SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1371

97TH GENERAL ASSEMBLY

AN ACT


Be it enacted by the General Assembly of the state of Missouri, 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.

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence, disciplining students with disabilities and instruction in the necessity and requirements for confidentiality.

2. The policy shall require school administrators to report acts of school violence to all teachers at the attendance center and, in addition, to other school district employees with a need to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school personnel who are directly responsible for the student's education or who otherwise interact with the student on a professional basis while acting within the scope of their assigned duties. As used in this section, the phrase "act of school violence" or "violent behavior" means the exertion
of physical force by a student with the intent to do serious physical injury as defined in
[subdivision (6) of section 565.002] 556.061 to another person while on school property,
including a school bus in service on behalf of the district, or while involved in school activities.
The policy shall at a minimum require school administrators to report, as soon as reasonably
practical, to the appropriate law enforcement agency any of the following crimes, or any act
which if committed by an adult would be one of the following crimes:
(1) First degree murder under section 565.020;
(2) Second degree murder under section 565.021;
(3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or
kidnapping in the first degree under section 565.110;
(4) First degree assault under section 565.050;
(5) Rape in the first degree under section 566.030;
(6) Sodomy in the first degree under section 566.060;
(7) Burglary in the first degree under section 569.160;
(8) Burglary in the second degree under section 569.170;
(9) Robbery in the first degree under section 569.020 as it existed prior to January 1,
2017, or robbery in the first degree under section 570.023;
(10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,
or manufacture of a controlled substance under section 579.055;
(11) Distribution of drugs to a minor under section 195.212 as it existed prior to
January 1, 2017, or delivery of a controlled substance under section 579.020;
(12) Arson in the first degree under section 569.040;
(13) Voluntary manslaughter under section 565.023;
(14) Involuntary manslaughter under section 565.024 as it existed prior to January 1,
2017, involuntary manslaughter in the first degree under section 565.024, or involuntary
manslaughter in the second degree under section 565.027;
(15) Second degree assault under section 565.060 as it existed prior to January 1,
2017, or second degree assault under section 565.052;
(16) Rape in the second degree under section 566.031;
(17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017,
or kidnapping in the second degree under section 565.120;
(18) Property damage in the first degree under section 569.100;
(19) The possession of a weapon under chapter 571;
(20) Child molestation in the first degree pursuant to section 566.067 as it existed prior
to January 1, 2017, or child molestation in the first, second, or third degree pursuant to
section 566.067, 566.068, or 566.069;
(21) Sodomy in the second degree pursuant to section 566.061;
(22) Sexual misconduct involving a child pursuant to section 566.083;
(23) Sexual abuse in the first degree pursuant to section 566.100;
(24) Harassment under section 565.090 as it existed prior to January 1, 2017, or harassment in the first degree under section 565.090; or
(25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in the first degree under section 565.225;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;
(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;
(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or
(4) Such student resides within one thousand feet of any public school in the school
district where such student attended school in which case such student may be on the property
of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection
3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
sections 167.161, 167.164, and 167.171. In making this determination consideration shall be
given to whether the student poses a threat to the safety of any child or school employee and
whether such student's unsupervised presence within one thousand feet of the school is disruptive
to the educational process or undermines the effectiveness of the school's disciplinary policy.
Removal of any pupil who is a student with a disability is subject to state and federal procedural
rights. This section shall not limit a school district's ability to:

   (1) Prohibit all students who are suspended from being on school property or attending
       an activity while on suspension;

   (2) Discipline students for off-campus conduct that negatively affects the educational
       environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or
expulsion, for a student who is determined to have brought a weapon to school, including but
not limited to the school playground or the school parking lot, brought a weapon on a school bus
or brought a weapon to a school activity whether on or off of the school property in violation of
district policy, except that:

   (1) The superintendent or, in a school district with no high school, the principal of the
       school which such child attends may modify such suspension on a case-by-case basis; and

   (2) This section shall not prevent the school district from providing educational services
       in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined
under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a
concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife,
knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade
knife; except that this section shall not be construed to prohibit a school board from adopting a
policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for
educational purposes so long as the firearm is unloaded. The local board of education shall
define weapon in the discipline policy. Such definition shall include the weapons defined in this
subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are
authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any
property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct
to the children's division under section 210.115, such person and the superintendent of the school
district shall report the allegation to the children's division as set forth in section 210.115.
Reports made to the children's division under this subsection shall be investigated by the division
in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated
by the school district under subsections 12 to 20 of this section for purposes of determining
whether the allegations should or should not be substantiated. The district may investigate the
allegations for the purpose of making any decision regarding the employment of the accused
employee.

12. Upon receipt of any reports of child abuse by the children's division other than
reports provided under subsection 11 of this section, pursuant to sections 210.110 to 210.165
which allegedly involve personnel of a school district, the children's division shall notify the
superintendent of schools of the district or, if the person named in the alleged incident is the
superintendent of schools, the president of the school board of the school district where the
alleged incident occurred.

13. If, after an initial investigation, the superintendent of schools or the president of the
school board finds that the report involves an alleged incident of child abuse other than the
administration of a spanking by certificated school personnel or the use of reasonable force to
protect persons or property when administered by school personnel pursuant to a written policy
of discipline or that the report was made for the sole purpose of harassing a public school
employee, the superintendent of schools or the president of the school board shall immediately
refer the matter back to the children's division and take no further action. In all matters referred
back to the children's division, the division shall treat the report in the same manner as other
reports of alleged child abuse received by the division.

14. If the report pertains to an alleged incident which arose out of or is related to a
 spanking administered by certificated personnel or the use of reasonable force to protect persons
 or property when administered by personnel of a school district pursuant to a written policy of
discipline or a report made for the sole purpose of harassing a public school employee, a
notification of the reported child abuse shall be sent by the superintendent of schools or the
president of the school board to the law enforcement in the county in which the alleged incident
occurred.

15. The report shall be jointly investigated by the law enforcement officer and the
superintendent of schools or, if the subject of the report is the superintendent of schools, by a law
enforcement officer and the president of the school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after notification from
the children's division is received, and shall consist of, but need not be limited to, interviewing
and recording statements of the child and the child's parents or guardian within two working days
after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:

(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.
21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

167.115. 1. Notwithstanding any provision of chapter 211 or chapter 610 to the contrary, the juvenile officer, sheriff, chief of police or other appropriate law enforcement authority shall, as soon as reasonably practical, notify the superintendent, or the superintendent's designee, of the school district in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of section 211.031 alleging that the pupil has committed one of the following acts:

(1) First degree murder under section 565.020;
(2) Second degree murder under section 565.021;
(3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;
(4) First degree assault under section 565.050;
(5) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;
(6) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;
(7) Burglary in the first degree under section 569.160;
(8) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;
(9) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;
(10) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;
(11) Arson in the first degree under section 569.040;
(12) Voluntary manslaughter under section 565.023;
(13) Involuntary manslaughter under section 565.024 as it existed prior to January 1, 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary manslaughter in the second degree under section 565.027;
(14) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second degree assault under section 565.052;

(15) Sexual assault under section 566.040 as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;

(16) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in the second degree under section 565.120;

(17) Property damage in the first degree under section 569.100;

(18) The possession of a weapon under chapter 571;

(19) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017;

(20) Child molestation in the first, second, or third degree pursuant to sections 566.067, 566.068, or 566.069;

(21) Deviate sexual assault pursuant to section 566.070 as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;

[(21)] (22) Sexual misconduct involving a child pursuant to section 566.083; or

[(22)] (23) Sexual abuse pursuant to section 566.100 as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.
5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term "superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.

167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:

   (1) The pupil shall be given oral or written notice of the charges against such pupil;
   (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;
   (3) The pupil shall be given an opportunity to present such pupil's version of the incident; and
   (4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be
stayed until the board renders its decision, unless in the judgment of the superintendent of
schools, or of the district superintendent, the pupil's presence poses a continuing danger to
persons or property or an ongoing threat of disrupting the academic process, in which case the
pupil may be immediately removed from school, and the notice and hearing shall follow as soon
as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten
consecutive school days for an act of school violence as defined in subsection 2 of section
160.261 regardless of whether or not such act was committed at a public school or at a private
school in this state, provided that such act shall have resulted in the suspension or expulsion of
such pupil in the case of a private school, or otherwise permit such pupil to attend school without
first holding a conference to review the conduct that resulted in the expulsion or suspension and
any remedial actions needed to prevent any future occurrences of such or related conduct. The
conference shall include the appropriate school officials including any teacher employed in that
school or district directly involved with the conduct that resulted in the suspension or expulsion,
the pupil, the parent or guardian of the pupil or any agency having legal jurisdiction, care,
custody or control of the pupil. The school board shall notify in writing the parents or guardians
and all other parties of the time, place, and agenda of any such conference. Failure of any party
to attend this conference shall not preclude holding the conference. Notwithstanding any
provision of this subsection to the contrary, no pupil shall be readmitted or enrolled to a regular
program of instruction if:

(1) Such pupil has been convicted of; or
(2) An indictment or information has been filed alleging that the pupil has committed
one of the acts enumerated in subdivision (4) of this subsection to which there has been no final
judgment; or
(3) A petition has been filed pursuant to section 211.091 alleging that the pupil has
committed one of the acts enumerated in subdivision (4) of this subsection to which there has
been no final judgment; or
(4) The pupil has been adjudicated to have committed an act which if committed by an
adult would be one of the following:
(a) First degree murder under section 565.020;
(b) Second degree murder under section 565.021;
(c) First degree assault under section 565.050;
(d) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape
in the first degree under section 566.030;
(e) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or
sodomy in the first degree under section 566.060;
(f) Statutory rape under section 566.032;
(g) Statutory sodomy under section 566.062;
(h) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;
(i) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;
(j) Arson in the first degree under section 569.040;
(k) Kidnapping or kidnapping in the first degree, when classified as a class A felony under section 565.110.

Nothing in this subsection shall prohibit the readmittance or enrollment of any pupil if a petition has been dismissed, or when a pupil has been acquitted or adjudicated not to have committed any of the above acts. This subsection shall not apply to a student with a disability, as identified under state eligibility criteria, who is convicted or adjudicated guilty as a result of an action related to the student's disability. Nothing in this subsection shall be construed to prohibit a school district which provides an alternative education program from enrolling a pupil in an alternative education program if the district determines such enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the superintendent or the superintendent's designee may be held at the request of the parent, court-appointed legal guardian, someone acting as a parent as defined by rule in the case of a special education student, or the pupil to consider if the conduct of the pupil would have resulted in a suspension or expulsion in the district in which the pupil is enrolling. Upon a determination by the superintendent or the superintendent's designee that such conduct would have resulted in a suspension or expulsion in the district in which the pupil is enrolling or attempting to enroll, the school district may make such suspension or expulsion effective in the district in which the pupil is enrolling or attempting to enroll. Upon a determination by the superintendent or the superintendent's designee that such conduct would not have resulted in a suspension or expulsion in the district in which the student is enrolling or attempting to enroll, the school district shall not make such suspension or expulsion effective in its district in which the student is enrolling or attempting to enroll.

188.030. 1. Except in the case of a medical emergency, no abortion of a viable unborn child shall be performed or induced unless the abortion is necessary to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy
itself, or when continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. For purposes of this section, "major bodily function" includes, but is not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

2. Except in the case of a medical emergency:

(1) Prior to performing or inducing an abortion upon a woman, the physician shall determine the gestational age of the unborn child in a manner consistent with accepted obstetrical and neonatal practices and standards. In making such determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations, imaging studies, and tests as a reasonably prudent physician, knowledgeable about the medical facts and conditions of both the woman and the unborn child involved, would consider necessary to perform and consider in making an accurate diagnosis with respect to gestational age;

(2) If the physician determines that the gestational age of the unborn child is twenty weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall determine if the unborn child is viable by using and exercising that degree of care, skill, and proficiency commonly exercised by a skillful, careful, and prudent physician. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and shall enter such findings and determination of viability in the medical record of the woman;

(3) If the physician determines that the gestational age of the unborn child is twenty weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the department under section 188.052;

(4) (a) If the physician determines that the unborn child is viable, the physician shall not perform or induce an abortion upon the woman unless the abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the woman.

(b) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician shall first certify in writing the medical threat posed to the life of the pregnant woman, or the medical
reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. Upon completion of the abortion, the physician shall report the reasons and determinations for the abortion of a viable unborn child to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and in the individual abortion report submitted to the department under section 188.052.

(c) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician who is to perform the abortion shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. This second physician shall also report such reasons and determinations to the health care facility in which the abortion is to be performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and the individual abortion report submitted to the department under section 188.052. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion, except that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having staff privileges at the same hospital as the term "hospital" is defined in section 197.020.

(d) Any physician who performs or induces an abortion upon a woman when it has been determined that the unborn child is viable shall utilize the available method or technique of abortion most likely to preserve the life or health of the unborn child. In cases where the method or technique of abortion most likely to preserve the life or health of the unborn child would present a greater risk to the life or health of the woman than another legally permitted and available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs an abortion upon a viable unborn child, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.

(e) No physician shall perform or induce an abortion upon a woman when it has been determined that the unborn child is viable unless there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion. During the performance of the abortion, the physician performing it, and subsequent to the abortion, the physician required to be in attendance shall provide immediate medical care for the child born as a result of the abortion.
attestation, shall take all reasonable steps in keeping with good medical practice, consistent with
the procedure used, to preserve the life or health of the viable unborn child; provided that it does
not pose an increased risk to the life of the woman or does not pose an increased risk of
substantial and irreversible physical impairment of a major bodily function of the woman.

3. Any person who knowingly performs or induces an abortion of an unborn child in
violation of the provisions of this section is guilty of a class [C] D felony, and, upon a finding
of guilt or plea of guilty, shall be imprisoned for a term of not less than one year, and, notwithstanding the provisions of section [560.011] 558.002, shall be fined not less than ten thousand nor more than fifty thousand dollars.

4. Any physician who pleads guilty to or is found guilty of performing or inducing an
abortion of an unborn child in violation of this section shall be subject to suspension or
revocation of his or her license to practice medicine in the state of Missouri by the state board
of registration for the healing arts under the provisions of sections 334.100 and 334.103.

5. Any hospital licensed in the state of Missouri that knowingly allows an abortion of
an unborn child to be performed or induced in violation of this section may be subject to
suspension or revocation of its license under the provisions of section 197.070.

6. Any ambulatory surgical center licensed in the state of Missouri that knowingly allows
an abortion of an unborn child to be performed or induced in violation of this section may be
subject to suspension or revocation of its license under the provisions of section 197.220.

7. A woman upon whom an abortion is performed or induced in violation of this section
shall not be prosecuted for a conspiracy to violate the provisions of this section.

8. Nothing in this section shall be construed as creating or recognizing a right to
abortion, nor is it the intention of this section to make lawful any abortion that is currently unlawful.

9. It is the intent of the legislature that this section be severable as noted in section 1.140.
In the event that any section, subsection, subdivision, paragraph, sentence, or clause of this
section be declared invalid under the Constitution of the United States or the Constitution of the
State of Missouri, it is the intent of the legislature that the remaining provisions of this section
remain in force and effect as far as capable of being carried into execution as intended by the
legislature.

10. The general assembly may, by concurrent resolution, appoint one or more of its
members who sponsored or co-sponsored this act in his or her official capacity to intervene as
a matter of right in any case in which the constitutionality of this law is challenged.

[660.315.] 197.1036. 1. After an investigation and a determination has been made to
place a person's name on the employee disqualification list, that person shall be notified in
writing mailed to his or her last known address that:
An allegation has been made against the person, the substance of the allegation and that an investigation has been conducted which tends to substantiate the allegation;

(2) The person's name will be included in the employee disqualification list of the department;

(3) The consequences of being so listed including the length of time to be listed; and

(4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice, the department may include the name of such person on its list. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director or the director's designee, based upon the criteria contained in subsection 9 of this section.

3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.
8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

   (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
   (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;
   (3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;
   (4) Whether the person has previously been listed on the employee disqualification list;
   (5) Any mitigating circumstances;
   (6) Any aggravating circumstances; and
   (7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.

10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.

11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:

   (1) Is licensed as an operator under chapter 198;
   (2) Provides in-home services under contract with the department;
   (3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;
   (4) Is approved by the department to issue certificates for nursing assistants training;
   (5) Is an entity licensed under this chapter [197];
   (6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with
entities described in subdivision (1), (2), or (5) of this subsection are included in the employee
disqualification list; or
(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act
that conducts employee background checks on behalf of entities listed in subdivisions (1), (2),
(5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee
disqualification list check only upon the initiative or request of an entity described in
subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required
under this section. The information shall be disclosed only to the requesting entity. The
department shall inform any person listed above who inquires of the department whether or not
a particular name is on the list. The department may require that the request be made in writing.
No person, corporation, organization, or association who is entitled to access the employee
disqualification list may disclose the information to any person, corporation, organization, or
association who is not entitled to access the list. Any person, corporation, organization, or
association who is entitled to access the employee disqualification list who discloses the
information to any person, corporation, organization, or association who is not entitled to access
the list shall be guilty of an infraction.
12. No person, corporation, organization, or association who received the employee
disqualification list under subdivisions (1) to (7) of subsection 11 of this section shall knowingly
employ any person who is on the employee disqualification list. Any person, corporation,
organization, or association who received the employee disqualification list under subdivisions
(1) to (7) of subsection 11 of this section, or any person responsible for providing health care
service, who declines to employ or terminates a person whose name is listed in this section shall
be immune from suit by that person or anyone else acting for or in behalf of that person for the
failure to employ or for the termination of the person whose name is listed on the employee
disqualification list.
13. Any employer or vendor as defined in sections 197.250, 197.400, 198.006, 208.900,
or [660.250] 197.1000 required to deny employment to an applicant or to discharge an employee,
provisional or otherwise, as a result of information obtained through any portion of the
background screening and employment eligibility determination process under section 210.903,
or subsequent, periodic screenings, shall not be liable in any action brought by the applicant or
employee relating to discharge where the employer is required by law to terminate the employee,
provisional or otherwise, and shall not be charged for unemployment insurance benefits based
on wages paid to the employee for work prior to the date of discharge, pursuant to section
288.100, if the employer terminated the employee because the employee:
(1) Has been found guilty, pled guilty or nolo contendere in this state or any other state
of a crime as listed in subsection 6 of section [660.317] 197.1038;
(2) Was placed on the employee disqualification list under this section after the date of hire;

(3) Was placed on the employee disqualification registry maintained by the department of mental health after the date of hire;

(4) Has a disqualifying finding under this section, section [660.317] 197.1038, or is on any of the background check lists in the family care safety registry under sections 210.900 to 210.936; or

(5) Was denied a good cause waiver as provided for in subsection 10 of section [660.317] 197.1038.

14. Any person who has been listed on the employee disqualification list may request that the director remove his or her name from the employee disqualification list. The request shall be written and may not be made more than once every twelve months. The request will be granted by the director upon a clear showing, by written submission only, that the person will not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client. The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

210.117. 1. A child taken into the custody of the state shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, 566.031, 566.032, 566.040, 566.041, 566.060, 566.061, 566.062, 566.064, 566.065, 566.067, 566.068, [566.070, 566.069, 566.071, 566.083, [566.090, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, [566.212] 566.211, or 566.215;

(2) A violation of section 568.020;

(3) A violation of subdivision (2) of subsection 1 of section 568.060] Abuse of a child under section 568.060 when such abuse is sexual in nature;

(4) A violation of section 568.065;

(5) A violation of section [568.080] 573.200;

(6) A violation of section [568.090] 573.205; or

(7) A violation of section 568.175;

(8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or

(9) A violation of section 566.212, 568.080, or 568.090 as such sections existed prior to January 1, 2017.
2. For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568, if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to[,] any such offense.

3. In any case where the children's division determines based on a substantiated report of child abuse that a child has abused another child, the abusing child shall be prohibited from returning to or residing in any residence, facility, or school within one thousand feet of the residence of the abused child or any child care facility or school that the abused child attends, unless and until a court of competent jurisdiction determines that the alleged abuse did not occur or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this subsection shall not apply when the abusing child and the abused child are siblings or children living in the same home.

211.038. 1. A child under the jurisdiction of the juvenile court shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of[, or pled guilty to,] any of the following offenses when a child was the victim:

   (1) A felony violation of section 566.030, [566.031, 566.032, [566.040,] 566.060, 566.061, 566.062, 566.064, 566.067, 566.068,[566.070,] 566.069, 566.071, 566.083, [566.090,] 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, [566.212] 566.211, or 566.215;

   (2) A violation of section 568.020;

   (3) [A violation of subdivision (2) of subsection 1 of section 568.060] Abuse of a child under section 568.060 when such abuse is sexual in nature;

   (4) A violation of section 568.065;

   (5) A violation of section [568.080] 573.200;

   (6) A violation of section [568.090] 573.205; or

   (7) A violation of section 568.175;

   (8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or

   (9) A violation of section 566.212, 568.080, or 568.090 as such sections existed prior to January 1, 2017.

2. For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the juvenile court may exercise its discretion regarding the placement of a child under the
jurisdiction of the juvenile court in a home in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

3. If the juvenile court determines that a child has abused another child, such abusing child shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends, until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings or children living in the same home.

