

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1559

101ST GENERAL ASSEMBLY

3489H.04P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 43.400, 43.401, 43.503, 210.004, 210.201, 210.203, 210.278, 210.482, 210.487, 210.762, 217.343, 217.690, 311.320, 328.075, 328.080, 329.050, 431.068, 455.010, 455.035, 455.513, 491.678, 544.671, 547.170, 565.002, 565.140, 566.020, 566.034, 566.064, 566.068, 566.071, 566.155, 568.045, 568.050, 568.065, 568.070, 572.020, 573.010, 573.090, 577.010, 577.013, 579.020, and 650.055, RSMo, and to enact in lieu thereof forty-three new sections relating to the protection of children, with penalty provisions.

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

Section A. Sections 43.400, 43.401, 43.503, 210.004, 210.201, 210.203, 210.278, 210.482, 210.487, 210.762, 217.343, 217.690, 311.320, 328.075, 328.080, 329.050, 431.068, 455.010, 455.035, 455.513, 491.678, 544.671, 547.170, 565.002, 565.140, 566.020, 566.034, 566.064, 566.068, 566.071, 566.155, 568.045, 568.050, 568.065, 568.070, 572.020, 573.010, 573.090, 577.010, 577.013, 579.020, and 650.055, RSMo, are repealed and forty-three new sections enacted in lieu thereof, to be known as sections 43.400, 43.401, 43.503, 210.004, 210.201, 210.203, 210.278, 210.482, 210.487, 210.762, 210.795, 217.343, 217.690, 311.320, 328.075, 328.080, 329.050, 431.068, 455.010, 455.035, 455.513, 491.678, 544.671, 547.170, 565.002, 565.140, 566.020, 566.034, 566.064, 566.068, 566.071, 566.155, 568.045, 568.050, 568.065, 568.070, 572.020, 573.010, 573.090, 577.010, 577.013, 579.020, and 650.055, to read as follows:

43.400. As used in sections 43.400 to 43.410, the following terms mean:

- (1) "Missing child" or "missing juvenile", any person who is under the age of ~~seventeen~~ **eighteen years or who is in foster care regardless of the person's age**, whose

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.

4 temporary or permanent residence is in the state of Missouri or who is believed to be within
5 the state of Missouri, whose location has not been determined, and who has been reported as
6 missing to a law enforcement agency;

7 (2) "Missing child report", a report prepared on a standard form supplied by the
8 Missouri state highway patrol for the use by private citizens and law enforcement agencies to
9 report missing children or missing juvenile information to the Missouri state highway patrol;

10 (3) "Missing person", a person who is missing and meets one of the following
11 characteristics:

12 (a) Is physically or mentally disabled to the degree that the person is dependent upon
13 an agency or another individual;

14 (b) Is missing under circumstances indicating that the missing person's safety may be
15 in danger;

16 (c) Is missing under involuntary or unknown circumstances; subject to the provisions
17 of (a), (b), (d), (e), and (f) of this subsection;

18 (d) Is a child or juvenile runaway from the residence of a parent, legal guardian, or
19 custodian;

20 (e) Is a child and is missing under circumstances indicating that the person was or is
21 in the presence of or under the control of a party whose presence or control was or is in
22 violation of a permanent or temporary court order and fourteen or more days have elapsed,
23 during which time the party has failed to file any pleading with the court seeking modification
24 of the permanent or temporary court order;

25 (f) Is missing under circumstances indicating that the person was or is in the presence
26 of or under the control of a party whose presence or control was or is in violation of a
27 permanent or temporary court order and there are reasonable grounds to believe that the
28 person may be taken outside of the United States;

29 (4) "Patrol", the Missouri state highway patrol;

30 (5) "Registrar", the state registrar of vital statistics.

43.401. 1. The reporting of missing persons by law enforcement agencies, private
2 citizens, and the responsibilities of the patrol in maintaining accurate records of missing
3 persons are as follows:

4 (1) A person may file a complaint of a missing person with a law enforcement agency
5 having jurisdiction. The complaint shall include, but need not be limited to, the following
6 information:

7 (a) The name of the complainant;

8 (b) The name, address, and phone number of the guardian, if any, of the missing
9 person;

10 (c) The relationship of the complainant to the missing person;

11 (d) The name, age, address, and all identifying characteristics of the missing person;

12 (e) The length of time the person has been missing; and

13 (f) All other information deemed relevant by either the complainant or the law
14 enforcement agency;

15 (2) A report of the complaint of a missing person shall be immediately entered into
16 the Missouri uniform law enforcement system (MULES) and the National Crime Information
17 Center (NCIC) system by the law enforcement agency receiving the complaint, and
18 disseminated to other law enforcement agencies who may come in contact with or be
19 involved in the investigation or location of a missing person;

20 (3) A law enforcement agency with which a complaint of a missing child has been
21 filed shall prepare, as soon as practicable, a standard missing child report. The missing child
22 report shall be maintained as a record by the reporting law enforcement agency during the
23 course of an active investigation;

24 (4) Upon the location of a missing person, or the determination by the law
25 enforcement agency of jurisdiction that the person is no longer missing, the law enforcement
26 agency which reported the missing person shall immediately remove the record of the missing
27 person from the MULES and NCIC files.

28 2. No law enforcement agency shall prevent an immediate active investigation on the
29 basis of an agency rule which specifies an automatic time limitation for a missing person
30 investigation.

31 **3. An agency or placement provider with legal custody of a child shall ensure a**
32 **missing child report is filed once the agency or placement provider determines that a**
33 **child in the agency's or placement provider's custody is missing, and the agency or**
34 **placement provider shall be subject to the penalty provided under subdivision (2) of**
35 **subsection 1 of section 210.762. A law enforcement officer shall take a missing child**
36 **report from any member of the family support team as defined under section 210.762**
37 **and shall provide a copy of the missing child report to the agency or placement provider**
38 **with legal custody of the missing child. The agency or placement provider shall**
39 **maintain all missing child reports for any child under the legal custody of the agency or**
40 **placement provider.**

43.503. 1. For the purpose of maintaining complete and accurate criminal history
2 record information, all police officers of this state, the clerk of each court, the department of
3 corrections, the sheriff of each county, the chief law enforcement official of a city not within a
4 county and the prosecuting attorney of each county or the circuit attorney of a city not within
5 a county shall submit certain criminal arrest, charge, and disposition information to the
6 central repository for filing without undue delay in the form and manner required by sections
7 43.500 to 43.651.

8 2. All law enforcement agencies making misdemeanor and felony arrests as
9 determined by section 43.506 shall furnish without undue delay, to the central repository,
10 fingerprints, photograph, and if available, any other unique biometric identification collected,
11 charges, appropriate charge codes, and descriptions of all persons who are arrested for such
12 offenses on standard fingerprint forms supplied or approved by the highway patrol or
13 electronically in a format and manner approved by the highway patrol and in compliance with
14 the standards set by the Federal Bureau of Investigation in its Automated Fingerprint
15 Identification System or its successor program. All such agencies shall also notify the central
16 repository of all decisions not to refer such arrests for prosecution. An agency making such
17 arrests may enter into arrangements with other law enforcement agencies for the purpose of
18 furnishing without undue delay such fingerprints, photograph, and if available, any other
19 unique biometric identification collected, charges, appropriate charge codes, and descriptions
20 to the central repository upon its behalf.

21 3. In instances where an individual less than ~~seventeen~~ **eighteen** years of age and
22 not currently certified as an adult is taken into custody for an offense which would be a felony
23 if committed by an adult, the arresting officer shall take fingerprints for the central repository.
24 These fingerprints shall be taken on fingerprint cards supplied by or approved by the highway
25 patrol or transmitted electronically in a format and manner approved by the highway patrol
26 and in compliance with the standards set by the Federal Bureau of Investigation in its
27 Automated Fingerprint Identification System or its successor program. The fingerprint cards
28 shall be so constructed that the name of the juvenile should not be made available to the
29 central repository. The individual's name and the unique number associated with the
30 fingerprints and other pertinent information shall be provided to the court of jurisdiction by
31 the agency taking the juvenile into custody. The juvenile's fingerprints and other information
32 shall be forwarded to the central repository and the courts without undue delay. The
33 fingerprint information from the card shall be captured and stored in the automated
34 fingerprint identification system operated by the central repository. In the event the
35 fingerprints are found to match other tenprints or unsolved latent prints, the central repository
36 shall notify the submitting agency who shall notify the court of jurisdiction as per local
37 agreement. Under section 211.031, in instances where a juvenile over fifteen and one-half
38 years of age is alleged to have violated a state or municipal traffic ordinance or regulation,
39 which does not constitute a felony, and the juvenile court does not have jurisdiction, the
40 juvenile shall not be fingerprinted unless certified as an adult.

41 4. Upon certification of the individual as an adult, the certifying court shall order a
42 law enforcement agency to immediately fingerprint and photograph the individual and
43 certification papers will be forwarded to the appropriate law enforcement agency with the
44 order for fingerprinting. The law enforcement agency shall submit such fingerprints,

45 photograph, and certification papers to the central repository within fifteen days and shall
46 furnish the offense cycle number associated with the fingerprints to the prosecuting attorney
47 or the circuit attorney of a city not within a county and to the clerk of the court ordering the
48 subject fingerprinted. If the juvenile is acquitted of the crime and is no longer certified as an
49 adult, the prosecuting attorney shall notify within fifteen days the central repository of the
50 change of status of the juvenile. Records of a child who has been fingerprinted and
51 photographed after being taken into custody shall be closed records as provided under section
52 610.100 if a petition has not been filed within thirty days of the date that the child was taken
53 into custody; and if a petition for the child has not been filed within one year of the date the
54 child was taken into custody, any records relating to the child concerning the alleged offense
55 may be expunged under the procedures in sections 610.122 to 610.126.

