

SENATE BILL NO. 1294

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

5551S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 21.360, 29.080, 30.400, 34.160, 41.720, 92.920, 105.276, 115.405, 115.631, 115.633, 141.810, 143.911, 144.157, 144.480, 147.120, 149.071, 149.076, 192.2015, 194.275, 194.280, 217.305, 217.362, 217.655, 217.690, 217.760, 252.220, 257.430, 260.425, 268.151, 311.460, 361.290, 362.100, 362.171, 375.350, 375.390, 375.410, 375.470, 386.560, 387.290, 392.330, 393.220, 409.109, 409.5-501, 409.5-505, 409.5-508, 411.611, 411.621, 411.641, 411.651, 556.061, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.032, 566.060, 566.062, 566.067, 566.103, 566.125, 566.151, 566.203, 566.206, 566.209, 566.210, 566.211, 567.050, 568.060, 570.030, 571.015, 571.030, 573.025, 575.151, 575.270, 577.010, 578.425, 589.425, 622.470, 643.250, and 644.076, RSMo, and to enact in lieu thereof eighty-five new sections relating to criminal offenses, with penalty provisions.

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

	Section A.	Sections	21.360,	29.080,	30.400,	34.160,
2			41.720,	92.920,	105.276,	115.405,
			115.631,	115.633,	141.810,	
3			143.911,	144.157,	144.480,	147.120,
			149.071,	149.076,	192.2015,	
4			194.275,	194.280,	217.305,	217.362,
			217.655,	217.690,	217.760,	
5			252.220,	257.430,	260.425,	268.151,
			311.460,	361.290,	362.100,	
6			362.171,	375.350,	375.390,	375.410,
			375.470,	386.560,	387.290,	
7			392.330,	393.220,	409.109,	409.5-501,
			409.5-505,	409.5-508,		
8			411.611,	411.621,	411.641,	411.651,
			556.061,	557.011,	557.021,	
9			558.011,	558.019,	558.026,	558.031,
			558.046,	559.115,	566.030,	
10			566.032,	566.060,	566.062,	566.067,
			566.103,	566.125,	566.151,	
11			566.203,	566.206,	566.209,	566.210,
			566.211,	567.050,	568.060,	

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

12 570.030, 571.015, 571.030, 573.025, 575.151, 575.270, 577.010,
13 578.425, 589.425, 622.470, 643.250, and 644.076, RSMo, are
14 repealed and eighty-five new sections enacted in lieu thereof,
15 to be known as sections 21.360, 29.080, 30.400, 34.160, 41.720,
16 92.920, 105.276, 115.405, 115.631, 115.633, 141.810, 143.911,
17 144.157, 144.480, 147.120, 149.071, 149.076, 192.2015, 194.275,
18 194.280, 217.305, 217.362, 217.655, 217.690, 217.760, 252.220,
19 257.430, 260.425, 268.151, 311.460, 361.290, 362.100, 362.171,
20 375.350, 375.390, 375.410, 375.470, 386.560, 387.290, 392.330,
21 393.220, 409.109, 409.5-501, 409.5-505, 409.5-508, 411.611,
22 411.621, 411.641, 411.651, 556.061, 557.011, 557.021, 558.011,
23 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.032,
24 566.060, 566.062, 566.067, 566.103, 566.125, 566.151, 566.203,
25 566.206, 566.209, 566.210, 566.211, 567.050, 568.060, 570.030,
26 571.015, 571.030, 573.025, 575.151, 575.270, 577.010, 578.425,
27 589.425, 622.470, 643.250, and 644.076, to read as follows:

21.360. Any member of the house of representatives who
2 through the medium of any voting station, records the vote
3 of another member, or who authorizes another member, or
4 other person, to record his vote, and any person, other than
5 a member of the house, who through the medium of a voting
6 station, records the vote of any member is guilty of a **class**
7 **C** felony[,] and, upon conviction, shall be punished by
8 imprisonment [in the penitentiary] for a term [of] not less
9 than three nor more than ten years. **Any person found guilty**
10 **of a violation of this section may be subject to an extended**
11 **prison term pursuant to section 558.016.**

29.080. For any violation of his **or her** oath of office
2 or of any duty imposed upon him **or her** by this chapter, any
3 examiner shall be guilty of a **class E** felony[,] and, upon
4 conviction, shall be punished by imprisonment [in the
5 penitentiary] for a term not exceeding [five] **four** years, or

6 by a fine not less than one hundred dollars [or by
7 imprisonment in the county jail for not less than one nor
8 more than twelve months,] or by both such fine and
9 imprisonment. **Any person found guilty of a violation of**
10 **this section may be subject to an extended prison term**
11 **pursuant to section 558.016.**

30.400. The making of profit by the state treasurer
2 out of any moneys in the state treasury belonging to the
3 state, the custody of which the state treasurer shall be
4 charged with, by loaning, depositing, or otherwise using or
5 disposing of the same in any manner whatever, or the removal
6 by the state treasurer, or by his **or her** consent, of such
7 moneys, or any part thereof, or any bonds deposited by any
8 bank in compliance with the provisions of this chapter, or
9 of United States obligations in which [he] **the state**
10 **treasurer** has invested state moneys, out of the vaults of
11 the treasury department in the state capitol, except for the
12 payment of warrants legally drawn, or for the purpose of
13 depositing the same in the bank or banks selected as
14 depositories under the provisions of this chapter, or for
15 investing in United States obligations as provided by law,
16 or for returning or disposing of said bonds or obligations
17 according to law, shall be deemed a **class E** felony[,] and,
18 on conviction thereof, subject him **or her** to punishment by
19 imprisonment [in the penitentiary] for a term [of] not
20 [less] **more** than [two] **four** years, and [he] **the state**
21 **treasurer** shall also be liable under and upon his **or her**
22 official bond for all profits realized from any such
23 unlawful using of said funds; and it shall be the duty of
24 the attorney general to enter and prosecute to final
25 determination all suits for a violation of any of the
26 provisions of this chapter. **Any person found guilty of a**

27 **violation of this section may be subject to an extended**
28 **prison term pursuant to section 558.016.**

34.160. The commissioner of administration shall not
2 be interested in any manner in any person, firm, or
3 corporation making bids for furnishing supplies or printing
4 to the state or any subdivision or department thereof. [He]
5 **The commissioner of administration** shall not receive nor
6 accept, directly or indirectly, from any person, firm, or
7 corporation who may bid for furnishing, or receive a
8 contract to furnish, any supplies or printing of any kind to
9 the state, any rebate, gift, or other valuable thing.
10 Acceptance of any such rebate, gift, or other valuable thing
11 by the commissioner of administration shall be deemed a
12 **class E** felony and, on conviction thereof, he shall be
13 punished by imprisonment [in the state penitentiary] for a
14 **term** not [less than two nor] more than [five] **four** years, or
15 by fine of not less than five hundred dollars nor more than
16 two thousand dollars, or by both such fine and
17 imprisonment. **Any person found guilty of a violation of**
18 **this section may be subject to an extended prison term**
19 **pursuant to section 558.016.**

41.720. After the proclamation by the governor as
2 authorized by section 41.480, any person who resists or aids
3 in resisting the execution of process in any area declared
4 to be in a state of actual or threatened insurrection, or
5 who aids or attempts the rescue or escape of another from
6 lawful custody or confinement or who resists or aids in
7 resisting any force ordered out by the governor to execute
8 the laws, to suppress actual and prevent threatened
9 insurrection or to repel invasion shall be guilty of a **class**
10 **E** felony punishable by imprisonment [in the state
11 penitentiary] for a term not [less] **more** than [two] **four**

12 years. **Any person found guilty of a violation of this**
13 **section may be subject to an extended prison term pursuant**
14 **to section 558.016.**

92.920. 1. Neither said members nor any salaried
2 employee of the land reutilization authority provided for
3 herein shall receive any compensation, emolument, or other
4 profit directly or indirectly from the rental, management,
5 purchase, sale or other disposition of any lands held by
6 such land reutilization authority other than the salaries,
7 expenses, and emoluments provided for herein **in sections**
8 **92.700 to 92.920.**

2. Any person convicted of violating this section
10 shall be deemed guilty of a **class E** felony and, upon
11 conviction thereof, shall be sentenced to serve not [less
12 than two nor] more than [five] **four** years [in the state
13 penitentiary] **of imprisonment. Any person found guilty of a**
14 **violation of this section may be subject to an extended**
15 **prison term pursuant to section 558.016.**

105.276. Any person who with intent to defraud uses on
2 a public security or an instrument of payment a facsimile
3 signature, or any reproduction of it, of any authorized
4 officer; or any facsimile seal, or any reproduction of it,
5 of this state or any of its departments, agencies, or other
6 instrumentalities or of any of its political subdivisions is
7 guilty of a **class E** felony and shall be punishable by
8 imprisonment for a term not [less than two or] more than
9 [ten] **four** years in an institution designated by the state
10 division of corrections. **Any person found guilty of a**
11 **violation of this section may be subject to an extended**
12 **prison term pursuant to section 558.016.**

115.405. Any person making a sworn statement,
2 affidavit or declaration of candidacy required by this

3 subchapter who swears falsely or signs such document knowing
4 the statements therein are untrue shall be deemed guilty of
5 a class one election offense **and subject to a term of**
6 **imprisonment not more than four years. Any person found**
7 **guilty of a violation of this section may be subject to an**
8 **extended prison term as a class E felony pursuant to section**
9 **558.016.**

115.631. 1. The following offenses, and any others
2 specifically so described by law, shall be class one
3 election offenses and are deemed felonies connected with the
4 exercise of the right of suffrage. Conviction for any of
5 these offenses shall be punished by imprisonment **for a term**
6 of not more than **[five]** **four** years or by fine of not less
7 than two thousand five hundred dollars but not more than ten
8 thousand dollars or by both such imprisonment and fine:

9 (1) Willfully and falsely making any certificate,
10 affidavit, or statement required to be made pursuant to any
11 provision of this chapter, including but not limited to
12 statements specifically required to be made "under penalty
13 of perjury"; or in any other manner knowingly furnishing
14 false information to an election authority or election
15 official engaged in any lawful duty or action in such a way
16 as to hinder or mislead the authority or official in the
17 performance of official duties. If an individual willfully
18 and falsely makes any certificate, affidavit, or statement
19 required to be made under section 115.155, including but not
20 limited to statements specifically required to be made
21 "under penalty of perjury", such individual shall be guilty
22 of a class D felony;

23 (2) Voting more than once or voting at any election
24 knowing that the person is not entitled to vote or that the

25 person has already voted on the same day at another location
26 inside or outside the state of Missouri;

27 (3) Procuring any person to vote knowing the person is
28 not lawfully entitled to vote or knowingly procuring an
29 illegal vote to be cast at any election;

30 (4) Applying for a ballot in the name of any other
31 person, whether the name be that of a person living or dead
32 or of a fictitious person, or applying for a ballot in his
33 or her own or any other name after having once voted at the
34 election inside or outside the state of Missouri;

35 (5) Aiding, abetting or advising another person to
36 vote knowing the person is not legally entitled to vote or
37 knowingly aiding, abetting or advising another person to
38 cast an illegal vote;

39 (6) An election judge knowingly causing or permitting
40 any ballot to be in the ballot box at the opening of the
41 polls and before the voting commences;

42 (7) Knowingly furnishing any voter with a false or
43 fraudulent or bogus ballot, or knowingly practicing any
44 fraud upon a voter to induce him or her to cast a vote which
45 will be rejected, or otherwise defrauding him or her of his
46 or her vote;

47 (8) An election judge knowingly placing or attempting
48 to place or permitting any ballot, or paper having the
49 semblance of a ballot, to be placed in a ballot box at any
50 election unless the ballot is offered by a qualified voter
51 as provided by law;

52 (9) Knowingly placing or attempting to place or
53 causing to be placed any false or fraudulent or bogus ballot
54 in a ballot box at any election;

55 (10) Knowingly removing any legal ballot from a ballot
56 box for the purpose of changing the true and lawful count of

any election or in any other manner knowingly changing the true and lawful count of any election;

(11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after it has been voted for the purpose of changing the lawful count of any election;

(12) Knowingly altering, defacing, damaging, destroying or concealing any poll list, report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

(13) On the part of any person authorized to receive, tally or count a poll list, tally sheet or election return, receiving, tallying or counting a poll list, tally sheet or election return the person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of any election;

(14) On the part of any person whose duty it is to grant certificates of election, or in any manner declare the result of an election, granting a certificate to a person the person knows is not entitled to receive the certificate, or declaring any election result the person knows is based upon fraudulent, fictitious or illegal votes or returns;

(15) Willfully destroying or damaging any official ballots, whether marked or unmarked, after the ballots have been prepared for use at an election and during the time they are required by law to be preserved in the custody of the election judges or the election authority;

(16) Willfully tampering with, disarranging, altering the information on, defacing, impairing or destroying any voting machine or marking device after the machine or marking device has been prepared for use at an election and during the time it is required by law to remain locked and sealed with intent to impair the functioning of the machine

89 or marking device at an election, mislead any voter at the
90 election, or to destroy or change the count or record of
91 votes on such machine;

92 (17) Registering to vote knowing the person is not
93 legally entitled to register or registering in the name of
94 another person, whether the name be that of a person living
95 or dead or of a fictitious person;

96 (18) Procuring any other person to register knowing
97 the person is not legally entitled to register, or aiding,
98 abetting or advising another person to register knowing the
99 person is not legally entitled to register;

100 (19) Knowingly preparing, altering or substituting any
101 computer program or other counting equipment to give an
102 untrue or unlawful result of an election;

103 (20) On the part of any person assisting a blind or
104 disabled person to vote, knowingly failing to cast such
105 person's vote as such person directs;

106 (21) On the part of any registration or election
107 official, permitting any person to register to vote or to
108 vote when such official knows the person is not legally
109 entitled to register or not legally entitled to vote;

110 (22) On the part of a notary public acting in his or
111 her official capacity, knowingly violating any of the
112 provisions of this chapter or any provision of law
113 pertaining to elections;

114 (23) Violation of any of the provisions of sections
115 115.275 to 115.303, or of any provision of law pertaining to
116 absentee voting;

117 (24) Assisting a person to vote knowing such person is
118 not legally entitled to such assistance, or while assisting
119 a person to vote who is legally entitled to such assistance,
120 in any manner coercing, requesting or suggesting that the

voter vote for or against, or refrain from voting on any question, ticket or candidate;

(25) Engaging in any act of violence, destruction of property having a value of five hundred dollars or more, or threatening an act of violence with the intent of denying a person's lawful right to vote or to participate in the election process; and

(26) Knowingly providing false information about election procedures for the purpose of preventing any person from going to the polls.

2. Any person found guilty of a violation of this section may be subject to an extended prison term as a class E felony pursuant to section 558.016.

115.633. 1. The following offenses, and any others specifically so described by law, shall be class two election offenses and are deemed felonies not connected with the exercise of the right of suffrage. Conviction for any of these offenses shall be punished by imprisonment **for a term** of not more than **[five] four** years or by fine of not less than two thousand five hundred dollars but not more than ten thousand dollars or by both such imprisonment and fine:

(1) On the day of election or before the counting of votes is completed, willfully concealing, breaking, or destroying any ballot box used or intended to be used at such election or willfully or fraudulently concealing or removing any ballot box from the custody of the election judges;

(2) Willfully tampering with, disarranging, defacing, materially altering, impairing, or destroying any voting machine or automatic tabulating equipment owned or leased by or loaned to an election authority.

20 **2. Any person found guilty of a violation of this**
21 **section may be subject to an extended prison term as a class**
22 **E felony pursuant to section 558.016.**

 141.810. 1. Neither said trustees nor any salaried
2 employee of the land trust, provided for [herein] in
3 **sections 141.210 to 141.810 and sections 141.980 to**
4 **141.1015,** shall receive any compensation, emolument, or
5 other profit directly or indirectly from the rental,
6 management, purchase, sale, or other disposition of any
7 lands held by such land trust other than the salaries,
8 expenses, and emoluments provided for [herein] in **sections**
9 **141.210 to 141.810 and sections 141.980 to 141.1015.**

10 2. Any person convicted of violating this section
11 shall be deemed guilty of a **class E** felony and, upon
12 conviction thereof, shall be sentenced to serve not [less
13 than two nor] more than [five] **four** years [in the state
14 penitentiary] of imprisonment. **Any person found guilty of a**
15 **violation of this section may be subject to an extended**
16 **prison term pursuant to section 558.016.**

 143.911. Any person who willfully attempts in any
2 manner to evade or defeat any tax imposed by sections
3 143.011 to 143.996 or the payment thereof shall[, in
4 addition to other penalties provided by law, and upon
5 conviction thereof, be fined not more than ten thousand
6 dollars, or be imprisoned in the county jail for not more
7 than one year or by not less than two nor more than five
8 years in the state penitentiary or by both fine and
9 imprisonment together with the cost of prosecution] **be**
10 **guilty of a class E felony punishable by imprisonment for a**
11 **term not more than four years and may also be subject to a**
12 **fine of not more than ten thousand dollars. Any person**

13 **found guilty of a violation of this section may be subject**
14 **to an extended prison term pursuant to section 558.016.**

144.157. 1. Any person required to collect,
2 truthfully account for, and pay over any tax imposed by
3 sections 67.1170 to 67.1180, sections 94.800 to 94.825, and
4 sections 144.010 to 144.525 and 144.600 to 144.745 who
5 willfully fails to collect such tax or truthfully account
6 for and pay over such tax or willfully attempts in any
7 manner to evade or defeat the tax or the payment thereof, or
8 who shall willfully and knowingly overcharge or overcollect
9 such tax with intent to make claim to any such overcharged
10 or overcollected amounts under section 144.190, shall[,] **be**
11 **guilty of a class E felony punishable by imprisonment for a**
12 **term not more than four years.** In addition to other
13 penalties provided by law, **any person found guilty may be**
14 liable to a penalty equal to the total amount of the tax
15 evaded, or not collected, or not accounted for and paid
16 over, or overcharged or overcollected.

17 2. For purposes of this section, the term "person"
18 includes an individual or an officer or employee of any
19 corporation, including an administratively dissolved
20 corporation or a foreign corporation that has had its
21 certificate of authority revoked, or a member or employee of
22 any partnership, who, as such officer, employee or member,
23 is under a duty to perform the act in respect of which the
24 violation occurs.

25 3. Any officers, directors, or statutory trustees of
26 any corporation, including administratively dissolved
27 corporations or foreign corporations that have had their
28 certificate of authority revoked, subject to the provisions
29 of sections 144.010 to 144.745, who has the direct control,
30 supervision or responsibility for filing returns and making

31 payment of the amount of tax imposed in accordance with
32 sections 144.010 to 144.745, and who fails to file such
33 return or make payment of all taxes due with the director of
34 revenue shall be **guilty of a class E felony and subject to**
35 **the penalties provided in subsection 1 of this section. In**
36 **addition to other penalties provided by law, any person**
37 **found to have violated the terms outlined by sections**
38 **67.1170 to 67.1180, sections 94.800 to 94.825, sections**
39 **144.010 to 144.525, and sections 144.600 to 144.745 shall be**
40 personally assessed for such amounts, including interest,
41 additions to tax and penalties thereon. This assessment
42 shall be imposed only in the event that the assessment on
43 the corporation is final, and such corporation fails to pay
44 such amounts to the director of revenue. Notice shall be
45 given of the director of revenue's intent to make the
46 assessment against such officers, directors, statutory
47 trustees or employees. The personal liability of such
48 officers, directors, statutory trustees or employees as
49 provided in this section shall survive the administrative
50 dissolution of the corporation or, if a foreign corporation,
51 the revocation of the corporation's certificate of
52 authority. **Any person found guilty of a violation of this**
53 **section may be subject to an extended prison term pursuant**
54 **to section 558.016.**

144.480. Any person required under sections 144.010 to
2 144.510 to pay any tax, or required by sections 144.010 to
3 144.510 to make a return, keep any records, or supply any
4 information, who with intent to defraud willfully fails to
5 pay such tax, make such return, keep such records, or supply
6 such information, at the time or times required by law,
7 shall[,] **be guilty of a class E felony punishable by**
8 **imprisonment for a term not more than four years. In**

9 addition to other penalties provided by law [and, upon
10 conviction thereof], **any person found guilty pursuant to**
11 **this section may** be fined not more than ten thousand
12 dollars[, or be imprisoned in the county jail for not more
13 than one year or by not less than two nor more than five
14 years in the state penitentiary or by both fine and
15 imprisonment together with the cost of prosecution]. **Any**
16 **person found guilty of a violation of this section may be**
17 **subject to an extended prison term pursuant to section**
18 **558.016.**

147.120. 1. If any corporation fails or refuses to
2 pay the taxes (including interest and penalties) assessed
3 against it after such assessment becomes final, the director
4 of revenue shall certify a list of the corporations so
5 delinquent to the attorney general who shall proceed
6 forthwith to collect the taxes. Suits for the collection of
7 the taxes may be brought in the name of the state in any
8 court of competent jurisdiction and any judgment rendered in
9 such court in favor of the state shall be a first lien on
10 all properties and assets of the corporation within this
11 state.

