

SECOND REGULAR SESSION

HOUSE BILL NO. 3155

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COOK.

6976H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 217.305, 217.362, 217.655, 217.690, 217.760, 556.061, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.060, 566.067, 566.125, 566.151, 566.203, 566.210, 568.060, 570.030, 571.015, 571.030, 573.025, 575.151, and 589.425, RSMo, and to enact in lieu thereof twenty-eight 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 217.305, 217.362, 217.655, 217.690, 217.760, 556.061, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.060, 566.067, 566.125, 566.151, 566.203, 566.210, 568.060, 570.030, 571.015, 571.030, 573.025, 575.151, and 589.425, RSMo, are repealed and twenty-eight new sections enacted in lieu thereof, to be known as sections 217.305, 217.362, 217.655, 217.690, 217.760, 556.061, 557.011, 557.021, 558.011, 558.019, 558.026, 558.031, 558.046, 559.115, 566.030, 566.060, 566.067, 566.125, 566.151, 566.203, 566.210, 568.060, 570.030, 571.015, 571.030, 573.025, 575.151, and 589.425, to read as follows:

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

6 2. Appropriate information relating to the offender shall be provided to the 7 department in a written or electronic format, at or before the time the offender is delivered to 8 the department, including, but not limited to:

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

9 (1) A certified copy of the sentence from the clerk of the sentencing court on the
10 standardized form developed by the office of state courts administrator. Such form shall
11 include specifics on any status violated, court-ordered probation not supervised by the
12 department, the offense cycle number [~~and~~], any court-ordered restitution owed to the victim,
13 **and sentencing calculation, including jail time credit supplemented by a certificate of a**
14 **sheriff or other custodial officer from another jurisdiction having held the person on the**
15 **charge of the offense for which the sentence of imprisonment is ordered pursuant to the**
16 **provisions of section 558.031;**

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

25 (3) Information provided by the sheriff or other officer charged with the delivery of
26 persons committed to the department regarding the offender's physical and mental health
27 while in jail. All records on medication, care, and treatment provided to the offender while in
28 jail shall be provided to the department prior to or upon delivery of the offender. If the
29 offender has had no physical or mental health care or medications while in jail, the sheriff or
30 other officer shall certify that no physical or mental health care or medication records are
31 available. The sheriff shall provide certification of all applicable jail-time credit.

32 3. The department may refuse to accept any offender who is delivered for
33 confinement without all required information.

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

5 2. Prior to sentencing, any judge considering an offender for this program shall notify
6 the department. The potential candidate for the program shall be screened by the department
7 to determine eligibility. The department shall, by regulation, establish eligibility criteria and
8 inform the court of such criteria. The department shall notify the court as to the offender's
9 eligibility and the availability of space in the program. Notwithstanding any other provision
10 of law to the contrary, except as provided for in section 558.019, if an offender is eligible and
11 there is adequate space, the court may sentence a person to the program which shall consist of
12 institutional drug or alcohol treatment for a period of at least twelve and no more than twenty-

13 four months, as well as a term of incarceration. The department shall determine the nature,
14 intensity, duration, and completion criteria of the education, treatment, and aftercare portions
15 of any program services provided. Execution of the offender's term of incarceration shall be
16 suspended pending completion of said program. Allocation of space in the program may be
17 distributed by the department in proportion to drug arrest patterns in the state. If the court is
18 advised that an offender is not eligible or that there is no space available, the court shall
19 consider other authorized dispositions.

20 3. Upon successful completion of the program, the division of probation and parole
21 shall advise the sentencing court of an offender's probationary release date thirty days prior to
22 release. If the court determines that probation is not appropriate the court may order the
23 execution of the offender's sentence.

24 4. If it is determined by the department that the offender has not successfully
25 completed the program, or that the offender is not cooperatively participating in the program,
26 the offender shall be removed from the program and the court shall be advised. Failure of an
27 offender to complete the program shall cause the offender to serve the sentence prescribed by
28 the court and void the right to be considered for probation on this sentence.

29 ~~[5. An offender's first incarceration in a department of corrections program pursuant
30 to this section prior to release on probation shall not be considered a previous prison
31 commitment for the purpose of determining a minimum prison term pursuant to the
32 provisions of section 558.019.]~~

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

10 2. The parole board shall adopt parole guidelines to:
11 (1) Preserve finite prison capacity for the most serious and violent offenders;
12 (2) Release supervision-manageable cases consistent with section 217.690;
13 (3) Use finite resources guided by validated risk and needs assessments;
14 (4) Support a seamless reentry process;
15 (5) Set appropriate conditions of supervision; and
16 (6) Develop effective strategies for responding to violation behaviors.

17 3. The parole board shall collect, analyze, and apply data in carrying out its
18 responsibilities to achieve its mission and end goals. The parole board shall establish agency
19 performance and outcome measures that are directly responsive to statutory responsibilities
20 and consistent with agency goals for release decisions, supervision, revocation, recidivism,
21 and caseloads.

