

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1559, Page 3, Section 43.401, Line 40, by
2 inserting after all of said section and line the following:

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

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

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

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1 per local agreement. Under section 211.031, in instances where a juvenile over fifteen and one-half
2 years of age is alleged to have violated a state or municipal traffic ordinance or regulation, which
3 does not constitute a felony, and the juvenile court does not have jurisdiction, the juvenile shall not
4 be fingerprinted unless certified as an adult.

5 4. Upon certification of the individual as an adult, the certifying court shall order a law
6 enforcement agency to immediately fingerprint and photograph the individual and certification
7 papers will be forwarded to the appropriate law enforcement agency with the order for
8 fingerprinting. The law enforcement agency shall submit such fingerprints, photograph, and
9 certification papers to the central repository within fifteen days and shall furnish the offense cycle
10 number associated with the fingerprints to the prosecuting attorney or the circuit attorney of a city
11 not within a county and to the clerk of the court ordering the subject fingerprinted. If the juvenile is
12 acquitted of the crime and is no longer certified as an adult, the prosecuting attorney shall notify
13 within fifteen days the central repository of the change of status of the juvenile. Records of a child
14 who has been fingerprinted and photographed after being taken into custody shall be closed records
15 as provided under section 610.100 if a petition has not been filed within thirty days of the date that
16 the child was taken into custody; and if a petition for the child has not been filed within one year of
17 the date the child was taken into custody, any records relating to the child concerning the alleged
18 offense may be expunged under the procedures in sections 610.122 to 610.126.

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

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

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

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

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

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

42 7. The clerk of the courts of each county or city not within a county shall furnish, to the
43 department of corrections or department of mental health, court judgment and sentence documents
44 and the state offense cycle number and the charge code of the offense which resulted in the
45 commitment or assignment of an offender to the jurisdiction of the department of corrections or the
46 department of mental health if the person is committed pursuant to chapter 552. This information
47 shall be reported to the department of corrections or the department of mental health at the time of
48 commitment or assignment. If the offender was already in the custody of the department of
49 corrections or the department of mental health at the time of such subsequent conviction, the clerk

1 shall furnish notice of such subsequent conviction to the appropriate department by certified mail,
2 return receipt requested, or in a manner and format mutually agreed to, within fifteen days of such
3 disposition.

4 8. Information and fingerprints, photograph and if available, any other unique biometric
5 identification collected, forwarded to the central repository, normally obtained from a person at the
6 time of the arrest, may be obtained at any time the subject is in the criminal justice system or
7 committed to the department of mental health. A law enforcement agency or the department of
8 corrections may fingerprint, photograph, and capture any other unique biometric identification of
9 the person unless collecting other unique biometric identification of the person is not financially
10 feasible for the law enforcement agency, and obtain the necessary information at any time the
11 subject is in custody. If at the time of any court appearance, the defendant has not been
12 fingerprinted and photographed for an offense in which a fingerprint and photograph is required by
13 statute to be collected, maintained, or disseminated by the central repository, the court shall order a
14 law enforcement agency or court marshal to fingerprint and photograph immediately the defendant.
15 The order for fingerprints shall contain the offense, charge code, date of offense, and any other
16 information necessary to complete the fingerprint card. The law enforcement agency or court
17 marshal shall submit such fingerprints, photograph, and if available, any other unique biometric
18 identification collected, to the central repository without undue delay and within thirty days and
19 shall furnish the offense cycle number associated with the fingerprints to the prosecuting attorney or
20 the circuit attorney of a city not within a county and to the court clerk of the court ordering the
21 subject fingerprinted.

22 9. The department of corrections and the department of mental health shall furnish the
23 central repository with all information concerning the receipt, escape, execution, death, release,
24 pardon, parole, commutation of sentence, granting of executive clemency, legal name change, or
25 discharge of an individual who has been sentenced to that department's custody for any offenses
26 which are mandated by law to be collected, maintained or disseminated by the central repository.
27 All records forwarded to the central repository by the department as required by sections 43.500 to
28 43.651 shall include the offense cycle number of the offense, and the originating agency identifier
29 number of the department using such numbers as assigned by the highway patrol.

