

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2700
102ND GENERAL ASSEMBLY

5629H.05C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.650, 56.087, 211.033, 211.071, 211.072, 219.021, 221.044, 221.105, 287.243, 307.175, 478.001, 488.040, 490.692, 491.075, 491.641, 492.304, 494.455, 547.031, 556.061, 557.014, 559.125, 567.030, 568.045, 571.030, 575.095, 575.150, 575.205, 575.260, 579.020, 595.045, and 600.042, RSMo, and section 304.022 as enacted by house bill no. 1606, one hundred first general assembly, second regular session, and section 304.022 as enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general assembly, first regular session, and to enact in lieu thereof thirty-nine new sections relating to criminal proceedings, with penalty provisions.

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

Section A. Sections 43.650, 56.087, 211.033, 211.071, 211.072, 219.021, 221.044,
2 221.105, 287.243, 307.175, 478.001, 488.040, 490.692, 491.075, 491.641, 492.304, 494.455,
3 547.031, 556.061, 557.014, 559.125, 567.030, 568.045, 571.030, 575.095, 575.150, 575.205,
4 575.260, 579.020, 595.045, and 600.042, RSMo, and section 304.022 as enacted by house bill
5 no. 1606, one hundred first general assembly, second regular session, and section 304.022 as
6 enacted by senate bill no. 26 merged with senate bills nos. 53 & 60, one hundred first general
7 assembly, first regular session, are repealed and thirty-nine new sections enacted in lieu
8 thereof, to be known as sections 43.650, 56.087, 211.033, 211.071, 211.072, 219.021,
9 221.044, 221.105, 287.243, 302.457, 304.022, 307.175, 454.1050, 478.001, 488.040,
10 490.692, 491.075, 491.641, 492.304, 494.455, 547.031, 556.061, 557.014, 557.015,
11 559.125, 567.030, 568.045, 568.075, 571.030, 571.031, 575.095, 575.150, 575.151,
12 575.205, 575.260, 579.020, 589.437, 595.045, and 600.042, to read as follows:

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

43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the internet which shall be open to the public and shall include a registered sexual offender **and registered violent offender** search capability.

2. Except as provided in subsections 4 and 5 of this section, the registered sexual offender **and registered violent offender** search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425 **or section 589.437**.

3. The registered sexual offender **and registered violent offender** search shall include the capability to search for sexual **and violent** offenders by name, by zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address. **The search shall also have the capability to filter results by sexual offenders or violent offenders.**

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender **and registered violent offender** search:

(1) The name and any known aliases of the offender;

(2) The date of birth and any known alias dates of birth of the offender;

(3) A physical description of the offender;

(4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;

(5) Any photographs of the offender;

(6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;

(7) The nature and dates of all offenses qualifying the offender to register, including the tier level assigned to the offender under sections 589.400 to 589.425;

(8) The date on which the offender was released from the department of mental health, prison, or jail[-] or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;

(9) Compliance status of the **sexual or violent** offender with the provisions of ~~section~~ **sections** 589.400 to 589.425; and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the web page and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400 shall be exempt from public notification to include any adjudications from another

37 state, territory, the District of Columbia, or foreign country or any federal, tribal, or military
38 jurisdiction.

56.087. 1. The prosecuting or circuit attorney has the power, in his or her discretion,
2 to dismiss a complaint, information, or indictment, or any count or counts thereof, and in
3 order to exercise that power it is not necessary for the prosecutor or circuit attorney to obtain
4 the consent of the court. The dismissal may be made orally by the prosecuting or circuit
5 attorney in open court, or by a written statement of the dismissal signed by the prosecuting or
6 circuit attorney and filed with the clerk of **the** court.

7 2. A dismissal filed by the prosecuting or circuit attorney prior to the time [~~double~~]
8 jeopardy has attached is without prejudice. A dismissal filed by the prosecuting or circuit
9 attorney after [~~double~~] jeopardy has attached is with prejudice, unless the criminal defendant
10 has consented to having the case dismissed without prejudice.

11 3. A dismissal without prejudice means that the prosecutor or circuit attorney has
12 complete discretion to refile the case, as long as it is refiled within the time specified by the
13 applicable statute of limitations. A dismissal with prejudice means that the prosecutor or
14 circuit attorney cannot refile the case.

15 4. For the purposes of this section, [~~double~~] jeopardy attaches in a jury trial when the
16 jury has been impaneled and sworn. It attaches in a court-tried case when the court begins to
17 hear evidence.

211.033. 1. No person under the age of eighteen years, except those transferred to the
2 court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail
3 or other adult detention facility as that term is defined in section 211.151. [~~A traffic court
4 judge may request the juvenile court to order the commitment of a person under the age of
5 eighteen to a juvenile detention facility.~~]

6 2. Nothing in this section shall be construed as creating any civil or criminal liability
7 for any law enforcement officer, juvenile officer, school personnel, or court personnel for any
8 action taken or failure to take any action involving a minor child who remains under the
9 jurisdiction of the juvenile court under this section if such action or failure to take action is
10 based on a good faith belief by such officer or personnel that the minor child is not under the
11 jurisdiction of the juvenile court.

211.071. 1. If a petition **or motion to modify** alleges that a child between the ages of
2 [~~twelve~~] **fourteen** and eighteen has committed an offense [~~which~~] **that** would be considered a
3 felony if committed by an adult, the court may, upon its own motion or upon motion by the
4 juvenile officer, the child or the child's custodian, order a hearing and may, in its discretion,
5 dismiss the petition **or motion to modify** and such child may be transferred to the court of
6 general jurisdiction and prosecuted under the general law; except that if a petition alleges that
7 [~~any~~] a child **between the ages of twelve and eighteen** has committed an offense [~~which~~]

8 **that** would be considered first degree murder under section 565.020, second degree murder
9 under section 565.021, first degree assault under section 565.050, forcible rape under section
10 566.030 as it existed prior to August 28, 2013, rape in the first degree under section 566.030,
11 forcible sodomy under section 566.060 as it existed prior to August 28, 2013, sodomy in the
12 first degree under section 566.060, first degree robbery under section 569.020 as it existed
13 prior to January 1, 2017, ~~[or]~~ robbery in the first degree under section 570.023, distribution of
14 drugs under section 195.211 as it existed prior to January 1, 2017, ~~[or]~~ the manufacturing of a
15 controlled substance under section 579.055, **or a dangerous felony as defined in section**
16 **556.061, or unlawful use of weapons under section 571.030 and one or more additional**
17 **offenses that would be considered a felony if committed by an adult**, or has committed
18 two or more prior unrelated offenses ~~[which]~~ **that** would be felonies if committed by an adult,
19 the court shall order a hearing, and may in its discretion, dismiss the petition **or motion to**
20 **modify** and transfer the child to a court of general jurisdiction for prosecution under the
21 general law.

22 2. Upon apprehension and arrest, jurisdiction over the criminal offense allegedly
23 committed by any person between eighteen and twenty-one years of age over whom the
24 juvenile court has retained continuing jurisdiction shall automatically terminate and that
25 offense shall be dealt with in the court of general jurisdiction as provided in section 211.041.

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

30 4. Written notification of a transfer hearing shall be given to the juvenile and his or
31 her custodian in the same manner as provided in sections 211.101 and 211.111. Notice of the
32 hearing may be waived by the custodian. Notice shall contain a statement that the purpose of
33 the hearing is to determine whether the child is a proper subject to be dealt with under the
34 provisions of this chapter, and that if the court finds that the child is not a proper subject to be
35 dealt with under the provisions of this chapter, the petition **or motion to modify** will be
36 dismissed to allow for prosecution of the child under the general law.

37 5. The juvenile officer may consult with the office of prosecuting attorney concerning
38 any offense for which the child could be certified as an adult under this section. The
39 prosecuting or circuit attorney shall have access to police reports, reports of the juvenile or
40 deputy juvenile officer, statements of witnesses and all other records or reports relating to the
41 offense alleged to have been committed by the child. The prosecuting or circuit attorney shall
42 have access to the disposition records of the child when the child has been adjudicated
43 pursuant to subdivision (3) of subsection 1 of section 211.031. The prosecuting attorney shall
44 not divulge any information regarding the child and the offense until the juvenile court at a

45 judicial hearing has determined that the child is not a proper subject to be dealt with under the
46 provisions of this chapter.

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

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

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

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

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

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

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

63 (7) The age of the child;

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

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

68 (10) Racial disparity in certification.

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

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

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

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

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

77 8. A copy of the petition **or motion to modify** and order of the dismissal shall be sent
78 to the prosecuting attorney.

79 9. When a petition **or motion to modify** has been dismissed thereby permitting a
80 child to be prosecuted under the general law and the prosecution of the child results in a
81 conviction, the jurisdiction of the juvenile court over that child is forever terminated, except

82 as provided in subsection 10 of this section, for an act that would be a violation of a state law
83 or municipal ordinance.

84 10. If a petition **or motion to modify** has been dismissed thereby permitting a child to
85 be prosecuted under the general law and the child is found not guilty by a court of general
86 jurisdiction, the juvenile court shall have jurisdiction over any later offense committed by that
87 child which would be considered a misdemeanor or felony if committed by an adult, subject
88 to the certification provisions of this section.

89 11. If the court does not dismiss the petition **or motion to modify** to permit the child
90 to be prosecuted under the general law, it shall set a date for the hearing upon the petition as
91 provided in section 211.171.

211.072. 1. A juvenile under eighteen years of age who has been certified to stand
2 trial as an adult for offenses pursuant to section 211.071, if currently placed in a secure
3 juvenile detention facility, shall remain in a secure juvenile detention facility pending
4 finalization of the judgment and completion of appeal, if any, of the judgment dismissing the
5 juvenile petition to allow for prosecution under the general law unless otherwise ordered by
6 the juvenile court. Upon the judgment dismissing the petition to allow prosecution under the
7 general laws becoming final and adult charges being filed, if the juvenile is currently in a
8 secure juvenile detention facility, the juvenile shall remain in such facility unless the juvenile
9 posts bond or the juvenile is transferred to an adult jail. If the juvenile officer does not
10 believe juvenile detention would be the appropriate placement or would continue to serve as
11 the appropriate placement, the juvenile officer may file a motion in the adult criminal case
12 requesting that the juvenile be transferred from a secure juvenile detention facility to an adult
13 jail. The court shall hear evidence relating to the appropriateness of the juvenile remaining in
14 a secure juvenile detention facility or being transferred to an adult jail. At such hearing, the
15 following shall have the right to be present and have the opportunity to present evidence and
16 recommendations at such hearing: the juvenile; the juvenile's parents; the juvenile's counsel;
17 the prosecuting attorney; the juvenile officer or his or her designee for the circuit in which the
18 juvenile was certified; the juvenile officer or his or her designee for the circuit in which the
19 pretrial-certified juvenile is proposed to be held, if different from the circuit in which the
20 juvenile was certified; counsel for the juvenile officer; and representatives of the county
21 proposed to have custody of the pretrial-certified juvenile.

22 2. Following the hearing, the court shall order that the juvenile continue to be held in
23 a secure juvenile detention facility subject to all Missouri juvenile detention standards, or the
24 court shall order that the pretrial-certified juvenile be held in an adult jail but only after the
25 court has made findings that it would be in the best interest of justice to move the pretrial-
26 certified juvenile to an adult jail. The court shall weigh the following factors when deciding
27 whether to detain a certified juvenile in an adult facility:

- 28 (1) The certified juvenile's age;
- 29 (2) The certified juvenile's physical and mental maturity;
- 30 (3) The certified juvenile's present mental state, including whether he or she presents
- 31 an imminent risk of self-harm;
- 32 (4) The nature and circumstances of the charges;
- 33 (5) The certified juvenile's history of delinquency;
- 34 (6) The relative ability of the available adult and juvenile facilities to both meet the
- 35 needs of the certified juvenile and to protect the public and other youth in their custody;
- 36 (7) The opinion of the juvenile officer in the circuit of the proposed placement as to
- 37 the ability of that juvenile detention facility to provide for appropriate care, custody, and
- 38 control of the pretrial-certified juvenile; and
- 39 (8) Any other relevant factor.

40 3. In the event the court finds that it is in the best interest of justice to require the

41 certified juvenile to be held in an adult jail, the court shall hold a hearing once every thirty

42 days to determine whether the placement of the certified juvenile in an adult jail is still in the

43 best interests of justice. **If a pretrial-certified juvenile under eighteen years of age is**

44 **ordered released on the juvenile's adult criminal case from an adult jail following a**

45 **transfer order under subsection 2 of this section and the juvenile is detained on violation**

46 **of the conditions of release or bond, the juvenile shall return to the custody of the adult**

47 **jail pending further court order.**

48 4. A certified juvenile cannot be held in an adult jail for more than one hundred eighty

49 days unless the court finds, for good cause, that an extension is necessary or the juvenile,

50 through counsel, waives the one hundred eighty day maximum period. If no extension is

51 granted under this subsection, the certified juvenile shall be transferred from the adult jail to a

52 secure juvenile detention facility. **If an extension is granted under this subsection, the**

53 **court shall hold a hearing once every thirty days to determine whether the placement of**

54 **the certified juvenile in an adult jail is still in the best interests of justice.**

55 5. Effective December 31, 2021, all previously pretrial-certified juveniles under

56 eighteen years of age who had been certified prior to August 28, 2021, shall be transferred

57 from adult jail to a secure juvenile detention facility, unless a hearing is held and the court

58 finds, based upon the factors in subsection 2 of this section, that it would be in the best

59 interest of justice to keep the juvenile in the adult jail.

60 6. All pretrial-certified juveniles under eighteen years of age who are held in adult

61 jails pursuant to the best interest of justice exception shall continue to be subject to the

62 protections of the Prison Rape Elimination Act (PREA) and shall be physically separated

63 from adult inmates.

64 7. If the certified juvenile remains in juvenile detention, the juvenile officer may file a
65 motion to reconsider placement. The court shall consider the factors set out in subsection 2 of
66 this section and the individuals set forth in subsection 1 of this section shall have a right to be
67 present and present evidence. The court may amend its earlier order in light of the evidence
68 and arguments presented at the hearing if the court finds that it would not be in the best
69 interest of justice for the juvenile to remain in a secure juvenile detention facility.

70 8. Issues related to the setting of, and posting of, bond along with any bond forfeiture
71 proceedings shall be held in the pretrial-certified juvenile's adult criminal case.

72 9. Upon attaining eighteen years of age or upon conviction on the adult charges, the
73 juvenile shall be transferred from juvenile detention to the appropriate adult facility.

74 10. Any responsibility for transportation of and contracted service for the certified
75 juvenile who remains in a secure juvenile detention facility shall be handled **by county jail**
76 **staff** in the same manner as in all other adult criminal cases where the defendant is in custody.

77 11. **The county jail staff shall designate a liaison assigned to each pretrial-**
78 **certified juvenile while housed in a juvenile detention facility, who shall assist in**
79 **communication with the juvenile detention facility on the needs of the juvenile**
80 **including, but not limited to, visitation, legal case status, medical and mental health**
81 **needs, and phone contact.**

82 12. The per diem provisions as set forth in section 211.156 shall apply to certified
83 juveniles who are being held in a secure juvenile detention facility.

219.021. 1. Except as provided in subsections 2 and 3 of this section, any child may
2 be committed to the custody of the division when the juvenile court determines a suitable
3 community-based treatment service does not exist, or has proven ineffective; and when the
4 child is adjudicated pursuant to the provisions of subdivision (3) of subsection 1 of section
5 211.031 or when the child is adjudicated pursuant to subdivision (2) of subsection 1 of section
6 211.031 and is currently under court supervision for adjudication under subdivision (2) or (3)
7 of subsection 1 of section 211.031. The division shall not keep any youth beyond his
8 ~~[eighteenth birth date]~~ **or her nineteenth birthday**, except upon petition and a showing of
9 just cause in which case the division may maintain custody until the youth's twenty-first birth
10 date. Notwithstanding any other provision of law to the contrary, the committing court shall
11 review the treatment plan to be provided by the division. The division shall notify the court
12 of original jurisdiction from which the child was committed at least three weeks prior to the
13 child's release to aftercare supervision. The notification shall include a summary of the
14 treatment plan and progress of the child that has resulted in the planned release. The court
15 may formally object to the director of the division in writing, stating its reasons in opposition
16 to the release. The director shall review the court's objection in consideration of its final
17 approval for release. The court's written objection shall be made within a one-week period

18 after it receives notification of the division's planned release; otherwise the division may
19 assume court agreement with the release. The division director's written response to the court
20 shall occur within five working days of service of the court's objection and preferably prior to
21 the release of the child. The division shall not place a child directly into a precare setting
22 immediately upon commitment from the court until it advises the court of such placement.

