

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 340
98TH GENERAL ASSEMBLY

1760H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 198.070, 221.111, 565.225, and 570.030 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 198.070 as enacted by senate bill nos. 556 & 311, ninety-second general assembly, first regular session, section 565.225 as enacted by senate bill nos. 818 & 795, ninety-fourth general assembly, second regular session, section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly, first regular session, and sections 105.716, 217.360, 272.030, 272.230, 311.310, 452.315, 452.317, 456.950, 473.663, 478.463, 513.430, 516.105, 534.350, 534.360, 535.030, 535.110, 535.160, 566.210, 566.211, 566.212, 566.213, 571.070, 577.010, 577.012, 578.005, 578.007, 578.011, 595.030, 600.042, 600.090, and 600.101, RSMo, and to enact in lieu thereof thirty-seven new sections relating to judicial proceedings, with penalty provisions and an effective date for a certain section.

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

Section A. Sections 198.070, 221.111, 565.225, and 570.030 as enacted by senate bill
2 no. 491, ninety-seventh general assembly, second regular session, section 198.070 as enacted by
3 senate bills nos. 556 & 311, ninety-second general assembly, first regular session, section
4 565.225 as enacted by senate bill nos. 818 & 795, ninety-fourth general assembly, second regular
5 session, section 570.010 as enacted by house bill no. 1888, ninety-first general assembly, second
6 regular session, section 570.030 as enacted by senate bill no. 9, ninety-seventh general assembly,
7 first regular session, and sections 105.716, 217.360, 272.030, 272.230, 311.310, 452.315,
8 452.317, 456.950, 473.663, 478.463, 513.430, 516.105, 534.350, 534.360, 535.030, 535.110,
9 535.160, 566.210, 566.211, 566.212, 566.213, 571.070, 577.010, 577.012, 578.005, 578.007,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 578.011, 595.030, 600.042, 600.090, and 600.101, RSMo, are repealed and thirty-seven new
11 sections enacted in lieu thereof, to be known as sections 105.716, 198.070, 217.360, 221.111,
12 272.030, 272.230, 311.310, 452.315, 452.317, 456.950, 456.1-113, 473.663, 478.463, 513.430,
13 516.105, 534.350, 535.030, 535.110, 535.160, 565.225, 566.210, 566.211, 566.212, 566.213,
14 570.010, 570.030, 571.070, 571.073, 577.010, 577.012, 578.005, 578.007, 578.040, 595.030,
15 600.042, 600.090, and 600.101, to read as follows:

105.716. 1. Any investigation, defense, negotiation, or compromise of any claim
2 covered by sections 105.711 to 105.726 shall be conducted by the attorney general[;]. Provided,
3 **however**, that in the case of any claim against the department of conservation, the department
4 of transportation or a public institution which awards baccalaureate degrees, or any officer or
5 employee of such department or such institution, any investigation, defense, negotiation, or
6 compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by legal
7 counsel provided by the respective entity against which the claim is made or which employs the
8 person against whom the claim is made. **In such cases where the investigation, defense,**
9 **negotiation, or compromise of a claim covered by sections 105.711 to 105.726 is conducted**
10 **by the legal counsel of a public institution which awards baccalaureate degrees, decisions**
11 **regarding settlement of a claim shall be reserved exclusively to the discretion of the**
12 **attorney general, and in accordance with subsection 5 of section 105.711, payments for any**
13 **claim shall not be made from the state legal expense fund without the approval of the**
14 **attorney general. If the attorney general refuses to approve a settlement offer**
15 **recommended for acceptance by a public institution which awards baccalaureate degrees,**
16 **then the attorney general may, at the request of the public institution which awards**
17 **baccalaureate degrees, assume all responsibility of the investigation, defense, negotiation,**
18 **and compromise of the claim against the public institution which awards baccalaureate**
19 **degrees from that point forward. The settlement of a claim against a public institution**
20 **which awards baccalaureate degrees that does not involve funds from the state legal**
21 **expense fund is not subject to the approval of the attorney general or the provisions of this**
22 **section.**

23 2. In the case of any payment from the state legal expense fund based upon a claim or
24 judgment against the department of conservation, the department of transportation or any officer
25 or employee thereof, the department so affected shall immediately transfer to the state legal
26 expense fund from the department funds a sum equal to the amount expended from the state legal
27 expense fund on its behalf.

28 [2.] 3. All persons and entities protected by the state legal expense fund shall cooperate
29 with the attorneys conducting any investigation and preparing any defense under the provisions
30 of sections 105.711 to 105.726 by assisting such attorneys in all respects, including the making

31 of settlements, the securing and giving of evidence, and the attending and obtaining witness to
32 attend hearings and trials. Funds in the state legal expense fund shall not be used to pay claims
33 and judgments against those persons and entities who do not cooperate as required by this
34 subsection.

35 [3.] 4. The provisions of sections 105.711 to 105.726 notwithstanding, the attorney
36 general may investigate, defend, negotiate, or compromise any claim covered by sections
37 105.711 to 105.726 against any public institution which awards baccalaureate degrees whose
38 governing body has declared a state of financial exigency.

39 [4.] 5. Notwithstanding the provisions of subsection 2 of section 105.711, funds in the
40 state legal expense fund may be expended prior to the payment of any claim or any final
41 judgment to pay costs of defense, including reasonable attorney's fees for retention of legal
42 counsel, when the attorney general determines that a conflict exists or particular expertise is
43 required, and also to pay for related legal expenses including medical examination fees, expert
44 witness fees, court reporter expenses, travel costs and ancillary legal expenses incurred prior to
45 the payment of a claim or any final judgment.

198.070. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; funeral director; home health agency or home health agency
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term
7 care facility administrator or employee; medical examiner; medical resident or intern; mental
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;
10 probation or parole officer; psychologist; social worker; or other person with the care of a person
11 sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of
12 a facility has been abused or neglected, he or she shall immediately report or cause a report to
13 be made to the department.

14 2. (1) The report shall contain the name and address of the facility, the name of the
15 resident, information regarding the nature of the abuse or neglect, the name of the complainant,
16 and any other information which might be helpful in an investigation.

17 (2) **In the event of suspected sexual assault of the resident, in addition to the report**
18 **to be made to the department, a report shall be made under federal law pursuant to the**
19 **provisions of 42 U.S.C. 1320b-25 to local law enforcement.**

20 3. Any person required in subsection 1 of this section to report or cause a report to be
21 made to the department who knowingly fails to make a report within a reasonable time after the
22 act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

23 4. In addition to the penalties imposed by this section, any administrator who knowingly
24 conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in
25 section 556.061, is guilty of a class E felony.

26 5. In addition to those persons required to report pursuant to subsection 1 of this section,
27 any other person having reasonable cause to believe that a resident has been abused or neglected
28 may report such information to the department.

29 6. Upon receipt of a report, the department shall initiate an investigation within
30 twenty-four hours and, as soon as possible during the course of the investigation, shall notify the
31 resident's next of kin or responsible party of the report and the investigation and further notify
32 them whether the report was substantiated or unsubstantiated unless such person is the alleged
33 perpetrator of the abuse or neglect. As provided in section 192.2425, substantiated reports of
34 elder abuse shall be promptly reported by the department to the appropriate law enforcement
35 agency and prosecutor.

36 7. If the investigation indicates possible abuse or neglect of a resident, the investigator
37 shall refer the complaint together with the investigator's report to the department director or the
38 director's designee for appropriate action. If, during the investigation or at its completion, the
39 department has reasonable cause to believe that immediate removal is necessary to protect the
40 resident from abuse or neglect, the department or the local prosecuting attorney may, or the
41 attorney general upon request of the department shall, file a petition for temporary care and
42 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which
43 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the
44 department authority for the temporary care and protection of the resident, for a period not to
45 exceed thirty days.

46 8. Reports shall be confidential, as provided pursuant to section 192.2500.

47 9. Anyone, except any person who has abused or neglected a resident in a facility, who
48 makes a report pursuant to this section or who testifies in any administrative or judicial
49 proceeding arising from the report shall be immune from any civil or criminal liability for
50 making such a report or for testifying except for liability for perjury, unless such person acted
51 negligently, recklessly, in bad faith or with malicious purpose. It is a crime under section
52 565.189 for any person to knowingly file a false report of elder abuse or neglect.

53 10. Within five working days after a report required to be made pursuant to this section
54 is received, the person making the report shall be notified in writing of its receipt and of the
55 initiation of the investigation.

56 11. No person who directs or exercises any authority in a facility shall evict, harass,
57 dismiss or retaliate against a resident or employee because such resident or employee or any
58 member of such resident's or employee's family has made a report of any violation or suspected
59 violation of laws, ordinances or regulations applying to the facility which the resident, the

60 resident's family or an employee has reasonable cause to believe has been committed or has
61 occurred. Through the existing department information and referral telephone contact line,
62 residents, their families and employees of a facility shall be able to obtain information about their
63 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to
64 a report being made pursuant to this section.

65 12. Any person who abuses or neglects a resident of a facility is subject to criminal
66 prosecution under section 565.184.

67 13. The department shall maintain the employee disqualification list and place on the
68 employee disqualification list the names of any persons who are or have been employed in any
69 facility and who have been finally determined by the department pursuant to section 192.2490
70 to have knowingly or recklessly abused or neglected a resident. For purposes of this section
71 only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this
72 section. A person acts "knowingly" with respect to the person's conduct when a reasonable
73 person should be aware of the result caused by his or her conduct. A person acts "recklessly"
74 when the person consciously disregards a substantial and unjustifiable risk that the person's
75 conduct will result in serious physical injury and such disregard constitutes a gross deviation
76 from the standard of care that a reasonable person would exercise in the situation.

77 14. The timely self-reporting of incidents to the central registry by a facility shall
78 continue to be investigated in accordance with department policy, and shall not be counted or
79 reported by the department as a hot-line call but rather a self-reported incident. If the
80 self-reported incident results in a regulatory violation, such incident shall be reported as a
81 substantiated report.

