

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

SENATE BILL NO. 628

96TH GENERAL ASSEMBLY

2012

4557S.07T

AN ACT

To repeal sections 32.056, 57.280, 67.1305, 67.2010, 135.953, 195.222, 195.223, 211.031, 386.510, 400.9-311, 456.950, 456.8-808, 476.055, 479.011, 479.040, 483.015, 488.5026, 491.075, 508.050, 513.430, 513.440, 513.653, 523.010, 537.345, 537.346, 537.528, 542.301, 558.019, 565.072, 565.073, 565.074, 566.083, 568.060, and 569.100, RSMo, and to enact in lieu thereof forty-one new sections relating to the judiciary, with penalty provisions.

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

Section A. Sections 32.056, 57.280, 67.1305, 67.2010, 135.953, 195.222, 195.223, 211.031, 386.510, 400.9-311, 456.950, 456.8-808, 476.055, 479.011, 479.040, 483.015, 488.5026, 491.075, 508.050, 513.430, 513.440, 513.653, 523.010, 537.345, 537.346, 537.528, 542.301, 558.019, 565.072, 565.073, 565.074, 566.083, 568.060, and 569.100, RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 21.771, 32.056, 57.280, 67.136, 67.1305, 67.2010, 135.953, 195.222, 195.223, 211.031, 386.510, 400.9-311, 452.374, 456.950, 456.8-808, 476.055, 479.011, 479.040, 483.015, 488.5026, 488.5375, 491.075, 508.050, 513.430, 513.440, 513.653, 523.010, 537.345, 537.346, 537.351, 537.528, 542.301, 558.019, 565.072, 565.073, 565.074, 566.083, 568.060, 569.100, 1, and 2, to read as follows:

21.771. 1. There is established a joint committee of the general assembly to be known as the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the

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

5 joint committee shall be appointed by the president pro tem and
6 minority floor leader of the senate and the house members shall be
7 appointed by the speaker and minority floor leader of the house of
8 representatives. The appointment of each member shall continue
9 during the member's term of office as a member of the general assembly
10 or until a successor has been appointed to fill the member's place. No
11 party shall be represented by more than four members from the house
12 of representatives nor more than four members from the senate. A
13 majority of the committee shall constitute a quorum, but the
14 concurrence of a majority of the members shall be required for the
15 determination of any matter within the committee's duties.

16 2. The joint committee shall:

17 (1) Make a continuing study and analysis of the state child abuse
18 and neglect reporting and investigation system;

19 (2) Devise a plan for improving the structured decision making
20 regarding the removal of a child from a home;

21 (3) Determine the additional personnel and resources necessary
22 to adequately protect the children of this state and improve their
23 welfare and the welfare of families;

24 (4) Address the need for additional foster care homes and to
25 improve the quality of care provided to abused and neglected children
26 in the custody of the state;

27 (5) Determine from its study and analysis the need for changes
28 in statutory law; and

29 (6) Make any other recommendation to the general assembly
30 necessary to provide adequate protections for the children of our state.

31 3. The joint committee shall meet within thirty days after its
32 creation and organize by selecting a chairperson and a vice
33 chairperson, one of whom shall be a member of the senate and the
34 other a member of the house of representatives. The chairperson shall
35 alternate between members of the house and senate every two years
36 after the committee's organization.

37 4. The committee shall meet at least quarterly. The committee
38 may meet at locations other than Jefferson City when the committee
39 deems it necessary.

40 5. The committee shall be staffed by legislative personnel as is
41 deemed necessary to assist the committee in the performance of its

42 **duties.**

43 **6. The members of the committee shall serve without**
44 **compensation but shall be entitled to reimbursement for actual and**
45 **necessary expenses incurred in the performance of their official duties.**

46 **7. It shall be the duty of the committee to compile a full report**
47 **of its activities for submission to the general assembly. The report**
48 **shall be submitted not later than the fifteenth of January of each year**
49 **in which the general assembly convenes in regular session and shall**
50 **include any recommendations which the committee may have for**
51 **legislative action as well as any recommendations for administrative or**
52 **procedural changes in the internal management or organization of state**
53 **or local government agencies and departments. Copies of the report**
54 **containing such recommendations shall be sent to the appropriate**
55 **directors of state or local government agencies or departments**
56 **included in the report.**

57 **8. The provisions of this section shall expire on January 15, 2018.**

32.056. **Except for uses permitted under 18 U.S.C. Section**
2 **2721(b)(1), the department of revenue shall not release the home address of or**
3 **any [other] information [contained in the department's motor vehicle or driver**
4 **registration records regarding] that identifies any vehicle owned or leased**
5 **by any person who is a county, state or federal parole officer [or who is], a**
6 **federal pretrial officer [or who is], a peace officer pursuant to section [590.100]**
7 **590.010, a person vested by article V, section 1 of the Missouri**
8 **Constitution with the judicial power of the state, a member of the**
9 **federal judiciary, or a member of [the parole officer's, pretrial officer's or peace**
10 **officer's] such person's immediate family contained in the department's**
11 **motor vehicle or driver registration records, based on a specific request for**
12 **such information from any person. Any such person [who is a county, state or**
13 **federal parole officer or who is a federal pretrial officer or who is a peace officer**
14 **pursuant to section 590.100] may notify the department of [such] his or her**
15 **status and the department shall protect the confidentiality of the home address**
16 **and vehicle records on such a person and his or her immediate family as**
17 **required by this section. If such member of the judiciary's status changes**
18 **and he or she and his or her immediate family do not qualify for the**
19 **exemption contained in this subsection, such person shall notify the**
20 **department and the department's records shall be revised. This section**

21 shall not prohibit the department from releasing information on a motor
22 registration list pursuant to section 32.055 or from releasing information on any
23 officer who holds a class A, B or C commercial driver's license pursuant to the
24 Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ
2 or other order of court, in connection with any civil case, and making on the same
3 either a return indicating service, a non est return or a nulla bona return, the
4 sum of twenty dollars for each item to be served, except that a sheriff shall
5 receive a charge for service of any subpoena, and making a return on the same,
6 the sum of ten dollars; however, no such charge shall be collected in any
7 proceeding when court costs are to be paid by the state, county or municipality.
8 In addition to such charge, the sheriff shall be entitled to receive for each mile
9 actually traveled in serving any summons, writ, subpoena or other order of court
10 the rate prescribed by the Internal Revenue Service for all allowable expenses for
11 motor vehicle use expressed as an amount per mile, provided that such mileage
12 shall not be charged for more than one subpoena or summons or other writ served
13 in the same cause on the same trip. All of such charges shall be received by the
14 sheriff who is requested to perform the service. Except as otherwise provided by
15 law, all charges made pursuant to this section shall be collected by the court clerk
16 as court costs and are payable prior to the time the service is rendered; provided
17 that if the amount of such charge cannot be readily determined, then the sheriff
18 shall receive a deposit based upon the likely amount of such charge, and the
19 balance of such charge shall be payable immediately upon ascertainment of the
20 proper amount of said charge. A sheriff may refuse to perform any service in any
21 action or proceeding, other than when court costs are waived as provided by law,
22 until the charge provided by this section is paid. Failure to receive the charge
23 shall not affect the validity of the service.

24 2. The sheriff shall receive for receiving and paying moneys on execution
25 or other process, where lands or goods have been levied and advertised and sold,
26 five percent on five hundred dollars and four percent on all sums above five
27 hundred dollars, and half of these sums, when the money is paid to the sheriff
28 without a levy, or where the lands or goods levied on shall not be sold and the
29 money is paid to the sheriff or person entitled thereto, his agent or attorney. The
30 party at whose application any writ, execution, subpoena or other process has
31 issued from the court shall pay the sheriff's costs for the removal, transportation,
32 storage, safekeeping and support of any property to be seized pursuant to legal

33 process before such seizure. The sheriff shall be allowed for each mile, going and
34 returning from the courthouse of the county in which he resides to the place
35 where the court is held, the rate prescribed by the Internal Revenue Service for
36 all allowable expenses for motor vehicle use expressed as an amount per
37 mile. The provisions of this subsection shall not apply to garnishment proceeds.

38 3. The sheriff upon the receipt of the charge herein provided for shall pay
39 into the treasury of the county any and all charges received pursuant to the
40 provisions of this section[; however, in any county, any funds, not to exceed fifty
41 thousand dollars in any calendar year, other than as a result of regular budget
42 allocations or land sale proceeds, coming into the possession of the sheriff's office,
43 such as from the sale of recovered evidence]. **The funds collected pursuant**
44 **to this section, not to exceed fifty thousand dollars in any calendar**
45 **year**, shall be held in a fund established by the county treasurer, which may be
46 expended at the discretion of the sheriff for the furtherance of the sheriff's set
47 duties. Any such funds in excess of fifty thousand dollars[, other than regular
48 budget allocations or land sale proceeds,] **in any calendar year** shall be placed
49 to the credit of the general revenue fund of the county. Moneys in the fund shall
50 be used only for the procurement of services and equipment to support the
51 operation of the sheriff's office. Moneys in the fund established pursuant to this
52 subsection shall not lapse to the county general revenue fund at the end of any
53 county budget or fiscal year.

54 4. Notwithstanding the provisions of subsection 3 of this section to the
55 contrary, the sheriff shall receive ten dollars for service of any summons, writ,
56 subpoena, or other order of the court included under subsection 1 of this section,
57 in addition to the charge for such service that each sheriff receives under
58 subsection 1 of this section. The money received by the sheriff under this
59 subsection shall be paid into the county treasury and the county treasurer shall
60 make such money payable to the state treasurer. The state treasurer shall
61 deposit such moneys in the deputy sheriff salary supplementation fund created
62 under section 57.278.

67.136. Notwithstanding any other provisions of law to the
2 **contrary, any city or county that has established a municipal court may**
3 **utilize collections agencies to collect any court or administrative fines**
4 **or costs associated with a finding of guilt for a criminal offense or an**
5 **infraction, or entry of a civil judgment, which are legally owed,**
6 **enforceable, past due, and remain uncollected.**

67.1305. 1. As used in this section, the term "city" shall mean any
2 incorporated city, town, or village.

3 2. In lieu of the sales taxes authorized under sections 67.1300 and
4 67.1303, the governing body of any city or county may impose, by order or
5 ordinance, a sales tax on all retail sales made in the city or county which are
6 subject to sales tax under chapter 144. The tax authorized in this section shall
7 not be more than one-half of one percent. The order or ordinance imposing the
8 tax shall not become effective unless the governing body of the city or county
9 submits to the voters of the city or county at any citywide, county or state
10 general, primary or special election a proposal to authorize the governing body
11 to impose a tax under this section. The tax authorized in this section shall be in
12 addition to all other sales taxes imposed by law, and shall be stated separately
13 from all other charges and taxes. The tax authorized in this section shall not be
14 imposed by any city or county that has imposed a tax under section 67.1300 or
15 67.1303 unless the tax imposed under those sections has expired or been
16 repealed.

17 3. The ballot of submission for the tax authorized in this section shall be
18 in substantially the following form:

19 Shall (insert the name of the city or county) impose a sales tax at
20 a rate of (insert rate of percent) percent for economic development
21 purposes?

22 YES NO

23 If a majority of the votes cast on the question by the qualified voters voting
24 thereon are in favor of the question, then the tax shall become effective on the
25 first day of the second calendar quarter following the calendar quarter in which
26 the election was held. If a majority of the votes cast on the question by the
27 qualified voters voting thereon are opposed to the question, then the tax shall not
28 become effective unless and until the question is resubmitted under this section
29 to the qualified voters and such question is approved by a majority of the
30 qualified voters voting on the question, provided that no proposal shall be
31 resubmitted to the voters sooner than twelve months from the date of the
32 submission of the last proposal.

33 4. All sales taxes collected by the director of revenue under this section
34 on behalf of any county or municipality, less one percent for cost of collection
35 which shall be deposited in the state's general revenue fund after payment of
36 premiums for surety bonds as provided in section 32.087, shall be deposited in a

37 special trust fund, which is hereby created, to be known as the "Local Option
38 Economic Development Sales Tax Trust Fund".

39 5. The moneys in the local option economic development sales tax trust
40 fund shall not be deemed to be state funds and shall not be commingled with any
41 funds of the state. The director of revenue shall keep accurate records of the
42 amount of money in the trust fund and which was collected in each city or county
43 imposing a sales tax pursuant to this section, and the records shall be open to the
44 inspection of officers of the city or county and the public.

45 6. Not later than the tenth day of each month the director of revenue shall
46 distribute all moneys deposited in the trust fund during the preceding month to
47 the city or county which levied the tax. Such funds shall be deposited with the
48 county treasurer of each such county or the appropriate municipal officer in the
49 case of a municipal tax, and all expenditures of funds arising from the local
50 economic development sales tax trust fund shall be in accordance with this
51 section.

52 7. The director of revenue may authorize the state treasurer to make
53 refunds from the amounts in the trust fund and credited to any city or county for
54 erroneous payments and overpayments made, and may redeem dishonored checks
55 and drafts deposited to the credit of such cities and counties.

56 8. If any county or municipality abolishes the tax, the city or county shall
57 notify the director of revenue of the action at least ninety days prior to the
58 effective date of the repeal and the director of revenue may order retention in the
59 trust fund, for a period of one year, of two percent of the amount collected after
60 receipt of such notice to cover possible refunds or overpayment of the tax and to
61 redeem dishonored checks and drafts deposited to the credit of such
62 accounts. After one year has elapsed after the effective date of abolition of the
63 tax in such city or county, the director of revenue shall remit the balance in the
64 account to the city or county and close the account of that city or county. The
65 director of revenue shall notify each city or county of each instance of any amount
66 refunded or any check redeemed from receipts due the city or county.

67 9. Except as modified in this section, all provisions of sections 32.085 and
68 32.087 shall apply to the tax imposed pursuant to this section.

69 10. (1) No revenue generated by the tax authorized in this section shall
70 be used for any retail development project, except for the redevelopment of
71 downtown areas and historic districts. Not more than twenty-five percent of the
72 revenue generated shall be used annually for administrative purposes, including

73 staff and facility costs.

74 (2) At least twenty percent of the revenue generated by the tax
75 authorized in this section shall be used solely for projects directly related to
76 long-term economic development preparation, including, but not limited to, the
77 following:

78 (a) Acquisition of land;

79 (b) Installation of infrastructure for industrial or business parks;

80 (c) Improvement of water and wastewater treatment capacity;

81 (d) Extension of streets;

82 (e) Public facilities directly related to economic development and job
83 creation; and

84 (f) Providing matching dollars for state or federal grants relating to such
85 long-term projects.

86 (3) The remaining revenue generated by the tax authorized in this section
87 may be used for, but shall not be limited to, the following:

88 (a) Marketing;

89 (b) Providing grants and loans to companies for job training, equipment
90 acquisition, site development, and infrastructures;

91 (c) Training programs to prepare workers for advanced technologies and
92 high skill jobs;

93 (d) Legal and accounting expenses directly associated with the economic
94 development planning and preparation process;

95 (e) Developing value-added and export opportunities for Missouri
96 agricultural products.

