

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 189, 36 & 37

102ND GENERAL ASSEMBLY

2023

0077S.05T

AN ACT

To repeal sections 67.145, 70.631, 84.344, 84.480, 84.510, 170.310, 190.091, 211.031, 211.071, 217.345, 217.690, 285.040, 287.067, 287.245, 320.400, 488.650, 509.520, 547.031, 552.020, 556.021, 558.016, 558.019, 558.031, 565.240, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 590.653, 595.209, 600.042, 610.140, 650.058, 650.320, 650.330, and 650.340, RSMo, and to enact in lieu thereof fifty-seven new sections relating to public safety, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 67.145, 70.631, 84.344, 84.480,
2 84.510, 170.310, 190.091, 211.031, 211.071, 217.345, 217.690,
3 285.040, 287.067, 287.245, 320.400, 488.650, 509.520, 547.031,
4 552.020, 556.021, 558.016, 558.019, 558.031, 565.240, 568.045,
5 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065,
6 579.068, 590.192, 590.653, 595.209, 600.042, 610.140, 650.058,
7 650.320, 650.330, and 650.340, RSMo, are repealed and fifty-
8 seven new sections enacted in lieu thereof, to be known as
9 sections 67.145, 70.631, 84.344, 84.480, 84.510, 170.310,
10 190.091, 190.1010, 211.031, 211.071, 211.600, 217.345, 217.690,
11 285.040, 287.067, 287.245, 307.018, 320.400, 476.1300,
12 476.1302, 476.1304, 476.1306, 476.1308, 476.1310, 476.1313,
13 509.520, 547.031, 547.500, 552.020, 556.021, 558.016, 558.019,

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

14 558.031, 565.240, 565.258, 568.045, 571.015, 571.031, 571.070,
15 575.010, 575.353, 578.007, 578.022, 579.021, 579.022, 579.065,
16 579.068, 579.088, 590.192, 590.653, 595.209, 600.042, 610.140,
17 650.058, 650.320, 650.330, and 650.340, to read as follows:

67.145. 1. No political subdivision of this state
2 shall prohibit any first responder from engaging in any
3 political activity while off duty and not in uniform, being
4 a candidate for elected or appointed public office, or
5 holding such office unless such political activity or
6 candidacy is otherwise prohibited by state or federal law.

7 2. As used in this section, "first responder" means
8 any person trained and authorized by law or rule to render
9 emergency medical assistance or treatment. Such persons may
10 include, but shall not be limited to, emergency first
11 responders, **telecommunicator first responders**, police
12 officers, sheriffs, deputy sheriffs, firefighters, ambulance
13 attendants and attendant drivers, emergency medical
14 technicians, mobile emergency medical technicians, emergency
15 medical technician-paramedics, registered nurses, or
16 physicians.

70.631. 1. Each political subdivision may, by
2 majority vote of its governing body, elect to cover
3 **[emergency telecommunicators] telecommunicator first**
4 **responders**, jailors, and emergency medical service personnel
5 as public safety personnel members of the system. The clerk
6 or secretary of the political subdivision shall certify an
7 election concerning the coverage of **[emergency**
8 **telecommunicators] telecommunicator first responders**,
9 jailors, and emergency medical service personnel as public
10 safety personnel members of the system to the board within
11 ten days after such vote. The date in which the political
12 subdivision's election becomes effective shall be the first

13 day of the calendar month specified by such governing body,
14 the first day of the calendar month next following receipt
15 by the board of the certification of the election, or the
16 effective date of the political subdivision's becoming an
17 employer, whichever is the latest date. Such election shall
18 not be changed after the effective date. If the election is
19 made, the coverage provisions shall be applicable to all
20 past and future employment with the employer by present and
21 future employees. If a political subdivision makes no
22 election under this section, no [emergency] telecommunicator
23 **first responder**, jailor, or emergency medical service
24 personnel of the political subdivision shall be considered
25 public safety personnel for purposes determining a minimum
26 service retirement age as defined in section 70.600.

27 2. If an employer elects to cover [emergency
28 telecommunicators] **telecommunicator first responders**,
29 jailors, and emergency medical service personnel as public
30 safety personnel members of the system, the employer's
31 contributions shall be correspondingly changed effective the
32 same date as the effective date of the political
33 subdivision's election.

34 3. The limitation on increases in an employer's
35 contributions provided by subsection 6 of section 70.730
36 shall not apply to any contribution increase resulting from
37 an employer making an election under the provisions of this
38 section.

84.344. 1. Notwithstanding any provisions of this
2 chapter to the contrary, any city not within a county may
3 establish a municipal police force on or after July 1, 2013,
4 according to the procedures and requirements of this
5 section. The purpose of these procedures and requirements
6 is to provide for an orderly and appropriate transition in

7 the governance of the police force and provide for an
8 equitable employment transition for commissioned and
9 civilian personnel.

10 2. Upon the establishment of a municipal police force
11 by a city under sections 84.343 to 84.346, the board of
12 police commissioners shall convey, assign, and otherwise
13 transfer to the city title and ownership of all indebtedness
14 and assets, including, but not limited to, all funds and
15 real and personal property held in the name of or controlled
16 by the board of police commissioners created under sections
17 84.010 to 84.340. The board of police commissioners shall
18 execute all documents reasonably required to accomplish such
19 transfer of ownership and obligations.

20 3. If the city establishes a municipal police force
21 and completes the transfer described in subsection 2 of this
22 section, the city shall provide the necessary funds for the
23 maintenance of the municipal police force.

24 4. Before a city not within a county may establish a
25 municipal police force under this section, the city shall
26 adopt an ordinance accepting responsibility, ownership, and
27 liability as successor-in-interest for contractual
28 obligations, indebtedness, and other lawful obligations of
29 the board of police commissioners subject to the provisions
30 of subsection 2 of section 84.345.

31 5. A city not within a county that establishes a
32 municipal police force shall initially employ, without a
33 reduction in rank, salary, or benefits, all commissioned and
34 civilian personnel of the board of police commissioners
35 created under sections 84.010 to 84.340 that were employed
36 by the board immediately prior to the date the municipal
37 police force was established. Such commissioned personnel
38 who previously were employed by the board may only be

39 involuntarily terminated by the city not within a county for
40 cause. The city shall also recognize all accrued years of
41 service that such commissioned and civilian personnel had
42 with the board of police commissioners. Such personnel
43 shall be entitled to the same holidays, vacation, and sick
44 leave they were entitled to as employees of the board of
45 police commissioners.

46 6. [(1)] Commissioned and civilian personnel of a
47 municipal police force established under this section [who
48 are hired prior to September 1, 2023,] shall not be subject
49 to a residency requirement of retaining a primary residence
50 in a city not within a county but may be required to
51 maintain a primary residence located within a one-hour
52 response time.

53 [(2)Commissioned and civilian personnel of a municipal
54 police force established under this section who are hired
55 after August 31, 2023, may be subject to a residency rule no
56 more restrictive than a requirement of retaining a primary
57 residence in a city not within a county for a total of seven
58 years and of then allowing the personnel to maintain a
59 primary residence outside the city not within a county so
60 long as the primary residence is located within a one-hour
61 response time.]

62 7. The commissioned and civilian personnel who retire
63 from service with the board of police commissioners before
64 the establishment of a municipal police force under
65 subsection 1 of this section shall continue to be entitled
66 to the same pension benefits provided under chapter 86 and
67 the same benefits set forth in subsection 5 of this section.

68 8. If the city not within a county elects to establish
69 a municipal police force under this section, the city shall
70 establish a separate division for the operation of its

71 municipal police force. The civil service commission of the
72 city may adopt rules and regulations appropriate for the
73 unique operation of a police department. Such rules and
74 regulations shall reserve exclusive authority over the
75 disciplinary process and procedures affecting commissioned
76 officers to the civil service commission; however, until
77 such time as the city adopts such rules and regulations, the
78 commissioned personnel shall continue to be governed by the
79 board of police commissioner's rules and regulations in
80 effect immediately prior to the establishment of the
81 municipal police force, with the police chief acting in
82 place of the board of police commissioners for purposes of
83 applying the rules and regulations. Unless otherwise
84 provided for, existing civil service commission rules and
85 regulations governing the appeal of disciplinary decisions
86 to the civil service commission shall apply to all
87 commissioned and civilian personnel. The civil service
88 commission's rules and regulations shall provide that
89 records prepared for disciplinary purposes shall be
90 confidential, closed records available solely to the civil
91 service commission and those who possess authority to
92 conduct investigations regarding disciplinary matters
93 pursuant to the civil service commission's rules and
94 regulations. A hearing officer shall be appointed by the
95 civil service commission to hear any such appeals that
96 involve discipline resulting in a suspension of greater than
97 fifteen days, demotion, or termination, but the civil
98 service commission shall make the final findings of fact,
99 conclusions of law, and decision which shall be subject to
100 any right of appeal under chapter 536.

101 9. A city not within a county that establishes and
102 maintains a municipal police force under this section:

103 (1) Shall provide or contract for life insurance
104 coverage and for insurance benefits providing health,
105 medical, and disability coverage for commissioned and
106 civilian personnel of the municipal police force to the same
107 extent as was provided by the board of police commissioners
108 under section 84.160;

109 (2) Shall provide or contract for medical and life
110 insurance coverage for any commissioned or civilian
111 personnel who retired from service with the board of police
112 commissioners or who were employed by the board of police
113 commissioners and retire from the municipal police force of
114 a city not within a county to the same extent such medical
115 and life insurance coverage was provided by the board of
116 police commissioners under section 84.160;

117 (3) Shall make available medical and life insurance
118 coverage for purchase to the spouses or dependents of
119 commissioned and civilian personnel who retire from service
120 with the board of police commissioners or the municipal
121 police force and deceased commissioned and civilian
122 personnel who receive pension benefits under sections 86.200
123 to 86.366 at the rate that such dependent's or spouse's
124 coverage would cost under the appropriate plan if the
125 deceased were living; and

126 (4) May pay an additional shift differential
127 compensation to commissioned and civilian personnel for
128 evening and night tours of duty in an amount not to exceed
129 ten percent of the officer's base hourly rate.

130 10. A city not within a county that establishes a
131 municipal police force under sections 84.343 to 84.346 shall
132 establish a transition committee of five members for the
133 purpose of: coordinating and implementing the transition of
134 authority, operations, assets, and obligations from the

135 board of police commissioners to the city; winding down the
136 affairs of the board; making nonbinding recommendations for
137 the transition of the police force from the board to the
138 city; and other related duties, if any, established by
139 executive order of the city's mayor. Once the ordinance
140 referenced in this section is enacted, the city shall
141 provide written notice to the board of police commissioners
142 and the governor of the state of Missouri. Within thirty
143 days of such notice, the mayor shall appoint three members
144 to the committee, two of whom shall be members of a
145 statewide law enforcement association that represents at
146 least five thousand law enforcement officers. The remaining
147 members of the committee shall include the police chief of
148 the municipal police force and a person who currently or
149 previously served as a commissioner on the board of police
150 commissioners, who shall be appointed to the committee by
151 the mayor of such city.

84.480. The board of police commissioners shall
2 appoint a chief of police who shall be the chief police
3 administrative and law enforcement officer of such cities.
4 The chief of police shall be chosen by the board solely on
5 the basis of his or her executive and administrative
6 qualifications and his or her demonstrated knowledge of
7 police science and administration with special reference to
8 his or her actual experience in law enforcement leadership
9 and the provisions of section 84.420. At the time of the
10 appointment, the chief shall [not be more than sixty years
11 of age, shall] have had at least five years' executive
12 experience in a governmental police agency and shall be
13 certified by a surgeon or physician to be in a good physical
14 condition, and shall be a citizen of the United States and
15 shall either be or become a citizen of the state of Missouri

16 and resident of the city in which he or she is appointed as
17 chief of police. In order to secure and retain the highest
18 type of police leadership within the departments of such
19 cities, the chief shall receive a salary of not less than
20 eighty thousand two hundred eleven dollars, nor more than
21 [one hundred eighty-nine thousand seven hundred twenty-six
22 dollars per annum] **a maximum salary amount established by**
23 **the board by resolution.**

84.510. 1. For the purpose of operation of the police
2 department herein created, the chief of police, with the
3 approval of the board, shall appoint such number of police
4 department employees, including police officers and civilian
5 employees as the chief of police from time to time deems
6 necessary.

7 2. The base annual compensation of police officers
8 shall be as follows for the several ranks:

9 (1) Lieutenant colonels, not to exceed five in number,
10 at not less than seventy-one thousand nine hundred sixty-
11 nine dollars[, nor more than one hundred forty-six thousand
12 one hundred twenty-four dollars per annum each];

13 (2) Majors at not less than sixty-four thousand six
14 hundred seventy-one dollars[, nor more than one hundred
15 thirty-three thousand three hundred twenty dollars per annum
16 each];

17 (3) Captains at not less than fifty-nine thousand five
18 hundred thirty-nine dollars[, nor more than one hundred
19 twenty-one thousand six hundred eight dollars per annum
20 each];

21 (4) Sergeants at not less than forty-eight thousand
22 six hundred fifty-nine dollars[, nor more than one hundred
23 six thousand five hundred sixty dollars per annum each];

24 (5) Master patrol officers at not less than fifty-six
25 thousand three hundred four dollars[, nor more than ninety-
26 four thousand three hundred thirty-two dollars per annum
27 each];

28 (6) Master detectives at not less than fifty-six
29 thousand three hundred four dollars[, nor more than ninety-
30 four thousand three hundred thirty-two dollars per annum
31 each];

32 (7) Detectives, investigators, and police officers at
33 not less than twenty-six thousand six hundred forty-three
34 dollars[, nor more than eighty-seven thousand six hundred
35 thirty-six dollars per annum each].

36 3. The board of police commissioners has the authority
37 by resolution to effect a comprehensive pay schedule program
38 to provide for step increases with separate pay rates within
39 each rank, **[in] using** the above-specified salary **minimums as**
40 **a base for such** ranges from police officers through chief of
41 police.

42 4. Officers assigned to wear civilian clothes in the
43 performance of their regular duties may receive an
44 additional one hundred fifty dollars per month clothing
45 allowance. Uniformed officers may receive seventy-five
46 dollars per month uniform maintenance allowance.

47 5. The chief of police, subject to the approval of the
48 board, shall establish the total regular working hours for
49 all police department employees, and the board has the
50 power, upon recommendation of the chief, to pay additional
51 compensation for all hours of service rendered in excess of
52 the established regular working period, but the rate of
53 overtime compensation shall not exceed one and one-half
54 times the regular hourly rate of pay to which each member
55 shall normally be entitled. No credit shall be given nor

56 deductions made from payments for overtime for the purpose
57 of retirement benefits.

58 6. The board of police commissioners, by majority
59 affirmative vote, including the mayor, has the authority by
60 resolution to authorize incentive pay in addition to the
61 base compensation as provided for in subsection 2 of this
62 section, to be paid police officers of any rank who they
63 determine are assigned duties which require an extraordinary
64 degree of skill, technical knowledge and ability, or which
65 are highly demanding or unusual. No credit shall be given
66 nor deductions made from these payments for the purpose of
67 retirement benefits.

68 7. The board of police commissioners may effect
69 programs to provide additional compensation for successful
70 completion of academic work at an accredited college or
71 university. No credit shall be given nor deductions made
72 from these payments for the purpose of retirement benefits.

73 8. The additional pay increments provided in
74 subsections 6 and 7 of this section shall not be considered
75 a part of the base compensation of police officers of any
76 rank and shall not exceed ten percent of what the officer
77 would otherwise be entitled to pursuant to subsections 2 and
78 3 of this section.

79 [9. Not more than twenty-five percent of the officers in
80 any rank who are receiving the maximum rate of pay
81 authorized by subsections 2 and 3 of this section may
82 receive the additional pay increments authorized by
83 subsections 6 and 7 of this section at any given time.
84 However, any officer receiving a pay increment provided
85 pursuant to the provisions of subsections 6 and 7 of this
86 section shall not be deprived of such pay increment as a
87 result of the limitations of this subsection.]

170.310. 1. For school year 2017-18 and each school
2 year thereafter, upon graduation from high school, pupils in
3 public schools and charter schools shall have received
4 thirty minutes of cardiopulmonary resuscitation instruction
5 and training in the proper performance of the Heimlich
6 maneuver or other first aid for choking given any time
7 during a pupil's four years of high school.

8 2. Beginning in school year 2017-18, any public school
9 or charter school serving grades nine through twelve shall
10 provide enrolled students instruction in cardiopulmonary
11 resuscitation. Students with disabilities may participate
12 to the extent appropriate as determined by the provisions of
13 the Individuals with Disabilities Education Act or Section
14 504 of the Rehabilitation Act. Instruction shall be included
15 in the district's existing health or physical education
16 curriculum. Instruction shall be based on a program
17 established by the American Heart Association or the
18 American Red Cross, or through a nationally recognized
19 program based on the most current national evidence-based
20 emergency cardiovascular care guidelines, and psychomotor
21 skills development shall be incorporated into the
22 instruction. For purposes of this section, "psychomotor
23 skills" means the use of hands-on practicing and skills
24 testing to support cognitive learning.

