

SENATE SUBSTITUTE

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, 579.068, and 650.055, RSMo, and to enact in lieu thereof twenty-two new sections relating to criminal law, with penalty provisions.

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

1 Section A. Sections 544.170, 545.140, 556.061, 557.021,
2 562.014, 571.015, 571.070, 578.421, 578.423, 578.425, 579.065,
3 579.068, and 650.055, RSMo, are repealed and twenty-two new
4 sections enacted in lieu thereof, to be known as sections
5 217.850, 491.016, 491.641, 544.170, 545.140, 550.125, 556.061,
6 557.021, 557.045, 562.014, 570.027, 571.015, 571.070, 577.800,
7 578.419, 578.421, 578.423, 578.425, 579.065, 579.068, 632.460,
8 and 650.055, to read as follows:

9 217.850. 1. A person commits the offense of unlawful use
10 of unmanned aircraft over a correctional center if he or she
11 purposely:

12 (1) Operates an unmanned aircraft within a vertical

1 distance of four hundred feet over a correctional center's secure
2 perimeter fence; or

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

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

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

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

10 (3) Any county or municipal jail.

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

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

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

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

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

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

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

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

28 (c) The person operating the unmanned aircraft does not

1 physically enter the prohibited space without an escort provided
2 by the correctional center;

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

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

9 4. The offense of unlawful use of unmanned aircraft over a
10 correctional center shall be punishable as an infraction unless
11 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 an offender or
14 correctional center employee, in which case the offense is a
15 class B felony;

16 (2) Facilitating an escape from confinement under section
17 575.210, in which case the offense is a class C felony; or

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

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

25 491.016. A statement made by a witness that is not
26 otherwise admissible is admissible in evidence in a criminal
27 proceeding in the courts of this state as substantive evidence to
28 prove the truth of the matter asserted if the court finds, by a

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

6 491.641. 1. (1) There is hereby created in the state
7 treasury the "Pretrial Witness Protection Services Fund", which
8 shall consist of moneys collected under this section. The state
9 treasurer shall be custodian of the fund. In accordance with
10 sections 30.170 and 30.180, the state treasurer may approve
11 disbursements. The fund shall be a dedicated fund and money in
12 the fund shall be used solely by the department of public safety
13 for the purposes of witness protection services pursuant to this
14 section.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 credible person, and be held by warrant to answer to such
2 offense.

3 545.140. 1. Notwithstanding Missouri supreme court rule
4 24.06, two or more defendants may be charged in the same
5 indictment or information if they are alleged to have
6 participated in the same act or transaction or in the same series
7 of acts or transactions constituting an offense. Such defendants
8 may be charged in one or more counts together or separately and
9 all of the defendants need not be charged in each count.

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

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

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

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

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

23 3. The office of state courts administrator shall develop
24 an application process and other procedures to determine if a
25 county is eligible for reimbursement under this section. If a
26 county is eligible for reimbursement, the office of state courts
27 administrator shall disburse such moneys to the county. In the
28 event that the amount disbursed is less than the costs set out in

1 this section, the original county shall reimburse the county to
2 which the case was transferred for the difference. If the office
3 of state courts administrator determines a county is not eligible
4 for reimbursement under this section, the county in which the
5 capital case originated shall be responsible for reimbursement.

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

17 556.061. In this code, unless the context requires a
18 different definition, the following terms shall mean:

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

22 (2) "Affirmative defense":

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

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

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

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

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

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

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

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

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

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

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

27 (10) "Computer software", digital information which can be
28 interpreted by a computer and any of its related components to

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

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

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

12 (13) "Confinement":

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

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

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

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

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

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

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

1 guard by a person having the legal power and duty to transport
2 the person to or from a place of confinement;