97 11. All revenue generated by the tax shall be deposited in a special trust
98 fund and shall be used solely for the designated purposes. If the tax is repealed,
99 all funds remaining in the special trust fund shall continue to be used solely for
100 the designated purposes. Any funds in the special trust fund which are not
101 needed for current expenditures may be invested by the governing body in
102 accordance with applicable laws relating to the investment of other city or county
103 funds.

104 12. (1) Any city or county imposing the tax authorized in this section
105 shall establish an economic development tax board. The volunteer board shall
106 receive no compensation or operating budget.

107 (2) The economic development tax board established by a city shall consist
108 of **at least five members, but may be increased to nine members. Either**

109 **a five-member or nine-member board shall be designated in the order**
110 **or ordinance imposing the sales tax authorized by this section, and the**
111 **members are** to be appointed as follows:

112 (a) One member **of a five member board, or two members of a nine**
113 **member board**, shall be appointed by the school districts included within any
114 economic development plan or area funded by the sales tax authorized in this
115 section. Such member **or members** shall be appointed in any manner agreed
116 upon by the affected districts;

117 (b) Three members **of a five member board, or five members of a**
118 **nine member board**, shall be appointed by the chief elected officer of the city
119 with the consent of the majority of the governing body of the city;

120 (c) One member **of a five member board, or two members of a nine**
121 **member board**, shall be appointed by the governing body of the county in which
122 the city is located.

123 (3) The economic development tax board established by a county shall
124 consist of seven members, to be appointed as follows:

125 (a) One member shall be appointed by the school districts included within
126 any economic development plan or area funded by the sales tax authorized in this
127 section. Such member shall be appointed in any manner agreed upon by the
128 affected districts;

129 (b) Four members shall be appointed by the governing body of the county;
130 and

131 (c) Two members from the cities, towns, or villages within the county
132 appointed in any manner agreed upon by the chief elected officers of the cities or
133 villages.

134 Of the members initially appointed, three shall be designated to serve for terms
135 of two years, **except that when a nine member board is designated, seven**
136 **of the members initially appointed shall be designated to serve for**
137 **terms of two years**, and the remaining members shall be designated to serve
138 for a term of four years from the date of such initial appointments. Thereafter,
139 the members appointed shall serve for a term of four years, except that all
140 vacancies shall be filled for unexpired terms in the same manner as were the
141 original appointments.

142 (4) **If an economic development tax board established by a city**
143 **is already in existence on August 28, 2012, any increase in the number**
144 **of members of the board shall be designated in an order or**

145 ordinance. The four board members added to the board shall be
146 appointed to a term with an expiration coinciding with the expiration
147 of the terms of the three board member positions that were originally
148 appointed to terms of two years. Thereafter, the additional members
149 appointed shall serve for a term of four years, except that all vacancies
150 shall be filled for unexpired terms in the same manner as were the
151 additional appointments.

152 13. The board, subject to approval of the governing body of the city or
153 county, shall consider economic development plans, economic development
154 projects, or designations of an economic development area, and shall hold public
155 hearings and provide notice of any such hearings. The board shall vote on all
156 proposed economic development plans, economic development projects, or
157 designations of an economic development area, and amendments thereto, within
158 thirty days following completion of the hearing on any such plan, project, or
159 designation, and shall make recommendations to the governing body within
160 ninety days of the hearing concerning the adoption of or amendment to economic
161 development plans, economic development projects, or designations of an economic
162 development area. The governing body of the city or county shall have the final
163 determination on use and expenditure of any funds received from the tax imposed
164 under this section.

165 14. The board may consider and recommend using funds received from the
166 tax imposed under this section for plans, projects or area designations outside the
167 boundaries of the city or county imposing the tax if, and only if:

168 (1) The city or county imposing the tax or the state receives significant
169 economic benefit from the plan, project or area designation; and

170 (2) The board establishes an agreement with the governing bodies of all
171 cities and counties in which the plan, project or area designation is located
172 detailing the authority and responsibilities of each governing body with regard
173 to the plan, project or area designation.

174 15. Notwithstanding any other provision of law to the contrary, the
175 economic development sales tax imposed under this section when imposed within
176 a special taxing district, including but not limited to a tax increment financing
177 district, neighborhood improvement district, or community improvement district,
178 shall be excluded from the calculation of revenues available to such districts, and
179 no revenues from any sales tax imposed under this section shall be used for the
180 purposes of any such district unless recommended by the economic development

181 tax board established under this section and approved by the governing body
182 imposing the tax.

183 16. The board and the governing body of the city or county imposing the
184 tax shall report at least annually to the governing body of the city or county on
185 the use of the funds provided under this section and on the progress of any plan,
186 project, or designation adopted under this section and shall make such report
187 available to the public.

188 17. Not later than the first day of March each year the board shall submit
189 to the joint committee on economic development a report, not exceeding one page
190 in length, which must include the following information for each project using the
191 tax authorized under this section:

192 (1) A statement of its primary economic development goals;

193 (2) A statement of the total economic development sales tax revenues
194 received during the immediately preceding calendar year;

195 (3) A statement of total expenditures during the preceding calendar year
196 in each of the following categories:

197 (a) Infrastructure improvements;

198 (b) Land and or buildings;

199 (c) Machinery and equipment;

200 (d) Job training investments;

201 (e) Direct business incentives;

202 (f) Marketing;

203 (g) Administration and legal expenses; and

204 (h) Other expenditures.

205 18. The governing body of any city or county that has adopted the sales
206 tax authorized in this section may submit the question of repeal of the tax to the
207 voters on any date available for elections for the city or county. The ballot of
208 submission shall be in substantially the following form:

209 Shall (insert the name of the city or county) repeal the sales tax
210 imposed at a rate of (insert rate of percent) percent for economic
211 development purposes?

212 YES

NO

213 If a majority of the votes cast on the proposal are in favor of the repeal, that
214 repeal shall become effective on December thirty-first of the calendar year in
215 which such repeal was approved. If a majority of the votes cast on the question
216 by the qualified voters voting thereon are opposed to the repeal, then the sales

217 tax authorized in this section shall remain effective until the question is
218 resubmitted under this section to the qualified voters of the city or county, and
219 the repeal is approved by a majority of the qualified voters voting on the question.

220 19. Whenever the governing body of any city or county that has adopted
221 the sales tax authorized in this section receives a petition, signed by ten percent
222 of the registered voters of the city or county voting in the last gubernatorial
223 election, calling for an election to repeal the sales tax imposed under this section,
224 the governing body shall submit to the voters a proposal to repeal the tax. If a
225 majority of the votes cast on the question by the qualified voters voting thereon
226 are in favor of the repeal, that repeal shall become effective on December
227 thirty-first of the calendar year in which such repeal was approved. If a majority
228 of the votes cast on the question by the qualified voters voting thereon are
229 opposed to the repeal, then the tax shall remain effective until the question is
230 resubmitted under this section to the qualified voters and the repeal is approved
231 by a majority of the qualified voters voting on the question.

232 20. If any provision of this section or section 67.1303 or the application
233 thereof to any person or circumstance is held invalid, the invalidity shall not
234 affect other provisions or application of this section or section 67.1303 which can
235 be given effect without the invalid provision or application, and to this end the
236 provisions of this section and section 67.1303 are declared severable.

67.2010. 1. Any county of the first classification with more than
2 eighty-two thousand but less than eighty-two thousand one hundred inhabitants
3 **and any county of the first classification with more than two hundred**
4 **sixty thousand but fewer than three hundred thousand inhabitants** may
5 elect to have the violations of county ordinances adopted pursuant to [section
6 304.130] **the authority provided by statute** heard and determined by an
7 associate circuit judge of the circuit in which the county is located; provided,
8 however, if such election is made, all violations of that county's ordinances
9 adopted pursuant to [section 304.130] **statutory authority** shall be heard and
10 determined before an associate circuit judge or judges. Nothing in this subsection
11 shall preclude the transfer or assignment of another judge to hear and determine
12 a case or class of cases when otherwise authorized by provisions of the
13 constitution, law, or court rule.

14 2. If a county elects to have the violations of its county ordinances
15 [adopted pursuant to section 304.130] heard and determined by an associate
16 circuit judge, the associate circuit judge or judges shall commence hearing and

17 determining such violations six months after the county notifies the presiding
18 judge of the circuit of its election. With the consent of the presiding judge, the
19 associate circuit judge or judges may commence hearing such violations at an
20 earlier date.

135.953. 1. For purposes of sections 135.950 to 135.970, an area shall
2 meet the following criteria in order to qualify as an enhanced enterprise zone:

3 (1) The area shall be a blighted area, have pervasive poverty,
4 unemployment and general distress; and

5 (2) At least sixty percent of the residents living in the area have incomes
6 below ninety percent of the median income of all residents:

7 (a) Within the state of Missouri, according to the last decennial census or
8 other appropriate source as approved by the director; or

9 (b) Within the county or city not within a county in which the area is
10 located, according to the last decennial census or other appropriate source as
11 approved by the director; and

12 (3) The resident population of the area shall be at least five hundred but
13 not more than one hundred thousand at the time of designation as an enhanced
14 enterprise zone if the area lies within a metropolitan statistical area, as
15 established by the United States Census Bureau, or if the area does not lie within
16 a metropolitan statistical area, the resident population of the area at the time of
17 designation shall be at least five hundred but not more than forty thousand
18 inhabitants. If the population of the jurisdiction of the governing authority does
19 not meet the minimum population requirements set forth in this subdivision, the
20 population of the area must be at least fifty percent of the population of the
21 jurisdiction. However, no enhanced enterprise zone shall be created which
22 consists of the total area within the political boundaries of a county; [and]

23 (4) The level of unemployment of persons, according to the most recent
24 data available from the United States Bureau of Census and approved by the
25 director, within the area is equal to or exceeds the average rate of unemployment
26 for:

27 (a) The state of Missouri over the previous twelve months; or

28 (b) The county or city not within a county over the previous twelve
29 months; and

30 **(5) No finding of blight under this chapter shall be used to meet**
31 **the conditions for blight under any other statute of this state.**

32 2. Notwithstanding the requirements of subsection 1 of this section to the

33 contrary, an enhanced enterprise zone may be established in an area located
34 within a county for which public and individual assistance has been requested by
35 the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and
36 Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed
37 by the governor pursuant to section 44.100 due to a natural disaster of major
38 proportions, if the area to be designated is blighted and sustained severe damage
39 as a result of such natural disaster, as determined by the state emergency
40 management agency. An application for designation as an enhanced enterprise
41 zone pursuant to this subsection shall be made before the expiration of one year
42 from the date the governor requested federal relief for the area sought to be
43 designated.

44 3. Notwithstanding the requirements of subsection 1 of this section to the
45 contrary, an enhanced enterprise zone may be designated in a county of declining
46 population if it meets the requirements of subdivisions (1), (3) and either (2) or
47 (4) of subsection 1 of this section. For the purposes of this subsection, a "county
48 of declining population" is one that has lost one percent or more of its population
49 as demonstrated by comparing the most recent decennial census population to the
50 next most recent decennial census population for the county.

51 4. In addition to meeting the requirements of subsection 1, 2, or 3 of this
52 section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated
53 by the governing authority to have either:

- 54 (1) The potential to create sustainable jobs in a targeted industry; or
55 (2) A demonstrated impact on local industry cluster development.

56 5. Notwithstanding the requirements of subsections 1 and 4 of this section
57 to the contrary, a renewable energy generation zone may be designated as an
58 enhanced enterprise zone if the renewable energy generation zone meets the
59 criteria set forth in subdivision (25) of section 135.950.

195.222. 1. A person commits the crime of trafficking drugs in the first
2 degree if, except as authorized by sections 195.005 to 195.425, he distributes,
3 delivers, manufactures, produces or attempts to distribute, deliver, manufacture
4 or produce more than thirty grams of a mixture or substance containing a
5 detectable amount of heroin. Violations of this subsection shall be punished as
6 follows:

- 7 (1) If the quantity involved is more than thirty grams but less than ninety
8 grams the person shall be sentenced to the authorized term of imprisonment for
9 a class A felony;

10 (2) If the quantity involved is ninety grams or more the person shall be
11 sentenced to the authorized term of imprisonment for a class A felony which term
12 shall be served without probation or parole.

13 2. A person commits the crime of trafficking drugs in the first degree if,
14 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
15 manufactures, produces or attempts to distribute, deliver, manufacture or produce
16 more than one hundred fifty grams of a mixture or substance containing a
17 detectable amount of coca leaves, except coca leaves and extracts of coca leaves
18 from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been
19 removed; cocaine salts and their optical and geometric isomers, and salts of
20 isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any
21 compound, mixture, or preparation which contains any quantity of any of the
22 foregoing substances. Violations of this subsection shall be punished as follows:

23 (1) If the quantity involved is more than one hundred fifty grams but less
24 than four hundred fifty grams the person shall be sentenced to the authorized
25 term of imprisonment for a class A felony;

26 (2) If the quantity involved is four hundred fifty grams or more the person
27 shall be sentenced to the authorized term of imprisonment for a class A felony
28 which term shall be served without probation or parole.

29 3. A person commits the crime of trafficking drugs in the first degree if,
30 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
31 manufactures, produces or attempts to distribute, deliver, manufacture or produce
32 more than **[two] eight** grams of a mixture or substance described in subsection
33 2 of this section which contains cocaine base. Violations of this subsection shall
34 be punished as follows:

35 (1) If the quantity involved is more than **[two] eight** grams but less than
36 **[six] twenty-four** grams the person shall be sentenced to the authorized term
37 of imprisonment for a class A felony;

38 (2) If the quantity involved is **[six] twenty-four** grams or more the
39 person shall be sentenced to the authorized term of imprisonment for a class A
40 felony which term shall be served without probation or parole.

41 4. A person commits the crime of trafficking drugs in the first degree if,
42 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
43 manufactures, produces or attempts to distribute, deliver, manufacture or produce
44 more than five hundred milligrams of a mixture or substance containing a
45 detectable amount of lysergic acid diethylamide (LSD). Violations of this

46 subsection shall be punished as follows:

47 (1) If the quantity involved is more than five hundred milligrams but less
48 than one gram the person shall be sentenced to the authorized term of
49 imprisonment for a class A felony;

50 (2) If the quantity involved is one gram or more the person shall be
51 sentenced to the authorized term of imprisonment for a class A felony which term
52 shall be served without probation or parole.

53 5. A person commits the crime of trafficking drugs in the first degree if,
54 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
55 manufactures, produces or attempts to distribute, deliver, manufacture or produce
56 more than thirty grams of a mixture or substance containing a detectable amount
57 of phencyclidine (PCP). Violations of this subsection shall be punished as follows:

58 (1) If the quantity involved is more than thirty grams but less than ninety
59 grams the person shall be sentenced to the authorized term of imprisonment for
60 a class A felony;

61 (2) If the quantity involved is ninety grams or more the person shall be
62 sentenced to the authorized term of imprisonment for a class A felony which term
63 shall be served without probation or parole.

