

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 224

97TH GENERAL ASSEMBLY

2013

0860S.07T

AN ACT

To repeal sections 84.480, 84.490, 84.510, 86.200, 86.257, 86.263, 313.817, and 568.040, RSMo, and to enact in lieu thereof nine new sections relating to public safety.

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

Section A. Sections 84.480, 84.490, 84.510, 86.200, 86.257, 86.263, 313.817, and 568.040, RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 84.480, 84.490, 84.510, 86.200, 86.257, 86.263, 313.817, 568.040, and 1, to read as follows:

84.480. The board of police commissioners shall appoint a chief of police who shall be the chief police administrative and law enforcement officer of such cities. The chief of police shall be chosen by the board solely on the basis of his or her executive and administrative qualifications and his or her demonstrated knowledge of police science and administration with special reference to his or her actual experience in law enforcement leadership and the provisions of section 84.420. At the time of the appointment, the chief shall not be more than sixty years of age, shall have had at least five years' executive experience in a governmental police agency and shall be certified by a surgeon or physician to be in a good physical condition, and shall be a citizen of the United States and shall either be or become a citizen of the state of Missouri and resident of the city in which he or she is appointed as chief of police. In order to secure and retain the highest type of police leadership within the departments of such cities, the chief shall receive a salary of not less than eighty thousand two hundred eleven

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

15 dollars, nor more than one hundred [seventy-two] **eighty-nine** thousand [four]
16 **seven** hundred [seventy-eight] **twenty-six** dollars per annum.

84.490. 1. The chief of police shall serve during the pleasure of the board.
2 In case the board determines to remove or demote the chief of police, he shall be
3 notified in writing. Within ten days after receipt of such notice, the chief may,
4 in writing, file with the secretary of the board of police commissioners, demand
5 and he shall receive a written statement of the reasons for such removal or
6 demotion, and a hearing thereon at a public meeting of the board within ten days
7 after the chief files such notice. The chief may be suspended from office pending
8 such hearing. The action of the board in suspending, removing or demoting the
9 chief of police shall be final [and not subject to review by any court].

10 2. The board may, in case of and during the absence or disability of the
11 chief, designate a qualified police officer who shall serve as acting chief and
12 perform the duties of the office. No man shall serve as acting chief who has not
13 the qualifications required for the position of chief.

84.510. 1. For the purpose of operation of the police department herein
2 created, the chief of police, with the approval of the board, shall appoint such
3 number of police department employees, including police officers and civilian
4 employees as the chief of police from time to time deems necessary.

5 2. The base annual compensation of police officers shall be as follows for
6 the several ranks:

7 (1) Lieutenant colonels, not to exceed five in number, at not less than
8 seventy-one thousand nine hundred sixty-nine dollars, nor more than one
9 hundred [twenty-one] **thirty-three** thousand [seven] **eight** hundred [sixteen]
10 **eighty-eight** dollars per annum each;

11 (2) Majors at not less than sixty-four thousand six hundred seventy-one
12 dollars, nor more than one hundred [eleven] **twenty-two** thousand [forty-eight]
13 **one hundred fifty-three** dollars per annum each;

14 (3) Captains at not less than fifty-nine thousand five hundred thirty-nine
15 dollars, nor more than one hundred [one] **eleven** thousand [three] **four** hundred
16 [four] **thirty-four** dollars per annum each;

17 (4) Sergeants at not less than forty-eight thousand six hundred fifty-nine
18 dollars, nor more than [eighty-eight] **ninety-seven** thousand [two hundred sixty]
19 **eighty-six** dollars per annum each;

20 (5) Master patrol officers at not less than fifty-six thousand three hundred
21 four dollars, nor more than [seventy-nine] **eighty-seven** thousand seven hundred

22 [twenty-eight] **one** dollars per annum each;

23 (6) Master detectives at not less than fifty-six thousand three hundred
24 four dollars, nor more than [seventy-nine] **eighty-seven** thousand seven hundred
25 [twenty-eight] **one** dollars per annum each;

26 (7) Detectives, investigators, and police officers at not less than twenty-six
27 thousand six hundred forty-three dollars, nor more than [seventy-five] **eighty-**
28 **two** thousand [one] **six** hundred [eight] **nineteen** dollars per annum each.

