

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILLS NOS. 189, 36 & 37

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

0077S.05P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 43.504, 43.507, 211.031, 211.071, 217.345, 217.690, 488.650, 547.031, 552.020, 558.016, 558.019, 558.031, 565.003, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 595.209, and 610.140, RSMo, and to enact in lieu thereof twenty-eight new sections relating to criminal laws, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 43.504, 43.507, 211.031, 211.071,  
2 217.345, 217.690, 488.650, 547.031, 552.020, 558.016, 558.019,  
3 558.031, 565.003, 568.045, 571.015, 571.070, 575.010, 575.353,  
4 578.007, 578.022, 579.065, 579.068, 595.209, and 610.140, RSMo,  
5 are repealed and twenty-eight new sections enacted in lieu  
6 thereof, to be known as sections 43.504, 43.507, 211.031,  
7 211.071, 211.600, 217.345, 217.690, 547.031, 547.500, 552.020,  
8 558.016, 558.019, 558.031, 565.003, 565.258, 568.045, 571.015,  
9 571.031, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065,  
10 579.068, 579.088, 595.209, and 610.140, to read as follows:

43.504. **1.** Notwithstanding section 610.120, the  
2 sheriff of any county, the sheriff of the City of St. Louis,  
3 and the judges of the circuit courts of this state may make  
4 available, for review, information obtained from the central

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

5 repository to private entities responsible for probation  
6 supervision pursuant to sections 559.600 to 559.615, **as well**  
7 **as to expungement clinics or legal aid organizations for the**  
8 **purposes of pursuing relief under section 610.140.** When the  
9 term of probation is completed or when the material is no  
10 longer needed for purposes related to the probation **or**  
11 **expungement,** it shall be returned to the court or  
12 destroyed. Criminal history information obtained from the  
13 central repository may be made available to private entities  
14 responsible for providing services associated with drug  
15 treatment courts under sections 478.001 to 478.008 **and to**  
16 **expungement clinics or legal aid organizations for the**  
17 **purposes of pursuing relief under section 610.140.** The  
18 private entities shall not use or make this information  
19 available to any other person for any other purpose.

20 **2. For the purposes of this section, "expungement**  
21 **clinic" means a pro bono service provider established by the**  
22 **Missouri Bar, a local or specialty bar association as**  
23 **identified by the Missouri Bar, or a nonprofit organization**  
24 **located in Missouri providing legal services to indigent**  
25 **citizens of Missouri.**

43.507. 1. All criminal history information, in the  
2 possession or control of the central repository, except  
3 criminal intelligence and investigative information, may be  
4 made available to qualified persons and organizations for  
5 research, evaluative and statistical purposes under written  
6 agreements reasonably designed to ensure the security and  
7 confidentiality of the information and the protection of the  
8 privacy interests of the individuals who are subjects of the  
9 criminal history.

10 **2. Expungement clinics and legal aid organizations**  
11 **which seek to expunge the records of petitioners at no**

12 charge, pursuant to the provisions of section 610.140, shall  
13 have access to all criminal history information in the  
14 possession or control of the central repository, except  
15 criminal intelligence and investigation, for each petitioner  
16 who has executed a written agreement with said clinic or  
17 organization. In these cases, pro bono clinics and legal  
18 aid organizations shall not be subject to the provisions of  
19 subsection 3 of this section.

20 3. Prior to such information being made available,  
21 information that uniquely identifies the individual shall be  
22 deleted. Organizations receiving such criminal history  
23 information shall not reestablish the identity of the  
24 individual and associate it with the criminal history  
25 information being provided.

26 4. For purposes of this section, "expungement clinic"  
27 means a pro bono service provider established by the  
28 Missouri Bar, a local or specialty bar association as  
29 identified by the Missouri Bar, or a nonprofit organization  
30 located in Missouri providing legal services to indigent  
31 citizens of Missouri.

211.031. 1. Except as otherwise provided in this  
2 chapter, the juvenile court or the family court in circuits  
3 that have a family court as provided in chapter 487 shall  
4 have exclusive original jurisdiction in proceedings:

5 (1) Involving any child who may be a resident of or  
6 found within the county and who is alleged to be in need of  
7 care and treatment because:

8 (a) The parents, or other persons legally responsible  
9 for the care and support of the child, neglect or refuse to  
10 provide proper support, education which is required by law,  
11 medical, surgical or other care necessary for his or her  
12 well-being; except that reliance by a parent, guardian or

13 custodian upon remedial treatment other than medical or  
14 surgical treatment for a child shall not be construed as  
15 neglect when the treatment is recognized or permitted  
16 pursuant to the laws of this state;

17 (b) The child is otherwise without proper care,  
18 custody or support;

19 (c) The child was living in a room, building or other  
20 structure at the time such dwelling was found by a court of  
21 competent jurisdiction to be a public nuisance pursuant to  
22 section 195.130; or

23 (d) The child is in need of mental health services and  
24 the parent, guardian or custodian is unable to afford or  
25 access appropriate mental health treatment or care for the  
26 child;

27 (2) Involving any child who may be a resident of or  
28 found within the county and who is alleged to be in need of  
29 care and treatment because:

30 (a) The child while subject to compulsory school  
31 attendance is repeatedly and without justification absent  
32 from school;

33 (b) The child disobeys the reasonable and lawful  
34 directions of his or her parents or other custodian and is  
35 beyond their control;

36 (c) The child is habitually absent from his or her  
37 home without sufficient cause, permission, or justification;

38 (d) The behavior or associations of the child are  
39 otherwise injurious to his or her welfare or to the welfare  
40 of others; or

41 (e) The child is charged with an offense not  
42 classified as criminal, or with an offense applicable only  
43 to children; except that, the juvenile court shall not have  
44 jurisdiction over any child fifteen years of age who is

45 alleged to have violated a state or municipal traffic  
46 ordinance or regulation, the violation of which does not  
47 constitute a felony, or any child who is alleged to have  
48 violated a state or municipal ordinance or regulation  
49 prohibiting possession or use of any tobacco product;

50 (3) Involving any child who is alleged to have  
51 violated a state law or municipal ordinance, or any person  
52 who is alleged to have violated a state law or municipal  
53 ordinance prior to attaining the age of eighteen years, in  
54 which cases jurisdiction may be taken by the court of the  
55 circuit in which [the child or person resides or may be  
56 found or in which] the violation is alleged to have  
57 occurred, **except as provided in subsection 2 of this**  
58 **section;** except that, the juvenile court shall not have  
59 jurisdiction over any child fifteen years of age who is  
60 alleged to have violated a state or municipal traffic  
61 ordinance or regulation, the violation of which does not  
62 constitute a felony, and except that the juvenile court  
63 shall have concurrent jurisdiction with the municipal court  
64 over any child who is alleged to have violated a municipal  
65 curfew ordinance, and except that the juvenile court shall  
66 have concurrent jurisdiction with the circuit court on any  
67 child who is alleged to have violated a state or municipal  
68 ordinance or regulation prohibiting possession or use of any  
69 tobacco product;

70 (4) For the adoption of a person;

71 (5) For the commitment of a child to the guardianship  
72 of the department of social services as provided by law;

73 (6) Involving an order of protection pursuant to  
74 chapter 455 when the respondent is less than eighteen years  
75 of age; and

76           (7) Involving a child who has been a victim of sex  
77 trafficking or sexual exploitation.

78           2. Transfer of a matter, proceeding, jurisdiction or  
79 supervision for a child who resides in a county of this  
80 state shall be made as follows:

81           (1) Prior to the filing of a petition and upon request  
82 of any party or at the discretion of the juvenile officer,  
83 the matter in the interest of a child may be transferred by  
84 the juvenile officer, with the prior consent of the juvenile  
85 officer of the receiving court, to the county of the child's  
86 residence or the residence of the person eighteen years of  
87 age for future action;

88           (2) Upon the motion of any party or on its own motion  
89 prior to final disposition on the pending matter, the court  
90 in which a proceeding is commenced may transfer the  
91 proceeding of a child to the court located in the county of  
92 the child's residence, or the county in which the offense  
93 pursuant to subdivision (3) of subsection 1 of this section  
94 is alleged to have occurred for further action;

95           (3) Upon motion of any party or on its own motion, the  
96 court in which jurisdiction has been taken pursuant to  
97 subsection 1 of this section may at any time thereafter  
98 transfer jurisdiction of a child to the court located in the  
99 county of the child's residence for further action with the  
100 prior consent of the receiving court;

101           (4) Upon motion of any party or upon its own motion at  
102 any time following a judgment of disposition or treatment  
103 pursuant to section 211.181, the court having jurisdiction  
104 of the cause may place the child under the supervision of  
105 another juvenile court within or without the state pursuant  
106 to section 210.570 with the consent of the receiving court;

107           (5) Upon motion of any child or his or her parent, the  
108 court having jurisdiction shall grant one change of judge  
109 pursuant to Missouri supreme court rules;

110           (6) Upon the transfer of any matter, proceeding,  
111 jurisdiction or supervision of a child, certified copies of  
112 all legal and social documents and records pertaining to the  
113 case on file with the clerk of the transferring juvenile  
114 court shall accompany the transfer.

115           3. In any proceeding involving any child taken into  
116 custody in a county other than the county of the child's  
117 residence, the juvenile court of the county of the child's  
118 residence shall be notified of such taking into custody  
119 within seventy-two hours.

120           4. When an investigation by a juvenile officer  
121 pursuant to this section reveals that the only basis for  
122 action involves an alleged violation of section 167.031  
123 involving a child who alleges to be home schooled, the  
124 juvenile officer shall contact a parent or parents of such  
125 child to verify that the child is being home schooled and  
126 not in violation of section 167.031 before making a report  
127 of such a violation. Any report of a violation of section  
128 167.031 made by a juvenile officer regarding a child who is  
129 being home schooled shall be made to the prosecuting  
130 attorney of the county where the child legally resides.

131           5. The disability or disease of a parent shall not  
132 constitute a basis for a determination that a child is a  
133 child in need of care or for the removal of custody of a  
134 child from the parent without a specific showing that there  
135 is a causal relation between the disability or disease and  
136 harm to the child.

          211.071. 1. If a petition alleges that a child  
2 between the ages of [twelve] **fourteen** and eighteen has

3 committed an offense which would be considered a felony if  
4 committed by an adult, the court may, upon its own motion or  
5 upon motion by the juvenile officer, the child or the  
6 child's custodian, order a hearing and may, in its  
7 discretion, dismiss the petition and such child may be  
8 transferred to the court of general jurisdiction and  
9 prosecuted under the general law; except that if a petition  
10 alleges that **[any]** a child **between the ages of twelve and**  
11 **eighteen** has committed an offense which would be considered  
12 first degree murder under section 565.020, second degree  
13 murder under section 565.021, first degree assault under  
14 section 565.050, forcible rape under section 566.030 as it  
15 existed prior to August 28, 2013, rape in the first degree  
16 under section 566.030, forcible sodomy under section 566.060  
17 as it existed prior to August 28, 2013, sodomy in the first  
18 degree under section 566.060, first degree robbery under  
19 section 569.020 as it existed prior to January 1, 2017, or  
20 robbery in the first degree under section 570.023,  
21 distribution of drugs under section 195.211 as it existed  
22 prior to January 1, 2017, or the manufacturing of a  
23 controlled substance under section 579.055, **a dangerous**  
24 **felony as defined in section 556.061**, or has committed two  
25 or more prior unrelated offenses which would be felonies if  
26 committed by an adult, the court shall order a hearing, and  
27 may in its discretion, dismiss the petition and transfer the  
28 child to a court of general jurisdiction for prosecution  
29 under the general law.