198.070. 1. When any adult day care worker; chiropractor; Christian Science
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental
3 health, or health and senior services; employee of a local area agency on aging or an organized
4 area agency on aging program; funeral director; home health agency or home health agency
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term
7 care facility administrator or employee; medical examiner; medical resident or intern; mental
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;
10 probation or parole officer; psychologist; social worker; or other person with the care of a person
11 sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of
12 a facility has been abused or neglected, he or she shall immediately report or cause a report to
13 be made to the department.

14 2. **(1)** The report shall contain the name and address of the facility, the name of the
15 resident, information regarding the nature of the abuse or neglect, the name of the complainant,
16 and any other information which might be helpful in an investigation.

17 **(2) In the event of suspected sexual assault of the resident, in addition to the report**
18 **to be made to the department, a report shall be made under federal law pursuant to the**
19 **provisions of 42 U.S.C. 1320b-25 to local law enforcement.**

20 3. Any person required in subsection 1 of this section to report or cause a report to be
21 made to the department who knowingly fails to make a report within a reasonable time after the
22 act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

23 4. In addition to the penalties imposed by this section, any administrator who knowingly
24 conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in
25 section 565.002, is guilty of a class D felony.

26 5. In addition to those persons required to report pursuant to subsection 1 of this section,
27 any other person having reasonable cause to believe that a resident has been abused or neglected
28 may report such information to the department.

29 6. Upon receipt of a report, the department shall initiate an investigation within
30 twenty-four hours and, as soon as possible during the course of the investigation, shall notify the
31 resident's next of kin or responsible party of the report and the investigation and further notify
32 them whether the report was substantiated or unsubstantiated unless such person is the alleged
33 perpetrator of the abuse or neglect. As provided in section 565.186, substantiated reports of
34 elder abuse shall be promptly reported by the department to the appropriate law enforcement
35 agency and prosecutor.

36 7. If the investigation indicates possible abuse or neglect of a resident, the investigator
37 shall refer the complaint together with the investigator's report to the department director or the
38 director's designee for appropriate action. If, during the investigation or at its completion, the
39 department has reasonable cause to believe that immediate removal is necessary to protect the
40 resident from abuse or neglect, the department or the local prosecuting attorney may, or the
41 attorney general upon request of the department shall, file a petition for temporary care and
42 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which
43 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the
44 department authority for the temporary care and protection of the resident, for a period not to
45 exceed thirty days.

46 8. Reports shall be confidential, as provided pursuant to section 660.320.

47 9. Anyone, except any person who has abused or neglected a resident in a facility, who
48 makes a report pursuant to this section or who testifies in any administrative or judicial
49 proceeding arising from the report shall be immune from any civil or criminal liability for
50 making such a report or for testifying except for liability for perjury, unless such person acted

51 negligently, recklessly, in bad faith or with malicious purpose. It is a crime pursuant to section
52 565.186 and 565.188 for any person to purposely file a false report of elder abuse or neglect.

53 10. Within five working days after a report required to be made pursuant to this section
54 is received, the person making the report shall be notified in writing of its receipt and of the
55 initiation of the investigation.

56 11. No person who directs or exercises any authority in a facility shall evict, harass,
57 dismiss or retaliate against a resident or employee because such resident or employee or any
58 member of such resident's or employee's family has made a report of any violation or suspected
59 violation of laws, ordinances or regulations applying to the facility which the resident, the
60 resident's family or an employee has reasonable cause to believe has been committed or has
61 occurred. Through the existing department information and referral telephone contact line,
62 residents, their families and employees of a facility shall be able to obtain information about their
63 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to
64 a report being made pursuant to this section.

65 12. Any person who abuses or neglects a resident of a facility is subject to criminal
66 prosecution under section 565.180, 565.182, or 565.184.

67 13. The department shall maintain the employee disqualification list and place on the
68 employee disqualification list the names of any persons who are or have been employed in any
69 facility and who have been finally determined by the department pursuant to section 660.315 to
70 have knowingly or recklessly abused or neglected a resident. For purposes of this section only,
71 "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section.
72 A person acts "knowingly" with respect to the person's conduct when a reasonable person should
73 be aware of the result caused by his or her conduct. A person acts "recklessly" when the person
74 consciously disregards a substantial and unjustifiable risk that the person's conduct will result
75 in serious physical injury and such disregard constitutes a gross deviation from the standard of
76 care that a reasonable person would exercise in the situation.

77 14. The timely self-reporting of incidents to the central registry by a facility shall
78 continue to be investigated in accordance with department policy, and shall not be counted or
79 reported by the department as a hot-line call but rather a self-reported incident. If the
80 self-reported incident results in a regulatory violation, such incident shall be reported as a
81 substantiated report.

217.360. 1. It shall be an offense for any person to knowingly deliver, attempt to deliver,
2 have in his possession, deposit or conceal in or about the premises of any correctional center, or
3 city or county jail, or private prison or jail:

4 (1) Any controlled substance as that term is defined by law, except upon the written
5 prescription of a licensed physician, dentist, or veterinarian;

6 (2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any
7 intoxicating liquor as defined in section 311.020;

8 (3) Any article or item of personal property which an offender is prohibited by law or
9 by rule and regulation of the division from receiving or possessing;

10 (4) Any gun, knife, weapon, or other article or item of personal property that may be
11 used in such manner as to endanger the safety or security of the correctional center, or city or
12 county jail, or private prison or jail or as to endanger the life or limb of any offender or employee
13 of such a center; **or**

14 **(5) Any two-way telecommunications device or its component parts.**

15 2. The violation of subdivision (1) of subsection 1 of this section shall be a class C
16 felony; the violation of subdivision (2) **or (5)** of subsection 1 of this section shall be a class D
17 felony; the violation of subdivision (3) of subsection 1 of this section shall be a class A
18 misdemeanor; and the violation of subdivision (4) of subsection 1 of this section shall be a class
19 B felony.

20 3. Any person who has been found guilty of or has pled guilty to a violation of
21 subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to
22 expungement of the record of the violation. The procedure to expunge the record shall be
23 pursuant to section 610.123. The record of any person shall not be expunged if such person has
24 been found guilty of or has pled guilty to knowingly delivering, attempting to deliver, having in
25 his possession, or depositing or concealing any alkaloid of any controlled substance in or about
26 the premises of any correctional center, or city or county jail, or private prison or jail.

27 **4. Subdivision (5) of subsection 1 of this section shall not apply to:**

28 **(1) Any law enforcement officer employed by a state, federal agency, or political**
29 **subdivision lawfully engaged in his or her duties as a law enforcement officer; or**

30 **(2) Any other person who is authorized by the correctional center, city or county**
31 **jail, or private prison to possess or use a two-way telecommunications device in the**
32 **correctional center, city or county jail, or private prison or jail.**

221.111. 1. A person commits the offense of possession of unlawful items in a prison
2 or jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in
3 or about the premises of any correctional center as the term "correctional center" is defined under
4 section 217.010, or any city, county, or private jail:

5 (1) Any controlled substance as that term is defined by law, except upon the written
6 prescription of a licensed physician, dentist, or veterinarian;

7 (2) Any other alkaloid of any kind or any intoxicating liquor as the term intoxicating
8 liquor is defined in section 311.020;

9 (3) Any article or item of personal property which a prisoner is prohibited by law, by rule
10 made pursuant to section 221.060, or by regulation of the department of corrections from
11 receiving or possessing, except as herein provided;

12 (4) Any gun, knife, weapon, or other article or item of personal property that may be
13 used in such manner as to endanger the safety or security of the institution or as to endanger the
14 life or limb of any prisoner or employee thereof;

15 **(5) Any two-way telecommunications device or its component parts.**

16 2. The violation of subdivision (1) of subsection 1 of this section shall be a class D
17 felony; the violation of subdivision (2) **or (5) of subsection 1** of this section shall be a class E
18 felony; the violation of subdivision (3) **of subsection 1** of this section shall be a class A
19 misdemeanor; and the violation of subdivision (4) **of subsection 1** of this section shall be a class
20 B felony.

21 3. The chief operating officer of a county or city jail or other correctional facility or the
22 administrator of a private jail may deny visitation privileges to or refer to the county prosecuting
23 attorney for prosecution any person who knowingly delivers, attempts to deliver, possesses,
24 deposits, or conceals in or about the premises of such jail or facility any personal item which is
25 prohibited by rule or regulation of such jail or facility. Such rules or regulations, including a list
26 of personal items allowed in the jail or facility, shall be prominently posted for viewing both
27 inside and outside such jail or facility in an area accessible to any visitor, and shall be made
28 available to any person requesting such rule or regulation. Violation of this subsection shall be
29 an infraction if not covered by other statutes.

30 4. Any person who has been found guilty of a violation of subdivision (2) of subsection
31 1 of this section involving any alkaloid shall be entitled to expungement of the record of the
32 violation. The procedure to expunge the record shall be pursuant to section 610.123. The record
33 of any person shall not be expunged if such person has been found guilty of knowingly
34 delivering, attempting to deliver, possessing, depositing, or concealing any alkaloid of any
35 controlled substance in or about the premises of any correctional center, or city or county jail,
36 or private prison or jail.