23 2. No child who has been diagnosed as having a mental disease or a communicable or
24 contagious disease shall be committed to the division; except the division may, by regulation,
25 when services for the proper care and treatment of persons having such diseases are available
26 at any of the facilities under its control, authorize the commitment of children having such
27 diseases to it for treatment in such institution. Notice of any such regulation shall be
28 promptly mailed to the judges and juvenile officers of all courts having jurisdiction of cases
29 involving children.

30 3. When a child has been committed to the division, the division shall forthwith
31 examine the individual and investigate all pertinent circumstances of his background for the
32 purpose of facilitating the placement and treatment of the child in the most appropriate
33 program or residential facility to assure the public safety and the rehabilitation of the child;
34 except that, no child committed under the provisions of subdivision (2) of subsection 1 of
35 section 211.031 may be placed in the residential facilities designated by the division as a
36 maximum security facility, unless the juvenile is subsequently adjudicated under subdivision
37 (3) of subsection 1 of section 211.031.

38 4. The division may transfer any child under its jurisdiction to any other institution
39 for children if, after careful study of the child's needs, it is the judgment of the division that
40 the transfer should be effected. If the division determines that the child requires treatment by
41 another state agency, it may transfer the physical custody of the child to that agency, and that
42 agency shall accept the child if the services are available by that agency.

43 5. The division shall make periodic reexaminations of all children committed to its
44 custody for the purpose of determining whether existing dispositions should be modified or
45 continued. Reexamination shall include a study of all current circumstances of such child's
46 personal and family situation and an evaluation of the progress made by such child since the
47 previous study. Reexamination shall be conducted as frequently as the division deems
48 necessary, but in any event, with respect to each such child, at intervals not to exceed six
49 months. Reports of the results of such examinations shall be sent to the child's committing
50 court and to his parents or guardian.

51 6. Failure of the division to examine a child committed to it or to reexamine him
52 within six months of a previous examination shall not of itself entitle the child to be
53 discharged from the custody of the division but shall entitle the child, his parent, guardian, or

54 agency to which the child may be placed by the division to petition for review as provided in
55 section 219.051.

56 7. The division is hereby authorized to establish, build, repair, maintain, and operate,
57 from funds appropriated or approved by the legislature for these purposes, facilities and
58 programs necessary to implement the provisions of this chapter. Such facilities or programs
59 may include, but not be limited to, the establishment and operation of training schools,
60 maximum security facilities, moderate care facilities, group homes, day treatment programs,
61 family foster homes, aftercare, counseling services, educational services, and such other
62 services as may be required to meet the needs of children committed to it. The division may
63 terminate any facility or program no longer needed to meet the needs of children.

64 8. The division may institute day release programs for children committed to it. The
65 division may arrange with local schools, public or private agencies, or persons approved by
66 the division for the release of children committed to the division on a daily basis to the
67 custody of such schools, agencies, or persons for participation in programs.

68 9. The division shall make all reasonable efforts to ensure that any outstanding
69 judgment entered in accordance with section 211.185 or any outstanding assessments ordered
70 in accordance with section 211.181 be paid while a child is in the care, custody or control of
71 the division.

221.044. No person under the age of eighteen years, except those transferred to the
2 court of general jurisdiction under the provisions of section 211.071, shall be detained in a jail
3 or other adult detention facility as that term is defined in section 211.151. ~~[A traffic court
4 judge may request the juvenile court to order the commitment of a person under the age of
5 eighteen to a juvenile detention facility.]~~ **If a person is eighteen years of age or older or
6 attains the age of eighteen while in detention, upon a motion filed by the juvenile officer,
7 the court may order that the person be detained in a jail or other adult detention facility
8 as that term is defined in section 211.151 until the disposition of that person's juvenile
9 court case.**

221.105. 1. The governing body of any county and of any city not within a county
2 shall fix the amount to be expended for the cost of incarceration of prisoners confined in jails
3 or medium security institutions. The per diem cost of incarceration of these prisoners
4 chargeable by the law to the state shall be determined, subject to the review and approval of
5 the department of corrections.

6 2. When the final determination of any criminal prosecution shall be such as to render
7 the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the
8 clerk of the circuit court or court of common pleas in which the case was determined the total
9 number of days any prisoner who was a party in such case remained in the county jail. It shall
10 be the duty of the county commission to supply the cost per diem for county prisons to the

11 clerk of the circuit court on the first day of each year, and thereafter whenever the amount
12 may be changed. It shall then be the duty of the clerk of the court in which the case was
13 determined to include in the bill of cost against the state all fees which are properly
14 chargeable to the state. In any city not within a county it shall be the duty of the
15 superintendent of any facility boarding prisoners to certify to the chief executive officer of
16 such city not within a county the total number of days any prisoner who was a party in such
17 case remained in such facility. It shall be the duty of the superintendents of such facilities to
18 supply the cost per diem to the chief executive officer on the first day of each year, and
19 thereafter whenever the amount may be changed. It shall be the duty of the chief executive
20 officer to bill the state all fees for boarding such prisoners which are properly chargeable to
21 the state. The chief executive may by notification to the department of corrections delegate
22 such responsibility to another duly sworn official of such city not within a county. The clerk
23 of the court of any city not within a county shall not include such fees in the bill of costs
24 chargeable to the state. The department of corrections shall revise its criminal cost manual in
25 accordance with this provision.

26 3. Except as provided under subsection 6 of section 217.718, the actual costs
27 chargeable to the state, including those incurred for a prisoner who is incarcerated in the
28 county jail because the prisoner's parole or probation has been revoked or because the
29 prisoner has, or allegedly has, violated any condition of the prisoner's parole or probation, and
30 such parole or probation is a consequence of a violation of a state statute, or the prisoner is a
31 fugitive from the Missouri department of corrections or otherwise held at the request of the
32 Missouri department of corrections regardless of whether or not a warrant has been issued
33 shall be the actual cost of incarceration not to exceed:

34 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

35 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

36 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
37 prisoner, subject to appropriations;

38 **(4) On and after July 1, 2025, up to forty-five dollars per day per prisoner,**
39 **subject to appropriations.**

40 4. The presiding judge of a judicial circuit may propose expenses to be reimbursable
41 by the state on behalf of one or more of the counties in that circuit. Proposed reimbursable
42 expenses may include pretrial assessment and supervision strategies for defendants who are
43 ultimately eligible for state incarceration. A county may not receive more than its share of the
44 amount appropriated in the previous fiscal year, inclusive of expenses proposed by the
45 presiding judge. Any county shall convey such proposal to the department, and any such
46 proposal presented by a presiding judge shall include the documented agreement with the
47 proposal by the county governing body, prosecuting attorney, at least one associate circuit

48 judge, and the officer of the county responsible for custody or incarceration of prisoners of
49 the county represented in the proposal. Any county that declines to convey a proposal to the
50 department, pursuant to the provisions of this subsection, shall receive its per diem cost of
51 incarceration for all prisoners chargeable to the state in accordance with the provisions of
52 subsections 1, 2, and 3 of this section.

287.243. 1. This section shall be known and may be cited as the "Line of Duty
2 Compensation Act".

3 2. As used in this section, unless otherwise provided, the following words shall mean:

4 (1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance
5 with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances
6 adopted by the department of health and senior services;

7 (2) "Air ambulance registered professional nurse", a person licensed as a registered
8 professional nurse in accordance with sections 335.011 to 335.096 and corresponding
9 regulations adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides
10 registered professional nursing services as a flight nurse in conjunction with an air ambulance
11 program that is certified in accordance with sections 190.001 to 190.245 and the
12 corresponding regulations applicable to such programs;

13 (3) "Air ambulance registered respiratory therapist", a person licensed as a registered
14 respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding
15 regulations adopted by the state board for respiratory care, who provides respiratory therapy
16 services in conjunction with an air ambulance program that is certified in accordance with
17 sections 190.001 to 190.245 and corresponding regulations applicable to such programs;

18 (4) "Child", any natural, illegitimate, adopted, or posthumous child or stepchild of a
19 deceased public safety officer who, at the time of the public safety officer's fatality is:

20 (a) Eighteen years of age or under;

21 (b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or

22 (c) Over eighteen years of age and incapable of self-support because of physical or
23 mental disability;

24 (5) "Emergency medical technician", a person licensed in emergency medical care in
25 accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by
26 the department of health and senior services under sections 190.001 to 190.245;

27 (6) "Firefighter", any person, including a volunteer firefighter, employed by the state
28 or a local governmental entity as an employer defined under subsection 1 of section 287.030,
29 or otherwise serving as a member or officer of a fire department either for the purpose of the
30 prevention or control of fire or the underwater recovery of drowning victims;

31 (7) "Flight crew member", an individual engaged in flight responsibilities with an air
32 ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding
33 regulations applicable to such programs;

34 (8) "Killed in the line of duty", when any person defined in this section loses his or
35 her life when:

36 (a) Death is caused by an accident or the willful act of violence of another;

37 (b) The public safety officer is in the active performance of his or her duties in his or
38 her respective profession and there is a relationship between the accident or commission of
39 the act of violence and the performance of the duty, even if the individual is off duty; the
40 public safety officer is traveling to or from employment; or the public safety officer is taking
41 any meal break or other break which takes place while that individual is on duty;

42 (c) Death is the natural and probable consequence of the injury; and

43 (d) Death occurs within three hundred weeks from the date the injury was received.

44

45 The term excludes death resulting from the willful misconduct or intoxication of the public
46 safety officer. The division of workers' compensation shall have the burden of proving such
47 willful misconduct or intoxication;

48 (9) "Law enforcement officer", any person employed by the state or a local
49 governmental entity as a police officer, peace officer certified under chapter 590, or serving as
50 an auxiliary police officer or in some like position involving the enforcement of the law and
51 protection of the public interest at the risk of that person's life;

52 (10) "Local governmental entity", includes counties, municipalities, townships, board
53 or other political subdivision, cities under special charter, or under the commission form of
54 government, fire protection districts, ambulance districts, and municipal corporations;

55 (11) "Public safety officer", any law enforcement officer, firefighter, uniformed
56 employee of the office of the state fire marshal, emergency medical technician, police officer,
57 capitol police officer, parole officer, probation officer, state correctional employee, water
58 safety officer, park ranger, conservation officer, or highway patrolman employed by the state
59 of Missouri or a political subdivision thereof who is killed in the line of duty or any
60 emergency medical technician, air ambulance pilot, air ambulance registered professional
61 nurse, air ambulance registered respiratory therapist, or flight crew member who is killed in
62 the line of duty;

63 (12) "State", the state of Missouri and its departments, divisions, boards, bureaus,
64 commissions, authorities, and colleges and universities;

65 (13) "Volunteer firefighter", a person having principal employment other than as a
66 firefighter, but who is carried on the rolls of a regularly constituted fire department either for
67 the purpose of the prevention or control of fire or the underwater recovery of drowning

68 victims, the members of which are under the jurisdiction of the corporate authorities of a city,
69 village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an
70 individual who volunteers assistance without being regularly enrolled as a firefighter.

71 3. (1) A claim for compensation under this section shall be filed by survivors of the
72 deceased with the division of workers' compensation not later than one year from the date of
73 death of a public safety officer. If a claim is made within one year of the date of death of a
74 public safety officer killed in the line of duty, compensation shall be paid, if the division finds
75 that the claimant is entitled to compensation under this section.

76 (2) The amount of compensation paid to the claimant shall be twenty-five thousand
77 dollars, subject to appropriation, for death occurring on or after June 19, 2009, **but before**
78 **August 28, 2024.**

79 **(3) The amount of compensation paid to the claimant shall be one hundred**
80 **thousand dollars, subject to appropriation, for death occurring on or after the effective**
81 **date of this section. The amount of compensation paid, subject to the modifications**
82 **under subdivision (4) of this subsection, shall be determined as the amount in effect as of**
83 **the date of death of the public safety officer.**

84 **(4) Beginning with the 2025 calendar year, the amount of compensation paid as**
85 **identified under subdivision (3) of this subsection shall be adjusted annually by the**
86 **percent increase in the Consumer Price Index for All Urban Consumers, or its successor**
87 **index, as such index is defined and officially reported by the United States Department**
88 **of Labor, or its successor agency. Such annual adjustment under this subdivision,**
89 **however, shall not decrease the amount of compensation paid to an amount less than one**
90 **hundred thousand dollars. The department of labor and industrial relations shall**
91 **annually publish such adjusted amount. The modification shall take effect on January**
92 **first of each calendar year and shall apply to all calendar years beginning on or after the**
93 **effective date of the adjusted compensation amount, until the next modification occurs.**

94 4. Any compensation awarded under the provisions of this section shall be distributed
95 as follows:

96 (1) To the surviving spouse of the public safety officer if there is no child who
97 survived the public safety officer;

98 (2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent
99 to the surviving spouse if there is at least one child who survived the public safety officer, and
100 a surviving spouse of the public safety officer;

101 (3) To the surviving child, or children, in equal shares, if there is no surviving spouse
102 of the public safety officer;

103 (4) If there is no surviving spouse of the public safety officer and no surviving child:

104 (a) To the surviving individual, or individuals, in shares per the designation or,
105 otherwise, in equal shares, designated by the public safety officer to receive benefits under
106 this subsection in the most recently executed designation of beneficiary of the public safety
107 officer on file at the time of death with the public safety agency, organization, or unit; or

108 (b) To the surviving individual, or individuals, in equal shares, designated by the
109 public safety officer to receive benefits under the most recently executed life insurance policy
110 of the public safety officer on file at the time of death with the public safety agency,
111 organization, or unit if there is no individual qualifying under paragraph (a) **of this**
112 **subdivision;**

113 (5) To the surviving parent, or parents, in equal shares, of the public safety officer if
114 there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

115 (6) To the surviving individual, or individuals, in equal shares, who would qualify
116 under the definition of the term "child" but for age if there is no individual qualifying under
117 subdivision (1), (2), (3), (4), or (5) of this subsection.

118 5. Notwithstanding subsection 3 of this section, no compensation is payable under
119 this section unless a claim is filed within the time specified under this section setting forth:

120 (1) The name, address, and title or designation of the position in which the public
121 safety officer was serving at the time of his or her death;

122 (2) The name and address of the claimant;

123 (3) A full, factual account of the circumstances resulting in or the course of events
124 causing the death at issue; and

125 (4) Such other information that is reasonably required by the division.

126

127 When a claim is filed, the division of workers' compensation shall make an investigation for
128 substantiation of matters set forth in the application.

129 6. The compensation provided for under this section is in addition to, and not
130 exclusive of, any pension rights, death benefits, or other compensation the claimant may
131 otherwise be entitled to by law.

132 7. Neither employers nor workers' compensation insurers shall have subrogation
133 rights against any compensation awarded for claims under this section. Such compensation
134 shall not be assignable, shall be exempt from attachment, garnishment, and execution, and
135 shall not be subject to setoff or counterclaim, or be in any way liable for any debt, except that
136 the division or commission may allow as lien on the compensation, reasonable attorney's fees
137 for services in connection with the proceedings for compensation if the services are found to
138 be necessary. Such fees are subject to regulation as set forth in section 287.260.

139 8. Any person seeking compensation under this section who is aggrieved by the
140 decision of the division of workers' compensation regarding his or her compensation claim,

141 may make application for a hearing as provided in section 287.450. The procedures
142 applicable to the processing of such hearings and determinations shall be those established by
143 this chapter. Decisions of the administrative law judge under this section shall be binding,
144 subject to review by either party under the provisions of section 287.480.

145 9. Pursuant to section 23.253 of the Missouri sunset act:

146 (1) The provisions of the new program authorized under this section shall **be**
147 **reauthorized as of August 28, 2024, and shall** automatically sunset ~~[six years after June 19,~~
148 ~~2019]~~ **on December 31, 2030**, unless reauthorized by an act of the general assembly; and

149 (2) If such program is reauthorized, the program authorized under this section shall
150 automatically sunset twelve years after the effective date of the reauthorization of this section;
151 and

152 (3) This section shall terminate on September first of the calendar year immediately
153 following the calendar year in which the program authorized under this section is sunset.

