

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 850

AN ACT

To repeal sections 217.690, 491.015, 544.170, 558.016, 558.019, 566.149, 566.150, 566.155, 569.010, 569.100, 570.010, 570.030, 571.015, 571.070, 575.010, 575.200, 575.353, 578.007, 578.022, 595.201, and 595.226, RSMo, and to enact in lieu thereof twenty-one new sections relating to criminal laws, with penalty provisions.

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

Section A. Sections 217.690, 491.015, 544.170, 558.016,
2 558.019, 566.149, 566.150, 566.155, 569.010, 569.100, 570.010,
3 570.030, 571.015, 571.070, 575.010, 575.200, 575.353, 578.007,
4 578.022, 595.201, and 595.226, RSMo, are repealed and twenty-
5 one new sections enacted in lieu thereof, to be known as
6 sections 217.690, 491.015, 544.170, 558.016, 558.019, 566.149,
7 566.150, 566.155, 569.010, 569.100, 570.010, 570.030, 571.015,
8 571.070, 575.010, 575.200, 575.353, 578.007, 578.022, 595.201,
9 and 595.226, to read as follows:

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

3 2. Before ordering the parole of any offender, the
4 parole board shall conduct a validated risk and needs
5 assessment and evaluate the case under the rules governing
6 parole that are promulgated by the parole board. The parole
7 board shall then have the offender appear before a hearing
8 panel and shall conduct a personal interview with him or
9 her, unless waived by the offender, or if the guidelines

10 indicate the offender may be paroled without need for an
11 interview. The guidelines and rules shall not allow for the
12 waiver of a hearing if a victim requests a hearing. The
13 appearance or presence may occur by means of a
14 videoconference at the discretion of the parole board. A
15 parole may be ordered for the best interest of society when
16 there is a reasonable probability, based on the risk
17 assessment and indicators of release readiness, that the
18 person can be supervised under parole supervision and
19 successfully reintegrated into the community, not as an
20 award of clemency; it shall not be considered a reduction of
21 sentence or a pardon. Every offender while on parole shall
22 remain in the legal custody of the department but shall be
23 subject to the orders of the parole board.

24 3. The division of probation and parole has
25 discretionary authority to require the payment of a fee, not
26 to exceed sixty dollars per month, from every offender
27 placed under division supervision on probation, parole, or
28 conditional release, to waive all or part of any fee, to
29 sanction offenders for willful nonpayment of fees, and to
30 contract with a private entity for fee collections
31 services. All fees collected shall be deposited in the
32 inmate fund established in section 217.430. Fees collected
33 may be used to pay the costs of contracted collections
34 services. The fees collected may otherwise be used to
35 provide community corrections and intervention services for
36 offenders. Such services include substance abuse assessment
37 and treatment, mental health assessment and treatment,
38 electronic monitoring services, residential facilities
39 services, employment placement services, and other offender
40 community corrections or intervention services designated by
41 the division of probation and parole to assist offenders to
42 successfully complete probation, parole, or conditional

43 release. The division of probation and parole shall adopt
44 rules not inconsistent with law, in accordance with section
45 217.040, with respect to sanctioning offenders and with
46 respect to establishing, waiving, collecting, and using fees.

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

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

60 6. Any offender sentenced to a term of imprisonment
61 amounting to fifteen years or more or multiple terms of
62 imprisonment that, taken together, amount to fifteen or more
63 years who was under eighteen years of age at the time of the
64 commission of the offense or offenses may be eligible for
65 parole after serving fifteen years of incarceration,
66 regardless of whether the case is final for the purposes of
67 appeal, and may be eligible for reconsideration hearings in
68 accordance with regulations promulgated by the parole board.

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

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

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

89 10. Parole hearings shall, at a minimum, contain the
90 following procedures:

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

93 (2) The victim or person representing the victim who
94 attends a hearing shall have the option of giving testimony
95 in the presence of the inmate or to the hearing panel
96 without the inmate being present;

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

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

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

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

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

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

122 13. Special parole conditions shall be responsive to
123 the assessed risk and needs of the offender or the need for
124 extraordinary supervision, such as electronic monitoring.
125 The parole board shall adopt rules to minimize the
126 conditions placed on low-risk cases, to frontload conditions
127 upon release, and to require the modification and reduction
128 of conditions based on the person's continuing stability in
129 the community. Parole board rules shall permit parole
130 conditions to be modified by parole officers with review and
131 approval by supervisors.

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

136 15. Beginning January 1, 2001, the parole board shall
137 not order a parole unless the offender has obtained a high
138 school diploma or its equivalent, or unless the parole board
139 is satisfied that the offender, while committed to the
140 custody of the department, has made an honest good-faith

141 effort to obtain a high school diploma or its equivalent;
142 provided that the director may waive this requirement by
143 certifying in writing to the parole board that the offender
144 has actively participated in mandatory education programs or
145 is academically unable to obtain a high school diploma or
146 its equivalent.

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

491.015. 1. In prosecutions under chapter 566 or
2 prosecutions related to sexual conduct under chapter 568,
3 opinion and reputation evidence of the complaining] a
4 victim's or witness' prior sexual conduct, acts, or
5 practices is inadmissible at any trial, hearing, or court
6 proceeding and not a subject for inquiry during a deposition
7 or discovery; evidence of specific instances of the
8 complaining] a victim's or witness' prior sexual conduct,
9 acts, or practices or the absence of such instances or
10 conduct is inadmissible at any trial, hearing, or any other
11 court proceeding, and not a subject for inquiry during a
12 deposition or discovery, except where such specific
13 instances are:

14 (1) Evidence of the sexual conduct of the
15 complaining] a victim or witness with the defendant to prove

16 consent where consent is a defense to the alleged crime and
17 the evidence is reasonably contemporaneous with the date of
18 the alleged crime; or

19 (2) Evidence of specific instances of sexual activity
20 showing alternative source or origin of semen, pregnancy or
21 disease;

22 (3) Evidence of immediate surrounding circumstances of
23 the alleged crime; or

24 (4) Evidence relating to the previous chastity of the
25 complaining witness in cases, where, by statute, previously
26 chaste character is required to be proved by the prosecution.

27 2. Evidence of the sexual conduct, acts, or practices
28 of [the complaining] a victim or witness offered under this
29 section is admissible to the extent that the court finds the
30 evidence relevant to a material fact or issue.

31 3. If the defendant proposes to offer evidence of the
32 sexual conduct, acts, or practices of [the complaining] a
33 victim or witness under this section, he or she shall file
34 with the court a written motion accompanied by an offer of
35 proof or make an offer of proof on the record outside the
36 hearing of the jury. The court shall hold an in camera
37 hearing to determine the sufficiency of the offer of proof
38 and may at that hearing hear evidence if the court deems it
39 necessary to determine the sufficiency of the offer of
40 proof. If the court finds any of the evidence offered
41 admissible under this section the court shall make an order
42 stating the scope of the evidence which may be introduced.
43 Objections to any decision of the court under this section
44 may be made by either the prosecution or the defendant in
45 the manner provided by law. The in camera hearing shall be
46 recorded and the court shall set forth its reasons for its
47 ruling. The record of the in camera hearing shall be sealed

48 for delivery to the parties and to the appellate court in
49 the event of an appeal or other post trial proceeding.