30 210.004. All law enforcement agencies shall maintain a confidential record of the date and
31 time a child less than [~~seventeen~~] eighteen years of age is taken into custody for any reason and the
32 date and time such child is released from custody."; and

33
34 Further amend said bill, Page 4, Section 210.201, Line 36, by inserting after all of said section and
35 line the following:

36
37 "210.278. Neighborhood youth development programs shall be exempt from the child care
38 licensing provisions under this chapter so long as the program meets the following requirements:

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

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

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

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

49 (5) The program informs each parent that the operation of the program is not regulated by

1 licensing requirements;

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

3 (7) The program conducts national criminal background checks for all employees and
4 volunteers who work with children, as well as screening under the family care safety registry as
5 provided in sections 210.900 to 210.936."; and
6

7 Further amend said bill, Page 8, Section 210.795, Line 6, by inserting after all of said section and
8 line the following:
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10 "217.343. Offenders who are younger than [~~seventeen~~] eighteen years of age and have been
11 adjudicated as an adult shall be emancipated for the purpose of decision making and participation in
12 all department programs and services, including but not limited to medical care, mental health care,
13 treatment programs, educational programs, work assignments, and rehabilitative programs.

14 217.690. 1. All releases or paroles shall issue upon order of the parole board, duly adopted.

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

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

41 4. The parole board shall adopt rules not inconsistent with law, in accordance with section
42 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or
43 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall
44 recite the conditions of such parole.

45 5. When considering parole for an offender with consecutive sentences, the minimum term
46 for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for
47 each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed
48 the minimum term for parole eligibility for an ordinary life sentence.

49 6. Any offender sentenced to a term of imprisonment amounting to fifteen years or more or

1 multiple terms of imprisonment that, taken together, amount to fifteen or more years who was under
2 eighteen years of age at the time of the commission of the offense or offenses may be eligible for
3 parole after serving fifteen years of incarceration, regardless of whether the case is final for the
4 purposes of appeal, and may be eligible for reconsideration hearings in accordance with regulations
5 promulgated by the parole board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 15. Beginning January 1, 2001, the parole board shall not order a parole unless the offender
49 has obtained a high school diploma or its equivalent, or unless the parole board is satisfied that the

1 offender, while committed to the custody of the department, has made an honest good-faith effort to
2 obtain a high school diploma or its equivalent; provided that the director may waive this
3 requirement by certifying in writing to the parole board that the offender has actively participated in
4 mandatory education programs or is academically unable to obtain a high school diploma or its
5 equivalent.

6 16. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
7 under the authority delegated in this section shall become effective only if it complies with and is
8 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
9 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
10 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
11 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
12 August 28, 2005, shall be invalid and void.

13 311.320. 1. Any person of the age of [~~seventeen~~] eighteen years and under the age of
14 twenty-one years who shall represent that he has attained the age of twenty-one years for the
15 purpose of purchasing, asking for or in any way receiving any intoxicating liquor, except in cases
16 authorized by law, shall upon conviction be deemed guilty of a misdemeanor. Any person under the
17 age of [~~seventeen~~] eighteen years who shall represent that he has attained the age of twenty-one
18 years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor,
19 except in cases authorized by law, may be considered a delinquent child and may be dealt with in
20 accordance with the provisions of chapter 211.

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

28 328.075. 1. Any person desiring to practice as an apprentice for barbering in this state shall
29 apply to the board, shall be registered as an apprentice with the board, and shall pay the appropriate
30 fees prior to beginning their apprenticeship. Barber apprentices shall be at least [~~seventeen~~]
31 eighteen years of age.

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

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

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

45 328.080. 1. Any person desiring to practice barbering in this state shall make application
46 for a license to the board and shall pay the required barber examination fee.

47 2. The board shall examine each qualified applicant and, upon successful completion of the
48 examination and payment of the required license fee, shall issue the applicant a license authorizing
49 him or her to practice the occupation of barber in this state. The board shall admit an applicant to

1 the examination, if it finds that he or she:

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

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

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

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

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

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

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

18 329.050. 1. Applicants for examination or licensure pursuant to this chapter shall possess
19 the following qualifications:

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

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

30 (3) If the applicants are students, they shall have had the required time in a licensed school
31 of no less than one thousand five hundred hours training or the credit hours determined by the
32 formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as
33 amended, for the classification of cosmetologist, with the exception of public vocational technical
34 schools in which a student shall complete no less than one thousand two hundred twenty hours
35 training. All students shall complete no less than four hundred hours or the credit hours determined
36 by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal
37 Regulations, as amended, for the classification of manicurist. All students shall complete no less
38 than seven hundred fifty hours or the credit hours determined by the formula in Subpart A of Part
39 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, for the
40 classification of esthetician. However, when the classified occupation of manicurist is taken in
41 conjunction with the classified occupation of cosmetologist, the student shall not be required to
42 serve the extra four hundred hours or the credit hours determined by the formula in Subpart A of
43 Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended, otherwise
44 required to include manicuring of nails; and

