

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE NO. 2

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1450,

HOUSE BILL NO. 1296,

HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1331,

AND

HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1898

AN ACT

To repeal sections 544.170, 545.140, 556.061, 557.021, 562.014, 571.015, 571.070, 578.421, 578.423, 578.425, 579.065, and 579.068, RSMo, and to enact in lieu thereof twenty-one new sections relating to criminal law, with penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 544.170, 545.140, 556.061, 557.021, 562.014, 571.015, 571.070, 578.421, 578.423, 578.425, 579.065, and 579.068, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 217.850, 491.016, 491.641, 544.170, 545.140, 550.125, 556.061, 557.021, 557.045, 562.014, 570.027, 571.015, 571.070, 577.800, 578.419, 578.421, 578.423, 578.425, 579.065, 579.068, and 632.460, to read as follows:

217.850. 1. A person commits the offense of unlawful use

1 of unmanned aircraft over a correctional center if he or she  
2 purposely:

3 (1) Operates an unmanned aircraft within a vertical  
4 distance of four hundred feet over a correctional center's secure  
5 perimeter fence; or

6 (2) Allows an unmanned aircraft to make contact with a  
7 correctional center, including any person or object on the  
8 premises of or within the facility.

9 2. For purposes of this section, "correctional center"  
10 shall include:

11 (1) Any correctional center as defined in section 217.010;

12 (2) Any private jail as defined in section 221.095; and

13 (3) Any county or municipal jail.

14 3. The provisions of this section shall not prohibit the  
15 operation of an unmanned aircraft by:

16 (1) An employee of the correctional center at the direction  
17 of the chief administrative officer of the facility;

18 (2) A person who has written consent from the chief  
19 administrative officer of the facility;

20 (3) An employee of a law enforcement agency, fire  
21 department, or emergency medical service in the exercise of  
22 official duties;

23 (4) A government official or employee in the exercise of  
24 official duties;

25 (5) A public utility or a rural electric cooperative if:

26 (a) The unmanned aircraft is used for the purpose of  
27 inspecting, repairing, or maintaining utility transmission or  
28 distribution lines or other utility equipment or infrastructure;

1       (b) The utility notifies the correctional center before  
2 flying the unmanned aircraft, except during an emergency; and

3       (c) The person operating the unmanned aircraft does not  
4 physically enter the prohibited space without an escort provided  
5 by the correctional center;

6       (6) An employee of a railroad in the exercise of official  
7 duties on any land owned or operated by a railroad corporation  
8 regulated by the Federal Railroad Administration; or

9       (7) A person operating an unmanned aircraft pursuant to and  
10 in compliance with any waiver issued by the Federal Aviation  
11 Authority under 14 CFR 107.200.

12       4. The offense of unlawful use of unmanned aircraft over a  
13 correctional center shall be punishable as an infraction unless  
14 the person uses an unmanned aircraft for the purpose of:

15       (1) Delivering a gun, knife, weapon, or other article that  
16 may be used in such manner to endanger the life of an offender or  
17 correctional center employee, in which case the offense is a  
18 class B felony;

19       (2) Facilitating an escape from confinement under section  
20 575.210, in which case the offense is a class C felony; or

21       (3) Delivering a controlled substance, as that term is  
22 defined under section 195.010, in which case the offense is a  
23 class D felony.

24       5. Each correctional center shall post a sign warning of  
25 the provisions of this section. The sign shall be at least  
26 eleven inches by fourteen inches and posted in a conspicuous  
27 place.

28       491.016. A statement made by a witness that is not

1 otherwise admissible is admissible in evidence in a criminal  
2 proceeding in the courts of this state as substantive evidence to  
3 prove the truth of the matter asserted if the court finds, by a  
4 preponderance of the evidence in a hearing conducted outside the  
5 presence of the jury and before trial, that the defendant engaged  
6 in or acquiesced to wrongdoing with the purpose of preventing the  
7 witness from testifying in any proceeding and the witness fails  
8 to appear.

9 491.641. 1. (1) There is hereby created in the state  
10 treasury the "Pretrial Witness Protection Services Fund", which  
11 shall consist of moneys collected under this section. The state  
12 treasurer shall be custodian of the fund. In accordance with  
13 sections 30.170 and 30.180, the state treasurer may approve  
14 disbursements. The fund shall be a dedicated fund and money in  
15 the fund shall be used solely by the department of public safety  
16 for the purposes of witness protection services pursuant to this  
17 section.

18 (2) Notwithstanding the provisions of section 33.080 to the  
19 contrary, any moneys remaining in the fund at the end of the  
20 biennium shall not revert to the credit of the general revenue  
21 fund.

22 (3) The state treasurer shall invest moneys in the fund in  
23 the same manner as other funds are invested. Any interest and  
24 moneys earned on such investments shall be credited to the fund.

25 2. Any law enforcement agency may provide for the security  
26 of witnesses, potential witnesses, and their immediate families  
27 in criminal proceedings instituted or investigations pending  
28 against a person alleged to have engaged in a violation of state

1 law. Providing for witnesses may include provision of housing  
2 facilities and for the health, safety, and welfare of such  
3 witnesses and their immediate families, if testimony by such a  
4 witness might subject the witness or a member of his or her  
5 immediate family to danger of bodily injury, and may continue so  
6 long as such danger exists. Subject to appropriations from the  
7 general assembly for the purposes provided for in this section,  
8 funds may be appropriated from the pretrial witness protection  
9 services fund.

10 3. The department of public safety may authorize funds to  
11 be disbursed to law enforcement agencies for the purchase,  
12 rental, or modification of protected housing facilities for the  
13 purpose of this section. The law enforcement agency may contract  
14 with any department of federal or state government to obtain or  
15 to provide the facilities or services to carry out this section.

16 4. The department of public safety may authorize  
17 expenditures for law enforcement agencies to provide for the  
18 health, safety, and welfare of witnesses and victims, and the  
19 families of such witnesses and victims, whenever testimony from,  
20 or a willingness to testify by, such a witness or victim would  
21 place the life of such person, or a member of his or her family  
22 or household, in jeopardy. A law enforcement agency shall submit  
23 an application to the department of public safety which shall  
24 include, but not necessarily be limited to:

25 (1) Statement of conditions which qualify persons for  
26 protection;

27 (2) Precise methods the originating agency will use to  
28 provide protection, including relocation of persons and

1 reciprocal agreements with other law enforcement agencies; and

2 (3) Statement of the projected costs over a specified  
3 period of time.

4 544.170. 1. All persons arrested and confined in any jail  
5 or other place of confinement by any peace officer, without  
6 warrant or other process, for any alleged breach of the peace or  
7 other criminal offense, or on suspicion thereof, shall be  
8 discharged from said custody within twenty-four hours from the  
9 time of such arrest, unless they shall be charged with a criminal  
10 offense by the oath of some credible person, and be held by  
11 warrant to answer to such offense.

