

FIRST REGULAR SESSION

HOUSE BILL NO. 301

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROBERTS.

0695H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 208.151, 217.760, 558.019, 571.070, and 590.060, RSMo, and to enact in lieu thereof ten new sections relating to public safety, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 208.151, 217.760, 558.019, 571.070, and 590.060, RSMo, are
2 repealed and ten new sections enacted in lieu thereof, to be known as sections 56.601,
3 208.151, 217.760, 217.830, 544.453, 558.019, 571.070, 590.060, 590.1070, and 590.1075, to
4 read as follows:

56.601. 1. If the governor, after reviewing:

2 **(1) Federal, state, or local crime statistics; or**

3 **(2) The backlog of criminal cases in the circuit attorney's office in the City of St.**
4 **Louis,**

5
6 **determines that a threat to public safety and health exists in the City of St. Louis, the**
7 **governor may appoint a special prosecutor who shall serve for a period of five years.**
8 **The special prosecutor shall not be required to reside in the City of St. Louis, and the**
9 **special prosecutor shall not be the attorney general.**

10 **2. (1) The special prosecutor shall have exclusive jurisdiction to initiate and**
11 **prosecute the following felony offenses if a firearm is used in the commission of such**
12 **offenses:**

13 **(a) First degree murder under section 565.020;**

14 **(b) Second degree murder under section 565.021;**

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

- 15 (c) Assault in the first degree under section 565.050;
16 (d) Assault in the second degree under section 565.052;
17 (e) Robbery in the first degree under section 570.023;
18 (f) Robbery in the second degree under section 570.025; and
19 (g) Vehicle hijacking under section 570.027.

20 (2) For felony offenses listed under subdivision (1) of this subsection, the special
21 prosecutor shall have all powers, duties, and responsibilities granted to the circuit
22 attorney in the City of St. Louis under sections 56.087, 56.130, 56.360, 56.450, 56.460,
23 and 56.470. If an offense leads to criminal charges for which the special prosecutor has
24 exclusive jurisdiction, the special prosecutor shall also have exclusive jurisdiction over
25 all other charges stemming from the same criminal event. After the special prosecutor
26 has filed criminal charges in a case over which he or she has exclusive jurisdiction, the
27 special prosecutor shall continue to have exclusive jurisdiction over the entire criminal
28 case regardless of whether the charges are later reduced.

29 3. The governor may remove the special prosecutor for felony criminal
30 misconduct or incompetency.

31 4. (1) Moneys for the special prosecutor shall be provided by the state from the
32 general revenue fund. The special prosecutor shall be paid the same salary as a state
33 circuit court judge and, upon his or her appointment, shall become a member of the
34 prosecuting attorneys and circuit attorneys' retirement system as set forth under
35 sections 56.800 to 56.840.

36 (2) The special prosecutor shall have a budget, which shall be provided by the
37 state from the general revenue fund, to hire up to fifteen assistant special prosecuting
38 attorneys and up to fifteen staff members including, but not limited to, assistants, clerks,
39 reporters, grand jury reporters, legal investigators, and stenographers, as the special
40 prosecutor deems necessary. The assistant special prosecuting attorneys and staff of the
41 special prosecutor shall be subject to the same duties and responsibilities as those in the
42 circuit attorney's office in the City of St. Louis as set forth under sections 56.540, 56.550,
43 and 56.570. The salaries of all employees hired by the special prosecutor shall be set and
44 determined by the special prosecutor but shall be within the budget provided by the
45 state.

46 (3) If, at the end of the first five-year term of the special prosecutor, the
47 governor, after reviewing federal, state, or local crime statistics or the backlog of
48 criminal cases in the circuit attorney's office in the City of St. Louis, determines that a
49 threat to public safety and health or a backlog in criminal cases in the City of St. Louis
50 still exists, the governor may continue to appoint the special prosecutor for five-year
51 terms as provided under this section.

52 **5. If a special prosecutor is appointed by the governor, sections 56.450, 56.460,**
53 **and 56.470 shall be subject to the provisions of this section.**

 208.151. 1. Medical assistance on behalf of needy persons shall be known as "MO
2 HealthNet". For the purpose of paying MO HealthNet benefits and to comply with Title XIX,
3 Public Law 89-97, 1965 amendments to the federal Social Security Act (42 U.S.C. Section
4 301, et seq.) as amended, the following needy persons shall be eligible to receive MO
5 HealthNet benefits to the extent and in the manner hereinafter provided:

6 (1) All participants receiving state supplemental payments for the aged, blind and
7 disabled;