25 3. The teacher of the cardiopulmonary resuscitation
26 course or unit shall not be required to be a certified
27 trainer of cardiopulmonary resuscitation if the instruction
28 is not designed to result in certification of students.
29 Instruction that is designed to result in certification
30 being earned shall be required to be taught by an authorized
31 cardiopulmonary instructor. Schools may develop agreements
32 with any local chapter of a voluntary organization of first

33 responders to provide the required hands-on practice and
34 skills testing. **For purposes of this subsection, "first**
35 **responders" shall include telecommunicator first responders**
36 **as defined in section 650.320.**

37 4. The department of elementary and secondary
38 education may promulgate rules to implement this section.
39 Any rule or portion of a rule, as that term is defined in
40 section 536.010, that is created under the authority
41 delegated in this section shall become effective only if it
42 complies with and is subject to all of the provisions of
43 chapter 536 and, if applicable, section 536.028. This
44 section and chapter 536 are nonseverable and if any of the
45 powers vested with the general assembly pursuant to chapter
46 536 to review, to delay the effective date, or to disapprove
47 and annul a rule are subsequently held unconstitutional,
48 then the grant of rulemaking authority and any rule proposed
49 or adopted after August 28, 2012, shall be invalid and void.

190.091. 1. As used in this section, the following
2 terms mean:

3 (1) "Bioterrorism", the intentional use of any
4 microorganism, virus, infectious substance, or biological
5 product that may be engineered as a result of biotechnology
6 or any naturally occurring or bioengineered component of any
7 microorganism, virus, infectious substance, or biological
8 product to cause death, disease, or other biological
9 malfunction in a human, an animal, a plant, or any other
10 living organism to influence the conduct of government or to
11 intimidate or coerce a civilian population;

12 (2) "Department", the Missouri department of health
13 and senior services;

14 (3) "Director", the director of the department of
15 health and senior services;

16 (4) "Disaster locations", any geographical location
17 where a bioterrorism attack, terrorist attack, catastrophic
18 or natural disaster, or emergency occurs;

19 (5) "First responders", state and local law
20 enforcement personnel, **telecommunicator first responders**,
21 fire department personnel, and emergency medical personnel
22 who will be deployed to bioterrorism attacks, terrorist
23 attacks, catastrophic or natural disasters, and emergencies;

24 (6) **"Missouri state highway patrol telecommunicator"**,
25 **any authorized Missouri state highway patrol communications**
26 **division personnel whose primary responsibility includes**
27 **directly responding to emergency communications and who meet**
28 **the training requirements pursuant to section 650.340.**

29 2. The department shall offer a vaccination program
30 for first responders **and Missouri state highway patrol**
31 **telecommunicators** who may be exposed to infectious diseases
32 when deployed to disaster locations as a result of a
33 bioterrorism event or a suspected bioterrorism event. The
34 vaccinations shall include, but are not limited to,
35 smallpox, anthrax, and other vaccinations when recommended
36 by the federal Centers for Disease Control and Prevention's
37 Advisory Committee on Immunization Practices.

38 3. Participation in the vaccination program shall be
39 voluntary by the first responders **and Missouri state highway**
40 **patrol telecommunicators**, except for first responders **or**
41 **Missouri state highway patrol telecommunicators** who, as
42 determined by their employer, cannot safely perform
43 emergency responsibilities when responding to a bioterrorism
44 event or suspected bioterrorism event without being
45 vaccinated. The recommendations of the Centers for Disease
46 Control and Prevention's Advisory Committee on Immunization
47 Practices shall be followed when providing appropriate

48 screening for contraindications to vaccination for first
49 responders **and Missouri state highway patrol**
50 **telecommunicators**. A first responder **and Missouri state**
51 **highway patrol telecommunicator** shall be exempt from
52 vaccinations when a written statement from a licensed
53 physician is presented to their employer indicating that a
54 vaccine is medically contraindicated for such person.

55 4. If a shortage of the vaccines referred to in
56 subsection 2 of this section exists following a bioterrorism
57 event or suspected bioterrorism event, the director, in
58 consultation with the governor and the federal Centers for
59 Disease Control and Prevention, shall give priority for such
60 vaccinations to persons exposed to the disease and to first
61 responders **or Missouri state highway patrol**
62 **telecommunicators** who are deployed to the disaster location.

63 5. The department shall notify first responders **and**
64 **Missouri state highway patrol telecommunicators** concerning
65 the availability of the vaccination program described in
66 subsection 2 of this section and shall provide education to
67 such first responders, [and] their employers, **and Missouri**
68 **state highway patrol telecommunicators** concerning the
69 vaccinations offered and the associated diseases.

70 6. The department may contract for the administration
71 of the vaccination program described in subsection 2 of this
72 section with health care providers, including but not
73 limited to local public health agencies, hospitals,
74 federally qualified health centers, and physicians.

75 7. The provisions of this section shall become
76 effective upon receipt of federal funding or federal grants
77 which designate that the funding is required to implement
78 vaccinations for first responders **and Missouri state highway**
79 **patrol telecommunicators** in accordance with the

80 recommendations of the federal Centers for Disease Control
81 and Prevention's Advisory Committee on Immunization
82 Practices. Upon receipt of such funding, the department
83 shall make available the vaccines to first responders **and**
84 **Missouri state highway patrol telecommunicators** as provided
85 in this section.

190.1010. 1. As used in this section, the following
2 terms shall mean:

3 (1) "Employee", a first responder employed by an
4 employer;

5 (2) "Employer", the state, a unit of local government,
6 or a public hospital or ambulance service that employs first
7 responders;

8 (3) "First responder", a 911 dispatcher, paramedic,
9 emergency medical technician, or a volunteer or full-time
10 paid firefighter;

11 (4) "Peer support advisor", a person approved by the
12 employer who voluntarily provides confidential support and
13 assistance to employees experiencing personal or
14 professional problems. An employer shall provide peer
15 support advisors with an appropriate level of training in
16 counseling to provide emotional and moral support;

17 (5) "Peer support counseling program", a program
18 established by an employer to train employees to serve as
19 peer support advisors in order to conduct peer support
20 counseling sessions;

21 (6) "Peer support counseling session", communication
22 with a peer support advisor designated by an employer. A
23 peer support counseling session is accomplished primarily
24 through listening, assessing, assisting with problem
25 solving, making referrals to a professional when necessary,
26 and conducting follow-up as needed;

27 (7) "Record", any record kept by a therapist or by an
28 agency in the course of providing behavioral health care to
29 a first responder concerning the first responder and the
30 services provided. "Record" includes the personal notes of
31 the therapist or agency, as well as all records maintained
32 by a court that have been created in connection with, in
33 preparation for, or as a result of the filing of any
34 petition. "Record" does not include information that has
35 been de-identified in accordance with the federal Health
36 Insurance Portability and Accountability Act (HIPAA) and
37 does not include a reference to the receipt of behavioral
38 health care noted during a patient history and physical or
39 other summary of care.

40 2. (1) Any communication made by an employee or peer
41 support advisor in a peer support counseling session, as
42 well as any oral or written information conveyed in the peer
43 support counseling session, shall be confidential and shall
44 not be disclosed by any person participating in the peer
45 support counseling session or released to any person or
46 entity. Any communication relating to a peer support
47 counseling session made confidential under this section that
48 is made between peer support advisors and the supervisors or
49 staff of a peer support counseling program, or between the
50 supervisor and staff of a peer support counseling program,
51 shall be confidential and shall not be disclosed. The
52 provisions of this section shall not be construed to
53 prohibit any communications between counselors who conduct
54 peer support counseling sessions or any communications
55 between counselors and the supervisors or staff of a peer
56 support counseling program.

57 (2) Any communication described in subdivision (1) of
58 this subsection may be subject to a subpoena for good cause
59 shown.

60 (3) The provisions of this subsection shall not apply
61 to the following:

62 (a) Any threat of suicide or homicide made by a
63 participant in a peer support counseling session or any
64 information conveyed in a peer support counseling session
65 related to a threat of suicide or homicide;

66 (b) Any information mandated by law or agency policy
67 to be reported, including, but not limited to, domestic
68 violence, child abuse or neglect, or elder abuse or neglect;

69 (c) Any admission of criminal conduct; or

70 (d) Any admission or act of refusal to perform duties
71 to protect others or the employee.

72 (4) All communications, notes, records, and reports
73 arising out of a peer support counseling session shall not
74 be considered public records subject to disclosure under
75 chapter 610.

76 (5) A department or organization that establishes a
77 peer support counseling program shall develop a policy or
78 rule that imposes disciplinary measures against a peer
79 support advisor who violates the confidentiality of the peer
80 support counseling program by sharing information learned in
81 a peer support counseling session with personnel who are not
82 supervisors or staff of the peer support counseling program
83 unless otherwise exempted under the provisions of this
84 subsection.

85 3. Any employer that creates a peer support counseling
86 program shall be subject to the provisions of this section.
87 An employer shall ensure that peer support advisors receive
88 appropriate training in counseling to conduct peer support

89 **counseling sessions. An employer may refer any person to a**
90 **peer support advisor within the employer's organization or,**
91 **if those services are not available with the employer, to**
92 **another peer support counseling program that is available**
93 **and approved by the employer. Notwithstanding any other**
94 **provision of law to the contrary, an employer shall not**
95 **mandate that any employee participate in a peer support**
96 **counseling program.**

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

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

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

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

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

23 (d) The child is in need of mental health services and
24 the parent, guardian or custodian is unable to afford or

25 access appropriate mental health treatment or care for the
26 child;

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

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

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

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

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

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

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

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

70 (4) For the adoption of a person;

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

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

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

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

81 (1) Prior to the filing of a petition and upon request
82 of any party or at the discretion of the juvenile officer,
83 the matter in the interest of a child may be transferred by
84 the juvenile officer, with the prior consent of the juvenile
85 officer of the receiving court, to the county of the child's
86 residence or the residence of the person eighteen years of
87 age for future action;

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

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

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

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

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

115 3. In any proceeding involving any child taken into
116 custody in a county other than the county of the child's
117 residence, the juvenile court of the county of the child's
118 residence shall be notified of such taking into custody
119 within seventy-two hours.

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

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

211.071. 1. If a petition alleges that a child
2 between the ages of [twelve] **fourteen** and eighteen has
3 committed an offense which would be considered a felony if
4 committed by an adult, the court may, upon its own motion or
5 upon motion by the juvenile officer, the child or the
6 child's custodian, order a hearing and may, in its
7 discretion, dismiss the petition and such child may be
8 transferred to the court of general jurisdiction and
9 prosecuted under the general law; except that if a petition
10 alleges that [any] a child **between the ages of twelve and**
11 **eighteen** has committed an offense which would be considered
12 first degree murder under section 565.020, second degree
13 murder under section 565.021, first degree assault under
14 section 565.050, forcible rape under section 566.030 as it
15 existed prior to August 28, 2013, rape in the first degree

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

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

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

44 4. Written notification of a transfer hearing shall be
45 given to the juvenile and his or her custodian in the same
46 manner as provided in sections 211.101 and 211.111. Notice
47 of the hearing may be waived by the custodian. Notice shall

48 contain a statement that the purpose of the hearing is to
49 determine whether the child is a proper subject to be dealt
50 with under the provisions of this chapter, and that if the
51 court finds that the child is not a proper subject to be
52 dealt with under the provisions of this chapter, the
53 petition will be dismissed to allow for prosecution of the
54 child under the general law.

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

71 6. A written report shall be prepared in accordance
72 with this chapter developing fully all available information
73 relevant to the criteria which shall be considered by the
74 court in determining whether the child is a proper subject
75 to be dealt with under the provisions of this chapter and
76 whether there are reasonable prospects of rehabilitation
77 within the juvenile justice system. These criteria shall
78 include but not be limited to:

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

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

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

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

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

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

98 (7) The age of the child;

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

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

104 (10) Racial disparity in certification.

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

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

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

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

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

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

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

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

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

**211.600. 1. The office of state courts administrator
2 shall collect information related to the filing and
3 disposition of petitions to certify juveniles pursuant to
4 section 211.071.**

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

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

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

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

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

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

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

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

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

16 3. The department shall have the authority to
17 promulgate rules pursuant to subsection 2 of section 217.378

18 to establish correctional treatment programs for offenders
19 under age eighteen. Such rules may include:

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

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

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

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

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

3 2. Before ordering the parole of any offender, the
4 parole board shall conduct a validated risk and needs
5 assessment and evaluate the case under the rules governing
6 parole that are promulgated by the parole board. The parole
7 board shall then have the offender appear before a hearing
8 panel and shall conduct a personal interview with him or
9 her, unless waived by the offender, or if the guidelines
10 indicate the offender may be paroled without need for an
11 interview. The guidelines and rules shall not allow for the
12 waiver of a hearing if a victim requests a hearing. The
13 appearance or presence may occur by means of a
14 videoconference at the discretion of the parole board. A

15 parole may be ordered for the best interest of society when
16 there is a reasonable probability, based on the risk
17 assessment and indicators of release readiness, that the
18 person can be supervised under parole supervision and
19 successfully reintegrated into the community, not as an
20 award of clemency; it shall not be considered a reduction of
21 sentence or a pardon. Every offender while on parole shall
22 remain in the legal custody of the department but shall be
23 subject to the orders of the parole board.

24 3. The division of probation and parole has
25 discretionary authority to require the payment of a fee, not
26 to exceed sixty dollars per month, from every offender
27 placed under division supervision on probation, parole, or
28 conditional release, to waive all or part of any fee, to
29 sanction offenders for willful nonpayment of fees, and to
30 contract with a private entity for fee collections
31 services. All fees collected shall be deposited in the
32 inmate fund established in section 217.430. Fees collected
33 may be used to pay the costs of contracted collections
34 services. The fees collected may otherwise be used to
35 provide community corrections and intervention services for
36 offenders. Such services include substance abuse assessment
37 and treatment, mental health assessment and treatment,
38 electronic monitoring services, residential facilities
39 services, employment placement services, and other offender
40 community corrections or intervention services designated by
41 the division of probation and parole to assist offenders to
42 successfully complete probation, parole, or conditional
43 release. The division of probation and parole shall adopt
44 rules not inconsistent with law, in accordance with section
45 217.040, with respect to sanctioning offenders and with
46 respect to establishing, waiving, collecting, and using fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

139 15. Beginning January 1, 2001, the parole board shall
140 not order a parole unless the offender has obtained a high
141 school diploma or its equivalent, or unless the parole board
142 is satisfied that the offender, while committed to the

143 custody of the department, has made an honest good-faith
144 effort to obtain a high school diploma or its equivalent;
145 provided that the director may waive this requirement by
146 certifying in writing to the parole board that the offender
147 has actively participated in mandatory education programs or
148 is academically unable to obtain a high school diploma or
149 its equivalent.

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

285.040. 1. As used in this section, "public safety
2 employee" shall mean a person trained or authorized by law
3 or rule to render emergency medical assistance or treatment,
4 including, but not limited to, firefighters, ambulance
5 attendants and attendant drivers, emergency medical
6 technicians, emergency medical technician paramedics,
7 dispatchers, registered nurses, physicians, and sheriffs and
8 deputy sheriffs.

9 2. No public safety employee **or any other employee** of
10 a city not within a county [who is hired prior to September
11 1, 2023,] shall be subject to a residency requirement of
12 retaining a primary residence in a city not within a county

13 but may be required to maintain a primary residence located
14 within a one-hour response time.

15 [3.Public safety employees of a city not within a
16 county who are hired after August 31, 2023, may be subject
17 to a residency rule no more restrictive than a requirement
18 of retaining a primary residence in a city not within a
19 county for a total of seven years and of then allowing the
20 public safety employee to maintain a primary residence
21 outside the city not within a county so long as the primary
22 residence is located within a one-hour response time.]

287.067. 1. In this chapter the term "occupational
2 disease" is hereby defined to mean, unless a different
3 meaning is clearly indicated by the context, an identifiable
4 disease arising with or without human fault out of and in
5 the course of the employment. Ordinary diseases of life to
6 which the general public is exposed outside of the
7 employment shall not be compensable, except where the
8 diseases follow as an incident of an occupational disease as
9 defined in this section. The disease need not to have been
10 foreseen or expected but after its contraction it must
11 appear to have had its origin in a risk connected with the
12 employment and to have flowed from that source as a rational
13 consequence.

14 2. An injury or death by occupational disease is
15 compensable only if the occupational exposure was the
16 prevailing factor in causing both the resulting medical
17 condition and disability. The "prevailing factor" is
18 defined to be the primary factor, in relation to any other
19 factor, causing both the resulting medical condition and
20 disability. Ordinary, gradual deterioration, or progressive
21 degeneration of the body caused by aging or by the normal
22 activities of day-to-day living shall not be compensable.

23 3. An injury due to repetitive motion is recognized as
24 an occupational disease for purposes of this chapter. An
25 occupational disease due to repetitive motion is compensable
26 only if the occupational exposure was the prevailing factor
27 in causing both the resulting medical condition and
28 disability. The "prevailing factor" is defined to be the
29 primary factor, in relation to any other factor, causing
30 both the resulting medical condition and disability.
31 Ordinary, gradual deterioration, or progressive degeneration
32 of the body caused by aging or by the normal activities of
33 day-to-day living shall not be compensable.

34 4. "Loss of hearing due to industrial noise" is
35 recognized as an occupational disease for purposes of this
36 chapter and is hereby defined to be a loss of hearing in one
37 or both ears due to prolonged exposure to harmful noise in
38 employment. "Harmful noise" means sound capable of
39 producing occupational deafness.

40 5. "Radiation disability" is recognized as an
41 occupational disease for purposes of this chapter and is
42 hereby defined to be that disability due to radioactive
43 properties or substances or to Roentgen rays (X-rays) or
44 exposure to ionizing radiation caused by any process
45 involving the use of or direct contact with radium or
46 radioactive properties or substances or the use of or direct
47 exposure to Roentgen rays (X-rays) or ionizing radiation.