12 2. In any confinement to which the provisions of this  
13 section apply, the confinee shall be permitted at any reasonable  
14 time to consult with counsel or other persons acting on the  
15 confinee's behalf.

16 3. Any person who violates the provisions of this section,  
17 by refusing to release any person who is entitled to release  
18 pursuant to this section, or by refusing to permit a confinee to  
19 consult with counsel or other persons, or who transfers any such  
20 confinees to the custody or control of another, or to another  
21 place, or who falsely charges such person, with intent to avoid  
22 the provisions of this section, is guilty of a class A  
23 misdemeanor.

24 4. Notwithstanding the provisions of subsection 1 of this  
25 section to the contrary, all persons arrested and confined in any  
26 jail or other place of confinement by any peace officer, without  
27 warrant or other process, for a criminal offense involving a  
28 dangerous felony or deadly weapon as defined in section 556.061,

1 or on suspicion thereof, shall be discharged from said custody  
2 within forty-eight hours from the time of such arrest, unless  
3 they shall be charged with a criminal offense by the oath of some  
4 credible person, and be held by warrant to answer to such  
5 offense.

6 545.140. 1. Notwithstanding Missouri supreme court rule  
7 24.06, two or more defendants may be charged in the same  
8 indictment or information if they are alleged to have  
9 participated in the same act or transaction or in the same series  
10 of acts or transactions constituting an offense. Such defendants  
11 may be charged in one or more counts together or separately and  
12 all of the defendants need not be charged in each count.

13 2. Notwithstanding Missouri supreme court rule 24.07, two  
14 or more offenses may be charged in the same indictment or  
15 information in a separate count for each offense if the offenses  
16 charged, whether felonies or misdemeanors or infractions, or any  
17 combination thereof, are of the same or similar character or are  
18 based on the same act or transaction or on two or more acts or  
19 transactions connected together or constituting parts of a common  
20 scheme or plan.

21 3. Two or more defendants shall not be charged in the same  
22 indictment or information if substantial prejudice should result.  
23 For purposes of this section, "substantial prejudice" shall mean  
24 a bias or discrimination against one or more defendants or the  
25 state which is actually existing or real and not one which is  
26 merely imaginary, illusionary or nominal.

27 4. If two or more defendants are charged with being joint  
28 participants in a conspiracy charged under section 562.014, it

1 shall be presumed that there is no substantial prejudice from  
2 them being charged in the same indictment or information or from  
3 them being tried together.

4 550.125. 1. There is hereby created in the state treasury  
5 the "Change of Venue for Capital Cases Fund", which shall consist  
6 of moneys appropriated to the fund by the general assembly. The  
7 office of state courts administrator shall administer and  
8 disburse moneys in the fund in accordance with subsection 2 of  
9 this section. The fund shall be a dedicated fund and, upon  
10 appropriation, moneys in the fund shall be used solely for the  
11 administration of this section. Notwithstanding the provisions  
12 of section 33.080, any moneys remaining in the fund at the end of  
13 the biennium shall not revert to the credit of the general  
14 revenue fund. The state treasurer shall invest moneys in the  
15 fund in the same manner as other funds are invested. Any  
16 interest and moneys earned on such investments shall be credited  
17 to the fund.

18 2. In a capital case in which a change of venue is taken  
19 from one county to any other county, at the conclusion of such  
20 case the county to which the case was transferred may apply to  
21 the office of state courts administrator for reimbursement from  
22 the change of venue for capital cases fund any costs associated  
23 with the sequestering of jurors. The costs of reimbursement  
24 shall not exceed the then approved state rates for travel  
25 reimbursement for lodging and meals.

26 3. The office of state courts administrator shall develop  
27 an application process and other procedures to determine if a  
28 county is eligible for reimbursement under this section. If a

1 county is eligible for reimbursement, the office of state courts  
2 administrator shall disburse such moneys to the county. In the  
3 event that the amount disbursed is less than the costs set out in  
4 this section, the original county shall reimburse the county to  
5 which the case was transferred for the difference. If the office  
6 of state courts administrator determines a county is not eligible  
7 for reimbursement under this section, the county in which the  
8 capital case originated shall be responsible for reimbursement.

9 4. Any rule or portion of a rule, as that term is defined  
10 in section 536.010, that is created under the authority delegated  
11 in this section shall become effective only if it complies with  
12 and is subject to all of the provisions of chapter 536 and, if  
13 applicable, section 536.028. This section and chapter 536 are  
14 nonseverable, and if any of the powers vested with the general  
15 assembly pursuant to chapter 536 to review, to delay the  
16 effective date, or to disapprove and annul a rule are  
17 subsequently held unconstitutional, then the grant of rulemaking  
18 authority and any rule proposed or adopted after August 28, 2020,  
19 shall be invalid and void.

20 556.061. In this code, unless the context requires a  
21 different definition, the following terms shall mean:

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

25 (2) "Affirmative defense":

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

28 (b) If the defense is submitted to the trier of fact the

1 defendant has the burden of persuasion that the defense is more  
2 probably true than not;

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

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

6 (b) If the issue is submitted to the trier of fact any  
7 reasonable doubt on the issue requires a finding for the  
8 defendant on that issue;

9 (4) "Commercial film and photographic print processor", any  
10 person who develops exposed photographic film into negatives,  
11 slides or prints, or who makes prints from negatives or slides,  
12 for compensation. The term commercial film and photographic  
13 print processor shall include all employees of such persons but  
14 shall not include a person who develops film or makes prints for  
15 a public agency;

16 (5) "Computer", the box that houses the central processing  
17 unit (CPU), along with any internal storage devices, such as  
18 internal hard drives, and internal communication devices, such as  
19 internal modems capable of sending or receiving electronic mail  
20 or fax cards, along with any other hardware stored or housed  
21 internally. Thus, computer refers to hardware, software and data  
22 contained in the main unit. Printers, external modems attached  
23 by cable to the main unit, monitors, and other external  
24 attachments will be referred to collectively as peripherals and  
25 discussed individually when appropriate. When the computer and  
26 all peripherals are referred to as a package, the term "computer  
27 system" is used. Information refers to all the information on a  
28 computer system including both software applications and data;

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

4           (7) "Computer hardware", all equipment which can collect,  
5 analyze, create, display, convert, store, conceal or transmit  
6 electronic, magnetic, optical or similar computer impulses or  
7 data. Hardware includes, but is not limited to, any data  
8 processing devices, such as central processing units, memory  
9 typewriters and self-contained laptop or notebook computers;  
10 internal and peripheral storage devices, transistor-like binary  
11 devices and other memory storage devices, such as floppy disks,  
12 removable disks, compact disks, digital video disks, magnetic  
13 tape, hard drive, optical disks and digital memory; local area  
14 networks, such as two or more computers connected together to a  
15 central computer server via cable or modem; peripheral input or  
16 output devices, such as keyboards, printers, scanners, plotters,  
17 video display monitors and optical readers; and related  
18 communication devices, such as modems, cables and connections,  
19 recording equipment, RAM or ROM units, acoustic couplers,  
20 automatic dialers, speed dialers, programmable telephone dialing  
21 or signaling devices and electronic tone-generating devices; as  
22 well as any devices, mechanisms or parts that can be used to  
23 restrict access to computer hardware, such as physical keys and  
24 locks;