30 2. Upon apprehension and arrest, jurisdiction over the  
31 criminal offense allegedly committed by any person between  
32 eighteen and twenty-one years of age over whom the juvenile  
33 court has retained continuing jurisdiction shall  
34 automatically terminate and that offense shall be dealt with

35 in the court of general jurisdiction as provided in section  
36 211.041.

37 3. Knowing and willful age misrepresentation by a  
38 juvenile subject shall not affect any action or proceeding  
39 which occurs based upon the misrepresentation. Any evidence  
40 obtained during the period of time in which a child  
41 misrepresents his or her age may be used against the child  
42 and will be subject only to rules of evidence applicable in  
43 adult proceedings.

44 4. Written notification of a transfer hearing shall be  
45 given to the juvenile and his or her custodian in the same  
46 manner as provided in sections 211.101 and 211.111. Notice  
47 of the hearing may be waived by the custodian. Notice shall  
48 contain a statement that the purpose of the hearing is to  
49 determine whether the child is a proper subject to be dealt  
50 with under the provisions of this chapter, and that if the  
51 court finds that the child is not a proper subject to be  
52 dealt with under the provisions of this chapter, the  
53 petition will be dismissed to allow for prosecution of the  
54 child under the general law.

55 5. The juvenile officer may consult with the office of  
56 prosecuting attorney concerning any offense for which the  
57 child could be certified as an adult under this section.  
58 The prosecuting or circuit attorney shall have access to  
59 police reports, reports of the juvenile or deputy juvenile  
60 officer, statements of witnesses and all other records or  
61 reports relating to the offense alleged to have been  
62 committed by the child. The prosecuting or circuit attorney  
63 shall have access to the disposition records of the child  
64 when the child has been adjudicated pursuant to subdivision  
65 (3) of subsection 1 of section 211.031. The prosecuting  
66 attorney shall not divulge any information regarding the

67 child and the offense until the juvenile court at a judicial  
68 hearing has determined that the child is not a proper  
69 subject to be dealt with under the provisions of this  
70 chapter.

71         6. A written report shall be prepared in accordance  
72 with this chapter developing fully all available information  
73 relevant to the criteria which shall be considered by the  
74 court in determining whether the child is a proper subject  
75 to be dealt with under the provisions of this chapter and  
76 whether there are reasonable prospects of rehabilitation  
77 within the juvenile justice system. These criteria shall  
78 include but not be limited to:

79           (1) The seriousness of the offense alleged and whether  
80 the protection of the community requires transfer to the  
81 court of general jurisdiction;

82           (2) Whether the offense alleged involved viciousness,  
83 force and violence;

84           (3) Whether the offense alleged was against persons or  
85 property with greater weight being given to the offense  
86 against persons, especially if personal injury resulted;

87           (4) Whether the offense alleged is a part of a  
88 repetitive pattern of offenses which indicates that the  
89 child may be beyond rehabilitation under the juvenile code;

90           (5) The record and history of the child, including  
91 experience with the juvenile justice system, other courts,  
92 supervision, commitments to juvenile institutions and other  
93 placements;

94           (6) The sophistication and maturity of the child as  
95 determined by consideration of his or her home and  
96 environmental situation, emotional condition and pattern of  
97 living;

98           (7) The age of the child;

99           (8) The program and facilities available to the  
100 juvenile court in considering disposition;

101           (9) Whether or not the child can benefit from the  
102 treatment or rehabilitative programs available to the  
103 juvenile court; and

104           (10) Racial disparity in certification.

105           7. If the court dismisses the petition to permit the  
106 child to be prosecuted under the general law, the court  
107 shall enter a dismissal order containing:

108           (1) Findings showing that the court had jurisdiction  
109 of the cause and of the parties;

110           (2) Findings showing that the child was represented by  
111 counsel;

112           (3) Findings showing that the hearing was held in the  
113 presence of the child and his or her counsel; and

114           (4) Findings showing the reasons underlying the  
115 court's decision to transfer jurisdiction.

116           8. A copy of the petition and order of the dismissal  
117 shall be sent to the prosecuting attorney.

118           9. When a petition has been dismissed thereby  
119 permitting a child to be prosecuted under the general law  
120 and the prosecution of the child results in a conviction,  
121 the jurisdiction of the juvenile court over that child is  
122 forever terminated, except as provided in subsection 10 of  
123 this section, for an act that would be a violation of a  
124 state law or municipal ordinance.

125           10. If a petition has been dismissed thereby  
126 permitting a child to be prosecuted under the general law  
127 and the child is found not guilty by a court of general  
128 jurisdiction, the juvenile court shall have jurisdiction  
129 over any later offense committed by that child which would  
130 be considered a misdemeanor or felony if committed by an

131 adult, subject to the certification provisions of this  
132 section.

133 11. If the court does not dismiss the petition to  
134 permit the child to be prosecuted under the general law, it  
135 shall set a date for the hearing upon the petition as  
136 provided in section 211.171.

211.600. 1. **The office of state courts administrator  
2 shall collect information related to the filing and  
3 disposition of petitions to certify juveniles pursuant to  
4 section 211.071.**

5 2. **The data collected pursuant to this section shall  
6 include the following:**

7 (1) **The number of certification petitions filed  
8 annually;**

9 (2) **The disposition of certification petitions filed  
10 annually;**

11 (3) **The offenses for which certification petitions are  
12 filed annually;**

13 (4) **The race of the juveniles for whom the  
14 certification petitions are filed annually; and**

15 (5) **The number of juveniles who have waived their  
16 right to counsel.**

17 3. **The data collected pursuant to this section shall  
18 be made publicly available annually.**

217.345. 1. **Correctional treatment programs for first  
2 offenders and offenders eighteen years of age or younger in  
3 the department shall be established, subject to the control  
4 and supervision of the director, and shall include such  
5 programs deemed necessary and sufficient for the successful  
6 rehabilitation of offenders.**

7 2. **[Correctional treatment programs for offenders who  
8 are younger than eighteen years of age shall be established,**

9 subject to the control and supervision of the director. By  
10 January 1, 1998, such] Programs **established pursuant to this**  
11 **section** shall include physical separation of offenders who  
12 are younger than eighteen years of age from offenders who  
13 are eighteen years of age or older **and shall include**  
14 **educational programs that award a high school diploma or its**  
15 **equivalent.**

16 3. The department shall have the authority to  
17 promulgate rules pursuant to subsection 2 of section 217.378  
18 to establish correctional treatment programs for offenders  
19 under age eighteen. Such rules may include:

20 (1) Establishing separate housing units for such  
21 offenders; and

22 (2) Providing housing and program space in existing  
23 housing units for such offenders that is not accessible to  
24 adult offenders.

25 4. The department shall have the authority to  
26 determine the number of juvenile offenders participating in  
27 any treatment program depending on available  
28 appropriations. The department may contract with any  
29 private or public entity for the provision of services and  
30 facilities for offenders under age eighteen. The department  
31 shall apply for and accept available federal, state and  
32 local public funds including project demonstration funds as  
33 well as private moneys to fund such services and facilities.

34 5. The department shall develop and implement an  
35 evaluation process for all juvenile offender programs.

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  
71 the first degree or] capital murder, **murder in the first**  
72 **degree or murder in the second degree, when murder in the**  
73 **second degree is committed pursuant to subdivision (1) of**  
74 **subsection 1 of section 565.021**, who was under eighteen  
75 years of age when the offender committed the offense or  
76 offenses who may be found ineligible for parole or whose  
77 parole eligibility may be controlled by section 558.047 or  
78 565.033.

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

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

92           10. Parole hearings shall, at a minimum, contain the  
93 following procedures:

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

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

100           (3) The victim or person representing the victim may  
101 call or write the parole board rather than attend the  
102 hearing;

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

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

111           (6) The parole board shall evaluate information listed  
112 in the juvenile sex offender registry pursuant to section  
113 211.425, provided the offender is between the ages of  
114 seventeen and twenty-one, as it impacts the safety of the  
115 community.

116           11. The parole board shall notify any person of the  
117 results of a parole eligibility hearing if the person  
118 indicates to the parole board a desire to be notified.

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

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

132 the community. Parole board rules shall permit parole  
133 conditions to be modified by parole officers with review and  
134 approval by supervisors.

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

139 15. Beginning January 1, 2001, the parole board shall  
140 not order a parole unless the offender has obtained a high  
141 school diploma or its equivalent, or unless the parole board  
142 is satisfied that the offender, while committed to the  
143 custody of the department, has made an honest good-faith  
144 effort to obtain a high school diploma or its equivalent;  
145 provided that the director may waive this requirement by  
146 certifying in writing to the parole board that the offender  
147 has actively participated in mandatory education programs or  
148 is academically unable to obtain a high school diploma or  
149 its equivalent.

150 16. Any rule or portion of a rule, as that term is  
151 defined in section 536.010, that is created under the  
152 authority delegated in this section shall become effective  
153 only if it complies with and is subject to all of the  
154 provisions of chapter 536 and, if applicable, section  
155 536.028. This section and chapter 536 are nonseverable and  
156 if any of the powers vested with the general assembly  
157 pursuant to chapter 536 to review, to delay the effective  
158 date, or to disapprove and annul a rule are subsequently  
159 held unconstitutional, then the grant of rulemaking  
160 authority and any rule proposed or adopted after August 28,  
161 2005, shall be invalid and void.

547.031. 1. A prosecuting or circuit attorney, in the  
2 jurisdiction in which [a person was convicted of an offense]

3 **charges were filed**, may file a motion to vacate or set aside  
4 the judgment at any time if he or she has information that  
5 the convicted person may be innocent or may have been  
6 erroneously convicted. The circuit court in which [the  
7 person was convicted] **charges were filed** shall have  
8 jurisdiction and authority to consider, hear, and decide the  
9 motion.

10 2. Upon the filing of a motion to vacate or set aside  
11 the judgment, the court shall order a hearing and shall  
12 issue findings of fact and conclusions of law on all issues  
13 presented. The attorney general shall be given notice of  
14 hearing of such a motion by the circuit clerk and shall be  
15 permitted to appear, question witnesses, and make arguments  
16 in a hearing of such a motion.

17 3. The court shall grant the motion of the prosecuting  
18 or circuit attorney to vacate or set aside the judgment  
19 where the court finds that there is clear and convincing  
20 evidence of actual innocence or constitutional error at the  
21 original trial or plea that undermines the confidence in the  
22 judgment. In considering the motion, the court shall take  
23 into consideration the evidence presented at the original  
24 trial or plea; the evidence presented at any direct appeal  
25 or post-conviction proceedings, including state or federal  
26 habeas actions; and the information and evidence presented  
27 at the hearing on the motion.

28 4. The prosecuting attorney or circuit attorney shall  
29 have the authority and right to file and maintain an appeal  
30 of the denial or disposal of such a motion. The attorney  
31 general may file a motion to intervene and, in addition to  
32 such motion, file a motion to dismiss the motion to vacate  
33 or to set aside the judgment in any appeal filed by the  
34 prosecuting or circuit attorney.

547.500. 1. The Missouri office of prosecution services may establish a conviction review unit to investigate claims of actual innocence of any defendant including those who plead guilty.

2. The Missouri office of prosecution services shall have the power to promulgate rules and regulations to receive and investigate claims of actual innocence.

3. The Missouri office of prosecution services shall create an application process that at a minimum shall include that:

(1) Any application for review of a claim of actual innocence shall not have any excessive fees and fees shall be waived in cases of indigence;

(2) No application shall be accepted if there is any pending motion, writ, appeal, or other matter pending regarding the defendant's conviction. Any application filed shall be considered a pleading under the Missouri rules of civil procedure and all attorneys shall comply with supreme court rule 55.03 when signing the application and the application shall be sworn and signed under penalty of perjury by the applicant. Any witness statements attached shall be sworn and signed under penalty of perjury; and

(3) Any review and investigation shall be based on newly discovered evidence of actual innocence not presented at a trial. Such newly discovered and verifiable evidence shall establish by clear and convincing evidence the actual innocence of the defendant.