22 4. The parole board shall publish parole data, including grant rates, revocation and
23 recidivism rates, length of time served, and successful supervision completions, and other
24 performance metrics.

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

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

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

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

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

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

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

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

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

46 7. The provisions of subsection 6 of this section shall not apply to an offender found
47 guilty of capital murder, murder in the first degree or murder in the second degree, when
48 murder in the second degree is committed pursuant to subdivision (1) of subsection 1 of
49 section 565.021, who was under eighteen years of age when the offender committed the
50 offense or offenses who may be found ineligible for parole or whose parole eligibility may be
51 controlled by section 558.047 or 565.033.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 2. The report of the presentence investigation or preparole investigation shall contain
13 any prior criminal record of the defendant and such information about his or her
14 characteristics, his or her financial condition, his or her social history, the circumstances
15 affecting his or her behavior as may be helpful in imposing sentence or in granting probation
16 or in the correctional treatment of the defendant, information concerning the impact of the
17 crime upon the victim, the recommended sentence established by the sentencing advisory
18 commission and available alternatives to incarceration including opportunities for restorative
19 justice, as well as a recommendation by the probation and parole officer. The officer shall
20 secure such other information as may be required by the court and, whenever it is practicable
21 and needed, such investigation shall include a physical and mental examination of the
22 defendant.

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

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

6 (2) "Affirmative defense":

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

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

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

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

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

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

21 (5) "Computer", the box that houses the central processing unit (CPU), along with
22 any internal storage devices, such as internal hard drives, and internal communication
23 devices, such as internal modems capable of sending or receiving electronic mail or fax cards,
24 along with any other hardware stored or housed internally. Thus, computer refers to
25 hardware, software and data contained in the main unit. Printers, external modems attached
26 by cable to the main unit, monitors, and other external attachments will be referred to
27 collectively as peripherals and discussed individually when appropriate. When the computer
28 and all peripherals are referred to as a package, the term "computer system" is used.
29 Information refers to all the information on a computer system including both software
30 applications and data;

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

33 (7) "Computer hardware", all equipment which can collect, analyze, create, display,
34 convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses
35 or data. Hardware includes, but is not limited to, any data processing devices, such as central
36 processing units, memory typewriters and self-contained laptop or notebook computers;
37 internal and peripheral storage devices, transistor-like binary devices and other memory
38 storage devices, such as floppy disks, removable disks, compact disks, digital video disks,
39 magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two
40 or more computers connected together to a central computer server via cable or modem;
41 peripheral input or output devices, such as keyboards, printers, scanners, plotters, video
42 display monitors and optical readers; and related communication devices, such as modems,
43 cables and connections, recording equipment, RAM or ROM units, acoustic couplers,

44 automatic dialers, speed dialers, programmable telephone dialing or signaling devices and
45 electronic tone-generating devices; as well as any devices, mechanisms or parts that can be
46 used to restrict access to computer hardware, such as physical keys and locks;

47 (8) "Computer network", two or more interconnected computers or computer
48 systems;

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

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

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

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

61 (13) "Confinement":

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

64 a. A court orders the person's release; or
65 b. The person is released on bail, bond, or recognizance, personal or otherwise; or
66 c. A public servant having the legal power and duty to confine the person authorizes
67 his release without guard and without condition that he return to confinement;

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

69 a. The person is on probation or parole, temporary or otherwise; or
70 b. The person is under sentence to serve a term of confinement which is not
71 continuous, or is serving a sentence under a work-release program, and in either such case is
72 not being held in a place of confinement or is not being held under guard by a person having
73 the legal power and duty to transport the person to or from a place of confinement;

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

76 (a) It is given by a person who lacks the mental capacity to authorize the conduct
77 charged to constitute the offense and such mental incapacity is manifest or known to the
78 actor; or

79 (b) It is given by a person who by reason of youth, mental disease or defect,
80 intoxication, a drug-induced state, or any other reason is manifestly unable or known by the

81 actor to be unable to make a reasonable judgment as to the nature or harmfulness of the
82 conduct charged to constitute the offense; or

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

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

86 (16) "Criminal negligence", failure to be aware of a substantial and unjustifiable risk
87 that circumstances exist or a result will follow, and such failure constitutes a gross deviation
88 from the standard of care which a reasonable person would exercise in the situation;