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

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

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

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

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

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

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

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

28 (19) "Dangerous felony", the felonies of arson in the first

1 degree, assault in the first degree, attempted rape in the first
2 degree if physical injury results, attempted forcible rape if
3 physical injury results, attempted sodomy in the first degree if
4 physical injury results, attempted forcible sodomy if physical
5 injury results, rape in the first degree, forcible rape, sodomy
6 in the first degree, forcible sodomy, assault in the second
7 degree if the victim of such assault is a special victim as
8 defined in subdivision (14) of section 565.002, kidnapping in the
9 first degree, kidnapping, murder in the second degree, assault of
10 a law enforcement officer in the first degree, domestic assault
11 in the first degree, elder abuse in the first degree, robbery in
12 the first degree, armed criminal action, conspiracy to commit an
13 offense when the offense is a dangerous felony, vehicle hijacking
14 when punished as a class A felony, statutory rape in the first
15 degree when the victim is a child less than twelve years of age
16 at the time of the commission of the act giving rise to the
17 offense, statutory sodomy in the first degree when the victim is
18 a child less than twelve years of age at the time of the
19 commission of the act giving rise to the offense, child
20 molestation in the first or second degree, abuse of a child if
21 the child dies as a result of injuries sustained from conduct
22 chargeable under section 568.060, child kidnapping, parental
23 kidnapping committed by detaining or concealing the whereabouts
24 of the child for not less than one hundred twenty days under
25 section 565.153, and an "intoxication-related traffic offense" or
26 "intoxication-related boating offense" if the person is found to
27 be a "habitual offender" or "habitual boating offender" as such
28 terms are defined in section 577.001;

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

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

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

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

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

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

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

28 (27) "Forcible compulsion" either:

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

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

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

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

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

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

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

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

21
22 Any such vehicle, vessel, or structure is inhabitable regardless
23 of whether a person is actually present. If a building or
24 structure is divided into separately occupied units, any unit not
25 occupied by the actor is an inhabitable structure of another;

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

27 (a) Conduct or attendant circumstances, means a person is
28 aware of the nature of his or her conduct or that those

1 circumstances exist; or

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

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

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

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

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

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

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

26 (38) "Possess" or "possessed", having actual or
27 constructive possession of an object with knowledge of its
28 presence. A person has actual possession if such person has the

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

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

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

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

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

28 (43) "Serious emotional injury", an injury that creates a

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

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

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

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

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

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

1 (49) "Voluntary act":

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

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

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

17 557.021. 1. Any offense defined outside this code which is
18 declared to be a misdemeanor without specification of the penalty
19 therefor is a class A misdemeanor.

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

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

28 (1) If the offense is a felony:

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

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

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

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

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

13 (2) If the offense is a misdemeanor:

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

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

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

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

23 (e) It is an infraction if there is no authorized
24 imprisonment.

25 557.045. No person found guilty of, or pleading guilty to,
26 the following offenses shall be eligible for probation, suspended
27 imposition or execution of sentence, or conditional release, and
28 shall be sentenced to a term of imprisonment pursuant to

1 subdivision (1) of subsection 2 of section 557.011:

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

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

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

13 562.014. 1. [Guilt for an offense may be based upon a
14 conspiracy to commit an offense when a person, with the purpose
15 of promoting or facilitating the commission of an offense, agrees
16 with another person or persons that they or one or more of them
17 will engage in conduct which constitutes such offense] A person
18 commits the offense of conspiracy to commit, in any manner or for
19 any purpose, an offense if the person agrees, with one or more
20 persons, to commit any class A, B, or C felony offense, or any
21 unclassified felony offenses if the maximum term of imprisonment
22 for such unclassified felony exceeds ten years or more, and one
23 or more of such persons do any act in furtherance of such an
24 agreement.

25 2. It is no defense to a prosecution for conspiring to
26 commit an offense that a person, who knows that a person with
27 whom he or she conspires to commit an offense has conspired with
28 another person or persons to commit the same offense, does not

1 know the identity of such other person or persons.

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

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

10 5.] (1) No person shall be convicted of [an offense based
11 upon a] conspiracy to commit an offense if, after conspiring to
12 commit the offense, he or she prevented the accomplishment of the
13 objectives of the conspiracy under circumstances manifesting a
14 renunciation of his or her criminal purpose.

