

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

SENATE BILL NO. 34

99TH GENERAL ASSEMBLY

2017

0089S.07T

AN ACT

To repeal sections 105.669, 479.170, 557.035, 565.002, 565.024, 565.027, 565.076, 565.091, 565.225, 565.227, 566.010, 566.150, 568.040, 569.100, 569.120, 569.140, 575.280, 577.001, 577.010, 577.060, 589.675, and 650.055, RSMo, and to enact in lieu thereof twenty-seven new sections relating to criminal offenses, with penalty provisions.

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

Section A. Sections 105.669, 479.170, 557.035, 565.002, 565.024, 565.027, 565.076, 565.091, 565.225, 565.227, 566.010, 566.150, 568.040, 569.100, 569.120, 569.140, 575.280, 577.001, 577.010, 577.060, 589.675, and 650.055, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 105.669, 252.069, 479.170, 557.035, 565.002, 565.024, 565.027, 565.076, 565.091, 565.225, 565.227, 566.010, 566.150, 568.040, 569.100, 569.120, 569.140, 575.280, 577.001, 577.010, 577.060, 577.685, 589.664, 589.675, 610.145, 650.055, and 650.520, to read as follows:

105.669. 1. Any participant of a plan who is [found guilty] **convicted** of a felony offense listed in subsection 3 of this section, which is committed in direct connection with or directly related to the participant's duties as an employee on or after August 28, 2014, shall not be eligible to receive any retirement benefits from the respective plan based on service rendered on or after August 28, 2014, except a participant may still request from the respective retirement system a refund of the participant's plan contributions, including interest credited to the participant's account.

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

9 2. [Upon a finding of guilt, the court shall forward a notice of the court's
10 finding to] **The employer of any participant who is charged or convicted**
11 **of a felony offense listed in subsection 3 of this section, which is**
12 **committed in direct connection with or directly related to the**
13 **participant's duties as an employee on or after August 28, 2014, shall**
14 **notify** the appropriate retirement system in which the offender was a
15 participant[. The court shall also make a determination on the value of the
16 money, property, or services involved in committing the offense] **and provide**
17 **information in connection with such charge or conviction.** The plans
18 shall take all actions necessary to implement the provisions of this section.

19 3. [The finding of guilt for] **A felony conviction based on** any of the
20 following offenses or a substantially similar offense provided under federal law
21 shall result in the ineligibility of retirement benefits as provided in subsection 1
22 of this section:

23 (1) The offense of felony stealing under section 570.030 when such offense
24 involved money, property, or services valued at five thousand dollars or more [as
25 determined by the court];

26 (2) The offense of felony receiving stolen property under section 570.080,
27 **as it existed before January 1, 2017,** when such offense involved money,
28 property, or services valued at five thousand dollars or more [as determined by
29 the court];

30 (3) The offense of forgery under section 570.090;

31 (4) The offense of felony counterfeiting under section 570.103;

32 (5) The offense of bribery of a public servant under section 576.010; or

33 (6) The offense of acceding to corruption under section 576.020.

252.069. Any agent of the conservation commission may enforce
2 **the provisions of sections 577.070 and 577.080 and arrest violators only**
3 **upon the water, the banks thereof, or upon public land.**

479.170. 1. If, in the progress of any trial before a municipal judge, it
2 shall appear to the judge that the accused ought to be put upon trial for an
3 offense against the criminal laws of the state and not cognizable before him as
4 municipal judge, he shall immediately stop all further proceedings before him as
5 municipal judge and cause the complaint to be made before some associate circuit
6 judge within the county.

7 2. For purposes of this section, any offense involving the operation of a
8 motor vehicle in an intoxicated condition as defined in section 577.001 shall not
9 be cognizable in municipal court, if the defendant has been convicted, found

10 guilty, or pled guilty to two or more previous intoxication-related traffic offenses
11 as defined in section [577.023] **577.001**, or has had two or more previous alcohol-
12 related enforcement contacts as defined in section 302.525.

557.035. 1. For all violations of **section 565.054 or 565.090**, subdivision
2 (1) of subsection 1 of section 569.100, or subdivision (1), (2), (3), (4), (6), (7) or (8)
3 of subsection 1 of section 571.030, which the state believes to be knowingly
4 motivated because of race, color, religion, national origin, sex, sexual orientation
5 or disability of the victim or victims, the state may charge the offense or offenses
6 under this section, and the violation is a class D felony.

7 2. For all violations of section [565.054] **565.056**; [subdivisions (1), (3) and
8 (4) of subsection 1 of section 565.090;] subdivision (1) of subsection 1 of section
9 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or
10 section 574.050; which the state believes to be knowingly motivated because of
11 race, color, religion, national origin, sex, sexual orientation or disability of the
12 victim or victims, the state may charge the offense or offenses under this section,
13 and the violation is a class E felony.

14 3. The court shall assess punishment in all of the cases in which the state
15 pleads and proves any of the motivating factors listed in this section.

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

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

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

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

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

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

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

18 (7) "Emotional distress", something markedly greater than the level of
19 uneasiness, nervousness, unhappiness, or the like which are commonly

20 experienced in day-to-day living;

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

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

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

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

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

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

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

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

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

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

44 (d) An elderly person;

45 (e) A person with a disability;

46 (f) A vulnerable person;

47 (g) Any jailer or corrections officer of the state or one of its political
48 subdivisions assaulted in the performance of his or her official duties or as a
49 direct result of such official duties;

50 (h) A highway worker in a construction or work zone as the terms
51 "highway worker", "construction zone", and "work zone" are defined under section
52 304.580;

53 (i) Any utility worker, meaning any employee of a utility that provides
54 gas, heat, electricity, water, steam, telecommunications services, or sewer
55 services, whether privately, municipally, or cooperatively owned, while in the
56 performance of his or her job duties, including any person employed under a

57 contract;

58 (j) Any cable worker, meaning any employee of a cable operator, as such
59 term is defined in section 67.2677, including any person employed under contract,
60 while in the performance of his or her job duties; and

61 (k) Any employee of a mass transit system, including any employee of
62 public bus or light rail companies, while in the performance of his or her job
63 duties;

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

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

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

565.024. 1. A person commits the offense of involuntary manslaughter in
2 the first degree if he or she recklessly causes the death of another person.

