

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

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, 579.065, and 579.068, RSMo, and to enact in lieu thereof seventeen 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Section A. Sections 544.170, 545.140, 556.061, 557.021, 562.014, 571.015, 571.070, 579.065, and 579.068, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 217.850, 491.016, 491.641, 544.170, 545.140, 550.125, 556.061, 557.021, 557.045,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, 579.065, 579.068, and 632.460, to read as follows:

217.850. 1. A person commits the offense of unlawful use of unmanned aircraft over a correctional center if he or she purposely:

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

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

7 2. For purposes of this section, "correctional center"
8 shall include:

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

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

11 (3) Any county or municipal jail.

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

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

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

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

21 (4) A government official or employee in the exercise of
22 official duties;

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

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

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

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

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

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

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

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

17 (2) Facilitating an escape from confinement under section
18 575.210, in which case the offense is a class C 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.

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

26 491.016. A statement made by a witness that is not
27 otherwise admissible is admissible in evidence in a criminal
28 proceeding in the courts of this state as substantive evidence to

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

7 491.641. 1. (1) There is hereby created in the state
8 treasury the "Pretrial Witness Protection Services Fund", which
9 shall consist of moneys collected under this section. The state
10 treasurer shall be custodian of the fund. In accordance with
11 sections 30.170 and 30.180, the state treasurer may approve
12 disbursements. The fund shall be a dedicated fund and money in
13 the fund shall be used solely by the department of public safety
14 for the purposes of witness protection services pursuant to this
15 section.

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

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

23 2. Any law enforcement agency may provide for the security
24 of witnesses, potential witnesses, and their immediate families
25 in criminal proceedings instituted or investigations pending
26 against a person alleged to have engaged in a violation of state
27 law. Providing for witnesses may include provision of housing
28 facilities and for the health, safety, and welfare of such

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

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

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

23 (1) Statement of conditions which qualify persons for
24 protection;

25 (2) Precise methods the originating agency will use to
26 provide protection, including relocation of persons and
27 reciprocal agreements with other law enforcement agencies; and

28 (3) Statement of the projected costs over a specified

1 period of time.

2 544.170. 1. All persons arrested and confined in any jail
3 or other place of confinement by any peace officer, without
4 warrant or other process, for any alleged breach of the peace or
5 other criminal offense, or on suspicion thereof, shall be
6 discharged from said custody within twenty-four hours from the
7 time of such arrest, unless they shall be charged with a criminal
8 offense by the oath of some credible person, and be held by
9 warrant to answer to such offense.

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

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

22 4. Notwithstanding the provisions of subsection 1 of this
23 section to the contrary, all persons arrested and confined in any
24 jail or other place of confinement by any peace officer, without
25 warrant or other process, for a criminal offense involving a
26 dangerous felony or deadly weapon as defined in section 556.061,
27 or on suspicion thereof, shall be discharged from said custody
28 within forty-eight hours from the time of such arrest, unless

1 they shall be charged with a criminal offense by the oath of some
2 credible person, and be held by warrant to answer to such
3 offense.

4 545.140. 1. Notwithstanding Missouri supreme court rule
5 24.06, two or more defendants may be charged in the same
6 indictment or information if they are alleged to have
7 participated in the same act or transaction or in the same series
8 of acts or transactions constituting an offense. Such defendants
9 may be charged in one or more counts together or separately and
10 all of the defendants need not be charged in each count.

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

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

25 4. If two or more defendants are charged with being joint
26 participants in a conspiracy charged under section 562.014, it
27 shall be presumed that there is no substantial prejudice from
28 them being charged in the same indictment or information or from

1 them being tried together.