56 5. The prosecuting attorney of each county or the circuit attorney of a city not within
57 a county or the municipal prosecuting attorney shall notify the central repository on standard
58 forms supplied by the highway patrol or in a manner approved by the highway patrol of his or
59 her decision to not file a criminal charge on any charge referred to such prosecuting attorney
60 or circuit attorney for criminal charges. All records forwarded to the central repository and
61 the courts by prosecutors or circuit attorneys as required by sections 43.500 to 43.530 shall
62 include the state offense cycle number of the offense, the charge code for the offense, and the
63 originating agency identifier number of the reporting prosecutor, using such numbers as
64 assigned by the highway patrol.

65 6. The clerk of the courts of each county or city not within a county or municipal
66 court clerk shall furnish the central repository, on standard forms supplied by the highway
67 patrol or in a manner approved by the highway patrol, with a record of all charges filed,
68 including all those added subsequent to the filing of a criminal court case, amended charges,
69 and all final dispositions of cases for which the central repository has a record of an arrest or a
70 record of fingerprints reported pursuant to sections 43.500 to 43.506. Such information shall
71 include, for each charge:

72 (1) All judgments of not guilty, acquittals on the ground of mental disease or defect
73 excluding responsibility, judgments or pleas of guilty including the sentence, if any, or
74 probation, if any, pronounced by the court, nolle pros, discharges, releases and dismissals in
75 the trial court;

76 (2) Court orders filed with the clerk of the courts which reverse a reported conviction
77 or vacate or modify a sentence;

78 (3) Judgments terminating or revoking a sentence to probation, supervision or
79 conditional release and any resentencing after such revocation; and

80 (4) The offense cycle number of the offense, and the originating agency identifier
81 number of the sentencing court, using such numbers as assigned by the highway patrol.

82 7. The clerk of the courts of each county or city not within a county shall furnish, to
83 the department of corrections or department of mental health, court judgment and sentence
84 documents and the state offense cycle number and the charge code of the offense which
85 resulted in the commitment or assignment of an offender to the jurisdiction of the department
86 of corrections or the department of mental health if the person is committed pursuant to
87 chapter 552. This information shall be reported to the department of corrections or the
88 department of mental health at the time of commitment or assignment. If the offender was
89 already in the custody of the department of corrections or the department of mental health at
90 the time of such subsequent conviction, the clerk shall furnish notice of such subsequent
91 conviction to the appropriate department by certified mail, return receipt requested, or in a
92 manner and format mutually agreed to, within fifteen days of such disposition.

93 8. Information and fingerprints, photograph and if available, any other unique
94 biometric identification collected, forwarded to the central repository, normally obtained from
95 a person at the time of the arrest, may be obtained at any time the subject is in the criminal
96 justice system or committed to the department of mental health. A law enforcement agency
97 or the department of corrections may fingerprint, photograph, and capture any other unique
98 biometric identification of the person unless collecting other unique biometric identification
99 of the person is not financially feasible for the law enforcement agency, and obtain the
100 necessary information at any time the subject is in custody. If at the time of any court
101 appearance, the defendant has not been fingerprinted and photographed for an offense in
102 which a fingerprint and photograph is required by statute to be collected, maintained, or
103 disseminated by the central repository, the court shall order a law enforcement agency or
104 court marshal to fingerprint and photograph immediately the defendant. The order for
105 fingerprints shall contain the offense, charge code, date of offense, and any other information
106 necessary to complete the fingerprint card. The law enforcement agency or court marshal
107 shall submit such fingerprints, photograph, and if available, any other unique biometric
108 identification collected, to the central repository without undue delay and within thirty days
109 and shall furnish the offense cycle number associated with the fingerprints to the prosecuting
110 attorney or the circuit attorney of a city not within a county and to the court clerk of the court
111 ordering the subject fingerprinted.

112 9. The department of corrections and the department of mental health shall furnish the
113 central repository with all information concerning the receipt, escape, execution, death,
114 release, pardon, parole, commutation of sentence, granting of executive clemency, legal name
115 change, or discharge of an individual who has been sentenced to that department's custody for
116 any offenses which are mandated by law to be collected, maintained or disseminated by the
117 central repository. All records forwarded to the central repository by the department as
118 required by sections 43.500 to 43.651 shall include the offense cycle number of the offense,

119 and the originating agency identifier number of the department using such numbers as
120 assigned by the highway patrol.

210.004. All law enforcement agencies shall maintain a confidential record of the
2 date and time a child less than ~~seventeen~~ **eighteen** years of age is taken into custody for any
3 reason and the date and time such child is released from custody.

210.201. As used in sections 210.201 to 210.257, the following terms mean:

- 2 (1) "Child", an individual who is under the age of ~~seventeen~~ **eighteen**;
- 3 (2) "Child care", care of a child away from his or her home for any part of the twenty-
4 four-hour day for compensation or otherwise. Child care is a voluntary supplement to
5 parental responsibility for the child's protection, development, and supervision;
- 6 (3) "Child-care facility" or "child care facility", a house or other place conducted or
7 maintained by any person who advertises or holds himself or herself out as providing child
8 care for any part of the twenty-four-hour day for compensation or otherwise if providing child
9 care to more than:
 - 10 (a) Six children; or
 - 11 (b) Three children under two years of age;
- 12 (4) "Child care provider" or "provider", the person or persons licensed or required to
13 be licensed under section 210.221 to establish, conduct, or maintain a child care facility;
- 14 (5) "Montessori school", a child care program that is either accredited by, actively
15 seeking accreditation by, or maintains an active school membership with the American
16 Montessori Society, the Association Montessori Internationale, the International Montessori
17 Counsel, or the Montessori Educational Programs International;
- 18 (6) "Neighborhood youth development program", as described in section 210.278;
- 19 (7) "Nursery school", a program operated by a person or an organization with the
20 primary function of providing an educational program for preschool-age children for no more
21 than four hours per day per child;
- 22 (8) "Person", any individual, firm, corporation, partnership, association, agency, or an
23 incorporated or unincorporated organization regardless of the name used;
- 24 (9) "Religious organization", a church, synagogue or mosque; an entity that has or
25 would qualify for federal tax-exempt status as a nonprofit religious organization under
26 Section 501(c) of the Internal Revenue Code; or an entity whose real estate on which the
27 child-care facility is located is exempt from taxation because it is used for religious purposes;
- 28 (10) "School system", a program established primarily for education and that meets
29 the following criteria:
 - 30 (a) Provides education in at least the first to the sixth grade; and
 - 31 (b) Provides evidence that the school system's records will be accepted by a public or
32 private school for the transfer of any student;

33 (11) "Summer camp", a program operated from May to September by a person or
34 organization with the primary function of providing a summer recreational program for
35 children five years of age or older and providing no child care for children under five years of
36 age in the same building or in the same outdoor play area.

210.203. The department of [~~health and senior services~~] **elementary and secondary**
2 **education** shall maintain a record of substantiated, signed parental complaints against child
3 care facilities licensed pursuant to this chapter, and shall make such complaints and findings
4 available to the public upon request, **provided, however, that no information identifying**
5 **the reporters shall be made available.**

210.278. Neighborhood youth development programs shall be exempt from the child
2 care licensing provisions under this chapter so long as the program meets the following
3 requirements:

4 (1) The program is affiliated and in good standing with a national congressionally
5 chartered organization's standards under Title 36, Public Law 105-225;

6 (2) The program provides activities designed for recreational, educational, and
7 character building purposes for children six to [~~seventeen~~] **eighteen** years of age;

8 (3) The governing body of the program adopts standards for care that at a minimum
9 include staff ratios, staff training, health and safety standards, and mechanisms for assessing
10 and enforcing the program's compliance with the standards;

11 (4) The program does not collect compensation for its services except for one-time
12 annual membership dues not to exceed fifty dollars per year or program service fees for
13 special activities such as field trips or sports leagues, except for current exemptions as written
14 in section 210.211;

15 (5) The program informs each parent that the operation of the program is not
16 regulated by licensing requirements;

17 (6) The program provides a process to receive and resolve parental complaints; and

18 (7) The program conducts national criminal background checks for all employees and
19 volunteers who work with children, as well as screening under the family care safety registry
20 as provided in sections 210.900 to 210.936.

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

4 (1) May request that a local or state law enforcement agency or juvenile officer,
5 subject to any required federal authorization, immediately conduct a name-based criminal
6 history record check to include full orders of protection and outstanding warrants of each
7 person over the age of seventeen residing in the home by using the Missouri uniform law

8 enforcement system (MULES) and the National Crime Information Center to access the
9 Interstate Identification Index maintained by the Federal Bureau of Investigation; and

10 (2) Shall determine or, in the case of the juvenile court, shall request the division to
11 determine whether any person over the age of seventeen years residing in the home is listed
12 on the child abuse and neglect registry. For any children less than ~~seventeen~~ **eighteen** years
13 of age residing in the home, the children's division shall inquire of the person with whom an
14 emergency placement of a child will be made whether any children less than ~~seventeen~~
15 **eighteen** years of age residing in the home have ever been certified as an adult and convicted
16 of or pled guilty or nolo contendere to any crime.

17 2. If a name-based search has been conducted pursuant to subsection 1 of this section,
18 within fifteen calendar days after the emergency placement of the child in the private home,
19 and if the private home has not previously been approved as a foster or adoptive home, all
20 persons over the age of seventeen residing in the home and all children less than ~~seventeen~~
21 **eighteen** residing in the home who the division has determined have been certified as an adult
22 for the commission of a crime shall report to a local law enforcement agency for the purpose
23 of providing fingerprints and accompanying fees, pursuant to sections 43.530 and 43.540.
24 Results of the checks shall be provided to the juvenile court or children's division office
25 requesting such information. Any child placed in emergency placement in a private home
26 shall be removed immediately if any person residing in the home fails to provide fingerprints
27 after being requested to do so, unless the person refusing to provide fingerprints ceases to
28 reside in the private home.