217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:

1. "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;

2. "Board", the board of probation and parole;

3. "Chief administrative officer", the institutional head of any correctional facility or his designee;

4. "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

5. "Department", the department of corrections of the state of Missouri;

6. "Director", the director of the department of corrections or his designee;

7. "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

8. "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

9. "Division director", the director of a division of the department or his designee;

10. "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

11. "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, involuntary manslaughter in the first or second degree, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;

12. "Offender", a person under supervision or an inmate in the custody of the department;
"Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;

"Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

217.703. 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter [195] 579, or an offense previously listed in chapter 195, or for a class [C or] D or E felony, excluding the offenses of [aggravated] stalking in the first degree, rape in the second degree, sexual assault, sodomy in the second degree, deviate sexual assault, assault in the second degree under subdivision (2) of subsection 1 of section [565.060] 565.052, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of privacy, [and] abuse of a child, and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;

(3) Supervised by the board; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) [Involuntary manslaughter in the first degree;

(2) Involuntary manslaughter in the second degree;

[3)] (2) Assault in the second degree except under subdivision (2) of subsection 1 of section [565.060] 565.052 or section 565.060 as it existed prior to January 1, 2017;

[4)] (3) Domestic assault in the second degree;

[5)] (4) Assault [of a law enforcement officer in the second] in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;

[6)] (5) Statutory rape in the second degree;

[7)] (6) Statutory sodomy in the second degree;

[8)] (7) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or
Any case in which the defendant is found guilty of a felony offense under chapter 571, the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.

4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report has been submitted or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. All earned credits shall be rescinded if the court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036. Earned credits shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer.
for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed at least two years of his or her probation or parole, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.

11. Any offender who was sentenced prior to January 1, 2017, to an offense that was eligible for earned compliance credits under subsection 1 or 2 of this section at the time of sentencing shall continue to remain eligible for earned compliance credits so long as the offender meets all the other requirements provided under this section.

260.211. 1. A person commits the offense of criminal disposition of demolition waste if he purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of such waste on property in this state other than in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health. Demolition waste shall not include clean fill or vegetation. Criminal disposition of demolition waste is a class [D] E felony. In addition to other penalties prescribed by law, a person convicted of criminal disposition of demolition waste is
subject to a fine not to exceed twenty thousand dollars, except as provided below. The magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of demolition waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. Any person who purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of his or her personal construction or demolition waste on his or her own property shall be guilty of a class C misdemeanor. If such person receives any amount of money, goods, or services in connection with permitting any other person to dispose of construction or demolition waste on his or her property, such person shall be guilty of a class D felony.

3. The court shall order any person convicted of illegally disposing of demolition waste upon his or her own property for remuneration to clean up such waste and, if he or she fails to clean up the waste or if he or she is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

4. The court may order restitution by requiring any person convicted under this section to clean up any demolition waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up and properly disposing of demolition waste illegally dumped by other persons.

5. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

6. Any person shall be guilty of conspiracy as defined in section 564.016 if he or she knows or should have known that his or her agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.

260.212. 1. A person commits the offense of criminal disposition of solid waste if he purposely or knowingly disposes of or causes the disposal of more than five hundred pounds or one hundred cubic feet of commercial or residential solid waste on property in this state other than a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely
affect public health and shall not prohibit the disposal of or require a solid waste permit for the
disposal by an individual of solid wastes resulting from his or her own residential activities on
property owned or lawfully occupied by him or her when such wastes do not thereby create a
public nuisance or adversely affect the public health. Criminal disposition of solid waste is a
class [D] E felony. In addition to other penalties prescribed by law, a person convicted of
criminal disposition of solid waste is subject to a fine, and the magnitude of the fine shall reflect
the seriousness or potential seriousness of the threat to human health and the environment posed
by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent
jurisdiction determines that the person responsible for illegal disposal of solid waste under this
subsection did so for remuneration as a part of an ongoing commercial activity, the court shall
set a fine which reflects the seriousness or potential threat to human health and the environment
which at least equals the economic gain obtained by the person, and such fine may exceed the
maximum established herein.

2. The court shall order any person convicted of illegally disposing of solid waste upon
his or her own property for remuneration to clean up such waste and, if he or she fails to clean
up the waste or if he or she is unable to clean up the waste, the court may notify the county
recorder of the county containing the illegal disposal site. The notice shall be designed to be
recorded on the record.

3. The court may order restitution by requiring any person convicted under this section
to clean up any commercial or residential solid waste he illegally dumped and the court may
require any such person to perform additional community service by cleaning up commercial or
residential solid waste illegally dumped by other persons.

4. The prosecutor of any county or circuit attorney of any city not within a county may,
by information or indictment, institute a prosecution for any violation of the provisions of this
section.

5. Any person shall be guilty of conspiracy as defined in section [564.016] 562.014 if
he knows or should have known that his or her agent or employee has committed the acts
described in sections 260.210 to 260.212 while engaged in the course of employment.

476.055. 1. There is hereby established in the state treasury the "Statewide Court
Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,
contributions, devises, bequests, and grants received relating to automation of judicial record
keeping, and moneys received by the judicial system for the dissemination of information and
sales of publications developed relating to automation of judicial record keeping, shall be
credited to the fund. Moneys credited to this fund may only be used for the purposes set forth
in this section and as appropriated by the general assembly. Any unexpended balance remaining
in the statewide court automation fund at the end of each biennium shall not be subject to the
provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2018, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class D felony.
7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with [the joint legislative committee on court automation. Such committee shall consist of the following]:
   (1) The chair of the house budget committee;
   (2) The chair of the senate appropriations committee;
   (3) The chair of the house judiciary committee; and
   (4) The chair of the senate judiciary committee;
   (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
   (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation].

[9.] 8. Section 488.027 shall expire on September 1, 2018. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2020.

[10.] 9. This section shall expire on September 1, 2020.

[476.055. 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2015, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and
employee members shall be appointed by the chief justice. The commissioner of
administration shall serve ex officio. The members of the Missouri Bar shall be
appointed by the board of governors of the Missouri Bar. Any member of the
committee may designate another person to serve on the committee in place of
the committee member.

3. The committee shall develop and implement a plan for a statewide
court automation system. The committee shall have the authority to hire
consultants, review systems in other jurisdictions and purchase goods and
services to administer the provisions of this section. The committee may
implement one or more pilot projects in the state for the purposes of determining
the feasibility of developing and implementing such plan. The members of the
committee shall be reimbursed from the court automation fund for their actual
designated
expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds
five thousand dollars shall be made pursuant to the requirements of the office of
administration for lowest and best bid. Such bids shall be subject to acceptance
by the office of administration. The court automation committee shall determine
the specifications for such bids.

5. The court automation committee shall not require any circuit court to
change any operating system in such court, unless the committee provides all
necessary personnel, funds and equipment necessary to effectuate the required
changes. No judicial circuit or county may be reimbursed for any costs incurred
pursuant to this subsection unless such judicial circuit or county has the approval
of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be
implemented, operated and maintained in accordance with strict standards for the
security and privacy of confidential judicial records. Any person who knowingly
releases information from a confidential judicial record is guilty of a class B
misdemeanor. Any person who, knowing that a judicial record is confidential,
uses information from such confidential record for financial gain is guilty of a
class D felony.

7. On the first day of February, May, August and November of each year,
the court automation committee shall file a report on the progress of the statewide
automation system with the joint legislative committee on court automation.
Such committee shall consist of the following:

(1) The chair of the house budget committee;
(2) The chair of the senate appropriations committee;
(3) The chair of the house judiciary committee;
(4) The chair of the senate judiciary committee;
(5) One member of the minority party of the house appointed by the
speaker of the house of representatives; and
(6) One member of the minority party of the senate appointed by the
president pro tempore of the senate.
8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

9. Section 488.027 shall expire on September 1, 2015. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2017.

10. This section shall expire on September 1, 2017.

[566.135.] 545.940. 1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney with notice given to the defense attorney and for good cause shown, in any criminal case in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any offense under [this chapter or pursuant to section 575.150, 567.020, 565.050, 565.060, 565.070.] chapter 566 or section 565.050, assault in the first degree; section 565.052 or 565.060, assault in the second degree; section 565.054 or 565.070, assault in the third degree; section 565.056, assault in the fourth degree; section 565.072, domestic assault in the first degree; section 565.073, domestic assault in the second degree; section 565.074, [565.075, 565.081, 565.082, 565.083.] domestic assault in the third degree; section 565.075, assault while on school property; section 565.076, domestic assault in the fourth degree; section 565.081, 565.082, or 565.083, assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer in the first, second, or third degree; section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first degree; section 568.050, [or] endangering the welfare of a child in the second degree; section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest; or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677, recklessly exposing a person to HIV, the court may order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] such tests shall be released to the victim and his or her parent or legal guardian if the victim is a minor. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] such tests shall also be released to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order of the same, and the test results shall be sealed in the court file.

2. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.
556.061. In this code, unless the context requires a different definition, the following
[shall apply] terms shall mean:

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

2. "Affirmative defense" [has the meaning specified in section 556.056]:
   (a) The defense referred to is not submitted to the trier of fact unless supported by
evidence; and
   (b) If the defense is submitted to the trier of fact the defendant has the burden of
persuasion that the defense is more probably true than not;

3. "Commercial film and photographic print processor", any person who develops
exposed photographic film into negatives, slides or prints, or who makes prints from negatives
or slides, for compensation. The term commercial film and photographic print processor shall
include all employees of such persons but shall not include a person who develops film or makes
prints for a public agency;

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

5. "Computer equipment", computers, terminals, data storage devices, and all
other computer hardware associated with a computer system or network;

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

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

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

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

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

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

[(4)] (13) "Confinement":

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

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

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

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

(b) A person is not in confinement if:

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

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

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

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

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

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

[(6) (16) "Criminal negligence" [has the meaning specified in section 562.016], failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

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

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

[(8) (19) "Dangerous felony" [means], the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, [and.] child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under
Section 568.060, child kidnapping, [and] parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001;

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

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

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

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

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

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

[(11)] (26) "Felony" [has the meaning specified in section 556.016], an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year;

[(12)] (27) "Forcible compulsion" [means] either:

(a) Physical force that overcomes reasonable resistance; or

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

[(13)] (28) "Incapacitated" [means that], a temporary or permanent physical or mental condition[, temporary or permanent,] in which a person is unconscious, unable to appraise the nature of [such person's] his or her conduct, or unable to communicate unwillingness to an act;

[(14)] (29) "Infraction" [has the meaning specified in section 556.021], a violation defined by this code or by any other statute of this state if it is so designated or if no
sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon
conviction;

[(15)] (30) "Inhabitable structure" [has the meaning specified in section 569.010] , a
vehicle, vessel or structure:

(a) Where any person lives or carries on business or other calling; or
(b) Where people assemble for purposes of business, government, education,
religion, entertainment, or public transportation; or
(c) Which is used for overnight accommodation of persons. Any such vehicle,
vessel, or structure is "inhabitable" regardless of whether a person is actually present.

If a building or structure is divided into separately occupied units, any unit not occupied
by the actor is an "inhabitable structure of another";

[(16)] (31) "Knowingly" [has the meaning specified in section 562.016] , when used
with respect to:

(a) Conduct or attendant circumstances, means a person is aware of the nature of
his or her conduct or that those circumstances exist; or
(b) A result of conduct, means a person is aware that his or her conduct is
practically certain to cause that result;

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

[(18)] (33) "Misdemeanor" [has the meaning specified in section 556.016] , an offense
so designated or an offense for which persons found guilty thereof may be sentenced to
imprisonment for a term of which the maximum is one year or less;

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

[(19)] (35) "Offense" [means] , any felony[,] or misdemeanor [or infraction];

[(20)] (36) "Physical injury" [means physical pain, illness, or any impairment of physical
condition] , slight impairment of any function of the body or temporary loss of use of any
part of the body;
"Place of confinement" means, any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

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

"Property", anything of value, whether real or personal, tangible or intangible, in possession or in action;

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

"Purposely" has the meaning specified in section 562.016, when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;

"Recklessly" has the meaning specified in section 562.016, consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

"Ritual" or "ceremony" means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

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

"Serious physical injury" means, physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;
"Sexual conduct" means acts of human masturbation; deviate sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

"Sexual contact" means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

"Sexual performance", any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

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

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

"Vehicle", a self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft;

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

"Voluntary act" has the meaning specified in section 562.011:

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

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

"Vulnerable person", any person in the custody, care, or control of the department of mental health who is receiving services from an operated, funded, licensed, or certified program.
558.019. 1. This section shall not be construed to affect the powers of the governor under article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of section 565.020, section [558.018] 566.125, or section 571.015, which set minimum terms of sentences, or the provisions of section 559.115, relating to probation.

2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes of felonies except those set forth in chapter [195] 579, or in chapter 195 prior to January 1, 2017, and those otherwise excluded in subsection 1 of this section. For the purposes of this section, "prison commitment" means and is the receipt by the department of corrections of an offender after sentencing. For purposes of this section, prior prison commitments to the department of corrections shall not include [commitment to a regimented discipline program established pursuant to section 217.378] an offender's first incarceration prior to release on probation under section 217.362 or 559.115. Other provisions of the law to the contrary notwithstanding, any offender who has [pleaded guilty to or has] been found guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to the department of corrections shall be required to serve the following minimum prison terms:

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

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

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

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

4. For the purpose of determining the minimum prison term to be served, the following calculations shall apply:
(1) A sentence of life shall be calculated to be thirty years;

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

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

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

(2) The commission shall study sentencing practices in the circuit courts throughout the state for the purpose of determining whether and to what extent disparities exist among the various circuit courts with respect to the length of sentences imposed and the use of probation for offenders convicted of the same or similar [crimes] offenses and with similar criminal histories. The commission shall also study and examine whether and to what extent sentencing disparity among economic and social classes exists in relation to the sentence of death and if so, the reasons therefor, if sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw conclusions, and perform other duties relevant to the research and investigation of disparities in death penalty sentencing among economic and social classes.

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

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

(5) The members of the commission shall not receive compensation for their duties on the commission, but shall be reimbursed for actual and necessary expenses incurred in the performance of these duties and for which they are not reimbursed by reason of their other paid positions.
(6) The circuit and associate circuit courts of this state, the office of the state courts administrator, the department of public safety, and the department of corrections shall cooperate with the commission by providing information or access to information needed by the commission. The office of the state courts administrator will provide needed staffing resources.

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

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

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

   (2) Offender treatment programs;

   (3) Mandatory community service;

   (4) Work release programs in local facilities; and

   (5) Community-based residential and nonresidential programs.

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

10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

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

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

13. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.
559.036. 1. A term of probation commences on the day it is imposed. Multiple terms of Missouri probation, whether imposed at the same time or at different times, shall run concurrently. Terms of probation shall also run concurrently with any federal or other state jail, prison, probation or parole term for another offense to which the defendant is or becomes subject during the period, unless otherwise specified by the Missouri court.

2. The court may terminate a period of probation and discharge the defendant at any time before completion of the specific term fixed under section 559.016 if warranted by the conduct of the defendant and the ends of justice. The court may extend the term of the probation, but no more than one extension of any probation may be ordered except that the court may extend the term of probation by one additional year by order of the court if the defendant admits he or she has violated the conditions of probation or is found by the court to have violated the conditions of his or her probation. Total time on any probation term, including any extension shall not exceed the maximum term established in section 559.016. Procedures for termination, discharge and extension may be established by rule of court.

3. If the defendant violates a condition of probation at any time prior to the expiration or termination of the probation term, the court may continue him or her on the existing conditions, with or without modifying or enlarging the conditions or extending the term.

4. (1) Unless the defendant consents to the revocation of probation, if a continuation, modification, enlargement or extension is not appropriate under this section, the court shall order placement of the offender in one of the department of corrections' one hundred twenty-day programs so long as:

(a) The underlying offense for the probation is a class [C or] D or E felony or an offense listed in chapter [195] 579 or an offense previously listed in chapter 195; except that, the court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that an offender is not eligible if the underlying offense is [involuntary manslaughter in the first degree,] involuntary manslaughter in the second degree, [aggravated] stalking in the first degree, assault in the second degree, sexual assault, rape in the second degree, domestic assault in the second degree, assault [of a law enforcement officer in the second degree] in the third degree when the victim is a special victim, statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy [or], any case in which the defendant is found guilty of a felony offense under chapter 571, or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017;
(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in the appropriate one hundred twenty-day program under subsection 3 of section 559.115.

(3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of probation and, if a condition was violated, whether revocation is warranted under all the circumstances. Not less than five business days prior to the date set for a hearing on the violation, except for a good cause shown, the judge shall inform the probationer that he or she may have the right to request the appointment of counsel if the probationer is unable to retain counsel. If the probationer requests counsel, the judge shall determine whether counsel is
necessary to protect the probationer's due process rights. If the judge determines that counsel is not necessary, the judge shall state the grounds for the decision in the record.

7. The prosecuting or circuit attorney may file a motion to revoke probation or at any time during the term of probation, the court may issue a notice to the probationer to appear to answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such notice shall be personally served upon the probationer. The warrant shall authorize the return of the probationer to the custody of the court or to any suitable detention facility designated by the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own motion, the court may immediately enter an order suspending the period of probation and may order a warrant for the defendant's arrest. The probation shall remain suspended until the court rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the probation reinstated.

8. The power of the court to revoke probation shall extend for the duration of the term of probation designated by the court and for any further period which is reasonably necessary for the adjudication of matters arising before its expiration, provided that some affirmative manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the period and that every reasonable effort is made to notify the probationer and to conduct the hearing prior to the expiration of the period.

9. A defendant who was sentenced prior to January 1, 2017 to an offense that was eligible at the time of sentencing under paragraph (a) of subdivision (1) of subsection 4 of this section for the court ordered detention sanction shall continue to remain eligible for the sanction so long as the defendant meets all the other requirements provided under subsection 4 of this section.

559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants probation to an offender who has [pleaded guilty to or has] been found guilty of an offense in:

(1) Section 566.030, 566.032, 566.060, [or] 566.062, [based on an act committed on or after August 28, 2006, or the offender has pleaded guilty to or has been found guilty of an offense under section] 566.067, 566.083, 566.100, 566.151, 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act committed on or after August 28, 2006[,] ; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205 based on an act committed on or after January 1, 2017, against a victim who was less than fourteen years [old] of age and the offender is a prior sex offender as defined in subsection 2 of this section[,] ;

the court shall order that the offender be supervised by the board of probation and parole for the duration of his or her natural life.
2. For the purpose of this section, a prior sex offender is a person who has previously [pleaded guilty to or has been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the shock incarceration program or institutional treatment program. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter within ninety
to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal. The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C or class D, or class E nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section [558.018] 566.125, the court shall request the department of corrections to conduct a sexual offender assessment if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant
to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section [558.018] 566.125; or any offense in which there exists a statutory prohibition against either probation or parole.

559.633. 1. Upon [a plea of guilty or] a finding of [guilty for a commission of] guilt for a felony offense pursuant to chapter 195 or 579, except for those offenses in which there exists a statutory prohibition against either probation or parole, when placing the person on probation, the court shall order the person to begin a required educational assessment and community treatment program within the first sixty days of probation as a condition of probation. Persons who are placed on probation after a period of incarceration pursuant to section 559.115 may not be required to participate in a required educational assessment and community treatment program.

2. The fees for the required educational assessment and community treatment program, or a portion of such fees, to be determined by the department of corrections, shall be paid by the person receiving the assessment. Any person who is assessed shall pay, in addition to any fee charged for the assessment, a supplemental fee of sixty dollars. The administrator of the program shall remit to the department of corrections the supplemental fees for all persons assessed, less two percent for administrative costs. The supplemental fees received by the department of corrections pursuant to this section shall be deposited in the correctional substance abuse earnings fund created pursuant to section 559.635.

565.002. As used in this chapter, unless a different meaning is otherwise plainly required the following terms mean:

(1) "Adequate cause" [means], cause that would reasonably produce a degree of passion in a person of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-control;

(2) "Child", a person under seventeen years of age;

(3) "Conduct", includes any act or omission;

(4) "Course of conduct", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included
within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;

[(3)] [5] "Deliberation" means cool reflection for any length of time no matter how brief;

[(4)] "Intoxicated condition" means under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

[(5)] "Operates" means physically driving or operating or being in actual physical control of a motor vehicle;

[(6)] "Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

[(6)] "Domestic victim", a household or family member as the term "family" or "household member" is defined in section 455.010, including any child who is a member of the household or family;

[(7)] "Emotional distress", something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;

[(8)] "Full or partial nudity", the showing of all or any part of the human genitals, pubic area, buttock, or any part of the nipple of the breast of any female person, with less than a fully opaque covering;

[(9)] "Legal custody", the right to the care, custody and control of a child;

[(10)] "Parent", either a biological parent or a parent by adoption;

[(11)] "Person having a right of custody", a parent or legal guardian of the child;

[(12)] "Photographs" or "films", the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person;

[(13)] "Place where a person would have a reasonable expectation of privacy", any place where a reasonable person would believe that a person could disrobe in privacy, without being concerned that the person's undressing was being viewed, photographed or filmed by another;

[(14)] "Special victim", any of the following:

(a) A law enforcement officer assaulted in the performance of his or her official duties or as a direct result of such official duties;

(b) Emergency personnel, any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;

(c) A probation and parole officer assaulted in the performance of his or her official duties or as a direct result of such official duties;
(d) An elderly person;
(e) A person with a disability;
(f) A vulnerable person;
(g) Any jailer or corrections officer of the state or one of its political subdivisions assaulted in the performance of his or her official duties or as a direct result of such official duties;
(h) A highway worker in a construction or work zone as the terms "highway worker", "construction zone", and "work zone" are defined under section 304.580;
(i) Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his or her job duties, including any person employed under a contract;
(j) Any cable worker, meaning any employee of a cable operator, as such term is defined in section 67.2677, including any person employed under contract, while in the performance of his or her job duties; and
(k) Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his or her job duties;

(7) "Sudden passion" means passion directly caused by and arising out of provocation by the victim or another acting with the victim which passion arises at the time of the offense and is not solely the result of former provocation;

(8) "Trier" means the judge or jurors to whom issues of fact, guilt or innocence, or the assessment and declaration of punishment are submitted for decision;

(17) "Views", the looking upon of another person, with the unaided eye or with any device designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual desire of any person.