4. The conviction review unit shall consist of two attorneys, hired by the executive director of the Missouri office of prosecution services, who have extensive experience prosecuting and defending criminal matters, an investigator, a paralegal, and such administrative staff as

33 is needed to efficiently and effectively process all  
34 applications and claims. The executive director of the  
35 Missouri office of prosecution services shall coordinate the  
36 activities and budget of the conviction review unit and act  
37 as an ex officio member of the unit.

38 5. Once the review is complete, the conviction review  
39 unit shall present its findings and recommendations to:

40 (1) The office of the prosecuting attorney or circuit  
41 attorney who prosecuted the defendant's case; the attorney  
42 general's office if it prosecuted the case, or the special  
43 prosecutor who prosecuted the case; or

44 (2) If the review was requested by a prosecuting  
45 attorney's office, the circuit attorney's office, attorney  
46 general, or special prosecutor, the findings and  
47 recommendation shall be presented to the office which  
48 requested the review.

49 6. The circuit attorney, prosecuting attorney of any  
50 county, special prosecutor, attorney general's office if it  
51 prosecuted the case, Missouri office of prosecution  
52 services, or other prosecutor who prosecuted the case is not  
53 required to accept or follow the findings and  
54 recommendations of the conviction review unit.

55 7. (1) The application, investigation, reports,  
56 interviews, findings, and recommendations, and any  
57 documents, written, electronic or otherwise, received or  
58 generated by the conviction review unit are closed records.

59 (2) The conviction review unit's findings and  
60 recommendations submitted to the prosecuting attorney,  
61 circuit attorney, the attorney general's office if it  
62 prosecuted the case, or the special prosecutor who  
63 prosecuted the case, shall become open records after the  
64 receiving entity of the submission makes a decision not to

65 **pursue a motion under section 547.031 or, if such a motion**  
66 **is filed, after the finality of all proceedings under**  
67 **section 547.031, including appeals authorized therein.**

552.020. 1. No person who as a result of mental  
2 disease or defect lacks capacity to understand the  
3 proceedings against him or her or to assist in his or her  
4 own defense shall be tried, convicted or sentenced for the  
5 commission of an offense so long as the incapacity endures.

6 2. Whenever any judge has reasonable cause to believe  
7 that the accused lacks mental fitness to proceed, the judge  
8 shall, upon his or her own motion or upon motion filed by  
9 the state or by or on behalf of the accused, by order of  
10 record, appoint one or more private psychiatrists or  
11 psychologists, as defined in section 632.005, or physicians  
12 with a minimum of one year training or experience in  
13 providing treatment or services to persons with an  
14 intellectual disability or developmental disability or  
15 mental illness, who are neither employees nor contractors of  
16 the department of mental health for purposes of performing  
17 the examination in question, to examine the accused; or  
18 shall direct the director to have the accused so examined by  
19 one or more psychiatrists or psychologists, as defined in  
20 section 632.005, or physicians with a minimum of one year  
21 training or experience in providing treatment or services to  
22 persons with an intellectual disability, developmental  
23 disability, or mental illness. The order shall direct that  
24 a written report or reports of such examination be filed  
25 with the clerk of the court. No private physician,  
26 psychiatrist, or psychologist shall be appointed by the  
27 court unless he or she has consented to act. The  
28 examinations ordered shall be made at such time and place  
29 and under such conditions as the court deems proper; except

30 that, if the order directs the director of the department to  
31 have the accused examined, the director, or his or her  
32 designee, shall determine the time, place and conditions  
33 under which the examination shall be conducted. The order  
34 may include provisions for the interview of witnesses and  
35 may require the provision of police reports to the  
36 department for use in evaluations. The department shall  
37 establish standards and provide training for those  
38 individuals performing examinations pursuant to this section  
39 and section 552.030. No individual who is employed by or  
40 contracts with the department shall be designated to perform  
41 an examination pursuant to this chapter unless the  
42 individual meets the qualifications so established by the  
43 department. Any examination performed pursuant to this  
44 subsection shall be completed and filed with the court  
45 within sixty days of the order unless the court for good  
46 cause orders otherwise. Nothing in this section or section  
47 552.030 shall be construed to permit psychologists to engage  
48 in any activity not authorized by chapter 337. One pretrial  
49 evaluation shall be provided at no charge to the defendant  
50 by the department. All costs of subsequent evaluations  
51 shall be assessed to the party requesting the evaluation.

52 3. A report of the examination made under this section  
53 shall include:

54 (1) Detailed findings;

55 (2) An opinion as to whether the accused has a mental  
56 disease or defect;

57 (3) An opinion based upon a reasonable degree of  
58 medical or psychological certainty as to whether the  
59 accused, as a result of a mental disease or defect, lacks  
60 capacity to understand the proceedings against him or her or  
61 to assist in his or her own defense;

62           (4) An opinion, if the accused is found to lack  
63 capacity to understand the proceedings against him or her or  
64 to assist in his or her own defense, as to whether there is  
65 a substantial probability that the accused will be mentally  
66 fit to proceed in the reasonably foreseeable future;

67           [(4)] (5) A recommendation as to whether the accused  
68 should be held in custody in a suitable hospital facility  
69 for treatment pending determination, by the court, of mental  
70 fitness to proceed; [and

71           (5)] (6) A recommendation as to whether the accused,  
72 if found by the court to be mentally fit to proceed, should  
73 be detained in such hospital facility pending further  
74 proceedings;

75           (7) A recommendation as to whether the accused, if  
76 found by the court to lack the mental fitness to proceed,  
77 should be committed to a suitable hospital facility for  
78 treatment to restore the mental fitness to proceed or if  
79 such treatments to restore the mental fitness to proceed may  
80 be provided in a county jail or other detention facility  
81 approved by the director or his or her designee; and

82           (8) A recommendation as to whether the accused, if  
83 found by the court to lack the mental fitness to proceed,  
84 and the accused is not charged with a dangerous felony as  
85 defined in section 556.061, or murder in the first degree  
86 pursuant to section 565.020, or rape in the second degree  
87 pursuant to section 566.031, or the attempts thereof:

88           (a) Should be committed to a suitable hospital  
89 facility; or

90           (b) May be appropriately treated in the community; and

91           (c) Whether the accused can comply with bond  
92 conditions as set forth by the court and can comply with

93 treatment conditions and requirements as set forth by the  
94 director of the department or his or her designee.

95 4. When the court determines that the accused can  
96 comply with the bond and treatment conditions as referenced  
97 in paragraph (c) of subdivision (8) of subsection 3 of this  
98 section, the court shall order that the accused remain on  
99 bond while receiving treatment until the case is disposed of  
100 as set out in subsection 12 of this section. If, at any  
101 time, the court finds that the accused has failed to comply  
102 with the bond or treatment conditions, then the court may  
103 order that the accused be taken into law enforcement custody  
104 until such time as a department inpatient bed is available  
105 to provide treatment as set forth in this section.

106 [4.] 5. If the accused has pleaded lack of  
107 responsibility due to mental disease or defect or has given  
108 the written notice provided in subsection 2 of section  
109 552.030, the court shall order the report of the examination  
110 conducted pursuant to this section to include, in addition  
111 to the information required in subsection 3 of this section,  
112 an opinion as to whether at the time of the alleged criminal  
113 conduct the accused, as a result of mental disease or  
114 defect, did not know or appreciate the nature, quality, or  
115 wrongfulness of his or her conduct or as a result of mental  
116 disease or defect was incapable of conforming his or her  
117 conduct to the requirements of law. A plea of not guilty by  
118 reason of mental disease or defect shall not be accepted by  
119 the court in the absence of any such pretrial evaluation  
120 which supports such a defense. In addition, if the accused  
121 has pleaded not guilty by reason of mental disease or  
122 defect, and the alleged crime is not a dangerous felony as  
123 defined in section 556.061, or those crimes set forth in  
124 subsection 10 of section 552.040, or the attempts thereof,

125 the court shall order the report of the examination to  
126 include an opinion as to whether or not the accused should  
127 be immediately conditionally released by the court pursuant  
128 to the provisions of section 552.040 or should be committed  
129 to a mental health or developmental disability facility. If  
130 such an evaluation is conducted at the direction of the  
131 director of the department of mental health, the court shall  
132 also order the report of the examination to include an  
133 opinion as to the conditions of release which are consistent  
134 with the needs of the accused and the interest of public  
135 safety, including, but not limited to, the following factors:

136 (1) Location and degree of necessary supervision of  
137 housing;

138 (2) Location of and responsibilities for appropriate  
139 psychiatric, rehabilitation and aftercare services,  
140 including the frequency of such services;

141 (3) Medication follow-up, including necessary testing  
142 to monitor medication compliance;

143 (4) At least monthly contact with the department's  
144 forensic case monitor;

145 (5) Any other conditions or supervision as may be  
146 warranted by the circumstances of the case.

147 [5.] 6. If the report contains the recommendation that  
148 the accused should be committed to or held in a suitable  
149 hospital facility pending determination of the issue of  
150 mental fitness to proceed, and if the accused is not  
151 admitted to bail or released on other conditions, the court  
152 may order that the accused be committed to or held in a  
153 suitable hospital facility pending determination of the  
154 issue of mental fitness to proceed.

155 [6.] 7. The clerk of the court shall deliver copies of  
156 the report to the prosecuting or circuit attorney and to the

157 accused or his or her counsel. The report shall not be a  
158 public record or open to the public. Within ten days after  
159 the filing of the report, both the defendant and the state  
160 shall, upon written request, be entitled to an order  
161 granting them an examination of the accused by a  
162 psychiatrist or psychologist, as defined in section 632.005,  
163 or a physician with a minimum of one year training or  
164 experience in providing treatment or services to persons  
165 with an intellectual disability or developmental disability  
166 or mental illness, of their own choosing and at their own  
167 expense. An examination performed pursuant to this  
168 subsection shall be completed and a report filed with the  
169 court within sixty days of the date it is received by the  
170 department or private psychiatrist, psychologist or  
171 physician unless the court, for good cause, orders  
172 otherwise. A copy shall be furnished the opposing party.

173 [7.] 8. If neither the state nor the accused nor his  
174 or her counsel requests a second examination relative to  
175 fitness to proceed or contests the findings of the report  
176 referred to in subsections 2 and 3 of this section, the  
177 court [may] **shall** make a determination and finding on the  
178 basis of the report filed or [may] hold a hearing on its own  
179 motion. If any such opinion is contested, the court shall  
180 hold a hearing on the issue. The court shall determine the  
181 issue of mental fitness to proceed and may impanel a jury of  
182 six persons to assist in making the determination. The  
183 report or reports may be received in evidence at any hearing  
184 on the issue but the party contesting any opinion therein  
185 shall have the right to summon and to cross-examine the  
186 examiner who rendered such opinion and to offer evidence  
187 upon the issue.

188           [8.] 9. At a hearing on the issue pursuant to  
189 subsection [7] 8 of this section, the accused is presumed to  
190 have the mental fitness to proceed. The burden of proving  
191 that the accused does not have the mental fitness to proceed  
192 is by a preponderance of the evidence and the burden of  
193 going forward with the evidence is on the party raising the  
194 issue. The burden of going forward shall be on the state if  
195 the court raises the issue.