29 3. If the placement of a child is denied as a result of a name-based criminal history
30 check and the denial is contested, all persons over the age of seventeen residing in the home
31 and all children less than ~~seventeen~~ **eighteen** years of age residing in the home who the
32 division has determined have been certified as an adult for the commission of a crime shall,
33 within fifteen calendar days, submit to the juvenile court or the children's division fingerprints
34 in the same manner described in subsection 2 of this section, accompanying fees, and written
35 permission authorizing the juvenile court or the children's division to forward the fingerprints
36 to the state criminal record repository for submission to the Federal Bureau of Investigation.

37 4. No person who submits fingerprints under this section shall be required to submit
38 additional fingerprints under this section or section 210.487 unless the original fingerprints
39 retained by the division are lost or destroyed.

40 5. Subject to appropriation, the total cost of fingerprinting required by this section
41 may be paid by the state, including reimbursement of persons incurring fingerprinting costs
42 under this section.

43 6. For the purposes of this section, "emergency placement" refers to those limited
44 instances when the juvenile court or children's division is placing a child in the home of

45 private individuals, including neighbors, friends, or relatives, as a result of a sudden
46 unavailability of the child's primary caretaker.

210.487. 1. When conducting investigations of persons for the purpose of foster
2 parent licensing, the division shall:

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

10 (2) Obtain fingerprints for any person over the age of seventeen in the applicant's
11 household and for any child less than ~~seventeen~~ **eighteen** years of age residing in the
12 applicant's home who the division has determined has been certified as an adult for the
13 commission of a crime in the same manner set forth in subsection 2 of section 210.482. The
14 highway patrol shall assist the division and provide the criminal fingerprint background
15 information, upon request, under and in accordance with the provisions of section 43.540; and

16 (3) Determine whether any person over the age of seventeen residing in the home and
17 any child less than ~~seventeen~~ **eighteen** years of age residing in the applicant's home who the
18 division has determined has been certified as an adult for the commission of a crime is listed
19 on the child abuse and neglect registry. For any children less than ~~seventeen~~ **eighteen** years
20 of age residing in the applicant's home, the children's division shall inquire of the applicant
21 whether any children less than ~~seventeen~~ **eighteen** years of age residing in the home have
22 ever been certified as an adult and been convicted of or pled guilty or nolo contendere to any
23 crime.

24 2. After the initial investigation is completed under subsection 1 of this section:

25 (1) No person who submits fingerprints under subsection 1 of this section or section
26 210.482 shall be required to submit additional fingerprints under this section or section
27 210.482 unless the original fingerprints retained by the division are lost or destroyed;

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

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

35 3. Subject to appropriation, the total cost of fingerprinting required by this section
36 may be paid by the state, including reimbursement of persons incurring fingerprinting costs
37 under this section.

38 4. The division may make arrangements with other executive branch agencies to
39 obtain any investigative background information.

40 5. The division may promulgate rules that are necessary to implement the provisions
41 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
42 created under the authority delegated in this section shall become effective only if it complies
43 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
44 This section and chapter 536 are nonseverable and if any of the powers vested with the
45 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
46 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
47 rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid
48 and void.

210.762. 1. **(1)** When a child is taken into custody by a juvenile officer or law
2 enforcement official under subdivision (1) of subsection 1 of section 211.031 and initially
3 placed with the division, the division may make a temporary placement and shall arrange for
4 a family support team meeting prior to or within twenty-four hours following the protective
5 custody hearing held under section 211.032. After a child is in the division's custody and a
6 temporary placement has been made, the division shall arrange an additional family support
7 team meeting prior to taking any action relating to the placement of such child; except that,
8 when the welfare of a child in the custody of the division requires an immediate or emergency
9 change of placement, the division may make a temporary placement and shall schedule a
10 family support team meeting within seventy-two hours. The requirement for a family support
11 team meeting shall not apply when the parent has consented in writing to the termination of
12 his or her parental rights in conjunction with a placement in a licensed child-placing agency
13 under subsection 6 of section 453.010.

14 **(2) An agency or placement provider with legal custody of a child shall ensure a**
15 **missing child report is filed once the agency or placement provider determines that a**
16 **child in the agency's or placement provider's custody is missing. Within seventy-two**
17 **hours of a missing child report being filed for a child placed in an authorized agency or**
18 **foster care or within seventy-two hours of an authorized agency or foster care being**
19 **notified that a child under its custody is missing, whichever event first occurs, a family**
20 **support team meeting shall be held to discuss the whereabouts of the missing child and**
21 **to discuss the initial decision regarding the custody and placement of the missing child**
22 **once the child is found. If the missing child is brought back into custody, another family**
23 **support team meeting shall be held as provided under this section. Any agency or**

24 **placement provider with legal custody of a child who goes missing that fails to comply**
25 **with the provisions under this subdivision shall be liable to the injured party, which**
26 **includes the missing child, parent, foster parent, or legal guardian of the missing child,**
27 **and the state of Missouri, in an action at law and subject to a civil penalty of fifty**
28 **thousand dollars per occurrence.**

29 2. The parents, the legal counsel for the parents, the foster parents, the legal guardian
30 or custodian of the child, the guardian ad litem for the child, and the volunteer advocate, and
31 any designee of the parent that has written authorization shall be notified and invited to
32 participate in all family support team meetings. The family support team meeting may
33 include such other persons whose attendance at the meeting may assist the team in making
34 appropriate decisions in the best interests of the child. If the division finds that it is not in the
35 best interest of a child to be placed with relatives, the division shall make specific findings in
36 the division's report detailing the reasons why the best interests of the child necessitate
37 placement of the child with persons other than relatives.

38 3. The division shall use the form created in subsection 2 of section 210.147 to be
39 signed upon the conclusion of the meeting pursuant to subsection 1 of this section confirming
40 that all involved parties are aware of the team's decision regarding the custody and placement
41 of the child. Any dissenting views must be recorded and attested to on such form.

42 4. The case manager shall be responsible for including such form with the case
43 records of the child.

44 **5. As used in this section, "family support team" means a team who may consist**
45 **of a youth if the youth is twelve years of age or older, parents, legal counsel for the**
46 **parents, resource providers, the legal guardian for the child, the juvenile officer, the**
47 **guardian ad litem, the court appointed special advocate, up to two youth-chosen**
48 **advocates for a youth twelve years of age or older, and individuals invited by the**
49 **parents. The team meets for the purpose of determining the following:**

50 **(1) The safety of the child;**

51 **(2) A comprehensive visitation plan for parents, siblings, and family members;**

52 **(3) Service and treatment needs;**

53 **(4) The need for placement and developing a plan for reunification or other**
54 **permanency options, including a projected date for permanency;**

55 **(5) The appropriate placement of the child;**

56 **(6) The child's access and opportunities for normalcy activities based on the**
57 **reasonable and prudent parenting standard;**

58 **(7) An educational plan for the child;**

59 **(8) The case plan, which includes establishing and revising the case plan; and**

60 **(9) Compliance with the case plan and progress toward alleviating or mitigating**
61 **the causes necessitating placement in foster care.**

210.795. A case worker shall notify a juvenile officer if a child goes missing or is
2 **suspected of being on the run. Once the juvenile officer is notified, the officer shall file**
3 **with the court a notice in the child's case file that states the child is missing and include**
4 **any other relevant information, which shall include the missing child report. If the**
5 **missing child is found, the juvenile officer shall file with the court a notice in the child's**
6 **case file that the child has been found and include any other relevant information.**

 217.343. Offenders who are younger than [~~seventeen~~] **eighteen** years of age and have
2 been adjudicated as an adult shall be emancipated for the purpose of decision making and
3 participation in all department programs and services, including but not limited to medical
4 care, mental health care, treatment programs, educational programs, work assignments, and
5 rehabilitative programs.

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

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

16 3. The division of probation and parole has discretionary authority to require the
17 payment of a fee, not to exceed sixty dollars per month, from every offender placed under
18 division supervision on probation, parole, or conditional release, to waive all or part of any
19 fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity
20 for fee collections services. All fees collected shall be deposited in the inmate fund
21 established in section 217.430. Fees collected may be used to pay the costs of contracted
22 collections services. The fees collected may otherwise be used to provide community
23 corrections and intervention services for offenders. Such services include substance abuse
24 assessment and treatment, mental health assessment and treatment, electronic monitoring

25 services, residential facilities services, employment placement services, and other offender
26 community corrections or intervention services designated by the division of probation and
27 parole to assist offenders to successfully complete probation, parole, or conditional release.
28 The division of probation and parole shall adopt rules not inconsistent with law, in accordance
29 with section 217.040, with respect to sanctioning offenders and with respect to establishing,
30 waiving, collecting, and using fees.

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

35 5. When considering parole for an offender with consecutive sentences, the minimum
36 term for eligibility for parole shall be calculated by adding the minimum terms for parole
37 eligibility for each of the consecutive sentences, except the minimum term for parole
38 eligibility shall not exceed the minimum term for parole eligibility for an ordinary life
39 sentence.

40 6. Any offender sentenced to a term of imprisonment amounting to fifteen years or
41 more or multiple terms of imprisonment that, taken together, amount to fifteen or more years
42 who was under eighteen years of age at the time of the commission of the offense or offenses
43 may be eligible for parole after serving fifteen years of incarceration, regardless of whether
44 the case is final for the purposes of appeal, and may be eligible for reconsideration hearings in
45 accordance with regulations promulgated by the parole board.

46 7. The provisions of subsection 6 of this section shall not apply to an offender found
47 guilty of murder in the first degree or capital murder who was under eighteen years of age
48 when the offender committed the offense or offenses who may be found ineligible for parole
49 or whose parole eligibility may be controlled by section 558.047 or 565.033.

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

54 9. A victim who has requested an opportunity to be heard shall receive notice that the
55 parole board is conducting an assessment of the offender's risk and readiness for release and
56 that the victim's input will be particularly helpful when it pertains to safety concerns and
57 specific protective measures that may be beneficial to the victim should the offender be
58 granted release.

