

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 34
99TH GENERAL ASSEMBLY

0089H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 160.261, 167.117, 479.170, 488.029, 488.5050, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, 577.060, and 595.045, RSMo, and to enact in lieu thereof sixteen new sections relating to criminal offenses, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 160.261, 167.117, 479.170, 488.029, 488.5050, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, 577.060, and 595.045, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 160.261, 167.117, 252.069, 479.170, 488.029, 488.5050, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, 577.060, 577.685, and 595.045, to read as follows:

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

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

13 2. The policy shall require school administrators to report acts of school violence to all
14 teachers at the attendance center and, in addition, to other school district employees with a need
15 to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school
16 personnel who are directly responsible for the student's education or who otherwise interact with
17 the student on a professional basis while acting within the scope of their assigned duties. As
18 used in this section, the phrase "act of school violence" or "violent behavior" means the exertion
19 of physical force by a student with the intent to do serious physical injury as defined in section
20 556.061 to another person while on school property, including a school bus in service on behalf
21 of the district, or while involved in school activities. The policy shall at a minimum require
22 school administrators to report, as soon as reasonably practical, to the appropriate law
23 enforcement agency any of the following crimes, or any act which if committed by an adult
24 would be one of the following crimes:

- 25 (1) First degree murder under section 565.020;
- 26 (2) Second degree murder under section 565.021;
- 27 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or
28 kidnapping in the first degree under section 565.110;
- 29 (4) First degree assault under section 565.050;
- 30 (5) Rape in the first degree under section 566.030;
- 31 (6) Sodomy in the first degree under section 566.060;
- 32 (7) Burglary in the first degree under section 569.160;
- 33 (8) Burglary in the second degree under section 569.170;
- 34 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1,
35 2017, or robbery in the first degree under section 570.023;
- 36 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,
37 or manufacture of a controlled substance under section 579.055;
- 38 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January
39 1, 2017, or delivery of a controlled substance under section 579.020;
- 40 (12) Arson in the first degree under section 569.040;
- 41 (13) Voluntary manslaughter under section 565.023;
- 42 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1,
43 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary
44 manslaughter in the second degree under section 565.027;
- 45 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017,
46 or second degree assault under section 565.052;
- 47 (16) Rape in the second degree under section 566.031;

- 48 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
49 kidnapping in the second degree under section 565.120;
- 50 (18) Property damage in the first degree under section 569.100;
- 51 (19) The possession of a weapon under chapter 571;
- 52 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior
53 to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
54 566.067, 566.068, or 566.069;
- 55 (21) Sodomy in the second degree pursuant to section 566.061;
- 56 (22) Sexual misconduct involving a child pursuant to section 566.083;
- 57 (23) Sexual abuse in the first degree pursuant to section 566.100; **or**
- 58 (24) ~~[Harassment under section 565.090 as it existed prior to January 1, 2017, or~~
59 ~~harassment in the first degree under section 565.090, or~~
60 ~~——(25)]~~ Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking
61 in the first degree under section 565.225;

62

63 committed on school property, including but not limited to actions on any school bus in service
64 on behalf of the district or while involved in school activities. The policy shall require that any
65 portion of a student's individualized education program that is related to demonstrated or
66 potentially violent behavior shall be provided to any teacher and other school district employees
67 who are directly responsible for the student's education or who otherwise interact with the
68 student on an educational basis while acting within the scope of their assigned duties. The policy
69 shall also contain the consequences of failure to obey standards of conduct set by the local board
70 of education, and the importance of the standards to the maintenance of an atmosphere where
71 orderly learning is possible and encouraged.

72 3. The policy shall provide that any student who is on suspension for any of the offenses
73 listed in subsection 2 of this section or any act of violence or drug-related activity defined by
74 school district policy as a serious violation of school discipline pursuant to subsection 9 of this
75 section shall have as a condition of his or her suspension the requirement that such student is not
76 allowed, while on such suspension, to be within one thousand feet of any school property in the
77 school district where such student attended school or any activity of that district, regardless of
78 whether or not the activity takes place on district property unless:

79 (1) Such student is under the direct supervision of the student's parent, legal guardian,
80 or custodian and the superintendent or the superintendent's designee has authorized the student
81 to be on school property;

82 (2) Such student is under the direct supervision of another adult designated by the
83 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school

84 which suspended the student and the superintendent or the superintendent's designee has
85 authorized the student to be on school property;

86 (3) Such student is enrolled in and attending an alternative school that is located within
87 one thousand feet of a public school in the school district where such student attended school;
88 or

89 (4) Such student resides within one thousand feet of any public school in the school
90 district where such student attended school in which case such student may be on the property
91 of his or her residence without direct adult supervision.

92 4. Any student who violates the condition of suspension required pursuant to subsection
93 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
94 sections 167.161, 167.164, and 167.171. In making this determination consideration shall be
95 given to whether the student poses a threat to the safety of any child or school employee and
96 whether such student's unsupervised presence within one thousand feet of the school is disruptive
97 to the educational process or undermines the effectiveness of the school's disciplinary policy.
98 Removal of any pupil who is a student with a disability is subject to state and federal procedural
99 rights. This section shall not limit a school district's ability to:

100 (1) Prohibit all students who are suspended from being on school property or attending
101 an activity while on suspension;

102 (2) Discipline students for off-campus conduct that negatively affects the educational
103 environment to the extent allowed by law.