196           [9.] 10. If the court determines that the accused  
197 lacks mental fitness to proceed, the criminal proceedings  
198 shall be suspended and the court shall commit him or her to  
199 the director of the department of mental health. **The**  
200 **director of the department, or his or her designee, shall**  
201 **notify the court and the parties of the location and**  
202 **conditions for treatment.** After the person has been  
203 committed, legal counsel for the department of mental health  
204 shall have standing to file motions and participate in  
205 hearings on the issue of involuntary medications.

206           [10.] 11. Any person committed pursuant to subsection  
207 [9] 10 of this section shall be entitled to the writ of  
208 habeas corpus upon proper petition to the court that  
209 committed him or her. The issue of the mental fitness to  
210 proceed after commitment under subsection [9] 10 of this  
211 section may also be raised by a motion filed by the director  
212 of the department of mental health or by the state, alleging  
213 the mental fitness of the accused to proceed. A report  
214 relating to the issue of the accused's mental fitness to  
215 proceed may be attached thereto. When a motion to proceed  
216 is filed, legal counsel for the department of mental health  
217 shall have standing to participate in hearings on such  
218 motions. If the motion is not contested by the accused or  
219 his or her counsel or if after a hearing on a motion the

220 court finds the accused mentally fit to proceed, or if he or  
221 she is ordered discharged from the director's custody upon a  
222 habeas corpus hearing, the criminal proceedings shall be  
223 resumed.

224 [11.] 12. The following provisions shall apply after a  
225 commitment as provided in this section:

226 (1) Six months after such commitment, the court which  
227 ordered the accused committed shall order an examination by  
228 the head of the facility in which the accused is committed,  
229 or a qualified designee, to ascertain whether the accused is  
230 mentally fit to proceed and if not, whether there is a  
231 substantial probability that the accused will attain the  
232 mental fitness to proceed to trial in the foreseeable  
233 future. The order shall direct that written report or  
234 reports of the examination be filed with the clerk of the  
235 court within thirty days and the clerk shall deliver copies  
236 to the prosecuting attorney or circuit attorney and to the  
237 accused or his or her counsel. The report required by this  
238 subsection shall conform to the requirements under  
239 subsection 3 of this section [with the additional  
240 requirement that it] **and shall** include an opinion, if the  
241 accused lacks mental fitness to proceed, as to whether there  
242 is a substantial probability that the accused will attain  
243 the mental fitness to proceed in the foreseeable future;

244 (2) Within ten days after the filing of the report,  
245 both the accused and the state shall, upon written request,  
246 be entitled to an order granting them an examination of the  
247 accused by a psychiatrist or psychologist, as defined in  
248 section 632.005, or a physician with a minimum of one year  
249 training or experience in providing treatment or services to  
250 persons with an intellectual disability or developmental  
251 disability or mental illness, of their own choosing and at

252 their own expense. An examination performed pursuant to  
253 this subdivision shall be completed and filed with the court  
254 within thirty days unless the court, for good cause, orders  
255 otherwise. A copy shall be furnished to the opposing party;

256 (3) If neither the state nor the accused nor his or  
257 her counsel requests a second examination relative to  
258 fitness to proceed or contests the findings of the report  
259 referred to in subdivision (1) of this subsection, the court  
260 may make a determination and finding on the basis of the  
261 report filed, or may hold a hearing on its own motion. If  
262 any such opinion is contested, the court shall hold a  
263 hearing on the issue. The report or reports may be received  
264 in evidence at any hearing on the issue but the party  
265 contesting any opinion therein relative to fitness to  
266 proceed shall have the right to summon and to cross-examine  
267 the examiner who rendered such opinion and to offer evidence  
268 upon the issue;

269 (4) If the accused is found mentally fit to proceed,  
270 the criminal proceedings shall be resumed;

271 (5) If it is found that the accused lacks mental  
272 fitness to proceed but there is a substantial probability  
273 the accused will be mentally fit to proceed in the  
274 reasonably foreseeable future, the court shall continue such  
275 commitment for a period not longer than six months, after  
276 which the court shall reinstitute the proceedings required  
277 under subdivision (1) of this subsection;

278 (6) If it is found that the accused lacks mental  
279 fitness to proceed and there is no substantial probability  
280 that the accused will be mentally fit to proceed in the  
281 reasonably foreseeable future, the court shall dismiss the  
282 charges without prejudice and the accused shall be  
283 discharged, but only if proper proceedings have been filed

284 under chapter 632 or chapter 475, in which case those  
285 sections and no others will be applicable. The probate  
286 division of the circuit court shall have concurrent  
287 jurisdiction over the accused upon the filing of a proper  
288 pleading to determine if the accused shall be involuntarily  
289 detained under chapter 632, or to determine if the accused  
290 shall be declared incapacitated under chapter 475, and  
291 approved for admission by the guardian under section 632.120  
292 or 633.120, to a mental health or developmental disability  
293 facility. When such proceedings are filed, the criminal  
294 charges shall be dismissed without prejudice if the court  
295 finds that the accused is mentally ill and should be  
296 committed or that he or she is incapacitated and should have  
297 a guardian appointed. The period of limitation on  
298 prosecuting any criminal offense shall be tolled during the  
299 period that the accused lacks mental fitness to proceed.

300 [12.] 13. If the question of the accused's mental  
301 fitness to proceed was raised after a jury was impaneled to  
302 try the issues raised by a plea of not guilty and the court  
303 determines that the accused lacks the mental fitness to  
304 proceed or orders the accused committed for an examination  
305 pursuant to this section, the court may declare a mistrial.  
306 Declaration of a mistrial under these circumstances, or  
307 dismissal of the charges pursuant to subsection [11] 12 of  
308 this section, does not constitute jeopardy, nor does it  
309 prohibit the trial, sentencing or execution of the accused  
310 for the same offense after he or she has been found restored  
311 to competency.

312 [13.] 14. The result of any examinations made pursuant  
313 to this section shall not be a public record or open to the  
314 public.

315 [14.] 15. No statement made by the accused in the  
316 course of any examination or treatment pursuant to this  
317 section and no information received by any examiner or other  
318 person in the course thereof, whether such examination or  
319 treatment was made with or without the consent of the  
320 accused or upon his or her motion or upon that of others,  
321 shall be admitted in evidence against the accused on the  
322 issue of guilt in any criminal proceeding then or thereafter  
323 pending in any court, state or federal. A finding by the  
324 court that the accused is mentally fit to proceed shall in  
325 no way prejudice the accused in a defense to the crime  
326 charged on the ground that at the time thereof he or she was  
327 afflicted with a mental disease or defect excluding  
328 responsibility, nor shall such finding by the court be  
329 introduced in evidence on that issue nor otherwise be  
330 brought to the notice of the jury.

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 **or one who has been previously found guilty of a dangerous**  
24 **felony as defined in subdivision (19) of section 556.061.**

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

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

31 (2) Has been found guilty of a class A or B felony or  
32 a dangerous felony.

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

37 6. The findings of guilt shall be prior to the date of  
38 commission of the present offense.

39 7. The court shall sentence a person, who has been  
40 found to be a persistent offender or a dangerous offender,  
41 and is found guilty of a class B, C, D, or E felony to the  
42 authorized term of imprisonment for the offense that is one  
43 class higher than the offense for which the person is found  
44 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.

558.031. 1. A sentence of imprisonment shall commence  
2 when a person convicted of an offense in this state is  
3 received into the custody of the department of corrections  
4 or other place of confinement where the offender is  
5 sentenced.

6 2. Such person shall receive credit toward the service  
7 of a sentence of imprisonment for all time in prison, jail

8 or custody after [conviction] **the offense occurred** and  
9 before the commencement of the sentence, when the time in  
10 custody was related to that offense[, and]. **This credit**  
11 **shall be based upon the certification of the sheriff as**  
12 **provided in subdivision (3) of subsection 2 of section**  
13 **217.305 and may be supplemented by a certificate of a**  
14 **sheriff or other custodial officer from another jurisdiction**  
15 **having held the person on the charge of the offense for**  
16 **which the sentence of imprisonment is ordered.** The circuit  
17 court may, when pronouncing sentence, award **additional**  
18 credit for time spent in prison, jail, or custody after the  
19 offense occurred and before [conviction] **the commencement of**  
20 **the sentence** toward the service of the sentence of  
21 imprisonment **for those offenses for which the person was**  
22 **incarcerated but for whom no detainer or warrant was served,**  
23 except:

24 (1) Such credit shall only be applied once when  
25 sentences are consecutive;

26 (2) Such credit shall only be applied if the person  
27 convicted was in custody in the state of Missouri, unless  
28 such custody was compelled exclusively by the state of  
29 Missouri's action; and

30 (3) As provided in section 559.100.

31 3. The officer required by law to deliver a person  
32 convicted of an offense in this state to the department of  
33 corrections shall endorse upon the papers required by  
34 section 217.305 both the dates the offender was in custody  
35 and the period of time to be credited toward the service of  
36 the sentence of imprisonment, except as endorsed by such  
37 officer.

38 4. If a person convicted of an offense escapes from  
39 custody, such escape shall interrupt the sentence. The

40 interruption shall continue until such person is returned to  
41 the correctional center where the sentence was being served,  
42 or in the case of a person committed to the custody of the  
43 department of corrections, to any correctional center  
44 operated by the department of corrections. An escape shall  
45 also interrupt the jail time credit to be applied to a  
46 sentence which had not commenced when the escape occurred.

47 5. If a sentence of imprisonment is vacated and a new  
48 sentence imposed upon the offender for that offense, all  
49 time served under the vacated sentence shall be credited  
50 against the new sentence, unless the time has already been  
51 credited to another sentence as provided in subsection 1 of  
52 this section.

53 6. If a person released from imprisonment on parole or  
54 serving a conditional release term violates any of the  
55 conditions of his or her parole or release, he or she may be  
56 treated as a parole violator. If the parole board revokes  
57 the parole or conditional release, the paroled person shall  
58 serve the remainder of the prison term and conditional  
59 release term, as an additional prison term, and the  
60 conditionally released person shall serve the remainder of  
61 the conditional release term as a prison term, unless  
62 released on parole.

63 7. Subsection 2 of this section shall be applicable to  
64 offenses [occurring] **for which the offender was sentenced** on  
65 or after August 28, [2021] **2023**.

66 **8. The total amount of credit given shall not exceed**  
67 **the number of days between the date of offense and**  
68 **commencement of sentence.**

565.003. 1. (1) The culpable mental state necessary  
2 for a homicide offense may be found to exist if the only  
3 difference between what actually occurred and what was the

4 object of the offender's state of mind is that a different  
5 person or persons were killed.

6 (2) It shall not be a defense to a homicide charge  
7 that the identity of the person the offender intended to  
8 kill cannot be established. If the state proves beyond a  
9 reasonable doubt that the offender had the requisite mental  
10 state toward a specific person or a general class of persons  
11 who are not identified or who are not identifiable, such  
12 intent shall be transferred to a person who is killed by the  
13 offender while such mental state existed.

14 2. The length of time which transpires between conduct  
15 which results in a death and is the basis of a homicide  
16 offense and the event of such death is no defense to any  
17 charge of homicide.