3 2. The offense of involuntary manslaughter in the first degree is a class
4 C felony, **unless the victim is intentionally targeted as a law enforcement**
5 **officer, as defined in section 556.061, or the victim is targeted because**
6 **he or she is a relative within the second degree of consanguinity or**
7 **affinity to a law enforcement officer, in which case it is a class B felony.**

565.027. 1. A person commits the offense of involuntary manslaughter in
2 the second degree if he or she acts with criminal negligence to cause the death of
3 any person.

4 2. The offense of involuntary manslaughter in the second degree is a class
5 E felony, **unless the victim is intentionally targeted as a law enforcement**
6 **officer, as defined in section 556.061, or the victim is targeted because**
7 **he or she is a relative within the second degree of consanguinity or**
8 **affinity to a law enforcement officer, in which case it is a class D**
9 **felony.**

565.076. 1. A person commits the offense of domestic assault in the fourth
2 degree if the act involves a domestic victim, as the term "domestic victim" is
3 defined under section 565.002, and:

4 (1) The person attempts to cause or recklessly causes physical injury,
5 physical pain, or illness to such domestic victim;

6 (2) With criminal negligence the person causes physical injury to such

7 domestic victim by means of a deadly weapon or dangerous instrument;

8 (3) The person purposely places such domestic victim in apprehension of
9 immediate physical injury by any means;

10 (4) The person recklessly engages in conduct which creates a substantial
11 risk of death or serious physical injury to such domestic victim;

12 (5) The person knowingly causes physical contact with such domestic
13 victim knowing he or she will regard the contact as offensive; or

14 (6) The person knowingly attempts to cause or causes the isolation of such
15 domestic victim by unreasonably and substantially restricting or limiting his or
16 her access to other persons, telecommunication devices or transportation for the
17 purpose of isolation.

18 2. The offense of domestic assault in the fourth degree is a class A
19 misdemeanor, unless the person has previously been found guilty of the offense
20 of **domestic assault [of a domestic victim], of any assault offense under this**
21 **chapter, or of any offense against a domestic victim committed in**
22 **violation of any county or municipal ordinance in any state, any state**
23 **law, any federal law, or any military law which if committed in this**
24 **state two or more times would be a violation of this section**, in which case
25 it is a class E felony. The offenses described in this subsection may be against
26 the same domestic victim or against different domestic victims.

565.091. 1. A person commits the offense of harassment in the second
2 degree if he or she, without good cause, engages in any act with the purpose to
3 cause emotional distress to another person.

4 2. The offense of harassment in the second degree is a class A
5 misdemeanor, **unless the person has previously pleaded guilty to or been**
6 **found guilty of a violation of this section, of any offense committed in**
7 **violation of any county or municipal ordinance in any state, any state**
8 **law, any federal law, or any military law which if committed in this**
9 **state would be chargeable or indictable as a violation of any offense**
10 **listed in this subsection, in which case it is a class E felony.**

11 3. **This section shall not apply to activities of federal, state,**
12 **county, or municipal law enforcement officers conducting**
13 **investigations of violations of federal, state, county, or municipal law.**

565.225. 1. As used in this section and section 565.227, the term
2 "disturbs" shall mean to engage in a course of conduct directed at a specific
3 person that serves no legitimate purpose and that would cause a reasonable
4 person under the circumstances to be frightened, intimidated, or emotionally

5 distressed.

6 2. A person commits the offense of stalking in the first degree if he or she
7 purposely, through his or her course of conduct, disturbs or follows with the
8 intent of disturbing another person and:

9 (1) Makes a threat communicated with the intent to cause the person who
10 is the target of the threat to reasonably fear for his or her safety, the safety of his
11 or her family or household member, or the safety of domestic animals or livestock
12 as defined in section 276.606 kept at such person's residence or on such person's
13 property. The threat shall be against the life of, or a threat to cause physical
14 injury to, or the kidnapping of the person, the person's family or household
15 members, or the person's domestic animals or livestock as defined in section
16 276.606 kept at such person's residence or on such person's property; or

17 (2) At least one of the acts constituting the course of conduct is in
18 violation of an order of protection and the person has received actual notice of
19 such order; or

20 (3) At least one of the actions constituting the course of conduct is in
21 violation of a condition of probation, parole, pretrial release, or release on bond
22 pending appeal; or

23 (4) At any time during the course of conduct, the other person is
24 seventeen years of age or younger and the person disturbing the other person is
25 twenty-one years of age or older; or

26 (5) He or she has previously been found guilty of domestic assault,
27 violation of an order of protection, or any other crime where the other person was
28 the victim; or

29 (6) At any time during the course of conduct, the other person is a
30 participant of the address confidentiality program under sections 589.660 to
31 589.681, and the person disturbing the other person knowingly accesses or
32 attempts to access the address of the other person.

33 3. Any law enforcement officer may arrest, without a warrant, any person
34 he or she has probable cause to believe has violated the provisions of this section.

35 4. This section shall not apply to activities of federal, state, county, or
36 municipal law enforcement officers conducting investigations of any violation of
37 federal, state, county, or municipal law.

38 5. The offense of stalking in the first degree is a class E felony, unless the
39 defendant has previously been found guilty of a violation of this section or section
40 565.227, or any offense committed in another jurisdiction which, if committed in
41 this state, would be chargeable or indictable as a violation of any offense listed

42 in this section or section 565.227, **or unless the victim is intentionally**
43 **targeted as a law enforcement officer, as defined in section 556.061, or**
44 **the victim is targeted because he or she is a relative within the second**
45 **degree of consanguinity or affinity to a law enforcement officer,** in
46 which case stalking in the first degree is a class D felony.

565.227. 1. A person commits the offense of stalking in the second degree
2 if he or she purposely, through his or her course of conduct, disturbs, or follows
3 with the intent to disturb another person.

4 2. This section shall not apply to activities of federal, state, county, or
5 municipal law enforcement officers conducting investigations of any violation of
6 federal, state, county, or municipal law.

7 3. Any law enforcement officer may arrest, without a warrant, any person
8 he or she has probable cause to believe has violated the provisions of this section.

9 4. The offense of stalking in the second degree is a class A misdemeanor,
10 unless the defendant has previously been found guilty of a violation of this
11 section or section 565.225, or of any offense committed in another jurisdiction
12 which, if committed in this state, would be chargeable or indictable as a violation
13 of any offense listed in this section or section 565.225, **or unless the victim is**
14 **intentionally targeted as a law enforcement officer, as defined in**
15 **section 556.061, or the victim is targeted because he or she is a relative**
16 **within the second degree of consanguinity or affinity to a law**
17 **enforcement officer,** in which case stalking in the second degree is a class E
18 felony.