104 5. The policy shall provide for a suspension for a period of not less than one year, or
105 expulsion, for a student who is determined to have brought a weapon to school, including but
106 not limited to the school playground or the school parking lot, brought a weapon on a school bus
107 or brought a weapon to a school activity whether on or off of the school property in violation of
108 district policy, except that:

109 (1) The superintendent or, in a school district with no high school, the principal of the
110 school which such child attends may modify such suspension on a case-by-case basis; and

111 (2) This section shall not prevent the school district from providing educational services
112 in an alternative setting to a student suspended under the provisions of this section.

113 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined
114 under 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack,
115 a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife,
116 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade
117 knife; except that this section shall not be construed to prohibit a school board from adopting a
118 policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for
119 educational purposes so long as the firearm is unloaded. The local board of education shall

120 define weapon in the discipline policy. Such definition shall include the weapons defined in this
121 subsection but may also include other weapons.

122 7. All school district personnel responsible for the care and supervision of students are
123 authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any
124 property of the school, on any school bus going to or returning from school, during school-
125 sponsored activities, or during intermission or recess periods.

126 8. Teachers and other authorized district personnel in public schools responsible for the
127 care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable
128 care by the school district, shall not be civilly liable when acting in conformity with the
129 established policies developed by each board, including but not limited to policies of student
130 discipline or when reporting to his or her supervisor or other person as mandated by state law
131 acts of school violence or threatened acts of school violence, within the course and scope of the
132 duties of the teacher, authorized district personnel or volunteer, when such individual is acting
133 in conformity with the established policies developed by the board. Nothing in this section shall
134 be construed to create a new cause of action against such school district, or to relieve the school
135 district from liability for the negligent acts of such persons.

136 9. Each school board shall define in its discipline policy acts of violence and any other
137 acts that constitute a serious violation of that policy. "Acts of violence" as defined by school
138 boards shall include but not be limited to exertion of physical force by a student with the intent
139 to do serious bodily harm to another person while on school property, including a school bus in
140 service on behalf of the district, or while involved in school activities. School districts shall for
141 each student enrolled in the school district compile and maintain records of any serious violation
142 of the district's discipline policy. Such records shall be made available to teachers and other
143 school district employees with a need to know while acting within the scope of their assigned
144 duties, and shall be provided as required in section 167.020 to any school district in which the
145 student subsequently attempts to enroll.

146 10. Spanking, when administered by certificated personnel and in the presence of a
147 witness who is an employee of the school district, or the use of reasonable force to protect
148 persons or property, when administered by personnel of a school district in a reasonable manner
149 in accordance with the local board of education's written policy of discipline, is not abuse within
150 the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the
151 children's division shall not have jurisdiction over or investigate any report of alleged child abuse
152 arising out of or related to the use of reasonable force to protect persons or property when
153 administered by personnel of a school district or any spanking administered in a reasonable
154 manner by any certificated school personnel in the presence of a witness who is an employee of
155 the school district pursuant to a written policy of discipline established by the board of education

156 of the school district, as long as no allegation of sexual misconduct arises from the spanking or
157 use of force.

158 11. If a student reports alleged sexual misconduct on the part of a teacher or other school
159 employee to a person employed in a school facility who is required to report such misconduct
160 to the children's division under section 210.115, such person and the superintendent of the school
161 district shall report the allegation to the children's division as set forth in section 210.115.
162 Reports made to the children's division under this subsection shall be investigated by the division
163 in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated
164 by the school district under subsections 12 to 20 of this section for purposes of determining
165 whether the allegations should or should not be substantiated. The district may investigate the
166 allegations for the purpose of making any decision regarding the employment of the accused
167 employee.

168 12. Upon receipt of any reports of child abuse by the children's division other than
169 reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165
170 which allegedly involve personnel of a school district, the children's division shall notify the
171 superintendent of schools of the district or, if the person named in the alleged incident is the
172 superintendent of schools, the president of the school board of the school district where the
173 alleged incident occurred.

174 13. If, after an initial investigation, the superintendent of schools or the president of the
175 school board finds that the report involves an alleged incident of child abuse other than the
176 administration of a spanking by certificated school personnel or the use of reasonable force to
177 protect persons or property when administered by school personnel pursuant to a written policy
178 of discipline or that the report was made for the sole purpose of harassing a public school
179 employee, the superintendent of schools or the president of the school board shall immediately
180 refer the matter back to the children's division and take no further action. In all matters referred
181 back to the children's division, the division shall treat the report in the same manner as other
182 reports of alleged child abuse received by the division.

183 14. If the report pertains to an alleged incident which arose out of or is related to a
184 spanking administered by certificated personnel or the use of reasonable force to protect persons
185 or property when administered by personnel of a school district pursuant to a written policy of
186 discipline or a report made for the sole purpose of harassing a public school employee, a
187 notification of the reported child abuse shall be sent by the superintendent of schools or the
188 president of the school board to the law enforcement in the county in which the alleged incident
189 occurred.

190 15. The report shall be jointly investigated by the law enforcement officer and the
191 superintendent of schools or, if the subject of the report is the superintendent of schools, by a law
192 enforcement officer and the president of the school board or such president's designee.

193 16. The investigation shall begin no later than forty-eight hours after notification from
194 the children's division is received, and shall consist of, but need not be limited to, interviewing
195 and recording statements of the child and the child's parents or guardian within two working days
196 after the start of the investigation, of the school district personnel allegedly involved in the
197 report, and of any witnesses to the alleged incident.