64 6. A person commits the crime of trafficking drugs in the first degree if,
65 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
66 manufactures, produces or attempts to distribute, deliver, manufacture or produce
67 more than four grams of phencyclidine. Violations of this subsection shall be
68 punished as follows:

69 (1) If the quantity involved is more than four grams but less than twelve
70 grams the person shall be sentenced to the authorized term of imprisonment for
71 a class A felony;

72 (2) If the quantity involved is twelve grams or more the person shall be
73 sentenced to the authorized term of imprisonment for a class A felony which term
74 shall be served without probation or parole.

75 7. A person commits the crime of trafficking drugs in the first degree if,
76 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
77 manufactures, produces or attempts to distribute, deliver, manufacture or produce
78 more than thirty kilograms of a mixture or substance containing
79 marijuana. Violations of this subsection shall be punished as follows:

80 (1) If the quantity involved is more than thirty kilograms but less than
81 one hundred kilograms the person shall be sentenced to the authorized term of

82 imprisonment for a class A felony;

83 (2) If the quantity involved is one hundred kilograms or more the person
84 shall be sentenced to the authorized term of imprisonment for a class A felony
85 which term shall be served without probation or parole.

86 8. A person commits the crime of trafficking drugs in the first degree if,
87 except as authorized by sections 195.005 to 195.425, he distributes, delivers,
88 manufactures, produces or attempts to distribute, deliver, manufacture or produce
89 more than thirty grams of any material, compound, mixture or preparation which
90 contains any quantity of the following substances having a stimulant effect on the
91 central nervous system: amphetamine, its salts, optical isomers and salts of its
92 optical isomers; methamphetamine, its salts, optical isomers and salts of its
93 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of
94 this subsection or attempts to violate this subsection shall be punished as follows:

95 (1) If the quantity involved is more than thirty grams but less than ninety
96 grams the person shall be sentenced to the authorized term of imprisonment for
97 a class A felony;

98 (2) If the quantity involved is ninety grams or more, or if the quantity
99 involved was thirty grams or more and the location of the offense was within two
100 thousand feet of a school or public housing as defined in section 195.214 or
101 section 195.218 or within a motor vehicle, or any structure or building which
102 contains rooms furnished for the accommodation or lodging of guests, and kept,
103 used, maintained, advertised, or held out to the public as a place where sleeping
104 accommodations are sought for pay or compensation to transient guests or
105 permanent guests, the person shall be sentenced to the authorized term of
106 imprisonment for a class A felony which term shall be served without probation
107 or parole.

108 9. A person commits the crime of trafficking drugs in the first degree if,
109 except as authorized by sections 195.005 to 195.425, he or she distributes,
110 delivers, manufactures, produces or attempts to distribute, deliver, manufacture or
111 produce more than thirty grams of any material, compound, mixture or preparation
112 which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations of
113 this subsection or attempts to violate this subsection shall be punished as follows:

114 (1) If the quantity involved is more than thirty grams but less than ninety
115 grams the person shall be sentenced to the authorized term of imprisonment for
116 a class A felony;

117 (2) If the quantity involved is ninety grams or more, or if the quantity

118 involved was thirty grams or more and the location of the offense was within two
119 thousand feet of a school or public housing as defined in section 195.214 or
120 section 195.218 or within a motor vehicle, or any structure or building which
121 contains rooms furnished for the accommodation or lodging of guests, and kept,
122 used, maintained, advertised, or held out to the public as a place where sleeping
123 accommodations are sought for pay or compensation to transient guests or
124 permanent guests, the person shall be sentenced to the authorized term of
125 imprisonment for a class A felony which term shall be served without probation
126 or parole.

195.223. 1. A person commits the crime of trafficking drugs in the second
2 degree if, except as authorized by sections 195.005 to 195.425, he possesses or has
3 under his control, purchases or attempts to purchase, or brings into this state
4 more than thirty grams of a mixture or substance containing a detectable amount
5 of heroin. Violations of this subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety
7 grams the person shall be guilty of a class B felony;

8 (2) If the quantity involved is ninety grams or more the person shall be
9 guilty of a class A felony.

10 2. A person commits the crime of trafficking drugs in the second degree
11 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
12 his control, purchases or attempts to purchase, or brings into this state more than
13 one hundred fifty grams of a mixture or substance containing a detectable amount
14 of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
15 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine
16 salts and their optical and geometric isomers, and salts of isomers; ecgonine, its
17 derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,
18 or preparation which contains any quantity of any of the foregoing
19 substances. Violations of this subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less
21 than four hundred fifty grams the person shall be guilty of a class B felony;

22 (2) If the quantity involved is four hundred fifty grams or more the person
23 shall be guilty of a class A felony.

24 3. A person commits the crime of trafficking drugs in the second degree
25 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
26 his control, purchases or attempts to purchase, or brings into this state more than
27 [two] **eight** grams of a mixture or substance described in subsection 2 of this

28 section which contains cocaine base. Violations of this subsection shall be
29 punished as follows:

30 (1) If the quantity involved is more than [two] **eight** grams but less than
31 [six] **twenty-four** grams the person shall be guilty of a class B felony;

32 (2) If the quantity involved is [six] **twenty-four** grams or more the
33 person shall be guilty of a class A felony.

34 4. A person commits the crime of trafficking drugs in the second degree
35 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
36 his control, purchases or attempts to purchase, or brings into this state more than
37 five hundred milligrams of a mixture or substance containing a detectable amount
38 of lysergic acid diethylamide (LSD). Violations of this subsection shall be
39 punished as follows:

40 (1) If the quantity involved is more than five hundred milligrams but less
41 than one gram the person shall be guilty of a class B felony;

42 (2) If the quantity involved is one gram or more the person shall be guilty
43 of a class A felony.

44 5. A person commits the crime of trafficking drugs in the second degree
45 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
46 his control, purchases or attempts to purchase, or brings into this state more than
47 thirty grams of a mixture or substance containing a detectable amount of
48 phencyclidine (PCP). Violations of this subsection shall be punished as follows:

49 (1) If the quantity involved is more than thirty grams but less than ninety
50 grams the person shall be guilty of a class B felony;

51 (2) If the quantity involved is ninety grams or more the person shall be
52 guilty of a class A felony.

53 6. A person commits the crime of trafficking drugs in the second degree
54 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
55 his control, purchases or attempts to purchase, or brings into this state more than
56 four grams of phencyclidine. Violations of this subsection shall be punished as
57 follows:

58 (1) If the quantity involved is more than four grams but less than twelve
59 grams the person shall be guilty of a class B felony;

60 (2) If the quantity involved is twelve grams or more the person shall be
61 guilty of a class A felony.

62 7. A person commits the crime of trafficking drugs in the second degree
63 if, except as authorized by sections 195.005 to 195.425, he possesses or has under

64 his control, purchases or attempts to purchase, or brings into this state more than
65 thirty kilograms or more of a mixture or substance containing
66 marijuana. Violations of this subsection shall be punished as follows:

67 (1) If the quantity involved is more than thirty kilograms but less than
68 one hundred kilograms the person shall be guilty of a class B felony;

69 (2) If the quantity involved is one hundred kilograms or more the person
70 shall be guilty of a class A felony.

71 8. A person commits the class A felony of trafficking drugs in the second
72 degree if, except as authorized by sections 195.005 to 195.425, he possesses or has
73 under his control, purchases or attempts to purchase, or brings into this state
74 more than five hundred marijuana plants.

75 9. A person commits the crime of trafficking drugs in the second degree
76 if, except as authorized by sections 195.005 to 195.425, he possesses or has under
77 his control, purchases or attempts to purchase, or brings into this state more than
78 thirty grams of any material, compound, mixture or preparation which contains
79 any quantity of the following substances having a stimulant effect on the central
80 nervous system: amphetamine, its salts, optical isomers and salts of its optical
81 isomers; methamphetamine, its salts, isomers and salts of its isomers;
82 phenmetrazine and its salts; or methylphenidate. Violations of this subsection
83 or attempts to violate this subsection shall be punished as follows:

84 (1) If the quantity involved is more than thirty grams but less than ninety
85 grams the person shall be guilty of a class B felony;

86 (2) If the quantity involved is ninety grams or more but less than four
87 hundred fifty grams, the person shall be guilty of a class A felony;

88 (3) If the quantity involved is four hundred fifty grams or more, the
89 person shall be guilty of a class A felony and the term of imprisonment shall be
90 served without probation or parole.

91 10. A person commits the crime of trafficking drugs in the second degree
92 if, except as authorized by sections 195.005 to 195.425, he or she possesses or has
93 under his or her control, purchases or attempts to purchase, or brings into this
94 state more than thirty grams of any material, compound, mixture or preparation
95 which contains any quantity of 3,4-methylenedioxymethamphetamine. Violations
96 of this subsection or attempts to violate this subsection shall be punished as
97 follows:

98 (1) If the quantity involved is more than thirty grams but less than ninety
99 grams the person shall be guilty of a class B felony;

100 (2) If the quantity involved is ninety grams or more but less than four
101 hundred fifty grams, the person shall be guilty of a class A felony;

102 (3) If the quantity involved is four hundred fifty grams or more, the
103 person shall be guilty of a class A felony and the term of imprisonment shall be
104 served without probation or parole.

211.031. 1. Except as otherwise provided in this chapter, the juvenile
2 court or the family court in circuits that have a family court as provided in
3 sections 487.010 to 487.190 shall have exclusive original jurisdiction in
4 proceedings:

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

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

16 (b) The child or person seventeen years of age is otherwise without proper
17 care, custody or support; or

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

21 (d) The child or person seventeen years of age is a child in need of mental
22 health services and the parent, guardian or custodian is unable to afford or access
23 appropriate mental health treatment or care for the child;

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

26 (a) The child while subject to compulsory school attendance is repeatedly
27 and without justification absent from school; or

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

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

32 (d) The behavior or associations of the child are otherwise injurious to his
33 or her welfare or to the welfare of others; or

34 (e) The child is charged with an offense not classified as criminal, or with
35 an offense applicable only to children; except that, the juvenile court shall not
36 have jurisdiction over any child fifteen [and one-half] years of age who is alleged
37 to have violated a state or municipal traffic ordinance or regulation, the violation
38 of which does not constitute a felony, or any child who is alleged to have violated
39 a state or municipal ordinance or regulation prohibiting possession or use of any
40 tobacco product;

41 (3) Involving any child who is alleged to have violated a state law or
42 municipal ordinance, or any person who is alleged to have violated a state law or
43 municipal ordinance prior to attaining the age of seventeen years, in which cases
44 jurisdiction may be taken by the court of the circuit in which the child or person
45 resides or may be found or in which the violation is alleged to have occurred;
46 except that, the juvenile court shall not have jurisdiction over any child fifteen
47 [and one-half] years of age who is alleged to have violated a state or municipal
48 traffic ordinance or regulation, the violation of which does not constitute a felony,
49 and except that the juvenile court shall have concurrent jurisdiction with the
50 municipal court over any child who is alleged to have violated a municipal curfew
51 ordinance, and except that the juvenile court shall have concurrent jurisdiction
52 with the circuit court on any child who is alleged to have violated a state or
53 municipal ordinance or regulation prohibiting possession or use of any tobacco
54 product;

55 (4) For the adoption of a person;

56 (5) For the commitment of a child or person seventeen years of age to the
57 guardianship of the department of social services as provided by law; and

58 (6) Involving an order of protection pursuant to chapter 455 when the
59 respondent is less than seventeen years of age.

60 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child
61 or person seventeen years of age who resides in a county of this state shall be
62 made as follows:

63 (1) Prior to the filing of a petition and upon request of any party or at the
64 discretion of the juvenile officer, the matter in the interest of a child or person
65 seventeen years of age may be transferred by the juvenile officer, with the prior
66 consent of the juvenile officer of the receiving court, to the county of the child's
67 residence or the residence of the person seventeen years of age for future action;

68 (2) Upon the motion of any party or on its own motion prior to final
69 disposition on the pending matter, the court in which a proceeding is commenced
70 may transfer the proceeding of a child or person seventeen years of age to the
71 court located in the county of the child's residence or the residence of the person
72 seventeen years of age, or the county in which the offense pursuant to subdivision
73 (3) of subsection 1 of this section is alleged to have occurred for further action;

74 (3) Upon motion of any party or on its own motion, the court in which
75 jurisdiction has been taken pursuant to subsection 1 of this section may at any
76 time thereafter transfer jurisdiction of a child or person seventeen years of age
77 to the court located in the county of the child's residence or the residence of the
78 person seventeen years of age for further action with the prior consent of the
79 receiving court;

80 (4) Upon motion of any party or upon its own motion at any time following
81 a judgment of disposition or treatment pursuant to section 211.181, the court
82 having jurisdiction of the cause may place the child or person seventeen years of
83 age under the supervision of another juvenile court within or without the state
84 pursuant to section 210.570 with the consent of the receiving court;

85 (5) Upon motion of any child or person seventeen years of age or his or
86 her parent, the court having jurisdiction shall grant one change of judge pursuant
87 to Missouri Supreme Court Rules;

88 (6) Upon the transfer of any matter, proceeding, jurisdiction or
89 supervision of a child or person seventeen years of age, certified copies of all legal
90 and social documents and records pertaining to the case on file with the clerk of
91 the transferring juvenile court shall accompany the transfer.

92 3. In any proceeding involving any child or person seventeen years of age
93 taken into custody in a county other than the county of the child's residence or
94 the residence of a person seventeen years of age, the juvenile court of the county
95 of the child's residence or the residence of a person seventeen years of age shall
96 be notified of such taking into custody within seventy-two hours.

97 4. When an investigation by a juvenile officer pursuant to this section
98 reveals that the only basis for action involves an alleged violation of section
99 167.031 involving a child who alleges to be home schooled, the juvenile officer
100 shall contact a parent or parents of such child to verify that the child is being
101 home schooled and not in violation of section 167.031 before making a report of
102 such a violation. Any report of a violation of section 167.031 made by a juvenile
103 officer regarding a child who is being home schooled shall be made to the

104 prosecuting attorney of the county where the child legally resides.

105 5. The disability or disease of a parent shall not constitute a basis for a
106 determination that a child is a child in need of care or for the removal of custody
107 of a child from the parent without a specific showing that there is a causal
108 relation between the disability or disease and harm to the child.