8 (2) All participants receiving aid to families with dependent children benefits,
9 including all persons under nineteen years of age who would be classified as dependent
10 children except for the requirements of subdivision (1) of subsection 1 of section 208.040.
11 Participants eligible under this subdivision who are participating in treatment court, as
12 defined in section 478.001, shall have their eligibility automatically extended sixty days from
13 the time their dependent child is removed from the custody of the participant, subject to
14 approval of the Centers for Medicare and Medicaid Services;

15 (3) All participants receiving blind pension benefits;

16 (4) All persons who would be determined to be eligible for old age assistance
17 benefits, permanent and total disability benefits, or aid to the blind benefits under the
18 eligibility standards in effect December 31, 1973, or less restrictive standards as established
19 by rule of the family support division, who are sixty-five years of age or over and are patients
20 in state institutions for mental diseases or tuberculosis;

21 (5) All persons under the age of twenty-one years who would be eligible for aid to
22 families with dependent children except for the requirements of subdivision (2) of subsection
23 1 of section 208.040, and who are residing in an intermediate care facility, or receiving active
24 treatment as inpatients in psychiatric facilities or programs, as defined in 42 U.S.C. Section
25 1396d, as amended;

26 (6) All persons under the age of twenty-one years who would be eligible for aid to
27 families with dependent children benefits except for the requirement of deprivation of
28 parental support as provided for in subdivision (2) of subsection 1 of section 208.040;

29 (7) All persons eligible to receive nursing care benefits;

30 (8) All participants receiving family foster home or nonprofit private child-care
31 institution care, subsidized adoption benefits and parental school care wherein state funds are
32 used as partial or full payment for such care;

33 (9) All persons who were participants receiving old age assistance benefits, aid to the
34 permanently and totally disabled, or aid to the blind benefits on December 31, 1973, and who
35 continue to meet the eligibility requirements, except income, for these assistance categories,

36 but who are no longer receiving such benefits because of the implementation of Title XVI of
37 the federal Social Security Act, as amended;

38 (10) Pregnant women who meet the requirements for aid to families with dependent
39 children, except for the existence of a dependent child in the home;

40 (11) Pregnant women who meet the requirements for aid to families with dependent
41 children, except for the existence of a dependent child who is deprived of parental support as
42 provided for in subdivision (2) of subsection 1 of section 208.040;

43 (12) Pregnant women or infants under one year of age, or both, whose family income
44 does not exceed an income eligibility standard equal to one hundred eighty-five percent of the
45 federal poverty level as established and amended by the federal Department of Health and
46 Human Services, or its successor agency;

47 (13) Children who have attained one year of age but have not attained six years of age
48 who are eligible for medical assistance under 6401 of P.L. 101-239 (Omnibus Budget
49 Reconciliation Act of 1989) (42 U.S.C. Sections 1396a to 1396b). The family support
50 division shall use an income eligibility standard equal to one hundred thirty-three percent of
51 the federal poverty level established by the Department of Health and Human Services, or its
52 successor agency;

53 (14) Children who have attained six years of age but have not attained nineteen years
54 of age. For children who have attained six years of age but have not attained nineteen years
55 of age, the family support division shall use an income assessment methodology which
56 provides for eligibility when family income is equal to or less than equal to one hundred
57 percent of the federal poverty level established by the Department of Health and Human
58 Services, or its successor agency. As necessary to provide MO HealthNet coverage under this
59 subdivision, the department of social services may revise the state MO HealthNet plan to
60 extend coverage under 42 U.S.C. Section 1396a(a)(10)(A)(i)(III) to children who have
61 attained six years of age but have not attained nineteen years of age as permitted by paragraph
62 (2) of subsection (n) of 42 U.S.C. Section 1396d using a more liberal income assessment
63 methodology as authorized by paragraph (2) of subsection (r) of 42 U.S.C. Section 1396a;

64 (15) The family support division shall not establish a resource eligibility standard in
65 assessing eligibility for persons under subdivision (12), (13) or (14) of this subsection. The
66 MO HealthNet division shall define the amount and scope of benefits which are available to
67 individuals eligible under each of the subdivisions (12), (13), and (14) of this subsection, in
68 accordance with the requirements of federal law and regulations promulgated thereunder;

69 (16) Notwithstanding any other provisions of law to the contrary, ambulatory prenatal
70 care shall be made available to pregnant women during a period of presumptive eligibility
71 pursuant to 42 U.S.C. Section 1396r-1, as amended;

72 (17) A child born to a woman eligible for and receiving MO HealthNet benefits under
73 this section on the date of the child's birth shall be deemed to have applied for MO HealthNet
74 benefits and to have been found eligible for such assistance under such plan on the date of
75 such birth and to remain eligible for such assistance for a period of time determined in
76 accordance with applicable federal and state law and regulations so long as the child is a
77 member of the woman's household and either the woman remains eligible for such assistance
78 or for children born on or after January 1, 1991, the woman would remain eligible for such
79 assistance if she were still pregnant. Upon notification of such child's birth, the family
80 support division shall assign a MO HealthNet eligibility identification number to the child so
81 that claims may be submitted and paid under such child's identification number;