198 17. The law enforcement officer and the investigating school district personnel shall
199 issue separate reports of their findings and recommendations after the conclusion of the
200 investigation to the school board of the school district within seven days after receiving notice
201 from the children's division.

202 18. The reports shall contain a statement of conclusion as to whether the report of alleged
203 child abuse is substantiated or is unsubstantiated.

204 19. The school board shall consider the separate reports referred to in subsection 17 of
205 this section and shall issue its findings and conclusions and the action to be taken, if any, within
206 seven days after receiving the last of the two reports. The findings and conclusions shall be
207 made in substantially the following form:

208 (1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer
209 and the investigating school board personnel agree that there was not a preponderance of
210 evidence to substantiate that abuse occurred;

211 (2) The report of the alleged child abuse is substantiated. The law enforcement officer
212 and the investigating school district personnel agree that the preponderance of evidence is
213 sufficient to support a finding that the alleged incident of child abuse did occur;

214 (3) The issue involved in the alleged incident of child abuse is unresolved. The law
215 enforcement officer and the investigating school personnel are unable to agree on their findings
216 and conclusions on the alleged incident.

217 20. The findings and conclusions of the school board under subsection 19 of this section
218 shall be sent to the children's division. If the findings and conclusions of the school board are
219 that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated,
220 the case closed, and no record shall be entered in the children's division central registry. If the
221 findings and conclusions of the school board are that the report of the alleged child abuse is
222 substantiated, the children's division shall report the incident to the prosecuting attorney of the
223 appropriate county along with the findings and conclusions of the school district and shall
224 include the information in the division's central registry. If the findings and conclusions of the
225 school board are that the issue involved in the alleged incident of child abuse is unresolved, the

226 children's division shall report the incident to the prosecuting attorney of the appropriate county
227 along with the findings and conclusions of the school board, however, the incident and the names
228 of the parties allegedly involved shall not be entered into the central registry of the children's
229 division unless and until the alleged child abuse is substantiated by a court of competent
230 jurisdiction.

231 21. Any superintendent of schools, president of a school board or such person's designee
232 or law enforcement officer who knowingly falsifies any report of any matter pursuant to this
233 section or who knowingly withholds any information relative to any investigation or report
234 pursuant to this section is guilty of a class A misdemeanor.

235 22. In order to ensure the safety of all students, should a student be expelled for bringing
236 a weapon to school, violent behavior, or for an act of school violence, that student shall not, for
237 the purposes of the accreditation process of the Missouri school improvement plan, be
238 considered a dropout or be included in the calculation of that district's educational persistence
239 ratio.

167.117. 1. ~~[In any instance when any person is believed to have committed an act
2 which if committed by an adult would be assault in the first, second or third degree, sexual
3 assault, or deviate sexual assault against a pupil or school employee, while on school property,
4 including a school bus in service on behalf of the district, or while involved in school activities,
5 the principal shall immediately report such incident to the appropriate local law enforcement
6 agency and to the superintendent, except in any instance when any person is believed to have
7 committed an act which if committed by an adult would be assault in the third degree and a
8 written agreement as to the procedure for the reporting of such incidents of third degree assault
9 has been executed between the superintendent of the school district and the appropriate local law
10 enforcement agency, the principal shall report such incident to the appropriate local law
11 enforcement agency in accordance with such agreement.]~~

12 ~~—————2.]~~ In any instance when a pupil is discovered to have on or about such pupil's person,
13 or among such pupil's possessions, or placed elsewhere on the school premises, including but not
14 limited to the school playground or the school parking lot, on a school bus or at a school activity
15 whether on or off of school property any controlled substance as defined in section 195.010 or
16 any weapon as defined in subsection 6 of section 160.261 in violation of school policy, the
17 principal shall ~~[immediately]~~ **as soon as reasonably practical** report such incident to the
18 appropriate local law enforcement agency and to the superintendent, **and in any instance when**
19 **a teacher becomes aware that a pupil is in possession of a controlled substance or any**
20 **weapon on school property, on any school bus in service on behalf of the school district, or**
21 **while involved in school activities, the teacher shall as soon as reasonably practical report**
22 **such incident to the principal.**

23 **2. In any instance when a pupil is believed to have committed an act listed in**
24 **subdivisions (1) to (24) of subsection 2 of section 160.261 on school property, on any school**
25 **bus in service on behalf of the school district, or while involved in school activities, the**
26 **principal shall as soon as reasonably practical report such incident to the appropriate law**
27 **enforcement agency and to the superintendent, and in any instance when a teacher**
28 **becomes aware that a pupil has committed an act listed in subdivisions (1) to (24) of**
29 **subsection 2 of section 160.261 on school property, on any school bus in service on behalf**
30 **of the school district, or while involved in school activities, the teacher shall as soon as**
31 **reasonably practical report such incident to the principal.**

32 3. ~~In any instance when a teacher becomes aware of an assault as set forth in subsection~~
33 ~~1 of this section or finds a pupil in possession of a weapon or controlled substances as set forth~~
34 ~~in subsection 2 of this section, the teacher shall immediately report such incident to the principal.~~

35 ~~—————4.] A school employee, superintendent, or such person's designee who in good faith~~
36 ~~provides information to law enforcement or juvenile authorities pursuant to this section or~~
37 ~~section 160.261 or provides information to law enforcement or juvenile authorities~~
38 ~~regarding an instance in which a pupil is believed to have committed an act which, if~~
39 ~~committed by an adult, would be assault in the third degree as defined in section 565.054~~
40 ~~or assault in the fourth degree as defined in section 565.056 shall not be civilly liable for~~
41 ~~providing such information.~~

42 [5-] 4. Any school official responsible for reporting pursuant to this section or section
43 160.261 who willfully neglects or refuses to perform this duty shall be subject to the penalty
44 established pursuant to section 162.091.