29 3. The board of police commissioners has the authority by resolution to
30 effect a comprehensive pay schedule program to provide for step increases with
31 separate pay rates within each rank, in the above-specified salary ranges from
32 police officers through chief of police.

33 4. Officers assigned to wear civilian clothes in the performance of their
34 regular duties may receive an additional one hundred fifty dollars per month
35 clothing allowance. Uniformed officers may receive seventy-five dollars per
36 month uniform maintenance allowance.

37 5. The chief of police, subject to the approval of the board, shall establish
38 the total regular working hours for all police department employees, and the
39 board has the power, upon recommendation of the chief, to pay additional
40 compensation for all hours of service rendered in excess of the established regular
41 working period, but the rate of overtime compensation shall not exceed one and
42 one-half times the regular hourly rate of pay to which each member shall
43 normally be entitled. No credit shall be given nor deductions made from
44 payments for overtime for the purpose of retirement benefits.

45 6. The board of police commissioners, by majority affirmative vote,
46 including the mayor, has the authority by resolution to authorize incentive pay
47 in addition to the base compensation as provided for in subsection 2 of this
48 section, to be paid police officers of any rank who they determine are assigned
49 duties which require an extraordinary degree of skill, technical knowledge and
50 ability, or which are highly demanding or unusual. No credit shall be given nor
51 deductions made from these payments for the purpose of retirement benefits.

52 7. The board of police commissioners may effect programs to provide
53 additional compensation for successful completion of academic work at an
54 accredited college or university. No credit shall be given nor deductions made
55 from these payments for the purpose of retirement benefits.

56 8. The additional pay increments provided in subsections 6 and 7 of this
57 section shall not be considered a part of the base compensation of police officers

58 of any rank and shall not exceed ten percent of what the officer would otherwise
59 be entitled to pursuant to subsections 2 and 3 of this section.

60 9. Not more than twenty-five percent of the officers in any rank who are
61 receiving the maximum rate of pay authorized by subsections 2 and 3 of this
62 section may receive the additional pay increments authorized by subsections 6
63 and 7 of this section at any given time. However, any officer receiving a pay
64 increment provided pursuant to the provisions of subsections 6 and 7 of this
65 section shall not be deprived of such pay increment as a result of the limitations
66 of this subsection.

86.200. The following words and phrases as used in sections 86.200 to
2 86.366, unless a different meaning is plainly required by the context, shall have
3 the following meanings:

4 (1) "Accumulated contributions", the sum of all mandatory contributions
5 deducted from the compensation of a member and credited to the member's
6 individual account, together with members' interest thereon;

7 (2) "Actuarial equivalent", a benefit of equal value when computed upon
8 the basis of mortality tables and interest assumptions adopted by the board of
9 trustees;

10 (3) "Average final compensation":

11 (a) With respect to a member who earns no creditable service on or after
12 October 1, 2001, the average earnable compensation of the member during the
13 member's last three years of creditable service as a police officer, or if the member
14 has had less than three years of creditable service, the average earnable
15 compensation of the member's entire period of creditable service;

16 (b) With respect to a member who is not participating in the DROP
17 pursuant to section 86.251 on October 1, 2001, who did not participate in the
18 DROP at any time before such date, and who earns any creditable service on or
19 after October 1, 2001, the average earnable compensation of the member during
20 the member's last two years of creditable service as a policeman, or if the member
21 has had less than two years of creditable service, then the average earnable
22 compensation of the member's entire period of creditable service;

23 (c) With respect to a member who is participating in the DROP pursuant
24 to section 86.251 on October 1, 2001, or whose participation in DROP ended
25 before such date, who returns to active participation in the system pursuant to
26 section 86.251, and who terminates employment as a police officer for reasons
27 other than death or disability before earning at least two years of creditable

28 service after such return, the portion of the member's benefit attributable to
29 creditable service earned before DROP entry shall be determined using average
30 final compensation as defined in paragraph (a) of this subdivision; and the
31 portion of the member's benefit attributable to creditable service earned after
32 return to active participation in the system shall be determined using average
33 final compensation as defined in paragraph (b) of this subdivision;

34 (d) With respect to a member who is participating in the DROP pursuant
35 to section 86.251 on October 1, 2001, or whose participation in the DROP ended
36 before such date, who returns to active participation in the system pursuant to
37 section 86.251, and who terminates employment as a police officer after earning
38 at least two years of creditable service after such return, the member's benefit
39 attributable to all of such member's creditable service shall be determined using
40 the member's average final compensation as defined in paragraph (b) of this
41 subdivision;