48 6. Disease of the lungs or respiratory tract,
49 hypotension, hypertension, or disease of the heart or
50 cardiovascular system, including carcinoma, may be
51 recognized as occupational diseases for the purposes of this
52 chapter and are defined to be disability due to exposure to
53 smoke, gases, carcinogens, inadequate oxygen, of paid
54 firefighters of a paid fire department or paid police

55 officers of a paid police department certified under chapter
56 590 if a direct causal relationship is established, or
57 psychological stress of firefighters of a paid fire
58 department or paid peace officers of a police department who
59 are certified under chapter 590 if a direct causal
60 relationship is established.

61 7. Any employee who is exposed to and contracts any
62 contagious or communicable disease arising out of and in the
63 course of his or her employment shall be eligible for
64 benefits under this chapter as an occupational disease.

65 8. With regard to occupational disease due to
66 repetitive motion, if the exposure to the repetitive motion
67 which is found to be the cause of the injury is for a period
68 of less than three months and the evidence demonstrates that
69 the exposure to the repetitive motion with the immediate
70 prior employer was the prevailing factor in causing the
71 injury, the prior employer shall be liable for such
72 occupational disease.

73 9. (1) (a) **Posttraumatic stress disorder (PTSD), as**
74 **described in the Diagnostic and Statistical Manual of Mental**
75 **Health Disorders, Fifth Edition, published by the American**
76 **Psychiatric Association, (DSM-5) is recognized as a**
77 **compensable occupational disease for purposes of this**
78 **chapter when diagnosed in a first responder, as that term is**
79 **defined under section 67.145.**

80 (b) **Benefits payable to a first responder under this**
81 **section shall not require a physical injury to the first**
82 **responder, and are not subject to any preexisting PTSD.**

83 (c) **Benefits payable to a first responder under this**
84 **section are compensable only if demonstrated by clear and**
85 **convincing evidence that PTSD has resulted from the course**
86 **and scope of employment, and the first responder is examined**

87 and diagnosed with PTSD by an authorized treating physician,
88 due to the first responder experiencing one of the following
89 qualifying events:

90 a. Seeing for oneself a deceased minor;

91 b. Witnessing directly the death of a minor;

92 c. Witnessing directly the injury to a minor who
93 subsequently died prior to or upon arrival at a hospital
94 emergency department, participating in the physical
95 treatment of, or manually transporting, an injured minor who
96 subsequently died prior to or upon arrival at a hospital
97 emergency department;

98 d. Seeing for oneself a person who has suffered
99 serious physical injury of a nature that shocks the
100 conscience;

101 e. Witnessing directly a death, including suicide, due
102 to serious physical injury; or homicide, including murder,
103 mass killings, manslaughter, self-defense, misadventure, and
104 negligence;

105 f. Witnessing directly an injury that results in
106 death, if the person suffered serious physical injury that
107 shocks the conscience;

108 g. Participating in the physical treatment of an
109 injury, including attempted suicide, or manually
110 transporting an injured person who suffered serious physical
111 injury, if the injured person subsequently died prior to or
112 upon arrival at a hospital emergency department; or

113 h. Involvement in an event that caused or may have
114 caused serious injury or harm to the first responder or had
115 the potential to cause the death of the first responder,
116 whether accidental or by an intentional act of another
117 individual.

118 (2) The time for notice of injury or death in cases of
119 compensable PTSD under this section is measured from
120 exposure to one of the qualifying stressors listed in the
121 DSM-5 criteria, or the diagnosis of the disorder, whichever
122 is later. Any claim for compensation for such injury shall
123 be properly noticed within fifty-two weeks after the
124 qualifying exposure, or the diagnosis of the disorder,
125 whichever is later.

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

3 (1) "Association", volunteer fire protection
4 associations as defined in section 320.300;

5 (2) "State fire marshal", the state fire marshal
6 selected under the provisions of sections 320.200 to 320.270;

7 (3) "Volunteer firefighter", the same meaning as in
8 section 287.243;

9 (4) "Voluntary [firefighter cancer] **critical illness**
10 benefits pool" or "pool", the same meaning as in section
11 320.400.

12 2. (1) Any association may apply to the state fire
13 marshal for a grant for the purpose of funding such
14 association's costs related to workers' compensation
15 insurance premiums for volunteer firefighters.

16 (2) Any voluntary [firefighter cancer] **critical**
17 **illness** benefits pool may apply to the state fire marshal
18 for a grant for the [purpose of establishing a] voluntary
19 [firefighter cancer] **critical illness** benefits pool. [This
20 subdivision shall expire June 30, 2023.]

21 3. Subject to appropriations, the state fire marshal
22 may disburse grants to any applying volunteer fire
23 protection association subject to the following schedule:

24 (1) Associations which had zero to five volunteer
25 firefighters receive workers' compensation benefits from
26 claims arising out of and in the course of the prevention or
27 control of fire or the underwater recovery of drowning
28 victims in the preceding calendar year shall be eligible for
29 two thousand dollars in grant money;

30 (2) Associations which had six to ten volunteer
31 firefighters receive workers' compensation benefits from
32 claims arising out of and in the course of the prevention or
33 control of fire or the underwater recovery of drowning
34 victims in the preceding calendar year shall be eligible for
35 one thousand five hundred dollars in grant money;

36 (3) Associations which had eleven to fifteen volunteer
37 firefighters receive workers' compensation benefits from
38 claims arising out of and in the course of the prevention or
39 control of fire or the underwater recovery of drowning
40 victims in the preceding calendar year shall be eligible for
41 one thousand dollars in grant money;

42 (4) Associations which had sixteen to twenty volunteer
43 firefighters receive workers' compensation benefits from
44 claims arising out of and in the course of the prevention or
45 control of fire or the underwater recovery of drowning
46 victims in the preceding calendar year shall be eligible for
47 five hundred dollars in grant money.

48 4. Grant money disbursed under this section shall only
49 be used for the purpose of paying for the workers'
50 compensation insurance premiums of volunteer firefighters or
51 [establishing] for the benefit of a voluntary [firefighter
52 cancer] critical illness benefits pool.

**307.018. 1. Notwithstanding any other provision of
2 law, no court shall issue a warrant of arrest for a person's
3 failure to respond, pay the fine assessed, or appear in**

4 court with respect to a traffic citation issued for an
5 infraction under the provisions of this chapter. In lieu of
6 such warrant of arrest, the court shall issue a notice of
7 failure to respond, pay the fine assessed, or appear, and
8 the court shall schedule a second court date for the person
9 to respond, pay the fine assessed, or appear. A copy of the
10 court's notice with the new court date shall be sent to the
11 driver of the vehicle. If the driver fails to respond, pay
12 the fine assessed, or appear on the second court date, the
13 court shall issue a second notice of failure to respond, pay
14 the fine assessed, or appear. If the driver fails to
15 respond, pay the fine assessed, or appear after the second
16 notice, the court may issue a default judgment under section
17 556.021 for the infraction.

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

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

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

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

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

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

(1) "Covered individual", a **firefighter** **first responder** who:

(a) Is a paid employee or is a volunteer **firefighter** as defined in section 320.333];

(b) Has been assigned to at least five years of hazardous duty as a **firefighter** **paid employee or volunteer**;

(c) Was exposed to **an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Health Care Policy and Research, the American Society for Clinical Oncology, the National Institute for Occupational Safety and Health, or the United States National Cancer Institute]** **or diagnosed with a critical illness type**;

(d) Was last assigned to hazardous duty **as a firefighter** within the previous fifteen years; and

(e) **In the case of a diagnosis of cancer**, is not seventy years of age or older at the time of the diagnosis of cancer;

(2) "Critical illness", one of the following:

(a) **In the case of a cancer claim, exposure to an agent classified by the International Agency for Research on Cancer, or its successor organization, as a group 1 or 2A carcinogen, or classified as a cancer-causing agent by the American Cancer Society, the American Association for Cancer Research, the Agency for Healthcare Research and Quality, the American Society of Clinical Oncology, the National**

32 Institute for Occupational Safety and Health, or the United
33 States National Cancer Institute;

34 (b) In the case of a posttraumatic stress injury
35 claim, such an injury that is diagnosed by a psychiatrist
36 licensed pursuant to chapter 334 or a psychologist licensed
37 pursuant to chapter 337 and established by a preponderance
38 of the evidence to have been caused by the employment
39 conditions of the first responder;

40 (3) "Dependent", the same meaning as in section
41 287.240;

42 [(3)] (4) "Emergency medical technician-basic", the
43 same meaning as in section 190.100;

44 (5) "Emergency medical technician-paramedic", the same
45 meaning as in section 190.100;

46 (6) "Employer", any political subdivision of the state;

47 [(4)] (7) "First responder", a firefighter, emergency
48 medical technician-basic or emergency medical technician-
49 paramedic, or telecommunicator;

50 (8) "Posttraumatic stress injury", any psychological
51 or behavioral health injury suffered by and through the
52 employment of an individual due to exposure to stressful and
53 life-threatening situations and rigors of the employment,
54 excluding any posttraumatic stress injuries that may arise
55 solely as a result of a legitimate personnel action by an
56 employer such as a transfer, promotion, demotion, or
57 termination;

58 (9) "Telecommunicator", the same meaning as in section
59 650.320;

60 (10) "Voluntary [firefighter cancer] critical illness
61 benefits pool" or "pool", an entity described in section
62 537.620 that is established for the purposes of this section;

63 (11) "Volunteer", a volunteer firefighter, as defined
64 in section 320.333; volunteer emergency medical technician-
65 basic; volunteer emergency medical technician-paramedic; or
66 volunteer telecommunicator.

67 2. (1) Three or more employers may create a
68 [voluntary firefighter cancer benefits] pool for the purpose
69 of this section. **Notwithstanding the provisions of sections**
70 **537.620 to 537.650 to the contrary, a pool created pursuant**
71 **to this section may allow covered individuals to join the**
72 **pool.** An employer or covered individual may make
73 contributions into the [voluntary firefighter cancer
74 benefits] pool established for the purpose of this section.
75 **Any professional organization formed for the purpose, in**
76 **whole or in part, of representing or providing resources for**
77 **any covered individual may make contributions to the pool on**
78 **behalf of any covered individual without the professional**
79 **organization itself joining the pool.** The contribution
80 levels and award levels shall be set by the board of
81 trustees of the pool.

82 (2) For a covered individual or an employer that
83 chooses to make contributions into the [voluntary
84 firefighter cancer benefits] pool, the pool shall provide
85 the minimum benefits specified by the board of trustees of
86 the pool to covered individuals, based on the award level of
87 the [cancer] **critical illness** at the time of diagnosis,
88 after the employer or covered individual becomes a
89 participant.

90 (3) Benefit levels for cancer shall be established by
91 the board of trustees of the pool based on the category and
92 stage of the cancer. **Benefit levels for a posttraumatic**
93 **stress injury shall be established by the board of trustees**
94 **of the pool. Awards of benefits may be made to the same**

95 **individual for both cancer and posttraumatic stress injury**
96 **provided the qualifications for both awards are met.**

97 (4) In addition to [an] a **cancer** award pursuant to
98 subdivision (3) of this subsection:

99 (a) A payment may be made from the pool to a covered
100 individual for the actual award, up to twenty-five thousand
101 dollars, for rehabilitative or vocational training
102 employment services and educational training relating to the
103 cancer diagnosis;

104 (b) A payment may be made to covered individual of up
105 to ten thousand dollars if the covered individual incurs
106 cosmetic disfigurement costs resulting from cancer.

107 (5) If the cancer is diagnosed as terminal cancer, the
108 covered individual may receive a lump-sum payment of twenty-
109 five thousand dollars as an accelerated payment toward the
110 benefits due based on the benefit levels established
111 pursuant to subdivision (3) of this subsection.

112 (6) The covered individual may receive additional
113 awards if the cancer increases in award level, but the
114 amount of any benefit paid earlier for the same cancer may
115 be subtracted from the new award.

116 (7) If a covered individual dies while owed benefits
117 pursuant to this section, the benefits shall be paid to the
118 dependent or domestic partner, if any, at the time of
119 death. If there is no dependent or domestic partner, the
120 obligation of the pool to pay benefits shall cease.

121 (8) If a covered individual returns to the same
122 position of employment after a cancer diagnosis, the covered
123 individual may receive benefits in this section for any
124 subsequent new type of covered cancer diagnosis.

125 (9) The **cancer** benefits payable pursuant to this
126 section shall be reduced by twenty-five percent if a covered

127 individual used a tobacco product within the five years
128 immediately preceding the cancer diagnosis.

129 (10) A **cancer** claim for benefits from the pool shall
130 be filed no later than two years after the diagnosis of the
131 cancer. The claim for each type of cancer needs to be filed
132 only once to allow the pool to increase the award level
133 pursuant to subdivision (3) of this subsection.

134 (11) **A payment may be made from the pool to a covered**
135 **individual for the actual award, up to ten thousand dollars,**
136 **for seeking treatment with a psychiatrist licensed pursuant**
137 **to chapter 334 or a psychologist licensed pursuant to**
138 **chapter 337 and any subsequent courses of treatment**
139 **recommended by such licensed individuals. If a covered**
140 **individual returns to the same position of employment after**
141 **a posttraumatic stress injury diagnosis, the covered**
142 **individual may receive benefits in this section for the**
143 **continued treatment of such injury or any subsequently**
144 **covered posttraumatic stress injury diagnosis.**

145 (12) For purposes of all other employment policies and
146 benefits that are not workers' compensation benefits payable
147 under chapter 287, health insurance, and any benefits paid
148 pursuant to chapter 208, a covered individual's **[cancer]**
149 **critical illness** diagnosis shall be treated as an on-the-job
150 injury or illness.

151 3. The board of trustees of **[the pool]** **a pool created**
152 **pursuant to this section** may:

153 (1) Create a program description to further define or
154 modify the benefits of this section;

155 (2) Modify the contribution rates, benefit levels,
156 including the maximum amount, consistent with subdivision
157 (1) of this subsection, and structure of the benefits based

158 on actuarial recommendations and with input from a committee
159 of the pool; and

160 (3) Set a maximum amount of benefits that may be paid
161 to a covered individual for each **[cancer] critical illness**
162 diagnosis.

163 4. The board of trustees of the pool shall be
164 considered a public governmental body and shall be subject
165 to all of the provisions of chapter 610.

166 5. A pool may accept or apply for any grants or
167 donations from any private or public source.

168 6. (1) Any pool may apply to the state fire marshal
169 for a grant for the **[purpose of establishing a voluntary**
170 **firefighter cancer benefits]** pool. The state fire marshal
171 shall disburse grants to the pool upon receipt of the
172 application.

173 (2) The state fire marshal may grant money disbursed
174 under section 287.245 to be used for the purpose of setting
175 up a pool.

176 **[(3)This subsection shall expire on June 30, 2023.]**

177 7. (1) This **[subsection] section** shall not affect any
178 determination as to whether a covered individual's **[cancer]**
179 **critical illness** arose out of and in the course of
180 employment and is a compensable injury pursuant to chapter
181 287. Receipt of benefits from **[the] a** pool under this
182 section shall not be considered competent evidence or proof
183 by itself of a compensable injury under chapter 287.

184 (2) Should it be determined that a covered
185 individual's **[cancer] critical illness** arose out of and in
186 the course of employment and is a compensable injury under
187 chapter 287, the compensation and death benefit provided
188 under chapter 287 shall be reduced one hundred percent by
189 any benefits received from the pool under this section.

190 (3) The employer in any claim made pursuant to chapter
191 287 shall be subrogated to the right of the employee or to
192 the dependent or domestic partner to receive benefits from
193 [the] a pool and such employer may recover any amounts which
194 such employee or the dependent or domestic partner would
195 have been entitled to recover from [the] a pool under this
196 section. Any receipt of benefits from the pool under this
197 section shall be treated as an advance payment by the
198 employer, on account of any future installments of benefits
199 payable pursuant to chapter 287.

476.1300. 1. Sections 476.1300 to 476.1310 shall be
2 known and may be cited as the "Judicial Privacy Act".

3 2. As used in sections 476.1300 to 476.1310, the
4 following terms mean:

5 (1) "Government agency", all agencies, authorities,
6 boards, commissions, departments, institutions, offices, and
7 any other bodies politic and corporate of the state created
8 by the constitution or statute, whether in the executive,
9 judicial, or legislative branch; all units and corporate
10 outgrowths created by executive order of the governor or any
11 constitutional officer, by the supreme court, or by
12 resolution of the general assembly; agencies, authorities,
13 boards, commissions, departments, institutions, offices, and
14 any other bodies politic and corporate of a political
15 subdivision, including school districts; and any public
16 governmental body as that term is defined in section 610.010;

17 (2) "Home address", a judicial officer's permanent
18 residence and any secondary residences affirmatively
19 identified by the judicial officer, but does not include a
20 judicial officer's work address;

21 (3) "Immediate family", a judicial officer's spouse,
22 child, adoptive child, foster child, parent, or any

23 unmarried companion of the judicial officer or other
24 familial relative of the judicial officer or the judicial
25 officer's spouse who lives in the same residence;

26 (4) "Judicial officer", actively employed, formerly
27 employed, or retired:

28 (a) Justices of the Supreme Court of the United States;

29 (b) Judges of the United States Court of Appeals;

30 (c) Judges and magistrate judges of the United States
31 District Courts;

32 (d) Judges of the United States Bankruptcy Court;

33 (e) Judges of the Missouri supreme court;

34 (f) Judges of the Missouri court of appeals;

35 (g) Judges and commissioners of the Missouri circuit
36 courts, including of the divisions of a circuit court; and

37 (h) Prosecuting or circuit attorney, or assistant
38 prosecuting or circuit attorney;

39 (5) "Personal information", a home address, home
40 telephone number, mobile telephone number, pager number,
41 personal email address, Social Security number, federal tax
42 identification number, checking and savings account numbers,
43 credit card numbers, marital status, and identity of
44 children under eighteen years of age;

45 (6) "Publicly available content", any written,
46 printed, or electronic document or record that provides
47 information or that serves as a document or record
48 maintained, controlled, or in the possession of a government
49 agency that may be obtained by any person or entity, from
50 the internet, from the government agency upon request either
51 free of charge or for a fee, or in response to a request
52 pursuant to chapter 610 or the federal Freedom of
53 Information Act, 5 U.S.C. Section 552, as amended;

54 (7) "Publicly post or display", to communicate to
55 another or to otherwise make available to the general public;

56 (8) "Written request", written or electronic notice
57 signed by:

58 (a) A state judicial officer and submitted to the
59 clerk of the Missouri supreme court or the clerk's designee;
60 or

61 (b) A federal judicial officer and submitted to that
62 judicial officer's clerk of the court or the clerk's
63 designee;

64 that is transmitted by the applicable clerk to a government
65 agency, person, business, or association to request such
66 government agency, person, business, or association refrain
67 from posting or displaying publicly available content that
68 includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly
2 post or display publicly available content that includes a
3 judicial officer's personal information, provided that the
4 government agency has received a written request that the
5 agency refrain from disclosing the judicial officer's
6 personal information. After a government agency has
7 received a written request, the government agency shall
8 remove the judicial officer's personal information from
9 publicly available content within five business days. After
10 the government agency has removed the judicial officer's
11 personal information from publicly available content, the
12 government agency shall not publicly post or display the
13 judicial officer's personal information and the judicial
14 officer's personal information shall be exempted from the
15 provisions of chapter 610, unless the government agency has

16 received written consent from the judicial officer to make
17 the personal information available to the public.