154 10. The provisions of this section, unless specified, shall not be subject to other
155 provisions of this chapter.

156 11. There is hereby created in the state treasury the "Line of Duty Compensation
157 Fund", which shall consist of moneys appropriated to the fund and any voluntary
158 contributions, gifts, or bequests to the fund. The state treasurer shall be custodian of the
159 fund and shall approve disbursements from the fund in accordance with sections 30.170 and
160 30.180. Upon appropriation, money in the fund shall be used solely for paying claims under
161 this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
162 remaining in the fund at the end of the biennium shall not revert to the credit of the general
163 revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other
164 funds are invested. Any interest and moneys earned on such investments shall be credited to
165 the fund.

166 12. The division shall promulgate rules to administer this section, including but not
167 limited to the appointment of claims to multiple claimants, record retention, and procedures
168 for information requests. Any rule or portion of a rule, as that term is defined in section
169 536.010, that is created under the authority delegated in this section shall become effective
170 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
171 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
172 vested with the general assembly under chapter 536 to review, to delay the effective date, or
173 to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
174 rulemaking authority and any rule proposed or adopted after June 19, 2009, shall be invalid
175 and void.

302.457. 1. As used in this section, the following terms mean:

2 (1) "Bypass", either:

3 **(a) Failure to take any random retest; or**

4 **(b) Failure to pass a random retest with a breath alcohol concentration not**
5 **exceeding two-hundredths of one percent by weight of alcohol in the person's blood;**

6 **(2) "Failed start", any attempt to start a vehicle with a breath alcohol**
7 **concentration exceeding three-hundredths of one percent by weight of alcohol in the**
8 **person's blood unless a subsequent test performed within ten minutes registers a breath**
9 **alcohol concentration not exceeding two-hundredths of one percent by weight of alcohol**
10 **in the person's blood;**

11 **(3) "Operates", operating a vehicle regardless of whether such vehicle is owned**
12 **by the person subject to this section;**

13 **(4) "Owned", solely owned or owned in conjunction with another person or legal**
14 **entity;**

15 **(5) "Prosecuting attorney", the prosecuting attorney for each county of the state**
16 **or the circuit attorney for a city not within a county;**

17 **(6) "Random retest", a breath test performed by a driver upon a certified**
18 **ignition interlock device at random intervals after the initial engine startup breath test**
19 **and while the vehicle's motor is running;**

20 **(7) "Vehicle" or "motor vehicle", any self-propelled vehicle not operated**
21 **exclusively upon tracks except motorized bicycles, as defined in section 307.180 and**
22 **electric bicycles, as defined in section 301.010. "Vehicle" or "motor vehicle" does not**
23 **include a motorcycle until the state certifies that an ignition interlock device may be**
24 **installed on a motorcycle. A person subject to an ignition interlock device restriction**
25 **shall not operate a motorcycle for the duration of the ignition interlock device**
26 **restriction period.**

27 **2. In addition to any other requirement imposed by law and notwithstanding the**
28 **provisions of section 302.440, the prosecuting attorney shall notify a person enrolling in**
29 **a diversion program under section 557.015 that, unless the person is found to be**
30 **indigent, the person is required to install a functioning, certified ignition interlock**
31 **device on any vehicle that the person operates and is prohibited from operating a motor**
32 **vehicle unless that vehicle is equipped with a functioning, certified ignition interlock**
33 **device in accordance with this section.**

34 **3. Upon receipt of the prosecuting attorney's notice that a person is enrolled in**
35 **the diversion program under section 557.015, the department of revenue shall inform**
36 **the person of the requirements of this section, including the period for which the person**
37 **is required to have a certified ignition interlock device installed. The records of the**
38 **department shall reflect the mandatory use of the device for the period required and the**
39 **date when the device is required to be installed.**

40 **4. The department of revenue shall advise the person that installation of a**
41 **functioning, certified ignition interlock device on a vehicle does not allow the person to**
42 **drive without a valid driver's license.**

43 **5. A person who receives a notification under this section from the department of**
44 **revenue shall do all of the following:**

45 **(1) Arrange for each vehicle operated by the person to be equipped with a**
46 **functioning, certified ignition interlock device by a certified ignition interlock device**
47 **provider;**

48 **(2) Provide to the department proof of installation by submitting a verification**
49 **of installation; and**

50 **(3) Pay a fee, determined by the department, that is sufficient to cover the costs**
51 **of administration of this section.**

52 **6. In addition to any other restrictions the department of revenue places on the**
53 **driver's license record, the department shall place a restriction on the driver's license**
54 **record of the person that states the driver is restricted to driving only vehicles equipped**
55 **with a functioning, certified ignition interlock device for the applicable period.**

56 **7. A person who receives notification under this section from the department of**
57 **revenue shall arrange for each vehicle with a functioning, certified ignition interlock**
58 **device to be serviced by the installer at least once every sixty days for the installer to**
59 **recalibrate and monitor the operation of the device.**

60 **8. The installer of the certified ignition interlock device shall notify the**
61 **department of revenue if the:**

62 **(1) Device is removed or indicates that a person has attempted to remove,**
63 **bypass, or tamper with the device;**

64 **(2) Person fails three or more times to comply with the requirement that the**
65 **installer service the ignition interlock device once every sixty days as provided under**
66 **subsection 7 of this section; or**

67 **(3) Device registers a failed start.**

68 **9. The department of revenue shall monitor the installation and maintenance of**
69 **the ignition interlock device installed under this section.**

70 **10. If a person has any failed start within the last sixty days of the mandatory**
71 **period for which the ignition interlock device is required to be installed, the period shall**
72 **be extended for a period of ninety days.**

73 **11. The requirements of this section are in addition to any other requirements**
74 **provided by law.**

2 ~~[304.022. 1. Upon the immediate approach of an emergency vehicle~~
~~giving audible signal by siren or while having at least one lighted lamp~~

3 ~~exhibiting red light visible under normal atmospheric conditions from a~~
4 ~~distance of five hundred feet to the front of such vehicle or a flashing blue light~~
5 ~~authorized by section 307.175, the driver of every other vehicle shall yield the~~
6 ~~right of way and shall immediately drive to a position parallel to, and as far as~~
7 ~~possible to the right of, the traveled portion of the highway and thereupon stop~~
8 ~~and remain in such position until such emergency vehicle has passed, except~~
9 ~~when otherwise directed by a police or traffic officer.~~

10 ~~2. Upon approaching a stationary vehicle displaying lighted red or red~~
11 ~~and blue lights, or a stationary vehicle displaying lighted amber or amber and~~
12 ~~white lights, the driver of every motor vehicle shall:~~

13 ~~(1) Proceed with caution and yield the right of way, if possible with~~
14 ~~due regard to safety and traffic conditions, by making a lane change into a lane~~
15 ~~not adjacent to that of the stationary vehicle, if on a roadway having at least~~
16 ~~four lanes with not less than two lanes proceeding in the same direction as the~~
17 ~~approaching vehicle; or~~

18 ~~(2) Proceed with due caution and reduce the speed of the vehicle,~~
19 ~~maintaining a safe speed for road conditions, if changing lanes would be~~
20 ~~unsafe or impossible.~~

21 ~~3. The motorman of every streetcar shall immediately stop such car~~
22 ~~clear of any intersection and keep it in such position until the emergency~~
23 ~~vehicle has passed, except as otherwise directed by a police or traffic officer.~~

24 ~~4. An "emergency vehicle" is a vehicle of any of the following types:~~

25 ~~(1) A vehicle operated by the state highway patrol, the state water~~
26 ~~patrol, the Missouri capitol police, a conservation agent, or a state or a county~~
27 ~~or municipal park ranger, those vehicles operated by enforcement personnel of~~
28 ~~the state highways and transportation commission, police or fire department,~~
29 ~~sheriff, constable or deputy sheriff, federal law enforcement officer authorized~~
30 ~~to carry firearms and to make arrests for violations of the laws of the United~~
31 ~~States, traffic officer, coroner, medical examiner, or forensic investigator of the~~
32 ~~county medical examiner's office, or by a privately owned emergency vehicle~~
33 ~~company;~~

34 ~~(2) A vehicle operated as an ambulance or operated commercially for~~
35 ~~the purpose of transporting emergency medical supplies or organs;~~

36 ~~(3) Any vehicle qualifying as an emergency vehicle pursuant to~~
37 ~~section 307.175;~~

38 ~~(4) Any wrecker, or tow truck or a vehicle owned and operated by a~~
39 ~~public utility or public service corporation while performing emergency~~
40 ~~service;~~

41 ~~(5) Any vehicle transporting equipment designed to extricate human~~
42 ~~beings from the wreckage of a motor vehicle;~~

43 ~~(6) Any vehicle designated to perform emergency functions for a civil~~
44 ~~defense or emergency management agency established pursuant to the~~
45 ~~provisions of chapter 44;~~

46 ~~(7) Any vehicle operated by an authorized employee of the department~~
47 ~~of corrections who, as part of the employee's official duties, is responding to a~~
48 ~~riot, disturbance, hostage incident, escape or other critical situation where~~
49 ~~there is the threat of serious physical injury or death, responding to mutual aid~~

50 ~~call from another criminal justice agency, or in accompanying an ambulance~~
 51 ~~which is transporting an offender to a medical facility;~~

52 ~~(8) Any vehicle designated to perform hazardous substance emergency~~
 53 ~~functions established pursuant to the provisions of sections 260.500 to~~
 54 ~~260.550;~~

55 ~~(9) Any vehicle owned by the state highways and transportation~~
 56 ~~commission and operated by an authorized employee of the department of~~
 57 ~~transportation that is marked as a department of transportation emergency~~
 58 ~~response or motorist assistance vehicle; or~~

59 ~~(10) Any vehicle owned and operated by the civil support team of the~~
 60 ~~Missouri National Guard while in response to or during operations involving~~
 61 ~~chemical, biological, or radioactive materials or in support of official requests~~
 62 ~~from the state of Missouri involving unknown substances, hazardous~~
 63 ~~materials, or as may be requested by the appropriate state agency acting on~~
 64 ~~behalf of the governor.~~

65 ~~5. (1) The driver of any vehicle referred to in subsection 4 of this~~
 66 ~~section shall not sound the siren thereon or have the front red lights or blue~~
 67 ~~lights on except when such vehicle is responding to an emergency call or when~~
 68 ~~in pursuit of an actual or suspected law violator, or when responding to, but~~
 69 ~~not upon returning from, a fire.~~

70 ~~(2) The driver of an emergency vehicle may:~~

71 ~~(a) Park or stand irrespective of the provisions of sections 304.014 to~~
 72 ~~304.025;~~

73 ~~(b) Proceed past a red or stop signal or stop sign, but only after~~
 74 ~~slowing down as may be necessary for safe operation;~~

75 ~~(c) Exceed the prima facie speed limit so long as the driver does not~~
 76 ~~endanger life or property;~~

77 ~~(d) Disregard regulations governing direction of movement or turning~~
 78 ~~in specified directions.~~

79 ~~(3) The exemptions granted to an emergency vehicle pursuant to~~
 80 ~~subdivision (2) of this subsection shall apply only when the driver of any such~~
 81 ~~vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle~~
 82 ~~as may be reasonably necessary, and when the vehicle is equipped with at least~~
 83 ~~one lighted lamp displaying a red light or blue light visible under normal~~
 84 ~~atmospheric conditions from a distance of five hundred feet to the front of~~
 85 ~~such vehicle.~~

86 ~~6. No person shall purchase an emergency light as described in this~~
 87 ~~section without furnishing the seller of such light an affidavit stating that the~~
 88 ~~light will be used exclusively for emergency vehicle purposes.~~

89 ~~7. Violation of this section shall be deemed a class A misdemeanor.]~~

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible
 2 signal by siren or while having at least one lighted lamp exhibiting red light visible under
 3 normal atmospheric conditions from a distance of five hundred feet to the front of such
 4 vehicle or a flashing blue light authorized by section 307.175, the driver of every other
 5 vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and
 6 as far as possible to the right of, the traveled portion of the highway and thereupon stop and

7 remain in such position until such emergency vehicle has passed, except when otherwise
8 directed by a police or traffic officer.

9 2. Upon approaching a stationary vehicle displaying lighted red or red and blue lights,
10 or a stationary vehicle displaying lighted amber or amber and white lights, the driver of every
11 motor vehicle shall:

12 (1) Proceed with caution and yield the right-of-way, if possible with due regard to
13 safety and traffic conditions, by making a lane change into a lane not adjacent to that of the
14 stationary vehicle, if on a roadway having at least four lanes with not less than two lanes
15 proceeding in the same direction as the approaching vehicle; or

16 (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe
17 speed for road conditions, if changing lanes would be unsafe or impossible.

18 3. The motorman of every streetcar shall immediately stop such car clear of any
19 intersection and keep it in such position until the emergency vehicle has passed, except as
20 otherwise directed by a police or traffic officer.

21 4. An "emergency vehicle" is a vehicle of any of the following types:

22 (1) A vehicle operated by **a state fire investigator**, the state highway patrol, the state
23 water patrol, the Missouri capitol police, a conservation agent, or a state **or a county or**
24 **municipal** park ranger, those vehicles operated by enforcement personnel of the state
25 highways and transportation commission, police or fire department, sheriff, constable or
26 deputy sheriff, federal law enforcement officer authorized to carry firearms and to make
27 arrests for violations of the laws of the United States, traffic officer, coroner, medical
28 examiner, or forensic investigator of the county medical examiner's office, or by a privately
29 owned emergency vehicle company;

30 (2) A vehicle operated as an ambulance or operated commercially for the purpose of
31 transporting emergency medical supplies or organs;

32 (3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

33 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or
34 public service corporation while performing emergency service;

35 (5) Any vehicle transporting equipment designed to extricate human beings from the
36 wreckage of a motor vehicle;

37 (6) Any vehicle designated to perform emergency functions for a civil defense or
38 emergency management agency established pursuant to the provisions of chapter 44;

39 (7) Any vehicle operated by an authorized employee of the department of corrections
40 who, as part of the employee's official duties, is responding to a riot, disturbance, hostage
41 incident, escape or other critical situation where there is the threat of serious physical injury
42 or death, responding to mutual aid call from another criminal justice agency, or in
43 accompanying an ambulance which is transporting an offender to a medical facility;

44 (8) Any vehicle designated to perform hazardous substance emergency functions
45 established pursuant to the provisions of sections 260.500 to 260.550;

46 (9) Any vehicle owned by the state highways and transportation commission and
47 operated by an authorized employee of the department of transportation that is marked as a
48 department of transportation emergency response or motorist assistance vehicle; or

49 (10) Any vehicle owned and operated by the civil support team of the Missouri
50 National Guard while in response to or during operations involving chemical, biological, or
51 radioactive materials or in support of official requests from the state of Missouri involving
52 unknown substances, hazardous materials, or as may be requested by the appropriate state
53 agency acting on behalf of the governor.

54 5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not
55 sound the siren thereon or have the front red lights or blue lights on except when such vehicle
56 is responding to an emergency call or when in pursuit of an actual or suspected law violator,
57 or when responding to, but not upon returning from, a fire.

58 (2) The driver of an emergency vehicle may:

59 (a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

60 (b) Proceed past a red or stop signal or stop sign, but only after slowing down as may
61 be necessary for safe operation;

62 (c) Exceed the prima facie speed limit so long as the driver does not endanger life or
63 property;

64 (d) Disregard regulations governing direction of movement or turning in specified
65 directions.

66 (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of
67 this subsection shall apply only when the driver of any such vehicle while in motion sounds
68 audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the
69 vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible
70 under normal atmospheric conditions from a distance of five hundred feet to the front of such
71 vehicle.

72 6. No person shall purchase an emergency light as described in this section without
73 furnishing the seller of such light an affidavit stating that the light will be used exclusively for
74 emergency vehicle purposes.

75 7. Violation of this section shall be deemed a class A misdemeanor.