42 (e) With respect to a member who is participating in the DROP pursuant
43 to section 86.251 on October 1, 2001, or whose participation in DROP ended
44 before such date, who returns to active participation in the system pursuant to
45 section 86.251, and whose employment as a police officer terminates due to death
46 or disability after such return, the member's benefit attributable to all of such
47 member's creditable service shall be determined using the member's average final
48 compensation as defined in paragraph (b) of this subdivision; and

49 (f) With respect to the surviving spouse or surviving dependent child of
50 a member who earns any creditable service on or after October 1, 2001, the
51 average earnable compensation of the member during the member's last two years
52 of creditable service as a police officer or, if the member has had less than two
53 years of creditable service, the average earnable compensation of the member's
54 entire period of creditable service;

55 (4) "Beneficiary", any person in receipt of a retirement allowance or other
56 benefit;

57 (5) "Board of police commissioners", any board of police commissioners,
58 police commissioners and any other officials or boards now or hereafter
59 authorized by law to employ and manage a permanent police force in such cities;

60 (6) "Board of trustees", the board provided in sections 86.200 to 86.366 to
61 administer the retirement system;

62 (7) "Creditable service", prior service plus membership service as provided
63 in sections 86.200 to 86.366;

64 (8) "DROP", the deferred retirement option plan provided for in section
65 86.251;

66 (9) "Earnable compensation", the annual salary **established under**
67 **section 84.160** which a member would earn during one year on the basis of the
68 member's rank or position [as specified in the applicable salary matrix] plus any
69 additional compensation for academic work and shift differential that may be
70 provided by any official or board now or hereafter authorized by law to employ
71 and manage a permanent police force in such cities. Such amount shall include
72 the member's deferrals to a deferred compensation plan pursuant to Section 457
73 of the Internal Revenue Code or to a cafeteria plan pursuant to Section 125 of the
74 Internal Revenue Code or, effective October 1, 2001, to a transportation fringe
75 benefit program pursuant to Section 132(f)(4) of the Internal Revenue
76 Code. Earnable compensation shall not include a member's additional
77 compensation for overtime, standby time, court time, nonuniform time or unused
78 vacation time. Notwithstanding the foregoing, the earnable compensation taken
79 into account under the plan established pursuant to sections 86.200 to 86.366
80 with respect to a member who is a noneligible participant, as defined in this
81 subdivision, for any plan year beginning on or after October 1, 1996, shall not
82 exceed the amount of compensation that may be taken into account under Section
83 401(a)(17) of the Internal Revenue Code, as adjusted for increases in the cost of
84 living, for such plan year. For purposes of this subdivision, a "noneligible
85 participant" is an individual who first becomes a member on or after the first day
86 of the first plan year beginning after the earlier of:

87 (a) The last day of the plan year that includes August 28, 1995; or

88 (b) December 31, 1995;

89 (10) "Internal Revenue Code", the federal Internal Revenue Code of 1986,
90 as amended;

91 (11) "Mandatory contributions", the contributions required to be deducted
92 from the salary of each member who is not participating in DROP in accordance
93 with section 86.320;

94 (12) **"Medical board", the board of three physicians of different**
95 **disciplines appointed by the trustees of the police retirement board and**
96 **responsible for arranging and passing upon all medical examinations**
97 **required under the provisions of sections 86.200 to 86.366, which board**
98 **shall investigate all essential statements and certificates made by or on**
99 **behalf of a member in connection with an application for disability**

100 **retirement and shall report in writing to the board of trustees its**
101 **conclusions and recommendations, which can be based upon the**
102 **opinion of a single member or that of an outside specialist if one is**
103 **appointed, upon all the matters referred to such medical board;**

104 **(13)** "Member", a member of the retirement system as defined by sections
105 86.200 to 86.366;

106 ~~[(13)]~~ **(14)** "Members' interest", interest on accumulated contributions at
107 such rate as may be set from time to time by the board of trustees;

108 ~~[(14)]~~ **(15)** "Membership service", service as a policeman rendered since
109 last becoming a member, except in the case of a member who has served in the
110 armed forces of the United States and has subsequently been reinstated as a
111 policeman, in which case "membership service" means service as a policeman
112 rendered since last becoming a member prior to entering such armed service;