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

46 2. A person may apply to take the examination required by subsection 1 of this section if the
47 person is a graduate of a school of cosmetology or apprentice program in another state or territory of
48 the United States which has substantially the same requirements as an educational establishment
49 licensed pursuant to this chapter. A person may apply to take the examination required by

1 subsection 1 of this section if the person is a graduate of an educational establishment in a foreign
 2 country that provides training for a classified occupation of cosmetology, as defined by section
 3 329.010, and has educational requirements that are substantially the same requirements as an
 4 educational establishment licensed under this chapter. The board has sole discretion to determine
 5 the substantial equivalency of such educational requirements. The board may require that
 6 transcripts from foreign schools be submitted for its review, and the board may require that the
 7 applicant provide an approved English translation of such transcripts.

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

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

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

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

19 (2) Any of the following sexual offenses: rape in the first degree, forcible rape, rape,
 20 statutory rape in the first degree, statutory rape in the second degree, rape in the second degree,
 21 sexual assault, sodomy in the first degree, forcible sodomy, statutory sodomy in the first degree,
 22 statutory sodomy in the second degree, child molestation in the first degree, child molestation in the
 23 second degree, sodomy in the second degree, deviate sexual assault, sexual misconduct involving a
 24 child, sexual misconduct in the first degree under section 566.090 as it existed prior to August 28,
 25 2013, sexual abuse under section 566.100 as it existed prior to August 28, 2013, sexual abuse in the
 26 first or second degree, enticement of a child, or attempting to entice a child;

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

31 (4) Any of the following offenses involving child pornography and related offenses:
 32 promoting obscenity in the first degree, promoting obscenity in the second degree when the penalty
 33 is enhanced to a class E felony, promoting child pornography in the first degree, promoting child
 34 pornography in the second degree, possession of child pornography in the first degree, possession of
 35 child pornography in the second degree, furnishing child pornography to a minor, furnishing
 36 pornographic materials to minors, or coercing acceptance of obscene material.

37 431.068. 1. Notwithstanding the provisions of section 431.061, any person [~~seventeen~~]
 38 eighteen years of age or older may donate blood voluntarily without the necessity of obtaining the
 39 permission or authorization of his or her parent or guardian.

40 2. Any person [~~sixteen~~] seventeen years of age may donate blood, if that person obtains
 41 written permission or authorization from his or her parent or guardian.

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

44 455.010. As used in this chapter, unless the context clearly indicates otherwise, the
 45 following terms shall mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (7) "Family" or "household member", spouses, former spouses, any person related by blood
32 or marriage, persons who are presently residing together or have resided together in the past, any
33 person who is or has been in a continuing social relationship of a romantic or intimate nature with
34 the victim, and anyone who has a child in common regardless of whether they have been married or
35 have resided together at any time;

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

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

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

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

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

46 (13) "Respondent", the family or household member alleged to have committed an act of
47 domestic violence, or person alleged to have committed an act of stalking or sexual assault, against
48 whom a verified petition has been filed or a person served on behalf of a child pursuant to section
49 455.503;

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

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

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

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

11 455.035. 1. Upon the filing of a verified petition pursuant to sections 455.010 to 455.085
12 and for good cause shown in the petition, the court may immediately issue an ex parte order of
13 protection. An immediate and present danger of domestic violence to the petitioner or the child on
14 whose behalf the petition is filed shall constitute good cause for purposes of this section. An ex
15 parte order of protection entered by the court shall take effect when entered and shall remain in
16 effect until there is valid service of process and a hearing is held on the motion. The court shall
17 deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief
18 pursuant to section 455.020.

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

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

28 455.513. 1. The court may immediately issue an ex parte order of protection upon the filing
29 of a verified petition under sections 455.500 to 455.538, for good cause shown in the petition, and
30 upon finding that:

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

33 (2) The respondent is less than [~~seventeen~~] eighteen years of age.

34
35 An immediate and present danger of domestic violence, including danger to the child's pet, stalking,
36 or sexual assault to a child shall constitute good cause for purposes of this section. An ex parte
37 order of protection entered by the court shall be in effect until the time of the hearing. The court
38 shall deny the ex parte order and dismiss the petition if the petitioner is not authorized to seek relief
39 pursuant to section 455.505.