565.073. 1. A person commits the [crime] offense of domestic assault in the second degree if the act involves a [family or household member, including any child who is a member of the family or household, as defined in section 455.010] domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she:

(1) [Attempts to cause or] Knowingly causes physical injury to such [family or household member] domestic victim by any means, including but not limited to, [by] use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such [family or household member] domestic victim; or

(3) Recklessly causes physical injury to such [family or household member] domestic victim by means of any deadly weapon.
The offense of domestic assault in the second degree is a class [C] D felony.

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

   (1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or section 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

   (2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section;

shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child care facility, notify the county sheriff where such public school, private school, or child care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility.

3. For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

4. Violation of the provisions of subsection 1 of this section is a class [D] E felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class [D] E felony.

566.148. 1. Any person who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:
1. Violating any of the provisions of this chapter or the provisions of [subsection 2 of]
section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;
subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use
of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or
section 573.205, promoting a sexual performance by a child; section 573.023, sexual
exploitation of a minor; section 573.025, promoting child pornography in the first degree; section
573.035, promoting child pornography in the second degree; section 573.037, possession of child
pornography, or section 573.040, furnishing pornographic material to minors; or
(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section;
shall not knowingly be physically present in or loiter within five hundred feet of or to approach,
contact, or communicate with any child under eighteen years of age in any child care facility
building, on the real property comprising any child care facility when persons under the age of
eighteen are present in the building, on the grounds, or in the conveyance, unless the offender
is a parent, legal guardian, or custodian of a student present in the building or on the grounds.
2. For purposes of this section, "child care facility" shall [have the same meaning as such
term is defined in section 210.201] include any child care facility licensed under chapter 210,
or any child care facility that is exempt from state licensure but subject to state regulation
under section 210.252 and holds itself out to be a child care facility.
3. [Any person who violates] Violation of the provisions of this section is [guilty of] a
class A misdemeanor.
566.149. 1. Any person who has [pleaded guilty or nolo contendere to, or been
convicted of, or] been found guilty of:
(1) Violating any of the provisions of this chapter or the provisions [of subsection 2] of
section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;
subsection 2 of section 568.080 as it existed prior to January 1, 2017, or section 573.200, use
of a child in a sexual performance; section 568.090 as it existed prior to January 1, 2017, or
section 573.205, promoting a sexual performance by a child; section 573.023, sexual
exploitation of a minor; section 573.025, promoting child pornography; or section 573.040,
furnishing pornographic material to minors; or
(2) Any offense in any other [state or foreign country, or under tribal, federal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section;
shall not be present in or loiter within five hundred feet of any school building, on real property
comprising any school, or in any conveyance owned, leased, or contracted by a school to
transport students to or from school or a school-related activity when persons under the age of
eighteen are present in the building, on the grounds, or in the conveyance, unless the offender
is a parent, legal guardian, or custodian of a student present in the building and has met the
conditions set forth in subsection 2 of this section.

2. No parent, legal guardian, or custodian who has [pleaded guilty or nolo contendere
to, or been convicted of, or] been found guilty of violating any of the offenses listed in subsection
1 of this section shall be present in any school building, on real property comprising any school,
or in any conveyance owned, leased, or contracted by a school to transport students to or from
school or a school-related activity when persons under the age of eighteen are present in the
building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has
permission to be present from the superintendent or school board or in the case of a private
school from the principal. In the case of a public school, if permission is granted, the
superintendent or school board president must inform the principal of the school where the sex
offender will be present. Permission may be granted by the superintendent, school board, or in
the case of a private school from the principal for more than one event at a time, such as a series
of events, however, the parent, legal guardian, or custodian must obtain permission for any other
event he or she wishes to attend for which he or she has not yet had permission granted.

3. Regardless of the person's knowledge of his or her proximity to school property or a
school-related activity, violation of the provisions of this section [shall be] is a class A
misdemeanor.

577.001. [1.] As used in this chapter, [the term "court" means any circuit, associate
circuit, or municipal court, including traffic court, but not any juvenile court or drug court.

2. As used in this chapter, the term "drive", "driving", "operates" or "operating" means
physically driving or operating a motor vehicle.

3. As used in this chapter, a person is in an "intoxicated condition" when he is under the
influence of alcohol, a controlled substance, or drug, or any combination thereof.

4. As used in this chapter, the term "law enforcement officer" or "arresting officer"
includes the definition of law enforcement officer in subdivision (17) of section 556.061 and
military policemen conducting traffic enforcement operations on a federal military installation
under military jurisdiction in the state of Missouri.

5. As used in this chapter, "substance abuse traffic offender program" means a program
certified by the division of alcohol and drug abuse of the department of mental health to provide
education or rehabilitation services pursuant to a professional assessment screening to identify
the individual needs of the person who has been referred to the program as the result of an
alcohol- or drug-related traffic offense. Successful completion of such a program includes
participation in any education or rehabilitation program required to meet the needs identified in
the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 7 of section 577.041. The following terms mean:

(1) "Aggravated offender", a person who has been found guilty of:
   (a) Three or more intoxication-related traffic offenses committed on separate occasions; or
   (b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(2) "Aggravated boating offender", a person who has been found guilty of:
   (a) Three or more intoxication-related boating offenses; or
   (b) Has been found guilty of one or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court;

(5) "Chronic offender", a person who has been found guilty of:
   (a) Four or more intoxication-related traffic offenses committed on separate occasions; or
   (b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
   (c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any
military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(6) "Chronic boating offender", a person who has been found guilty of:
   (a) Four or more intoxication-related boating offenses; or
   (b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or
   (c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(7) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

(8) "Drive", "driving", "operates" or "operating", means physically driving or operating a vehicle or vessel;

(9) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

(10) "Habitual offender", a person who has been found guilty of:
   (a) Five or more intoxication-related traffic offenses committed on separate occasions; or
   (b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
   (c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
   (d) While driving while intoxicated, the defendant acted with criminal negligence to:
a. Cause the death of any person not a passenger in the vehicle operated by the defendant, including the death of an individual that results from the defendant’s vehicle leaving a highway, as defined by section 301.010, or the highway’s right-of-way; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person’s blood;

(11) "Habitual boating offender", a person who has been found guilty of:

(a) Five or more intoxication-related boating offenses; or

(b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(d) While boating while intoxicated, the defendant acted with criminal negligence to:

a. Cause the death of any person not a passenger in the vessel operated by the defendant, including the death of an individual that results from the defendant’s vessel leaving the water; or

b. Cause the death of two or more persons; or

c. Cause the death of any person while he or she has a blood alcohol content of at least eighteen-hundredths of one percent by weight of alcohol in such person’s blood;

(12) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(13) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(14) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content or an offense in which the defendant was operating a
vehicle while intoxicated and another person was injured or killed in violation of any state
law, county or municipal ordinance, any federal offense, or any military offense;
(15) "Law enforcement officer" or "arresting officer", includes the definition of
law enforcement officer in section 556.061 and military policemen conducting traffic
enforcement operations on a federal military installation under military jurisdiction in the
state of Missouri;
(16) "Operate a vessel", to physically control the movement of a vessel in motion
under mechanical or sail power in water;
(17) "Persistent offender", a person who has been found guilty of two or more
intoxication-related traffic offenses committed on separate occasions;
(18) "Persistent boating offender", a person who has been found guilty of two or
more intoxication-related boating offenses committed on separate occasions;
(19) "Prior offender", a person who has been found guilty of one intoxication-
related traffic offense, where such prior offense occurred within five years of the
occurrence of the intoxication-related traffic offense for which the person is charged;
(20) "Prior boating offender", a person who has been found guilty of one
intoxication-related boating offense, where such prior offense occurred within five years
of the occurrence of the intoxication-related boating offense for which the person is
charged.

577.010. 1. A person commits the [crime] offense of ["driving while intoxicated"] if
he or she operates a [motor] vehicle while in an intoxicated [or drugged] condition.
2. The offense of driving while intoxicated is [for the first offense, a class B
misdemeanor. No person convicted of or pleading guilty to the offense of driving while
intoxicated shall be granted a suspended imposition of sentence for such offense, unless such
person shall be placed on probation for a minimum of two years] :
(1) A class B misdemeanor;
(2) A class A misdemeanor if:
(a) The defendant is a prior offender; or
(b) A person less than seventeen years of age is present in the vehicle;
(3) A class E felony if:
(a) The defendant is a persistent offender; or
(b) While driving while intoxicated, the defendant acts with criminal negligence to
cause physical injury to another person;
(4) A class D felony if:
(a) The defendant is an aggravated offender;
(b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or
(c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;
(5) A class C felony if:
   (a) The defendant is a chronic offender;
   (b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or
   (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;
(6) A class B felony if:
   (a) The defendant is a habitual offender; or
   (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel;
(7) A class A felony if the defendant is a habitual offender as a result of being found guilty of an act described under paragraph (d) of subdivision (10) of section 577.001 and is found guilty of a subsequent violation of such paragraph.

3. Notwithstanding the provisions of subsection 2 of this section, [in a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program] a person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:
   (1) Unless such person shall be placed on probation for a minimum of two years; or
   (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section [for such first offense]:


51 (1) If the individual operated the [motor] vehicle with fifteen-hundredths to
twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term
of imprisonment shall be not less than forty-eight hours;
52 (2) If the individual operated the [motor] vehicle with greater than twenty-hundredths
of one percent by weight of alcohol in such person's blood, the required term of imprisonment
shall be not less than five days.
53
54 5. A person found guilty of the offense of driving while intoxicated:
55 (1) As a prior offender, persistent offender, aggravated offender, chronic offender,
or habitual offender shall not be granted a suspended imposition of sentence or be
sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary
notwithstanding;
56 (2) As a prior offender shall not be granted parole or probation until he or she has
served a minimum of ten days imprisonment:
57 (a) Unless as a condition of such parole or probation such person performs at least
thirty days of community service under the supervision of the court in those jurisdictions
which have a recognized program for community service; or
58 (b) The offender participates in and successfully completes a program established
under section 478.007 or other court-ordered treatment program, if available, and as part
of either program, the offender performs at least thirty days of community service under
the supervision of the court;
59 (3) As a persistent offender shall not be eligible for parole or probation until he or
she has served a minimum of thirty days imprisonment:
60 (a) Unless as a condition of such parole or probation such person performs at least
sixty days of community service under the supervision of the court in those jurisdictions
which have a recognized program for community service; or
61 (b) The offender participates in and successfully completes a program established
under section 478.007 or other court-ordered treatment program, if available, and as part
of either program, the offender performs at least sixty days of community service under
the supervision of the court;
62 (4) As an aggravated offender shall not be eligible for parole or probation until he
or she has served a minimum of sixty days imprisonment;
63 (5) As a chronic offender shall not be eligible for parole or probation until he or she
has served a minimum of two years imprisonment.
64
65 577.013. 1. A person commits the offense of boating while intoxicated if he or she
2 operates a vessel while in an intoxicated condition.
3 2. The offense of boating while intoxicated is:
(1) A class B misdemeanor;
(2) A class A misdemeanor if:
   (a) The defendant is a prior boating offender; or
   (b) A person less than seventeen years of age is present in the vessel;
(3) A class E felony if:
   (a) The defendant is a persistent boating offender; or
   (b) While boating while intoxicated, the defendant acts with criminal negligence to
       cause physical injury to another person;
(4) A class D felony if:
   (a) The defendant is an aggravated boating offender;
   (b) While boating while intoxicated, the defendant acts with criminal negligence to
       cause physical injury to a law enforcement officer or emergency personnel; or
   (c) While boating while intoxicated, the defendant acts with criminal negligence to
       cause serious physical injury to another person;
(5) A class C felony if:
   (a) The defendant is a chronic boating offender;
   (b) While boating while intoxicated, the defendant acts with criminal negligence to
       cause serious physical injury to a law enforcement officer or emergency personnel; or
   (c) While boating while intoxicated, the defendant acts with criminal negligence to
       cause the death of another person;
(6) A class B felony if:
   (a) The defendant is a habitual boating offender; or
   (b) While boating while intoxicated, the defendant acts with criminal negligence to
       cause the death of a law enforcement officer or emergency personnel;
(7) A class A felony if the defendant is a habitual offender as a result of being found
guilty of an act described under paragraph (d) of subdivision (11) of section 577.001 and
is found guilty of a subsequent violation of such paragraph.
3. Notwithstanding the provisions of subsection 2 of this section, a person found
guilty of the offense of boating while intoxicated as a first offense shall not be granted a
suspended imposition of sentence:
   (1) Unless such person shall be placed on probation for a minimum of two years;
or
   (2) In a circuit where a DWI court or docket created under section 478.007 or other
court-ordered treatment program is available, and where the offense was committed with
fifteen-hundredths of one percent or more by weight of alcohol in such person's blood,
unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

   (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

   (2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

5. A person found guilty of the offense of boating while intoxicated:

   (1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

   (2) As a prior boating offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment;

      (a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

      (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

   (3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

      (a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

      (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

   (4) As an aggravated boating offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

   (5) As a chronic boating offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

577.020. 1. Any person who operates a [motor] vehicle upon the public highways of this state, a vessel, or any aircraft, or acts as a flight crew member of an aircraft shall be deemed to have given consent [to], subject to the provisions of sections 577.019 to 577.041, to a
chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining
the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer
had reasonable grounds to believe were committed while the person was [driving a motor]
operating a vehicle or a vessel while in an intoxicated [or drugged] condition; [or]

(2) If the person is detained for any offense of operating an aircraft while
intoxicated under section 577.015 or operating an aircraft with excessive blood alcohol
content under section 577.016;

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement
officer, and the law enforcement officer has reasonable grounds to believe that such person was
[driving a motor] operating a vehicle or a vessel with a blood alcohol content of
two-hundredths of one percent or more by weight; [or]

[(3)] (4) If the person is under the age of twenty-one, has been stopped by a law
enforcement officer, and the law enforcement officer has reasonable grounds to believe that such
person has committed a violation of the traffic laws of the state, or any political subdivision of
the state, and such officer has reasonable grounds to believe, after making such stop, that such
person has a blood alcohol content of two-hundredths of one percent or greater;

[(4)] (5) If the person is under the age of twenty-one, has been stopped at a sobriety
checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that
such person has a blood alcohol content of two-hundredths of one percent or greater; or

[(5)] (6) If the person, while operating a [motor] vehicle, has been involved in a [motor
vehicle] collision or accident which resulted in a fatality or a readily apparent serious physical
injury as defined in section 565.002 [556.061], or has been arrested as evidenced by the issuance
of a uniform traffic ticket for the violation of any state law or county or municipal ordinance with
the exception of equipment violations contained in [chapter] chapters 306 and 307, or similar
provisions contained in county or municipal ordinances; or]

[(6) If the person, while operating a motor vehicle, has been involved in a motor vehicle
collision which resulted in a fatality or serious physical injury as defined in section 565.002.]

The test shall be administered at the direction of the law enforcement officer whenever the
person has been [arrested or] stopped, detained, or arrested for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this
section shall be limited to not more than two such tests arising from the same stop, detention,
arrest, incident or charge.

3. To be considered valid, chemical analysis of the person's breath, blood, saliva, or
urine [to be considered valid pursuant to the provisions of sections 577.019 to 577.041] shall be
performed, according to methods approved by the state department of health and senior services,
by licensed medical personnel or by a person possessing a valid permit issued by the state
department of health and senior services for this purpose.

4. The state department of health and senior services shall approve satisfactory
techniques, devices, equipment, or methods to be considered valid used in the chemical test
pursuant to the provisions of sections 577.019 to 577.041. The department shall also
establish standards to ascertain the qualifications and competence of individuals to conduct such
analyses and to issue permits which shall be subject to termination or revocation by the state
department of health and senior services.

5. The person tested may have a physician, or a qualified technician, chemist, registered
nurse, or other qualified person at the choosing and expense of the person to be tested, administer
a test in addition to any administered at the direction of a law enforcement officer. The failure
or inability to obtain an additional test by a person shall not preclude the admission of evidence
relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall
be made available to such person. Full information is limited to the following:

(1) The type of test administered and the procedures followed;
(2) The time of the collection of the blood or breath sample, or urine sample analyzed;
(3) The numerical results of the test indicating the alcohol content of the blood and
breath and urine;
(4) The type and status of any permit which was held by the person who performed the
test;
(5) If the test was administered by means of a breath-testing instrument, the date of
performance of the most recent required maintenance of such instrument. Full information
do not include manuals, schematics, or software of the instrument used to test the person or
any other material that is not in the actual possession of the state. Additionally, full information
do not include information in the possession of the manufacturer of the test instrument.

7. Any person given a chemical test of the person's breath pursuant to subsection 1 of
this section or a field sobriety test may be videotaped during any such test at the direction of the
law enforcement officer. Any such video recording made during the chemical test pursuant to
this subsection or a field sobriety test shall be admissible as evidence at either any trial of such
person for a violation of any state law or county or municipal ordinance, or at any
license revocation or suspension proceeding held pursuant to the provisions of chapter 302.

577.037. 1. Upon the trial of any person for violation of any of the provisions of section
565.024, or section 565.060, or section 577.010 or 577.012, or upon the trial of any criminal
2. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates there was eight-hundredths of one percent or more by weight of alcohol in the person's blood, this shall be prima facie evidence that the person was intoxicated at the time the specimen was taken. If a chemical analysis of the defendant's breath, blood, saliva, or urine demonstrates that there was less than eight-hundredths of one percent of alcohol in the defendant's blood, any charge alleging a criminal offense related to the operation of a vehicle, vessel, or aircraft while in an intoxicated condition or with an excessive blood alcohol content shall be dismissed with prejudice unless one or more of the following considerations cause the court to find a dismissal unwarranted:

(1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;

(2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or

(3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.

3. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

4. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was intoxicated.

5. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection [1] 2 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health and senior services.
[5. Any charge alleging a violation of section 577.010 or 577.012 or any county or municipal ordinance prohibiting driving while intoxicated or driving under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health and senior services demonstrate that there was less than eight-hundredths of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

(1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;

(2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or

(3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.]

577.041. 1. If a person under arrest, or who has been detained pursuant to subdivision (2) of subsection 1 of section 577.020, or stopped pursuant to subdivision (2) or (3) or (4) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in any proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012 related to the acts resulting in such detention, stop, or arrest.

2. The request of the officer to submit to any chemical test shall include the reasons of the officer for requesting the person to submit to a test and also shall inform the person that evidence of refusal to take the test may be used against such person [and that the person's]. If such person was operating a vehicle prior to such detention, stop, or arrest, he or she shall further be informed that his or her license shall be immediately revoked upon refusal to take the test.

3. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If, upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. [In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.
2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

   (1) That the officer has:
   (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or
   (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
   (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

   (2) That the person refused to submit to a chemical test;

   (3) Whether the officer secured the license to operate a motor vehicle of the person;

   (4) Whether the officer issued a fifteen-day temporary permit;

   (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

   (6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a motor vehicle in this state, an order shall be issued denying the person the issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal to submit to a chemical test, such person may petition for a hearing before a circuit division or associate division of the court in the county in which the arrest or stop occurred. The person may request such court to issue an order staying the revocation until such time as the petition for review can be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form prescribed by the director of revenue and shall send a copy of such order to the director. Such order shall serve as proof of the privilege to operate a motor vehicle in this state and the director shall maintain possession of the person's license to operate a motor vehicle until termination of any revocation pursuant to this section. Upon the person's request the clerk of the court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on behalf of the director of revenue. At the hearing the court shall determine only:
58 (1) Whether or not the person was arrested or stopped;
59 (2) Whether or not the officer had:
60 (a) Reasonable grounds to believe that the person was driving a motor vehicle while in
61 an intoxicated or drugged condition; or
62 (b) Reasonable grounds to believe that the person stopped, being under the age of
63 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
64 of one percent or more by weight; or
65 (c) Reasonable grounds to believe that the person stopped, being under the age of
66 twenty-one years, was committing a violation of the traffic laws of the state, or political
67 subdivision of the state, and such officer had reasonable grounds to believe, after making such
68 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and
69 (3) Whether or not the person refused to submit to the test.
70 5. If the court determines any issue not to be in the affirmative, the court shall order the
71 director to reinstate the license or permit to drive.
72 6. Requests for review as provided in this section shall go to the head of the docket of
73 the court wherein filed.
74 7. No person who has had a license to operate a motor vehicle suspended or revoked
75 pursuant to the provisions of this section shall have that license reinstated until such person has
76 participated in and successfully completed a substance abuse traffic offender program defined
77 in section 577.001, or a program determined to be comparable by the department of mental
78 health or the court. Assignment recommendations, based upon the needs assessment as
79 described in subdivision (24) of section 302.010, shall be delivered in writing to the person with
80 written notice that the person is entitled to have such assignment recommendations reviewed by
81 the court if the person objects to the recommendations. The person may file a motion in the
82 associate division of the circuit court of the county in which such assignment was given, on a
83 printed form provided by the state courts administrator, to have the court hear and determine
84 such motion pursuant to the provisions of chapter 517. The motion shall name the person or
85 entity making the needs assessment as the respondent and a copy of the motion shall be served
86 upon the respondent in any manner allowed by law. Upon hearing the motion, the court may
87 modify or waive any assignment recommendation that the court determines to be unwarranted
88 based upon a review of the needs assessment, the person's driving record, the circumstances
89 surrounding the offense, and the likelihood of the person committing a like offense in the future,
90 except that the court may modify but may not waive the assignment to an education or
91 rehabilitation program of a person determined to be a prior or persistent offender as defined in
92 section 577.023, or of a person determined to have operated a motor vehicle with
93 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with
the court determination of the motion shall satisfy the provisions of this section for the purpose
of reinstating such person's license to operate a motor vehicle. The respondent's personal
appearance at any hearing conducted pursuant to this subsection shall not be necessary unless
directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be
determined by the division of alcohol and drug abuse of the department of mental health, shall
be paid by the person enrolled in the program. Any person who is enrolled in the program shall
pay, in addition to any fee charged for the program, a supplemental fee to be determined by the
department of mental health for the purposes of funding the substance abuse traffic offender
program defined in section 302.010 and section 577.001. The administrator of the program shall
remit to the division of alcohol and drug abuse of the department of mental health on or before
the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less
two percent for administrative costs. Interest shall be charged on any unpaid balance of the
supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall
accrue at a rate not to exceed the annual rates established pursuant to the provisions of section
32.065, plus three percentage points. The supplemental fees and any interest received by the
department of mental health pursuant to this section shall be deposited in the mental health
earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the
department of mental health the supplemental fees and interest for all persons enrolled in the
program pursuant to this section shall be subject to a penalty equal to the amount of interest
accrued on the supplemental fees due the division pursuant to this section. If the supplemental
fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
department of mental health within six months of the due date, the attorney general of the state
of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.
The court shall assess attorney fees and court costs against any delinquent program.