566.010. As used in this chapter and chapter 568, the following terms
2 mean:

3 (1) "Aggravated sexual offense", any sexual offense, in the course of which,
4 the actor:

5 (a) Inflicts serious physical injury on the victim; [or]

6 (b) Displays a deadly weapon or dangerous instrument in a threatening
7 manner; [or]

8 (c) Subjects the victim to sexual intercourse or deviate sexual intercourse
9 with more than one person; [or]

10 (d) Had previously been found guilty of an offense under this chapter or
11 under section 573.200, child used in sexual performance; section 573.205,
12 promoting sexual performance by a child; section 573.023, sexual exploitation of
13 a minor; section 573.025, promoting child pornography in the first degree; section
14 573.035, promoting child pornography in the second degree; section 573.037,

15 possession of child pornography; or section 573.040, furnishing pornographic
16 materials to minors; or has previously been found guilty of an offense in another
17 jurisdiction which would constitute an offense under this chapter or said sections;

18 (e) Commits the offense as part of an act or series of acts performed by
19 two or more persons as part of an established or prescribed pattern of activity; or

20 (f) Engages in the act that constitutes the offense with a person the actor
21 knows to be, without regard to legitimacy, the actor's:

22 a. Ancestor or descendant by blood or adoption;

23 b. Stepchild while the marriage creating that relationship exists;

24 c. Brother or sister of the whole or half blood; or

25 d. Uncle, aunt, nephew, or niece of the whole blood;

26 (2) "Commercial sex act", any sex act on account of which anything of
27 value is given to or received by any person;

28 (3) "Deviate sexual intercourse", any act involving the genitals of one
29 person and the hand, mouth, tongue, or anus of another person or a sexual act
30 involving the penetration, however slight, of the penis, female genitalia, or the
31 anus by a finger, instrument or object done for the purpose of arousing or
32 gratifying the sexual desire of any person or for the purpose of terrorizing the
33 victim;

34 (4) "Forced labor", a condition of servitude induced by means of:

35 (a) Any scheme, plan, or pattern of behavior intended to cause a person
36 to believe that, if the person does not enter into or continue the servitude, such
37 person or another person will suffer substantial bodily harm or physical restraint;
38 or

39 (b) The abuse or threatened abuse of the legal process;

40 (5) "Sexual conduct", sexual intercourse, deviate sexual intercourse or
41 sexual contact;

42 (6) "Sexual contact", any touching of another person with the genitals or
43 any touching of the genitals or anus of another person, or the breast of a female
44 person, or such touching through the clothing, for the purpose of arousing or
45 gratifying the sexual desire of any person or for the purpose of terrorizing the
46 victim;

47 (7) "Sexual intercourse", any penetration, however slight, of the female
48 genitalia by the penis.

566.150. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or the provisions of
3 section 568.020, incest; section 568.045, endangering the welfare of a child in the

4 first degree; section 573.200, use of a child in a sexual performance; section
5 573.205, promoting a sexual performance by a child; section 573.023, sexual
6 exploitation of a minor; section 573.025, promoting child pornography; or section
7 573.040, furnishing pornographic material to minors; or

8 (2) Any offense in any other jurisdiction which, if committed in this state,
9 would be a violation listed in this section;
10 shall not knowingly be present in or loiter within five hundred feet of any real
11 property comprising any public park with playground equipment [or], a public
12 swimming pool, **or any museum if such museum holds itself out to the**
13 **public as and exists with the primary purpose of entertaining or**
14 **educating children under eighteen years of age.**

15 2. The first violation of the provisions of this section is a class E felony.

16 3. A second or subsequent violation of this section is a class D felony.

568.040. 1. A person commits the offense of nonsupport if he or she
2 knowingly fails to provide adequate support for his or her spouse; a parent
3 commits the offense 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 moneys created by a failure to provide support**
9 **to a child under an administrative or judicial support order;**

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) of this subdivision.**

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 defendant who raises such affirmative defense has
33 the 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. The offense of criminal nonsupport is a class A misdemeanor, unless
37 the total arrearage is in excess of an aggregate of twelve monthly payments due
38 under any order of support issued by any court of competent jurisdiction or any
39 authorized administrative agency, in which case it is a class E felony.

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

53 (2) If the offender fails to pay the [current] support and arrearages [as
54 ordered] **under the terms of his or her probation**, the court may revoke
55 probation or parole and then impose an appropriate sentence within the range for
56 the class of offense that the offender was convicted of as provided by law, unless
57 the offender proves good cause for the failure to pay as required under subsection
58 3 of this section.

59 (3) (a) **An individual whose children were the subject of a child**
60 **support order and the obligation of such individual to make child**
61 **support payments has been terminated under subsection 3 of section**

62 452.340, who has been found guilty of a felony offense for criminal
63 nonsupport under this section, and who has successfully completed
64 probation after a plea of guilty or conviction may petition the court for
65 expungement of all recordations of his or her arrest, plea, trial, or
66 conviction. If the court determines after hearing that such person:

67 a. Has not been convicted of any subsequent offense, unless such
68 offense is eligible for expungement under a different section;

69 b. Does not have any other felony pleas of guilt, findings of guilt,
70 or convictions, unless such felony pleas of guilt, findings of guilt, or
71 convictions are eligible for expungement under a different section;

72 c. Has paid off all arrearages; and

73 d. Has no administrative child support actions pending at the
74 time of the hearing on the application for expungement with respect to
75 all children subject to orders of payment of child support
76 the court shall enter an order of expungement. In addition, the court
77 may consider successful completion of a criminal nonsupport court
78 program under section 478.1000, or any other circumstances or factors
79 deemed relevant by the court.

80 (b) Upon granting the order of expungement, the records and
81 files maintained in any court proceeding in an associate or a circuit
82 division of the circuit court under this section shall be confidential and
83 only available to the parties or by order of the court for good cause
84 shown.

85 (c) The effect of such order shall be to restore such person to the
86 status he or she occupied prior to such arrest, plea, or conviction, and
87 as if such event had never taken place. No person for whom such order
88 has been entered shall be held thereafter under any provision of any
89 law to be guilty of perjury or otherwise giving a false statement by
90 reason of his or her failure to recite or acknowledge such arrest, plea,
91 trial, conviction, or expungement in response to any inquiry made of
92 him or her for any purpose whatsoever and no such inquiry shall be
93 made for information relating to an expungement under this section.