37 **5. Subdivision (5) of subsection 1 of this section shall not apply to:**

38 **(1) Any law enforcement officer employed by a state, federal agency, or political**
39 **subdivision lawfully engaged in his or her duties as a law enforcement officer; or**

40 **(2) Any other person who is authorized by the correctional center, or city, county,**
41 **or private jail to possess or use a two-way telecommunications device in the correctional**
42 **center, or city, county, or private jail.**

272.030. [If any horses, cattle or other stock shall break over or through any lawful
2 fence, as defined in section 272.020, and by so doing obtain access to, or do trespass upon, the

3 premises of another, the owner of such animal shall, for the first trespass, make reparation to the
4 party injured for the true value of the damages sustained, to be recovered with costs before a
5 circuit or associate circuit judge, and for any subsequent trespass the party injured may put up
6 said animal or animals and take good care of the same and immediately notify the owner, who
7 shall pay to taker-up the amount of the damages sustained, and such compensation as shall be
8 reasonable for the taking up and keeping of such animals, before he shall be allowed to remove
9 the same, and if the owner and taker-up cannot agree upon the amount of the damages and
10 compensation, either party may institute an action in circuit court as in other civil cases. If the
11 owner recover, he shall recover his costs and any damages he may have sustained, and the court
12 shall issue an order requiring the taker-up to deliver to him the animals. If the taker-up recover,
13 the judgment shall be a lien upon the animals taken up, and in addition to a general judgment and
14 execution, he shall have a special execution against such animals to pay the judgment rendered,
15 and costs] **The owner of any livestock that trespasses on the premises of another shall not**
16 **be held strictly liable for any damages sustained.**

272.230. [If any horses, cattle or other stock trespass upon the premises of another, the
2 owner of the animal shall for the first trespass make reparation to the party injured for the true
3 value of the damages sustained, to be recovered with costs before an associate circuit judge, or
4 in any court of competent jurisdiction, and for any subsequent trespass the party injured may put
5 up the animal or animals and take good care of them and immediately notify the owner, who
6 shall pay to the taker-up the amount of the damages sustained, and such compensation as shall
7 be reasonable for the taking up and keeping of the animals, before he shall be allowed to remove
8 them, and if the owner and taker-up cannot agree upon the amount of the damages and
9 compensation either party may make complaint to an associate circuit judge of the county, setting
10 forth the fact of the disagreement, and the associate circuit judge shall be possessed of the cause,
11 and shall issue a summons to the adverse party and proceed with the cause as in other civil cases.
12 If the owner recovers, he shall recover his costs and any damages he may have sustained, and the
13 associate circuit judge shall issue an order requiring the taker-up to deliver to him the animals.
14 If the taker-up recover, the judgment shall be a lien upon the animals taken up, and, in addition
15 to a general judgment and execution, he shall have a special execution against the animals to pay
16 the judgment rendered and costs] **The owner of any livestock that trespasses on the premises**
17 **of another shall not be held strictly liable for any damages sustained.**

311.310. 1. Any licensee under this chapter, or his employee, who shall sell, vend, give
2 away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under
3 the age of twenty-one years, or to any person intoxicated or appearing to be in a state of
4 intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian
5 who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under

6 the age of twenty-one years, or to any intoxicated person or any person appearing to be in a state
7 of intoxication, or to a habitual drunkard, shall be deemed guilty of a misdemeanor, except that
8 this section shall not apply to the supplying of intoxicating liquor to a person under the age of
9 twenty-one years for medical purposes only, or to the administering of such intoxicating liquor
10 to any person by a duly licensed physician. No person shall be denied a license or renewal of a
11 license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor
12 when serving in the capacity as an employee of a licensed establishment.

13 2. Any owner, occupant, or other person or legal entity with a lawful right to the
14 exclusive use and enjoyment of any property who knowingly allows a person under the age of
15 twenty-one to drink or possess intoxicating liquor or knowingly fails to stop a person under the
16 age of twenty-one from drinking or possessing intoxicating liquor on such property, unless such
17 person allowing the person under the age of twenty-one to drink or possess intoxicating liquor
18 is his or her parent or guardian, is guilty of a class [B] **A** misdemeanor. Any second or
19 subsequent violation of this subsection is a class [A misdemeanor] **E felony**.

20 3. It shall be a defense to prosecution under this section if:

21 (1) The defendant is a licensed retailer, club, drinking establishment, or caterer or holds
22 a temporary permit, or an employee thereof;

23 (2) The defendant sold the intoxicating liquor to the minor with reasonable cause to
24 believe that the minor was twenty-one or more years of age; and

25 (3) To purchase the intoxicating liquor, the person exhibited to the defendant a driver's
26 license, Missouri nondriver's identification card, or other official or apparently official document,
27 containing a photograph of the minor and purporting to establish that such minor was twenty-one
28 years of age and of the legal age for consumption of intoxicating liquor.

452.315. 1. In a proceeding for dissolution of marriage or legal separation, either party
2 may move for temporary maintenance and for temporary support for each child entitled to
3 support. The motion shall be accompanied by an affidavit setting forth the factual basis for the
4 motion and the amounts requested. In a proceeding for disposition of property, maintenance or
5 support following the dissolution of the marriage by a court which lacked personal jurisdiction
6 over the absent spouse, either party may move for maintenance and for support of each child
7 entitled to support. This motion shall be accompanied by an affidavit setting forth the factual
8 basis for the motion and the amounts requested. This motion and the affidavit shall be served
9 as though an original pleading upon the opposite party.

10 2. As a part of a motion for temporary maintenance or support or by independent motion
11 accompanied by affidavit, either party may request the court to issue an order after notice and
12 hearing:

13 (1) Restraining any person from transferring, encumbering, concealing, or in any way
14 disposing of any property except in the usual course of business or for the necessities of life and,

15 if so restrained, requiring the person to notify the moving party of any proposed extraordinary
16 expenditures and to account to the court for all extraordinary expenditures made after the order
17 is issued;

18 (2) Enjoining a party from harassing, abusing, molesting or disturbing the peace of the
19 other party or of any child;

20 (3) Excluding a party from the family home or from the home of the other party upon
21 a showing that physical or emotional harm would otherwise result;

22 (4) Establishing and ordering compliance with a custody order and providing for the
23 support of each child;

24 **(5) Reallocating or reapportioning between the parties any or all insurance costs**
25 **under section 452.317 incurred during the pendency of the dissolution of marriage or legal**
26 **separation.**

27 3. The court may issue a restraining order only if it finds on the evidence that irreparable
28 injury would result to the moving party if an order is not issued until the time for answering has
29 elapsed.

30 4. An answer may be filed within ten days after service of notice of motion or at the time
31 specified in the restraining order.

32 5. On the basis of the showing made and in conformity with section 452.335 on
33 maintenance and section 452.340 on support, the court may issue a temporary injunction and an
34 order for temporary maintenance or support in such amounts and on such terms as are just and
35 proper in the circumstances.

36 6. A restraining order or temporary injunction:

37 (1) Does not prejudice the rights of the parties or the child which are to be adjudicated
38 at subsequent hearings in the proceedings;

39 (2) May be revoked or modified prior to final judgment on a showing by affidavit of the
40 facts necessary to revocation or modification of a final judgment pursuant to section 452.370;
41 and

42 (3) Terminates when the final judgment is entered or when the petition for dissolution
43 or legal separation is voluntarily dismissed.

44 7. The court shall enter a temporary order requiring the provision of child support
45 pending the final judicial determination if there is clear and convincing evidence establishing a
46 presumption of paternity pursuant to section 210.822. In determining the amount of child
47 support, the court shall consider the factors set forth in section 452.340.

48 8. Any order entered in modification or vacation of any temporary order entered pursuant
49 to this section may be retroactive to the date of entry of the original temporary order.

452.317. From the date of filing of the petition for dissolution of marriage or legal
2 separation, no party shall terminate coverage during the pendency of the proceeding for any other

3 party or any minor child of the marriage under any existing policy of health, dental or vision
4 insurance. **Any insurance costs incurred during the pendency of the dissolution of marriage**
5 **or legal separation shall be subject to court order for temporary maintenance or support**
6 **under subdivision (5) of subsection 2 of section 452.315.**

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

2 (1) The settlors of which are [husband and wife] **married to each other** at the time of
3 the creation of the trust; and

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

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

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

16 (c) Held and administered under the terms and conditions contained in paragraphs (a)
17 and (b) of this subdivision.

18 2. A qualified spousal trust may contain any other trust terms that are not inconsistent
19 with the provisions of this section, **including, without limitation, a discretionary power to**
20 **distribute trust property to a person in addition to a settlor.**

21 3. [Any property or interests in property that are at any time transferred to the trustee of
22 a qualified spousal trust of which the husband and wife are the settlors, shall thereafter be
23 administered as provided by the trust terms in accordance with paragraph (a), (b), or (c) of
24 subdivision (2) of subsection 1 of this section. All trust property and interests in property that
25 is deemed for purposes of this section to be held as tenants by the entirety, including the proceeds
26 thereof, the income thereon, and any property into which such property, proceeds, or income may
27 be converted, shall have the same immunity from the claims of the separate creditors of the
28 settlors as would have existed if the settlors had continued to hold that property as husband and
29 wife as tenants by the entirety. Property or interests in property held by a husband and wife as
30 tenants by the entirety or as joint tenants or other form of joint ownership with right of
31 survivorship shall be conclusively deemed for purposes of this section to be held as tenants by

32 the entirety upon its transfer to the qualified spousal trust. All such transfers shall retain said
33 immunity, 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 trustee of the
36 qualified spousal trust] **All property at any time held in a qualified spousal trust, without
37 regard to how such property was titled prior to it being so held, shall have the same
38 immunity from the claims of a separate creditor of either settlor as if such property were
39 held outside the trust by the settlors as tenants by the entirety, unless otherwise provided
40 in writing by the settlor or settlors who transferred such property to the trust, and such
41 property shall be treated for that purpose, including without limitation, federal and state
42 bankruptcy laws, as tenants by entirety property. Property held in a qualified spousal
43 trust shall cease to receive immunity from the claims of creditors upon dissolution of
44 marriage of the settlors by the court.**

45 4. [Property or interests in property held by a husband and wife or held in the sole name
46 of a husband or wife that are not held as tenants by the entirety or deemed held as tenants by the
47 entirety for purposes of this section and are transferred to a qualified spousal trust shall be held
48 as directed in the qualified spousal trust's governing instrument or in the instrument of transfer
49 and the rights of any claimant to any interest in that property shall not be affected by this section]
50 **As used in this section, "property" means any interest in any type of property held in a
51 qualified spousal trust, the income thereon, and any property into which such interest,
52 proceeds, or income may be converted.**

53 5. Upon the death of each settlor, all property [and interests in property] held by the
54 trustee of the qualified spousal trust shall be distributed as directed by the then current terms of
55 the governing instrument of such trust. Upon the death of the first settlor to die, if immediately
56 prior to death the predeceased settlor's interest in the qualified spousal trust was then held in such
57 settlor's separate share, the property [or interests in property] **held** in such settlor's separate share
58 may pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the
59 governing instrument shall direct, including without limitation a spendthrift provision as
60 provided in section 456.5-502.