252.069. Any agent of the conservation commission may enforce the provisions of
2 **sections 577.070 and 577.080 and arrest violators only upon the water, the banks thereof,**
3 **or upon public land.**

 479.170. 1. If, in the progress of any trial before a municipal judge, it shall appear to the
2 judge that the accused ought to be put upon trial for an offense against the criminal laws of the
3 state and not cognizable before him as municipal judge, he shall immediately stop all further
4 proceedings before him as municipal judge and cause the complaint to be made before some
5 associate circuit judge within the county.

6 2. For purposes of this section, any offense involving the operation of a motor vehicle
7 in an intoxicated condition as defined in section 577.001 shall not be cognizable in municipal
8 court, if the defendant has been convicted, found guilty, or pled guilty to two or more previous
9 intoxication-related traffic offenses as defined in section [577.023] **577.001**, or has had two or
10 more previous alcohol-related enforcement contacts as defined in section 302.525.

488.029. There shall be assessed and collected a surcharge of one hundred fifty dollars
2 in all criminal cases for any violation of chapter 195 **or chapter 579** in which a crime laboratory
3 makes analysis of a controlled substance, but no such surcharge shall be assessed when the costs
4 are waived or are to be paid by the state or when a criminal proceeding or the defendant has been
5 dismissed by the court. The moneys collected by clerks of the courts pursuant to the provisions
6 of this section shall be collected and disbursed as provided by sections 488.010 to 488.020. All
7 such moneys shall be payable to the director of revenue, who shall deposit all amounts collected
8 pursuant to this section to the credit of the state forensic laboratory account to be administered
9 by the department of public safety pursuant to section 650.105.

488.5050. 1. In addition to any other surcharges authorized by statute, the clerk of each
2 court of this state shall collect the surcharges provided for in subsection 2 of this section.

3 2. A surcharge of thirty dollars shall be assessed as costs in each circuit court proceeding
4 filed within this state in all criminal cases in which the defendant is found guilty of a felony,
5 except when the defendant is found guilty of a class B felony, class A felony, or an unclassified
6 felony, under chapter 195 **or chapter 579**, in which case, the surcharge shall be sixty dollars.
7 A surcharge of fifteen dollars shall be assessed as costs in each court proceeding filed within this
8 state in all other criminal cases, except for traffic violation cases in which the defendant is found
9 guilty of a misdemeanor.

10 3. Notwithstanding any other provisions of law, the moneys collected by clerks of the
11 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed
12 in accordance with sections 488.010 to 488.020, and shall be payable to the state treasurer.

13 4. The state treasurer shall deposit such moneys or other gifts, grants, or moneys received
14 on a monthly basis into the "DNA Profiling Analysis Fund", which is hereby created in the state
15 treasury. The fund shall be administered by the department of public safety. The moneys
16 deposited into the DNA profiling analysis fund shall be used only by the highway patrol crime
17 lab to fulfill the purposes of the DNA profiling system pursuant to section 650.052.
18 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the
19 fund at the end of the biennium shall not revert to the credit of the general revenue fund.

20 5. The provisions of subsections 1 and 2 of this section shall expire on August 28, 2019.

557.035. 1. For all violations of **section 565.054 or 565.090**, subdivision (1) of
2 subsection 1 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1
3 of section 571.030, which the state believes to be knowingly motivated because of race, color,
4 religion, national origin, sex, sexual orientation or disability of the victim or victims, the state
5 may charge the offense or offenses under this section, and the violation is a class D felony.

6 2. For all violations of section ~~[565.054]~~ **565.056**; ~~[subdivisions (1), (3) and (4) of~~
7 ~~subsection 1 of section 565.090;]~~ subdivision (1) of subsection 1 of section 569.090; subdivision

8 (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state
9 believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual
10 orientation or disability of the victim or victims, the state may charge the offense or offenses
11 under this section, and the violation is a class E felony.

12 3. The court shall assess punishment in all of the cases in which the state pleads and
13 proves any of the motivating factors listed in this section.

565.076. 1. A person commits the offense of domestic assault in the fourth degree if the
2 act involves a domestic victim, as the term "domestic victim" is defined under section 565.002,
3 and:

4 (1) The person attempts to cause or recklessly causes physical injury, physical pain, or
5 illness to such domestic victim;

6 (2) With criminal negligence the person causes physical injury to such domestic victim
7 by means of a deadly weapon or dangerous instrument;

8 (3) The person purposely places such domestic victim in apprehension of immediate
9 physical injury by any means;

10 (4) The person recklessly engages in conduct which creates a substantial risk of death
11 or serious physical injury to such domestic victim;

12 (5) The person knowingly causes physical contact with such domestic victim knowing
13 he or she will regard the contact as offensive; or

14 (6) The person knowingly attempts to cause or causes the isolation of such domestic
15 victim by unreasonably and substantially restricting or limiting his or her access to other persons,
16 telecommunication devices or transportation for the purpose of isolation.

