weight of  
83 alcohol in such person's blood, the required term of  
84 imprisonment shall be not less than five days.

85 6. A person found guilty of the offense of driving  
86 while intoxicated:

87 (1) As a prior offender, persistent offender,  
88 aggravated offender, chronic offender, or habitual offender  
89 shall not be granted a suspended imposition of sentence or  
90 be sentenced to pay a fine in lieu of a term of  
91 imprisonment, section 557.011 to the contrary  
92 notwithstanding;

93 (2) As a prior offender shall not be granted parole or  
94 probation until he or she has served a minimum of ten days  
95 imprisonment:

96 (a) Unless as a condition of such parole or probation  
97 such person performs at least thirty days of community  
98 service under the supervision of the court in those  
99 jurisdictions which have a recognized program for community  
100 service; or

101 (b) The offender participates in and successfully  
102 completes a program established under section 478.007 or  
103 other court-ordered treatment program, if available, and as

104 part of either program, the offender performs at least  
105 thirty days of community service under the supervision of  
106 the court;

107 (3) As a persistent offender shall not be eligible for  
108 parole or probation until he or she has served a minimum of  
109 thirty days imprisonment:

110 (a) Unless as a condition of such parole or probation  
111 such person performs at least sixty days of community  
112 service under the supervision of the court in those  
113 jurisdictions which have a recognized program for community  
114 service; or

115 (b) The offender participates in and successfully  
116 completes a program established under section 478.007 or  
117 other court-ordered treatment program, if available, and as  
118 part of either program, the offender performs at least sixty  
119 days of community service under the supervision of the court;

120 (4) As an aggravated offender shall not be eligible  
121 for parole or probation until he or she has served a minimum  
122 of sixty days imprisonment; **and**

123 (5) [As a chronic or habitual offender shall not be  
124 eligible for parole or probation until he or she has served  
125 a minimum of two years imprisonment; and

126 (6)] Any probation or parole granted under this  
127 subsection may include a period of continuous alcohol  
128 monitoring or verifiable breath alcohol testing performed a  
129 minimum of four times per day.

578.425. Any person who is convicted of a felony which  
2 is committed for the benefit of, at the direction of, or in  
3 association with, any criminal street gang, with the purpose  
4 to promote, further, or assist in any criminal conduct by  
5 gang members, shall be punished in the following manner:

6 (1) Any person who violates this section in the  
7 commission of a felony shall, upon conviction of that  
8 felony, in addition [and consecutive] to the punishment  
9 prescribed for the felony of which he or she has been  
10 convicted, be [punished by] **guilty of an additional class E**  
11 **felony under the terms of this section and be sentenced to a**  
12 term of [two] **imprisonment not to exceed four** years. If the  
13 underlying felony is committed on the grounds of, or within  
14 one thousand feet of a public or private elementary,  
15 vocational, junior high or high school, the additional  
16 **conviction shall be considered a class D felony, punishable**  
17 **by a term [shall be three] of imprisonment not to exceed**  
18 **seven years; and**

19 (2) Any person who violates this section in the  
20 commission of a dangerous felony shall, upon conviction of  
21 that dangerous felony, in addition [and consecutive] to the  
22 punishment prescribed for the dangerous felony of which he  
23 or she has been convicted, be [punished by] **guilty of an**  
24 **additional class D felony under the terms of this section**  
25 **and be sentenced to a term of [five] imprisonment not to**  
26 **exceed seven years.**

27 [(3) Any person who violates this section in the  
28 commission of a felony punishable by death or imprisonment  
29 for life shall not be paroled until a minimum of fifteen  
30 calendar years have been served.]

589.425. 1. A person commits the crime of failing to  
2 register as a sex offender when the person is required to  
3 register under sections 589.400 to 589.425 and fails to  
4 comply with any requirement of sections 589.400 to 589.425.  
5 Failing to register as a sex offender is a class E felony  
6 unless the person is required to register based on having  
7 committed an offense in chapter 566 which was an

8 unclassified felony, a class A or B felony, or a felony  
9 involving a child under the age of fourteen, in which case  
10 it is a class D felony.