10. Any person who has had a license to operate a motor vehicle revoked under this
section and who has a prior alcohol-related enforcement contact, as defined in section 302.525,
shall be required to file proof with the director of revenue that any motor vehicle operated by the
person is equipped with a functioning, certified ignition interlock device as a required condition
of license reinstatement. Such ignition interlock device shall further be required to be
maintained on all motor vehicles operated by the person for a period of not less than six months
immediately following the date of reinstatement. If the monthly monitoring reports show that
the ignition interlock device has registered any confirmed blood alcohol concentration readings
above the alcohol setpoint established by the department of transportation or that the person has
tampered with or circumvented the ignition interlock device, then the period for which the person
must maintain the ignition interlock device following the date of reinstatement shall be extended for an additional six months. If the person fails to maintain such proof with the director as required by this section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

11. The revocation period of any person whose license and driving privilege has been revoked under this section and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303 and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, the person's license and driving privilege shall be rerevoked and the person shall be guilty of a class A misdemeanor.

579.060. 1. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than nine grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Purchases, receives, or otherwise acquires within a thirty-day period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than nine grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(3) Purchases, receives, or otherwise acquires within a twenty-four-hour period any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or

(4) Dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy...
counter where the public is not permitted and that such products are dispensed by a
registered pharmacist or pharmacy technician under subsection 11 of section 195.017; or

(5) Holds a retail sales license issued under chapter 144 and knowingly sells or
dispenses packages that do not conform to the packaging requirements of section 195.418.

2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the
offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine
precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of
any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or
pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a
total amount greater than three and six-tenth grams to the same individual within a
twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to
a valid prescription; or

(2) Fails to submit information under subsection 13 of section 195.017 and
subsection 5 of section 195.417 about the sales of any compound, mixture, or preparation
of products containing detectable amounts of ephedrine, phenylpropanolamine, or
pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in
accordance with transmission methods and frequency established by the department of
health and senior services; or

(3) Fails to implement and maintain an electronic log, as required by subsection 12
of section 195.017, of each transaction involving any detectable quantity of
pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical
isomers, or salts of optical isomers; or

(4) Sells, distributes, dispenses or otherwise provides to an individual under
eighteen years of age without a valid prescription any number of packages of any drug
product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts
of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

3. Any person who violates the packaging requirements of section 195.418 and is
considered the general owner or operator of the outlet where ephedrine, pseudoephedrine,
or phenylpropanolamine products are available for sale shall not be penalized if he or she
documents that an employee training program was in place to provide the employee who
made the unlawful retail sale with information on the state and federal regulations
regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. The offense of unlawful sale, distribution, or purchase of over-the-counter
methamphetamine precursor drugs is a class A misdemeanor.
Any room, building, structure or inhabitable structure as defined in section 569.010 which is used for the illegal use, keeping or selling of controlled substances is a "public nuisance". No person shall keep or maintain such a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds that the owner of the room, building, structure or inhabitable structure knew that the premises were being used for the illegal use, keeping or selling of controlled substances, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

4. It is unlawful for a person to keep or maintain such a public nuisance. A person commits the offense of keeping or maintaining a public nuisance if he or she knowingly keeps or maintains:

   (1) Any room, building, structure or inhabitable structure, as defined in section 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid; or

   (2) Any room, building, structure or inhabitable structure, as defined in section 556.061, where on three or more separate occasions within the period of a year, two or more persons, who were not residents of the room, building, structure, or inhabitable structure, gathered for the principal purpose of unlawfully ingesting, injecting, inhaling or using any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid.

2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant of the room, building, structure, or inhabitable structure with the offense of keeping or maintaining a public nuisance. [Keeping or maintaining a public nuisance is a class C felony.]

3. The offense of keeping or maintaining a public nuisance is a class E felony.

[5.] 4. Upon the conviction of the owner pursuant to [subsection 4 of] this section, the room, building, structure, or inhabitable structure is subject to the provisions of sections 513.600 to 513.645.

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and
corporal punishment procedures, if applicable, shall be provided to the pupil and
parent or legal guardian of every pupil enrolled in the district at the beginning of
each school year and also made available in the office of the superintendent of
such district, during normal business hours, for public inspection. All employees
of the district shall annually receive instruction related to the specific contents of
the policy of discipline and any interpretations necessary to implement the
provisions of the policy in the course of their duties, including but not limited to
approved methods of dealing with acts of school violence, disciplining students
with disabilities and instruction in the necessity and requirements for
confidentiality.

2. The policy shall require school administrators to report acts of school
violence to all teachers at the attendance center and, in addition, to other school
district employees with a need to know. For the purposes of this chapter or
chapter 167, "need to know" is defined as school personnel who are directly
responsible for the student's education or who otherwise interact with the student
on a professional basis while acting within the scope of their assigned duties. As
used in this section, the phrase "act of school violence" or "violent behavior"
means the exertion of physical force by a student with the intent to do serious
physical injury as defined in subdivision (6) of section 565.002 to another person
while on school property, including a school bus in service on behalf of the
district, or while involved in school activities. The policy shall at a minimum
require school administrators to report, as soon as reasonably practical, to the
appropriate law enforcement agency any of the following crimes, or any act
which if committed by an adult would be one of the following crimes:

   (1) First degree murder under section 565.020;
   (2) Second degree murder under section 565.021;
   (3) Kidnapping in the first degree under section 565.110;
   (4) First degree assault under section 565.050;
   (5) Rape in the first degree under section 566.030;
   (6) Sodomy in the first degree under section 566.060;
   (7) Burglary in the first degree under section 569.160;
   (8) Burglary in the second degree under section 569.170;
   (9) Robbery in the first degree under section [569.020] 570.023;
   (10) [Distribution of drugs] Manufacture of a controlled substance
       under section [195.211] 579.055;
   (11) [Distribution of drugs to a minor] Delivery of a controlled
        substance under section [195.212] 579.020;
   (12) Arson in the first degree under section 569.040;
   (13) Voluntary manslaughter under section 565.023;
   (14) Involuntary manslaughter under section 565.024;
   (15) Second degree assault under section [565.060] 565.052;
   (16) Rape in the second degree under section 566.031;
(17) [Felonious restraint] Kidnapping in the second degree under section 565.120;

(18) Property damage in the first degree under section 569.100;

(19) The possession of a weapon under chapter 571;

(20) Child molestation in the first, second, or third degree pursuant to section 566.067, 566.068, or 566.069;

(21) Sodomy in the second degree pursuant to section 566.061;

(22) Sexual misconduct involving a child pursuant to section 566.083;

(23) Sexual abuse in the first degree pursuant to section 566.100;

(24) Harassment in the first degree under section 565.090; or

(25) Stalking in the first degree under section 565.225;

committed on school property, including but not limited to actions on any school bus in service on behalf of the district or while involved in school activities. The policy shall require that any portion of a student's individualized education program that is related to demonstrated or potentially violent behavior shall be provided to any teacher and other school district employees who are directly responsible for the student's education or who otherwise interact with the student on an educational basis while acting within the scope of their assigned duties. The policy shall also contain the consequences of failure to obey standards of conduct set by the local board of education, and the importance of the standards to the maintenance of an atmosphere where orderly learning is possible and encouraged.

3. The policy shall provide that any student who is on suspension for any of the offenses listed in subsection 2 of this section or any act of violence or drug-related activity defined by school district policy as a serious violation of school discipline pursuant to subsection 9 of this section shall have as a condition of his or her suspension the requirement that such student is not allowed, while on such suspension, to be within one thousand feet of any school property in the school district where such student attended school or any activity of that district, regardless of whether or not the activity takes place on district property unless:

(1) Such student is under the direct supervision of the student's parent, legal guardian, or custodian and the superintendent or the superintendent's designee has authorized the student to be on school property;

(2) Such student is under the direct supervision of another adult designated by the student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school which suspended the student and the superintendent or the superintendent's designee has authorized the student to be on school property;

(3) Such student is enrolled in and attending an alternative school that is located within one thousand feet of a public school in the school district where such student attended school; or

(4) Such student resides within one thousand feet of any public school in the school district where such student attended school in which case such
student may be on the property of his or her residence without direct adult supervision.

4. Any student who violates the condition of suspension required pursuant to subsection 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of sections 167.161, 167.164, and 167.171. In making this determination consideration shall be given to whether the student poses a threat to the safety of any child or school employee and whether such student's unsupervised presence within one thousand feet of the school is disruptive to the educational process or undermines the effectiveness of the school's disciplinary policy. Removal of any pupil who is a student with a disability is subject to state and federal procedural rights. This section shall not limit a school district's ability to:

   (1) Prohibit all students who are suspended from being on school property or attending an activity while on suspension;

   (2) Discipline students for off-campus conduct that negatively affects the educational environment to the extent allowed by law.

5. The policy shall provide for a suspension for a period of not less than one year, or expulsion, for a student who is determined to have brought a weapon to school, including but not limited to the school playground or the school parking lot, brought a weapon on a school bus or brought a weapon to a school activity whether on or off of the school property in violation of district policy, except that:

   (1) The superintendent or, in a school district with no high school, the principal of the school which such child attends may modify such suspension on a case-by-case basis; and

   (2) This section shall not prevent the school district from providing educational services in an alternative setting to a student suspended under the provisions of this section.

6. For the purpose of this section, the term "weapon" shall mean a firearm as defined under 18 U.S.C. 921 and the following items, as defined in section 571.010: a blackjack, a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife, knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade knife; except that this section shall not be construed to prohibit a school board from adopting a policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus
going to or returning from school, during school-sponsored activities, or during
intermission or recess periods.

8. Teachers and other authorized district personnel in public schools
responsible for the care, supervision, and discipline of schoolchildren, including
volunteers selected with reasonable care by the school district, shall not be civilly
liable when acting in conformity with the established policies developed by each
board, including but not limited to policies of student discipline or when
reporting to his or her supervisor or other person as mandated by state law acts
of school violence or threatened acts of school violence, within the course and
scope of the duties of the teacher, authorized district personnel or volunteer,
when such individual is acting in conformity with the established policies
developed by the board. Nothing in this section shall be construed to create a
new cause of action against such school district, or to relieve the school district
from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence
and any other acts that constitute a serious violation of that policy. "Acts of
violence" as defined by school boards shall include but not be limited to exertion
of physical force by a student with the intent to do serious bodily harm to another
person while on school property, including a school bus in service on behalf of
the district, or while involved in school activities. School districts shall for each
student enrolled in the school district compile and maintain records of any serious
violation of the district's discipline policy. Such records shall be made available
to teachers and other school district employees with a need to know while acting
within the scope of their assigned duties, and shall be provided as required in
section 167.020 to any school district in which the student subsequently attempts
to enroll.

10. Spanking, when administered by certificated personnel and in the
presence of a witness who is an employee of the school district, or the use of
reasonable force to protect persons or property, when administered by personnel
of a school district in a reasonable manner in accordance with the local board of
education's written policy of discipline, is not abuse within the meaning of
chapter 210. The provisions of sections 210.110 to 210.165 notwithstanding, the
children's division shall not have jurisdiction over or investigate any report of
alleged child abuse arising out of or related to the use of reasonable force to
protect persons or property when administered by personnel of a school district
or any spanking administered in a reasonable manner by any certificated school
personnel in the presence of a witness who is an employee of the school district
pursuant to a written policy of discipline established by the board of education
of the school district, as long as no allegation of sexual misconduct arises from
the spanking or use of force.

11. If a student reports alleged sexual misconduct on the part of a teacher
or other school employee to a person employed in a school facility who is
required to report such misconduct to the children's division under section
210.115, such person and the superintendent of the school district shall report the
allegation to the children's division as set forth in section 210.115. Reports made
to the children's division under this subsection shall be investigated by the
division in accordance with the provisions of sections 210.145 to 210.153 and
shall not be investigated by the school district under subsections 12 to 20 of this
section for purposes of determining whether the allegations should or should not
be substantiated. The district may investigate the allegations for the purpose of
making any decision regarding the employment of the accused employee.

12. Upon receipt of any reports of child abuse by the children's division
other than reports provided under subsection 11 of this section, pursuant to
sections 210.110 to 210.165 which allegedly involve personnel of a school
district, the children's division shall notify the superintendent of schools of the
district or, if the person named in the alleged incident is the superintendent of
schools, the president of the school board of the school district where the alleged
incident occurred.

13. If, after an initial investigation, the superintendent of schools or the
president of the school board finds that the report involves an alleged incident of
child abuse other than the administration of a spanking by certificated school
personnel or the use of reasonable force to protect persons or property when
administered by school personnel pursuant to a written policy of discipline or that
the report was made for the sole purpose of harassing a public school employee,
the superintendent of schools or the president of the school board shall
immediately refer the matter back to the children's division and take no further
action. In all matters referred back to the children's division, the division shall
treat the report in the same manner as other reports of alleged child abuse
received by the division.

14. If the report pertains to an alleged incident which arose out of or is
related to a spanking administered by certificated personnel or the use of
reasonable force to protect persons or property when administered by personnel
of a school district pursuant to a written policy of discipline or a report made for
the sole purpose of harassing a public school employee, a notification of the
reported child abuse shall be sent by the superintendent of schools or the
president of the school board to the law enforcement in the county in which the
alleged incident occurred.

15. The report shall be jointly investigated by the law enforcement officer
and the superintendent of schools or, if the subject of the report is the
superintendent of schools, by a law enforcement officer and the president of the
school board or such president's designee.

16. The investigation shall begin no later than forty-eight hours after
notification from the children's division is received, and shall consist of, but need
not be limited to, interviewing and recording statements of the child and the
child's parents or guardian within two working days after the start of the
investigation, of the school district personnel allegedly involved in the report, and
of any witnesses to the alleged incident.

17. The law enforcement officer and the investigating school district
personnel shall issue separate reports of their findings and recommendations after
the conclusion of the investigation to the school board of the school district
within seven days after receiving notice from the children's division.

18. The reports shall contain a statement of conclusion as to whether the
report of alleged child abuse is substantiated or is unsubstantiated.

19. The school board shall consider the separate reports referred to in
subsection 17 of this section and shall issue its findings and conclusions and the
action to be taken, if any, within seven days after receiving the last of the two
reports. The findings and conclusions shall be made in substantially the
following form:

(1) The report of the alleged child abuse is unsubstantiated. The law
enforcement officer and the investigating school board personnel agree that there
was not a preponderance of evidence to substantiate that abuse occurred;

(2) The report of the alleged child abuse is substantiated. The law
enforcement officer and the investigating school district personnel agree that the
preponderance of evidence is sufficient to support a finding that the alleged
incident of child abuse did occur;

(3) The issue involved in the alleged incident of child abuse is
unresolved. The law enforcement officer and the investigating school personnel
are unable to agree on their findings and conclusions on the alleged incident.

20. The findings and conclusions of the school board under subsection
19 of this section shall be sent to the children's division. If the findings and
conclusions of the school board are that the report of the alleged child abuse is
unsubstantiated, the investigation shall be terminated, the case closed, and no
record shall be entered in the children's division central registry. If the findings
and conclusions of the school board are that the report of the alleged child abuse
is substantiated, the children's division shall report the incident to the prosecuting
attorney of the appropriate county along with the findings and conclusions of the
school district and shall include the information in the division's central registry.
If the findings and conclusions of the school board are that the issue involved in
the alleged incident of child abuse is unresolved, the children's division shall
report the incident to the prosecuting attorney of the appropriate county along
with the findings and conclusions of the school board, however, the incident and
the names of the parties allegedly involved shall not be entered into the central
registry of the children's division unless and until the alleged child abuse is
substantiated by a court of competent jurisdiction.

21. Any superintendent of schools, president of a school board or such
person's designee or law enforcement officer who knowingly falsifies any report
of any matter pursuant to this section or who knowingly withholds any
information relative to any investigation or report pursuant to this section is
guilty of a class A misdemeanor.

22. In order to ensure the safety of all students, should a student be
expelled for bringing a weapon to school, violent behavior, or for an act of school
violence, that student shall not, for the purposes of the accreditation process of
the Missouri school improvement plan, be considered a dropout or be included
in the calculation of that district's educational persistence ratio.]

[167.115. 1. Notwithstanding any provision of chapter 211 or chapter
610 to the contrary, the juvenile officer, sheriff, chief of police or other
appropriate law enforcement authority shall, as soon as reasonably practical,
notify the superintendent, or the superintendent's designee, of the school district
in which the pupil is enrolled when a petition is filed pursuant to subsection 1 of
section 211.031 alleging that the pupil has committed one of the following acts:

(1) First degree murder under section 565.020;
(2) Second degree murder under section 565.021;
(3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or kidnapping in the first degree under section 565.110;
(4) First degree assault under section 565.050;
(5) Forcible rape under section 566.030 as it existed prior to August 28, 2013, or rape in the first degree under section 566.030;
(6) Forcible sodomy under section 566.060 as it existed prior to August 28, 2013, or sodomy in the first degree under section 566.060;
(7) Burglary in the first degree under section 569.160;
(8) Robbery in the first degree under section 569.020 as it existed prior to January 1, 2017, or robbery in the first degree under section 570.023;
(9) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017, or manufacture of a controlled substance under section 579.055;
(10) Distribution of drugs to a minor under section 195.212 as it existed prior to January 1, 2017, or delivery of a controlled substance under section 579.020;
(11) Arson in the first degree under section 569.040;
(12) Voluntary manslaughter under section 565.023;
(13) Involuntary manslaughter under section 565.024;
(14) Second degree assault under section 565.060 as it existed prior to January 1, 2017, or second degree assault under section 565.052;
(15) Sexual assault under section 566.040 as it existed prior to August 28, 2013, or rape in the second degree under section 566.031;
(16) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or kidnapping in the second degree for an act committed after December 31, 2016;
(17) Property damage in the first degree under section 569.100;
(18) The possession of a weapon under chapter 571;
(19) Child molestation in the first degree pursuant to section 566.067 as it existed prior to January 1, 2017;
(20) Child molestation in the first, second, or third degree pursuant to sections 566.067, 566.068, or 566.069 for an act committed after December 31, 2016;
(21) Deviate sexual assault pursuant to section 566.070 as it existed prior to August 28, 2013, or sodomy in the second degree under section 566.061;
[(21)] (22) Sexual misconduct involving a child pursuant to section 566.083;
or
[(22)] (23) Sexual abuse pursuant to section 566.100 as it existed prior to August 28, 2013, or sexual abuse in the first degree under section 566.100.

2. The notification shall be made orally or in writing, in a timely manner, no later than five days following the filing of the petition. If the report is made orally, written notice shall follow in a timely manner. The notification shall include a complete description of the conduct the pupil is alleged to have committed and the dates the conduct occurred but shall not include the name of any victim. Upon the disposition of any such case, the juvenile office or prosecuting attorney or their designee shall send a second notification to the superintendent providing the disposition of the case, including a brief summary of the relevant finding of facts, no later than five days following the disposition of the case.

3. The superintendent or the designee of the superintendent shall report such information to teachers and other school district employees with a need to know while acting within the scope of their assigned duties. Any information received by school district officials pursuant to this section shall be received in confidence and used for the limited purpose of assuring that good order and discipline is maintained in the school. This information shall not be used as the sole basis for not providing educational services to a public school pupil.

4. The superintendent shall notify the appropriate division of the juvenile or family court upon any pupil's suspension for more than ten days or expulsion of any pupil that the school district is aware is under the jurisdiction of the court.

5. The superintendent or the superintendent's designee may be called to serve in a consultant capacity at any dispositional proceedings pursuant to section 211.031 which may involve reference to a pupil's academic treatment plan.