2. The director of revenue shall notify the secretary
13 of state of any corporation that fails or refuses to pay the
14 taxes, including interest and penalties, assessed against it
15 after such assessment becomes final and the secretary of
16 state shall then administratively dissolve any domestic
17 corporation that is delinquent pursuant to section 351.486
18 and shall revoke the certificate of authority of any foreign
19 corporation that is delinquent pursuant to section 351.602.

3. Any tax provided for pursuant to sections 147.010
21 to 147.120 not paid on or before the last day prescribed for
22 payment pursuant to sections 147.010 to 147.120 (determined

with regard to any extension of time for payment) shall be collected with a penalty of five percent per month or fractional part thereof until paid, not exceeding twenty-five percent in the aggregate. Interest at the rate determined by section 32.065 shall be added to any tax not paid on or before the date due pursuant to sections 147.010 to 147.120 (determined without regard to any extension of time for payment). Nothing in sections 147.010 to 147.120 shall be construed so as to permit any officer of this state to remit or abate such interest.

4. If any corporation fails to pay any tax due within the time prescribed pursuant to sections 147.010 to 147.120 or if any corporation makes errors and omissions in reports or payments, and the director of revenue determines that such action is the result of mistake or is due to circumstances beyond reasonable control and that such delinquency or inaccuracy was unavoidable or devoid of any intent to evade the tax, the director of revenue may, at the director's discretion, waive any penalty that would otherwise be imposed.

5. The director of revenue shall set the interest rate as determined in section 32.065. Such interest rate shall be paid on all overpayments for the ensuing calendar year. The interest shall accrue from the due date or the date of overpayment, whichever is later. No interest shall be allowed or paid if overpayment is refunded within four months after the franchise tax report is filed.

6. Any notice of assessment of franchise tax due shall be mailed to the corporation within three years after the report was filed. The provisions of this subsection shall apply to all reports filed after December 31, 1981.

54 7. If no report is filed or if a false and fraudulent
55 report is filed, a notice of assessment of franchise tax due
56 may be mailed to the corporation at any time.

57 8. If fraud or evasion on the part of a corporation or
58 anyone on behalf of a corporation is discovered, the
59 director of revenue shall determine the amount of which the
60 state has been defrauded, shall add to the amount so
61 determined a penalty equal to fifty percent thereof, and
62 shall assess the same against the corporation. The amount
63 so assessed shall be immediately due and payable; except
64 that, the director of revenue shall promptly thereafter give
65 to such corporation written notice of such assessment and
66 penalty, which notice shall be served by registered mail.
67 Such corporation shall have the right to petition for
68 hearing of such assessment, as is provided in sections
69 147.010 to 147.120.

70 9. Any person who willfully makes a false corporation
71 franchise tax report, or who willfully makes a false
72 statement in any report under oath or otherwise filed with
73 or transmitted to the director of revenue relating to the
74 amount of any franchise tax due pursuant to sections 147.010
75 to 147.120 shall, in addition to other penalties provided by
76 law and, upon conviction thereof, be **guilty of a class E**
77 **felony punishable by imprisonment for a term not more than**
78 **four years. Any person found convicted pursuant to this**
79 **section may be** fined not more than ten thousand dollars[, or
80 be imprisoned in the county jail for not more than one year
81 or by not less than two nor more than five years in the
82 state penitentiary or by both fine and imprisonment together
83 with the cost of prosecution]. **Any person found guilty of a**
84 **violation of this section may be subject to an extended**
85 **prison term pursuant to section 558.016.**

86 10. The director of revenue shall administer and
87 enforce the tax imposed by sections 147.010 to 147.120, and
88 the director is authorized to make such rules and
89 regulations and to require such facts and information to be
90 reported as the director may deem necessary to enforce the
91 provisions of sections 147.010 to 147.120.

92 11. No rule or portion of a rule promulgated pursuant
93 to the authority of sections 147.010 to 147.120 shall become
94 effective unless it has been promulgated pursuant to the
95 provisions of chapter 536.

96 12. Except as otherwise specifically provided in
97 sections 147.010 to 147.120 the franchise tax shall be
98 administered as prescribed in the following provisions of
99 chapter 143: subsections 1 and 4 of section 143.551,
100 sections 143.561, 143.571, 143.621, 143.631, 143.641,
101 143.651, 143.661, 143.681, 143.691, 143.721 and 143.731,
102 subsection 1 of section 143.741, subsections 1, 2 and 5 of
103 section 143.751, sections 143.771 and 143.791, subsections
104 1, 2 and 4 of section 143.811, sections 143.831, 143.841 and
105 143.851, subsections 2 and 3 of section 143.861, and
106 sections 143.901, 143.902, 143.971 and 143.986.

 149.071. Any person who shall, without the
2 authorization of the director of revenue, make or
3 manufacture, or who shall falsely or fraudulently forge,
4 counterfeit, reproduce, restore, or process any stamp,
5 impression, copy, facsimile, or other evidence for the
6 purpose of indicating the payment of the tax levied by this
7 chapter, or who shall knowingly or by a deceptive act use or
8 pass, or tender as true, or affix, impress, or imprint, by
9 use of any device, rubber stamp or by any other means, or
10 any package containing cigarettes, any unauthorized, false,
11 altered, forged, counterfeit or previously used stamp,

12 impressions, copies, facsimiles or other evidence of
13 cigarette tax payment, shall be guilty of a **class E** felony
14 and, upon conviction, shall be punished by imprisonment by
15 the state department of corrections for a term of not [less
16 than two years nor] more than [five] **four** years. **Any person**
17 **found guilty of a violation of this section may be subject**
18 **to an extended prison term pursuant to section 558.016.**

149.076. 1. No manufacturer, wholesaler or retailer
2 shall fail or refuse to make any return required by the
3 director, or refuse to permit the director or his or her
4 duly authorized representatives to examine records, papers,
5 files and equipment pertaining to the person's business made
6 taxable by this chapter. No person shall make an
7 incomplete, false or fraudulent return under this chapter,
8 or attempt to do anything to evade full disclosure of the
9 facts or to avoid the payment in whole or in part of the tax
10 or interest due.

11 2. Any person who files a false report or application
12 or makes a false entry in any record relating to the
13 purchase and sale of cigarettes shall be guilty of a **class E**
14 felony and, upon conviction, shall be punished by
15 imprisonment by the state department of corrections for a
16 term of [not less than two years nor] more than [five] **four**
17 **years. Any person found guilty of a violation of this**
18 **section may be subject to an extended prison term pursuant**
19 **to section 558.016.**

192.2015. 1. Any registered caregiver who meets the
2 requirements of this section shall be eligible for a shared
3 care tax credit in an amount not to exceed five hundred
4 dollars to defray the cost of caring for an elderly person.
5 In order to be eligible for a shared care tax credit, a
6 registered caregiver shall:

7 (1) Care for an elderly person, age sixty or older,
8 who:

9 (a) Is physically or mentally incapable of living
10 alone, as determined and certified by his or her physician
11 licensed pursuant to chapter 334, or by the department staff
12 when an assessment has been completed for the purpose of
13 qualification for other services; and

14 (b) Requires assistance with activities of daily
15 living to the extent that without care and oversight at home
16 would require placement in a facility licensed pursuant to
17 chapter 198; and

18 (c) Under no circumstances, is able or allowed to
19 operate a motor vehicle; and

20 (d) Does not receive funding or services through
21 Medicaid or social services block grant funding;

22 (2) Live in the same residence to give protective
23 oversight for the elderly person meeting the requirements
24 described in subdivision (1) of this subsection for an
25 aggregate of more than six months per tax year;

26 (3) Not receive monetary compensation for providing
27 care for the elderly person meeting the requirements
28 described in subdivision (1) of this subsection; and

29 (4) File the original completed and signed physician
30 certification for shared care tax credit form or the
31 original completed and signed department certification for
32 shared care tax credit form provided for in subsection 2 of
33 section 192.2010 along with such caregiver's Missouri
34 individual income tax return to the department of revenue.

35 2. The tax credit allowed by this section shall apply
36 to any year beginning after December 31, 1999.

37 3. Any rule or portion of a rule, as that term is
38 defined in section 536.010, that is created under the

39 authority delegated in sections 192.2000 to 192.2020 shall
40 become effective only if it complies with and is subject to
41 all of the provisions of chapter 536 and, if applicable,
42 section 536.028. All rulemaking authority delegated prior
43 to August 28, 1999, is of no force and effect and repealed.
44 Nothing in this section shall be interpreted to repeal or
45 affect the validity of any rule filed or adopted prior to
46 August 28, 1999, if it fully complied with all applicable
47 provisions of law. This section and chapter 536 are
48 nonseverable and if any of the powers vested with the
49 general assembly pursuant to chapter 536 to review, to delay
50 the effective date or to disapprove and annul a rule are
51 subsequently held unconstitutional, then the grant of
52 rulemaking authority and any rule proposed or adopted after
53 August 28, 1999, shall be invalid and void.

54 4. Any person who knowingly falsifies any document
55 required for the shared care tax credit shall be **guilty of a**
56 **class E felony and** subject to [the same penalties for
57 falsifying other tax documents as provided in chapter 143] a
58 **term of imprisonment not more than four years, in addition**
59 **to other penalties provided by law. Any person found guilty**
60 **of a violation of this section may be subject to an extended**
61 **prison term pursuant to section 558.016.**

194.275. 1. Except as otherwise provided in
2 subsection 2 of this section, a person that for valuable
3 consideration knowingly purchases or sells a part for any
4 purpose if removal of the whole body or a part from an
5 individual is intended to occur after the individual's death
6 commits a **class D** felony and, upon pleading or being found
7 guilty, is subject to a fine not exceeding fifty thousand
8 dollars or imprisonment not exceeding seven years, or both.
9 **Any person found guilty of a violation of this section may**

10 **be subject to an extended prison term pursuant to section**
11 **558.016.**

12 2. For purposes of this section, the term "valuable
13 consideration" does not include the reasonable payments
14 associated with the removal, transportation, implantation,
15 processing, preservation, quality control, and storage of
16 any part or a whole body.

194.280. Any person that in order to obtain a
2 financial gain knowingly falsifies, forges, conceals,
3 defaces, or obliterates a document of gift, an amendment or
4 revocation of a document of gift, or a refusal commits a
5 **class D** felony and, upon pleading or being found guilty, is
6 subject to a fine not exceeding fifty thousand dollars or
7 imprisonment not exceeding seven years, or both. **Any person**
8 **found guilty of a violation of this section may be subject**
9 **to an extended prison term pursuant to section 558.016.**

217.305. 1. The sheriff or other officer charged with
2 the delivery of persons committed to the department for
3 confinement in a correctional center shall deliver the
4 person to the reception and diagnostic center designated by
5 the director at times and dates as designated by the
6 director and shall receive a certificate of delivery of the
7 offender from the center.

8 2. Appropriate information relating to the offender
9 shall be provided to the department in a written or
10 electronic format, at or before the time the offender is
11 delivered to the department, including, but not limited to:

12 (1) A certified copy of the sentence from the clerk of
13 the sentencing court on the standardized form developed by
14 the office of state courts administrator. Such form shall
15 include specifics on any status violated, court-ordered
16 probation not supervised by the department, the offense

17 cycle number [and], any court-ordered restitution owed to
18 the victim, **and sentencing calculation, including jail time**
19 **credit supplemented by a certificate of a sheriff or other**
20 **custodial officer from another jurisdiction having held the**
21 **person on the charge of the offense for which the sentence**
22 **of imprisonment is ordered pursuant to the provisions of**
23 **section 558.031;**

24 (2) Available information provided in writing by the
25 prosecutor regarding the offender's age, crime for which
26 sentenced, probable cause statement, circumstances
27 surrounding the crime and sentence, names, telephone
28 numbers, and last known address of victims, victim impact
29 statements, and personal history, which may include facts
30 related to the offender's home environment, or work habits,
31 gang affiliations, if any, and previous convictions and
32 commitments. Such information shall be prepared by the
33 prosecuting attorney of the county or circuit attorney of
34 any city not within a county who was charged with the
35 offender's prosecution;

36 (3) Information provided by the sheriff or other
37 officer charged with the delivery of persons committed to
38 the department regarding the offender's physical and mental
39 health while in jail. All records on medication, care, and
40 treatment provided to the offender while in jail shall be
41 provided to the department prior to or upon delivery of the
42 offender. If the offender has had no physical or mental
43 health care or medications while in jail, the sheriff or
44 other officer shall certify that no physical or mental
45 health care or medication records are available. The
46 sheriff shall provide certification of all applicable jail-
47 time credit.

48 3. The department may refuse to accept any offender
49 who is delivered for confinement without all required
50 information.

 217.362. 1. The department of corrections shall
2 design and implement an intensive long-term program for the
3 treatment of chronic nonviolent offenders with serious
4 substance abuse addictions who have not pleaded guilty to or
5 been convicted of a dangerous felony as defined in section
6 556.061.

 2. Prior to sentencing, any judge considering an
8 offender for this program shall notify the department. The
9 potential candidate for the program shall be screened by the
10 department to determine eligibility. The department shall,
11 by regulation, establish eligibility criteria and inform the
12 court of such criteria. The department shall notify the
13 court as to the offender's eligibility and the availability
14 of space in the program. Notwithstanding any other
15 provision of law to the contrary, except as provided for in
16 section 558.019, if an offender is eligible and there is
17 adequate space, the court may sentence a person to the
18 program which shall consist of institutional drug or alcohol
19 treatment for a period of at least twelve and no more than
20 twenty-four months, as well as a term of incarceration. The
21 department shall determine the nature, intensity, duration,
22 and completion criteria of the education, treatment, and
23 aftercare portions of any program services provided.
24 Execution of the offender's term of incarceration shall be
25 suspended pending completion of said program. Allocation of
26 space in the program may be distributed by the department in
27 proportion to drug arrest patterns in the state. If the
28 court is advised that an offender is not eligible or that

29 there is no space available, the court shall consider other
30 authorized dispositions.

31 3. Upon successful completion of the program, the
32 division of probation and parole shall advise the sentencing
33 court of an offender's probationary release date thirty days
34 prior to release. If the court determines that probation is
35 not appropriate the court may order the execution of the
36 offender's sentence.

37 4. If it is determined by the department that the
38 offender has not successfully completed the program, or that
39 the offender is not cooperatively participating in the
40 program, the offender shall be removed from the program and
41 the court shall be advised. Failure of an offender to
42 complete the program shall cause the offender to serve the
43 sentence prescribed by the court and void the right to be
44 considered for probation on this sentence.

45 [5. An offender's first incarceration in a department
46 of corrections program pursuant to this section prior to
47 release on probation shall not be considered a previous
48 prison commitment for the purpose of determining a minimum
49 prison term pursuant to the provisions of section 558.019.]

217.655. 1. The parole board shall be responsible for
2 determining whether a person confined in the department
3 shall be paroled [or released conditionally as provided by
4 section 558.011]. The parole board shall receive
5 administrative support from the division of probation and
6 parole. The division of probation and parole shall provide
7 supervision to all persons referred by the circuit courts of
8 the state as provided by sections 217.750 and 217.760. The
9 parole board shall exercise independence in making decisions
10 about individual cases, but operate cooperatively within the
11 department and with other agencies, officials, courts, and

12 stakeholders to achieve systemic improvement including the
13 requirements of this section.

14 2. The parole board shall adopt parole guidelines to:

15 (1) Preserve finite prison capacity for the most
16 serious and violent offenders;

17 (2) Release supervision-manageable cases consistent
18 with section 217.690;

19 (3) Use finite resources guided by validated risk and
20 needs assessments;

21 (4) Support a seamless reentry process;

22 (5) Set appropriate conditions of supervision; and

23 (6) Develop effective strategies for responding to
24 violation behaviors.

25 3. The parole board shall collect, analyze, and apply
26 data in carrying out its responsibilities to achieve its
27 mission and end goals. The parole board shall establish
28 agency performance and outcome measures that are directly
29 responsive to statutory responsibilities and consistent with
30 agency goals for release decisions, supervision, revocation,
31 recidivism, and caseloads.

32 4. The parole board shall publish parole data,
33 including grant rates, revocation and recidivism rates,
34 length of time served, and successful supervision
35 completions, and other performance metrics.

36 5. The chairperson of the parole board shall employ
37 such employees as necessary to carry out its
38 responsibilities, serve as the appointing authority over
39 such employees, and provide for appropriate training to
40 members and staff, including communication skills.

41 6. The division of probation and parole shall provide
42 such programs as necessary to carry out its responsibilities
43 consistent with its goals and statutory obligations.

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

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

24 3. The division of probation and parole has
25 discretionary authority to require the payment of a fee, not
26 to exceed sixty dollars per month, from every offender
27 placed under division supervision on probation, parole, or
28 conditional release, to waive all or part of any fee, to
29 sanction offenders for willful nonpayment of fees, and to
30 contract with a private entity for fee collections
31 services. All fees collected shall be deposited in the
32 inmate fund established in section 217.430. Fees collected

33 may be used to pay the costs of contracted collections
34 services. The fees collected may otherwise be used to
35 provide community corrections and intervention services for
36 offenders. Such services include substance abuse assessment
37 and treatment, mental health assessment and treatment,
38 electronic monitoring services, residential facilities
39 services, employment placement services, and other offender
40 community corrections or intervention services designated by
41 the division of probation and parole to assist offenders to
42 successfully complete probation, parole, or conditional
43 release. The division of probation and parole shall adopt
44 rules not inconsistent with law, in accordance with section
45 217.040, with respect to sanctioning offenders and with
46 respect to establishing, waiving, collecting, and using fees.

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

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

60 6. Any offender sentenced to a term of imprisonment
61 amounting to fifteen years or more or multiple terms of
62 imprisonment that, taken together, amount to fifteen or more
63 years who was under eighteen years of age at the time of the
64 commission of the offense or offenses may be eligible for

65 parole after serving fifteen years of incarceration,
66 regardless of whether the case is final for the purposes of
67 appeal, and may be eligible for reconsideration hearings in
68 accordance with regulations promulgated by the parole board.

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

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

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

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

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

95 (2) The victim or person representing the victim who
96 attends a hearing shall have the option of giving testimony

97 in the presence of the inmate or to the hearing panel
98 without the inmate being present;

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

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

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

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

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

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

124 13. Special parole conditions shall be responsive to
125 the assessed risk and needs of the offender or the need for
126 extraordinary supervision, such as electronic monitoring.
127 The parole board shall adopt rules to minimize the
128 conditions placed on low-risk cases, to frontload conditions

129 upon release, and to require the modification and reduction
130 of conditions based on the person's continuing stability in
131 the community. Parole board rules shall permit parole
132 conditions to be modified by parole officers with review and
133 approval by supervisors.

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

138 15. Beginning January 1, 2001, the parole board shall
139 not order a parole unless the offender has obtained a high
140 school diploma or its equivalent, or unless the parole board
141 is satisfied that the offender, while committed to the
142 custody of the department, has made an honest good-faith
143 effort to obtain a high school diploma or its equivalent;
144 provided that the director may waive this requirement by
145 certifying in writing to the parole board that the offender
146 has actively participated in mandatory education programs or
147 is academically unable to obtain a high school diploma or
148 its equivalent.

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

217.760. 1. In all felony cases and class A
2 misdemeanor cases, the basis of which misdemeanor cases are
3 contained in chapters 565 and 566 and section 577.023, at
4 the request of a circuit judge of any circuit court, the
5 division of probation and parole shall assign one or more
6 state probation and parole officers to make an investigation
7 of the person convicted of the crime or offense before
8 sentence is imposed. In all felony cases in which the
9 recommended sentence established by the sentencing advisory
10 commission pursuant to subsection [7] 1 of section 558.019
11 includes probation but the recommendation of the prosecuting
12 attorney or circuit attorney does not include probation, the
13 division of probation and parole shall, prior to sentencing,
14 provide the judge with a report on available alternatives to
15 incarceration. If a presentence investigation report is
16 completed then the available alternatives shall be included
17 in the presentence investigation report.

18 2. The report of the presentence investigation or
19 preparole investigation shall contain any prior criminal
20 record of the defendant and such information about his or
21 her characteristics, his or her financial condition, his or
22 her social history, the circumstances affecting his or her
23 behavior as may be helpful in imposing sentence or in
24 granting probation or in the correctional treatment of the
25 defendant, information concerning the impact of the crime
26 upon the victim, the recommended sentence established by the
27 sentencing advisory commission and available alternatives to
28 incarceration including opportunities for restorative
29 justice, as well as a recommendation by the probation and
30 parole officer. The officer shall secure such other
31 information as may be required by the court and, whenever it

32 is practicable and needed, such investigation shall include
33 a physical and mental examination of the defendant.

252.220. 1. It shall be unlawful for any person to
2 place any explosive substance or preparation in any of the
3 waters of this state, whereby any fish which may inhabit
4 said waters may be killed, injured or destroyed; and no
5 person, by any such means, shall kill, catch or take any
6 fish from said waters; provided, however, that explosive
7 substances or preparations may be used in said waters, but
8 only with the permission and under the supervision of the
9 commission.

