

SECOND REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1659

102ND GENERAL ASSEMBLY

3849S.04C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 43.546, 210.482, 210.487, 211.031, 211.071, 217.345, 217.690, 491.641, 547.031, 556.021, 558.016, 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.033, 590.192, 590.653, 600.042, and 610.140, RSMo, and to enact in lieu thereof seventy-six new sections relating to public safety, with penalty provisions, an emergency clause for certain sections, and a delayed effective date for a certain section.

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

Section A. Sections 43.546, 210.482, 210.487, 211.031,
2 211.071, 217.345, 217.690, 491.641, 547.031, 556.021, 558.016,
3 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007,
4 578.022, 579.065, 579.068, 590.033, 590.192, 590.653, 600.042,
5 and 610.140, RSMo, are repealed and seventy-six new sections
6 enacted in lieu thereof, to be known as sections 43.546,
7 168.014, 190.106, 208.222, 209.324, 210.482, 210.487, 211.031,
8 211.071, 211.600, 217.345, 217.451, 217.690, 221.108, 301.551,
9 307.018, 311.661, 324.055, 324.129, 324.246, 324.488, 324.1105,
10 326.257, 330.025, 331.025, 332.015, 334.015, 334.403, 334.501,
11 334.701, 334.739, 334.805, 335.022, 335.042, 336.025, 337.018,
12 337.308, 337.501, 337.605, 337.702, 338.052, 339.015, 339.510,
13 345.016, 374.711, 436.225, 443.702, 455.098, 484.125, 491.641,
14 547.031, 547.500, 556.021, 557.520, 558.016, 558.019, 565.258,
15 568.045, 571.015, 571.031, 571.070, 575.010, 575.151, 575.353,

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

16 578.007, 578.022, 579.021, 579.022, 579.065, 579.068, 590.033,
17 590.192, 590.653, 600.042, 610.140, and 640.011, to read as
18 follows:

43.546. 1. Any state agency, board, or commission may
2 require the fingerprinting of applicants in specified
3 occupations or appointments within the state agency, board,
4 or commission for the purpose of positive identification and
5 receiving criminal history record information when
6 determining an applicant's ability or fitness to serve in
7 such occupation or appointment.

8 2. In order to facilitate the criminal background
9 check under subsection 1 of this section on any person
10 employed or appointed by a state agency, board, or
11 commission, [and in accordance with section 43.543,] the
12 applicant or employee shall submit a set of fingerprints
13 collected under the standards determined by the Missouri
14 highway patrol. The fingerprints and accompanying fees,
15 unless otherwise arranged, shall be forwarded to the highway
16 patrol to be used to search the state criminal history
17 repository and the fingerprints shall be forwarded to the
18 Federal Bureau of Investigation for a national criminal
19 background check under section 43.540. Notwithstanding the
20 provisions of section 610.120 **to the contrary**, all records
21 related to any criminal history information discovered shall
22 be accessible and available to the state agency making the
23 request.

**168.014. 1. The state board of education may require
2 that fingerprint submissions be made as part of an
3 application seeking a certificate of license to teach or
4 substitute teach in public schools, as provided in sections
5 168.011, 168.021, and 168.036 and as required by section
6 168.133.**

7 2. If the state board of education requires that
8 fingerprint submissions be made as part of such application,
9 the state board of education shall require applicants to
10 submit the fingerprints to the Missouri state highway patrol
11 for the purpose of conducting a state and federal
12 fingerprint-based criminal history background check.

13 3. The fingerprints and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be
17 forwarded to the Federal Bureau of Investigation for a
18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the state board
20 of education of any criminal history record information or
21 lack of criminal history record information discovered on
22 the individual. Notwithstanding the provisions of section
23 610.120 to the contrary, all records related to any criminal
24 history information discovered shall be accessible and
25 available to the state board of education.

190.106. 1. The department of health and senior
2 services may require that fingerprint submissions be made as
3 part of an application seeking licensure as an emergency
4 medical technician or "EMT", an advanced emergency medical
5 technician or "AEMT", or a paramedic, and an application
6 seeking certification as an emergency medical technician-
7 community paramedic or "EMT-CP", as such terms are defined
8 in section 190.100.

9 2. If the department of health and senior services
10 requires that fingerprint submissions be made as part of
11 such application, the department of health and senior
12 services shall require applicants to submit the fingerprints
13 to the Missouri state highway patrol for the purpose of

14 conducting a state and federal fingerprint-based criminal
15 history background check.

16 3. The fingerprints and any required fees shall be
17 sent to the Missouri state highway patrol's central
18 repository. The fingerprints shall be used for searching
19 the state criminal records repository and shall also be
20 forwarded to the Federal Bureau of Investigation for a
21 federal criminal records search under section 43.540. The
22 Missouri state highway patrol shall notify the department of
23 health and senior services of any criminal history record
24 information or lack of criminal history record information
25 discovered on the individual. Notwithstanding the
26 provisions of section 610.120 to the contrary, all records
27 related to any criminal history information discovered shall
28 be accessible and available to the department of health and
29 senior services.

208.222. 1. The Missouri Medicaid audit and
2 compliance unit within the department of social services may
3 require that fingerprint submissions be made as part of an
4 application seeking to be licensed as a MO HealthNet
5 provider for the purpose of providing MO HealthNet services
6 to eligible persons and obtaining from the department of
7 social services or its divisions reimbursement for eligible
8 services.

9 2. If the Missouri Medicaid audit and compliance unit
10 within the department of social services requires that
11 fingerprint submissions be made as part of such application,
12 the Missouri Medicaid audit and compliance unit within the
13 department of social services shall require applicants to
14 submit the fingerprints to the Missouri state highway patrol
15 for the purpose of conducting a state and federal
16 fingerprint-based criminal history background check.

17 3. The fingerprints and any required fees shall be
18 sent to the Missouri state highway patrol's central
19 repository. The fingerprints shall be used for searching
20 the state criminal records repository and shall also be
21 forwarded to the Federal Bureau of Investigation for a
22 federal criminal records search under section 43.540. The
23 Missouri state highway patrol shall notify the Missouri
24 Medicaid audit and compliance unit within the department of
25 social services of any criminal history record information
26 or lack of criminal history record information discovered on
27 the individual. Notwithstanding the provisions of section
28 610.120 to the contrary, all records related to any criminal
29 history information discovered shall be accessible and
30 available to the Missouri Medicaid audit and compliance unit
31 within the department of social services.

32 4. For purposes of this section, the following terms
33 mean:

34 (1) "Eligible persons", individuals or families in the
35 categories provided in section 208.151 and in Section 36(c)
36 of Article IV of the Constitution of the state of Missouri
37 to receive medical assistance benefits Title XIX, P.L. 89-
38 97, 1965 amendments to the federal Social Security Act, 42
39 U.S.C. Section 301 et seq., known in this state as the
40 Missouri Medicaid Program or MO HealthNet;

41 (2) "MO HealthNet provider", any person, partnership,
42 corporation, not-for-profit corporation, professional
43 corporation, or business entity that enters into a contract
44 or provider agreement with the department of social services
45 or its divisions for the purpose of providing services to
46 eligible persons and obtaining from the department of social
47 services or its divisions reimbursement for such services;

48 (3) "MO HealthNet services", medical services defined
49 and determined by the department of social services or
50 listed specifically in section 208.152 in which eligible
51 persons receive as part of their Missouri Medicaid coverage.

 209.324. 1. The state committee of interpreters may
2 require that fingerprint submissions be made as part of an
3 application seeking licensure as an interpreter, as such
4 term is defined in section 209.285, and temporary
5 interpreter, as provided in section 209.326.

6 2. If the state committee of interpreters requires
7 that fingerprint submissions be made as part of such
8 application, the state committee of interpreters shall
9 require applicants to submit the fingerprints to the
10 Missouri state highway patrol for the purpose of conducting
11 a state and federal fingerprint-based criminal history
12 background check.

13 3. The fingerprints and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be
17 forwarded to the Federal Bureau of Investigation for a
18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the committee of
20 any criminal history record information or lack of criminal
21 history record information discovered on the individual.
22 Notwithstanding the provisions of section 610.120 to the
23 contrary, all records related to any criminal history
24 information discovered shall be accessible and available to
25 the committee.

 210.482. 1. If the emergency placement of a child in
2 a private home is necessary due to the unexpected absence of
3 the child's parents, legal guardian, or custodian, the

4 juvenile court or children's division **of the department of**
5 **social services:**

6 (1) May request that a local or state law enforcement
7 agency or juvenile officer, subject to any required federal
8 authorization, immediately conduct a name-based criminal
9 history record check to include full orders of protection
10 and outstanding warrants of each person over the age of
11 **[seventeen] eighteen** residing in the home by using the
12 Missouri uniform law enforcement system (MULES) and the
13 National Crime Information Center to access the Interstate
14 Identification Index **(III)** maintained by the Federal Bureau
15 of Investigation; and

16 (2) Shall determine or, in the case of the juvenile
17 court, shall request the division to determine whether any
18 person over the age of **[seventeen] eighteen** years residing
19 in the home is listed on the child abuse and neglect
20 registry. For any children less than **[seventeen] eighteen**
21 years of age residing in the home, the children's division
22 shall inquire of the person with whom an emergency placement
23 of a child will be made whether any children less than
24 **[seventeen] eighteen** years of age residing in the home have
25 ever been certified as an adult and convicted of or pled
26 guilty or nolo contendere to any crime.

27 2. If a name-based search has been conducted pursuant
28 to subsection 1 of this section, within fifteen calendar
29 days **of the Interstate Identification Index (III) name-based**
30 **check**, after the emergency placement of the child in the
31 private home, and if the private home has not previously
32 been approved as a foster or adoptive home, all persons over
33 the age of **[seventeen] eighteen** residing in the home and all
34 children less than **[seventeen] eighteen** residing in the home
35 who the **children's** division has determined have been

36 certified as an adult for the commission of a crime shall
37 [report to a local law enforcement agency for the purpose of
38 providing fingerprints and accompanying fees] **be**
39 **fingerprinted**, pursuant to sections 43.530 and 43.540. **The**
40 **fingerprints shall be used for searching the state criminal**
41 **records repository and shall also be forwarded to the**
42 **Federal Bureau of Investigation for a federal criminal**
43 **records search under section 43.540.** Results of the checks
44 shall be provided to the juvenile court or children's
45 division office requesting such information. Any child
46 placed in emergency placement in a private home shall be
47 removed immediately if any person residing in the home fails
48 to provide fingerprints after being requested to do so,
49 unless the person refusing to provide fingerprints ceases to
50 reside in the private home.

51 3. If the placement of a child is denied as a result
52 of a name-based criminal history check and the denial is
53 contested, all persons over the age of [seventeen] **eighteen**
54 residing in the home and all children less than [seventeen]
55 **eighteen** years of age residing in the home who the
56 **children's** division has determined have been certified as an
57 adult for the commission of a crime shall, within fifteen
58 calendar days **of conducting the Interstate Identification**
59 **Index (III) name-based check**, submit [to the juvenile court
60 or the children's division] fingerprints **and any required**
61 **fees**, in the same manner described in subsection 2 of this
62 section[, accompanying fees, and written permission
63 authorizing the juvenile court or the children's division to
64 forward the fingerprints to the state criminal record
65 repository for submission to the Federal Bureau of
66 Investigation.

67 4. No person who submits fingerprints under this
68 section shall be required to submit additional fingerprints
69 under this section or section 210.487 unless the original
70 fingerprints retained by the division are lost or destroyed].

71 [5.] 4. Subject to appropriation, the total cost of
72 fingerprinting required by this section may be paid by the
73 state, including reimbursement of persons incurring
74 fingerprinting costs under this section.

75 [6.] 5. For the purposes of this section, "emergency
76 placement" refers to those limited instances when the
77 juvenile court or children's division is placing a child in
78 the home of private individuals, including neighbors,
79 friends, or relatives, as a result of a sudden
80 unavailability of the child's primary caretaker.

210.487. 1. **The children's division of the department
2 of social services may require fingerprint submissions to
3 the Missouri state highway patrol for the purpose of
4 conducting a state and federal fingerprint-based criminal
5 background check.** When conducting investigations of persons
6 for the purpose of foster parent licensing, the **children's**
7 division shall:

8 (1) Conduct a search for all persons over the age of
9 **[seventeen] eighteen** in the applicant's household and for
10 any child less than **[seventeen] eighteen** years of age
11 residing in the applicant's home who the division has
12 determined has been certified as an adult for the commission
13 of a crime for evidence of full orders of protection. The
14 office of state courts administrator shall allow access to
15 the automated court information system by the division. The
16 clerk of each court contacted by the division shall provide
17 the division information within ten days of a request;

18 (2) Obtain fingerprints for any person over the age of
19 **[seventeen] eighteen** in the applicant's household and for
20 any child less than **[seventeen] eighteen** years of age
21 residing in the applicant's home who the division has
22 determined has been certified as an adult for the commission
23 of a crime **[in the same manner set forth in subsection 2 of**
24 **section 210.482]**. **The fingerprints and any required fees**
25 **shall be sent to the Missouri state highway patrol's central**
26 **repository. The fingerprints shall be used for searching**
27 **the state criminal records repository and shall also be**
28 **forwarded to the Federal Bureau of Investigation for a**
29 **federal criminal records search under section 43.540. The**
30 **Missouri state highway patrol shall notify the juvenile**
31 **court or the division of any criminal history record**
32 **information or lack of criminal history record information**
33 **discovered on the individual. Notwithstanding the**
34 **provisions of section 610.120 to the contrary, all records**
35 **related to any criminal history information discovered shall**
36 **be accessible and available to the juvenile court or the**
37 **division.** The highway patrol shall assist the division and
38 provide the criminal fingerprint background information,
39 upon request, under and in accordance with the provisions of
40 section 43.540; and

41 (3) Determine whether any person over the age of
42 **[seventeen] eighteen** residing in the home and any child less
43 than **[seventeen] eighteen** years of age residing in the
44 applicant's home who the division has determined has been
45 certified as an adult for the commission of a crime is
46 listed on the child abuse and neglect registry. For any
47 children less than **[seventeen] eighteen** years of age
48 residing in the applicant's home, the **[children's]** division
49 shall inquire of the applicant whether any children less

50 than [seventeen] **eighteen** years of age residing in the home
51 have ever been certified as an adult and been convicted of
52 or pled guilty or nolo contendere to any crime.

53 2. [After the initial investigation is completed under
54 subsection 1 of this section:

55 (1) No person who submits fingerprints under
56 subsection 1 of this section or section 210.482 shall be
57 required to submit additional fingerprints under this
58 section or section 210.482 unless the original fingerprints
59 retained by the division are lost or destroyed;

60 (2) The highway patrol shall provide ongoing
61 electronic updates to criminal history background checks of
62 those persons previously submitted as part of the licensing
63 or approval process under subsection 1 of this section.
64 Ongoing electronic updates for such persons and for those in
65 their households shall terminate when such persons cease to
66 be applicant or licensed foster parents; and

67 (3) The children's division and the department of
68 health and senior services may waive the requirement for a
69 fingerprint background check for any subsequent
70 recertification.

71 3.] Subject to appropriation, the total cost of
72 fingerprinting required by this section may be paid by the
73 state, including reimbursement of persons incurring
74 fingerprinting costs under this section.

75 [4.] 3. The division may make arrangements with other
76 executive branch agencies to obtain any investigative
77 background information.

78 [5.] 4. The division may promulgate rules that are
79 necessary to implement the provisions of this section. Any
80 rule or portion of a rule, as that term is defined in
81 section 536.010, that is created under the authority

82 delegated in this section shall become effective only if it
83 complies with and is subject to all of the provisions of
84 chapter 536 and, if applicable, section 536.028. This
85 section and chapter 536 are nonseverable and if any of the
86 powers vested with the general assembly pursuant to chapter
87 536 to review, to delay the effective date, or to disapprove
88 and annul a rule are subsequently held unconstitutional,
89 then the grant of rulemaking authority and any rule proposed
90 or adopted after August 28, 2004, shall be invalid and void.

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

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

8 (a) The parents, or other persons legally responsible
9 for the care and support of the child, neglect or refuse to
10 provide proper support, education which is required by law,
11 medical, surgical or other care necessary for his or her
12 well-being; except that reliance by a parent, guardian or
13 custodian upon remedial treatment other than medical or
14 surgical treatment for a child shall not be construed as
15 neglect when the treatment is recognized or permitted
16 pursuant to the laws of this state;

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

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

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

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

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

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

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

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

41 (e) The child is charged with an offense not
42 classified as criminal, or with an offense applicable only
43 to children; except that, the juvenile court shall not have
44 jurisdiction over any child fifteen years of age who is
45 alleged to have violated a state or municipal traffic
46 ordinance or regulation, the violation of which does not
47 constitute a felony, or any child who is alleged to have
48 violated a state or municipal ordinance or regulation
49 prohibiting possession or use of any tobacco product;

50 (3) Involving any child who is alleged to have
51 violated a state law or municipal ordinance, or any person
52 who is alleged to have violated a state law or municipal
53 ordinance prior to attaining the age of eighteen years, in
54 which cases jurisdiction may be taken by the court of the

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

70 (4) For the adoption of a person;

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

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

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

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

81 (1) Prior to the filing of a petition and upon request
82 of any party or at the discretion of the juvenile officer,
83 the matter in the interest of a child may be transferred by
84 the juvenile officer, with the prior consent of the juvenile
85 officer of the receiving court, to the county of the child's

86 residence or the residence of the person eighteen years of
87 age for future action;

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

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

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

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

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

115 3. In any proceeding involving any child taken into
116 custody in a county other than the county of the child's
117 residence, the juvenile court of the county of the child's

118 residence shall be notified of such taking into custody
119 within seventy-two hours.