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

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

47 4. If the allegations in the petition would give rise to jurisdiction under section 211.031
48 because the respondent is less than [~~seventeen~~] eighteen years of age, the court may issue an ex
49 parte order and shall transfer the case to juvenile court for a hearing on a full order of protection.

1 Service of process shall be made pursuant to section 455.035.

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

5 544.671. Notwithstanding any supreme court rule or judicial ruling to the contrary, no
6 defendant under a sentence of death or imprisonment in the penitentiary for life, or any sentence of
7 imprisonment for a violation of section 579.065, 565.021, or 565.050, section 566.030, 566.032,
8 566.040, 566.060, 566.062, 566.070, or 566.100, and no defendant who has pled guilty to or been
9 found guilty of any felony sexual offense under chapter 566, where the victim was less than
10 [~~seventeen~~] eighteen years of age at the time the crime was committed, any sexual offense under
11 chapter 568, where the victim was less than [~~seventeen~~] eighteen years of age at the time the crime
12 was committed, or any pornographic offense involving a minor as set forth in sections 573.023,
13 573.025, 573.035, and 573.037, and any felony violation of section 573.040, shall be entitled to bail
14 pending appeal after June 29, 1994. Pursuant to the prerogative of the general assembly to declare
15 the public policy of this state in matters regarding criminal liability of persons and to enact laws
16 relating to judicial procedure, the general assembly declares that subsequent to June 29, 1994, no
17 person shall be entitled to bail or continuation of bail pursuant to section 547.170 if that person is
18 under a sentence of death or imprisonment in the penitentiary for life, or any sentence of
19 imprisonment for a violation of section 579.065, 565.021, or 565.050, section 566.030, 566.032,
20 566.040, 566.060, 566.062, 566.070, or 566.100, and no defendant who has pled guilty to or been
21 found guilty of any felony sexual offense under chapter 566, where the victim was less than
22 [~~seventeen~~] eighteen years of age at the time the crime was committed, any sexual offense under
23 chapter 568, where the victim was less than [~~seventeen~~] eighteen years of age at the time the crime
24 was committed, or any pornographic offense involving a minor as set forth in sections 573.023,
25 573.025, 573.035, and 573.037, and any felony violation of section 573.040.

26 547.170. In all cases where an appeal or writ of error is prosecuted from a judgment in a
27 criminal cause, except where the defendant is under sentence of death or imprisonment in the
28 penitentiary for life, or any sentence of imprisonment for a violation of sections 579.065, 565.021,
29 565.050, section 566.030, 566.032, 566.040, 566.060, 566.062, 566.070, 566.100, or where the
30 defendant has entered a plea of guilty to or been found guilty of any sexual offense under chapter
31 566, where the victim was less than [~~seventeen~~] eighteen years of age at the time the crime was
32 committed, any sexual offense under chapter 568, where the victim was less than [~~seventeen~~]
33 eighteen years of age at the time the crime was committed, or any pornographic offense involving a
34 minor as set forth in sections 573.023, 573.025, 573.035, 573.037, and 573.040, any court or officer
35 authorized to order a stay of proceedings under the preceding provisions may allow a writ of habeas
36 corpus, to bring up the defendant, and may thereupon let him to bail upon a recognizance, with
37 sufficient sureties, to be approved by such court or judge.

38 565.002. As used in this chapter, unless a different meaning is otherwise plainly required the
39 following terms mean:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (d) An elderly person;

26 (e) A person with a disability;

27 (f) A vulnerable person;

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

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

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

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

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

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

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

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

49 565.140. 1. A person does not commit the offense of kidnapping in the third degree under

1 section 565.130 if the person restrained is a child less than [~~seventeen~~] eighteen years of age and:

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

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

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

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

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

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

10 566.020. 1. Whenever in this chapter the criminality of conduct depends upon a child being
11 less than fourteen years of age, it is no defense that the defendant believed the child to be older.

12 2. Whenever in this chapter the criminality of conduct depends upon a child being less than
13 [~~seventeen~~] eighteen years of age, it is an affirmative defense that the defendant reasonably believed
14 that the child was [~~seventeen~~] eighteen years of age or older.

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

17 566.034. 1. A person commits the offense of statutory rape in the second degree if being
18 twenty-one years of age or older, he or she has sexual intercourse with another person who is less
19 than [~~seventeen~~] eighteen years of age.