113 ~~[(15)]~~ **(16)** "Plan year" or "limitation year", the twelve consecutive-month
114 period beginning each October first and ending each September thirtieth;

115 ~~[(16)]~~ **(17)** "Policeman" or "police officer", any member of the police force
116 of such cities who holds a rank in such police force;

117 ~~[(17)]~~ **(18)** "Prior service", all service as a policeman rendered prior to the
118 date the system becomes operative or prior to membership service which is
119 creditable in accordance with the provisions of sections 86.200 to 86.366;

120 ~~[(18)]~~ **(19)** "Reserve officer", any member of the police reserve force of
121 such cities, armed or unarmed, who works less than full time, without
122 compensation, and who, by his or her assigned function or as implied by his or
123 her uniform, performs duties associated with those of a police officer and who
124 currently receives a service retirement as provided by sections 86.200 to 86.366;

125 ~~[(19)]~~ **(20)** "Retirement allowance", annual payments for life as provided
126 by sections 86.200 to 86.366 which shall be payable in equal monthly installments
127 or any benefits in lieu thereof granted to a member upon termination of
128 employment as a police officer and actual retirement;

129 ~~[(20)]~~ **(21)** "Retirement system", the police retirement system of the cities
130 as defined in sections 86.200 to 86.366;

131 ~~[(21)]~~ **(22)** "Surviving spouse", the surviving spouse of a member who was
132 the member's spouse at the time of the member's death.

86.257. 1. Upon the application of [a member in service or of] the board
2 of police commissioners **or any successor body**, any member who has completed
3 ten or more years of creditable service **or upon the police retirement system**

4 **created by sections 86.200 to 86.366 first attaining, after the effective**
5 **date of this act, a funded ratio, as defined in section 105.660 and as**
6 **determined by the system's annual actuarial valuation, of at least**
7 **eighty percent, a member who has completed five or more years of**
8 **creditable service** and who has become permanently unable to perform the
9 duties of a police officer as the result of an injury or illness not exclusively caused
10 or induced by the actual performance of his or her official duties or by his or her
11 own negligence shall be retired by the board of [trustees of the police retirement
12 system] **police commissioners or any successor body** upon certification by
13 the medical [director] **board** of the police retirement system and approval by the
14 board of trustees of the police retirement system that the member is mentally or
15 physically unable to perform the duties of a police officer, that the inability is
16 permanent or likely to become permanent, and that the member should be
17 retired.

18 2. Once each year during the first five years following such member's
19 retirement, and at least once in every three-year period thereafter, the board of
20 trustees may, and upon the member's application shall, require any nonduty
21 disability beneficiary who has not yet attained sixty years of age to undergo a
22 medical examination at a place designated by the medical [director] **board** or
23 such physicians as the medical [director] **board** appoints. If any nonduty
24 disability beneficiary who has not attained sixty years of age refuses to submit
25 to a medical examination, his or her nonduty disability pension may be
26 discontinued until his or her withdrawal of such refusal, and if his or her refusal
27 continues for one year, all rights in and to such pension may be revoked by the
28 board of trustees.

29 3. If the medical [director] **board** certifies to the board of trustees that
30 a nonduty disability beneficiary is able to perform the duties of a police officer,
31 and if the board of trustees concurs on the report, then such beneficiary's nonduty
32 disability pension shall cease.

33 4. If upon cessation of a disability pension under subsection 3 of this
34 section, the former disability beneficiary is restored to active service, he or she
35 shall again become a member, and he or she shall contribute thereafter at the
36 same rate as other members. Upon his or her subsequent retirement, he or she
37 shall be credited with all of his or her active retirement, but not including any
38 time during which the former disability beneficiary received a disability pension
39 under this section.

86.263. 1. Any member **in active service** who is permanently unable to
2 perform the **full and unrestricted** duties of a police officer as the natural,
3 proximate, and exclusive result of an accident occurring within the actual
4 performance of duty at some definite time and place, through no negligence on the
5 member's part, shall[, upon application,] be retired **by the board of police**
6 **commissioners or any successor body** upon certification by [the medical
7 director of the police retirement system and approval by the board of trustees of
8 the police retirement system] **one or more physicians of the medical board**
9 that the member is mentally or physically unable to perform the **full and**
10 **unrestricted** duties of a police officer [and] , that the inability is permanent or
11 [reasonably] likely to become permanent, **and that the member should be**
12 **retired. The inability to perform the "full and unrestricted duties of a**
13 **police officer" means the member is unable to perform all the essential**
14 **job functions for the position of police officer as established by the**
15 **board of police commissioners or any successor body.**