17 2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless
18 the person has previously been found guilty of the offense of **domestic** assault [~~of a domestic~~
19 ~~victim~~], **of any assault offense under this chapter, or of any offense against a domestic**
20 **victim committed in violation of any county or municipal ordinance in any state, any state**
21 **law, any federal law, or any military law which if committed in this state two or more**
22 **times[;] would be a violation of this section**, in which case it is a class E felony. The offenses
23 described in this subsection may be against the same domestic victim or against different
24 domestic victims.

565.091. 1. A person commits the offense of harassment in the second degree if he or
2 she, without good cause, engages in any act with the purpose to cause emotional distress to
3 another person.

4 2. The offense of harassment in the second degree is a class A misdemeanor, **unless the**
5 **person has previously pleaded guilty to or been found guilty of a violation of this section,**
6 **of any offense committed in violation of any county or municipal ordinance in any state,**

7 any state law, any federal law, or any military law which if committed in this state would
 8 be chargeable or indictable as a violation of any offense listed in this subsection, in which
 9 case it is a class E felony.

10 **3. This section shall not apply to activities of federal, state, county, or municipal law**
 11 **enforcement officers conducting investigations of violations of federal, state, county, or**
 12 **municipal law.**

566.010. As used in this chapter and chapter 568, the following terms mean:

2 (1) "Aggravated sexual offense", any sexual offense, in the course of which, the actor:

3 (a) Inflicts serious physical injury on the victim; [Ø#]

4 (b) Displays a deadly weapon or dangerous instrument in a threatening manner; [Ø#]

5 (c) Subjects the victim to sexual intercourse or deviate sexual intercourse with more than
 6 one person; [Ø#]

7 (d) Had previously been found guilty of an offense under this chapter or under section
 8 573.200, child used in sexual performance; section 573.205, promoting sexual performance by
 9 a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child
 10 pornography in the first degree; section 573.035, promoting child pornography in the second
 11 degree; section 573.037, possession of child pornography; or section 573.040, furnishing
 12 pornographic materials to minors; or has previously been found guilty of an offense in another
 13 jurisdiction which would constitute an offense under this chapter or said sections;

14 (e) Commits the offense as part of an act or series of acts performed by two or more
 15 persons as part of an established or prescribed pattern of activity; or

16 (f) Engages in the act that constitutes the offense with a person the actor knows to be,
 17 without regard to legitimacy, the actor's:

18 a. Ancestor or descendant by blood or adoption;

19 b. Stepchild while the marriage creating that relationship exists;

20 c. Brother or sister of the whole or half blood; or

21 d. Uncle, aunt, nephew, or niece of the whole blood;

22 (2) "Commercial sex act", any sex act on account of which anything of value is given
 23 to or received by any person;

24 (3) "Deviate sexual intercourse", any act involving the genitals of one person and the
 25 hand, mouth, tongue, or anus of another person or a sexual act involving the penetration,
 26 however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done
 27 for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of
 28 terrorizing the victim;

29 (4) "Forced labor", a condition of servitude induced by means of:

30 (a) Any scheme, plan, or pattern of behavior intended to cause a person to believe that,
 31 if the person does not enter into or continue the servitude, such person or another person will
 32 suffer substantial bodily harm or physical restraint; or

33 (b) The abuse or threatened abuse of the legal process;

34 (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual contact;

35 (6) "Sexual contact", any touching of another person with the genitals or any touching
 36 of the genitals or anus of another person, or the breast of a female person, or such touching
 37 through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or
 38 for the purpose of terrorizing the victim;

39 (7) "Sexual intercourse", any penetration, however slight, of the female genitalia by the
 40 penis.

575.280. 1. A person commits the offense of acceding to corruption if he or she:

2 (1) Is a judge, juror, special master, referee or arbitrator and knowingly solicits, accepts,
 3 or agrees to accept any benefit, direct or indirect, on the representation or understanding that it
 4 will influence his or her official action in a judicial proceeding pending in any court or before
 5 such official or juror;

6 (2) Is a witness or prospective witness in any official proceeding and knowingly solicits,
 7 accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding
 8 that he or she will disobey a subpoena or other legal process, absent himself or herself, avoid
 9 subpoena or other legal process, withhold evidence, information or documents, or testify falsely.

10 2. The offense of acceding to corruption under subdivision ~~[(2)]~~ (1) of subsection 1 of
 11 this section ~~[is a class A misdemeanor. The offense, when committed under subdivision (1) of~~
 12 ~~subsection 1 of this section,] is a class C felony[, unless the offense is committed in a felony~~
 13 ~~prosecution, or on the representation or understanding of testifying falsely, in which case it is a~~
 14 ~~class E felony]. **The offense of acceding to corruption under subdivision (2) of subsection**
 15 **1 of this section in a felony prosecution or on the representation or understanding of**
 16 **testifying falsely is a class D felony. Otherwise acceding to corruption is a class A**
 17 **misdemeanor.**~~

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

2 (1) "Aggravated offender", a person who has been found guilty of:

3 (a) Three or more intoxication-related traffic offenses committed on separate occasions;
 4 or

5 (b) Two or more intoxication-related traffic offenses committed on separate occasions
 6 where at least one of the intoxication-related traffic offenses is an offense committed in violation
 7 of any state law, county or municipal ordinance, any federal offense, or any military offense in