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

18 [6.] 5. For the purpose of time limitations on
19 prosecutions:

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

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

1 of the conspiracy and of his or her participation in it.

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

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

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

12 570.027. 1. A person commits the offense of vehicle
13 hijacking when he or she knowingly uses or threatens the use of
14 physical force upon another person to seize or attempt to seize
15 possession or control of a vehicle, as defined in section
16 302.010, from the immediate possession or control of another
17 person.

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

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

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

26 (2) Is armed with a deadly weapon;

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

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

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

6 571.015. 1. [Except as provided in subsection 4 of this
7 section,] Any person who commits any felony under the laws of
8 this state by, with, or through the use, assistance, or aid of a
9 dangerous instrument or deadly weapon is also guilty of the
10 [crime] offense of armed criminal action and, upon conviction,
11 shall be punished by imprisonment by the department of
12 corrections [and human resources] for a term of not less than
13 three years and not to exceed fifteen years, unless the person is
14 unlawfully possessing a firearm, in which case the term of
15 imprisonment shall be for a term of not less than five years.

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

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

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

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

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

25 571.070. 1. A person commits the offense of unlawful
26 possession of a firearm if such person knowingly has any firearm
27 in his or her possession and:

28 (1) Such person has been convicted of a felony under the

1 laws of this state, or of a crime under the laws of any state or
2 of the United States which, if committed within this state, would
3 be a felony; or

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

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

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

13 577.800. 1. A person commits the offense of unlawful use
14 of unmanned aircraft over an open air facility if he or she
15 purposely:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 quest at an open air facility, in which case the offense is a
2 class B felony; or

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

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

9 578.419. Sections 578.419 to 578.437 shall be known and may
10 be cited as the "Missouri Criminal Street Gangs Prevention Act".

11 578.421. As used in sections 578.421 to 578.437, the
12 following terms mean:

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

21 (2) "Pattern of criminal street gang activity", the
22 commission, attempted commission, or solicitation of two or more
23 of the following offenses, provided at least one of those
24 offenses occurred after August 28, 1993, and the last of those
25 offenses occurred within three years after a prior offense, and
26 the offenses are committed on separate occasions, or by two or
27 more persons:

28 (a) Assault with a deadly weapon or by means of force

1 likely to cause serious physical injury, as provided in sections
2 565.050 and 565.052;

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

5 (c) Murder or manslaughter, as provided in sections 565.020
6 to 565.024;

7 (d) Any violation of the provisions of chapter 579 which
8 involves the distribution, delivery or manufacture of a substance
9 prohibited by chapter 579;

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

12 (f) Tampering with witnesses and victims, as provided in
13 section 575.270;

14 (g) Promoting online sexual solicitation, as provided in
15 section 566.103;

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

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

20 (j) Patronizing prostitution, as provided in subsection 4
21 of section 567.030;

22 (k) Promoting prostitution in the first degree, as provided
23 in section 567.050;

24 (l) Promoting prostitution in the second degree, as
25 provided in section 567.060;

26 (m) Abuse or neglect of a child, as provided in subsection
27 6 of section 568.060;

28 (n) Sexual exploitation of a minor, as provided in section

1 573.023;

2 (o) Child used in sexual performance, as provided in
3 section 573.200; [or]

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

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

7 578.423. Any person who actively participates in any
8 criminal street gang with knowledge that its members engage in or
9 have engaged in a pattern of criminal street gang activity, and
10 who willfully promotes, furthers, or assists in any felonious
11 criminal conduct by gang members shall be [punished by
12 imprisonment in the county jail for a period not to exceed one
13 year, or by imprisonment in a state correctional facility for
14 one, two, or three years] guilty of a class B felony.