16 2. No member shall be approved for retirement under the provisions of
17 subsection 1 of this section unless the application was made and submitted to the
18 board of [trustees of the police retirement system] **police commissioners or**
19 **any successor body** no later than five years following the date of accident,
20 provided, that if the accident was reported within five years of the date of the
21 accident and an examination made of the member within thirty days of the date
22 of accident by a health care provider whose services were provided through the
23 board of police commissioners with subsequent examinations made as requested,
24 then an application made more than five years following the date of the accident
25 shall be considered timely.

26 3. Once each year during the first five years following a member's
27 retirement, and at least once in every three-year period thereafter, the board of
28 trustees may require any disability beneficiary who has not yet attained sixty
29 years of age to undergo a medical examination or medical examinations at a place
30 designated by the medical [director] **board** or such physicians as the medical
31 [director] **board** appoints. If any disability beneficiary who has not attained
32 sixty years of age refuses to submit to a medical examination, his or her disability
33 pension may be discontinued **by the board of trustees of the police**
34 **retirement system** until his or her withdrawal of such refusal, and if his or her
35 refusal continues for one year, all rights in and to such pension may be revoked
36 by the board of trustees.

37 4. If the medical [director] **board** certifies to the board of trustees that
38 a disability beneficiary is able to perform the duties of a police officer, [and if the
39 board of trustees concurs with the medical director's determination,] then such
40 beneficiary's disability pension shall cease.

41 5. If upon cessation of a disability pension under subsection 4 of this
42 section, the former disability beneficiary is restored to active service, he or she
43 shall again become a member, and he or she shall contribute thereafter at the
44 same rate as other members. Upon his or her subsequent retirement, he or she
45 shall be credited with all of his or her active service time as a member including
46 the service time prior to receiving disability retirement, but not including any
47 time during which the former disability beneficiary received a disability pension
48 under this section.

49 6. If upon cessation of a disability pension under subsection 4 of this
50 section, the former disability beneficiary is not restored to active service, such
51 former disability beneficiary shall be entitled to the retirement benefit to which
52 such former disability beneficiary would have been entitled if such former
53 disability beneficiary had terminated service for any reason other than dishonesty
54 or being convicted of a felony at the time of such cessation of such former
55 disability beneficiary's disability pension. For purposes of such retirement
56 benefits, such former disability beneficiary shall be credited with all of the former
57 disability beneficiary's active service time as a member, but not including any
58 time during which the former disability beneficiary received a disability
59 beneficiary pension under this section.

313.817. 1. Except as permitted in this section, the licensee licensed to
2 operate gambling games shall permit no form of wagering on gambling games.

3 2. The licensee may receive wagers only from a person present on a
4 licensed excursion gambling boat.

5 3. Wagering shall not be conducted with money or other negotiable
6 currency. The licensee shall exchange the money of each wagerer for electronic
7 or physical tokens, chips, or other forms of credit to be wagered on the gambling
8 games. The licensee shall exchange the tokens, chips, or other forms of wagering
9 credit for money at the request of the wagerer.

10 4. A person under twenty-one years of age shall not make a wager on an
11 excursion gambling boat and shall not be allowed in the area of the excursion
12 boat where gambling is being conducted; provided that employees of the licensed
13 operator of the excursion gambling boat who have attained eighteen years of age

14 shall be permitted in the area in which gambling is being conducted when
15 performing employment-related duties, except that no one under twenty-one years
16 of age may be employed as a dealer or accept a wager on an excursion gambling
17 boat. The governing body of a home dock city or county may restrict the age of
18 entrance onto an excursion gambling boat by passage of a local ordinance.

19 5. In order to help protect patrons from invasion of privacy and the
20 possibility of identity theft, patrons shall not be required to provide fingerprints,
21 retinal scans, biometric forms of identification, any type of patron-tracking cards,
22 or other types of identification prior to being permitted to enter the area where
23 gambling is being conducted on an excursion gambling boat or to make a wager,
24 except that, for purposes of establishing that a patron is at least twenty-one years
25 of age as provided in subsection 4 above, a licensee operating an excursion
26 gambling boat shall be authorized to request such patron to provide a valid state
27 or federal photo identification or a valid passport. This section shall not prohibit
28 enforcement of identification requirements that are required by federal law. This
29 section shall not prohibit enforcement of any Missouri statute requiring
30 identification of patrons for reasons other than being permitted to enter the area
31 of an excursion gambling boat where gambling is being conducted or to make a
32 wager.