 386.510. With respect to commission orders or decisions issued on and
2 after July 1, 2011, within thirty days after the application for a rehearing is
3 denied, or, if the application is granted, then within thirty days after the
4 rendition of the decision on rehearing, the applicant may file a notice of appeal
5 with the commission, which shall also be served on the parties to the commission
6 proceeding in accordance with section 386.515, and which **the commission** shall
7 [also be filed with] **forward to** the appellate court with the territorial
8 jurisdiction over the county where the hearing was held or in which the
9 commission has its principal office for the purpose of having the reasonableness
10 or lawfulness of the original order or decision or the order or decision on
11 rehearing inquired into or determined. Except with respect to a stay or
12 suspension pursuant to subsection 1 of section 386.520, no new or additional
13 evidence may be introduced in the appellate court but the cause shall be heard
14 by the court without the intervention of a jury on the evidence and exhibits
15 introduced before the commission and certified to by it. The notice of appeal shall
16 include the appellant's application for rehearing, a copy of the reconciliation
17 required by subsection 4 of section 386.420, a concise statement of the issues
18 being appealed, a full and complete list of the parties to the commission
19 proceeding, and any other information specified by the rules of the court. Unless
20 otherwise ordered by the court of appeals, the commission shall, within thirty
21 days of the filing of the notice of appeal, certify its record in the case to the court
22 of appeals. The commission and each party to the action or proceeding before the
23 commission shall have the right to intervene and participate fully in the review
24 proceedings. Upon the submission of the case to the court of appeals, the court
25 of appeals shall render its opinion either affirming or setting aside, in whole or
26 in part, the order or decision of the commission under review. In case the order
27 or decision is reversed by reason of the commission failing to receive testimony
28 properly proffered, the court shall remand the cause to the commission, with
29 instructions to receive the testimony so proffered and rejected, and enter a new
30 order or render a new decision based upon the evidence theretofore taken, and
31 such as it is directed to receive. The court may, in its discretion, remand any

32 cause which is reversed by it to the commission for further action. No court in
33 this state, except the supreme court or the court of appeals, shall have
34 jurisdiction or authority to review, reverse, correct or annul any order or decision
35 of the commission or to suspend or delay the executing or operation thereof, or to
36 enjoin, restrain or interfere with the commission in the performance of its official
37 duties. The appellate courts of this state shall always be deemed open for the
38 trial of suits brought to review the orders and decisions of the commission as
39 provided in the public service commission law and the same shall where
40 necessary be tried and determined as suits in equity.

400.9-311. (a) Except as otherwise provided in subsection (d), the filing
2 of a financing statement is not necessary or effective to perfect a security interest
3 in property subject to:

4 (1) A statute, regulation, or treaty of the United States whose
5 requirements for a security interest's obtaining priority over the rights of a lien
6 creditor with respect to the property preempt section 400.9-310(a);

7 (2) Sections 301.600 to 301.661, section 700.350, and section 400.2A-304;
8 or

9 (3) A certificate-of-title statute of another jurisdiction which provides for
10 a security interest to be indicated on the certificate as a condition or result of the
11 security interest's obtaining priority over the rights of a lien creditor with respect
12 to the property.

13 (b) Compliance with the requirements of a statute, regulation, or treaty
14 described in subsection (a) for obtaining priority over the rights of a lien creditor
15 is equivalent to the filing of a financing statement under this article. Except as
16 otherwise provided in subsection (d) and sections 400.9-313 and 400.9-316(d) and
17 (e) for goods covered by a certificate of title, a security interest in property subject
18 to a statute, regulation, or treaty described in subsection (a) may be perfected
19 only by compliance with those requirements, and a security interest so perfected
20 remains perfected notwithstanding a change in the use or transfer of possession
21 of the collateral.

22 (c) Except as otherwise provided in subsection (d) and section 400.9-316(d)
23 and (e), duration and renewal of perfection of a security interest perfected by
24 compliance with the requirements prescribed by a statute, regulation, or treaty
25 described in subsection (a) are governed by the statute, regulation, or treaty. In
26 other respects, the security interest is subject to this article.

27 (d) During any period in which collateral is inventory held for sale or

28 lease by a person or leased by that person as lessor and that person is in the
29 business of selling [or leasing] goods of that kind, this section does not apply to
30 a security interest in that collateral created by that person [as debtor].

**452.374. 1. If criminal charges alleging an act of rape are
2 brought against the putative father of a child conceived as the result
3 of that act of rape, the court shall issue an automatic stay of any
4 paternity proceeding involving both the child and the alleged putative
5 father. The stay shall not be lifted until there is a final disposition of
6 such criminal charges.**

7 **2. In any future custody proceeding, any denial of visitation
8 under this section shall not be used against the mother of the child
9 when considering the factor contained in subdivision (4) of subsection
10 2 of section 452.375.**

456.950. 1. As used in this section, "qualified spousal trust" means a
2 trust:

3 (1) The settlors of which are husband and wife at the time of the creation
4 of the trust; and

5 (2) The terms of which provide that during the joint lives of the settlors
6 all property or interests in property transferred to, or held by, the trustee are
7 [either]:

8 (a) Held and administered in one trust for the benefit of both settlors,
9 revocable by either or both settlors acting together while either or both are alive,
10 and each settlor having the right to receive distributions of income or principal,
11 whether mandatory or within the discretion of the trustee, from the entire trust
12 for the joint lives of the settlors and for the survivor's life; or

13 (b) Held and administered in two separate shares of one trust for the
14 benefit of each of the settlors, with the trust revocable by each settlor with
15 respect to that settlor's separate share of that trust without the participation or
16 consent of the other settlor, and each settlor having the right to receive
17 distributions of income or principal, whether mandatory or within the discretion
18 of the trustee, from that settlor's separate share for that settlor's life; **or**

19 **(c) Held and administered under the terms and conditions
20 contained in paragraphs (a) and (b) of this subdivision.**

21 2. A qualified spousal trust may contain any other trust terms that are
22 not inconsistent with the provisions of this section.

23 3. Property or interests in property held as tenants by the entirety by a

24 husband and wife that is at any time transferred to the trustee of a qualified
25 spousal trust of which the husband and wife are the settlors shall be held and
26 administered as provided by the trust terms in accordance with [either]
27 paragraph (a) [or], (b), **or (c)** of subdivision (2) of subsection 1 of this section, and
28 all such property and interests in property, including the proceeds thereof, the
29 income thereon, and any property into which such property, proceeds, or income
30 may be converted, shall thereafter have the same immunity from the claims of the
31 separate creditors of the settlors as would have existed if the settlors had
32 continued to hold that property as husband and wife as tenants by the entirety,
33 so long as:

34 (1) Both settlors are alive and remain married; and

35 (2) The property, proceeds, or income continue to be held in trust by the
36 trustee of the qualified spousal trust.

37 4. Property or interests in property held by a husband and wife or held
38 in the sole name of a husband or wife that is not held as tenants by the entirety
39 and is transferred to a qualified spousal trust shall be held as directed in the
40 qualified spousal trust's governing instrument or in the instrument of transfer
41 and the rights of any claimant to any interest in that property shall not be
42 affected by this section.

43 5. Upon the death of each settlor, all property and interests in property
44 held by the trustee of the qualified spousal trust shall be distributed as directed
45 by the then current terms of the governing instrument of such trust. Upon the
46 death of the first settlor to die, if immediately prior to death the predeceased
47 settlor's interest in the qualified spousal trust was then held in such settlor's
48 separate share, the property or interests in property in such settlor's separate
49 share may pass into an irrevocable trust for the benefit of the surviving settlor
50 upon such terms as the governing instrument shall direct, including without
51 limitation a spendthrift provision as provided in section 456.5-502.

52 6. No transfer by a husband and wife as settlors to a qualified spousal
53 trust shall affect or change either settlor's marital property rights to the
54 transferred property or interest therein immediately prior to such transfer in the
55 event of dissolution of marriage of the spouses, unless both spouses otherwise
56 expressly agree in writing.

57 7. This section shall apply to all trusts which fulfill the criteria set forth
58 in this section for a qualified spousal trust regardless of whether such trust was
59 created before or after August 28, 2011.

456.8-808. 1. While a trust is revocable, the trustee may follow a
2 direction of the settlor that is contrary to the terms of the trust.

3 2. [If the terms of a trust confer upon a person other than the settlor of
4 a revocable trust power to direct certain actions of the trustee, the trustee shall
5 act in accordance with an exercise of the power unless the attempted exercise is
6 contrary to the terms of the trust or the trustee knows the attempted exercise
7 would constitute a serious breach of a fiduciary duty that the person holding the
8 power owes to the beneficiaries of the trust.

9 3. The terms of a trust may confer upon a trustee or other person a power
10 to direct the modification or termination of the trust.

11 4. A person, other than a beneficiary, who holds a power to direct is
12 presumptively a fiduciary who, as such, is required to act in good faith with
13 regard to the purposes of the trust and the interests of the beneficiaries. The
14 holder of a power to direct is liable for any loss that results from breach of a
15 fiduciary duty.] **A trust instrument may provide for the appointment of**
16 **a trust protector. For purposes of this section, a "trust protector",**
17 **whether referred to in the trust instrument by that name or by some**
18 **other name, is a person, other than the settlor, a trustee, or a**
19 **beneficiary, who is expressly granted in the trust instrument one or**
20 **more powers over the trust.**

21 3. **A trust protector appointed in the trust instrument shall have**
22 **only the powers granted to the trust protector by the express terms of**
23 **the trust instrument, and a trust protector is only authorized to act**
24 **within the scope of the authority expressly granted in the trust**
25 **instrument. Without limiting the authority of the settlor to grant**
26 **powers to a trust protector, the express powers that may be granted**
27 **include, but are not limited to, the following:**

28 **(1) Remove and appoint a trustee or name a successor trustee or**
29 **trust protector;**

30 **(2) Modify or amend the trust instrument to:**

31 **(a) Achieve favorable tax status or respond to changes in the**
32 **Internal Revenue Code or state law, or the rulings and regulations**
33 **under such code or law;**

34 **(b) Reflect legal changes that affect trust administration;**

35 **(c) Correct errors or ambiguities that might otherwise require**
36 **court construction; or**

- 37 **(d) Correct a drafting error that defeats a grantor's intent;**
38 **(3) Increase, decrease, modify, or restrict the interests of the**
39 **beneficiary or beneficiaries of the trust;**
40 **(4) Terminate the trust in favor of the beneficiary or**
41 **beneficiaries of the trust;**
42 **(5) Change the applicable law governing the trust and the trust**
43 **situs; or**
44 **(6) Such other powers as are expressly granted to the trust**
45 **protector in the trust instrument.**

46 **4. Notwithstanding any provision in the trust instrument to the**
47 **contrary, a trust protector shall have no power to modify a trust to:**

48 **(1) Remove a requirement from a trust created to meet the**
49 **requirements of 42 U.S.C. Section 1396p(d)(4) to pay back a**
50 **governmental entity for benefits provided to the permissible**
51 **beneficiary of the trust at the death of that beneficiary; or**

52 **(2) Reduce or eliminate an income interest of the income**
53 **beneficiary of any of the following types of trusts:**

54 **(a) A trust for which a marital deduction has been taken for**
55 **federal tax purposes under Section 2056 or 2523 of the Internal**
56 **Revenue Code or for state tax purposes under any comparable**
57 **provision of applicable state law, during the life of the settlor's spouse;**

58 **(b) A charitable remainder trust under Section 664 of the**
59 **Internal Revenue Code, during the life of the noncharitable beneficiary;**

60 **(c) A grantor retained annuity trust under Section 2702 of the**
61 **Internal Revenue Code, during any period in which the settlor is a**
62 **beneficiary; or**

63 **(d) A trust for which an election as a qualified Sub-Chapter S**
64 **Trust under Section 1361(d) of the Internal Revenue Code is currently**
65 **in place.**

66 **5. Except to the extent otherwise provided in a trust instrument**
67 **specifically referring to this subsection, the trust protector shall not**
68 **exercise a power in a way that would result in a taxable gift for federal**
69 **gift tax purposes or cause the inclusion of any assets of the trust in the**
70 **trust protector's gross estate for federal estate tax purposes.**

71 **6. Except to the extent otherwise provided in the trust**
72 **instrument and in subsection 7 of this section, and notwithstanding any**
73 **provision of sections 456.1-101 to 456.11-1106 to the contrary:**

74 **(1) A trust protector shall act in a fiduciary capacity in carrying**
75 **out the powers granted to the trust protector in the trust instrument,**
76 **and shall have such duties to the beneficiaries, the settlor, or the trust**
77 **as set forth in the trust instrument. A trust protector is not a trustee,**
78 **and is not liable or accountable as a trustee when performing or**
79 **declining to perform the express powers given to the trust protector in**
80 **the trust instrument. A trust protector is not liable for the acts or**
81 **omissions of any fiduciary or beneficiary under the trust instrument;**

82 **(2) A trust protector is exonerated from any and all liability for**
83 **the trust protector's acts or omissions, or arising from any exercise or**
84 **nonexercise of the powers expressly conferred on the trust protector**
85 **in the trust instrument, unless it is established by a preponderance of**
86 **the evidence that the acts or omissions of the trust protector were done**
87 **or omitted in breach of the trust protector's duty, in bad faith or with**
88 **reckless indifference;**

89 **(3) A trust protector is authorized to exercise the express powers**
90 **granted in the trust instrument at any time and from time to time after**
91 **the trust protector acquires knowledge of their appointment as trust**
92 **protector and of the powers granted;**

93 **(4) A trust protector is entitled to receive, from the assets of the**
94 **trust for which the trust protector is acting, reasonable compensation,**
95 **and reimbursement of the reasonable costs and expenses incurred, in**
96 **determining whether to carry out, and in carrying out, the express**
97 **powers given to the trust protector in the trust instrument;**

98 **(5) A trust protector is entitled to receive, from the assets of the**
99 **trust for which the trust protector is acting, reimbursement of the**
100 **reasonable costs and expenses, including attorney's fees, of defending**
101 **any claim made against the trust protector arising from the acts or**
102 **omissions of the trust protector acting in that capacity unless it is**
103 **established by clear and convincing evidence that the trust protector**
104 **was acting in bad faith or with reckless indifference; and**

105 **(6) The express powers granted in the trust instrument shall not**
106 **be exercised by the trust protector for the trust protector's own**
107 **personal benefit.**

108 **7. If a trust protector is granted a power in the trust instrument**
109 **to direct, consent to, or disapprove a trustee's actual or proposed**
110 **investment decision, distribution decision, or other decision of the**

111 trustee required to be performed under applicable trust law in carrying
112 out the duties of the trustee in administering the trust, then only with
113 respect to such power, excluding the powers identified in subsection 3
114 of this section, the trust protector shall have the same duties and
115 liabilities as if serving as a trustee under the trust instrument.

116 8. A trustee shall carry out the written directions given to the
117 trustee by a trust protector acting within the scope of the powers
118 expressly granted to the trust protector in the trust instrument. Except
119 in cases of bad faith or reckless indifference on the part of the trustee,
120 or as otherwise provided in the trust instrument, the trustee shall not
121 be liable for any loss resulting directly or indirectly from any act taken
122 or omitted as a result of the written direction of the trust protector or
123 the failure of the trust protector to provide consent. Except as
124 otherwise provided in the trust instrument, the trustee shall have no
125 duty to monitor the conduct of the trust protector, provide advice to or
126 consult with the trust protector, or communicate with or warn or
127 apprise any beneficiary concerning instances in which the trustee
128 would or might have exercised the trustee's own discretion in a manner
129 different from the manner directed by the trust protector.