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

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

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

65 (3) The victim or person representing the victim may call or write the parole board
66 rather than attend the hearing;

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

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

72 (6) The parole board shall evaluate information listed in the juvenile sex offender
73 registry pursuant to section 211.425, provided the offender is between the ages of [~~seventeen~~]
74 **eighteen** and twenty-one, as it impacts the safety of the community.

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

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

81 13. Special parole conditions shall be responsive to the assessed risk and needs of the
82 offender or the need for extraordinary supervision, such as electronic monitoring. The parole
83 board shall adopt rules to minimize the conditions placed on low-risk cases, to frontload
84 conditions upon release, and to require the modification and reduction of conditions based on
85 the person's continuing stability in the community. Parole board rules shall permit parole
86 conditions to be modified by parole officers with review and approval by supervisors.

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

89 15. Beginning January 1, 2001, the parole board shall not order a parole unless the
90 offender has obtained a high school diploma or its equivalent, or unless the parole board is
91 satisfied that the offender, while committed to the custody of the department, has made an
92 honest good-faith effort to obtain a high school diploma or its equivalent; provided that the
93 director may waive this requirement by certifying in writing to the parole board that the
94 offender has actively participated in mandatory education programs or is academically unable
95 to obtain a high school diploma or its equivalent.

96 16. Any rule or portion of a rule, as that term is defined in section 536.010, that is
97 created under the authority delegated in this section shall become effective only if it complies
98 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.

99 This section and chapter 536 are nonseverable and if any of the powers vested with the
100 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
101 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
102 rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid
103 and void.

311.320. 1. Any person of the age of [~~seventeen~~] **eighteen** years and under the age of
2 twenty-one years who shall represent that he has attained the age of twenty-one years for the
3 purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in
4 cases authorized by law, shall upon conviction be deemed guilty of a misdemeanor. Any
5 person under the age of [~~seventeen~~] **eighteen** years who shall represent that he has attained
6 the age of twenty-one years for the purpose of purchasing, asking for or in any way receiving
7 any intoxicating liquor, except in cases authorized by law, may be considered a delinquent
8 child and may be dealt with in accordance with the provisions of chapter 211.

9 2. In addition to any other penalties established in subsection 1 of this section and
10 established in sections 302.400 to 302.426, any person who is less than twenty-one years of
11 age who uses a reproduced, modified or altered chauffeur's license, motor vehicle operator's
12 license, identification card issued by any uniformed service of the United States, passport or
13 identification card established in section 302.181 for the purpose of purchasing, asking for or
14 in any way receiving any intoxicating liquor, shall be guilty of a misdemeanor and shall be
15 subject to a fine of five hundred dollars for each separate offense.

328.075. 1. Any person desiring to practice as an apprentice for barbering in this
2 state shall apply to the board, shall be registered as an apprentice with the board, and shall pay
3 the appropriate fees prior to beginning their apprenticeship. Barber apprentices shall be at
4 least [~~seventeen~~] **eighteen** years of age.

5 2. Any person desiring to act as an apprentice supervisor for barbering in this state
6 shall first possess a license to practice the occupation of barbering, apply to the board, pay the
7 appropriate fees, complete an eight-hour apprentice supervision instruction course certified
8 by the board, and be issued a license as a barber apprentice supervisor prior to supervising
9 barber apprentices.

10 3. The board may promulgate rules establishing the criteria for the supervision and
11 training of barber apprentices.

12 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is
13 created under the authority delegated in this section shall become effective only if it complies
14 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
15 This section and chapter 536 are nonseverable and if any of the powers vested with the
16 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
17 disapprove and annul a rule are subsequently held unconstitutional, then the grant of

18 rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid
19 and void.

328.080. 1. Any person desiring to practice barbering in this state shall make
2 application for a license to the board and shall pay the required barber examination fee.

3 2. The board shall examine each qualified applicant and, upon successful completion
4 of the examination and payment of the required license fee, shall issue the applicant a license
5 authorizing him or her to practice the occupation of barber in this state. The board shall admit
6 an applicant to the examination, if it finds that he or she:

7 (1) Is [~~seventeen~~] **eighteen** years of age or older;

8 (2) Is free of contagious or infectious diseases that are capable of being transmitted
9 during the ordinary course of business for a person licensed under this chapter;

10 (3) Has studied for at least one thousand hours in a period of not less than six months
11 in a properly appointed and conducted barber school under the direct supervision of a licensed
12 instructor; or, if the applicant is an apprentice, the applicant shall have served and completed
13 no less than two thousand hours under the direct supervision of a licensed barber apprentice
14 supervisor;

15 (4) Is possessed of requisite skill in the trade of barbering to properly perform the
16 duties thereof, including the preparation of tools, shaving, haircutting and all the duties and
17 services incident thereto; and

18 (5) Has sufficient knowledge of the common diseases of the face and skin to avoid the
19 aggravation and spread thereof in the practice of barbering.

20 3. The board shall be the judge of whether the barber school, the barber
21 apprenticeship, or college is properly appointed and conducted under proper instruction to
22 give sufficient training in the trade.

23 4. The sufficiency of the qualifications of applicants shall be determined by the board.

329.050. 1. Applicants for examination or licensure pursuant to this chapter shall
2 possess the following qualifications:

3 (1) They shall provide documentation of successful completion of courses approved
4 by the board, have an education equivalent to the successful completion of the tenth grade,
5 and be at least [~~seventeen~~] **eighteen** years of age;

6 (2) If the applicants are apprentices, they shall have served and completed, as an
7 apprentice under the supervision of a licensed cosmetologist, the time and studies required by
8 the board which shall be no less than three thousand hours for cosmetologists, and no less
9 than eight hundred hours for manicurists and no less than fifteen hundred hours for esthetics.
10 However, when the classified occupation of manicurist is apprenticed in conjunction with the
11 classified occupation of cosmetologist, the apprentice shall be required to successfully
12 complete an apprenticeship of no less than a total of three thousand hours;

13 (3) If the applicants are students, they shall have had the required time in a licensed
14 school of no less than one thousand five hundred hours training or the credit hours determined
15 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
16 Regulations, as amended, for the classification of cosmetologist, with the exception of public
17 vocational technical schools in which a student shall complete no less than one thousand two
18 hundred twenty hours training. All students shall complete no less than four hundred hours or
19 the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title
20 34 of the Code of Federal Regulations, as amended, for the classification of manicurist. All
21 students shall complete no less than seven hundred fifty hours or the credit hours determined
22 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
23 Regulations, as amended, for the classification of esthetician. However, when the classified
24 occupation of manicurist is taken in conjunction with the classified occupation of
25 cosmetologist, the student shall not be required to serve the extra four hundred hours or
26 the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title
27 34 of the Code of Federal Regulations, as amended, otherwise required to include manicuring
28 of nails; and

29 (4) They shall have passed an examination to the satisfaction of the board.

30 2. A person may apply to take the examination required by subsection 1 of this
31 section if the person is a graduate of a school of cosmetology or apprentice program in
32 another state or territory of the United States which has substantially the same requirements
33 as an educational establishment licensed pursuant to this chapter. A person may apply to take
34 the examination required by subsection 1 of this section if the person is a graduate of an
35 educational establishment in a foreign country that provides training for a classified
36 occupation of cosmetology, as defined by section 329.010, and has educational requirements
37 that are substantially the same requirements as an educational establishment licensed under
38 this chapter. The board has sole discretion to determine the substantial equivalency of such
39 educational requirements. The board may require that transcripts from foreign schools be
40 submitted for its review, and the board may require that the applicant provide an approved
41 English translation of such transcripts.

42 3. Each application shall contain a statement that, subject to the penalties of making a
43 false affidavit or declaration, the application is made under oath or affirmation and that its
44 representations are true and correct to the best knowledge and belief of the person signing the
45 application.

46 4. The sufficiency of the qualifications of applicants shall be determined by the board,
47 but the board may delegate this authority to its executive director subject to such provisions as
48 the board may adopt.

49 5. Applications for examination or licensure may be denied if the applicant has
50 pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any of the
51 following offenses or offenses of a similar nature established under the laws of this state, any
52 other state, the United States, or any other country, notwithstanding whether sentence is
53 imposed:

54 (1) Any dangerous felony as defined under section 556.061 or murder in the first
55 degree;

56 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
57 statutory rape in the first degree, statutory rape in the second degree, rape in the second
58 degree, sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the
59 first degree, statutory sodomy in the second degree, child molestation in the first degree, child
60 molestation in the second degree, sodomy in the second degree, deviate sexual assault, sexual
61 misconduct involving a child, sexual misconduct in the first degree under section 566.090 as
62 it existed prior to August 28, 2013, sexual abuse under section 566.100 as it existed prior to
63 August 28, 2013, sexual abuse in the first or second degree, enticement of a child, or
64 attempting to entice a child;

65 (3) Any of the following offenses against the family and related offenses: incest,
66 abandonment of a child in the first degree, abandonment of a child in the second degree,
67 endangering the welfare of a child in the first degree, abuse of a child, using a child in a
68 sexual performance, promoting sexual performance by a child, or trafficking in children; and

69 (4) Any of the following offenses involving child pornography and related offenses:
70 promoting obscenity in the first degree, promoting obscenity in the second degree when the
71 penalty is enhanced to a class E felony, promoting child pornography in the first degree,
72 promoting child pornography in the second degree, possession of child pornography in the
73 first degree, possession of child pornography in the second degree, furnishing child
74 pornography to a minor, furnishing pornographic materials to minors, or coercing acceptance
75 of obscene material.

 431.068. 1. Notwithstanding the provisions of section 431.061, any person
2 ~~seventeen~~ **eighteen** years of age or older may donate blood voluntarily without the necessity
3 of obtaining the permission or authorization of his or her parent or guardian.