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

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

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

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

31 credible person, and be held by warrant to answer to such
32 offense.

558.016. 1. The court may sentence a person who has
2 been found guilty of an offense to a term of imprisonment as
3 authorized by section 558.011 or to a term of imprisonment
4 authorized by a statute governing the offense if it finds
5 the defendant is a prior offender or a persistent
6 misdemeanor offender. The court may sentence a person to an
7 extended term of imprisonment if:

8 (1) The defendant is a persistent offender or a
9 dangerous offender, and the person is sentenced under
10 subsection 7 of this section;

11 (2) The statute under which the person was found
12 guilty contains a sentencing enhancement provision that is
13 based on a prior finding of guilt or a finding of prior
14 criminal conduct and the person is sentenced according to
15 the statute; or

16 (3) A more specific sentencing enhancement provision
17 applies that is based on a prior finding of guilt or a
18 finding of prior criminal conduct.

19 2. A "prior offender" is one who has been found guilty
20 of one felony.

21 3. A "persistent offender" is one who has been found
22 guilty of two or more felonies committed at different times.

23 4. A "dangerous offender" is one who:

24 (1) Is being sentenced for a felony during the
25 commission of which he knowingly murdered or endangered or
26 threatened the life of another person or knowingly inflicted
27 or attempted or threatened to inflict serious physical
28 injury on another person; [and] or

29 (2) Has been found guilty of a class A or B felony or
30 a dangerous felony as defined by section 556.061.

31 5. A "persistent misdemeanor offender" is one who has
32 been found guilty of two or more offenses, committed at
33 different times that are classified as A or B misdemeanors
34 under the laws of this state.

35 6. The findings of guilt shall be prior to the date of
36 commission of the present offense.

37 7. The court shall sentence a person, who has been
38 found to be a persistent offender or a dangerous offender,
39 and is found guilty of a class B, C, D, or E felony to the
40 authorized term of imprisonment for the offense that is one
41 class higher than the offense for which the person is found
42 guilty.

 558.019. 1. This section shall not be construed to
2 affect the powers of the governor under Article IV, Section
3 7, of the Missouri Constitution. This statute shall not
4 affect those provisions of section 565.020[,] or section
5 566.125, [or section 571.015,] which set minimum terms of
6 sentences, or the provisions of section 559.115, relating to
7 probation.

8 2. The provisions of subsections 2 to 5 of this
9 section shall only be applicable to the offenses contained
10 in sections 565.021, 565.023, 565.024, 565.027, 565.050,
11 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,
12 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
13 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,
14 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
15 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,
16 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
17 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,
18 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,
19 570.023, 570.025, 570.030 when punished as a class A, B, or
20 C felony, 570.145 when punished as a class A or B felony,
21 570.223 when punished as a class B or C felony, 571.020,

22 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,
23 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,
24 575.150, 575.153, 575.155, 575.157, 575.200 when punished as
25 a class A felony, 575.210, 575.230 when punished as a class
26 B felony, 575.240 when punished as a class B felony,
27 576.070, 576.080, 577.010, 577.013, 577.078, 577.703,
28 577.706, 579.065, and 579.068 when punished as a class A or
29 B felony. For the purposes of this section, "prison
30 commitment" means and is the receipt by the department of
31 corrections of an offender after sentencing. For purposes
32 of this section, prior prison commitments to the department
33 of corrections shall not include an offender's first
34 incarceration prior to release on probation under section
35 217.362 or 559.115. Other provisions of the law to the
36 contrary notwithstanding, any offender who has been found
37 guilty of a felony other than a dangerous felony as defined
38 in section 556.061 and is committed to the department of
39 corrections shall be required to serve the following minimum
40 prison terms:

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

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

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

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

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

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

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

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

82 6. An offender who was convicted of, or pled guilty
83 to, a felony offense other than those offenses listed in
84 subsection 2 of this section prior to August 28, 2019, shall
85 no longer be subject to the minimum prison term provisions
86 under subsection 2 of this section, and shall be eligible

87 for parole, conditional release, or other early release by
88 the department of corrections according to the rules and
89 regulations of the department.

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

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

120 to the research and investigation of disparities in death
121 penalty sentencing among economic and social classes.

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

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

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

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

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

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

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

- 153 (2) Offender treatment programs;
- 154 (3) Mandatory community service;
- 155 (4) Work release programs in local facilities; and
- 156 (5) Community-based residential and nonresidential
- 157 programs.

158 10. Pursuant to subdivision (1) of subsection 9 of
159 this section, the court may order the assessment and payment
160 of a designated amount of restitution to a county law
161 enforcement restitution fund established by the county
162 commission pursuant to section 50.565. Such contribution
163 shall not exceed three hundred dollars for any charged
164 offense. Any restitution moneys deposited into the county
165 law enforcement restitution fund pursuant to this section
166 shall only be expended pursuant to the provisions of section
167 50.565.

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

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

183 13. Nothing in this section shall be construed to
184 allow the sentencing advisory commission to issue

185 recommended sentences in specific cases pending in the
186 courts of this state.

566.149. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or
3 the provisions of section 568.020, incest; section 568.045,
4 endangering the welfare of a child in the first degree;
5 subsection 2 of section 568.080 as it existed prior to
6 January 1, 2017, or section 573.200, use of a child in a
7 sexual performance; section 568.090 as it existed prior to
8 January 1, 2017, or section 573.205, promoting a sexual
9 performance by a child; section 573.023, sexual exploitation
10 of a minor; section 573.037, possession of child
11 pornography; section 573.025, promoting child pornography;
12 or section 573.040, furnishing pornographic material to
13 minors; or

14 (2) Any offense in any other jurisdiction which, if
15 committed in this state, would be a violation listed in this
16 section;

17 shall not be present in or loiter within five hundred feet
18 of any school building, on real property comprising any
19 school, or in any conveyance owned, leased, or contracted by
20 a school to transport students to or from school or a school-
21 related activity when persons under the age of eighteen are
22 present in the building, on the grounds, or in the
23 conveyance, unless the offender is a parent, legal guardian,
24 or custodian of a student present in the building and has
25 met the conditions set forth in subsection 2 of this section.

26 2. No parent, legal guardian, or custodian who has
27 been found guilty of violating any of the offenses listed in
28 subsection 1 of this section shall be present in any school
29 building, on real property comprising any school, or in any
30 conveyance owned, leased, or contracted by a school to
31 transport students to or from school or a school-related

32 activity when persons under the age of eighteen are present
33 in the building, on the grounds or in the conveyance unless
34 the parent, legal guardian, or custodian has permission to
35 be present from the superintendent or school board or in the
36 case of a private school from the principal. In the case of
37 a public school, if permission is granted, the
38 superintendent or school board president must inform the
39 principal of the school where the sex offender will be
40 present. Permission may be granted by the superintendent,
41 school board, or in the case of a private school from the
42 principal for more than one event at a time, such as a
43 series of events, however, the parent, legal guardian, or
44 custodian must obtain permission for any other event he or
45 she wishes to attend for which he or she has not yet had
46 permission granted.