565.258. 1. There is hereby created the "Stop  
2 Cyberstalking and Harassment Task Force" to consist of the  
3 following members:

4 (1) The following four members of the general assembly:

5 (a) Two members of the senate, with one member to be  
6 appointed by the president pro tempore of the senate and one  
7 member to be appointed by the minority floor leader; and

8 (b) Two members of the house of representatives, with  
9 one member to be appointed by the speaker of the house of  
10 representatives and one member to be appointed by the  
11 minority floor leader;

12 (2) The director of the department of public safety or  
13 his or her designee;

14 (3) A representative of the Missouri highway patrol  
15 appointed by the superintendent of the Missouri highway  
16 patrol;

17           (4) A representative of the Missouri Association of  
18 Prosecuting Attorneys appointed by the president of the  
19 Missouri Association of Prosecuting Attorneys;

20           (5) One or more law enforcement officers with  
21 experience relating to cyberstalking and harassment  
22 appointed by the governor;

23           (6) One or more representatives from a regional cyber  
24 crime task force appointed by the governor;

25           (7) A person with experience in training law  
26 enforcement on issues of cyberstalking or harassment  
27 appointed by the governor;

28           (8) A representative of a statewide coalition against  
29 domestic and sexual violence appointed by the governor;

30           (9) A representative of the Missouri safe at home  
31 program appointed by the secretary of state;

32           (10) A representative of the office of state courts  
33 administrator appointed by the state courts administrator or  
34 his or her designee;

35           (11) A mental health service provider with experience  
36 serving victims or perpetrators of crime appointed by the  
37 director of the department of mental health;

38           (12) One representative from elementary and secondary  
39 education services with experience educating people about  
40 cyberstalking and harassment appointed by the director of  
41 the department of elementary and secondary education;

42           (13) One representative from higher education services  
43 with experience educating people about cyberstalking and  
44 harassment appointed by the director of higher education and  
45 workforce development; and

46           (14) One representative with experience in  
47 cybersecurity and technology appointed by the director of  
48 the office of administration.

49           2. The task force shall appoint a chairperson who is  
50 elected by a majority vote of the members of the task  
51 force. The task force shall have an initial meeting before  
52 October 1, 2023. The members of the task force shall serve  
53 without compensation, but shall be entitled to necessary and  
54 actual expenses incurred in attending meetings of the task  
55 force.

56           3. The task force shall collect feedback from  
57 stakeholders, which may include, but shall not be limited  
58 to, victims, law enforcement, victim advocates, and digital  
59 evidence and forensics experts, to inform development of  
60 best practices regarding:

61           (1) The treatment of victims of cyberstalking or  
62 harassment; and

63           (2) Actions to stop cyberstalking and harassment when  
64 it occurs.

65           4. The task force shall study and make  
66 recommendations, including, but not limited to:

67           (1) Whether a need exists for further training for law  
68 enforcement relating to cyberstalking and harassment, and if  
69 such a need does exist, recommendations on how to best fill  
70 the need, whether legislatively or otherwise;

71           (2) Whether a need exists for increased coordination  
72 among police departments to address instances of  
73 cyberstalking or harassment, and if such a need does exist,  
74 recommendations on how to best fill the need, whether  
75 legislatively or otherwise;

76           (3) Resources and tools law enforcement may need to  
77 identify patterns and collect evidence in cases of  
78 cyberstalking or harassment;

79           (4) Whether a need exists for strengthening the rights  
80 afforded to victims of cyberstalking or harassment in

81 Missouri law, and if such a need does exist, recommendations  
82 on how to best fill the need;

83 (5) Educational and any other resources deemed  
84 necessary by the taskforce to educate and inform victims and  
85 the public on ways to protect themselves from cyberstalking  
86 and harassment;

87 (6) Whether a need exists for increased victim  
88 services and training for victim advocates relating to  
89 cyberstalking and harassment, and if such a need does exist,  
90 recommendations on how to best fill the need, whether  
91 legislatively or otherwise.

92 5. The department of public safety shall provide  
93 administrative support to the task force.

94 6. On or before December thirty-first of each year,  
95 the task force shall submit a report on its findings to the  
96 governor and the general assembly.

97 7. The task force shall expire on December 31, 2025,  
98 unless extended until December 31, 2027, as determined  
99 necessary by the department of public safety.

568.045. 1. A person commits the offense of  
2 endangering the welfare of a child in the first degree if he  
3 or she:

4 (1) Knowingly acts in a manner that creates a  
5 substantial risk to the life, body, or health of a child  
6 less than seventeen years of age; or

7 (2) Knowingly engages in sexual conduct with a person  
8 under the age of seventeen years over whom the person is a  
9 parent, guardian, or otherwise charged with the care and  
10 custody;

11 (3) Knowingly encourages, aids or causes a child less  
12 than seventeen years of age to engage in any conduct which  
13 violates the provisions of chapter 571 or 579;

14           (4) In the presence of a child less than seventeen  
15 years of age or in a residence where a child less than  
16 seventeen years of age resides, unlawfully manufactures[,]  
17 or attempts to manufacture compounds, possesses, produces,  
18 prepares, sells, transports, tests or analyzes amphetamine  
19 or methamphetamine or any of [their] **its** analogues.

20           2. The offense of endangering the welfare of a child  
21 in the first degree is a class D felony unless the offense:

22           (1) Is committed as part of an act or series of acts  
23 performed by two or more persons as part of an established  
24 or prescribed pattern of activity, or where physical injury  
25 to the child results, or the offense is a second or  
26 subsequent offense under this section, in which case the  
27 offense is a class C felony;

28           (2) Results in serious physical injury to the child,  
29 in which case the offense is a class B felony; or

30           (3) Results in the death of a child, in which case the  
31 offense is a class A felony.

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 firearm,  
10 in which case the term of imprisonment shall be for a term  
11 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.

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

3 2. A person commits the offense of unlawful discharge  
4 of a firearm if, with criminal negligence, he or she  
5 discharges a firearm within or into the limits of any  
6 municipality.

7 3. This section shall not apply if the firearm is  
8 discharged:

9 (1) As allowed by a defense of justification under  
10 chapter 563;

11 (2) On a shooting range supervised by any person  
12 eighteen years of age or older;

13 (3) To lawfully take wildlife during an open season  
14 established by the department of conservation. Nothing in  
15 this subdivision shall prevent a municipality from adopting  
16 an ordinance restricting the discharge of a firearm within  
17 one-quarter mile of an occupied structure;

18 (4) For the control of nuisance wildlife as permitted  
19 by the department of conservation or the United States Fish  
20 and Wildlife Service;

21 (5) By special permit of the chief of police of the  
22 municipality;

23 (6) As required by an animal control officer in the  
24 performance of his or her duties;

25 (7) Using blanks;

26 (8) More than one mile from any occupied structure;

27 (9) In self-defense or defense of another person  
28 against an animal attack if a reasonable person would  
29 believe that deadly physical force against the animal is

30 immediately necessary and reasonable under the circumstances  
31 to protect oneself or the other person; or

32 (10) By law enforcement personnel, as defined in  
33 section 590.1040, or a member of the United States Armed  
34 Forces if acting in an official capacity.

35 4. A person who commits the offense of unlawful  
36 discharge of a firearm shall be guilty of:

37 (1) For a first offense, a class A misdemeanor;

38 (2) For a second offense, a class E felony; and

39 (3) For a third or subsequent offense, a class D  
40 felony.

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.

575.353. 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.

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

6 (1) More than thirty grams of a mixture or substance  
7 containing a detectable amount of heroin;

8 (2) More than one hundred fifty grams of a mixture or  
9 substance containing a detectable amount of coca leaves,  
10 except coca leaves and extracts of coca leaves from which  
11 cocaine, ecgonine, and derivatives of ecgonine or their  
12 salts have been removed; cocaine salts and their optical and

13 geometric isomers, and salts of isomers; ecgonine, its  
14 derivatives, their salts, isomers, and salts of isomers; or  
15 any compound, mixture, or preparation which contains any  
16 quantity of any of the foregoing substances;

17 (3) [More than eight grams of a mixture or substance  
18 described in subdivision (2) of this subsection which  
19 contains cocaine base;

20 (4) More than five hundred milligrams of a mixture or  
21 substance containing a detectable amount of lysergic acid  
22 diethylamide (LSD);

23 [(5)] (4) More than thirty grams of a mixture or  
24 substance containing a detectable amount of phencyclidine  
25 (PCP);

26 [(6)] (5) More than four grams of phencyclidine;

27 [(7)] (6) More than thirty kilograms of a mixture or  
28 substance containing marijuana;

29 [(8)] (7) More than thirty grams of any material,  
30 compound, mixture, or preparation containing any quantity of  
31 the following substances having a stimulant effect on the  
32 central nervous system: amphetamine, its salts, optical  
33 isomers and salts of its optical isomers; methamphetamine,  
34 its salts, optical isomers and salts of its optical isomers;  
35 phenmetrazine and its salts; or methylphenidate;

36 [(9)] (8) More than thirty grams of any material,  
37 compound, mixture, or preparation which contains any  
38 quantity of 3,4-methylenedioxymethamphetamine;

39 [(10)] (9) One gram or more of flunitrazepam for the  
40 first offense;

41 [(11)] (10) Any amount of gamma-hydroxybutyric acid  
42 for the first offense; or

43 [(12)] (11) More than ten milligrams of fentanyl or  
44 carfentanil, or any derivative thereof, or any combination

45 thereof, or any compound, mixture, or substance containing a  
46 detectable amount of fentanyl or carfentanil, or their  
47 optical isomers or analogues.

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

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

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

54 (2) Four hundred fifty grams or more of a mixture or  
55 substance containing a detectable amount of coca leaves,  
56 except coca leaves and extracts of coca leaves from which  
57 cocaine, ecgonine, and derivatives of ecgonine or their  
58 salts have been removed; cocaine salts and their optical and  
59 geometric isomers, and salts of isomers; ecgonine, its  
60 derivatives, their salts, isomers, and salts of isomers; or  
61 any compound, mixture, or preparation which contains any  
62 quantity of any of the foregoing substances; or

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

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

69 [(5)] (4) Ninety grams or more of a mixture or  
70 substance containing a detectable amount of phencyclidine  
71 (PCP); or

72 [(6)] (5) Twelve grams or more of phencyclidine; or

73 [(7)] (6) One hundred kilograms or more of a mixture  
74 or substance containing marijuana; or

75 [(8)] (7) Ninety grams or more of any material,  
76 compound, mixture, or preparation containing any quantity of

77 the following substances having a stimulant effect on the  
78 central nervous system: amphetamine, its salts, optical  
79 isomers and salts of its optical isomers; methamphetamine,  
80 its salts, optical isomers and salts of its optical isomers;  
81 phenmetrazine and its salts; or methylphenidate; or

82 [(9)] (8) More than thirty grams of any material,  
83 compound, mixture, or preparation containing any quantity of  
84 the following substances having a stimulant effect on the  
85 central nervous system: amphetamine, its salts, optical  
86 isomers, and salts of its optical isomers; methamphetamine,  
87 its salts, optical isomers, and salts of its optical  
88 isomers; phenmetrazine and its salts; or methylphenidate,  
89 and the location of the offense was within two thousand feet  
90 of real property comprising a public or private elementary,  
91 vocational, or secondary school, college, community college,  
92 university, or any school bus, in or on the real property  
93 comprising public housing or any other governmental assisted  
94 housing, or within a motor vehicle, or in any structure or  
95 building which contains rooms furnished for the  
96 accommodation or lodging of guests, and kept, used,  
97 maintained, advertised, or held out to the public as a place  
98 where sleeping accommodations are sought for pay or  
99 compensation to transient guests or permanent guests; or

100 [(10)] (9) Ninety grams or more of any material,  
101 compound, mixture or preparation which contains any quantity  
102 of 3,4-methylenedioxymethamphetamine; or

103 [(11)] (10) More than thirty grams of any material,  
104 compound, mixture, or preparation which contains any  
105 quantity of 3,4-methylenedioxymethamphetamine and the  
106 location of the offense was within two thousand feet of real  
107 property comprising a public or private elementary,  
108 vocational, or secondary school, college, community college,

109 university, or any school bus, in or on the real property  
110 comprising public housing or any other governmental assisted  
111 housing, within a motor vehicle, or in any structure or  
112 building which contains rooms furnished for the  
113 accommodation or lodging of guests, and kept, used,  
114 maintained, advertised, or held out to the public as a place  
115 where sleeping accommodations are sought for pay or  
116 compensation to transient guests or permanent guests; or

117 [(12)] (11) One gram or more of flunitrazepam for a  
118 second or subsequent offense; or

119 [(13)] (12) Any amount of gamma-hydroxybutyric acid  
120 for a second or subsequent offense; or

121 [(14)] (13) Twenty milligrams or more of fentanyl or  
122 carfentanil, or any derivative thereof, or any combination  
123 thereof, or any compound, mixture, or substance containing a  
124 detectable amount of fentanyl or carfentanil, or their  
125 optical isomers or analogues.