130 9. Except to the extent otherwise expressly provided in the trust
131 instrument, the trust protector shall be entitled to receive information
132 regarding the administration of the trust as follows:

133 (1) Upon the request of the trust protector, unless unreasonable
134 under the circumstances, the trustee shall promptly provide to the trust
135 protector any and all information related to the trust that may relate
136 to the exercise or nonexercise of a power expressly granted to the trust
137 protector in the trust instrument. The trustee has no obligation to
138 provide any information to the trust protector except to the extent a
139 trust protector requests information under this section;

140 (2) The request of the trust protector for information under this
141 section shall be with respect to a single trust that is sufficiently
142 identified to enable the trustee to locate the records of the trust; and

143 (3) If the trustee is bound by any confidentiality restrictions
144 with respect to an asset of a trust, a trust protector who requests
145 information under this section about such asset shall agree to be bound
146 by the confidentiality restrictions that bind the trustee before receiving
147 such information from the trustee.

148 **10. A trust protector may resign by giving thirty days' written**
149 **notice to the trustee and any successor trust protector. A successor**
150 **trust protector, if any, shall have all the powers expressly granted in**
151 **the trust instrument to the resigning trust protector unless such**
152 **powers are expressly modified for the successor trust protector.**

153 **11. A trust protector of a trust having its principal place of**
154 **administration in this state submits personally to the jurisdiction of the**
155 **courts of this state during any period that the principal place of**
156 **administration of the trust is located in this state and the trust**
157 **protector is serving in such capacity.**

476.055. 1. There is hereby established in the state treasury the
2 "Statewide Court Automation Fund". All moneys collected pursuant to section
3 488.027, as well as gifts, contributions, devises, bequests, and grants received
4 relating to automation of judicial record keeping, and moneys received by the
5 judicial system for the dissemination of information and sales of publications
6 developed relating to automation of judicial record keeping, shall be credited to
7 the fund. Moneys credited to this fund may only be used for the purposes set
8 forth in this section and as appropriated by the general assembly. Any
9 unexpended balance remaining in the statewide court automation fund at the end
10 of each biennium shall not be subject to the provisions of section 33.080 requiring
11 the transfer of such unexpended balance to general revenue; except that, any
12 unexpended balance remaining in the fund on September 1, [2013] **2018**, shall
13 be transferred to general revenue.

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

26 3. The committee shall develop and implement a plan for a statewide

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

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

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

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

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

- 56 (1) The chair of the house budget committee;
- 57 (2) The chair of the senate appropriations committee;
- 58 (3) The chair of the house judiciary committee;
- 59 (4) The chair of the senate judiciary committee;
- 60 (5) One member of the minority party of the house appointed by the
61 speaker of the house of representatives; and
- 62 (6) One member of the minority party of the senate appointed by the

63 president pro tempore of the senate.

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

68 9. Section 488.027 shall expire on September 1, [2013] **2018**. The court
69 automation committee established pursuant to this section may continue to
70 function until completion of its duties prescribed by this section, but shall
71 complete its duties prior to September 1, [2015] **2020**.

72 10. This section shall expire on September 1, [2015] **2020**.

479.011. 1. (1) The following cities may establish an administrative
2 adjudication system under this section:

3 (a) Any city not within a county;

4 (b) Any home rule city with more than four hundred thousand inhabitants
5 and located in more than one county; [and]

6 (c) Any home rule city with more than seventy-three thousand but fewer
7 than seventy-five thousand inhabitants; **and**

8 **(d) Any home rule city with more than one hundred fifty-five**
9 **thousand but fewer than two hundred thousand inhabitants.**

10 (2) The cities listed in subdivision (1) of this subsection may establish, by
11 order or ordinance, an administrative system for adjudicating housing, property
12 maintenance, nuisance, parking, and other civil, nonmoving municipal code
13 violations consistent with applicable state law. Such administrative adjudication
14 system shall be subject to practice, procedure, and pleading rules established by
15 the state supreme court, circuit court, or municipal court. This section shall not
16 be construed to affect the validity of other administrative adjudication systems
17 authorized by state law and created before August 28, 2004.

18 2. The order or ordinance creating the administrative adjudication system
19 shall designate the administrative tribunal and its jurisdiction, including the code
20 violations to be reviewed. The administrative tribunal may operate under the
21 supervision of the municipal court, parking commission, or other entity
22 designated by order or ordinance and in a manner consistent with state law. The
23 administrative tribunal shall adopt policies and procedures for administrative
24 hearings, and filing and notification requirements for appeals to the municipal
25 or circuit court, subject to the approval of the municipal or circuit court.

26 3. The administrative adjudication process authorized in this section shall

27 ensure a fair and impartial review of contested municipal code violations, and
28 shall afford the parties due process of law. The formal rules of evidence shall not
29 apply in any administrative review or hearing authorized in this
30 section. Evidence, including hearsay, may be admitted only if it is the type of
31 evidence commonly relied upon by reasonably prudent persons in the conduct of
32 their affairs. The code violation notice, property record, and related
33 documentation in the proper form, or a copy thereof, shall be prima facie evidence
34 of the municipal code violation. The officer who issued the code violation citation
35 need not be present.

36 4. An administrative tribunal may not impose incarceration or any fine
37 in excess of the amount allowed by law. Any sanction, fine or costs, or part of any
38 fine, other sanction, or costs, remaining unpaid after the exhaustion of, or the
39 failure to exhaust, judicial review procedures under chapter 536 shall be a debt
40 due and owing the city, and may be collected in accordance with applicable law.

41 5. Any final decision or disposition of a code violation by an
42 administrative tribunal shall constitute a final determination for purposes of
43 judicial review. Such determination is subject to review under chapter 536 or, at
44 the request of the defendant made within ten days, a trial de novo in the circuit
45 court. After expiration of the judicial review period under chapter 536, unless
46 stayed by a court of competent jurisdiction, the administrative tribunal's
47 decisions, findings, rules, and orders may be enforced in the same manner as a
48 judgment entered by a court of competent jurisdiction. Upon being recorded in
49 the manner required by state law or the uniform commercial code, a lien may be
50 imposed on the real or personal property of any defendant entering a plea of nolo
51 contendere, pleading guilty to, or found guilty of a municipal code violation in the
52 amount of any debt due the city under this section and enforced in the same
53 manner as a judgment lien under a judgment of a court of competent
54 jurisdiction. The city may also issue a special tax bill to collect fines issued for
55 housing, property maintenance, and nuisance code violations.

479.040. 1. **(1)** Any city, town or village with a population of less than
2 four hundred thousand may elect to have the violations of its municipal
3 ordinances heard and determined by an associate circuit judge of the circuit in
4 which the city, town or village, or the major geographical portion thereof, is
5 located; provided, however, if such election is made, all violations of that
6 municipality's ordinances shall be heard and determined before an associate
7 circuit judge or judges. If a municipality has elected to have the violations of its

8 municipal ordinances heard and determined by an associate circuit judge, the
9 municipality may thereafter elect to provide for a municipal judge or judges to
10 hear such cases; provided, however, if such later election is made, all violations
11 of that municipality's ordinances shall be heard and determined before a
12 municipal judge. Nothing in this subsection shall preclude the transfer or
13 assignment of another judge to hear and determine a case or class of cases when
14 otherwise authorized by provisions of the constitution, law, or court rule. Nothing
15 in this section shall preclude an election made under the provisions of subsection
16 4 of this section.

17 **(2) In lieu of electing to have all violations of municipal**
18 **ordinances heard and determined before an associate circuit court or**
19 **a county municipal court, a city, town, or village may, under**
20 **subdivision (1) of this subsection, elect to have such court only hear**
21 **and determine those violations of its municipal ordinances as may be**
22 **designated on the information by the prosecutor as involving an**
23 **accused with special needs due to mental disorder or mental illness, as**
24 **defined by section 630.005, or whose special needs, circumstances, and**
25 **charges cannot be adequately accommodated by the municipal court of**
26 **the city, town, or village, provided that the associate circuit court or**
27 **county municipal court has established specialized dockets or courts**
28 **to provide such adequate accommodations and resources for**
29 **specifically handling such matters, such as a mental health court,**
30 **housing court, domestic violence court, family court, or DWI court, and**
31 **such associate circuit court or county municipal court accepts such**
32 **election by consent of the presiding judge or by county contract, as**
33 **applicable, and further provided that upon a determination by the**
34 **court that the accused does not have such special needs, the matter**
35 **shall be transferred back to the municipal court.**

36 2. If, after January 1, 1980, a municipality elects to have the violations
37 of its municipal ordinances heard and determined by an associate circuit judge,
38 the associate circuit judge or judges shall commence hearing and determining
39 such violations six months after the municipality notifies the presiding judge of
40 the circuit of its election. With the consent of the presiding judge, the associate
41 circuit judge or judges may commence hearing such violations at an earlier date.

42 3. Associate circuit judges of the circuit in which the municipality, or
43 major geographical portion thereof, is located shall hear and determine violations

44 of municipal ordinances of any municipality with a population of under four
45 hundred thousand for which a municipal judge is not provided.

46 4. Any city, town or village with a population of less than four hundred
47 thousand located in a county which has created a county municipal court under
48 the provisions of section 66.010 may elect to enter into a contract with the county
49 to have violations of municipal ordinances prosecuted, heard, and determined in
50 the county municipal court. If a contract is entered into under the provisions of
51 this subsection, all violations of that municipality's ordinances shall be heard and
52 determined in the county municipal court. The contract may provide for a
53 transition period after an election is made under the provisions of this subsection.

483.015. 1. At the general election in the year 1982, and every four years
2 thereafter, except as herein provided and except as otherwise provided by law,
3 circuit clerks shall be elected by the qualified voters of each county [and of the
4 city of St. Louis], who shall be commissioned by the governor, and shall enter
5 upon the discharge of their duties on the first day in January next ensuing their
6 election, and shall hold their offices for the term of four years, and until their
7 successors shall be duly elected and qualified, unless sooner removed from office.

8 2. The court administrator for Jackson County provided by the charter of
9 Jackson County shall be selected as provided in the county charter and shall
10 exercise all of the powers and duties of the circuit clerk of Jackson County. The
11 director of judicial administration and the circuit clerk of St. Louis County shall
12 be selected as provided in the charter of St. Louis County.

13 3. When provision is made in a county charter for the appointment of a
14 court administrator to perform the duties of a circuit clerk or for the appointment
15 of a circuit clerk, such provisions shall prevail over the provisions of this chapter
16 providing for a circuit clerk to be elected. The persons appointed to fill any such
17 appointive positions shall be paid by the counties as provided by the county
18 charter or ordinance; provided, however, that if provision is now or hereafter
19 made by law for the salaries of circuit clerks to be paid by the state, the state
20 shall pay over to the county a sum which is equivalent to the salary that would
21 be payable by law by the state to an elected circuit clerk in such county if such
22 charter provision was not in effect. The sum shall be paid in semimonthly or
23 monthly installments, as designated by the commissioner of administration.

24 4. The circuit clerk in the sixth judicial circuit and in the seventh judicial
25 circuit shall be appointed by a majority of the circuit judges and associate circuit
26 judges of the circuit court, en banc. The circuit clerk in those circuits shall be

27 removable for cause by a majority of the circuit judges and associate circuit
28 judges of such circuit, en banc, in accordance with supreme court administrative
29 rules governing court personnel. This subsection shall become effective on
30 January 1, 2004, and the elected circuit clerks in those circuits in office at that
31 time shall continue to hold such office for the remainder of their elected terms as
32 if they had been appointed pursuant to the terms of this subsection.

33 **5. The circuit clerk in the twenty-second judicial circuit shall be**
34 **appointed by a majority of the circuit judges and associate circuit**
35 **judges of the circuit court, en banc. The circuit clerk in such circuit**
36 **shall be removable for cause by a majority of the circuit judges and**
37 **associate circuit judges of such circuit, en banc, in accordance with**
38 **supreme court administrative rules governing court personnel. The**
39 **elected circuit clerk in such circuit in office on the effective date of**
40 **this section shall continue to hold such office for the remainder of his**
41 **or her elected term.**

488.5026. 1. Upon approval of the governing body of a city, county, or a
2 city not within a county, a surcharge of two dollars shall be assessed as costs in
3 each court proceeding filed in any court in any city, county, or city not within a
4 county adopting such a surcharge, in all criminal cases including violations of any
5 county ordinance or any violation of criminal or traffic laws of the state, including
6 an infraction and violation of a municipal ordinance; except that no such fee shall
7 be collected in any proceeding in any court when the proceeding or the defendant
8 has been dismissed by the court or when costs are to be paid by the state, county,
9 or municipality. A surcharge of two dollars shall be assessed as costs in a
10 juvenile court proceeding in which a child is found by the court to come within
11 the applicable provisions of subdivision (3) of subsection 1 of section 211.031.

12 2. Notwithstanding any other provision of law, the moneys collected by
13 clerks of the courts pursuant to the provisions of subsection 1 of this section shall
14 be collected and disbursed in accordance with sections 488.010 to 488.020, and
15 shall be payable to the treasurer of the governmental unit authorizing such
16 surcharge.

17 3. The treasurer shall deposit funds generated by the surcharge into the
18 "Inmate Security Fund". Funds deposited shall be utilized to **acquire and**
19 **develop biometric verification systems and information sharing** to ensure that
20 inmates, **prisoners, or detainees in a holding cell facility or other**
21 **detention facility or area which hold persons detained only for a**

22 **shorter period of time after arrest or after being formally charged** can
23 be properly identified **upon booking** and tracked within **the local law**
24 **enforcement administration system, criminal justice administration**
25 **system, or** the local jail system. Upon the installation of the **information**
26 **sharing or** biometric verification system, funds in the inmate **prisoner**
27 **detainee** security fund may **also** be used for the maintenance, **repair, and**
28 **replacement** of the **information sharing or** biometric verification system, and
29 **also** to pay for any expenses related to **detention**, custody, and housing and
30 other expenses for **inmates, prisoners, and detainees**.

488.5375. **Upon a plea of guilty or a finding of guilt for a felony**
2 **sexual offense in which computers, computer equipment, computer**
3 **devices, cellular telephones, or other electronic devices were seized,**
4 **the court may, in addition to imposition of any penalties provided by**
5 **law, order the defendant to reimburse the state or local law**
6 **enforcement agency for the costs incurred by such agency in the**
7 **examination of any computer, computer equipment, computer devices,**
8 **cellular telephones, or other electronic devices seized. Such costs shall**
9 **include the reasonable costs of performing examinations of the seized**
10 **electronic devices. Each law enforcement agency may establish a**
11 **schedule of such costs; except that, the court may order the costs**
12 **reduced if the court determines that the costs are excessive.**

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

6 (1) The court finds, in a hearing conducted outside the presence of the
7 jury that the time, content and circumstances of the statement provide sufficient
8 indicia of reliability; and

9 (2) (a) The child **or vulnerable person** testifies at the proceedings; or

10 (b) The child **or vulnerable person** is unavailable as a witness; or

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

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

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

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

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

508.050. Suits against municipal corporations as defendant or codefendant
2 shall be commenced only in the county in which the municipal corporation is
3 situated, or if the municipal corporation is situated in more than one county, then
4 suits against the municipal corporation shall be commenced only in that county
5 wherein the seat of government of the municipal corporation is situated; except
6 that:

7 **(1)** Suits may be brought against a city containing more than four
8 hundred thousand inhabitants in any county in which any part of the city is
9 situated; **and**

10 **(2)** Suits in inverse condemnation or involving dangerous
11 conditions of public property against a municipal corporation
12 established under article VI, section 30(a) of the Missouri Constitution
13 shall be brought only in the county where such land or any part thereof
14 lies.