47 3. Regardless of the person's knowledge of his or her
48 proximity to school property or a school-related activity,
49 violation of the provisions of this section is a class A
50 misdemeanor.

566.150. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or
3 the provisions of section 568.020, incest; section 568.045,
4 endangering the welfare of a child in the first degree;
5 section 573.200, use of a child in a sexual performance;
6 section 573.205, promoting a sexual performance by a child;
7 section 573.023, sexual exploitation of a minor; section
8 573.025, promoting child pornography; section 573.037,
9 possession of child pornography; or section 573.040,
10 furnishing pornographic material to minors; or

11 (2) Any offense in any other jurisdiction which, if
12 committed in this state, would be a violation listed in this
13 section;

14 shall not knowingly be present in or loiter within five
15 hundred feet of any real property comprising any public park
16 with playground equipment, a public swimming pool, athletic
17 complex or athletic fields if such facilities exist for the
18 primary use of recreation for children, any museum if such
19 museum holds itself out to the public as and exists with the
20 primary purpose of entertaining or educating children under
21 eighteen years of age, or Missouri department of
22 conservation nature or education center properties.

23 2. The first violation of the provisions of this
24 section is a class E felony.

25 3. A second or subsequent violation of this section is
26 a class D felony.

27 4. Any person who has been found guilty of an offense
28 under subdivision (1) or (2) of subsection 1 of this section
29 who is the parent, legal guardian, or custodian of a child
30 under the age of eighteen attending a program on the
31 property of a nature or education center of the Missouri
32 department of conservation may receive permission from the
33 nature or education center manager to be present on the
34 property with the child during the program.

566.155. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or
3 the provisions of section 568.020, incest; section 568.045,
4 endangering the welfare of a child in the first degree;
5 section 573.200, use of a child in a sexual performance;
6 section 573.205, promoting a sexual performance by a child;
7 section 573.023, sexual exploitation of a minor; section
8 573.037, possession of child pornography; section 573.025,
9 promoting child pornography; or section 573.040, furnishing
10 pornographic material to minors; or

11 (2) Any offense in any other jurisdiction which, if
12 committed in this state, would be a violation listed in this
13 section;

14 shall not serve as an athletic coach, manager, or athletic
15 trainer for any sports team in which a child less than
16 seventeen years of age is a member.

17 2. The first violation of the provisions of this
18 section is a class E felony.

19 3. A second or subsequent violation of this section is
20 a class D felony.

 569.010. As used in this chapter the following terms
2 mean:

3 (1) "Cave or cavern", any naturally occurring
4 subterranean cavity enterable by a person including, without
5 limitation, a pit, pothole, natural well, grotto, and
6 tunnel, whether or not the opening has a natural entrance;

7 (2) "Enter unlawfully or remain unlawfully", a person
8 enters or remains in or upon premises when he or she is not
9 licensed or privileged to do so. A person who, regardless
10 of his or her purpose, enters or remains in or upon premises
11 which are at the time open to the public does so with
12 license and privilege unless he or she defies a lawful order
13 not to enter or remain, personally communicated to him or
14 her by the owner of such premises or by other authorized
15 person. A license or privilege to enter or remain in a
16 building which is only partly open to the public is not a
17 license or privilege to enter or remain in that part of the
18 building which is not open to the public;

19 (3) "Nuclear power plant", a power generating facility
20 that produces electricity by means of a nuclear reactor
21 owned by a utility or a consortium utility. Nuclear power
22 plant shall be limited to property within the structure or
23 fenced yard, as defined in section 563.011;

24 (4) "To tamper", to interfere with something
25 improperly, to meddle with it, displace it, make unwarranted
26 alterations in its existing condition, or to deprive,
27 temporarily, the owner or possessor of that thing;

28 (5) "Teller machine", an automated teller machine
29 (ATM) or interactive teller machine (ITM) is a remote
30 computer terminal owned or controlled by a financial
31 institution or a private business that allows individuals to
32 obtain financial services including obtaining cash,
33 transferring or transmitting money or digital currencies,
34 payment of bills, loading money or digital currency to a
35 payment card or other device without physical in-person
36 assistance from another person. "Teller machine" does not
37 include personally owned electronic devices used to access
38 financial services;

39 ~~[(5)]~~ (6) "Utility", an enterprise which provides gas,
40 electric, steam, water, sewage disposal, or communication,
41 video, internet, or voice over internet protocol services,
42 and any common carrier. It may be either publicly or
43 privately owned or operated.

569.100. 1. A person commits the offense of property
2 damage in the first degree if such person:

3 (1) Knowingly damages property of another to an extent
4 exceeding seven hundred fifty dollars; or

5 (2) Damages property to an extent exceeding seven
6 hundred fifty dollars for the purpose of defrauding an
7 insurer; [or]

8 (3) Knowingly damages a motor vehicle of another and
9 the damage occurs while such person is making entry into the
10 motor vehicle for the purpose of committing the crime of
11 stealing therein or the damage occurs while such person is
12 committing the crime of stealing within the motor vehicle; or

13 (4) Knowingly damages, modifies, or destroys a teller
14 machine or otherwise makes it inoperable.

15 2. The offense of property damage in the first degree
16 committed under subdivision (1) or (2) of subsection 1 of
17 this section is a class E felony, unless the offense of
18 property damage in the first degree was committed under
19 subdivision (1) of subsection 1 of this section and the
20 victim was intentionally targeted as a law enforcement
21 officer, as defined in section 556.061, or the victim is
22 targeted because he or she is a relative within the second
23 degree of consanguinity or affinity to a law enforcement
24 officer, in which case it is a class D felony. The offense
25 of property damage in the first degree committed under
26 subdivision (3) of subsection 1 of this section is a class D
27 felony unless committed as a second or subsequent violation
28 of subdivision (3) of subsection 1 of this section in which
29 case it is a class B felony. The offense of property damage
30 in the first degree committed under subdivision (4) of
31 subsection 1 of this section is a class D felony unless
32 committed for the purpose of executing any scheme or
33 artifice to defraud or obtain any property, the value of
34 which exceeds seven hundred fifty dollars or the damage to
35 the teller machine exceeds seven hundred fifty dollars in
36 which case it is a class C felony; or unless committed to
37 obtain the personal financial credentials of another person
38 or committed as a second or subsequent violation of
39 subdivision (4) of subsection 1 of this section in which
40 case it is a class B felony.