82 (18) Pregnant women and children eligible for MO HealthNet benefits pursuant to
83 subdivision (12), (13) or (14) of this subsection shall not as a condition of eligibility for MO
84 HealthNet benefits be required to apply for aid to families with dependent children. The
85 family support division shall utilize an application for eligibility for such persons which
86 eliminates information requirements other than those necessary to apply for MO HealthNet
87 benefits. The division shall provide such application forms to applicants whose preliminary
88 income information indicates that they are ineligible for aid to families with dependent
89 children. Applicants for MO HealthNet benefits under subdivision (12), (13) or (14) of this
90 subsection shall be informed of the aid to families with dependent children program and that
91 they are entitled to apply for such benefits. Any forms utilized by the family support division
92 for assessing eligibility under this chapter shall be as simple as practicable;

93 (19) Subject to appropriations necessary to recruit and train such staff, the family
94 support division shall provide one or more full-time, permanent eligibility specialists to
95 process applications for MO HealthNet benefits at the site of a health care provider, if the
96 health care provider requests the placement of such eligibility specialists and reimburses the
97 division for the expenses including but not limited to salaries, benefits, travel, training,
98 telephone, supplies, and equipment of such eligibility specialists. The division may provide a
99 health care provider with a part-time or temporary eligibility specialist at the site of a health
100 care provider if the health care provider requests the placement of such an eligibility specialist
101 and reimburses the division for the expenses, including but not limited to the salary, benefits,
102 travel, training, telephone, supplies, and equipment, of such an eligibility specialist. The
103 division may seek to employ such eligibility specialists who are otherwise qualified for such
104 positions and who are current or former welfare participants. The division may consider
105 training such current or former welfare participants as eligibility specialists for this program;

106 (20) Pregnant women who are eligible for, have applied for and have received MO
107 HealthNet benefits under subdivision (2), (10), (11) or (12) of this subsection shall continue
108 to be considered eligible for all pregnancy-related and postpartum MO HealthNet benefits

109 provided under section 208.152 until the end of the sixty-day period beginning on the last day
110 of their pregnancy. Pregnant women receiving mental health treatment for postpartum
111 depression or related mental health conditions within sixty days of giving birth shall, subject
112 to appropriations and any necessary federal approval, be eligible for MO HealthNet benefits
113 for mental health services for the treatment of postpartum depression and related mental
114 health conditions for up to twelve additional months. Pregnant women receiving substance
115 abuse treatment within sixty days of giving birth shall, subject to appropriations and any
116 necessary federal approval, be eligible for MO HealthNet benefits for substance abuse
117 treatment and mental health services for the treatment of substance abuse for no more than
118 twelve additional months, as long as the woman remains adherent with treatment. The
119 department of mental health and the department of social services shall seek any necessary
120 waivers or state plan amendments from the Centers for Medicare and Medicaid Services and
121 shall develop rules relating to treatment plan adherence. No later than fifteen months after
122 receiving any necessary waiver, the department of mental health and the department of social
123 services shall report to the house of representatives budget committee and the senate
124 appropriations committee on the compliance with federal cost neutrality requirements;

125 (21) Case management services for pregnant women and young children at risk shall
126 be a covered service. To the greatest extent possible, and in compliance with federal law and
127 regulations, the department of health and senior services shall provide case management
128 services to pregnant women by contract or agreement with the department of social services
129 through local health departments organized under the provisions of chapter 192 or chapter
130 205 or a city health department operated under a city charter or a combined city-county health
131 department or other department of health and senior services designees. To the greatest extent
132 possible the department of social services and the department of health and senior services
133 shall mutually coordinate all services for pregnant women and children with the crippled
134 children's program, the prevention of intellectual disability and developmental disability
135 program and the prenatal care program administered by the department of health and senior
136 services. The department of social services shall by regulation establish the methodology for
137 reimbursement for case management services provided by the department of health and senior
138 services. For purposes of this section, the term "case management" shall mean those
139 activities of local public health personnel to identify prospective MO HealthNet-eligible high-
140 risk mothers and enroll them in the state's MO HealthNet program, refer them to local
141 physicians or local health departments who provide prenatal care under physician protocol
142 and who participate in the MO HealthNet program for prenatal care and to ensure that said
143 high-risk mothers receive support from all private and public programs for which they are
144 eligible and shall not include involvement in any MO HealthNet prepaid, case-managed
145 programs;