6. Upon the transfer of any pupil described in this section to any other school district in this state, the superintendent or the superintendent's designee shall forward the written notification given to the superintendent pursuant to subsection 2 of this section to the superintendent of the new school district in which the pupil has enrolled. Such written notification shall be required again in the event of any subsequent transfer by the pupil.

7. As used in this section, the terms "school" and "school district" shall include any charter, private or parochial school or school district, and the term
"superintendent" shall include the principal or equivalent chief school officer in the cases of charter, private or parochial schools.

8. The superintendent or the designee of the superintendent or other school employee who, in good faith, reports information in accordance with the terms of this section and section 160.261 shall not be civilly liable for providing such information.]

[167.171. 1. The school board in any district, by general rule and for the causes provided in section 167.161, may authorize the summary suspension of pupils by principals of schools for a period not to exceed ten school days and by the superintendent of schools for a period not to exceed one hundred and eighty school days. In case of a suspension by the superintendent for more than ten school days, the pupil, the pupil's parents or others having such pupil's custodial care may appeal the decision of the superintendent to the board or to a committee of board members appointed by the president of the board which shall have full authority to act in lieu of the board. Any suspension by a principal shall be immediately reported to the superintendent who may revoke the suspension at any time. In event of an appeal to the board, the superintendent shall promptly transmit to it a full report in writing of the facts relating to the suspension, the action taken by the superintendent and the reasons therefor and the board, upon request, shall grant a hearing to the appealing party to be conducted as provided in section 167.161.

2. No pupil shall be suspended unless:
   (1) The pupil shall be given oral or written notice of the charges against such pupil;
   (2) If the pupil denies the charges, such pupil shall be given an oral or written explanation of the facts which form the basis of the proposed suspension;
   (3) The pupil shall be given an opportunity to present such pupil's version of the incident; and
   (4) In the event of a suspension for more than ten school days, where the pupil gives notice that such pupil wishes to appeal the suspension to the board, the suspension shall be stayed until the board renders its decision, unless in the judgment of the superintendent of schools, or of the district superintendent, the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process, in which case the pupil may be immediately removed from school, and the notice and hearing shall follow as soon as practicable.

3. No school board shall readmit or enroll a pupil properly suspended for more than ten consecutive school days for an act of school violence as defined in subsection 2 of section 160.261 regardless of whether or not such act was committed at a public school or at a private school in this state, provided that such act shall have resulted in the suspension or expulsion of such pupil in the case of a private school, or otherwise permit such pupil to attend school without
first holding a conference to review the conduct that resulted in the expulsion or
suspension and any remedial actions needed to prevent any future occurrences of
such or related conduct. The conference shall include the appropriate school
officials including any teacher employed in that school or district directly
involved with the conduct that resulted in the suspension or expulsion, the pupil,
the parent or guardian of the pupil or any agency having legal jurisdiction, care,
custody or control of the pupil. The school board shall notify in writing the
parents or guardians and all other parties of the time, place, and agenda of any
such conference. Failure of any party to attend this conference shall not preclude
holding the conference. Notwithstanding any provision of this subsection to the
contrary, no pupil shall be readmitted or enrolled to a regular program of
instruction if:

(1) Such pupil has been convicted of; or
(2) An indictment or information has been filed alleging that the pupil
has committed one of the acts enumerated in subdivision (4) of this subsection
to which there has been no final judgment; or
(3) A petition has been filed pursuant to section 211.091 alleging that the
pupil has committed one of the acts enumerated in subdivision (4) of this
subsection to which there has been no final judgment; or
(4) The pupil has been adjudicated to have committed an act which if
committed by an adult would be one of the following:
   (a) First degree murder under section 565.020;
   (b) Second degree murder under section 565.021;
   (c) First degree assault under section 565.050;
   (d) Forcible rape under section 566.030 as it existed prior to August 28,
      2013, or rape in the first degree under section 566.030;
   (e) Forcible sodomy under section 566.060 as it existed prior to August
      28, 2013, or sodomy in the first degree under section 566.060;
   (f) Statutory rape under section 566.032;
   (g) Statutory sodomy under section 566.062;
   (h) Robbery in the first degree under section 569.020 as it existed prior
to January 1, 2017, or robbery in the first degree under section 570.023;
   (i) Distribution of drugs to a minor under section 195.212;
   (j) Arson in the first degree under section 569.040;
   (k) Kidnapping or kidnapping in the first degree, when classified as
a class A felony under section 565.110.
Nothing in this subsection shall prohibit the readmittance or enrollment of any
pupil if a petition has been dismissed, or when a pupil has been acquitted or
adjudicated not to have committed any of the above acts. This subsection shall
not apply to a student with a disability, as identified under state eligibility criteria,
who is convicted or adjudicated guilty as a result of an action related to the
student's disability. Nothing in this subsection shall be construed to prohibit a
school district which provides an alternative education program from enrolling
a pupil in an alternative education program if the district determines such
enrollment is appropriate.

4. If a pupil is attempting to enroll in a school district during a suspension
or expulsion from another in-state or out-of-state school district including a
private, charter or parochial school or school district, a conference with the
superintendent or the superintendent's designee may be held at the request of the
parent, court-appointed legal guardian, someone acting as a parent as defined by
rule in the case of a special education student, or the pupil to consider if the
conduct of the pupil would have resulted in a suspension or expulsion in the
district in which the pupil is enrolling. Upon a determination by the
superintendent or the superintendent's designee that such conduct would have
resulted in a suspension or expulsion in the district in which the pupil is enrolling
or attempting to enroll, the school district may make such suspension or
expulsion from another school or district effective in the district in which the
pupil is enrolling or attempting to enroll. Upon a determination by the
superintendent or the superintendent's designee that such conduct would not have
resulted in a suspension or expulsion in the district in which the student is
enrolling or attempting to enroll, the school district shall not make such
suspension or expulsion effective in its district in which the student is enrolling
or attempting to enroll.]

[188.030. 1. Except in the case of a medical emergency, no abortion of
a viable unborn child shall be performed or induced unless the abortion is
necessary to preserve the life of the pregnant woman whose life is endangered by
a physical disorder, physical illness, or physical injury, including a
life-endangering physical condition caused by or arising from the pregnancy
itself, or when continuation of the pregnancy will create a serious risk of
substantial and irreversible physical impairment of a major bodily function of the
pregnant woman. For purposes of this section, "major bodily function" includes,
but is not limited to, functions of the immune system, normal cell growth,
digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine,
and reproductive functions.

2. Except in the case of a medical emergency:

   (1) Prior to performing or inducing an abortion upon a woman, the
physician shall determine the gestational age of the unborn child in a manner
consistent with accepted obstetrical and neonatal practices and standards. In
making such determination, the physician shall make such inquiries of the
pregnant woman and perform or cause to be performed such medical
examinations, imaging studies, and tests as a reasonably prudent physician,
knowledgeable about the medical facts and conditions of both the woman and the
unborn child involved, would consider necessary to perform and consider in
making an accurate diagnosis with respect to gestational age;
(2) If the physician determines that the gestational age of the unborn child is twenty weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall determine if the unborn child is viable by using and exercising that degree of care, skill, and proficiency commonly exercised by a skillful, careful, and prudent physician. In making this determination of viability, the physician shall perform or cause to be performed such medical examinations and tests as are necessary to make a finding of the gestational age, weight, and lung maturity of the unborn child and shall enter such findings and determination of viability in the medical record of the woman;

(3) If the physician determines that the gestational age of the unborn child is twenty weeks or more, and further determines that the unborn child is not viable and performs or induces an abortion upon the woman, the physician shall report such findings and determinations and the reasons for such determinations to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical records of the woman and in the individual abortion report submitted to the department under section 188.052;

(4) (a) If the physician determines that the unborn child is viable, the physician shall not perform or induce an abortion upon the woman unless the abortion is necessary to preserve the life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of substantial and irreversible physical impairment of a major bodily function of the woman.

(b) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician shall first certify in writing the medical threat posed to the life of the pregnant woman, or the medical reasons that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. Upon completion of the abortion, the physician shall report the reasons and determinations for the abortion of a viable unborn child to the health care facility in which the abortion is performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and in the individual abortion report submitted to the department under section 188.052.

(c) Before a physician may proceed with performing or inducing an abortion upon a woman when it has been determined that the unborn child is viable, the physician who is to perform the abortion shall obtain the agreement of a second physician with knowledge of accepted obstetrical and neonatal practices and standards who shall concur that the abortion is necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy would cause a serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman. This second physician shall also report such reasons and determinations to the health care facility in which the
abortion is to be performed and to the state board of registration for the healing arts, and shall enter such findings and determinations in the medical record of the woman and the individual abortion report submitted to the department under section 188.052. The second physician shall not have any legal or financial affiliation or relationship with the physician performing or inducing the abortion, except that such prohibition shall not apply to physicians whose legal or financial affiliation or relationship is a result of being employed by or having staff privileges at the same hospital as the term "hospital" is defined in section 197.020.

(d) Any physician who performs or induces an abortion upon a woman when it has been determined that the unborn child is viable shall utilize the available method or technique of abortion most likely to preserve the life or health of the unborn child. In cases where the method or technique of abortion most likely to preserve the life or health of the unborn child would present a greater risk to the life or health of the woman than another legally permitted and available method or technique, the physician may utilize such other method or technique. In all cases where the physician performs an abortion upon a viable unborn child, the physician shall certify in writing the available method or techniques considered and the reasons for choosing the method or technique employed.

(e) No physician shall perform or induce an abortion upon a woman when it has been determined that the unborn child is viable unless there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for a child born as a result of the abortion. During the performance of the abortion, the physician performing it, and subsequent to the abortion, the physician required to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life or health of the viable unborn child; provided that it does not pose an increased risk to the life of the woman or does not pose an increased risk of substantial and irreversible physical impairment of a major bodily function of the woman.

3. Any person who knowingly performs or induces an abortion of an unborn child in violation of the provisions of this section is guilty of a class [C] D felony, and, upon a finding of guilt or plea of guilty, shall be imprisoned for a term of not less than one year, and, notwithstanding the provisions of section 560.011, shall be fined not less than ten thousand nor more than fifty thousand dollars.

4. Any physician who pleads guilty to or is found guilty of performing or inducing an abortion of an unborn child in violation of this section shall be subject to suspension or revocation of his or her license to practice medicine in the state of Missouri by the state board of registration for the healing arts under the provisions of sections 334.100 and 334.103.
5. Any hospital licensed in the state of Missouri that knowingly allows
an abortion of an unborn child to be performed or induced in violation of this
section may be subject to suspension or revocation of its license under the
provisions of section 197.070.

6. Any ambulatory surgical center licensed in the state of Missouri that
knowingly allows an abortion of an unborn child to be performed or induced in
violation of this section may be subject to suspension or revocation of its license
under the provisions of section 197.220.

7. A woman upon whom an abortion is performed or induced in violation
of this section shall not be prosecuted for a conspiracy to violate the provisions
of this section.

8. Nothing in this section shall be construed as creating or recognizing
a right to abortion, nor is it the intention of this section to make lawful any
abortion that is currently unlawful.

9. It is the intent of the legislature that this section be severable as noted
in section 1.140. In the event that any section, subsection, subdivision,
paragraph, sentence, or clause of this section be declared invalid under the
Constitution of the United States or the Constitution of the State of Missouri, it
is the intent of the legislature that the remaining provisions of this section remain
in force and effect as far as capable of being carried into execution as intended
by the legislature.

10. The general assembly may, by concurrent resolution, appoint one or
more of its members who sponsored or co-sponsored this act in his or her official
capacity to intervene as a matter of right in any case in which the constitutionality
of this law is challenged.]

[[660.315.] 197.1036. 1. After an investigation and a determination has
been made to place a person's name on the employee disqualification list, that
person shall be notified in writing mailed to his or her last known address that:

   (1) An allegation has been made against the person, the substance of the
   allegation and that an investigation has been conducted which tends to
   substantiate the allegation;

   (2) The person's name will be included in the employee disqualification
   list of the department;

   (3) The consequences of being so listed including the length of time to
   be listed; and

   (4) The person's rights and the procedure to challenge the allegation.

2. If no reply has been received within thirty days of mailing the notice,
the department may include the name of such person on its list. The length of
time the person's name shall appear on the employee disqualification list shall be
determined by the director or the director's designee, based upon the criteria
contained in subsection 9 of this section.
3. If the person so notified wishes to challenge the allegation, such person may file an application for a hearing with the department. The department shall grant the application within thirty days after receipt by the department and set the matter for hearing, or the department shall notify the applicant that, after review, the allegation has been held to be unfounded and the applicant's name will not be listed.

4. If a person's name is included on the employee disqualification list without the department providing notice as required under subsection 1 of this section, such person may file a request with the department for removal of the name or for a hearing. Within thirty days after receipt of the request, the department shall either remove the name from the list or grant a hearing and set a date therefor.

5. Any hearing shall be conducted in the county of the person's residence by the director of the department or the director's designee. The provisions of chapter 536 for a contested case except those provisions or amendments which are in conflict with this section shall apply to and govern the proceedings contained in this section and the rights and duties of the parties involved. The person appealing such an action shall be entitled to present evidence, pursuant to the provisions of chapter 536, relevant to the allegations.

6. Upon the record made at the hearing, the director of the department or the director's designee shall determine all questions presented and shall determine whether the person shall be listed on the employee disqualification list. The director of the department or the director's designee shall clearly state the reasons for his or her decision and shall include a statement of findings of fact and conclusions of law pertinent to the questions in issue.

7. A person aggrieved by the decision following the hearing shall be informed of his or her right to seek judicial review as provided under chapter 536. If the person fails to appeal the director's findings, those findings shall constitute a final determination that the person shall be placed on the employee disqualification list.

8. A decision by the director shall be inadmissible in any civil action brought against a facility or the in-home services provider agency and arising out of the facts and circumstances which brought about the employment disqualification proceeding, unless the civil action is brought against the facility or the in-home services provider agency by the department of health and senior services or one of its divisions.

9. The length of time the person's name shall appear on the employee disqualification list shall be determined by the director of the department of health and senior services or the director's designee, based upon the following:

   (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;
(2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the imminent danger to the health, safety or welfare of a resident or in-home services client;
(3) The degree of misappropriation of the property or funds, or falsification of any documents for service delivery of an in-home services client;
(4) Whether the person has previously been listed on the employee disqualification list;
(5) Any mitigating circumstances;
(6) Any aggravating circumstances; and
(7) Whether alternative sanctions resulting in conditions of continued employment are appropriate in lieu of placing a person's name on the employee disqualification list. Such conditions of employment may include, but are not limited to, additional training and employee counseling. Conditional employment shall terminate upon the expiration of the designated length of time and the person's submitting documentation which fulfills the department of health and senior services' requirements.
10. The removal of any person's name from the list under this section shall not prevent the director from keeping records of all acts finally determined to have occurred under this section.
11. The department shall provide the list maintained pursuant to this section to other state departments upon request and to any person, corporation, organization, or association who:
(1) Is licensed as an operator under chapter 198;
(2) Provides in-home services under contract with the department;
(3) Employs nurses and nursing assistants for temporary or intermittent placement in health care facilities;
(4) Is approved by the department to issue certificates for nursing assistants training;
(5) Is an entity licensed under this chapter [197];
(6) Is a recognized school of nursing, medicine, or other health profession for the purpose of determining whether students scheduled to participate in clinical rotations with entities described in subdivision (1), (2), or (5) of this subsection are included in the employee disqualification list; or
(7) Is a consumer reporting agency regulated by the federal Fair Credit Reporting Act that conducts employee background checks on behalf of entities listed in subdivisions (1), (2), (5), or (6) of this subsection. Such a consumer reporting agency shall conduct the employee disqualification list check only upon the initiative or request of an entity described in subdivisions (1), (2), (5), or (6) of this subsection when the entity is fulfilling its duties required under this section. The information shall be disclosed only to the requesting entity. The department shall inform any person listed above who inquires of the department whether or not a particular name is on the list. The department may require that the request be made in writing. No person, corporation, organization, or
association who is entitled to access the employee disqualification list may
disclose the information to any person, corporation, organization, or association
who is not entitled to access the list. Any person, corporation, organization, or
association who is entitled to access the employee disqualification list who
discloses the information to any person, corporation, organization, or association
who is not entitled to access the list shall be guilty of an infraction.

12. No person, corporation, organization, or association who received the
employee disqualification list under subdivisions (1) to (7) of subsection 11 of
this section shall knowingly employ any person who is on the employee
disqualification list. Any person, corporation, organization, or association who
received the employee disqualification list under subdivisions (1) to (7) of
subsection 11 of this section, or any person responsible for providing health care
service, who declines to employ or terminates a person whose name is listed in
this section shall be immune from suit by that person or anyone else acting for or
in behalf of that person for the failure to employ or for the termination of the
person whose name is listed on the employee disqualification list.

13. Any employer or vendor as defined in sections 197.250, 197.400,
198.006, 208.900, or 660.250 required to deny employment to an applicant or to
discharge an employee, provisional or otherwise, as a result of information
obtained through any portion of the background screening and employment
eligibility determination process under section 210.903, or subsequent, periodic
screenings, shall not be liable in any action brought by the applicant or employee
relating to discharge where the employer is required by law to terminate the
employee, provisional or otherwise, and shall not be charged for unemployment
insurance benefits based on wages paid to the employee for work prior to the date
of discharge, pursuant to section 288.100, if the employer terminated the
employee because the employee:

(1) Has been found guilty, pled guilty or nolo contendere in this state or
any other state of a crime as listed in subsection 6 of section [660.317] 197.1038;
(2) Was placed on the employee disqualification list under this section
after the date of hire;
(3) Was placed on the employee disqualification registry maintained by
the department of mental health after the date of hire;
(4) Has a disqualifying finding under this section, section [660.317]
197.1038, or is on any of the background check lists in the family care safety
registry under sections 210.900 to 210.936; or
(5) Was denied a good cause waiver as provided for in subsection 10 of
section [660.317] 197.1038.

14. Any person who has been listed on the employee disqualification list
may request that the director remove his or her name from the employee
disqualification list. The request shall be written and may not be made more than
once every twelve months. The request will be granted by the director upon a
clear showing, by written submission only, that the person will not commit
additional acts of abuse, neglect, misappropriation of the property or funds, or the falsification of any documents of service delivery to an in-home services client.

The director may make conditional the removal of a person's name from the list on any terms that the director deems appropriate, and failure to comply with such terms may result in the person's name being relisted. The director's determination of whether to remove the person's name from the list is not subject to appeal.

210.117. 1. A child taken into the custody of the state shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

(1) A felony violation of section 566.030, 566.031, 566.032, [566.040,' 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, [566.070,] 566.069, 566.071, 566.083, [566.090,] 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

(2) A violation of section 568.020;

(3) [A violation of subdivision (2) of subsection 1 of section 568.060]

Abuse of a child under section 568.060 when such abuse is sexual in nature;

(4) A violation of section 568.065;

(5) A violation of section 568.080] 573.200;

(6) A violation of section 568.090] 573.205; or

(7) A violation of section 568.175;

(8) A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or

(9) A violation of section 566.080 or 566.090 as such sections existed prior to January 1, 2017.

2. For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568, if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

3. In any case where the children's division determines based on a substantiated report of child abuse that a child has abused another child, the abusing child shall be prohibited from returning to or residing in any residence, facility, or school within one thousand feet of the residence of the abused child or any child care facility or school that the abused child attends, unless and until a court of competent jurisdiction determines that the alleged abuse did not occur or the abused child reaches the age of eighteen, whichever earlier occurs. The provisions of this subsection shall not apply when the abusing child and the abused child are siblings or children living in the same home.]
1 A child under the jurisdiction of the juvenile court shall not be reunited with a parent or placed in a home in which the parent or any person residing in the home has been found guilty of, or pled guilty to, any of the following offenses when a child was the victim:

1. A felony violation of section 566.030, 566.031, 566.032, 566.040, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.070, 566.069, 566.071, 566.083, 566.090, 566.100, 566.101, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;
2. A violation of section 568.020;
3. A violation of subdivision (2) of subsection 1 of section 568.060;
4. A violation of section 568.065;
5. A violation of section [568.080] 573.200;
6. A violation of section [568.090] 573.205; or
7. A violation of section 568.175;
8. A violation of section 566.040, 566.070, or 566.090 as such sections existed prior to August 28, 2013; or
9. A violation of section 568.080 or 568.090 as such sections existed prior to January 1, 2017.

2. For all other violations of offenses in chapters 566 and 568 not specifically listed in subsection 1 of this section or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the juvenile court may exercise its discretion regarding the placement of a child under the jurisdiction of the juvenile court in a home in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

3. If the juvenile court determines that a child has abused another child, such abusing child shall be prohibited from returning to or residing in any residence located within one thousand feet of the residence of the abused child, or any child care facility or school that the abused child attends, until the abused child reaches eighteen years of age. The prohibitions of this subsection shall not apply where the alleged abuse occurred between siblings or children living in the same home.