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

3 (1) "Adulterated", varying from the standard of
4 composition or quality prescribed by statute or lawfully

5 promulgated administrative regulations of this state
6 lawfully filed, or if none, as set by commercial usage;

7 (2) "Appropriate", to take, obtain, use, transfer,
8 conceal, retain or dispose;

9 (3) "Check", a check or other similar sight order or
10 any other form of presentment involving the transmission of
11 account information for the payment of money;

12 (4) "Coercion", a threat, however communicated:

13 (a) To commit any offense; or
14 (b) To inflict physical injury in the future on the
15 person threatened or another; or
16 (c) To accuse any person of any offense; or
17 (d) To expose any person to hatred, contempt or
18 ridicule; or
19 (e) To harm the credit or business reputation of any
20 person; or
21 (f) To take or withhold action as a public servant, or
22 to cause a public servant to take or withhold action; or
23 (g) To inflict any other harm which would not benefit
24 the actor. A threat of accusation, lawsuit or other
25 invocation of official action is justified and not coercion
26 if the property sought to be obtained by virtue of such
27 threat was honestly claimed as restitution or
28 indemnification for harm done in the circumstances to which
29 the accusation, exposure, lawsuit or other official action
30 relates, or as compensation for property or lawful service.
31 The defendant shall have the burden of injecting the issue
32 of justification as to any threat;

33 (5) "Credit device", a writing, card, code, number or
34 other device purporting to evidence an undertaking to pay
35 for property or services delivered or rendered to or upon
36 the order of a designated person or bearer;

37 (6) "Dealer", a person in the business of buying and
38 selling goods;

39 (7) "Debit device", a writing, card, code, number or
40 other device, other than a check, draft or similar paper
41 instrument, by the use of which a person may initiate an
42 electronic fund transfer, including but not limited to
43 devices that enable electronic transfers of benefits to
44 public assistance recipients;

45 (8) "Deceit or deceive", making a representation which
46 is false and which the actor does not believe to be true and
47 upon which the victim relies, as to a matter of fact, law,
48 value, intention or other state of mind, or concealing a
49 material fact as to the terms of a contract or agreement.
50 The term "deceit" does not, however, include falsity as to
51 matters having no pecuniary significance, or puffing by
52 statements unlikely to deceive ordinary persons in the group
53 addressed. Deception as to the actor's intention to perform
54 a promise shall not be inferred from the fact alone that he
55 did not subsequently perform the promise;

56 (9) "Deprive":

57 (a) To withhold property from the owner permanently; or

58 (b) To restore property only upon payment of reward or
59 other compensation; or

60 (c) To use or dispose of property in a manner that
61 makes recovery of the property by the owner unlikely;

62 (10) "Electronic benefits card" or "EBT card", a debit
63 card used to access food stamps or cash benefits issued by
64 the department of social services;

65 (11) "Financial institution", a bank, trust company,
66 savings and loan association, or credit union;

67 (12) "Food stamps", the nutrition assistance program
68 in Missouri that provides food and aid to low-income
69 individuals who are in need of benefits to purchase food

70 operated by the United States Department of Agriculture
71 (USDA) in conjunction with the department of social services;

72 (13) "Forcibly steals", a person, in the course of
73 stealing, uses or threatens the immediate use of physical
74 force upon another person for the purpose of:

75 (a) Preventing or overcoming resistance to the taking
76 of the property or to the retention thereof immediately
77 after the taking; or

78 (b) Compelling the owner of such property or another
79 person to deliver up the property or to engage in other
80 conduct which aids in the commission of the theft;

81 (14) "Internet service", an interactive computer
82 service or system or an information service, system, or
83 access software provider that provides or enables computer
84 access by multiple users to a computer server, and includes,
85 but is not limited to, an information service, system, or
86 access software provider that provides access to a network
87 system commonly known as the internet, or any comparable
88 system or service and also includes, but is not limited to,
89 a world wide web page, newsgroup, message board, mailing
90 list, or chat area on any interactive computer service or
91 system or other online service;

92 (15) "Means of identification", anything used by a
93 person as a means to uniquely distinguish himself or herself;

94 (16) "Merchant", a person who deals in goods of the
95 kind or otherwise by his or her occupation holds oneself out
96 as having knowledge or skill peculiar to the practices or
97 goods involved in the transaction or to whom such knowledge
98 or skill may be attributed by his or her employment of an
99 agent or broker or other intermediary who by his or her
100 occupation holds oneself out as having such knowledge or
101 skill;

102 (17) "Mislabeled", varying from the standard of truth
103 or disclosure in labeling prescribed by statute or lawfully
104 promulgated administrative regulations of this state
105 lawfully filed, or if none, as set by commercial usage; or
106 represented as being another person's product, though
107 otherwise accurately labeled as to quality and quantity;

108 (18) "Pharmacy", any building, warehouse, physician's
109 office, hospital, pharmaceutical house or other structure
110 used in whole or in part for the sale, storage, or
111 dispensing of any controlled substance as defined in chapter
112 195;

113 (19) "Property", anything of value, whether real or
114 personal, tangible or intangible, in possession or in
115 action, and shall include but not be limited to the evidence
116 of a debt actually executed but not delivered or issued as a
117 valid instrument;

118 (20) "Public assistance benefits", anything of value,
119 including money, food, EBT cards, food stamps, commodities,
120 clothing, utilities, utilities payments, shelter, drugs and
121 medicine, materials, goods, and any service including
122 institutional care, medical care, dental care, child care,
123 psychiatric and psychological service, rehabilitation
124 instruction, training, transitional assistance, or
125 counseling, received by or paid on behalf of any person
126 under chapters 198, 205, 207, 208, 209, and 660, or
127 benefits, programs, and services provided or administered by
128 the Missouri department of social services or any of its
129 divisions;

130 (21) "Services" includes transportation, telephone,
131 electricity, gas, water, or other public service, cable
132 television service, video service, voice over internet
133 protocol service, or internet service, accommodation in

134 hotels, restaurants or elsewhere, admission to exhibitions
135 and use of vehicles;

136 (22) "Stealing-related offense", federal and state
137 violations of criminal statutes against stealing, robbery,
138 or buying or receiving stolen property and shall also
139 include municipal ordinances against the same if the
140 offender was either represented by counsel or knowingly
141 waived counsel in writing and the judge accepting the plea
142 or making the findings was a licensed attorney at the time
143 of the court proceedings;

144 (23) "Teller machine", an automated teller machine
145 (ATM) or interactive teller machine (ITM) is a remote
146 computer terminal owned or controlled by a financial
147 institution or a private business that allows individuals to
148 obtain financial services including obtaining cash,
149 transferring or transmitting money or digital currencies,
150 payment of bills, loading money or digital currency to a
151 payment card or other device without physical in-person
152 assistance from another person. "Teller machine" does not
153 include personally owned electronic devices used to access
154 financial services;

155 ~~[(23)]~~ (24) "Video service", the provision of video
156 programming provided through wireline facilities located at
157 least in part in the public right-of-way without regard to
158 delivery technology, including internet protocol technology
159 whether provided as part of a tier, on demand, or a per-
160 channel basis. This definition includes cable service as
161 defined by 47 U.S.C. Section 522(6), but does not include
162 any video programming provided by a commercial mobile
163 service provider as "commercial mobile service" is defined
164 in 47 U.S.C. Section 332(d), or any video programming
165 provided solely as part of and via a service that enables
166 users to access content, information, electronic mail, or

167 other services offered over the public internet, and
168 includes microwave television transmission, from a
169 multipoint distribution service not capable of reception by
170 conventional television receivers without the use of special
171 equipment;

172 [(24)] (25) "Voice over internet protocol service", a
173 service that:

174 (a) Enables real-time, two-way voice communication;

175 (b) Requires a broadband connection from the user's
176 location;

177 (c) Requires internet protocol-compatible customer
178 premises equipment; and

179 (d) Permits users generally to receive calls that
180 originate on the public switched telephone network and to
181 terminate calls to the public switched telephone network;

182 [(25)] (26) "Writing" includes printing, any other
183 method of recording information, money, coins, negotiable
184 instruments, tokens, stamps, seals, credit cards, badges,
185 trademarks and any other symbols of value, right, privilege
186 or identification.