10 2. Any person violating any of the provisions of this
11 section shall be deemed guilty of a **class E** felony[,] and,
12 upon conviction, shall be fined not less than two hundred
13 dollars, nor more than one thousand dollars, or by
14 imprisonment [in the state penitentiary] for **a term** not more
15 than [two] **four** years, or by both such fine and
16 imprisonment, for each such offense. **Any person found**
17 **guilty of a violation of this section may be subject to an**
18 **extended prison term pursuant to section 558.016.**

257.430. The making of profit, directly or indirectly,
2 by any officer of any district organized under this chapter,
3 or by any other public officer within the state, out of any
4 contracts entered into by the district, or the use of any
5 money belonging to a district by loaning it or otherwise
6 using it, or by depositing the same in any manner, contrary
7 to law, or by removal of any money by any officer or by his
8 consent and placing it elsewhere than is prescribed either
9 by law or by the official acts of the board of trustees, for
10 the purpose of profit, constitutes a **class E** felony,
11 punishable by imprisonment for a term not exceeding [two]
12 **four** years, or a fine not exceeding five thousand dollars,

13 or both fine and imprisonment; and the officer offending
14 shall be liable personally and upon his official bond for
15 all losses to the district and for all profits realized by
16 such unlawful use of moneys. **Any person found guilty of a**
17 **violation of this section may be subject to an extended**
18 **prison term pursuant to section 558.016.**

260.425. 1. It is unlawful for any person to cause or
2 permit any acts or hazardous waste management practices
3 which violate sections 260.350 to 260.430 or any standard,
4 rule or regulation, order or license or permit term or
5 condition adopted or issued hereunder. In the event the
6 commission or the department determines that any provision
7 of sections 260.350 to 260.430 or any standard, rule or
8 regulation, order or determination, or license or permit
9 term or condition adopted or issued hereunder by the
10 commission or the department, or any filing requirement
11 under sections 260.350 to 260.430 or any provision which
12 this state is required to enforce under any federal
13 hazardous waste management act, is being, was, or is in
14 imminent danger of being violated, the commission or
15 department may, in addition to other remedies under sections
16 260.350 to 260.430, cause to have instituted a civil action
17 in any court of competent jurisdiction for injunctive relief
18 to prevent any such violation or further violation or for
19 the assessment of a civil penalty not to exceed ten thousand
20 dollars per day for each day, or part thereof, the violation
21 occurred and continues to occur, or both, as the court deems
22 proper. A civil monetary penalty under this section shall
23 not be assessed for a violation where an administrative
24 penalty was assessed under section 260.412. The commission
25 or the department may request either the attorney general or
26 a prosecuting attorney to bring any action authorized in

27 this section in the name of the people of the state of
28 Missouri. Suit may be brought in any county where the
29 defendant's principal place of business is located or was
30 located at the time the violation occurred, or has or may
31 cause injury or threat to the health of humans or the
32 environment. Any offer of settlement to resolve a civil
33 penalty under this section shall be in writing, shall state
34 that an action for imposition of a civil penalty may be
35 initiated by the attorney general or a prosecuting attorney
36 representing the department under authority of this section,
37 and shall identify any dollar amount as an offer of
38 settlement which shall be negotiated in good faith through
39 conference, conciliation and persuasion.

40 2. Moneys received pursuant to this section which are
41 not required by Article IX, Section 7, of the Constitution
42 to be distributed to schools shall be deposited in the
43 hazardous waste fund created in section 260.391.

44 3. Any person who knowingly:

45 (1) Transports any hazardous waste to a facility which
46 is not authorized to receive such waste pursuant to sections
47 260.350 to 260.430 or permits or causes any other hazardous
48 waste transportation practice in violation of any provision
49 of sections 260.350 to 260.430;

50 (2) Treats, stores, or disposes of any hazardous waste
51 either:

52 (a) Without authorization to do so pursuant to
53 sections 260.350 to 260.430; or

54 (b) In knowing violation of any material condition or
55 requirement of such authorization; or

56 (c) In violation of any provision of sections 260.350
57 to 260.430;

(3) Makes any false material statement, representation or certification in any application, label, permit, record, report, manifest, or other document filed, maintained, or required to be maintained under sections 260.350 to 260.430;

(4) Falsifies, tampers with, or renders inaccurate any monitoring device or result therefrom used, filed, maintained, or required to be maintained under sections 260.350 to 260.430;

(5) Generates, treats, stores, transports, disposes of, or otherwise handles any hazardous waste, and who in connection therewith knowingly destroys, alters or conceals any record required to be maintained pursuant to sections 260.350 to 260.430; or

(6) Owns, maintains, or operates any hazardous waste disposal facility in a manner which permits any acts or hazardous waste management practices in violation of sections 260.350 to 260.430[,];

shall[,] **be guilty of a class E felony and subject to a term of imprisonment not more than four years.** Upon conviction, **any person found to be in violation of this section may be** punished by a fine of not less than [twenty-five] **two thousand five** hundred dollars nor more than twenty-five thousand dollars for each day of violation, [or by confinement in the county jail for not more than one year, or by both such fine and confinement] **in addition to a required term of imprisonment.** Second and successive convictions for violation of this section shall be punished by a fine of not less than five thousand dollars nor more than fifty thousand dollars for each day of violation[, or by imprisonment for not less than ten years, or by both such fine and imprisonment]. **Any person found guilty of a**

89 **violation of this section may be subject to an extended**
90 **prison term pursuant to section 558.016.**

91 4. Whenever the director or his designee observes or
92 has reason to believe any such person is violating or has
93 violated the provisions of sections 260.350 to 260.430
94 relating to hazardous waste facilities, the director or his
95 designee may request the sheriff or deputy sheriff of the
96 county where the hazardous waste facility is located, or any
97 law enforcement officer otherwise authorized by law to issue
98 a summons, to make investigation. If the officer views any
99 violation of sections 260.350 to 260.430 or has probable
100 cause to believe any violation of sections 260.350 to
101 260.430 is occurring or has occurred, he shall issue to the
102 owner or operator a summons, in lieu of arrest, which shall
103 state the nature of any alleged violations and shall command
104 the owner or operator to appear in circuit court, associate
105 division, at a stated time and place in answer thereto. If
106 the owner or operator shall fail to appear as commanded by
107 the summons, a warrant of arrest shall be issued.

108 5. In addition to the authority granted to it under
109 chapter 43, the Missouri state highway patrol, any of its
110 officers, or any other law enforcement officer, who has
111 probable cause to believe that such a violation of sections
112 260.350 to 260.430 has been committed may detain any
113 equipment involved in the violation and arrest the person
114 controlling or operating such equipment. Any such officer
115 shall also notify the department or the Missouri public
116 service commission as soon as practicable, which shall, in
117 addition, take whatever civil action they determine is
118 necessary to correct or eliminate such violation or any
119 threat to the health of humans or the environment. It shall
120 be the duty of the Missouri state highway patrol as it

pertains to highway use, and all other officers of the state of Missouri charged with enforcement of criminal law, to further the purposes of sections 260.350 to 260.430 and to render and furnish to the department when requested all information and assistance in their possession and in their power.

6. The liabilities which shall be imposed pursuant to any provision of sections 260.350 to 260.430 upon persons violating the provisions of sections 260.350 to 260.430 or any standard, rule or regulation, or license or permit term or condition adopted or issued hereunder shall not be imposed for any violation caused by a strike or an act of God, war, riot or other catastrophe.

7. No provision of sections 260.350 to 260.430 shall be construed to limit any action at law or in equity from being brought by any person or political subdivision aggrieved by any violation of sections 260.350 to 260.430 nor shall any provision be construed to prohibit any person from exercising otherwise existing rights to suppress nuisances.

268.151. Any person who shall brand, attempt to brand, or cause to be branded the animals of another, or who shall efface, deface, or obliterate or attempt to efface, deface, or obliterate any brand upon any animal or animals of another, or who shall brand, attempt to brand, or cause to be branded the recorded brand of another on any animal shall be guilty of a **class E** felony and **[shall] may, in addition to other penalties provided by law,** be imprisoned by the department of corrections for not more than **[five] four** years. **Any person found guilty of a violation of this section may be subject to an extended prison term pursuant to section 558.016.**

311.460. Any person knowingly and willfully violating
any provisions of sections 311.410 to 311.450 shall be
deemed guilty of a **class E** felony and shall be punished,
upon conviction, by imprisonment [in the penitentiary] for a
term not exceeding [two] **four** years [or by imprisonment in
the county jail not exceeding one year] or by a fine not
exceeding one thousand dollars, **or by both such fine and
imprisonment. Any person found guilty of a violation of
this section may be subject to an extended prison term
pursuant to section 558.016.**

361.290. Any director, deputy, examiner, employee,
clerk or stenographer who shall violate his **or her** oath of
office or shall neglect or violate any of the duties imposed
upon him **or her** by this chapter, or shall be guilty of any
other misfeasance or malfeasance in office for which no
other or different punishment is by this chapter provided,
shall be deemed guilty of a **class E** felony, and upon
conviction, shall be punished by imprisonment [in the
penitentiary] for a term [of] not [less than two years nor]
exceeding [five] **four** years, or by a fine of not less than
one hundred dollars nor more than one thousand dollars, [or
by imprisonment in the county or city jail for not less than
one month nor more than twelve months,] or by both such fine
and imprisonment; and upon indictment of any such director,
deputy, examiner, clerk or stenographer for any violation of
this chapter, such officer or employee shall be disqualified
from further discharging the duties of such office or
position until such indictment is fully disposed of. **Any
person found guilty of a violation of this section may be
subject to an extended prison term pursuant to section
558.016.**

362.100. Any person who shall, contrary to any of the provisions of law, knowingly aid, abet or participate directly or indirectly in issuing or selling or causing to be issued or sold any share or shares of stock in any bank or trust company shall be deemed guilty of a **class E** felony and, upon conviction, thereof shall be punished by imprisonment by the department of corrections [and human resources] for a term not exceeding [five] **four** years or [by confinement in the county jail for a term not exceeding six months or] by a fine of not more than ten thousand dollars, or by both such fine and confinement. **Any person found guilty of a violation of this section may be subject to an extended prison term pursuant to section 558.016.**

362.171. Any officer, director, agent, clerk or employee of any bank or trust company who willfully and knowingly makes or concurs in making any loan, either directly or indirectly, to any individual, partnership or corporation or by means of letters of credit, by acceptance of drafts or by discount or purchase of notes, bills of exchange or other obligation of any person, partnership or corporation, in excess of the amounts set out in section 362.170, shall be deemed guilty of a **class E** felony and, upon conviction, shall be punished by imprisonment [in the penitentiary] for not [less than two years nor] more than [ten] **four** years [or by imprisonment in the county jail for not exceeding one year] or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. **Any person found guilty of a violation of this section may be subject to an extended prison term pursuant to section 558.016.**

375.350. 1. No insurance company shall, directly or indirectly, purchase or hold, either absolutely or as

3 collateral, its own stock, after the same has been once
4 issued, without prior approval of the director of the
5 department of commerce and insurance. The written
6 application shall specify the number of shares offered,
7 their description, the price offered by the company, the
8 book value of said shares and any other pertinent
9 information regarding the value of said shares. A copy of
10 said application shall be given to the seller prior to the
11 filing of said written application with the director of the
12 department of commerce and insurance. This section shall
13 not prevent a company from buying its own stock, if the same
14 shall be forfeited and sold to the company for nonpayment of
15 assessments thereon, in which case it shall be treated and
16 issued as part of the original stock. Any person willfully
17 making a false statement or representation in the
18 application mentioned above shall be deemed guilty of a
19 **class E** felony and **may** be imprisoned for a period of not
20 **[less than two years nor]** more than **[five]** **four** years. **Any**
21 **person found guilty of a violation of this section may be**
22 **subject to an extended prison term pursuant to section**
23 **558.016.**

24 2. Notwithstanding the limitations set out in
25 subsection 1 of this section, an insurance company may
26 purchase or otherwise acquire its own stock, after the same
27 has once been issued, without prior approval of the director
28 of the department of commerce and insurance provided that:

29 (1) The insurance company does not thereby reduce its
30 capital and surplus below the minimums required by law for
31 such company to continue to do business; and

32 (2) The insurance company, within ten days after the
33 end of any three-month period in which it acquires more than
34 five percent of any class of its outstanding shares, files a

report with the director of the department of commerce and insurance showing:

- (a) The date of such purchase;
- (b) The class of stock purchased;
- (c) The number of shares of each class so purchased;
- (d) The aggregate price paid for such shares of each class so purchased; and
- (e) The authorized capital, actual capital, and surplus of such company immediately prior to such purchase.

3. No shares which are or have been reacquired, purchased, pledged, or held by an insurance company pursuant to subsection 1 or 2 of this section shall be considered an admitted asset, nor shall be considered in determining the solvency of any insurance company.

375.390. No officer, stockholder, agent or employee of any insurance company, formed under the laws of this state, or doing business herein, shall, directly or indirectly, use or employ, or permit others to use or employ, any of the money, funds or securities of such company for private profit or gain, and any such use shall be deemed a **class E** felony, punishable, upon conviction, by imprisonment [in the penitentiary] **for a term** not [less than two years nor] more than [five] **four** years for each offense. **Any person found guilty of a violation of this section may be subject to an extended prison term pursuant to section 558.016.**

375.410. Any public official failing, neglecting or refusing to comply with any of the provisions of [sections 375.390 and] **section** 375.400 shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars and forfeit his office.

375.470. If said director or his deputy shall willfully fail, refuse or neglect to faithfully keep,

3 deposit, account or surrender, in the manner by law
4 authorized or required, any such securities as aforesaid,
5 transferred to and received by him or into his custody,
6 under the provisions of law, such director shall be
7 responsible upon his official bond, and suit may be brought
8 upon said bond by any person injured; and said director or
9 his deputy so offending shall, upon conviction thereof, be
10 adjudged guilty of a **class C** felony, and punished by a fine
11 not exceeding ten thousand dollars, and by imprisonment [in
12 the state penitentiary] for **a term** not less than [two] **three**
13 or more than ten years[; and for any other willful violation
14 or failure or neglect to perform any duty prescribe by law,
15 and pertaining to his office, said director or his deputy,
16 upon conviction thereof, shall be deemed guilty of a
17 misdemeanor, and punished by a fine not exceeding one
18 thousand dollars, or by imprisonment in the county jail not
19 exceeding twelve months, or by both such fine and
20 imprisonment]. **Any person found guilty of a violation of**
21 **this section may be subject to an extended prison term**
22 **pursuant to section 558.016.**

386.560. Any person who shall willfully make any false
2 entry in the accounts, books of account, records, or
3 memoranda kept by any corporation, person, or public utility
4 governed by the provisions of this chapter, or who shall
5 willfully destroy, mutilate, alter, or by any other means or
6 device falsify the record of any such account, book of
7 accounts, record, or memoranda, or who shall willfully
8 neglect or fail to make full, true, and correct entries of
9 such account, book of accounts, record, or memoranda of all
10 facts and transactions appertaining to the business of such
11 corporations, persons, or public utilities, or who shall
12 falsely make any statement required to be made to the public

13 service commission, in which a penalty has not heretofore
14 been provided for, shall be deemed guilty of a **class E**
15 felony[,] and, upon conviction, shall be punished by a fine
16 of not less than one thousand dollars nor more than five
17 thousand dollars, or by imprisonment for a **term of** not [less
18 than two years nor] more than [five] **four** years, or by both
19 such fine and imprisonment; provided, that the commission
20 may, in its discretion, issue orders specifying such
21 operating, accounting, or financial papers, records, books,
22 blanks, tickets, stubs, or documents, of carriers which may
23 after a reasonable time be destroyed, and prescribing the
24 length of time such books, papers, or documents shall be
25 preserved; and provided further, that such orders shall be
26 in harmony with those of the Interstate Commerce
27 Commission. **Any person found guilty of a violation of this**
28 **section may be subject to an extended prison term pursuant**
29 **to section 558.016.**

387.290. 1. The division of motor carrier and
2 railroad safety shall have the power to require motor
3 carriers to account for the disposition of the proceeds of
4 all sales of stocks, bonds, notes, and other evidences of
5 indebtedness in such form and detail as it may deem
6 advisable and to establish such rules and regulations as it
7 may deem reasonable and necessary to insure the disposition
8 of such proceeds for the purpose or purposes specified in
9 its order.

10 2. All stock, and every bond, note or evidence of
11 indebtedness, of a motor carrier issued without an order of
12 the division authorizing the same then in effect shall be
13 void, and likewise all stock, and every bond, note or other
14 evidence of indebtedness, of a motor carrier issued with the
15 authorization of the division, but not conforming in its

16 provisions to the provisions, if any, which it is required
17 by the order of authorization of the division to contain,
18 shall be void; but no failure in any other respect to comply
19 with the terms or conditions of the order of authorization
20 of the division shall render void any stock, or any bond,
21 note, or other evidence of indebtedness, except as to a
22 corporation or person taking the same otherwise than in good
23 faith and for value and without actual notice.

24 3. Every motor carrier, which directly or indirectly
25 issues or causes to be issued, any stock or stock
26 certificates, or bond, note, or other evidence of
27 indebtedness, in nonconformity with the order of the
28 division authorizing the same, or contrary to the provisions
29 of this chapter, or of the constitution of the state, or
30 which applies the proceeds from the sale thereof, or any
31 part thereof, to any purpose other than the purpose or
32 purposes specified in the division's order, as herein
33 provided, or to any purpose specified in the division's
34 order in excess of the amount in said order authorized for
35 such purpose, is subject to a penalty of not less than five
36 hundred dollars nor more than twenty thousand dollars for
37 each offense.

38 4. Every officer, agent, or employee of a motor
39 carrier, and every other person who knowingly authorizes,
40 directs, aids in, issues or executes, or causes to be issued
41 or executed, any stock, or bond, note, or other evidence of
42 indebtedness, in nonconformity with the order of the
43 division authorizing the same, or contrary to the provisions
44 of this chapter, or of the constitution of this state, or
45 who, in any proceeding before the division, knowingly makes
46 any false statement or representation, or with knowledge of
47 its falsity files or causes to be filed with the division

any false statement or representation which said statement or representation so made, filed or caused to be filed may tend in any way to influence the division to make an order authorizing the issue of any stock, or any bond, note, or other evidence of indebtedness, or which results in procuring from the division the making of any such order, or who, with knowledge that any false statement or representation was made to the division in any proceeding, tending in any way to influence the division to make such order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock, or bond, note, or other evidence of indebtedness, or who directly or indirectly, knowingly applies, or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock, or bond, note, or other evidence of indebtedness, to any purpose not specified in the division's order, or to any purpose specified in the division's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this chapter, negotiates, or causes the same to be negotiated, shall be deemed guilty of a **class E felony** and, upon conviction, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment for a **term** not ~~[less than two years nor]~~ more than ~~[five]~~ **four** years, or by both such fine and imprisonment. **Any person found guilty of a violation of this section may be subject to an extended prison term pursuant to section 558.016.**

5. No provision of this chapter, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the state of Missouri to pay

80 or guarantee, in any manner whatsoever, any stock, or bond,
81 note, or other evidence of indebtedness, authorized, issued
82 or executed under the provisions of this chapter.

83 6. All stocks, and every bond, note, or other evidence
84 of indebtedness issued by any motor carrier after this
85 chapter takes effect, upon the authority of any articles of
86 incorporation or amendments thereto or vote of the
87 stockholders or directors filed, taken or had, or other
88 proceedings taken or had, previous to the taking effect of
89 this chapter, shall be void, unless an order of the division
90 authorizing the issue of such stock, or bonds, notes, or
91 other evidences of indebtedness shall have been obtained
92 from the division prior to such issue. The division may by
93 its order impose such condition or conditions as it may deem
94 reasonable and necessary.

392.330. 1. The commission shall have the power to
2 require every telecommunications company to account for the
3 disposition of the proceeds of all sales of stocks, bonds,
4 notes, and other evidence of indebtedness, in such form and
5 detail as it may deem advisable, and to establish such rules
6 and regulations as it may deem reasonable and necessary to
7 ensure the disposition of such proceeds for the purpose or
8 purposes specified in its order. No rule or portion of a
9 rule promulgated under the authority of this chapter shall
10 become effective unless it has been promulgated pursuant to
11 the provisions of section 536.024.

12 2. All stock and every bond, note, or other evidence
13 of indebtedness of a telecommunications company issued
14 without an order of the commission authorizing the same then
15 in effect shall be void, and likewise all stock and every
16 bond, note or other evidence of indebtedness of a
17 telecommunications company issued with the authorization of

18 the commission, but not conforming in its provisions to the
19 provisions, if any, which it is required by the order of
20 authorization of the commission to contain, shall be void;
21 but no failure in any other respect to comply with the terms
22 or conditions of the order of authorization of the
23 commission shall render void any stock or any bond, note, or
24 other evidence of indebtedness, except as to a corporation
25 or person taking the same otherwise than in good faith and
26 for value and without actual notice.