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

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

211.071. 1. If a petition alleges that a child
2 between the ages of [twelve] **fourteen** and eighteen has
3 committed an offense which would be considered a felony if
4 committed by an adult, the court may, upon its own motion or
5 upon motion by the juvenile officer, the child or the
6 child's custodian, order a hearing and may, in its
7 discretion, dismiss the petition and such child may be
8 transferred to the court of general jurisdiction and
9 prosecuted under the general law; except that if a petition
10 alleges that [any] a child **between the ages of twelve and**
11 **eighteen** has committed an offense which would be considered
12 first degree murder under section 565.020, second degree
13 murder under section 565.021, first degree assault under

14 section 565.050, forcible rape under section 566.030 as it
15 existed prior to August 28, 2013, rape in the first degree
16 under section 566.030, forcible sodomy under section 566.060
17 as it existed prior to August 28, 2013, sodomy in the first
18 degree under section 566.060, first degree robbery under
19 section 569.020 as it existed prior to January 1, 2017, or
20 robbery in the first degree under section 570.023,
21 distribution of drugs under section 195.211 as it existed
22 prior to January 1, 2017, or the manufacturing of a
23 controlled substance under section 579.055, **a dangerous**
24 **felony as defined in section 556.061**, or has committed two
25 or more prior unrelated offenses which would be felonies if
26 committed by an adult, the court shall order a hearing, and
27 may in its discretion, dismiss the petition and transfer the
28 child to a court of general jurisdiction for prosecution
29 under the general law.

30 2. Upon apprehension and arrest, jurisdiction over the
31 criminal offense allegedly committed by any person between
32 eighteen and twenty-one years of age over whom the juvenile
33 court has retained continuing jurisdiction shall
34 automatically terminate and that offense shall be dealt with
35 in the court of general jurisdiction as provided in section
36 211.041.

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

44 4. Written notification of a transfer hearing shall be
45 given to the juvenile and his or her custodian in the same

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

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

71 6. A written report shall be prepared in accordance
72 with this chapter developing fully all available information
73 relevant to the criteria which shall be considered by the
74 court in determining whether the child is a proper subject
75 to be dealt with under the provisions of this chapter and
76 whether there are reasonable prospects of rehabilitation

77 within the juvenile justice system. These criteria shall
78 include but not be limited to:

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

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

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

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

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

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

98 (7) The age of the child;

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

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

104 (10) Racial disparity in certification.

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

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

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

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

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

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

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

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

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

**211.600. 1. The office of state courts administrator
2 shall collect information related to the filing and**

3 disposition of petitions to certify juveniles pursuant to
4 section 211.071.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**217.451. 1. Correctional centers shall provide
2 offenders with reasonable access to phone services during an
3 offender's term of confinement; provided that, phone access
4 may be restricted as a disciplinary measure.**

**5 2. No correctional center or other party shall charge
6 an offender in a correctional center a total amount for a
7 domestic phone call, including fees and any per-minute rate,
8 that exceeds the equivalent of twelve cents per minute.**

217.690. 1. All releases or paroles shall issue upon
2 order of the parole board, duly adopted.

3 2. Before ordering the parole of any offender, the
4 parole board shall conduct a validated risk and needs

5 assessment and evaluate the case under the rules governing
6 parole that are promulgated by the parole board. The parole
7 board shall then have the offender appear before a hearing
8 panel and shall conduct a personal interview with him or
9 her, unless waived by the offender, or if the guidelines
10 indicate the offender may be paroled without need for an
11 interview. The guidelines and rules shall not allow for the
12 waiver of a hearing if a victim requests a hearing. The
13 appearance or presence may occur by means of a
14 videoconference at the discretion of the parole board. A
15 parole may be ordered for the best interest of society when
16 there is a reasonable probability, based on the risk
17 assessment and indicators of release readiness, that the
18 person can be supervised under parole supervision and
19 successfully reintegrated into the community, not as an
20 award of clemency; it shall not be considered a reduction of
21 sentence or a pardon. Every offender while on parole shall
22 remain in the legal custody of the department but shall be
23 subject to the orders of the parole board.

24 3. The division of probation and parole has
25 discretionary authority to require the payment of a fee, not
26 to exceed sixty dollars per month, from every offender
27 placed under division supervision on probation, parole, or
28 conditional release, to waive all or part of any fee, to
29 sanction offenders for willful nonpayment of fees, and to
30 contract with a private entity for fee collections
31 services. All fees collected shall be deposited in the
32 inmate fund established in section 217.430. Fees collected
33 may be used to pay the costs of contracted collections
34 services. The fees collected may otherwise be used to
35 provide community corrections and intervention services for
36 offenders. Such services include substance abuse assessment

37 and treatment, mental health assessment and treatment,
38 electronic monitoring services, residential facilities
39 services, employment placement services, and other offender
40 community corrections or intervention services designated by
41 the division of probation and parole to assist offenders to
42 successfully complete probation, parole, or conditional
43 release. The division of probation and parole shall adopt
44 rules not inconsistent with law, in accordance with section
45 217.040, with respect to sanctioning offenders and with
46 respect to establishing, waiving, collecting, and using fees.

47 4. The parole board shall adopt rules not inconsistent
48 with law, in accordance with section 217.040, with respect
49 to the eligibility of offenders for parole, the conduct of
50 parole hearings or conditions to be imposed upon paroled
51 offenders. Whenever an order for parole is issued it shall
52 recite the conditions of such parole.

53 5. When considering parole for an offender with
54 consecutive sentences, the minimum term for eligibility for
55 parole shall be calculated by adding the minimum terms for
56 parole eligibility for each of the consecutive sentences,
57 except the minimum term for parole eligibility shall not
58 exceed the minimum term for parole eligibility for an
59 ordinary life sentence.

60 6. Any offender sentenced to a term of imprisonment
61 amounting to fifteen years or more or multiple terms of
62 imprisonment that, taken together, amount to fifteen or more
63 years who was under eighteen years of age at the time of the
64 commission of the offense or offenses may be eligible for
65 parole after serving fifteen years of incarceration,
66 regardless of whether the case is final for the purposes of
67 appeal, and may be eligible for reconsideration hearings in
68 accordance with regulations promulgated by the parole board.

69 7. The provisions of subsection 6 of this section
70 shall not apply to an offender found guilty of [murder in
71 the first degree or] capital murder, **murder in the first**
72 **degree, or murder in the second degree when murder in the**
73 **second degree is committed pursuant to subdivision (1) of**
74 **subsection 1 of section 565.021**, who was under eighteen
75 years of age when the offender committed the offense or
76 offenses who may be found ineligible for parole or whose
77 parole eligibility may be controlled by section 558.047 or
78 565.033.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

221.108. 1. Jails shall provide inmates with
2 **reasonable access to phone services during an inmate's term**

3 of confinement; provided that, phone access may be
4 restricted as a disciplinary measure.

5 2. No jail or other party shall charge an inmate in a
6 jail a total amount for a domestic phone call, including
7 fees and any per-minute rate, that exceeds the equivalent of
8 twelve cents per minute.

301.551. 1. The department of revenue may require
2 that fingerprint submissions be made as part of an
3 application seeking licensure for a new motor vehicle
4 franchise dealer, used motor vehicle dealer, powersport
5 dealer, wholesale motor vehicle dealer, motor vehicle
6 dealer, public motor vehicle auction, recreational motor
7 vehicle dealer, trailer dealer, boat dealer, manufacturer,
8 or boat manufacturer, as such terms are defined in section
9 301.550.

10 2. If the department of revenue requires that
11 fingerprint submissions be made as part of such application,
12 the department of revenue shall require applicants to submit
13 the fingerprints to the Missouri state highway patrol for
14 the purpose of conducting a state and federal fingerprint-
15 based criminal history background check.

16 3. The fingerprints and any required fees shall be
17 sent to the Missouri state highway patrol's central
18 repository. The fingerprints shall be used for searching
19 the state criminal records repository and shall also be
20 forwarded to the Federal Bureau of Investigation for a
21 federal criminal records search under section 43.540. The
22 Missouri state highway patrol shall notify the department of
23 any criminal history record information or lack of criminal
24 history record information discovered on the individual.
25 Notwithstanding the provisions of section 610.120 to the
26 contrary, all records related to any criminal history

27 information discovered shall be accessible and available to
28 the department.

307.018. 1. Notwithstanding any other provision of
2 law, no court shall issue a warrant of arrest for a person's
3 failure to respond, pay the fine assessed, or appear in
4 court with respect to a traffic citation issued for an
5 infraction under the provisions of this chapter. In lieu of
6 such warrant of arrest, the court shall issue a notice of
7 failure to respond, pay the fine assessed, or appear, and
8 the court shall schedule a second court date for the person
9 to respond, pay the fine assessed, or appear. A copy of the
10 court's notice with the new court date shall be sent to the
11 driver of the vehicle. If the driver fails to respond, pay
12 the fine assessed, or appear on the second court date, the
13 court shall issue a second notice of failure to respond, pay
14 the fine assessed, or appear. If the driver fails to
15 respond, pay the fine assessed, or appear after the second
16 notice, the court may issue a default judgment under section
17 556.021 for the infraction.

18 2. At any point after the default judgment has been
19 entered, the driver may appear in court to state that he or
20 she is unable to pay and to request the court to modify the
21 judgment. The court shall hold a hearing to determine
22 whether the driver has the ability to pay. If the court
23 finds the driver lacks the present ability to pay, the court
24 shall modify the judgment in any way authorized by statute
25 or court rule, including:

26 (1) Allowing for payment of the fine on an installment
27 basis;

28 (2) Waiving or reducing the amount owed; or

29 (3) Requiring the driver to perform community service
30 or attend a court-ordered program in lieu of payment.

31 3. At any point after the default judgment has been
32 entered, the driver may appear in court and show proof that
33 he or she corrected the equipment violation for which the
34 fine and costs were assessed. If the driver shows such
35 proof, the court may waive the fines and costs that are due.

 311.661. 1. The division of alcohol and tobacco
2 control may require any owner, as such term is defined in
3 subsection 3 of this section, or applicant, as such term is
4 defined in section 43.540, seeking a license for the
5 manufacture, sale, transport, consumption, or delivery of
6 intoxicating liquors within this state, as provided in this
7 chapter, to submit fingerprints to the Missouri state
8 highway patrol for the purpose of conducting a state and
9 federal fingerprint-based criminal history background
10 check. The licenses provided by this chapter that require a
11 background check for licensure are as follows:

- 12 (1) Alcohol carrier or transportation license;
- 13 (2) Manufacturer-solicitor, domestic winery, or
14 microbrewery liquor license;
- 15 (3) Primary retail liquor license;
- 16 (4) Solicitor license;
- 17 (5) Wholesalers license; and
- 18 (6) Wine direct shipper license.

19 2. The fingerprints and any required fees shall be
20 sent to the Missouri state highway patrol's central
21 repository. The fingerprints shall be used for searching
22 the state criminal records repository and shall also be
23 forwarded to the Federal Bureau of Investigation for a
24 federal criminal records search under section 43.540. The
25 Missouri state highway patrol shall notify the division of
26 alcohol and tobacco control of any criminal history record
27 information or lack of criminal history record information

28 discovered on the individual. Notwithstanding the
29 provisions of section 610.120 to the contrary, all records
30 related to any criminal history information discovered shall
31 be accessible and available to the division of alcohol and
32 tobacco control.

33 3. For purposes of this section, the following terms
34 mean:

35 (1) "Alcohol carrier or transportation license", a
36 license issued to an applicant for the transport or delivery
37 of intoxicating liquor into, within, or through this state;

38 (2) "Manufacturer-solicitor, domestic winery, or
39 microbrewery liquor license", a license issued to an
40 applicant authorizing the manufacturing, distilling,
41 blending, or brewing of intoxicating liquor in this state;

42 (3) "Owner", an individual holding ten percent or
43 greater financial interest or voting interest in an entity
44 seeking to be licensed;

45 (4) "Primary retail liquor license", a license issued
46 to an applicant for the retail sale of intoxicating liquor
47 in this state;

48 (5) "Solicitor license", a license issued to an
49 applicant which allows for the solicitation of orders for
50 the sale of intoxicating liquor to wholesalers licensed in
51 this state;

52 (6) "Wholesalers license", a license issued to an
53 applicant authorizing the sale of intoxicating liquor to
54 retail licensees;

55 (7) "Wine direct shipper license", a license issued to
56 an applicant allowing for the direct shipping of
57 intoxicating liquor to consumers who are residents of this
58 state and who are at least twenty-one years of age for the
59 personal use and not for resale.

324.055. 1. The Missouri board of occupational
2 therapy may require that fingerprint submissions be made as
3 part of an application seeking licensure as an occupational
4 therapist or an occupational therapy assistant, or a limited
5 permit to practice occupational therapy, as such terms are
6 defined in section 324.050 and as provided in section
7 324.077.

8 2. If the Missouri board of occupational therapy
9 requires that fingerprint submissions be made as part of
10 such application, the Missouri board of occupational therapy
11 shall require applicants to submit the fingerprints to the
12 Missouri state highway patrol for the purpose of conducting
13 a state and federal fingerprint-based criminal history
14 background check.

15 3. The fingerprints and any required fees shall be
16 sent to the Missouri state highway patrol's central
17 repository. The fingerprints shall be used for searching
18 the state criminal records repository and shall also be
19 forwarded to the Federal Bureau of Investigation for a
20 federal criminal records search under section 43.540. The
21 Missouri state highway patrol shall notify the Missouri
22 board of occupational therapy of any criminal history record
23 information or lack of criminal history record information
24 discovered on the individual. Notwithstanding the
25 provisions of section 610.120 to the contrary, all records
26 related to any criminal history information discovered shall
27 be accessible and available to the Missouri board of
28 occupational therapy.

324.129. 1. The state board of registration for the
2 healing arts may require that fingerprint submissions be
3 made as part of an application seeking licensure as a

4 licensed clinical perfusionist and provisional clinical
5 licensed perfusionist, as defined in section 324.128.

6 2. If the state board of registration for the healing
7 arts requires that fingerprint submissions be made as part
8 of such application, the state board of registration for the
9 healing arts shall require applicants to submit the
10 fingerprints to the Missouri state highway patrol for the
11 purpose of conducting a state and federal fingerprint-based
12 criminal history background check.

13 3. The fingerprints and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be
17 forwarded to the Federal Bureau of Investigation for a
18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the state board
20 of registration for the healing arts of any criminal history
21 record information or lack of criminal history record
22 information discovered on the individual. Notwithstanding
23 the provisions of section 610.120 to the contrary, all
24 records related to any criminal history information
25 discovered shall be accessible and available to the state
26 board of registration for the healing arts.

324.246. 1. The board of therapeutic massage may
2 require that fingerprint submissions be made as part of an
3 application seeking a license, provisional license, or
4 student license as a massage therapist and a license as a
5 massage business, as such terms are defined in section
6 324.240 and as provided in sections 324.247 and 324.265.

7 2. If the board of therapeutic massage requires that
8 fingerprint submissions be made as part of such application,
9 the board of therapeutic massage shall require applicants to

10 submit the fingerprints to the Missouri state highway patrol
11 for the purpose of conducting a state and federal
12 fingerprint-based criminal history background check.

13 3. The fingerprints and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be
17 forwarded to the Federal Bureau of Investigation for a
18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the board of
20 therapeutic massage of any criminal history record
21 information or lack of criminal history record information
22 discovered on the individual. Notwithstanding the
23 provisions of section 610.120 to the contrary, all records
24 related to any criminal history information discovered shall
25 be accessible and available to the board of therapeutic
26 massage.

324.488. 1. The state board of chiropractic examiners
2 may require that fingerprint submissions be made as part of
3 an application seeking licensure as an acupuncturist, as
4 such term is defined in section 324.475.

5 2. If the state board of chiropractic examiners
6 requires that fingerprint submissions be made as part of
7 such application, the state board of chiropractic examiners
8 shall require applicants to submit the fingerprints to the
9 Missouri state highway patrol for the purpose of conducting
10 a state and federal fingerprint-based criminal history
11 background check.

12 3. The fingerprints and any required fees shall be
13 sent to the Missouri state highway patrol's central
14 repository. The fingerprints shall be used for searching
15 the state criminal records repository and shall also be

16 forwarded to the Federal Bureau of Investigation for a
17 federal criminal records search under section 43.540. The
18 Missouri state highway patrol shall notify the state board
19 of chiropractic examiners of any criminal history record
20 information or lack of criminal history record information
21 discovered on the individual. Notwithstanding the
22 provisions of section 610.120 to the contrary, all records
23 related to any criminal history information discovered shall
24 be accessible and available to the state board of
25 chiropractic examiners.