307.175. 1. Motor vehicles and equipment which are operated by any member of an
2 organized fire department, ambulance association, or rescue squad, **including a canine**
3 **search and rescue team**, whether paid or volunteer, may be operated on streets and highways
4 in this state as an emergency vehicle under the provisions of section 304.022 while
5 responding to a fire call [~~or~~], ambulance call, **or an emergency call requiring search and**

6 **rescue operations**, or at the scene of a fire call [~~or~~], ambulance call, **or an emergency call**
7 **requiring search and rescue operations**, and while using or sounding a warning siren and
8 using or displaying thereon fixed, flashing or rotating blue lights, but sirens and blue lights
9 shall be used only in bona fide emergencies.

10 2. (1) Notwithstanding subsection 1 of this section, the following vehicles may use or
11 display fixed, flashing, or rotating red or red and blue lights:

12 (a) Emergency vehicles, as defined in section 304.022, when responding to an
13 emergency;

14 (b) Vehicles operated as described in subsection 1 of this section;

15 (c) Vehicles and equipment owned or leased by a contractor or subcontractor
16 performing work for the department of transportation, except that the red or red and blue
17 lights shall be displayed on vehicles or equipment described in this paragraph only between
18 dusk and dawn, when such vehicles or equipment are stationary, such vehicles or equipment
19 are located in a work zone as defined in section 304.580, highway workers as defined in
20 section 304.580 are present, and such work zone is designated by a sign or signs. No more
21 than two vehicles or pieces of equipment in a work zone may display fixed, flashing, or
22 rotating lights under this subdivision;

23 (d) Vehicles and equipment owned, leased, or operated by a coroner, medical
24 examiner, or forensic investigator of the county medical examiner's office or a similar entity,
25 when responding to a crime scene, motor vehicle accident, workplace accident, or any
26 location at which the services of such professionals have been requested by a law
27 enforcement officer.

28 (2) The following vehicles and equipment may use or display fixed, flashing, or
29 rotating amber or amber and white lights:

30 (a) Vehicles and equipment owned or leased by the state highways and transportation
31 commission and operated by an authorized employee of the department of transportation;

32 (b) Vehicles and equipment owned or leased by a contractor or subcontractor
33 performing work for the department of transportation, except that the amber or amber and
34 white lights shall be displayed on vehicles described in this paragraph only when such
35 vehicles or equipment are located in a work zone as defined in section 304.580, highway
36 workers as defined in section 304.580 are present, and such work zone is designated by a sign
37 or signs;

38 (c) Vehicles and equipment operated by a utility worker performing work for the
39 utility, except that the amber or amber and white lights shall be displayed on vehicles
40 described in this paragraph only when such vehicles are stationary, such vehicles or
41 equipment are located in a work zone as defined in section 304.580, a utility worker is
42 present, and such work zone is designated by a sign or signs. As used in this paragraph, the

43 term "utility worker" means any employee while in performance of his or her job duties,
44 including any person employed under contract of a utility that provides gas, heat, electricity,
45 water, steam, telecommunications or cable services, or sewer services, whether privately,
46 municipally, or cooperatively owned.

47 3. Permits for the operation of such vehicles equipped with sirens or blue lights shall
48 be in writing and shall be issued and may be revoked by the chief of an organized fire
49 department, organized ambulance association, rescue squad, or the state highways and
50 transportation commission and no person shall use or display a siren or blue lights on a motor
51 vehicle, fire, ambulance, or rescue equipment without a valid permit authorizing the use. A
52 permit to use a siren or lights as heretofore set out does not relieve the operator of the vehicle
53 so equipped with complying with all other traffic laws and regulations. Violation of this
54 section constitutes a class A misdemeanor.

**454.1050. 1. This section shall be known and may be cited as "Bentley and
2 Mason's Law".**

3 **2. The court shall order a defendant convicted of the offense of driving while
4 intoxicated to pay restitution for a child whose parent or guardian died as a result of
5 such offense.**

6 **3. Notwithstanding any provision of law under chapter 559 relating to
7 restitution, and subject to subsection 4 of this section, the court shall determine a
8 monthly amount to be paid for the support of the child until the child reaches eighteen
9 years of age or has graduated from high school, whichever is later.**

10 **4. The defendant shall not be required to pay restitution under this section to an
11 individual who is nineteen years of age or older.**

12 **5. The court shall order the defendant to pay restitution in an amount that is
13 reasonable and necessary to support the child, considering all relevant factors,
14 including:**

15 **(1) The financial needs and resources of the child;**

16 **(2) The financial needs and resources of the surviving parent or guardian or
17 other current guardian of the child, including the state if the state is the guardian;**

18 **(3) The standard of living to which the child is accustomed;**

19 **(4) The physical and emotional condition of the child and the child's educational
20 needs;**

21 **(5) The child's physical and legal custody arrangements;**

22 **(6) The reasonable work-related child care expenses of the surviving parent or
23 guardian or other current guardian, if applicable; and**

24 **(7) The financial resources of the defendant.**

25 **6. The order of restitution under this section shall require restitution payments**
26 **to be:**

27 **(1) Delivered in the manner described under subsection 7 of this section, as**
28 **appropriate; and**

29 **(2) Directed to the parent or guardian of the child or the state, as applicable.**

30 **7. The order of restitution under this section shall require the defendant to:**

31 **(1) Make restitution directly to the person or agency that will accept and**
32 **forward restitution payments to the victim or other person eligible for restitution under**
33 **this section; or**

34 **(2) Deliver the amount due as restitution to the division of probation or parole or**
35 **to the department of corrections for transfer to the victim or person or state, as**
36 **appropriate.**

37 **8. If a defendant ordered to pay restitution under this section is unable to make**
38 **the required restitution payments because the defendant is confined or imprisoned in a**
39 **correctional facility, the defendant shall begin payments no later than the first**
40 **anniversary of the date of the defendant's release from the facility. The defendant may**
41 **enter into a payment plan to address any arrearage that exists on the date of the**
42 **defendant's release. The defendant shall pay all arrearages regardless of whether the**
43 **restitution payments were scheduled to terminate while the defendant was confined or**
44 **imprisoned in the correctional facility.**

45 **9. The amount of restitution paid under this section shall be deducted from any**
46 **civil judgment against the defendant.**

47 **10. A restitution order issued under this section may be enforced by the office of**
48 **the attorney general, or by a person or a parent or guardian of the person named in the**
49 **order to receive the restitution, in the same manner as a judgment in a civil action.**

 478.001. 1. For purposes of sections 478.001 to 478.009, the following terms shall
2 mean:

3 (1) "Adult treatment court", a treatment court focused on addressing the substance use
4 disorder or co-occurring disorder of defendants charged with a criminal offense;

5 (2) "Community-based substance use disorder treatment program", an agency
6 certified by the department of mental health as a substance use disorder treatment provider;

7 (3) "Co-occurring disorder", the coexistence of both a substance use disorder and a
8 mental health disorder;

9 (4) "DWI court", a treatment court focused on addressing the substance use disorder
10 or co-occurring disorder of defendants who have pleaded guilty to or been found guilty of
11 driving while intoxicated or driving with excessive blood alcohol content;

12 (5) "Family treatment court", a treatment court focused on addressing a substance use
13 disorder or co-occurring disorder existing in families in the juvenile court, family court, or
14 criminal court in which a parent or other household member has been determined to have a
15 substance use disorder or co-occurring disorder that impacts the safety and well-being of the
16 children in the family;

17 (6) "Juvenile treatment court", a treatment court focused on addressing the substance
18 use disorder or co-occurring disorder of juveniles in the juvenile court;

19 (7) "Medication-assisted treatment", the use of pharmacological medications, in
20 combination with counseling and behavioral therapies, to provide a whole-patient approach to
21 the treatment of substance use disorders;

22 (8) **"Mental health court", a court focused on addressing the mental health
23 disorder or co-occurring disorder of defendants charged with a criminal offense;**

24 (9) "Mental health disorder", any organic, mental, or emotional impairment that has
25 substantial adverse effects on a person's cognitive, volitional, or emotional function and that
26 constitutes a substantial impairment in a person's ability to participate in activities of normal
27 living;

28 ~~[(9)]~~ (10) "Risk and needs assessment", an actuarial tool, approved by the treatment
29 courts coordinating commission and validated on a targeted population of drug-involved adult
30 offenders, scientifically proven to determine a person's risk to recidivate and to identify
31 criminal risk factors that, when properly addressed, can reduce that person's likelihood of
32 committing future criminal behavior;

33 ~~[(10)]~~ (11) "Substance use disorder", the recurrent use of alcohol or drugs that causes
34 clinically significant impairment, including health problems, disability, and failure to meet
35 major responsibilities at work, school, or home;

36 ~~[(11)]~~ (12) "Treatment court commissioner", a person appointed by a majority of the
37 circuit and associate circuit judges in a circuit to preside as the judicial officer in the treatment
38 court division;

39 ~~[(12)]~~ (13) "Treatment court division", a specialized, nonadversarial court division
40 with jurisdiction over cases involving substance-involved offenders and making extensive use
41 of comprehensive supervision, drug or alcohol testing, and treatment services. Treatment
42 court divisions include, but are not limited to, the following specialized courts: adult
43 treatment court, DWI court, family treatment court, juvenile treatment court, **mental health
44 court**, veterans treatment court, or any combination thereof;

45 ~~[(13)]~~ (14) "Treatment court team", the following members who are assigned to the
46 treatment court: the judge or treatment court commissioner, treatment court administrator or
47 coordinator, prosecutor, public defender or member of the criminal defense bar, a
48 representative from the division of probation and parole, a representative from law

49 enforcement, substance use **or mental health** disorder treatment providers, and any other
50 person selected by the treatment court team;

51 ~~[(14)]~~ (15) "Veterans treatment court", a treatment court focused on substance use
52 disorders, co-occurring disorders, or mental health disorders of defendants charged with a
53 criminal offense who are military veterans or current military personnel.

54 2. A treatment court division shall be established, prior to August 28, 2021, by any
55 circuit court pursuant to sections 478.001 to 478.009 to provide an alternative for the judicial
56 system to dispose of cases which stem from, or are otherwise impacted by, a substance use **or**
57 **mental health disorder**. The treatment court division may include, but not be limited to,
58 cases assigned to an adult treatment court, DWI court, family treatment court, juvenile
59 treatment court, **mental health court**, veterans treatment court, or any combination thereof.
60 A treatment court shall combine judicial supervision, drug or alcohol testing, and treatment of
61 participants. Except for good cause found by the court, a treatment court making a referral for
62 substance use **or mental health** disorder treatment, when such program will receive state or
63 federal funds in connection with such referral, shall refer the person only to a program which
64 is certified by the department of mental health, unless no appropriate certified treatment
65 program is located within the same county as the treatment court. Upon successful
66 completion of the treatment court program, the charges, petition, or penalty against a
67 treatment court participant may be dismissed, reduced, or modified, unless otherwise stated.
68 Any fees received by a court from a defendant as payment for substance **or mental health**
69 treatment programs shall not be considered court costs, charges or fines.

70 3. An adult treatment court may be established by any circuit court ~~[under sections~~
71 ~~478.001 to 478.009]~~ to provide an alternative for the judicial system to dispose of cases which
72 stem from substance use.

73 4. ~~[Under sections 478.001 to 478.009,]~~ A DWI court may be established by any
74 circuit court to provide an alternative for the judicial system to dispose of cases that stem
75 from driving while intoxicated.

76 5. A family treatment court may be established by any circuit court. The juvenile
77 division of the circuit court or the family court, if one is established under section 487.010,
78 may refer one or more parents or other household members subject to its jurisdiction to the
79 family treatment court if he or she has been determined to have a substance use disorder or
80 co-occurring disorder that impacts the safety and well-being of the children in the family.

81 6. A juvenile treatment court may be established by the juvenile division of any
82 circuit court. The juvenile division may refer a juvenile to the juvenile treatment court if the
83 juvenile is determined to have committed acts that violate the criminal laws of the state or
84 ordinances of a municipality or county and a substance use disorder or co-occurring disorder
85 contributed to the commission of the offense.

86 7. The general assembly finds and declares that it is the public policy of this state to
87 encourage and provide an alternative method for the disposal of cases for military veterans
88 and current military personnel with substance use disorders, mental health disorders, or co-
89 occurring disorders. In order to effectuate this public policy, a veterans treatment court may
90 be established by any circuit court, or combination of circuit courts upon agreement of the
91 presiding judges of such circuit courts, to provide an alternative for the judicial system to
92 dispose of cases that stem from a substance use disorder, mental health disorder, or co-
93 occurring disorder of military veterans or current military personnel. A veterans treatment
94 court shall combine judicial supervision, drug or alcohol testing, and substance use and
95 mental health disorder treatment to participants who have served or are currently serving the
96 United States Armed Forces, including members of the Reserves or National Guard, with
97 preference given to individuals who have combat service. For the purposes of this section,
98 combat service shall be shown through military service documentation that reflects service in
99 a combat theater, receipt of combat service medals, or receipt of imminent danger or hostile
100 fire pay or tax benefits. Except for good cause found by the court, a veterans treatment court
101 shall make a referral for substance use or mental health disorder treatment, or a combination
102 of substance use and mental health disorder treatment, through the Department of Defense
103 health care, the Veterans Administration, or a community-based substance use disorder
104 treatment program. Community-based programs utilized shall receive state or federal funds
105 in connection with such referral and shall only refer the individual to a program certified by
106 the department of mental health, unless no appropriate certified treatment program is located
107 within the same circuit as the veterans treatment court.

108 **8. A mental health court may be established by any circuit court to provide an**
109 **alternative for the judicial system to dispose of cases that stem from a mental health**
110 **disorder or co-occurring disorder.**

488.040. ~~[1.] Each grand and petit juror shall, pursuant to the provisions of section~~
2 ~~494.455, receive six dollars per day for every day he or she may actually serve as such and~~
3 ~~seven cents for every mile he or she may necessarily travel going from his or her place of~~
4 ~~residence to the courthouse and returning, to be paid from funds of the county or a city not~~
5 ~~within a county.~~

6 ~~[2. Provided that a county or a city not within a county authorizes daily compensation~~
7 ~~payable from county or city funds for jurors who serve in that county pursuant to subsection 3~~
8 ~~of this section in the amount of at least six dollars per day in addition to the amount required~~
9 ~~by subsection 1 of this section, a person shall receive an additional six dollars per day,~~
10 ~~pursuant to the provisions of section 494.455, to be reimbursed by the state of Missouri so~~
11 ~~that the total compensation payable shall be at least eighteen dollars, plus mileage as~~
12 ~~indicated in subsection 1 of this section, for each day that the person actually serves as a petit~~

13 juror in a particular case; or for each day that a person actually serves as a grand juror during
 14 a term of a grand jury. The state shall reimburse the county for six dollars of the additional
 15 juror compensation provided by this subsection.

16 3. ~~The governing body of each county or a city not within a county may authorize~~
 17 ~~additional daily compensation and mileage allowance for jurors, which additional~~
 18 ~~compensation shall be paid from the funds of the county or a city not within a county.~~
 19 ~~The governing body of each county or a city not within a county may authorize additional~~
 20 ~~daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors~~
 21 ~~may receive the additional compensation and mileage allowance authorized by this subsection~~
 22 ~~only if the governing body of the county or the city not within a county authorizes the~~
 23 ~~additional compensation. The provisions of this subsection authorizing additional~~
 24 ~~compensation shall terminate upon the issuance of a mandate by the Missouri supreme~~
 25 ~~court which results in the state of Missouri being obligated or required to pay any such~~
 26 ~~additional compensation even if such additional compensation is formally approved or~~
 27 ~~authorized by the governing body of a county or a city not within a county.~~

28 4. ~~When each panel of jurors summoned and attending court has completed its~~
 29 ~~service, the board of jury commissioners shall cause to be submitted to the governing body of~~
 30 ~~the county or a city not within a county a statement of fees earned by each juror. Within thirty~~
 31 ~~days of the submission of the statement of fees, the governing body shall cause payment to be~~
 32 ~~made to those jurors summoned the fees earned during their service as jurors] receive daily~~
 33 **compensation and mileage allowance in the amount provided by law pursuant to section**
 34 **494.455.**

490.692. 1. Any records or copies of records reproduced in the ordinary course of
 2 business by any photographic, photostatic, microfilm, microcard, miniature photographic,
 3 optical disk imaging, or other process which accurately reproduces or forms a durable
 4 medium for so reproducing the original that would be admissible under sections 490.660 to
 5 490.690 shall be admissible as a business record, subject to other substantive or procedural
 6 objections, in any court in this state upon the affidavit of the person who would otherwise
 7 provide the prerequisites of sections 490.660 to 490.690, that the records attached to the
 8 affidavit were kept as required by section 490.680.