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

21 566.064. 1. A person commits the offense of statutory sodomy in the second degree if being
22 twenty-one years of age or older, he or she has deviate sexual intercourse with another person who
23 is less than [~~seventeen~~] eighteen years of age.

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

25 566.068. 1. A person commits the offense of child molestation in the second degree if he or
26 she:

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

28 (2) Being more than four years older than a child who is less than [~~seventeen~~] eighteen years
29 of age, subjects the child to sexual contact and the offense is an aggravated sexual offense.

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

31 566.071. 1. A person commits the offense of child molestation in the fourth degree if, being
32 more than four years older than a child who is less than [~~seventeen~~] eighteen years of age, subjects
33 the child to sexual contact.

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

35 566.155. 1. Any person who has been found guilty of:

36 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
37 incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200, use
38 of a child in a sexual performance; section 573.205, promoting a sexual performance by a child;
39 section 573.023, sexual exploitation of a minor; section 573.025, promoting child pornography; or
40 section 573.040, furnishing pornographic material to minors; or

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

43
44 shall not serve as an athletic coach, manager, or athletic trainer for any sports team in which a child
45 less than [~~seventeen~~] eighteen years of age is a member.

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

47 3. A second or subsequent violation of this section is a class D felony."; and

48
49

1 Further amend said bill, Page 9, Section 568.045, Line 22, by inserting after all of said section and
2 line the following:

3
4 "568.050. 1. A person commits the offense of endangering the welfare of a child in the
5 second degree if he or she:

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

8 (2) Knowingly encourages, aids or causes a child less than [~~seventeen~~] eighteen years of age
9 to engage in any conduct which causes or tends to cause the child to come within the provisions of
10 paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section
11 211.031; or

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

17 (4) Knowingly encourages, aids or causes a child less than [~~seventeen~~] eighteen years of age
18 to enter into any room, building or other structure which is a public nuisance as defined in section
19 579.105.

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

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

27 568.065. 1. A person commits the offense of genital mutilation if he or she:

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

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

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

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

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

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

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

44 568.070. 1. A person commits the offense of unlawful transactions with a child if he or she:

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

49 (2) Knowingly permits a minor child to enter or remain in a place where illegal activity in

1 controlled substances, as defined in chapter 579, is maintained or conducted; or

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

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

7 572.020. 1. A person commits the offense of gambling if he or she knowingly engages in
8 gambling.

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

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

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

13 573.010. As used in this chapter the following terms shall mean:

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

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

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

19 (4) "Child pornography":

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

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

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

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

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

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

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

49 (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate,

1 disseminate, present, exhibit or otherwise provide;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (b) Bestiality;

10 (c) Masturbation;

11 (d) Sadistic or masochistic abuse; or

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

13 (22) "Sexually oriented business" includes:

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

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

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

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

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

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

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

36 (b) An adult cabaret;

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

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

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

48 b. By a private college or university which maintains and operates educational programs in
49 which credits are transferable to a college, junior college, or university supported entirely or partly

1 by taxation; or

2 c. In a structure:

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

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

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

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

13 (24) "Specified anatomical areas" include:

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

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

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

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

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

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

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

25 573.090. 1. Video cassettes or other video reproduction devices, or the jackets, cases or
26 coverings of such video reproduction devices shall be displayed or maintained in a separate area if
27 the same are pornographic for minors as defined in section 573.010, or if:

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

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

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

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

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

45 577.010. 1. A person commits the offense of driving while intoxicated if he or she operates
46 a vehicle while in an intoxicated condition.

47 2. The offense of driving while intoxicated is:

48 (1) A class B misdemeanor;

49 (2) A class A misdemeanor if:

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

1 one percent by weight of alcohol in such person's blood, the required term of imprisonment shall be
2 not less than forty-eight hours;

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

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

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

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

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

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

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

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

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

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

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

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

35 577.013. 1. A person commits the offense of boating while intoxicated if he or she operates
36 a vessel while in an intoxicated condition.