324.1105. 1. The board of private investigator and
2 private fire investigator examiners may require that
3 fingerprint submissions be made as part of an application
4 seeking licensure as a private investigator or private fire
5 investigator or as an employee of a private investigator
6 agency or private fire investigator agency, as such terms
7 are defined in section 324.1100.

8 2. If the board of private investigator and private
9 fire investigator examiners requires that fingerprint
10 submissions be made as part of such application, the board
11 of private investigator and private fire investigator
12 examiners shall require applicants to submit the
13 fingerprints to the Missouri state highway patrol for the
14 purpose of conducting a state and federal fingerprint-based
15 criminal history background check.

16 3. The fingerprints and any required fees shall be
17 sent to the Missouri state highway patrol's central
18 repository. The fingerprints shall be used for searching
19 the state criminal records repository and shall also be
20 forwarded to the Federal Bureau of Investigation for a
21 federal criminal records search under section 43.540. The
22 Missouri state highway patrol shall notify the board of

23 private investigator and private fire investigator examiners
24 of any criminal history record information or lack of
25 criminal history record information discovered on the
26 individual. Notwithstanding the provisions of section
27 610.120 to the contrary, all records related to any criminal
28 history information discovered shall be accessible and
29 available to the board of private investigator and private
30 fire investigator examiners.

326.257. 1. The Missouri state board of accountancy
2 may require that fingerprint submissions be made as part of
3 an application seeking licensure as a certified public
4 accountant and a permit for a certified public accounting
5 firm, as defined in section 326.256.

6 2. If the Missouri state board of accountancy requires
7 that fingerprint submissions be made as part of such
8 application, the Missouri state board of accountancy shall
9 require applicants to submit the fingerprints to the
10 Missouri state highway patrol for the purpose of conducting
11 a state and federal fingerprint-based criminal history
12 background check.

13 3. The fingerprints and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be
17 forwarded to the Federal Bureau of Investigation for a
18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the Missouri
20 state board of accountancy of any criminal history record
21 information or lack of criminal history record information
22 discovered on the individual. Notwithstanding the
23 provisions of section 610.120 to the contrary, all records
24 related to any criminal history information discovered shall

25 be accessible and available to the Missouri state board of
26 accountancy.

330.025. 1. The state board of podiatric medicine may
2 require that fingerprint submissions be made as part of an
3 application seeking a permanent license or a temporary
4 license to practice podiatric medicine, as provided in
5 sections 330.045 and 330.065, or a permanent podiatric
6 medicine license with ankle certification, as such term is
7 defined in subsection 4 of this section.

8 2. If the state board of podiatric medicine requires
9 that fingerprint submissions be made as part of such
10 application, the state board of podiatric medicine shall
11 require applicants to submit the fingerprints to the
12 Missouri state highway patrol for the purpose of conducting
13 a state and federal fingerprint-based criminal history
14 background check.

15 3. The fingerprints and any required fees shall be
16 sent to the Missouri state highway patrol's central
17 repository. The fingerprints shall be used for searching
18 the state criminal records repository and shall also be
19 forwarded to the Federal Bureau of Investigation for a
20 federal criminal records search under section 43.540. The
21 Missouri state highway patrol shall notify the state board
22 of podiatric medicine of any criminal history record
23 information or lack of criminal history record information
24 discovered on the individual. Notwithstanding the
25 provisions of section 610.120 to the contrary, all records
26 related to any criminal history information discovered shall
27 be accessible and available to the state board of podiatric
28 medicine.

29 4. For purposes of this section, the term "permanent
30 podiatric medicine license with ankle certification" means a

31 license issued to a doctor of podiatric medicine who has met
32 the requirements for performing surgery on the ankle as
33 provided in section 330.010.

331.025. 1. The state board of chiropractic examiners
2 may require that fingerprint submissions be made as part of
3 an application seeking licensure to engage in the practice
4 of chiropractic, as such term is defined in section 331.010.

5 2. If the state board of chiropractic examiners
6 requires that fingerprint submissions be made as part of
7 such application, the state board of chiropractic examiners
8 shall require applicants to submit the fingerprints to the
9 Missouri state highway patrol for the purpose of conducting
10 a state and federal fingerprint-based criminal history
11 background check.

12 3. The fingerprints and any required fees shall be
13 sent to the Missouri state highway patrol's central
14 repository. The fingerprints shall be used for searching
15 the state criminal records repository and shall also be
16 forwarded to the Federal Bureau of Investigation for a
17 federal criminal records search under section 43.540. The
18 Missouri state highway patrol shall notify the state board
19 of chiropractic examiners of any criminal history record
20 information or lack of criminal history record information
21 discovered on the individual. Notwithstanding the
22 provisions of section 610.120 to the contrary, all records
23 related to any criminal history information discovered shall
24 be accessible and available to the state board of
25 chiropractic examiners.

332.015. 1. The Missouri dental board may require
2 that fingerprint submissions be made as part of an
3 application seeking licensure as a dentist, a dental
4 specialist, a volunteer dentist, a temporary dentist, a

5 dental hygienist, or a volunteer dental hygienist, a limited
6 dental teaching license, and a dental faculty permit, as
7 provided in sections 332.091, 332.112, 332.113, 332.171,
8 332.181, 332.183, 332.201, and 332.425.

9 2. If the Missouri dental board requires that
10 fingerprint submissions be made as part of such application,
11 the Missouri dental board shall require applicants to submit
12 the fingerprints to the Missouri state highway patrol for
13 the purpose of conducting a state and federal fingerprint-
14 based criminal history background check.

15 3. The fingerprints and any required fees shall be
16 sent to the Missouri state highway patrol's central
17 repository. The fingerprints shall be used for searching
18 the state criminal records repository and shall also be
19 forwarded to the Federal Bureau of Investigation for a
20 federal criminal records search under section 43.540. The
21 Missouri state highway patrol shall notify the Missouri
22 dental board of any criminal history record information or
23 lack of criminal history record information discovered on
24 the individual. Notwithstanding the provisions of section
25 610.120 to the contrary, all records related to any criminal
26 history information discovered shall be accessible and
27 available to the Missouri dental board.

334.015. 1. The state board of registration for the
2 healing arts may require that fingerprint submissions be
3 made as part of an application for a permanent license,
4 temporary license, or limited license as a physician and
5 assistant physician, as provided in sections 334.035,
6 334.036, 334.045, 334.046, and 334.112.

7 2. If the state board of registration for the healing
8 arts requires that fingerprint submissions be made as part
9 of such application, the state board of registration for the

10 healing arts shall require applicants to submit the
11 fingerprints to the Missouri state highway patrol for the
12 purpose of conducting a state and federal fingerprint-based
13 criminal history background check.

14 3. The fingerprints and any required fees shall be
15 sent to the Missouri state highway patrol's central
16 repository. The fingerprints shall be used for searching
17 the state criminal records repository and shall also be
18 forwarded to the Federal Bureau of Investigation for a
19 federal criminal records search under section 43.540. The
20 Missouri state highway patrol shall notify the state board
21 of registration for the healing arts of any criminal history
22 record information or lack of criminal history record
23 information discovered on the individual. Notwithstanding
24 the provisions of section 610.120 to the contrary, all
25 records related to any criminal history information
26 discovered shall be accessible and available to the state
27 board of registration for the healing arts.

334.403. 1. The state board of registration for the
2 healing arts may require that fingerprint submissions be
3 made as part of an application seeking licensure as an
4 anesthesiologist assistant, as such term is defined in
5 section 334.400, or a temporary license to practice as an
6 anesthesiologist assistant, as provided in section 334.406.

7 2. If the state board of registration for the healing
8 arts requires that fingerprint submissions be made as part
9 of such application, the state board of registration for the
10 healing arts shall require applicants to submit the
11 fingerprints to the Missouri state highway patrol for the
12 purpose of conducting a state and federal fingerprint-based
13 criminal history background check.

14 3. The fingerprints and any required fees shall be
15 sent to the Missouri state highway patrol's central
16 repository. The fingerprints shall be used for searching
17 the state criminal records repository and shall also be
18 forwarded to the Federal Bureau of Investigation for a
19 federal criminal records search under section 43.540. The
20 Missouri state highway patrol shall notify the state board
21 of registration for the healing arts of any criminal history
22 record information or lack of criminal history record
23 information discovered on the individual. Notwithstanding
24 the provisions of section 610.120 to the contrary, all
25 records related to any criminal history information
26 discovered shall be accessible and available to the state
27 board of registration for the healing arts.

 334.501. 1. The state board of registration for the
2 healing arts may require that fingerprint submissions be
3 made as part of an application seeking a license or
4 temporary license as a physical therapist or physical
5 therapist assistant, as such terms are defined in section
6 334.500 and as provided in section 334.550.

7 2. If the state board of registration for the healing
8 arts requires that fingerprint submissions be made as part
9 of such application, the state board of registration for the
10 healing arts shall require applicants to submit the
11 fingerprints to the Missouri state highway patrol for the
12 purpose of conducting a state and federal fingerprint-based
13 criminal history background check.

14 3. The fingerprints and any required fees shall be
15 sent to the Missouri state highway patrol's central
16 repository. The fingerprints shall be used for searching
17 the state criminal records repository and shall also be
18 forwarded to the Federal Bureau of Investigation for a

19 federal criminal records search under section 43.540. The
20 Missouri state highway patrol shall notify the state board
21 of registration for the healing arts of any criminal history
22 record information or lack of criminal history record
23 information discovered on the individual. Notwithstanding
24 the provisions of section 610.120 to the contrary, all
25 records related to any criminal history information
26 discovered shall be accessible and available to the state
27 board of registration for the healing arts.

334.701. 1. The state board of registration for the
2 healing arts may require that fingerprint submissions be
3 made as part of an application seeking licensure as an
4 athletic trainer, as such term is defined in section 334.702.

5 2. If the state board of registration for the healing
6 arts requires that fingerprint submissions be made as part
7 of such application, the state board of registration for the
8 healing arts shall require applicants to submit the
9 fingerprints to the Missouri state highway patrol for the
10 purpose of conducting a state and federal fingerprint-based
11 criminal history background check.

12 3. The fingerprints and any required fees shall be
13 sent to the Missouri state highway patrol's central
14 repository. The fingerprints shall be used for searching
15 the state criminal records repository and shall also be
16 forwarded to the Federal Bureau of Investigation for a
17 federal criminal records search under section 43.540. The
18 Missouri state highway patrol shall notify the state board
19 of registration for the healing arts of any criminal history
20 record information or lack of criminal history record
21 information discovered on the individual. Notwithstanding
22 the provisions of section 610.120 to the contrary, all
23 records related to any criminal history information

24 discovered shall be accessible and available to the state
25 board of registration for the healing arts.

334.739. 1. The state board of registration for the
2 healing arts may require that fingerprint submissions be
3 made as part of an application seeking a license or
4 temporary license as a physician assistant, as such term is
5 defined in section 334.735 and as provided in section
6 334.736.

7 2. If the state board of registration for the healing
8 arts requires that fingerprint submissions be made as part
9 of such application, the state board of registration for the
10 healing arts shall require applicants to submit the
11 fingerprints to the Missouri state highway patrol for the
12 purpose of conducting a state and federal fingerprint-based
13 criminal history background check.

14 3. The fingerprints and any required fees shall be
15 sent to the Missouri state highway patrol's central
16 repository. The fingerprints shall be used for searching
17 the state criminal records repository and shall also be
18 forwarded to the Federal Bureau of Investigation for a
19 federal criminal records search under section 43.540. The
20 Missouri state highway patrol shall notify the state board
21 of registration for the healing arts of any criminal history
22 record information or lack of criminal history record
23 information discovered on the individual. Notwithstanding
24 the provisions of section 610.120 to the contrary, all
25 records related to any criminal history information
26 discovered shall be accessible and available to the state
27 board of registration for the healing arts.

334.805. 1. The Missouri board for respiratory care
2 may require that fingerprint submissions be made as part of
3 an application seeking licensure as a respiratory care

4 practitioner, an educational permit to practice respiratory
5 care, or a temporary permit to practice respiratory care, as
6 such terms are defined in section 334.800 and as provided in
7 section 334.890.

8 2. If the Missouri board for respiratory care requires
9 that fingerprint submissions be made as part of such
10 application, the Missouri board for respiratory care shall
11 require applicants to submit the fingerprints to the
12 Missouri state highway patrol for the purpose of conducting
13 a state and federal fingerprint-based criminal history
14 background check.

15 3. The fingerprints and any required fees shall be
16 sent to the Missouri state highway patrol's central
17 repository. The fingerprints shall be used for searching
18 the state criminal records repository and shall also be
19 forwarded to the Federal Bureau of Investigation for a
20 federal criminal records search under section 43.540. The
21 Missouri state highway patrol shall notify the Missouri
22 board for respiratory care of any criminal history record
23 information or lack of criminal history record information
24 discovered on the individual. Notwithstanding the
25 provisions of section 610.120 to the contrary, all records
26 related to any criminal history information discovered shall
27 be accessible and available to the Missouri board for
28 respiratory care.

335.022. 1. The state board of nursing may require
2 applicants to submit fingerprints to the Missouri state
3 highway patrol for the purpose of conducting a state and
4 federal fingerprint-based criminal history background check
5 for employment purposes with the state board of nursing.

6 2. The fingerprints and any required fees shall be
7 sent to the Missouri state highway patrol's central

8 repository. The fingerprints shall be used for searching
9 the state criminal records repository and shall also be
10 forwarded to the Federal Bureau of Investigation for a
11 federal criminal records search under section 43.540. The
12 Missouri state highway patrol shall notify the state board
13 of nursing of any criminal history record information or
14 lack of criminal history record information discovered on
15 the individual. Notwithstanding the provisions of section
16 610.120 to the contrary, all records related to any criminal
17 history information discovered shall be accessible and
18 available to the state board of nursing.

335.042. 1. The state board of nursing may require
2 that fingerprint submissions be made as part of an
3 application seeking licensure to practice as a registered
4 nurse, practical nurse, and advanced practice registered
5 nurse, as such terms are defined in section 335.016.

6 2. If the state board of nursing requires that
7 fingerprint submissions be made as part of such application,
8 the state board of nursing shall require nursing applicants
9 to submit the fingerprints to the Missouri state highway
10 patrol for the purpose of conducting a state and federal
11 fingerprint-based criminal history background check.

12 3. The fingerprints and any required fees shall be
13 sent to the Missouri state highway patrol's central
14 repository. The fingerprints shall be used for searching
15 the state criminal records repository and shall also be
16 forwarded to the Federal Bureau of Investigation for a
17 federal criminal records search under section 43.540. The
18 Missouri state highway patrol shall notify the state board
19 of nursing of any criminal history record information or
20 lack of criminal history record information discovered on
21 the individual. Notwithstanding the provisions of section

22 610.120 to the contrary, all records related to any criminal
23 history information discovered shall be accessible and
24 available to the state board of nursing.

336.025. 1. The state board of optometry may require
2 that fingerprint submissions be made as part of an
3 application seeking licensure to practice as an optometrist,
4 as provided in sections 336.010 and 336.030.

5 2. If the state board of optometry requires that
6 fingerprint submissions be made as part of such application,
7 the state board of optometry shall require applicants to
8 submit the fingerprints to the Missouri state highway patrol
9 for the purpose of conducting a state and federal
10 fingerprint-based criminal history background check.

11 3. The fingerprints and any required fees shall be
12 sent to the Missouri state highway patrol's central
13 repository. The fingerprints shall be used for searching
14 the state criminal records repository and shall also be
15 forwarded to the Federal Bureau of Investigation for a
16 federal criminal records search under section 43.540. The
17 Missouri state highway patrol shall notify the state board
18 of optometry of any criminal history record information or
19 lack of criminal history record information discovered on
20 the individual. Notwithstanding the provisions of section
21 610.120 to the contrary, all records related to any criminal
22 history information discovered shall be accessible and
23 available to the state board of optometry.

337.018. 1. The state committee of psychologists may
2 require that fingerprint submissions be made as part of an
3 application seeking licensure as a licensed psychologist,
4 provisional licensed psychologist, and temporary license for
5 a licensed psychologist.

6 2. If the state committee of psychologists requires
7 that fingerprint submissions be made as part of such
8 application, the state committee of psychologists shall
9 require applicants to submit the fingerprints to the
10 Missouri state highway patrol for the purpose of conducting
11 a state and federal fingerprint-based criminal history
12 background check.

13 3. The fingerprints and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be
17 forwarded to the Federal Bureau of Investigation for a
18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the state
20 committee of psychologists of any criminal history record
21 information or lack of criminal history record information
22 discovered on the individual. Notwithstanding the
23 provisions of section 610.120 to the contrary, all records
24 related to any criminal history information discovered shall
25 be accessible and available to the state committee of
26 psychologists.

 337.308. 1. The behavior analyst advisory board may
2 require that fingerprint submissions be made as part of an
3 application seeking licensure, provisional licensure, or
4 temporary licensure as a licensed behavior analyst or a
5 licensed assistant behavior analyst, as such terms are
6 defined in section 337.300.