- 8 which the defendant was operating a vehicle while intoxicated and another person was injured
9 or killed;
- 10 (2) "Aggravated boating offender", a person who has been found guilty of:
- 11 (a) Three or more intoxication-related boating offenses; or
- 12 (b) Two or more intoxication-related boating offenses committed on separate occasions
13 where at least one of the intoxication-related boating offenses is an offense committed in
14 violation of any state law, county or municipal ordinance, any federal offense, or any military
15 offense in which the defendant was operating a vessel while intoxicated and another person was
16 injured or killed;
- 17 (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
18 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
19 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed
20 to be straddled by the operator, or with a seat designed to carry more than one person, and
21 handlebars for steering control;
- 22 (4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but
23 not any juvenile court or drug court;
- 24 (5) "Chronic offender", a person who has been found guilty of:
- 25 (a) Four or more intoxication-related traffic offenses committed on separate occasions;
26 or
- 27 (b) Three or more intoxication-related traffic offenses committed on separate occasions
28 where at least one of the intoxication-related traffic offenses is an offense committed in violation
29 of any state law, county or municipal ordinance, any federal offense, or any military offense in
30 which the defendant was operating a vehicle while intoxicated and another person was injured
31 or killed; or
- 32 (c) Two or more intoxication-related traffic offenses committed on separate occasions
33 where both intoxication-related traffic offenses were offenses committed in violation of any state
34 law, county or municipal ordinance, any federal offense, or any military offense in which the
35 defendant was operating a vehicle while intoxicated and another person was injured or killed;
- 36 (6) "Chronic boating offender", a person who has been found guilty of:
- 37 (a) Four or more intoxication-related boating offenses; or
- 38 (b) Three or more intoxication-related boating offenses committed on separate occasions
39 where at least one of the intoxication-related boating offenses is an offense committed in
40 violation of any state law, county or municipal ordinance, any federal offense, or any military
41 offense in which the defendant was operating a vessel while intoxicated and another person was
42 injured or killed; or

43 (c) Two or more intoxication-related boating offenses committed on separate occasions
44 where both intoxication-related boating offenses were offenses committed in violation of any
45 state law, county or municipal ordinance, any federal offense, or any military offense in which
46 the defendant was operating a vessel while intoxicated and another person was injured or killed;

47 (7) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal
48 alcohol concentration levels and tampering attempts at least once every hour, regardless of the
49 location of the person who is being monitored, and regularly transmitting the data. Continuous
50 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of
51 section 217.690;

52 (8) "Controlled substance", a drug, substance, or immediate precursor in schedules I to
53 V listed in section 195.017;

54 (9) "Drive", "driving", "operates" or "operating", [~~means~~] physically driving or operating
55 a vehicle or vessel;

56 (10) "Flight crew member", the pilot in command, copilots, flight engineers, and flight
57 navigators;

58 (11) "Habitual offender", a person who has been found guilty of:

59 (a) Five or more intoxication-related traffic offenses committed on separate occasions;
60 or

61 (b) Four or more intoxication-related traffic offenses committed on separate occasions
62 where at least one of the intoxication-related traffic offenses is an offense committed in violation
63 of any state law, county or municipal ordinance, any federal offense, or any military offense in
64 which the defendant was operating a vehicle while intoxicated and another person was injured
65 or killed; or

66 (c) Three or more intoxication-related traffic offenses committed on separate occasions
67 where at least two of the intoxication-related traffic offenses were offenses committed in
68 violation of any state law, county or municipal ordinance, any federal offense, or any military
69 offense in which the defendant was operating a vehicle while intoxicated and another person was
70 injured or killed; [~~or~~

71 ~~— (d) While driving while intoxicated, the defendant acted with criminal negligence to:~~

72 ~~— a. Cause the death of any person not a passenger in the vehicle operated by the~~
73 ~~defendant, including the death of an individual that results from the defendant's vehicle leaving~~
74 ~~a highway, as defined by section 301.010, or the highway's right-of-way; or~~

75 ~~— b. Cause the death of two or more persons; or~~

76 ~~— c. Cause the death of any person while he or she has a blood alcohol content of at least~~
77 ~~eighteen-hundredths of one percent by weight of alcohol in such person's blood;]~~

78 (12) "Habitual boating offender", a person who has been found guilty of:

79 (a) Five or more intoxication-related boating offenses; or

80 (b) Four or more intoxication-related boating offenses committed on separate occasions
81 where at least one of the intoxication-related boating offenses is an offense committed in
82 violation of any state law, county or municipal ordinance, any federal offense, or any military
83 offense in which the defendant was operating a vessel while intoxicated and another person was
84 injured or killed; or

85 (c) Three or more intoxication-related boating offenses committed on separate occasions
86 where at least two of the intoxication-related boating offenses were offenses committed in
87 violation of any state law, county or municipal ordinance, any federal offense, or any military
88 offense in which the defendant was operating a vessel while intoxicated and another person was
89 injured or killed; or

90 (d) While boating while intoxicated, the defendant acted with criminal negligence to:

91 a. Cause the death of any person not a passenger in the vessel operated by the defendant,
92 including the death of an individual that results from the defendant's vessel leaving the water;
93 or

94 b. Cause the death of two or more persons; or

95 c. Cause the death of any person while he or she has a blood alcohol content of at least
96 eighteen-hundredths of one percent by weight of alcohol in such person's blood;