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

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

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

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

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

19 3. The offense of stealing is a class B felony if:

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

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

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

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

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

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

51 4. The offense of stealing is a class C felony if the
52 value of the property or services appropriated is twenty-
53 five thousand dollars or more or the property is a teller
54 machine or the contents of a teller machine including cash
55 regardless of the value or amount.

56 5. The offense of stealing is a class D felony if:

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

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

61 (3) The property appropriated consists of:

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

63 (b) Any will or unrecorded deed affecting real
64 property;

65 (c) Any credit device, debit device or letter of
66 credit;

67 (d) Any firearms;

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

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

72 (g) Any original copy of an act, bill or resolution,
73 introduced or acted upon by the legislature of the state of
74 Missouri;

75 (h) Any pleading, notice, judgment or any other record
76 or entry of any court of this state, any other state or of
77 the United States;

78 (i) Any book of registration or list of voters
79 required by chapter 115;

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

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

84 (l) Any captive wildlife held under permit issued by
85 the conservation commission;

86 (m) Any controlled substance as defined by section
87 195.010;

88 (n) Ammonium nitrate;

89 (o) Any wire, electrical transformer, or metallic wire
90 associated with transmitting telecommunications, video,
91 internet, or voice over internet protocol service, or any
92 other device or pipe that is associated with conducting
93 electricity or transporting natural gas or other combustible
94 fuels; or

95 (p) Any material appropriated with the intent to use
96 such material to manufacture, compound, produce, prepare,
97 test or analyze amphetamine or methamphetamine or any of
98 their analogues.

99 6. The offense of stealing is a class E felony if:

100 (1) The property appropriated is an animal;

101 (2) The property is a catalytic converter; [or]

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

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

110 collected for shipment by a common carrier or delivery
111 service.

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

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

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

123 10. The appropriation of any property or services of a
124 type listed in subsection 2, 3, 5, or 6 of this section or
125 of a value of seven hundred fifty dollars or more may be
126 considered a separate felony and may be charged in separate
127 counts.

128 11. The value of property or services appropriated
129 pursuant to one scheme or course of conduct, whether from
130 the same or several owners and whether at the same or
131 different times, constitutes a single criminal episode and
132 may be aggregated in determining the grade of the offense,
133 except as set forth in subsection 10 of this section.

571.015. 1. Any person who commits any felony under
2 the laws of this state by, with, or through the use,
3 assistance, or aid of a dangerous instrument or deadly
4 weapon is also guilty of the offense of armed criminal
5 action, the offense of armed criminal action shall be an
6 unclassified felony, and, upon conviction, shall be punished
7 by imprisonment by the department of corrections for a term
8 of not less than three years [and not to exceed fifteen
9 years], unless the person is unlawfully possessing a

10 firearm, in which case the term of imprisonment shall be for
11 a term of not less than five years. The punishment imposed
12 pursuant to this subsection shall be in addition to and
13 consecutive to any punishment provided by law for the crime
14 committed by, with, or through the use, assistance, or aid
15 of a dangerous instrument or deadly weapon. No person
16 convicted under this subsection shall be eligible for
17 parole, probation, conditional release, or suspended
18 imposition or execution of sentence [for a period of three
19 calendar years].

20 2. Any person convicted of a second offense of armed
21 criminal action under subsection 1 of this section shall be
22 punished by imprisonment by the department of corrections
23 for a term of not less than five years [and not to exceed
24 thirty years], unless the person is unlawfully possessing a
25 firearm, in which case the term of imprisonment shall be for
26 a term not less than fifteen years. The punishment imposed
27 pursuant to this subsection shall be in addition to and
28 consecutive to any punishment provided by law for the crime
29 committed by, with, or through the use, assistance, or aid
30 of a dangerous instrument or deadly weapon. No person
31 convicted under this subsection shall be eligible for
32 parole, probation, conditional release, or suspended
33 imposition or execution of sentence [for a period of five
34 calendar years].

35 3. Any person convicted of a third or subsequent
36 offense of armed criminal action under subsection 1 of this
37 section shall be punished by imprisonment by the department
38 of corrections for a term of not less than ten years, unless
39 the person is unlawfully possessing a firearm, in which case
40 the term of imprisonment shall be no less than fifteen
41 years. The punishment imposed pursuant to this subsection
42 shall be in addition to and consecutive to any punishment

43 provided by law for the crime committed by, with, or through
44 the use, assistance, or aid of a dangerous instrument or
45 deadly weapon. No person convicted under this subsection
46 shall be eligible for parole, probation, conditional
47 release, or suspended imposition or execution of sentence
48 [for a period of ten calendar years].

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

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

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

11 2. Unlawful possession of a firearm is a class [D] C
12 felony, unless a person has been convicted of a dangerous
13 felony as defined in section 556.061 or the person has a
14 prior conviction for unlawful possession of a firearm, in
15 which case it is a class [C] B felony.

16 3. The provisions of subdivision (1) of subsection 1
17 of this section shall not apply to the possession of an
18 antique firearm.

575.010. The following definitions shall apply to this
2 chapter and chapter 576:

3 (1) "Affidavit" means any written statement which is
4 authorized or required by law to be made under oath, and
5 which is sworn to before a person authorized to administer
6 oaths;

7 (2) "Government" means any branch or agency of the
8 government of this state or of any political subdivision
9 thereof;

10 (3) "Highway" means any public road or thoroughfare
11 for vehicles, including state roads, county roads and public
12 streets, avenues, boulevards, parkways or alleys in any
13 municipality;

14 (4) "Judicial proceeding" means any official
15 proceeding in court, or any proceeding authorized by or held
16 under the supervision of a court;

17 (5) "Juror" means a grand or petit juror, including a
18 person who has been drawn or summoned to attend as a
19 prospective juror;

20 (6) "Jury" means a grand or petit jury, including any
21 panel which has been drawn or summoned to attend as
22 prospective jurors;

23 (7) "Law enforcement animal" means a dog, horse, or
24 other animal used in law enforcement or a correctional
25 facility, or by a municipal police department, fire
26 department, search and rescue unit or agency, whether the
27 animal is on duty or not on duty. The term shall include,
28 but not be limited to, accelerant detection dogs, bomb
29 detection dogs, narcotic detection dogs, search and rescue
30 dogs, and tracking animals;

31 (8) "Official proceeding" means any cause, matter, or
32 proceeding where the laws of this state require that
33 evidence considered therein be under oath or affirmation;

34 [(8) "Police animal" means a dog, horse or other
35 animal used in law enforcement or a correctional facility,
36 or by a municipal police department, fire department, search
37 and rescue unit or agency, whether the animal is on duty or
38 not on duty. The term shall include, but not be limited to,
39 accelerant detection dogs, bomb detection dogs, narcotic
40 detection dogs, search and rescue dogs and tracking animals;]

41 (9) "Public record" means any document which a public
42 servant is required by law to keep;

43 (10) "Testimony" means any oral statement under oath
44 or affirmation;

45 (11) "Victim" means any natural person against whom
46 any crime is deemed to have been perpetrated or attempted;

47 (12) "Witness" means any natural person:

48 (a) Having knowledge of the existence or nonexistence
49 of facts relating to any crime; or

50 (b) Whose declaration under oath is received as
51 evidence for any purpose; or

52 (c) Who has reported any crime to any peace officer or
53 prosecutor; or

54 (d) Who has been served with a subpoena issued under
55 the authority of any court of this state.