7 2. If the behavior analyst advisory board requires
8 that fingerprint submissions be made as part of such
9 application, the behavior analyst advisory board shall
10 require applicants to submit the fingerprints to the
11 Missouri state highway patrol for the purpose of conducting

12 a state and federal fingerprint-based criminal history
13 background check.

14 3. The fingerprints and any required fees shall be
15 sent to the Missouri state highway patrol's central
16 repository. The fingerprints shall be used for searching
17 the state criminal records repository and shall also be
18 forwarded to the Federal Bureau of Investigation for a
19 federal criminal records search under section 43.540. The
20 Missouri state highway patrol shall notify the behavior
21 analyst advisory board of any criminal history record
22 information or lack of criminal history record information
23 discovered on the individual. Notwithstanding the
24 provisions of section 610.120 to the contrary, all records
25 related to any criminal history information discovered shall
26 be accessible and available to the behavior analyst advisory
27 board.

337.501. 1. The committee for professional counselors
2 may require that fingerprint submissions be made as part of
3 an application seeking licensure as a licensed professional
4 counselor and provisional licensed professional counselor,
5 as defined in section 337.500.

6 2. If the committee for professional counselors
7 requires that fingerprint submissions be made as part of
8 such application, the committee for professional counselors
9 shall require applicants to submit the fingerprints to the
10 Missouri state highway patrol for the purpose of conducting
11 a state and federal fingerprint-based criminal history
12 background check.

13 3. The fingerprints and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be

17 forwarded to the Federal Bureau of Investigation for a
18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the committee for
20 professional counselors of any criminal history record
21 information or lack of criminal history record information
22 discovered on the individual. Notwithstanding the
23 provisions of section 610.120 to the contrary, all records
24 related to any criminal history information discovered shall
25 be accessible and available to the committee for
26 professional counselors.

337.605. 1. The state committee for social workers
2 may require that fingerprint submissions be made as part of
3 an application seeking a license or a temporary permit to
4 practice as a licensed clinical social worker, licensed
5 advanced macro social worker, licensed master social worker,
6 and licensed baccalaureate social worker, as such terms are
7 defined in section 337.600 and as provided in section
8 337.621.

9 2. If the state committee for social workers requires
10 that fingerprint submissions be made as part of such
11 application, the state committee for social workers shall
12 require applicants to submit the fingerprints to the
13 Missouri state highway patrol for the purpose of conducting
14 a state and federal fingerprint-based criminal history
15 background check.

16 3. The fingerprints and any required fees shall be
17 sent to the Missouri state highway patrol's central
18 repository. The fingerprints shall be used for searching
19 the state criminal records repository and shall also be
20 forwarded to the Federal Bureau of Investigation for a
21 federal criminal records search under section 43.540. The
22 Missouri state highway patrol shall notify the state

23 committee for social workers of any criminal history record
24 information or lack of criminal history record information
25 discovered on the individual. Notwithstanding the
26 provisions of section 610.120 to the contrary, all records
27 related to any criminal history information discovered shall
28 be accessible and available to the state committee for
29 social workers.

337.702. 1. The state committee of marital and family
2 therapists may require that fingerprint submissions be made
3 as part of an application seeking licensure as a licensed
4 marital and family therapist or provisional licensed marital
5 and family therapist as such terms are defined in section
6 337.700.

7 2. If the state committee of marital and family
8 therapists requires that fingerprint submissions be made as
9 part of such application, the state committee of marital and
10 family therapists shall require applicants to submit the
11 fingerprints to the Missouri state highway patrol for the
12 purpose of conducting a state and federal fingerprint-based
13 criminal history background check.

14 3. The fingerprints and any required fees shall be
15 sent to the Missouri state highway patrol's central
16 repository. The fingerprints shall be used for searching
17 the state criminal records repository and shall also be
18 forwarded to the Federal Bureau of Investigation for a
19 federal criminal records search under section 43.540. The
20 Missouri state highway patrol shall notify the state
21 committee of marital and family therapists of any criminal
22 history record information or lack of criminal history
23 record information discovered on the individual.
24 Notwithstanding the provisions of section 610.120 to the
25 contrary, all records related to any criminal history

26 information discovered shall be accessible and available to
27 the state committee of marital and family therapists.

338.052. 1. The board of pharmacy may require that
2 fingerprint submissions be made as part of an application
3 seeking a license to practice pharmacy as a pharmacist, a
4 certificate of registration as a pharmacy technician, a
5 license as an intern pharmacist, a license as a wholesale
6 drug distributor, a license as a third-party logistics
7 provider, a temporary license as a pharmacist, a permit for
8 the practice of pharmacy to be conducted at a pharmacy, and
9 a license as a drug outsourcer, as provided in sections
10 338.010, 338.013, 338.035, 338.043, 338.050, 338.210, and
11 338.330, and a manager-in-charge, wholesale drug distributor
12 facility manager, third-party logistics provider facility
13 manager, wholesale drug distributor facility owner, or third-
14 party logistics provider facility owner, as such terms are
15 defined in subsection 4 of this section.

16 2. If the board of pharmacy requires that fingerprint
17 submissions be made as part of such application, the board
18 of pharmacy shall require applicants to submit the
19 fingerprints to the Missouri state highway patrol for the
20 purpose of conducting a state and federal fingerprint-based
21 criminal history background check.

22 3. The fingerprints and any required fees shall be
23 sent to the Missouri state highway patrol's central
24 repository. The fingerprints shall be used for searching
25 the state criminal records repository and shall also be
26 forwarded to the Federal Bureau of Investigation for a
27 federal criminal records search under section 43.540. The
28 Missouri state highway patrol shall notify the board of
29 pharmacy of any criminal history record information or lack
30 of criminal history record information discovered on the

31 individual. Notwithstanding the provisions of section
32 610.120 to the contrary, all records related to any criminal
33 history information discovered shall be accessible and
34 available to the board of pharmacy.

35 4. For purposes of this section, the following terms
36 mean:

37 (1) "Manager-in-charge", a person who directly
38 supervises a licensed wholesale drug distributor or a third-
39 party logistics provider, as such terms are defined in
40 section 338.330, and whose fingerprints are required by
41 federal or state law for licensure of a wholesale drug
42 distributor facility or third-party logistics provider
43 facility;

44 (2) "Third-party logistics provider facility manager",
45 a person who is a manager and direct supervisor of a
46 licensed third-party logistics provider, as such term is
47 defined in section 338.330, and whose fingerprints are
48 required by federal or state law for licensure of a third-
49 party logistics provider facility;

50 (3) "Third-party logistics provider facility owner", a
51 person who is an owner with greater than ten percent
52 ownership interest of a licensed third-party logistics
53 provider, as such term is defined in section 338.330, and
54 whose fingerprints are required by federal or state law for
55 licensure of a third-party logistics provider facility;

56 (4) "Wholesale drug distributor facility manager", a
57 person who is a manager of a wholesale drug distributor, as
58 such term is defined in section 338.330, and whose
59 fingerprints are required by federal or state law for
60 licensure of a wholesale drug distributor facility;

61 (5) "Wholesale drug distributor facility owner", a
62 person who is an owner with greater than ten percent

63 ownership interest of a licensed wholesale drug distributor,
64 as such term is defined in section 338.330, and whose
65 fingerprints are required by federal or state law for
66 licensure of a wholesale drug distributor facility.

339.015. 1. The Missouri real estate commission may
2 require that fingerprint submissions be made as part of an
3 application seeking licensure as a real estate broker, real
4 estate salesperson, and real estate broker-salesperson, as
5 such terms are defined in section 339.010 and as provided in
6 sections 339.030 and 339.040.

7 2. If the Missouri real estate commission requires
8 that fingerprint submissions be made as part of such
9 application, the Missouri real estate commission shall
10 require applicants to submit the fingerprints to the
11 Missouri state highway patrol for the purpose of conducting
12 a state and federal fingerprint-based criminal history
13 background check.

14 3. The fingerprints and any required fees shall be
15 sent to the Missouri state highway patrol's central
16 repository. The fingerprints shall be used for searching
17 the state criminal records repository and shall also be
18 forwarded to the Federal Bureau of Investigation for a
19 federal criminal records search under section 43.540. The
20 Missouri state highway patrol shall notify the Missouri real
21 estate commission of any criminal history record information
22 or lack of criminal history record information discovered on
23 the individual. Notwithstanding the provisions of section
24 610.120 to the contrary, all records related to any criminal
25 history information discovered shall be accessible and
26 available to the Missouri real estate commission.

339.510. 1. The Missouri real estate appraisers
2 commission may require that fingerprint submissions be made

3 as part of an application seeking licensure as a certified
4 residential appraiser, a certified residential appraiser
5 trainee, a certified general appraiser, a certified general
6 appraiser trainee, a state-licensed appraiser, a state-
7 licensed appraiser trainee, an appraisal management company,
8 a controlling person of an appraisal management company, and
9 an owner of an appraisal management company.

10 2. If the Missouri real estate appraisers commission
11 requires that fingerprint submissions be made as part of
12 such application, the Missouri real estate appraisers
13 commission shall require applicants to submit the
14 fingerprints to the Missouri state highway patrol for the
15 purpose of conducting a state and federal fingerprint-based
16 criminal history background check.

17 3. The fingerprints and any required fees shall be
18 sent to the Missouri state highway patrol's central
19 repository. The fingerprints shall be used for searching
20 the state criminal records repository and shall also be
21 forwarded to the Federal Bureau of Investigation for a
22 federal criminal records search under section 43.540. The
23 Missouri state highway patrol shall notify the Missouri real
24 estate appraisers commission of any criminal history record
25 information or lack of criminal history record information
26 discovered on the individual. Notwithstanding the
27 provisions of section 610.120 to the contrary, all records
28 related to any criminal history information discovered shall
29 be accessible and available to the Missouri real estate
30 appraisers commission.

31 4. For purposes of this section, the following terms
32 mean:

33 (1) "Appraisal management company", a person that
34 utilizes an appraisal panel and performs appraisal

35 management services, as defined in subdivision (2) of this
36 subsection, and who has met the qualifications for licensure
37 as set forth in 20 CSR 2245-10.010 and 10.040;

38 (2) "Appraisal management services", to perform any of
39 the following functions on behalf of a lender, financial
40 institution, client, or any other person:

41 (a) Administer an appraiser panel;

42 (b) Recruit, qualify, verify licensing or
43 certification, and negotiate fees and service level
44 expectations with persons who are part of an appraiser panel;

45 (c) Receive an order for an appraisal from one person
46 and deliver the order for the appraisal to an appraiser that
47 is part of an appraiser panel for completion;

48 (d) Track and determine the status of orders for
49 appraisals performed by appraisers who are part of an
50 appraisal panel;

51 (e) Conduct quality control of a completed appraisal
52 performed by an appraiser who is part of an appraisal panel
53 prior to the delivery of the appraisal to the person who
54 ordered the appraisal; and

55 (f) Provide a completed appraisal performed by an
56 appraiser who is part of an appraisal panel to one or more
57 persons who have ordered an appraisal;

58 (3) "Certified general appraiser", an individual who
59 is qualified by education, experience, and examination to
60 appraise any real property pursuant to 20 CSR 2245-9.010 and
61 whose fingerprints are required for licensure pursuant to 20
62 CSR 2245-3.010 and 12 CFR Chapter XI;

63 (4) "Certified general appraiser trainee", an
64 individual who, under supervision, is qualified to appraise
65 certain real property pursuant to 20 CSR 2245-9.010 and

66 whose fingerprints are required for licensure pursuant to 20
67 CSR 2245-6.017(3) and 12 CFR Chapter XI;

68 (5) "Certified residential appraiser", an individual
69 who is qualified by education, experience, and examination
70 to appraise certain real property pursuant to 20 CSR 2245-
71 9.010 and whose fingerprints are required for licensure
72 pursuant to 20 CSR 2245-3.010 and 12 CFR Chapter XI;

73 (6) "Certified residential appraiser trainee", an
74 individual who, under supervision, is qualified to appraise
75 certain real property pursuant to 20 CSR 2245-9.010 and
76 whose fingerprints are required for licensure pursuant to 20
77 CSR 2245-6.017(3) and 12 CFR Chapter XI;

78 (7) "Controlling person of an appraisal management
79 company":

80 (a) An owner of an appraisal management company;

81 (b) An individual employed, appointed, or authorized
82 by an appraisal management company that has the authority to
83 enter into a contractual relationship with other persons for
84 the performance of appraisal management services and has the
85 authority to enter into agreements with appraisers for the
86 performance of appraisals; or

87 (c) An individual who possesses the power to direct or
88 cause the direction of the management or policies of an
89 appraisal management company whose fingerprints are required
90 for licensure pursuant to 20 CSR 2245-10.010 and 12 CFR
91 Chapter XI;

92 (8) "Owner of an appraisal management company", a
93 person who owns ten percent or more of a licensed appraisal
94 management company and whose fingerprints are required for
95 licensure pursuant to 20 CSR 2245-10.010 and 12 CFR Chapter
96 XI;

97 (9) "State-licensed appraiser", an individual who is
98 qualified by education, experience, and examination to
99 appraise certain real property pursuant to 20 CSR 2245-9.010
100 and whose fingerprints are required for licensure pursuant
101 to 20 CSR 2245-3.010 and 12 CFR Chapter XI;

102 (10) "State-licensed appraiser trainee", an individual
103 who, under supervision, is qualified to appraise certain
104 real property pursuant to 20 CSR 2245-9.010 and whose
105 fingerprints are required for licensure pursuant to 20 CSR
106 2245-6.017(3) and 12 CFR Chapter XI.

345.016. 1. The state board of registration for the
2 healing arts may require that fingerprint submissions be
3 made as part of an application seeking a license, as
4 described in section 345.020, or provisional license, as
5 described in section 345.021, as an audiologist, an
6 audiology aide, a speech-language pathologist, a speech-
7 language pathology aide, and a speech-language pathology
8 assistant, as such terms are defined in section 345.015.

9 2. If the state board of registration for the healing
10 arts requires that fingerprint submissions be made as part
11 of such application, the state board of registration for the
12 healing arts shall require applicants to submit the
13 fingerprints to the Missouri state highway patrol for the
14 purpose of conducting a state and federal fingerprint-based
15 criminal history background check.

16 3. The fingerprints and any required fees shall be
17 sent to the Missouri state highway patrol's central
18 repository. The fingerprints shall be used for searching
19 the state criminal records repository and shall also be
20 forwarded to the Federal Bureau of Investigation for a
21 federal criminal records search under section 43.540. The
22 Missouri state highway patrol shall notify the state board

23 of registration for the healing arts of any criminal history
24 record information or lack of criminal history record
25 information discovered on the individual. Notwithstanding
26 the provisions of section 610.120 to the contrary, all
27 records related to any criminal history information
28 discovered shall be accessible and available to the state
29 board of registration for the healing arts.

374.711. 1. The department of commerce and insurance
2 may require that fingerprint submissions be made as part of
3 an application seeking a license, or renewal of a license,
4 for a general bail bond agent, a bail bond agent, or a
5 surety recovery agent, as such terms are defined in section
6 374.700.

7 2. If the department of commerce and insurance
8 requires that fingerprint submissions be made as part of
9 such application, the department of commerce and insurance
10 shall require applicants to submit the fingerprints to the
11 Missouri state highway patrol for the purpose of conducting
12 a state and federal fingerprint-based criminal history
13 background check.

14 3. The fingerprints and any required fees shall be
15 sent to the Missouri state highway patrol's central
16 repository. The fingerprints shall be used for searching
17 the state criminal records repository and shall also be
18 forwarded to the Federal Bureau of Investigation for a
19 federal criminal records search under section 43.540. The
20 Missouri state highway patrol shall notify the department of
21 any criminal history record information or lack of criminal
22 history record information discovered on the individual.
23 Notwithstanding the provisions of section 610.120 to the
24 contrary, all records related to any criminal history

25 information discovered shall be accessible and available to
26 the department.

436.225. 1. The director of the division of
2 professional registration may require that fingerprint
3 submissions be made as part of an application seeking
4 licensure as an athlete agent.

5 2. If the director of the division of professional
6 registration requires that fingerprint submissions be made
7 as part of such application, the director of the division of
8 professional registration shall require applicants to submit
9 the fingerprints to the Missouri state highway patrol for
10 the purpose of conducting a state and federal fingerprint-
11 based criminal history background check.

12 3. The fingerprints and any required fees shall be
13 sent to the Missouri state highway patrol's central
14 repository. The fingerprints shall be used for searching
15 the state criminal records repository and shall also be
16 forwarded to the Federal Bureau of Investigation for a
17 federal criminal records search under section 43.540. The
18 Missouri state highway patrol shall notify the director of
19 the division of professional registration of any criminal
20 history record information or lack of criminal history
21 record information discovered on the individual.
22 Notwithstanding the provisions of section 610.120 to the
23 contrary, all records related to any criminal history
24 information discovered shall be accessible and available to
25 the director of the division of professional registration.