61 6. [No transfer by a husband and wife as settlors to a qualified spousal trust shall affect
62 or change either settlor's marital property rights to the transferred property or interest therein
63 immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless
64 both spouses otherwise expressly agree in writing.] **The respective rights of settlors who are
65 married to each other in any property for purposes of a dissolution of the settlors'
66 marriage shall not be affected or changed by reason of the transfer of that property to, or**

67 **its subsequent administration as an asset of, a qualified spousal trust during the marriage**
68 **of the settlors, unless both settlors expressly agree otherwise in writing.**

69 **7. No transfer to a qualified spousal trust shall avoid or defeat the Missouri**
70 **Uniform Fraudulent Transfer Act in chapter 428.**

71 **8.** This section shall apply to all trusts which fulfill the criteria set forth in this section
72 for a qualified spousal trust regardless of whether such trust was created before, **on**, or after
73 August 28, 2011.

456.1-113. Any transfer of an asset to a trustee of a trust, to such trust itself, or to
2 **a share of such trust, in a manner that is reasonably calculated to identify such trust or**
3 **that share of such trust, subjects that asset to the terms of such trust or that share.**

473.663. 1. If a person has died leaving property or any interest in property in this state
2 and if no administration has been commenced on the estate of such decedent in this state within
3 one year after the date of decedent's death, and if no written will of such decedent has been
4 presented for probate in this state within the time period provided in subsection [2] 3 of section
5 473.050, then any person claiming an interest in such property as heir or through an heir may file
6 a petition in the probate division of the circuit court which would be of proper venue for the
7 administration of the estate of such decedent to determine the heirs of the decedent at the date
8 of the decedent's death and their respective interests or interests as heirs in the estate. The
9 petition shall include all of the following known by, or can with reasonable diligence be
10 ascertained by, the petitioner:

11 (1) The name, age, domicile, last residence address and the fact and date of death of the
12 decedent;

13 (2) The names, relationship to the decedent and residence addresses of the heirs of the
14 decedent at the time of the decedent's death;

15 (3) The names and residence addresses of any persons claiming through an heir of the
16 decedent when such heir has died after the decedent;

17 (4) A particular description of the property of the decedent in this state with respect to
18 which the determination is sought and the value of such property.

19 2. Upon the filing of the petition, the court shall set the time for the hearing of the
20 petition, notice of which shall be given to:

21 (1) All persons known or believed to claim any interest in the property as heir or through
22 an heir of the decedent;

23 (2) All persons who may at the date of the filing of the petition be shown by the records
24 of conveyances of the county in which any real property described in such petition is located to
25 claim any interest in such real property through the heirs of the decedent; and

26 (3) Any unknown heirs of the decedent.

27 3. The notice shall be given by publication by publishing the notice once each week for
28 four consecutive weeks, the last insertion of publication to be at least seven days before the date
29 set for the hearing. In addition, notice under subdivision (1) of subsection 2 of section 472.100,
30 or notice by registered or certified mail, as the court shall direct, shall be given to every person
31 named in the petition whose address is known to the petitioner.

32 4. Upon the hearing of the petition, the court shall make a decree determining the person
33 or persons entitled to the property with respect to which a determination is sought, and their
34 respective interest in the property as heirs or successors in interest to such heirs. The decree is
35 conclusive evidence of the facts determined in such decree as against all parties to the
36 proceedings.

37 5. A certified copy of the decree shall be recorded at the expense of the petitioner in each
38 county in which any real property described in the decree is situated.

39 6. This section shall apply to those persons whose deaths occur on or after July 13, 1989.
478.463. There shall be nineteen circuit judges in the sixteenth judicial circuit consisting
2 of the county of Jackson. These judges shall sit in nineteen divisions. Divisions one, three, four,
3 six, seven, eight, nine, ten, eleven, [twelve,] thirteen, fourteen, fifteen and eighteen shall sit at
4 the city of Kansas City and divisions two, five, **twelve**, sixteen and seventeen shall sit at the city
5 of Independence. Division nineteen shall sit at both the city of Kansas City and the city of
6 Independence. Notwithstanding the foregoing provisions, the judge of the probate division shall
7 sit at both the city of Kansas City and the city of Independence.

513.430. 1. The following property shall be exempt from attachment and execution to
2 the extent of any person's interest therein:

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

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

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

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

15 (5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

16 (6) Any mobile home used as the principal residence but not attached to real property
17 in which the debtor has a fee interest, not to exceed five thousand dollars in value;

18 (7) Any one or more unmaturred life insurance contracts owned by such person, other
19 than a credit life insurance contract, **and up to fifteen thousand dollars of any matured life**
20 **insurance proceeds for actual funeral, cremation, or burial expenses where the deceased**
21 **is the spouse, child, or parent of the beneficiary;**

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

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

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

38 (a) A Social Security benefit, unemployment compensation or a public assistance
39 benefit;

40 (b) A veteran's benefit;

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

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

44 (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan,
45 profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established
46 pursuant to section 456.014, the person's right to a participant account in any deferred
47 compensation program offered by the state of Missouri or any of its political subdivisions, or
48 annuity or similar plan or contract on account of illness, disability, death, age or length of
49 service, to the extent reasonably necessary for the support of such person and any dependent of
50 such person unless:

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

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

54 c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A
55 or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a),
56 403(b), 408, 408A or 409);

57

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

64 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of
65 any participant or beneficiary in, a retirement plan, profit-sharing plan, health savings plan, or
66 similar plan, including an inherited account or plan, that is qualified under Section 401(a),
67 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether
68 such participant's or beneficiary's interest arises by inheritance, designation, appointment, or
69 otherwise, except as provided in this paragraph. Any plan or arrangement described in this
70 paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic
71 relations order; however, the interest of any and all alternate payees under a qualified domestic
72 relations order shall be exempt from any and all claims of any creditor, other than the state of
73 Missouri through its department of social services. As used in this paragraph, the terms
74 "alternate payee" and "qualified domestic relations order" have the meaning given to them in
75 Section 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title
76 11 of the United States Code are commenced by or against such person, no amount of funds shall
77 be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as
78 defined in subsection 2 of section 428.024 and for the period such person participated within
79 three years prior to the commencement of such proceedings. For the purposes of this section,
80 when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and
81 then treated as though the funds had never been contributed to the plan, contract, or trust;

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

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

516.105. All actions against physicians, hospitals, dentists, registered or licensed practical nurses, optometrists, podiatrists, pharmacists, chiropractors, professional physical therapists, **mental health professionals licensed under chapter 337**, and any other entity providing health care services and all employees of any of the foregoing acting in the course and scope of their employment, for damages for malpractice, negligence, error or mistake related to health care shall be brought within two years from the date of occurrence of the act of neglect complained of, except that:

(1) In cases in which the act of neglect complained of is introducing and negligently permitting any foreign object to remain within the body of a living person, the action shall be brought within two years from the date of the discovery of such alleged negligence, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligence, whichever date first occurs; and

(2) In cases in which the act of neglect complained of is the negligent failure to inform the patient of the results of medical tests, the action for failure to inform shall be brought within two years from the date of the discovery of such alleged negligent failure to inform, or from the date on which the patient in the exercise of ordinary care should have discovered such alleged negligent failure to inform, whichever date first occurs; except that, no such action shall be brought for any negligent failure to inform about the results of medical tests performed more than two years before August 28, 1999. For purposes of this subdivision, the act of neglect based on the negligent failure to inform the patient of the results of medical tests shall not include the act of informing the patient of the results of negligently performed medical tests or the act of informing the patient of erroneous test results; and

(3) In cases in which the person bringing the action is a minor less than eighteen years of age, such minor shall have until his or her twentieth birthday to bring such action. In no event shall any action for damages for malpractice, error, or mistake be commenced after the expiration of ten years from the date of the act of neglect complained of or for two years from a minor's eighteenth birthday, whichever is later.

534.350. The judge rendering judgment in any such cause may issue execution at any time after judgment, but such execution shall not be levied until after the expiration of the time allowed for the taking of an appeal, except [as in the next succeeding section is provided] :

(1) Execution for the purpose of restoring possession shall be issued no later than ten days after the judgment. However, the execution for purposes of restoring possession shall be stayed pending an appeal if the losing party posts an appeal bond; and

(2) If it shall appear to the officer having charge of the execution that the defendant therein is about to remove, conceal, or dispose of his or her property, so as to hinder or delay the levy, the rents and profits, damages and costs may be levied before the expiration of the time allowed for taking an appeal.

535.030. 1. Such summons shall be served as in other civil cases at least four days before the court date in the summons. The summons shall include a court date which shall not be more than twenty-one business days from the date the summons is issued unless at the time of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

2. In addition to attempted personal service, the plaintiff may request, and thereupon the clerk of the court shall make an order directing that the officer, or other person empowered to execute the summons, shall also serve the same by securely affixing a copy of such summons and the complaint in a conspicuous place on the dwelling of the premises in question at least ten days before the court date in such summons, and by also mailing a copy of the summons and complaint to the defendant at the defendant's last known address by ordinary mail at least ten days before the court date. If the officer, or other person empowered to execute the summons, shall return that the defendant is not found, or that the defendant has absconded or vacated his or her usual place of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure set forth in this section.

3. If the plaintiff does not request service of the original summons by posting and mailing as provided in subsection 2 of this section, and if the officer, or other person empowered to execute the summons, makes return that the defendant is not found, or that the defendant has absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request the issuance of an alias summons and service of the same by posting and mailing in the time and manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a copy of the summons in the time and manner provided in subsection 2 of this section. Upon proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons and the complaint, the judge shall proceed to hear the case as if there had been personal service, and judgment shall be rendered and proceedings had as in other cases, except that no money judgment shall be granted the plaintiff where the defendant is in default and service is by the posting and mailing procedure provided in subsection 2 of this section.