[217.010. As used in this chapter and chapter 558, unless the context clearly indicates otherwise, the following terms shall mean:
(1) "Administrative segregation unit", a cell for the segregation of offenders from the general population of a facility for relatively extensive periods of time;
(2) "Board", the board of probation and parole;
(3) "Chief administrative officer", the institutional head of any correctional facility or his designee;]
(4) "Correctional center", any premises or institution where incarceration, evaluation, care, treatment, or rehabilitation is provided to persons who are under the department's authority;

(5) "Department", the department of corrections of the state of Missouri;

(6) "Director", the director of the department of corrections or his designee;

(7) "Disciplinary segregation", a cell for the segregation of offenders from the general population of a correctional center because the offender has been found to have committed a violation of a division or facility rule and other available means are inadequate to regulate the offender's behavior;

(8) "Division", a statutorily created agency within the department or an agency created by the departmental organizational plan;

(9) "Division director", the director of a division of the department or his designee;

(10) "Local volunteer community board", a board of qualified local community volunteers selected by the court for the purpose of working in partnership with the court and the department of corrections in a reparative probation program;

(11) "Nonviolent offender", any offender who is convicted of a crime other than murder in the first or second degree, involuntary manslaughter, kidnapping, kidnapping in the first degree, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, robbery in the first degree or assault in the first degree;

(12) "Offender", a person under supervision or an inmate in the custody of the department;

(13) "Probation", a procedure under which a defendant found guilty of a crime upon verdict or plea is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the board;

(14) "Volunteer", any person who, of his own free will, performs any assigned duties for the department or its divisions with no monetary or material compensation.

217.703. 1. The division of probation and parole shall award earned compliance credits to any offender who is:

(1) Not subject to lifetime supervision under sections 217.735 and 559.106 or otherwise found to be ineligible to earn credits by a court pursuant to subsection 2 of this section;

(2) On probation, parole, or conditional release for an offense listed in chapter [195] 579, or an offense previously listed in chapter 195, or for a class [C or] D or E felony, excluding the offenses of [aggravated] stalking in the first degree, rape in the second degree, sexual assault, sodomy in the second degree, deviate sexual assault, assault in the second degree under subdivision (2) of
subsection 1 of section [565.060] 565.052, sexual misconduct involving a child, endangering the welfare of a child in the first degree under subdivision (2) of subsection 1 of section 568.045, incest, invasion of privacy, [and] abuse of a child, and any offense of aggravated stalking or assault in the second degree under subdivision (2) of subsection 1 of section 565.060 as such offenses existed prior to January 1, 2017;

(3) Supervised by the board; and

(4) In compliance with the conditions of supervision imposed by the sentencing court or board.

2. If an offender was placed on probation, parole, or conditional release for an offense of:

(1) Involuntary manslaughter in the first degree;

(2) Involuntary manslaughter in the second degree;

(3) Assault in the second degree except under subdivision (2) of subsection 1 of section [565.060] 565.052 or section 565.060 as it existed prior to January 1, 2017;

(4) Domestic assault in the second degree;

(5) Assault [of a law enforcement officer in the second] in the third degree when the victim is a special victim or assault of a law enforcement officer in the second degree as it existed prior to January 1, 2017;

(6) Statutory rape in the second degree;

(7) Statutory sodomy in the second degree;

(8) Endangering the welfare of a child in the first degree under subdivision (1) of subsection 1 of section 568.045; or

(9) Any case in which the defendant is found guilty of a felony offense under chapter 571, the sentencing court may, upon its own motion or a motion of the prosecuting or circuit attorney, make a finding that the offender is ineligible to earn compliance credits because the nature and circumstances of the offense or the history and character of the offender indicate that a longer term of probation, parole, or conditional release is necessary for the protection of the public or the guidance of the offender. The motion may be made any time prior to the first month in which the person may earn compliance credits under this section. The offender's ability to earn credits shall be suspended until the court or board makes its finding. If the court or board finds that the offender is eligible for earned compliance credits, the credits shall begin to accrue on the first day of the next calendar month following the issuance of the decision.

3. Earned compliance credits shall reduce the term of probation, parole, or conditional release by thirty days for each full calendar month of compliance with the terms of supervision. Credits shall begin to accrue for eligible offenders after the first full calendar month of supervision or on October 1, 2012, if the offender began a term of probation, parole, or conditional release before September 1, 2012.
4. For the purposes of this section, the term "compliance" shall mean the absence of an initial violation report submitted by a probation or parole officer during a calendar month, or a motion to revoke or motion to suspend filed by a prosecuting or circuit attorney, against the offender.

5. Credits shall not accrue during any calendar month in which a violation report has been submitted or a motion to revoke or motion to suspend has been filed, and shall be suspended pending the outcome of a hearing, if a hearing is held. If no hearing is held or the court or board finds that the violation did not occur, then the offender shall be deemed to be in compliance and shall begin earning credits on the first day of the next calendar month following the month in which the report was submitted or the motion was filed. All earned credits shall be rescinded if the court or board revokes the probation or parole or the court places the offender in a department program under subsection 4 of section 559.036. Earned credits shall continue to be suspended for a period of time during which the court or board has suspended the term of probation, parole, or release, and shall begin to accrue on the first day of the next calendar month following the lifting of the suspension.

6. Offenders who are deemed by the division to be absconders shall not earn credits. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision. An offender shall no longer be deemed an absconder when such offender is available for active supervision.

7. Notwithstanding subsection 2 of section 217.730 to the contrary, once the combination of time served in custody, if applicable, time served on probation, parole, or conditional release, and earned compliance credits satisfy the total term of probation, parole, or conditional release, the board or sentencing court shall order final discharge of the offender, so long as the offender has completed at least two years of his or her probation or parole, which shall include any time served in custody under section 217.718 and sections 559.036 and 559.115.

8. The award or rescission of any credits earned under this section shall not be subject to appeal or any motion for postconviction relief.

9. At least twice a year, the division shall calculate the number of months the offender has remaining on his or her term of probation, parole, or conditional release, taking into consideration any earned compliance credits, and notify the offender of the length of the remaining term.

10. No less than sixty days before the date of final discharge, the division shall notify the sentencing court, the board, and, for probation cases, the circuit or prosecuting attorney of the impending discharge. If the sentencing court, the board, or the circuit or prosecuting attorney upon receiving such notice does not take any action under subsection 5 of this section, the offender shall be discharged under subsection 7 of this section.]
A person commits the offense of criminal disposition of demolition waste if he purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of such waste on property in this state other than in a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health. Demolition waste shall not include clean fill or vegetation. Criminal disposition of demolition waste is a class D felony. In addition to other penalties prescribed by law, a person convicted of criminal disposition of demolition waste is subject to a fine not to exceed twenty thousand dollars, except as provided below. The magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of demolition waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. Any person who purposely or knowingly disposes of or causes the disposal of more than two thousand pounds or four hundred cubic feet of his or her personal construction or demolition waste on his or her own property shall be guilty of a class C misdemeanor. If such person receives any amount of money, goods, or services in connection with permitting any other person to dispose of construction or demolition waste on his or her property, such person shall be guilty of a class D felony.

3. The court shall order any person convicted of illegally disposing of demolition waste upon his or her own property for remuneration to clean up such waste and, if he or she fails to clean up the waste or if he or she is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

4. The court may order restitution by requiring any person convicted under this section to clean up any demolition waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up and properly disposing of demolition waste illegally dumped by other persons.
5. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

6. Any person shall be guilty of conspiracy as defined in section 564.016 if he or she knows or should have known that his or her agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.

260.212. 1. A person commits the offense of criminal disposition of solid waste if he purposely or knowingly disposes of or causes the disposal of more than five hundred pounds or one hundred cubic feet of commercial or residential solid waste on property in this state other than a solid waste processing facility or solid waste disposal area having a permit as required by section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit for the use of solid wastes in normal farming operations or in the processing or manufacturing of other products in a manner that will not create a public nuisance or adversely affect public health and shall not prohibit the disposal of or require a solid waste permit for the disposal by an individual of solid wastes resulting from his or her own residential activities on property owned or lawfully occupied by him or her when such wastes do not thereby create a public nuisance or adversely affect the public health. Criminal disposition of solid waste is a class [D] E felony. In addition to other penalties prescribed by law, a person convicted of criminal disposition of solid waste is subject to a fine, and the magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human health and the environment posed by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent jurisdiction determines that the person responsible for illegal disposal of solid waste under this subsection did so for remuneration as a part of an ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential threat to human health and the environment which at least equals the economic gain obtained by the person, and such fine may exceed the maximum established herein.

2. The court shall order any person convicted of illegally disposing of solid waste upon his or her own property for remuneration to clean up such waste and, if he or she fails to clean up the waste or if he or she is unable to clean up the waste, the court may notify the county recorder of the county containing the illegal disposal site. The notice shall be designed to be recorded on the record.

3. The court may order restitution by requiring any person convicted under this section to clean up any commercial or residential solid waste he illegally dumped and the court may require any such person to perform additional community service by cleaning up commercial or residential solid waste illegally dumped by other persons.
4. The prosecutor of any county or circuit attorney of any city not within a county may, by information or indictment, institute a prosecution for any violation of the provisions of this section.

5. Any person shall be guilty of conspiracy as defined in section 564.016 if he knows or should have known that his or her agent or employee has committed the acts described in sections 260.210 to 260.212 while engaged in the course of employment.

[476.055. 1. There is hereby established in the state treasury the "Statewide Court Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts, contributions, devises, bequests, and grants received relating to automation of judicial record keeping, and moneys received by the judicial system for the dissemination of information and sales of publications developed relating to automation of judicial record keeping, shall be credited to the fund. Moneys credited to this fund may only be used for the purposes set forth in this section and as appropriated by the general assembly. Any unexpended balance remaining in the statewide court automation fund at the end of each biennium shall not be subject to the provisions of section 33.080 requiring the transfer of such unexpended balance to general revenue; except that, any unexpended balance remaining in the fund on September 1, 2018, shall be transferred to general revenue.

2. The statewide court automation fund shall be administered by a court automation committee consisting of the following: the chief justice of the supreme court, a judge from the court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit court, the commissioner of administration, two members of the house of representatives appointed by the speaker of the house, two members of the senate appointed by the president pro tem of the senate and two members of the Missouri Bar. The judge members and employee members shall be appointed by the chief justice. The commissioner of administration shall serve ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar. Any member of the committee may designate another person to serve on the committee in place of the committee member.

3. The committee shall develop and implement a plan for a statewide court automation system. The committee shall have the authority to hire consultants, review systems in other jurisdictions and purchase goods and services to administer the provisions of this section. The committee may implement one or more pilot projects in the state for the purposes of determining the feasibility of developing and implementing such plan. The members of the committee shall be reimbursed from the court automation fund for their actual expenses in performing their official duties on the committee.

4. Any purchase of computer software or computer hardware that exceeds five thousand dollars shall be made pursuant to the requirements of the office of
administration for lowest and best bid. Such bids shall be subject to acceptance by the office of administration. The court automation committee shall determine the specifications for such bids.

5. The court automation committee shall not require any circuit court to change any operating system in such court, unless the committee provides all necessary personnel, funds and equipment necessary to effectuate the required changes. No judicial circuit or county may be reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county has the approval of the court automation committee prior to incurring the specific cost.

6. Any court automation system, including any pilot project, shall be implemented, operated and maintained in accordance with strict standards for the security and privacy of confidential judicial records. Any person who knowingly releases information from a confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial record is confidential, uses information from such confidential record for financial gain is guilty of a class [D] E felony.

7. On the first day of February, May, August and November of each year, the court automation committee shall file a report on the progress of the statewide automation system with [the joint legislative committee on court automation. Such committee shall consist of the following]:

   (1) The chair of the house budget committee;
   (2) The chair of the senate appropriations committee;
   (3) The chair of the house judiciary committee; and
   (4) The chair of the senate judiciary committee;
   (5) One member of the minority party of the house appointed by the speaker of the house of representatives; and
   (6) One member of the minority party of the senate appointed by the president pro tempore of the senate.

8. The members of the joint legislative committee shall be reimbursed from the court automation fund for their actual expenses incurred in the performance of their official duties as members of the joint legislative committee on court automation.

[9.] 8. Section 488.027 shall expire on September 1, 2018. The court automation committee established pursuant to this section may continue to function until completion of its duties prescribed by this section, but shall complete its duties prior to September 1, 2020.

10. This section shall expire on September 1, 2020.

[[566.135.] 545.940. ] 1. Pursuant to a motion filed by the prosecuting attorney or circuit attorney with notice given to the defense attorney and for good cause shown, in any criminal case in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's office with any offense under [this chapter or pursuant to section 575.150, 567.020, 565.050, 565.060,}
565.070.] chapter 566 or section 565.050, assault in the first degree; 565.052, assault in the second degree; 565.054, assault in the third degree; 565.056, assault in the fourth degree; section 565.072, domestic assault in the first degree; section 565.073, domestic assault in the second degree; section 565.074, [565.075, 565.081, 565.082, 565.083,] domestic assault in the third degree; section 565.076, domestic assault in the fourth degree; section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first degree; section 568.050, [or] endangering the welfare of a child in the second degree; section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest; or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677, recklessly exposing a person to HIV, the court may order that the defendant be conveyed to a state-, city-, or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] such tests shall be released to the victim and his or her parent or legal guardian if the victim is a minor. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea, and chlamydia] such tests shall also be released to the prosecuting attorney or circuit attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order of the same, and the test results shall be sealed in the court file.

2. As used in this section, "HIV" means the human immunodeficiency virus that causes acquired immunodeficiency syndrome.]

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

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

(2) "Affirmative defense" [has the meaning specified in section 556.056] :

(a) The defense referred to is not submitted to the trier of fact unless supported by evidence; and
(b) If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not:

[(2)] (3) "Burden of injecting the issue" [has the meaning specified in section 556.051] :

(a) The issue referred to is not submitted to the trier of fact unless supported by evidence; and
(b) If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue:

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

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

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

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

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

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

(10) "Computer software", digital information which can be interpreted by a computer and any of its related components to direct the
way they work. Software is stored in electronic, magnetic, optical or other
digital form. The term commonly includes programs to run operating
systems and applications, such as word processing, graphic, or spreadsheet
programs, utilities, compilers, interpreters and communications programs;
(11) "Computer-related documentation", written, recorded, printed
or electronically stored material which explains or illustrates how to
configure or use computer hardware, software or other related items;
(12) "Computer system", a set of related, connected or unconnected,
computer equipment, data, or software;
[(4)] (13) "Confinement":
(a) A person is in confinement when such person is held in a place of
confinement pursuant to arrest or order of a court, and remains in confinement
until:
   a. A court orders the person's release; or
   b. The person is released on bail, bond, or recognizance, personal or
   otherwise; or
   c. A public servant having the legal power and duty to confine the person
authorizes his release without guard and without condition that he return to
confinement;
(b) A person is not in confinement if:
   a. The person is on probation or parole, temporary or otherwise; or
   b. The person is under sentence to serve a term of confinement which is
not continuous, or is serving a sentence under a work-release program, and in
either such case is not being held in a place of confinement or is not being held
under guard by a person having the legal power and duty to transport the person
to or from a place of confinement;
[(5)] (14) "Consent": consent or lack of consent may be expressed or
implied. Assent does not constitute consent if:
(a) It is given by a person who lacks the mental capacity to authorize the
conduct charged to constitute the offense and such mental incapacity is manifest
or known to the actor; or
(b) It is given by a person who by reason of youth, mental disease or
defect, intoxication, a drug-induced state, or any other reason is manifestly unable
or known by the actor to be unable to make a reasonable judgment as to the
nature or harmfulness of the conduct charged to constitute the offense; or
(c) It is induced by force, duress or deception;
(15) "Controlled substance", a drug substance, or immediate
precursor in schedules I through V as defined in chapter 195;
[(6)] (16) "Criminal negligence" [has the meaning specified in section
562.016], failure to be aware of a substantial and unjustifiable risk that
circumstances exist or a result will follow, and such failure constitutes a
gross deviation from the standard of care which a reasonable person would
exercise in the situation;
"Custody", a person is in custody when [he or she] has been arrested but has not been delivered to a place of confinement;

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

"Dangerous felony" means, the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense, [and,] child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under section 568.060, child kidnapping, [and] parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" as such terms are defined in section 577.001;

"Dangerous instrument" means, any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

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

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

"Digital camera", a camera that records images in a format which enables the images to be downloaded into a computer;

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

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

[(11)] [(26) "Felony" [has the meaning specified in section 556.016], an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year;

[(12)] [(27) "Forcible compulsion" [means] either:
(a) Physical force that overcomes reasonable resistance; or
(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

[(13)] [(28) "Incapacitated" [means that], a temporary or permanent physical or mental condition[, temporary or permanent,] in which a person is unconscious, unable to appraise the nature of [such person's] his or her conduct, or unable to communicate unwillingness to an act;

[(14)] [(29) "Infraction" [has the meaning specified in section 556.021], a violation defined by this code or by any other statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction;

[(15)] [(30) "Inhabitable structure" [has the meaning specified in section 569.010], a vehicle, vessel or structure:
(a) Where any person lives or carries on business or other calling; or
(b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or
(c) Which is used for overnight accommodation of persons. Any such vehicle, vessel, or structure is "inhabitable" regardless of whether a person is actually present.

If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another";

[(16)] [(31) "Knowingly" [has the meaning specified in section 562.016], when used with respect to:
(a) Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or
(b) A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;

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

[(18)] [(33) "Misdemeanor" [has the meaning specified in section 556.016], an offense so designated or an offense for which persons found
guilty thereof may be sentenced to imprisonment for a term of which the
maximum is one year or less;

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

[(19)] (35) "Offense" [means], any felony[,] or misdemeanor [or
infraction];

[(20)] (36) "Physical injury" [means physical pain, illness, or any
impairment of physical condition], slight impairment of any function of the
body or temporary loss of use of any part of the body;

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

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

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

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

[(24)] (41) "Purposely" [has the meaning specified in section 562.016]
, when used with respect to a person's conduct or to a result thereof, means
when it is his or her conscious object to engage in that conduct or to cause
that result;

[(25)] (42) "Recklessly" [has the meaning specified in section 562.016]
, consciously disregarding a substantial and unjustifiable risk that
circumstances exist or that a result will follow, and such disregard
constitutes a gross deviation from the standard of care which a reasonable
person would exercise in the situation;
[26] "Ritual" or "ceremony" means an act or series of acts performed by
two or more persons as part of an established or prescribed pattern of activity;

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

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

(29) "Sexual conduct" means acts of human masturbation; deviate
sexual intercourse; sexual intercourse; or physical contact with a person's clothed
or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of
apparent sexual stimulation or gratification;

(30) "Sexual contact" means any touching of the genitals or anus of any
person, or the breast of any female person, or any such touching through the
clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) "Sexual performance", any performance, or part thereof, which
includes sexual conduct by a child who is less than seventeen years of age;

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

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

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

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

(32) "Voluntary act" has the meaning specified in section
562.011:

(a) A bodily movement performed while conscious as a result of
effort or determination. Possession is a voluntary act if the possessor
knowingly procures or receives the thing possessed, or having acquired
control of it was aware of his or her control for a sufficient time to have
enabled him or her to dispose of it or terminate his or her control; or
(b) An omission to perform an act of which the actor is physically
capable. A person is not guilty of an offense based solely upon an omission
to perform an act unless the law defining the offense expressly so provides,
or a duty to perform the omitted act is otherwise imposed by law;

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

[558.019. 1. This section shall not be construed to affect the powers of
the governor under article IV, section 7, of the Missouri Constitution. This
statute shall not affect those provisions of section 565.020, section [558.018]
566.125, or section 571.015, which set minimum terms of sentences, or the
provisions of section 559.115, relating to probation.
2. The provisions of subsections 2 to 5 of this section shall be applicable
to all classes of felonies except those set forth in chapter [195] 579, and those
otherwise excluded in subsection 1 of this section. For the purposes of this
section, "prison commitment" means and is the receipt by the department of
corrections of an offender after sentencing. For purposes of this section, prior
prison commitments to the department of corrections shall not include
[commitment to a regimented discipline program established pursuant to section
217.378] an offender's first incarceration prior to release on probation
under section 217.362 or an offender's incarceration prior to release on
probation under section 559.115. Other provisions of the law to the contrary
notwithstanding, any offender who has [pleaded guilty to or has] been found
guilty of a felony other than a dangerous felony as defined in section 556.061 and
is committed to the department of corrections shall be required to serve the
following minimum prison terms:

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

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

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

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

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

(1) A sentence of life shall be calculated to be thirty years;
(2) Any sentence either alone or in the aggregate with other consecutive
sentences for [crimes] offenses committed at or near the same time which is over
seventy-five years shall be calculated to be seventy-five years.

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

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

(2) The commission shall study sentencing practices in the circuit courts
throughout the state for the purpose of determining whether and to what extent
disparities exist among the various circuit courts with respect to the length of
sentences imposed and the use of probation for offenders convicted of the same
or similar [crimes] offenses and with similar criminal histories. The commission
shall also study and examine whether and to what extent sentencing disparity
among economic and social classes exists in relation to the sentence of death and
if so, the reasons therefor, if sentences are comparable to other states, if the
length of the sentence is appropriate, and the rate of rehabilitation based on
sentence. It shall compile statistics, examine cases, draw conclusions, and
perform other duties relevant to the research and investigation of disparities in
death penalty sentencing among economic and social classes.
(3) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

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

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

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

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

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

(1) Restitution to any victim or a statutorily created fund for costs incurred as a result of the offender's actions;
(2) Offender treatment programs;
(3) Mandatory community service;
(4) Work release programs in local facilities; and
(5) Community-based residential and nonresidential programs.

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

10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section shall only be expended pursuant to the provisions of section 50.565.

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

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

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

[559.036.  1. A term of probation commences on the day it is imposed.
Multiple terms of Missouri probation, whether imposed at the same time or at
different times, shall run concurrently. Terms of probation shall also run
concurrently with any federal or other state jail, prison, probation or parole term
for another offense to which the defendant is or becomes subject during the
period, unless otherwise specified by the Missouri court.