26 4. For purposes of this section, the term "athlete
27 agent" means an individual who:

28 (1) Recruits or solicits a student athlete to enter
29 into an agency contract or, for compensation, procures
30 employment or offers, promises, attempts, or negotiates to

31 obtain employment for a student athlete as a professional
32 athlete or member of a professional sports team or
33 organization;

34 (2) For compensation or in anticipation of
35 compensation related to a student athlete's participation in
36 athletics:

37 (a) Serves the student athlete in an advisory capacity
38 on a matter related to finances, business pursuits, or
39 career management decisions, unless the individual is an
40 employee of an educational institution acting exclusively as
41 an employee of the educational institution for the benefit
42 of the educational institution; or

43 (b) Manages the business affairs of the student
44 athlete by providing assistance with bills, payments,
45 contracts, or taxes; or

46 (3) In anticipation of representing a student athlete
47 for a purpose related to the student athlete's participation
48 in athletics:

49 (a) Gives consideration to the student athlete or
50 another person;

51 (b) Serves the student athlete in an advisory capacity
52 on a matter related to finances, business pursuits, or
53 career management decisions; or

54 (c) Manages the business affairs of the student
55 athlete by providing assistance with bills, payments,
56 contracts, or taxes.

443.702. 1. The division of finance may require that
2 fingerprint submissions be made as part of an application
3 seeking licensure to act as a residential mortgage loan
4 broker or a mortgage loan originator.

5 2. If the division of finance requires that
6 fingerprint submissions be made as part of such application,

7 the division of finance shall require applicants to submit
8 the fingerprints to the Missouri state highway patrol for
9 the purpose of conducting a state and federal fingerprint-
10 based criminal history background check.

11 3. The fingerprints and any required fees shall be
12 sent to the Missouri state highway patrol's central
13 repository. The fingerprints shall be used for searching
14 the state criminal records repository and shall also be
15 forwarded to the Federal Bureau of Investigation for a
16 federal criminal records search under section 43.540. The
17 Missouri state highway patrol shall notify the division of
18 finance of any criminal history record information or lack
19 of criminal history record information discovered on the
20 individual. Notwithstanding the provisions of section
21 610.120 to the contrary, all records related to any criminal
22 history information discovered shall be accessible and
23 available to the division of finance.

24 4. For purposes of this section, the following terms
25 mean:

26 (1) "Mortgage loan originator", an individual who for
27 compensation or gain or in the expectation of compensation
28 or gain takes a residential mortgage loan application, or
29 offers or negotiates terms of a residential mortgage loan.
30 Mortgage loan originator does not include:

31 (a) An individual engaged solely as a loan processor
32 or underwriter except as otherwise provided in sections
33 443.701 to 443.893;

34 (b) A person that only performs real estate brokerage
35 activities and is licensed or registered in accordance with
36 the law of this state, unless the person is compensated by a
37 lender, a mortgage broker, or other mortgage loan originator

38 or by any agent of such lender, mortgage broker, or other
39 mortgage loan originator;

40 (c) A person solely involved in extensions of credit
41 relating to time-share plans, as the term time-share plans
42 is defined in 11 U.S.C. Section 101(53D);

43 (d) An individual who is servicing a mortgage loan; and

44 (e) A person employed by a licensed mortgage broker or
45 loan originator who accepts or receives residential mortgage
46 loan applications;

47 (2) "Residential mortgage loan broker", any person,
48 other than an exempt person, engaged in the business of
49 brokering, funding, servicing, or purchasing residential
50 mortgage loans.

455.098. 1. Upon the request of the victim or the
2 prosecuting or circuit attorney, a court shall have
3 jurisdiction at the time of sentencing to enter a lifetime
4 protection order restraining or enjoining the defendant from
5 contacting the victim if the defendant has been found guilty
6 of a dangerous felony, as defined in section 556.061. The
7 protection order shall be effective immediately and shall be
8 served on the defendant at the time of sentencing. An order
9 issued pursuant to this section shall not expire and is
10 valid for the defendant's lifetime unless:

11 (1) The defendant makes a showing to the court that
12 the victim has died or the conviction has been dismissed,
13 expunged, or overturned or the defendant has been pardoned;
14 or

15 (2) The victim submits a written request to the court
16 for an early expiration upon which the court may hold a
17 hearing to terminate the order.

18 2. A copy of any order of protection granted pursuant
19 to this section shall be issued to the victim and to the

20 local law enforcement agency in the jurisdiction where the
21 victim resides. The court shall provide all necessary
22 information, including the defendant's relationship to the
23 victim, for entry of the order of protection into the
24 Missouri Uniform Law Enforcement System (MULES) and the
25 National Crime Information Center (NCIC). Upon receiving
26 the order under this subsection, the sheriff shall make the
27 entry into MULES within twenty-four hours. MULES shall
28 forward the order information to NCIC, which will in turn
29 make the order viewable within the National Instant Criminal
30 Background Check System (NICS). The sheriff shall enter
31 information contained in the order, including, but not
32 limited to, any orders regarding child custody or visitation
33 and all specifics as to times and dates of custody or
34 visitation that are provided in the order. A notice of
35 termination of any order of protection or any change in
36 child custody or visitation within that order shall be
37 issued to the local law enforcement agency for entry into
38 MULES or any other comparable law enforcement system. The
39 information contained in an order of protection may be
40 entered into MULES or any other comparable law enforcement
41 system using a direct automated data transfer from the court
42 automated system to the law enforcement system.

484.125. 1. The Missouri supreme court may require
2 that fingerprint submissions be made as part of an
3 application of licensure for admission or reinstatement to
4 the Missouri Bar in order to engage in the practice of law
5 or law business, as such terms are defined in section
6 484.010.

7 2. If the Missouri supreme court requires that
8 fingerprint submissions be made as part of such application,
9 the Missouri supreme court shall submit the fingerprints to

10 the Missouri state highway patrol for the purpose of
11 conducting a state and federal fingerprint-based criminal
12 history background check.

13 3. The fingerprints and any required fees shall be
14 sent to the Missouri state highway patrol's central
15 repository. The fingerprints shall be used for searching
16 the state criminal records repository and shall also be
17 forwarded to the Federal Bureau of Investigation for a
18 federal criminal records search under section 43.540. The
19 Missouri state highway patrol shall notify the Missouri
20 supreme court of any criminal history record information or
21 lack of criminal history record information discovered on
22 the individual. Notwithstanding the provisions of section
23 610.120 to the contrary, all records related to any criminal
24 history information discovered shall be accessible and
25 available to the Missouri supreme court.

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

10 (2) Notwithstanding the provisions of section 33.080
11 to the contrary, any moneys remaining in the fund at the end
12 of the biennium shall not revert to the credit of the
13 general revenue fund.

14 (3) The state treasurer shall invest moneys in the
15 fund in the same manner as other funds are invested. Any

16 interest and moneys earned on such investments shall be
17 credited to the fund.

18 2. Any law enforcement agency **and any prosecuting or**
19 **circuit attorney's office** may provide for the security of
20 witnesses, potential witnesses, and their immediate families
21 in criminal proceedings instituted or investigations pending
22 against a person alleged to have engaged in a violation of
23 state law. Providing for witnesses may include provision of
24 housing facilities and for the health, safety, and welfare
25 of such witnesses and their immediate families, if testimony
26 by such a witness might subject the witness or a member of
27 his or her immediate family to danger of bodily injury, and
28 may continue so long as such danger exists. Subject to
29 appropriations from the general assembly for the purposes
30 provided for in this section, funds may be appropriated from
31 the pretrial witness protection services fund.

32 3. The department of public safety may authorize funds
33 to be disbursed to law enforcement agencies **and prosecuting**
34 **or circuit attorney's offices** for the purchase, rental, or
35 modification of protected housing facilities for the purpose
36 of this section. The law enforcement agency **or prosecuting**
37 **or circuit attorney's office** may contract with any
38 department of federal or state government to obtain or to
39 provide the facilities or services to carry out this section.

40 4. The department of public safety may authorize
41 expenditures for law enforcement agencies **and prosecuting or**
42 **circuit attorney's offices** to provide for the health,
43 safety, and welfare of witnesses and victims, and the
44 families of such witnesses and victims, whenever testimony
45 from, or a willingness to testify by, such a witness or
46 victim would place the life of such person, or a member of
47 his or her family or household, in jeopardy. [A law

48 enforcement agency shall submit an application to the
49 department of public safety which shall include, but not
50 necessarily be limited to:

51 (1) Statement of conditions which qualify persons for
52 protection;

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

56 (3) Statement of the projected costs over a specified
57 period of time;

58 (4) If the requesting agency expects the person to
59 provide evidence in any court of competent jurisdiction:

60 (a) Brief statement of the anticipated evidence;

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

63 (c) Statement of facts supporting the law enforcement
64 agency's belief in the accuracy of the evidence; and

65 (d) Any offer made in exchange for the person agreeing

66 to give evidence.] **Law enforcement agencies and prosecuting
67 or circuit attorney's offices seeking reimbursement shall
68 submit an application to be approved by the department of
69 public safety.**

70 5. The application **and any associated documents**
71 submitted in subsection 4 of this section shall be a closed
72 record and not subject to disclosure under the provisions of
73 chapter 610. Any information contained in the application[,
74 or] **and** any other documents, which reveals or could reveal
75 the location or address of the individual or individuals who
76 qualify for services under this section shall be
77 confidential and shall not be disclosed by any entity.

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

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

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

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

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

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

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

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

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

(2) No application shall be accepted if there is any pending motion, writ, appeal, or other matter pending regarding the defendant's conviction, except for any motion to vacate or set aside the judgment pursuant to section 547.031. Any application filed shall be considered a pleading under the Missouri rules of civil procedure and all attorneys shall comply with supreme court rule 55.03 when signing the application and the application shall be sworn and signed under penalty of perjury by the applicant. Any witness statements attached shall be sworn and signed under penalty of perjury; and

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

4. The conviction review unit shall consist of two attorneys, hired by the executive director of the Missouri office of prosecution services, who have extensive

33 experience prosecuting and defending criminal matters, an
34 investigator, a paralegal, and such administrative staff as
35 is needed to efficiently and effectively process all
36 applications and claims. The executive director of the
37 Missouri office of prosecution services shall coordinate the
38 activities and budget of the conviction review unit and act
39 as an ex officio member of the unit.

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

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

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

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

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

61 (2) The conviction review unit's findings and
62 recommendations submitted to the prosecuting attorney,
63 circuit attorney, the attorney general's office if it
64 prosecuted the case, or the special prosecutor who

65 prosecuted the case, shall become open records after the
66 receiving entity of the submission makes a decision not to
67 pursue a motion under section 547.031 or, if such a motion
68 is filed, after the finality of all proceedings under
69 section 547.031, including appeals authorized therein.

70 8. Nothing in this section shall be construed to
71 prevent a prosecuting attorney or circuit attorney from
72 filing a motion under section 547.031 before the review
73 under this section is complete.

556.021. 1. An infraction does not constitute a
2 criminal offense and conviction of an infraction shall not
3 give rise to any disability or legal disadvantage based on
4 conviction of a criminal offense.

5 2. Except as otherwise provided by law, the procedure
6 for infractions shall be the same as for a misdemeanor.

7 3. If a person fails to appear in court either solely
8 for an infraction or for an infraction which is committed in
9 the same course of conduct as a criminal offense for which
10 the person is charged, or if a person fails to respond to
11 notice of an infraction from the central violations bureau
12 established in section 476.385, the court may issue a
13 default judgment for court costs and fines for the
14 infraction which shall be enforced in the same manner as
15 other default judgments, including enforcement under
16 sections 488.5028 and 488.5030, unless the court determines
17 that good cause or excusable neglect exists for the person's
18 failure to appear for the infraction. The notice of entry
19 of default judgment and the amount of fines and costs
20 imposed shall be sent to the person by first class mail.
21 The default judgment may be set aside for good cause if the
22 person files a motion to set aside the judgment within six

23 months of the date the notice of entry of default judgment
24 is mailed.

25 4. Notwithstanding subsection 3 of this section or any
26 provisions of law to the contrary, a court may issue a
27 warrant for failure to appear for any violation [which] that
28 is classified **or charged** as an infraction; **except that, a**
29 **court shall not issue a warrant for failure to appear for**
30 **any violation that is classified or charged as an infraction**
31 **under chapter 307.**

32 5. Judgment against the defendant for an infraction
33 shall be in the amount of the fine authorized by law and the
34 court costs for the offense.

557.520. 1. For purposes of this section, the
2 following terms shall mean:

3 (1) "Failed start", any attempt to start the vehicle
4 with a breath alcohol concentration exceeding twenty-five
5 thousandths of one percent by weight of alcohol in such
6 person's breath, unless a subsequent retest performed within
7 ten minutes registers a breath alcohol concentration not
8 exceeding twenty-five thousandths of one percent by weight
9 of alcohol in such person's breath;

10 (2) "Running retest", failure to take a breath test
11 performed by the driver upon a certified ignition interlock
12 device at random intervals after the initial engine startup
13 breath test and while the vehicle's motor is running or
14 failure to take a breath retest with a breath alcohol
15 concentration not exceeding twenty-five thousandths of one
16 percent by weight of alcohol in such person's breath;

17 (3) "Vehicle", any mechanical device on wheels,
18 designed primarily for use, or used, on highways.

19 2. In any criminal case involving an intoxicated-
20 related traffic offense, the defendant may request to divert

21 the criminal case to a driving while intoxicated (DWI)
22 diversion program described in this section by submitting a
23 request to the prosecuting or circuit attorney and sending a
24 copy of such request to the department of revenue within
25 fifteen days of his or her arrest. The prosecuting or
26 circuit attorney may divert the criminal case to this DWI
27 diversion program by filing a motion with the court to stay
28 the criminal proceeding, if the defendant meets the
29 following criteria for eligibility into the DWI diversion
30 program:

31 (1) The defendant has not previously pled guilty to or
32 been convicted of an intoxicated-related traffic offense in
33 violation of sections 577.010, 577.012, 577.013, 577.014,
34 577.015, or 577.016;

35 (2) The defendant is not currently enrolled in, and
36 has not in the previous five years completed, a diversion
37 program pursuant to this section;

38 (3) The defendant does not hold a commercial driver's
39 license;

40 (4) The offense did not occur while operating a
41 commercial vehicle;

42 (5) The offense did not result in the injury or death
43 of another person; and

44 (6) The defendant did not refuse to submit to any test
45 allowed pursuant to section 577.020.

46 3. Upon a motion filed by the prosecuting or circuit
47 attorney, the court may continue a diverted case involving
48 an intoxicated-related traffic offense if the prosecuting or
49 circuit attorney deems appropriate based on the specific
50 situation of the defendant. The case shall be diverted for
51 a period not to exceed twenty-four months and order the
52 defendant to comply with terms, conditions, or requirements.

53 4. The DWI diversion plan shall be for a specified
54 period and be in writing. The prosecuting or circuit
55 attorney has the sole authority to develop diversionary
56 program requirements, but may require installation of an
57 ignition interlock device for a period of not less than one
58 year, require the defendant to participate in a victim
59 impact panel sponsored by a nonprofit organization, and
60 require other terms deemed necessary by the court.

61 5. If the court continues the criminal case to divert
62 the defendant to this DWI diversion program, a copy of such
63 order shall be sent to the department of revenue and, upon
64 receipt, the department shall continue any proceeding to
65 suspend or revoke a license pursuant to chapter 302 for a
66 period not to exceed twenty-four months. After the
67 defendant successfully completes the requirements of the DWI
68 diversion program, the department shall dismiss any
69 proceeding against the defendant.

70 6. The court shall notify the defendant that he or she
71 is required to install a functioning, certified ignition
72 interlock device on any vehicle that the person operates and
73 the person is prohibited from operating a motor vehicle
74 unless that vehicle is equipped with a functioning,
75 certified ignition interlock device pursuant to this
76 section. These requirements shall be in addition to any
77 other provisions of this chapter or chapter 302 requiring
78 installation and maintenance of an ignition interlock
79 device. Any person required to use an ignition interlock
80 device shall comply with such requirement subject to the
81 penalties provided by section 577.599.

82 7. The department of revenue shall inform the
83 defendant of the requirements of this section, including the
84 term for which the person is required to have a certified

85 ignition interlock device installed and shall notify the
86 person that installation of a functioning, certified
87 ignition interlock device on a vehicle does not allow the
88 person to drive without a valid driver's license. The
89 department shall record the mandatory use of the device for
90 the term required and the time when the device is required
91 to be installed pursuant to the court order. A person who
92 is notified by the department shall do all of the following:

93 (1) Arrange for each vehicle operated by the person to
94 be equipped with a functioning, certified ignition interlock
95 device by a certified ignition interlock device provider as
96 determined by the department of transportation; and

97 (2) Arrange for each vehicle with a functioning,
98 certified ignition interlock device to be serviced by the
99 installer at least once every thirty days for the installer
100 to recalibrate and monitor the operation of the device.

101 8. The certified ignition interlock device provider
102 shall notify the department:

103 (1) If the device is removed or indicates that the
104 person has attempted to remove, bypass by a running retest,
105 or tamper with the device;

106 (2) If the person fails three or more times to comply
107 with any requirement for the maintenance or calibration of
108 the ignition interlock device; or

109 (3) If the device registers a failed start.

110 If a person has any failed start that occurs within the last
111 ninety days of the required period of installation of the
112 ignition interlock device, the term may be extended for a
113 period of up to ninety days.