 575.200. 1. A person commits the offense of escape
2 from custody or attempted escape from custody if, while
3 being held in custody after arrest for any [crime] offense
4 or violation of probation or parole, he or she escapes or
5 attempts to escape from custody.

6 2. The offense of escape or attempted escape from
7 custody is a class A misdemeanor unless:

8 (1) The person escaping or attempting to escape is
9 under arrest for a felony, in which case it is a class E
10 felony; or

11 (2) The offense is committed by means of a deadly
12 weapon or dangerous instrument or by holding any person as
13 hostage, in which case it is a class A felony.

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

3 2. A person commits the offense of assault on a
4 [police] law enforcement animal if he or she knowingly
5 attempts to kill or disable or knowingly causes or attempts
6 to cause serious physical injury to a [police] law
7 enforcement animal when that animal is involved in law

8 enforcement investigation, apprehension, tracking, or
9 search, or the animal is in the custody of or under the
10 control of a law enforcement officer, department of
11 corrections officer, municipal police department, fire
12 department or a rescue unit or agency.

13 [2.] 3. The offense of assault on a [police] law
14 enforcement animal is a [class C misdemeanor, unless]:

15 (1) Class A misdemeanor, if the law enforcement animal
16 is not injured to the point of requiring veterinary care or
17 treatment;

18 (2) Class E felony if the law enforcement animal is
19 seriously injured to the point of requiring veterinary care
20 or treatment; and

21 (3) Class D felony if the assault results in the death
22 of such animal [or disables such animal to the extent it is
23 unable to be utilized as a police animal, in which case it
24 is a class E felony].

578.007. The provisions of section 574.130[,] and
2 sections 578.005 to 578.023 shall not apply to:

3 (1) Care or treatment performed by a licensed
4 veterinarian within the provisions of chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by
7 chapter 252, including all practices and privileges as
8 allowed under the Missouri Wildlife Code;

9 (4) Facilities and publicly funded zoological parks
10 currently in compliance with the federal "Animal Welfare
11 Act" as amended;

12 (5) Rodeo practices currently accepted by the
13 Professional Rodeo Cowboy's Association;

14 (6) The killing of an animal by the owner thereof, the
15 agent of such owner, or by a veterinarian at the request of
16 the owner thereof;

17 (7) The lawful, humane killing of an animal by an
18 animal control officer, the operator of an animal shelter, a
19 veterinarian, or law enforcement or health official;

20 (8) With respect to farm animals, normal or accepted
21 practices of animal husbandry;

22 (9) The killing of an animal by any person at any time
23 if such animal is outside of the owned or rented property of
24 the owner or custodian of such animal and the animal is
25 injuring any person or farm animal, but this exemption shall
26 not include [police or guard dogs] the killing or injuring
27 of a law enforcement animal while working;

28 (10) The killing of house or garden pests; or

29 (11) Field trials, training and hunting practices as
30 accepted by the Professional Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of
2 which is employed, by a law enforcement agency and that
3 bites or injures another animal or human in the course of
4 their official duties is exempt from the provisions of
5 sections 273.033 [and], 273.036 [and section], 578.012, and
6 578.024.

595.201. 1. This section shall be known and may be
2 cited as the "Sexual Assault Survivors' Bill of Rights".
3 These rights shall be in addition to other rights as
4 designated by law and no person shall discourage a person
5 from exercising these rights. For the purposes of this
6 section, "sexual assault survivor" means any person who is
7 fourteen years of age or older and who may be a victim of a
8 sexual offense who presents themselves to an appropriate
9 medical provider, law enforcement officer, prosecuting
10 attorney, or court.

11 2. [The rights provided to survivors in this section
12 attach whenever a survivor is subject to a forensic
13 examination, as provided in section 595.220; and whenever a

14 survivor is subject to an interview by a law enforcement
15 official, prosecuting attorney, or defense attorney.] A
16 sexual assault survivor retains all the rights of this
17 section [at all times] regardless of whether [the survivor
18 agrees to participate in the criminal justice system or in
19 family court; and regardless of whether the survivor
20 consents to a forensic examination to collect sexual assault
21 forensic evidence. The following rights shall be afforded
22 to sexual assault survivors] a criminal investigation or
23 prosecution results or if the survivor has previously waived
24 any of these rights. A sexual assault survivor has the
25 right to:

26 (1) [A survivor has the right to] Consult with an
27 employee or volunteer of a rape crisis center [during any
28 forensic examination that is subject to confidentiality
29 requirements pursuant to section 455.003, as well as the
30 right to have a support person of the survivor's choosing
31 present, subject to federal regulations as provided in 42
32 CFR 482; and during any interview by a law enforcement
33 official, prosecuting attorney, or defense attorney. A
34 survivor retains this right even if the survivor has waived
35 the right in a previous examination or interview;

36 (2) Reasonable costs incurred by a medical provider
37 for the forensic examination portion of the examination of a
38 survivor shall be paid by the department of public safety,
39 out of appropriations made for that purpose, as provided
40 under section 595.220. Evidentiary collection kits shall be
41 developed and made available, subject to appropriations, to
42 appropriate medical providers by the highway patrol or its
43 designees and eligible crime laboratories. All appropriate
44 medical provider charges for eligible forensic examinations
45 shall be billed to and paid by the department of public
46 safety;

47 (3) Before a medical provider commences a forensic
48 examination of a survivor, the medical provider shall
49 provide the survivor with a document to be developed by the
50 department of public safety that explains the rights of
51 survivors, pursuant to this section, in clear language that
52 is comprehensible to a person proficient in English at the
53 fifth-grade level, accessible to persons with visual
54 disabilities, and available in all major languages of the
55 state. This document shall include, but is not limited to:

56 (a) The survivor's rights pursuant to this section and
57 other rules and regulations by the department of public
58 safety and the department of health and senior services,
59 which shall be signed by the survivor of sexual assault to
60 confirm receipt;

61 (b) The survivor's right to consult with an employee
62 or volunteer of a rape crisis center, to be summoned by the
63 medical provider before the commencement of the forensic
64 examination, unless no employee or volunteer of a rape
65 crisis center can be summoned in a reasonably timely manner,
66 and to have present at least one support person of the
67 victim's choosing;

68 (c) If an employee or volunteer of a rape crisis
69 center or a support person cannot be summoned in a timely
70 manner, the ramifications of delaying the forensic
71 examination; and

72 (d) After the forensic examination, the survivor's
73 right to shower at no cost, unless showering facilities are
74 not reasonably available;

75 (4) Before commencing an interview of a survivor, a
76 law enforcement officer, prosecuting attorney, or defense
77 attorney shall inform the survivor of the following:

78 (a) The survivor's rights pursuant to this section and
79 other rules and regulations by the department of public

80 safety and the department of health and senior services,
81 which shall be signed by the survivor of sexual assault to
82 confirm receipt;

83 (b) The survivor's right to consult with an employee
84 or volunteer of a rape crisis center during any interview by
85 a law enforcement official, prosecuting attorney, or defense
86 attorney, to be summoned by the interviewer before the
87 commencement of the interview, unless no employee or
88 volunteer of a rape crisis center can be summoned in a
89 reasonably timely manner;

90 (c) The survivor's right to have a support person of
91 the survivor's choosing present during any interview by a
92 law enforcement officer, prosecuting attorney, or defense
93 attorney, unless the law enforcement officer, prosecuting
94 attorney, or defense attorney determines in his or her good
95 faith professional judgment that the presence of that
96 individual would be detrimental to the purpose of the
97 interview; and

98 (d) For interviews by a law enforcement officer, the
99 survivor's right to be interviewed by a law enforcement
100 official of the gender of the survivor's choosing. If no
101 law enforcement official of that gender is reasonably
102 available, the survivor shall be interviewed by an available
103 law enforcement official only upon the survivor's consent;

104 (5) The right to counsel during an interview by a law
105 enforcement officer or during any interaction with the legal
106 or criminal justice systems within the state;

107 (6) A law enforcement official, prosecuting attorney,
108 or defense attorney shall not, for any reason, discourage a
109 survivor from receiving a forensic examination;

110 (7) A survivor has the right to prompt analysis of
111 sexual assault forensic evidence, as provided under section
112 595.220;

113 (8) A survivor has the right to be informed, upon the
114 survivor's request, of the results of the analysis of the
115 survivor's sexual assault forensic evidence, whether the
116 analysis yielded a DNA profile, and whether the analysis
117 yielded a DNA match, either to the named perpetrator or to a
118 suspect already in CODIS. The survivor has the right to
119 receive this information through a secure and confidential
120 message in writing from the crime laboratory so that the
121 survivor can call regarding the results;

122 (9) A defendant or person accused or convicted of a
123 crime against a survivor shall have no standing to object to
124 any failure to comply with this section, and the failure to
125 provide a right or notice to a survivor under this section
126 may not be used by a defendant to seek to have the
127 conviction or sentence set aside;

128 (10) The failure of a law enforcement agency to take
129 possession of any sexual assault forensic evidence or to
130 submit that evidence for analysis within the time prescribed
131 under section 595.220 does not alter the authority of a law
132 enforcement agency to take possession of that evidence or to
133 submit that evidence to the crime laboratory, and does not
134 alter the authority of the crime laboratory to accept and
135 analyze the evidence or to upload the DNA profile obtained
136 from that evidence into CODIS. The failure to comply with
137 the requirements of this section does not constitute grounds
138 in any criminal or civil proceeding for challenging the
139 validity of a database match or of any database information,
140 and any evidence of that DNA record shall not be excluded by
141 a court on those grounds;

142 (11) No sexual assault forensic evidence shall be used
143 to prosecute a survivor for any misdemeanor crimes or any
144 misdemeanor crime pursuant to sections 579.015 to 579.185;
145 or as a basis to search for further evidence of any

146 unrelated misdemeanor crimes or any misdemeanor crime
147 pursuant to sections 579.015 to 579.185, that shall have
148 been committed by the survivor, except that sexual assault
149 forensic evidence shall be admissible as evidence in any
150 criminal or civil proceeding against the defendant or person
151 accused;

152 (12) Upon initial interaction with a survivor, a law
153 enforcement officer shall provide the survivor with a
154 document to be developed by the department of public safety
155 that explains the rights of survivors, pursuant to this
156 section, in clear language that is comprehensible to a
157 person proficient in English at the fifth-grade level,
158 accessible to persons with visual disabilities, and
159 available in all major languages of the state. This
160 document shall include, but is not limited to:

161 (a) A clear statement that a survivor is not required
162 to participate in the criminal justice system or to receive
163 a forensic examination in order to retain the rights
164 provided by this section and other relevant law;

165 (b) Telephone and internet means of contacting nearby
166 rape crisis centers and employees or volunteers of a rape
167 crisis center;

168 (c) Forms of law enforcement protection available to
169 the survivor, including temporary protection orders, and
170 the process to obtain such protection;

171 (d) Instructions for requesting the results of the
172 analysis of the survivor's sexual assault forensic
173 evidence; and

174 (e) State and federal compensation funds for medical
175 and other costs associated with the sexual assault and any
176 municipal, state, or federal right to restitution for
177 survivors in the event of a criminal trial;

178 (13) A law enforcement official shall, upon written
179 request by a survivor, furnish within fourteen days of
180 receiving such request a free, complete, and unaltered copy
181 of all law enforcement reports concerning the sexual
182 assault, regardless of whether the report has been closed by
183 the law enforcement agency;

184 (14) A prosecuting attorney shall, upon written
185 request by a survivor, provide:

186 (a) Timely notice of any pretrial disposition of the
187 case;

188 (b) Timely notice of the final disposition of the
189 case, including the conviction, sentence, and place and time
190 of incarceration;

191 (c) Timely notice of a convicted defendant's location,
192 including whenever the defendant receives a temporary,
193 provisional, or final release from custody, escapes from
194 custody, is moved from a secure facility to a less secure
195 facility, or reenters custody; and

196 (d) A convicted defendant's information on a sex
197 offender registry, if any;

198 (15) In either a civil or criminal case relating to
199 the sexual assault, a survivor has the right to be
200 reasonably protected from the defendant and persons acting
201 on behalf of the defendant, as provided under section
202 595.209 and Article I, Section 32 of the Missouri
203 Constitution;

204 (16) A survivor has the right to be free from
205 intimidation, harassment, and abuse, as provided under
206 section 595.209 and Article I, Section 32 of the Missouri
207 Constitution;

208 (17) A survivor shall not be required to submit to a
209 polygraph examination as a prerequisite to filing an

210 accusatory pleading, as provided under 595.223, or to
211 participating in any part of the criminal justice system;

212 (18) A survivor has the right to be heard through a
213 survivor impact statement at any proceeding involving a post
214 arrest release decision, plea, sentencing, post conviction
215 release decision, or any other proceeding where a right of
216 the survivor is at issue, as provided under section 595.229
217 and Article I, Section 32 of the Missouri Constitution.