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

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

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

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

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

18 556.061. In this code, unless the context requires a
19 different definition, the following terms shall mean:

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

23 (2) "Affirmative defense":

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

26 (b) If the defense is submitted to the trier of fact the
27 defendant has the burden of persuasion that the defense is more
28 probably true than not;

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

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

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

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

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

27 (6) "Computer equipment", computers, terminals, data
28 storage devices, and all other computer hardware associated with

1 a computer system or network;

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

23 (8) "Computer network", two or more interconnected
24 computers or computer systems;

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

28 (10) "Computer software", digital information which can be

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

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

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

13 (13) "Confinement":

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

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

18 b. The person is released on bail, bond, or recognizance,
19 personal or otherwise; or

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

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

24 a. The person is on probation or parole, temporary or
25 otherwise; or

26 b. The person is under sentence to serve a term of
27 confinement which is not continuous, or is serving a sentence
28 under a work-release program, and in either such case is not

1 being held in a place of confinement or is not being held under
2 guard by a person having the legal power and duty to transport
3 the person to or from a place of confinement;

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

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

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

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

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

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

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

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

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

1 terms are defined in section 577.001;

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

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

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

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

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

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

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

1 (27) "Forcible compulsion" either:

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

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

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

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

14 (30) "Inhabitable structure", a vehicle, vessel or
15 structure:

16 (a) Where any person lives or carries on business or other
17 calling; or

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

21 (c) Which is used for overnight accommodation of persons.
22

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

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

28 (a) Conduct or attendant circumstances, means a person is

1 aware of the nature of his or her conduct or that those
2 circumstances exist; or

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

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

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

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

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

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

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

27 (38) "Possess" or "possessed", having actual or
28 constructive possession of an object with knowledge of its

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

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

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

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

24 (42) "Recklessly", consciously disregarding a substantial
25 and unjustifiable risk that circumstances exist or that a result
26 will follow, and such disregard constitutes a gross deviation
27 from the standard of care which a reasonable person would
28 exercise in the situation;

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

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

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

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

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

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

1 having, as the only means of propulsion, a paddle or oars;

2 (49) "Voluntary act":

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

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

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

18 557.021. 1. Any offense defined outside this code which is
19 declared to be a misdemeanor without specification of the penalty
20 therefor is a class A misdemeanor.

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

24 3. For the purpose of applying the extended term provisions
25 of section 558.016 and the minimum prison term provisions of
26 section 558.019 and for determining the penalty for attempts [~~and~~
27 ~~conspiracies~~], offenses defined outside of this code shall be
28 classified as follows:

- 1 (1) If the offense is a felony:
- 2 (a) It is a class A felony if the authorized penalty
- 3 includes death, life imprisonment or imprisonment for a term of
- 4 twenty years or more;
- 5 (b) It is a class B felony if the maximum term of
- 6 imprisonment authorized exceeds ten years but is less than twenty
- 7 years;
- 8 (c) It is a class C felony if the maximum term of
- 9 imprisonment authorized is ten years;
- 10 (d) It is a class D felony if the maximum term of
- 11 imprisonment exceeds four years but is less than ten years;
- 12 (e) It is a class E felony if the maximum term of
- 13 imprisonment is four years or less;
- 14 (2) If the offense is a misdemeanor:
- 15 (a) It is a class A misdemeanor if the authorized
- 16 imprisonment exceeds six months in jail;
- 17 (b) It is a class B misdemeanor if the authorized
- 18 imprisonment exceeds thirty days but is not more than six months;
- 19 (c) It is a class C misdemeanor if the authorized
- 20 imprisonment is thirty days or less;
- 21 (d) It is a class D misdemeanor if it includes a mental
- 22 state as an element of the offense and there is no authorized
- 23 imprisonment;
- 24 (e) It is an infraction if there is no authorized
- 25 imprisonment.
- 26 557.045. No person found guilty of, or pleading guilty to,
- 27 the following offenses shall be eligible for probation, suspended
- 28 imposition or execution of sentence, or conditional release, and

1 shall be sentenced to a term of imprisonment pursuant to
2 subdivision (1) of subsection 2 of section 557.011:

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

8 (2) Any dangerous felony, as the term is defined in section
9 556.061, where the person has been previously found guilty of a
10 class A or B felony or a dangerous felony; or

11 (3) Any dangerous felony, as the term is defined in section
12 556.061, where the commission of the felony involves the use of a
13 deadly weapon, as that term is defined in section 556.061.