4. [On the date judgment is rendered as provided in this section where the defendant is in default, the clerk of the court shall mail to the defendant at the defendant's last known address by ordinary mail a notice informing the defendant of the judgment and the date it was entered, and stating that] The defendant has ten days from the date of the judgment to file a motion to set aside the judgment [in the circuit court, as the case may be,] and [that] unless the judgment is set

37 aside within ten days, the judgment **for possession** will become final and the defendant will be
38 subject to eviction from the premises without further notice. **On the date judgment is rendered**
39 **if the defendant is in default, the clerk of the court shall mail to the defendant at the**
40 **defendant's last known address by ordinary mail a notice informing the defendant of the**
41 **foregoing.**

535.110. Applications for appeals shall be allowed and conducted in the manner
2 provided as in other civil cases; but no application for an appeal shall stay execution unless the
3 defendant [give] **gives** bond, with security sufficient to secure the payment of all damages, costs
4 and rent then due, and with condition to stay waste and to pay all subsequently accruing rent, if
5 any, into court within ten days [after it becomes due,] **after an entry of the judgment by the**
6 **trial court, all other provisions of law to the contrary notwithstanding,** pending
7 determination of the appeal. **Execution for the purpose of restoring possession shall be stayed**
8 **pending an appeal if the losing party posts a sufficient appeal bond.**

535.160. If the defendant, on the date any money judgment is given in any action
2 pursuant to this chapter, either tenders to the landlord, or brings into the court where the suit is
3 pending, all the rent then in arrears, and all the costs, further proceedings in the action shall cease
4 and be stayed. If on any date after the date of any original trial, **but before the judgment**
5 **becomes final,** the defendant shall satisfy such money judgment and pay all costs, any execution
6 for possession of the subject premises shall cease and be stayed; except that the landlord shall
7 not thereby be precluded from making application for appeal from such money judgment. If for
8 any reason no money judgment is entered against the defendant and judgment for the plaintiff
9 is limited only to possession of the subject premises, no stay of execution shall be had, except
10 as provided by the provisions of section 535.110 or the rules of civil procedure or by agreement
11 of the parties.

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

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

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

13 members, or the person's domestic animals or livestock as defined in section 276.606 kept at
14 such person's residence or on such person's property; or

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

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

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

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

23 **(6) At any time during the course of conduct, the other person is a participant of**
24 **the address confidentiality program under sections 589.660 to 589.681, and the person**
25 **disturbing the other person knowingly accesses or attempts to access the address of the**
26 **other person.**

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

29 4. This section shall not apply to activities of federal, state, county, or municipal law
30 enforcement officers conducting investigations of any violation of federal, state, county, or
31 municipal law.

32 5. The offense of stalking in the first degree is a class E felony, unless the defendant has
33 previously been found guilty of a violation of this section or section 565.227, or any offense
34 committed in another jurisdiction which, if committed in this state, would be chargeable or
35 indictable as a violation of any offense listed in this section or section 565.227, in which case
36 stalking in the first degree is a class D felony.

565.225. 1. As used in this section, the following terms shall mean:

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

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

14 (3) "Harasses", to engage in a course of conduct directed at a specific person that serves
15 no legitimate purpose, that would cause a reasonable person under the circumstances to be
16 frightened, intimidated, or emotionally distressed.

17 2. A person commits the crime of stalking if he or she purposely, through his or her
18 course of conduct, harasses or follows with the intent of harassing another person.

19 3. A person commits the crime of aggravated stalking if he or she purposely, through his
20 or her course of conduct, harasses or follows with the intent of harassing another person, and:

21 (1) Makes a credible threat; or

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

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

26 (4) At any time during the course of conduct, the other person is seventeen years of age
27 or younger and the person harassing the other person is twenty-one years of age or older; or

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

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

34 4. The crime of stalking shall be a class A misdemeanor unless the person has previously
35 pleaded guilty to or been found guilty of a violation of this section, or of any offense committed
36 in violation of any county or municipal ordinance in any state, any state law, any federal law, or
37 any military law which, if committed in this state, would be chargeable or indictable as a
38 violation of any offense listed in this section, in which case stalking shall be a class D felony.

39 5. The crime of aggravated stalking shall be a class D felony unless the person has
40 previously pleaded guilty to or been found guilty of a violation of this section, or of any offense
41 committed in violation of any county or municipal ordinance in any state, any state law, any
42 federal law, or any military law which, if committed in this state, would be chargeable or
43 indictable as a violation of any offense listed in this section, aggravated stalking shall be a class
44 C felony.

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

47 7. This section shall not apply to activities of federal, state, county, or municipal law
48 enforcement officers conducting investigations of violation of federal, state, county, or municipal
49 law.

566.210. 1. A person commits the offense of sexual trafficking of a child in the first degree if he or she knowingly:

(1) Recruits, entices, harbors, transports, provides, [or] obtains, **or advertises** by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of twelve to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was twelve years of age or older.

3. The offense of sexual trafficking of a child in the first degree is a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the offender has served not less than twenty-five years of such sentence. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of sexual trafficking of a child less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

566.211. 1. A person commits the offense of sexual trafficking of a child in the second degree if he or she knowingly:

(1) Recruits, entices, harbors, transports, provides, [or] obtains, **or advertises** by any means, including but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial harm, a person under the age of eighteen to participate in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010, or benefits, financially or by receiving anything of value, from participation in such activities; or

(2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual performance, or the production of explicit sexual material as defined in section 573.010.

2. It shall not be a defense that the defendant believed that the person was eighteen years of age or older.

3. The offense sexual trafficking of a child in the second degree is a felony punishable by imprisonment for a term of years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the authorized term of imprisonment is life imprisonment without eligibility for probation or parole until the defendant has served not less than twenty-five years of such sentence.

566.212. 1. A person commits the crime of sexual trafficking of a child if the individual
2 knowingly:

3 (1) Recruits, entices, harbors, transports, provides, [or] obtains, **or advertises** by any
4 means, including but not limited to through the use of force, abduction, coercion, fraud,
5 deception, blackmail, or causing or threatening to cause financial harm, a person under the age
6 of eighteen to participate in a commercial sex act, a sexual performance, or the production of
7 explicit sexual material as defined in section 573.010, or benefits, financially or by receiving
8 anything of value, from participation in such activities; or

9 (2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual
10 performance, or the production of explicit sexual material as defined in section 573.010.

11 2. It shall not be a defense that the defendant believed that the person was eighteen years
12 of age or older.

13 3. Sexual trafficking of a child is a felony punishable by imprisonment for a term of
14 years not less than ten years or life and a fine not to exceed two hundred fifty thousand dollars
15 if the child is under the age of eighteen. If a violation of this section was effected by force,
16 abduction, or coercion, the crime of sexual trafficking of a child shall be a felony for which the
17 authorized term of imprisonment is life imprisonment without eligibility for probation or parole
18 until the defendant has served not less than twenty-five years of such sentence.

566.213. 1. A person commits the crime of sexual trafficking of a child under the age
2 of twelve if the individual knowingly:

3 (1) Recruits, entices, harbors, transports, provides, [or] obtains, **or advertises** by any
4 means, including but not limited to through the use of force, abduction, coercion, fraud,
5 deception, blackmail, or causing or threatening to cause financial harm, a person under the age
6 of twelve to participate in a commercial sex act, a sexual performance, or the production of
7 explicit sexual material as defined in section 573.010, or benefits, financially or by receiving
8 anything of value, from participation in such activities; or

9 (2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual
10 performance, or the production of explicit sexual material as defined in section 573.010.

11 2. It shall not be a defense that the defendant believed that the person was twelve years
12 of age or older.

13 3. Sexual trafficking of a child less than twelve years of age shall be a felony for which
14 the authorized term of imprisonment is life imprisonment without eligibility for probation or
15 parole until the defendant has served not less than twenty-five years of such sentence.
16 Subsection 4 of section 558.019 shall not apply to the sentence of a person who has pleaded
17 guilty to or been found guilty of sexual trafficking of a child less than twelve years of age, and
18 "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the
19 purposes of this section.

570.010. As used in this chapter:

- 2 (1) "Adulterated" means varying from the standard of composition or quality prescribed
3 by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if
4 none, as set by commercial usage;
- 5 (2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;
- 6 (3) "Coercion" means a threat, however communicated:
- 7 (a) To commit any crime; or
8 (b) To inflict physical injury in the future on the person threatened or another; or
9 (c) To accuse any person of any crime; or
10 (d) To expose any person to hatred, contempt or ridicule; or
11 (e) To harm the credit or business repute of any person; or
12 (f) To take or withhold action as a public servant, or to cause a public servant to take or
13 withhold action; or
14 (g) To inflict any other harm which would not benefit the actor. A threat of accusation,
15 lawsuit or other invocation of official action is not coercion if the property sought to be obtained
16 by virtue of such threat was honestly claimed as restitution or indemnification for harm done in
17 the circumstances to which the accusation, exposure, lawsuit or other official action relates, or
18 as compensation for property or lawful service. The defendant shall have the burden of injecting
19 the issue of justification as to any threat;
- 20 (4) "Credit device" means a writing, number or other device purporting to evidence an
21 undertaking to pay for property or services delivered or rendered to or upon the order of a
22 designated person or bearer;
- 23 (5) "Dealer" means a person in the business of buying and selling goods;
- 24 (6) "Debit device" means a card, code, number or other device, other than a check, draft
25 or similar paper instrument, by the use of which a person may initiate an electronic fund transfer,
26 including but not limited to devices that enable electronic transfers of benefits to public
27 assistance recipients;
- 28 (7) "Deceit" means purposely making a representation which is false and which the actor
29 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,
30 intention or other state of mind. The term "deceit" does not, however, include falsity as to
31 matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary
32 persons in the group addressed. Deception as to the actor's intention to perform a promise shall
33 not be inferred from the fact alone that he did not subsequently perform the promise;
- 34 (8) "Deprive" means:
- 35 (a) To withhold property from the owner permanently; or
36 (b) To restore property only upon payment of reward or other compensation; or

37 (c) To use or dispose of property in a manner that makes recovery of the property by the
38 owner unlikely;

39 (9) **“Financial institution” means a bank, trust company, savings and loan**
40 **association, or credit union;**

41 (10) "Misabeled" means varying from the standard of truth or disclosure in labeling
42 prescribed by statute or lawfully promulgated administrative regulations of this state lawfully
43 filed, or if none, as set by commercial usage; or represented as being another person's product,
44 though otherwise accurately labeled as to quality and quantity;

45 [(10)] (11) "New and unused property" means tangible personal property that has never
46 been used since its production or manufacture and is in its original unopened package or
47 container if such property was packaged;

48 [(11)] (12) "Of another" property or services is that "of another" if any natural person,
49 corporation, partnership, association, governmental subdivision or instrumentality, other than
50 the actor, has a possessory or proprietary interest therein, except that property shall not be
51 deemed property of another who has only a security interest therein, even if legal title is in the
52 creditor pursuant to a conditional sales contract or other security arrangement;

53 [(12)] (13) "Property" means anything of value, whether real or personal, tangible or
54 intangible, in possession or in action, and shall include but not be limited to the evidence of a
55 debt actually executed but not delivered or issued as a valid instrument;

56 [(13)] (14) "Receiving" means acquiring possession, control or title or lending on the
57 security of the property;

58 [(14)] (15) "Services" includes transportation, telephone, electricity, gas, water, or other
59 public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and
60 use of vehicles;

61 [(15)] (16) "Writing" includes printing, any other method of recording information,
62 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and
63 any other symbols of value, right, privilege or identification.