94 (d) A person shall only be entitled to one expungement under
95 this section. Nothing in this section shall prevent the director of the
96 department of social services from maintaining such records as to
97 ensure that an individual receives only one expungement under this
98 section for the purpose of informing the proper authorities of the

99 **contents of any record maintained under this section.**

100 7. During any period that a nonviolent offender is incarcerated for
101 criminal nonsupport, if the offender is ready, willing, and able to be gainfully
102 employed during said period of incarceration, the offender, if he or she meets the
103 criteria established by the department of corrections, may be placed on work
104 release to allow the offender to satisfy his or her obligation to pay
105 support. Arrearages shall be satisfied as outlined in the collection agreement.

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

112 9. Beginning January 1, 1991, every prosecuting attorney in any county
113 which has entered into a cooperative agreement with the [child support
114 enforcement service of the] family support division [of] **within** the department
115 of social services **regarding child support enforcement services** shall report
116 to the division on a quarterly basis the number of charges filed and the number
117 of convictions obtained under this section by the prosecuting attorney's office on
118 all IV-D cases. The division shall consolidate the reported information into a
119 statewide report by county and make the report available to the general public.

120 10. Persons accused of committing the offense of nonsupport of the child
121 shall be prosecuted:

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

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

569.100. 1. A person commits the offense of property damage in the first
2 degree if such person:

3 (1) Knowingly damages property of another to an extent exceeding seven
4 hundred fifty dollars; or

5 (2) Damages property to an extent exceeding seven hundred fifty dollars
6 for the purpose of defrauding an insurer; or

7 (3) Knowingly damages a motor vehicle of another and the damage occurs
8 while such person is making entry into the motor vehicle for the purpose of
9 committing the crime of stealing therein or the damage occurs while such person
10 is committing the crime of stealing within the motor vehicle.

11 2. The offense of property damage in the first degree committed under
12 subdivision (1) or (2) of subsection 1 of this section is a class E felony, **unless the**
13 **offense of property damage in the first degree was committed under**
14 **subdivision (1) of subsection 1 of this section and the victim was**
15 **intentionally targeted as a law enforcement officer, as defined in**
16 **section 556.061, or the victim is targeted because he or she is a relative**
17 **within the second degree of consanguinity or affinity to a law**
18 **enforcement officer, in which case it is a class D felony.** The offense of
19 property damage in the first degree committed under subdivision (3) of subsection
20 1 of this section is a class D felony unless committed as a second or subsequent
21 violation of subdivision (3) of subsection 1 of this section in which case it is a
22 class B felony.

569.120. 1. A person commits the offense of property damage in the
2 second degree if he or she:

- 3 (1) Knowingly damages property of another; or
- 4 (2) Damages property for the purpose of defrauding an insurer.

5 2. The offense of property damage in the second degree is a class B
6 misdemeanor, **unless the offense of property damage in the second degree**
7 **was committed under subdivision (1) of subsection 1 of this section and**
8 **the victim was intentionally targeted as a law enforcement officer, as**
9 **defined in section 556.061, or the victim is targeted because he or she**
10 **is a relative within the second degree of consanguinity or affinity to a**
11 **law enforcement officer, in which it is a class A misdemeanor.**

569.140. 1. A person commits the offense of trespass in the first degree
2 if he or she knowingly enters unlawfully or knowingly remains unlawfully in a
3 building or inhabitable structure or upon real property.

4 2. A person does not commit the offense of trespass in the first degree by
5 entering or remaining upon real property unless the real property is fenced or
6 otherwise enclosed in a manner designed to exclude intruders or as to which
7 notice against trespass is given by:

- 8 (1) Actual communication to the actor; or
- 9 (2) Posting in a manner reasonably likely to come to the attention of
10 intruders.

11 3. The offense of trespass in the first degree is a class B misdemeanor,
12 **unless the victim is intentionally targeted as a law enforcement officer,**
13 **as defined in section 556.061, or the victim is targeted because he or**
14 **she is a relative within the second degree of consanguinity or affinity**

15 to a law enforcement officer, in which case it is a class A misdemeanor.

575.280. 1. A person commits the offense of acceding to corruption if he

2 or she:

3 (1) Is a judge, juror, special master, referee or arbitrator and knowingly
4 solicits, accepts, or agrees to accept any benefit, direct or indirect, on the
5 representation or understanding that it will influence his or her official action in
6 a judicial proceeding pending in any court or before such official or juror;

7 (2) Is a witness or prospective witness in any official proceeding and
8 knowingly solicits, accepts, or agrees to accept any benefit, direct or indirect, on
9 the representation or understanding that he or she will disobey a subpoena or
10 other legal process, absent himself or herself, avoid subpoena or other legal
11 process, withhold evidence, information or documents, or testify falsely.

12 2. The offense of acceding to corruption under subdivision [(2)] (1) of
13 subsection 1 of this section [is a class A misdemeanor. The offense, when
14 committed under subdivision (1) of subsection 1 of this section,] is a class C
15 felony[; unless the offense is committed in a felony prosecution, or on the
16 representation or understanding of testifying falsely, in which case it is a class
17 E felony]. **The offense of acceding to corruption under subdivision (2)
18 of subsection 1 of this section in a felony prosecution or on the
19 representation or understanding of testifying falsely is a class D
20 felony. Otherwise acceding to corruption is a class A misdemeanor.**

577.001. As used in this chapter, the following terms mean:

2 (1) "Aggravated offender", a person who has been found guilty of:

3 (a) Three or more intoxication-related traffic offenses committed on
4 separate occasions; or

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

10 (2) "Aggravated boating offender", a person who has been found guilty of:

11 (a) Three or more intoxication-related boating offenses; or

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

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

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

25 (5) "Chronic offender", a person who has been found guilty of:

26 (a) Four or more intoxication-related traffic offenses committed on
27 separate occasions; or

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

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

39 (6) "Chronic boating offender", a person who has been found guilty of:

40 (a) Four or more intoxication-related boating offenses; or

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

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

51 (7) "Continuous alcohol monitoring", automatically testing breath, blood,
52 or transdermal alcohol concentration levels and tampering attempts at least once
53 every hour, regardless of the location of the person who is being monitored, and

54 regularly transmitting the data. Continuous alcohol monitoring shall be
55 considered an electronic monitoring service under subsection 3 of section 217.690;

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

58 (9) "Drive", "driving", "operates" or "operating", [means] physically driving
59 or operating a vehicle or vessel;

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

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

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

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

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

77 (d) While driving while intoxicated, the defendant acted with criminal
78 negligence to:

79 a. Cause the death of any person not a passenger in the vehicle operated
80 by the defendant, including the death of an individual that results from the
81 defendant's vehicle leaving a highway, as defined by section 301.010, or the
82 highway's right-of-way; or

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

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

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

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

89 (b) Four or more intoxication-related boating offenses committed on
90 separate occasions where at least one of the intoxication-related boating offenses

91 is an offense committed in violation of any state law, county or municipal
92 ordinance, any federal offense, or any military offense in which the defendant was
93 operating a vessel while intoxicated and another person was injured or killed; or

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

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

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

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

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

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

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

115 (15) "Intoxication-related traffic offense", driving while intoxicated,
116 driving with excessive blood alcohol content, driving under the influence of
117 alcohol or drugs in violation of a **state law**, county or municipal ordinance, **any**
118 **federal offense, or any military offense**, or an offense in which the defendant
119 was operating a vehicle while intoxicated and another person was injured or
120 killed in violation of any state law, county or municipal ordinance, any federal
121 offense, or any military offense;

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

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

- 128 (18) "Persistent offender", a person who has been found guilty of:
129 (a) Two or more intoxication-related traffic offenses committed on separate
130 occasions; or
131 (b) One intoxication-related traffic offense committed in violation of any
132 state law, county or municipal ordinance, federal offense, or military offense in
133 which the defendant was operating a vehicle while intoxicated and another person
134 was injured or killed;
- 135 (19) "Persistent boating offender", a person who has been found guilty of:
136 (a) Two or more intoxication-related boating offenses committed on
137 separate occasions; or
138 (b) One intoxication-related boating offense committed in violation of any
139 state law, county or municipal ordinance, federal offense, or military offense in
140 which the defendant was operating a vessel while intoxicated and another person
141 was injured or killed;
- 142 (20) "Prior offender", a person who has been found guilty of one
143 intoxication-related traffic offense, where such prior offense occurred within five
144 years of the occurrence of the intoxication-related traffic offense for which the
145 person is charged;
- 146 (21) "Prior boating offender", a person who has been found guilty of one
147 intoxication-related boating offense, where such prior offense occurred within five
148 years of the occurrence of the intoxication-related boating offense for which the
149 person is charged.

- 577.010. 1. A person commits the offense of driving while intoxicated if
2 he or she operates a vehicle while in an intoxicated condition.
- 3 2. The offense of driving while intoxicated is:
- 4 (1) A class B misdemeanor;
- 5 (2) A class A misdemeanor if:
- 6 (a) The defendant is a prior offender; or
- 7 (b) A person less than seventeen years of age is present in the vehicle;
- 8 (3) A class E felony if:
- 9 (a) The defendant is a persistent offender; or
- 10 (b) While driving while intoxicated, the defendant acts with criminal
11 negligence to cause physical injury to another person;
- 12 (4) A class D felony if:
- 13 (a) The defendant is an aggravated offender;
- 14 (b) While driving while intoxicated, the defendant acts with criminal
15 negligence to cause physical injury to a law enforcement officer or emergency

16 personnel; or

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

19 (5) A class C felony if:

20 (a) The defendant is a chronic offender;

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

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

26 (6) A class B felony if:

27 (a) The defendant is a habitual offender; [or]

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

31 (c) While driving while intoxicated, the defendant acts with
32 criminal negligence to cause the death of any person not a passenger
33 in the vehicle operated by the defendant, including the death of an
34 individual that results from the defendant's vehicle leaving a highway,
35 as defined in section 301.010, or the highway's right-of-way;

36 (d) While driving while intoxicated, the defendant acts with
37 criminal negligence to cause the death of two or more persons; or

38 (e) While driving while intoxicated, the defendant acts with
39 criminal negligence to cause the death of any person while he or she
40 has a blood alcohol content of at least eighteen-hundredths of one
41 percent by weight of alcohol in such person's blood;

42 (7) A class A felony if the defendant [is a habitual offender as a result of
43 being] **has previously been** found guilty of an [act described under paragraph
44 (d) of subdivision (11) of section 577.001] **offense under paragraphs (a) to (e)**
45 **of subdivision (6) of this subsection** and is found guilty of a subsequent
46 violation of such [paragraph] **paragraphs**.

47 3. Notwithstanding the provisions of subsection 2 of this section, a person
48 found guilty of the offense of driving while intoxicated as a first offense shall not
49 be granted a suspended imposition of sentence:

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

52 (2) In a circuit where a DWI court or docket created under section 478.007

53 or other court-ordered treatment program is available, and where the offense was
54 committed with fifteen-hundredths of one percent or more by weight of alcohol in
55 such person's blood, unless the individual participates and successfully completes
56 a program under such DWI court or docket or other court-ordered treatment
57 program.

58 4. If a person is found guilty of a second or subsequent offense of driving
59 while intoxicated, the court may order the person to submit to a period of
60 continuous alcohol monitoring or verifiable breath alcohol testing performed a
61 minimum of four times per day as a condition of probation.

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

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

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

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

71 (1) As a prior offender, persistent offender, aggravated offender, chronic
72 offender, or habitual offender shall not be granted a suspended imposition of
73 sentence or be sentenced to pay a fine in lieu of a term of imprisonment, section
74 557.011 to the contrary notwithstanding;

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

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

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

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

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

89 (b) The offender participates in and successfully completes a program

90 established under section 478.007 or other court-ordered treatment program, if
91 available, and as part of either program, the offender performs at least sixty days
92 of community service under the supervision of the court;

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

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

97 (6) Any probation or parole granted under this subsection may include a
98 period of continuous alcohol monitoring or verifiable breath alcohol testing
99 performed a minimum of four times per day.

577.060. 1. A person commits the offense of leaving the scene of an
2 accident when:

3 (1) Being the operator of a vehicle or a vessel involved in an accident
4 resulting in injury or death or damage to property of another person; and

5 (2) Having knowledge of such accident he or she leaves the place of the
6 injury, damage or accident without stopping and giving the following information
7 to the other party or to a law enforcement officer, or if no law enforcement officer
8 is in the vicinity, then to the nearest law enforcement agency:

9 (a) His or her name;

10 (b) His or her residence, including city and street number;

11 (c) The registration or license number for his or her vehicle or vessel; and

12 (d) His or her operator's license number, if any.

13 2. For the purposes of this section, all law enforcement officers shall have
14 jurisdiction, when invited by an injured person, to enter the premises of any
15 privately owned property for the purpose of investigating an accident and
16 performing all necessary duties regarding such accident.