114 9. After the completion of the DWI diversion program
115 and if the defendant has complied with all the imposed terms

116 and conditions, the court shall dismiss the criminal case
117 against the defendant, record the dismissal, and transmit
118 the record to the central repository upon dismissal. Any
119 court automation system, including any pilot project, that
120 provides public access to electronic record on the internet
121 shall redact any personal identifying information of the
122 defendant, including name, address, and year of birth. Such
123 information shall be provided in a confidential filing sheet
124 contemporaneously filed with the court or entered by the
125 court, which shall not be subject to public inspection or
126 availability.

127 10. In the event of non-compliance by the defendant
128 with the terms and conditions of the DWI diversion program,
129 the prosecuting or circuit attorney may file a motion to
130 terminate the defendant from the diversion program and may
131 recommend the prosecution of the underlying case. Upon the
132 filing of such motion, after notice to the defendant, the
133 court shall hold a hearing to determine by preponderance of
134 the evidence whether the defendant has failed to comply with
135 the terms and conditions of the diversion program. If the
136 court finds that the defendant has not complied with the
137 terms and conditions of the diversion program, the court may
138 end the diversion program and set the case on the next
139 available criminal docket.

140 11. Any defendant who is found guilty of any
141 intoxicated-related traffic offense and who has previously
142 utilized the DWI diversion program pursuant to this section
143 shall be considered a prior offender as defined in section
144 577.001, provided that the prior offense occurred within
145 five years of the intoxicated-related offense for which the
146 person is charged, as provided in subsection 20 of section
147 577.001.

148 12. For the limited purpose of determining whether a
149 defendant is a chronic, habitual, persistent, or prior
150 offender under section 577.001, a criminal case diverted to
151 a DWI diversion program and successfully completed by a
152 defendant shall be counted as one intoxication-related
153 traffic offense.

154 13. A certified ignition interlock device provider
155 shall adopt a discounted fee schedule that provides for the
156 payment of the costs of the certified ignition interlock
157 device by offenders with an income at or below one hundred
158 and fifty percent of the federal poverty level. A person
159 with an income at or below one hundred and fifty percent of
160 the federal poverty level who provides income verification
161 shall be responsible for ten percent of the cost of the
162 ignition interlock device and any additional costs accrued
163 by the person for noncompliance with program requirements
164 are not subject to discounted rates and are the sole
165 responsibility of the person. The certified ignition
166 interlock provider shall verify the offender's income to
167 determine the cost of the ignition interlock device by
168 verifying from the offender the previous year's federal
169 income tax return, the previous three months of weekly or
170 monthly income statements, or a court order declaring the
171 person with an income at or below one hundred and fifty
172 percent of the federal poverty level.

173 14. Nothing in this section shall prohibit a
174 prosecuting or circuit attorney from diverting a criminal
175 case pursuant to section 557.014 in any criminal case
176 involving an intoxicated-related traffic offense.

558.016. 1. The court may sentence a person who has
2 been found guilty of an offense to a term of imprisonment as
3 authorized by section 558.011 or to a term of imprisonment

4 authorized by a statute governing the offense if it finds
5 the defendant is a prior offender or a persistent
6 misdemeanor offender. The court may sentence a person to an
7 extended term of imprisonment if:

8 (1) The defendant is a persistent offender or a
9 dangerous offender, and the person is sentenced under
10 subsection 7 of this section;

11 (2) The statute under which the person was found
12 guilty contains a sentencing enhancement provision that is
13 based on a prior finding of guilt or a finding of prior
14 criminal conduct and the person is sentenced according to
15 the statute; or

16 (3) A more specific sentencing enhancement provision
17 applies that is based on a prior finding of guilt or a
18 finding of prior criminal conduct.

19 2. A "prior offender" is one who has been found guilty
20 of one felony.

21 3. A "persistent offender" is one who has been found
22 guilty of two or more felonies committed at different times
23 **or one who has been previously found guilty of a dangerous**
24 **felony as defined in subdivision (19) of section 556.061.**

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

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

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

33 5. A "persistent misdemeanor offender" is one who has
34 been found guilty of two or more offenses, committed at

35 different times that are classified as A or B misdemeanors
36 under the laws of this state.

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

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

558.019. 1. This section shall not be construed to
2 affect the powers of the governor under Article IV, Section
3 7, of the Missouri Constitution. This statute shall not
4 affect those provisions of section 565.020[,] or section
5 566.125, [or section 571.015,] which set minimum terms of
6 sentences, or the provisions of section 559.115, relating to
7 probation.

8 2. The provisions of subsections 2 to 5 of this
9 section shall only be applicable to the offenses contained
10 in sections 565.021, 565.023, 565.024, 565.027, 565.050,
11 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,
12 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
13 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,
14 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
15 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,
16 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
17 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,
18 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,
19 570.023, 570.025, 570.030 when punished as a class A, B, or
20 C felony, 570.145 when punished as a class A or B felony,
21 570.223 when punished as a class B or C felony, 571.020,
22 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,

23 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,
24 575.150, 575.153, 575.155, 575.157, 575.200 when punished as
25 a class A felony, 575.210, 575.230 when punished as a class
26 B felony, 575.240 when punished as a class B felony,
27 576.070, 576.080, 577.010, 577.013, 577.078, 577.703,
28 577.706, 579.065, and 579.068 when punished as a class A or
29 B felony. For the purposes of this section, "prison
30 commitment" means and is the receipt by the department of
31 corrections of an offender after sentencing. For purposes
32 of this section, prior prison commitments to the department
33 of corrections shall not include an offender's first
34 incarceration prior to release on probation under section
35 217.362 or 559.115. Other provisions of the law to the
36 contrary notwithstanding, any offender who has been found
37 guilty of a felony other than a dangerous felony as defined
38 in section 556.061 and is committed to the department of
39 corrections shall be required to serve the following minimum
40 prison terms:

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

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

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

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

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

71 (1) A sentence of life shall be calculated to be
72 thirty years;

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

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

82 6. An offender who was convicted of, or pled guilty
83 to, a felony offense other than those offenses listed in
84 subsection 2 of this section prior to August 28, 2019, shall
85 no longer be subject to the minimum prison term provisions

86 under subsection 2 of this section, and shall be eligible
87 for parole, conditional release, or other early release by
88 the department of corrections according to the rules and
89 regulations of the department.

90 7. (1) A sentencing advisory commission is hereby
91 created to consist of eleven members. One member shall be
92 appointed by the speaker of the house. One member shall be
93 appointed by the president pro tem of the senate. One
94 member shall be the director of the department of
95 corrections. Six members shall be appointed by and serve at
96 the pleasure of the governor from among the following: the
97 public defender commission; private citizens; a private
98 member of the Missouri Bar; the board of probation and
99 parole; and a prosecutor. Two members shall be appointed by
100 the supreme court, one from a metropolitan area and one from
101 a rural area. All members shall be appointed to a four-year
102 term. All members of the sentencing commission appointed
103 prior to August 28, 1994, shall continue to serve on the
104 sentencing advisory commission at the pleasure of the
105 governor.

106 (2) The commission shall study sentencing practices in
107 the circuit courts throughout the state for the purpose of
108 determining whether and to what extent disparities exist
109 among the various circuit courts with respect to the length
110 of sentences imposed and the use of probation for offenders
111 convicted of the same or similar offenses and with similar
112 criminal histories. The commission shall also study and
113 examine whether and to what extent sentencing disparity
114 among economic and social classes exists in relation to the
115 sentence of death and if so, the reasons therefor, if
116 sentences are comparable to other states, if the length of
117 the sentence is appropriate, and the rate of rehabilitation

118 based on sentence. It shall compile statistics, examine
119 cases, draw conclusions, and perform other duties relevant
120 to the research and investigation of disparities in death
121 penalty sentencing among economic and social classes.

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

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

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

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

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

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

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

153 (2) Offender treatment programs;

154 (3) Mandatory community service;

155 (4) Work release programs in local facilities; and

156 (5) Community-based residential and nonresidential
157 programs.

158 10. Pursuant to subdivision (1) of subsection 9 of
159 this section, the court may order the assessment and payment
160 of a designated amount of restitution to a county law
161 enforcement restitution fund established by the county
162 commission pursuant to section 50.565. Such contribution
163 shall not exceed three hundred dollars for any charged
164 offense. Any restitution moneys deposited into the county
165 law enforcement restitution fund pursuant to this section
166 shall only be expended pursuant to the provisions of section
167 50.565.

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

174 12. A person who fails to make a payment to a county
175 law enforcement restitution fund may not have his or her
176 probation revoked solely for failing to make such payment
177 unless the judge, after evidentiary hearing, makes a finding
178 supported by a preponderance of the evidence that the person
179 either willfully refused to make the payment or that the
180 person willfully, intentionally, and purposefully failed to

181 make sufficient bona fide efforts to acquire the resources
182 to pay.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (10) A representative of the judicial branch appointed
33 by the chief justice of the Missouri supreme court;

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

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

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

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

48 2. The task force shall appoint a chairperson who is
49 elected by a majority vote of the members of the task
50 force. The task force shall have an initial meeting before
51 October 1, 2024. The members of the task force shall serve
52 without compensation, but shall be entitled to necessary and
53 actual expenses incurred in attending meetings of the task
54 force.

55 3. The task force shall collect feedback from
56 stakeholders, which may include, but shall not be limited

57 to, victims, law enforcement, victim advocates, and digital
58 evidence and forensics experts, to inform development of
59 best practices regarding:

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

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

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

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

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

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

78 (4) Whether a need exists for strengthening the rights
79 afforded to victims of cyberstalking or harassment in
80 Missouri law, and if such a need does exist, recommendations
81 on how to best fill the need;

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

86 (6) Whether a need exists for increased victim
87 services and training for victim advocates relating to
88 cyberstalking and harassment, and if such a need does exist,

89 recommendations on how to best fill the need, whether
90 legislatively or otherwise.

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

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

96 7. The task force shall expire on December 31, 2026,
97 unless extended until December 31, 2028, as determined
98 necessary by the department of public safety.

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

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

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

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

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

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

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

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

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

571.015. 1. Any person who commits any felony under
2 the laws of this state by, with, or through the use,
3 assistance, or aid of a dangerous instrument or deadly
4 weapon is also guilty of the offense of armed criminal
5 action. **The offense of armed criminal action shall be an**
6 **unclassified felony** and, upon conviction, shall be punished
7 by imprisonment by the department of corrections for a term
8 of not less than three years and not to exceed fifteen
9 years, unless the person is unlawfully possessing a firearm,
10 in which case the term of imprisonment shall be for a term
11 of not less than five years. The punishment imposed
12 pursuant to this subsection shall be in addition to and
13 consecutive to any punishment provided by law for the crime
14 committed by, with, or through the use, assistance, or aid
15 of a dangerous instrument or deadly weapon. No person
16 convicted under this subsection shall be eligible for
17 parole, probation, conditional release, or suspended
18 imposition or execution of sentence for a period of three
19 calendar years.

20 2. Any person convicted of a second offense of armed
21 criminal action under subsection 1 of this section shall be
22 punished by imprisonment by the department of corrections

23 for a term of not less than five years and not to exceed
24 thirty years, unless the person is unlawfully possessing a
25 firearm, in which case the term of imprisonment shall be for
26 a term not less than fifteen years. The punishment imposed
27 pursuant to this subsection shall be in addition to and
28 consecutive to any punishment provided by law for the crime
29 committed by, with, or through the use, assistance, or aid
30 of a dangerous instrument or deadly weapon. No person
31 convicted under this subsection shall be eligible for
32 parole, probation, conditional release, or suspended
33 imposition or execution of sentence for a period of five
34 calendar years.

35 3. Any person convicted of a third or subsequent
36 offense of armed criminal action under subsection 1 of this
37 section shall be punished by imprisonment by the department
38 of corrections for a term of not less than ten years, unless
39 the person is unlawfully possessing a firearm, in which case
40 the term of imprisonment shall be no less than fifteen
41 years. The punishment imposed pursuant to this subsection
42 shall be in addition to and consecutive to any punishment
43 provided by law for the crime committed by, with, or through
44 the use, assistance, or aid of a dangerous instrument or
45 deadly weapon. No person convicted under this subsection
46 shall be eligible for parole, probation, conditional
47 release, or suspended imposition or execution of sentence
48 for a period of ten calendar years.

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

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

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

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

10 (2) On a shooting range that is:

11 (a) Indoor;

12 (b) Owned or operated by the state or any political
13 subdivision;

14 (c) A commercial shooting range, including any range
15 used by paying members; and

16 (d) Supervised by any person eighteen years of age or
17 older;

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

23 (4) For the control of nuisance wildlife as permitted
24 by the department of conservation or the United States Fish
25 and Wildlife Service;

26 (5) By special permit of the chief of police of the
27 municipality;

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

30 (7) Using blanks;

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

32 (9) In self-defense or defense of another person
33 against an imminent or ongoing animal attack unless the self-
34 defense or defense of another person is a gross deviation
35 from the standard of care which a reasonable person would
36 exercise in the situation to protect oneself or the other

37 person from such animal attack and such person shall not
38 have a duty to retreat;

39 (10) In defense of a domestic animal against an
40 imminent or ongoing animal attack, unless the defense of the
41 domestic animal is a gross deviation from the standard of
42 care which a reasonable person would exercise in the
43 situation to protect a domestic animal from attack; or

44 (11) By law enforcement personnel, as defined in
45 section 590.1040, or a member of the United States Armed
46 Forces if acting in an official capacity.

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

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

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

51 (3) For a third or subsequent offense, a class D
52 felony.

571.070. 1. A person commits the offense of unlawful
2 possession of a firearm if such person knowingly has any
3 firearm in his or her possession and:

4 (1) Such person has been convicted of a felony under
5 the laws of this state, or of a crime under the laws of any
6 state or of the United States which, if committed within
7 this state, would be a felony; or

8 (2) Such person is a fugitive from justice, is
9 habitually in an intoxicated or drugged condition, or is
10 currently adjudged mentally incompetent.

11 2. Unlawful possession of a firearm is a class [D] C
12 felony, unless a person has been convicted of a dangerous
13 felony as defined in section 556.061 or the person has a
14 prior conviction for unlawful possession of a firearm, in
15 which case it is a class [C] B felony.

16 3. The provisions of subdivision (1) of subsection 1
17 of this section shall not apply to the possession of an
18 antique firearm.

 575.010. The following definitions shall apply to this
2 chapter and chapter 576:

3 (1) "Affidavit" means any written statement which is
4 authorized or required by law to be made under oath, and
5 which is sworn to before a person authorized to administer
6 oaths;

7 (2) "Government" means any branch or agency of the
8 government of this state or of any political subdivision
9 thereof;

10 (3) "Highway" means any public road or thoroughfare
11 for vehicles, including state roads, county roads and public
12 streets, avenues, boulevards, parkways or alleys in any
13 municipality;

14 (4) "Judicial proceeding" means any official
15 proceeding in court, or any proceeding authorized by or held
16 under the supervision of a court;

17 (5) "Juror" means a grand or petit juror, including a
18 person who has been drawn or summoned to attend as a
19 prospective juror;

20 (6) "Jury" means a grand or petit jury, including any
21 panel which has been drawn or summoned to attend as
22 prospective jurors;

23 (7) **"Law enforcement animal" means a dog, horse, or**
24 **other animal used in law enforcement or a correctional**
25 **facility, or by a municipal police department, fire**
26 **department, search and rescue unit or agency, whether the**
27 **animal is on duty or not on duty. The term shall include,**
28 **but not be limited to, accelerant detection dogs, bomb**

29 **detection dogs, narcotic detection dogs, search and rescue**
30 **dogs, and tracking animals;**

31 (8) "Official proceeding" means any cause, matter, or
32 proceeding where the laws of this state require that
33 evidence considered therein be under oath or affirmation;

34 [(8) "Police animal" means a dog, horse or other
35 animal used in law enforcement or a correctional facility,
36 or by a municipal police department, fire department, search
37 and rescue unit or agency, whether the animal is on duty or
38 not on duty. The term shall include, but not be limited to,
39 accelerant detection dogs, bomb detection dogs, narcotic
40 detection dogs, search and rescue dogs and tracking animals;]

41 (9) "Public record" means any document which a public
42 servant is required by law to keep;

43 (10) "Testimony" means any oral statement under oath
44 or affirmation;

45 (11) "Victim" means any natural person against whom
46 any crime is deemed to have been perpetrated or attempted;

47 (12) "Witness" means any natural person:

48 (a) Having knowledge of the existence or nonexistence
49 of facts relating to any crime; or

50 (b) Whose declaration under oath is received as
51 evidence for any purpose; or

52 (c) Who has reported any crime to any peace officer or
53 prosecutor; or

54 (d) Who has been served with a subpoena issued under
55 the authority of any court of this state.

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

3 **2. A person commits the offense of aggravated fleeing**
4 **a stop or detention of a motor vehicle if he or she knows or**
5 **reasonably should know that a law enforcement officer is**

6 attempting to detain or stop a motor vehicle, and for the
7 purpose of preventing the officer from effecting the stop or
8 detention, he or she flees and:

9 (1) Such person operates a motor vehicle at a high
10 speed or in any manner which creates a substantial risk of
11 serious physical injury or death to any person;

12 (2) As a result of such flight causes physical injury
13 to another person; or

14 (3) As a result of such flight causes death to another
15 person.