9 2. No party shall be permitted to offer such business records into evidence pursuant to
 10 this section unless all other parties to the action have been served with copies of such records
 11 and such affidavit at least seven days prior to the day upon which trial of the cause
 12 commences.

13 3. The affidavit permitted by this section may be in form and content substantially as
 14 follows:

15 THE STATE OF _____

16 COUNTY OF _____
17 AFFIDAVIT

18 Before me, the undersigned authority, personally appeared _____, who, being by me
19 duly sworn, deposed as follows:

20 My name is _____, I am of sound mind, capable of making this affidavit, and
21 personally acquainted with the facts herein stated:

22 I am the custodian of the records of _____. Attached hereto are _____ pages of
23 records from _____. These _____ pages of records are kept by _____ in the regular course
24 of business, and it was the regular course of business of _____ for an employee or
25 representative of _____ with knowledge of the act, event, condition, opinion, or diagnosis
26 recorded to make the record or to transmit information thereof to be included in such record;
27 and the record was made at or near the time of the act, event, condition, opinion or diagnosis.
28 The records attached hereto are the original or exact duplicates of the original.

29 _____
30 Affiant

31 In witness whereof I have hereunto subscribed my name and affixed my official seal
32 this _____ day of _____, 20_____.

33 _____
34 (Signed) (Seal)

35 **4. The requirements of this section shall be deemed satisfied if, instead of an**
36 **affidavit, the custodian of records completes a certificate or similar declaration under**
37 **penalty of perjury in a form consistent with the provisions of 28 U.S.C. Section 1746, as**
38 **long as the form of the certificate otherwise includes the information required under**
39 **this section.**

40 **5. The affidavit or certificate required under this section may be completed by**
41 **electronic signature, and a printout of a digital or electronic copy of such affidavit or**
42 **certificate may be used in place of an original.**

491.075. 1. A statement made by a child under the age of ~~fourteen~~ **eighteen**, or a
2 vulnerable person, relating to an offense under chapter 565, 566, 568 or 573, performed by
3 another, not otherwise admissible by statute or court rule, is admissible in evidence in
4 criminal proceedings in the courts of this state as substantive evidence to prove the truth of
5 the matter asserted if:

- 6 (1) The court finds, in a hearing conducted outside the presence of the jury that the
7 time, content and circumstances of the statement provide sufficient indicia of reliability; and
- 8 (2) (a) The child or vulnerable person testifies at the proceedings; or
9 (b) The child or vulnerable person is unavailable as a witness; or

10 (c) The child or vulnerable person is otherwise physically available as a witness but
11 the court finds that the significant emotional or psychological trauma which would result
12 from testifying in the personal presence of the defendant makes the child or vulnerable person
13 unavailable as a witness at the time of the criminal proceeding.

14 2. Notwithstanding subsection 1 of this section or any provision of law or rule of
15 evidence requiring corroboration of statements, admissions or confessions of the defendant,
16 and notwithstanding any prohibition of hearsay evidence, a statement by a child when under
17 the age of [~~fourteen~~] **eighteen**, or a vulnerable person, who is alleged to be victim of an
18 offense under chapter 565, 566, 568 or 573 is sufficient corroboration of a statement,
19 admission or confession regardless of whether or not the child or vulnerable person is
20 available to testify regarding the offense.

21 3. A statement may not be admitted under this section unless the prosecuting attorney
22 makes known to the accused or the accused's counsel his or her intention to offer the
23 statement and the particulars of the statement sufficiently in advance of the proceedings to
24 provide the accused or the accused's counsel with a fair opportunity to prepare to meet the
25 statement.

26 4. Nothing in this section shall be construed to limit the admissibility of statements,
27 admissions or confessions otherwise admissible by law.

28 5. For the purposes of this section, "vulnerable person" shall mean a person who, as a
29 result of an inadequately developed or impaired intelligence or a psychiatric disorder that
30 materially affects ability to function, lacks the mental capacity to consent, or whose
31 developmental level does not exceed that of an ordinary child of [~~fourteen~~] **seventeen** years
32 of age.

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

7 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
8 remaining in the fund at the end of the biennium shall not revert to the credit of the general
9 revenue fund.

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

13 2. Any law enforcement agency **or prosecuting attorney's office** may provide for the
14 security of witnesses, potential witnesses, and their immediate families in criminal

15 proceedings instituted or investigations pending against a person alleged to have engaged in a
16 violation of state law. Providing for witnesses may include provision of housing facilities and
17 for the health, safety, and welfare of such witnesses and their immediate families, if testimony
18 by such a witness might subject the witness or a member of his or her immediate family to
19 danger of bodily injury, and may continue so long as such danger exists. Subject to
20 appropriations from the general assembly for the purposes provided for in this section, funds
21 may be appropriated from the pretrial witness protection services fund.

22 3. The department of public safety may authorize funds to be disbursed to law
23 enforcement agencies **or prosecuting attorneys' offices** for the purchase, rental, or
24 modification of protected housing facilities for the purpose of this section. The law
25 enforcement agency **or prosecuting attorney's office** may contract with any department of
26 federal or state government to obtain or to provide the facilities or services to carry out this
27 section.

28 4. The department of public safety may authorize expenditures for law enforcement
29 agencies **or prosecuting attorneys' offices** to provide for the health, safety, and welfare of
30 witnesses and victims, and the families of such witnesses and victims, whenever testimony
31 from, or a willingness to testify by, such a witness or victim would place the life of such
32 person, or a member of his or her family or household, in jeopardy. ~~[A law enforcement~~
33 ~~agency shall submit an application to the department of public safety which shall include, but~~
34 ~~not necessarily be limited to:~~

35 ~~(1) Statement of conditions which qualify persons for protection;~~

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

38 ~~(3) Statement of the projected costs over a specified period of time;~~

39 ~~(4) If the requesting agency expects the person to provide evidence in any court of~~
40 ~~competent jurisdiction:~~

41 ~~(a) Brief statement of the anticipated evidence;~~

42 ~~(b) Certification of a reasonable belief in the person's competency to give evidence;~~

43 ~~(c) Statement of facts supporting the law enforcement agency's belief in the accuracy~~
44 ~~of the evidence; and~~

45 ~~(d) Any offer made in exchange for the person agreeing to give evidence.]~~ A law
46 enforcement agency **or prosecuting attorney's office** seeking reimbursement shall
47 submit an application to be approved by the department of public safety. The
48 department of public safety may also be reimbursed or paid for incurred costs that are
49 directly related to the management and administration of the fund, up to five percent of
50 the appropriated amount in the fund.

51 5. The application **and any associated documents** submitted in subsection 4 of this
52 section shall be a closed record and not subject to disclosure under the provisions of chapter
53 610. Any information contained in the application~~[, or]~~ **and** any other documents~~[, which~~
54 ~~reveals]~~ **that reveal** or could reveal the location or address of the individual or individuals
55 who qualify for services under this section shall be confidential and shall not be disclosed by
56 any entity.

57 **6. The department of public safety may promulgate rules as to the application**
58 **process to seek reimbursement. Any rule or portion of a rule, as that term is defined in**
59 **section 536.010, that is created under the authority delegated in this section shall**
60 **become effective only if it complies with and is subject to all of the provisions of chapter**
61 **536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable**
62 **and if any of the powers vested with the general assembly pursuant to chapter 536 to**
63 **review, to delay the effective date, or to disapprove and annul a rule are subsequently**
64 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
65 **adopted after August 28, 2024, shall be invalid and void.**

492.304. 1. In addition to the admissibility of a statement under the provisions of
2 section 492.303, the visual and aural recording of a verbal or nonverbal statement of a child
3 when under the age of ~~fourteen who is alleged to be a victim of]~~ **eighteen or a vulnerable**
4 **person, relating to** an offense under the provisions of chapter 565, 566 ~~[or]~~, 568, **or 573, if**
5 **performed by another**, is admissible into evidence if:

6 (1) No attorney for either party was present when the statement was made; except
7 that, for any statement taken at a state-funded child assessment center as provided for in
8 subsection 2 of section 210.001, an attorney representing the state of Missouri in a criminal
9 investigation may, as a member of a multidisciplinary investigation team, observe the taking
10 of such statement, but such attorney shall not be present in the room where the interview is
11 being conducted;

12 (2) The recording is both visual and aural and is recorded on film or videotape or by
13 other electronic means;

14 (3) The recording equipment was capable of making an accurate recording, the
15 operator of the equipment was competent, and the recording is accurate and has not been
16 altered;

17 (4) The statement was not made in response to questioning calculated to lead the child
18 **or vulnerable person** to make a particular statement or to act in a particular way;

19 (5) Every voice on the recording is identified;

20 (6) The person conducting the interview of the child **or vulnerable person** in the
21 recording is present at the proceeding and available to testify or be cross-examined by either
22 party; and

23 (7) The defendant or the attorney for the defendant is afforded an opportunity to view
24 the recording before it is offered into evidence.

25 2. If the child **or vulnerable person** does not testify at the proceeding, the visual and
26 aural recording of a verbal or nonverbal statement of the child **or vulnerable person** shall not
27 be admissible under this section unless the recording qualifies for admission under section
28 491.075.

29 3. If the visual and aural recording of a verbal or nonverbal statement of a child **or**
30 **vulnerable person** is admissible under this section and the child **or vulnerable person**
31 testifies at the proceeding, it shall be admissible in addition to the testimony of the child **or**
32 **vulnerable person** at the proceeding whether or not it repeats or duplicates the child's **or**
33 **vulnerable person's** testimony.

34 4. As used in this section, a nonverbal statement shall be defined as any
35 demonstration of the child **or vulnerable person** by his or her actions, facial expressions,
36 demonstrations with a doll or other visual aid whether or not this demonstration is
37 accompanied by words.

38 **5. For the purposes of this section, "vulnerable person" shall mean a person**
39 **who, as a result of an inadequately developed or impaired intelligence or a psychiatric**
40 **disorder that materially affects the ability to function, lacks the mental capacity to**
41 **consent, or whose developmental level does not exceed that of an ordinary child of**
42 **seventeen years of age.**

494.455. 1. ~~[Each county or city not within a county may elect to compensate its~~
2 ~~jurors pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of~~
3 ~~this section.~~

4 ~~2.]~~ Each grand and petit juror shall receive a **minimum of** six dollars per day, for
5 every day ~~[he or she]~~ **the juror** may actually serve as ~~[such]~~ **a juror**, and ~~[seven cents]~~ **the**
6 **mileage rate as provided by section 33.095 for state employees** for every mile ~~[he or she]~~
7 **the juror** may necessarily travel going from ~~[his or her]~~ **the juror's** place of residence to the
8 courthouse and returning, to be paid from funds of the county or a city not within a county.
9 **Each county or city not within a county may elect to compensate its jurors under**
10 **subsection 2 of this section, except as otherwise provided in subsection 3 of this section.**

11 2. The governing body of each county or a city not within a county may authorize
12 additional daily compensation and mileage allowance for jurors, which additional
13 compensation shall be paid from the funds of the county or a city not within a county.
14 The governing body of each county or a city not within a county may authorize additional
15 daily compensation and mileage allowance for jurors attending a coroner's inquest. Jurors
16 may receive the additional compensation and mileage allowance authorized by this subsection
17 only if the governing body of the county or the city not within a county authorizes the

18 additional compensation. The provisions of this subsection authorizing additional
19 compensation shall terminate upon the issuance of a mandate by the Missouri supreme
20 court which results in the state of Missouri being obligated or required to pay any such
21 additional compensation even if such additional compensation is formally approved or
22 authorized by the governing body of a county or a city not within a county. Provided that a
23 county or a city not within a county authorizes daily compensation payable from county or
24 city funds for jurors who serve in that county pursuant to this subsection in the amount of at
25 least six dollars per day in addition to the amount required by this subsection, a person shall
26 receive an additional six dollars per day to be reimbursed by the state of Missouri so that the
27 total compensation payable shall be at least eighteen dollars, plus mileage for each day that
28 the person actually serves as a petit juror in a particular case; or for each day that a person
29 actually serves as a grand juror during a term of a grand jury. The state shall reimburse the
30 county for six dollars of the additional juror compensation provided by this subsection.

31 3. ~~[In any county of the first classification without a charter form of government and~~
32 ~~with a population of at least two hundred thousand inhabitants, no grand or petit juror shall~~
33 ~~receive compensation for the first two days of service, but shall receive fifty dollars per day~~
34 ~~for the third day and each subsequent day he or she may actually serve as such, and seven~~
35 ~~cents for every mile he or she may necessarily travel going from his or her place of residence~~
36 ~~to the courthouse and returning, to be paid from funds of the county.] **Notwithstanding the**~~
37 **provisions of subsection 1 or 2 of this section, by a majority vote, the governing body of**
38 **a county or city not within a county may adopt a system for juror compensation in a city**
39 **not within a county or a county within the circuit, as follows: each grand or petit juror**
40 **shall receive fifty dollars per day for the third day the juror may actually serve as a**
41 **juror and for each subsequent day of actual service, and the mileage rate as provided by**
42 **section 33.095 for state employees for every mile the juror may necessarily travel from**
43 **the juror's place of residence to the courthouse and returning, to be paid from funds of**
44 **the county or a city not within a county, provided that no grand or petit juror shall**
45 **receive compensation for the first two days the juror may actually serve as such.**

46 4. When each panel of jurors summoned and attending court has completed its
47 service, the board of jury commissioners shall cause to be submitted to the governing body of
48 the county or a city not within a county a statement of fees earned by each juror. Within thirty
49 days of the submission of the statement of fees, the governing body shall cause payment to be
50 made to those jurors summoned the fees earned during their service as jurors.

547.031. 1. A prosecuting or circuit attorney, in the jurisdiction in which ~~[a person~~
2 ~~was convicted of an offense] charges were filed~~, may file a motion to vacate or set aside the
3 judgment at any time if he or she has information that the convicted person may be innocent
4 or may have been erroneously convicted. The circuit court in which ~~[the person was~~

5 ~~convicted]~~ **charges were filed** shall have jurisdiction and authority to consider, hear, and
6 decide the motion.

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

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

19 4. The prosecuting attorney or circuit attorney shall have the authority and right to file
20 and maintain an appeal of the denial or disposal of such a motion. The attorney general may
21 file a motion to intervene and, in addition to such motion, file a motion to dismiss the motion
22 to vacate or to set aside the judgment in any appeal filed by the prosecuting or circuit attorney.