2. The court may terminate a period of probation and discharge the
defendant at any time before completion of the specific term fixed under section
559.016 if warranted by the conduct of the defendant and the ends of justice. The
court may extend the term of the probation, but no more than one extension of
any probation may be ordered except that the court may extend the term of
probation by one additional year by order of the court if the defendant admits he
or she has violated the conditions of probation or is found by the court to have
violated the conditions of his or her probation. Total time on any probation term,
including any extension shall not exceed the maximum term established in
section 559.016. Procedures for termination, discharge and extension may be
established by rule of court.

3. If the defendant violates a condition of probation at any time prior to
the expiration or termination of the probation term, the court may continue him
or her on the existing conditions, with or without modifying or enlarging the
conditions or extending the term.

4. (1) Unless the defendant consents to the revocation of probation, if a
continuation, modification, enlargement or extension is not appropriate under this
section, the court shall order placement of the offender in one of the department
of corrections' one hundred twenty-day programs so long as:

   (a) The underlying offense for the probation is a class [C or] D or E
felony or an offense listed in chapter [195] 579 or an offense previously listed
in chapter 195; except that, the court may, upon its own motion or a motion of
the prosecuting or circuit attorney, make a finding that an offender is not eligible
if the underlying offense is involuntary manslaughter in the first degree,
involuntary manslaughter in the second degree, [aggravated] stalking in the first
degree, assault in the second degree, sexual assault, rape in the second degree,
domestic assault in the second degree, assault [of a law enforcement officer in the
second degree] in the third degree when the victim is a special victim,
statutory rape in the second degree, statutory sodomy in the second degree, deviate sexual assault, sodomy in the second degree, sexual misconduct involving a child, incest, endangering the welfare of a child in the first degree under subdivision (1) or (2) of subsection 1 of section 568.045, abuse of a child, invasion of privacy [or], any case in which the defendant is found guilty of a felony offense under chapter 571, or an offense of aggravated stalking or assault of a law enforcement officer in the second degree as such offenses existed prior to January 1, 2017;

(b) The probation violation is not the result of the defendant being an absconder or being found guilty of, pleading guilty to, or being arrested on suspicion of any felony, misdemeanor, or infraction. For purposes of this subsection, "absconder" shall mean an offender under supervision who has left such offender's place of residency without the permission of the offender's supervising officer for the purpose of avoiding supervision;

(c) The defendant has not violated any conditions of probation involving the possession or use of weapons, or a stay-away condition prohibiting the defendant from contacting a certain individual; and

(d) The defendant has not already been placed in one of the programs by the court for the same underlying offense or during the same probation term.

(2) Upon receiving the order, the department of corrections shall conduct an assessment of the offender and place such offender in the appropriate one hundred twenty-day program under subsection 3 of section 559.115.

(3) Notwithstanding any of the provisions of subsection 3 of section 559.115 to the contrary, once the defendant has successfully completed the program under this subsection, the court shall release the defendant to continue to serve the term of probation, which shall not be modified, enlarged, or extended based on the same incident of violation. Time served in the program shall be credited as time served on any sentence imposed for the underlying offense.

5. If the defendant consents to the revocation of probation or if the defendant is not eligible under subsection 4 of this section for placement in a program and a continuation, modification, enlargement, or extension of the term under this section is not appropriate, the court may revoke probation and order that any sentence previously imposed be executed. If imposition of sentence was suspended, the court may revoke probation and impose any sentence available under section 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail term by all or part of the time the defendant was on probation. The court may, upon revocation of probation, place an offender on a second term of probation. Such probation shall be for a term of probation as provided by section 559.016, notwithstanding any amount of time served by the offender on the first term of probation.

6. Probation shall not be revoked without giving the probationer notice and an opportunity to be heard on the issues of whether such probationer violated a condition of probation and, if a condition was violated, whether revocation is
warranted under all the circumstances. Not less than five business days prior to
the date set for a hearing on the violation, except for a good cause shown, the
judge shall inform the probationer that he or she may have the right to request the
appointment of counsel if the probationer is unable to retain counsel. If the
probationer requests counsel, the judge shall determine whether counsel is
necessary to protect the probationer's due process rights. If the judge determines
that counsel is not necessary, the judge shall state the grounds for the decision in
the record.

7. The prosecuting or circuit attorney may file a motion to revoke
probation or at any time during the term of probation, the court may issue a notice
to the probationer to appear to answer a charge of a violation, and the court may
issue a warrant of arrest for the violation. Such notice shall be personally served
upon the probationer. The warrant shall authorize the return of the probationer
to the custody of the court or to any suitable detention facility designated by the
court. Upon the filing of the prosecutor's or circuit attorney's motion or on the
court's own motion, the court may immediately enter an order suspending the
period of probation and may order a warrant for the defendant's arrest. The
probation shall remain suspended until the court rules on the prosecutor's or
circuit attorney's motion, or until the court otherwise orders the probation
reinstated.

8. The power of the court to revoke probation shall extend for the
duration of the term of probation designated by the court and for any further
period which is reasonably necessary for the adjudication of matters arising
before its expiration, provided that some affirmative manifestation of an intent
to conduct a revocation hearing occurs prior to the expiration of the period and
that every reasonable effort is made to notify the probationer and to conduct the
hearing prior to the expiration of the period.]

[559.106. 1. Notwithstanding any statutory provision to the contrary,
when a court grants probation to an offender who has [pleaded guilty to or has]
been found guilty of an offense in:

(1) Section 566.030, 566.032, 566.060, [or] 566.062, [based on an act
committed on or after August 28, 2006, or the offender has pleaded guilty to or
has been found guilty of an offense under section] 566.067, 566.083, 566.100,
566.151, 566.212, 566.213, 568.020, 568.080, or 568.090, based on an act
committed on or after August 28, 2006[.]; or

(2) Section 566.068, 566.069, 566.210, 566.211, 573.200, or 573.205
based on an act committed on or after January 1, 2017,
against a victim who was less than fourteen years [old] of age and the offender
is a prior sex offender as defined in subsection 2 of this section, the court shall
order that the offender be supervised by the board of probation and parole for the
duration of his or her natural life.
2. For the purpose of this section, a prior sex offender is a person who has previously [pleaded guilty to or has] been found guilty of an offense contained in chapter 566, or violating section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the victim, or of violating subdivision (2) of subsection 1 of section 568.045.

3. When probation for the duration of the offender's natural life has been ordered, a mandatory condition of such probation is that the offender be electronically monitored. Electronic monitoring shall be based on a global positioning system or other technology that identifies and records the offender's location at all times.

4. In appropriate cases as determined by a risk assessment, the court may terminate the probation of an offender who is being supervised under this section when the offender is sixty-five years of age or older.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between the time the transcript on appeal from the offender's conviction has been filed in appellate court and the disposition of the appeal by such court.

2. Unless otherwise prohibited by subsection 8 of this section, a circuit court only upon its own motion and not that of the state or the offender shall have the power to grant probation to an offender anytime up to one hundred twenty days after such offender has been delivered to the department of corrections but not thereafter. The court may request information and a recommendation from the department concerning the offender and such offender's behavior during the period of incarceration. Except as provided in this section, the court may place the offender on probation in a program created pursuant to section 217.777, or may place the offender on probation with any other conditions authorized by law.

3. The court may recommend placement of an offender in a department of corrections one hundred twenty-day program under this subsection or order such placement under subsection 4 of section 559.036. Upon the recommendation or order of the court, the department of corrections shall assess each offender to determine the appropriate one hundred twenty-day program in which to place the offender, which may include placement in the shock incarceration program or institutional treatment program. When the court recommends and receives placement of an offender in a department of corrections one hundred twenty-day program, the offender shall be released on probation if the department of corrections determines that the offender has successfully completed the program except as follows. Upon successful completion of a program under this subsection, the board of probation and parole shall advise the sentencing court of an offender's probationary release date thirty days prior to release. The court shall follow the recommendation of the department unless the court determines that probation is not appropriate. If the court determines that probation is not appropriate, the court may order the execution of the offender's sentence only after conducting a hearing on the matter
within ninety to one hundred twenty days from the date the offender was delivered to the department of corrections. If the department determines the offender has not successfully completed a one hundred twenty-day program under this subsection, the offender shall be removed from the program and the court shall be advised of the removal. The department shall report on the offender's participation in the program and may provide recommendations for terms and conditions of an offender's probation. The court shall then have the power to grant probation or order the execution of the offender's sentence.

4. If the court is advised that an offender is not eligible for placement in a one hundred twenty-day program under subsection 3 of this section, the court shall consider other authorized dispositions. If the department of corrections one hundred twenty-day program under subsection 3 of this section is full, the court may place the offender in a private program approved by the department of corrections or the court, the expenses of such program to be paid by the offender, or in an available program offered by another organization. If the offender is convicted of a class C, class D, or class E nonviolent felony, the court may order probation while awaiting appointment to treatment.

5. Except when the offender has been found to be a predatory sexual offender pursuant to section [558.018 566.125], the court shall request the department of corrections to conduct a sexual offender assessment if the defendant has pleaded guilty to or has been found guilty of sexual abuse when classified as a class B felony. Upon completion of the assessment, the department shall provide to the court a report on the offender and may provide recommendations for terms and conditions of an offender's probation. The assessment shall not be considered a one hundred twenty-day program as provided under subsection 3 of this section. The process for granting probation to an offender who has completed the assessment shall be as provided under subsections 2 and 6 of this section.

6. Unless the offender is being granted probation pursuant to successful completion of a one hundred twenty-day program the circuit court shall notify the state in writing when the court intends to grant probation to the offender pursuant to the provisions of this section. The state may, in writing, request a hearing within ten days of receipt of the court's notification that the court intends to grant probation. Upon the state's request for a hearing, the court shall grant a hearing as soon as reasonably possible. If the state does not respond to the court's notice in writing within ten days, the court may proceed upon its own motion to grant probation.

7. An offender's first incarceration under this section prior to release on probation shall not be considered a previous prison commitment for the purpose of determining a minimum prison term under the provisions of section 558.019.

8. Notwithstanding any other provision of law, probation may not be granted pursuant to this section to offenders who have been convicted of murder in the second degree pursuant to section 565.021; forcible rape pursuant to
section 566.030 as it existed prior to August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062; child molestation in the first degree pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; or an offender who has been found to be a predatory sexual offender pursuant to section [558.018] 566.125; or any offense in which there exists a statutory prohibition against either probation or parole.]

[559.633. 1. Upon [a plea of guilty or] a finding of [guilty for a commission of] guilt for a felony offense pursuant to chapter [195] 579, except for those offenses in which there exists a statutory prohibition against either probation or parole, when placing the person on probation, the court shall order the person to begin a required educational assessment and community treatment program within the first sixty days of probation as a condition of probation. Persons who are placed on probation after a period of incarceration pursuant to section 559.115 may not be required to participate in a required educational assessment and community treatment program.

2. The fees for the required educational assessment and community treatment program, or a portion of such fees, to be determined by the department of corrections, shall be paid by the person receiving the assessment. Any person who is assessed shall pay, in addition to any fee charged for the assessment, a supplemental fee of sixty dollars. The administrator of the program shall remit to the department of corrections the supplemental fees for all persons assessed, less two percent for administrative costs. The supplemental fees received by the department of corrections pursuant to this section shall be deposited in the correctional substance abuse earnings fund created pursuant to section 559.635.]

[565.002. As used in this chapter, unless a different meaning is otherwise plainly required the following terms mean:

(1) "Adequate cause" [means], cause that would reasonably produce a degree of passion in a person of ordinary temperament sufficient to substantially impair an ordinary person's capacity for self-control;

(2) "Child", a person under seventeen years of age;

(3) "Conduct", includes any act or omission;

(4) "Course of conduct", a pattern of conduct composed of two or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests;
"Deliberation" means cool reflection for any length of time no matter how brief;

"Intoxicated condition" means under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

"Operates" means physically driving or operating or being in actual physical control of a motor vehicle;

"Serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

"Domestic victim", a household or family member as the term "family" or "household member" is defined in section 455.010, including any child who is a member of the household or family;

"Emotional distress", something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;

"Full or partial nudity", the showing of all or any part of the human genitals, pubic area, buttock, or any part of the nipple of the breast of any female person, with less than a fully opaque covering;

"Legal custody", the right to the care, custody and control of a child;

"Parent", either a biological parent or a parent by adoption;

"Person having a right of custody", a parent or legal guardian of the child;

"Photographs" or "films", the making of any photograph, motion picture film, videotape, or any other recording or transmission of the image of a person;

"Place where a person would have a reasonable expectation of privacy", any place where a reasonable person would believe that a person could disrobe in privacy, without being concerned that the person's undressing was being viewed, photographed or filmed by another;

"Special victim", any of the following:

(a) A law enforcement officer assaulted in the performance of official duties or as a direct result of such official duties;

(b) Emergency personnel, any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician, assaulted in the performance of official duties or as a direct result of such official duties;

(c) A probation and parole officer assaulted in the performance of official duties or as a direct result of such official duties;

(d) An elderly person;

(e) A person with a disability;

(f) A vulnerable person;
(g) Any jailer or corrections officer of the state or one of its political subdivisions assaulted in the performance of official duties or as a direct result of such official duties;
(h) A highway worker in a construction or work zone as the terms "highway worker", "construction zone", and "work zone" are defined under section 304.580;
(i) Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his or her job duties, including any person employed under a contract;
(j) Any cable worker, meaning any employee of a cable operator, as such term is defined in section 67.2677, including any person employed under contract, while in the performance of his or her job duties; and
(k) Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his or her job duties;

[7] (15) "Sudden passion" means passion directly caused by and arising out of provocation by the victim or another acting with the victim which passion arises at the time of the offense and is not solely the result of former provocation;

[8] (16) "Trier" means the judge or jurors to whom issues of fact, guilt or innocence, or the assessment and declaration of punishment are submitted for decision;

(17) "Views", the looking upon of another person, with the unaided eye or with any device designed or intended to improve visual acuity, for the purpose of arousing or gratifying the sexual desire of any person.

[565.073. 1. A person commits the [crime] offense of domestic assault in the second degree if the act involves a [family or household member, including any child who is a member of the family or household, as defined in section 455.010] domestic victim, as the term "domestic victim" is defined under section 565.002, and he or she:

(1) [Attempts to cause or] Knowingly causes physical injury to such family or household member by any means, including but not limited to, [by] use of a deadly weapon or dangerous instrument, or by choking or strangulation; or

(2) Recklessly causes serious physical injury to such family or household member; or

(3) Recklessly causes physical injury to such family or household member by means of any deadly weapon.

2. The offense of domestic assault in the second degree is a class [C] D felony.]
1. Any person who, since July 1, 1979, has been or hereafter has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

   1. Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] section 573.200, use of a child in a sexual performance; section [568.090] 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

   2. Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not reside within one thousand feet of any public school as defined in section 160.011, any private school giving instruction in a grade or grades not higher than the twelfth grade, or any child care facility that is licensed under chapter 210, or any child care facility as defined in section 210.201 that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

   2. If such person has already established a residence and a public school, a private school, or child care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child care facility, notify the county sheriff where such public school, private school, or child care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child care facility.

   3. For purposes of this section, "resides" means sleeps in a residence, which may include more than one location and may be mobile or transitory.

   4. Violation of the provisions of subsection 1 of this section is a class [D] E felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class [D] E felony.

566.148. 1. Any person who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

   1. Violating any of the provisions of this chapter or the provisions of [subsection 2 of] section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] section 573.200, use of a child in a sexual performance; section [568.090] 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or
573.200, use of a child in a sexual performance; section [568.090] 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography in the first degree; section 573.035, promoting child pornography in the second degree; section 573.037, possession of child pornography, or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under federal, tribal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not knowingly be physically present in or loiter within five hundred feet of or to approach, contact, or communicate with any child under eighteen years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

2. For purposes of this section, "child care facility" shall [have the same meaning as such term is defined in section 210.201] include any child care facility licensed under chapter 210, or any child care facility that is exempt from state licensure but subject to state regulation under section 210.252 and holds itself out to be a child care facility.

3. [Any person who violates] Violation of the provisions of this section is [guilty of] a class A misdemeanor.

566.149. 1. Any person who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of:

(1) Violating any of the provisions of this chapter or the provisions [of subsection 2] of section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree; [subsection 2 of section 568.080] section 573.200, use of a child in a sexual performance; section [568.090] 573.205, promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or section 573.040, furnishing pornographic material to minors; or

(2) Any offense in any other [state or foreign country, or under tribal, federal, or military] jurisdiction which, if committed in this state, would be a violation listed in this section; shall not be present in or loiter within five hundred feet of any school building, on real property comprising any school, or in any conveyance owned, leased, or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in subsection 2 of this section.

2. No parent, legal guardian, or custodian who has [pleaded guilty or nolo contendere to, or been convicted of, or] been found guilty of violating any of the
offenses listed in subsection 1 of this section shall be present in any school
building, on real property comprising any school, or in any conveyance owned,
leased, or contracted by a school to transport students to or from school or a
school-related activity when persons under the age of eighteen are present in the
building, on the grounds or in the conveyance unless the parent, legal guardian,
or custodian has permission to be present from the superintendent or school board
or in the case of a private school from the principal. In the case of a public
school, if permission is granted, the superintendent or school board president
must inform the principal of the school where the sex offender will be present.
Permission may be granted by the superintendent, school board, or in the case of
a private school from the principal for more than one event at a time, such as a
series of events, however, the parent, legal guardian, or custodian must obtain
permission for any other event he or she wishes to attend for which he or she has
not yet had permission granted.

3. Regardless of the person's knowledge of his or her proximity to school
property or a school-related activity, violation of the provisions of this section
[shall be] is a class A misdemeanor.

[577.001. 1. As used in this chapter, [the term "court" means any
circuit, associate circuit, or municipal court, including traffic court, but not any
juvenile court or drug court.

2. As used in this chapter, the term "drive", "driving", "operates" or
"operating" means physically driving or operating a motor vehicle.

3. As used in this chapter, a person is in an "intoxicated condition" when
he is under the influence of alcohol, a controlled substance, or drug, or any
combination thereof.

4. As used in this chapter, the term "law enforcement officer" or
"arresting officer" includes the definition of law enforcement officer in
subdivision (17) of section 556.061 and military policemen conducting traffic
enforcement operations on a federal military installation under military
jurisdiction in the state of Missouri.

5. As used in this chapter, "substance abuse traffic offender program"
means a program certified by the division of alcohol and drug abuse of the
department of mental health to provide education or rehabilitation services
pursuant to a professional assessment screening to identify the individual needs
of the person who has been referred to the program as the result of an alcohol- or
drug-related traffic offense. Successful completion of such a program includes
participation in any education or rehabilitation program required to meet the
needs identified in the assessment screening. The assignment recommendations
based upon such assessment shall be subject to judicial review as provided in
subsection 7 of section 577.041] the following terms mean:

1) "Aggravated offender", a person who has been found guilty of:
(a) Three or more intoxication-related traffic offenses committed on separate occasions; or
(b) Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(2) "Aggravated boating offender", a person who has been found guilty of:
(a) Three or more intoxication-related boating offenses; or
(b) Has been found guilty of one or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of one thousand pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, or with a seat designed to carry more than one person, and handlebars for steering control;

(4) "Court", any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court;

(5) "Chronic offender", a person who has been found guilty of:
(a) Four or more intoxication-related traffic offenses committed on separate occasions; or
(b) Three or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or
(c) Two or more intoxication-related traffic offenses committed on separate occasions where both intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(6) "Chronic boating offender", a person who has been found guilty of:
(a) Four or more intoxication-related boating offenses; or
(b) Three or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or

(c) Two or more intoxication-related boating offenses committed on separate occasions where both intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(7) "Controlled substance", a drug, substance, or immediate precursor in schedules I to V listed in section 195.017;

(8) "Drive", "driving", "operates" or "operating", means physically driving or operating a vehicle or vessel;

(9) "Flight crew member", the pilot in command, copilots, flight engineers, and flight navigators;

(10) "Habitual offender", a person who has been found guilty of:

(a) Five or more intoxication-related traffic offenses committed on separate occasions; or

(b) Four or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed; or

(c) Three or more intoxication-related traffic offenses committed on separate occasions where at least two of the intoxication-related traffic offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;

(11) "Habitual boating offender", a person who has been found guilty of:

(a) Five or more intoxication-related boating offenses; or

(b) Four or more intoxication-related boating offenses committed on separate occasions where at least one of the intoxication-related boating offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed; or
(c) Three or more intoxication-related boating offenses committed on separate occasions where at least two of the intoxication-related boating offenses were offenses committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed;

(12) "Intoxicated" or "intoxicated condition", when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof;

(13) "Intoxication-related boating offense", operating a vessel while intoxicated; boating while intoxicated; operating a vessel with excessive blood alcohol content or an offense in which the defendant was operating a vessel while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(14) "Intoxication-related traffic offense", driving while intoxicated, driving with excessive blood alcohol content or an offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense;

(15) "Law enforcement officer" or "arresting officer", includes the definition of law enforcement officer in section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri;

(16) "Operate a vessel", to physically control the movement of a vessel in motion under mechanical or sail power in water;

(17) "Persistent offender", a person who has been found guilty of two or more intoxication-related traffic offenses committed on separate occasions;

(18) "Persistent boating offender", a person who has been found guilty of two or more intoxication-related boating offenses committed on separate occasions;

(19) "Prior offender", a person who has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged;

(20) "Prior boating offender", a person who has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.]
1. A person commits the crime of driving while intoxicated if he or she operates a motor vehicle while in an intoxicated or drugged condition.