4 2. Any person ~~sixteen~~ **seventeen** years of age may donate blood, if that person
5 obtains written permission or authorization from his or her parent or guardian.

6 3. No person under the age of eighteen shall receive compensation for any blood
7 donated without the written authorization of his or her parent or guardian.

 455.010. As used in this chapter, unless the context clearly indicates otherwise, the
2 following terms shall mean:

3 (1) "Abuse", includes but is not limited to the occurrence of any of the following acts,
4 attempts or threats against a person who may be protected pursuant to this chapter, except
5 abuse shall not include abuse inflicted on a child by accidental means by an adult household
6 member or discipline of a child, including spanking, in a reasonable manner:

7 (a) "Abusing a pet", purposely or knowingly causing, attempting to cause, or
8 threatening to cause physical injury to a pet with the intent to control, punish, intimidate, or
9 distress the petitioner;

10 (b) "Assault", purposely or knowingly placing or attempting to place another in fear
11 of physical harm;

12 (c) "Battery", purposely or knowingly causing physical harm to another with or
13 without a deadly weapon;

14 (d) "Coercion", compelling another by force or threat of force to engage in conduct
15 from which the latter has a right to abstain or to abstain from conduct in which the person has
16 a right to engage;

17 (e) "Harassment", engaging in a purposeful or knowing course of conduct involving
18 more than one incident that alarms or causes distress to an adult or child and serves no
19 legitimate purpose. The course of conduct must be such as would cause a reasonable adult or
20 child to suffer substantial emotional distress and must actually cause substantial emotional
21 distress to the petitioner or child. Such conduct might include, but is not limited to:

22 a. Following another about in a public place or places;

23 b. Peering in the window or lingering outside the residence of another; but does not
24 include constitutionally protected activity;

25 (f) "Sexual assault", causing or attempting to cause another to engage involuntarily in
26 any sexual act by force, threat of force, duress, or without that person's consent;

27 (g) "Unlawful imprisonment", holding, confining, detaining or abducting another
28 person against that person's will;

29 (2) "Adult", any person [~~seventeen~~] **eighteen** years of age or older or otherwise
30 emancipated;

31 (3) "Child", any person under [~~seventeen~~] **eighteen** years of age unless otherwise
32 emancipated;

33 (4) "Court", the circuit or associate circuit judge or a family court commissioner;

34 (5) "Domestic violence", abuse or stalking committed by a family or household
35 member, as such terms are defined in this section;

36 (6) "Ex parte order of protection", an order of protection issued by the court before
37 the respondent has received notice of the petition or an opportunity to be heard on it;

38 (7) "Family" or "household member", spouses, former spouses, any person related by
39 blood or marriage, persons who are presently residing together or have resided together in the

40 past, any person who is or has been in a continuing social relationship of a romantic or
41 intimate nature with the victim, and anyone who has a child in common regardless of whether
42 they have been married or have resided together at any time;

43 (8) "Full order of protection", an order of protection issued after a hearing on the
44 record where the respondent has received notice of the proceedings and has had an
45 opportunity to be heard;

46 (9) "Order of protection", either an ex parte order of protection or a full order of
47 protection;

48 (10) "Pending", exists or for which a hearing date has been set;

49 (11) "Pet", a living creature maintained by a household member for companionship
50 and not for commercial purposes;

51 (12) "Petitioner", a family or household member who has been a victim of domestic
52 violence, or any person who has been the victim of stalking or sexual assault, or a person
53 filing on behalf of a child pursuant to section 455.503 who has filed a verified petition
54 pursuant to the provisions of section 455.020 or section 455.505;

55 (13) "Respondent", the family or household member alleged to have committed an act
56 of domestic violence, or person alleged to have committed an act of stalking or sexual assault,
57 against whom a verified petition has been filed or a person served on behalf of a child
58 pursuant to section 455.503;

59 (14) "Sexual assault", as defined under subdivision (1) of this section;

60 (15) "Stalking", is when any person purposely engages in an unwanted course of
61 conduct that causes alarm to another person, or a person who resides together in the same
62 household with the person seeking the order of protection when it is reasonable in that
63 person's situation to have been alarmed by the conduct. As used in this subdivision:

64 (a) "Alarm", to cause fear of danger of physical harm; and

65 (b) "Course of conduct", two or more acts that serve no legitimate purpose including,
66 but not limited to, acts in which the stalker directly, indirectly, or through a third party
67 follows, monitors, observes, surveils, threatens, or communicates to a person by any action,
68 method, or device.

455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to
2 455.085 and for good cause shown in the petition, the court may immediately issue an ex
3 parte order of protection. An immediate and present danger of domestic violence to the
4 petitioner or the child on whose behalf the petition is filed shall constitute good cause for
5 purposes of this section. An ex parte order of protection entered by the court shall take effect
6 when entered and shall remain in effect until there is valid service of process and a hearing is
7 held on the motion. The court shall deny the ex parte order and dismiss the petition if the
8 petitioner is not authorized to seek relief pursuant to section 455.020.

9 2. Failure to serve an ex parte order of protection on the respondent shall not affect
10 the validity or enforceability of such order. If the respondent is less than ~~seventeen~~ **eighteen**
11 years of age, unless otherwise emancipated, service of process shall be made upon a custodial
12 parent or guardian of the respondent, or upon a guardian ad litem appointed by the court,
13 requiring that the person appear and bring the respondent before the court at the time and
14 place stated.

15 3. If an ex parte order is entered and the respondent is less than ~~seventeen~~ **eighteen**
16 years of age, the court shall transfer the case to juvenile court for a hearing on a full order of
17 protection. The court shall appoint a guardian ad litem for any such respondent not
18 represented by a parent or guardian.

 455.513. 1. The court may immediately issue an ex parte order of protection upon the
2 filing of a verified petition under sections 455.500 to 455.538, for good cause shown in the
3 petition, and upon finding that:

4 (1) No prior order regarding custody involving the respondent and the child is
5 pending or has been made; or

6 (2) The respondent is less than ~~seventeen~~ **eighteen** years of age.

7
8 An immediate and present danger of domestic violence, including danger to the child's pet,
9 stalking, or sexual assault to a child shall constitute good cause for purposes of this section.
10 An ex parte order of protection entered by the court shall be in effect until the time of the
11 hearing. The court shall deny the ex parte order and dismiss the petition if the petitioner is not
12 authorized to seek relief pursuant to section 455.505.

13 2. Upon the entry of the ex parte order of protection, the court shall enter its order
14 appointing a guardian ad litem or court-appointed special advocate to represent the child
15 victim.

16 3. If the allegations in the petition would give rise to jurisdiction under section
17 211.031, the court may direct the children's division to conduct an investigation and to
18 provide appropriate services. The division shall submit a written investigative report to the
19 court and to the juvenile officer within thirty days of being ordered to do so. The report shall
20 be made available to the parties and the guardian ad litem or court-appointed special
21 advocate.

22 4. If the allegations in the petition would give rise to jurisdiction under section
23 211.031 because the respondent is less than ~~seventeen~~ **eighteen** years of age, the court may
24 issue an ex parte order and shall transfer the case to juvenile court for a hearing on a full order
25 of protection. Service of process shall be made pursuant to section 455.035.

491.678. For purposes of sections 491.675 to 491.693, the term "child" means a
2 person under ~~[seventeen]~~ **eighteen** years of age who is the alleged victim in any criminal
3 prosecution under chapter 565, 566 or 568.

544.671. Notwithstanding any supreme court rule or judicial ruling to the contrary, no
2 defendant under a sentence of death or imprisonment in the penitentiary for life, or any
3 sentence of imprisonment for a violation of section 579.065, 565.021, or 565.050, section
4 566.030, 566.032, 566.040, 566.060, 566.062, 566.070, or 566.100, and no defendant who
5 has pled guilty to or been found guilty of any felony sexual offense under chapter 566, where
6 the victim was less than ~~[seventeen]~~ **eighteen** years of age at the time the crime was
7 committed, any sexual offense under chapter 568, where the victim was less than ~~[seventeen]~~
8 **eighteen** years of age at the time the crime was committed, or any pornographic offense
9 involving a minor as set forth in sections 573.023, 573.025, 573.035, and 573.037, and any
10 felony violation of section 573.040, shall be entitled to bail pending appeal after June 29,
11 1994. Pursuant to the prerogative of the general assembly to declare the public policy of this
12 state in matters regarding criminal liability of persons and to enact laws relating to judicial
13 procedure, the general assembly declares that subsequent to June 29, 1994, no person shall be
14 entitled to bail or continuation of bail pursuant to section 547.170 if that person is under a
15 sentence of death or imprisonment in the penitentiary for life, or any sentence of
16 imprisonment for a violation of section 579.065, 565.021, or 565.050, section 566.030,
17 566.032, 566.040, 566.060, 566.062, 566.070, or 566.100, and no defendant who has pled
18 guilty to or been found guilty of any felony sexual offense under chapter 566, where the
19 victim was less than ~~[seventeen]~~ **eighteen** years of age at the time the crime was committed,
20 any sexual offense under chapter 568, where the victim was less than ~~[seventeen]~~ **eighteen**
21 years of age at the time the crime was committed, or any pornographic offense involving a
22 minor as set forth in sections 573.023, 573.025, 573.035, and 573.037, and any felony
23 violation of section 573.040.

547.170. In all cases where an appeal or writ of error is prosecuted from a judgment
2 in a criminal cause, except where the defendant is under sentence of death or imprisonment in
3 the penitentiary for life, or any sentence of imprisonment for a violation of sections 579.065,
4 565.021, 565.050, section 566.030, 566.032, 566.040, 566.060, 566.062, 566.070, 566.100, or
5 where the defendant has entered a plea of guilty to or been found guilty of any sexual offense
6 under chapter 566, where the victim was less than ~~[seventeen]~~ **eighteen** years of age at the
7 time the crime was committed, any sexual offense under chapter 568, where the victim was
8 less than ~~[seventeen]~~ **eighteen** years of age at the time the crime was committed, or any
9 pornographic offense involving a minor as set forth in sections 573.023, 573.025, 573.035,
10 573.037, and 573.040, any court or officer authorized to order a stay of proceedings under the
11 preceding provisions may allow a writ of habeas corpus, to bring up the defendant, and may

12 thereupon let him to bail upon a recognizance, with sufficient sureties, to be approved by such
13 court or judge.