27 3. Every telecommunications company which, directly or
28 indirectly, issues or causes to be issued any stock, or
29 bond, note, or other evidence of indebtedness, in
30 nonconformity with the order of the commission authorizing
31 the same, or contrary to the provisions of this chapter, or
32 of the constitution of this state, or which applies the
33 proceeds from the sale thereof, or any part thereof, to any
34 purpose other than the purpose or purposes specified in the
35 commission's order in excess of the amount in such order
36 authorized for the purpose, is subject to a penalty of not
37 less than five hundred dollars nor more than twenty thousand
38 dollars for each offense.

39 4. Every officer, agent, or employee of a
40 telecommunications company and every other person who
41 knowingly authorizes, directs, aids in, issues or executes,
42 or causes to be issued or executed, any stock, bond, note,
43 or other evidence of indebtedness, in nonconformity with the
44 order of the commission authorizing the same, or contrary to
45 the provisions of sections 392.190 to 392.360, or to the
46 constitution of this state, or who, in any proceeding before
47 the commission, knowingly makes any false statement or
48 representation or with knowledge of its falsity files or
49 causes to be filed with the commission any false statement

50 or representation, which said statement or representation so
51 made, filed or caused to be filed, may tend in any way to
52 influence the commission to make an order authorizing the
53 issue of any stock, or any bond, note, or other evidence of
54 indebtedness, or which results in the procuring from the
55 commission the making of any such order, or who, with
56 knowledge that any false statement or representation was
57 made to the commission, in any proceeding, tending in any
58 way to influence the commission to make such order, issues
59 or executes or negotiates, or causes to be issued or
60 executed or negotiated any such stock, or bond, note, or
61 other evidence of indebtedness, or who, directly or
62 indirectly, knowingly applies, or causes or assists to be
63 applied, the proceeds, or any part thereof, from the sale of
64 any stock, bond, note, or other evidence of indebtedness, to
65 any purpose not specified in the commission's order, or to
66 any purpose specified in the commission's order in excess of
67 the amount authorized for such purpose, or who, with
68 knowledge that any stock, or bond, note, or other evidence
69 of indebtedness has been issued or executed in violation of
70 any of the provisions of this chapter, negotiates, or causes
71 to be negotiated, any stock, bond, note, or other evidence
72 of indebtedness, shall be deemed guilty of a **class E** felony,
73 and, upon conviction, shall be punished by a fine of not
74 less than one thousand dollars nor more than five thousand
75 dollars, or by imprisonment for **a term** not [less than two
76 years nor] more than [five] **four** years, or by both such fine
77 and imprisonment. **Any person found guilty of a violation of**
78 **this section may be subject to an extended prison term**
79 **pursuant to section 558.016.**

80 5. No provision of this chapter, and no deed or act
81 done or performed under or in connection therewith, shall be

82 held or construed to obligate the state of Missouri, to pay
83 or guarantee, in any manner whatsoever, any stock, or bond,
84 note, or other evidence of indebtedness, authorized, issued
85 or executed under the provisions of sections 392.190 to
86 392.360.

87 6. All stocks, and every bond, note, or other evidence
88 of indebtedness issued by any public utility after this
89 chapter takes effect, upon the authority of any articles of
90 incorporation or amendments thereto or vote of the
91 stockholders or directors filed, taken or had, or other
92 proceedings taken or had, previous to the taking effect of
93 this law, shall be void, unless an order of the commission
94 authorizing the issue of such stocks, bonds, notes, or other
95 evidences of indebtedness shall have been obtained from the
96 commission prior to such issue. The commission may by its
97 order impose such condition or conditions as it may deem
98 reasonable and necessary.

99 7. Notwithstanding the other provisions of this
100 section, the commission can approve all issues of stock,
101 bonds, notes, or other evidence of indebtedness of a
102 telecommunications company which were issued without prior
103 approval when it can be shown that the stocks, bonds, notes,
104 or other evidence of indebtedness were issued for purposes
105 authorized by section 392.310, and were issued in good faith
106 without knowledge of the requirement of obtaining prior
107 approval.

393.220. 1. The commission shall have power to
2 require gas corporations, electrical corporations, water
3 corporations, and sewer corporations to account for the
4 disposition of the proceeds of all sales of stocks, bonds,
5 notes, and other evidences of indebtedness in such form and
6 detail as it may deem advisable, and to establish such rules

7 and regulations as it may deem reasonable and necessary to
8 insure the disposition of such proceeds for the purpose or
9 purposes specified in its order.

10 2. All stock, and every bond, note, or other evidence
11 of indebtedness of a gas corporation, electrical
12 corporation, water corporation, or sewer corporation issued
13 without an order of the commission authorizing the same then
14 in effect shall be void, and likewise all stock, and every
15 bond, note or other evidence of indebtedness of a gas
16 corporation, electrical corporation, water corporation, or
17 sewer corporation, issued with the authorization of the
18 commission, but not conforming in its provisions to the
19 provisions, if any, which it is required by the order of
20 authorization of the commission to contain, shall be void;
21 but no failure in any other respect to comply with the terms
22 or conditions of the order of authorization of the
23 commission shall render void any stock, or any bond, note,
24 or other evidence of indebtedness, except as to a
25 corporation or person taking the same otherwise than in good
26 faith and for value and without actual notice.

27 3. Every gas corporation, electrical corporation,
28 water corporation, or sewer corporation which, directly or
29 indirectly, issues or causes to be issued any stock or bond,
30 note, or other evidence of indebtedness, in nonconformity
31 with the order of the commission authorizing the same, or
32 contrary to the provisions of this chapter, or the
33 constitution of this state, or which applies the proceeds
34 from the sale thereof, or any part thereof, to any purpose
35 other than the purpose or purposes specified in the
36 commission's order in excess of the amount in said order
37 authorized for the purpose, is subject to a penalty of not

less than five hundred dollars nor more than twenty thousand dollars for each offense.

4. Every officer, agent, or employee of a gas corporation, electrical corporation, water corporation, or sewer corporation, and every other person who knowingly authorizes, directs, aids in, issues or executes, or causes to be issued or executed, any stock or bond, note, or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this chapter, or to the constitution of this state, or who, in any proceeding before the commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the commission any false statement or representation, which said statement or representation so made, filed or caused to be filed may tend in any way to influence the commission to make an order authorizing an issue of stock, or any bond, note or other evidence of indebtedness, or which results in the procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission, in any proceeding, tending in any way to influence the commission to make such an order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock or bond, note, or other evidence of indebtedness, or who, directly or indirectly, knowingly applies, or causes or assists to be applied the proceeds, or any part thereof, from the sale of any stock or bond, note, or other evidence of indebtedness, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order, in excess of the amount authorized for such purpose, or who, with knowledge that any

70 stock or bond, note, or other evidence of indebtedness, has
71 been issued or executed in violation of any of the
72 provisions of this chapter, negotiates, or causes the same
73 to be negotiated, shall be deemed guilty of a **class E**
74 felony[,] and, upon conviction, shall be punished by a fine
75 of not less than one thousand dollars nor more than five
76 thousand dollars, or by imprisonment for not [less than two
77 years nor] more than [five] **four** years, or by both such fine
78 and imprisonment. **Any person found guilty of a violation of**
79 **this section may be subject to an extended prison term**
80 **pursuant to section 558.016.**

81 5. No provision of this chapter, and no deed or act
82 done or performed under or in connection therewith, shall be
83 held or construed to obligate the state of Missouri to pay
84 or guarantee in any manner whatsoever, any stock or bond,
85 note, or other evidence of indebtedness, authorized, issued
86 or executed under the provisions of this chapter.

87 6. All stocks and bonds, notes, and other evidences of
88 indebtedness issued by any public utility after this law
89 takes effect, upon the authority of any articles of
90 incorporation or amendments thereto or vote of the
91 stockholders or directors filed, taken or had, or other
92 proceedings taken or had, previous to the taking effect of
93 this chapter, shall be void, unless an order of the
94 commission authorizing the issue of such stocks, bonds,
95 notes, or other evidences of indebtedness shall have been
96 obtained from the commission prior to such issue. The
97 commission may by its order impose such condition or
98 conditions as it may deem reasonable and necessary.

99 7. Notwithstanding the other provisions of this
100 section **to the contrary**, the commission can approve all
101 issues of stock, bonds, notes, or other evidence of

indebtedness of a gas corporation, electrical corporation, water corporation, or sewer corporation, which were issued without prior approval when it can be shown that the stocks, bonds, notes, or other evidence of indebtedness were issued for purposes authorized by section 393.200, and were issued in good faith without knowledge of the requirement of obtaining prior approval.

409.109. A person who willfully violates section 409.108 shall **be deemed guilty of a class C felony and**, upon conviction, be fined not more than five hundred thousand dollars or imprisoned **not less than three years and** not more than ten years, or both. The proper prosecuting attorney with or without a criminal reference from the commissioner, or the attorney general under section 27.030, may institute criminal proceedings under this section. **Any person found guilty of a violation of this section may be subject to an extended prison term pursuant to section 558.016.**

409.5-501. 1. It is unlawful for a person, in connection with the offer, sale, or purchase of a security, directly or indirectly:

(1) To employ a device, scheme, or artifice to defraud;

(2) To make an untrue statement of a material fact or to omit to state a material fact necessary in order to make the statement made, in the light of the circumstances under which it is made, not misleading; or

(3) To engage in an act, practice, or course of business that operates or would operate as a fraud or deceit upon another person.

2. **A person who willfully violates the terms of this section shall be deemed guilty of a class C felony and shall be subject to a term of imprisonment not less than three years and not more than ten years. Any person found guilty**

16 of a violation of this section may be subject to an extended
17 prison term pursuant to section 558.016.

409.5-505. 1. It is unlawful for a person to make or
2 cause to be made, in a record that is used in an action or
3 proceeding or filed under this act, a statement that, at the
4 time and in the light of the circumstances under which it is
5 made, is false or misleading in a material respect, or, in
6 connection with the statement, to omit to state a material
7 fact necessary to make the statement made, in the light of
8 the circumstances under which it was made, not false or
9 misleading.

10 2. A person who willfully violates the terms of this
11 section shall be deemed guilty of a class C felony and shall
12 be subject to a term of imprisonment not less than three
13 years and not more than ten years. Any person found guilty
14 of a violation of this section may be subject to an extended
15 prison term pursuant to section 558.016.

409.5-508. (a) A person commits the [crime] offense
2 of criminal securities fraud when such person willfully
3 violates section 409.5-501.

4 (b) A person commits a criminal securities violation
5 when such person willfully violates any other provision of
6 this act, or a rule adopted or order issued under this act,
7 except section 409.5-504 or the notice filing requirements
8 of section 409.3-302 or 409.4-405, or that willfully
9 violates section 409.5-505 knowing the statement made to be
10 false or misleading in a material respect.

11 (c) A person convicted of criminal securities fraud or
12 any other criminal securities violation shall be deemed
13 guilty of a class C felony and fined not more than one
14 million dollars or imprisoned for a term not less than three
15 years nor more than ten years, or both, and if the violation

16 was committed against an elderly or disabled person, then
17 the fine shall be not less than fifty thousand dollars. **Any**
18 **person found guilty of a violation of this section may be**
19 **subject to an extended prison term pursuant to section**
20 **558.016.** For purposes of this section, the following terms
21 mean:

22 (1) "Disabled person", a person with a physical or
23 mental impairment that substantially limits one or more of
24 the major life activities of such individual, a record of
25 such impairment, or being regarded as having such an
26 impairment;

27 (2) "Elderly person", a person sixty years of age or
28 older.

29 (d) An individual convicted of violating a rule or
30 order under this act may be fined, but may not be
31 imprisoned, if the individual did not have knowledge of the
32 rule or order.

33 (e) The attorney general or the proper prosecuting
34 attorney with or without a reference from the commissioner
35 may institute criminal proceedings under this act.

36 (f) This act does not limit the power of this state to
37 punish a person for conduct that constitutes a crime under
38 other laws of this state.

411.611. A warehouseman who issues or aids in issuing
2 a receipt knowing that the grain for which the receipt is
3 issued has not been actually received by the warehouseman,
4 or is not under **[his]** **the** actual control **of the warehouseman**
5 at the time of issuing the receipt, is guilty of a **class E**
6 felony and, upon conviction, shall be punished for each
7 offense by imprisonment by the department of corrections
8 **[and human resources]** for **a term** not to exceed **[five]** **four**
9 years. **Any person found guilty of a violation of this**

10 **section may be subject to an extended prison term pursuant**
11 **to section 558.016.**

411.621. A warehouseman who fraudulently issues or
2 aids in fraudulently issuing a receipt for grain, knowing
3 that it contains any false statement, is guilty of a **class E**
4 felony[,] and, upon conviction, shall be punished for each
5 offense by imprisonment by the department of corrections
6 [and human resources] for a term not [less than two years
7 nor] more than [five] **four years. Any person found guilty**
8 **of a violation of this section may be subject to an extended**
9 **prison term pursuant to section 558.016.**

411.641. A warehouseman who delivers grain out of his
2 **or her** possession, knowing that a negotiable receipt, the
3 negotiation of which would transfer the right to the
4 possession of that grain, is outstanding and uncanceled,
5 without obtaining possession of the receipt at or before the
6 time of the delivery, is guilty of a **class E** felony[,] and,
7 upon conviction, shall be punished for each offense by
8 imprisonment by the department of corrections [and human
9 resources] for a term not [less than two nor] more than
10 [five] **four years. Any person found guilty of a violation**
11 **of this section may be subject to an extended prison term**
12 **pursuant to section 558.016.**

411.651. Any person who deposits grain to which [he]
2 **the person** has not title, or upon which there is a lien or
3 mortgage, and who takes for the grain a negotiable receipt
4 which [he] **the person** afterward negotiated for value with
5 intent to defraud, or without disclosing his **or her** want of
6 title, or the existence of the lien or mortgage, is guilty
7 of a [crime,] **class E felony** and, upon conviction, shall be
8 punished for each offense by imprisonment by the department
9 of corrections [and human resources] **for a term** not

10 exceeding [five] **four** years, or by a fine not exceeding five
11 thousand dollars, or both. **Any person found guilty of a**
12 **violation of this section may be subject to an extended**
13 **prison term pursuant to section 558.016.**

556.061. In this code, unless the context requires a
2 different definition, the following terms shall mean:

3 (1) "Access", to instruct, communicate with, store
4 data in, retrieve or extract data from, or otherwise make
5 any use of any resources of, a computer, computer system, or
6 computer network;

7 (2) "Affirmative defense":

8 (a) The defense referred to is not submitted to the
9 trier of fact unless supported by evidence; and

10 (b) If the defense is submitted to the trier of fact
11 the defendant has the burden of persuasion that the defense
12 is more probably true than not;

13 (3) "Burden of injecting the issue":

14 (a) The issue referred to is not submitted to the
15 trier of fact unless supported by evidence; and

16 (b) If the issue is submitted to the trier of fact any
17 reasonable doubt on the issue requires a finding for the
18 defendant on that issue;

19 (4) "Commercial film and photographic print
20 processor", any person who develops exposed photographic
21 film into negatives, slides or prints, or who makes prints
22 from negatives or slides, for compensation. The term
23 commercial film and photographic print processor shall
24 include all employees of such persons but shall not include
25 a person who develops film or makes prints for a public
26 agency;

27 (5) "Computer", the box that houses the central
28 processing unit (CPU), along with any internal storage

29 devices, such as internal hard drives, and internal
30 communication devices, such as internal modems capable of
31 sending or receiving electronic mail or fax cards, along
32 with any other hardware stored or housed internally. Thus,
33 computer refers to hardware, software and data contained in
34 the main unit. Printers, external modems attached by cable
35 to the main unit, monitors, and other external attachments
36 will be referred to collectively as peripherals and
37 discussed individually when appropriate. When the computer
38 and all peripherals are referred to as a package, the term
39 "computer system" is used. Information refers to all the
40 information on a computer system including both software
41 applications and data;

42 (6) "Computer equipment", computers, terminals, data
43 storage devices, and all other computer hardware associated
44 with a computer system or network;

45 (7) "Computer hardware", all equipment which can
46 collect, analyze, create, display, convert, store, conceal
47 or transmit electronic, magnetic, optical or similar
48 computer impulses or data. Hardware includes, but is not
49 limited to, any data processing devices, such as central
50 processing units, memory typewriters and self-contained
51 laptop or notebook computers; internal and peripheral
52 storage devices, transistor-like binary devices and other
53 memory storage devices, such as floppy disks, removable
54 disks, compact disks, digital video disks, magnetic tape,
55 hard drive, optical disks and digital memory; local area
56 networks, such as two or more computers connected together
57 to a central computer server via cable or modem; peripheral
58 input or output devices, such as keyboards, printers,
59 scanners, plotters, video display monitors and optical
60 readers; and related communication devices, such as modems,

61 cables and connections, recording equipment, RAM or ROM
62 units, acoustic couplers, automatic dialers, speed dialers,
63 programmable telephone dialing or signaling devices and
64 electronic tone-generating devices; as well as any devices,
65 mechanisms or parts that can be used to restrict access to
66 computer hardware, such as physical keys and locks;

67 (8) "Computer network", two or more interconnected
68 computers or computer systems;

69 (9) "Computer program", a set of instructions,
70 statements, or related data that directs or is intended to
71 direct a computer to perform certain functions;

72 (10) "Computer software", digital information which
73 can be interpreted by a computer and any of its related
74 components to direct the way they work. Software is stored
75 in electronic, magnetic, optical or other digital form. The
76 term commonly includes programs to run operating systems and
77 applications, such as word processing, graphic, or
78 spreadsheet programs, utilities, compilers, interpreters and
79 communications programs;

80 (11) "Computer-related documentation", written,
81 recorded, printed or electronically stored material which
82 explains or illustrates how to configure or use computer
83 hardware, software or other related items;

84 (12) "Computer system", a set of related, connected or
85 unconnected, computer equipment, data, or software;

86 (13) "Confinement":

87 (a) A person is in confinement when such person is
88 held in a place of confinement pursuant to arrest or order
89 of a court, and remains in confinement until:

90 a. A court orders the person's release; or

91 b. The person is released on bail, bond, or
92 recognizance, personal or otherwise; or

93 c. A public servant having the legal power and duty to
94 confine the person authorizes his release without guard and
95 without condition that he return to confinement;

96 (b) A person is not in confinement if:

97 a. The person is on probation or parole, temporary or
98 otherwise; or

99 b. The person is under sentence to serve a term of
100 confinement which is not continuous, or is serving a
101 sentence under a work-release program, and in either such
102 case is not being held in a place of confinement or is not
103 being held under guard by a person having the legal power
104 and duty to transport the person to or from a place of
105 confinement;

106 (14) "Consent": consent or lack of consent may be
107 expressed or implied. Assent does not constitute consent if:

108 (a) It is given by a person who lacks the mental
109 capacity to authorize the conduct charged to constitute the
110 offense and such mental incapacity is manifest or known to
111 the actor; or

112 (b) It is given by a person who by reason of youth,
113 mental disease or defect, intoxication, a drug-induced
114 state, or any other reason is manifestly unable or known by
115 the actor to be unable to make a reasonable judgment as to
116 the nature or harmfulness of the conduct charged to
117 constitute the offense; or

118 (c) It is induced by force, duress or deception;

119 (15) "Controlled substance", a drug, substance, or
120 immediate precursor in Schedules I through V as defined in
121 chapter 195;

122 (16) "Criminal negligence", failure to be aware of a
123 substantial and unjustifiable risk that circumstances exist
124 or a result will follow, and such failure constitutes a

gross deviation from the standard of care which a reasonable person would exercise in the situation;

(17) "Custody", a person is in custody when he or she has been arrested but has not been delivered to a place of confinement;

(18) "Damage", when used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network;

(19) "Dangerous felony", the felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, armed criminal action, conspiracy to commit an offense when the offense is a dangerous felony, vehicle hijacking when punished as a class A felony, statutory rape in the first degree [when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense], statutory sodomy in the first degree [when the victim is a child less than twelve years of age at the time of the commission of the act giving rise to the offense], child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from

conduct chargeable under section 568.060, child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty days under section 565.153, bus hijacking when punished as a class A felony, planting a bomb or explosive in or near a bus or terminal, [and] an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be a "habitual offender" or "habitual boating offender" as such terms are defined in section 577.001, **trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor or attempted trafficking for the purposes of slavery, involuntary servitude, peonage, or forced labor when punished as a class A felony pursuant to section 566.206, trafficking for the purposes of sexual exploitation or attempted trafficking for the purposes of sexual exploitation when punished as a class A felony pursuant to section 566.209, sexual trafficking of a child in the first degree, sexual trafficking of a child in the second degree, and the failure to register as a sex offender as a third offense under section 589.425;**

(20) "Dangerous instrument", any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(21) "Data", a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

(22) "Deadly weapon", any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy club, blackjack or metal knuckles;

(23) "Digital camera", a camera that records images in a format which enables the images to be downloaded into a computer;

(24) "Disability", a mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings;

(25) "Elderly person", a person sixty years of age or older;

(26) "Felony", an offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one year;

(27) "Forcible compulsion" either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(28) "Incapacitated", a temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his or her conduct, or unable to communicate unwillingness to an act;

(29) "Infraction", a violation defined by this code or by any other statute of this state if it is so designated or

if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction;

(30) "Inhabitable structure", a vehicle, vessel or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or

(c) Which is used for overnight accommodation of persons.

Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another;

(31) "Knowingly", when used with respect to:

(a) Conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or

(b) A result of conduct, means a person is aware that his or her conduct is practically certain to cause that result;

(32) "Law enforcement officer", any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(33) "Misdemeanor", an offense so designated or an offense for which persons found guilty thereof may be

250 sentenced to imprisonment for a term of which the maximum is
251 one year or less;

252 (34) "Of another", property that any entity, including
253 but not limited to any natural person, corporation, limited
254 liability company, partnership, association, governmental
255 subdivision or instrumentality, other than the actor, has a
256 possessory or proprietary interest therein, except that
257 property shall not be deemed property of another who has
258 only a security interest therein, even if legal title is in
259 the creditor pursuant to a conditional sales contract or
260 other security arrangement;

261 (35) "Offense", any felony or misdemeanor;

262 (36) "Physical injury", slight impairment of any
263 function of the body or temporary loss of use of any part of
264 the body;

265 (37) "Place of confinement", any building or facility
266 and the grounds thereof wherein a court is legally
267 authorized to order that a person charged with or convicted
268 of a crime be held;

269 (38) "Possess" or "possessed", having actual or
270 constructive possession of an object with knowledge of its
271 presence. A person has actual possession if such person has
272 the object on his or her person or within easy reach and
273 convenient control. A person has constructive possession if
274 such person has the power and the intention at a given time
275 to exercise dominion or control over the object either
276 directly or through another person or persons. Possession
277 may also be sole or joint. If one person alone has
278 possession of an object, possession is sole. If two or more
279 persons share possession of an object, possession is joint;

280 (39) "Property", anything of value, whether real or
281 personal, tangible or intangible, in possession or in action;

(40) "Public servant", any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(41) "Purposely", when used with respect to a person's conduct or to a result thereof, means when it is his or her conscious object to engage in that conduct or to cause that result;

(42) "Recklessly", consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation;

(43) "Serious emotional injury", an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(44) "Serious physical injury", physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body;

(45) "Services", when used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to,

314 computer time, data processing, and storage or retrieval
315 functions;

316 (46) "Sexual orientation", male or female
317 heterosexuality, homosexuality or bisexuality by
318 inclination, practice, identity or expression, or having a
319 self-image or identity not traditionally associated with
320 one's gender;

321 (47) "Vehicle", a self-propelled mechanical device
322 designed to carry a person or persons, excluding vessels or
323 aircraft;

324 (48) "Vessel", any boat or craft propelled by a motor
325 or by machinery, whether or not such motor or machinery is a
326 principal source of propulsion used or capable of being used
327 as a means of transportation on water, or any boat or craft
328 more than twelve feet in length which is powered by sail
329 alone or by a combination of sail and machinery, and used or
330 capable of being used as a means of transportation on water,
331 but not any boat or craft having, as the only means of
332 propulsion, a paddle or oars;

333 (49) "Voluntary act":

334 (a) A bodily movement performed while conscious as a
335 result of effort or determination. Possession is a
336 voluntary act if the possessor knowingly procures or
337 receives the thing possessed, or having acquired control of
338 it was aware of his or her control for a sufficient time to
339 have enabled him or her to dispose of it or terminate his or
340 her control; or

341 (b) An omission to perform an act of which the actor
342 is physically capable. A person is not guilty of an offense
343 based solely upon an omission to perform an act unless the
344 law defining the offense expressly so provides, or a duty to
345 perform the omitted act is otherwise imposed by law;

346 (50) "Vulnerable person", any person in the custody,
347 care, or control of the department of mental health who is
348 receiving services from an operated, funded, licensed, or
349 certified program.

557.011. 1. Every person found guilty of an offense
2 shall be dealt with by the court in accordance with the
3 provisions of this chapter, except that for offenses defined
4 outside this code and not repealed, the term of imprisonment
5 or the fine that may be imposed is that provided in the
6 statute defining the offense[; however, the conditional
7 release term of any sentence of a term of years shall be
8 determined as provided in subsection 4 of section 558.011].

9 2. Whenever any person has been found guilty of a
10 felony or a misdemeanor the court shall make one or more of
11 the following dispositions of the offender in any
12 appropriate combination. The court may:

13 (1) Sentence the person to a term of imprisonment as
14 authorized by chapter 558;

15 (2) Sentence the person to pay a fine as authorized by
16 chapter 560;

17 (3) Suspend the imposition of sentence, with or
18 without placing the person on probation;

19 (4) Pronounce sentence and suspend its execution,
20 placing the person on probation;

21 (5) Impose a period of detention as a condition of
22 probation, as authorized by section 559.026.

23 3. Whenever any person has been found guilty of an
24 infraction, the court shall make one or more of the
25 following dispositions of the offender in any appropriate
26 combination. The court may:

27 (1) Sentence the person to pay a fine as authorized by
28 chapter 560;

29 (2) Suspend the imposition of sentence, with or
30 without placing the person on probation;

31 (3) Pronounce sentence and suspend its execution,
32 placing the person on probation.

33 4. Whenever any organization has been found guilty of
34 an offense, the court shall make one or more of the
35 following dispositions of the organization in any
36 appropriate combination. The court may:

37 (1) Sentence the organization to pay a fine as
38 authorized by chapter 560;

39 (2) Suspend the imposition of sentence, with or
40 without placing the organization on probation;

41 (3) Pronounce sentence and suspend its execution,
42 placing the organization on probation;

43 (4) Impose any special sentence or sanction authorized
44 by law.

45 5. This chapter shall not be construed to deprive the
46 court of any authority conferred by law to decree a
47 forfeiture of property, suspend or cancel a license, remove
48 a person from office, or impose any other civil penalty. An
49 appropriate order exercising such authority may be included
50 as part of any sentence.

51 6. In the event a sentence of confinement is ordered
52 executed, a court may order that an individual serve all or
53 any portion of such sentence on electronic monitoring;
54 except that all costs associated with the electronic
55 monitoring shall be charged to the person on house arrest.
56 If the judge finds the person unable to afford the costs
57 associated with electronic monitoring, the judge may order
58 that the person be placed on house arrest with electronic
59 monitoring if the county commission agrees to pay the costs
60 of such monitoring. If the person on house arrest is unable

61 to afford the costs associated with electronic monitoring
62 and the county commission does not agree to pay from the
63 general revenue of the county the costs of such electronic
64 monitoring, the judge shall not order that the person be
65 placed on house arrest with electronic monitoring.

557.021. 1. Any offense defined outside this code
2 which is declared to be a misdemeanor without specification
3 of the penalty therefor is a class A misdemeanor.

4 2. Any offense defined outside this code which is
5 declared to be a felony without specification of the penalty
6 therefor is a class E felony **and subject to the terms**
7 **outlined in chapter 558.**

8 3. For the purpose of applying the extended term
9 provisions of section 558.016 and the minimum prison term
10 provisions of section [558.019] **558.011** and for determining
11 the penalty for attempts, offenses defined outside of this
12 code shall be classified as follows:

13 (1) If the offense is a felony:

14 (a) It is a class A felony if the authorized penalty
15 includes death, life imprisonment or imprisonment for a term
16 of twenty years or more;

17 (b) It is a class B felony if the maximum term of
18 imprisonment authorized exceeds ten years but is less than
19 twenty years;

20 (c) It is a class C felony if the maximum term of
21 imprisonment authorized is ten years;

22 (d) It is a class D felony if the maximum term of
23 imprisonment exceeds four years but is less than ten years;

24 (e) It is a class E felony if the maximum term of
25 imprisonment is four years or less;

26 (2) If the offense is a misdemeanor:

27 (a) It is a class A misdemeanor if the authorized
28 imprisonment exceeds six months in jail;

29 (b) It is a class B misdemeanor if the authorized
30 imprisonment exceeds thirty days but is not more than six
31 months;

32 (c) It is a class C misdemeanor if the authorized
33 imprisonment is thirty days or less;

34 (d) It is a class D misdemeanor if it includes a
35 mental state as an element of the offense and there is no
36 authorized imprisonment;

37 (e) It is an infraction if there is no authorized
38 imprisonment.

558.011. 1. The authorized terms of imprisonment[,
2 including both prison and conditional release terms,] **for**
3 **all felony offenses** are:

4 (1) For a class A felony, a term of years not less
5 than ten years and not to exceed thirty years, or life
6 imprisonment, **for which an offender shall serve a minimum**
7 **percentage between sixty to eighty percent of the imposed**
8 **sentence, as determined by the sentencing court, prior to**
9 **parole eligibility;**

10 (2) For a class B felony, a term of years not less
11 than five years and not to exceed fifteen years, **for which**
12 **an offender shall serve a minimum percentage between forty**
13 **and sixty percent of the imposed sentence, as determined by**
14 **the sentencing court, prior to parole eligibility;**

15 (3) For a class C felony, a term of years not less
16 than three years and not to exceed ten years, **for which an**
17 **offender shall serve a minimum percentage between thirty and**
18 **fifty percent of the imposed sentence, as determined by the**
19 **sentencing court, prior to parole eligibility;**

20 (4) For a class D felony, a term of years not to
21 exceed seven years, **for which an offender shall serve a**
22 **minimum percentage between seventeen and thirty-seven**
23 **percent of the imposed sentence, as determined by the**
24 **sentencing court, prior to parole eligibility;**

25 (5) For a class E felony, a term of years not to
26 exceed four years, **for which an offender shall serve a**
27 **minimum percentage between seventeen and thirty-seven**
28 **percent of the imposed sentence, as determined by the**
29 **sentencing court, prior to parole eligibility;**

30 (6) For a class A misdemeanor, a term not to exceed
31 one year;

32 (7) For a class B misdemeanor, a term not to exceed
33 six months;

34 (8) For a class C misdemeanor, a term not to exceed
35 fifteen days.

36 2. **The authorized terms of imprisonment provided in**
37 **subsection 1 of this section shall apply to all offenses**
38 **within this code, excluding those categorized as dangerous**
39 **felonies, as such term is defined in section 556.061.**

40 3. **In cases where the sentencing court does not impose**
41 **a specific term of imprisonment required to be served in**
42 **order for the person to become parole eligible, the minimum**
43 **percentage of the term of imprisonment associated with the**
44 **felony class for which the offender is being sentenced shall**
45 **be the required term of imprisonment.**

46 4. **In cases of class D and E felonies, the court shall**
47 **have discretion to imprison for a special term not to exceed**
48 **one year in the county jail or other authorized penal**
49 **institution, and the place of confinement shall be fixed by**
50 **the court. If the court imposes a sentence of imprisonment**
51 **for a term longer than one year upon a person convicted of a**

class D or E felony, it shall commit the person to the custody of the department of corrections.

[3.] 5. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall commit the person to the custody of the department of corrections for the term imposed under section 557.036, or until released under procedures established elsewhere by law.

(2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the court shall commit the person to the county jail or other authorized penal institution for the term of his or her sentence or until released under procedure established elsewhere by law.

[4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years for felonies other than dangerous felonies as defined in section 556.061, and other than sentences of imprisonment which involve the individual's fourth or subsequent remand to the department of corrections shall consist of a prison term and a conditional release term. The conditional release term of any term imposed under section 557.036 shall be:

(a) One-third for terms of nine years or less;

(b) Three years for terms between nine and fifteen years;

(c) Five years for terms more than fifteen years; and the prison term shall be the remainder of such term. The prison term may be extended by the parole board pursuant to subsection 5 of this section.

(2) "Conditional release" means the conditional discharge of an offender by the parole board, subject to conditions of release that the parole board deems reasonable to assist the offender to lead a law-abiding life, and subject to the supervision under the division of probation

84 and parole. The conditions of release shall include
85 avoidance by the offender of any other offense, federal or
86 state, and other conditions that the parole board in its
87 discretion deems reasonably necessary to assist the releasee
88 in avoiding further violation of the law.

89 5. The date of conditional release from the prison
90 term may be extended up to a maximum of the entire sentence
91 of imprisonment by the parole board. The director of any
92 division of the department of corrections except the
93 division of probation and parole may file with the parole
94 board a petition to extend the conditional release date when
95 an offender fails to follow the rules and regulations of the
96 division or commits an act in violation of such rules.

97 Within ten working days of receipt of the petition to extend
98 the conditional release date, the parole board shall convene
99 a hearing on the petition. The offender shall be present
100 and may call witnesses in his or her behalf and cross-
101 examine witnesses appearing against the offender. The
102 hearing shall be conducted as provided in section 217.670.

103 If the violation occurs in close proximity to the
104 conditional release date, the conditional release may be
105 held for a maximum of fifteen working days to permit
106 necessary time for the division director to file a petition
107 for an extension with the parole board and for the parole
108 board to conduct a hearing, provided some affirmative
109 manifestation of an intent to extend the conditional release
110 has occurred prior to the conditional release date. If at
111 the end of a fifteen-working-day period a parole board
112 decision has not been reached, the offender shall be
113 released conditionally. The decision of the parole board
114 shall be final.]

115 6. This section shall not be construed to affect the
116 powers of the governor under Section 7 of Article IV of the
117 Constitution of Missouri. This section shall not affect
118 those provisions of section 565.020 or 566.125, which set
119 minimum terms of sentences, or the provisions of section
120 559.115 relating to probation.

121 7. Notwithstanding any other provision of law to the
122 contrary, any offender who has been found guilty of a
123 dangerous felony and is committed to the department of
124 corrections shall be required to serve a minimum prison term
125 of eighty-five percent of the sentence imposed by the
126 sentencing court.

127 8. For the purpose of determining the minimum prison
128 term to be served, the following calculations shall apply:

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

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

135 9. For purposes of this section, the term "minimum
136 prison term" shall mean time required to be served by the
137 offender before he or she is eligible for parole or other
138 early release by the department of corrections.

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

7 2. The provisions of subsections 2 to 5 of this
8 section shall only be applicable to the offenses contained

9 in sections 565.021, 565.023, 565.024, 565.027, 565.050,
10 565.052, 565.054, 565.072, 565.073, 565.074, 565.090,
11 565.110, 565.115, 565.120, 565.153, 565.156, 565.225,
12 565.300, 566.030, 566.031, 566.032, 566.034, 566.060,
13 566.061, 566.062, 566.064, 566.067, 566.068, 566.069,
14 566.071, 566.083, 566.086, 566.100, 566.101, 566.103,
15 566.111, 566.115, 566.145, 566.151, 566.153, 566.203,
16 566.206, 566.209, 566.210, 566.211, 566.215, 568.030,
17 568.045, 568.060, 568.065, 568.175, 569.040, 569.160,
18 570.023, 570.025, 570.030 when punished as a class A, B, or
19 C felony, 570.145 when punished as a class A or B felony,
20 570.223 when punished as a class B or C felony, 571.020,
21 571.030, 571.070, 573.023, 573.025, 573.035, 573.037,
22 573.200, 573.205, 574.070, 574.080, 574.115, 575.030,
23 575.150, 575.153, 575.155, 575.157, 575.200 when punished as
24 a class A felony, 575.210, 575.230 when punished as a class
25 B felony, 575.240 when punished as a class B felony,
26 576.070, 576.080, 577.010, 577.013, 577.078, 577.703,
27 577.706, 579.065, and 579.068 when punished as a class A or
28 B felony. For the purposes of this section, "prison
29 commitment" means and is the receipt by the department of
30 corrections of an offender after sentencing. For purposes
31 of this section, prior prison commitments to the department
32 of corrections shall not include an offender's first
33 incarceration prior to release on probation under section
34 217.362 or 559.115. Other provisions of the law to the
35 contrary notwithstanding, any offender who has been found
36 guilty of a felony other than a dangerous felony as defined
37 in section 556.061 and is committed to the department of
38 corrections shall be required to serve the following minimum
39 prison terms:

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

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

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

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

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

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

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

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

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

89 7.1 (1) A sentencing advisory commission is hereby
90 created to consist of eleven members. One member shall be
91 appointed by the speaker of the house. One member shall be
92 appointed by the president pro tem of the senate. One
93 member shall be the director of the department of
94 corrections. Six members shall be appointed by and serve at
95 the pleasure of the governor from among the following: the
96 public defender commission; private citizens; a private
97 member of the Missouri Bar; the board of probation and
98 parole; and a prosecutor. Two members shall be appointed by
99 the supreme court, one from a metropolitan area and one from
100 a rural area. All members shall be appointed to a four-year
101 term. All members of the sentencing commission appointed
102 prior to August 28, 1994, shall continue to serve on the

103 sentencing advisory commission at the pleasure of the
104 governor.

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

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

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

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

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

[8.] 2. Courts shall retain discretion to lower or exceed the sentence recommended by the commission as otherwise allowable by law, and to order restorative justice methods, when applicable.

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

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

(2) Offender treatment programs;

(3) Mandatory community service;

(4) Work release programs in local facilities; and

(5) Community-based residential and nonresidential programs.

[10.] 4. Pursuant to subdivision (1) of subsection **[9] 1** of this section, the court may order the assessment and payment of a designated amount of restitution to a county law enforcement restitution fund established by the county commission pursuant to section 50.565. Such contribution shall not exceed three hundred dollars for any charged offense. Any restitution moneys deposited into the county law enforcement restitution fund pursuant to this section

shall only be expended pursuant to the provisions of section 50.565.

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

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

[13.] 7. Nothing in this section shall be construed to allow the sentencing advisory commission to issue recommended sentences in specific cases pending in the courts of this state.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court specifies that they shall run consecutively; except in the case of multiple sentences of imprisonment imposed for any offense committed during or at the same time as, or multiple offenses of, the following felonies:

- (1) Rape in the first degree, forcible rape, or rape;
- (2) Statutory rape in the first degree;
- (3) Sodomy in the first degree, forcible sodomy, or sodomy;
- (4) Statutory sodomy in the first degree; or

12 (5) An attempt to commit any of the felonies listed in
13 this subsection. In such case, the sentence of imprisonment
14 imposed for any felony listed in this subsection or an
15 attempt to commit any of the aforesaid shall run
16 consecutively to the other sentences. The sentences imposed
17 for any other offense may run concurrently.

18 2. If a person who is on probation[,] or parole [or
19 conditional release] is sentenced to a term of imprisonment
20 for an offense committed after the granting of probation or
21 parole [or after the start of his or her conditional release
22 term], the court shall direct the manner in which the
23 sentence or sentences imposed by the court shall run with
24 respect to any resulting probation, parole or conditional
25 release revocation term or terms. If the subsequent
26 sentence to imprisonment is in another jurisdiction, the
27 court shall specify how any resulting probation, parole or
28 conditional release revocation term or terms shall run with
29 respect to the foreign sentence of imprisonment.

30 3. A court may cause any sentence it imposes to run
31 concurrently with a sentence an individual is serving or is
32 to serve in another state or in a federal correctional
33 center. If the Missouri sentence is served in another state
34 or in a federal correctional center, [subsection 4 of
35 section 558.011 and] section 217.690 shall apply as if the
36 individual were serving his or her sentence within the
37 department of corrections of the state of Missouri, except
38 that a personal hearing before the parole board shall not be
39 required for parole consideration.

40 **4. When consecutive sentences are imposed by a court,**
41 **the sentencing equation shall be calculated using the**
42 **imposed term of years with respect to the minimum percentage**

of the term authorized by the judge that shall be required to be served prior to parole eligibility.

(1) For each felony offense of the consecutive sentences to be served, the sentencing court shall impose half of the term of years for each felony offense to be served in prison prior to parole eligibility.

(2) For consecutive sentencing, the sentencing court shall add half of the total number of years together from each of the included felony offenses to be run consecutively to determine the total number of years required to be served prior to parole eligibility.

5. When concurrent sentences are imposed by a court, a person shall serve the minimum required percentage for each offense prior to parole eligibility.

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

2. [Such] The court shall, when pronouncing a sentence, executing a suspended sentence, or suspending the imposition of a sentence, record, as part of the judgment, the number of days the person [shall receive credit toward the service of a sentence of imprisonment for all time] was in prison, jail, or custody, which was related to the offense, after the offense occurred and before the [commencement] pronouncement of the sentence[, when the time in custody was related to that offense] or suspension of imposition of the sentence, and award credit towards the service of a sentence of imprisonment for that number of days. [This] The jail time credit calculation shall be [based upon the certification of the sheriff as provided in

subdivision (3) of subsection 2 of section 217.305 and may be supplemented by a certificate of a sheriff or other custodial officer from another jurisdiction having held the person on the charge of the offense for which the sentence of imprisonment is ordered] pronounced at the time of the judgment, the execution of a suspended sentence, or the suspension of imposition of sentence, shall be included in the record, and shall include both the dates the person was in custody and the number of days to be credited toward the service of the sentence.

3. For purposes of this section, time in custody related to an offense includes time during which the offense was charged in a criminal proceeding, there was an arrest warrant issued in said criminal proceeding, and the arrest warrant was served upon the person. The person shall not be entitled to any credit toward the service of a sentence of imprisonment for any time such person was not being held on said arrest warrant because such person posted bond, the arrest warrant was recalled, or the person was otherwise released.