146 (22) By January 1, 1988, the department of social services and the department of
147 health and senior services shall study all significant aspects of presumptive eligibility for
148 pregnant women and submit a joint report on the subject, including projected costs and the
149 time needed for implementation, to the general assembly. The department of social services,
150 at the direction of the general assembly, may implement presumptive eligibility by regulation
151 promulgated pursuant to chapter 207;

152 (23) All participants who would be eligible for aid to families with dependent
153 children benefits except for the requirements of paragraph (d) of subdivision (1) of section
154 208.150;

155 (24) (a) All persons who would be determined to be eligible for old age assistance
156 benefits under the eligibility standards in effect December 31, 1973, as authorized by 42
157 U.S.C. Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet
158 state plan as of January 1, 2005; except that, on or after July 1, 2005, less restrictive income
159 methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be used to change the
160 income limit if authorized by annual appropriation;

161 (b) All persons who would be determined to be eligible for aid to the blind benefits
162 under the eligibility standards in effect December 31, 1973, as authorized by 42 U.S.C.
163 Section 1396a(f), or less restrictive methodologies as contained in the MO HealthNet state
164 plan as of January 1, 2005, except that less restrictive income methodologies, as authorized in
165 42 U.S.C. Section 1396a(r)(2), shall be used to raise the income limit to one hundred percent
166 of the federal poverty level;

167 (c) All persons who would be determined to be eligible for permanent and total
168 disability benefits under the eligibility standards in effect December 31, 1973, as authorized
169 by 42 U.S.C. Section 1396a(f); or less restrictive methodologies as contained in the MO
170 HealthNet state plan as of January 1, 2005; except that, on or after July 1, 2005, less
171 restrictive income methodologies, as authorized in 42 U.S.C. Section 1396a(r)(2), may be
172 used to change the income limit if authorized by annual appropriations. Eligibility standards
173 for permanent and total disability benefits shall not be limited by age;

174 (25) Persons who have been diagnosed with breast or cervical cancer and who are
175 eligible for coverage pursuant to 42 U.S.C. Section 1396a(a)(10)(A)(ii)(XVIII). Such
176 persons shall be eligible during a period of presumptive eligibility in accordance with 42
177 U.S.C. Section 1396r-1;

178 (26) Persons who are in foster care under the responsibility of the state of Missouri on
179 the date such persons attained the age of eighteen years, or at any time during the thirty-day
180 period preceding their eighteenth birthday, or persons who received foster care for at least six
181 months in another state, are residing in Missouri, and are at least eighteen years of age,
182 without regard to income or assets, if such persons:

183 (a) Are under twenty-six years of age;
184 (b) Are not eligible for coverage under another mandatory coverage group; and
185 (c) Were covered by Medicaid while they were in foster care;
186 (27) Any homeless child or homeless youth, as those terms are defined in section
187 167.020, subject to approval of a state plan amendment by the Centers for Medicare and
188 Medicaid Services; and

189 **(28) Subject to approval of a state plan amendment by the Centers for Medicare**
190 **and Medicaid Services, any person who has been released from a correctional center, as**
191 **defined in section 217.010, within the previous six months and who does not have access**
192 **to health insurance through a job or through a familial or personal relationship.**
193 **Eligibility under this subdivision shall begin on the date of release from the correctional**
194 **center and end six months after such release date, except that the person shall not be**
195 **eligible under this subdivision for any period of time during which the person has access**
196 **to health insurance through a job or through a familial or personal relationship.**

197 2. Rules and regulations to implement this section shall be promulgated in accordance
198 with chapter 536. Any rule or portion of a rule, as that term is defined in section 536.010, that
199 is created under the authority delegated in this section shall become effective only if it
200 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
201 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
202 the general assembly pursuant to chapter 536 to review, to delay the effective date or to
203 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
204 rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid
205 and void.

206 3. After December 31, 1973, and before April 1, 1990, any family eligible for
207 assistance pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the last
208 six months immediately preceding the month in which such family became ineligible for such
209 assistance because of increased income from employment shall, while a member of such
210 family is employed, remain eligible for MO HealthNet benefits for four calendar months
211 following the month in which such family would otherwise be determined to be ineligible for
212 such assistance because of income and resource limitation. After April 1, 1990, any family
213 receiving aid pursuant to 42 U.S.C. Section 601, et seq., as amended, in at least three of the
214 six months immediately preceding the month in which such family becomes ineligible for
215 such aid, because of hours of employment or income from employment of the caretaker
216 relative, shall remain eligible for MO HealthNet benefits for six calendar months following
217 the month of such ineligibility as long as such family includes a child as provided in 42
218 U.S.C. Section 1396r-6. Each family which has received such medical assistance during the
219 entire six-month period described in this section and which meets reporting requirements and

220 income tests established by the division and continues to include a child as provided in 42
221 U.S.C. Section 1396r-6 shall receive MO HealthNet benefits without fee for an additional six
222 months. The MO HealthNet division may provide by rule and as authorized by annual
223 appropriation the scope of MO HealthNet coverage to be granted to such families.