570.030. 1. A person commits the offense of stealing if he or she:

2 (1) Appropriates property or services of another with the purpose to deprive him or her
3 thereof, either without his or her consent or by means of deceit or coercion;

4 (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the
5 purpose to deprive him or her thereof, either without his or her consent or by means of deceit or
6 coercion; or

7 (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains
8 or disposes of property of another knowing that it has been stolen, or believing that it has been
9 stolen.

10 2. The offense of stealing is a class A felony if the property appropriated consists of any
11 of the following containing any amount of anhydrous ammonia: a tank truck, tank trailer, rail
12 tank car, bulk storage tank, field nurse, field tank or field applicator.

13 3. The offense of stealing is a class B felony if:

14 (1) The property appropriated or attempted to be appropriated consists of any amount
15 of anhydrous ammonia or liquid nitrogen;

16 (2) The property consists of any animal considered livestock as the term livestock is
17 defined in section 144.010, or any captive wildlife held under permit issued by the conservation
18 commission, and the value of the animal or animals appropriated exceeds three thousand dollars
19 and that person has previously been found guilty of appropriating any animal considered
20 livestock or captive wildlife held under permit issued by the conservation commission.
21 Notwithstanding any provision of law to the contrary, such person shall serve a minimum prison
22 term of not less than eighty percent of his or her sentence before he or she is eligible for
23 probation, parole, conditional release, or other early release by the department of corrections;

24 (3) A person appropriates property consisting of a motor vehicle, watercraft, or aircraft,
25 and that person has previously been found guilty of two stealing-related offenses committed on
26 two separate occasions where such offenses occurred within ten years of the date of occurrence
27 of the present offense; [or]

28 (4) The property appropriated or attempted to be appropriated consists of any animal
29 considered livestock as the term is defined in section 144.010 if the value of the livestock
30 exceeds ten thousand dollars; **or**

31 **(5) The property appropriated or attempted to be appropriated is owned by or in**
32 **the custody of a financial institution, and the property is taken or attempted to be taken**
33 **physically from an individual person to deprive the owner or custodian of the property.**

34 4. The offense of stealing is a class C felony if the value of the property or services
35 appropriated is twenty-five thousand dollars or more.

36 5. The offense of stealing is a class D felony if:

37 (1) The value of the property or services appropriated is seven hundred fifty dollars or
38 more;

39 (2) The offender physically takes the property appropriated from the person of the
40 victim; or

41 (3) The property appropriated consists of:

42 (a) Any motor vehicle, watercraft or aircraft;

43 (b) Any will or unrecorded deed affecting real property;

44 (c) Any credit device, debit device or letter of credit;

45 (d) Any firearms;

46 (e) Any explosive weapon as defined in section 571.010;

47 (f) Any United States national flag designed, intended and used for display on buildings
48 or stationary flagstaffs in the open;

49 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
50 legislature of the state of Missouri;

51 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
52 any other state or of the United States;

53 (i) Any book of registration or list of voters required by chapter 115;

54 (j) Any animal considered livestock as that term is defined in section 144.010;

55 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or more;

56 (l) Any captive wildlife held under permit issued by the conservation commission;

57 (m) Any controlled substance as defined by section 195.010;

58 (n) Ammonium nitrate;

59 (o) Any wire, electrical transformer, or metallic wire associated with transmitting
60 telecommunications, video, internet, or voice over internet protocol service, or any other device
61 or pipe that is associated with conducting electricity or transporting natural gas or other
62 combustible fuels; or

63 (p) Any material appropriated with the intent to use such material to manufacture,
64 compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their
65 analogues.

66 6. The offense of stealing is a class E felony if:

67 (1) The property appropriated is an animal; or

68 (2) A person has previously been found guilty of three stealing-related offenses
69 committed on three separate occasions where such offenses occurred within ten years of the date
70 of occurrence of the present offense.

71 7. The offense of stealing is a class D misdemeanor if the property is not of a type listed
72 in subsection 2, 3, 5, or 6 of this section, the property appropriated has a value of less than one
73 hundred fifty dollars, and the person has no previous findings of guilt for a stealing-related
74 offense.

75 8. The offense of stealing is a class A misdemeanor if no other penalty is specified in this
76 section.

77 9. If a violation of this section is subject to enhanced punishment based on prior findings
78 of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by
79 section 558.021.

80 10. The appropriation of any property or services of a type listed in subsection 2, 3, 5,
81 or 6 of this section or of a value of seven hundred fifty dollars or more may be considered a
82 separate felony and may be charged in separate counts.

83 11. The value of property or services appropriated pursuant to one scheme or course of
84 conduct, whether from the same or several owners and whether at the same or different times,
85 constitutes a single criminal episode and may be aggregated in determining the grade of the
86 offense, except as set forth in subsection 10 of this section.

 570.030. 1. A person commits the crime of stealing if he or she appropriates property
2 or services of another with the purpose to deprive him or her thereof, either without his or her
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution pursuant to this
5 section on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage
13 from a hotel, inn or boardinghouse;

14 (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,
15 transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal
16 price code label, or possesses with intent to cheat or defraud, the device that manufactures
17 fraudulent receipts or universal price code labels.

18 3. Notwithstanding any other provision of law, any offense in which the value of
19 property or services is an element is a class C felony if:

20 (1) The value of the property or services appropriated is five hundred dollars or more but
21 less than twenty-five thousand dollars; or

22 (2) The actor physically takes the property appropriated from the person of the victim;
23 or

24 (3) The property appropriated consists of:

25 (a) Any motor vehicle, watercraft or aircraft; or

26 (b) Any will or unrecorded deed affecting real property; or

27 (c) Any credit card or letter of credit; or

28 (d) Any firearms; or

29 (e) Any explosive weapon as defined in section 571.010; or

30 (f) A United States national flag designed, intended and used for display on buildings
31 or stationary flagstaffs in the open; or

32 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the
33 legislature of the state of Missouri; or

- 34 (h) Any pleading, notice, judgment or any other record or entry of any court of this state,
35 any other state or of the United States; or
- 36 (i) Any book of registration or list of voters required by chapter 115; or
- 37 (j) Any animal considered livestock as that term is defined in section 144.010; or
- 38 (k) Live fish raised for commercial sale with a value of seventy-five dollars; or
- 39 (l) Captive wildlife held under permit issued by the conservation commission; or
- 40 (m) Any controlled substance as defined by section 195.010; or
- 41 (n) Anhydrous ammonia;
- 42 (o) Ammonium nitrate; or
- 43 (p) Any document of historical significance which has fair market value of five hundred
44 dollars or more.

45 4. Notwithstanding any other provision of law, stealing of any animal considered
46 livestock, as that term is defined in section 144.010, is a class B felony if the value of the
47 livestock exceeds ten thousand dollars.

48 5. If an actor appropriates any material with a value less than five hundred dollars in
49 violation of this section with the intent to use such material to manufacture, compound, produce,
50 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such
51 violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,
52 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony.
53 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail
54 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

55 **6. If the actor appropriates or attempts to appropriate property that is owned by**
56 **or in the custody of a financial institution and the property is taken or attempted to be**
57 **taken physically from an individual person to deprive the owner or custodian of the**
58 **property, the theft is a class B felony.**

59 7. The theft of any item of property or services pursuant to subsection 3 of this section
60 which exceeds five hundred dollars may be considered a separate felony and may be charged in
61 separate counts.

62 [7.] **8.** Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of
63 subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision
64 (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three
65 thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the
66 contrary, such person shall serve a minimum prison term of not less than eighty percent of his
67 or her sentence before he or she is eligible for probation, parole, conditional release, or other
68 early release by the department of corrections.

69 [8.] 9. Any offense in which the value of property or services is an element is a class B
70 felony if the value of the property or services equals or exceeds twenty-five thousand dollars.

71 [9.] 10. Any violation of this section for which no other penalty is specified in this
72 section is a class A misdemeanor.

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

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

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

8 2. Unlawful possession of a firearm is a class C felony.

9 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to:

10 (1) The possession of an antique firearm; or

11 (2) A person who has been granted relief under section 571.073.

**571.073. 1. A person who is prohibited from possessing a firearm under subsection
2 1 of section 571.070 may file a petition to have his or her right to possess a firearm
3 reinstated. If the underlying offense was committed in this state, the petition shall be filed
4 in the circuit court in the county where the offense occurred. If the underlying offense was
5 from another state or the federal government, the petition shall be filed in the circuit court
6 in the county where the petitioner resides.**

7 **2. A petitioner shall give notice of the petition to the prosecuting attorney or circuit
8 attorney of the county in which the petition is filed. The prosecuting attorney or circuit
9 attorney may present evidence or testimony to the circuit court where the petition is filed
10 pertaining to petitioner's reinstatement of rights.**

11 **3. The court shall grant relief under the petition if the court, after a hearing, makes
12 findings upon proof of clear and convincing evidence that:**

13 (1) Ten years or more have passed since the petitioner was discharged from
14 confinement, parole, or probation, whichever occurred later, and has not subsequently
15 been arrested;

16 (2) The petitioner has not been found guilty at any other time of a felony under the
17 laws of this state, or of a crime under the laws of any state or of the United States which,
18 if committed within this state, would be a felony;

19 (3) The petitioner is not the respondent of an ex parte order of protection or a full
20 order of protection;

21 **(4) The petitioner has not been found guilty of a dangerous felony under section**
22 **556.061;**

23 **(5) The petitioner is not required to register as a sexual offender;**

24 **(6) The petitioner is not violent; and**

25 **(7) The petitioner does not present a threat to public safety.**

577.010. 1. A person commits the offense of driving while intoxicated if he or she
2 operates a vehicle while in an intoxicated condition.