25           (8) "Computer network", two or more interconnected  
26 computers or computer systems;

27           (9) "Computer program", a set of instructions, statements,  
28 or related data that directs or is intended to direct a computer

1 to perform certain functions;

2 (10) "Computer software", digital information which can be  
3 interpreted by a computer and any of its related components to  
4 direct the way they work. Software is stored in electronic,  
5 magnetic, optical or other digital form. The term commonly  
6 includes programs to run operating systems and applications, such  
7 as word processing, graphic, or spreadsheet programs, utilities,  
8 compilers, interpreters and communications programs;

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

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

15 (13) "Confinement":

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

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

20 b. The person is released on bail, bond, or recognizance,  
21 personal or otherwise; or

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

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

26 a. The person is on probation or parole, temporary or  
27 otherwise; or

28 b. The person is under sentence to serve a term of

1 confinement which is not continuous, or is serving a sentence  
2 under a work-release program, and in either such case is not  
3 being held in a place of confinement or is not being held under  
4 guard by a person having the legal power and duty to transport  
5 the person to or from a place of confinement;

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

8 (a) It is given by a person who lacks the mental capacity  
9 to authorize the conduct charged to constitute the offense and  
10 such mental incapacity is manifest or known to the actor; or

11 (b) It is given by a person who by reason of youth, mental  
12 disease or defect, intoxication, a drug-induced state, or any  
13 other reason is manifestly unable or known by the actor to be  
14 unable to make a reasonable judgment as to the nature or  
15 harmfulness of the conduct charged to constitute the offense; or

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

17 (15) "Controlled substance", a drug, substance, or  
18 immediate precursor in schedules I through V as defined in  
19 chapter 195;

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

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

28 (18) "Damage", when used in relation to a computer system

1 or network, means any alteration, deletion, or destruction of any  
2 part of the computer system or network;

3 (19) "Dangerous felony", the felonies of arson in the first  
4 degree, assault in the first degree, attempted rape in the first  
5 degree if physical injury results, attempted forcible rape if  
6 physical injury results, attempted sodomy in the first degree if  
7 physical injury results, attempted forcible sodomy if physical  
8 injury results, rape in the first degree, forcible rape, sodomy  
9 in the first degree, forcible sodomy, assault in the second  
10 degree if the victim of such assault is a special victim as  
11 defined in subdivision (14) of section 565.002, kidnapping in the  
12 first degree, kidnapping, murder in the second degree, assault of  
13 a law enforcement officer in the first degree, domestic assault  
14 in the first degree, elder abuse in the first degree, robbery in  
15 the first degree, armed criminal action, conspiracy to commit an  
16 offense when the offense is a dangerous felony, vehicle hijacking  
17 when punished as a class A felony, statutory rape in the first  
18 degree when the victim is a child less than twelve years of age  
19 at the time of the commission of the act giving rise to the  
20 offense, statutory sodomy in the first degree when the victim is  
21 a child less than twelve years of age at the time of the  
22 commission of the act giving rise to the offense, child  
23 molestation in the first or second degree, abuse of a child if  
24 the child dies as a result of injuries sustained from conduct  
25 chargeable under section 568.060, child kidnapping, parental  
26 kidnapping committed by detaining or concealing the whereabouts  
27 of the child for not less than one hundred twenty days under  
28 section 565.153, and an "intoxication-related traffic offense" or

1 "intoxication-related boating offense" if the person is found to  
2 be a "habitual offender" or "habitual boating offender" as such  
3 terms are defined in section 577.001;

4 (20) "Dangerous instrument", any instrument, article or  
5 substance, which, under the circumstances in which it is used, is  
6 readily capable of causing death or other serious physical  
7 injury;

8 (21) "Data", a representation of information, facts,  
9 knowledge, concepts, or instructions prepared in a formalized or  
10 other manner and intended for use in a computer or computer  
11 network. Data may be in any form including, but not limited to,  
12 printouts, microfiche, magnetic storage media, punched cards and  
13 as may be stored in the memory of a computer;

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

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

20 (24) "Disability", a mental, physical, or developmental  
21 impairment that substantially limits one or more major life  
22 activities or the ability to provide adequately for one's care or  
23 protection, whether the impairment is congenital or acquired by  
24 accident, injury or disease, where such impairment is verified by  
25 medical findings;

26 (25) "Elderly person", a person sixty years of age or  
27 older;

28 (26) "Felony", an offense so designated or an offense for

1 which persons found guilty thereof may be sentenced to death or  
2 imprisonment for a term of more than one year;

3 (27) "Forcible compulsion" either:

4 (a) Physical force that overcomes reasonable resistance; or

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

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

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

16 (30) "Inhabitable structure", a vehicle, vessel or  
17 structure:

18 (a) Where any person lives or carries on business or other  
19 calling; or

20 (b) Where people assemble for purposes of business,  
21 government, education, religion, entertainment, or public  
22 transportation; or

23 (c) Which is used for overnight accommodation of persons.  
24

25 Any such vehicle, vessel, or structure is inhabitable regardless  
26 of whether a person is actually present. If a building or  
27 structure is divided into separately occupied units, any unit not  
28 occupied by the actor is an inhabitable structure of another;

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

2 (a) Conduct or attendant circumstances, means a person is  
3 aware of the nature of his or her conduct or that those  
4 circumstances exist; or

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

7 (32) "Law enforcement officer", any public servant having  
8 both the power and duty to make arrests for violations of the  
9 laws of this state, and federal law enforcement officers  
10 authorized to carry firearms and to make arrests for violations  
11 of the laws of the United States;

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

15 (34) "Of another", property that any entity, including but  
16 not limited to any natural person, corporation, limited liability  
17 company, partnership, association, governmental subdivision or  
18 instrumentality, other than the actor, has a possessory or  
19 proprietary interest therein, except that property shall not be  
20 deemed property of another who has only a security interest  
21 therein, even if legal title is in the creditor pursuant to a  
22 conditional sales contract or other security arrangement;

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

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

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

1           (38) "Possess" or "possessed", having actual or  
2 constructive possession of an object with knowledge of its  
3 presence. A person has actual possession if such person has the  
4 object on his or her person or within easy reach and convenient  
5 control. A person has constructive possession if such person has  
6 the power and the intention at a given time to exercise dominion  
7 or control over the object either directly or through another  
8 person or persons. Possession may also be sole or joint. If one  
9 person alone has possession of an object, possession is sole. If  
10 two or more persons share possession of an object, possession is  
11 joint;