513.430. 1. The following property shall be exempt from attachment and

2 execution to the extent of any person's-interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances,
4 books, animals, crops or musical instruments that are held primarily for personal,
5 family or household use of such person or a dependent of such person, not to
6 exceed three thousand dollars in value in the aggregate;

7 (2) A wedding ring not to exceed one thousand five hundred dollars in
8 value and other jewelry held primarily for the personal, family or household use
9 of such person or a dependent of such person, not to exceed five hundred dollars
10 in value in the aggregate;

11 (3) Any other property of any kind, not to exceed in value six hundred
12 dollars in the aggregate;

13 (4) Any implements or professional books or tools of the trade of such
14 person or the trade of a dependent of such person not to exceed three thousand
15 dollars in value in the aggregate;

16 (5) Any motor [vehicle in the aggregate] **vehicles**, not to exceed three
17 thousand dollars in value **in the aggregate**;

18 (6) Any mobile home used as the principal residence but not [on or]
19 attached to real property in which the debtor has a fee interest, not to exceed five
20 thousand dollars in value;

21 (7) Any one or more unmatured life insurance contracts owned by such
22 person, other than a credit life insurance contract;

23 (8) The amount of any accrued dividend or interest under, or loan value
24 of, any one or more unmatured life insurance contracts owned by such person
25 under which the insured is such person or an individual of whom such person is
26 a dependent; provided, however, that if proceedings under Title 11 of the United
27 States Code are commenced by or against such person, the amount exempt in
28 such proceedings shall not exceed in value one hundred fifty thousand dollars in
29 the aggregate less any amount of property of such person transferred by the life
30 insurance company or fraternal benefit society to itself in good faith if such
31 transfer is to pay a premium or to carry out a nonforfeiture insurance option and
32 is required to be so transferred automatically under a life insurance contract with
33 such company or society that was entered into before commencement of such
34 proceedings. No amount of any accrued dividend or interest under, or loan value
35 of, any such life insurance contracts shall be exempt from any claim for child
36 support. Notwithstanding anything to the contrary, no such amount shall be
37 exempt in such proceedings under any such insurance contract which was

38 purchased by such person within one year prior to the commencement of such
39 proceedings;

40 (9) Professionally prescribed health aids for such person or a dependent
41 of such person;

42 (10) Such person's right to receive:

43 (a) A Social Security benefit, unemployment compensation or a [local]
44 public assistance benefit;

45 (b) A veteran's benefit;

46 (c) A disability, illness or unemployment benefit;

47 (d) Alimony, support or separate maintenance, not to exceed seven
48 hundred fifty dollars a month;

49 (e) Any payment under a stock bonus plan, pension plan, disability or
50 death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan
51 described, defined, or established pursuant to section 456.072, the person's right
52 to a participant account in any deferred compensation program offered by the
53 state of Missouri or any of its political subdivisions, or annuity or similar plan or
54 contract on account of illness, disability, death, age or length of service, to the
55 extent reasonably necessary for the support of such person and any dependent of
56 such person unless:

57 a. Such plan or contract was established by or under the auspices of an
58 insider that employed such person at the time such person's rights under such
59 plan or contract arose;

60 b. Such payment is on account of age or length of service; and

61 c. Such plan or contract does not qualify under Section 401(a), 403(a),
62 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26
63 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409);

64 except that any such payment to any person shall be subject to attachment or
65 execution pursuant to a qualified domestic relations order, as defined by Section
66 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in
67 any proceeding for dissolution of marriage or legal separation or a proceeding for
68 disposition of property following dissolution of marriage by a court which lacked
69 personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of
70 marital property at the time of the original judgment of dissolution;

71 (f) Any money or assets, payable to a participant or beneficiary from, or
72 any interest of any participant or beneficiary in, a retirement plan or
73 profit-sharing plan that is qualified under Section 401(a), 403(a), 403(b), 408,

74 408A or 409 of the Internal Revenue Code of 1986, as amended, except as
75 provided in this paragraph. Any plan or arrangement described in this
76 paragraph shall not be exempt from the claim of an alternate payee under a
77 qualified domestic relations order; however, the interest of any and all alternate
78 payees under a qualified domestic relations order shall be exempt from any and
79 all claims of any creditor, other than the state of Missouri through its division of
80 family services. As used in this paragraph, the terms "alternate payee" and
81 "qualified domestic relations order" have the meaning given to them in Section
82 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under
83 Title 11 of the United States Code are commenced by or against such person, no
84 amount of funds shall be exempt in such proceedings under any such plan,
85 contract, or trust which is fraudulent as defined in [section 456.630] **subsection**
86 **2 of section 428.024** and for the period such person participated within three
87 years prior to the commencement of such proceedings. For the purposes of this
88 section, when the fraudulently conveyed funds are recovered and after, such funds
89 shall be deducted and then treated as though the funds had never been
90 contributed to the plan, contract, or trust;

91 (11) The debtor's right to receive, or property that is traceable to, a
92 payment on account of the wrongful death of an individual of whom the debtor
93 was a dependent, to the extent reasonably necessary for the support of the debtor
94 and any dependent of the debtor.

95 2. Nothing in this section shall be interpreted to exempt from attachment
96 or execution for a valid judicial or administrative order for the payment of child
97 support or maintenance any money or assets, payable to a participant or
98 beneficiary from, or any interest of any participant or beneficiary in, a retirement
99 plan which is qualified pursuant to Section 408A of the Internal Revenue Code
100 of 1986, as amended.

513.440. Each head of a family may select and hold, exempt from
2 execution, any other property, real, personal or mixed, or debts and wages, not
3 exceeding in value the amount of one thousand two hundred fifty dollars plus
4 three hundred fifty dollars for each of such person's unmarried dependent
5 children under the age of [eighteen] **twenty-one** years or dependent as defined
6 by the Internal Revenue Code of 1986, as amended, determined to be disabled by
7 the Social Security Administration, except ten percent of any debt, income, salary
8 or wages due such head of a family.

513.653. 1. Law enforcement agencies involved in using the federal

2 forfeiture system under federal law shall [be required at the end of their
3 respective fiscal year to acquire an independent audit of the federal seizures and
4 the proceeds received therefrom and provide this audit to their respective
5 governing body and to the department of public safety. A copy of such audit shall
6 be provided to the state auditor's office. This audit shall be paid for out of the
7 proceeds of such federal forfeitures] **file a report regarding federal seizures
8 and the proceeds therefrom. Such report shall be filed annually by
9 January thirty-first for the previous calendar year with the department
10 of public safety and the state auditor's office. The report for the
11 calendar year shall include the type and value of items seized and
12 turned over to the federal forfeiture system, the beginning balance as
13 of January first of federal forfeiture funds or assets previously received
14 and not expended or used, the proceeds received from the federal
15 government (the equitable sharing amount), the expenditures resulting
16 from the proceeds received, and the ending balance as of December
17 thirty-first of federal forfeiture funds or assets on hand.** The department
18 of public safety shall not issue funds to any law enforcement agency that fails to
19 comply with the provisions of this section.

20 2. Intentional or knowing failure to comply with the [audit] **reporting**
21 requirement contained in this section shall be a class A misdemeanor, punishable
22 by a fine of up to one thousand dollars.

523.010. 1. In case land, or other property, is sought to be appropriated
2 by any road, railroad, street railway, telephone, telegraph or any electrical
3 corporation organized for the manufacture or transmission of electric current for
4 light, heat or power, including the construction, when that is the case, of
5 necessary dams and appurtenant canals, flumes, tunnels and tailraces and
6 including the erection, when that is the case, of necessary electric steam
7 powerhouses, hydroelectric powerhouses and electric substations or any oil,
8 pipeline or gas corporation engaged in the business of transporting or carrying
9 oil, liquid fertilizer solutions, or gas by means of pipes or pipelines laid
10 underneath the surface of the ground, or other corporation created under the laws
11 of this state for public use, and such corporation and the owners cannot agree
12 upon the proper compensation to be paid, or in the case the owner is incapable
13 of contracting, be unknown, or be a nonresident of the state, such corporation may
14 apply to the circuit court of the county of this state where such land or any part
15 thereof lies by petition setting forth the general directions in which it is desired

16 to construct its road, railroad, street railway, telephone, or telegraph line or
17 electric line, including, when that is the case, the construction and maintenance
18 of necessary dams and appurtenant canals, tunnels, flumes and tailraces and,
19 when that is the case, the appropriation of land submerged by the construction
20 of such dam, and including the erection and maintenance, when that is the case,
21 of necessary electric steam powerhouses, hydroelectric powerhouses and electric
22 substations, or oil, pipeline, liquid fertilizer solution pipeline, or gas line over or
23 underneath the surface of such lands, a description of the real estate, or other
24 property, which the company seeks to acquire; the names of the owners thereof,
25 if known; or if unknown, a pertinent description of the property whose owners are
26 unknown and praying the appointment of three disinterested residents of the
27 county, as commissioners, or a jury, to assess the damages which such owners
28 may severally sustain in consequence of the establishment, erection and
29 maintenance of such road, railroad, street railway, telephone, telegraph line, or
30 electrical line including damages from the construction and maintenance of
31 necessary dams and the condemnation of land submerged thereby, and the
32 construction and maintenance of appurtenant canals, flumes, tunnels and
33 tailraces and the erection and maintenance of necessary electric steam
34 powerhouses, hydroelectric powerhouses and electric substations, or oil, pipeline,
35 or gas line over or underneath the surface of such lands; to which petition the
36 owners of any or all as the plaintiff may elect of such parcels as lie within the
37 county or circuit may be made parties defendant by names if the names are
38 known, and by the description of the unknown owners of the land therein
39 described if their names are unknown.

40 2. If the proceedings seek to affect the lands of persons under
41 conservatorship, the conservators must be made parties defendant. If the present
42 owner of any land to be affected has less estate than a fee, the person having the
43 next vested estate in remainder may at the option of the petitioners be made
44 party defendant; but if such remaindermen are not made parties, their interest
45 shall not be bound by the proceedings.

46 3. It shall not be necessary to make any persons party defendants in
47 respect to their ownership unless they are either in actual possession of the
48 premises to be affected claiming title or having a title of the premises appearing
49 of record upon the proper records of the county.

50 4. Except as provided in subsection 5 of this section, nothing in this
51 chapter shall be construed to give a public utility, as defined in section 386.020,

52 or a rural electric cooperative, as provided in chapter 394, the power to condemn
53 property which is currently used by another provider of public utility service,
54 including a municipality or a special purpose district, when such property is used
55 or useful in providing utility services, if the public utility or cooperative seeking
56 to condemn such property, directly or indirectly, will use or proposes to use the
57 property for the same purpose, or a purpose substantially similar to the purpose
58 **[that] for which** the property is being used by the provider of the public utility
59 service.

60 5. A public utility or a rural electric cooperative may only condemn the
61 property of another provider of public utility service, even if the property is used
62 or useful in providing utility services by such provider, if the condemnation is
63 necessary for the public purpose of acquiring a nonexclusive easement or
64 right-of-way across the property of such provider and only if the acquisition will
65 not materially impair or interfere with the current use of such property by the
66 utility or cooperative and will not prevent or materially impair such provider of
67 public utility service from any future expansion of its facilities on such property.

68 6. If a public utility or rural electric cooperative seeks to condemn the
69 property of another provider of public utility service, and the conditions in
70 subsection 4 of this section do not apply, this section does not limit the
71 condemnation powers otherwise possessed by such public utility or rural electric
72 cooperative.

73 **7. Suits in inverse condemnation or involving dangerous**
74 **conditions of public property against a municipal corporation**
75 **established under article VI, section 30(a) of the Missouri Constitution**
76 **shall be brought only in the county where such land or any part thereof**
77 **lies.**

537.345. As used in sections 537.345 to 537.347, **and section 537.351,**
2 the following terms mean:

3 (1) "Charge", the admission price or fee asked by an owner of land or an
4 invitation or permission without price or fee to use land for recreational purposes
5 when such invitation or permission is given for the purpose of sales promotion,
6 advertising or public goodwill in fostering business purposes;

7 (2) "Land", all real property, land and water, and all structures, fixtures,
8 equipment and machinery thereon;

9 (3) "Owner", any individual, legal entity or governmental agency that has
10 any ownership or security interest whatever or lease or right of possession in

11 land;

12 (4) "Recreational use", hunting, fishing, camping, picnicking, biking,
13 nature study, winter sports, viewing or enjoying archaeological or scenic sites, or
14 other similar activities undertaken for recreation, exercise, education, relaxation,
15 or pleasure on land owned by another;

16 (5) "Trespasser", any person who enters on the property of
17 another without permission and without an invitation, express or
18 implied regardless of whether actual notice of trespass was given or the
19 land was posted in accordance with the provisions of sections 569.140
20 and 569.145.

537.346. Except as provided in sections 537.345 to 537.348, and section
2 537.351, an owner of land owes no duty of care to any person who enters on the
3 land without charge to keep his land safe for recreational use or to give any
4 general or specific warning with respect to any natural or artificial condition,
5 structure, or personal property thereon.

537.351. 1. Except as provided in subsection 2 of this section, a
2 possessor of real property, including an owner, lessee, or other
3 occupant, or an agent of such owner, lessee, or other occupant, owes no
4 duty of care to a trespasser except to refrain from harming the
5 trespasser by an intentional, willful, or wanton act. A possessor of real
6 property may use justifiable force to repel a criminal trespasser as
7 provided by section 563.074.

8 2. A possessor of real property may be subject to liability for
9 physical injury or death to a trespasser in the following situations:

10 (1) If the trespasser is a child who is harmed by a dangerous
11 artificial condition on the land; and

12 (a) The possessor knew or should have known that children were
13 likely to trespass at the location of the condition;

14 (b) The condition is one which the possessor knew or reasonably
15 should have known involved an unreasonable risk of death or serious
16 physical injury to such children;

17 (c) The injured child because of the child's youth did not
18 discover the condition or realize the risk involved in the intermeddling
19 with the condition or in coming within the area made dangerous by the
20 condition;

21 (d) The utility to the possessor of maintaining the condition and
22 the burden of eliminating the danger were slight as compared with the

23 **risk to the child involved; and**

24 **(e) The possessor failed to exercise reasonable care to eliminate**
25 **the danger or otherwise protect the injured child; or**

26 **(2) The possessor knew or should have known that trespassers**
27 **consistently intrude upon a limited area of the possessor's land where**
28 **the trespasser was harmed, the harm resulted from a dangerous**
29 **artificial condition on the land; and**

30 **(a) The possessor created or maintained the artificial condition**
31 **that caused the injury;**

32 **(b) The possessor knew that the condition was likely to cause**
33 **death or serious bodily harm to trespassers;**

34 **(c) The possessor knew or should have known that the condition**
35 **was of such a nature that trespassers would not discover it; and**

36 **(d) The possessor failed to exercise reasonable care to warn**
37 **trespassers of the condition and the risk involved; or**

38 **(3) If the possessor knew of the trespasser's presence on the land**
39 **and failed to exercise ordinary care as to active operations carried out**
40 **on the land.**

41 **3. This section does not create or increase the liability of any**
42 **possessor of real property and does not affect any immunities from or**
43 **defenses to liability established under state law or available under**
44 **common law to which a possessor of real property may be entitled**
45 **under circumstances not covered by this section.**

537.528. 1. Any action [seeking money damages] against a person for
2 conduct or speech undertaken or made in connection with a public hearing or
3 public meeting, in a quasi-judicial proceeding before a tribunal or
4 decision-making body of the state or any political subdivision of the state is
5 subject to a special motion to dismiss, motion for judgment on the pleadings, or
6 motion for summary judgment that shall be considered by the court on a priority
7 or expedited basis to ensure the early consideration of the issues raised by the
8 motion and to prevent the unnecessary expense of litigation. Upon the filing of
9 any special motion described in this subsection, all discovery shall be suspended
10 pending a decision on the motion by the court and the exhaustion of all appeals
11 regarding the special motion.