3 2. The offense of driving while intoxicated is:

4 (1) A class B misdemeanor;

5 (2) A class A misdemeanor if:

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

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

8 (3) A class E felony if:

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

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

12 (4) A class D felony if:

13 (a) The defendant is an aggravated offender;

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

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

18 (5) A class C felony if:

19 (a) The defendant is a chronic offender;

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

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

24 (6) A class B felony if:

25 (a) The defendant is a habitual offender; or

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

28 (7) A class A felony if the defendant is a habitual offender as a result of being found
29 guilty of an act described under paragraph (d) of subdivision (10) of section 577.001 and is found
30 guilty of a subsequent violation of such paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

66 (b) The offender participates in and successfully completes a program established under
67 section 478.007 or other court-ordered treatment program, if available, and as part of either

68 program, the offender performs at least sixty days of community service under the supervision
69 of the court;

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

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

74 **6. In addition to any other terms or conditions of probation, the court shall**
75 **consider, as a condition of probation for any person who is found guilty of driving while**
76 **intoxicated, requiring the offender to abstain from consuming or using alcohol or any**
77 **products containing alcohol as demonstrated by continuous alcohol monitoring or by**
78 **verifiable breath alcohol testing performed a minimum of four times per day as scheduled**
79 **by the court for such duration as determined by the court, but not less than ninety days.**
80 **The court may, in addition to imposing any other fine, costs, or assessments provided by**
81 **law, require the offender to bear any costs associated with continuous alcohol monitoring**
82 **or verifiable breath alcohol testing. For purposes of this subsection, "continuous alcohol**
83 **monitoring" means automatically testing breath, blood, or transdermal alcohol**
84 **concentration levels and tampering attempts at least once every hour, regardless of the**
85 **location of the person who is being monitored, and regularly transmitting the data.**
86 **Continuous alcohol monitoring shall be considered an electronic monitoring service under**
87 **subsection 3 of section 217.690.**

577.012. 1. A person commits the offense of driving with excessive blood alcohol
2 content if such person operates:

3 (1) A vehicle while having eight-hundredths of one percent or more by weight of alcohol
4 in his or her blood; or

5 (2) A commercial motor vehicle while having four one-hundredths of one percent or
6 more by weight of alcohol in his or her blood.

7 2. As used in this section, percent by weight of alcohol in the blood shall be based upon
8 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may
9 be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes
10 of determining the alcoholic content of a person's blood under this section, the test shall be
11 conducted in accordance with the provisions of sections 577.020 to 577.041.

12 3. The offense of driving with excessive blood alcohol content is:

13 (1) A class B misdemeanor;

14 (2) A class A misdemeanor if the defendant is alleged and proved to be a prior offender;

15 (3) A class E felony if the defendant is alleged and proved to be a persistent offender;

16 (4) A class D felony if the defendant is alleged and proved to be an aggravated offender;

17 (5) A class C felony if the defendant is alleged and proved to be a chronic offender;

18 (6) A class B felony if the defendant is alleged and proved to be a habitual offender.

19 4. A person found guilty of the offense of driving with an excessive blood alcohol
20 content as a first offense shall not be granted a suspended imposition of sentence:

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

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

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

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

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

35 6. A person found guilty of driving with excessive blood alcohol content:

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

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

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

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

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

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

53 (b) The offender participates in and successfully completes a program established under
54 section 478.007 or other court-ordered treatment program, if available, and as part of either

55 program, the offender performs at least sixty days of community service under the supervision
56 of the court;

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

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

61 **7. In addition to any other terms or conditions of probation, the court shall**
62 **consider, as a condition of probation for any person who is found guilty of driving with**
63 **excessive blood alcohol content, requiring the offender to abstain from consuming or using**
64 **alcohol or any products containing alcohol as demonstrated by continuous alcohol**
65 **monitoring or by verifiable breath alcohol testing performed a minimum of four times per**
66 **day as scheduled by the court for such duration as determined by the court, but not less**
67 **than ninety days. The court may, in addition to imposing any other fine, costs, or**
68 **assessments provided by law, require the offender to bear any costs associated with**
69 **continuous alcohol monitoring or verifiable breath alcohol testing. For purposes of this**
70 **subsection, "continuous alcohol monitoring" means automatically testing breath, blood,**
71 **or transdermal alcohol concentration levels and tampering attempts at least once every**
72 **hour, regardless of the location of the person who is being monitored, and regularly**
73 **transmitting the data. Continuous alcohol monitoring shall be considered an electronic**
74 **monitoring service under subsection 3 of section 217.690.**

578.005. As used in sections 578.005 to 578.023, the following terms shall mean:

2 (1) "Adequate care", normal and prudent attention to the needs of an animal, including
3 wholesome food, clean water, shelter and health care as necessary to maintain good health in a
4 specific species of animal;

5 (2) ["Adequate control", to reasonably restrain or govern an animal so that the animal
6 does not injure itself, any person, any other animal, or property;

7 [(4)] (3) "Animal", every living vertebrate except a human being;

8 [(4)] (3) "Animal shelter", a facility which is used to house or contain animals and
9 which is owned, operated, or maintained by a duly incorporated humane society, animal welfare
10 society, society for the prevention of cruelty to animals, or other not-for-profit organization
11 devoted to the welfare, protection, and humane treatment of animals;

12 [(5)] (4) "Farm animal", an animal raised on a farm or ranch and used or intended for
13 use in farm or ranch production, or as food or fiber;

14 [(6)] (5) "Farm animal professional", any individual employed at a location where farm
15 animals are harbored;

16 [(7)] (6) "Harbor", to feed or shelter an animal at the same location for three or more
 17 consecutive days;

18 [(8)] (7) "Humane killing", the destruction of an animal accomplished by a method
 19 approved by the American Veterinary Medical Association's Panel on Euthanasia (JAVMA 173:
 20 59-72, 1978); or more recent editions, but animals killed during the feeding of pet carnivores
 21 shall be considered humanely killed;

22 [(9)] (8) "Owner", in addition to its ordinary meaning, any person who keeps or harbors
 23 an animal or professes to be owning, keeping, or harboring an animal;

24 [(10)] (9) "Person", any individual, partnership, firm, joint stock company, corporation,
 25 association, trust, estate, or other legal entity;

26 [(11)] (10) "Pests", birds, rabbits, or rodents which damage property or have an adverse
 27 effect on the public health, but shall not include any endangered species listed by the United
 28 States Department of the Interior nor any endangered species listed in the Wildlife Code of
 29 Missouri.

578.007. The provisions of sections 578.005 to 578.023 **and section 578.040** shall not
 2 apply to:

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

5 (2) Bona fide scientific experiments;

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

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

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

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

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

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

16 (9) The killing of an animal by any person at any time if such animal is outside of the
 17 owned or rented property of the owner or custodian of such animal and the animal is injuring any
 18 person or farm animal but shall not include police or guard dogs while working;

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

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

[578.011.] **578.040. 1. For purposes of this section, the following terms shall mean:**

2 **(1) "Adequate control", to reasonably restrain or govern an animal so that the**
 3 **animal does not injure itself, any person, any other animal, or property;**

4 **(2) "Animal", any living vertebrate except a human being or livestock as the term**
 5 **"livestock" is defined under section 265.300.**

6 **2. A person [is guilty] commits the offense of animal or livestock trespass if a person:**

7 **(1) Having ownership or custody of an animal knowingly fails to provide adequate**
 8 **control [for a period equal to or exceeding twelve hours] and the animal trespasses onto**
 9 **another person's property; or**

10 **(2) Having ownership or custody of livestock as the term "livestock" is defined**
 11 **under section 265.300 knowingly fails to provide adequate control of the livestock for a**
 12 **period of twelve hours or more, and the livestock trespasses onto another person's**
 13 **property.**

14 **[2.] 3. The offense of animal or livestock trespass is an infraction [upon first conviction**
 15 **and for each offense punishable by a fine not to exceed two hundred dollars, and] , unless the**
 16 **person has previously been found guilty of a violation of this section in which case it is a**
 17 **class C misdemeanor [punishable by imprisonment or a fine not to exceed five hundred dollars,**
 18 **or both, upon the second and all subsequent convictions]. All fines for a first [conviction of**
 19 **animal trespass] finding of guilt under this section may be waived by the court provided that**
 20 **the person found guilty of animal or livestock trespass shows that adequate, permanent remedies**
 21 **for the trespass have been made. [Reasonable costs incurred for the care and maintenance of**
 22 **trespassing animals may not be waived.] This section shall not apply to the provisions of section**
 23 **578.007 or sections 272.010 to 272.370.**

 595.030. 1. No compensation shall be paid unless the claimant has incurred an
 2 out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support
 3 from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable
 4 expenses or indebtedness reasonably incurred:

5 (1) For medical care or other services, including psychiatric, psychological or counseling
 6 expenses, necessary as a result of the crime upon which the claim is based, except that the
 7 amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not
 8 exceed two thousand five hundred dollars; or

9 (2) As a result of personal property being seized in an investigation by law enforcement.
 10 Compensation paid for an out-of-pocket loss under this subdivision shall be in an amount equal
 11 to the loss sustained, but shall not exceed two hundred fifty dollars.