14 562.014. 1. ~~【Guilt for an offense may be based upon a~~
15 ~~conspiracy to commit an offense when a person, with the purpose~~
16 ~~of promoting or facilitating the commission of an offense, agrees~~
17 ~~with another person or persons that they or one or more of them~~
18 ~~will engage in conduct which constitutes such offense】 A person~~

19 commits the offense of conspiracy to commit, in any manner or for
20 any purpose, an offense if the person agrees, with one or more
21 persons, to commit any class A, B, or C felony offense, or any
22 unclassified felony offenses if the maximum term of imprisonment
23 for such unclassified felony exceeds ten years or more, and one
24 or more of such persons do any act in furtherance of such an
25 agreement.

26 2. It is no defense to a prosecution for conspiring to
27 commit an offense that a person, who knows that a person with
28 whom he or she conspires to commit an offense has conspired with

1 another person or persons to commit the same offense, does not
2 know the identity of such other person or persons.

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

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

11 ~~—5.]~~ (1) No person shall be convicted of ~~[an offense based
12 upon a]~~ conspiracy to commit an offense if, after conspiring to
13 commit the offense, he or she prevented the accomplishment of the
14 objectives of the conspiracy under circumstances manifesting a
15 renunciation of his or her criminal purpose.

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

19 ~~[6.]~~ 5. For the purpose of time limitations on
20 prosecutions:

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

26 (2) If an individual abandons the agreement, the conspiracy
27 is terminated as to him or her only if he or she advises those
28 with whom he or she has conspired of his or her abandonment or he

1 or she informs the law enforcement authorities of the existence
2 of the conspiracy and of his or her participation in it.

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

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

11 6. The offense of conspiracy to commit an offense is a
12 class C felony.

13 570.027. 1. A person commits the offense of vehicle
14 hijacking when he or she knowingly uses or threatens the use of
15 physical force upon another person to seize or attempt to seize
16 possession or control of a vehicle, as defined in section
17 302.010, from the immediate possession or control of another
18 person.

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

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

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

27 (2) Is armed with a deadly weapon;

28 (3) Uses or threatens the immediate use of a dangerous

1 instrument against any person;

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

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

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

24 2. Any person convicted of a second offense of armed
25 criminal action under subsection 1 of this section shall be
26 punished by imprisonment by the department of corrections ~~【and~~
27 ~~human resources】~~ for a term of not less than five years and not
28 to exceed thirty years, unless the person is unlawfully

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

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

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

26 571.070. 1. A person commits the offense of unlawful
27 possession of a firearm if such person knowingly has any firearm
28 in his or her possession and:

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

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

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

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

14 577.800. 1. A person commits the offense of unlawful use
15 of unmanned aircraft over an open air facility if he or she
16 purposely:

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

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

24 2. For purposes of this section, "open air facility" shall
25 mean any sports, theater, music, performing arts, or other
26 entertainment facility with a capacity of five thousand people or
27 more and is not completely enclosed by a roof or other structure.

28 3. The provisions of this section shall not prohibit the

1 operation of an unmanned aircraft by:

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

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

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

10 (4) A government official or employee in the exercise of
11 official duties;

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

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

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

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

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

25 4. The offense of unlawful use of unmanned aircraft over an
26 open air facility shall be punishable as an infraction unless the
27 person uses an unmanned aircraft for:

28 (1) Delivering a gun, knife, weapon, or other article that

1 may be used in such manner to endanger the life of an employee or
2 quest at an open air facility, in which case the offense is a
3 class B felony; or

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

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

10 579.065. 1. A person commits the offense of trafficking
11 drugs in the first degree if, except as authorized by this
12 chapter or chapter 195, such person knowingly distributes,
13 delivers, manufactures, produces or attempts to distribute,
14 deliver, manufacture or produce:

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

17 (2) More than one hundred fifty grams [~~but less than four~~
18 ~~hundred fifty grams~~] of a mixture or substance containing a
19 detectable amount of coca leaves, except coca leaves and extracts
20 of coca leaves from which cocaine, ecgonine, and derivatives of
21 ecgonine or their salts have been removed; cocaine salts and
22 their optical and geometric isomers, and salts of isomers;
23 ecgonine, its derivatives, their salts, isomers, and salts of
24 isomers; or any compound, mixture, or preparation which contains
25 any quantity of any of the foregoing substances;

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

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

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

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

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

11 (8) More than thirty grams [~~but less than ninety grams~~] of
12 any material, compound, mixture, or preparation containing any
13 quantity of the following substances having a stimulant effect on
14 the central nervous system: amphetamine, its salts, optical
15 isomers and salts of its optical isomers; methamphetamine, its
16 salts, optical isomers and salts of its optical isomers;
17 phenmetrazine and its salts; or methylphenidate; [~~or~~]

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

21 (10) One gram or more of flunitrazepam for the first
22 offense;

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

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

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

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

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

7 (2) Four hundred fifty grams or more of a mixture or
8 substance containing a detectable amount of coca leaves, except
9 coca leaves and extracts of coca leaves from which cocaine,
10 ecgonine, and derivatives of ecgonine or their salts have been
11 removed; cocaine salts and their optical and geometric isomers,
12 and salts of isomers; ecgonine, its derivatives, their salts,
13 isomers, and salts of isomers; or any compound, mixture, or
14 preparation which contains any quantity of any of the foregoing
15 substances; or

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

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

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

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

24 (7) One hundred kilograms or more of a mixture or substance
25 containing marijuana; or

26 (8) Ninety grams or more of any material, compound,
27 mixture, or preparation containing any quantity of the following
28 substances having a stimulant effect on the central nervous

1 system: amphetamine, its salts, optical isomers and salts of its
2 optical isomers; methamphetamine, its salts, optical isomers and
3 salts of its optical isomers; phenmetrazine and its salts; or
4 methylphenidate; or

5 (9) More than thirty grams of any material, compound,
6 mixture, or preparation containing any quantity of the following
7 substances having a stimulant effect on the central nervous
8 system: amphetamine, its salts, optical isomers, and salts of
9 its optical isomers; methamphetamine, its salts, optical isomers,
10 and salts of its optical isomers; phenmetrazine and its salts; or
11 methylphenidate, and the location of the offense was within two
12 thousand feet of real property comprising a public or private
13 elementary, vocational, or secondary school, college, community
14 college, university, or any school bus, in or on the real
15 property comprising public housing or any other governmental
16 assisted housing, or within a motor vehicle, or in any structure
17 or building which contains rooms furnished for the accommodation
18 or lodging of guests, and kept, used, maintained, advertised, or
19 held out to the public as a place where sleeping accommodations
20 are sought for pay or compensation to transient guests or
21 permanent guests; or

22 (10) Ninety grams or more of any material, compound,
23 mixture or preparation which contains any quantity of
24 3,4-methylenedioxymethamphetamine; or

25 (11) More than thirty grams of any material, compound,
26 mixture, or preparation which contains any quantity of
27 3,4-methylenedioxymethamphetamine and the location of the offense
28 was within two thousand feet of real property comprising a public

1 or private elementary, vocational, or secondary school, college,
2 community college, university, or any school bus, in or on the
3 real property comprising public housing or any other governmental
4 assisted housing, within a motor vehicle, or in any structure or
5 building which contains rooms furnished for the accommodation or
6 lodging of guests, and kept, used, maintained, advertised, or
7 held out to the public as a place where sleeping accommodations
8 are sought for pay or compensation to transient guests or
9 permanent guests; or

10 (12) One gram or more of flunitrazepam for a second or
11 subsequent offense; or

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

14 (14) Twenty milligrams or more 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.