17 3. The offense of leaving the scene of an accident is:

18 (1) A class A misdemeanor; [or]

19 (2) A class E felony if:

20 (a) Physical injury was caused to another party; or

21 (b) Damage in excess of one thousand dollars was caused to the property
22 of another person; or

23 (c) The defendant has previously been found guilty of any offense in
24 violation of this section; or committed in another jurisdiction which, if committed
25 in this state, would be a violation of an offense of this section; or

26 **(3) A class D felony if a death has occurred as a result of the**
27 **accident.**

28 4. A law enforcement officer who investigates or receives information of
29 an accident involving an all-terrain vehicle and also involving the loss of life or
30 serious physical injury shall make a written report of the investigation or
31 information received and such additional facts relating to the accident as may
32 come to his or her knowledge, mail the information to the department of public
33 safety, and keep a record thereof in his or her office.

34 5. The provisions of this section shall not apply to the operation of all-
35 terrain vehicles when property damage is sustained in sanctioned all-terrain
36 vehicle races, derbies and rallies.

**577.685. 1. A person commits the offense of illegal reentry if he
2 or she has been removed from the United States for any of the reasons
3 listed under 8 U.S.C. Section 1326(b) and thereafter:**

4 **(1) Illegally enters this state and commits a misdemeanor offense
5 of assault or domestic assault under chapter 565, any dangerous felony
6 offense as the term "dangerous felony" is defined section 556.061, any
7 felony offense under chapter 579, with the exception of any offense
8 involving the possession of marijuana, any offense under section
9 570.030, or any offense under section 570.217; or**

10 **(2) Commits an offense in any other state that would be
11 considered a misdemeanor offense of assault or domestic assault under
12 chapter 565, any dangerous felony offense as the term "dangerous
13 felony" is defined in section 556.061, any felony offense under chapter
14 579, with the exception of any offense involving the possession of
15 marijuana, any offense under section 570.030, or any offense under
16 section 570.217 under the laws of this state, and thereafter enters this
17 state.**

18 **2. The offense of illegal reentry is a class C felony.**

**589.664. 1. If an individual is a participant in the address
2 confidentiality program under section 589.663, no person or entity shall
3 be compelled to disclose the participant's actual address during the
4 discovery phase of or during a proceeding before a court or other
5 tribunal unless the court or tribunal first finds, on the record, that:**

6 **(1) There is a reasonable belief that the address is needed to
7 obtain information or evidence without which the investigation,
8 prosecution, or litigation cannot proceed; and**

9 **(2) There is no other practicable way of obtaining the
10 information or evidence.**

11 **2. The court shall first provide the program participant and the**
12 **secretary of state notice that address disclosure is sought.**

13 **3. The program participant shall have an opportunity to present**
14 **evidence regarding the potential harm to the safety of the program**
15 **participant if the address is disclosed. In determining whether to**
16 **compel disclosure, the court shall consider whether the potential harm**
17 **to the safety of the participant is outweighed by the interest in**
18 **disclosure.**

19 **4. Notwithstanding any other provision of law to the contrary,**
20 **no court shall order an individual who has had his or her application**
21 **to the program accepted by the secretary to disclose his or her actual**
22 **address or the location of his or her residence without giving the**
23 **secretary proper notice. The secretary shall have the right to intervene**
24 **in any civil proceeding in which a court is considering ordering a**
25 **participant to disclose his or her actual address.**

26 **5. Disclosure of a participant's actual address under this section**
27 **shall be limited under the terms of the order to ensure that the**
28 **disclosure and dissemination of the actual address will be no greater**
29 **than necessary for the purposes of the investigation, prosecution, or**
30 **litigation.**

31 **6. Nothing in this section shall be construed to prevent the court**
32 **or any other tribunal from issuing a protective order to prevent the**
33 **disclosure of information other than the participant's actual address**
34 **that could reasonably lead to the discovery of the program participant's**
35 **location.**

 589.675. If the secretary deems it appropriate, the secretary [shall] **may**
2 make a program participant's address and mailing address available for
3 inspection or copying [under the following circumstances:

4 (1)] to a person identified in a court order, upon the secretary's receipt of
5 such court order that **complies with section 559.664** [specifically orders the
6 disclosure of a particular program participant's address and mailing address and
7 the reasons stated for the disclosure; or

8 (2) If the certification has been cancelled because the applicant or
9 program participant violated subdivision (2) of section 589.663].

610.145. 1. (1) If a person is named in a charge for an infraction
2 **or offense, whether a misdemeanor or a felony, as a result of another**
3 **person using the identifying information of the named person or as a**

4 result of mistaken identity and the charges were dismissed or such
5 person was found not guilty, the named person may apply by petition
6 or written motion to the court where the charge was last pending on a
7 form approved by the office of state courts administrator and supplied
8 by the clerk of the court for an order to expunge from all official
9 records any entries relating to the person's apprehension, charge, or
10 trial. The court, after providing notice to the prosecuting attorney,
11 shall hold a hearing on the motion or petition and, upon finding that
12 the person's identity was used without permission and the charges
13 were dismissed or the person was found not guilty, the court shall
14 order the expungement.

15 (2) If any person is named in a charge for an infraction or
16 offense, whether a misdemeanor or a felony, as a result of another
17 person using the identifying information of the named person or
18 mistaken identity, and the charge against the named person is
19 dismissed, the prosecutor or other judicial officer who ordered the
20 dismissal shall provide notice to the court of the dismissal, and the
21 court shall order the expungement of all official records containing any
22 entries relating to the person's apprehension, charge, or trial.

23 2. No person as to whom such an order has been entered under
24 this section shall be held thereafter under any provision of law to be
25 guilty of perjury or to be guilty of otherwise giving a false statement or
26 response to any inquiry made for any purpose, by reason of the
27 person's failure to recite or acknowledge any expunged entries
28 concerning apprehension, charge, or trial.

29 3. The court shall also order that such entries shall be expunged
30 from the records of the court and direct all law enforcement agencies,
31 the department of corrections, the department of revenue, or any other
32 state or local government agency identified by the petitioner, or the
33 person eligible for automatic expungement under subdivision (2) of
34 subsection 1 of this section, as bearing record of the same to expunge
35 their records of the entries. The clerk shall notify state and local
36 agencies of the court's order. The costs of expunging the records, as
37 provided in this chapter, shall not be taxed against the person eligible
38 for expungement under this section.