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

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

6 (2) "Affirmative defense":

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

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

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

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

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

16 (4) "Commercial film and photographic print processor", any person who develops
17 exposed photographic film into negatives, slides or prints, or who makes prints from
18 negatives or slides, for compensation. The term commercial film and photographic print

19 processor shall include all employees of such persons but shall not include a person who
20 develops film or makes prints for a public agency;

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

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

33 (7) "Computer hardware", all equipment which can collect, analyze, create, display,
34 convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses
35 or data. Hardware includes, but is not limited to, any data processing devices, such as central
36 processing units, memory typewriters and self-contained laptop or notebook computers;
37 internal and peripheral storage devices, transistor-like binary devices and other memory
38 storage devices, such as floppy disks, removable disks, compact disks, digital video disks,
39 magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two
40 or more computers connected together to a central computer server via cable or modem;
41 peripheral input or output devices, such as keyboards, printers, scanners, plotters, video
42 display monitors and optical readers; and related communication devices, such as modems,
43 cables and connections, recording equipment, RAM or ROM units, acoustic couplers,
44 automatic dialers, speed dialers, programmable telephone dialing or signaling devices and
45 electronic tone-generating devices; as well as any devices, mechanisms or parts that can be
46 used to restrict access to computer hardware, such as physical keys and locks;

47 (8) "Computer network", two or more interconnected computers or computer
48 systems;

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

51 (10) "Computer software", digital information which can be interpreted by a
52 computer and any of its related components to direct the way they work. Software is stored in
53 electronic, magnetic, optical or other digital form. The term commonly includes programs to
54 run operating systems and applications, such as word processing, graphic, or spreadsheet
55 programs, utilities, compilers, interpreters and communications programs;

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

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

61 (13) "Confinement":

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

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

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

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

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

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

70 b. The person is under sentence to serve a term of confinement which is not
71 continuous, or is serving a sentence under a work-release program, and in either such case is
72 not being held in a place of confinement or is not being held under guard by a person having
73 the legal power and duty to transport the person to or from a place of confinement;

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

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

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

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

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

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

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

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

93 (19) "Dangerous felony", the felonies of arson in the first degree, assault in the first
94 degree, attempted rape in the first degree if physical injury results, attempted forcible rape if
95 physical injury results, attempted sodomy in the first degree if physical injury results,
96 attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape,
97 sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such
98 assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the
99 first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in
100 the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in
101 the first degree, armed criminal action, conspiracy to commit an offense when the offense is a
102 dangerous felony, vehicle hijacking when punished as a class A felony, statutory rape in the
103 first degree when the victim is a child less than twelve years of age at the time of the
104 commission of the act giving rise to the offense, statutory sodomy in the first degree when the
105 victim is a child less than twelve years of age at the time of the commission of the act giving
106 rise to the offense, child molestation in the first or second degree, abuse of a child if the child
107 dies as a result of injuries sustained from conduct chargeable under section 568.060, child
108 kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of
109 the child for not less than one hundred twenty days under section 565.153, **endangering the**
110 **welfare of a child in the first degree when punished as a class A, B, or C felony**, and an
111 "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is
112 found to be a "habitual offender" or "habitual boating offender" as such terms are defined in
113 section 577.001;

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

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

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

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

127 (24) "Disability", a mental, physical, or developmental impairment that substantially
128 limits one or more major life activities or the ability to provide adequately for one's care or

129 protection, whether the impairment is congenital or acquired by accident, injury or disease,
130 where such impairment is verified by medical findings;

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

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

134 (27) "Forcible compulsion" either:

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

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

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

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

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

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

146 (b) Where people assemble for purposes of business, government, education, religion,
147 entertainment, or public transportation; or

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

149

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

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

154 (a) Conduct or attendant circumstances, means a person is aware of the nature of his
155 or her conduct or that those circumstances exist; or

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

158 (32) "Law enforcement officer", any public servant having both the power and duty to
159 make arrests for violations of the laws of this state, and federal law enforcement officers
160 authorized to carry firearms and to make arrests for violations of the laws of the United
161 States;

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

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

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

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

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

177 (38) "Possess" or "possessed", having actual or constructive possession of an object
178 with knowledge of its presence. A person has actual possession if such person has the object
179 on his or her person or within easy reach and convenient control. A person has constructive
180 possession if such person has the power and the intention at a given time to exercise dominion
181 or control over the object either directly or through another person or persons. Possession
182 may also be sole or joint. If one person alone has possession of an object, possession is sole.
183 If two or more persons share possession of an object, possession is joint;

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

186 (40) "Public servant", any person employed in any way by a government of this state
187 who is compensated by the government by reason of such person's employment, any person
188 appointed to a position with any government of this state, or any person elected to a position
189 with any government of this state. It includes, but is not limited to, legislators, jurors,
190 members of the judiciary and law enforcement officers. It does not include witnesses;

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

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

196 (43) "Serious emotional injury", an injury that creates a substantial risk of temporary
197 or permanent medical or psychological damage, manifested by impairment of a behavioral,
198 cognitive or physical condition. Serious emotional injury shall be established by testimony of
199 qualified experts upon the reasonable expectation of probable harm to a reasonable degree of
200 medical or psychological certainty;

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

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

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

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

212 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not
213 such motor or machinery is a principal source of propulsion used or capable of being used as
214 a means of transportation on water, or any boat or craft more than twelve feet in length which
215 is powered by sail alone or by a combination of sail and machinery, and used or capable of
216 being used as a means of transportation on water, but not any boat or craft having, as the only
217 means of propulsion, a paddle or oars;

218 (49) "Voluntary act":

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

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

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

557.014. 1. As used in this section, the following terms shall mean:

2 (1) "Accusatory instrument", a warrant of arrest, information, or indictment;

3 (2) "Accused", an individual accused of a criminal offense, but not yet charged with a
4 criminal offense;

5 (3) "Defendant", any person charged with a criminal offense;

6 (4) "Deferred prosecution", the suspension of a criminal case for a specified period
7 upon the request of both the prosecuting attorney and the accused or the defendant;

8 (5) "Diversionary screening", the discretionary power of the prosecuting attorney to
9 suspend all formal prosecutorial proceedings against a person who has become involved in
10 the criminal justice system as an accused or defendant;

11 (6) "Prosecuting attorney", includes the prosecuting attorney or circuit attorney for
12 each county of the state and the City of St. Louis;

13 (7) "Prosecution diversion", the imposition of conditions of behavior and conduct by
14 the prosecuting attorney upon an accused or defendant for a specified period of time as an
15 alternative to proceeding to adjudication on a complaint, information, or indictment.

16 2. Each prosecuting attorney in the state of Missouri shall have the authority to, upon
17 agreement with an accused or a defendant, divert a criminal case to a prosecution diversion
18 program for a period of six months to two years, thus allowing for any statute of limitations to
19 be tolled for that time alone. The period of diversion may be extended by the prosecuting
20 attorney as a disciplinary measure or to allow sufficient time for completion of any portion of
21 the prosecution diversion including restitution; provided, however, that no extension of such
22 diversion shall be for a period of more than two years.

23 3. The prosecuting attorney may divert cases, under this program, out of the criminal
24 justice system where the prosecuting attorney determines that the advantages of utilizing
25 prosecution diversion outweigh the advantages of immediate court activity.

26 4. Prior to or upon the issuance of an accusatory instrument, with consent of the
27 accused or defendant, other than for an offense enumerated in this section, the prosecuting
28 attorney may forego continued prosecution upon the parties' agreement to a prosecution
29 diversion plan. The prosecution diversion plan shall be for a specified period and be in
30 writing. The prosecuting attorney has the sole authority to develop diversionary program
31 requirements, but minimum requirements are as follows:

32 (1) The alleged crime is nonviolent, nonsexual, and does not involve a child victim or
33 possession of an unlawful weapon;

34 (2) The accused or defendant must submit to all program requirements;

35 (3) Any newly discovered criminal behavior while in a prosecution diversion
36 program will immediately forfeit his or her right to continued participation in said program at
37 the sole discretion of the prosecuting attorney;

38 (4) The alleged crime does not also constitute a violation of a current condition of
39 probation or parole;

40 (5) The alleged crime is not a traffic offense in which the accused or defendant was a
41 holder of a commercial driver license or was operating a commercial motor vehicle at the
42 time of the offense; and

43 (6) Any other criteria established by the prosecuting attorney.

44 5. During any period of prosecution diversion, the prosecuting attorney may impose
45 conditions upon the behavior and conduct of the accused or defendant that assures the safety
46 and well-being of the community as well as that of the accused or defendant. The conditions
47 imposed by the prosecuting attorney shall include, but are not limited to, requiring the
48 accused or defendant to remain free of any criminal behavior during the entire period of
49 prosecution diversion.

50 6. The responsibility and authority to screen or divert specific cases, or to refuse to
51 screen or divert specific cases, shall rest within the sole judgment and discretion of the
52 prosecuting attorney as part of their official duties as prosecuting attorney. The decision of
53 the prosecuting attorney regarding diversion shall not be subject to appeal nor be raised as a
54 defense in any prosecution of a criminal case involving the accused or defendant.

55 7. Any person participating in the program:

56 (1) Shall have the right to insist on criminal prosecution for the offense for which he
57 or she is accused at any time; and

58 (2) May have counsel of the person's choosing present during all phases of the
59 prosecution diversion proceedings, but counsel is not required and no right to appointment of
60 counsel is hereby created.

61 8. In conducting the program, the prosecuting attorney may require at any point the
62 reinitiation of criminal proceedings when, in his or her judgment, such is warranted.

63 9. Any county, city, person, organization, or agency, or employee or agent thereof,
64 involved with the supervision of activities, programs, or community service that are a part of
65 a prosecution diversion program, shall be immune from any suit by the person performing the
66 work under the deferred prosecution agreement, or any person deriving a cause of action from
67 such person, except for an intentional tort or gross negligence. Persons performing work or
68 community service pursuant to a deferred prosecution agreement as described shall not be
69 deemed to be engaged in employment within the meaning of the provisions of chapter 288. A
70 person performing work or community service pursuant to a deferred prosecution agreement
71 shall not be deemed an employee within the meaning of the provisions of chapter 287.

72 10. Any person supervising or employing an accused or defendant under the program
73 shall report to the prosecuting attorney any violation of the terms of the prosecution diversion
74 program.

75 11. After completion of the program and any conditions imposed upon the accused or
76 defendant, to the satisfaction of the prosecuting attorney, the individual shall be entitled to a
77 dismissal or alternative disposition of charges against them. Such disposition may, in the
78 discretion of the prosecuting attorney, be without prejudice to the state of Missouri for the
79 reinstatement of criminal proceedings, within the statute of limitations, upon any subsequent

80 criminal activity on the part of the accused. Any other provision of law notwithstanding, such
81 individual shall be required to pay any associated costs prior to dismissal of pending charges.

82 **12. If the criminal case diverted involves driving under the influence of alcohol,**
83 **this section shall not apply, and the provisions under section 557.015 shall apply.**

557.015. 1. A prosecuting attorney may divert a criminal case involving driving
2 **under the influence of alcohol if all of the following criteria are met:**

3 **(1) The defendant has not previously been convicted of any violation of driving a**
4 **motor vehicle with eight-hundredths of one percent or more by weight of alcohol in the**
5 **defendant's blood;**

6 **(2) The defendant is not currently enrolled in, and has not in the previous ten**
7 **years completed, a diversion program under this section or section 557.014;**

8 **(3) The defendant does not hold a commercial driver's license; and**

9 **(4) The offense did not occur while operating a commercial vehicle.**

10 **2. Diversion under this section may continue for a period not to exceed twenty-**
11 **four months, and the defendant may be ordered to comply with terms, conditions, or**
12 **programs that are appropriate based on the defendant's specific situation.**

13 **3. The terms of diversion granted under this section shall include, without**
14 **limitation, the installation of an ignition interlock device, as provided under section**
15 **302.457, unless a defendant is found to be indigent, for a period of no less than twelve**
16 **months, and other terms deemed necessary by the prosecuting attorney.**

17 **4. If the defendant has complied with the imposed terms and conditions at the**
18 **end of the period of diversion, the action against the defendant shall be dismissed, the**
19 **dismissal shall be recorded, and the record shall be transmitted to the department of**
20 **revenue.**

21 **5. If it appears that the defendant is not complying with the terms and conditions**
22 **of diversion, after notice to the defendant, a hearing shall be held to determine whether**
23 **the criminal proceedings will be reinstated. If it is found that the defendant has not**
24 **complied with the terms and conditions of diversion, diversion may end and the**
25 **criminal proceedings may resume.**

26 **6. As used in this section, "prosecuting attorney" means the prosecuting**
27 **attorney for each county of the state or the circuit attorney for a city not within a**
28 **county.**

559.125. 1. The clerk of the court shall keep in a permanent file all applications for
2 **probation or parole by the court, and shall keep in such manner as may be prescribed by the**
3 **court complete and full records of all presentence investigations requested, probations or**
4 **paroles granted, revoked or terminated and all discharges from probations or paroles. All**
5 **court orders relating to any presentence investigation requested and probation or parole**

6 granted under the provisions of this chapter and sections 558.011 and 558.026 shall be kept in
7 a like manner, and, if the defendant subject to any such order is subject to an investigation or
8 is under the supervision of the division of probation and parole, a copy of the order shall be
9 sent to the division of probation and parole. In any county where a parole board ceases to
10 exist, the clerk of the court shall preserve the records of that parole board.

11 2. **Except in criminal proceedings**, information and data obtained by a probation or
12 parole officer shall be privileged information and shall not be receivable in any court. Such
13 information shall not be disclosed directly or indirectly to anyone other than the members of a
14 parole board and the judge entitled to receive reports, except the court, the division of
15 probation and parole, or the parole board may in its discretion permit the inspection of the
16 report, or parts of such report, by the defendant, or offender or his or her attorney, or other
17 person having a proper interest therein.

18 3. The provisions of subsection 2 of this section notwithstanding, the presentence
19 investigation report shall be made available to the state and all information and data obtained
20 in connection with preparation of the presentence investigation report may be made available
21 to the state at the discretion of the court upon a showing that the receipt of the information
22 and data is in the best interest of the state.

567.030. 1. A person commits the offense of patronizing prostitution if he or she:

2 (1) Pursuant to a prior understanding, gives something of value to another person as
3 compensation for having engaged in sexual conduct with any person; or

4 (2) Gives or agrees to give something of value to another person with the
5 understanding that such person or another person will engage in sexual conduct with any
6 person; or

7 (3) Solicits or requests another person to engage in sexual conduct with any person in
8 return for something of value.

9 2. It shall not be a defense that the person believed that the individual he or she
10 patronized for prostitution was eighteen years of age or older.

11 3. The offense of patronizing prostitution is a class B misdemeanor, unless the
12 individual who the person patronizes is less than eighteen years of age but older than
13 ~~fourteen~~ **fifteen** years of age, in which case patronizing prostitution is a class E felony.

14 4. The offense of patronizing prostitution is a class ~~D~~ **B** felony if the individual who
15 the person patronizes is ~~fourteen~~ **fifteen** years of age or younger. Nothing in this section
16 shall preclude the prosecution of an individual for the offenses of:

17 (1) Statutory rape in the first degree pursuant to section 566.032;

18 (2) Statutory rape in the second degree pursuant to section 566.034;

19 (3) Statutory sodomy in the first degree pursuant to section 566.062; or

20 (4) Statutory sodomy in the second degree pursuant to section 566.064.

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

(1) Knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than ~~[seventeen]~~ **eighteen** years of age; or

(2) Knowingly engages in sexual conduct with a person under the age of ~~[seventeen]~~ **eighteen** years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) Knowingly encourages, aids or causes a child less than ~~[seventeen]~~ **eighteen** years of age to engage in any conduct which violates the provisions of chapter 579;

(4) In the presence of a child less than ~~[seventeen]~~ **eighteen** years of age or in a residence where a child less than ~~[seventeen]~~ **eighteen** years of age resides, unlawfully manufactures~~[-]~~ or attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes **any of the following: fentanyl, carfentanil, amphetamine, or methamphetamine, or any ~~[of their analogues]~~ analogue thereof.**

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

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

(2) Is committed under subdivision (4) of subsection 1 of this section and involves fentanyl or carfentanil, or any analogue thereof, in which case the offense is a class B felony. No court shall suspend the execution or imposition of sentence of a person who pleads guilty to or is found guilty of an offense under subdivision (4) of subsection 1 of this section involving fentanyl or carfentanil, or any analogue thereof, and no court shall sentence such person to pay a fine in lieu of imprisonment;

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

~~[(3)]~~ (4) Results in the death of a child, in which case the offense is a class A felony.

568.075. 1. A person commits the offense of use of a minor to commit a crime if the person is eighteen years of age or older and intentionally uses a minor to commit a crime for which the person may be prosecuted in a court of law or to assist in avoiding detection of or apprehension for such crime.

2. The offense of use of a minor to commit a crime is a class B misdemeanor if the person uses the minor to commit a crime or to assist in avoiding detection of or apprehension for a crime and such crime would be classified as a class B misdemeanor.