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

14           (40) "Public servant", any person employed in any way by a  
15 government of this state who is compensated by the government by  
16 reason of such person's employment, any person appointed to a  
17 position with any government of this state, or any person elected  
18 to a position with any government of this state. It includes,  
19 but is not limited to, legislators, jurors, members of the  
20 judiciary and law enforcement officers. It does not include  
21 witnesses;

22           (41) "Purposely", when used with respect to a person's  
23 conduct or to a result thereof, means when it is his or her  
24 conscious object to engage in that conduct or to cause that  
25 result;

26           (42) "Recklessly", consciously disregarding a substantial  
27 and unjustifiable risk that circumstances exist or that a result  
28 will follow, and such disregard constitutes a gross deviation

1 from the standard of care which a reasonable person would  
2 exercise in the situation;

3 (43) "Serious emotional injury", an injury that creates a  
4 substantial risk of temporary or permanent medical or  
5 psychological damage, manifested by impairment of a behavioral,  
6 cognitive or physical condition. Serious emotional injury shall  
7 be established by testimony of qualified experts upon the  
8 reasonable expectation of probable harm to a reasonable degree of  
9 medical or psychological certainty;

10 (44) "Serious physical injury", physical injury that  
11 creates a substantial risk of death or that causes serious  
12 disfigurement or protracted loss or impairment of the function of  
13 any part of the body;

14 (45) "Services", when used in relation to a computer system  
15 or network, means use of a computer, computer system, or computer  
16 network and includes, but is not limited to, computer time, data  
17 processing, and storage or retrieval functions;

18 (46) "Sexual orientation", male or female heterosexuality,  
19 homosexuality or bisexuality by inclination, practice, identity  
20 or expression, or having a self-image or identity not  
21 traditionally associated with one's gender;

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

24 (48) "Vessel", any boat or craft propelled by a motor or by  
25 machinery, whether or not such motor or machinery is a principal  
26 source of propulsion used or capable of being used as a means of  
27 transportation on water, or any boat or craft more than twelve  
28 feet in length which is powered by sail alone or by a combination

1 of sail and machinery, and used or capable of being used as a  
2 means of transportation on water, but not any boat or craft  
3 having, as the only means of propulsion, a paddle or oars;

4 (49) "Voluntary act":

5 (a) A bodily movement performed while conscious as a result  
6 of effort or determination. Possession is a voluntary act if the  
7 possessor knowingly procures or receives the thing possessed, or  
8 having acquired control of it was aware of his or her control for  
9 a sufficient time to have enabled him or her to dispose of it or  
10 terminate his or her control; or

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

16 (50) "Vulnerable person", any person in the custody, care,  
17 or control of the department of mental health who is receiving  
18 services from an operated, funded, licensed, or certified  
19 program.

20 557.021. 1. Any offense defined outside this code which is  
21 declared to be a misdemeanor without specification of the penalty  
22 therefor is a class A misdemeanor.

23 2. Any offense defined outside this code which is declared  
24 to be a felony without specification of the penalty therefor is a  
25 class E felony.

26 3. For the purpose of applying the extended term provisions  
27 of section 558.016 and the minimum prison term provisions of  
28 section 558.019 and for determining the penalty for attempts ~~and~~

1 ~~conspiracies~~], offenses defined outside of this code shall be  
2 classified as follows:

3 (1) If the offense is a felony:

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

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

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

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

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

16 (2) If the offense is a misdemeanor:

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

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

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

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

26 (e) It is an infraction if there is no authorized  
27 imprisonment.

28 557.045. No person found guilty of, or pleading guilty to,

1 the following offenses shall be eligible for probation, suspended  
2 imposition or execution of sentence, or conditional release, and  
3 shall be sentenced to a term of imprisonment pursuant to  
4 subdivision (1) of subsection 2 of section 557.011:

5 (1) Second degree murder when a person knowingly causes the  
6 death of another person or, with the purpose of causing serious  
7 physical injury to another person, causes the death of another  
8 person, as defined in subdivision (1) of subsection 1 in section  
9 565.021;

10 (2) Any dangerous felony, as the term is defined in section  
11 556.061, where the person has been previously found guilty of a  
12 class A or B felony or a dangerous felony; or

13 (3) Any dangerous felony, as the term is defined in section  
14 556.061, where the commission of the felony involves the use of a  
15 deadly weapon, as that term is defined in section 556.061.

16 562.014. 1. ~~【Guilt for an offense may be based upon a~~  
17 ~~conspiracy to commit an offense when a person, with the purpose~~  
18 ~~of promoting or facilitating the commission of an offense, agrees~~  
19 ~~with another person or persons that they or one or more of them~~  
20 ~~will engage in conduct which constitutes such offense】 A person  
21 commits the offense of conspiracy to commit, in any manner or for  
22 any purpose, an offense if the person agrees, with one or more  
23 persons, to commit any class A, B, or C felony offense, or any  
24 unclassified felony offenses if the maximum term of imprisonment  
25 for such unclassified felony exceeds ten years or more, and one  
26 or more of such persons do any act in furtherance of such an  
27 agreement.~~

28 2. It is no defense to a prosecution for conspiring to

1 commit an offense that a person, who knows that a person with  
2 whom he or she conspires to commit an offense has conspired with  
3 another person or persons to commit the same offense, does not  
4 know the identity of such other person or persons.

5 3. If a person conspires to commit a number of offenses, he  
6 or she can be found guilty of only one offense of conspiracy so  
7 long as such multiple offenses are the object of the same  
8 agreement.

9 4. ~~[No person may be convicted of an offense based upon a  
10 conspiracy to commit an offense unless an overt act in pursuance  
11 of such conspiracy is alleged and proved to have been done by him  
12 or her or by a person with whom he or she conspired.~~

13 ~~—5.]~~ (1) No person shall be convicted of ~~[an offense based~~  
14 ~~upon a]~~ conspiracy to commit an offense if, after conspiring to  
15 commit the offense, he or she prevented the accomplishment of the  
16 objectives of the conspiracy under circumstances manifesting a  
17 renunciation of his or her criminal purpose.

18 (2) The defendant shall have the burden of injecting the  
19 issue of renunciation of criminal purpose under subdivision (1)  
20 of this subsection.

21 ~~[6.]~~ 5. For the purpose of time limitations on  
22 prosecutions:

23 (1) A conspiracy to commit an offense is a continuing  
24 course of conduct which terminates when the offense or offenses  
25 which are its object are committed or the agreement that they be  
26 committed is abandoned by the defendant and by those with whom he  
27 or she conspired;

28 (2) If an individual abandons the agreement, the conspiracy

1 is terminated as to him or her only if he or she advises those  
2 with whom he or she has conspired of his or her abandonment or he  
3 or she informs the law enforcement authorities of the existence  
4 of the conspiracy and of his or her participation in it.