39 4. The department of revenue shall expunge from its records
40 entries made as a result of the charge or conviction ordered expunged

41 under this section. The department of revenue shall also reverse any
42 administrative actions taken against a person whose record is
43 expunged under this section as a result of the charges or convictions
44 expunged, including the assessment of the driver's license points and
45 driver's license suspension or revocation. Notwithstanding any other
46 provision of this chapter to the contrary, the department of revenue
47 shall provide to the person whose motor vehicle record is expunged
48 under this section a certified corrected driver history at no cost and
49 shall reinstate at no cost any driver's license suspended or revoked as
50 a result of a charge or conviction expunged under this section.

51 5. The department of corrections and any other applicable state
52 or local government agency shall expunge its records as provided in
53 subsection 3 of this section. The agency shall also reverse any
54 administrative actions taken against a person whose record is
55 expunged under this section as a result of the charges or convictions
56 being expunged. Notwithstanding any other provision of law to the
57 contrary, the normal fee for any reinstatement of a license or privilege
58 resulting under this section shall be waived.

59 6. Any insurance company that charged any additional premium
60 based on insurance points assessed against a policyholder as a result
61 of a charge or conviction that was expunged under this section shall
62 refund such additional premiums for the three-year period immediately
63 prior to the entry of the expungement by the court to the policyholder
64 upon notification and verification of the expungement.

65 7. For purposes of this section, the term "mistaken identity" shall
66 mean the erroneous arrest of a person for an offense as a result of
67 misidentification by a witness or law enforcement, confusion on the
68 part of a witness or law enforcement as to the identity of the person
69 who committed the offense, misinformation provided to law
70 enforcement as to the identity of the person who committed the offense,
71 or some other mistake on the part of a witness or law enforcement as
72 to the identity of the person who committed the offense.

650.055. 1. Every individual who:

- 2 (1) Is found guilty of a felony or any offense under chapter 566; or
- 3 (2) Is seventeen years of age or older and arrested for burglary in the first
4 degree under section 569.160, or burglary in the second degree under section
5 569.170, or a felony offense under chapter 565, 566, 567, 568, or 573; or

6 (3) Has been determined to be a sexually violent predator pursuant to
7 sections 632.480 to 632.513; or

8 (4) Is an individual required to register as a sexual offender under
9 sections 589.400 to 589.425;

10 shall have a fingerprint and blood or scientifically accepted biological sample
11 collected for purposes of DNA profiling analysis.

12 2. Any individual subject to DNA collection and profiling analysis under
13 this section shall provide a DNA sample:

14 (1) Upon booking at a county jail or detention facility; or

15 (2) Upon entering or before release from the department of corrections
16 reception and diagnostic centers; or

17 (3) Upon entering or before release from a county jail or detention facility,
18 state correctional facility, or any other detention facility or institution, whether
19 operated by a private, local, or state agency, or any mental health facility if
20 committed as a sexually violent predator pursuant to sections 632.480 to 632.513;
21 or

22 (4) When the state accepts a person from another state under any
23 interstate compact, or under any other reciprocal agreement with any county,
24 state, or federal agency, or any other provision of law, whether or not the person
25 is confined or released, the acceptance is conditional on the person providing a
26 DNA sample if the person was found guilty of a felony offense in any other
27 jurisdiction; or

28 (5) If such individual is under the jurisdiction of the department of
29 corrections. Such jurisdiction includes persons currently incarcerated, persons
30 on probation, as defined in section 217.650, and on parole, as also defined in
31 section 217.650; or

32 (6) At the time of registering as a sex offender under sections 589.400 to
33 589.425.

34 3. The Missouri state highway patrol and department of corrections shall
35 be responsible for ensuring adherence to the law. Any person required to provide
36 a DNA sample pursuant to this section shall be required to provide such sample,
37 without the right of refusal, at a collection site designated by the Missouri state
38 highway patrol and the department of corrections. Authorized personnel
39 collecting or assisting in the collection of samples shall not be liable in any civil
40 or criminal action when the act is performed in a reasonable manner. Such force
41 may be used as necessary to the effectual carrying out and application of such
42 processes and operations. The enforcement of these provisions by the authorities

43 in charge of state correctional institutions and others having custody or
44 jurisdiction over individuals included in subsection 1 of this section which shall
45 not be set aside or reversed is hereby made mandatory. The board of probation
46 or parole shall recommend that an individual on probation or parole who refuses
47 to provide a DNA sample have his or her probation or parole revoked. In the
48 event that a person's DNA sample is not adequate for any reason, the person
49 shall provide another sample for analysis.

50 4. The procedure and rules for the collection, analysis, storage,
51 expungement, use of DNA database records and privacy concerns shall not
52 conflict with procedures and rules applicable to the Missouri DNA profiling
53 system and the Federal Bureau of Investigation's DNA databank system.

54 5. Unauthorized use or dissemination of individually identifiable DNA
55 information in a database for purposes other than criminal justice or law
56 enforcement is a class A misdemeanor.

57 6. Implementation of sections 650.050 to 650.100 shall be subject to future
58 appropriations to keep Missouri's DNA system compatible with the Federal
59 Bureau of Investigation's DNA databank system.

60 7. All DNA records and biological materials retained in the DNA profiling
61 system are considered closed records pursuant to chapter 610. All records
62 containing any information held or maintained by any person or by any agency,
63 department, or political subdivision of the state concerning an individual's DNA
64 profile shall be strictly confidential and shall not be disclosed, except to:

65 (1) Peace officers, as defined in section 590.010, and other employees of
66 law enforcement agencies who need to obtain such records to perform their public
67 duties;

68 (2) The attorney general or any assistant attorneys general acting on his
69 or her behalf, as defined in chapter 27;

70 (3) Prosecuting attorneys or circuit attorneys as defined in chapter 56,
71 and their employees who need to obtain such records to perform their public
72 duties;

73 (4) The individual whose DNA sample has been collected, or his or her
74 attorney; or

75 (5) Associate circuit judges, circuit judges, judges of the courts of appeals,
76 supreme court judges, and their employees who need to obtain such records to
77 perform their public duties.

78 8. Any person who obtains records pursuant to the provisions of this
79 section shall use such records only for investigative and prosecutorial purposes,

80 including but not limited to use at any criminal trial, hearing, or proceeding; or
81 for law enforcement identification purposes, including identification of human
82 remains. Such records shall be considered strictly confidential and shall only be
83 released as authorized by this section.