8 **3. The offense of use of a minor to commit a crime is a class A misdemeanor if**
9 **the person uses the minor to commit a crime or to assist in avoiding detection of or**
10 **apprehension for a crime and such crime would be classified as a class A misdemeanor.**

11 **4. The following classifications shall apply to the offense of use of a minor to**
12 **commit a crime if such crime is a felony:**

13 **(1) A class E felony for a first offense;**

14 **(2) A class D felony for a second offense; and**

15 **(3) A class C felony for a third or subsequent offense.**

16 **5. As used in this section, the following terms mean:**

17 **(1) "Minor", a person who is under eighteen years of age;**

18 **(2) "Use", employ, hire, persuade, induce, entice, or coerce.**

571.030. 1. A person commits the offense of unlawful use of weapons, except as
2 otherwise provided by sections 571.101 to 571.121, if he or she knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack
4 or any other weapon readily capable of lethal use into any area where firearms are restricted
5 under section 571.107; or

6 (2) Sets a spring gun; or

7 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat,
8 aircraft, or motor vehicle as defined in section 302.010, or any building or structure used for
9 the assembling of people; or

10 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of
11 lethal use in an angry or threatening manner; or

12 (5) Has a firearm or projectile weapon readily capable of lethal use on his or her
13 person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile
14 weapon in either a negligent or unlawful manner or discharges such firearm or projectile
15 weapon unless acting in self-defense; or

16 (6) Discharges a firearm within one hundred yards of any occupied schoolhouse,
17 courthouse, or church building; or

18 (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or
19 across a public highway or discharges or shoots a firearm into any outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use into any
21 church or place where people have assembled for worship, or into any election precinct on
22 any election day, or into any building owned or occupied by any agency of the federal
23 government, state government, or political subdivision thereof; or

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

27 (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily
28 capable of lethal use into any school, onto any school bus, or onto the premises of any
29 function or activity sponsored or sanctioned by school officials or the district school board; or

30 (11) Possesses a firearm while also knowingly in possession of a controlled substance
31 that is sufficient for a felony violation of section 579.015.

32 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
33 persons described in this subsection, regardless of whether such uses are reasonably
34 associated with or are necessary to the fulfillment of such person's official duties except as
35 otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1
36 of this section shall not apply to or affect any of the following persons, when such uses are
37 reasonably associated with or are necessary to the fulfillment of such person's official duties,
38 except as otherwise provided in this subsection:

39 (1) All state, county and municipal peace officers who have completed the training
40 required by the police officer standards and training commission pursuant to sections 590.030
41 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
42 laws of the state or for violation of ordinances of counties or municipalities of the state,
43 whether such officers are on or off duty, and whether such officers are within or outside of the
44 law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in
45 subsection 12 of this section, and who carry the identification defined in subsection 13 of this
46 section, or any person summoned by such officers to assist in making arrests or preserving the
47 peace while actually engaged in assisting such officer;

48 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other
49 institutions for the detention of persons accused or convicted of crime;

50 (3) Members of the Armed Forces or National Guard while performing their official
51 duty;

52 (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with
53 the judicial power of the state and those persons vested by Article III of the Constitution of
54 the United States with the judicial power of the United States, the members of the federal
55 judiciary;

56 (5) Any person whose bona fide duty is to execute process, civil or criminal;

57 (6) Any federal probation officer or federal flight deck officer as defined under the
58 federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such
59 officers are on duty, or within the law enforcement agency's jurisdiction;

60 (7) Any state probation or parole officer, including supervisors and members of the
61 parole board;

62 (8) Any corporate security advisor meeting the definition and fulfilling the
63 requirements of the regulations established by the department of public safety under section
64 590.750;

65 (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

66 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney;
67 circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any
68 person appointed by a court to be a special prosecutor who has completed the firearms safety
69 training course required under subsection 2 of section 571.111;

70 (11) Any member of a fire department or fire protection district who is employed on a
71 full-time basis as a fire investigator and who has a valid concealed carry endorsement issued
72 prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such
73 uses are reasonably associated with or are necessary to the fulfillment of such person's official
74 duties; ~~and~~

75 (12) Upon the written approval of the governing body of a fire department or fire
76 protection district, any paid fire department or fire protection district member who is
77 employed on a full-time basis and who has a valid concealed carry endorsement issued prior
78 to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably
79 associated with or are necessary to the fulfillment of such person's official duties; **and**

80 **(13) Any juvenile officer or deputy juvenile officer appointed under section**
81 **211.351 who possesses a valid concealed carry permit and meets annual training and**
82 **certification requirements.**

83 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply
84 when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state
85 when ammunition is not readily accessible or when such weapons are not readily accessible.
86 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of
87 age or older or eighteen years of age or older and a member of the United States Armed
88 Forces, or honorably discharged from the United States Armed Forces, transporting a
89 concealable firearm in the passenger compartment of a motor vehicle, so long as such
90 concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession
91 of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her
92 dwelling unit or upon premises over which the actor has possession, authority or control, or is
93 traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection
94 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person
95 while traversing school premises for the purposes of transporting a student to or from school,
96 or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related
97 event or club event.

98 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
99 person who has a valid concealed carry permit issued pursuant to sections 571.101 to
100 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid
101 permit or endorsement to carry concealed firearms issued by another state or political
102 subdivision of another state.

103 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section
104 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
105 563.031.

106 6. Notwithstanding any provision of this section to the contrary, the state shall not
107 prohibit any state employee from having a firearm in the employee's vehicle on the state's
108 property provided that the vehicle is locked and the firearm is not visible. This subsection
109 shall only apply to the state as an employer when the state employee's vehicle is on property
110 owned or leased by the state and the state employee is conducting activities within the scope
111 of his or her employment. For the purposes of this subsection, "state employee" means an
112 employee of the executive, legislative, or judicial branch of the government of the state of
113 Missouri.

114 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who
115 is a school officer commissioned by the district school board under section 162.215 or who is
116 a school protection officer, as described under section 160.665.

117 (2) Nothing in this section shall make it unlawful for a student to actually participate
118 in school-sanctioned gun safety courses, student military or ROTC courses, or other school-
119 sponsored or club-sponsored firearm-related events, provided the student does not carry a
120 firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
121 onto the premises of any other function or activity sponsored or sanctioned by school officials
122 or the district school board.

123 8. A person who commits the crime of unlawful use of weapons under:

124 (1) Subdivision (2), (3), (4), or (11) of subsection 1 of this section shall be guilty of a
125 class E felony;

126 (2) Subdivision (1), (6), (7), or (8) of subsection 1 of this section shall be guilty of a
127 class B misdemeanor, except when a concealed weapon is carried onto any private property
128 whose owner has posted the premises as being off-limits to concealed firearms by means of
129 one or more signs displayed in a conspicuous place of a minimum size of eleven inches by
130 fourteen inches with the writing thereon in letters of not less than one inch, in which case the
131 penalties of subsection 2 of section 571.107 shall apply;

132 (3) Subdivision (5) or (10) of subsection 1 of this section shall be guilty of a class A
133 misdemeanor if the firearm is unloaded and a class E felony if the firearm is loaded;

134 (4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony,
135 except that if the violation of subdivision (9) of subsection 1 of this section results in injury or
136 death to another person, it is a class A felony.

137 9. Violations of subdivision (9) of subsection 1 of this section shall be punished as
138 follows:

139 (1) For the first violation a person shall be sentenced to the maximum authorized term
140 of imprisonment for a class B felony;

141 (2) For any violation by a prior offender as defined in section 558.016, a person shall
142 be sentenced to the maximum authorized term of imprisonment for a class B felony without
143 the possibility of parole, probation or conditional release for a term of ten years;

144 (3) For any violation by a persistent offender as defined in section 558.016, a person
145 shall be sentenced to the maximum authorized term of imprisonment for a class B felony
146 without the possibility of parole, probation, or conditional release;

147 (4) For any violation which results in injury or death to another person, a person shall
148 be sentenced to an authorized disposition for a class A felony.

149 10. Any person knowingly aiding or abetting any other person in the violation of
150 subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that
151 prescribed by this section for violations by other persons.

152 11. Notwithstanding any other provision of law, no person who pleads guilty to or is
153 found guilty of a felony violation of subsection 1 of this section shall receive a suspended
154 imposition of sentence if such person has previously received a suspended imposition of
155 sentence for any other firearms- or weapons-related felony offense.

156 12. As used in this section "qualified retired peace officer" means an individual who:

157 (1) Retired in good standing from service with a public agency as a peace officer,
158 other than for reasons of mental instability;

159 (2) Before such retirement, was authorized by law to engage in or supervise the
160 prevention, detection, investigation, or prosecution of, or the incarceration of any person for,
161 any violation of law, and had statutory powers of arrest;

162 (3) Before such retirement, was regularly employed as a peace officer for an
163 aggregate of fifteen years or more, or retired from service with such agency, after completing
164 any applicable probationary period of such service, due to a service-connected disability, as
165 determined by such agency;

166 (4) Has a nonforfeitable right to benefits under the retirement plan of the agency if
167 such a plan is available;

168 (5) During the most recent twelve-month period, has met, at the expense of the
169 individual, the standards for training and qualification for active peace officers to carry
170 firearms;

171 (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug
172 or substance; and

173 (7) Is not prohibited by federal law from receiving a firearm.

174 13. The identification required by subdivision (1) of subsection 2 of this section is:

175 (1) A photographic identification issued by the agency from which the individual
176 retired from service as a peace officer that indicates that the individual has, not less recently
177 than one year before the date the individual is carrying the concealed firearm, been tested or
178 otherwise found by the agency to meet the standards established by the agency for training
179 and qualification for active peace officers to carry a firearm of the same type as the concealed
180 firearm; or

181 (2) A photographic identification issued by the agency from which the individual
182 retired from service as a peace officer; and

183 (3) A certification issued by the state in which the individual resides that indicates
184 that the individual has, not less recently than one year before the date the individual is
185 carrying the concealed firearm, been tested or otherwise found by the state to meet the
186 standards established by the state for training and qualification for active peace officers to
187 carry a firearm of the same type as the concealed firearm.

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

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

5 **3. This section shall not apply if the firearm is discharged:**

6 **(1) As allowed by a defense of justification under chapter 563;**

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

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

12 **(4) For the control of nuisance wildlife as permitted by the department of**
13 **conservation or the United States Fish and Wildlife Service;**

14 **(5) By special permit of the chief of police of the municipality;**

15 **(6) As required by an animal control officer in the performance of his or her**
16 **duties;**

17 **(7) Using blanks;**

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

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

21 **immediately necessary and reasonable under the circumstances to protect oneself or the**
22 **other person; or**

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

25 **4. A person who commits the offense of unlawful discharge of a firearm shall be**
26 **guilty of:**

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

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

29 **(3) For a third or subsequent offense, a class D felony.**

575.095. 1. A person commits the offense of tampering with a judicial officer if, with
2 the purpose to harass, intimidate or influence a judicial officer in the performance of such
3 officer's official duties, such person:

4 (1) Threatens or causes harm to such judicial officer or members of such judicial
5 officer's family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or
7 members of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such
9 judicial officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer
11 or such judicial officer's family, including stalking pursuant to section 565.225 or 565.227;

12 (5) Disseminates through any means, including by posting on the internet, the judicial
13 officer's or the judicial officer's family's personal information. For purposes of this section,
14 "personal information" includes a home address, home or mobile telephone number, personal
15 email address, Social Security number, federal tax identification number, checking or savings
16 account number, marital status, and identity of a child under eighteen years of age.

17 2. A judicial officer for purposes of this section shall be a judge or commissioner of a
18 state or federal court, arbitrator, special master, juvenile officer, deputy juvenile officer, state
19 prosecuting or circuit attorney, state assistant prosecuting or circuit attorney, juvenile court
20 commissioner, state probation or parole officer, or referee.

21 3. A judicial officer's family for purposes of this section shall be:

22 (1) Such officer's spouse; or

23 (2) Such officer or such officer's spouse's ancestor or descendant by blood or
24 adoption; or

25 (3) Such officer's stepchild, while the marriage creating that relationship exists.

26 4. The offense of tampering with a judicial officer is a class D felony.

27 5. If a violation of this section results in death or bodily injury to a judicial officer or a
28 member of the judicial officer's family, the offense is a class B felony.

29 **6. No person convicted under this section shall be eligible for parole, probation,**
 30 **or conditional release.**

 575.150. 1. A person commits the offense of resisting [ø], interfering with,
 2 **escaping, or attempting to escape from** arrest, detention, [ø] stop, **or custody** if he or she
 3 knows or reasonably should know that a law enforcement officer is making an arrest or
 4 attempting to lawfully detain or stop an individual or vehicle, and for the purpose of
 5 preventing the officer from effecting the arrest, stop, or detention **or maintaining custody**
 6 **after such stop, detention, or arrest**, he or she:

7 (1) Resists the arrest, stop or detention of such person by using or threatening the use
 8 of violence or physical force or by fleeing from such officer; [ø]

9 (2) Interferes with the arrest, stop or detention of another person by using or
 10 threatening the use of violence, physical force or physical interference; **or**

11 **(3) While being held in custody after a stop, detention, or arrest has been made,**
 12 **escapes or attempts to escape from such custody.**

13 2. This section applies to:

14 (1) Arrests, stops, or detentions, with or without warrants;

15 (2) Arrests, stops, [ø] detentions, **or custodies** for any offense, infraction, or
 16 ordinance violation; and

17 (3) Arrests for warrants issued by a court or a probation and parole officer.

18 3. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a
 19 motor vehicle after he or she has seen or should have seen clearly visible emergency lights or
 20 has heard or should have heard an audible signal emanating from the law enforcement vehicle
 21 pursuing him or her. **Nothing in this section shall be construed to require the state to**
 22 **prove in a prosecution against a defendant that the defendant knew why he or she was**
 23 **being stopped, detained, or arrested.**

24 4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law
 25 enforcement officer was acting unlawfully in making the arrest. However, nothing in this
 26 section shall be construed to bar civil suits for unlawful arrest.

27 5. The offense of resisting [ø], interfering with [æ], **or escaping or attempting to**
 28 **escape from a stop, detention, or arrest or from custody after such stop, detention, or**
 29 **arrest** is a class [E felony for an arrest for a:

30 ~~(1) Felony;~~

31 ~~(2) Warrant issued for failure to appear on a felony case; or~~

32 ~~(3) Warrant issued for a probation violation on a felony case.—~~

33

34 ~~The offense of resisting an arrest, detention or stop in violation of subdivision (1) or (2) of~~
 35 ~~subsection 1 of this section is a class] A misdemeanor, unless [the person fleeing creates a~~

36 ~~substantial risk of serious physical injury or death to any person, in which case it is a class E~~
37 ~~felony]:~~

38 (1) The stop, detention, arrest, or custody was for a felony;

39 (2) The stop, detention, arrest, or custody was for a warrant issued for failure to
40 appear on a felony case;

41 (3) The stop, detention, arrest, or custody was for a warrant issued for a
42 probation violation on a felony case; or

43 (4) The escape or attempt to escape while in custody or under arrest was for a
44 felony,

45

46 in which case it is a class E felony; except that, if such escape or attempted escape is
47 committed by means of a deadly weapon or dangerous instrument or by holding any
48 person hostage it is a class A felony.

575.151. 1. This section shall be known and may be cited as "Valentine's Law".

2 2. A person commits the offense of aggravated fleeing a stop or detention of a
3 motor vehicle if he or she knows or reasonably should know that a law enforcement
4 officer is attempting to detain or stop a motor vehicle, and, for the purpose of preventing
5 the officer from effecting the stop or detention, he or she flees by operating a motor
6 vehicle at a high rate of speed, creating a substantial risk of serious physical injury or
7 death to any person and:

8 (1) As a result of such flight causes physical injury to another person; or

9 (2) As a result of such flight causes death to another person.

10 3. A person is presumed to be fleeing a vehicle stop or detention if he or she
11 continues to operate a motor vehicle after he or she has seen or reasonably should have
12 seen clearly visible emergency lights or has heard or reasonably should have heard an
13 audible signal emanating from the law enforcement vehicle pursuing him or her.
14 Nothing in this section shall be construed to require the state to prove in a prosecution
15 against a defendant that the defendant knew why he or she was being stopped, detained,
16 or arrested.

17 4. It is no defense to a prosecution pursuant to subsection 2 of this section that
18 the law enforcement officer was acting unlawfully in making the arrest. However,
19 nothing in this section shall be construed to bar civil suits for unlawful arrest. A person
20 need not know the basis for the arrest, detention, or stop, only that the person was being
21 stopped or detained.

22 5. The offense of aggravated fleeing a stop or detention in violation of
23 subdivision (1) of subsection 2 of this section shall be a class B felony. The offense of

24 **aggravated fleeing a stop or detention in violation of subdivision (2) of subsection 2 of**
25 **this section shall be a class A felony.**

575.205. 1. A person commits the offense of tampering with electronic monitoring
2 equipment if he or she intentionally removes, alters, tampers with, damages, ~~or~~ destroys,
3 **fails to charge, or otherwise disables** electronic monitoring equipment which a court, the
4 division of probation and parole or the parole board has required such person to wear.