15 578.425. Any person who is convicted of a felony [or a
16 misdemeanor] which is committed for the benefit of, at the
17 direction of, or in association with, any criminal street gang,
18 with the [specific intent] purpose to promote, further, or assist
19 in any criminal conduct by gang members, shall be punished in the
20 following manner:

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

25 (2)] Any person who violates this section in the commission
26 of a felony shall, upon conviction of that felony, in addition
27 and consecutive to the punishment prescribed for the felony of
28 which he or she has been convicted, be punished by an additional

1 term of [one,] two[, or three] years [at the court's discretion].
2 If the underlying felony is committed on the grounds of, or
3 within one thousand feet of a public or private elementary,
4 vocational, junior high or high school, the additional term shall
5 be [two,] three[, or four] years[, at the court's discretion].
6 The court shall order the imposition of the middle term of the
7 sentence enhancement, unless there are circumstances in
8 aggravation or mitigation. The court shall state the reasons for
9 its choice of sentence enhancements on the record at the time of
10 sentencing];

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

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

20 579.065. 1. A person commits the offense of trafficking
21 drugs in the first degree if, except as authorized by this
22 chapter or chapter 195, such person knowingly distributes,
23 delivers, manufactures, produces or attempts to distribute,
24 deliver, manufacture or produce:

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

27 (2) More than one hundred fifty grams [but less than four
28 hundred fifty grams] of a mixture or substance containing a

1 detectable amount of coca leaves, except coca leaves and extracts
2 of coca leaves from which cocaine, ecgonine, and derivatives of
3 ecgonine or their salts have been removed; cocaine salts and
4 their optical and geometric isomers, and salts of isomers;
5 ecgonine, its derivatives, their salts, isomers, and salts of
6 isomers; or any compound, mixture, or preparation which contains
7 any quantity of any of the foregoing substances;

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

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

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

17 (6) More than four grams [but less than twelve grams] of
18 phencyclidine;

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

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

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

1 any material, compound, mixture, or preparation which contains
2 any quantity of 3,4-methylenedioxymethamphetamine;

3 (10) One gram or more of flunitrazepam for the first
4 offense;

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

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

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

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

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

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

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

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

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

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

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

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

15 (9) More than thirty grams of any material, compound,
16 mixture, or preparation containing any quantity of the following
17 substances having a stimulant effect on the central nervous
18 system: amphetamine, its salts, optical isomers, and salts of
19 its optical isomers; methamphetamine, its salts, optical isomers,
20 and salts of its optical isomers; phenmetrazine and its salts; or
21 methylphenidate, and the location of the offense was within two
22 thousand feet of real property comprising a public or private
23 elementary, vocational, or secondary school, college, community
24 college, university, or any school bus, in or on the real
25 property comprising public housing or any other governmental
26 assisted housing, or within a motor vehicle, or in any structure
27 or building which contains rooms furnished for the accommodation
28 or lodging of guests, and kept, used, maintained, advertised, or

1 held out to the public as a place where sleeping accommodations
2 are sought for pay or compensation to transient guests or
3 permanent guests; or

4 (10) Ninety grams or more of any material, compound,
5 mixture or preparation which contains any quantity of
6 3,4-methylenedioxymethamphetamine; or

7 (11) More than thirty grams of any material, compound,
8 mixture, or preparation which contains any quantity of
9 3,4-methylenedioxymethamphetamine and the location of the offense
10 was within two thousand feet of real property comprising a public
11 or private elementary, vocational, or secondary school, college,
12 community college, university, or any school bus, in or on the
13 real property comprising public housing or any other governmental
14 assisted housing, within a motor vehicle, or in any structure or
15 building which contains rooms furnished for the accommodation or
16 lodging of guests, and kept, used, maintained, advertised, or
17 held out to the public as a place where sleeping accommodations
18 are sought for pay or compensation to transient guests or
19 permanent guests; or

20 (12) One gram or more of flunitrazepam for a second or
21 subsequent offense; or

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

24 (14) Twenty milligrams or more of fentanyl or carfentanil,
25 or any derivative thereof, or any combination thereof, or any
26 compound, mixture, or substance containing a detectable amount of
27 fentanyl or carfentanil, or their optical isomers or analogues.