84 9. **(1)** An individual may request expungement of his or her DNA sample
85 and DNA profile through the court issuing the reversal or dismissal, **or through**
86 **the court granting an expungement of all official records under section**
87 **568.040.** A certified copy of the court order establishing that such conviction has
88 been reversed [or], guilty plea has been set aside, **or expungement has been**
89 **granted under section 568.040** shall be sent to the Missouri state highway
90 patrol crime laboratory. Upon receipt of the court order, the laboratory will
91 determine that the requesting individual has no other qualifying offense as a
92 result of any separate plea or conviction and no other qualifying arrest prior to
93 expungement.

94 **[(1)] (2)** A person whose DNA record or DNA profile has been included
95 in the state DNA database in accordance with this section and sections 650.050,
96 650.052, and 650.100 may request expungement on the grounds that the
97 conviction has been reversed, [or] the guilty plea on which the authority for
98 including that person's DNA record or DNA profile was based has been set aside,
99 **or an expungement of all official records has been granted by the court**
100 **under section 568.040.**

101 **[(2)] (3)** Upon receipt of a written request for expungement, a certified
102 copy of the final court order reversing the conviction [or], setting aside the plea,
103 **or granting an expungement of all official records under section**
104 **568.040,** and any other information necessary to ascertain the validity of the
105 request, the Missouri state highway patrol crime laboratory shall expunge all
106 DNA records and identifiable information in the state DNA database pertaining
107 to the person and destroy the DNA sample of the person, unless the Missouri
108 state highway patrol determines that the person is otherwise obligated to submit
109 a DNA sample. Within thirty days after the receipt of the court order, the
110 Missouri state highway patrol shall notify the individual that it has expunged his
111 or her DNA sample and DNA profile, or the basis for its determination that the
112 person is otherwise obligated to submit a DNA sample.

113 **[(3)] (4)** The Missouri state highway patrol is not required to destroy any
114 item of physical evidence obtained from a DNA sample if evidence relating to
115 another person would thereby be destroyed.

116 **[(4)] (5)** Any identification, warrant, arrest, or evidentiary use of a DNA

117 match derived from the database shall not be excluded or suppressed from
118 evidence, nor shall any conviction be invalidated or reversed or plea set aside due
119 to the failure to expunge or a delay in expunging DNA records.

120 10. When a DNA sample is taken from an individual pursuant to
121 subdivision (2) of subsection 1 of this section and the prosecutor declines
122 prosecution and notifies the arresting agency of that decision, the arresting
123 agency shall notify the Missouri state highway patrol crime laboratory within
124 ninety days of receiving such notification. Within thirty days of being notified by
125 the arresting agency that the prosecutor has declined prosecution, the Missouri
126 state highway patrol crime laboratory shall determine whether the individual has
127 any other qualifying offenses or arrests that would require a DNA sample to be
128 taken and retained. If the individual has no other qualifying offenses or arrests,
129 the crime laboratory shall expunge all DNA records in the database taken at the
130 arrest for which the prosecution was declined pertaining to the person and
131 destroy the DNA sample of such person.

132 11. When a DNA sample is taken of an arrestee for any offense listed
133 under subsection 1 of this section and charges are filed:

134 (1) If the charges are later withdrawn, the prosecutor shall notify the
135 state highway patrol crime laboratory that such charges have been withdrawn;

136 (2) If the case is dismissed, the court shall notify the state highway patrol
137 crime laboratory of such dismissal;

138 (3) If the court finds at the preliminary hearing that there is no probable
139 cause that the defendant committed the offense, the court shall notify the state
140 highway patrol crime laboratory of such finding;

141 (4) If the defendant is found not guilty, the court shall notify the state
142 highway patrol crime laboratory of such verdict.

143 If the state highway patrol crime laboratory receives notice under this subsection,
144 such crime laboratory shall determine, within thirty days, whether the individual
145 has any other qualifying offenses or arrests that would require a DNA sample to
146 be taken. If the individual has no other qualifying arrests or offenses, the crime
147 laboratory shall expunge all DNA records in the database pertaining to such
148 person and destroy the person's DNA sample.

650.520. 1. There is hereby created a statewide program called
2 the "Blue Alert System" referred to in this section as the "system" to aid
3 in the identification, location, and apprehension of any individual or
4 individuals suspected of killing or seriously wounding any local, state,
5 or federal law enforcement officer.

6 2. For the purposes of this section, "law enforcement officer"
7 means any public servant having both the power and duty to make
8 arrests for violations of the laws of this state, and federal law
9 enforcement officers authorized to carry firearms and to make arrests
10 for violations of the laws of the United States.

11 3. The department of public safety shall develop regions to
12 provide the system. The department of public safety shall coordinate
13 local law enforcement agencies and public commercial television and
14 radio broadcasters to provide an effective system. In the event that a
15 local law enforcement agency opts not to set up a system and a killing
16 or serious wounding of a law enforcement officer occurs within the
17 jurisdiction, it shall notify the department of public safety who will
18 notify local media in the region.

19 4. The blue alert system shall include all state agencies capable
20 of providing urgent and timely information to the public together with
21 broadcasters and other private entities that volunteer to participate in
22 the dissemination of urgent public information. At a minimum, the blue
23 alert system shall include the department of public safety, highway
24 patrol, department of transportation, and Missouri lottery.

25 5. The department of public safety shall have the authority to
26 develop, implement, and manage the blue alert system.

27 6. Participation in a blue alert system is entirely at the option
28 of local law enforcement agencies, federally licensed radio and
29 television broadcasters, and other private entities that volunteer to
30 participate in the dissemination of urgent public information.

31 7. Any person who knowingly makes a false report that triggers
32 an alert under this section is guilty of a class A misdemeanor; except
33 that, if the false report results in serious physical injury or death, such
34 person is guilty of a class E felony.

35 8. The department of public safety may promulgate rules for the
36 implementation of the blue alert system. Any rule or portion of a rule,
37 as that term is defined in section 536.010, that is created under the
38 authority delegated in this section shall become effective only if it
39 complies with and is subject to all of the provisions of chapter 536 and,
40 if applicable, section 536.028. This section and chapter 536 are
41 nonseverable, and if any of the powers vested with the general
42 assembly pursuant to chapter 536 to review, to delay the effective date,

43 or to disapprove and annul a rule are subsequently held
44 unconstitutional, then the grant of rulemaking authority and any rule
45 proposed or adopted after August 28, 2017, shall be invalid and void.

✓

Unofficial

Bill

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