5 2. This section does not apply to the owner of the equipment or an agent of the owner
6 who is performing ordinary maintenance or repairs on the equipment.

7 3. The offense of tampering with electronic monitoring equipment is a class D felony.

8 **4. The offense of tampering with electronic monitoring equipment if a person**
9 **fails to charge or otherwise disables electronic monitoring equipment is a class E felony,**
10 **unless the offense for which the person was placed on electronic monitoring was a**
11 **misdemeanor, in which case it is a class A misdemeanor.**

575.260. 1. A person commits the offense of tampering with a judicial proceeding if,
2 with the purpose to influence the official action of a judge, juror, special master, referee,
3 arbitrator, state prosecuting or circuit attorney, state assistant prosecuting or circuit attorney,
4 or attorney general in a judicial proceeding, he or she:

5 (1) Threatens or causes harm to any person or property; or

6 (2) Engages in conduct reasonably calculated to harass or alarm such official or juror;

7 or

8 (3) Offers, confers, or agrees to confer any benefit, direct or indirect, upon such
9 official or juror.

10 2. The offense of tampering with a judicial proceeding is a class D felony. **No person**
11 **convicted under this section shall be eligible for parole, probation, or conditional**
12 **release.**

579.020. 1. A person commits the offense of delivery of a controlled substance if,
2 except as authorized in this chapter or chapter 195, he or she:

3 (1) Knowingly distributes or delivers a controlled substance;

4 (2) Attempts to distribute or deliver a controlled substance;

5 (3) **Knowingly distributes or delivers a schedule I or schedule II controlled**
6 **substance and serious physical injury or death results from the use of such controlled**
7 **substance;**

8 (4) Knowingly possesses a controlled substance with the intent to distribute or deliver
9 any amount of a controlled substance; or

10 ~~(4)~~ (5) Knowingly permits a minor to purchase or transport illegally obtained
11 controlled substances.

12 2. Except when the controlled substance is thirty-five grams or less of marijuana or
13 synthetic cannabinoid or as otherwise provided under subsection 5 **or 6** of this section, the
14 offense of delivery of a controlled substance is a class C felony.

15 3. Except as otherwise provided under subsection 4 of this section, the offense of
16 delivery of thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

17 4. The offense of delivery of thirty-five grams or less of marijuana or synthetic
18 cannabinoid to a person less than seventeen years of age who is at least two years younger
19 than the defendant is a class C felony.

20 5. The offense of delivery of a controlled substance is a class B felony if:

21 (1) The delivery or distribution is any amount of a controlled substance except thirty-
22 five grams or less of marijuana or synthetic cannabinoid, to a person less than seventeen years
23 of age who is at least two years younger than the defendant; ~~or~~

24 (2) The person knowingly permits a minor to purchase or transport illegally obtained
25 controlled substances; **or**

26 **(3) The delivery or distribution of a schedule I or II controlled substance results**
27 **in serious physical injury from the use of such controlled substance.**

28 **6. The offense of delivery of a controlled substance in which a death results from**
29 **the use of a schedule I or II controlled substance is a class A felony.**

30 **7. It shall not be a defense under subdivision (3) of subsection 1 of this section**
31 **that the user contributed to the user's own serious physical injury or death by using the**
32 **controlled substance or consenting to the administration of the controlled substance by**
33 **another.**

589.437. 1. For purposes of this section and section 43.650, the following persons
2 **shall be known as violent offenders:**

3 **(1) Any person who is on probation or parole for:**

4 **(a) The offense of murder in the first degree under section 565.020;**

5 **(b) The offense of murder in the second degree under section 565.021; or**

6 **(c) An offense in a jurisdiction outside of this state that would qualify under**
7 **paragraph (a) or (b) of this subdivision if the offense were to have been committed in**
8 **this state; and**

9 **(2) Any person who was found not guilty by reason of mental disease or defect of**
10 **an offense listed under subdivision (1) of this subsection.**

11 **2. The division of probation and parole of the department of corrections, or the**
12 **department of mental health if the person qualifies as a violent offender under**
13 **subdivision (2) of subsection 1 of this section, shall notify the Missouri state highway**
14 **patrol if a violent offender is placed on probation or parole, is removed from probation**
15 **or parole, or relocates to this state under the interstate compact for adult offender**

16 **supervision, sections 589.500 to 589.569, so that the Missouri state highway patrol can**
17 **update the offender registry described under section 43.650.**

595.045. 1. There is established in the state treasury the "Crime Victims'
2 Compensation Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs
3 in each court proceeding filed in any court in the state in all criminal cases including
4 violations of any county ordinance or any violation of criminal or traffic laws of the state,
5 including an infraction and violation of a municipal ordinance; except that no such fee shall
6 be collected in any proceeding in any court when the proceeding or the defendant has been
7 dismissed by the court or when costs are to be paid by the state, county, or municipality. A
8 surcharge of seven dollars and fifty cents shall be assessed as costs in a juvenile court
9 proceeding in which a child is found by the court to come within the applicable provisions of
10 subdivision (3) of subsection 1 of section 211.031.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected
12 by clerks of the courts pursuant to the provisions of subsection 1 of this section shall be
13 collected and disbursed in accordance with sections 488.010 to 488.020 and shall be payable
14 to the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of
17 public safety to provide financial assistance to defray expenses of crime laboratories if such
18 analytical laboratories are registered with the federal Drug Enforcement Agency or the
19 Missouri department of health and senior services. Subject to appropriations made therefor,
20 such funds shall be distributed by the department of public safety to the crime laboratories
21 serving the courts of this state making analysis of a controlled substance or analysis of blood,
22 breath or urine in relation to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted
24 to the payment of an annual appropriation for the administrative and operational costs of the
25 office for victims of crime and, if a statewide automated crime victim notification system is
26 established pursuant to section 650.310, to the monthly payment of expenditures actually
27 incurred in the operation of such system. Additional remaining funds shall be subject to the
28 following provisions:

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to
31 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
32 excluding sections 595.050 and 595.055;

33 (2) Beginning on September 1, 2004, and on the first of each month, the director of
34 revenue or the director's designee shall deposit fifty percent of the balance of funds available

35 to the credit of the crime victims' compensation fund and fifty percent to the services to
36 victims' fund established in section 595.100.

37 5. The director of revenue or such director's designee shall at least monthly report the
38 moneys paid pursuant to this section into the crime victims' compensation fund and the
39 services to victims fund to the department of public safety.

40 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
41 section shall be collected and disbursed as provided by sections 488.010 to 488.020. Five
42 percent of such moneys shall be payable to the city treasury of the city from which such funds
43 were collected. The remaining ninety-five percent of such moneys shall be payable to the
44 director of revenue. The funds received by the director of revenue pursuant to this subsection
45 shall be distributed as follows:

46 (1) On the first of every month, the director of revenue or the director's designee shall
47 determine the balance of the funds in the crime victims' compensation fund available to
48 satisfy the amount of compensation payable pursuant to sections 595.010 to 595.075,
49 excluding sections 595.050 and 595.055;

50 (2) Beginning on September 1, 2004, and on the first of each month the director of
51 revenue or the director's designee shall deposit fifty percent of the balance of funds available
52 to the credit of the crime victims' compensation fund and fifty percent to the services to
53 victims' fund established in section 595.100.

54 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such
55 audit shall include all records associated with crime victims' compensation funds collected,
56 held or disbursed by any state agency.

57 8. In addition to the moneys collected pursuant to subsection 1 of this section, the
58 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
59 compensation fund, of sixty-eight dollars upon a plea of guilty or a finding of guilt for a class
60 A or B felony; forty-six dollars upon a plea of guilty or finding of guilt for a class C ~~or~~, D,
61 or E felony; and ten dollars upon a plea of guilty or a finding of guilt for any misdemeanor
62 under Missouri law except for those in chapter 252 relating to fish and game, chapter 302
63 relating to drivers' and commercial drivers' license, chapter 303 relating to motor vehicle
64 financial responsibility, chapter 304 relating to traffic regulations, chapter 306 relating to
65 watercraft regulation and licensing, and chapter 307 relating to vehicle equipment regulations.
66 Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse
67 such crime victims' compensation judgments in the manner provided by sections 488.010 to
68 488.020. Such funds shall be payable to the state treasury and deposited to the credit of the
69 crime victims' compensation fund.

70 9. The clerk of the court processing such funds shall maintain records of all
71 dispositions described in subsection 1 of this section and all dispositions where a judgment

72 has been entered against a defendant in favor of the state of Missouri in accordance with this
73 section; all payments made on judgments for alcohol-related traffic offenses; and any
74 judgment or portion of a judgment entered but not collected. These records shall be subject to
75 audit by the state auditor. The clerk of each court transmitting such funds shall report
76 separately the amount of dollars collected on judgments entered for alcohol-related traffic
77 offenses from other crime victims' compensation collections or services to victims
78 collections.

79 10. The department of revenue shall maintain records of funds transmitted to the
80 crime victims' compensation fund by each reporting court and collections pursuant to
81 subsection 16 of this section and shall maintain separate records of collection for alcohol-
82 related offenses.

83 11. The state courts administrator shall include in the annual report required by
84 section 476.350 the circuit court caseloads and the number of crime victims' compensation
85 judgments entered.

86 12. All awards made to injured victims under sections 595.010 to 595.105 and all
87 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
88 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
89 remaining in the crime victims' compensation fund at the end of each biennium shall not be
90 subject to the provision of section 33.080 requiring the transfer of such unexpended balance
91 to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation
92 fund. In the event that there are insufficient funds in the crime victims' compensation fund to
93 pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the
94 crime victims' compensation fund, then no claim shall be paid until funds have again
95 accumulated in the crime victims' compensation fund. When sufficient funds become
96 available from the fund, awards which have not been paid shall be paid in chronological order
97 with the oldest paid first. In the event an award was to be paid in installments and some
98 remaining installments have not been paid due to a lack of funds, then when funds do become
99 available that award shall be paid in full. All such awards on which installments remain due
100 shall be paid in full in chronological order before any other postdated award shall be paid.
101 Any award pursuant to this subsection is specifically not a claim against the state, if it cannot
102 be paid due to a lack of funds in the crime victims' compensation fund.

103 13. When judgment is entered against a defendant as provided in this section and such
104 sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
105 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri
106 to such defendant an amount equal to the unpaid amount of such judgment. Such amount
107 shall be paid forthwith to the crime victims' compensation fund and satisfaction of such
108 judgment shall be entered on the court record. Under no circumstances shall the general

109 revenue fund be used to reimburse court costs or pay for such judgment. The director of the
110 department of corrections shall have the authority to pay into the crime victims' compensation
111 fund from an offender's compensation or account the amount owed by the offender to the
112 crime victims' compensation fund, provided that the offender has failed to pay the amount
113 owed to the fund prior to entering a correctional facility of the department of corrections.

114 14. All interest earned as a result of investing funds in the crime victims'
115 compensation fund shall be paid into the crime victims' compensation fund and not into the
116 general revenue of this state.

117 15. Any person who knowingly makes a fraudulent claim or false statement in
118 connection with any claim hereunder is guilty of a class A misdemeanor.

119 16. The department may receive gifts and contributions for the benefit of crime
120 victims. Such gifts and contributions shall be credited to the crime victims' compensation
121 fund as used solely for compensating victims under the provisions of sections 595.010 to
122 595.075.

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state public
3 defender office personnel appointed pursuant to this chapter; and he or she and the deputy
4 director or directors may participate in the trial and appeal of criminal actions at the request of
5 the defender;

6 (2) Submit to the commission, between August fifteenth and September fifteenth of
7 each year, a report which shall include all pertinent data on the operation of the state public
8 defender system, the costs, projected needs, and recommendations for statutory changes.
9 Prior to October fifteenth of each year, the commission shall submit such report along with
10 such recommendations, comments, conclusions, or other pertinent information it chooses to
11 make to the chief justice, the governor, and the general assembly. Such reports shall be a
12 public record, shall be maintained in the office of the state public defender, and shall be
13 otherwise distributed as the commission shall direct;

14 (3) With the approval of the commission, establish such divisions, facilities and
15 offices and select such professional, technical and other personnel, including investigators, as
16 he deems reasonably necessary for the efficient operation and discharge of the duties of the
17 state public defender system under this chapter;

18 (4) Administer and coordinate the operations of defender services and be responsible
19 for the overall supervision of all personnel, offices, divisions and facilities of the state public
20 defender system, except that the director shall have no authority to direct or control the legal
21 defense provided by a defender to any person served by the state public defender system;

22 (5) Develop programs and administer activities to achieve the purposes of this
23 chapter;

24 (6) Keep and maintain proper financial records with respect to the provision of all
25 public defender services for use in the calculating of direct and indirect costs of any or all
26 aspects of the operation of the state public defender system;

27 (7) Supervise the training of all public defenders and other personnel and establish
28 such training courses as shall be appropriate;

29 (8) With approval of the commission, promulgate necessary rules, regulations and
30 instructions consistent with this chapter defining the organization of the state public defender
31 system and the responsibilities of division directors, district defenders, deputy district
32 defenders, assistant public defenders and other personnel;

33 (9) With the approval of the commission, apply for and accept on behalf of the public
34 defender system any funds which may be offered or which may become available from
35 government grants, private gifts, donations or bequests or from any other source. Such
36 moneys shall be deposited in the ~~[state general revenue]~~ **public defender-federal and other**
37 fund;

38 (10) Contract for legal services with private attorneys on a case-by-case basis and
39 with assigned counsel as the commission deems necessary considering the needs of the area,
40 for fees approved and established by the commission;

41 (11) With the approval and on behalf of the commission, contract with private
42 attorneys for the collection and enforcement of liens and other judgments owed to the state for
43 services rendered by the state public defender system.

44 2. No rule or portion of a rule promulgated under the authority of this chapter shall
45 become effective unless it has been promulgated pursuant to the provisions of section
46 536.024.

47 3. The director and defenders shall, within guidelines as established by the
48 commission and as set forth in subsection 4 of this section, accept requests for legal services
49 from eligible persons entitled to counsel under this chapter or otherwise so entitled under the
50 constitution or laws of the United States or of the state of Missouri and provide such persons
51 with legal services when, in the discretion of the director or the defenders, such provision of
52 legal services is appropriate.

53 4. The director and defenders shall provide legal services to an eligible person:

54 (1) Who is detained or charged with a felony, including appeals from a conviction in
55 such a case;

56 (2) Who is detained or charged with a misdemeanor which will probably result in
57 confinement in the county jail upon conviction, including appeals from a conviction in such a
58 case, unless the prosecuting or circuit attorney has waived a jail sentence;

59 (3) Who is charged with a violation of probation when it has been determined by a
60 judge that the appointment of counsel is necessary to protect the person's due process rights
61 under section 559.036;

62 (4) Who has been taken into custody pursuant to section 632.489, including appeals
63 from a determination that the person is a sexually violent predator and petitions for release,
64 notwithstanding any provisions of law to the contrary;

65 (5) For whom the federal constitution or the state constitution requires the
66 appointment of counsel; and

67 (6) Who is charged in a case in which he or she faces a loss or deprivation of liberty,
68 and in which the federal or the state constitution or any law of this state requires the
69 appointment of counsel; however, the director and the defenders shall not be required to
70 provide legal services to persons charged with violations of county or municipal ordinances,
71 or misdemeanor offenses except as provided in this section.

72 5. The director may:

73 (1) Delegate the legal representation of an eligible person to any member of the state
74 bar of Missouri;

75 (2) Designate persons as representatives of the director for the purpose of making
76 indigency determinations and assigning counsel.

77 **6. There is hereby created within the state treasury the "Public Defender-**
78 **Federal and Other Fund", which shall be funded annually by appropriation and which**
79 **shall contain moneys received from any other funds from government grants, private**
80 **gifts, donations, bequests, or any other source to be used for the purpose of funding local**
81 **offices of the office of state public defender. The state treasurer shall be the custodian of**
82 **the fund and shall approve disbursements from the fund upon the request of the**
83 **director of the office of state public defender. Any interest or other earnings with**
84 **respect to amounts transferred to the fund shall be credited to the fund.**
85 **Notwithstanding the provisions of section 33.080 to the contrary, any unexpended**
86 **balances in the fund at the end of any fiscal year shall not be transferred to the general**
87 **revenue fund or any other fund.**

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