224 4. When any individual has been determined to be eligible for MO HealthNet
225 benefits, such medical assistance will be made available to him or her for care and services
226 furnished in or after the third month before the month in which he made application for such
227 assistance if such individual was, or upon application would have been, eligible for such
228 assistance at the time such care and services were furnished; provided, further, that such
229 medical expenses remain unpaid.

230 5. The department of social services may apply to the federal Department of Health
231 and Human Services for a MO HealthNet waiver amendment to the Section 1115
232 demonstration waiver or for any additional MO HealthNet waivers necessary not to exceed
233 one million dollars in additional costs to the state, unless subject to appropriation or directed
234 by statute, but in no event shall such waiver applications or amendments seek to waive the
235 services of a rural health clinic or a federally qualified health center as defined in 42 U.S.C.
236 Section 1396d(l)(1) and (2) or the payment requirements for such clinics and centers as
237 provided in 42 U.S.C. Section 1396a(a)(15) and 1396a(bb) unless such waiver application is
238 approved by the oversight committee created in section 208.955. A request for such a waiver
239 so submitted shall only become effective by executive order not sooner than ninety days after
240 the final adjournment of the session of the general assembly to which it is submitted, unless it
241 is disapproved within sixty days of its submission to a regular session by a senate or house
242 resolution adopted by a majority vote of the respective elected members thereof, unless the
243 request for such a waiver is made subject to appropriation or directed by statute.

244 6. Notwithstanding any other provision of law to the contrary, in any given fiscal
245 year, any persons made eligible for MO HealthNet benefits under subdivisions (1) to (22) of
246 subsection 1 of this section shall only be eligible if annual appropriations are made for such
247 eligibility. This subsection shall not apply to classes of individuals listed in 42 U.S.C. Section
248 1396a(a)(10)(A)(i).

249 7. (1) Notwithstanding any provision of law to the contrary, a military service
250 member, or an immediate family member residing with such military service member, who is
251 a legal resident of this state and is eligible for MO HealthNet developmental disability
252 services, shall have his or her eligibility for MO HealthNet developmental disability services
253 temporarily suspended for any period of time during which such person temporarily resides
254 outside of this state for reasons relating to military service, but shall have his or her eligibility
255 immediately restored upon returning to this state to reside.

256 (2) Notwithstanding any provision of law to the contrary, if a military service
257 member, or an immediate family member residing with such military service member, is not a
258 legal resident of this state, but would otherwise be eligible for MO HealthNet developmental
259 disability services, such individual shall be deemed eligible for MO HealthNet developmental
260 disability services for the duration of any time in which such individual is temporarily present
261 in this state for reasons relating to military service.

217.760. 1. In all felony cases and class A misdemeanor cases, the basis of which
2 misdemeanor cases are contained in chapters 565 and 566 and section 577.023, at the request
3 of a circuit judge of any circuit court, the division of probation and parole shall assign one or
4 more state probation and parole officers to make an investigation of the person convicted of
5 the crime or offense before sentence is imposed. In all felony cases in which the
6 recommended sentence established by the sentencing advisory commission pursuant to
7 subsection [7] 6 of section 558.019 includes probation but the recommendation of the
8 prosecuting attorney or circuit attorney does not include probation, the division of probation
9 and parole shall, prior to sentencing, provide the judge with a report on available alternatives
10 to incarceration. If a presentence investigation report is completed then the available
11 alternatives shall be included in the presentence investigation report.

12 2. The report of the presentence investigation or preparole investigation shall contain
13 any prior criminal record of the defendant and such information about his or her
14 characteristics, his or her financial condition, his or her social history, the circumstances
15 affecting his or her behavior as may be helpful in imposing sentence or in granting probation
16 or in the correctional treatment of the defendant, information concerning the impact of the
17 crime upon the victim, the recommended sentence established by the sentencing advisory
18 commission and available alternatives to incarceration including opportunities for restorative
19 justice, as well as a recommendation by the probation and parole officer. The officer shall
20 secure such other information as may be required by the court and, whenever it is practicable
21 and needed, such investigation shall include a physical and mental examination of the
22 defendant.