2. The offense of driving while intoxicated is for the first offense, a class B misdemeanor. No person convicted of or pleading guilty to the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years:

   (1) A class B misdemeanor;
   (2) A class A misdemeanor if:
      (a) The defendant is a prior offender; or
      (b) A person less than seventeen years of age is present in the vehicle;
   (3) A class E felony if:
      (a) The defendant is a persistent offender; or
      (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;
   (4) A class D felony if:
      (a) The defendant is an aggravated offender;
      (b) While driving while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or
      (c) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;
   (5) A class C felony if:
      (a) The defendant is a chronic offender;
      (b) While driving while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or
      (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of another person;
   (6) A class B felony if:
      (a) The defendant is a habitual offender;
      (b) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel; or
      (c) While driving while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons unless it is a second or subsequent violation of this subsection, in which case it is a class A felony.

3. Notwithstanding the provisions of subsection 2 of this section, in a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, no person who operated a motor vehicle with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be granted a suspended imposition of sentence unless
the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program. A person found guilty of the offense of driving while intoxicated as a first offense shall not be granted a suspended imposition of sentence:

(1) Unless such person shall be placed on probation for a minimum of two years; or

(2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:

(1) If the individual operated the motor vehicle with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;

(2) If the individual operated the motor vehicle with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

5. A person found guilty of the offense of driving while intoxicated:

(1) As a prior offender, persistent offender, aggravated offender, chronic offender, or habitual offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;

(2) As a prior offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or

(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least thirty days of community service under the supervision of the court;

(3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:

(a) Unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or
(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available, and as part of either program, the offender performs at least sixty days of community service under the supervision of the court;

(4) As an aggravated offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

[577.013. 1. A person commits the offense of boating while intoxicated if he or she operates a vessel while in an intoxicated condition.

2. The offense of boating while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior boating offender; or

(b) A person less than seventeen years of age is present in the vessel;

(3) A class E felony if:

(a) The defendant is a persistent boating offender; or

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to another person;

(4) A class D felony if:

(a) The defendant is an aggravated boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to another person;

(5) A class C felony if:

(a) The defendant is a chronic boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause serious physical injury to a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of another person;

(6) A class B felony if:

(a) The defendant is a habitual boating offender;

(b) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of a law enforcement officer or emergency personnel; or

(c) While boating while intoxicated, the defendant acts with criminal negligence to cause the death of two or more persons unless it is a second or subsequent violation of this subsection, in which case it is a class A felony.
3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of the offense of boating while intoxicated as a first offense shall not be granted a suspended imposition of sentence:
   (1) Unless such person shall be placed on probation for a minimum of two years; or
   (2) In a circuit where a DWI court or docket created under section 478.007 or other court-ordered treatment program is available, and where the offense was committed with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless the individual participates in and successfully completes a program under such DWI court or docket or other court-ordered treatment program.

4. If a person is not granted a suspended imposition of sentence for the reasons described in subsection 3 of this section:
   (1) If the individual operated the vessel with fifteen-hundredths to twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than forty-eight hours;
   (2) If the individual operated the vessel with greater than twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be not less than five days.

5. A person found guilty of the offense of boating while intoxicated:
   (1) As a prior boating offender, persistent boating offender, aggravated boating offender, chronic boating offender or habitual boating offender shall not be granted a suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary notwithstanding;
   (2) As a prior boating offender shall not be granted parole or probation until he or she has served a minimum of ten days imprisonment;
      (a) Unless as a condition of such parole or probation such person performs at least two hundred forty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or
      (b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;
   (3) As a persistent offender shall not be eligible for parole or probation until he or she has served a minimum of thirty days imprisonment:
      (a) Unless as a condition of such parole or probation such person performs at least four hundred eighty hours of community service under the supervision of the court in those jurisdictions which have a recognized program for community service; or
(b) The offender participates in and successfully completes a program established under section 478.007 or other court-ordered treatment program, if available;

(4) As an aggravated boating offender shall not be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment;

(5) As a chronic boating offender shall not be eligible for parole or probation until he or she has served a minimum of two years imprisonment.]

[577.020. 1. Any person who operates a [motor] vehicle upon the public highways of this state, a vessel, or any aircraft, or acts as a flight crew member of an aircraft shall be deemed to have given consent [to], subject to the provisions of sections 577.019 to 577.041, to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:

(1) If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was [driving a motor] operating a vehicle or a vessel while in an intoxicated [or drugged] condition; [or]

(2) If the person is detained for any offense of operating an aircraft while intoxicated under section 577.015 or operating an aircraft with excessive blood alcohol content under section 577.016;

(3) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was [driving a motor] operating a vehicle or a vessel with a blood alcohol content of two-hundredths of one percent or more by weight; [or]

[(3)] (4) If the person is under the age of twenty-one, has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or any political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent or greater;

[(4)] (5) If the person is under the age of twenty-one, has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent or greater; or

[(5)] (6) If the person, while operating a [motor] vehicle, has been involved in a [motor vehicle] collision or accident which resulted in a fatality or a readily apparent serious physical injury as defined in section 565.002, or has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any state law or county or municipal ordinance with the exception of
equipment violations contained in [chapter] chapters 306 and 307, or similar provisions contained in county or municipal ordinances.

(6) If the person, while operating a motor vehicle, has been involved in a motor vehicle collision which resulted in a fatality or serious physical injury as defined in section 565.002.] The test shall be administered at the direction of the law enforcement officer whenever the person has been [arrested or] stopped, detained, or arrested for any reason.

2. The implied consent to submit to the chemical tests listed in subsection 1 of this section shall be limited to not more than two such tests arising from the same stop, detention, arrest, incident or charge.

3. **To be considered valid**, chemical analysis of the person's breath, blood, saliva, or urine [to be considered valid pursuant to the provisions of sections 577.019 to 577.041] shall be performed, according to methods approved by the state department of health and senior services, by licensed medical personnel or by a person possessing a valid permit issued by the state department of health and senior services for this purpose.

4. The state department of health and senior services shall approve satisfactory techniques, devices, equipment, or methods to be used in the chemical test pursuant to the provisions of sections 577.019 to 577.041 [and]. The department shall also establish standards to ascertain the qualifications and competence of individuals to conduct such analyses and [to] issue permits which shall be subject to termination or revocation by the state department of health and senior services.

5. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a law enforcement officer.

6. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:

   (1) The type of test administered and the procedures followed;
   (2) The time of the collection of the blood [or], breath [sample], or urine sample analyzed;
   (3) The numerical results of the test indicating the alcohol content of the blood and breath and urine;
   (4) The type and status of any permit which was held by the person who performed the test;
   (5) If the test was administered by means of a breath-testing instrument, the date [of performance] of the most recent [required] maintenance of such instrument. Full information does not include manuals, schematics, or software
of the instrument used to test the person or any other material that is not in the
actual possession of the state. Additionally, full information does not include
information in the possession of the manufacturer of the test instrument.

7. Any person given a chemical test of the person's breath pursuant to
subsection 1 of this section or a field sobriety test may be videotaped during any
such test at the direction of the law enforcement officer. Any such video
recording made during the chemical test pursuant to this subsection or a field
sobriety test shall be admissible as evidence at [either] any trial of such person
for [either] a violation of any state law or county or municipal ordinance, [or]
and at any license revocation or suspension proceeding held pursuant to the
provisions of chapter 302.]

577.037. 1. Upon the trial of any person for [violation of any of the
provisions of section 565.024, or section 565.060, or section 577.010 or 577.012,
or upon the trial of any criminal action] any criminal offense or violations of
county or municipal ordinances, or in any license suspension or revocation
proceeding pursuant to the provisions of chapter 302, arising out of acts alleged
to have been committed by any person while [driving] operating a motor vehicle,
vessel, or aircraft, or acting as a flight crew member of any aircraft, while
in an intoxicated condition or with an excessive blood alcohol content, the
amount of alcohol in the person's blood at the time of the act [alleged], as shown
by any chemical analysis of the person's blood, breath, saliva, or urine, is
admissible in evidence and the provisions of subdivision (5) of section 491.060
shall not prevent the admissibility or introduction of such evidence if otherwise
admissible. [If there was eight-hundredths of one percent or more by weight of
alcohol in the person's blood, this shall be prima facie evidence that the person
was intoxicated at the time the specimen was taken.]

2. If a chemical analysis of the defendant's breath, blood, saliva, or
urine demonstrates there was eight-hundredths of one percent or more by
weight of alcohol in the person's blood, this shall be prima facie evidence
that the person was intoxicated at the time the specimen was taken. If a
chemical analysis of the defendant's breath, blood, saliva, or urine
demonstrates that there was less than eight-hundredths of one percent of
alcohol in the defendant's blood, any charge alleging a criminal offense
related to the operation of a vehicle, vessel, or aircraft while in an
intoxicated condition or with an excessive blood alcohol content shall be
dismissed with prejudice unless one or more of the following considerations
cause the court to find a dismissal unwarranted:

(1) There is evidence that the chemical analysis is unreliable as
evidence of the defendant's intoxication at the time of the alleged violation
due to the lapse of time between the alleged violation and the obtaining of
the specimen;
(2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or

(3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.

3. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.

[3.] 4. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was intoxicated.

[4.] 5. A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subsection [1]2 of this section, shall have been performed as provided in sections 577.020 to 577.041 and in accordance with methods and standards approved by the state department of health and senior services.

[5.] Any charge alleging a violation of section 577.010 or 577.012 or any county or municipal ordinance prohibiting driving while intoxicated or driving under the influence of alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood, saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated thereunder by the state department of health and senior services demonstrate that there was less than eight-hundredths of one percent of alcohol in the defendant's blood unless one or more of the following considerations cause the court to find a dismissal unwarranted:

(1) There is evidence that the chemical analysis is unreliable as evidence of the defendant's intoxication at the time of the alleged violation due to the lapse of time between the alleged violation and the obtaining of the specimen;

(2) There is evidence that the defendant was under the influence of a controlled substance, or drug, or a combination of either or both with or without alcohol; or

(3) There is substantial evidence of intoxication from physical observations of witnesses or admissions of the defendant.]

[577.041. 1. If a person [under arrest, or who has been stopped pursuant to] detained, stopped, or arrested under subdivision [(2) or] (3) or (4) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in [a] any proceeding [pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012] related to the acts resulting in such detention, stop, or arrest.

2. The request of the officer to submit to any chemical test shall include the reasons of the officer for requesting the person to submit to a test and also
shall inform the person that evidence of refusal to take the test may be used against such person [and that the person's] license shall be immediately revoked upon refusal to take the test.

3. If a person when requested to submit to any test allowed pursuant to section 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt to contact an attorney. If, upon the completion of the twenty-minute period the person continues to refuse to submit to any test, it shall be deemed a refusal. [In this event, the officer shall, on behalf of the director of revenue, serve the notice of license revocation personally upon the person and shall take possession of any license to operate a motor vehicle issued by this state which is held by that person. The officer shall issue a temporary permit, on behalf of the director of revenue, which is valid for fifteen days and shall also give the person a notice of such person's right to file a petition for review to contest the license revocation.

2. The officer shall make a certified report under penalties of perjury for making a false statement to a public official. The report shall be forwarded to the director of revenue and shall include the following:

(1) That the officer has:
   (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle while in an intoxicated or drugged condition; or
   (b) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more by weight; or
   (c) Reasonable grounds to believe that the person stopped, being under the age of twenty-one years, was committing a violation of the traffic laws of the state, or political subdivision of the state, and such officer has reasonable grounds to believe, after making such stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

(2) That the person refused to submit to a chemical test;

(3) Whether the officer secured the license to operate a motor vehicle of the person;

(4) Whether the officer issued a fifteen-day temporary permit;

(5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice of the right to file a petition for review, which notices and permit may be combined in one document; and

(6) Any license to operate a motor vehicle which the officer has taken into possession.

3. Upon receipt of the officer's report, the director shall revoke the license of the person refusing to take the test for a period of one year; or if the person is a nonresident, such person's operating permit or privilege shall be revoked for one year; or if the person is a resident without a license or permit to operate a
motor vehicle in this state, an order shall be issued denying the person the
issuance of a license or permit for a period of one year.

4. If a person's license has been revoked because of the person's refusal
to submit to a chemical test, such person may petition for a hearing before a
circuit division or associate division of the court in the county in which the arrest
or stop occurred. The person may request such court to issue an order staying the
revocation until such time as the petition for review can be heard. If the court,
in its discretion, grants such stay, it shall enter the order upon a form prescribed
by the director of revenue and shall send a copy of such order to the director.
Such order shall serve as proof of the privilege to operate a motor vehicle in this
state and the director shall maintain possession of the person's license to operate
a motor vehicle until termination of any revocation pursuant to this section.
Upon the person's request the clerk of the court shall notify the prosecuting
attorney of the county and the prosecutor shall appear at the hearing on behalf of
the director of revenue. At the hearing the court shall determine only:

   (1) Whether or not the person was arrested or stopped;
   (2) Whether or not the officer had:
      (a) Reasonable grounds to believe that the person was driving a motor
          vehicle while in an intoxicated or drugged condition; or
      (b) Reasonable grounds to believe that the person stopped, being under
          the age of twenty-one years, was driving a motor vehicle with a blood alcohol
          content of two-hundredths of one percent or more by weight; or
      (c) Reasonable grounds to believe that the person stopped, being under
          the age of twenty-one years, was committing a violation of the traffic laws of the
          state, or political subdivision of the state, and such officer had reasonable
          grounds to believe, after making such stop, that the person had a blood alcohol
          content of two-hundredths of one percent or greater; and
   (3) Whether or not the person refused to submit to the test.

5. If the court determines any issue not to be in the affirmative, the court
shall order the director to reinstate the license or permit to drive.

6. Requests for review as provided in this section shall go to the head of
the docket of the court wherein filed.

7. No person who has had a license to operate a motor vehicle suspended
or revoked pursuant to the provisions of this section shall have that license
reinstated until such person has participated in and successfully completed a
substance abuse traffic offender program defined in section 577.001, or a
program determined to be comparable by the department of mental health or the
court. Assignment recommendations, based upon the needs assessment as
described in subdivision (24) of section 302.010, shall be delivered in writing to
the person with written notice that the person is entitled to have such assignment
recommendations reviewed by the court if the person objects to the
recommendations. The person may file a motion in the associate division of the
circuit court of the county in which such assignment was given, on a printed form
provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Upon hearing the motion, the court may modify or waive any assignment recommendation that the court determines to be unwarranted based upon a review of the needs assessment, the person's driving record, the circumstances surrounding the offense, and the likelihood of the person committing a like offense in the future, except that the court may modify but may not waive the assignment to an education or rehabilitation program of a person determined to be a prior or persistent offender as defined in section 577.023, or of a person determined to have operated a motor vehicle with fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

8. The fees for the substance abuse traffic offender program, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee to be determined by the department of mental health for the purposes of funding the substance abuse traffic offender program defined in section 302.010 and section 577.001. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health on or before the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not to exceed the annual rates established pursuant to the provisions of section 32.065, plus three percentage points. The supplemental fees and any interest received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053.

9. Any administrator who fails to remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees and interest for all persons enrolled in the program pursuant to this section shall be subject to a penalty equal to the amount of interest accrued on the supplemental fees due the division pursuant to this section. If the supplemental fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the department of mental health within six months of the due date, the attorney general of the state of Missouri shall initiate appropriate action of the collection
of said fees and interest accrued. The court shall assess attorney fees and court
139 costs against any delinquent program.

140 10. Any person who has had a license to operate a motor vehicle revoked
under this section and who has a prior alcohol-related enforcement contact, as
defined in section 302.525, shall be required to file proof with the director of
143 revenue that any motor vehicle operated by the person is equipped with a
functioning, certified ignition interlock device as a required condition of license
restitution. Such ignition interlock device shall further be required to be
146 maintained on all motor vehicles operated by the person for a period of not less
than six months immediately following the date of reinstatement. If the monthly
148 monitoring reports show that the ignition interlock device has registered any
149 confirmed blood alcohol concentration readings above the alcohol setpoint
150 established by the department of transportation or that the person has tampered
151 with or circumvented the ignition interlock device, then the period for which the
152 person must maintain the ignition interlock device following the date of
153 reinstatement shall be extended for an additional six months. If the person fails
154 to maintain such proof with the director as required by this section, the license
155 shall be rerevoked and the person shall be guilty of a class A misdemeanor.

156 11. The revocation period of any person whose license and driving
157 privilege has been revoked under this section and who has filed proof of financial
158 responsibility with the department of revenue in accordance with chapter 303 and
159 is otherwise eligible, shall be terminated by a notice from the director of revenue
160 after one year from the effective date of the revocation. Unless proof of financial
161 responsibility is filed with the department of revenue, the revocation shall remain
162 in effect for a period of two years from its effective date. If the person fails to
163 maintain proof of financial responsibility in accordance with chapter 303, the
164 person's license and driving privilege shall be rerevoked and the person shall be
165 guilty of a class A misdemeanor.]]

[579.060. 1. A person commits the offense of unlawful sale or
distribution of over-the-counter methamphetamine precursor drugs if he or
she:

(1) Knowingly sells, distributes, dispenses, or otherwise provides any
number of packages of any drug product containing detectable amounts of
ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts,
optical isomers, or salts of optical isomers, in a total amount greater than
nine grams to the same individual within a thirty-day period, unless the
amount is dispensed, sold, or distributed pursuant to a valid prescription;
or

(2) Knowingly dispenses or offers drug products that are not
excluded from Schedule V in subsection 17 or 18 of section 195.017 and that
contain detectable amounts of ephedrine, phenylpropanolamine, or
pseudoephedrine, or any of their salts, optical isomers, or salts of optical
isomers, without ensuring that such products are located behind a pharmacy
counter where the public is not permitted and that such products are
dispensed by a registered pharmacist or pharmacy technician under
subsection 11 of section 195.017; or

(3) Holds a retail sales license issued under chapter 144 and
knowingly sells or dispenses packages that do not conform to the packaging
requirements of section 195.418.

2. A pharmacist, intern pharmacist, or registered pharmacy
technician commits the offense of unlawful sale or distribution of over-the-
counter methamphetamine precursor drugs if he or she:

(1) Knowingly sells, distributes, dispenses, or otherwise provides any
number of packages of any drug product containing detectable amounts of
ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts
or optical isomers, or salts of optical isomers, in a total amount greater than
three and six-tenth grams to the same individual within a twenty-four hour
period, unless the amount is dispensed, sold, or distributed pursuant to a
valid prescription; or

(2) Knowingly fails to submit information under subsection 13 of
section 195.017 and subsection 5 of section 195.417 about the sales of any
compound, mixture, or preparation of products containing detectable
amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any
of their salts, optical isomers, or salts of optical isomers, in accordance with
transmission methods and frequency established by the department of
health and senior services; or

(3) Knowingly fails to implement and maintain an electronic log, as
required by subsection 12 of section 195.017, of each transaction involving
any detectable quantity of pseudoephedrine, its salts, isomers, or salts of
optical isomers or ephedrine, its salts, optical isomers, or salts of optical
isomers; or

(4) Knowingly sells, distributes, dispenses or otherwise provides to
an individual under eighteen years of age without a valid prescription any
number of packages of any drug product containing any detectable quantity
of pseudoephedrine, its salts, isomers, or salts of optical isomers, or
ephedrine, its salts or optical isomers, or salts of optical isomers.

3. Any person who violates the packaging requirements of section
195.418 and is considered the general owner or operator of the outlet where
ephedrine, pseudoephedrine, or phenylpropanolamine products are
available for sale shall not be penalized if he or she documents that an
employee training program was in place to provide the employee who made
the unlawful retail sale with information on the state and federal regulations
regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

4. The offense of unlawful sale or distribution of over-the-counter
methamphetamine precursor drugs is a class A misdemeanor.[]
[195.130.] 579.105. 1. [Any room, building, structure or inhabitable structure as defined in section 569.010 which is used for the illegal use, keeping or selling of controlled substances is a "public nuisance". No person shall keep or maintain such a public nuisance.

2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds that the owner of the room, building, structure or inhabitable structure knew that the premises were being used for the illegal use, keeping or selling of controlled substances, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one year.

3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

4. It is unlawful for a person to keep or maintain such a public nuisance.]

A person commits the offense of keeping or maintaining a public nuisance if he or she knowingly keeps or maintains:

(1) Any room, building, structure or inhabitable structure, as defined in section 556.061, which is used for the illegal manufacture, distribution, storage, or sale of any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid; or

(2) Any room, building, structure or inhabitable structure, as defined in section 556.061, where on three or more separate occasions within the period of a year, two or more persons, who were not residents of the room, building, structure, or inhabitable structure, gathered for the principal purpose of unlawfully ingesting, injecting, inhaling or using any amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-five grams or less of any synthetic cannabinoid.

2. In addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney may by information or indictment charge the owner or the occupant, or both the owner and the occupant of the room, building, structure, or inhabitable structure with the offense of keeping or maintaining a public nuisance. [Keeping or maintaining a public nuisance is a class C felony.]

3. The offense of keeping or maintaining a public nuisance is a class E felony.

[5.] 4. Upon the conviction of the owner pursuant to subsection [4] 2 of this section, the room, building, structure, or inhabitable structure is subject to the provisions of sections 513.600 to 513.645.]

577.020, 577.037, and 577.041, the enactment of sections 197.1036, 545.940, 577.013, 579.060, and 579.105, and the first appearance of the repeal of sections 195.130, 476.055, 566.135, and 660.315 of this act shall become effective on January 1, 2017.