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

6 (1) More than thirty grams of a mixture or substance  
7 containing a detectable amount of heroin;

8 (2) More than one hundred fifty grams of a mixture or  
9 substance containing a detectable amount of coca leaves,  
10 except coca leaves and extracts of coca leaves from which  
11 cocaine, ecgonine, and derivatives of ecgonine or their  
12 salts have been removed; cocaine salts and their optical and  
13 geometric isomers, and salts of isomers; ecgonine, its  
14 derivatives, their salts, isomers, and salts of isomers; or

15 any compound, mixture, or preparation which contains any  
16 quantity of any of the foregoing substances;

17 (3) [More than eight grams of a mixture or substance  
18 described in subdivision (2) of this subsection which  
19 contains cocaine base;

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

23 [(5)] (4) More than thirty grams of a mixture or  
24 substance containing a detectable amount of phencyclidine  
25 (PCP);

26 [(6)] (5) More than four grams of phencyclidine;

27 [(7)] (6) More than thirty kilograms of a mixture or  
28 substance containing marijuana;

29 [(8)] (7) More than thirty grams of any material,  
30 compound, mixture, or preparation containing any quantity of  
31 the following substances having a stimulant effect on the  
32 central nervous system: amphetamine, its salts, optical  
33 isomers and salts of its optical isomers; methamphetamine,  
34 its salts, optical isomers and salts of its optical isomers;  
35 phenmetrazine and its salts; or methylphenidate;

36 [(9)] (8) More than thirty grams of any material,  
37 compound, mixture, or preparation which contains any  
38 quantity of 3,4-methylenedioxymethamphetamine; or

39 [(10)] (9) More than ten milligrams of fentanyl or  
40 carfentanil, or any derivative thereof, or any combination  
41 thereof, or any compound, mixture, or substance containing a  
42 detectable amount of fentanyl or carfentanil, or their  
43 optical isomers or analogues.

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

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

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

50           (2) Four hundred fifty grams or more of a mixture or  
51 substance containing a detectable amount of coca leaves,  
52 except coca leaves and extracts of coca leaves from which  
53 cocaine, ecgonine, and derivatives of ecgonine or their  
54 salts have been removed; cocaine salts and their optical and  
55 geometric isomers, and salts of isomers; ecgonine, its  
56 derivatives, their salts, isomers, and salts of isomers; or  
57 any compound, mixture, or preparation which contains any  
58 quantity of any of the foregoing substances; or

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

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

65           [(5)] (4) Ninety grams or more of a mixture or  
66 substance containing a detectable amount of phencyclidine  
67 (PCP); or

68           [(6)] (5) Twelve grams or more of phencyclidine; or

69           [(7)] (6) One hundred kilograms or more of a mixture  
70 or substance containing marijuana; or

71           [(8)] (7) More than five hundred marijuana plants; or

72           [(9)] (8) Ninety grams or more but less than four  
73 hundred fifty grams of any material, compound, mixture, or  
74 preparation containing any quantity of the following  
75 substances having a stimulant effect on the central nervous  
76 system: amphetamine, its salts, optical isomers and salts  
77 of its optical isomers; methamphetamine, its salts, optical

78 isomers and salts of its optical isomers; phenmetrazine and  
79 its salts; or methylphenidate; or

80 [(10)] (9) Ninety grams or more but less than four  
81 hundred fifty grams of any material, compound, mixture, or  
82 preparation which contains any quantity of 3,4-  
83 methylenedioxymethamphetamine; or

84 [(11)] (10) Twenty milligrams or more of fentanyl or  
85 carfentanil, or any derivative thereof, or any combination  
86 thereof, or any compound, mixture, or substance containing a  
87 detectable amount of fentanyl or carfentanil, or their  
88 optical isomers or analogues.

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

93 (1) Any quantity of the following substances having a  
94 stimulant effect on the central nervous system:  
95 amphetamine, its salts, optical isomers and salts of its  
96 optical isomers; methamphetamine, its salts, isomers and  
97 salts of its isomers; phenmetrazine and its salts; or  
98 methylphenidate; or

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

100 5. The offense of drug trafficking in the second  
101 degree is a class C felony for the first offense and a class  
102 B felony for any second or subsequent offense for the  
103 trafficking of less than one gram of flunitrazepam.

**579.088. Notwithstanding any other provision of this  
2 chapter or chapter 195 to the contrary, it shall not be  
3 unlawful to manufacture, possess, sell, deliver, or use any  
4 device, equipment, or other material for the purpose of  
5 analyzing controlled substances to detect the presence of**

6 **fentanyl or any synthetic controlled substance fentanyl**  
7 **analogue.**

          595.209. 1. The following rights shall automatically  
2 be afforded to victims of dangerous felonies, as defined in  
3 section 556.061, victims of murder in the first degree, as  
4 defined in section 565.020, victims of voluntary  
5 manslaughter, as defined in section 565.023, victims of any  
6 offense under chapter 566, victims of an attempt to commit  
7 one of the preceding crimes, as defined in section 562.012,  
8 and victims of domestic assault, as defined in sections  
9 565.072 to 565.076; and, upon written request, the following  
10 rights shall be afforded to victims of all other crimes and  
11 witnesses of crimes:

12         (1) For victims, the right to be present at all  
13 criminal justice proceedings at which the defendant has such  
14 right, including juvenile proceedings where the offense  
15 would have been a felony if committed by an adult, even if  
16 the victim is called to testify or may be called to testify  
17 as a witness in the case;

18         (2) For victims, the right to information about the  
19 crime, as provided for in subdivision (5) of this subsection;

20         (3) For victims and witnesses, to be informed, in a  
21 timely manner, by the prosecutor's office of the filing of  
22 charges, preliminary hearing dates, trial dates,  
23 continuances and the final disposition of the case. Final  
24 disposition information shall be provided within five days;

25         (4) For victims, the right to confer with and to be  
26 informed by the prosecutor regarding bail hearings, guilty  
27 pleas, pleas under chapter 552 or its successors, hearings,  
28 sentencing and probation revocation hearings and the right  
29 to be heard at such hearings, including juvenile

30 proceedings, unless in the determination of the court the  
31 interests of justice require otherwise;

32 (5) The right to be informed by local law enforcement  
33 agencies, the appropriate juvenile authorities or the  
34 custodial authority of the following:

35 (a) The status of any case concerning a crime against  
36 the victim, including juvenile offenses;

37 (b) The right to be informed by local law enforcement  
38 agencies or the appropriate juvenile authorities of the  
39 availability of victim compensation assistance, assistance  
40 in obtaining documentation of the victim's losses,  
41 including, but not limited to and subject to existing law  
42 concerning protected information or closed records, access  
43 to copies of complete, unaltered, unedited investigation  
44 reports of motor vehicle, pedestrian, and other similar  
45 accidents upon request to the appropriate law enforcement  
46 agency by the victim or the victim's representative, and  
47 emergency crisis intervention services available in the  
48 community;

49 (c) Any release of such person on bond or for any  
50 other reason;

51 (d) Within twenty-four hours, any escape by such  
52 person from a municipal detention facility, county jail, a  
53 correctional facility operated by the department of  
54 corrections, mental health facility, or the division of  
55 youth services or any agency thereof, and any subsequent  
56 recapture of such person;

57 (6) For victims, the right to be informed by  
58 appropriate juvenile authorities of probation revocation  
59 hearings initiated by the juvenile authority and the right  
60 to be heard at such hearings or to offer a written  
61 statement, video or audio tape, counsel or a representative

62 designated by the victim in lieu of a personal appearance,  
63 the right to be informed by the board of probation and  
64 parole of probation revocation hearings initiated by the  
65 board and of parole hearings, the right to be present at  
66 each and every phase of parole hearings, the right to be  
67 heard at probation revocation and parole hearings or to  
68 offer a written statement, video or audio tape, counsel or a  
69 representative designated by the victim in lieu of a  
70 personal appearance, and the right to have, upon written  
71 request of the victim, a partition set up in the probation  
72 or parole hearing room in such a way that the victim is  
73 shielded from the view of the probationer or parolee, and  
74 the right to be informed by the custodial mental health  
75 facility or agency thereof of any hearings for the release  
76 of a person committed pursuant to the provisions of chapter  
77 552, the right to be present at such hearings, the right to  
78 be heard at such hearings or to offer a written statement,  
79 video or audio tape, counsel or a representative designated  
80 by the victim in lieu of personal appearance;

81 (7) For victims and witnesses, upon their written  
82 request, the right to be informed by the appropriate  
83 custodial authority, including any municipal detention  
84 facility, juvenile detention facility, county jail,  
85 correctional facility operated by the department of  
86 corrections, mental health facility, division of youth  
87 services or agency thereof if the offense would have been a  
88 felony if committed by an adult, postconviction or  
89 commitment pursuant to the provisions of chapter 552 of the  
90 following:

91 (a) The projected date of such person's release from  
92 confinement;

93 (b) Any release of such person on bond;

94           (c) Any release of such person on furlough, work  
95 release, trial release, electronic monitoring program, or to  
96 a community correctional facility or program or release for  
97 any other reason, in advance of such release;

98           (d) Any scheduled parole or release hearings,  
99 including hearings under section 217.362, regarding such  
100 person and any changes in the scheduling of such hearings.  
101 No such hearing shall be conducted without thirty days'  
102 advance notice;

103           (e) Within twenty-four hours, any escape by such  
104 person from a municipal detention facility, county jail, a  
105 correctional facility operated by the department of  
106 corrections, mental health facility, or the division of  
107 youth services or any agency thereof, and any subsequent  
108 recapture of such person;

109           (f) Any decision by a parole board, by a juvenile  
110 releasing authority or by a circuit court presiding over  
111 releases pursuant to the provisions of chapter 552, or by a  
112 circuit court presiding over releases under section 217.362,  
113 to release such person or any decision by the governor to  
114 commute the sentence of such person or pardon such person;

115           (g) Notification within thirty days of the death of  
116 such person;

117           (8) For witnesses who have been summoned by the  
118 prosecuting attorney and for victims, to be notified by the  
119 prosecuting attorney in a timely manner when a court  
120 proceeding will not go on as scheduled;

121           (9) For victims and witnesses, the right to reasonable  
122 protection from the defendant or any person acting on behalf  
123 of the defendant from harm and threats of harm arising out  
124 of their cooperation with law enforcement and prosecution  
125 efforts;

126           (10) For victims and witnesses, on charged cases or  
127 submitted cases where no charge decision has yet been made,  
128 to be informed by the prosecuting attorney of the status of  
129 the case and of the availability of victim compensation  
130 assistance and of financial assistance and emergency and  
131 crisis intervention services available within the community  
132 and information relative to applying for such assistance or  
133 services, and of any final decision by the prosecuting  
134 attorney not to file charges;

135           (11) For victims, to be informed by the prosecuting  
136 attorney of the right to restitution which shall be  
137 enforceable in the same manner as any other cause of action  
138 as otherwise provided by law;

139           (12) For victims and witnesses, to be informed by the  
140 court and the prosecuting attorney of procedures to be  
141 followed in order to apply for and receive any witness fee  
142 to which they are entitled;