4. The court may take judicial notice of all time the person has served in prison, jail, or custody for a criminal proceeding by comparing dates of service on arrest warrants with evidence contained within the court file of dates of release and the prosecution and defense attorney may enter into a stipulation with regard to credit for the service of a sentence of imprisonment for all time in prison, jail, or custody, except in no event may the court approve a stipulation that is greater than or less than the time in custody related to an offense.

5. Upon motion and notice by defendant or defense counsel, for any such person who was held in a juvenile

51 detention facility for an offense for which such person was
52 subsequently adjudicated to stand trial as an adult, the
53 court may also award credit toward the service of a sentence
54 of imprisonment for any time such person was confined in a
55 juvenile detention facility.

56 6. In the event a criminal proceeding related to an
57 offense is dismissed without prejudice by a court or nolle
58 prossed by the state, upon motion and notice by defendant or
59 defense counsel, the proceeding may be consolidated into the
60 present matter for purposes of calculating credit for the
61 service of a sentence of imprisonment.

62 7. The officer required by law to deliver a person
63 convicted of an offense in this state to the department of
64 corrections shall endorse upon the papers required by
65 section 217.305 both the dates the offender was in custody
66 and the period of time to be credited toward the service of
67 the sentence of imprisonment[, except as endorsed by such
68 officer] included in the judgment or suspended imposition of
69 sentence and such additional days after the pronouncement of
70 sentence and before the delivery of the person to the
71 department of corrections.

72 [4.] 8. If a person convicted of an offense escapes
73 from custody, such escape shall interrupt the sentence. The
74 interruption shall continue until such person is returned to
75 the correctional center where the sentence was being served,
76 or in the case of a person committed to the custody of the
77 department of corrections, to any correctional center
78 operated by the department of corrections. An escape shall
79 also interrupt the jail time credit to be applied to a
80 sentence which had not commenced when the escape occurred.

81 [5.] 9. If a sentence of imprisonment is vacated and a
82 new sentence imposed upon the offender for that offense, all

time served under the vacated sentence shall be credited against the new sentence, unless the time has already been credited to another sentence as provided in subsection 1 of this section.

[6.] 10. If a person released from imprisonment on parole or serving a conditional release term violates any of the conditions of his or her parole or release, he or she may be treated as a parole violator. If the parole board revokes the parole or conditional release, the paroled person shall serve the remainder of the prison term and conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as a prison term, unless released on parole.

[7.] 11. Subsection 2 of this section shall be applicable to offenses for which the offender was sentenced on or after August 28, **[2023] 2026.**

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

12. The court shall retain jurisdiction to rule on any motion challenging the number of days of jail time credit awarded in the pronouncement of a sentence.

558.046. The sentencing court may, upon petition, reduce any term of sentence or probation pronounced by the court or a term of conditional release or parole pronounced by the parole board if the court determines that:

(1) The convicted person was:

(a) Convicted of an offense that did not involve violence or the threat of violence; and

8 (b) Convicted of an offense that involved alcohol or
9 illegal drugs; and

10 (2) Since the commission of such offense, the
11 convicted person has successfully completed a detoxification
12 and rehabilitation program; and

13 (3) The convicted person is not:

14 (a) A prior offender, a persistent offender, a
15 dangerous offender or a persistent misdemeanor offender as
16 defined by section 558.016; or

17 (b) A persistent sexual offender as defined in section
18 566.125[; or

19 (c) A prior offender, a persistent offender or a class
20 X offender as defined in section 558.019].

559.115. 1. Neither probation nor parole shall be
2 granted by the circuit court between the time the transcript
3 on appeal from the offender's conviction has been filed in
4 appellate court and the disposition of the appeal by such
5 court.

6 2. Unless otherwise prohibited by subsection [8] 7 of
7 this section, a circuit court only upon its own motion and
8 not that of the state or the offender shall have the power
9 to grant probation to an offender anytime up to one hundred
10 twenty days after such offender has been delivered to the
11 department of corrections but not thereafter. The court may
12 request information and a recommendation from the department
13 concerning the offender and such offender's behavior during
14 the period of incarceration. Except as provided in this
15 section, the court may place the offender on probation in a
16 program created pursuant to section 217.777, or may place
17 the offender on probation with any other conditions
18 authorized by law.

19 3. The court may recommend placement of an offender in
20 a department of corrections one hundred twenty-day program
21 under this subsection. The department of corrections shall
22 assess each offender to determine the appropriate one
23 hundred twenty-day program in which to place the offender,
24 which may include placement in the structured cognitive
25 behavioral intervention program or institutional treatment
26 program. The placement of an offender in the structured
27 cognitive behavioral intervention program or institutional
28 treatment program shall be at the sole discretion of the
29 department based on the assessment of the offender and
30 available bed space. When the court recommends and receives
31 placement of an offender in a department of corrections one
32 hundred twenty-day program, the offender shall be released
33 on probation if the department of corrections determines
34 that the offender has successfully completed the program
35 except as follows. Upon successful completion of a program
36 under this subsection, the division of probation and parole
37 shall advise the sentencing court of an offender's
38 probationary release date thirty days prior to release. The
39 court shall follow the recommendation of the department
40 unless the court determines that probation is not
41 appropriate. If the court determines that probation is not
42 appropriate, the court may order the execution of the
43 offender's sentence only after conducting a hearing on the
44 matter within ninety to one hundred twenty days from the
45 date the offender was delivered to the department of
46 corrections. If the department determines the offender has
47 not successfully completed a one hundred twenty-day program
48 under this subsection, the division of probation and parole
49 shall advise the prosecuting attorney and the sentencing
50 court of the defendant's unsuccessful program exit and the

51 defendant shall be removed from the program. The department
52 shall report on the offender's participation in the program
53 and may provide recommendations for terms and conditions of
54 an offender's probation. The court shall then have the
55 power to grant probation or order the execution of the
56 offender's sentence.

57 4. If the court is advised that an offender is not
58 eligible for placement in a one hundred twenty-day program
59 under subsection 3 of this section, the court shall consider
60 other authorized dispositions. If the department of
61 corrections one hundred twenty-day program under subsection
62 3 of this section is full, the court may place the offender
63 in a private program approved by the department of
64 corrections or the court, the expenses of such program to be
65 paid by the offender, or in an available program offered by
66 another organization. If the offender is convicted of a
67 class C, class D, or class E nonviolent felony, the court
68 may order probation while awaiting appointment to treatment.

69 5. Except when the offender has been found to be a
70 predatory sexual offender pursuant to section 566.125, the
71 court shall request the department of corrections to conduct
72 a sexual offender assessment if the defendant has been found
73 guilty of sexual abuse when classified as a class B felony.
74 Upon completion of the assessment, the department shall
75 provide to the court a report on the offender and may
76 provide recommendations for terms and conditions of an
77 offender's probation. The assessment shall not be
78 considered a one hundred twenty-day program as provided
79 under subsection 3 of this section. The process for
80 granting probation to an offender who has completed the
81 assessment shall be as provided under subsections 2 and 6 of
82 this section.

83 6. Unless the offender is being granted probation
84 pursuant to successful completion of a one hundred twenty-
85 day program the circuit court shall notify the state in
86 writing when the court intends to grant probation to the
87 offender pursuant to the provisions of this section. The
88 state may, in writing, request a hearing within ten days of
89 receipt of the court's notification that the court intends
90 to grant probation. Upon the state's request for a hearing,
91 the court shall grant a hearing as soon as reasonably
92 possible. If the state does not respond to the court's
93 notice in writing within ten days, the court may proceed
94 upon its own motion to grant probation.

95 7. [An offender's first incarceration under this
96 section prior to release on probation shall not be
97 considered a previous prison commitment for the purpose of
98 determining a minimum prison term under the provisions of
99 section 558.019.]

100 8.] Notwithstanding any other provision of law,
101 probation may not be granted pursuant to this section to
102 offenders who have been convicted of murder in the second
103 degree pursuant to section 565.021; forcible rape pursuant
104 to section 566.030 as it existed prior to August 28, 2013;
105 rape in the first degree under section 566.030; forcible
106 sodomy pursuant to section 566.060 as it existed prior to
107 August 28, 2013; sodomy in the first degree under section
108 566.060; statutory rape in the first degree pursuant to
109 section 566.032; statutory sodomy in the first degree
110 pursuant to section 566.062; child molestation in the first
111 degree pursuant to section 566.067 when classified as a
112 class A felony; abuse of a child pursuant to section 568.060
113 when classified as a class A felony; or an offender who has
114 been found to be a predatory sexual offender pursuant to

115 section 566.125; any offense under section 557.045; or any
116 offense in which there exists a statutory prohibition
117 against either probation or parole.

566.030. 1. A person commits the offense of rape in
2 the first degree if he or she has sexual intercourse with
3 another person who is incapacitated, incapable of consent,
4 or lacks the capacity to consent, or by the use of forcible
5 compulsion. Forcible compulsion includes the use of a
6 substance administered without a victim's knowledge or
7 consent which renders the victim physically or mentally
8 impaired so as to be incapable of making an informed consent
9 to sexual intercourse.

10 2. The offense of rape in the first degree or an
11 attempt to commit rape in the first degree is a **class A**
12 felony for which the authorized term of imprisonment is life
13 imprisonment or a term of years not less than [five] **ten**
14 years[,] **and not more than thirty years**, unless:

15 (1) The offense is an aggravated sexual offense, in
16 which case the authorized term of imprisonment is life
17 imprisonment **as described in section 558.011** or [a term of
18 years not less than fifteen years] **life imprisonment without**
19 **eligibility for probation or parole;**

20 (2) The person is a persistent or predatory sexual
21 offender as defined in section 566.125 and subjected to an
22 extended term of imprisonment under said section;

23 (3) The victim is a child less than [twelve] **fourteen**
24 years of age, in which case the required term of
25 imprisonment is **life imprisonment as described in section**
26 **558.011 or** life imprisonment without eligibility for
27 probation or parole [until the offender has served not less
28 than thirty years of such sentence or unless the offender
29 has reached the age of seventy-five years and has served at

30 least fifteen years of such sentence, unless such rape in
31 the first degree is described under subdivision (4) of this
32 subsection]; or

33 (4) The victim is a child less than twelve years of
34 age and such rape in the first degree or attempt to commit
35 rape in the first degree was outrageously or wantonly vile,
36 horrible or inhumane, in that it involved torture or
37 depravity of mind, in which case the required term of
38 imprisonment is life imprisonment without eligibility for
39 probation[,] or parole [or conditional release].

40 3. [Subsection 4 of section 558.019 shall not apply to
41 the sentence of a person who has been found guilty of rape
42 in the first degree or attempt to commit rape in the first
43 degree when the victim is less than twelve years of age, and
44 "life imprisonment" shall mean imprisonment for the duration
45 of a person's natural life for the purposes of this section.

46 4.] No person found guilty of rape in the first degree
47 or an attempt to commit rape in the first degree shall be
48 granted a suspended imposition of sentence or suspended
49 execution of sentence.

566.032. 1. A person commits the offense of statutory
2 rape in the first degree if he or she has sexual intercourse
3 with another person who is less than fourteen years of age.

4 2. The offense of statutory rape in the first degree
5 or an attempt to commit statutory rape in the first degree
6 is a **class A** felony for which the authorized term of
7 imprisonment is life imprisonment or a term of years not
8 less than [five] **ten years and not more than thirty years,**
9 unless:

10 (1) The offense is an aggravated sexual offense, or
11 the victim is less than twelve years of age in which case

the authorized term of imprisonment is life imprisonment or a term of years not less than ten years; or

(2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section.

566.060. 1. A person commits the offense of sodomy in the first degree if he or she has deviate sexual intercourse with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by the use of forcible compulsion. Forcible compulsion includes the use of a substance administered without a victim's knowledge or consent which renders the victim physically or mentally impaired so as to be incapable of making an informed consent to sexual intercourse.

2. The offense of sodomy in the first degree or an attempt to commit sodomy in the first degree is a **class B felony** for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years **and not more than fifteen years**, unless:

(1) The offense is an aggravated sexual offense, in which case the **offense is a class A felony for which the** authorized term of imprisonment is life imprisonment or a term of years not less than ten years;

(2) The person is a persistent or predatory sexual offender as defined in section 566.125 and subjected to an extended term of imprisonment under said section;

(3) The victim is a child less than twelve years of age, in which case the **offense is a class A felony for which the** required term of imprisonment is **life imprisonment or** life imprisonment without eligibility for probation or parole [until the offender has served not less than thirty years of such sentence or unless the offender has reached

the age of seventy-five years and has served at least fifteen years of such sentence, unless such sodomy in the first degree is described under subdivision (4) of this subsection]; or

(4) The victim is a child less than twelve years of age and such sodomy in the first degree or attempt to commit sodomy in the first degree was outrageously or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the required term of imprisonment is life imprisonment without eligibility for probation[,] or parole [or conditional release].

3. [Subsection 4 of section 558.019 shall not apply to the sentence of a person who has been found guilty of sodomy in the first degree or an attempt to commit sodomy in the first degree when the victim is less than twelve years of age, and "life imprisonment" shall mean imprisonment for the duration of a person's natural life for the purposes of this section.

4.] No person found guilty of sodomy in the first degree or an attempt to commit sodomy in the first degree shall be granted a suspended imposition of sentence or suspended execution of sentence.

566.062. 1. A person commits the offense of statutory sodomy in the first degree if he or she has deviate sexual intercourse with another person who is less than fourteen years of age.

2. The offense of statutory sodomy in the first degree or an attempt to commit statutory sodomy in the first degree is a **class B** felony for which the authorized term of imprisonment is life imprisonment or a term of years not less than five years **and not more than fifteen years**, unless:

10 (1) The offense is an aggravated sexual offense or the
11 victim is less than twelve years of age, in which case **the**
12 **offense shall be considered a class A felony for which** the
13 authorized term of imprisonment is life imprisonment or a
14 term of years not less than ten years; or

15 (2) The person is a persistent or predatory sexual
16 offender as defined in section 566.125 and subjected to an
17 extended term of imprisonment under said section.

566.067. 1. A person commits the offense of child
2 molestation in the first degree if he or she subjects
3 another person who is less than fourteen years of age to
4 sexual contact and the offense is an aggravated sexual
5 offense.

6 2. The offense of child molestation in the first
7 degree is a class A felony and **subject to a term of**
8 **imprisonment not less than ten years and not more than**
9 **thirty years**, if the victim is a child less than twelve
10 years of age, the person shall serve his or her term of
11 imprisonment without eligibility for probation[,] **or**
12 parole[, or conditional release].

566.103. 1. A person or entity commits the offense of
2 promoting online sexual solicitation if such person or
3 entity knowingly permits a web-based classified service
4 owned or operated by such person or entity to be used by
5 individuals to post advertisements promoting prostitution,
6 enticing a child to engage in sexual conduct, or promoting
7 sexual trafficking of a child after receiving notice under
8 this section.

9 2. As used in this section, the term "web-based
10 classified service" means a person or entity in whose name a
11 specific URL or internet domain name is registered which has

12 advertisements for goods and services or personal
13 advertisements.

14 3. An advertisement may be deemed to promote
15 prostitution, entice a child to engage in sexual conduct, or
16 promote sexual trafficking of a child, if the content of
17 such advertisement would be interpreted by a reasonable
18 person as offering to exchange sexual conduct for goods or
19 services in violation of chapter 567, as seeking a child for
20 the purpose of sexual conduct or commercial sex act, or as
21 offering a child as a participant in sexual conduct or
22 commercial sex act in violation of section 566.151, 566.210,
23 or 566.211.

24 4. It shall be prima facie evidence that a person or
25 entity acts knowingly if an advertisement is not removed
26 from the web-based classified service within seventy-two
27 hours of that person or entity being notified that an
28 advertisement has been posted on that service which is
29 prohibited under this section.

30 5. Notice under this section may be provided by
31 certified mail or facsimile transmission by the attorney
32 general or any prosecuting attorney or circuit attorney.

33 6. A violation of this section shall be a **class E**
34 **felony, [punishable by] where the authorized term of**
35 **imprisonment shall not exceed four years. A person may, in**
36 **addition to a term of imprisonment, be assessed** a fine in
37 the amount of five thousand dollars per day that the
38 advertisement remains posted on the web-based classified
39 service after seventy-two hours of when notice has been
40 provided pursuant to this section.

41 7. Original jurisdiction for prosecution of a
42 violation of this section shall be with the local
43 prosecuting attorney or circuit attorney.

566.125. 1. The court shall sentence a person to an extended term of imprisonment if it finds the defendant is a persistent sexual offender and has been found guilty of attempting to commit or committing the following offenses:

(1) Statutory rape in the first degree or statutory sodomy in the first degree;

(2) Rape in the first degree or sodomy in the first degree;

(3) Forcible rape;

(4) Forcible sodomy;

(5) Rape;

(6) Sodomy.

2. A "persistent sexual offender" is one who has previously been found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section or one who has previously been found guilty of an offense in any other jurisdiction which would constitute any of the offenses listed in subsection 1 of this section.

3. The term of imprisonment for one found to be a persistent sexual offender shall be imprisonment for life without eligibility for probation or parole. Subsection [4] 8 of section [558.019] 558.011 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

4. The court shall sentence a person to an extended term of imprisonment as provided for in this section if it finds the defendant is a predatory sexual offender and has been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section or committing child molestation in the first or second degree or sexual abuse when classified as a class B felony.

33 5. For purposes of this section, a "predatory sexual
34 offender" is a person who:

35 (1) Has previously been found guilty of committing or
36 attempting to commit any of the offenses listed in
37 subsection 1 of this section, or committing child
38 molestation in the first or second degree, or sexual abuse
39 when classified as a class B felony; or

40 (2) Has previously committed an act which would
41 constitute an offense listed in subsection 4 of this
42 section, whether or not the act resulted in a conviction; or

43 (3) Has committed an act or acts against more than one
44 victim which would constitute an offense or offenses listed
45 in subsection 4 of this section, whether or not the
46 defendant was charged with an additional offense or offenses
47 as a result of such act or acts.

48 6. A person found to be a predatory sexual offender
49 shall be imprisoned for life with eligibility for parole,
50 however subsection [4] 8 of section [558.019] 558.011 shall
51 not apply to persons found to be predatory sexual offenders
52 for the purposes of determining the minimum prison term or
53 the length of sentence as defined or used in such
54 subsection. Notwithstanding any other provision of law, in
55 no event shall a person found to be a predatory sexual
56 offender receive a final discharge from parole.

57 7. Notwithstanding any other provision of law, the
58 court shall set the minimum time required to be served
59 before a predatory sexual offender is eligible for parole,
60 conditional release or other early release by the department
61 of corrections. The minimum time to be served by a person
62 found to be a predatory sexual offender who:

63 (1) Has previously been found guilty of committing or
64 attempting to commit any of the offenses listed in

subsection 1 of this section and is found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section shall be any number of years but not less than thirty years;

(2) Has previously been found guilty of child molestation in the first or second degree, or sexual abuse when classified as a class B felony and is found guilty of attempting to commit or committing any of the offenses listed in subsection 1 of this section shall be any number of years but not less than fifteen years;

(3) Has previously been found guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this section, or committing child molestation in the first or second degree, or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(4) Has previously been found guilty of child molestation in the first degree or second degree, or sexual abuse when classified as a class B felony, and is found guilty of child molestation in the first or second degree, or sexual abuse when classified as a class B felony shall be any number of years but not less than fifteen years;

(5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of subsection 5 of this section shall be any number of years within the range to which the person could have been sentenced pursuant to the applicable law if the person was not found to be a predatory sexual offender.

8. Notwithstanding any provision of law to the contrary, the department of corrections, or any division thereof, may not furlough an individual found to be and

96 sentenced as a persistent sexual offender or a predatory
97 sexual offender.

566.151. 1. A person twenty-one years of age or older
2 commits the offense of enticement of a child if he or she
3 persuades, solicits, coaxes, entices, or lures whether by
4 words, actions or through communication via the internet or
5 any electronic communication, any person who is less than
6 seventeen years of age for the purpose of engaging in sexual
7 conduct.

8 2. It is not a defense to a prosecution for a
9 violation of this section that the other person was a peace
10 officer masquerading as a minor.

11 3. Enticement of a child or an attempt to commit
12 enticement of a child is a **class B** felony for which the
13 authorized term of imprisonment shall be not less than five
14 years and not more than **[thirty] fifteen** years. **[No person**
15 **convicted under this section shall be eligible for parole,**
16 **probation, conditional release, or suspended imposition or**
17 **execution of sentence for a period of five calendar years.]**

566.203. 1. A person commits the offense of abusing
2 an individual through forced labor by knowingly providing or
3 obtaining the labor or services of a person:

4 (1) By causing or threatening to cause serious
5 physical injury to any person;

6 (2) By physically restraining or threatening to
7 physically restrain another person;

8 (3) By blackmail;

9 (4) By means of any scheme, plan, or pattern of
10 behavior intended to cause such person to believe that, if
11 the person does not perform the labor services, the person
12 or another person will suffer serious physical injury,
13 physical restraint, or financial harm; or

14 (5) By means of the abuse or threatened abuse of the
15 law or the legal process.