16 3. A person is presumed to be fleeing a vehicle stop
17 or detention if he or she continues to operate a motor
18 vehicle after he or she has seen or reasonably should have
19 seen clearly visible emergency lights or has heard or
20 reasonably should have heard an audible signal emanating
21 from the law enforcement vehicle pursuing him or her.

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

29 5. The offense of aggravated fleeing a stop or
30 detention in violation of subdivision (1) of subsection 2 of
31 this section shall be a class D felony, without eligibility
32 for probation, parole, or conditional release until the
33 defendant has served no less than one year of such sentence.

34 The offense of aggravated fleeing a stop or detention in
35 violation of subdivision (2) of subsection 2 of this section
36 shall be a class B felony. The offense of aggravated

37 **fleeing a stop or detention in violation of subdivision (3)**
38 **of subsection 2 of this section shall be a class A felony.**

575.353. 1. **This section shall be known and may be**
2 **cited as "Max's Law".**

3 2. A person commits the offense of assault on a
4 **[police] law enforcement** animal if he or she knowingly
5 attempts to kill or disable or knowingly causes or attempts
6 to cause serious physical injury to a **[police] law**
7 **enforcement** animal when that animal is involved in law
8 enforcement investigation, apprehension, tracking, or
9 search, or the animal is in the custody of or under the
10 control of a law enforcement officer, department of
11 corrections officer, municipal police department, fire
12 department or a rescue unit or agency.

13 **[2.] 3.** The offense of assault on a **[police] law**
14 **enforcement** animal is a **[class C misdemeanor, unless]:**

15 (1) **Class A misdemeanor if the law enforcement animal**
16 **is not injured to the point of requiring veterinary care or**
17 **treatment;**

18 (2) **Class E felony if the law enforcement animal is**
19 **seriously injured to the point of requiring veterinary care**
20 **or treatment; and**

21 (3) **Class D felony if** the assault results in the death
22 of such animal **[or disables such animal to the extent it is**
23 **unable to be utilized as a police animal, in which case it**
24 **is a class E felony].**

578.007. The provisions of section 574.130 **[,]** and
2 sections 578.005 to 578.023 shall not apply to:

3 (1) Care or treatment performed by a licensed
4 veterinarian within the provisions of chapter 340;

5 (2) Bona fide scientific experiments;

6 (3) Hunting, fishing, or trapping as allowed by
7 chapter 252, including all practices and privileges as
8 allowed under the Missouri Wildlife Code;

9 (4) Facilities and publicly funded zoological parks
10 currently in compliance with the federal "Animal Welfare
11 Act" as amended;

12 (5) Rodeo practices currently accepted by the
13 Professional Rodeo Cowboy's Association;

14 (6) The killing of an animal by the owner thereof, the
15 agent of such owner, or by a veterinarian at the request of
16 the owner thereof;

17 (7) The lawful, humane killing of an animal by an
18 animal control officer, the operator of an animal shelter, a
19 veterinarian, or law enforcement or health official;

20 (8) With respect to farm animals, normal or accepted
21 practices of animal husbandry;

22 (9) The killing of an animal by any person at any time
23 if such animal is outside of the owned or rented property of
24 the owner or custodian of such animal and the animal is
25 injuring any person or farm animal, but **this exemption** shall
26 not include [police or guard dogs] **the killing or injuring**
27 **of a law enforcement animal** while working;

28 (10) The killing of house or garden pests; or

29 (11) Field trials, training and hunting practices as
30 accepted by the Professional Houndsmen of Missouri.

578.022. Any dog that is owned, or the service of
2 which is employed, by a law enforcement agency and that
3 bites **or injures** another animal or human in the course of
4 their official duties is exempt from the provisions of
5 sections 273.033 [and], 273.036 [and section], **578.012, and**
6 578.024.

579.021. 1. A person commits the offense of delivery
of a controlled substance causing serious physical injury,
as defined in section 556.061, if a person delivers or
distributes a controlled substance under section 579.020
knowing such substance is mixed with another controlled
substance and serious physical injury results from the use
of such controlled substance.

2. It shall not be a defense that the user contributed
to the user's own serious physical injury by using the
controlled substance or consenting to the administration of
the controlled substance by another.

3. The offense of delivery of a controlled substance
causing serious physical injury is a class C felony.

4. For purposes of this section, "controlled
substance" means a Schedule I or Schedule II controlled
substance, as defined in section 195.017.

579.022. 1. A person commits the offense of delivery
of a controlled substance causing death if a person delivers
or distributes a controlled substance under section 579.020
knowing such substance is mixed with another controlled
substance and a death results from the use of such
controlled substance.

2. It shall not be a defense that the user contributed
to the user's own death by using the controlled substance or
consenting to the administration of the controlled substance
by another.

3. The offense of delivery of a controlled substance
causing death is a class A felony.

4. For purposes of this section, "controlled
substance" means a Schedule I or Schedule II controlled
substance, as defined in section 195.017.

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

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

(2) More than one hundred fifty grams of a mixture or
substance containing a detectable amount of coca leaves,
except coca leaves and extracts of coca leaves from which
cocaine, ecgonine, and derivatives of ecgonine or their
salts have been removed; cocaine salts and their optical and
geometric isomers, and salts of isomers; ecgonine, its
derivatives, their salts, isomers, and salts of isomers; or
any compound, mixture, or preparation which contains any
quantity of any of the foregoing substances;

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

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

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

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

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

[(8)] (7) More than thirty grams of any material,
compound, mixture, or preparation containing any quantity of
the following substances having a stimulant effect on the
central nervous system: amphetamine, its salts, optical

33 isomers and salts of its optical isomers; methamphetamine,
34 its salts, optical isomers and salts of its optical isomers;
35 phenmetrazine and its salts; or methylphenidate;

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

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

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

43 [(12)] (11) More than ten milligrams of fentanyl or
44 carfentanil, or any derivative thereof, or any combination
45 thereof, or any compound, mixture, or substance containing a
46 detectable amount of fentanyl or carfentanil, or their
47 optical isomers or analogues.

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

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

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

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

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

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

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

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

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

75 [(8)] (7) Ninety grams or more of any material,
76 compound, mixture, or preparation containing any quantity of
77 the following substances having a stimulant effect on the
78 central nervous system: amphetamine, its salts, optical
79 isomers and salts of its optical isomers; methamphetamine,
80 its salts, optical isomers and salts of its optical isomers;
81 phenmetrazine and its salts; or methylphenidate; or

82 [(9)] (8) More than thirty grams of any material,
83 compound, mixture, or preparation containing any quantity of
84 the following substances having a stimulant effect on the
85 central nervous system: amphetamine, its salts, optical
86 isomers, and salts of its optical isomers; methamphetamine,
87 its salts, optical isomers, and salts of its optical
88 isomers; phenmetrazine and its salts; or methylphenidate,
89 and the location of the offense was within two thousand feet
90 of real property comprising a public or private elementary,
91 vocational, or secondary school, college, community college,
92 university, or any school bus, in or on the real property
93 comprising public housing or any other governmental assisted
94 housing, or within a motor vehicle, or in any structure or

95 building which contains rooms furnished for the
96 accommodation or lodging of guests, and kept, used,
97 maintained, advertised, or held out to the public as a place
98 where sleeping accommodations are sought for pay or
99 compensation to transient guests or permanent guests; or

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

103 [(11)] (10) More than thirty grams of any material,
104 compound, mixture, or preparation which contains any
105 quantity of 3,4-methylenedioxymethamphetamine and the
106 location of the offense was within two thousand feet of real
107 property comprising a public or private elementary,
108 vocational, or secondary school, college, community college,
109 university, or any school bus, in or on the real property
110 comprising public housing or any other governmental assisted
111 housing, within a motor vehicle, or in any structure or
112 building which contains rooms furnished for the
113 accommodation or lodging of guests, and kept, used,
114 maintained, advertised, or held out to the public as a place
115 where sleeping accommodations are sought for pay or
116 compensation to transient guests or permanent guests; or

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

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

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

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

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

(2) More than one hundred fifty grams of a mixture or
substance containing a detectable amount of coca leaves,
except coca leaves and extracts of coca leaves from which
cocaine, ecgonine, and derivatives of ecgonine or their
salts have been removed; cocaine salts and their optical and
geometric isomers, and salts of isomers; ecgonine, its
derivatives, their salts, isomers, and salts of isomers; or
any compound, mixture, or preparation which contains any
quantity of any of the foregoing substances;

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

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

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

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

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

[(8)] (7) More than thirty grams of any material,
compound, mixture, or preparation containing any quantity of
the following substances having a stimulant effect on the
central nervous system: amphetamine, its salts, optical

33 isomers and salts of its optical isomers; methamphetamine,
34 its salts, optical isomers and salts of its optical isomers;
35 phenmetrazine and its salts; or methylphenidate;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

93 (1) Any quantity of the following substances having a
94 stimulant effect on the central nervous system:

95 amphetamine, its salts, optical isomers and salts of its
96 optical isomers; methamphetamine, its salts, isomers and

97 salts of its isomers; phenmetrazine and its salts; or
98 methylphenidate; or

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

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

590.033. 1. The POST commission shall establish
2 minimum standards for a chief of police training course
3 which shall include at least forty hours of training. All
4 police chiefs appointed after August 28, 2023, shall attend
5 a chief of police training course certified by the POST
6 commission not later than **[six]** **twelve** months after the
7 person's appointment as a chief of police.

8 2. A chief of police may request an exemption from the
9 training in subsection 1 of this section by submitting to
10 the POST commission proof of completion of the Federal
11 Bureau of Investigation's national academy course or any
12 other equivalent training course within the previous ten
13 years or at least five years of experience as a police chief
14 in a Missouri law enforcement agency.

15 3. Any law enforcement agency who has a chief of
16 police appointed after August 28, 2023, who fails to
17 complete a chief of police training course within **[six]**
18 **twelve** months of appointment shall be precluded from
19 receiving any POST commission training funds, state grant
20 funds, or federal grant funds until the police chief has
21 completed the training course.

22 4. While attending a chief of police training course,
23 the chief of police shall receive compensation in the same
24 manner and amount as if carrying out the powers and duties
25 of the chief of police. The cost of the chief of police

26 training course may be paid by moneys from the peace officer
27 standards and training commission fund created in section
28 590.178.

590.192. 1. There is hereby established the "Critical
2 Incident Stress Management Program" within the department of
3 public safety. The program shall provide services for peace
4 officers **and first responders** to assist in coping with
5 stress and potential psychological trauma resulting from a
6 response to a critical incident or emotionally difficult
7 event. Such services may include consultation, risk
8 assessment, education, intervention, and other crisis
9 intervention services provided by the department to peace
10 officers **and first responders** affected by a critical
11 incident. For purposes of this section, a "critical
12 incident" shall mean any event outside the usual realm of
13 human experience that is markedly distressing or evokes
14 reactions of intense fear, helplessness, or horror and
15 involves the perceived threat to a person's physical
16 integrity or the physical integrity of someone else. **For**
17 **purposes of this section, the term "first responder" shall**
18 **have the same meaning as "first responder" in section**
19 **190.1010.**

20 2. All peace officers **and first responders** shall be
21 required to meet with a program service provider once every
22 three to five years for a mental health check-in. The
23 program service provider shall send a notification to the
24 peace officer's commanding officer **or first responder's**
25 **director or supervisor** that he or she completed such check-
26 in.

27 3. Any information disclosed by a peace officer **or**
28 **first responder** shall be privileged and shall not be used as

29 evidence in criminal, administrative, or civil proceedings
30 against the peace officer **or first responder** unless:

31 (1) A program representative reasonably believes the
32 disclosure is necessary to prevent harm to a person who
33 received services or to prevent harm to another person;

34 (2) The person who received the services provides
35 written consent to the disclosure; or

36 (3) The person receiving services discloses
37 information that is required to be reported under mandatory
38 reporting laws.

39 4. (1) There is hereby created in the state treasury
40 the "988 Public Safety Fund", which shall consist of moneys
41 appropriated by the general assembly. The state treasurer
42 shall be custodian of the fund. In accordance with sections
43 30.170 and 30.180, the state treasurer may approve
44 disbursements. The fund shall be a dedicated fund and
45 moneys in the fund shall be used solely by the department of
46 public safety for the purposes of providing services for
47 peace officers **and first responders** to assist in coping with
48 stress and potential psychological trauma resulting from a
49 response to a critical incident or emotionally difficult
50 event pursuant to subsection 1 of this section. Such
51 services may include consultation, risk assessment,
52 education, intervention, and other crisis intervention
53 services provided by the department to peace officers **or**
54 **first responders** affected by a critical incident. The
55 director of public safety may prescribe rules and
56 regulations necessary to carry out the provisions of this
57 section. Any rule or portion of a rule, as that term is
58 defined in section 536.010, that is created under the
59 authority delegated in this section shall become effective
60 only if it complies with and is subject to all of the

61 provisions of chapter 536 and, if applicable, section
62 536.028. This section and chapter 536 are nonseverable and
63 if any of the powers vested with the general assembly
64 pursuant to chapter 536 to review, to delay the effective
65 date, or to disapprove and annul a rule are subsequently
66 held unconstitutional, then the grant of rulemaking
67 authority and any rule proposed or adopted after August 28,
68 2021, shall be invalid and void.

69 (2) Notwithstanding the provisions of section 33.080
70 to the contrary, any moneys remaining in the fund at the end
71 of the biennium shall not revert to the credit of the
72 general revenue fund.

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

590.653. 1. Each city, county, and city not within a
2 county may establish a civilian review board, **division of**
3 **civilian oversight, or any other entity that provides**
4 **civilian review or oversight of police agencies,** or may use
5 an existing civilian review board [which] **or division of**
6 **civilian oversight or other named entity that** has been
7 appointed by the local governing body, with the authority to
8 investigate allegations of misconduct by local law
9 enforcement officers towards members of the public. The
10 members shall not receive compensation but shall receive
11 reimbursement from the local governing body for all
12 reasonable and necessary expenses.

13 2. The board, **division, or any other such entity** shall
14 have [the] **its** power [to receive, investigate, make] **solely**
15 **limited to receiving, investigating, making** findings and
16 [recommend] **recommending** disciplinary action upon complaints

17 by members of the public against members of the police
18 department that allege misconduct involving excessive use of
19 force, abuse of authority, discourtesy, or use of offensive
20 language, including, but not limited to, slurs relating to
21 race, ethnicity, religion, gender, sexual orientation and
22 disability. The findings and recommendations of the board,
23 **division, or other entity**, and the basis therefor, shall be
24 submitted to the chief law enforcement official. No finding
25 or recommendation shall be based solely upon an unsworn
26 complaint or statement, nor shall prior unsubstantiated,
27 unfounded or withdrawn complaints be the basis for any such
28 findings or recommendations. **Only the powers specifically**
29 **granted herein are authorized, and any and all authority**
30 **granted to future or existing boards, divisions, or entities**
31 **outside the scope of the powers listed herein are expressly**
32 **preempted and void as a matter of law.**

600.042. 1. The director shall:

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

8 (2) Submit to the commission, between August fifteenth
9 and September fifteenth of each year, a report which shall
10 include all pertinent data on the operation of the state
11 public defender system, the costs, projected needs, and
12 recommendations for statutory changes. Prior to October
13 fifteenth of each year, the commission shall submit such
14 report along with such recommendations, comments,
15 conclusions, or other pertinent information it chooses to
16 make to the chief justice, the governor, and the general

17 assembly. Such reports shall be a public record, shall be
18 maintained in the office of the state public defender, and
19 shall be otherwise distributed as the commission shall
20 direct;

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

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

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

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

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

44 (8) With approval of the commission, promulgate
45 necessary rules, regulations and instructions consistent
46 with this chapter defining the organization of the state
47 public defender system and the responsibilities of division

48 directors, district defenders, deputy district defenders,
49 assistant public defenders and other personnel;

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

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

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

67 2. No rule or portion of a rule promulgated under the
68 authority of this chapter shall become effective unless it
69 has been promulgated pursuant to the provisions of section
70 536.024.

71 3. The director and defenders shall, within guidelines
72 as established by the commission and as set forth in
73 subsection 4 of this section, accept requests for legal
74 services from eligible persons entitled to counsel under
75 this chapter or otherwise so entitled under the constitution
76 or laws of the United States or of the state of Missouri and
77 provide such persons with legal services when, in the
78 discretion of the director or the defenders, such provision
79 of legal services is appropriate.

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

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

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

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

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

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

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

108 5. The director may:

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

111 (2) Designate persons as representatives of the
112 director for the purpose of making indigency determinations
113 and assigning counsel.