37 2. The offense of boating while intoxicated is:

38 (1) A class B misdemeanor;

39 (2) A class A misdemeanor if:

40 (a) The defendant is a prior boating offender; or

41 (b) A person less than [~~seventeen~~] eighteen years of age is present in the vessel;

42 (3) A class E felony if:

43 (a) The defendant is a persistent boating offender; or

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

46 (4) A class D felony if:

47 (a) The defendant is an aggravated boating offender;

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

1 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause
2 serious physical injury to another person;

3 (5) A class C felony if:

4 (a) The defendant is a chronic boating offender;

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

7 (c) While boating while intoxicated, the defendant acts with criminal negligence to cause
8 the death of another person;

9 (6) A class B felony if:

10 (a) The defendant is a habitual boating offender; or

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

13 (7) A class A felony if the defendant is a habitual offender as a result of being found guilty
14 of an act described under paragraph (d) of subdivision (12) of section 577.001 and is found guilty of
15 a subsequent violation of such paragraph.

16 3. Notwithstanding the provisions of subsection 2 of this section, a person found guilty of
17 the offense of boating while intoxicated as a first offense shall not be granted a suspended
18 imposition of sentence:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 579.020. 1. A person commits the offense of delivery of a controlled substance if, except as
14 authorized in this chapter or chapter 195, he or she:

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

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

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

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

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

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

26 4. The offense of delivery of thirty-five grams or less of marijuana or synthetic cannabinoid
27 to a person less than [~~seventeen~~] eighteen years of age who is at least two years younger than the
28 defendant is a class C felony.

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

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

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

35 650.055. 1. Every individual who:

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

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

40 (3) Has been determined to be a sexually violent predator pursuant to sections 632.480 to
41 632.513; or

42 (4) Is an individual required to register as a sexual offender under sections 589.400 to
43 589.425;

44 shall have a fingerprint and blood or scientifically accepted biological sample collected for purposes
45 of DNA profiling analysis.

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

48 (1) Upon booking at a county jail or detention facility; or
49

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

3 (3) Upon entering or before release from a county jail or detention facility, state correctional
4 facility, or any other detention facility or institution, whether operated by a private, local, or state
5 agency, or any mental health facility if committed as a sexually violent predator pursuant to sections
6 632.480 to 632.513; or

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

12 (5) If such individual is under the jurisdiction of the department of corrections. Such
13 jurisdiction includes persons currently incarcerated, persons on probation, as defined in section
14 217.650, and on parole, as also defined in section 217.650; or

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

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

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

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

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

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

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

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

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

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

49 (5) Associate circuit judges, circuit judges, judges of the courts of appeals, supreme court

1 judges, and their employees who need to obtain such records to perform their public duties.

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

7 9. (1) An individual may request expungement of his or her DNA sample and DNA profile
8 through the court issuing the reversal or dismissal, or through the court granting an expungement of
9 all official records under section 568.040. A certified copy of the court order establishing that such
10 conviction has been reversed, guilty plea has been set aside, or expungement has been granted under
11 section 568.040 shall be sent to the Missouri state highway patrol crime laboratory. Upon receipt of
12 the court order, the laboratory will determine that the requesting individual has no other qualifying
13 offense as a result of any separate plea or conviction and no other qualifying arrest prior to
14 expungement.

15 (2) A person whose DNA record or DNA profile has been included in the state DNA
16 database in accordance with this section and sections 650.050, 650.052, and 650.100 may request
17 expungement on the grounds that the conviction has been reversed, the guilty plea on which the
18 authority for including that person's DNA record or DNA profile was based has been set aside, or an
19 expungement of all official records has been granted by the court under section 568.040.

20 (3) Upon receipt of a written request for expungement, a certified copy of the final court
21 order reversing the conviction, setting aside the plea, or granting an expungement of all official
22 records under section 568.040, and any other information necessary to ascertain the validity of the
23 request, the Missouri state highway patrol crime laboratory shall expunge all DNA records and
24 identifiable information in the state DNA database pertaining to the person and destroy the DNA
25 sample of the person, unless the Missouri state highway patrol determines that the person is
26 otherwise obligated to submit a DNA sample. Within thirty days after the receipt of the court order,
27 the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA
28 sample and DNA profile, or the basis for its determination that the person is otherwise obligated to
29 submit a DNA sample.

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

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

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

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

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

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

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

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

8
9 If the state highway patrol crime laboratory receives notice under this subsection, such crime
10 laboratory shall determine, within thirty days, whether the individual has any other qualifying
11 offenses or arrests that would require a DNA sample to be taken. If the individual has no other
12 qualifying arrests or offenses, the crime laboratory shall expunge all DNA records in the database
13 pertaining to such person and destroy the person's DNA sample."; and

14
15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.