28 579.068. 1. A person commits the offense of trafficking

1 drugs in the second degree if, except as authorized by this
2 chapter or chapter 195, such person knowingly possesses or has
3 under his or her control, purchases or attempts to purchase, or
4 brings into this state:

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

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

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

19 (4) More than five hundred milligrams [but less than one
20 gram] of a mixture or substance containing a detectable amount of
21 lysergic acid diethylamide (LSD);

22 (5) More than thirty grams [but less than ninety grams] of
23 a mixture or substance containing a detectable amount of
24 phencyclidine (PCP);

25 (6) More than four grams [but less than twelve grams] of
26 phencyclidine;

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

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

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

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

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

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

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

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

1 substances; or

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

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

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

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

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

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

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

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

24 (11) Twenty milligrams or more of fentanyl or carfentanil,
25 or any derivative thereof, or any combination thereof, or any
26 compound, mixture, or substance containing a detectable amount of
27 fentanyl or carfentanil, or their optical isomers or analogues.

28 4. The offense of trafficking drugs in the second degree is

1 a class A felony if the quantity involved is four hundred fifty
2 grams or more of any material, compound, mixture or preparation
3 which contains:

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

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

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

14 632.460. 1. A person commits the offense of unlawful use
15 of unmanned aircraft over a mental health hospital if he or she
16 purposely:

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

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

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

25 3. For purposes of this section, "mental health hospital"
26 shall mean a facility operated by the department of mental health
27 to provide inpatient evaluation, treatment, or care to persons
28 suffering from a mental disorder, as defined under section

1 630.005; mental illness, as defined under section 630.005; or
2 mental abnormality, as defined under section 632.480.

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

5 (1) An employee of the mental health hospital at the
6 direction of the chief administrative officer of the mental
7 health hospital;

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

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

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

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

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

19 (b) The utility notifies the mental health hospital before
20 flying the unmanned aircraft, except during an 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 mental health hospital;

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 Railway Administration; or

27 (7) A person operating an unmanned aircraft pursuant to and
28 in compliance with any waiver issued by the Federal Aviation

1 Authority under 14 CFR 107.200.

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

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

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

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

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

19 650.055. 1. Every individual who:

20 (1) Is found guilty of a felony or any offense under
21 chapter 566; or

22 (2) Is seventeen years of age or older and arrested for
23 [burglary in the first degree under section 569.160, or burglary
24 in the second degree under section 569.170, or] a felony offense
25 [under chapter 565, 566, 567, 568, or 573]; or

26 (3) Has been determined to be a sexually violent predator
27 pursuant to sections 632.480 to 632.513; or

28 (4) Is an individual required to register as a sexual

1 offender under sections 589.400 to 589.425;

2
3 shall have a fingerprint and blood or scientifically accepted
4 biological sample collected for purposes of DNA profiling
5 analysis.

6 2. Any individual subject to DNA collection and profiling
7 analysis under this section shall provide a DNA sample:

8 (1) Upon booking at a county jail or detention facility; or

9 (2) Upon entering or before release from the department of
10 corrections reception and diagnostic centers; or

11 (3) Upon entering or before release from a county jail or
12 detention facility, state correctional facility, or any other
13 detention facility or institution, whether operated by a private,
14 local, or state agency, or any mental health facility if
15 committed as a sexually violent predator pursuant to sections
16 632.480 to 632.513; or

17 (4) When the state accepts a person from another state
18 under any interstate compact, or under any other reciprocal
19 agreement with any county, state, or federal agency, or any other
20 provision of law, whether or not the person is confined or
21 released, the acceptance is conditional on the person providing a
22 DNA sample if the person was found guilty of a felony offense in
23 any other jurisdiction; or

24 (5) If such individual is under the jurisdiction of the
25 department of corrections. Such jurisdiction includes persons
26 currently incarcerated, persons on probation, as defined in
27 section 217.650, and on parole, as also defined in section
28 217.650; or

1 (6) At the time of registering as a sex offender under
2 sections 589.400 to 589.425.