**217.830. 1. The department, working in conjunction with the department of
2 health and senior services and the department of revenue, shall provide every Missouri-
3 born offender with a certified copy of his or her birth certificate and a state nondriver's
4 identification card before the offender's release upon expiration of his or her sentence.
5 A replacement driver's license shall be provided in lieu of a nondriver's identification
6 card when an offender has a valid state driver's license issued by the department of
7 revenue that was lost, stolen, or destroyed.**

8 **2. The provisions of subsection 1 of this section shall not apply to offenders who:**

9 (1) The department determines have a valid driver's license or nondriver's
10 identification card; except that, the department shall provide these offenders with a
11 replacement driver's license or nondriver's identification card, if necessary;

12 (2) Have an active detainer, unless the department determines that cancellation
13 of the detainer is likely or that the incarceration for which the detainer was issued will
14 be less than twelve months in duration;

15 (3) Are released due to an emergency release or a conditional medical release;

16 (4) Are not in physical custody of the department at or within one-hundred-
17 eighty days before release; or

18 (5) Are subject to sex offender residency restrictions and who, upon release
19 under such restrictions, do not have a qualifying address.

20 3. The department shall assist each offender in applying for and obtaining a
21 Social Security card before release if the offender needs a Social Security card.

22 4. For Missouri-born offenders in its custody, for purposes of assisting the
23 offender in obtaining a birth certificate, the department shall submit to the department
24 of health and senior services the offender's inmate photo or digitized photo, and as
25 provided by the offender his or her date of birth, full name at birth and any subsequent
26 legal name changes, city or county of birth, mother's full name, including her maiden
27 surname, and father's full name.

28 5. For offenders born outside this state, the department shall assist the offender
29 in completing the necessary forms or applications to obtain a Social Security card,
30 driver's license, or state identification card. The department shall also provide the
31 offender with the location and address of the appropriate licensing authority the
32 offender will need to obtain a valid identification card in proximity to the offender's
33 release address.

 544.453. Notwithstanding any provision of the law or court rule to the contrary,
2 a judge or judicial officer, when setting bail or conditions of release in all courts in
3 Missouri for any offense charged, shall consider, in addition to any factor required by
4 law, whether:

5 (1) A defendant poses a danger to a victim of a crime, the community, any
6 witness to the crime, or to any other person;

7 (2) A defendant is a flight risk;

8 (3) A defendant has committed a violent misdemeanor offense, sexual offense, or
9 felony offense in this state or any other state in the last five years; and

10 (4) A defendant has failed to appear in court as a required condition of
11 probation or parole for a violent misdemeanor or felony or a sexual offense within the
12 last three years.

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

2. The provisions of subsections 2 to 5 of this section shall ~~only~~ be applicable to ~~the offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230 when punished as a class B felony, 575.240 when punished as a class B felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished as a class A or B felony] **all classes of felonies except those set forth in chapter 579, or in chapter 195 prior to January 1, 2017, and those otherwise excluded in subsection 1 of this section.** For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include an offender's first incarceration prior to release on probation under section 217.362 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:~~

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

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

(3) If the offender has three or more previous prison commitments to the department of corrections for felonies unrelated to the present offense, the minimum prison term which

38 the offender must serve shall be eighty percent of his or her sentence or until the offender
39 attains seventy years of age, and has served at least forty percent of the sentence imposed,
40 whichever occurs first.

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

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

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

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

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

55 ~~6. [An offender who was convicted of, or pled guilty to, a felony offense other than
56 those offenses listed in subsection 2 of this section prior to August 28, 2019, shall no longer
57 be subject to the minimum prison term provisions under subsection 2 of this section, and shall
58 be eligible for parole, conditional release, or other early release by the department of
59 corrections according to the rules and regulations of the department.~~

60 7.] (1) A sentencing advisory commission is hereby created to consist of eleven
61 members. One member shall be appointed by the speaker of the house. One member shall be
62 appointed by the president pro tem of the senate. One member shall be the director of the
63 department of corrections. Six members shall be appointed by and serve at the pleasure of the
64 governor from among the following: the public defender commission; private citizens; a
65 private member of the Missouri Bar; the board of probation and parole; and a prosecutor.
66 Two members shall be appointed by the supreme court, one from a metropolitan area and one
67 from a rural area. All members shall be appointed to a four-year term. All members of the
68 sentencing commission appointed prior to August 28, 1994, shall continue to serve on the
69 sentencing advisory commission at the pleasure of the governor.

70 (2) The commission shall study sentencing practices in the circuit courts throughout
71 the state for the purpose of determining whether and to what extent disparities exist among
72 the various circuit courts with respect to the length of sentences imposed and the use of
73 probation for offenders convicted of the same or similar offenses and with similar criminal
74 histories. The commission shall also study and examine whether and to what extent

75 sentencing disparity among economic and social classes exists in relation to the sentence of
76 death and if so, the reasons therefor, if sentences are comparable to other states, if the length
77 of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall
78 compile statistics, examine cases, draw conclusions, and perform other duties relevant to the
79 research and investigation of disparities in death penalty sentencing among economic and
80 social classes.