97 (13) "Intoxicated" or "intoxicated condition", when a person is under the influence of
98 alcohol, a controlled substance, or drug, or any combination thereof;

99 (14) "Intoxication-related boating offense", operating a vessel while intoxicated; boating
100 while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which
101 the defendant was operating a vessel while intoxicated and another person was injured or killed
102 in violation of any state law, county or municipal ordinance, any federal offense, or any military
103 offense;

104 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with
105 excessive blood alcohol content, driving under the influence of alcohol or drugs in violation of
106 a **state law**, county or municipal ordinance, **any federal offense, or any military offense**, or an
107 offense in which the defendant was operating a vehicle while intoxicated and another person was
108 injured or killed in violation of any state law, county or municipal ordinance, any federal offense,
109 or any military offense;

110 (16) "Law enforcement officer" or "arresting officer", includes the definition of law
111 enforcement officer in section 556.061 and military policemen conducting traffic enforcement
112 operations on a federal military installation under military jurisdiction in the state of Missouri;

113 (17) "Operate a vessel", to physically control the movement of a vessel in motion under
114 mechanical or sail power in water;

- 115 (18) "Persistent offender", a person who has been found guilty of:
 116 (a) Two or more intoxication-related traffic offenses committed on separate occasions;
 117 or
 118 (b) One intoxication-related traffic offense committed in violation of any state law,
 119 county or municipal ordinance, federal offense, or military offense in which the defendant was
 120 operating a vehicle while intoxicated and another person was injured or killed;
 121 (19) "Persistent boating offender", a person who has been found guilty of:
 122 (a) Two or more intoxication-related boating offenses committed on separate occasions;
 123 or
 124 (b) One intoxication-related boating offense committed in violation of any state law,
 125 county or municipal ordinance, federal offense, or military offense in which the defendant was
 126 operating a vessel while intoxicated and another person was injured or killed;
 127 (20) "Prior offender", a person who has been found guilty of one intoxication-related
 128 traffic offense, where such prior offense occurred within five years of the occurrence of the
 129 intoxication-related traffic offense for which the person is charged;
 130 (21) "Prior boating offender", a person who has been found guilty of one intoxication-
 131 related boating offense, where such prior offense occurred within five years of the occurrence
 132 of the intoxication-related boating offense for which the person is charged.

- 577.010. 1. A person commits the offense of driving while intoxicated if he or she
 2 operates a vehicle while in an intoxicated condition.
 3 2. The offense of driving while intoxicated is:
 4 (1) A class B misdemeanor;
 5 (2) A class A misdemeanor if:
 6 (a) The defendant is a prior offender; or
 7 (b) A person less than seventeen years of age is present in the vehicle;
 8 (3) A class E felony if:
 9 (a) The defendant is a persistent offender; or
 10 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
 11 physical injury to another person;
 12 (4) A class D felony if:
 13 (a) The defendant is an aggravated offender;
 14 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
 15 physical injury to a law enforcement officer or emergency personnel; or
 16 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
 17 serious physical injury to another person;
 18 (5) A class C felony if:

- 19 (a) The defendant is a chronic offender;
- 20 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
21 serious physical injury to a law enforcement officer or emergency personnel; or
- 22 (c) While driving while intoxicated, the defendant acts with criminal negligence to cause
23 the death of another person;
- 24 (6) A class B felony if:
- 25 (a) The defendant is a habitual offender; ~~[or]~~
- 26 (b) While driving while intoxicated, the defendant acts with criminal negligence to cause
27 the death of a law enforcement officer or emergency personnel;
- 28 **(c) While driving while intoxicated, the defendant acts with criminal negligence to**
29 **cause the death of any person not a passenger in the vehicle operated by the defendant,**
30 **including the death of an individual that results from the defendant's vehicle leaving a**
31 **highway, as defined in section 301.010, or the highway's right-of-way;**
- 32 **(d) While driving while intoxicated, the defendant acts with criminal negligence to**
33 **cause the death of two or more persons; or**
- 34 **(e) While driving while intoxicated, the defendant acts with criminal negligence to**
35 **cause the death of any person while he or she has a blood alcohol content of at least**
36 **eighteen-hundredths of one percent by weight of alcohol in such person's blood;**
- 37 (7) A class A felony if the defendant ~~[is a habitual offender as a result of being]~~ **has**
38 **previously been** found guilty of an ~~[act described under paragraph (d) of subdivision (11) of~~
39 ~~section 577.001]~~ **offense under paragraphs (a) to (e) of subdivision (6) of this subsection** and
40 is found guilty of a subsequent violation of such ~~[paragraph]~~ **paragraphs.**
- 41 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty
42 of the offense of driving while intoxicated as a first offense shall not be granted a suspended
43 imposition of sentence:
- 44 (1) Unless such person shall be placed on probation for a minimum of two years; or
- 45 (2) In a circuit where a DWI court or docket created under section 478.007 or other
46 court-ordered treatment program is available, and where the offense was committed with fifteen-
47 hundredths of one percent or more by weight of alcohol in such person's blood, unless the
48 individual participates and successfully completes a program under such DWI court or docket
49 or other court-ordered treatment program.
- 50 4. If a person is found guilty of a second or subsequent offense of driving while
51 intoxicated, the court may order the person to submit to a period of continuous alcohol
52 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as
53 a condition of probation.