3 3. The Missouri state highway patrol and department of
4 corrections shall be responsible for ensuring adherence to the
5 law. Any person required to provide a DNA sample pursuant to
6 this section shall be required to provide such sample, without
7 the right of refusal, at a collection site designated by the
8 Missouri state highway patrol and the department of corrections.
9 Authorized personnel collecting or assisting in the collection of
10 samples shall not be liable in any civil or criminal action when
11 the act is performed in a reasonable manner. Such force may be
12 used as necessary to the effectual carrying out and application
13 of such processes and operations. The enforcement of these
14 provisions by the authorities in charge of state correctional
15 institutions and others having custody or jurisdiction over
16 individuals included in subsection 1 of this section which shall
17 not be set aside or reversed is hereby made mandatory. The board
18 of probation or parole shall recommend that an individual on
19 probation or parole who refuses to provide a DNA sample have his
20 or her probation or parole revoked. In the event that a person's
21 DNA sample is not adequate for any reason, the person shall
22 provide another sample for analysis.

23 4. The procedure and rules for the collection, analysis,
24 storage, expungement, use of DNA database records and privacy
25 concerns shall not conflict with procedures and rules applicable
26 to the Missouri DNA profiling system and the Federal Bureau of
27 Investigation's DNA databank system.

28 5. Unauthorized use or dissemination of individually

1 identifiable DNA information in a database for purposes other
2 than criminal justice or law enforcement is a class A
3 misdemeanor.

4 6. Implementation of sections 650.050 to 650.100 shall be
5 subject to future appropriations to keep Missouri's DNA system
6 compatible with the Federal Bureau of Investigation's DNA
7 databank system.

8 7. All DNA records and biological materials retained in the
9 DNA profiling system are considered closed records pursuant to
10 chapter 610. All records containing any information held or
11 maintained by any person or by any agency, department, or
12 political subdivision of the state concerning an individual's DNA
13 profile shall be strictly confidential and shall not be
14 disclosed, except to:

15 (1) Peace officers, as defined in section 590.010, and
16 other employees of law enforcement agencies who need to obtain
17 such records to perform their public duties;

18 (2) The attorney general or any assistant attorneys general
19 acting on his or her behalf, as defined in chapter 27;

20 (3) Prosecuting attorneys or circuit attorneys as defined
21 in chapter 56, and their employees who need to obtain such
22 records to perform their public duties;

23 (4) The individual whose DNA sample has been collected, or
24 his or her attorney; or

25 (5) Associate circuit judges, circuit judges, judges of the
26 courts of appeals, supreme court judges, and their employees who
27 need to obtain such records to perform their public duties.

28 8. Any person who obtains records pursuant to the

1 provisions of this section shall use such records only for
2 investigative and prosecutorial purposes, including but not
3 limited to use at any criminal trial, hearing, or proceeding; or
4 for law enforcement identification purposes, including
5 identification of human remains. Such records shall be
6 considered strictly confidential and shall only be released as
7 authorized by this section.

8 9. (1) An individual may request expungement of his or her
9 DNA sample and DNA profile through the court issuing the reversal
10 or dismissal, or through the court granting an expungement of all
11 official records under section 568.040. A certified copy of the
12 court order establishing that such conviction has been reversed,
13 guilty plea has been set aside, or expungement has been granted
14 under section 568.040 shall be sent to the Missouri state highway
15 patrol crime laboratory. Upon receipt of the court order, the
16 laboratory will determine that the requesting individual has no
17 other qualifying offense as a result of any separate plea or
18 conviction and no other qualifying arrest prior to expungement.