218 3. For purposes of this section, the following terms
219 mean:

220 (1) "CODIS", the Federal Bureau of Investigation's
221 Combined DNA Index System that allows the storage and
222 exchange of DNA records submitted by federal, state, and
223 local DNA crime laboratories. The term "CODIS" includes the
224 National DNA Index System administered and operated by the
225 Federal Bureau of Investigation;

226 (2) "Crime", an act committed in this state which,
227 regardless of whether it is adjudicated, involves the
228 application of force or violence or the threat of force or
229 violence by the offender upon the victim and shall include
230 the crime of driving while intoxicated, vehicular
231 manslaughter and hit and run; and provided, further, that no
232 act involving the operation of a motor vehicle, except
233 driving while intoxicated, vehicular manslaughter and hit
234 and run, which results in injury to another shall constitute
235 a crime for the purpose of this section, unless such injury
236 was intentionally inflicted through the use of a motor
237 vehicle. A crime shall also include an act of terrorism, as
238 defined in 18 U.S.C. Section 2331, which has been committed
239 outside of the United States against a resident of Missouri;

240 (3) "Crime laboratory", a laboratory operated or
241 supported financially by the state, or any unit of city,
242 county, or other local Missouri government that employs at

243 least one scientist who examines physical evidence in
244 criminal matters and provides expert or opinion testimony
245 with respect to such physical evidence in a state court of
246 law;

247 (4) "Disposition", the sentencing or determination of
248 a penalty or punishment to be imposed upon a person
249 convicted of a crime or found delinquent or against who a
250 finding of sufficient facts for conviction or finding of
251 delinquency is made;

252 (5) "Law enforcement official", a sheriff and his
253 regular deputies, municipal police officer, or member of the
254 Missouri state highway patrol and such other persons as may
255 be designated by law as peace officers;

256 (6) "Medical provider", any qualified health care
257 professional, hospital, other emergency medical facility, or
258 other facility conducting a forensic examination of the
259 survivor;

260 (7) "Rape crisis center", any public or private agency
261 that offers assistance to victims of sexual assault, as the
262 term sexual assault is defined in section 455.010, who are
263 adults, as defined by section 455.010, or qualified minors,
264 as defined by section 431.056;

265 (8) "Restitution", money or services which a court
266 orders a defendant to pay or render to a survivor as part of
267 the disposition;

268 (9) "Sexual assault survivor", any person who is a
269 victim of an alleged sexual offense under sections 566.010
270 to 566.223 and, if the survivor is incompetent, deceased, or
271 a minor who is unable to consent to counseling services, the
272 parent, guardian, spouse, or any other lawful representative
273 of the survivor, unless such person is the alleged assailant;

274 (10) "Sexual assault forensic evidence", any human
275 biological specimen collected by a medical provider during a

276 forensic medical examination from an alleged survivor, as
277 provided for in section 595.220, including, but not limited
278 to, a toxicology kit;

279 (11) "Survivor", a natural person who suffers direct
280 or threatened physical, emotional, or financial harm as the
281 result of the commission or attempted commission of a
282 crime. The term "victim" also includes the family members
283 of a minor, incompetent or homicide victim.] as defined in
284 section 455.003;

285 (2) A sexual assault forensic examination as provided
286 in section 595.220, or when a telehealth network is
287 established, a forensic examination as provided in section
288 192.2520 and section 197.135;

289 (3) A shower and a change of clothing, as reasonably
290 available, at no cost to the sexual assault survivor;

291 (4) Request to be examined by an appropriate medical
292 provider or interviewed by a law enforcement officer of the
293 gender of the sexual assault survivor's choosing, when there
294 is an available appropriate medical provider or law
295 enforcement official of the gender of the sexual assault
296 survivor's choosing;

297 (5) An interpreter who can communicate in the language
298 of the sexual assault survivor's choice, as is reasonably
299 available, in a timely manner;

300 (6) Notification and basic overview of the options of
301 choosing a reported evidentiary collection kit, unreported
302 evidentiary collection kit, or anonymous evidentiary
303 collection kit as defined in section 595.220;

304 (7) Notification about the evidence tracking system as
305 defined in subsection 9 of section 595.220;

306 (8) Notification about the right to information
307 pursuant to subsection 4 of section 610.100;

308 (9) Be free from intimidation, harassment, and abuse
309 in any related criminal or civil proceeding and the right to
310 reasonable protection from the offender or any person acting
311 on behalf of the offender from harm and threats of harm
312 arising out of the survivor's disclosure of the sexual
313 assault.

314 3. An appropriate medical provider, law enforcement
315 officer, and prosecuting attorney shall provide the sexual
316 assault survivor with notification of the rights of
317 survivors pursuant to subsection 2 of this section in a
318 timely manner. Each appropriate medical provider, law
319 enforcement officer, and prosecuting attorney shall ensure
320 that the sexual assault survivor has been notified of these
321 rights.

322 4. The department of public safety shall develop a
323 document in collaboration with Missouri-based stakeholders.
324 Missouri-based stakeholders shall include, but not be
325 limited to, the following:

326 (1) Prosecuting attorneys;
327 (2) Chief law enforcement officers or their designees;
328 (3) Appropriate medical providers, as defined in
329 section 595.220;

330 (4) Representatives of the statewide coalition against
331 domestic and sexual violence;

332 (5) Representatives of rape crisis centers;

333 (6) Representatives of the Missouri Hospital
334 Association;

335 (7) The director of the Missouri highway patrol crime
336 lab or their designee; and

337 (8) The director of the department of health and
338 senior services or their designee.

339 5. The document shall include the following:

340 (1) A description of the rights of the sexual assault
341 survivor pursuant to this section; and

342 (2) Telephone and internet means for contacting the
343 local rape crisis center, as defined in 455.003.

344 The department of public safety shall provide this document
345 in clear language that is comprehensible to a person
346 proficient in English and shall provide this document in any
347 other foreign language spoken by at least five percent of
348 the population in any county or city not within a county in
349 Missouri.

595.226. 1. After August 28, 2007, any information
2 contained in any court record, whether written or published
3 on the internet, including any visual or aural recordings
4 that could be used to identify or locate any victim of an
5 offense under chapter 566 or a victim of domestic assault or
6 stalking shall be closed and redacted from such record prior
7 to disclosure to the public. Identifying information shall
8 include, but shall not be limited to, the name, home or
9 temporary address, personal email address, telephone number,
10 Social Security number, birth date, place of employment, any
11 health information, including human immunodeficiency virus
12 (HIV) status, any information from a forensic testing
13 report, or physical characteristics, including an
14 unobstructed visual image of the victim's face or body.

15 2. [If the court determines that a person or entity
16 who is requesting identifying information of a victim has a
17 legitimate interest in obtaining such information, the court
18 may allow access to the information, but only if the court
19 determines that disclosure to the person or entity would not
20 compromise the welfare or safety of such victim,] Any person
21 who is requesting identifying information of a victim and
22 who has a legitimate interest in obtaining such information
23 may petition the court for an in camera inspection of the

24 records. If the court determines the person is entitled to
25 all or any part of such records, the court may order
26 production and disclosure of the records, but only if the
27 court determines that the disclosure to the person or entity
28 would not compromise the welfare or safety of the victim,
29 and only after providing reasonable notice to the victim and
30 after allowing the victim the right to respond to such
31 request.

32 3. Notwithstanding the provisions of subsection 1 of
33 this section, the judge presiding over a case under chapter
34 566 or a case of domestic assault or stalking shall have the
35 discretion to publicly disclose identifying information
36 regarding the defendant which could be used to identify or
37 locate the victim of the crime. The victim may provide a
38 statement to the court regarding whether he or she desires
39 such information to remain closed. When making the decision
40 to disclose such information, the judge shall consider the
41 welfare and safety of the victim and any statement to the
42 court received from the victim regarding the disclosure.