18 2. If a government agency fails to comply with a
19 written request to refrain from disclosing personal
20 information, the judicial officer may bring an action
21 seeking injunctive or declaratory relief in any court of
22 competent jurisdiction. If the court grants injunctive or
23 declaratory relief, the court may award costs and reasonable
24 attorney's fees to the judicial officer.

25 3. The provisions of subsection 1 of this section
26 shall not apply to any government agency created under
27 section 43.020.

476.1304. 1. No person, business, or association
2 shall publicly post or display on the internet publicly
3 available content that includes a judicial officer's
4 personal information, provided that the judicial officer has
5 made a written request to the person, business, or
6 association that it refrain from disclosing the personal
7 information.

8 2. No person, business, or association shall solicit,
9 sell, or trade on the internet a judicial officer's personal
10 information for purposes of tampering with a judicial
11 officer in violation of section 575.095 or with the intent
12 to pose an imminent and serious threat to the health and
13 safety of the judicial officer or the judicial officer's
14 immediate family.

15 3. As prohibited in this section, persons, businesses,
16 or associations posting, displaying, soliciting, selling, or
17 trading a judicial officer's personal information on the
18 internet includes, but is not limited to, internet phone
19 directories, internet search engines, internet data
20 aggregators, and internet service providers.

476.1306. 1. After a person, business, or association
2 has received a written request from a judicial officer to
3 protect the privacy of the officer's personal information,
4 that person, business, or association shall have five
5 business days to remove the personal information from the
6 internet.

7 2. After a person, business, or association has
8 received a written request from a judicial officer, that
9 person, business, or association shall ensure that the
10 judicial officer's personal information is not made
11 available on any website or subsidiary website controlled by
12 that person, business, or association.

13 3. After receiving a judicial officer's written
14 request, no person, business, or association shall make
15 public the judicial officer's personal information to any
16 other person, business, or association through any medium.

476.1308. A judicial officer whose personal
2 information is made public as a result of a violation of
3 sections 476.1304 to 476.1306 may bring an action seeking
4 injunctive or declaratory relief in any court of competent
5 jurisdiction. If the court grants injunctive or declaratory
6 relief, the person, business, or association responsible for
7 the violation shall be required to pay the judicial
8 officer's costs and reasonable attorney's fees.

476.1310. 1. No government agency, person, business,
2 or association shall be found to have violated any provision
3 of sections 476.1300 to 476.1310 if the judicial officer
4 fails to submit a written request calling for the protection
5 of the judicial officer's personal information.

6 2. A written request shall be valid if:

7 (1) The judicial officer sends a written request
8 directly to a government agency, person, business, or
9 association; or

10 (2) The judicial officer complies with a Missouri
11 supreme court rule for a state judicial officer to file the
12 written request with the clerk of the Missouri supreme court
13 or the clerk's designee to notify government agencies and
14 such notice is properly delivered by mail or electronic
15 format.

16 3. In each quarter of a calendar year, the clerk of
17 the Missouri supreme court or the clerk's designee shall
18 provide a list of all state judicial officers who have
19 submitted a written request under this section to the
20 appropriate officer with ultimate supervisory authority for
21 a government agency. The officer shall promptly provide a
22 copy of the list to all government agencies under his or her
23 supervision. Receipt of the written request list compiled
24 by the clerk of the Missouri supreme court or the clerk's
25 designee by a government agency shall constitute a written
26 request to that government agency for the purposes of
27 sections 476.1300 to 476.1310.

28 4. The chief clerk or circuit clerk of the court where
29 the judicial officer serves may submit a written request on
30 the judicial officer's behalf, provided that the judicial
31 officer gives written consent to the clerk and provided that
32 the clerk agrees to furnish a copy of that consent when a
33 written request is made. The chief clerk or circuit clerk
34 shall submit the written request as provided by subsection 2
35 of this section.

36 5. A judicial officer's written request shall specify
37 what personal information shall be maintained as private.
38 If a judicial officer wishes to identify a secondary

39 residence as a home address, the designation shall be made
40 in the written request. A judicial officer shall disclose
41 the identity of his or her immediate family and indicate
42 that the personal information of those members of the
43 immediate family shall also be excluded to the extent that
44 it could reasonably be expected to reveal the personal
45 information of the judicial officer. A judicial officer
46 shall make reasonable efforts to identify specific publicly
47 available content in the possession of a government agency.

48 6. A judicial officer's written request is valid until
49 the judicial officer provides the government agency, person,
50 business, or association with written consent to release the
51 personal information. A judicial officer's written request
52 expires on such judicial officer's death.

53 7. The provisions of sections 476.1300 to 476.1310
54 shall not apply to any disclosure of personal information of
55 a judicial officer or a member of a judicial officer's
56 immediate family as required by Article VIII, Section 23 of
57 the Missouri Constitution, sections 105.470 to 105.482,
58 section 105.498, and chapter 130.

476.1313. 1. Notwithstanding any other provision of
2 law to the contrary, a recorder of deeds shall meet the
3 requirements of the provisions of sections 476.1300 to
4 476.1310 by complying with this section. As used in this
5 section, the following terms mean:

6 (1) "Eligible documents", documents or instruments
7 that are maintained by and located in the office of the
8 recorder of deeds that are accessed electronically;

9 (2) "Immediate family", shall have the same meaning as
10 in section 476.1300;

11 (3) "Indexes", indexes maintained by and located in
12 the office of the recorder of deeds that are accessed
13 electronically;

14 (4) "Judicial officer", shall have the same meaning as
15 in section 476.1300;

16 (5) "Recorder of deeds", shall have the same meaning
17 as in section 59.005;

18 (6) "Shield", "shielded", or "shielding", a
19 prohibition against the general public's electronic access
20 to eligible documents and the unique identifier and
21 recording date contained in indexes for eligible documents;

22 (7) "Written request", written or electronic notice
23 signed by:

24 (a) A state judicial officer and submitted to the
25 clerk of the Missouri supreme court or the clerk's designee;
26 or

27 (b) A federal judicial officer and submitted to that
28 judicial officer's clerk of the court or the clerk's
29 designee;

30 that is transmitted electronically by the applicable clerk
31 to a recorder of deeds to request that eligible documents be
32 shielded.

33 2. Written requests transmitted to a recorder of deeds
34 shall only include information specific to eligible
35 documents maintained by that county. Any written request
36 transmitted to a recorder of deeds shall include the
37 requesting judicial officer's full legal name or legal alias
38 and a document locator number for each eligible document for
39 which the judicial officer is requesting shielding. If the
40 judicial officer is not a party to the instrument but is
41 requesting shielding for an eligible document in which an

42 immediate family member is a party to the instrument, the
43 full legal name or legal alias of the immediate family
44 member shall also be provided.

45 3. Not more than five business days after the date on
46 which the recorder of deeds receives the written request,
47 the recorder of deeds shall shield the eligible documents
48 listed in the written request. Within five business days of
49 receipt, the recorder of deeds shall electronically reply to
50 the written request with a list of any document locator
51 numbers submitted under subsection 2 of this section not
52 found in the records maintained by that recorder of deeds.

53 4. If the full legal name or legal alias of the
54 judicial officer or immediate family member provided does
55 not appear on an eligible document listed in the written
56 request, the recorder of deeds may electronically reply to
57 the written request with this information. The recorder of
58 deeds may delay shielding such eligible document until
59 electronic confirmation is received from the applicable
60 court clerk or judicial officer.

61 5. In order to shield subsequent eligible documents,
62 the judicial officer shall present to the recorder of deeds
63 at the time of recording a copy of his or her written
64 request. The recorder of deeds shall ensure that the
65 eligible document is shielded within five business days.

66 6. Eligible documents shall remain shielded until the
67 recorder of deeds receives a court order or notarized
68 affidavit signed by the judicial officer directing the
69 recorder of deeds to terminate shielding.

70 7. The provisions of this section shall not prohibit
71 access to a shielded eligible document by an individual or
72 entity that provides to the recorder of deeds a court order
73 or notarized affidavit signed by the judicial officer.

74 8. No recorder of deeds shall be liable for any
75 damages under this section, provided the recorder of deeds
76 made a good faith effort to comply with the provisions of
77 this section. No recorder of deeds shall be liable for the
78 release of any eligible document or any data from any
79 eligible document that was released or accessed prior to the
80 eligible document being shielded pursuant to this section.

509.520. 1. Notwithstanding any provision of law to
2 the contrary, beginning August 28, [2009] 2023, pleadings,
3 attachments, [or] exhibits filed with the court in any case,
4 as well as any judgments or orders issued by the court, or
5 other records of the court shall not include the following
6 confidential and personal identifying information:

7 (1) The full Social Security number of any party or
8 any child [who is the subject to an order of custody or
9 support];

10 (2) The full credit card number [or other], financial
11 institution account number, personal identification number,
12 or password used to secure an account of any party;

13 (3) The full motor vehicle operator license number;

14 (4) Victim information, including the name, address,
15 and other contact information of the victim;

16 (5) Witness information, including the name, address,
17 and other contact information of the witness;

18 (6) Any other full state identification number;

19 (7) The name, address, and date of birth of a minor
20 and, if applicable, any next friend; or

21 (8) The full date of birth of any party; however, the
22 year of birth shall be made available, except for a minor.

23 2. The information provided under subsection 1 of this
24 section shall be provided in a confidential information
25 filing sheet contemporaneously filed with the court or

26 entered by the court, which shall not be subject to public
27 inspection or availability.

28 3. Nothing in this section shall preclude an entity
29 including, but not limited to, a financial institution,
30 insurer, insurance support organization, or consumer
31 reporting agency that is otherwise permitted by law to
32 access state court records from using a person's unique
33 identifying information to match such information contained
34 in a court record to validate that person's record.

35 4. The Missouri supreme court shall promulgate rules
36 to administer this section.

37 5. Contemporaneously with the filing of every petition
38 for dissolution of marriage, legal separation, motion for
39 modification, action to establish paternity, and petition or
40 motion for support or custody of a minor child, the filing
41 party shall file a confidential case filing sheet with the
42 court which shall not be subject to public inspection and
43 which provides:

44 (1) The name and address of the current employer and
45 the Social Security number of the petitioner or movant, if a
46 person;

47 (2) If known to the petitioner or movant, the name and
48 address of the current employer and the Social Security
49 number of the respondent; and

50 (3) The names, dates of birth, and Social Security
51 numbers of any children subject to the action.

52 [3.] 6. Contemporaneously with the filing of every
53 responsive pleading petition for dissolution of marriage,
54 legal separation, motion for modification, action to
55 establish paternity, and petition or motion for support or
56 custody of a minor child, the responding party shall file a

57 confidential case filing sheet with the court which shall
58 not be subject to public inspection and which provides:

59 (1) The name and address of the current employer and
60 the Social Security number of the responding party, if a
61 person;

62 (2) If known to the responding party, the name and
63 address of the current employer and the Social Security
64 number of the petitioner or movant; and

65 (3) The names, dates of birth, and Social Security
66 numbers of any children subject to the action.

67 [4.] 7. The full Social Security number of any party
68 or child subject to an order of custody or support shall be
69 retained by the court on the confidential case filing sheet
70 or other confidential record maintained in conjunction with
71 the administration of the case. The full credit card number
72 or other financial account number of any party may be
73 retained by the court on a confidential record if it is
74 necessary to maintain the number in conjunction with the
75 administration of the case.

76 [5.] 8. Any document described in subsection 1 of this
77 section shall, in lieu of the full number, include only the
78 last four digits of any such number.

79 [6.] 9. Except as provided in section 452.430, the
80 clerk shall not be required to redact any document described
81 in subsection 1 of this section issued or filed before
82 August 28, 2009, prior to releasing the document to the
83 public.

84 [7.] 10. For good cause shown, the court may release
85 information contained on the confidential case filing sheet;
86 except that, any state agency acting under authority of
87 chapter 454 shall have access to information contained

88 herein without court order in carrying out their official
89 duty.

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

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

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

28 4. The prosecuting attorney or circuit attorney shall
29 have the authority and right to file and maintain an appeal
30 of the denial or disposal of such a motion. The attorney

31 general may file a motion to intervene and, in addition to
32 such motion, file a motion to dismiss the motion to vacate
33 or to set aside the judgment in any appeal filed by the
34 prosecuting or circuit attorney.

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

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

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

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

14 (2) No application shall be accepted if there is any
15 pending motion, writ, appeal, or other matter pending
16 regarding the defendant's conviction. Any application filed
17 shall be considered a pleading under the Missouri rules of
18 civil procedure and all attorneys shall comply with supreme
19 court rule 55.03 when signing the application and the
20 application shall be sworn and signed under penalty of
21 perjury by the applicant. Any witness statements attached
22 shall be sworn and signed under penalty of perjury; and

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

28 4. The conviction review unit shall consist of two
29 attorneys, hired by the executive director of the Missouri
30 office of prosecution services, who have extensive
31 experience prosecuting and defending criminal matters, an
32 investigator, a paralegal, and such administrative staff as
33 is needed to efficiently and effectively process all
34 applications and claims. The executive director of the
35 Missouri office of prosecution services shall coordinate the
36 activities and budget of the conviction review unit and act
37 as an ex officio member of the unit.

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

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

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

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

55 7. (1) The application, investigation, reports,
56 interviews, findings, and recommendations, and any
57 documents, written, electronic or otherwise, received or
58 generated by the conviction review unit are closed records.

59 **(2) The conviction review unit's findings and**
60 **recommendations submitted to the prosecuting attorney,**
61 **circuit attorney, the attorney general's office if it**
62 **prosecuted the case, or the special prosecutor who**
63 **prosecuted the case, shall become open records after the**
64 **receiving entity of the submission makes a decision not to**
65 **pursue a motion under section 547.031 or, if such a motion**
66 **is filed, after the finality of all proceedings under**
67 **section 547.031, including appeals authorized therein.**

552.020. 1. No person who as a result of mental
2 disease or defect lacks capacity to understand the
3 proceedings against him or her or to assist in his or her
4 own defense shall be tried, convicted or sentenced for the
5 commission of an offense so long as the incapacity endures.

6 2. Whenever any judge has reasonable cause to believe
7 that the accused lacks mental fitness to proceed, the judge
8 shall, upon his or her own motion or upon motion filed by
9 the state or by or on behalf of the accused, by order of
10 record, appoint one or more private psychiatrists or
11 psychologists, as defined in section 632.005, or physicians
12 with a minimum of one year training or experience in
13 providing treatment or services to persons with an
14 intellectual disability or developmental disability or
15 mental illness, who are neither employees nor contractors of
16 the department of mental health for purposes of performing
17 the examination in question, to examine the accused; or
18 shall direct the director to have the accused so examined by
19 one or more psychiatrists or psychologists, as defined in
20 section 632.005, or physicians with a minimum of one year
21 training or experience in providing treatment or services to
22 persons with an intellectual disability, developmental
23 disability, or mental illness. The order shall direct that

24 a written report or reports of such examination be filed
25 with the clerk of the court. No private physician,
26 psychiatrist, or psychologist shall be appointed by the
27 court unless he or she has consented to act. The
28 examinations ordered shall be made at such time and place
29 and under such conditions as the court deems proper; except
30 that, if the order directs the director of the department to
31 have the accused examined, the director, or his or her
32 designee, shall determine the time, place and conditions
33 under which the examination shall be conducted. The order
34 may include provisions for the interview of witnesses and
35 may require the provision of police reports to the
36 department for use in evaluations. The department shall
37 establish standards and provide training for those
38 individuals performing examinations pursuant to this section
39 and section 552.030. No individual who is employed by or
40 contracts with the department shall be designated to perform
41 an examination pursuant to this chapter unless the
42 individual meets the qualifications so established by the
43 department. Any examination performed pursuant to this
44 subsection shall be completed and filed with the court
45 within sixty days of the order unless the court for good
46 cause orders otherwise. Nothing in this section or section
47 552.030 shall be construed to permit psychologists to engage
48 in any activity not authorized by chapter 337. One pretrial
49 evaluation shall be provided at no charge to the defendant
50 by the department. All costs of subsequent evaluations
51 shall be assessed to the party requesting the evaluation.