19 (2) A person whose DNA record or DNA profile has been
20 included in the state DNA database in accordance with this
21 section and sections 650.050, 650.052, and 650.100 [may request
22 expungement] shall be expunged within thirty days on one or more
23 of the following grounds [that the conviction has been reversed,
24 the guilty plea on which the authority for including that
25 person's DNA record or DNA profile was based has been set aside,
26 or an expungement of all official records has been granted by the
27 court under section 568.040]:

28 (a) The conviction on which the authority for including

1 that person's DNA record or DNA profile was based on has been
2 reversed;

3 (b) The guilty plea on which the authority for including
4 that person's DNA record or DNA profile was based on has been set
5 aside;

6 (c) The prosecutor has declined prosecution on all alleged
7 offenses which, upon conviction, would authorize the inclusion of
8 that person's DNA record or DNA profile;

9 (d) The prosecutor has withdrawn all qualifying charges
10 which, upon conviction, would authorize the inclusion of that
11 person's DNA record or DNA profile;

12 (e) The case or cases containing all charges which, upon
13 conviction, would authorize the inclusion of that person's DNA
14 record or DNA profile, are dismissed;

15 (f) The court finds at a preliminary hearing that there is
16 no probable cause to try that person for any charge which, upon
17 conviction, would authorize the inclusion of that person's DNA
18 record or DNA profile;

19 (g) That person is found not guilty of all charges which,
20 upon conviction, would authorize the inclusion of that person's
21 DNA record or DNA profile.

22 (3) Upon receipt of a written request for expungement, a
23 certified copy of the final court order reversing the conviction,
24 setting aside the plea, or granting an expungement of all
25 official records under section 568.040, and any other information
26 necessary to ascertain the validity of the request, the Missouri
27 state highway patrol crime laboratory shall expunge all DNA
28 records and identifiable information in the state DNA database

1 pertaining to the person and destroy the DNA sample of the
2 person, unless the Missouri state highway patrol determines that
3 the person is otherwise obligated to submit a DNA sample. Within
4 thirty days after the receipt of the court order, the Missouri
5 state highway patrol shall notify the individual that it has
6 expunged his or her DNA sample and DNA profile, or the basis for
7 its determination that the person is otherwise obligated to
8 submit a DNA sample.

9 (4) The Missouri state highway patrol is not required to
10 destroy any item of physical evidence obtained from a DNA sample
11 if evidence relating to another person would thereby be
12 destroyed.

13 (5) Any identification, warrant, arrest, or evidentiary use
14 of a DNA match derived from the database shall not be excluded or
15 suppressed from evidence, nor shall any conviction be invalidated
16 or reversed or plea set aside due to the failure to expunge or a
17 delay in expunging DNA records.

18 [10. When a DNA sample is taken from an individual pursuant
19 to subdivision (2) of subsection 1 of this section and the
20 prosecutor declines prosecution and notifies the arresting agency
21 of that decision, the arresting agency shall notify the Missouri
22 state highway patrol crime laboratory within ninety days of
23 receiving such notification. Within thirty days of being
24 notified by the arresting agency that the prosecutor has declined
25 prosecution, the Missouri state highway patrol crime laboratory
26 shall determine whether the individual has any other qualifying
27 offenses or arrests that would require a DNA sample to be taken
28 and retained. If the individual has no other qualifying offenses

1 or arrests, the crime laboratory shall expunge all DNA records in
2 the database taken at the arrest for which the prosecution was
3 declined pertaining to the person and destroy the DNA sample of
4 such person.

5 11. When a DNA sample is taken of an arrestee for any
6 offense listed under subsection 1 of this section and charges are
7 filed:

8 (1) If the charges are later withdrawn, the prosecutor
9 shall notify the state highway patrol crime laboratory that such
10 charges have been withdrawn;

11 (2) If the case is dismissed, the court shall notify the
12 state highway patrol crime laboratory of such dismissal;

13 (3) If the court finds at the preliminary hearing that
14 there is no probable cause that the defendant committed the
15 offense, the court shall notify the state highway patrol crime
16 laboratory of such finding;

17 (4) If the defendant is found not guilty, the court shall
18 notify the state highway patrol crime laboratory of such verdict.

19
20 If the state highway patrol crime laboratory receives notice
21 under this subsection, such crime laboratory shall determine,
22 within thirty days, whether the individual has any other
23 qualifying offenses or arrests that would require a DNA sample to
24 be taken. If the individual has no other qualifying arrests or
25 offenses, the crime laboratory shall expunge all DNA records in
26 the database pertaining to such person and destroy the person's
27 DNA sample.]