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

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

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

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

63 (1) As a prior offender, persistent offender, aggravated offender, chronic offender, or
64 habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay
65 a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

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

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

71 (b) The offender participates in and successfully completes a program established under
72 section 478.007 or other court-ordered treatment program, if available, and as part of either
73 program, the offender performs at least thirty days of community service under the supervision
74 of the court;

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

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

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

84 (4) As an aggravated offender shall not be eligible for parole or probation until he or she
85 has served a minimum of sixty days imprisonment;

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

88 (6) Any probation or parole granted under this subsection may include a period of
89 continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four
90 times per day.

577.060. 1. A person commits the offense of leaving the scene of an accident when:

2 (1) Being the operator of a vehicle or a vessel involved in an accident resulting in injury
3 or death or damage to property of another person; and

4 (2) Having knowledge of such accident he or she leaves the place of the injury, damage
5 or accident without stopping and giving the following information to the other party or to a law
6 enforcement officer, or if no law enforcement officer is in the vicinity, then to the nearest law
7 enforcement agency:

8 (a) His or her name;

9 (b) His or her residence, including city and street number;

10 (c) The registration or license number for his or her vehicle or vessel; and

11 (d) His or her operator's license number, if any.

12 2. For the purposes of this section, all law enforcement officers shall have jurisdiction,
13 when invited by an injured person, to enter the premises of any privately owned property for the
14 purpose of investigating an accident and performing all necessary duties regarding such accident.

15 3. The offense of leaving the scene of an accident is:

16 (1) A class A misdemeanor; ~~or~~

17 (2) A class E felony if:

18 (a) Physical injury was caused to another party; or

19 (b) Damage in excess of one thousand dollars was caused to the property of another
20 person; or

21 (c) The defendant has previously been found guilty of any offense in violation of this
22 section; or committed in another jurisdiction which, if committed in this state, would be a
23 violation of an offense of this section; **or**

24 **(3) A class D felony if a death has occurred as a result of the accident.**

25 4. A law enforcement officer who investigates or receives information of an accident
26 involving an all-terrain vehicle and also involving the loss of life or serious physical injury shall
27 make a written report of the investigation or information received and such additional facts
28 relating to the accident as may come to his or her knowledge, mail the information to the
29 department of public safety, and keep a record thereof in his or her office.

30 5. The provisions of this section shall not apply to the operation of all-terrain vehicles
31 when property damage is sustained in sanctioned all-terrain vehicle races, derbies and rallies.

577.685. 1. A person commits the offense of illegal reentry if he or she has been removed from the United States for any of the reasons listed under 8 U.S.C. Section 1326(b) and thereafter:

(1) Enters this state and commits a misdemeanor offense of assault or domestic assault under chapter 565, any dangerous felony offense as the term "dangerous felony" is defined section 556.061, any felony offense under chapter 579, with the exception of any offense involving the possession of marijuana, any offense under section 570.030, or any offense under section 570.217; or

(2) Commits an offense in any other state that would be considered a misdemeanor offense of assault or domestic assault under chapter 565, any dangerous felony offense as the term "dangerous felony" is defined in section 556.061, any felony offense under chapter 579, with the exception of any offense involving the possession of marijuana, any offense under section 570.030, or any offense under section 570.217 under the laws of this state, and thereafter enters this state.

2. The offense of illegal reentry is a class C felony.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court proceeding filed in any court in the state in all criminal cases including violations of any county ordinance or any violation of criminal or traffic laws of the state, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding in any court when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

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

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

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

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

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

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

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

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

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

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

56 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court
57 shall enter a judgment in favor of the state of Missouri, payable to the crime victims'

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

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

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

80 11. The state courts administrator shall include in the annual report required by section
81 476.350 the circuit court caseloads and the number of crime victims' compensation judgments
82 entered.

83 12. All awards made to injured victims under sections 595.010 to 595.105 and all
84 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
85 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
86 remaining in the crime victims' compensation fund at the end of each biennium shall not be
87 subject to the provision of section 33.080 requiring the transfer of such unexpended balance to
88 the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund.
89 In the event that there are insufficient funds in the crime victims' compensation fund to pay all
90 claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime
91 victims' compensation fund, then no claim shall be paid until funds have again accumulated in
92 the crime victims' compensation fund. When sufficient funds become available from the fund,
93 awards which have not been paid shall be paid in chronological order with the oldest paid first.

94 In the event an award was to be paid in installments and some remaining installments have not
95 been paid due to a lack of funds, then when funds do become available that award shall be paid
96 in full. All such awards on which installments remain due shall be paid in full in chronological
97 order before any other postdated award shall be paid. Any award pursuant to this subsection is
98 specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime
99 victims' compensation fund.

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

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

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

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

Section B. Because immediate action is necessary to prevent a delay in the
2 implementation of revisions made to the criminal code, the repeal and reenactment of sections
3 479.170, 488.029, 488.5050, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010,
4 and 595.045 of this act and the enactment of section 252.069 of this act is deemed necessary for
5 the immediate preservation of the public health, welfare, peace, and safety, and is hereby
6 declared to be an emergency act within the meaning of the constitution, and the repeal and
7 reenactment of sections 479.170, 488.029, 488.5050, 557.035, 565.076, 565.091, 566.010,
8 575.280, 577.001, 577.010, and 595.045 of this act and the enactment of section 252.069 of this
9 act shall be in full force and effect upon its passage and approval.

✓