12 2. No compensation shall be paid unless the department of public safety finds that a
 13 crime was committed, that such crime directly resulted in personal physical injury to, or the death
 14 of, the victim, and that police records show that such crime was promptly reported to the proper

15 authorities. In no case may compensation be paid if the police records show that such report was
16 made more than forty-eight hours after the occurrence of such crime, unless the department of
17 public safety finds that the report to the police was delayed for good cause. If the victim is under
18 eighteen years of age such report may be made by the victim's parent, guardian or custodian; by
19 a physician, a nurse, or hospital emergency room personnel; by the children's division personnel;
20 or by any other member of the victim's family. In the case of a sexual offense, filing a report of
21 the offense to the proper authorities may include, but not be limited to, the filing of the report
22 of the forensic examination by the appropriate medical provider, as defined in section 595.220,
23 with the prosecuting attorney of the county in which the alleged incident occurred.

24 3. No compensation shall be paid for medical care if the service provider is not a medical
25 provider as that term is defined in section 595.027, and the individual providing the medical care
26 is not licensed by the state of Missouri or the state in which the medical care is provided.

27 4. No compensation shall be paid for psychiatric treatment or other counseling services,
28 including psychotherapy, unless the service provider is a:

29 (1) Physician licensed pursuant to chapter 334 or licensed to practice medicine in the
30 state in which the service is provided;

31 (2) Psychologist licensed pursuant to chapter 337 or licensed to practice psychology in
32 the state in which the service is provided;

33 (3) Clinical social worker licensed pursuant to chapter 337; or

34 (4) Professional counselor licensed pursuant to chapter 337.

35 5. Any compensation paid pursuant to sections 595.010 to 595.075 for death or personal
36 injury shall be in an amount not exceeding out-of-pocket loss, together with loss of earnings or
37 support from gainful employment, not to exceed [two] **four** hundred dollars per week, resulting
38 from such injury or death. In the event of death of the victim, an award may be made for
39 reasonable and necessary expenses actually incurred for preparation and burial not to exceed five
40 thousand dollars.

41 6. Any compensation for loss of earnings or support from gainful employment shall be
42 in an amount equal to the actual loss sustained not to exceed [two] **four** hundred dollars per
43 week; provided, however, that no award pursuant to sections 595.010 to 595.075 shall exceed
44 twenty-five thousand dollars. If two or more persons are entitled to compensation as a result of
45 the death of a person which is the direct result of a crime or in the case of a sexual assault, the
46 compensation shall be apportioned by the department of public safety among the claimants in
47 proportion to their loss.

48 7. The method and timing of the payment of any compensation pursuant to sections
49 595.010 to 595.075 shall be determined by the department.

50 **8. The department shall have the authority to negotiate the costs of medical care**
51 **or other services directly with the providers of the care or services on behalf of any victim**
52 **receiving compensation pursuant to sections 595.010 to 595.075.**

600.042. 1. The director shall:

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

5 (2) Submit to the commission, between August fifteenth and September fifteenth of each
6 year, a report which shall include all pertinent data on the operation of the state public defender
7 system, the costs, projected needs, and recommendations for statutory changes. Prior to October
8 fifteenth of each year, the commission shall submit such report along with such
9 recommendations, comments, conclusions, or other pertinent information it chooses to make to
10 the chief justice, the governor, and the general assembly. Such reports shall be a public record,
11 shall be maintained in the office of the state public defender, and shall be otherwise distributed
12 as the commission shall direct;

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

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

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

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

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

27 (8) With approval of the commission, promulgate necessary rules, regulations and
28 instructions consistent with this chapter defining the organization of the state public defender
29 system and the responsibilities of division directors, district defenders, deputy district defenders,
30 assistant public defenders and other personnel;

31 (9) With the approval of the commission, apply for and accept on behalf of the public
32 defender system any funds which may be offered or which may become available from
33 government grants, private gifts, donations or bequests or from any other source. Such moneys
34 shall be deposited in the state general revenue fund;

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

38 (11) With the approval and on behalf of the commission, contract with private attorneys
39 for the collection and enforcement of liens and other judgments owed to the state for services
40 rendered by the state public defender system;

41 (12) Prepare a plan to establish district offices, the boundaries of which shall coincide
42 with existing judicial circuits. Any district office may contain more than one judicial circuit
43 within its boundaries, but in no event shall any district office boundary include any geographic
44 region of a judicial circuit without including the entire judicial circuit. The director shall submit
45 the plan to the chair of the house judiciary committee and the chair of the senate judiciary
46 committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by
47 December 31, [2018] **2021**.

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

50 3. The director and defenders shall, within guidelines as established by the commission
51 and as set forth in subsection 4 of this section, accept requests for legal services from eligible
52 persons entitled to counsel under this chapter or otherwise so entitled under the constitution or
53 laws of the United States or of the state of Missouri and provide such persons with legal services
54 when, in the discretion of the director or the defenders, such provision of legal services is
55 appropriate.

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

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

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

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

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

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

70 (6) Who is charged in a case in which he or she faces a loss or deprivation of liberty, and
71 in which the federal or the state constitution or any law of this state requires the appointment of

72 counsel; however, the director and the defenders shall not be required to provide legal services
73 to persons charged with violations of county or municipal ordinances, or misdemeanor offenses
74 except as provided in this section.

75 5. The director may:

76 (1) Delegate the legal representation of [any] **an eligible** person to any member of the
77 state bar of Missouri;

78 (2) Designate persons as representatives of the director for the purpose of making
79 indigency determinations and assigning counsel.

600.090. 1. (1) If a person is determined to be eligible for the services provided by the
2 state public defender system and if, at the time such determination is made, he is able to provide
3 a limited cash contribution toward the cost of his representation without imposing a substantial
4 hardship upon himself or his dependents, such contribution shall be required as a condition of
5 his representation by the state public defender system.

6 (2) If at any time, either during or after the disposition of his case, such defendant
7 becomes financially able to meet all or some part of the cost of services rendered to him, he shall
8 be required to reimburse the commission in such amounts as he can reasonably pay, either by a
9 single payment or by installments of reasonable amounts, in accordance with a schedule of
10 charges for public defender services prepared by the commission.

11 (3) No difficulty or failure in the making of such payment shall reduce or in any way
12 affect the rendering of public defender services to such persons.

13 2. (1) The reasonable value of the services rendered to a defendant pursuant to sections
14 600.011 to 600.048 and 600.086 to 600.096 may in all cases be a lien on any and all property to
15 which the defendant shall have or acquire an interest. The public defender shall effectuate such
16 lien whenever the reasonable value of the services rendered to a defendant appears to exceed one
17 hundred fifty dollars and may effectuate such lien where the reasonable value of those services
18 appears to be less than one hundred fifty dollars.

19 (2) To effectuate such a lien, the public defender shall, prior to the final disposition of
20 the case or within ten days thereafter, file a notice of lien setting forth the services rendered to
21 the defendant and a claim for the reasonable value of such services with the clerk of the circuit
22 court. The defendant shall be personally served with a copy of such notice of lien. The court
23 shall rule on whether all or any part of the claim shall be allowed. The portion of the claim
24 approved by the court as the value of defender services which has been provided to the defendant
25 shall be a judgment at law.

26

27 The public defender shall not be required to pay filing or recording fees for or relating to such
28 claim.

29 (3) Such judgment shall be enforceable in the name of the state on behalf of the
30 commission by the prosecuting attorney of the circuit in which the judgment was entered.

31 (4) The prosecuting attorney may compromise and make settlement of, or, with the
32 concurrence of the director, forego any claims for services performed for any person pursuant
33 to this chapter whenever the financial circumstances of such person are such that the best
34 interests of the state will be served by such action.

35 3. The commission may contract with private attorneys for the collection and
36 enforcement of liens and other judgments owed to the state for services rendered by the state
37 public defender system.

38 4. The lien created by this section shall be from the time filed in the court by the
39 defender a charge or claim against any assets of the defendant; provided further that the same
40 shall be served upon the person in possession of the assets or shall be recorded in the office of
41 the recorder of deeds in the county in which the person resides or in which the assets are located.

42 5. Funds collected pursuant to this section and section 600.093 shall be credited to the
43 "Legal Defense and Defender Fund" which is hereby created. The moneys credited to the legal
44 defense and defender fund shall be used for the purpose of training public defenders, assistant
45 public defenders, deputy public defenders and other personnel pursuant to subdivision (7) of
46 subsection 1 of section 600.042, and may be used to pay for expert witness fees, the costs of
47 depositions, travel expenses incurred by witnesses in case preparation and trial, expenses
48 incurred for changes of venue and for other lawful expenses as authorized by the public defender
49 commission.

50 6. The state treasurer shall be the custodian of the legal defense and defender fund,
51 moneys in the legal defense and defender fund shall be deposited the same as are other state
52 funds, and any interest accruing to the legal defense and defender fund shall be added to the legal
53 defense and defender fund. The legal defense and defender fund shall be subject to audit, the
54 same as other state funds and accounts, and shall be protected by the general bond given by the
55 state treasurer.

56 7. Upon the request of the director of the office of state public defender, the
57 commissioner of administration shall approve disbursements from the legal defense and defender
58 fund. The legal defense and defender fund shall be funded annually by appropriation, but any
59 unexpended **remaining** balance in the fund at the end of the appropriation period [not in excess
60 of one hundred and fifty thousand dollars] shall be exempt from the provisions of section 33.080,
61 specifically as they relate to the transfer of fund balances to the general revenue, and shall be the
62 amount of the fund at the beginning of the appropriation period next immediately following.

 600.101. Any dispute between any county or city not within a county and the state public
2 defender regarding office space and utility service provided or to be provided pursuant to section
3 600.040 may be submitted to the judicial finance commission established pursuant to section

4 477.600. [The commission on judicial resources established pursuant to section 476.415 shall
5 study and report its recommendations regarding provision of and payment for office space for
6 the state public defender to the chairs of the judiciary committees of the senate and house of
7 representatives, the chair of the senate appropriations committee and budget committee of the
8 house of representatives.]

2 [534.360. If it shall appear to the officer having charge of the execution
3 that the defendant therein is about to remove, conceal or dispose of his property,
4 so as to hinder or delay the levy, the rents and profits, damages and costs may be
5 levied before the expiration of the time allowed for taking an appeal.]

2 Section B. The repeal and reenactment of section 311.310 of this act shall become
effective January 1, 2017.

✓