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

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

6 (2) "Child", a person under [~~seventeen~~] **eighteen** years of age;

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

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

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

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

17 (7) "Emotional distress", something markedly greater than the level of uneasiness,
18 nervousness, unhappiness, or the like which are commonly experienced in day-to-day living;

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

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

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

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

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

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

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

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

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

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

39 (d) An elderly person;

40 (e) A person with a disability;

41 (f) A vulnerable person;

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

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

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

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

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

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

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

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

565.140. 1. A person does not commit the offense of kidnapping in the third degree
2 under section 565.130 if the person restrained is a child less than ~~seventeen~~ **eighteen** years
3 of age and:

4 (1) A parent, guardian or other person responsible for the general supervision of the
5 child's welfare has consented to the restraint; or

6 (2) The person is a relative of the child; and

7 (a) The person's sole purpose is to assume control of the child; and

8 (b) The child is not taken out of the state of Missouri.

9 2. For the purpose of this section, "relative" means a parent or stepparent, ancestor,
10 sibling, uncle or aunt, including an adoptive relative of the same degree through marriage or
11 adoption.

12 3. The defendant shall have the burden of injecting the issue of a defense under this
13 section.

566.020. 1. Whenever in this chapter the criminality of conduct depends upon a child
2 being less than fourteen years of age, it is no defense that the defendant believed the child to
3 be older.

4 2. Whenever in this chapter the criminality of conduct depends upon a child being
5 less than ~~seventeen~~ **eighteen** years of age, it is an affirmative defense that the defendant
6 reasonably believed that the child was ~~seventeen~~ **eighteen** years of age or older.

7 3. Consent is not a defense to any offense under this chapter if the alleged victim is
8 less than fourteen years of age.

566.034. 1. A person commits the offense of statutory rape in the second degree if
2 being twenty-one years of age or older, he or she has sexual intercourse with another person
3 who is less than ~~seventeen~~ **eighteen** years of age.

4 2. The offense of statutory rape in the second degree is a class D felony.

566.064. 1. A person commits the offense of statutory sodomy in the second degree
2 if being twenty-one years of age or older, he or she has deviate sexual intercourse with
3 another person who is less than ~~seventeen~~ **eighteen** years of age.

4 2. The offense of statutory sodomy in the second degree is a class D felony.

566.068. 1. A person commits the offense of child molestation in the second degree
2 if he or she:

3 (1) Subjects a child who is less than twelve years of age to sexual contact; or

4 (2) Being more than four years older than a child who is less than ~~seventeen~~
5 **eighteen** years of age, subjects the child to sexual contact and the offense is an aggravated
6 sexual offense.

7 2. The offense of child molestation in the second degree is a class B felony.

566.071. 1. A person commits the offense of child molestation in the fourth degree if,
2 being more than four years older than a child who is less than ~~seventeen~~ **eighteen** years of
3 age, subjects the child to sexual contact.

4 2. The offense of child molestation in the fourth degree is a class E felony.

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

2 (1) Violating any of the provisions of this chapter or the provisions of section
3 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;
4 section 573.200, use of a child in a sexual performance; section 573.205, promoting a sexual

5 performance by a child; section 573.023, sexual exploitation of a minor; section 573.025,
6 promoting child pornography; or section 573.040, furnishing pornographic material to
7 minors; or

8 (2) Any offense in any other jurisdiction which, if committed in this state, would be a
9 violation listed in this section;

10

11 shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a
12 child less than ~~[seventeen]~~ **eighteen** years of age is a member.

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

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

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

3 (1) Knowingly acts in a manner that creates a substantial risk to the life, body, or
4 health of a child less than ~~[seventeen]~~ **eighteen** years of age; or

5 (2) Knowingly engages in sexual conduct with a person under the age of ~~[seventeen]~~
6 **eighteen** years over whom the person is a parent, guardian, or otherwise charged with the care
7 and custody;

8 (3) Knowingly encourages, aids or causes a child less than ~~[seventeen]~~ **eighteen** years
9 of age to engage in any conduct which violates the provisions of chapter 579;

10 (4) In the presence of a child less than ~~[seventeen]~~ **eighteen** years of age or in a
11 residence where a child less than ~~[seventeen]~~ **eighteen** years of age resides, unlawfully
12 manufactures, or attempts to manufacture compounds, possesses, produces, prepares, sells,
13 transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

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

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

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

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

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

3 (1) With criminal negligence acts in a manner that creates a substantial risk to the life,
4 body or health of a child less than ~~[seventeen]~~ **eighteen** years of age; or

5 (2) Knowingly encourages, aids or causes a child less than ~~seventeen~~ **eighteen** years
6 of age to engage in any conduct which causes or tends to cause the child to come within the
7 provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection
8 1 of section 211.031; or

9 (3) Being a parent, guardian or other person legally charged with the care or custody
10 of a child less than ~~seventeen~~ **eighteen** years of age, recklessly fails or refuses to exercise
11 reasonable diligence in the care or control of such child to prevent him or her from coming
12 within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of
13 subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

14 (4) Knowingly encourages, aids or causes a child less than ~~seventeen~~ **eighteen** years
15 of age to enter into any room, building or other structure which is a public nuisance as defined
16 in section 579.105.

17 2. Nothing in this section shall be construed to mean the welfare of a child is
18 endangered for the sole reason that he or she is being provided nonmedical remedial treatment
19 recognized and permitted under the laws of this state.

20 3. The offense of endangering the welfare of a child in the second degree is a class A
21 misdemeanor unless the offense is committed as part of an act or series of acts performed by
22 two or more persons as part of an established or prescribed pattern of activity, in which case
23 the offense is a class E felony.

568.065. 1. A person commits the offense of genital mutilation if he or she:

2 (1) Excises or infibulates, in whole or in part, the labia majora, labia minora, vulva or
3 clitoris of a female child less than ~~seventeen~~ **eighteen** years of age; or

4 (2) Is a parent, guardian or other person legally responsible for a female child less
5 than ~~seventeen~~ **eighteen** years of age and permits the excision or infibulation, in whole or in
6 part, of the labia majora, labia minora, vulva or clitoris of such female child.

7 2. The offense of genital mutilation is a class B felony.

8 3. Belief that the conduct described in subsection 1 of this section is required as a
9 matter of custom, ritual or standard practice, or consent to the conduct by the child on whom
10 it is performed or by the child's parent or legal guardian, shall not be an affirmative defense to
11 a charge pursuant to this section.

12 4. It is a defense if the conduct which constitutes genital mutilation was:

13 (1) Necessary to preserve the health of the child on whom it is performed and is
14 performed by a person licensed to practice medicine in this state; or

15 (2) Performed on a child who is in labor or who has just given birth and is performed
16 for medical purposes connected with such labor or birth by a person licensed to practice
17 medicine in this state.

568.070. 1. A person commits the offense of unlawful transactions with a child if he
2 or she:

3 (1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of
4 such person, with criminal negligence buys or receives any personal property other than
5 agricultural products from an unemancipated minor, unless the child's custodial parent or
6 guardian has consented in writing to the transaction; or

7 (2) Knowingly permits a minor child to enter or remain in a place where illegal
8 activity in controlled substances, as defined in chapter 579, is maintained or conducted; or

9 (3) With criminal negligence sells blasting caps, bulk gunpowder, or explosives to a
10 child under the age of [~~seventeen~~] **eighteen**, or fireworks as defined in section 320.110, to a
11 child under the age of fourteen, unless the child's custodial parent or guardian has consented
12 in writing to the transaction. Criminal negligence as to the age of the child is not an element
13 of this crime.

14 2. The offense of unlawful transactions with a child is a class B misdemeanor.

572.020. 1. A person commits the offense of gambling if he or she knowingly
2 engages in gambling.

3 2. The offense of gambling is a class C misdemeanor unless:

4 (1) It is committed by a professional player, in which case it is a class A
5 misdemeanor; or

6 (2) The person knowingly engages in gambling with a child less than [~~seventeen~~]
7 **eighteen** years of age, in which case it is a class B misdemeanor.

573.010. As used in this chapter the following terms shall mean:

2 (1) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other
3 commercial establishment, regardless of whether alcoholic beverages are served, which
4 regularly features persons who appear semi-nude;

5 (2) "Characterized by", describing the essential character or dominant theme of an
6 item;

7 (3) "Child", any person under the age of fourteen;

8 (4) "Child pornography":

9 (a) Any obscene material or performance depicting sexual conduct, sexual contact as
10 defined in section 566.010, or a sexual performance and which has as one of its participants or
11 portrays as an observer of such conduct, contact, or performance a minor; or

12 (b) Any visual depiction, including any photograph, film, video, picture, or computer
13 or computer-generated image or picture, whether made or produced by electronic,
14 mechanical, or other means, of sexually explicit conduct where:

15 a. The production of such visual depiction involves the use of a minor engaging in
16 sexually explicit conduct;

17 b. Such visual depiction is a digital image, computer image, or computer-generated
18 image that is, or is indistinguishable from, that of a minor engaging in sexually explicit
19 conduct, in that the depiction is such that an ordinary person viewing the depiction would
20 conclude that the depiction is of an actual minor engaged in sexually explicit conduct; or

21 c. Such visual depiction has been created, adapted, or modified to show that an
22 identifiable minor is engaging in sexually explicit conduct. "Identifiable minor" means a
23 person who was a minor at the time the visual depiction was created, adapted, or modified; or
24 whose image as a minor was used in creating, adapting, or modifying the visual depiction;
25 and who is recognizable as an actual person by the person's face, likeness, or other
26 distinguishing characteristic, such as a unique birthmark or other recognizable feature. The
27 term "identifiable minor" shall not be construed to require proof of the actual identity of the
28 identifiable minor;