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

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

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

90 (6) The circuit and associate circuit courts of this state, the office of the state courts
91 administrator, the department of public safety, and the department of corrections shall
92 cooperate with the commission by providing information or access to information needed by
93 the commission. The office of the state courts administrator will provide needed staffing
94 resources.

95 ~~[8-]~~ 7. Courts shall retain discretion to lower or exceed the sentence recommended by
96 the commission as otherwise allowable by law, and to order restorative justice methods, when
97 applicable.

98 ~~[9-]~~ 8. If the imposition or execution of a sentence is suspended, the court may order
99 any or all of the following restorative justice methods, or any other method that the court
100 finds just or appropriate:

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

103 (2) Offender treatment programs;

104 (3) Mandatory community service;

105 (4) Work release programs in local facilities; and

106 (5) Community-based residential and nonresidential programs.

107 **9. The provisions of this section shall apply only to offenses occurring on or after**
108 **August 28, 2003.**

109 10. Pursuant to subdivision (1) of subsection ~~[9]~~ 8 of this section, the court may order
110 the assessment and payment of a designated amount of restitution to a county law
111 enforcement restitution fund established by the county commission pursuant to section

112 50.565. Such contribution shall not exceed three hundred dollars for any charged offense.
113 Any restitution moneys deposited into the county law enforcement restitution fund pursuant
114 to this section shall only be expended pursuant to the provisions of section 50.565.

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

119 12. A person who fails to make a payment to a county law enforcement restitution
120 fund may not have his or her probation revoked solely for failing to make such payment
121 unless the judge, after evidentiary hearing, makes a finding supported by a preponderance of
122 the evidence that the person either willfully refused to make the payment or that the person
123 willfully, intentionally, and purposefully failed to make sufficient bona fide efforts to acquire
124 the resources to pay.

125 13. Nothing in this section shall be construed to allow the sentencing advisory
126 commission to issue recommended sentences in specific cases pending in the courts of this
127 state.

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

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

6 (2) **Such person is on probation or parole for a nonviolent felony under the laws**
7 **of this state or for a crime under the laws of any state or the United States that, if**
8 **committed within this state, would be a nonviolent felony;**

9 (3) **Such person is under eighteen years of age, is on public property, is not**
10 **accompanied by an adult twenty-one years of age or older, and is not possessing the**
11 **firearm as otherwise allowed by law; or**

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

14

15 **For purposes of this section, a "violent felony" is any felony offense that involves the use**
16 **or threat of force against another person and a "nonviolent felony" is any felony offense**
17 **that does not involve the use or threat of force against another person.**

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

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

 590.060. 1. The POST commission shall establish minimum standards for training
2 instructors and training centers, and the director shall establish minimum qualifications for
3 admittance into a basic training course.

4 2. The director shall license training instructors, centers, and curricula, and may
5 probate, suspend and revoke such licenses upon written notice stating the reasons for such
6 action. Any person aggrieved by a decision pursuant to this subsection may appeal as
7 provided in chapter 536.

8 3. Each person seeking entrance into a basic training program shall submit a
9 fingerprint card and authorization for a criminal history background check to include the
10 records of the Federal Bureau of Investigation to the training center where such person is
11 seeking entrance. The training center shall cause a criminal history background check to be
12 made and shall cause the resulting report to be forwarded to the director. The person seeking
13 entrance may be charged a fee for the cost of this procedure.

14 **4. Notwithstanding any other provision of law, no law enforcement agency or**
15 **political subdivision empowered by law to maintain a law enforcement agency shall**
16 **contract with any public or private entity to provide law enforcement training unless the**
17 **entity's instructors and curriculum have been approved by the department of public**
18 **safety.**

590.1070. 1. There is hereby established within the department of public safety
2 **the "Peace Officer Basic Training Tuition Reimbursement Program". Any moneys**
3 **appropriated by the general assembly for this program shall be used to provide tuition**
4 **reimbursement for:**

5 **(1) Qualifying Missouri residents who have paid tuition at a state licensed basic**
6 **law enforcement training center for the basic law enforcement training required for a**
7 **peace officer license in this state and who have been employed as full-time peace officers**
8 **in this state for a specified period; and**

9 **(2) Qualifying government entities that have paid tuition for an employee to**
10 **receive the basic law enforcement training required for a peace officer license in this**
11 **state at a licensed basic law enforcement training center when such employee has been**
12 **employed as a full-time peace officer for a specified period.**

13 **2. The Missouri POST Commission shall be the administrative agency for the**
14 **implementation of the tuition reimbursement program established under this section,**
15 **and shall:**

16 **(1) Prescribe the form and the time and method of awarding tuition**
17 **reimbursement under this section and shall supervise the processing thereof; and**

18 **(2) Select qualifying recipients to receive reimbursement under this section and**
19 **determine the manner and method of payment to the recipient.**