18 579.068. 1. A person commits the offense of trafficking
19 drugs in the second degree if, except as authorized by this
20 chapter or chapter 195, such person knowingly possesses or has
21 under his or her control, purchases or attempts to purchase, or
22 brings into this state:

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

25 (2) More than one hundred fifty grams [~~but less than four~~
26 ~~hundred fifty grams~~] of a mixture or substance containing a
27 detectable amount of coca leaves, except coca leaves and extracts
28 of coca leaves from which cocaine, ecgonine, and derivatives of

1 ecgonine or their salts have been removed; cocaine salts and
2 their optical and geometric isomers, and salts of isomers;
3 ecgonine, its derivatives, their salts, isomers, and salts of
4 isomers; or any compound, mixture, or preparation which contains
5 any quantity of any of the foregoing substances;

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

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

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

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

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

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

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

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

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

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

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

11 (2) Four hundred fifty grams or more of a mixture or
12 substance containing a detectable amount of coca leaves, except
13 coca leaves and extracts of coca leaves from which cocaine,
14 ecgonine, and derivatives of ecgonine or their salts have been
15 removed; cocaine salts and their optical and geometric isomers,
16 and salts of isomers; ecgonine, its derivatives, their salts,
17 isomers, and salts of isomers; or any compound, mixture, or
18 preparation which contains any quantity of any of the foregoing
19 substances; or

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

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

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

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

28 (7) One hundred kilograms or more of a mixture or substance

1 containing marijuana; or

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

3 (9) Ninety grams or more but less than four hundred fifty
4 grams of any material, compound, mixture, or preparation
5 containing any quantity of the following substances having a
6 stimulant effect on the central nervous system: amphetamine, its
7 salts, optical isomers and salts of its optical isomers;
8 methamphetamine, its salts, optical isomers and salts of its
9 optical isomers; phenmetrazine and its salts; or methylphenidate;
10 or

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

14 (11) Twenty milligrams or more 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 4. The offense of trafficking drugs in the second degree is
19 a class A felony if the quantity involved is four hundred fifty
20 grams or more of any material, compound, mixture or preparation
21 which contains:

22 (1) Any quantity of the following substances having a
23 stimulant effect on the central nervous system: amphetamine, its
24 salts, optical isomers and salts of its optical isomers;
25 methamphetamine, its salts, isomers and salts of its isomers;
26 phenmetrazine and its salts; or methylphenidate; or

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

28 5. The offense of drug trafficking in the second degree is

1 a class C felony for the first offense and a class B felony for
2 any second or subsequent offense for the trafficking of less than
3 one gram of flunitrazepam.

4 632.460. 1. A person commits the offense of unlawful use
5 of unmanned aircraft over a mental health hospital if he or she
6 purposely:

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

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

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

15 3. For purposes of this section, "mental health hospital"
16 shall mean a facility operated by the department of mental health
17 to provide inpatient evaluation, treatment, or care to persons
18 suffering from a mental disorder, as defined under section
19 630.005; mental illness, as defined under section 630.005; or
20 mental abnormality, as defined under section 632.480.

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

23 (1) An employee of the mental health hospital at the
24 direction of the chief administrative officer of the mental
25 health hospital;

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

28 (3) An employee of a law enforcement agency, fire

1 department, or emergency medical service in the exercise of
2 official duties;

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

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

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

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

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

14 (6) An employee of a railroad in the exercise of official
15 duties on any land owned or operated by a railroad corporation
16 regulated by the Federal Railway Administration; or

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

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

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

27 (1) Delivering a gun, knife, weapon, or other article that
28 may be used in such manner to endanger the life of a patient or

1 mental health hospital employee, in which case the offense is a
2 class B felony;

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

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

✓

Representative Nick Schroer

Senator Tony Luetkemeyer