29 (5) "Employ", "employee", or "employment", any person who performs any service
30 on the premises of a sexually oriented business, on a full-time, part-time, or contract basis,
31 whether or not the person is denominated an employee, independent contractor, agent, or
32 otherwise. Employee does not include a person exclusively on the premises for repair or
33 maintenance of the premises or for the delivery of goods to the premises;

34 (6) "Explicit sexual material", any pictorial or three-dimensional material depicting
35 human masturbation, deviate sexual intercourse, sexual intercourse, direct physical
36 stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of
37 postpubertal human genitals; provided, however, that works of art or of anthropological
38 significance shall not be deemed to be within the foregoing definition;

39 (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate,
40 disseminate, present, exhibit or otherwise provide;

41 (8) "Material", anything printed or written, or any picture, drawing, photograph,
42 motion picture film, videotape or videotape production, or pictorial representation, or any
43 recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored
44 computer data, or anything which is or may be used as a means of communication. Material
45 includes undeveloped photographs, molds, printing plates, stored computer data and other
46 latent representational objects;

47 (9) "Minor", any person less than eighteen years of age;

48 (10) "Nudity" or "state of nudity", the showing of the human genitals, pubic area,
49 vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part
50 of the nipple or areola;

51 (11) "Obscene", any material or performance if, taken as a whole:

52 (a) Applying contemporary community standards, its predominant appeal is to
53 prurient interest in sex; and

54 (b) The average person, applying contemporary community standards, would find the
55 material depicts or describes sexual conduct in a patently offensive way; and

56 (c) A reasonable person would find the material lacks serious literary, artistic,
57 political or scientific value;

58 (12) "Operator", any person on the premises of a sexually oriented business who
59 causes the business to function, puts or keeps the business in operation, or is authorized to
60 manage the business or exercise overall operational control of the business premises. A
61 person may be found to be operating or causing to be operated a sexually oriented business
62 whether or not such person is an owner, part owner, or licensee of the business;

63 (13) "Performance", any play, motion picture film, videotape, dance or exhibition
64 performed before an audience of one or more;

65 (14) "Pornographic for minors", any material or performance if the following apply:

66 (a) The average person, applying contemporary community standards, would find
67 that the material or performance, taken as a whole, has a tendency to cater or appeal to a
68 prurient interest of minors; and

69 (b) The material or performance depicts or describes nudity, sexual conduct, the
70 condition of human genitals when in a state of sexual stimulation or arousal, or
71 sadomasochistic abuse in a way which is patently offensive to the average person applying
72 contemporary adult community standards with respect to what is suitable for minors; and

73 (c) The material or performance, taken as a whole, lacks serious literary, artistic,
74 political, or scientific value for minors;

75 (15) "Premises", the real property upon which a sexually oriented business is located,
76 and all appurtenances thereto and buildings thereon, including but not limited to the sexually
77 oriented business, the grounds, private walkways, and parking lots or parking garages or both;

78 (16) "Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute,
79 publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to
80 do the same, by any means including a computer;

81 (17) "Regularly", the consistent and repeated doing of the act so described;

82 (18) "Sadomasochistic abuse", flagellation or torture by or upon a person as an act of
83 sexual stimulation or gratification;

84 (19) "Semi-nude" or "state of semi-nudity", the showing of the female breast below a
85 horizontal line across the top of the areola and extending across the width of the breast at such
86 point, or the showing of the male or female buttocks. Such definition includes the lower
87 portion of the human female breast, but shall not include any portion of the cleavage of the
88 female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel
89 provided the areola is not exposed in whole or in part;

90 (20) "Sexual conduct", actual or simulated, normal or perverted acts of human
91 masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a
92 person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act
93 of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including
94 animals or any latent objects in an act of apparent sexual stimulation or gratification;

95 (21) "Sexually explicit conduct", actual or simulated:

96 (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-
97 anal, whether between persons of the same or opposite sex;

98 (b) Bestiality;

99 (c) Masturbation;

100 (d) Sadistic or masochistic abuse; or

101 (e) Lascivious exhibition of the genitals or pubic area of any person;

102 (22) "Sexually oriented business" includes:

103 (a) An adult bookstore or adult video store. "Adult bookstore" or "adult video store"
104 means a commercial establishment which, as one of its principal business activities, offers for
105 sale or rental for any form of consideration any one or more of the following: books,
106 magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video
107 cassettes, compact discs, digital video discs, slides, or other visual representations which are
108 characterized by their emphasis upon the display of specified sexual activities or specified
109 anatomical areas. A principal business activity exists where the commercial establishment:

110 a. Has a substantial portion of its displayed merchandise which consists of such
111 items; or

112 b. Has a substantial portion of the wholesale value of its displayed merchandise
113 which consists of such items; or

114 c. Has a substantial portion of the retail value of its displayed merchandise which
115 consists of such items; or

116 d. Derives a substantial portion of its revenues from the sale or rental, for any form of
117 consideration, of such items; or

118 e. Maintains a substantial section of its interior business space for the sale or rental of
119 such items; or

120 f. Maintains an adult arcade. "Adult arcade" means any place to which the public is
121 permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or
122 mechanically controlled still or motion picture machines, projectors, or other image-
123 producing devices are regularly maintained to show images to five or fewer persons per
124 machine at any one time, and where the images so displayed are characterized by their
125 emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

126 (b) An adult cabaret;

127 (c) An adult motion picture theater. "Adult motion picture theater" means a
128 commercial establishment where films, motion pictures, video cassettes, slides, or similar
129 photographic reproductions, which are characterized by their emphasis upon the display of
130 specified sexual activities or specified anatomical areas are regularly shown to more than five
131 persons for any form of consideration;

132 (d) A semi-nude model studio. "Semi-nude model studio" means a place where
133 persons regularly appear in a state of semi-nudity for money or any form of consideration in
134 order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly
135 depicted by other persons. Such definition shall not apply to any place where persons
136 appearing in a state of semi-nudity do so in a modeling class operated:

137 a. By a college, junior college, or university supported entirely or partly by taxation;

138 b. By a private college or university which maintains and operates educational
139 programs in which credits are transferable to a college, junior college, or university supported
140 entirely or partly by taxation; or

141 c. In a structure:

142 (i) Which has no sign visible from the exterior of the structure and no other
143 advertising that indicates a semi-nude person is available for viewing; and

144 (ii) Where, in order to participate in a class, a student must enroll at least three days in
145 advance of the class;

146 (e) A sexual encounter center. "Sexual encounter center" means a business or
147 commercial enterprise that, as one of its principal purposes, purports to offer for any form of
148 consideration physical contact in the form of wrestling or tumbling between two or more
149 persons when one or more of the persons is semi-nude;

150 (23) "Sexual performance", any performance, or part thereof, which includes sexual
151 conduct by a child who is less than ~~seventeen~~ **eighteen** years of age;

152 (24) "Specified anatomical areas" include:

153 (a) Less than completely and opaquely covered: human genitals, pubic region,
154 buttock, and female breast below a point immediately above the top of the areola; and

155 (b) Human male genitals in a discernibly turgid state, even if completely and
156 opaquely covered;

157 (25) "Specified sexual activity", includes any of the following:

158 (a) Intercourse, oral copulation, masturbation, or sodomy; or

159 (b) Excretory functions as a part of or in connection with any of the activities
160 described in paragraph (a) of this subdivision;

161 (26) "Substantial", at least thirty percent of the item or items so modified;

162 (27) "Visual depiction", includes undeveloped film and videotape, and data stored on
163 computer disk or by electronic means which is capable of conversion into a visual image.

573.090. 1. Video cassettes or other video reproduction devices, or the jackets, cases or coverings of such video reproduction devices shall be displayed or maintained in a separate area if the same are pornographic for minors as defined in section 573.010, or if:

(1) Taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons less than ~~seventeen~~ **eighteen** years of age; and

(2) It depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons less than ~~seventeen~~ **eighteen** years of age; and

(3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons less than ~~seventeen~~ **eighteen** years of age.

2. Any video cassettes or other video reproduction devices meeting the description in subsection 1 of this section shall not be rented or sold to a person less than ~~seventeen~~ **eighteen** years of age.

3. Violation of the provisions of subsection 1 or 2 of this section shall be punishable as an infraction, unless such violation constitutes furnishing pornographic materials to minors as defined in section 573.040, in which case it shall be punishable as a class A misdemeanor or class E felony as prescribed in section 573.040, or unless such violation constitutes promoting obscenity in the second degree as defined in section 573.030, in which case it shall be punishable as a class A misdemeanor or class E felony as prescribed in section 573.030.