143           (13) When a victim's property is no longer needed for  
144 evidentiary reasons or needs to be retained pending an  
145 appeal, the prosecuting attorney or any law enforcement  
146 agency having possession of the property shall, upon request  
147 of the victim, return such property to the victim within  
148 five working days unless the property is contraband or  
149 subject to forfeiture proceedings, or provide written  
150 explanation of the reason why such property shall not be  
151 returned;

152           (14) An employer may not discharge or discipline any  
153 witness, victim or member of a victim's immediate family for  
154 honoring a subpoena to testify in a criminal proceeding,  
155 attending a criminal proceeding, or for participating in the  
156 preparation of a criminal proceeding, or require any  
157 witness, victim, or member of a victim's immediate family to

158 use vacation time, personal time, or sick leave for honoring  
159 a subpoena to testify in a criminal proceeding, attending a  
160 criminal proceeding, or participating in the preparation of  
161 a criminal proceeding;

162 (15) For victims, to be provided with creditor  
163 intercession services by the prosecuting attorney if the  
164 victim is unable, as a result of the crime, temporarily to  
165 meet financial obligations;

166 (16) For victims and witnesses, the right to speedy  
167 disposition of their cases, and for victims, the right to  
168 speedy appellate review of their cases, provided that  
169 nothing in this subdivision shall prevent the defendant from  
170 having sufficient time to prepare such defendant's defense.  
171 The attorney general shall provide victims, upon their  
172 written request, case status information throughout the  
173 appellate process of their cases. The provisions of this  
174 subdivision shall apply only to proceedings involving the  
175 particular case to which the person is a victim or witness;

176 (17) For victims and witnesses, to be provided by the  
177 court, a secure waiting area during court proceedings and to  
178 receive notification of the date, time and location of any  
179 hearing conducted by the court for reconsideration of any  
180 sentence imposed, modification of such sentence or recall  
181 and release of any defendant from incarceration;

182 (18) For victims, the right to receive upon request  
183 from the department of corrections a photograph taken of the  
184 defendant prior to release from incarceration.

185 2. The provisions of subsection 1 of this section  
186 shall not be construed to imply any victim who is  
187 incarcerated by the department of corrections or any local  
188 law enforcement agency has a right to be released to attend  
189 any hearing or that the department of corrections or the

190 local law enforcement agency has any duty to transport such  
191 incarcerated victim to any hearing.

192 3. Those persons entitled to notice of events pursuant  
193 to the provisions of subsection 1 of this section shall  
194 provide the appropriate person or agency with their current  
195 addresses, **electronic mail address**, and telephone numbers or  
196 the addresses, **electronic mail address**, or telephone numbers  
197 at which they wish notification to be given.

198 4. Notification by the appropriate person or agency  
199 utilizing the statewide automated crime victim notification  
200 system as established in section 650.310 shall constitute  
201 compliance with the victim notification requirement of this  
202 section. If notification utilizing the statewide automated  
203 crime victim notification system cannot be used, then  
204 written notification shall be sent by certified mail **or**  
205 **electronic mail** to the most current address **or electronic**  
206 **mail address** provided by the victim.

207 5. Victims' rights as established in Section 32 of  
208 Article I of the Missouri Constitution or the laws of this  
209 state pertaining to the rights of victims of crime shall be  
210 granted and enforced regardless of the desires of a  
211 defendant and no privileges of confidentiality shall exist  
212 in favor of the defendant to exclude victims or prevent  
213 their full participation in each and every phase of parole  
214 hearings or probation revocation hearings. The rights of  
215 the victims granted in this section are absolute and the  
216 policy of this state is that the victim's rights are  
217 paramount to the defendant's rights. The victim has an  
218 absolute right to be present at any hearing in which the  
219 defendant is present before a probation and parole hearing  
220 officer.

610.140. 1. For the purposes of this section, the following terms mean:

(1) "Court", any Missouri municipal, associate circuit, or circuit court;

(2) "Crime", any offense, violation, or infraction of Missouri state, county, municipal, or administrative law;

(3) "Extended course of criminal conduct", crimes which:

(a) Occur during a period of addiction, however long, in which a person suffers from a problematic pattern of use of one or more controlled substances leading to significant impairment or distress that would be characterized as moderate or severe by the most recently published Diagnostic and Statistical Manual of Mental Disorders (DSM). A clinical diagnosis of addiction is not required to prove addiction; or

(b) Occur while a person is between the ages of sixteen to twenty-five;

(4) "Prosecutor" or "prosecuting attorney", the prosecuting attorney, circuit attorney, or municipal prosecuting attorney;

(5) "Same course of criminal conduct", crimes which:

(a) Are charged as counts in the same indictment or information; or

(b) Occur within a time period suggesting a common connection between the offenses, not to exceed one year.

2. Notwithstanding any other provision of law and subject to the provisions of this section, any person may apply to any court in which such person was charged or found guilty of any [offenses, violations, or infractions] crimes for an order to expunge records of such arrest, plea, trial, or conviction.

33           (1) Subject to the limitations of subsection [12] 13  
34 of this section, a person may apply to have one or more  
35 [offenses, violations, or infractions] **crimes** expunged if  
36 **each** such [offense, violation, or infraction] **crime** occurred  
37 within the state of Missouri and was prosecuted under the  
38 jurisdiction of a Missouri [municipal, associate circuit, or  
39 circuit] court, so long as such person lists all the  
40 [offenses, violations, and infractions] **crimes** he or she is  
41 seeking to have expunged in the petition and so long as all  
42 such [offenses, violations, and infractions] **crimes** are not  
43 excluded under subsection [2] 3 of this section.

44           (2) If the [offenses, violations, or infractions were  
45 charged as counts in the same indictment or information or]  
46 **crimes sought to be expunged** were committed as part of the  
47 same course of criminal conduct, the person may include all  
48 [the] **such** related [offenses, violations, and infractions]  
49 **crimes** in the petition, regardless of the limits of  
50 subsection [12] 13 of this section, and [the petition] **those**  
51 **related crimes** shall only count as [a petition for  
52 expungement of] the highest level [violation or offense  
53 contained in the petition] for the purpose of determining  
54 **current and** future eligibility for expungement.

55           (3) **If the crimes sought to be expunged were committed**  
56 **as part of an extended course of criminal conduct, the**  
57 **person may include all such related crimes in the petition:**

58           (a) **The person may include all crimes that were**  
59 **committed during a period of addiction as defined in**  
60 **subsection 1 of this section, regardless of the limits of**  
61 **subsection 13 of this section, and those crimes shall count**  
62 **only as the highest level among them for the purpose of**  
63 **determining current and future eligibility for expungement.**

64           **(b) The person may include all crimes that were**  
65 **committed while a person was between the ages of sixteen and**  
66 **twenty-five, regardless of the limits of subsection 13 of**  
67 **this section, and those crimes shall count only as the**  
68 **highest level among them for the purpose of determining**  
69 **current and future eligibility for expungement.**

70           **[2.] 3. The following [offenses, violations, and**  
71 **infractions] crimes shall not be eligible for expungement**  
72 **under this section:**

73           (1) Any class A felony offense;

74           (2) Any dangerous felony as that term is defined in  
75 section 556.061;

76           (3) Any offense **at the time of conviction** that  
77 requires registration as a sex offender;

78           (4) Any felony offense where death is an element of  
79 the offense;

80           (5) Any felony offense of assault; misdemeanor or  
81 felony offense of domestic assault; or felony offense of  
82 kidnapping;

83           (6) Any offense listed, **[or]** previously listed, **or is**  
84 **a successor to an offense** in chapter 566 or section 105.454,  
85 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,  
86 194.425, **[217.360,]** 217.385, 334.245, 375.991, 389.653,  
87 455.085, 455.538, 557.035, **[565.084, 565.085, 565.086,**  
88 **565.095,]** 565.120, 565.130, 565.156, **[565.200, 565.214,]**  
89 566.093, 566.111, 566.115, **566.116,** 568.020, 568.030,  
90 568.032, 568.045, 568.060, 568.065, **[568.080, 568.090,]**  
91 568.175, **[569.030, 569.035,]** 569.040, 569.050, 569.055,  
92 569.060, 569.065, 569.067, 569.072, 569.160, 570.025,  
93 **[570.090,]** 570.180, 570.223, 570.224, **[570.310,]** 571.020,  
94 571.060, 571.063, 571.070, 571.072, 571.150, **573.200,**  
95 **573.205,** 574.070, 574.105, 574.115, 574.120, 574.130,

96 **574.140**, 575.040, 575.095, 575.153, 575.155, 575.157,  
97 575.159, 575.195, 575.200, 575.210, 575.220, 575.230,  
98 575.240, **[575.350,]** 575.353, 577.078, 577.703, 577.706,  
99 **[578.008, 578.305, 578.310,]** or 632.520;

100 (7) Any offense eligible for expungement under section  
101 **[577.054 or]** 610.130;

102 (8) Any intoxication-related traffic or boating  
103 offense as defined in section 577.001, or any offense of  
104 operating an aircraft with an excessive blood alcohol  
105 content or while in an intoxicated condition;

106 (9) Any ordinance violation that is the substantial  
107 equivalent of any offense that is not eligible for  
108 expungement under this section;

109 (10) Any violation of any state law or county or  
110 municipal ordinance regulating the operation of motor  
111 vehicles when committed by an individual who has been issued  
112 a commercial driver's license or is required to possess a  
113 commercial driver's license issued by this state or any  
114 other state; and

115 (11) Any **felony** offense of section 571.030, except any  
116 offense under subdivision (1) of subsection 1 of section  
117 571.030 where the person was convicted or found guilty prior  
118 to January 1, 2017, or any offense under subdivision (4) of  
119 subsection 1 of section 571.030.

120 **[3.] 4.** The petition shall name as defendants all law  
121 enforcement agencies, courts, prosecuting or circuit  
122 attorneys, **[municipal prosecuting attorneys,]** central state  
123 repositories of criminal records, or others who the  
124 petitioner has reason to believe may possess the records  
125 subject to expungement for each of the **[offenses,**  
126 **violations, and infractions]** **crimes** listed in the petition.

127 The court's order of expungement shall not affect any person  
128 or entity not named as a defendant in the action.

129 [4.] 5. The petition shall include the following  
130 information:

131 (1) The petitioner's:

132 (a) Full name;

133 (b) Sex;

134 (c) Race;

135 (d) Driver's license number, if applicable; and

136 (e) Current address;

137 (2) Each [offense, violation, or infraction] **crime** for  
138 which the petitioner is requesting expungement;

139 (3) The approximate date the petitioner was charged  
140 for each [offense, violation, or infraction] **crime**; and

141 (4) The name of the county where the petitioner was  
142 charged for each [offense, violation, or infraction] **crime**  
143 and if any of the [offenses, violations, or infractions]  
144 **crimes** occurred in a municipality, the name of the  
145 municipality for each [offense, violation, or infraction]  
146 **crime**; and

147 (5) The case number and name of the court for each  
148 [offense] **crime**.