16 2. A person who is found guilty of the crime of abuse
17 through forced labor shall not be required to register as a
18 sexual offender pursuant to the provisions of section
19 589.400, unless such person is otherwise required to
20 register pursuant to the provisions of such section.

21 3. The offense of abuse through forced labor is [a
22 felony] punishable [by] **as a class B felony. A person who**
23 **commits the offense of abuse through forced labor shall be**
24 **sentenced to** imprisonment for a term of years not less than
25 five years and not more than [twenty] **fifteen** years and **may**
26 **be assessed** a fine not to exceed two hundred fifty thousand
27 dollars.

28 4. If death results from a violation of this section,
29 or if the violation includes kidnapping or an attempt to
30 kidnap, sexual abuse when punishable as a class B felony, or
31 an attempt to commit sexual abuse when punishable as a class
32 B felony, or an attempt to kill, it shall be **considered a**
33 **dangerous felony as defined in section 556.061 and shall be**
34 **punishable as a class A felony. A person found guilty**
35 **pursuant to the provisions of this section shall be**
36 **sentenced to imprisonment** for a term of years not less than
37 [five] **ten** years [or life] **and not more than thirty years**
38 and a fine not to exceed two hundred fifty thousand dollars.

566.206. 1. A person commits the offense of
2 trafficking for the purposes of slavery, involuntary
3 servitude, peonage, or forced labor if he or she knowingly
4 recruits, entices, harbors, transports, provides, or obtains
5 by any means, including but not limited to through the use
6 of force, abduction, coercion, fraud, deception, blackmail,
7 or causing or threatening to cause financial harm, another

8 person for labor or services, for the purposes of slavery,
9 involuntary servitude, peonage, or forced labor, or
10 benefits, financially or by receiving anything of value,
11 from participation in such activities.

12 2. A person who is found guilty of the offense of
13 trafficking for the purposes of slavery, involuntary
14 servitude, peonage, or forced labor shall not be required to
15 register as a sexual offender pursuant to the provisions of
16 section 589.400, unless he or she is otherwise required to
17 register pursuant to the provisions of such section.

18 3. Except as provided in subsection 4 of this section,
19 the offense of trafficking for the purposes of slavery,
20 involuntary servitude, peonage, or forced labor is a **class B**
21 felony punishable by imprisonment for a term of years not
22 less than five years and not more than **[twenty] fifteen**
23 years and a fine not to exceed two hundred fifty thousand
24 dollars.

25 4. If death results from a violation of this section,
26 or if the violation includes kidnapping or an attempt to
27 kidnap, sexual abuse when punishable as a class B felony or
28 an attempt to commit sexual abuse when the sexual abuse
29 attempted is punishable as a class B felony, or an attempt
30 to kill, it shall be punishable **[by] as a class A felony by**
31 imprisonment for a term of years not less than **[five] ten**
32 years **[or life] and not more than thirty years** and a fine
33 not to exceed two hundred fifty thousand dollars.

566.209. 1. A person commits the **[crime] offense** of
2 trafficking for the purposes of sexual exploitation if a
3 person knowingly recruits, entices, harbors, transports,
4 provides, advertises the availability of or obtains by any
5 means, including but not limited to through the use of
6 force, abduction, coercion, fraud, deception, blackmail, or

7 causing or threatening to cause financial harm, another
8 person for the use or employment of such person in a
9 commercial sex act, sexual conduct, a sexual performance, or
10 the production of explicit sexual material as defined in
11 section 573.010, without his or her consent, or benefits,
12 financially or by receiving anything of value, from
13 participation in such activities.

14 2. The **[crime] offense** of trafficking for the purposes
15 of sexual exploitation is a felony punishable **as a class B**
16 **felony** by imprisonment for a term of years not less than
17 five years and not more than **[twenty] fifteen** years and a
18 fine not to exceed two hundred fifty thousand dollars. If
19 a violation of this section was effected by force,
20 abduction, or coercion, the crime of trafficking for the
21 purposes of sexual exploitation is a felony **as a class A**
22 **felony** punishable by imprisonment for a term of years not
23 less than ten years **[or life] and not more than thirty years**
24 and a fine not to exceed two hundred fifty thousand dollars.

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

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

13 (2) Causes a person under the age of fourteen to
14 engage in a commercial sex act, a sexual performance, or the

15 production of explicit sexual material as defined in section
16 573.010; or

17 (3) Advertises the availability of a person under the
18 age of fourteen to participate in a commercial sex act, a
19 sexual performance, or the production of explicit sexual
20 material as defined in section 573.010.

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

23 3. The offense of sexual trafficking of a child in the
24 first degree is a felony for which the authorized term of
25 imprisonment is life imprisonment without eligibility for
26 probation or parole [until the offender has served not less
27 than thirty years of such sentence. Subsection 4 of section
28 558.019 shall not apply to the sentence of a person who has
29 been found guilty of sexual trafficking of a child less than
30 fourteen years of age, and "life imprisonment" shall mean
31 imprisonment for the duration of a person's natural life for
32 the purposes of this section].

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

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

13 (2) Causes a person under the age of eighteen to
14 engage in a commercial sex act, a sexual performance, or the

15 production of explicit sexual material as defined in section
16 573.010; or

17 (3) Advertises the availability of a person under the
18 age of eighteen to participate in a commercial sex act, a
19 sexual performance, or the production of explicit sexual
20 material as defined in section 573.010.

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

23 3. The offense of sexual trafficking of a child in the
24 second degree is a **class A** felony punishable by imprisonment
25 for a term of years not less than [twenty] **ten** years [or
26 life] **and not more than thirty years** and a fine not to
27 exceed two hundred fifty thousand dollars if the child is
28 under the age of eighteen. If a violation of this section
29 was effected by force, abduction, or coercion, the crime of
30 sexual trafficking of a child shall be a **class A** felony for
31 which the authorized term of imprisonment is life
32 imprisonment without eligibility for probation or parole
33 until the defendant has served [not less than twenty-five
34 years of such sentence] **eighty-five percent of his or her**
35 **minimum prison term as provided in section 558.011.**

567.050. 1. A person commits the offense of promoting
2 prostitution in the first degree if he or she knowingly:

3 (1) Promotes prostitution by compelling a person to
4 enter into, engage in, or remain in prostitution;

5 (2) Promotes prostitution of a person less than
6 sixteen years of age; or

7 (3) Owns, manages, or operates an interactive computer
8 service, or conspires or attempts to do so, with the intent
9 to promote or facilitate the prostitution of another. As
10 used in this subdivision, the term "interactive computer
11 service" shall mean any information service, system, or

12 access software provider that provides or enables computer
13 access by multiple users to a computer server, including
14 specifically a service or system that provides access to the
15 internet and such systems operated or services offered by
16 libraries or educational institutions.

17 2. The term "compelling" includes:

18 (1) The use of forcible compulsion;

19 (2) The use of a drug or intoxicating substance to
20 render a person incapable of controlling his conduct or
21 appreciating its nature;

22 (3) Withholding or threatening to withhold dangerous
23 drugs or a narcotic from a drug dependent person.

24 3. (1) The offense of promoting prostitution in the
25 first degree under subdivision (1) **[or (3)]** of subsection 1
26 of this section is a class B felony.

27 (2) The offense of promoting prostitution in the first
28 degree under **[subdivision] subdivisions (2) and (3)** of
29 subsection 1 of this section is a class A felony if a person
30 acts in reckless disregard of the fact that such conduct
31 contributed to the offense of trafficking for the purposes
32 of sexual exploitation under section 566.209.

33 (3) The offense of promoting prostitution in the first
34 degree under subdivision (2) of subsection 1 of this section
35 is a **class A** felony punishable by a term of imprisonment not
36 less than ten years and not to exceed **[fifteen] thirty** years.

37 4. A person injured by the acts committed in violation
38 of subdivision (3) of subsection 1 of this section or
39 subdivision (2) of subsection 3 of this section shall have a
40 civil cause of action to recover damages and reasonable
41 **[attorneys'] attorney's** fees for such injury.

42 5. In addition to the court's authority to order a
43 defendant to make restitution for the damage or loss caused

44 by his or her offense as provided in section 559.105, the
45 court shall enter a judgment of restitution against the
46 defendant convicted of violating subdivision (3) of
47 subsection 1 of this section and subdivision (2) of
48 subsection 3 of this section.

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

3 (1) "Abuse", the infliction of physical, sexual, or
4 mental injury against a child by any person eighteen years
5 of age or older. For purposes of this section, abuse shall
6 not include injury inflicted on a child by accidental means
7 by a person with care, custody, or control of the child, or
8 discipline of a child by a person with care, custody, or
9 control of the child, including spanking, in a reasonable
10 manner;

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

15 (3) "Mental injury", an injury to the intellectual or
16 psychological capacity or the emotional condition of a child
17 as evidenced by an observable and substantial impairment of
18 the ability of the child to function within his or her
19 normal range of performance or behavior;

20 (4) "Neglect", the failure to provide, by those
21 responsible for the care, custody, and control of a child
22 under the age of eighteen years, the care reasonable and
23 necessary to maintain the physical and mental health of the
24 child, when such failure presents a substantial probability
25 that death or physical injury or sexual injury would result;

26 (5) "Physical injury", physical pain, illness, or any
27 impairment of physical condition, including but not limited

28 to bruising, lacerations, hematomas, welts, or permanent or
29 temporary disfigurement and impairment of any bodily
30 function or organ;

31 (6) "Serious emotional injury", an injury that creates
32 a substantial risk of temporary or permanent medical or
33 psychological damage, manifested by impairment of a
34 behavioral, cognitive, or physical condition. Serious
35 emotional injury shall be established by testimony of
36 qualified experts upon the reasonable expectation of
37 probable harm to a reasonable degree of medical or
38 psychological certainty;

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

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

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

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

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

55 4. A person does not commit the offense of abuse or
56 neglect of a child by virtue of the sole fact that the
57 person delivers or allows the delivery of a child to a
58 provider of emergency services.

59 5. (1) A person does not commit the offense of abuse
60 or neglect of a child by virtue of the sole fact that the
61 person allows the child to engage in independent activities
62 without adult supervision and the person is a parent to the
63 child or is responsible for the child's care, provided that
64 the:

65 (a) Independent activities are appropriate based on
66 the child's age, maturity, and physical and mental
67 abilities; and

68 (b) Lack of adult supervision does not constitute
69 conduct that is so grossly negligent as to endanger the
70 health or safety of the child.

71 (2) As used in this subsection, "independent
72 activities" shall include traveling to or from school or
73 nearby locations by bicycle or on foot, playing outdoors, or
74 remaining at home for a reasonable period of time without
75 adult supervision.

76 6. The offense of abuse or neglect of a child is:

77 (1) A class D felony, [without eligibility for
78 probation, parole, or conditional release until the
79 defendant has served no less than one year of such sentence]
80 **punishable by a term of imprisonment not to exceed seven**
81 **years**, unless the person has previously been found guilty of
82 a violation of this section or of a violation of the law of
83 any other jurisdiction that prohibits the same or similar
84 conduct or the injury inflicted on the child is a serious
85 emotional injury or a serious physical injury, in which case
86 abuse or neglect of a child is a class [B] A felony,
87 [without eligibility for probation or parole until the
88 defendant has served not less than five years of such
89 sentence] **punishable by a term of imprisonment not less than**
90 **ten years and not to exceed thirty years; or**

91 (2) A class A felony, **subject to a term of**
92 **imprisonment not less than ten years and not to exceed**
93 **thirty years**, if the child dies as a result of injuries
94 sustained from conduct chargeable under the provisions of
95 this section.

96 7. Notwithstanding subsection 6 of this section to the
97 contrary, the offense of abuse or neglect of a child is a
98 class A felony, without eligibility for probation[,] **or**
99 parole[, or conditional release] until the defendant has
100 served not less than [fifteen] **ten years and not to exceed**
101 **thirty years** of such sentence, if:

102 (1) The injury is a serious emotional injury or a
103 serious physical injury;

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

105 (3) The injury is the result of sexual abuse or sexual
106 abuse in the first degree as defined under section 566.100
107 or sexual exploitation of a minor as defined under section
108 573.023.

109 8. The circuit or prosecuting attorney may refer a
110 person who is suspected of abuse or neglect of a child to an
111 appropriate public or private agency for treatment or
112 counseling so long as the agency has consented to taking
113 such referrals. Nothing in this subsection shall limit the
114 discretion of the circuit or prosecuting attorney to
115 prosecute a person who has been referred for treatment or
116 counseling pursuant to this subsection.

117 9. Nothing in this section shall be construed to alter
118 the requirement that every element of any crime referred to
119 herein must be proven beyond a reasonable doubt.

120 10. Discipline, including spanking administered in a
121 reasonable manner, shall not be construed to be abuse under
122 this section.

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

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

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

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

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

3. The offense of stealing is a class B felony **and subject to a term of imprisonment not less than five years and not more than fifteen years** if:

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

(2) The property consists of any animal considered livestock as the term livestock is defined in section 144.010, or any captive wildlife held under permit issued by the conservation commission, and the value of the animal or animals appropriated exceeds three thousand dollars and that person has previously been found guilty of appropriating any animal considered livestock or captive wildlife held under permit issued by the conservation commission.

33 [Notwithstanding any provision of law to the contrary, such
34 person shall serve a minimum prison term of not less than
35 eighty percent of his or her sentence before he or she is
36 eligible for probation, parole, conditional release, or
37 other early release by the department of corrections];

38 (3) A person appropriates property consisting of a
39 motor vehicle, watercraft, or aircraft, and that person has
40 previously been found guilty of two stealing-related
41 offenses committed on two separate occasions where such
42 offenses occurred within ten years of the date of occurrence
43 of the present offense;

44 (4) The property appropriated or attempted to be
45 appropriated consists of any animal considered livestock as
46 the term is defined in section 144.010 if the value of the
47 livestock exceeds ten thousand dollars;

48 (5) The property appropriated or attempted to be
49 appropriated is owned by or in the custody of a financial
50 institution and the property is taken or attempted to be
51 taken physically from an individual person to deprive the
52 owner or custodian of the property; or

53 (6) The person appropriates property, the person's
54 course of conduct is part of an organized retail theft, and
55 the value of the property taken, combined with any property
56 damage inflicted in such theft, is ten thousand dollars or
57 more.

58 4. The offense of stealing is a class C felony if:

59 (1) The value of the property or services appropriated
60 is twenty-five thousand dollars or more;

61 (2) The property is a teller machine or the contents
62 of a teller machine, including cash, regardless of the value
63 or amount; or

64 (3) The person appropriates property, the person's
65 course of conduct is part of an organized retail theft, and
66 the value of the property taken, combined with any property
67 damage inflicted in such theft, is seven hundred fifty
68 dollars or more but less than ten thousand dollars.

69 5. The offense of stealing is a class D felony **and**
70 **subject to a term of imprisonment not to exceed seven years**
71 if:

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

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

76 (3) The property appropriated consists of:

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

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

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

82 (d) Any firearms;

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

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

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

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

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

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

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

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

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

(n) Ammonium nitrate;

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

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

6. The offense of stealing is a class E felony **and subject to a term of imprisonment not to exceed four years** if:

(1) The property appropriated is an animal;

(2) The property is a catalytic converter;

(3) A person has previously been found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense; or

(4) The property appropriated is a letter, postal card, package, bag, or other sealed article that was delivered by a common carrier or delivery service and not yet received by the addressee or that had been left to be

127 collected for shipment by a common carrier or delivery
128 service.

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

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

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

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

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

151 12. As used in this section, the term "organized
152 retail theft" means:

153 (1) Any act of stealing committed by one or more
154 persons, as part of any agreement to steal property from any
155 business, and separate acts of stealing that are part of any
156 ongoing agreement to steal may be aggregated for the purpose
157 of determining value regardless of whether such acts are
158 committed in the same jurisdiction or at the same time;

159 (2) Any act of receiving or possessing any property
160 that has been taken or stolen in violation of subdivision
161 (1) of this subsection while knowing or having reasonable
162 grounds to believe the property is stolen from any business
163 in violation of this section, and separate acts of receiving
164 or possessing such stolen property that are part of any
165 ongoing agreement to receive or possess such stolen property
166 may be aggregated for the purpose of determining value
167 regardless of whether such acts are committed in the same
168 jurisdiction or at the same time; or

169 (3) Any act of organizing, supervising, financing,
170 leading, or managing between one or more persons to engage
171 for profit in a scheme or course of conduct to effectuate or
172 intend to effectuate the transfer or sale of property stolen
173 from any business in violation of this section, and separate
174 acts of organizing, supervising, financing, leading, or
175 managing between one or more persons to engage for profit in
176 a scheme or course of conduct to effectuate or intend to
177 effectuate the transfer or sale of such stolen property that
178 are part of any ongoing agreement to organize, supervise,
179 finance, lead, or manage between one or more persons to
180 engage for profit in a scheme or course of conduct to
181 effectuate or intend to effectuate the transfer or sale of
182 such stolen property may be aggregated for the purpose of
183 determining the value regardless of whether such acts are
184 committed in the same jurisdiction or at the same time.

185 13. If any prosecuting attorney or circuit attorney
186 makes a request in writing to the attorney general, the
187 attorney general shall have the authority to commence and
188 prosecute the offense of stealing if such offense involves
189 organized retail theft, and any other offenses that directly
190 arise from or causally occur as a result of an alleged

191 violation of the offense of stealing involving organized
192 retail theft, in each or any county or a city not within a
193 county in which the offense occurred with the same power and
194 authority granted to prosecuting attorneys in section 56.060
195 and circuit attorneys in section 56.450, except that all
196 costs and fees of such prosecution by the attorney general
197 shall be paid by the state and not by any county or local
198 government.

199 14. No provision of this section shall grant any
200 additional power to the attorney general beyond commencement
201 and prosecution of offenses as authorized in this section.

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

20 2. Any person convicted of a second offense of armed
21 criminal action under subsection 1 of this section shall be

22 **a class A felony and** punished by imprisonment by the
23 department of corrections for a term of not less than [five]
24 **ten** years and not to exceed thirty years[, unless the person
25 is unlawfully possessing a firearm, in which case the term
26 of imprisonment shall be for a term not less than fifteen
27 years. The punishment imposed pursuant to this subsection
28 shall be in addition to and consecutive to any punishment
29 provided by law for the crime committed by, with, or through
30 the use, assistance, or aid of a dangerous instrument or
31 deadly weapon. No person convicted under this subsection
32 shall be eligible for parole, probation, conditional
33 release, or suspended imposition or execution of sentence
34 for a period of five calendar years].

35 3. Any person convicted of a third or subsequent
36 offense of armed criminal action under subsection 1 of this
37 section shall be [punished by] **sentenced to life**
38 imprisonment **without the possibility of probation or parole**
39 by the department of corrections [for a term of not less
40 than ten years, unless the person is unlawfully possessing a
41 firearm, in which case the term of imprisonment shall be no
42 less than fifteen years. The punishment imposed pursuant to
43 this subsection shall be in addition to and consecutive to
44 any punishment provided by law for the crime committed by,
45 with, or through the use, assistance, or aid of a dangerous
46 instrument or deadly weapon. No person convicted under this
47 subsection shall be eligible for parole, probation,
48 conditional release, or suspended imposition or execution of
49 sentence for a period of ten calendar years].

571.030. 1. A person commits the offense of unlawful
2 use of weapons, except as otherwise provided by sections
3 571.101 to 571.121, if he or she knowingly:

4 (1) Carries concealed upon or about his or her person
5 a knife, a firearm, a blackjack or any other weapon readily
6 capable of lethal use into any area where firearms are
7 restricted under section 571.107; or

8 (2) Sets a spring gun; or

9 (3) Discharges or shoots a firearm into a dwelling
10 house, a railroad train, boat, aircraft, or motor vehicle as
11 defined in section 302.010, or any building or structure
12 used for the assembling of people; or

13 (4) Exhibits, in the presence of one or more persons,
14 any weapon readily capable of lethal use in an angry or
15 threatening manner; or

16 (5) Has a firearm or projectile weapon readily capable
17 of lethal use on his or her person, while he or she is
18 intoxicated, and handles or otherwise uses such firearm or
19 projectile weapon in either a negligent or unlawful manner
20 or discharges such firearm or projectile weapon unless
21 acting in self-defense; or

22 (6) Discharges a firearm within one hundred yards of
23 any occupied schoolhouse, courthouse, or church building; or

24 (7) Discharges or shoots a firearm at a mark, at any
25 object, or at random, on, along or across a public highway
26 or discharges or shoots a firearm into any outbuilding; or

27 (8) Carries a firearm or any other weapon readily
28 capable of lethal use into any church or place where people
29 have assembled for worship, or into any election precinct on
30 any election day, or into any building owned or occupied by
31 any agency of the federal government, state government, or
32 political subdivision thereof; or

33 (9) Discharges or shoots a firearm at or from a motor
34 vehicle, as defined in section 301.010, discharges or shoots
35 a firearm at any person, or at any other motor vehicle, or

36 at any building or habitable structure, unless the person
37 was lawfully acting in self-defense; or

38 (10) Carries a firearm, whether loaded or unloaded, or
39 any other weapon readily capable of lethal use into any
40 school, onto any school bus, or onto the premises of any
41 function or activity sponsored or sanctioned by school
42 officials or the district school board; or

43 (11) Possesses a firearm while also knowingly in
44 possession of a controlled substance that is sufficient for
45 a felony violation of section 579.015.