33 6. A licensee shall only allow wagering and conduct gambling games at
34 the times allowed by the commission.

35 7. It shall be unlawful for a person **twenty-one years of age or older**
36 to present false identification to a licensee or a gaming agent in order to gain
37 entrance to an excursion gambling boat, cash a check or verify that such person
38 is legally entitled to be present on the excursion gambling boat. Any person who
39 violates the provisions of this subsection shall be guilty of a class B misdemeanor
40 for the first offense and a class A misdemeanor for second and subsequent
41 offenses.

42 8. **It shall be unlawful for a person under twenty-one years of age**
43 **to present false identification to a licensee or a gaming agent in order**
44 **to gain entrance to an excursion gambling boat, cash a check or verify**
45 **that such person is legally entitled to be present on the excursion**
46 **gambling boat. Any person who violates the provisions of this**
47 **subsection shall be fined five hundred dollars and guilty of an**
48 **infraction for the first offense and a class B misdemeanor for second**
49 **and subsequent offenses.**

568.040. 1. A person commits the crime of nonsupport if such person
2 knowingly fails to provide adequate support for his or her spouse; a parent
3 commits the crime of nonsupport if such parent knowingly fails to provide
4 adequate support which such parent is legally obligated to provide for his or her
5 child or stepchild who is not otherwise emancipated by operation of law.

6 2. For purposes of this section:

7 (1) "Arrearage":

8 (a) **The amount of money created by a failure to provide support**
9 **to a child under an administrative or judicial support order; or**

10 (b) **Support to an estranged or former spouse if the judgment or**
11 **order requiring payment of spousal support also requires payment of**
12 **child support and such estranged or former spouse is the custodial**
13 **parent; or**

14 (c) **Both paragraphs (a) and (b).**

15 **The arrearage shall reflect any retroactive support ordered under a**
16 **modification, and any judgments entered by a court of competent**
17 **jurisdiction or any authorized agency and any satisfactions of judgment**
18 **filed by the custodial parent;**

19 (2) "Child" means any biological or adoptive child, or any child whose
20 paternity has been established under chapter 454, or chapter 210, or any child
21 whose relationship to the defendant has been determined, by a court of law in a
22 proceeding for dissolution or legal separation, to be that of child to parent;

23 [(2)] (3) "Good cause" means any substantial reason why the defendant
24 is unable to provide adequate support. Good cause does not exist if the defendant
25 purposely maintains his inability to support;

26 [(3)] (4) "Support" means food, clothing, lodging, and medical or surgical
27 attention;

28 [(4)] (5) It shall not constitute a failure to provide medical and surgical
29 attention, if nonmedical remedial treatment recognized and permitted under the
30 laws of this state is provided.

31 3. Inability to provide support for good cause shall be an affirmative
32 defense under this section. A person who raises such affirmative defense has the
33 burden of proving the defense by a preponderance of the evidence.

34 4. The defendant shall have the burden of injecting the issues raised by
35 subdivision [(4)] (5) of subsection 2 of this section.

36 5. Criminal nonsupport is a class A misdemeanor, unless the total

37 arrearage is in excess of an aggregate of twelve monthly payments due under any
38 order of support issued by any court of competent jurisdiction or any authorized
39 administrative agency, in which case it is a class D felony.

40 6. **(1)** If at any time a defendant convicted of criminal nonsupport **or**
41 **pleads guilty to a charge of criminal nonsupport** is placed on probation or
42 parole, there may be ordered as a condition of probation or parole that the
43 defendant commence payment of current support as well as satisfy the
44 arrearages. Arrearages may be satisfied first by making such lump sum payment
45 as the defendant is capable of paying, if any, as may be shown after examination
46 of defendant's financial resources or assets, both real, personal, and mixed, and
47 second by making periodic payments. Periodic payments toward satisfaction of
48 arrears when added to current payments due [may] **shall** be in such aggregate
49 sums as is not greater than fifty percent of the defendant's adjusted gross income
50 after deduction of payroll taxes, medical insurance that also covers a dependent
51 spouse or children, and any other court- or administrative-ordered support, only.