5 ~~[7. A person shall not be charged, convicted or sentenced~~  
6 ~~on the basis of the same course of conduct of both the actual~~  
7 ~~commission of an offense and a conspiracy to commit that offense.~~

8 ~~8. Unless otherwise set forth in the statute creating the~~  
9 ~~offense, when guilt for a felony or misdemeanor is based upon a~~  
10 ~~conspiracy to commit that offense, the felony or misdemeanor~~  
11 ~~shall be classified one step lower than the class provided for~~  
12 ~~the felony or misdemeanor in the statute creating the offense]~~

13 6. The offense of conspiracy to commit an offense is a  
14 class C felony.

15 570.027. 1. A person commits the offense of vehicle  
16 hijacking when he or she knowingly uses or threatens the use of  
17 physical force upon another person to seize or attempt to seize  
18 possession or control of a vehicle, as defined in section  
19 302.010, from the immediate possession or control of another  
20 person.

21 2. The offense of vehicle hijacking is a class B felony  
22 unless it meets one of the criteria listed in subsection 3 of  
23 this section.

24 3. The offense of vehicle hijacking is a class A felony if,  
25 in the course thereof, a person or another participant in the  
26 offense:

27 (1) Causes serious physical injury to any person in  
28 immediate possession, control, or presence of the vehicle;

1           (2) Is armed with a deadly weapon;

2           (3) Uses or threatens the immediate use of a dangerous  
3 instrument against any person;

4           (4) Displays or threatens the use of what appears to be a  
5 deadly weapon or dangerous instrument; or

6           (5) Seizes a vehicle, or attempts to seize a vehicle, in  
7 which a child or special victim as defined in section 565.002 is  
8 present.

9           571.015. 1. ~~【Except as provided in subsection 4 of this~~  
10 ~~section,】 Any person who commits any felony under the laws of~~  
11 ~~this state by, with, or through the use, assistance, or aid of a~~  
12 ~~dangerous instrument or deadly weapon is also guilty of the~~  
13 ~~【crime】 offense of armed criminal action and, upon conviction,~~  
14 ~~shall be punished by imprisonment by the department of~~  
15 ~~corrections 【and human resources】 for a term of not less than~~  
16 ~~three years and not to exceed fifteen years, unless the person is~~  
17 ~~unlawfully possessing a firearm, in which case the term of~~  
18 ~~imprisonment shall be for a term of not less than five years.~~

19 The punishment imposed pursuant to this subsection shall be in  
20 addition to and consecutive to any punishment provided by law for  
21 the crime committed by, with, or through the use, assistance, or  
22 aid of a dangerous instrument or deadly weapon. No person  
23 convicted under this subsection shall be eligible for parole,  
24 probation, conditional release or suspended imposition or  
25 execution of sentence for a period of three calendar years.

26           2. Any person convicted of a second offense of armed  
27 criminal action under subsection 1 of this section shall be  
28 punished by imprisonment by the department of corrections ~~【and~~

1 ~~human resources]~~ for a term of not less than five years and not  
2 to exceed thirty years, unless the person is unlawfully  
3 possessing a firearm, in which case the term of imprisonment  
4 shall be for a term not less than fifteen years. The punishment  
5 imposed pursuant to this subsection shall be in addition to and  
6 consecutive to any punishment provided by law for the crime  
7 committed by, with, or through the use, assistance, or aid of a  
8 dangerous instrument or deadly weapon. No person convicted under  
9 this subsection shall be eligible for parole, probation,  
10 conditional release or suspended imposition or execution of  
11 sentence for a period of five calendar years.

12 3. Any person convicted of a third or subsequent offense of  
13 armed criminal action under subsection 1 of this section shall be  
14 punished by imprisonment by the department of corrections [~~and~~  
15 ~~human resources]~~ for a term of not less than ten years, unless  
16 the person is unlawfully possessing a firearm, in which case the  
17 term of imprisonment shall be no less than fifteen years. The  
18 punishment imposed pursuant to this subsection shall be in  
19 addition to and consecutive to any punishment provided by law for  
20 the crime committed by, with, or through the use, assistance, or  
21 aid of a dangerous instrument or deadly weapon. No person  
22 convicted under this subsection shall be eligible for parole,  
23 probation, conditional release or suspended imposition or  
24 execution of sentence for a period of ten calendar years.

25 ~~[4. The provisions of this section shall not apply to the~~  
26 ~~felonies defined in sections 564.590, 564.610, 564.620, 564.630,~~  
27 ~~and 564.640.]~~

28 571.070. 1. A person commits the offense of unlawful

1 possession of a firearm if such person knowingly has any firearm  
2 in his or her possession and:

3 (1) Such person has been convicted of a felony under the  
4 laws of this state, or of a crime under the laws of any state or  
5 of the United States which, if committed within this state, would  
6 be a felony; or

7 (2) Such person is a fugitive from justice, is habitually  
8 in an intoxicated or drugged condition, or is currently adjudged  
9 mentally incompetent.

10 2. Unlawful possession of a firearm is a class D felony,  
11 unless a person has been convicted of a dangerous felony as  
12 defined in section 556.061, in which case it is a class C felony.

13 3. The provisions of subdivision (1) of subsection 1 of  
14 this section shall not apply to the possession of an antique  
15 firearm.

16 577.800. 1. A person commits the offense of unlawful use  
17 of unmanned aircraft over an open air facility if he or she  
18 purposely:

19 (1) Operates an unmanned aircraft within a vertical  
20 distance of four hundred feet from the ground and within the  
21 property line of an open air facility; or

22 (2) Uses an unmanned aircraft with the purpose of  
23 delivering to a person within an open air facility any object  
24 described in subdivision (1) or (2) of subsection 4 of this  
25 section.

26 2. For purposes of this section, "open air facility" shall  
27 mean any sports, theater, music, performing arts, or other  
28 entertainment facility with a capacity of five thousand people or

1 more and is not completely enclosed by a roof or other structure.

2 3. The provisions of this section shall not prohibit the  
3 operation of an unmanned aircraft by:

4 (1) An employee of an open air facility at the direction of  
5 the president or chief executive officer of the open air  
6 facility;

7 (2) A person who has written consent from the president or  
8 chief executive officer of the open air facility;

9 (3) An employee of a law enforcement agency, fire  
10 department, or emergency medical service in the exercise of  
11 official duties;

12 (4) A government official or employee in the exercise of  
13 official duties;

14 (5) A public utility or a rural electric cooperative if:

15 (a) The unmanned aircraft is used for the purpose of  
16 inspecting, repairing, or maintaining utility transmission or  
17 distribution lines, other utility equipment, or infrastructure;

18 (b) The utility or cooperative notifies the open air  
19 facility before flying the unmanned aircraft, except during an  
20 emergency; and

21 (c) The person operating the unmanned aircraft does not  
22 physically enter the prohibited space without an escort provided  
23 by the open air facility; or

24 (6) An employee of a railroad in the exercise of official  
25 duties on any land owned or operated by a railroad corporation  
26 regulated by the federal railroad administration.