11         2. A person commits the crime of failing to register  
12 as a sex offender as a second offense by failing to comply  
13 with any requirement of sections 589.400 to 589.425 and he  
14 or she has previously pled guilty to or has previously been  
15 found guilty of failing to register as a sex offender.  
16 Failing to register as a sex offender as a second offense is  
17 a class E felony unless the person is required to register  
18 based on having committed an offense in chapter 566, or an  
19 offense in any other state or foreign country, or under  
20 federal, tribal, or military jurisdiction, which if  
21 committed in this state would be an offense under chapter  
22 566 which was an unclassified felony, a class A or B felony,  
23 or a felony involving a child under the age of fourteen, in  
24 which case it is a class D felony.

25         3. (1) A person commits the crime of failing to  
26 register as a sex offender as a third offense by failing to  
27 meet the requirements of sections 589.400 to 589.425 and he  
28 or she has, on two or more occasions, previously pled guilty  
29 to or has previously been found guilty of failing to  
30 register as a sex offender. Failing to register as a sex  
31 offender as a third offense is a **class A** felony which shall  
32 be punished by a term of imprisonment of not less than ten  
33 years and not more than thirty years.

34         (2) No court may suspend the imposition or execution  
35 of sentence of a person who pleads guilty to or is found  
36 guilty of failing to register as a sex offender as a third  
37 offense. No court may sentence such person to pay a fine in  
38 lieu of a term of imprisonment.



39 (3) [A person sentenced under this subsection shall  
40 not be eligible for conditional release or parole until he  
41 or she has served at least two years of imprisonment.]

42 (4)] Upon release, an offender who has committed  
43 failing to register as a sex offender as a third offense  
44 shall be electronically monitored as a mandatory condition  
45 of supervision. Electronic monitoring may be based on a  
46 global positioning system or any other technology which  
47 identifies and records the offender's location at all times.

622.470. Any person who shall willfully make any false  
2 entry in the accounts, books of account, records, or  
3 memoranda kept by any carrier, corporation, or person  
4 governed by the provisions of this chapter, or who shall  
5 willfully destroy, mutilate, alter, or by any other means or  
6 device falsify the record of any such account, book of  
7 accounts, record, or memoranda, or who shall willfully  
8 neglect or fail to make full, true, and correct entries of  
9 such account, book of accounts, record, or memoranda of all  
10 facts and transactions appertaining to the business of such  
11 carriers, corporations, or persons, or who shall falsely  
12 make any statement required to be made to the division, for  
13 which a penalty has not been provided, shall be deemed  
14 guilty of a **class E** felony[, ] and, upon conviction, shall be  
15 punished by a fine of not less than one thousand dollars nor  
16 more than five thousand dollars, or by imprisonment for a  
17 **term** not [less] **more** than [two] **four** years [nor more than  
18 five years], or by both such fine and imprisonment, except  
19 that the division may, in its discretion, issue orders  
20 specifying such operating, accounting or financial papers,  
21 records, books, blanks, tickets, stubs, or documents, of  
22 carriers which may after a reasonable time be destroyed, and

23 prescribing the length of time such books, papers, or  
24 documents shall be preserved.

643.250. 1. Any authorized representative of the  
2 department may enter at all reasonable times, in or upon  
3 public or private property for purposes required under  
4 sections 643.225 to 643.250. In addition to any other  
5 remedy provided by law, refusal to allow such entry shall be  
6 grounds for revocation of registration or injunctive relief.

7 2. Any person who knowingly violates sections 643.225  
8 to 643.250, or any rule promulgated thereunder, shall, upon  
9 conviction, be punished by a fine of not less than [twenty-  
10 five] **two thousand five** hundred dollars nor more than twenty-  
11 five thousand dollars per day of violation, or by  
12 imprisonment for **a term** not more than one year, or both.  
13 Second and successive convictions of any person shall be  
14 **guilty of a class E felony and be** punished by a fine of not  
15 more than fifty thousand dollars per day of violation, or by  
16 imprisonment for not more than [two] **four** years, or both.