46 2. Subdivisions (1), (8), and (10) of subsection 1 of
47 this section shall not apply to the persons described in
48 this subsection, regardless of whether such uses are
49 reasonably associated with or are necessary to the
50 fulfillment of such person's official duties except as
51 otherwise provided in this subsection. Subdivisions (3),
52 (4), (6), (7), and (9) of subsection 1 of this section shall
53 not apply to or affect any of the following persons, when
54 such uses are reasonably associated with or are necessary to
55 the fulfillment of such person's official duties, except as
56 otherwise provided in this subsection:

57 (1) All state, county and municipal peace officers who
58 have completed the training required by the police officer
59 standards and training commission pursuant to sections
60 590.030 to 590.050 and who possess the duty and power of
61 arrest for violation of the general criminal laws of the
62 state or for violation of ordinances of counties or
63 municipalities of the state, whether such officers are on or
64 off duty, and whether such officers are within or outside of
65 the law enforcement agency's jurisdiction, or all qualified
66 retired peace officers, as defined in subsection 12 of this
67 section, and who carry the identification defined in

subsection 13 of this section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the parole board;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special

prosecutor who has completed the firearms safety training course required under subsection 2 of section 571.111;

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

(12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has

possession, authority or control, or is traveling in a continuous journey peaceably through this state.

Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to sections 571.101 to 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Notwithstanding any provision of this section to the contrary, the state shall not prohibit any state employee from having a firearm in the employee's vehicle on the state's property provided that the vehicle is locked and the firearm is not visible. This subsection shall only apply to the state as an employer when the state employee's vehicle is on property owned or leased by the state and the state employee is conducting activities within the scope of his or her employment. For the purposes of this subsection, "state employee" means an employee of the executive, legislative, or judicial branch of the government of the state of Missouri.

163 7. (1) Subdivision (10) of subsection 1 of this
164 section shall not apply to a person who is a school officer
165 commissioned by the district school board under section
166 162.215 or who is a school protection officer, as described
167 under section 160.665.

168 (2) Nothing in this section shall make it unlawful for
169 a student to actually participate in school-sanctioned gun
170 safety courses, student military or ROTC courses, or other
171 school-sponsored or club-sponsored firearm-related events,
172 provided the student does not carry a firearm or other
173 weapon readily capable of lethal use into any school, onto
174 any school bus, or onto the premises of any other function
175 or activity sponsored or sanctioned by school officials or
176 the district school board.

177 8. A person who commits the crime of unlawful use of
178 weapons under:

179 (1) Subdivision (2), (3), (4), or (11) of subsection 1
180 of this section shall be guilty of a class E felony;

181 (2) Subdivision (1), (6), (7), or (8) of subsection 1
182 of this section shall be guilty of a class B misdemeanor,
183 except when a concealed weapon is carried onto any private
184 property whose owner has posted the premises as being off-
185 limits to concealed firearms by means of one or more signs
186 displayed in a conspicuous place of a minimum size of eleven
187 inches by fourteen inches with the writing thereon in
188 letters of not less than one inch, in which case the
189 penalties of subsection 2 of section 571.107 shall apply;

190 (3) Subdivision (5) or (10) of subsection 1 of this
191 section shall be guilty of a class A misdemeanor if the
192 firearm is unloaded and a class E felony if the firearm is
193 loaded;

(4) Subdivision (9) of subsection 1 of this section shall be guilty of a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

9. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony, **including a term of years not less than five and not more than fifteen;**

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony [without the possibility of parole, probation or conditional release for a term of ten years];

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony [without the possibility of parole, probation, or conditional release];

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony, **including a term of imprisonment not less than ten years and not more than thirty years.**

10. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

11. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony

violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

12. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

13. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.

573.025. 1. A person commits the offense of promoting child pornography in the first degree if, knowing of its content and character, such person possesses with the intent to promote or promotes child pornography of a child less than fourteen years of age or obscene material portraying what appears to be a child less than fourteen years of age.

2. The offense of promoting child pornography in the first degree is a class B felony, **punishable by a term of imprisonment not less than five years and not more than fifteen years**, unless the person knowingly promotes such material to a minor, in which case it is a class A felony, **punishable by a term of imprisonment not less than ten years**

13 **and not more than thirty years.** [No person who is found
14 guilty of promoting child pornography in the first degree
15 shall be eligible for probation, parole, or conditional
16 release for a period of three calendar years.]

17 3. Nothing in this section shall be construed to
18 require a provider of electronic communication services or
19 remote computing services to monitor any user, subscriber or
20 customer of the provider, or the content of any
21 communication of any user, subscriber or customer of the
22 provider.

575.151. 1. This section shall be known and may be
2 cited as "Valentine's Law".

3 2. A person commits the offense of aggravated fleeing
4 a stop or detention of a motor vehicle if he or she knows or
5 reasonably should know that a law enforcement officer is
6 attempting to detain or stop a motor vehicle, and for the
7 purpose of preventing the officer from effecting the stop or
8 detention, he or she flees and:

9 (1) Such person operates a motor vehicle at a high
10 speed or in any manner which creates a substantial risk of
11 serious physical injury or death to any person;

12 (2) As a result of such flight causes physical injury
13 to another person; or

14 (3) As a result of such flight causes death to another
15 person.

16 3. A person is presumed to be fleeing a vehicle stop
17 or detention if he or she continues to operate a motor
18 vehicle after he or she has seen or reasonably should have
19 seen clearly visible emergency lights or has heard or
20 reasonably should have heard an audible signal emanating
21 from the law enforcement vehicle pursuing him or her.

22 4. It is no defense to a prosecution pursuant to
23 subsection 2 of this section that the law enforcement
24 officer was acting unlawfully in making the arrest.
25 However, nothing in this section shall be construed to bar
26 civil suits for unlawful arrest. A person need not know the
27 basis for the arrest, detention, or stop, only that the
28 person was being stopped or detained.

29 5. The offense of aggravated fleeing a stop or
30 detention in violation of subdivision (1) of subsection 2 of
31 this section shall be a class D felony, [without eligibility
32 for probation, parole, or conditional release until the
33 defendant has served no less than one year of such sentence]
34 **punishable by a term of imprisonment not to exceed seven**
35 **years.** The offense of aggravated fleeing a stop or
36 detention in violation of subdivision (2) of subsection 2 of
37 this section shall be a class B felony, **punishable by a term**
38 **of imprisonment not less than five years and not to exceed**
39 **fifteen years.** The offense of aggravated fleeing a stop or
40 detention in violation of subdivision (3) of subsection 2 of
41 this section shall be a class A felony, **punishable by a term**
42 **of imprisonment not less than ten years and not to exceed**
43 **thirty years.**

 575.270. 1. A person commits the offense of tampering
2 with a witness or victim if:

3 (1) With the purpose to induce a witness or a
4 prospective witness to disobey a subpoena or other legal
5 process, absent himself or herself, avoid subpoena or other
6 legal process, withhold evidence, information, or documents,
7 or testify falsely, he or she:

8 (a) Threatens or causes harm to any person or
9 property; or

10 (b) Uses force, threats or deception; or

11 (c) Offers, confers or agrees to confer any benefit,
12 direct or indirect, upon such witness; or

13 (d) Conveys any of the foregoing to another in
14 furtherance of a conspiracy; or

15 (2) He or she purposely prevents or dissuades or
16 attempts to prevent or dissuade any person who has been a
17 victim of any crime or a person who is acting on behalf of
18 any such victim from:

19 (a) Making any report of such victimization to any
20 peace officer, state, local or federal law enforcement
21 officer, prosecuting agency, or judge;

22 (b) Causing a complaint, indictment or information to
23 be sought and prosecuted or assisting in the prosecution
24 thereof;

25 (c) Arresting or causing or seeking the arrest of any
26 person in connection with such victimization.

27 2. The offense of tampering with a witness or victim
28 is a class A misdemeanor, unless the original charge is a
29 felony, in which case [tampering with a witness or victim is
30 a class D felony. Persons convicted under this section
31 shall not be eligible for parole] **a person convicted under
32 this section shall be sentenced to a term of imprisonment
33 one felony class lower than that of the original charge.**

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

4 2. The offense of driving while intoxicated is:

5 (1) A class B misdemeanor;

6 (2) A class A misdemeanor if:

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

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

- 10 (3) A class E felony if:
- 11 (a) The defendant is a persistent offender; or
- 12 (b) While driving while intoxicated, the defendant
- 13 acts with criminal negligence to cause physical injury to
- 14 another person;
- 15 (4) A class D felony if:
- 16 (a) The defendant is an aggravated offender;
- 17 (b) While driving while intoxicated, the defendant
- 18 acts with criminal negligence to cause physical injury to a
- 19 law enforcement officer or emergency personnel; or
- 20 (c) While driving while intoxicated, the defendant
- 21 acts with criminal negligence to cause serious physical
- 22 injury to another person;
- 23 (5) A class C felony if:
- 24 (a) The defendant is a chronic offender;
- 25 (b) While driving while intoxicated, the defendant
- 26 acts with criminal negligence to cause serious physical
- 27 injury to a law enforcement officer or emergency personnel;
- 28 or
- 29 (c) While driving while intoxicated, the defendant
- 30 acts with criminal negligence to cause the death of another
- 31 person;
- 32 (6) A class B felony if:
- 33 (a) The defendant is a habitual offender;
- 34 (b) While driving while intoxicated, the defendant
- 35 acts with criminal negligence to cause the death of a law
- 36 enforcement officer or emergency personnel;
- 37 (c) While driving while intoxicated, the defendant
- 38 acts with criminal negligence to cause the death of any
- 39 person not a passenger in the vehicle operated by the
- 40 defendant, including the death of an individual that results

41 from the defendant's vehicle leaving a highway, as defined
42 in section 301.010, or the highway's right-of-way;

43 (d) While driving while intoxicated, the defendant
44 acts with criminal negligence to cause the death of two or
45 more persons; or

46 (e) While driving while intoxicated, the defendant
47 acts with criminal negligence to cause the death of any
48 person while he or she has a blood alcohol content of at
49 least eighteen-hundredths of one percent by weight of
50 alcohol in such person's blood;

51 (7) A class A felony if the defendant has previously
52 been found guilty of an offense under paragraphs (a) to (e)
53 of subdivision (6) of this subsection and is found guilty of
54 a subsequent violation of such paragraphs.

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

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

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

68 4. If a person is found guilty of a second or
69 subsequent offense of driving while intoxicated, the court
70 may order the person to submit to a period of continuous
71 alcohol monitoring or verifiable breath alcohol testing

72 performed a minimum of four times per day as a condition of
73 probation.

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

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

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

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

87 (1) As a prior offender, persistent offender,
88 aggravated offender, chronic offender, or habitual offender
89 shall not be granted a suspended imposition of sentence or
90 be sentenced to pay a fine in lieu of a term of
91 imprisonment, section 557.011 to the contrary
92 notwithstanding;

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

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

101 (b) The offender participates in and successfully
102 completes a program established under section 478.007 or
103 other court-ordered treatment program, if available, and as

part of either program, the offender performs at least thirty days of community service under the supervision of the court;

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

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

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

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

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

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

578.425. Any person who is convicted of a felony which is committed for the benefit of, at the direction of, or in association with, any criminal street gang, with the purpose to promote, further, or assist in any criminal conduct by gang members, shall be punished in the following manner:

6 (1) Any person who violates this section in the
7 commission of a felony shall, upon conviction of that
8 felony, in addition [and consecutive] to the punishment
9 prescribed for the felony of which he or she has been
10 convicted, be [punished by] **guilty of an additional class E**
11 **felony under the terms of this section and be sentenced to a**
12 term of [two] **imprisonment not to exceed four** years. If the
13 underlying felony is committed on the grounds of, or within
14 one thousand feet of a public or private elementary,
15 vocational, junior high or high school, the additional
16 **conviction shall be considered a class D felony, punishable**
17 **by a term [shall be three] of imprisonment not to exceed**
18 **seven years; and**

19 (2) Any person who violates this section in the
20 commission of a dangerous felony shall, upon conviction of
21 that dangerous felony, in addition [and consecutive] to the
22 punishment prescribed for the dangerous felony of which he
23 or she has been convicted, be [punished by] **guilty of an**
24 **additional class D felony under the terms of this section**
25 **and be sentenced to a term of [five] imprisonment not to**
26 **exceed seven years.**

27 [(3) Any person who violates this section in the
28 commission of a felony punishable by death or imprisonment
29 for life shall not be paroled until a minimum of fifteen
30 calendar years have been served.]

589.425. 1. A person commits the crime of failing to
2 register as a sex offender when the person is required to
3 register under sections 589.400 to 589.425 and fails to
4 comply with any requirement of sections 589.400 to 589.425.
5 Failing to register as a sex offender is a class E felony
6 unless the person is required to register based on having
7 committed an offense in chapter 566 which was an

8 unclassified felony, a class A or B felony, or a felony
9 involving a child under the age of fourteen, in which case
10 it is a class D felony.

11 2. A person commits the crime of failing to register
12 as a sex offender as a second offense by failing to comply
13 with any requirement of sections 589.400 to 589.425 and he
14 or she has previously pled guilty to or has previously been
15 found guilty of failing to register as a sex offender.
16 Failing to register as a sex offender as a second offense is
17 a class E felony unless the person is required to register
18 based on having committed an offense in chapter 566, or an
19 offense in any other state or foreign country, or under
20 federal, tribal, or military jurisdiction, which if
21 committed in this state would be an offense under chapter
22 566 which was an unclassified felony, a class A or B felony,
23 or a felony involving a child under the age of fourteen, in
24 which case it is a class D felony.

25 3. (1) A person commits the crime of failing to
26 register as a sex offender as a third offense by failing to
27 meet the requirements of sections 589.400 to 589.425 and he
28 or she has, on two or more occasions, previously pled guilty
29 to or has previously been found guilty of failing to
30 register as a sex offender. Failing to register as a sex
31 offender as a third offense is a **class A** felony which shall
32 be punished by a term of imprisonment of not less than ten
33 years and not more than thirty years.

34 (2) No court may suspend the imposition or execution
35 of sentence of a person who pleads guilty to or is found
36 guilty of failing to register as a sex offender as a third
37 offense. No court may sentence such person to pay a fine in
38 lieu of a term of imprisonment.

39 (3) [A person sentenced under this subsection shall
40 not be eligible for conditional release or parole until he
41 or she has served at least two years of imprisonment.]

42 (4)] Upon release, an offender who has committed
43 failing to register as a sex offender as a third offense
44 shall be electronically monitored as a mandatory condition
45 of supervision. Electronic monitoring may be based on a
46 global positioning system or any other technology which
47 identifies and records the offender's location at all times.

622.470. Any person who shall willfully make any false
2 entry in the accounts, books of account, records, or
3 memoranda kept by any carrier, corporation, or person
4 governed by the provisions of this chapter, or who shall
5 willfully destroy, mutilate, alter, or by any other means or
6 device falsify the record of any such account, book of
7 accounts, record, or memoranda, or who shall willfully
8 neglect or fail to make full, true, and correct entries of
9 such account, book of accounts, record, or memoranda of all
10 facts and transactions appertaining to the business of such
11 carriers, corporations, or persons, or who shall falsely
12 make any statement required to be made to the division, for
13 which a penalty has not been provided, shall be deemed
14 guilty of a **class E** felony[,] and, upon conviction, shall be
15 punished by a fine of not less than one thousand dollars nor
16 more than five thousand dollars, or by imprisonment for a
17 **term** not [less] **more** than [two] **four** years [nor more than
18 five years], or by both such fine and imprisonment, except
19 that the division may, in its discretion, issue orders
20 specifying such operating, accounting or financial papers,
21 records, books, blanks, tickets, stubs, or documents, of
22 carriers which may after a reasonable time be destroyed, and

23 prescribing the length of time such books, papers, or
24 documents shall be preserved.

 643.250. 1. Any authorized representative of the
2 department may enter at all reasonable times, in or upon
3 public or private property for purposes required under
4 sections 643.225 to 643.250. In addition to any other
5 remedy provided by law, refusal to allow such entry shall be
6 grounds for revocation of registration or injunctive relief.

7 2. Any person who knowingly violates sections 643.225
8 to 643.250, or any rule promulgated thereunder, shall, upon
9 conviction, be punished by a fine of not less than [twenty-
10 five] **two thousand five** hundred dollars nor more than twenty-
11 five thousand dollars per day of violation, or by
12 imprisonment for **a term** not more than one year, or both.
13 Second and successive convictions of any person shall be
14 **guilty of a class E felony and be** punished by a fine of not
15 more than fifty thousand dollars per day of violation, or by
16 imprisonment for not more than [two] **four** years, or both.

17 3. Any person who violates any provision of sections
18 643.225 to 643.250 may, in addition to any other penalty
19 provided by law, incur a civil penalty in an amount not to
20 exceed ten thousand dollars for each day of violation. The
21 civil penalty shall be in an amount to constitute an actual
22 and substantial economic deterrent to the violation for
23 which the civil penalty is assessed.

24 4. Notwithstanding the existence or pursuit of any
25 other remedy provided by sections 643.225 to 643.250, the
26 commission may maintain, in the manner provided by chapter
27 536, an action in the name of the state of Missouri for
28 injunction or other process against any person to restrain
29 or prevent any violation of the provisions of sections
30 643.225 to 643.250.

644.076. 1. It is unlawful for any person to cause or
2 permit any discharge of water contaminants from any water
3 contaminant or point source located in Missouri in violation
4 of sections 644.006 to 644.141, or any standard, rule, or
5 regulation promulgated by the commission. In the event the
6 commission or the director determines that any provision of
7 sections 644.006 to 644.141 or standard, rules, limitations,
8 or regulations promulgated pursuant thereto, or permits
9 issued by, or any final abatement order, other order, or
10 determination made by the commission or the director, or any
11 filing requirement pursuant to sections 644.006 to 644.141
12 or any other provision which this state is required to
13 enforce pursuant to any federal water pollution control act,
14 is being, was, or is in imminent danger of being violated,
15 the commission or director may cause to have instituted a
16 civil action in any court of competent jurisdiction for the
17 injunctive relief to prevent any such violation or further
18 violation or for the assessment of a penalty not to exceed
19 ten thousand dollars per day for each day, or part thereof,
20 the violation occurred and continues to occur, or both, as
21 the court deems proper. A civil monetary penalty pursuant
22 to this section shall not be assessed for a violation where
23 an administrative penalty was assessed pursuant to section
24 644.079. The commission, the chair of a watershed
25 district's board of trustees created under section 249.1150,
26 or the director may request either the attorney general or a
27 prosecuting attorney to bring any action authorized in this
28 section in the name of the people of the state of Missouri.
29 Suit may be brought in any county where the defendant's
30 principal place of business is located or where the water
31 contaminant or point source is located or was located at the
32 time the violation occurred. Any offer of settlement to

33 resolve a civil penalty pursuant to this section shall be in
34 writing, shall state that an action for imposition of a
35 civil penalty may be initiated by the attorney general or a
36 prosecuting attorney representing the department pursuant to
37 this section, and shall identify any dollar amount as an
38 offer of settlement which shall be negotiated in good faith
39 through conference, conciliation, and persuasion.

40 2. Any person who knowingly makes any false statement,
41 representation, or certification in any application, record,
42 report, plan, or other document filed or required to be
43 maintained pursuant to sections 644.006 to 644.141 or who
44 falsifies, tampers with, or knowingly renders inaccurate any
45 monitoring device or method required to be maintained
46 pursuant to sections 644.006 to 644.141 shall, upon
47 conviction, be **guilty of a class E felony and** punished by a
48 fine of not more than ten thousand dollars, or by
49 imprisonment for not more than **[six months] four years**, or
50 by both.

51 3. Any person who willfully or negligently commits any
52 violation set forth pursuant to subsection 1 of this section
53 shall, upon conviction, be punished by a fine of not less
54 than two thousand five hundred dollars nor more than twenty-
55 five thousand dollars per day of violation, or by
56 imprisonment for not more than one year, or both. Second
57 and successive convictions for violation of the same
58 provision of this section by any person shall be punished by
59 a fine of not more than fifty thousand dollars per day of
60 violation, or by imprisonment for not more than two years,
61 or both.

62 4. The liabilities which shall be imposed pursuant to
63 any provision of sections 644.006 to 644.141 upon persons
64 violating the provisions of sections 644.006 to 644.141 or

65 any standard, rule, limitation, or regulation adopted
66 pursuant thereto shall not be imposed due to any violation
67 caused by an act of God, war, strike, riot, or other
68 catastrophe.

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