12 2. If the rights afforded by this section are raised as an affirmative
13 defense and if a court grants a motion to dismiss, a motion for judgment on the

14 pleadings or a motion for summary judgment filed within ninety days of the filing
15 of the moving party's answer, the court shall award reasonable attorney fees and
16 costs incurred by the moving party in defending the action. If the court finds that
17 a special motion to dismiss or motion for summary judgment is frivolous or solely
18 intended to cause unnecessary delay, the court shall award costs and reasonable
19 attorney fees to the party prevailing on the motion.

20 3. Any party shall have the right to an expedited appeal from a trial court
21 order on the special motions described in subsection 2 of this section or from a
22 trial court's failure to rule on the motion on an expedited basis.

23 4. As used in this section, a "public meeting in a quasi-judicial
24 proceeding" means and includes any meeting established and held by a state or
25 local governmental entity, including without limitations meetings or
26 presentations before state, county, city, town or village councils, planning
27 commissions, review boards or commissions.

28 5. Nothing in this section limits or prohibits the exercise of a right or
29 remedy of a party granted pursuant to another constitutional, statutory, common
30 law or administrative provision, including civil actions for defamation.

31 6. If any provision of this section or the application of any provision of
32 this section to a person or circumstance is held invalid, the invalidity shall not
33 affect other provisions or applications of this section that can be given effect
34 without the invalid provision or application, and to this end the provisions of this
35 section are severable.

36 7. The provisions of this section shall apply to all causes of actions.

542.301. 1. Property which comes into the custody of an officer or of a
2 court as the result of any seizure and which has not been forfeited pursuant to
3 any other provisions of law or returned to the claimant shall be disposed of as
4 follows:

5 (1) Stolen property, or property acquired in any other manner declared an
6 offense by chapters 569 and 570, but not including any of the property referred
7 to in subdivision (2) of this subsection, shall be delivered by order of court upon
8 claim having been made and established, to the person who is entitled to
9 possession:

10 (a) The claim shall be made by written motion filed with the court with
11 which a motion to suppress has been, or may be, filed. The claim shall be barred
12 if not made within one year from the date of the seizure;

13 (b) Upon the filing of such motion, the judge shall order notice to be given

14 to all persons interested in the property, including other claimants and the
15 person from whose possession the property was seized, of the time, place and
16 nature of the hearing to be held on the motion. The notice shall be given in a
17 manner reasonably calculated to reach the attention of all interested
18 persons. Notice may be given to unknown persons and to persons whose address
19 is unknown by publication in a newspaper of general circulation in the county.
20 No property shall be delivered to any claimant unless all interested persons have
21 been given a reasonable opportunity to appear and to be heard;

22 (c) After a hearing, the judge shall order the property delivered to the
23 person or persons entitled to possession, if any. The judge may direct that
24 delivery of property required as evidence in a criminal proceeding shall be
25 postponed until the need no longer exists;

26 (d) A law enforcement officer having custody of seized property may, at
27 any time that seized property has ceased to be useful as evidence, request that
28 the prosecuting attorney of the county in which property was seized file a motion
29 with the court of such county for the disposition of the seized property. If the
30 prosecuting attorney does not file such motion within sixty days of the request by
31 the law enforcement officer having custody of the seized property, then such
32 officer may request that the attorney general file a written motion with the
33 circuit court of the county or judicial district in which the seizure occurred. Upon
34 filing of the motion, the court shall issue an order directing the disposition of the
35 property. Such disposition may, if the property is not claimed within one year
36 from the date of the seizure or if no one establishes a right to it, and the seized
37 property has ceased to be useful as evidence, include a public sale of the
38 property. Pursuant to a motion properly filed and granted under this section, the
39 proceeds of any sale, less necessary expenses of preservation and sale, shall be
40 paid into the county treasury for the use of the county. If the property is not
41 salable, the judge may order its destruction. Notwithstanding any other provision
42 of law, if no claim is filed within one year of the seizure and no motion pursuant
43 to this section is filed within six months thereafter, and the seized property has
44 ceased to be useful as evidence, the property shall be deemed abandoned,
45 converted to cash and shall be turned over immediately to the treasurer pursuant
46 to section 447.543;

47 (e) If the property is a living animal or is perishable, the judge may, at
48 any time, order it sold at public sale. The proceeds shall be held in lieu of the
49 property. A written description of the property sold shall be filed with the judge

50 making the order of sale so that the claimant may identify the property. If the
51 proceeds are not claimed within the time limited for the claim of the property, the
52 proceeds shall be paid into the county treasury. If the property is not salable, the
53 judge may order its destruction.

54 (2) Weapons, tools, devices, **computers, computer equipment,**
55 **computer software, computer hardware, cellular telephones, or other**
56 **devices capable of accessing the internet,** and substances other than motor
57 vehicles, aircraft or watercraft, used by the owner or with the owner's consent as
58 a means for committing felonies other than the offense of possessing burglary
59 tools in violation of section 569.180, and property, the possession of which is an
60 offense under the laws of this state or which has been used by the owner, or used
61 with the owner's acquiescence or consent, as a raw material or as an instrument
62 to manufacture [or], produce, **or distribute, or be used as a means of**
63 **storage of** anything the possession of which is an offense under the laws of this
64 state, or which any statute authorizes or directs to be seized, other than lawfully
65 possessed weapons seized by an officer incident to an arrest, shall be forfeited to
66 the state of Missouri.

67 2. The officer who has custody of the property shall inform the prosecuting
68 attorney of the fact of seizure and of the nature of the property. The prosecuting
69 attorney shall thereupon file a written motion with the court with which the
70 motion to suppress has been, or may be, filed praying for an order directing the
71 forfeiture of the property. If the prosecuting attorney of a county in which
72 property is seized fails to file a motion with the court for the disposition of the
73 seized property within sixty days of the request by a law enforcement officer, the
74 officer having custody of the seized property may request the attorney general to
75 file a written motion with the circuit court of the county or judicial district in
76 which the seizure occurred. Upon filing of the motion, the court shall issue an
77 order directing the disposition of the property. The signed motion shall be
78 returned to the requesting agency. A motion may also be filed by any person
79 claiming the right to possession of the property praying that the court declare the
80 property not subject to forfeiture and order it delivered to the moving party.

81 3. Upon the filing of a motion either by the prosecuting attorney or by a
82 claimant, the judge shall order notice to be given to all persons interested in the
83 property, including the person out of whose possession the property was seized
84 and any lienors, of the time, place and nature of the hearing to be held on the
85 motion. The notice shall be given in a manner reasonably calculated to reach the

86 attention of all interested persons. Notice may be given to unknown persons and
87 to persons of unknown address by publication in a newspaper of general
88 circulation in the county. Every interested person shall be given a reasonable
89 opportunity to appear and to be heard as to the nature of the person's claim to
90 the property and upon the issue of whether or not it is subject to forfeiture.

91 4. If the evidence is clear and convincing that the property in issue is in
92 fact of a kind subject to forfeiture under this subsection, the judge shall declare
93 it forfeited and order its destruction or sale. The judge shall direct that the
94 destruction or sale of property needed as evidence in a criminal proceeding shall
95 be postponed until this need no longer exists.

96 5. If the forfeited property can be put to a lawful use, it may be ordered
97 sold after any alterations which are necessary to adapt it to a lawful use have
98 been made. **In the case of computers, computer equipment, computer**
99 **software, computer hardware, cellular telephones, or other devices**
100 **capable of accessing the internet, or other devices used in the**
101 **acquisition, possession, or distribution of child pornography or obscene**
102 **material, the law enforcement agency in possession of such items may,**
103 **upon court order, retain possession of such property and convert such**
104 **property to the use of the law enforcement agency for use in criminal**
105 **investigations.** If there is a holder of a bona fide lien against property which
106 has been used as a means for committing an offense or which has been used as
107 a raw material or as an instrument to manufacture or produce anything which
108 is an offense to possess, who establishes that the use was without the lienholder's
109 acquiescence or consent, the proceeds, less necessary expenses of preservation and
110 sale, shall be paid to the lienholder to the amount of the lienholder's lien. The
111 remaining amount shall be paid into the county treasury.

112 6. If the property is perishable the judge may order it sold at a public sale
113 or destroyed, as may be appropriate, prior to a hearing. The proceeds of a sale,
114 less necessary expenses of preservation and sale, shall be held in lieu of the
115 property.

116 7. When a warrant has been issued to search for and seize allegedly
117 obscene matter for forfeiture to the state, after an adversary hearing, the judge,
118 upon return of the warrant with the matter seized, shall give notice of the fact to
119 the prosecuting attorney of the county in which the matter was seized and the
120 dealer, exhibitor or displayer and shall conduct further adversary proceedings to
121 determine whether the matter is subject to forfeiture. If the evidence is clear and

122 convincing that the matter is obscene as defined by law and it was being held or
123 displayed for sale, exhibition, distribution or circulation to the public, the judge
124 shall declare it to be obscene and forfeited to the state and order its destruction
125 or other disposition; except that, no forfeiture shall be declared without the
126 dealer, distributor or displayer being given a reasonable opportunity to appear
127 in opposition and without the judge having thoroughly examined each item. If
128 the material to be seized is the same as or another copy of matter that has
129 already been determined to be obscene in a criminal proceeding against the
130 dealer, exhibitor, displayer or such person's agent, the determination of obscenity
131 in the criminal proceeding shall constitute clear and convincing evidence that the
132 matter to be forfeited pursuant to this subsection is obscene. Except when the
133 dealer, exhibitor or displayer consents to a longer period, or by such person's
134 actions or pleadings willfully prevents the prompt resolution of the hearing,
135 judgment shall be rendered within ten days of the return of the warrant. If the
136 matter is not found to be obscene or is not found to have been held or displayed
137 for sale, exhibition or distribution to the public, or a judgment is not entered
138 within the time provided for, the matter shall be restored forthwith to the dealer,
139 exhibitor or displayer.

140 8. If an appeal is taken by the dealer, exhibitor or displayer from an
141 adverse judgment, the case should be assigned for hearing at the earliest
142 practicable date and expedited in every way. Destruction or disposition of a
143 matter declared forfeited shall be postponed until the judgment has become final
144 by exhaustion of appeal, or by expiration of the time for appeal, and until the
145 matter is no longer needed as evidence in a criminal proceeding.

146 9. A determination of obscenity, pursuant to this subsection, shall not be
147 admissible in any criminal proceeding against any person or corporation for sale
148 or possession of obscene matter; except that dealer, distributor or displayer from
149 which the obscene matter was seized for forfeiture to the state.

150 10. When allegedly obscene matter or pornographic material for minors
151 has been seized under a search warrant issued pursuant to subsection 2 of section
152 542.281 and the matter is no longer needed as evidence in a criminal proceeding
153 the prosecuting attorney of the county in which the matter was seized may file
154 a written motion with the circuit court of the county or judicial district in which
155 the seizure occurred praying for an order directing the forfeiture of the
156 matter. Upon filing of the motion, the court shall set a date for a
157 hearing. Written notice of date, time, place and nature of the hearing shall be

158 personally served upon the owner, dealer, exhibitor, displayer or such person's
159 agent. Such notice shall be served no less than five days before the hearing.

160 11. If the evidence is clear and convincing that the matter is obscene as
161 defined by law, and that the obscene material was being held or displayed for
162 sale, exhibition, distribution or circulation to the public or that the matter is
163 pornographic for minors and that the pornographic material was being held or
164 displayed for sale, exhibition, distribution or circulation to minors, the judge shall
165 declare it to be obscene or pornographic for minors and forfeited to the state and
166 order its destruction or other disposition. A determination that the matter is
167 obscene in a criminal proceeding as well as a determination that such obscene
168 material was held or displayed for sale, exhibition, distribution or circulation to
169 the public or a determination that the matter is pornographic for minors in a
170 criminal proceeding as well as a determination that such pornographic material
171 was held or displayed for sale, exhibition, distribution or circulation to minors
172 shall be clear and convincing evidence that such material should be forfeited to
173 the state; except that, no forfeiture shall be declared without the dealer,
174 distributor or displayer being given a reasonable opportunity to appear in
175 opposition and without a judge having thoroughly examined each item. A dealer,
176 distributor or displayer shall have had reasonable opportunity to appear in
177 opposition if the matter the prosecutor seeks to destroy is the same matter that
178 formed the basis of a criminal proceeding against the dealer, distributor or
179 displayer where the dealer, distributor or displayer has been charged and found
180 guilty of holding or displaying for sale, exhibiting, distributing or circulating
181 obscene material to the public or pornographic material for minors to minors. If
182 the matter is not found to be obscene, or if obscene material is not found to have
183 been held or displayed for sale, exhibition, distribution or circulation to the
184 public, or if the matter is not found to be pornographic for minors or if
185 pornographic material is not found to have been held or displayed for sale,
186 exhibition, distribution or circulation to minors, the matter shall be restored
187 forthwith to the dealer, exhibitor or displayer.

188 12. If an appeal is taken by the dealer, exhibitor or displayer from an
189 adverse judgment, the case shall be assigned for hearing at the earliest
190 practicable date and expedited in every way. Destruction or disposition of matter
191 declared forfeited shall be postponed until the judgment has become final by
192 exhaustion of appeal, or by expiration of the time for appeal, and until the matter
193 is no longer needed as evidence in a criminal proceeding.

194 13. A determination of obscenity shall not be admissible in any criminal
195 proceeding against any person or corporation for sale or possession of obscene
196 matter.

197 14. An appeal by any party shall be allowed from the judgment of the
198 court as in other civil actions.

199 15. All other property still in the custody of an officer or of a court as the
200 result of any seizure and which has not been forfeited pursuant to this section or
201 any other provision of law after three years following the seizure and which has
202 ceased to be useful as evidence shall be deemed abandoned, converted to cash and
203 shall be turned over immediately to the treasurer pursuant to section 447.543.