52 3. A report of the examination made under this section
53 shall include:

54 (1) Detailed findings;

55 (2) An opinion as to whether the accused has a mental
56 disease or defect;

57 (3) An opinion based upon a reasonable degree of
58 medical or psychological certainty as to whether the
59 accused, as a result of a mental disease or defect, lacks
60 capacity to understand the proceedings against him or her or
61 to assist in his or her own defense;

62 (4) **An opinion, if the accused is found to lack**
63 **capacity to understand the proceedings against him or her or**
64 **to assist in his or her own defense, as to whether there is**
65 **a substantial probability that the accused will be mentally**
66 **fit to proceed in the reasonably foreseeable future;**

67 (5) A recommendation as to whether the accused should
68 be held in custody in a suitable hospital facility for
69 treatment pending determination, by the court, of mental
70 fitness to proceed; [and

71 (5)] (6) A recommendation as to whether the accused,
72 if found by the court to be mentally fit to proceed, should
73 be detained in such hospital facility pending further
74 proceedings;

75 (7) **A recommendation as to whether the accused, if**
76 **found by the court to lack the mental fitness to proceed,**
77 **should be committed to a suitable hospital facility for**
78 **treatment to restore the mental fitness to proceed or if**
79 **such treatments to restore the mental fitness to proceed may**
80 **be provided in a county jail or other detention facility**
81 **approved by the director or his or her designee; and**

82 (8) **A recommendation as to whether the accused, if**
83 **found by the court to lack the mental fitness to proceed,**
84 **and the accused is not charged with a dangerous felony as**
85 **defined in section 556.061, or murder in the first degree**

86 pursuant to section 565.020, or rape in the second degree
87 pursuant to section 566.031, or the attempts thereof:

88 (a) Should be committed to a suitable hospital
89 facility; or

90 (b) May be appropriately treated in the community; and

91 (c) Whether the accused can comply with bond
92 conditions as set forth by the court and can comply with
93 treatment conditions and requirements as set forth by the
94 director of the department or his or her designee.

95 4. When the court determines that the accused can
96 comply with the bond and treatment conditions as referenced
97 in paragraph (c) of subdivision (8) of subsection 3 of this
98 section, the court shall order that the accused remain on
99 bond while receiving treatment until the case is disposed of
100 as set out in subsection 12 of this section. If, at any
101 time, the court finds that the accused has failed to comply
102 with the bond or treatment conditions, then the court may
103 order that the accused be taken into law enforcement custody
104 until such time as a department inpatient bed is available
105 to provide treatment as set forth in this section.

106 [4.] 5. If the accused has pleaded lack of
107 responsibility due to mental disease or defect or has given
108 the written notice provided in subsection 2 of section
109 552.030, the court shall order the report of the examination
110 conducted pursuant to this section to include, in addition
111 to the information required in subsection 3 of this section,
112 an opinion as to whether at the time of the alleged criminal
113 conduct the accused, as a result of mental disease or
114 defect, did not know or appreciate the nature, quality, or
115 wrongfulness of his or her conduct or as a result of mental
116 disease or defect was incapable of conforming his or her
117 conduct to the requirements of law. A plea of not guilty by

118 reason of mental disease or defect shall not be accepted by
119 the court in the absence of any such pretrial evaluation
120 which supports such a defense. In addition, if the accused
121 has pleaded not guilty by reason of mental disease or
122 defect, and the alleged crime is not a dangerous felony as
123 defined in section 556.061, or those crimes set forth in
124 subsection 10 of section 552.040, or the attempts thereof,
125 the court shall order the report of the examination to
126 include an opinion as to whether or not the accused should
127 be immediately conditionally released by the court pursuant
128 to the provisions of section 552.040 or should be committed
129 to a mental health or developmental disability facility. If
130 such an evaluation is conducted at the direction of the
131 director of the department of mental health, the court shall
132 also order the report of the examination to include an
133 opinion as to the conditions of release which are consistent
134 with the needs of the accused and the interest of public
135 safety, including, but not limited to, the following factors:

- 136 (1) Location and degree of necessary supervision of
137 housing;
- 138 (2) Location of and responsibilities for appropriate
139 psychiatric, rehabilitation and aftercare services,
140 including the frequency of such services;
- 141 (3) Medication follow-up, including necessary testing
142 to monitor medication compliance;
- 143 (4) At least monthly contact with the department's
144 forensic case monitor;
- 145 (5) Any other conditions or supervision as may be
146 warranted by the circumstances of the case.

147 [5.] 6. If the report contains the recommendation that
148 the accused should be committed to or held in a suitable
149 hospital facility pending determination of the issue of

150 mental fitness to proceed, and if the accused is not
151 admitted to bail or released on other conditions, the court
152 may order that the accused be committed to or held in a
153 suitable hospital facility pending determination of the
154 issue of mental fitness to proceed.

155 [6.] 7. The clerk of the court shall deliver copies of
156 the report to the prosecuting or circuit attorney and to the
157 accused or his or her counsel. The report shall not be a
158 public record or open to the public. Within ten days after
159 the filing of the report, both the defendant and the state
160 shall, upon written request, be entitled to an order
161 granting them an examination of the accused by a
162 psychiatrist or psychologist, as defined in section 632.005,
163 or a physician with a minimum of one year training or
164 experience in providing treatment or services to persons
165 with an intellectual disability or developmental disability
166 or mental illness, of their own choosing and at their own
167 expense. An examination performed pursuant to this
168 subsection shall be completed and a report filed with the
169 court within sixty days of the date it is received by the
170 department or private psychiatrist, psychologist or
171 physician unless the court, for good cause, orders
172 otherwise. A copy shall be furnished the opposing party.

173 [7.] 8. If neither the state nor the accused nor his
174 or her counsel requests a second examination relative to
175 fitness to proceed or contests the findings of the report
176 referred to in subsections 2 and 3 of this section, the
177 court [may] **shall** make a determination and finding on the
178 basis of the report filed or [may] hold a hearing on its own
179 motion. If any such opinion is contested, the court shall
180 hold a hearing on the issue. The court shall determine the
181 issue of mental fitness to proceed and may impanel a jury of

182 six persons to assist in making the determination. The
183 report or reports may be received in evidence at any hearing
184 on the issue but the party contesting any opinion therein
185 shall have the right to summon and to cross-examine the
186 examiner who rendered such opinion and to offer evidence
187 upon the issue.

188 [8.] 9. At a hearing on the issue pursuant to
189 subsection [7] 8 of this section, the accused is presumed to
190 have the mental fitness to proceed. The burden of proving
191 that the accused does not have the mental fitness to proceed
192 is by a preponderance of the evidence and the burden of
193 going forward with the evidence is on the party raising the
194 issue. The burden of going forward shall be on the state if
195 the court raises the issue.

196 [9.] 10. If the court determines that the accused
197 lacks mental fitness to proceed, the criminal proceedings
198 shall be suspended and the court shall commit him or her to
199 the director of the department of mental health. **The**
200 **director of the department, or his or her designee, shall**
201 **notify the court and parties of the conditions and the**
202 **secure location of treatment unless an unsecured location**
203 **has otherwise been authorized by the court.** After the
204 person has been committed, legal counsel for the department
205 of mental health shall have standing to file motions and
206 participate in hearings on the issue of involuntary
207 medications.

208 [10.] 11. Any person committed pursuant to subsection
209 [9] 10 of this section shall be entitled to the writ of
210 habeas corpus upon proper petition to the court that
211 committed him or her. The issue of the mental fitness to
212 proceed after commitment under subsection [9] 10 of this
213 section may also be raised by a motion filed by the director

214 of the department of mental health or by the state, alleging
215 the mental fitness of the accused to proceed. A report
216 relating to the issue of the accused's mental fitness to
217 proceed may be attached thereto. When a motion to proceed
218 is filed, legal counsel for the department of mental health
219 shall have standing to participate in hearings on such
220 motions. If the motion is not contested by the accused or
221 his or her counsel or if after a hearing on a motion the
222 court finds the accused mentally fit to proceed, or if he or
223 she is ordered discharged from the director's custody upon a
224 habeas corpus hearing, the criminal proceedings shall be
225 resumed.

226 [11.] 12. The following provisions shall apply after a
227 commitment as provided in this section:

228 (1) Six months after such commitment, the court which
229 ordered the accused committed shall order an examination by
230 the head of the facility in which the accused is committed,
231 or a qualified designee, to ascertain whether the accused is
232 mentally fit to proceed and if not, whether there is a
233 substantial probability that the accused will attain the
234 mental fitness to proceed to trial in the foreseeable
235 future. The order shall direct that written report or
236 reports of the examination be filed with the clerk of the
237 court within thirty days and the clerk shall deliver copies
238 to the prosecuting attorney or circuit attorney and to the
239 accused or his or her counsel. The report required by this
240 subsection shall conform to the requirements under
241 subsection 3 of this section [with the additional
242 requirement that it] **and shall** include an opinion, if the
243 accused lacks mental fitness to proceed, as to whether there
244 is a substantial probability that the accused will attain
245 the mental fitness to proceed in the foreseeable future;

246 (2) Within ten days after the filing of the report,
247 both the accused and the state shall, upon written request,
248 be entitled to an order granting them an examination of the
249 accused by a psychiatrist or psychologist, as defined in
250 section 632.005, or a physician with a minimum of one year
251 training or experience in providing treatment or services to
252 persons with an intellectual disability or developmental
253 disability or mental illness, of their own choosing and at
254 their own expense. An examination performed pursuant to
255 this subdivision shall be completed and filed with the court
256 within thirty days unless the court, for good cause, orders
257 otherwise. A copy shall be furnished to the opposing party;

258 (3) If neither the state nor the accused nor his or
259 her counsel requests a second examination relative to
260 fitness to proceed or contests the findings of the report
261 referred to in subdivision (1) of this subsection, the court
262 may make a determination and finding on the basis of the
263 report filed, or may hold a hearing on its own motion. If
264 any such opinion is contested, the court shall hold a
265 hearing on the issue. The report or reports may be received
266 in evidence at any hearing on the issue but the party
267 contesting any opinion therein relative to fitness to
268 proceed shall have the right to summon and to cross-examine
269 the examiner who rendered such opinion and to offer evidence
270 upon the issue;

271 (4) If the accused is found mentally fit to proceed,
272 the criminal proceedings shall be resumed;

273 (5) If it is found that the accused lacks mental
274 fitness to proceed but there is a substantial probability
275 the accused will be mentally fit to proceed in the
276 reasonably foreseeable future, the court shall continue such
277 commitment for a period not longer than six months, after

278 which the court shall reinstitute the proceedings required
279 under subdivision (1) of this subsection;

280 (6) If it is found that the accused lacks mental
281 fitness to proceed and there is no substantial probability
282 that the accused will be mentally fit to proceed in the
283 reasonably foreseeable future, the court shall dismiss the
284 charges without prejudice and the accused shall be
285 discharged, but only if proper proceedings have been filed
286 under chapter 632 or chapter 475, in which case those
287 sections and no others will be applicable. The probate
288 division of the circuit court shall have concurrent
289 jurisdiction over the accused upon the filing of a proper
290 pleading to determine if the accused shall be involuntarily
291 detained under chapter 632, or to determine if the accused
292 shall be declared incapacitated under chapter 475, and
293 approved for admission by the guardian under section 632.120
294 or 633.120, to a mental health or developmental disability
295 facility. When such proceedings are filed, the criminal
296 charges shall be dismissed without prejudice if the court
297 finds that the accused is mentally ill and should be
298 committed or that he or she is incapacitated and should have
299 a guardian appointed. The period of limitation on
300 prosecuting any criminal offense shall be tolled during the
301 period that the accused lacks mental fitness to proceed.

302 [12.] 13. If the question of the accused's mental
303 fitness to proceed was raised after a jury was impaneled to
304 try the issues raised by a plea of not guilty and the court
305 determines that the accused lacks the mental fitness to
306 proceed or orders the accused committed for an examination
307 pursuant to this section, the court may declare a mistrial.
308 Declaration of a mistrial under these circumstances, or
309 dismissal of the charges pursuant to subsection [11] 12 of

310 this section, does not constitute jeopardy, nor does it
311 prohibit the trial, sentencing or execution of the accused
312 for the same offense after he or she has been found restored
313 to competency.

314 [13.] 14. The result of any examinations made pursuant
315 to this section shall not be a public record or open to the
316 public.

317 [14.] 15. No statement made by the accused in the
318 course of any examination or treatment pursuant to this
319 section and no information received by any examiner or other
320 person in the course thereof, whether such examination or
321 treatment was made with or without the consent of the
322 accused or upon his or her motion or upon that of others,
323 shall be admitted in evidence against the accused on the
324 issue of guilt in any criminal proceeding then or thereafter
325 pending in any court, state or federal. A finding by the
326 court that the accused is mentally fit to proceed shall in
327 no way prejudice the accused in a defense to the crime
328 charged on the ground that at the time thereof he or she was
329 afflicted with a mental disease or defect excluding
330 responsibility, nor shall such finding by the court be
331 introduced in evidence on that issue nor otherwise be
332 brought to the notice of the jury.

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

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

7 3. If a person fails to appear in court either solely
8 for an infraction or for an infraction which is committed in
9 the same course of conduct as a criminal offense for which

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

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

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

558.016. 1. The court may sentence a person who has
2 been found guilty of an offense to a term of imprisonment as
3 authorized by section 558.011 or to a term of imprisonment
4 authorized by a statute governing the offense if it finds
5 the defendant is a prior offender or a persistent
6 misdemeanor offender. The court may sentence a person to an
7 extended term of imprisonment if:

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

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

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

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

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

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

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

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

33 5. A "persistent misdemeanor offender" is one who has
34 been found guilty of two or more offenses, committed at
35 different times that are classified as A or B misdemeanors
36 under the laws of this state.

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

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

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

 2. The provisions of subsections 2 to 5 of this
9 section shall only be applicable to the offenses contained
10 in sections 565.021, 565.023, 565.024, 565.027, 565.050,
11 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,
12 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
13 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,
14 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
15 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,
16 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
17 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,
18 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,
19 570.023, 570.025, 570.030 when punished as a class A, B, or
20 C felony, 570.145 when punished as a class A or B felony,
21 570.223 when punished as a class B or C felony, 571.020,
22 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,
23 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,
24 575.150, 575.153, 575.155, 575.157, 575.200 when punished as
25 a class A felony, 575.210, 575.230 when punished as a class
26 B felony, 575.240 when punished as a class B felony,

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

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

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

54 (3) If the offender has three or more previous prison
55 commitments to the department of corrections for felonies
56 unrelated to the present offense, the minimum prison term
57 which the offender must serve shall be eighty percent of his
58 or her sentence or until the offender attains seventy years

59 of age, and has served at least forty percent of the
60 sentence imposed, whichever occurs first.

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

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

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

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

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

82 6. An offender who was convicted of, or pled guilty
83 to, a felony offense other than those offenses listed in
84 subsection 2 of this section prior to August 28, 2019, shall
85 no longer be subject to the minimum prison term provisions
86 under subsection 2 of this section, and shall be eligible
87 for parole, conditional release, or other early release by
88 the department of corrections according to the rules and
89 regulations of the department.

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

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

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

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

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

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

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

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

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

153 (2) Offender treatment programs;

154 (3) Mandatory community service;
155 (4) Work release programs in local facilities; and
156 (5) Community-based residential and nonresidential
157 programs.

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

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

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

183 13. Nothing in this section shall be construed to
184 allow the sentencing advisory commission to issue

185 recommended sentences in specific cases pending in the
186 courts of this state.

558.031. 1. A sentence of imprisonment shall commence
2 when a person convicted of an offense in this state is
3 received into the custody of the department of corrections
4 or other place of confinement where the offender is
5 sentenced.

6 2. Such person shall receive credit toward the service
7 of a sentence of imprisonment for all time in prison, jail
8 or custody after [conviction] **the offense occurred** and
9 before the commencement of the sentence, when the time in
10 custody was related to that offense[, and the circuit court
11 may, when pronouncing sentence, award credit for time spent
12 in prison, jail, or custody after the offense occurred and
13 before conviction toward the service of the sentence of
14 imprisonment, except:

15 (1) Such credit shall only be applied once when
16 sentences are consecutive;

17 (2) Such credit shall only be applied if the person
18 convicted was in custody in the state of Missouri, unless
19 such custody was compelled exclusively by the state of
20 Missouri's action; and

21 (3) As provided in section 559.100]. **This credit**
22 **shall be based upon the certification of the sheriff as**
23 **provided in subdivision (3) of subsection 2 of section**
24 **217.305 and may be supplemented by a certificate of a**
25 **sheriff or other custodial officer from another jurisdiction**
26 **having held the person on the charge of the offense for**
27 **which the sentence of imprisonment is ordered.**

28 3. The officer required by law to deliver a person
29 convicted of an offense in this state to the department of
30 corrections shall endorse upon the papers required by

31 section 217.305 both the dates the offender was in custody
32 and the period of time to be credited toward the service of
33 the sentence of imprisonment, except as endorsed by such
34 officer.

35 4. If a person convicted of an offense escapes from
36 custody, such escape shall interrupt the sentence. The
37 interruption shall continue until such person is returned to
38 the correctional center where the sentence was being served,
39 or in the case of a person committed to the custody of the
40 department of corrections, to any correctional center
41 operated by the department of corrections. An escape shall
42 also interrupt the jail time credit to be applied to a
43 sentence which had not commenced when the escape occurred.

44 5. If a sentence of imprisonment is vacated and a new
45 sentence imposed upon the offender for that offense, all
46 time served under the vacated sentence shall be credited
47 against the new sentence, unless the time has already been
48 credited to another sentence as provided in subsection 1 of
49 this section.