27 4. The offense of unlawful use of unmanned aircraft over an  
28 open air facility shall be punishable as an infraction unless the

1 person uses an unmanned aircraft for:

2 (1) Delivering a gun, knife, weapon, or other article that  
3 may be used in such manner to endanger the life of an employee or  
4 guest at an open air facility, in which case the offense is a  
5 class B felony; or

6 (2) Delivering a controlled substance, as that term is  
7 defined in chapter 195, in which case the offense is a class D  
8 felony.

9 5. Each open air facility shall post a sign warning of the  
10 provisions of this section. The sign shall be at least eleven  
11 inches by fourteen inches and posted in a conspicuous place.

12 578.419. Sections 578.419 to 578.437 shall be known and may  
13 be cited as the "Missouri Criminal Street Gangs Prevention Act".

14 578.421. As used in sections 578.421 to 578.437, the  
15 following terms mean:

16 (1) "Criminal street gang", any ongoing organization,  
17 association, or group of three or more persons, whether formal or  
18 informal, having as one of its ~~[primary]~~ motivating activities  
19 the commission of one or more of the criminal acts enumerated in  
20 subdivision (2) of this section, ~~[which has a common name or~~  
21 ~~common identifying sign or symbol,]~~ whose members individually or  
22 collectively engage in or have engaged in a pattern of criminal  
23 gang activity;

24 (2) "Pattern of criminal street gang activity", the  
25 commission, attempted commission, or solicitation of two or more  
26 of the following offenses, provided at least one of those  
27 offenses occurred after August 28, 1993, and the last of those  
28 offenses occurred within three years after a prior offense, and

1 the offenses are committed on separate occasions, or by two or  
2 more persons:

3 (a) Assault with a deadly weapon or by means of force  
4 likely to cause serious physical injury, as provided in sections  
5 565.050 and 565.052;

6 (b) Robbery, arson and those offenses under chapter 569  
7 which are related to robbery and arson;

8 (c) Murder or manslaughter, as provided in sections 565.020  
9 to 565.024;

10 (d) Any violation of the provisions of chapter 579 which  
11 involves the distribution, delivery or manufacture of a substance  
12 prohibited by chapter 579;

13 (e) Unlawful use of a weapon which is a felony pursuant to  
14 section 571.030;

15 (f) Tampering with witnesses and victims, as provided in  
16 section 575.270;

17 (g) Promoting online sexual solicitation, as provided in  
18 section 566.103;

19 (h) Sexual trafficking of a child in the first degree, as  
20 provided in section 566.210;

21 (i) Sexual trafficking of a child in the second degree, as  
22 provided in section 566.211;

23 (j) Patronizing prostitution, as provided in subsection 4  
24 of section 567.030;

25 (k) Promoting prostitution in the first degree, as provided  
26 in section 567.050;

27 (l) Promoting prostitution in the second degree, as  
28 provided in section 567.060;

1 (m) Abuse or neglect of a child, as provided in subsection  
2 6 of section 568.060;

3 (n) Sexual exploitation of a minor, as provided in section  
4 573.023;

5 (o) Child used in sexual performance, as provided in  
6 section 573.200; ~~[or]~~

7 (p) Promoting sexual performance by a child, as provided in  
8 section 573.205; or

9 (q) Any dangerous felony, as defined in section 556.061.

10 578.423. Any person who actively participates in any  
11 criminal street gang with knowledge that its members engage in or  
12 have engaged in a pattern of criminal street gang activity, and  
13 who willfully promotes, furthers, or assists in any felonious  
14 criminal conduct by gang members shall be ~~[punished by~~  
15 ~~imprisonment in the county jail for a period not to exceed one~~  
16 ~~year, or by imprisonment in a state correctional facility for~~  
17 ~~one, two, or three years]~~ guilty of a class B felony.

18 578.425. Any person who is convicted of a felony ~~[or a~~  
19 ~~misdemeanor]~~ which is committed for the benefit of, at the  
20 direction of, or in association with, any criminal street gang,  
21 with the ~~[specific intent]~~ purpose to promote, further, or assist  
22 in any criminal conduct by gang members, shall be punished in the  
23 following manner:

24 (1) ~~[Any person who violates this section in the commission~~  
25 ~~of a misdemeanor shall be punished by imprisonment in the county~~  
26 ~~jail not to exceed one year, or by imprisonment in a state~~  
27 ~~correctional facility for one, two, or three years,~~

28 ~~—(2)]~~ Any person who violates this section in the commission

1 of a felony shall, upon conviction of that felony, in addition  
2 and consecutive to the punishment prescribed for the felony of  
3 which he or she has been convicted, be punished by an additional  
4 term of ~~[one,]~~ two~~[, or three]~~ years ~~[at the court's discretion]~~.  
5 If the underlying felony is committed on the grounds of, or  
6 within one thousand feet of a public or private elementary,  
7 vocational, junior high or high school, the additional term shall  
8 be ~~[two,]~~ three~~[, or four]~~ years ~~[, at the court's discretion]~~.  
9 ~~The court shall order the imposition of the middle term of the~~  
10 ~~sentence enhancement, unless there are circumstances in~~  
11 ~~aggravation or mitigation. The court shall state the reasons for~~  
12 ~~its choice of sentence enhancements on the record at the time of~~  
13 ~~sentencing];~~

14 (2) Any person who violates this section in the commission  
15 of a dangerous felony shall, upon conviction of that dangerous  
16 felony, in addition and consecutive to the punishment prescribed  
17 for the dangerous felony of which he or she has been convicted,  
18 be punished by an additional term of five years;

19 (3) Any person who violates this section in the commission  
20 of a felony punishable by death or imprisonment for life shall  
21 not be paroled until a minimum of fifteen calendar years have  
22 been served ~~[in the custody of the department of corrections]~~.

23 579.065. 1. A person commits the offense of trafficking  
24 drugs in the first degree if, except as authorized by this  
25 chapter or chapter 195, such person knowingly distributes,  
26 delivers, manufactures, produces or attempts to distribute,  
27 deliver, manufacture or produce:

28 (1) More than thirty grams ~~[but less than ninety grams]~~ of

1 a mixture or substance containing a detectable amount of heroin;

2 (2) More than one hundred fifty grams [~~but less than four~~  
3 ~~hundred fifty grams~~] of a mixture or substance containing a  
4 detectable amount of coca leaves, except coca leaves and extracts  
5 of coca leaves from which cocaine, ecgonine, and derivatives of  
6 ecgonine or their salts have been removed; cocaine salts and  
7 their optical and geometric isomers, and salts of isomers;  
8 ecgonine, its derivatives, their salts, isomers, and salts of  
9 isomers; or any compound, mixture, or preparation which contains  
10 any quantity of any of the foregoing substances;

11 (3) More than eight grams [~~but less than twenty-four grams~~]  
12 of a mixture or substance described in subdivision (2) of this  
13 subsection which contains cocaine base;

14 (4) More than five hundred milligrams [~~but less than one~~  
15 ~~gram~~] of a mixture or substance containing a detectable amount of  
16 lysergic acid diethylamide (LSD);