114 **6. There is hereby created within the state treasury**
115 **the "Public Defender - Federal and Other Fund", which shall**
116 **be funded annually by appropriation and which shall contain**
117 **moneys received from any other funds from government grants,**
118 **private gifts, donations, bequests, or any other source, to**
119 **be used for the purpose of funding local offices of the**
120 **office of the state public defender. The state treasurer**
121 **shall be the custodian of the fund and shall approve**
122 **disbursements from the fund upon the request of the director**
123 **of the office of state public defender. Any interest or**
124 **other earnings with respect to amounts transferred to the**
125 **fund shall be credited to the fund. Notwithstanding the**
126 **provisions of section 33.080 to the contrary, any unexpended**
127 **balances in the fund at the end of any fiscal year shall not**
128 **be transferred to the general revenue fund or any other fund.**

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

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

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

7 (3) "Prosecutor" or "prosecuting attorney", the
8 prosecuting attorney, circuit attorney, or municipal
9 prosecuting attorney.

10 2. Notwithstanding any other provision of law and
11 subject to the provisions of this section, any person may
12 apply to any court in which such person was charged or found
13 guilty of any [offenses, violations, or infractions] **crimes**

14 for an order to expunge records of such arrest, plea, trial,
15 or conviction.

16 (1) Subject to the limitations of subsection [12] 13
17 of this section, a person may apply to have one or more
18 [offenses, violations, or infractions] **crimes** expunged if
19 **each** such [offense, violation, or infraction] **crime** occurred
20 within the state of Missouri and was prosecuted under the
21 jurisdiction of a Missouri [municipal, associate circuit, or
22 circuit] court, so long as such person lists all the
23 [offenses, violations, and infractions] **crimes** he or she is
24 seeking to have expunged in the petition and so long as all
25 such [offenses, violations, and infractions] **crimes** are not
26 excluded under subsection [2] 3 of this section.

27 (2) If the [offenses, violations, or infractions were
28 charged as counts in the same indictment or information or]
29 **crimes sought to be expunged** were committed as part of the
30 same course of criminal conduct, the person may include all
31 [the] **such** related [offenses, violations, and infractions]
32 **crimes** in the petition, regardless of the limits of
33 subsection [12] 13 of this section, and [the petition] **those**
34 **related crimes** shall only count as [a petition for
35 expungement of] the highest level [violation or offense
36 contained in the petition] for the purpose of determining
37 **current and** future eligibility for expungement.

38 [2.] 3. The following [offenses, violations, and
39 infractions] **crimes** shall not be eligible for expungement
40 under this section:

- 41 (1) Any class A felony offense;
- 42 (2) Any dangerous felony as that term is defined in
43 section 556.061;
- 44 (3) Any offense that requires registration as a sex
45 offender;

46 (4) Any felony offense where death is an element of
47 the offense;

48 (5) Any felony offense of assault; misdemeanor or
49 felony offense of domestic assault; or felony offense of
50 kidnapping;

51 (6) Any offense listed, **[or]** previously listed, **or is**
52 **a successor to an offense** in chapter 566 or section 105.454,
53 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,
54 194.425, **[217.360,]** 217.385, 334.245, 375.991, 389.653,
55 455.085, 455.538, 557.035, **[565.084, 565.085, 565.086,**
56 **565.095,]** 565.120, 565.130, 565.156, **[565.200, 565.214,]**
57 566.093, 566.111, 566.115, **566.116**, 568.020, 568.030,
58 568.032, 568.045, 568.060, 568.065, **[568.080, 568.090,]**
59 568.175, **[569.030, 569.035,]** 569.040, 569.050, 569.055,
60 569.060, 569.065, 569.067, 569.072, 569.160, 570.025,
61 570.090, 570.180, 570.223, 570.224, 570.310, 571.020,
62 571.060, 571.063, 571.070, 571.072, 571.150, **573.200**,
63 **573.205**, 574.070, 574.105, 574.115, 574.120, 574.130,
64 **574.140**, 575.040, 575.095, 575.153, 575.155, 575.157,
65 575.159, 575.195, 575.200, 575.210, 575.220, 575.230,
66 575.240, **[575.350,]** 575.353, 577.078, 577.703, 577.706,
67 **[578.008, 578.305, 578.310,]** or 632.520;

68 (7) Any offense eligible for expungement under section
69 **[577.054 or]** 610.130;

70 (8) Any intoxication-related traffic or boating
71 offense as defined in section 577.001, or any offense of
72 operating an aircraft with an excessive blood alcohol
73 content or while in an intoxicated condition;

74 (9) Any ordinance violation that is the substantial
75 equivalent of any offense that is not eligible for
76 expungement under this section;

77 (10) Any violation of any state law or county or
78 municipal ordinance regulating the operation of motor
79 vehicles when committed by an individual who has been issued
80 a commercial driver's license or is required to possess a
81 commercial driver's license issued by this state or any
82 other state; and

83 (11) Any offense of section 571.030, except any
84 offense under subdivision (1) of subsection 1 of section
85 571.030 where the person was convicted or found guilty prior
86 to January 1, 2017, or any offense under subdivision (4) of
87 subsection 1 of section 571.030.

88 [3.] 4. The petition shall name as defendants all law
89 enforcement agencies, courts, prosecuting or circuit
90 attorneys, [municipal prosecuting attorneys,] central state
91 repositories of criminal records, or others who the
92 petitioner has reason to believe may possess the records
93 subject to expungement for each of the [offenses,
94 violations, and infractions] **crimes** listed in the petition.
95 The court's order of expungement shall not affect any person
96 or entity not named as a defendant in the action.

97 [4.] 5. The petition shall include the following
98 information:

- 99 (1) The petitioner's:
- 100 (a) Full name;
 - 101 (b) Sex;
 - 102 (c) Race;
 - 103 (d) Driver's license number, if applicable; and
 - 104 (e) Current address;
- 105 (2) Each [offense, violation, or infraction] **crime** for
106 which the petitioner is requesting expungement;
- 107 (3) The approximate date the petitioner was charged
108 for each [offense, violation, or infraction] **crime**; and

109 (4) The name of the county where the petitioner was
110 charged for each [offense, violation, or infraction] **crime**
111 and if any of the [offenses, violations, or infractions]
112 **crimes** occurred in a municipality, the name of the
113 municipality for each [offense, violation, or infraction]
114 **crime**; and

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

117 [5.] 6. The clerk of the court shall give notice of
118 the filing of the petition to the office of the prosecuting
119 attorney[, circuit attorney, or municipal prosecuting
120 attorney] that prosecuted the [offenses, violations, or
121 infractions] **crimes** listed in the petition. If the
122 prosecuting attorney[, circuit attorney, or municipal
123 prosecuting attorney] objects to the petition for
124 expungement, he or she shall do so in writing within thirty
125 days after receipt of service. Unless otherwise agreed upon
126 by the parties, the court shall hold a hearing within sixty
127 days after any written objection is filed, giving reasonable
128 notice of the hearing to the petitioner. If no objection
129 has been filed within thirty days after receipt of service,
130 the court may set a hearing on the matter and shall give
131 reasonable notice of the hearing to each entity named in the
132 petition. At any hearing, the court may accept evidence and
133 hear testimony on, and may consider, the following criteria
134 for each of the [offenses, violations, or infractions]
135 **crimes** listed in the petition for expungement:

136 (1) At the time the petition is filed, it has been at
137 least three years if the offense is a felony, or at least
138 one year if the offense is a misdemeanor, municipal
139 [offense] **violation**, or infraction, from the date the
140 petitioner completed any authorized disposition imposed

141 under section 557.011 for each [offense, violation, or
142 infraction] **crime** listed in the petition;

143 (2) At the time the petition is filed, the person has
144 not been found guilty of any other misdemeanor or felony,
145 not including violations of the traffic regulations provided
146 under chapters 301, 302, 303, 304, and 307, during the time
147 period specified for the underlying [offense, violation, or
148 infraction] **crime** in subdivision (1) of this subsection;

149 (3) The person has satisfied all obligations relating
150 to any such disposition, including the payment of any fines
151 or restitution;

152 (4) The person does not have charges pending;

153 (5) The petitioner's habits and conduct demonstrate
154 that the petitioner is not a threat to the public safety of
155 the state; and

156 (6) The expungement is consistent with the public
157 welfare and the interests of justice warrant the expungement.

158 A pleading by the petitioner that such petitioner meets the
159 requirements of subdivisions (5) and (6) of this subsection
160 shall create a rebuttable presumption that the expungement
161 is warranted so long as the criteria contained in
162 subdivisions (1) to (4) of this subsection are otherwise
163 satisfied. The burden shall shift to the prosecuting
164 attorney[,] or circuit attorney[, or municipal prosecuting
165 attorney] to rebut the presumption. A victim of [an
166 offense, violation, or infraction] **a crime** listed in the
167 petition shall have an opportunity to be heard at any
168 hearing held under this section[, and the court may make a
169 determination based solely on such victim's testimony]. **A**
170 **court may find that the continuing impact of the offense**

171 **upon the victim rebuts the presumption that expungement is**
172 **warranted.**

173 [6.] 7. A petition to expunge records related to an
174 arrest for an eligible [offense, violation, or infraction]
175 **crime** may be made in accordance with the provisions of this
176 section to a court of competent jurisdiction in the county
177 where the petitioner was arrested no earlier than [three
178 years] **eighteen months** from the date of arrest; provided
179 that, during such time, the petitioner has not been charged
180 and the petitioner has not been found guilty of any
181 misdemeanor or felony offense.

182 [7.] 8. If the court determines that such person meets
183 all the criteria set forth in subsection [5] 6 of this
184 section for each of the [offenses, violations, or
185 infractions] **crimes** listed in the petition for expungement,
186 the court shall enter an order of expungement. In all cases
187 under this section, the court shall issue an order of
188 expungement or dismissal within six months of the filing of
189 the petition. A copy of the order of expungement shall be
190 provided to the petitioner and each entity possessing
191 records subject to the order, and, upon receipt of the
192 order, each entity shall close any record in its possession
193 relating to any [offense, violation, or infraction] **crime**
194 listed in the petition, in the manner established by section
195 610.120. The records and files maintained in any
196 administrative or court proceeding in a municipal,
197 associate, or circuit court for any [offense, infraction, or
198 violation] **crime** ordered expunged under this section shall
199 be confidential and only available to the parties or by
200 order of the court for good cause shown. The central
201 repository shall request the Federal Bureau of Investigation
202 to expunge the records from its files.

203 [8.] 9. The order shall not limit any of the
204 petitioner's rights that were restricted as a collateral
205 consequence of such person's criminal record, and such
206 rights shall be restored upon issuance of the order of
207 expungement. **Except as otherwise provided under this**
208 **section, the effect of such order shall be to fully restore**
209 **the civil rights of such person to the status he or she**
210 **occupied prior to such arrests, pleas, trials, or**
211 **convictions as if such events had never taken place. This**
212 **includes fully restoring the civil rights of a person to the**
213 **right to vote, the right to hold public office, and to serve**
214 **as a juror.** For purposes of 18 U.S.C. Section
215 921(a)(33)(B)(ii), an order [or] of expungement granted
216 pursuant to this section shall be considered a complete
217 removal of all effects of the expunged conviction. Except
218 as otherwise provided under this section, the effect of such
219 order shall be to restore such person to the status he or
220 she occupied prior to such arrests, pleas, trials, or
221 convictions as if such events had never taken place. No
222 person as to whom such order has been entered shall be held
223 thereafter under any provision of law to be guilty of
224 perjury or otherwise giving a false statement by reason of
225 his or her failure to recite or acknowledge such arrests,
226 pleas, trials, convictions, or expungement in response to an
227 inquiry made of him or her and no such inquiry shall be made
228 for information relating to an expungement, except the
229 petitioner shall disclose the expunged [offense, violation,
230 or infraction] **crime** to any court when asked or upon being
231 charged with any subsequent [offense, violation, or
232 infraction] **crime**. The expunged [offense, violation, or
233 infraction] **crime** may be considered a prior offense in

234 determining a sentence to be imposed for any subsequent
235 offense that the person is found guilty of committing.

236 [9.] 10. Notwithstanding the provisions of subsection
237 [8] 9 of this section to the contrary, a person granted an
238 expungement shall disclose any expunged [offense, violation,
239 or infraction] **crime** when the disclosure of such information
240 is necessary to complete any application for:

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

243 (2) Any license issued under chapter 313 or permit
244 issued under chapter 571;

245 (3) Paid or unpaid employment with an entity licensed
246 under chapter 313, any state-operated lottery, or any
247 emergency services provider, including any law enforcement
248 agency;

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

253 (5) Employment with any entity engaged in the business
254 of insurance or any insurer for the purpose of complying
255 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or
256 other similar law which requires an employer engaged in the
257 business of insurance to exclude applicants with certain
258 criminal convictions from employment; or

259 (6) Employment with any employer that is required to
260 exclude applicants with certain criminal convictions from
261 employment due to federal or state law, including
262 corresponding rules and regulations.

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

265 Notwithstanding any provision of law to the contrary, an
266 expunged [offense, violation, or infraction] **crime** shall not
267 be grounds for automatic disqualification of an applicant,
268 but may be a factor for denying employment, or a
269 professional license, certificate, or permit; except that,
270 [an offense, violation, or infraction] **a crime** expunged
271 under the provisions of this section may be grounds for
272 automatic disqualification if the application is for
273 employment under subdivisions (4) to (6) of this subsection.

274 [10.] **11.** A person who has been granted an expungement
275 of records pertaining to a [misdemeanor or felony offense,
276 an ordinance violation, or an infraction] **crime** may answer
277 "no" to an employer's inquiry into whether the person has
278 ever been **arrested, charged, or** convicted of a crime if,
279 after the granting of the expungement, the person has no
280 public record of a [misdemeanor or felony offense, an
281 ordinance violation, or an infraction] **crime**. The person,
282 however, shall answer such an inquiry affirmatively and
283 disclose his or her criminal convictions, including any
284 offense [or violation] expunged under this section or
285 similar law, if the employer is required to exclude
286 applicants with certain criminal convictions from employment
287 due to federal or state law, including corresponding rules
288 and regulations.

289 [11.] **12.** If the court determines that the petitioner
290 has not met the criteria for any of the [offenses,
291 violations, or infractions] **crimes** listed in the petition
292 for expungement or the petitioner has knowingly provided
293 false information in the petition, the court shall enter an
294 order dismissing the petition. Any person whose petition
295 for expungement has been dismissed by the court for failure
296 to meet the criteria set forth in subsection [5] **6** of this

297 section may not refile another petition until a year has
298 passed since the date of filing for the previous petition.

299 [12.] 13. A person may be granted more than one
300 expungement under this section provided that during his or
301 her lifetime, the total number of [offenses, violations, or
302 infractions] **crimes** for which orders of expungement are
303 granted to the person shall not exceed the following limits:

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

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

308 A person may be granted expungement under this section for
309 any number of infractions. [Nothing in this section shall
310 prevent the court from maintaining records to ensure that an
311 individual has not exceeded the limitations of this
312 subsection.] Nothing in this section shall be construed to
313 limit or impair in any way the subsequent use of any record
314 expunged under this section of any arrests or findings of
315 guilt by a law enforcement agency, criminal justice agency,
316 prosecuting attorney[,] **or** circuit attorney[, or municipal
317 prosecuting attorney], including its use as a prior
318 [offense, violation, or infraction] **crime**.

319 [13.] 14. The court shall make available a form for
320 pro se petitioners seeking expungement, which shall include
321 the following statement: "I declare under penalty of
322 perjury that the statements made herein are true and correct
323 to the best of my knowledge, information, and belief."

324 [14.] 15. Nothing in this section shall be construed
325 to limit or restrict the availability of expungement to any
326 person under any other law.

640.011. 1. The department of natural resources may
2 require that fingerprint submissions be made as part of an
3 application seeking employment or to volunteer with the
4 department of natural resources.

5 2. If the department of natural resources requires
6 that fingerprint submissions be made as part of such
7 application, the department of natural resources shall
8 require applicants to submit the fingerprints to the
9 Missouri state highway patrol for the purpose of conducting
10 a state and federal fingerprint-based criminal history
11 background check.

12 3. The fingerprints and any required fees shall be
13 sent to the Missouri state highway patrol's central
14 repository. The fingerprints shall be used for searching
15 the state criminal records repository and shall also be
16 forwarded to the Federal Bureau of Investigation for a
17 federal criminal records search under section 43.540. The
18 Missouri state highway patrol shall notify the department of
19 natural resources of any criminal history record information
20 or lack of criminal history record information discovered on
21 the individual. Notwithstanding the provisions of section
22 610.120 to the contrary, all records related to any criminal
23 history information discovered shall be accessible and
24 available to the department of natural resources.

Section B. Because immediate action is necessary to
2 further equip and enhance our criminal justice system to
3 fight violent crime in Missouri and protect our citizens and
4 residents due to the recent unprecedented wave of violent
5 crime across our nation and state, the repeal and
6 reenactment of sections 211.071, 217.345, and 568.045 and
7 the enactment of section 211.600 of this act is deemed
8 necessary for the immediate preservation of the public

9 health, welfare, peace, and safety, and is hereby declared
10 to be an emergency act within the meaning of the
11 constitution, and the repeal and reenactment of sections
12 211.071, 217.345, and 568.045 and the enactment of section
13 211.600 of this act shall be in full force and effect upon
14 its passage and approval.

Section C. The repeal and reenactment of section
2 610.140 of this act shall become effective on January 1,
3 2025.

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