50 6. If a person released from imprisonment on parole or
51 serving a conditional release term violates any of the
52 conditions of his or her parole or release, he or she may be
53 treated as a parole violator. If the parole board revokes
54 the parole or conditional release, the paroled person shall
55 serve the remainder of the prison term and conditional
56 release term, as an additional prison term, and the
57 conditionally released person shall serve the remainder of
58 the conditional release term as a prison term, unless
59 released on parole.

60 7. Subsection 2 of this section shall be applicable to
61 offenses [occurring] **for which the offender was sentenced** on
62 or after August 28, [2021] **2023**.

63 **8. The total amount of credit given shall not exceed**
64 **the number of days spent in prison, jail, or custody after**
65 **the offense occurred and before the commencement of the**
66 **sentence.**

 565.240. 1. A person commits the offense of unlawful
2 posting of certain information over the internet if he or
3 she knowingly posts the name, home address, Social Security
4 number, telephone number, or any other personally
5 identifiable information of any person on the internet
6 intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person.

 2. The offense of unlawful posting of certain
9 information over the internet is a class C misdemeanor,
10 unless the person knowingly posts on the internet the name,
11 home address, Social Security number, telephone number, or
12 any other personally identifiable information of any law
13 enforcement officer, corrections officer, parole officer,
14 judge, commissioner, or prosecuting attorney, or of any
15 immediate family member of such law enforcement officer,
16 corrections officer, parole officer, judge, commissioner, or
17 prosecuting attorney, intending to cause great bodily harm
18 or death, or threatening to cause great bodily harm or
19 death, in which case it is a class E felony, **and if such**
20 **intention or threat results in bodily harm or death to such**
21 **person or immediate family member, the offense of unlawful**
22 **posting of certain information over the internet is a class**
23 **D felony.**

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

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

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

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

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

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

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

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

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

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

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

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

32 (10) A representative of the office of state courts
33 administrator appointed by the state courts administrator or
34 his or her designee;

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

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

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

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

49 2. The task force shall appoint a chairperson who is
50 elected by a majority vote of the members of the task
51 force. The task force shall have an initial meeting before
52 October 1, 2023. The members of the task force shall serve
53 without compensation, but shall be entitled to necessary and
54 actual expenses incurred in attending meetings of the task
55 force.

56 3. The task force shall collect feedback from
57 stakeholders, which may include, but shall not be limited
58 to, victims, law enforcement, victim advocates, and digital
59 evidence and forensics experts, to inform development of
60 best practices regarding:

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

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

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

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

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

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

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

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

87 (6) Whether a need exists for increased victim
88 services and training for victim advocates relating to
89 cyberstalking and harassment, and if such a need does exist,
90 recommendations on how to best fill the need, whether
91 legislatively or otherwise.

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

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

97 **7. The task force shall expire on December 31, 2025,**
98 **unless extended until December 31, 2027, as determined**
99 **necessary by the department of public safety.**

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

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

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

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

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

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

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

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

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

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

20 2. Any person convicted of a second offense of armed
21 criminal action under subsection 1 of this section shall be
22 punished by imprisonment by the department of corrections
23 for a term of not less than five years and not to exceed
24 thirty years, unless the person is unlawfully possessing a
25 firearm, in which case the term of imprisonment shall be for
26 a term not less than fifteen years. The punishment imposed
27 pursuant to this subsection shall be in addition to and
28 consecutive to any punishment provided by law for the crime
29 committed by, with, or through the use, assistance, or aid
30 of a dangerous instrument or deadly weapon. No person

31 convicted under this subsection shall be eligible for
32 parole, probation, conditional release, or suspended
33 imposition or execution of sentence for a period of five
34 calendar years.

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

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

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

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

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

**11 (2) On a shooting range supervised by any person
12 eighteen years of age or older;**

**13 (3) To lawfully take wildlife during an open season
14 established by the department of conservation. Nothing in**

15 this subdivision shall prevent a municipality from adopting
16 an ordinance restricting the discharge of a firearm within
17 one-quarter mile of an occupied structure;

18 (4) For the control of nuisance wildlife as permitted
19 by the department of conservation or the United States Fish
20 and Wildlife Service;

21 (5) By special permit of the chief of police of the
22 municipality;

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

25 (7) Using blanks;

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

27 (9) In self-defense or defense of another person
28 against an animal attack if a reasonable person would
29 believe that deadly physical force against the animal is
30 immediately necessary and reasonable under the circumstances
31 to protect oneself or the other person; or

32 (10) By law enforcement personnel, as defined in
33 section 590.1040, or a member of the United States Armed
34 Forces if acting in an official capacity.

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

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

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

39 (3) For a third or subsequent offense, a class D
40 felony.

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

4 (1) Such person has been convicted of a felony under
5 the laws of this state, or of a crime under the laws of any

6 state or of the United States which, if committed within
7 this state, would be a felony; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (2) Bona fide scientific experiments;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

93 (1) Any quantity of the following substances having a
94 stimulant effect on the central nervous system:
95 amphetamine, its salts, optical isomers and salts of its
96 optical isomers; methamphetamine, its salts, isomers and

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

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

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

**579.088. Notwithstanding any other provision of this
2 chapter or chapter 195 to the contrary, it shall not be
3 unlawful to manufacture, possess, sell, deliver, or use any
4 device, equipment, or other material for the purpose of
5 analyzing controlled substances to detect the presence of
6 fentanyl or any synthetic controlled substance fentanyl
7 analogue.**

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

17 2. All peace officers **and firefighters** shall be
18 required to meet with a program service provider once every

19 three to five years for a mental health check-in. The
20 program service provider shall send a notification to the
21 peace officer's commanding officer **or firefighter's fire**
22 **protection district director** that he or she completed such
23 check-in.

24 3. Any information disclosed by a peace officer **or**
25 **firefighter** shall be privileged and shall not be used as
26 evidence in criminal, administrative, or civil proceedings
27 against the peace officer **or firefighter** unless:

28 (1) A program representative reasonably believes the
29 disclosure is necessary to prevent harm to a person who
30 received services or to prevent harm to another person;

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

33 (3) The person receiving services discloses
34 information that is required to be reported under mandatory
35 reporting laws.

36 4. (1) There is hereby created in the state treasury
37 the "988 Public Safety Fund", which shall consist of moneys
38 appropriated by the general assembly. The state treasurer
39 shall be custodian of the fund. In accordance with sections
40 30.170 and 30.180, the state treasurer may approve
41 disbursements. The fund shall be a dedicated fund and
42 moneys in the fund shall be used solely by the department of
43 public safety for the purposes of providing services for
44 peace officers **and firefighters** to assist in coping with
45 stress and potential psychological trauma resulting from a
46 response to a critical incident or emotionally difficult
47 event pursuant to subsection 1 of this section. Such
48 services may include consultation, risk assessment,
49 education, intervention, and other crisis intervention
50 services provided by the department to peace officers **or**

51 **firefighters** affected by a critical incident. The director
52 of public safety may prescribe rules and regulations
53 necessary to carry out the provisions of this section. Any
54 rule or portion of a rule, as that term is defined in
55 section 536.010, that is created under the authority
56 delegated in this section shall become effective only if it
57 complies with and is subject to all of the provisions of
58 chapter 536 and, if applicable, section 536.028. This
59 section and chapter 536 are nonseverable and if any of the
60 powers vested with the general assembly pursuant to chapter
61 536 to review, to delay the effective date, or to disapprove
62 and annul a rule are subsequently held unconstitutional,
63 then the grant of rulemaking authority and any rule proposed
64 or adopted after August 28, 2021, shall be invalid and void.

65 (2) Notwithstanding the provisions of section 33.080
66 to the contrary, any moneys remaining in the fund at the end
67 of the biennium shall not revert to the credit of the
68 general revenue fund.

69 (3) The state treasurer shall invest moneys in the
70 fund in the same manner as other funds are invested. Any
71 interest and moneys earned on such investments shall be
72 credited to the fund.

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

11 the local governing body for all reasonable and necessary
12 expenses.

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

595.209. 1. The following rights shall automatically
2 be afforded to victims of dangerous felonies, as defined in
3 section 556.061, victims of murder in the first degree, as
4 defined in section 565.020, victims of voluntary
5 manslaughter, as defined in section 565.023, victims of any
6 offense under chapter 566, victims of an attempt to commit
7 one of the preceding crimes, as defined in section 562.012,
8 and victims of domestic assault, as defined in sections
9 565.072 to 565.076; and, upon written request, the following

10 rights shall be afforded to victims of all other crimes and
11 witnesses of crimes:

12 (1) For victims, the right to be present at all
13 criminal justice proceedings at which the defendant has such
14 right, including juvenile proceedings where the offense
15 would have been a felony if committed by an adult, even if
16 the victim is called to testify or may be called to testify
17 as a witness in the case;

18 (2) For victims, the right to information about the
19 crime, as provided for in subdivision (5) of this subsection;

20 (3) For victims and witnesses, to be informed, in a
21 timely manner, by the prosecutor's office of the filing of
22 charges, preliminary hearing dates, trial dates,
23 continuances and the final disposition of the case. Final
24 disposition information shall be provided within five days;

25 (4) For victims, the right to confer with and to be
26 informed by the prosecutor regarding bail hearings, guilty
27 pleas, pleas under chapter 552 or its successors, hearings,
28 sentencing and probation revocation hearings and the right
29 to be heard at such hearings, including juvenile
30 proceedings, unless in the determination of the court the
31 interests of justice require otherwise;

32 (5) The right to be informed by local law enforcement
33 agencies, the appropriate juvenile authorities or the
34 custodial authority of the following:

35 (a) The status of any case concerning a crime against
36 the victim, including juvenile offenses;

37 (b) The right to be informed by local law enforcement
38 agencies or the appropriate juvenile authorities of the
39 availability of victim compensation assistance, assistance
40 in obtaining documentation of the victim's losses,
41 including, but not limited to and subject to existing law

42 concerning protected information or closed records, access
43 to copies of complete, unaltered, unedited investigation
44 reports of motor vehicle, pedestrian, and other similar
45 accidents upon request to the appropriate law enforcement
46 agency by the victim or the victim's representative, and
47 emergency crisis intervention services available in the
48 community;

49 (c) Any release of such person on bond or for any
50 other reason;

51 (d) Within twenty-four hours, any escape by such
52 person from a municipal detention facility, county jail, a
53 correctional facility operated by the department of
54 corrections, mental health facility, or the division of
55 youth services or any agency thereof, and any subsequent
56 recapture of such person;

57 (6) For victims, the right to be informed by
58 appropriate juvenile authorities of probation revocation
59 hearings initiated by the juvenile authority and the right
60 to be heard at such hearings or to offer a written
61 statement, video or audio tape, counsel or a representative
62 designated by the victim in lieu of a personal appearance,
63 the right to be informed by the board of probation and
64 parole of probation revocation hearings initiated by the
65 board and of parole hearings, the right to be present at
66 each and every phase of parole hearings, the right to be
67 heard at probation revocation and parole hearings or to
68 offer a written statement, video or audio tape, counsel or a
69 representative designated by the victim in lieu of a
70 personal appearance, and the right to have, upon written
71 request of the victim, a partition set up in the probation
72 or parole hearing room in such a way that the victim is
73 shielded from the view of the probationer or parolee, and

74 the right to be informed by the custodial mental health
75 facility or agency thereof of any hearings for the release
76 of a person committed pursuant to the provisions of chapter
77 552, the right to be present at such hearings, the right to
78 be heard at such hearings or to offer a written statement,
79 video or audio tape, counsel or a representative designated
80 by the victim in lieu of personal appearance;

81 (7) For victims and witnesses, upon their written
82 request, the right to be informed by the appropriate
83 custodial authority, including any municipal detention
84 facility, juvenile detention facility, county jail,
85 correctional facility operated by the department of
86 corrections, mental health facility, division of youth
87 services or agency thereof if the offense would have been a
88 felony if committed by an adult, postconviction or
89 commitment pursuant to the provisions of chapter 552 of the
90 following:

91 (a) The projected date of such person's release from
92 confinement;

93 (b) Any release of such person on bond;

94 (c) Any release of such person on furlough, work
95 release, trial release, electronic monitoring program, or to
96 a community correctional facility or program or release for
97 any other reason, in advance of such release;

98 (d) Any scheduled parole or release hearings,
99 including hearings under section 217.362, regarding such
100 person and any changes in the scheduling of such hearings.
101 No such hearing shall be conducted without thirty days'
102 advance notice;

103 (e) Within twenty-four hours, any escape by such
104 person from a municipal detention facility, county jail, a
105 correctional facility operated by the department of

106 corrections, mental health facility, or the division of
107 youth services or any agency thereof, and any subsequent
108 recapture of such person;

109 (f) Any decision by a parole board, by a juvenile
110 releasing authority or by a circuit court presiding over
111 releases pursuant to the provisions of chapter 552, or by a
112 circuit court presiding over releases under section 217.362,
113 to release such person or any decision by the governor to
114 commute the sentence of such person or pardon such person;

115 (g) Notification within thirty days of the death of
116 such person;

117 (8) For witnesses who have been summoned by the
118 prosecuting attorney and for victims, to be notified by the
119 prosecuting attorney in a timely manner when a court
120 proceeding will not go on as scheduled;

121 (9) For victims and witnesses, the right to reasonable
122 protection from the defendant or any person acting on behalf
123 of the defendant from harm and threats of harm arising out
124 of their cooperation with law enforcement and prosecution
125 efforts;

126 (10) For victims and witnesses, on charged cases or
127 submitted cases where no charge decision has yet been made,
128 to be informed by the prosecuting attorney of the status of
129 the case and of the availability of victim compensation
130 assistance and of financial assistance and emergency and
131 crisis intervention services available within the community
132 and information relative to applying for such assistance or
133 services, and of any final decision by the prosecuting
134 attorney not to file charges;

135 (11) For victims, to be informed by the prosecuting
136 attorney of the right to restitution which shall be

137 enforceable in the same manner as any other cause of action
138 as otherwise provided by law;

139 (12) For victims and witnesses, to be informed by the
140 court and the prosecuting attorney of procedures to be
141 followed in order to apply for and receive any witness fee
142 to which they are entitled;

143 (13) When a victim's property is no longer needed for
144 evidentiary reasons or needs to be retained pending an
145 appeal, the prosecuting attorney or any law enforcement
146 agency having possession of the property shall, upon request
147 of the victim, return such property to the victim within
148 five working days unless the property is contraband or
149 subject to forfeiture proceedings, or provide written
150 explanation of the reason why such property shall not be
151 returned;

152 (14) An employer may not discharge or discipline any
153 witness, victim or member of a victim's immediate family for
154 honoring a subpoena to testify in a criminal proceeding,
155 attending a criminal proceeding, or for participating in the
156 preparation of a criminal proceeding, or require any
157 witness, victim, or member of a victim's immediate family to
158 use vacation time, personal time, or sick leave for honoring
159 a subpoena to testify in a criminal proceeding, attending a
160 criminal proceeding, or participating in the preparation of
161 a criminal proceeding;

162 (15) For victims, to be provided with creditor
163 intercession services by the prosecuting attorney if the
164 victim is unable, as a result of the crime, temporarily to
165 meet financial obligations;

166 (16) For victims and witnesses, the right to speedy
167 disposition of their cases, and for victims, the right to
168 speedy appellate review of their cases, provided that

169 nothing in this subdivision shall prevent the defendant from
170 having sufficient time to prepare such defendant's defense.
171 The attorney general shall provide victims, upon their
172 written request, case status information throughout the
173 appellate process of their cases. The provisions of this
174 subdivision shall apply only to proceedings involving the
175 particular case to which the person is a victim or witness;

176 (17) For victims and witnesses, to be provided by the
177 court, a secure waiting area during court proceedings and to
178 receive notification of the date, time and location of any
179 hearing conducted by the court for reconsideration of any
180 sentence imposed, modification of such sentence or recall
181 and release of any defendant from incarceration;

182 (18) For victims, the right to receive upon request
183 from the department of corrections a photograph taken of the
184 defendant prior to release from incarceration.

185 2. The provisions of subsection 1 of this section
186 shall not be construed to imply any victim who is
187 incarcerated by the department of corrections or any local
188 law enforcement agency has a right to be released to attend
189 any hearing or that the department of corrections or the
190 local law enforcement agency has any duty to transport such
191 incarcerated victim to any hearing.

192 3. Those persons entitled to notice of events pursuant
193 to the provisions of subsection 1 of this section shall
194 provide the appropriate person or agency with their current
195 addresses, **electronic mail address**, and telephone numbers or
196 the addresses, **electronic mail address**, or telephone numbers
197 at which they wish notification to be given.

198 4. Notification by the appropriate person or agency
199 utilizing the statewide automated crime victim notification
200 system as established in section 650.310 shall constitute

201 compliance with the victim notification requirement of this
202 section. If notification utilizing the statewide automated
203 crime victim notification system cannot be used, then
204 written notification shall be sent by certified mail **or**
205 **electronic mail** to the most current address **or electronic**
206 **mail address** provided by the victim.

207 5. Victims' rights as established in Section 32 of
208 Article I of the Missouri Constitution or the laws of this
209 state pertaining to the rights of victims of crime shall be
210 granted and enforced regardless of the desires of a
211 defendant and no privileges of confidentiality shall exist
212 in favor of the defendant to exclude victims or prevent
213 their full participation in each and every phase of parole
214 hearings or probation revocation hearings. The rights of
215 the victims granted in this section are absolute and the
216 policy of this state is that the victim's rights are
217 paramount to the defendant's rights. The victim has an
218 absolute right to be present at any hearing in which the
219 defendant is present before a probation and parole hearing
220 officer.