17 (5) More than thirty grams [~~but less than ninety grams~~] of  
18 a mixture or substance containing a detectable amount of  
19 phencyclidine (PCP);

20 (6) More than four grams [~~but less than twelve grams~~] of  
21 phencyclidine;

22 (7) More than thirty kilograms [~~but less than one hundred~~  
23 ~~kilograms~~] of a mixture or substance containing marijuana;

24 (8) More than thirty grams [~~but less than ninety grams~~] of  
25 any material, compound, mixture, or preparation containing any  
26 quantity of the following substances having a stimulant effect on  
27 the central nervous system: amphetamine, its salts, optical  
28 isomers and salts of its optical isomers; methamphetamine, its

1 salts, optical isomers and salts of its optical isomers;  
2 phenmetrazine and its salts; or methylphenidate; ~~[or]~~

3 (9) More than thirty grams ~~[but less than ninety grams]~~ of  
4 any material, compound, mixture, or preparation which contains  
5 any quantity of 3,4-methylenedioxymethamphetamine;

6 (10) One gram or more of flunitrazepam for the first  
7 offense;

8 (11) Any amount of gamma-hydroxybutyric acid for the first  
9 offense; or

10 (12) More than ten milligrams of fentanyl or carfentanil,  
11 or any derivative thereof, or any combination thereof, or any  
12 compound, mixture, or substance containing a detectable amount of  
13 fentanyl or carfentanil, or their optical isomers or analogues.

14 2. The offense of trafficking drugs in the first degree is  
15 a class B felony.

16 3. The offense of trafficking drugs in the first degree is  
17 a class A felony if the quantity involved is:

18 (1) Ninety grams or more of a mixture or substance  
19 containing a detectable amount of heroin; or

20 (2) Four hundred fifty grams or more of a mixture or  
21 substance containing a detectable amount of coca leaves, except  
22 coca leaves and extracts of coca leaves from which cocaine,  
23 ecgonine, and derivatives of ecgonine or their salts have been  
24 removed; cocaine salts and their optical and geometric isomers,  
25 and salts of isomers; ecgonine, its derivatives, their salts,  
26 isomers, and salts of isomers; or any compound, mixture, or  
27 preparation which contains any quantity of any of the foregoing  
28 substances; or

1           (3) Twenty-four grams or more of a mixture or substance  
2 described in subdivision (2) of this subsection which contains  
3 cocaine base; or

4           (4) One gram or more of a mixture or substance containing a  
5 detectable amount of lysergic acid diethylamide (LSD); or

6           (5) Ninety grams or more of a mixture or substance  
7 containing a detectable amount of phencyclidine (PCP); or

8           (6) Twelve grams or more of phencyclidine; or

9           (7) One hundred kilograms or more of a mixture or substance  
10 containing marijuana; or

11           (8) Ninety grams or more of any material, compound,  
12 mixture, or preparation containing any quantity of the following  
13 substances having a stimulant effect on the central nervous  
14 system: amphetamine, its salts, optical isomers and salts of its  
15 optical isomers; methamphetamine, its salts, optical isomers and  
16 salts of its optical isomers; phenmetrazine and its salts; or  
17 methylphenidate; or

18           (9) More than thirty grams of any material, compound,  
19 mixture, or preparation containing any quantity of the following  
20 substances having a stimulant effect on the central nervous  
21 system: amphetamine, its salts, optical isomers, and salts of  
22 its optical isomers; methamphetamine, its salts, optical isomers,  
23 and salts of its optical isomers; phenmetrazine and its salts; or  
24 methylphenidate, and the location of the offense was within two  
25 thousand feet of real property comprising a public or private  
26 elementary, vocational, or secondary school, college, community  
27 college, university, or any school bus, in or on the real  
28 property comprising public housing or any other governmental

1 assisted housing, or within a motor vehicle, or in any structure  
2 or building which contains rooms furnished for the accommodation  
3 or lodging of guests, and kept, used, maintained, advertised, or  
4 held out to the public as a place where sleeping accommodations  
5 are sought for pay or compensation to transient guests or  
6 permanent guests; or

7 (10) Ninety grams or more of any material, compound,  
8 mixture or preparation which contains any quantity of  
9 3,4-methylenedioxymethamphetamine; or

10 (11) More than thirty grams of any material, compound,  
11 mixture, or preparation which contains any quantity of  
12 3,4-methylenedioxymethamphetamine and the location of the offense  
13 was within two thousand feet of real property comprising a public  
14 or private elementary, vocational, or secondary school, college,  
15 community college, university, or any school bus, in or on the  
16 real property comprising public housing or any other governmental  
17 assisted housing, within a motor vehicle, or in any structure or  
18 building which contains rooms furnished for the accommodation or  
19 lodging of guests, and kept, used, maintained, advertised, or  
20 held out to the public as a place where sleeping accommodations  
21 are sought for pay or compensation to transient guests or  
22 permanent guests; or

23 (12) One gram or more of flunitrazepam for a second or  
24 subsequent offense; or

25 (13) Any amount of gamma-hydroxybutyric acid for a second  
26 or subsequent offense; or

27 (14) Twenty milligrams or more of fentanyl or carfentanil,  
28 or any derivative thereof, or any combination thereof, or any

1 compound, mixture, or substance containing a detectable amount of  
2 fentanyl or carfentanil, or their optical isomers or analogues.

3 579.068. 1. A person commits the offense of trafficking  
4 drugs in the second degree if, except as authorized by this  
5 chapter or chapter 195, such person knowingly possesses or has  
6 under his or her control, purchases or attempts to purchase, or  
7 brings into this state:

8 (1) More than thirty grams [~~but less than ninety grams~~] of  
9 a mixture or substance containing a detectable amount of heroin;

10 (2) More than one hundred fifty grams [~~but less than four~~  
11 ~~hundred fifty grams~~] of a mixture or substance containing a  
12 detectable amount of coca leaves, except coca leaves and extracts  
13 of coca leaves from which cocaine, ecgonine, and derivatives of  
14 ecgonine or their salts have been removed; cocaine salts and  
15 their optical and geometric isomers, and salts of isomers;  
16 ecgonine, its derivatives, their salts, isomers, and salts of  
17 isomers; or any compound, mixture, or preparation which contains  
18 any quantity of any of the foregoing substances;

19 (3) More than eight grams [~~but less than twenty-four grams~~]  
20 of a mixture or substance described in subdivision (2) of this  
21 subsection which contains cocaine base;

22 (4) More than five hundred milligrams [~~but less than one~~  
23 ~~gram~~] of a mixture or substance containing a detectable amount of  
24 lysergic acid diethylamide (LSD);

25 (5) More than thirty grams [~~but less than ninety grams~~] of  
26 a mixture or substance containing a detectable amount of  
27 phencyclidine (PCP);

28 (6) More than four grams [~~but less than twelve grams~~] of

1 phencyclidine;

2 (7) More than thirty kilograms [~~but less than one hundred~~  
3 ~~kilograms~~] of a mixture or substance containing marijuana;

4 (8) More than thirty grams [~~but less than ninety grams~~] of  
5 any material, compound, mixture, or preparation containing any  
6 quantity of the following substances having a stimulant effect on  
7 the central nervous system: amphetamine, its salts, optical  
8 isomers and salts of its optical isomers; methamphetamine, its  
9 salts, optical isomers and salts of its optical isomers;  
10 phenmetrazine and its salts; or methylphenidate; [~~or~~]

11 (9) More than thirty grams [~~but less than ninety grams~~] of  
12 any material, compound, mixture, or preparation which contains  
13 any quantity of 3,4-methylenedioxymethamphetamine; or

14 (10) More than ten milligrams of fentanyl or carfentanil,  
15 or any derivative thereof, or any combination thereof, or any  
16 compound, mixture, or substance containing a detectable amount of  
17 fentanyl or carfentanil, or their optical isomers or analogues.