149 [5.] 6. The clerk of the court shall give notice of  
150 the filing of the petition to the office of the prosecuting  
151 attorney[, circuit attorney, or municipal prosecuting  
152 attorney] that prosecuted the [offenses, violations, or  
153 infractions] **crimes** listed in the petition. If the  
154 prosecuting attorney[, circuit attorney, or municipal  
155 prosecuting attorney] objects to the petition for  
156 expungement, he or she shall do so in writing within thirty  
157 days after receipt of service. Unless otherwise agreed upon  
158 by the parties, the court shall hold a hearing within sixty

159 days after any written objection is filed, giving reasonable  
160 notice of the hearing to the petitioner. If no objection  
161 has been filed within thirty days after receipt of service,  
162 the court may set a hearing on the matter and shall give  
163 reasonable notice of the hearing to each entity named in the  
164 petition. At any hearing, the court may accept evidence and  
165 hear testimony on, and may consider, the following criteria  
166 for each of the [offenses, violations, or infractions]  
167 **crimes** listed in the petition for expungement:

168 (1) At the time the petition is filed, it has been at  
169 least three years if the offense is a felony, or at least  
170 one year if the offense is a misdemeanor, municipal  
171 [offense] **violation**, or infraction, from the date the  
172 petitioner completed any authorized disposition imposed  
173 under section 557.011 for each [offense, violation, or  
174 infraction] **crime** listed in the petition;

175 (2) **At the time the petition is filed, it has been at**  
176 **least ten years from the date on which the authorized**  
177 **dispositions imposed under section 557.011 for all crimes**  
178 **committed within the relevant period have been completed if**  
179 **the crimes sought to be expunged were committed as part of**  
180 **an extended course of criminal conduct under subdivision (3)**  
181 **of subsection 2 of this section;**

182 (3) At the time the petition is filed, the person has  
183 not been found guilty of any other misdemeanor or felony,  
184 not including violations of the traffic regulations provided  
185 under chapters 301, 302, 303, 304, and 307, during the time  
186 period specified for the underlying [offense, violation, or  
187 infraction] **crime** in subdivision (1) **or (2)** of this  
188 subsection;

189            [(3)] (4) The person has satisfied all obligations  
190 relating to any such disposition, including the payment of  
191 any fines or restitution;

192            [(4)] (5) The person does not have charges pending;

193            [(5)] (6) The petitioner's habits and conduct  
194 demonstrate that the petitioner is not a threat to the  
195 public safety of the state; and

196            [(6)] (7) The expungement is consistent with the  
197 public welfare and the interests of justice warrant the  
198 expungement.

199 A pleading by the petitioner that such petitioner meets the  
200 requirements of subdivisions [(5)] (6) and [(6)] (7) of this  
201 subsection shall create a rebuttable presumption that the  
202 expungement is warranted so long as the criteria contained  
203 in subdivisions (1) to [(4)] (5) of this subsection are  
204 otherwise satisfied. The burden shall shift to the  
205 prosecuting attorney[, ] or circuit attorney[, or municipal  
206 prosecuting attorney] to rebut the presumption. A victim of  
207 [an offense, violation, or infraction] a crime listed in the  
208 petition shall have an opportunity to be heard at any  
209 hearing held under this section[, and the court may make a  
210 determination based solely on such victim's testimony]. A  
211 court may find that the continuing impact of the offense  
212 upon the victim rebuts the presumption that expungement is  
213 warranted.

214            [6.] 7. A petition to expunge records related to an  
215 arrest for an eligible [offense, violation, or infraction]  
216 crime may be made in accordance with the provisions of this  
217 section to a court of competent jurisdiction in the county  
218 where the petitioner was arrested no earlier than [three  
219 years] eighteen months from the date of arrest; provided

220 that, during such time, the petitioner has not been charged  
221 and the petitioner has not been found guilty of any  
222 misdemeanor or felony offense.

223 [7.] 8. If the court determines that such person meets  
224 all the criteria set forth in subsection [5] 6 of this  
225 section for each of the [offenses, violations, or  
226 infractions] **crimes** listed in the petition for expungement,  
227 the court shall enter an order of expungement. In all cases  
228 under this section, the court shall issue an order of  
229 expungement or dismissal within six months of the filing of  
230 the petition. A copy of the order of expungement shall be  
231 provided to the petitioner and each entity possessing  
232 records subject to the order, and, upon receipt of the  
233 order, each entity shall close any record in its possession  
234 relating to any [offense, violation, or infraction] **crime**  
235 listed in the petition, in the manner established by section  
236 610.120. The records and files maintained in any  
237 administrative or court proceeding in a municipal,  
238 associate, or circuit court for any [offense, infraction, or  
239 violation] **crime** ordered expunged under this section shall  
240 be confidential and only available to the parties or by  
241 order of the court for good cause shown. The central  
242 repository shall request the Federal Bureau of Investigation  
243 to expunge the records from its files.

244 [8.] 9. The order shall not limit any of the  
245 petitioner's rights that were restricted as a collateral  
246 consequence of such person's criminal record, and such  
247 rights shall be restored upon issuance of the order of  
248 expungement. **Except as otherwise provided under this**  
249 **section, the effect of such order shall be to fully restore**  
250 **the civil rights of such person to the status he or she**  
251 **occupied prior to such arrests, pleas, trials, or**

252 **convictions as if such events had never taken place. This**  
253 **includes fully restoring the civil rights of a person to the**  
254 **right to vote, the right to hold public office, and to serve**  
255 **as a juror.** For purposes of 18 U.S.C. Section  
256 921(a)(33)(B)(ii), an order [or] of expungement granted  
257 pursuant to this section shall be considered a complete  
258 removal of all effects of the expunged conviction. Except  
259 as otherwise provided under this section, the effect of such  
260 order shall be to restore such person to the status he or  
261 she occupied prior to such arrests, pleas, trials, or  
262 convictions as if such events had never taken place. No  
263 person as to whom such order has been entered shall be held  
264 thereafter under any provision of law to be guilty of  
265 perjury or otherwise giving a false statement by reason of  
266 his or her failure to recite or acknowledge such arrests,  
267 pleas, trials, convictions, or expungement in response to an  
268 inquiry made of him or her and no such inquiry shall be made  
269 for information relating to an expungement, except the  
270 petitioner shall disclose the expunged [offense, violation,  
271 or infraction] **crime** to any court when asked or upon being  
272 charged with any subsequent [offense, violation, or  
273 infraction] **crime**. The expunged [offense, violation, or  
274 infraction] **crime** may be considered a prior offense in  
275 determining a sentence to be imposed for any subsequent  
276 offense that the person is found guilty of committing.

277 [9.] 10. Notwithstanding the provisions of subsection  
278 [8] 9 of this section to the contrary, a person granted an  
279 expungement shall disclose any expunged [offense, violation,  
280 or infraction] **crime** when the disclosure of such information  
281 is necessary to complete any application for:

282 (1) A license, certificate, or permit issued by this  
283 state to practice such individual's profession;

284 (2) Any license issued under chapter 313 or permit  
285 issued under chapter 571;

286 (3) Paid or unpaid employment with an entity licensed  
287 under chapter 313, any state-operated lottery, or any  
288 emergency services provider, including any law enforcement  
289 agency;

290 (4) Employment with any federally insured bank or  
291 savings institution or credit union or an affiliate of such  
292 institution or credit union for the purposes of compliance  
293 with 12 U.S.C. Section 1829 and 12 U.S.C. Section 1785;

294 (5) Employment with any entity engaged in the business  
295 of insurance or any insurer for the purpose of complying  
296 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or  
297 other similar law which requires an employer engaged in the  
298 business of insurance to exclude applicants with certain  
299 criminal convictions from employment; or

300 (6) Employment with any employer that is required to  
301 exclude applicants with certain criminal convictions from  
302 employment due to federal or state law, including  
303 corresponding rules and regulations.

304 An employer shall notify an applicant of the requirements  
305 under subdivisions (4) to (6) of this subsection.

306 Notwithstanding any provision of law to the contrary, an  
307 expunged [offense, violation, or infraction] **crime** shall not  
308 be grounds for automatic disqualification of an applicant,  
309 but may be a factor for denying employment, or a  
310 professional license, certificate, or permit; except that,  
311 [an offense, violation, or infraction] **a crime** expunged  
312 under the provisions of this section may be grounds for  
313 automatic disqualification if the application is for  
314 employment under subdivisions (4) to (6) of this subsection.

315 [10.] 11. A person who has been granted an expungement  
316 of records pertaining to a [misdemeanor or felony offense,  
317 an ordinance violation, or an infraction] **crime** may answer  
318 "no" to an employer's inquiry into whether the person has  
319 ever been **arrested, charged, or** convicted of a crime if,  
320 after the granting of the expungement, the person has no  
321 public record of a [misdemeanor or felony offense, an  
322 ordinance violation, or an infraction] **crime**. The person,  
323 however, shall answer such an inquiry affirmatively and  
324 disclose his or her criminal convictions, including any  
325 offense [or violation] expunged under this section or  
326 similar law, if the employer is required to exclude  
327 applicants with certain criminal convictions from employment  
328 due to federal or state law, including corresponding rules  
329 and regulations.

330 [11.] 12. If the court determines that the petitioner  
331 has not met the criteria for any of the [offenses,  
332 violations, or infractions] **crimes** listed in the petition  
333 for expungement or the petitioner has knowingly provided  
334 false information in the petition, the court shall enter an  
335 order dismissing the petition. Any person whose petition  
336 for expungement has been dismissed by the court for failure  
337 to meet the criteria set forth in subsection [5] 6 of this  
338 section may not refile another petition until a year has  
339 passed since the date of filing for the previous petition.

340 [12.] 13. A person may be granted more than one  
341 expungement under this section provided that during his or  
342 her lifetime, the total number of [offenses, violations, or  
343 infractions] **crimes** for which orders of expungement are  
344 granted to the person shall not exceed the following limits:

345 (1) Not more than [two] **three** misdemeanor offenses or  
346 ordinance violations that have an authorized term of  
347 imprisonment; and

348 (2) Not more than [one] **two** felony [offense] **offenses**.

349 A person may be granted expungement under this section for  
350 any number of infractions. [Nothing in this section shall  
351 prevent the court from maintaining records to ensure that an  
352 individual has not exceeded the limitations of this  
353 subsection] **A person may not be granted more than one  
354 expungement under subdivision (3) of subsection 2 of this  
355 section.** Nothing in this section shall be construed to  
356 limit or impair in any way the subsequent use of any record  
357 expunged under this section of any arrests or findings of  
358 guilt by a law enforcement agency, criminal justice agency,  
359 prosecuting attorney[, ] **or** circuit attorney[, or municipal  
360 prosecuting attorney], including its use as a prior  
361 [offense, violation, or infraction] **crime**.

362 [13.] **14.** The court shall make available a form for  
363 pro se petitioners seeking expungement, which shall include  
364 the following statement: "I declare under penalty of  
365 perjury that the statements made herein are true and correct  
366 to the best of my knowledge, information, and belief."

367 [14.] **15.** Nothing in this section shall be construed  
368 to limit or restrict the availability of expungement to any  
369 person under any other law.

2 [488.650. There shall be assessed as costs  
3 a surcharge in the amount of two hundred fifty  
4 dollars on all petitions for expungement filed  
5 under the provisions of section 610.140. The  
6 judge may waive the surcharge if the petitioner  
7 is found by the judge to be indigent and unable  
8 to pay the costs. Such surcharge shall be  
9 collected and disbursed by the clerk of the  
10 court as provided by sections 488.010 to  
11 488.020. Moneys collected from this surcharge  
shall be payable to the general revenue fund.]

Section B. Because immediate action is necessary to  
2 further equip and enhance our criminal justice system to  
3 fight violent crime in Missouri and protect our citizens and  
4 residents due to the recent unprecedented wave of violent  
5 crime across our nation and state, the repeal and  
6 reenactment of sections 211.071, 217.345, and 568.045 and  
7 the enactment of section 211.600 of this act is deemed  
8 necessary for the immediate preservation of the public  
9 health, welfare, peace, and safety, and is hereby declared  
10 to be an emergency act within the meaning of the  
11 constitution, and the repeal and reenactment of sections  
12 211.071, 217.345, and 568.045 and the enactment of section  
13 211.600 of this act shall be in full force and effect upon  
14 its passage and approval.

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