52 **(2)** If the defendant fails to pay the [current] support and arrearages [as
53 ordered] **under the terms of his or her probation**, the court may revoke
54 probation or parole and then impose an appropriate sentence within the range for
55 the class of offense that the defendant was convicted of as provided by law, unless
56 the defendant proves good cause for the failure to pay as required under
57 subsection 3 of this section.

58 **(3)** **After a period of not less than eight years, an individual who**
59 **has pled guilty to or has been convicted of a first felony offense for**
60 **criminal nonsupport under this section and who has successfully**
61 **completed probation after a plea of guilt or was sentenced may petition**
62 **the court for expungement of all official records all recordations of his**
63 **or her arrest, plea, trial, or conviction. If the court determines after**
64 **hearing that such person has not been convicted of any subsequent**
65 **offense; does not have any other felony pleas of guilt, findings of guilt**
66 **or convictions; is current on all child support obligations; has paid off**
67 **all arrearages; and has no other criminal charges or administrative**
68 **child support actions pending at the time of the hearing on the**
69 **application for expungement with respect to all children subject to**
70 **orders of payment of child support or that the defendant has**
71 **successfully completed a criminal nonsupport courts program under**
72 **section 478.1000, the court shall enter an order of expungement. Upon**

73 **granting the order of expungement, the records and files maintained in**
74 **any court proceeding in an associate or circuit division of the circuit**
75 **court under this section shall be confidential and only available to the**
76 **parties or by order of the court for good cause shown. The effect of**
77 **such order shall be to restore such person to the status he or she**
78 **occupied prior to such arrest, plea or conviction, and as if such event**
79 **had never taken place. No person for whom such order has been**
80 **entered shall be held thereafter under any provision of any law to be**
81 **guilty of perjury or otherwise giving a false statement by reason of his**
82 **or her failure to recite or acknowledge such arrest, plea, trial,**
83 **conviction, or expungement in response to any inquiry made of him or**
84 **her for any purpose whatsoever and no such inquiry shall be made for**
85 **information relating to an expungement under this section. A person**
86 **shall only be entitled to one expungement under this section. Nothing**
87 **in this section shall prevent the director of the department of social**
88 **services from maintaining such records as to ensure that an individual**
89 **receives only one expungement under this section for the purpose of**
90 **informing the proper authorities of the contents of any record**
91 **maintained under this section.**

92 7. During any period that a nonviolent defendant is incarcerated for
93 criminal nonsupport, if the defendant is ready, willing, and able to be gainfully
94 employed during said period of incarceration, the defendant, if he or she meets
95 the criteria established by the department of corrections, may be placed on work
96 release to allow the defendant to satisfy defendant's obligation to pay
97 support. Arrearages shall be satisfied as outlined in the collection agreement.

98 8. Beginning August 28, 2009, every nonviolent first- and second-time
99 offender then incarcerated for criminal nonsupport, who has not been previously
100 placed on probation or parole for conviction of criminal nonsupport, may be
101 considered for parole, under the conditions set forth in subsection 6 of this
102 section, or work release, under the conditions set forth in subsection 7 of this
103 section.

104 9. Beginning January 1, 1991, every prosecuting attorney in any county
105 which has entered into a cooperative agreement with the [child support
106 enforcement service of the] family support division [of] **within** the department
107 of social services **regarding child support enforcement services** shall report
108 to the division on a quarterly basis the number of charges filed and the number

109 of convictions obtained under this section by the prosecuting attorney's office on
110 all IV-D cases. The division shall consolidate the reported information into a
111 statewide report by county and make the report available to the general public.

112 10. Persons accused of committing the offense of nonsupport of the child
113 shall be prosecuted:

114 (1) In any county in which the child resided during the period of time for
115 which the defendant is charged; or

116 (2) In any county in which the defendant resided during the period of time
117 for which the defendant is charged.

**Section 1. Any quasi-government entity created to provide
2 information management products and services to criminal justice,
3 municipal and county courts and other government agencies whose
4 originating agency identifier was terminated by the federal bureau of
5 investigations shall provide integration access to the contracted data
6 for the political subdivision or its agency in a web service or file
7 transfer protocol format on line in a timely manner upon written
8 request at no additional charge as is required by the political
9 subdivision or its agency.**

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