18 2. The offense of trafficking drugs in the second degree is  
19 a class C felony.

20 3. The offense of trafficking drugs in the second degree is  
21 a class B felony if the quantity involved is:

22 (1) Ninety grams or more of a mixture or substance  
23 containing a detectable amount of heroin; or

24 (2) Four hundred fifty grams or more of a mixture or  
25 substance containing a detectable amount of coca leaves, except  
26 coca leaves and extracts of coca leaves from which cocaine,  
27 ecgonine, and derivatives of ecgonine or their salts have been  
28 removed; cocaine salts and their optical and geometric isomers,

1 and salts of isomers; ecgonine, its derivatives, their salts,  
2 isomers, and salts of isomers; or any compound, mixture, or  
3 preparation which contains any quantity of any of the foregoing  
4 substances; or

5 (3) Twenty-four grams or more of a mixture or substance  
6 described in subdivision (2) of this subsection which contains  
7 cocaine base; or

8 (4) One gram or more of a mixture or substance containing a  
9 detectable amount of lysergic acid diethylamide (LSD); or

10 (5) Ninety grams or more of a mixture or substance  
11 containing a detectable amount of phencyclidine (PCP); or

12 (6) Twelve grams or more of phencyclidine; or

13 (7) One hundred kilograms or more of a mixture or substance  
14 containing marijuana; or

15 (8) More than five hundred marijuana plants; or

16 (9) Ninety grams or more but less than four hundred fifty  
17 grams of any material, compound, mixture, or preparation  
18 containing any quantity of the following substances having a  
19 stimulant effect on the central nervous system: amphetamine, its  
20 salts, optical isomers and salts of its optical isomers;  
21 methamphetamine, its salts, optical isomers and salts of its  
22 optical isomers; phenmetrazine and its salts; or methylphenidate;  
23 or

24 (10) Ninety grams or more but less than four hundred fifty  
25 grams of any material, compound, mixture, or preparation which  
26 contains any quantity of 3,4-methylenedioxymethamphetamine; or

27 (11) Twenty milligrams or more of fentanyl or carfentanil,  
28 or any derivative thereof, or any combination thereof, or any

1 compound, mixture, or substance containing a detectable amount of  
2 fentanyl or carfentanil, or their optical isomers or analogues.

3 4. The offense of trafficking drugs in the second degree is  
4 a class A felony if the quantity involved is four hundred fifty  
5 grams or more of any material, compound, mixture or preparation  
6 which contains:

7 (1) Any quantity of the following substances having a  
8 stimulant effect on the central nervous system: amphetamine, its  
9 salts, optical isomers and salts of its optical isomers;  
10 methamphetamine, its salts, isomers and salts of its isomers;  
11 phenmetrazine and its salts; or methylphenidate; or

12 (2) Any quantity of 3,4-methylenedioxymethamphetamine.

13 5. The offense of drug trafficking in the second degree is  
14 a class C felony for the first offense and a class B felony for  
15 any second or subsequent offense for the trafficking of less than  
16 one gram of flunitrazepam.

17 632.460. 1. A person commits the offense of unlawful use  
18 of unmanned aircraft over a mental health hospital if he or she  
19 purposely:

20 (1) Operates an unmanned aircraft within a vertical  
21 distance of four hundred feet over the mental health hospital's  
22 property line; or

23 (2) Uses an unmanned aircraft to deliver to a person  
24 confined in a mental health hospital any object described in  
25 subdivision (1) or (3) of subsection 6 of this section.

26 2. For the purposes of subsection 1 of this section,  
27 vertical distance extends from ground level.

28 3. For purposes of this section, "mental health hospital"

1 shall mean a facility operated by the department of mental health  
2 to provide inpatient evaluation, treatment, or care to persons  
3 suffering from a mental disorder, as defined under section  
4 630.005; mental illness, as defined under section 630.005; or  
5 mental abnormality, as defined under section 632.480.

6 4. The provisions of this section shall not prohibit the  
7 operation of an unmanned aircraft by:

8 (1) An employee of the mental health hospital at the  
9 direction of the chief administrative officer of the mental  
10 health hospital;

11 (2) A person who has written consent from the chief  
12 administrative officer of the mental health hospital;

13 (3) An employee of a law enforcement agency, fire  
14 department, or emergency medical service in the exercise of  
15 official duties;

16 (4) A government official or employee in the exercise of  
17 official duties;

18 (5) A public entity or a rural electric cooperative if:

19 (a) The unmanned aircraft is used for the purpose of  
20 inspecting, repairing, or maintaining utility transmission or  
21 distribution lines or other utility equipment or infrastructure;

22 (b) The utility notifies the mental health hospital before  
23 flying the unmanned aircraft, except during an emergency; and

24 (c) The person operating the unmanned aircraft does not  
25 physically enter the prohibited space without an escort provided  
26 by the mental health hospital;

27 (6) An employee of a railroad in the exercise of official  
28 duties on any land owned or operated by a railroad corporation

1 regulated by the Federal Railway Administration; or

2 (7) A person operating an unmanned aircraft pursuant to and  
3 in compliance with any waiver issued by the Federal Aviation  
4 Authority under 14 CFR 107.200.

5 5. Each mental health hospital shall post a sign warning of  
6 the provisions of this section. The sign shall be at least  
7 eleven inches by fourteen inches and posted in a conspicuous  
8 place.

9 6. The offense of unlawful use of unmanned aircraft over a  
10 mental health hospital shall be punishable as an infraction  
11 unless the person uses an unmanned aircraft for the purpose of:

12 (1) Delivering a gun, knife, weapon, or other article that  
13 may be used in such manner to endanger the life of a patient or  
14 mental health hospital employee, in which case the offense is a  
15 class B felony;

16 (2) Facilitating an escape from commitment or detention  
17 under section 575.195, in which case the offense is a class C  
18 felony; or

19 (3) Delivering a controlled substance, as that term is  
20 defined under section 195.010, in which case the offense is a  
21 class D felony.

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Representative Nick Schroer

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Senator Tony Luetkemeyer