20 **3. To be eligible to receive tuition reimbursement under subdivision (1) of**
21 **subsection 1 of this section, a person shall:**

22 **(1) Be initially employed as a peace officer on or after September 1, 2023;**

23 **(2) Submit to the commission an initial application for tuition reimbursement,**
24 **and annually thereafter for each year of qualifying employment, in the manner and on a**
25 **form prescribed by the commission that requires:**

26 **(a) Employer verification of the person's employment as a full-time peace officer**
27 **in this state for at least one year and the person's current employment as a peace officer**
28 **in this state as of the date of the application;**

29 **(b) A transcript containing the person's basic police training coursework and his**
30 **or her date of graduation; and**

31 **(c) A statement of the total amount of tuition the applicant paid to the basic**
32 **training center for his or her basic training;**

33 **(3) Be currently employed, and have completed at least one year of employment,**
34 **as a full-time peace officer in this state; and**

35 **(4) Comply with any other requirements adopted by the commission under this**
36 **section.**

37 **4. To be eligible to receive tuition reimbursement under subdivision (2) of**
38 **subsection 1 of this section, a government entity shall:**

39 **(1) Be the employer of a peace officer who was initially employed on or after**
40 **September 1, 2023;**

41 **(2) Submit to the commission an initial application for tuition reimbursement,**
42 **and annually thereafter for each year of the employee's qualifying employment, up to**
43 **four years, in the manner and on a form prescribed by the commission that requires:**

44 **(a) Verification of the employee's full-time employment as a peace officer in this**
45 **state for at least one year and the employee's current employment as a peace officer in**
46 **this state as of the date of the application;**

47 **(b) A transcript containing the employee's basic police training coursework and**
48 **his or her date of graduation; and**

49 **(c) A statement of the total amount of tuition and fees the employer paid to the**
50 **basic training center for the employee's basic training;**

51 **(3) Certify that the employee is currently employed, and has completed at least**
52 **one year of employment, as a full-time peace officer in this state; and**

53 **(4) Comply with any other requirements adopted by the commission under this**
54 **section.**

55 **5. Tuition reimbursement granted under this section, subject to the availability**
56 **of funds, shall be reimbursed as follows:**

57 **(1) At the end of one year of continuous employment as a full-time peace officer,**
58 **an applicant or his or her employer, whichever applies, shall be eligible to receive**
59 **reimbursement for twenty-five percent of the total tuition paid to a licensed basic**
60 **training center;**

61 **(2) At the end of two, three, and four years of continuous qualifying employment**
62 **as a full-time peace officer, and submission of documents verifying continued full-time**
63 **employment as a peace officer, an applicant or his or her employer, whichever applies,**
64 **shall be eligible to receive reimbursement each year for twenty-five percent of the total**
65 **tuition paid to a licensed basic training center. A government entity may qualify for**
66 **tuition reimbursement under this subdivision for tuition paid for an employee even if**
67 **such person is no longer employed by the government entity as long as the person for**
68 **whom tuition was paid is still continuously employed as a full-time peace officer.**

69 **6. Notwithstanding any provision of this section to the contrary, the total amount**
70 **of tuition reimbursement provided under this section to an eligible person, or to a**
71 **government entity with respect to an employee, shall not exceed six thousand dollars per**
72 **person or employee.**

73 **7. The department of public safety shall promulgate all necessary rules and**
74 **regulations for the administration of the program. Any rule or portion of a rule, as that**
75 **term is defined in section 536.010, that is created under the authority delegated in this**
76 **section shall become effective only if it complies with and is subject to all of the**
77 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
78 **536 are nonseverable and if any of the powers vested with the general assembly**
79 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
80 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
81 **and any rule proposed or adopted after August 28, 2023, shall be invalid and void.**

590.1075. There is hereby created in the state treasury the "Peace Officer Basic
2 **Training Tuition Reimbursement Fund", which shall consist of moneys appropriated**
3 **annually by the general assembly from general revenue and any gifts, bequests, or**
4 **donations. The state treasurer shall be custodian of the fund. In accordance with**
5 **sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund**
6 **shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used**
7 **solely for the administration of section 590.1070. Notwithstanding the provisions of**
8 **section 33.080 to the contrary, any moneys remaining in the fund at the end of the**
9 **biennium shall not revert to the credit of the general revenue fund. The state treasurer**

10 **shall invest moneys in the fund in the same manner as other funds are invested. Any**
11 **interest and moneys earned on such investments shall be credited to the fund.**

Section B. Because immediate action is necessary to reduce crime and the backlog of
2 criminal cases, the enactment of section 56.601 of section A of this act is deemed necessary
3 for the immediate preservation of the public health, welfare, peace, and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and the enactment of
5 section 56.601 of section A of this act shall be in full force and effect upon its passage and
6 approval.

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