17 3. Any person who violates any provision of sections  
18 643.225 to 643.250 may, in addition to any other penalty  
19 provided by law, incur a civil penalty in an amount not to  
20 exceed ten thousand dollars for each day of violation. The  
21 civil penalty shall be in an amount to constitute an actual  
22 and substantial economic deterrent to the violation for  
23 which the civil penalty is assessed.

24 4. Notwithstanding the existence or pursuit of any  
25 other remedy provided by sections 643.225 to 643.250, the  
26 commission may maintain, in the manner provided by chapter  
27 536, an action in the name of the state of Missouri for  
28 injunction or other process against any person to restrain  
29 or prevent any violation of the provisions of sections  
30 643.225 to 643.250.

644.076. 1. It is unlawful for any person to cause or  
2 permit any discharge of water contaminants from any water  
3 contaminant or point source located in Missouri in violation  
4 of sections 644.006 to 644.141, or any standard, rule, or  
5 regulation promulgated by the commission. In the event the  
6 commission or the director determines that any provision of  
7 sections 644.006 to 644.141 or standard, rules, limitations,  
8 or regulations promulgated pursuant thereto, or permits  
9 issued by, or any final abatement order, other order, or  
10 determination made by the commission or the director, or any  
11 filing requirement pursuant to sections 644.006 to 644.141  
12 or any other provision which this state is required to  
13 enforce pursuant to any federal water pollution control act,  
14 is being, was, or is in imminent danger of being violated,  
15 the commission or director may cause to have instituted a  
16 civil action in any court of competent jurisdiction for the  
17 injunctive relief to prevent any such violation or further  
18 violation or for the assessment of a penalty not to exceed  
19 ten thousand dollars per day for each day, or part thereof,  
20 the violation occurred and continues to occur, or both, as  
21 the court deems proper. A civil monetary penalty pursuant  
22 to this section shall not be assessed for a violation where  
23 an administrative penalty was assessed pursuant to section  
24 644.079. The commission, the chair of a watershed  
25 district's board of trustees created under section 249.1150,  
26 or the director may request either the attorney general or a  
27 prosecuting attorney to bring any action authorized in this  
28 section in the name of the people of the state of Missouri.  
29 Suit may be brought in any county where the defendant's  
30 principal place of business is located or where the water  
31 contaminant or point source is located or was located at the  
32 time the violation occurred. Any offer of settlement to

33 resolve a civil penalty pursuant to this section shall be in  
34 writing, shall state that an action for imposition of a  
35 civil penalty may be initiated by the attorney general or a  
36 prosecuting attorney representing the department pursuant to  
37 this section, and shall identify any dollar amount as an  
38 offer of settlement which shall be negotiated in good faith  
39 through conference, conciliation, and persuasion.

40 2. Any person who knowingly makes any false statement,  
41 representation, or certification in any application, record,  
42 report, plan, or other document filed or required to be  
43 maintained pursuant to sections 644.006 to 644.141 or who  
44 falsifies, tampers with, or knowingly renders inaccurate any  
45 monitoring device or method required to be maintained  
46 pursuant to sections 644.006 to 644.141 shall, upon  
47 conviction, be **guilty of a class E felony and** punished by a  
48 fine of not more than ten thousand dollars, or by  
49 imprisonment for not more than [six months] **four years**, or  
50 by both.

51 3. Any person who willfully or negligently commits any  
52 violation set forth pursuant to subsection 1 of this section  
53 shall, upon conviction, be punished by a fine of not less  
54 than two thousand five hundred dollars nor more than twenty-  
55 five thousand dollars per day of violation, or by  
56 imprisonment for not more than one year, or both. Second  
57 and successive convictions for violation of the same  
58 provision of this section by any person shall be punished by  
59 a fine of not more than fifty thousand dollars per day of  
60 violation, or by imprisonment for not more than two years,  
61 or both.

62 4. The liabilities which shall be imposed pursuant to  
63 any provision of sections 644.006 to 644.141 upon persons  
64 violating the provisions of sections 644.006 to 644.141 or

65 any standard, rule, limitation, or regulation adopted  
66 pursuant thereto shall not be imposed due to any violation  
67 caused by an act of God, war, strike, riot, or other  
68 catastrophe.

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