600.042. 1. The director shall:

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

8 (2) Submit to the commission, between August fifteenth
9 and September fifteenth of each year, a report which shall
10 include all pertinent data on the operation of the state
11 public defender system, the costs, projected needs, and
12 recommendations for statutory changes. Prior to October

13 fifteenth of each year, the commission shall submit such
14 report along with such recommendations, comments,
15 conclusions, or other pertinent information it chooses to
16 make to the chief justice, the governor, and the general
17 assembly. Such reports shall be a public record, shall be
18 maintained in the office of the state public defender, and
19 shall be otherwise distributed as the commission shall
20 direct;

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

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

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

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

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

44 (8) With approval of the commission, promulgate
45 necessary rules, regulations and instructions consistent
46 with this chapter defining the organization of the state
47 public defender system and the responsibilities of division
48 directors, district defenders, deputy district defenders,
49 assistant public defenders and other personnel;

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

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

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

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

71 3. The director and defenders shall, within guidelines
72 as established by the commission and as set forth in
73 subsection 4 of this section, accept requests for legal
74 services from eligible persons entitled to counsel under
75 this chapter or otherwise so entitled under the constitution

76 or laws of the United States or of the state of Missouri and
77 provide such persons with legal services when, in the
78 discretion of the director or the defenders, such provision
79 of legal services is appropriate.

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

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

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

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

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

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

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

108 5. The director may:

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

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

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

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

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

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

7 (3) "Extended course of criminal conduct", crimes
8 which:

9 (a) Occur during a period of addiction, however long,
10 in which a person suffers from a problematic pattern of use
11 of one or more controlled substances leading to significant

12 **impairment or distress that would be characterized as**
13 **moderate or severe by the most recently published Diagnostic**
14 **and Statistical Manual of Mental Disorders (DSM). A**
15 **clinical diagnosis of addiction is not required to prove**
16 **addiction; or**

17 **(b) Occur while a person is between the ages of**
18 **sixteen to twenty-five;**

19 **(4) "Prosecutor" or "prosecuting attorney", the**
20 **prosecuting attorney, circuit attorney, or municipal**
21 **prosecuting attorney;**

22 **(5) "Same course of criminal conduct", crimes which:**

23 **(a) Are charged as counts in the same indictment or**
24 **information; or**

25 **(b) Occur within a time period suggesting a common**
26 **connection between the offenses, not to exceed one year.**

27 **2.** Notwithstanding any other provision of law and
28 subject to the provisions of this section, any person may
29 apply to any court in which such person was charged or found
30 guilty of any **[offenses, violations, or infractions] crimes**
31 for an order to expunge records of such arrest, plea, trial,
32 or conviction.

33 **(1)** Subject to the limitations of subsection **[12] 13**
34 of this section, a person may apply to have one or more
35 **[offenses, violations, or infractions] crimes** expunged if
36 **each** such **[offense, violation, or infraction] crime** occurred
37 within the state of Missouri and was prosecuted under the
38 jurisdiction of a Missouri **[municipal, associate circuit, or**
39 **circuit] court**, so long as such person lists all the
40 **[offenses, violations, and infractions] crimes** he or she is
41 seeking to have expunged in the petition and so long as all
42 such **[offenses, violations, and infractions] crimes** are not
43 excluded under subsection **[2] 3** of this section.

44 (2) If the [offenses, violations, or infractions were
45 charged as counts in the same indictment or information or]
46 **crimes sought to be expunged** were committed as part of the
47 same course of criminal conduct, the person may include all
48 [the] **such** related [offenses, violations, and infractions]
49 **crimes** in the petition, regardless of the limits of
50 subsection [12] 13 of this section, and [the petition] **those**
51 **related crimes** shall only count as [a petition for
52 expungement of] the highest level [violation or offense
53 contained in the petition] for the purpose of determining
54 **current and** future eligibility for expungement.

55 (3) If the crimes sought to be expunged were committed
56 as part of an extended course of criminal conduct, the
57 person may include all such related crimes in the petition:

58 (a) The person may include all crimes that were
59 committed during a period of addiction as defined in
60 subsection 1 of this section, regardless of the limits of
61 subsection 13 of this section, and those crimes shall count
62 only as the highest level among them for the purpose of
63 determining current and future eligibility for expungement.

64 (b) The person may include all crimes that were
65 committed while a person was between the ages of sixteen and
66 twenty-five, regardless of the limits of subsection 13 of
67 this section, and those crimes shall count only as the
68 highest level among them for the purpose of determining
69 **current and future eligibility for expungement.**

70 [2.] 3. The following [offenses, violations, and
71 infractions] **crimes** shall not be eligible for expungement
72 under this section:

73 (1) Any class A felony offense;

74 (2) Any dangerous felony as that term is defined in
75 section 556.061;

- 76 (3) Any offense **at the time of conviction** that
77 requires registration as a sex offender;
- 78 (4) Any felony offense where death is an element of
79 the offense;
- 80 (5) Any felony offense of assault; misdemeanor or
81 felony offense of domestic assault; or felony offense of
82 kidnapping;
- 83 (6) Any offense listed, **[or]** previously listed, **or is**
84 **a successor to an offense** in chapter 566 or section 105.454,
85 105.478, 115.631, 130.028, 188.030, 188.080, 191.677,
86 194.425, **[217.360,]** 217.385, 334.245, 375.991, 389.653,
87 455.085, 455.538, 557.035, **[565.084, 565.085, 565.086,**
88 **565.095,]** 565.120, 565.130, 565.156, **[565.200, 565.214,]**
89 566.093, 566.111, 566.115, **566.116**, 568.020, 568.030,
90 568.032, 568.045, 568.060, 568.065, **[568.080, 568.090,]**
91 568.175, **[569.030, 569.035,]** 569.040, 569.050, 569.055,
92 569.060, 569.065, 569.067, 569.072, 569.160, 570.025,
93 **[570.090,]** 570.180, 570.223, 570.224, **[570.310,]** 571.020,
94 571.060, 571.063, 571.070, 571.072, 571.150, **573.200**,
95 **573.205**, 574.070, 574.105, 574.115, 574.120, 574.130,
96 **574.140**, 575.040, 575.095, 575.153, 575.155, 575.157,
97 575.159, 575.195, 575.200, 575.210, 575.220, 575.230,
98 575.240, **[575.350,]** 575.353, 577.078, 577.703, 577.706,
99 **[578.008, 578.305, 578.310,]** or 632.520;
- 100 (7) Any offense eligible for expungement under section
101 **[577.054 or]** 610.130;
- 102 (8) Any intoxication-related traffic or boating
103 offense as defined in section 577.001, or any offense of
104 operating an aircraft with an excessive blood alcohol
105 content or while in an intoxicated condition;

106 (9) Any ordinance violation that is the substantial
107 equivalent of any offense that is not eligible for
108 expungement under this section;

109 (10) Any violation of any state law or county or
110 municipal ordinance regulating the operation of motor
111 vehicles when committed by an individual who has been issued
112 a commercial driver's license or is required to possess a
113 commercial driver's license issued by this state or any
114 other state; and

115 (11) Any **felony** offense of section 571.030, except any
116 offense under subdivision (1) of subsection 1 of section
117 571.030 where the person was convicted or found guilty prior
118 to January 1, 2017, or any offense under subdivision (4) of
119 subsection 1 of section 571.030.

120 [3.] 4. The petition shall name as defendants all law
121 enforcement agencies, courts, prosecuting or circuit
122 attorneys, [municipal prosecuting attorneys,] central state
123 repositories of criminal records, or others who the
124 petitioner has reason to believe may possess the records
125 subject to expungement for each of the [offenses,
126 violations, and infractions] **crimes** listed in the petition.
127 The court's order of expungement shall not affect any person
128 or entity not named as a defendant in the action.

129 [4.] 5. The petition shall include the following
130 information:

131 (1) The petitioner's:

132 (a) Full name;

133 (b) Sex;

134 (c) Race;

135 (d) Driver's license number, if applicable; and

136 (e) Current address;

137 (2) Each [offense, violation, or infraction] **crime** for
138 which the petitioner is requesting expungement;

139 (3) The approximate date the petitioner was charged
140 for each [offense, violation, or infraction] **crime**; and

141 (4) The name of the county where the petitioner was
142 charged for each [offense, violation, or infraction] **crime**
143 and if any of the [offenses, violations, or infractions]
144 **crimes** occurred in a municipality, the name of the
145 municipality for each [offense, violation, or infraction]
146 **crime**; and

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

149 [5.] 6. The clerk of the court shall give notice of
150 the filing of the petition to the office of the prosecuting
151 attorney[, circuit attorney, or municipal prosecuting
152 attorney] that prosecuted the [offenses, violations, or
153 infractions] **crimes** listed in the petition. If the
154 prosecuting attorney[, circuit attorney, or municipal
155 prosecuting attorney] objects to the petition for
156 expungement, he or she shall do so in writing within thirty
157 days after receipt of service. Unless otherwise agreed upon
158 by the parties, the court shall hold a hearing within sixty
159 days after any written objection is filed, giving reasonable
160 notice of the hearing to the petitioner. If no objection
161 has been filed within thirty days after receipt of service,
162 the court may set a hearing on the matter and shall give
163 reasonable notice of the hearing to each entity named in the
164 petition. At any hearing, the court may accept evidence and
165 hear testimony on, and may consider, the following criteria
166 for each of the [offenses, violations, or infractions]
167 **crimes** listed in the petition for expungement:

168 (1) At the time the petition is filed, it has been at
169 least three years if the offense is a felony, or at least
170 one year if the offense is a misdemeanor, municipal
171 **[offense] violation**, or infraction, from the date the
172 petitioner completed any authorized disposition imposed
173 under section 557.011 for each **[offense, violation, or**
174 **infraction] crime** listed in the petition;

175 (2) **At the time the petition is filed, it has been at**
176 **least ten years from the date on which the authorized**
177 **dispositions imposed under section 557.011 for all crimes**
178 **committed within the relevant period have been completed if**
179 **the crimes sought to be expunged were committed as part of**
180 **an extended course of criminal conduct under subdivision (3)**
181 **of subsection 2 of this section;**

182 (3) At the time the petition is filed, the person has
183 not been found guilty of any other misdemeanor or felony,
184 not including violations of the traffic regulations provided
185 under chapters 301, 302, 303, 304, and 307, during the time
186 period specified for the underlying **[offense, violation, or**
187 **infraction] crime** in subdivision (1) **or (2)** of this
188 subsection;

189 **[(3)] (4)** The person has satisfied all obligations
190 relating to any such disposition, including the payment of
191 any fines or restitution;

192 **[(4)] (5)** The person does not have charges pending;

193 **[(5)] (6)** The petitioner's habits and conduct
194 demonstrate that the petitioner is not a threat to the
195 public safety of the state; and

196 **[(6)] (7)** The expungement is consistent with the
197 public welfare and the interests of justice warrant the
198 expungement.

199 A pleading by the petitioner that such petitioner meets the
200 requirements of subdivisions [(5)] (6) and [(6)] (7) of this
201 subsection shall create a rebuttable presumption that the
202 expungement is warranted so long as the criteria contained
203 in subdivisions (1) to [(4)] (5) of this subsection are
204 otherwise satisfied. The burden shall shift to the
205 prosecuting attorney[,] or circuit attorney[, or municipal
206 prosecuting attorney] to rebut the presumption. A victim of
207 [an offense, violation, or infraction] a **crime** listed in the
208 petition shall have an opportunity to be heard at any
209 hearing held under this section[, and the court may make a
210 determination based solely on such victim's testimony]. **A**
211 **court may find that the continuing impact of the offense**
212 **upon the victim rebuts the presumption that expungement is**
213 **warranted.**

214 [6.] 7. A petition to expunge records related to an
215 arrest for an eligible [offense, violation, or infraction]
216 **crime** may be made in accordance with the provisions of this
217 section to a court of competent jurisdiction in the county
218 where the petitioner was arrested no earlier than [three
219 years] **eighteen months** from the date of arrest; provided
220 that, during such time, the petitioner has not been charged
221 and the petitioner has not been found guilty of any
222 misdemeanor or felony offense.

223 [7.] 8. If the court determines that such person meets
224 all the criteria set forth in subsection [5] 6 of this
225 section for each of the [offenses, violations, or
226 infractions] **crimes** listed in the petition for expungement,
227 the court shall enter an order of expungement. In all cases
228 under this section, the court shall issue an order of
229 expungement or dismissal within six months of the filing of
230 the petition. A copy of the order of expungement shall be

231 provided to the petitioner and each entity possessing
232 records subject to the order, and, upon receipt of the
233 order, each entity shall close any record in its possession
234 relating to any [offense, violation, or infraction] **crime**
235 listed in the petition, in the manner established by section
236 610.120. The records and files maintained in any
237 administrative or court proceeding in a municipal,
238 associate, or circuit court for any [offense, infraction, or
239 violation] **crime** ordered expunged under this section shall
240 be confidential and only available to the parties or by
241 order of the court for good cause shown. The central
242 repository shall request the Federal Bureau of Investigation
243 to expunge the records from its files.

244 [8.] **9.** The order shall not limit any of the
245 petitioner's rights that were restricted as a collateral
246 consequence of such person's criminal record, and such
247 rights shall be restored upon issuance of the order of
248 expungement. **Except as otherwise provided under this**
249 **section, the effect of such order shall be to fully restore**
250 **the civil rights of such person to the status he or she**
251 **occupied prior to such arrests, pleas, trials, or**
252 **convictions as if such events had never taken place. This**
253 **includes fully restoring the civil rights of a person to the**
254 **right to vote, the right to hold public office, and to serve**
255 **as a juror.** For purposes of 18 U.S.C. Section
256 921(a)(33)(B)(ii), an order [or] **of** expungement granted
257 pursuant to this section shall be considered a complete
258 removal of all effects of the expunged conviction. Except
259 as otherwise provided under this section, the effect of such
260 order shall be to restore such person to the status he or
261 she occupied prior to such arrests, pleas, trials, or
262 convictions as if such events had never taken place. No

263 person as to whom such order has been entered shall be held
264 thereafter under any provision of law to be guilty of
265 perjury or otherwise giving a false statement by reason of
266 his or her failure to recite or acknowledge such arrests,
267 pleas, trials, convictions, or expungement in response to an
268 inquiry made of him or her and no such inquiry shall be made
269 for information relating to an expungement, except the
270 petitioner shall disclose the expunged [offense, violation,
271 or infraction] **crime** to any court when asked or upon being
272 charged with any subsequent [offense, violation, or
273 infraction] **crime**. The expunged [offense, violation, or
274 infraction] **crime** may be considered a prior offense in
275 determining a sentence to be imposed for any subsequent
276 offense that the person is found guilty of committing.

277 [9.] 10. Notwithstanding the provisions of subsection
278 [8] 9 of this section to the contrary, a person granted an
279 expungement shall disclose any expunged [offense, violation,
280 or infraction] **crime** when the disclosure of such information
281 is necessary to complete any application for:

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

284 (2) Any license issued under chapter 313 or permit
285 issued under chapter 571;

286 (3) Paid or unpaid employment with an entity licensed
287 under chapter 313, any state-operated lottery, or any
288 emergency services provider, including any law enforcement
289 agency;

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

294 (5) Employment with any entity engaged in the business
295 of insurance or any insurer for the purpose of complying
296 with 18 U.S.C. Section 1033, 18 U.S.C. Section 1034, or
297 other similar law which requires an employer engaged in the
298 business of insurance to exclude applicants with certain
299 criminal convictions from employment; or

300 (6) Employment with any employer that is required to
301 exclude applicants with certain criminal convictions from
302 employment due to federal or state law, including
303 corresponding rules and regulations.

304 An employer shall notify an applicant of the requirements
305 under subdivisions (4) to (6) of this subsection.
306 Notwithstanding any provision of law to the contrary, an
307 expunged [offense, violation, or infraction] **crime** shall not
308 be grounds for automatic disqualification of an applicant,
309 but may be a factor for denying employment, or a
310 professional license, certificate, or permit; except that,
311 [an offense, violation, or infraction] **a crime** expunged
312 under the provisions of this section may be grounds for
313 automatic disqualification if the application is for
314 employment under subdivisions (4) to (6) of this subsection.

315 [10.] **11.** A person who has been granted an expungement
316 of records pertaining to a [misdemeanor or felony offense,
317 an ordinance violation, or an infraction] **crime** may answer
318 "no" to an employer's inquiry into whether the person has
319 ever been **arrested, charged, or** convicted of a crime if,
320 after the granting of the expungement, the person has no
321 public record of a [misdemeanor or felony offense, an
322 ordinance violation, or an infraction] **crime**. The person,
323 however, shall answer such an inquiry affirmatively and
324 disclose his or her criminal convictions, including any

325 offense [or violation] expunged under this section or
326 similar law, if the employer is required to exclude
327 applicants with certain criminal convictions from employment
328 due to federal or state law, including corresponding rules
329 and regulations.

330 [11.] 12. If the court determines that the petitioner
331 has not met the criteria for any of the [offenses,
332 violations, or infractions] **crimes** listed in the petition
333 for expungement or the petitioner has knowingly provided
334 false information in the petition, the court shall enter an
335 order dismissing the petition. Any person whose petition
336 for expungement has been dismissed by the court for failure
337 to meet the criteria set forth in subsection [5] 6 of this
338 section may not refile another petition until a year has
339 passed since the date of filing for the previous petition.