204 16. In fiscal year 2003, the commissioner of administration shall estimate
205 the amount of any additional state revenue received pursuant to this section and
206 section 447.532, shall transfer an equivalent amount of general revenue to the
207 schools of the future fund created in section 163.005.

558.019. 1. This section shall not be construed to affect the powers of the
2 governor under article IV, section 7, of the Missouri Constitution. This statute
3 shall not affect those provisions of section 565.020, section 558.018 or section
4 571.015, which set minimum terms of sentences, or the provisions of section
5 559.115, relating to probation.

6 2. The provisions of subsections 2 to 5 of this section shall be applicable
7 to all classes of felonies except those set forth in chapter 195, and those otherwise
8 excluded in subsection 1 of this section. For the purposes of this section, "prison
9 commitment" means and is the receipt by the department of corrections of an
10 offender after sentencing. For purposes of this section, prior prison commitments
11 to the department of corrections shall not include commitment to a regimented
12 discipline program established pursuant to section 217.378. Other provisions of
13 the law to the contrary notwithstanding, any offender who has pleaded guilty to
14 or has been found guilty of a felony other than a dangerous felony as defined in
15 section 556.061 and is committed to the department of corrections shall be
16 required to serve the following minimum prison terms:

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

22 (2) If the offender has two previous prison commitments to the

23 department of corrections for felonies unrelated to the present offense, the
24 minimum prison term which the offender must serve shall be fifty percent of his
25 or her sentence or until the offender attains seventy years of age, and has served
26 at least forty percent of the sentence imposed, whichever occurs first;

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

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

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

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

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

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

48 6. (1) A sentencing advisory commission is hereby created to consist of
49 eleven members. One member shall be appointed by the speaker of the
50 house. One member shall be appointed by the president pro tem of the
51 senate. One member shall be the director of the department of corrections. Six
52 members shall be appointed by and serve at the pleasure of the governor from
53 among the following: the public defender commission; private citizens; a private
54 member of the Missouri Bar; the board of probation and parole; and a prosecutor.
55 Two members shall be appointed by the supreme court, one from a metropolitan
56 area and one from a rural area. All members shall be appointed to a four-year
57 term. All members of the sentencing commission appointed prior to August 28,
58 1994, shall continue to serve on the sentencing advisory commission at the

59 pleasure of the governor.

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

72 (3) [The commission shall establish a system of recommended sentences,
73 within the statutory minimum and maximum sentences provided by law for each
74 felony committed under the laws of this state. This system of recommended
75 sentences shall be distributed to all sentencing courts within the state of
76 Missouri. The recommended sentence for each crime shall take into account, but
77 not be limited to, the following factors:

- 78 (a) The nature and severity of each offense;
79 (b) The record of prior offenses by the offender;
80 (c) The data gathered by the commission showing the duration and nature
81 of sentences imposed for each crime; and
82 (d) The resources of the department of corrections and other authorities
83 to carry out the punishments that are imposed.

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

87 [(5) The commission shall publish and distribute its recommendations on
88 or before July 1, 2004. The commission shall study the implementation and use
89 of the recommendations until July 1, 2005, and return a report to the governor,
90 the speaker of the house of representatives, and the president pro tem of the
91 senate. Following the July 1, 2005, report, the commission shall revise the
92 recommended sentences every two years.

93 (6)] (4) The governor shall select a chairperson who shall call meetings
94 of the commission as required or permitted pursuant to the purpose of the

95 sentencing commission.

96 [(7)] (5) The members of the commission shall not receive compensation
97 for their duties on the commission, but shall be reimbursed for actual and
98 necessary expenses incurred in the performance of these duties and for which
99 they are not reimbursed by reason of their other paid positions.

100 [(8)] (6) The circuit and associate circuit courts of this state, the office
101 of the state courts administrator, the department of public safety, and the
102 department of corrections shall cooperate with the commission by providing
103 information or access to information needed by the commission. The office of the
104 state courts administrator will provide needed staffing resources.

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

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

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

113 (2) Offender treatment programs;

114 (3) Mandatory community service;

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

116 (5) Community-based residential and nonresidential programs.

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

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

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

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

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

565.072. 1. A person commits the crime of domestic assault in the first
2 degree if he or she attempts to kill or knowingly causes or attempts to cause
3 serious physical injury to a family or household member [or an adult who is or
4 has been in a continuing social relationship of a romantic or intimate nature with
5 the actor], **including any child who is a member of the family or**
6 **household**, as defined in section 455.010.

7 2. Domestic assault in the first degree is a class B felony unless in the
8 course thereof the actor inflicts serious physical injury on the victim or has
9 previously pleaded guilty to or been found guilty of committing this crime, in
10 which case it is a class A felony.

565.073. 1. A person commits the crime of domestic assault in the second
2 degree if the act involves a family or household member [or an adult who is or
3 has been in a continuing social relationship of a romantic or intimate nature with
4 the actor], **including any child who is a member of the family or**
5 **household**, as defined in section 455.010, and he or she:

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

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

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

13 2. Domestic assault in the second degree is a class C felony.

565.074. 1. A person commits the crime of domestic assault in the third
2 degree if the act involves a family or household member [or an adult who is or
3 has been in a continuing social relationship of a romantic or intimate nature with

4 the actor], **including any child who is a member of the family or**
5 **household**, as defined in section 455.010 and:

6 (1) The person attempts to cause or recklessly causes physical injury to
7 such family or household member; or

8 (2) With criminal negligence the person causes physical injury to such
9 family or household member by means of a deadly weapon or dangerous
10 instrument; or

11 (3) The person purposely places such family or household member in
12 apprehension of immediate physical injury by any means; or

13 (4) The person recklessly engages in conduct which creates a grave risk
14 of death or serious physical injury to such family or household member; or

15 (5) The person knowingly causes physical contact with such family or
16 household member knowing the other person will regard the contact as offensive;
17 or

18 (6) The person knowingly attempts to cause or causes the isolation of such
19 family or household member by unreasonably and substantially restricting or
20 limiting such family or household member's access to other persons,
21 telecommunication devices or transportation for the purpose of isolation.

22 2. Except as provided in subsection 3 of this section, domestic assault in
23 the third degree is a class A misdemeanor.

24 3. A person who has pleaded guilty to or been found guilty of the crime
25 of domestic assault in the third degree more than two times against any family
26 or household member as defined in section 455.010, or of any offense committed
27 in violation of any county or municipal ordinance in any state, any state law, any
28 federal law, or any military law which, if committed in this state, would be a
29 violation of this section, is guilty of a class D felony for the third or any
30 subsequent commission of the crime of domestic assault. The offenses described
31 in this subsection may be against the same family or household member or
32 against different family or household members.

566.083. 1. A person commits the crime of sexual misconduct involving
2 a child if [the] **such** person:

3 (1) Knowingly exposes his or her genitals to a child less than fifteen years
4 of age under circumstances in which he or she knows that his or her conduct is
5 likely to cause affront or alarm to the child;

6 (2) Knowingly exposes his or her genitals to a child less than fifteen years
7 of age for the purpose of arousing or gratifying the sexual desire of any person,

8 including the child; [or]

9 (3) Knowingly coerces or induces a child less than fifteen years of age to
10 expose the child's genitals for the purpose of arousing or gratifying the sexual
11 desire of any person, including the child; or

12 **(4) Knowingly coerces or induces a child who is known by such**
13 **person to be less than fifteen years of age to expose the breasts of a**
14 **female child through the Internet or other electronic means for the**
15 **purpose of arousing or gratifying the sexual desire of any person,**
16 **including the child.**

17 2. The provisions of this section shall apply regardless of whether the
18 person violates [the] **this** section in person or via the Internet or other electronic
19 means.

20 3. It is not an affirmative defense to prosecution for a violation of this
21 section that the other person was a peace officer masquerading as a minor.

22 4. Sexual misconduct involving a child or attempted sexual misconduct
23 involving a child is a class D felony unless the actor has previously pleaded guilty
24 to or been found guilty of an offense pursuant to this chapter or the actor has
25 previously pleaded guilty to or has been convicted of an offense against the laws
26 of another state or jurisdiction which would constitute an offense under this
27 chapter, in which case it is a class C felony.

568.060. 1. [A person commits the crime of abuse of a child if such
2 person:

3 (1) Knowingly inflicts cruel and inhuman punishment upon a child less
4 than seventeen years old; or

5 (2) Photographs or films a child less than eighteen years old engaging in
6 a prohibited sexual act or in the simulation of such an act or who causes or
7 knowingly permits a child to engage in a prohibited sexual act or in the
8 simulation of such an act for the purpose of photographing or filming the act.

9 2. As used in this section "prohibited sexual act" means any of the
10 following, whether performed or engaged in either with any other person or alone:
11 sexual or anal intercourse, masturbation, bestiality, sadism, masochism,
12 fetishism, fellatio, cunnilingus, any other sexual activity or nudity, if such nudity
13 is to be depicted for the purpose of sexual stimulation or gratification of any
14 individual who may view such depiction.

15 3. Abuse of a child is a class C felony, unless:

16 (1) In the course thereof the person inflicts serious emotional injury on

17 the child, or the offense is committed as part of a ritual or ceremony in which
18 case the crime is a class B felony; or

19 (2) A child dies as a result of injuries sustained from conduct chargeable
20 pursuant to the provisions of this section, in which case the crime is a class A
21 felony.

22 4. As used in this section, the word "fetishism" means a condition in
23 which erotic feelings are excited by an object or body part whose presence is
24 psychologically necessary for sexual stimulation or gratification] **As used in**
25 **this section, the following terms shall mean:**

26 (1) **"Abuse", the infliction of physical, sexual, or mental injury**
27 **against a child by any person eighteen years of age or older. For**
28 **purposes of this section, abuse shall not include injury inflicted on a**
29 **child by accidental means by a person with care, custody, or control of**
30 **the child, or discipline of a child by a person with care, custody, or**
31 **control of the child, including spanking, in a reasonable manner;**

32 (2) **"Abusive head trauma", a serious physical injury to the head**
33 **or brain caused by any means, including but not limited to shaking,**
34 **jerking, pushing, pulling, slamming, hitting, or kicking;**

35 (3) **"Mental injury", an injury to the intellectual or psychological**
36 **capacity or the emotional condition of a child as evidenced by an**
37 **observable and substantial impairment of the ability of the child to**
38 **function within his or her normal range of performance or behavior;**

39 (4) **"Neglect", the failure to provide, by those responsible for the**
40 **care, custody, and control of a child under the age of eighteen years,**
41 **the care reasonable and necessary to maintain the physical and mental**
42 **health of the child, when such failure presents a substantial**
43 **probability that death or physical injury or sexual injury would result;**

44 (5) **"Physical injury", physical pain, illness, or any impairment of**
45 **physical condition, including but not limited to bruising, lacerations,**
46 **hematomas, welts, or permanent or temporary disfigurement and**
47 **impairment of any bodily function or organ;**

48 (6) **"Serious emotional injury", an injury that creates a**
49 **substantial risk of temporary or permanent medical or psychological**
50 **damage, manifested by impairment of a behavioral, cognitive, or**
51 **physical condition. Serious emotional injury shall be established by**
52 **testimony of qualified experts upon the reasonable expectation of**
53 **probable harm to a reasonable degree of medical or psychological**

54 certainty;

55 (7) "Serious physical injury", a physical injury that creates a
56 substantial risk of death or that causes serious disfigurement or
57 protracted loss or impairment of the function of any part of the body.

58 2. A person commits the offense of abuse or neglect of a child if
59 such person knowingly causes a child who is less than eighteen years
60 of age:

61 (1) To suffer physical or mental injury as a result of abuse or
62 neglect; or

63 (2) To be placed in a situation in which the child may suffer
64 physical or mental injury as the result of abuse or neglect.

65 3. A person commits the offense of abuse or neglect of a child if
66 such person recklessly causes a child who is less than eighteen years
67 of age to suffer from abusive head trauma.

68 4. A person does not commit the offense of abuse or neglect of a
69 child by virtue of the sole fact that the person delivers or allows the
70 delivery of child to a provider of emergency services.

71 5. The offense of abuse or neglect of a child is a class C felony,
72 without eligibility for probation or parole until the defendant has
73 served no less than one year of such sentence, unless the person has
74 previously been found guilty of a violation of this section or of a
75 violation of the law of any other jurisdiction that prohibits the same or
76 similar conduct or the injury inflicted on the child is a serious
77 emotional injury or a serious physical injury, in which case abuse or
78 neglect of a child is a class B felony, without eligibility for probation
79 or parole until the defendant has served not less than five years of such
80 sentence.

81 6. Notwithstanding subsection 5 of this section to the contrary,
82 the offense of abuse or neglect of a child is a class A felony, without
83 eligibility for probation or parole until the defendant has served not
84 less than fifteen years of such sentence, if:

85 (1) The injury is a serious emotional injury or a serious physical
86 injury;

87 (2) The child is less than fourteen years of age; and

88 (3) The injury is the result of sexual abuse as defined under
89 section 566.100 or sexual exploitation of a minor as defined under
90 section 573.023.

91 **7. The circuit or prosecuting attorney may refer a person who is**
92 **suspected of abuse or neglect of a child to an appropriate public or**
93 **private agency for treatment or counseling so long as the agency has**
94 **consented to taking such referrals. Nothing in this subsection shall**
95 **limit the discretion of the circuit or prosecuting attorney to prosecute**
96 **a person who has been referred for treatment or counseling pursuant**
97 **to this subsection.**

98 **8. Nothing in this section shall be construed to alter the**
99 **requirement that every element of any crime referred to herein must**
100 **be proven beyond a reasonable doubt.**

101 **9. Discipline, including spanking administered in a reasonable**
102 **manner, shall not be construed to be abuse under this section.**

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

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

5 (2) [He] Damages property to an extent exceeding one thousand dollars
6 for the purpose of defrauding an insurer; or

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

12 2. Property damage in the first degree **committed under subdivision**
13 **(1) or (2) of subsection 1 of this section is a class D felony. Property**
14 **damage in the first degree committed under subdivision (3) of**
15 **subsection 1 of this section is a class C felony unless committed as a**
16 **second or subsequent violation of subdivision (3) of subsection 1 of this**
17 **section in which case it is a class B felony.**

Section 1. Whenever the fiscal body of one (1) or more eligible
2 entities, acting individually or jointly, adopts an ordinance or a
3 resolution in favor of the establishment of an airport authority under
4 this chapter, there is established an airport authority. The authority
5 has jurisdiction over a district with boundaries conterminous with the
6 jurisdictional boundaries of the entity or entities adopting the
7 ordinance or resolution. The authority must have a name including the
8 words "airport authority."

Section 2. Consistent with its comprehensive review of the
2 Missouri criminal code, the joint committee on the Missouri criminal
3 code, as established by senate concurrent resolution no. 28 as adopted
4 by the ninety-sixth general assembly, second regular session, shall
5 evaluate removal of offenses from the sexual offender registry which do
6 not jeopardize public safety or do not contribute to the public's
7 assessment of risk associated with offenders.

✓

Unofficial

Bill

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