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

2. The offense of driving while intoxicated is:

(1) A class B misdemeanor;

(2) A class A misdemeanor if:

(a) The defendant is a prior offender; or

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

(3) A class E felony if:

(a) The defendant is a persistent offender; or

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

(4) A class D felony if:

(a) The defendant is an aggravated offender;

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

(c) While driving while intoxicated, the defendant acts with criminal negligence to cause 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
- 21 cause 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
- 23 cause the death of another person;
- 24 (6) A class B felony if:
- 25 (a) The defendant is a habitual offender;
- 26 (b) While driving while intoxicated, the defendant acts with criminal negligence to
- 27 cause the death of a law enforcement officer or emergency personnel;
- 28 (c) While driving while intoxicated, the defendant acts with criminal negligence to
- 29 cause the death of any person not a passenger in the vehicle operated by the defendant,
- 30 including the death of an individual that results from the defendant's vehicle leaving a
- 31 highway, as defined in section 301.010, or the highway's right-of-way;
- 32 (d) While driving while intoxicated, the defendant acts with criminal negligence to
- 33 cause the death of two or more persons; or
- 34 (e) While driving while intoxicated, the defendant acts with criminal negligence to
- 35 cause the death of any person while he or she has a blood alcohol content of at least eighteen-
- 36 hundredths of one percent by weight of alcohol in such person's blood;
- 37 (7) A class A felony if the defendant has previously been found guilty of an offense
- 38 under paragraphs (a) to (e) of subdivision (6) of this subsection and is found guilty of a
- 39 subsequent violation of such paragraphs.
- 40 3. Notwithstanding the provisions of subsection 2 of this section, a person found
- 41 guilty of the offense of driving while intoxicated as a first offense shall not be granted a
- 42 suspended imposition of sentence:
- 43 (1) Unless such person shall be placed on probation for a minimum of two years; or
- 44 (2) In a circuit where a DWI court or docket created under section 478.007 or other
- 45 court-ordered treatment program is available, and where the offense was committed with
- 46 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood, unless
- 47 the individual participates and successfully completes a program under such DWI court or
- 48 docket or other court-ordered treatment program.
- 49 4. If a person is found guilty of a second or subsequent offense of driving while
- 50 intoxicated, the court may order the person to submit to a period of continuous alcohol
- 51 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as
- 52 a condition of probation.
- 53 5. If a person is not granted a suspended imposition of sentence for the reasons
- 54 described in subsection 3 of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

577.013. 1. A person commits the offense of boating while intoxicated if he or she
2 operates a vessel while in an intoxicated condition.

- 3 2. The offense of boating while intoxicated is:
- 4 (1) A class B misdemeanor;
- 5 (2) A class A misdemeanor if:
- 6 (a) The defendant is a prior boating offender; or
- 7 (b) A person less than ~~seventeen~~ **eighteen** years of age is present in the vessel;
- 8 (3) A class E felony if:
- 9 (a) The defendant is a persistent boating offender; or
- 10 (b) While boating while intoxicated, the defendant acts with criminal negligence to
- 11 cause physical injury to another person;
- 12 (4) A class D felony if:
- 13 (a) The defendant is an aggravated boating offender;
- 14 (b) While boating while intoxicated, the defendant acts with criminal negligence to
- 15 cause physical injury to a law enforcement officer or emergency personnel; or
- 16 (c) While boating while intoxicated, the defendant acts with criminal negligence to
- 17 cause serious physical injury to another person;
- 18 (5) A class C felony if:
- 19 (a) The defendant is a chronic boating offender;
- 20 (b) While boating while intoxicated, the defendant acts with criminal negligence to
- 21 cause serious physical injury to a law enforcement officer or emergency personnel; or
- 22 (c) While boating while intoxicated, the defendant acts with criminal negligence to
- 23 cause the death of another person;
- 24 (6) A class B felony if:
- 25 (a) The defendant is a habitual boating offender; or
- 26 (b) While boating while intoxicated, the defendant acts with criminal negligence to
- 27 cause 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 (12) of section 577.001 and is
- 30 found guilty of a subsequent violation of such paragraph.
- 31 3. Notwithstanding the provisions of subsection 2 of this section, a person found
- 32 guilty of the offense of boating while intoxicated as a first offense shall not be granted a
- 33 suspended 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 in and successfully completes a program under such DWI court or
- 39 docket or other court-ordered treatment program.

40 4. If a person is found guilty of a second or subsequent offense of boating while
41 intoxicated, the court may order the person to submit to a period of continuous alcohol
42 monitoring or verifiable breath alcohol testing performed a minimum of four times per day as
43 a condition of probation.

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

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

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

52 6. A person found guilty of the offense of boating while intoxicated:

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

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

59 (a) Unless as a condition of such parole or probation such person performs at least
60 two hundred forty hours of community service under the supervision of the court in those
61 jurisdictions which have a recognized program for community service; or

62 (b) The offender participates in and successfully completes a program established
63 under section 478.007 or other court-ordered treatment program, if available;

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

66 (a) Unless as a condition of such parole or probation such person performs at least
67 four hundred eighty hours of community service under the supervision of the court in those
68 jurisdictions which have a recognized program for community service; or

69 (b) The offender participates in and successfully completes a program established
70 under section 478.007 or other court-ordered treatment program, if available;

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

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

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

579.020. 1. A person commits the offense of delivery of a controlled substance if,
2 except as authorized in this chapter or chapter 195, he or she:

3 (1) Knowingly distributes or delivers a controlled substance;

4 (2) Attempts to distribute or deliver a controlled substance;

5 (3) Knowingly possesses a controlled substance with the intent to distribute or deliver
6 any amount of a controlled substance; or

7 (4) Knowingly permits a minor to purchase or transport illegally obtained controlled
8 substances.

9 2. Except when the controlled substance is thirty-five grams or less of marijuana or
10 synthetic cannabinoid or as otherwise provided under subsection 5 of this section, the offense
11 of delivery of a controlled substance is a class C felony.

12 3. Except as otherwise provided under subsection 4 of this section, the offense of
13 delivery of thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.

14 4. The offense of delivery of thirty-five grams or less of marijuana or synthetic
15 cannabinoid to a person less than ~~seventeen~~ **eighteen** years of age who is at least two years
16 younger than the defendant is a class C felony.

17 5. The offense of delivery of a controlled substance is a class B felony if:

18 (1) The delivery or distribution is any amount of a controlled substance except thirty-
19 five grams or less of marijuana or synthetic cannabinoid, to a person less than ~~seventeen~~
20 **eighteen** years of age who is at least two years younger than the defendant; or

21 (2) The person knowingly permits a minor to purchase or transport illegally obtained
22 controlled substances.

650.055. 1. Every individual who:

2 (1) Is found guilty of a felony or any offense under chapter 566; or

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

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

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

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

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

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

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

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

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

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

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

31 3. The Missouri state highway patrol and department of corrections shall be
32 responsible for ensuring adherence to the law. Any person required to provide a DNA sample
33 pursuant to this section shall be required to provide such sample, without the right of refusal,
34 at a collection site designated by the Missouri state highway patrol and the department of
35 corrections. Authorized personnel collecting or assisting in the collection of samples shall not
36 be liable in any civil or criminal action when the act is performed in a reasonable manner.
37 Such force may be used as necessary to the effectual carrying out and application of such
38 processes and operations. The enforcement of these provisions by the authorities in charge of
39 state correctional institutions and others having custody or jurisdiction over individuals
40 included in subsection 1 of this section which shall not be set aside or reversed is hereby
41 made mandatory. The division of probation and parole shall recommend that an individual on
42 probation or parole who refuses to provide a DNA sample have his or her probation or parole
43 revoked. In the event that a person's DNA sample is not adequate for any reason, the person
44 shall provide another sample for analysis.

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

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

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

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

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

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

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

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

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

70 8. Any person who obtains records pursuant to the provisions of this section shall use
71 such records only for investigative and prosecutorial purposes, including but not limited to
72 use at any criminal trial, hearing, or proceeding; or for law enforcement identification
73 purposes, including identification of human remains. Such records shall be considered
74 strictly confidential and shall only be released as authorized by this section.

75 9. (1) An individual may request expungement of his or her DNA sample and DNA
76 profile through the court issuing the reversal or dismissal, or through the court granting an
77 expungement of all official records under section 568.040. A certified copy of the court order
78 establishing that such conviction has been reversed, guilty plea has been set aside, or
79 expungement has been granted under section 568.040 shall be sent to the Missouri state
80 highway patrol crime laboratory. Upon receipt of the court order, the laboratory will
81 determine that the requesting individual has no other qualifying offense as a result of any
82 separate plea or conviction and no other qualifying arrest prior to expungement.

83 (2) A person whose DNA record or DNA profile has been included in the state DNA
84 database in accordance with this section and sections 650.050, 650.052, and 650.100 may
85 request expungement on the grounds that the conviction has been reversed, the guilty plea on

86 which the authority for including that person's DNA record or DNA profile was based has
87 been set aside, or an expungement of all official records has been granted by the court under
88 section 568.040.

89 (3) Upon receipt of a written request for expungement, a certified copy of the final
90 court order reversing the conviction, setting aside the plea, or granting an expungement of all
91 official records under section 568.040, and any other information necessary to ascertain the
92 validity of the request, the Missouri state highway patrol crime laboratory shall expunge all
93 DNA records and identifiable information in the state DNA database pertaining to the person
94 and destroy the DNA sample of the person, unless the Missouri state highway patrol
95 determines that the person is otherwise obligated to submit a DNA sample. Within thirty days
96 after the receipt of the court order, the Missouri state highway patrol shall notify the
97 individual that it has expunged his or her DNA sample and DNA profile, or the basis for its
98 determination that the person is otherwise obligated to submit a DNA sample.

99 (4) The Missouri state highway patrol is not required to destroy any item of physical
100 evidence obtained from a DNA sample if evidence relating to another person would thereby
101 be destroyed.

102 (5) Any identification, warrant, arrest, or evidentiary use of a DNA match derived
103 from the database shall not be excluded or suppressed from evidence, nor shall any conviction
104 be invalidated or reversed or plea set aside due to the failure to expunge or a delay in
105 expunging DNA records.

106 10. When a DNA sample is taken from an individual pursuant to subdivision (2) of
107 subsection 1 of this section and the prosecutor declines prosecution and notifies the arresting
108 agency of that decision, the arresting agency shall notify the Missouri state highway patrol
109 crime laboratory within ninety days of receiving such notification. Within thirty days of
110 being notified by the arresting agency that the prosecutor has declined prosecution, the
111 Missouri state highway patrol crime laboratory shall determine whether the individual has
112 any other qualifying offenses or arrests that would require a DNA sample to be taken and
113 retained. If the individual has no other qualifying offenses or arrests, the crime laboratory
114 shall expunge all DNA records in the database taken at the arrest for which the prosecution
115 was declined pertaining to the person and destroy the DNA sample of such person.

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

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

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

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

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

127

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

✓