340 [12.] 13. A person may be granted more than one
341 expungement under this section provided that during his or
342 her lifetime, the total number of [offenses, violations, or
343 infractions] **crimes** for which orders of expungement are
344 granted to the person shall not exceed the following limits:

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

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

349 A person may be granted expungement under this section for
350 any number of infractions. [Nothing in this section shall
351 prevent the court from maintaining records to ensure that an
352 individual has not exceeded the limitations of this
353 subsection] **A person may not be granted more than one
354 expungement under subdivision (3) of subsection 2 of this
355 section.** Nothing in this section shall be construed to

356 limit or impair in any way the subsequent use of any record
357 expunged under this section of any arrests or findings of
358 guilt by a law enforcement agency, criminal justice agency,
359 prosecuting attorney[,] or circuit attorney[, or municipal
360 prosecuting attorney], including its use as a prior
361 [offense, violation, or infraction] **crime**.

362 [13.] **14.** The court shall make available a form for
363 pro se petitioners seeking expungement, which shall include
364 the following statement: "I declare under penalty of
365 perjury that the statements made herein are true and correct
366 to the best of my knowledge, information, and belief."

367 [14.] **15.** Nothing in this section shall be construed
368 to limit or restrict the availability of expungement to any
369 person under any other law.

650.058. 1. Notwithstanding the sovereign immunity of
2 the state, any individual who was found guilty of a felony
3 in a Missouri court and was later determined to be actually
4 innocent of such crime [solely as a result of DNA profiling
5 analysis] may be paid restitution. The individual may
6 receive an amount of one hundred **seventy-nine** dollars per
7 day for each day of postconviction incarceration for the
8 crime for which the individual is determined to be actually
9 innocent. The petition for the payment of said restitution
10 shall be filed with the sentencing court. For the purposes
11 of this section, the term "actually innocent" shall mean:

12 (1) The individual was convicted of a felony for which
13 a final order of release was entered by the court;

14 (2) All appeals of the order of release have been
15 exhausted;

16 (3) The individual was not serving any term of a
17 sentence for any other crime concurrently with the sentence
18 for which he or she is determined to be actually innocent,

19 unless such individual was serving another concurrent
20 sentence because his or her parole was revoked by a court or
21 the parole board in connection with the crime for which the
22 person has been exonerated. Regardless of whether any other
23 basis may exist for the revocation of the person's probation
24 or parole at the time of conviction for the crime for which
25 the person is later determined to be actually innocent, when
26 the court's or the parole board's sole stated reason for the
27 revocation in its order is the conviction for the crime for
28 which the person is later determined to be actually
29 innocent, such order shall, for purposes of this section
30 only, be conclusive evidence that **[their] the person's**
31 probation or parole was revoked in connection with the crime
32 for which the person has been exonerated; and

33 (4) Testing ordered under section 547.035, or testing
34 by the order of any state or federal court, if such person
35 was exonerated on or before August 28, 2004, or testing
36 ordered under section 650.055, if such person was or is
37 exonerated after August 28, 2004, **or after an evidentiary**
38 **hearing and finding in a habeas corpus proceeding or a**
39 **proceeding held pursuant to section 547.031 which**
40 demonstrates a person's innocence of the crime for which the
41 person is in custody.

42 Any individual who receives restitution under this section
43 shall be prohibited from seeking any civil redress from the
44 state, its departments and agencies, or any employee
45 thereof, or any political subdivision or its employees.
46 This section shall not be construed as a waiver of sovereign
47 immunity for any purposes other than the restitution
48 provided for herein. The department of corrections shall
49 determine the aggregate amount of restitution owed during a

50 fiscal year. If insufficient moneys are appropriated each
51 fiscal year to pay restitution to such persons, the
52 department shall pay each individual who has received an
53 order awarding restitution a pro rata share of the amount
54 appropriated. Provided sufficient moneys are appropriated
55 to the department, the amounts owed to such individual shall
56 be paid on June thirtieth of each subsequent fiscal year,
57 until such time as the restitution to the individual has
58 been paid in full. However, no individual awarded
59 restitution under this subsection shall receive more than
60 ~~[thirty-six]~~ **sixty-five** thousand ~~[five hundred]~~ dollars
61 during each fiscal year. No interest on unpaid restitution
62 shall be awarded to the individual. No individual who has
63 been determined by the court to be actually innocent shall
64 be responsible for the costs of care under section 217.831
65 **and may also be awarded other nonmonetary relief, including**
66 **counseling, housing assistance, and personal financial**
67 **literary assistance.**

68 2. If **a person receives DNA testing and** the results of
69 the DNA testing confirm the person's guilt, then the person
70 filing for DNA testing under section 547.035, shall:

71 (1) Be liable for any reasonable costs incurred when
72 conducting the DNA test, including but not limited to the
73 cost of the test. Such costs shall be determined by the
74 court and shall be included in the findings of fact and
75 conclusions of law made by the court; and

76 (2) Be sanctioned under the provisions of section
77 217.262.

78 3. A petition for payment of restitution under this
79 section may ~~[only]~~ be filed **only** by the individual
80 determined to be actually innocent or the individual's legal
81 guardian. No claim or petition for restitution under this

82 section may be filed by the individual's heirs or assigns.
83 An individual's right to receive restitution under this
84 section is not assignable or otherwise transferrable. The
85 state's obligation to pay restitution under this section
86 shall cease upon the individual's death. Any beneficiary
87 designation that purports to bequeath, assign, or otherwise
88 convey the right to receive such restitution shall be void
89 and unenforceable.

90 4. An individual who is determined to be actually
91 innocent of a crime under this chapter shall automatically
92 be granted an order of expungement from the court in which
93 he or she pled guilty or was sentenced to expunge from all
94 official records all recordations of his or her arrest,
95 plea, trial or conviction. Upon **the court's** granting of the
96 order of expungement, the records and files maintained in
97 any administrative or court proceeding in an associate or
98 circuit division of the court shall be confidential and
99 **[only]** available **only** to the parties or by order of the
100 court for good cause shown. The effect of such order shall
101 be to restore such person to the status he or she occupied
102 prior to such arrest, plea or conviction and as if such
103 event had never taken place. No person as to whom such
104 order has been entered shall be held thereafter under any
105 provision of any law to be guilty of perjury or otherwise
106 giving a false statement by reason of his or her failure to
107 recite or acknowledge such arrest, plea, trial, conviction
108 or expungement in response to any inquiry made of him or her
109 for any purpose whatsoever, and no such inquiry shall be
110 made for information relating to an expungement under this
111 section.

650.320. For the purposes of sections 650.320 to
2 650.340, the following terms mean:

3 (1) "Board", the Missouri 911 service board
4 established in section 650.325;

5 (2) "Public safety answering point", the location at
6 which 911 calls are answered;

7 (3) "Telecommunicator **first responder**", any person
8 employed as an emergency [telephone worker,] call taker or
9 public safety dispatcher whose duties include receiving,
10 processing or transmitting public safety information
11 received through a 911 public safety answering point.

650.330. 1. The board shall consist of fifteen
2 members, one of which shall be chosen from the department of
3 public safety, and the other members shall be selected as
4 follows:

5 (1) One member chosen to represent an association
6 domiciled in this state whose primary interest relates to
7 municipalities;

8 (2) One member chosen to represent the Missouri 911
9 Directors Association;

10 (3) One member chosen to represent emergency medical
11 services and physicians;

12 (4) One member chosen to represent an association with
13 a chapter domiciled in this state whose primary interest
14 relates to a national emergency number;

15 (5) One member chosen to represent an association
16 whose primary interest relates to issues pertaining to fire
17 chiefs;

18 (6) One member chosen to represent an association with
19 a chapter domiciled in this state whose primary interest
20 relates to issues pertaining to public safety communications
21 officers;

22 (7) One member chosen to represent an association
23 whose primary interest relates to issues pertaining to
24 police chiefs;

25 (8) One member chosen to represent an association
26 domiciled in this state whose primary interest relates to
27 issues pertaining to sheriffs;

28 (9) One member chosen to represent counties of the
29 second, third, and fourth classification;

30 (10) One member chosen to represent counties of the
31 first classification, counties with a charter form of
32 government, and cities not within a county;

33 (11) One member chosen to represent telecommunications
34 service providers;

35 (12) One member chosen to represent wireless
36 telecommunications service providers;

37 (13) One member chosen to represent voice over
38 internet protocol service providers; and

39 (14) One member chosen to represent the governor's
40 council on disability established under section 37.735.

41 2. Each of the members of the board shall be appointed
42 by the governor with the advice and consent of the senate
43 for a term of four years. Members of the committee may
44 serve multiple terms. No corporation or its affiliate shall
45 have more than one officer, employee, assign, agent, or
46 other representative serving as a member of the board.
47 Notwithstanding subsection 1 of this section to the
48 contrary, all members appointed as of August 28, 2017, shall
49 continue to serve the remainder of their terms.

50 3. The board shall meet at least quarterly at a place
51 and time specified by the chairperson of the board and it
52 shall keep and maintain records of such meetings, as well as
53 the other activities of the board. Members shall not be

54 compensated but shall receive actual and necessary expenses
55 for attending meetings of the board.

56 4. The board shall:

57 (1) Organize and adopt standards governing the board's
58 formal and informal procedures;

59 (2) Provide recommendations for primary answering
60 points and secondary answering points on technical and
61 operational standards for 911 services;

62 (3) Provide recommendations to public agencies
63 concerning model systems to be considered in preparing a 911
64 service plan;

65 (4) Provide requested mediation services to political
66 subdivisions involved in jurisdictional disputes regarding
67 the provision of 911 services, except that the board shall
68 not supersede decision-making authority of local political
69 subdivisions in regard to 911 services;

70 (5) Provide assistance to the governor and the general
71 assembly regarding 911 services;

72 (6) Review existing and proposed legislation and make
73 recommendations as to changes that would improve such
74 legislation;

75 (7) Aid and assist in the timely collection and
76 dissemination of information relating to the use of a
77 universal emergency telephone number;

78 (8) Perform other duties as necessary to promote
79 successful development, implementation and operation of 911
80 systems across the state, including monitoring federal and
81 industry standards being developed for next-generation 911
82 systems;

83 (9) Designate a state 911 coordinator who shall be
84 responsible for overseeing statewide 911 operations and
85 ensuring compliance with federal grants for 911 funding;

86 (10) Elect the chair from its membership;

87 (11) Apply for and receive grants from federal,
88 private, and other sources;

89 (12) Report to the governor and the general assembly
90 at least every three years on the status of 911 services
91 statewide, as well as specific efforts to improve
92 efficiency, cost-effectiveness, and levels of service;

93 (13) Conduct and review an annual survey of public
94 safety answering points in Missouri to evaluate potential
95 for improved services, coordination, and feasibility of
96 consolidation;

97 (14) Make and execute contracts or any other
98 instruments and agreements necessary or convenient for the
99 exercise of its powers and functions, including for the
100 development and implementation of an emergency services
101 internet protocol network that can be shared by all public
102 safety agencies;

103 (15) Develop a plan and timeline of target dates for
104 the testing, implementation, and operation of a next-
105 generation 911 system throughout Missouri. The next-
106 generation 911 system shall allow for the processing of
107 electronic messages including, but not limited to,
108 electronic messages containing text, images, video, or data;

109 (16) Administer and authorize grants and loans under
110 section 650.335 to those counties and any home rule city
111 with more than fifteen thousand but fewer than seventeen
112 thousand inhabitants and partially located in any county of
113 the third classification without a township form of
114 government and with more than thirty-seven thousand but
115 fewer than forty-one thousand inhabitants that can
116 demonstrate a financial commitment to improving 911 services
117 by providing at least a fifty percent match and demonstrate

118 the ability to operate and maintain ongoing 911 services.
119 The purpose of grants and loans from the 911 service trust
120 fund shall include:

121 (a) Implementation of 911 services in counties of the
122 state where services do not exist or to improve existing 911
123 systems;

124 (b) Promotion of consolidation where appropriate;

125 (c) Mapping and addressing all county locations;

126 (d) Ensuring primary access and texting abilities to
127 911 services for disabled residents;

128 (e) Implementation of initial emergency medical
129 dispatch services, including prearrival medical instructions
130 in counties where those services are not offered as of July
131 1, 2019; and

132 (f) Development and implementation of an emergency
133 services internet protocol network that can be shared by all
134 public safety agencies;

135 (17) Develop an application process including
136 reporting and accountability requirements, withholding a
137 portion of the grant until completion of a project, and
138 other measures to ensure funds are used in accordance with
139 the law and purpose of the grant, and conduct audits as
140 deemed necessary;

141 (18) Set the percentage rate of the prepaid wireless
142 emergency telephone service charges to be remitted to a
143 county or city as provided under subdivision (5) of
144 subsection 3 of section 190.460;

145 (19) Retain in its records proposed county plans
146 developed under subsection 11 of section 190.455 and notify
147 the department of revenue that the county has filed a plan
148 that is ready for implementation;

149 (20) Notify any communications service provider, as
150 defined in section 190.400, that has voluntarily submitted
151 its contact information when any update is made to the
152 centralized database established under section 190.475 as a
153 result of a county or city establishing or modifying a tax
154 or monthly fee no less than ninety days prior to the
155 effective date of the establishment or modification of the
156 tax or monthly fee;

157 (21) Establish criteria for consolidation
158 prioritization of public safety answering points;

159 (22) In coordination with existing public safety
160 answering points, by December 31, 2018, designate no more
161 than eleven regional 911 coordination centers which shall
162 coordinate statewide interoperability among public safety
163 answering points within their region through the use of a
164 statewide 911 emergency services network; [and]

165 (23) Establish an annual budget, retain records of all
166 revenue and expenditures made, retain minutes of all
167 meetings and subcommittees, post records, minutes, and
168 reports on the board's webpage on the department of public
169 safety website; **and**

170 **(24) Promote and educate the public about the critical**
171 **role of telecommunicator first responders in protecting the**
172 **public and ensuring public safety.**

173 5. The department of public safety shall provide staff
174 assistance to the board as necessary in order for the board
175 to perform its duties pursuant to sections 650.320 to
176 650.340. The board shall have the authority to hire
177 consultants to administer the provisions of sections 650.320
178 to 650.340.

179 6. The board shall promulgate rules and regulations
180 that are reasonable and necessary to implement and

181 administer the provisions of sections 190.455, 190.460,
182 190.465, 190.470, 190.475, and sections 650.320 to 650.340.
183 Any rule or portion of a rule, as that term is defined in
184 section 536.010, shall become effective only if it has been
185 promulgated pursuant to the provisions of chapter 536. This
186 section and chapter 536 are nonseverable and if any of the
187 powers vested with the general assembly pursuant to chapter
188 536 to review, to delay the effective date or to disapprove
189 and annul a rule are subsequently held unconstitutional,
190 then the grant of rulemaking authority and any rule proposed
191 or adopted after August 28, 2017, shall be invalid and void.

650.340. 1. The provisions of this section may be
2 cited and shall be known as the "911 Training and Standards
3 Act".

4 2. Initial training requirements for
5 **[telecommunicators] telecommunicator first responders** who
6 answer 911 calls that come to public safety answering points
7 shall be as follows:

- 8 (1) Police telecommunicator **first responder**, 16 hours;
- 9 (2) Fire telecommunicator **first responder**, 16 hours;
- 10 (3) Emergency medical services telecommunicator **first**
11 **responder**, 16 hours;
- 12 (4) Joint communication center telecommunicator **first**
13 **responder**, 40 hours.

14 3. All persons employed as a telecommunicator **first**
15 **responder** in this state shall be required to complete
16 ongoing training so long as such person engages in the
17 occupation as a telecommunicator **first responder**. Such
18 persons shall complete at least twenty-four hours of ongoing
19 training every three years by such persons or organizations
20 as provided in subsection 6 of this section.

21 4. Any person employed as a telecommunicator on August
22 28, 1999, shall not be required to complete the training
23 requirement as provided in subsection 2 of this section.
24 Any person hired as a telecommunicator **or a telecommunicator**
25 **first responder** after August 28, 1999, shall complete the
26 training requirements as provided in subsection 2 of this
27 section within twelve months of the date such person is
28 employed as a telecommunicator **or telecommunicator first**
29 **responder**.

30 5. The training requirements as provided in subsection
31 2 of this section shall be waived for any person who
32 furnishes proof to the committee that such person has
33 completed training in another state which is at least as
34 stringent as the training requirements of subsection 2 of
35 this section.

36 6. The board shall determine by administrative rule
37 the persons or organizations authorized to conduct the
38 training as required by subsection 2 of this section.

39 7. This section shall not apply to an emergency
40 medical dispatcher or agency as defined in section 190.100,
41 or a person trained by an entity accredited or certified
42 under section 190.131, or a person who provides prearrival
43 medical instructions who works for an agency which meets the
44 requirements set forth in section 190.134.

2 [488.650. There shall be assessed as costs
3 a surcharge in the amount of two hundred fifty
4 dollars on all petitions for expungement filed
5 under the provisions of section 610.140. The
6 judge may waive the surcharge if the petitioner
7 is found by the judge to be indigent and unable
8 to pay the costs. Such surcharge shall be
9 collected and disbursed by the clerk of the
10 court as provided by sections 488.010 to
11 488.020. Moneys collected from this surcharge
shall be payable to the general revenue fund.]

Section B. Because immediate action is necessary to
2 further equip and enhance our criminal justice system to
3 fight violent crime in Missouri and protect our citizens and
4 residents due to the recent unprecedented wave of violent
5 crime across our nation and state, the repeal and
6 reenactment of sections 211.071, 217.345, and 568.045 and
7 the enactment of section 211.600 of this act is deemed
8 necessary for the immediate preservation of the public
9 health, welfare, peace, and safety, and is hereby declared
10 to be an emergency act within the meaning of the
11 constitution, and the repeal and reenactment of sections
12 211.071, 217.345, and 568.045 and the enactment of section
13 211.600 of this act shall be in full force and effect upon
14 its passage and approval.

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