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

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

93 (19) "Dangerous felony", the felonies of arson in the first degree, assault in the first
94 degree, attempted rape in the first degree if physical injury results, attempted forcible rape if
95 physical injury results, attempted sodomy in the first degree if physical injury results,
96 attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape,
97 sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such
98 assault is a special victim as defined in subdivision (14) of section 565.002, kidnapping in the
99 first degree, kidnapping, murder in the second degree, assault of a law enforcement officer in
100 the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in
101 the first degree, armed criminal action, conspiracy to commit an offense when the offense is a
102 dangerous felony, vehicle hijacking when punished as a class A felony, statutory rape in the
103 first degree ~~[when the victim is a child less than twelve years of age at the time of the
104 commission of the act giving rise to the offense]~~, statutory sodomy in the first degree ~~[when
105 the victim is a child less than twelve years of age at the time of the commission of the act
106 giving rise to the offense]~~, child molestation in the first or second degree, abuse of a child if
107 the child dies as a result of injuries sustained from conduct chargeable under section 568.060,
108 child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts
109 of the child for not less than one hundred twenty days under section 565.153, bus hijacking
110 when punished as a class A felony, planting a bomb or explosive in or near a bus or terminal,
111 ~~[and]~~ an "intoxication-related traffic offense" or "intoxication-related boating offense" if the
112 person is found to be a "habitual offender" or "habitual boating offender" as such terms are
113 defined in section 577.001, **abuse through forced labor when punished under subsection 4**
114 **of section 566.203, trafficking for the purposes of slavery, involuntary servitude,**
115 **peonage, or forced labor or attempted trafficking for the purposes of slavery,**
116 **involuntary servitude, peonage, or forced labor when punished under subsection 4 of**
117 **section 566.206, trafficking for the purposes of sexual exploitation or attempted**

118 **trafficking for the purposes of sexual exploitation when the offense was effected by**
119 **force, abduction, or coercion, sexual trafficking of a child in the first degree, sexual**
120 **trafficking of a child in the second degree, and the failure to register as a sex offender as**
121 **a third offense;**

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

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

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

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

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

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

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

142 (27) "Forcible compulsion" either:

143 (a) Physical force that overcomes reasonable resistance; or

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

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

149 (29) "Infraction", a violation defined by this code or by any other statute of this state
150 if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil
151 penalty, is authorized upon conviction;

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

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

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

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

157

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

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

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

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

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

170 (33) "Misdemeanor", an offense so designated or an offense for which persons found
171 guilty thereof may be sentenced to imprisonment for a term of which the maximum is one
172 year or less;

173 (34) "Of another", property that any entity, including but not limited to any natural
174 person, corporation, limited liability company, partnership, association, governmental
175 subdivision or instrumentality, other than the actor, has a possessory or proprietary interest
176 therein, except that property shall not be deemed property of another who has only a security
177 interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or
178 other security arrangement;

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

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

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

185 (38) "Possess" or "possessed", having actual or constructive possession of an object
186 with knowledge of its presence. A person has actual possession if such person has the object
187 on his or her person or within easy reach and convenient control. A person has constructive
188 possession if such person has the power and the intention at a given time to exercise dominion
189 or control over the object either directly or through another person or persons. Possession

190 may also be sole or joint. If one person alone has possession of an object, possession is sole.
191 If two or more persons share possession of an object, possession is joint;

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

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

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

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

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

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

212 (45) "Services", when used in relation to a computer system or network, means use of
213 a computer, computer system, or computer network and includes, but is not limited to,
214 computer time, data processing, and storage or retrieval functions;

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

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

220 (48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or not
221 such motor or machinery is a principal source of propulsion used or capable of being used as
222 a means of transportation on water, or any boat or craft more than twelve feet in length which
223 is powered by sail alone or by a combination of sail and machinery, and used or capable of
224 being used as a means of transportation on water, but not any boat or craft having, as the only
225 means of propulsion, a paddle or oars;

226 (49) "Voluntary act":

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

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

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

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

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

- 10 (1) Sentence the person to a term of imprisonment as authorized by chapter 558;
- 11 (2) Sentence the person to pay a fine as authorized by chapter 560;
- 12 (3) Suspend the imposition of sentence, with or without placing the person on
13 probation;
- 14 (4) Pronounce sentence and suspend its execution, placing the person on probation;
- 15 (5) Impose a period of detention as a condition of probation, as authorized by section
16 559.026.

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

- 20 (1) Sentence the person to pay a fine as authorized by chapter 560;
- 21 (2) Suspend the imposition of sentence, with or without placing the person on
22 probation;
- 23 (3) Pronounce sentence and suspend its execution, placing the person on probation.

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

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

28 (2) Suspend the imposition of sentence, with or without placing the organization on

29 probation;

30 (3) Pronounce sentence and suspend its execution, placing the organization on

31 probation;

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

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

37 6. In the event a sentence of confinement is ordered executed, a court may order that
38 an individual serve all or any portion of such sentence on electronic monitoring; except that
39 all costs associated with the electronic monitoring shall be charged to the person on house
40 arrest. If the judge finds the person unable to afford the costs associated with electronic
41 monitoring, the judge may order that the person be placed on house arrest with electronic
42 monitoring if the county commission agrees to pay the costs of such monitoring. If the person
43 on house arrest is unable to afford the costs associated with electronic monitoring and the
44 county commission does not agree to pay from the general revenue of the county the costs of
45 such electronic monitoring, the judge shall not order that the person be placed on house arrest
46 with electronic monitoring.

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

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

6 3. For the purpose of applying the extended term provisions of section 558.016 and
7 the minimum prison term provisions of section ~~558.019~~ **558.011** and for determining the
8 penalty for attempts, offenses defined outside of this code shall be classified as follows:

9 (1) If the offense is a felony:

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

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

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

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

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

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

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

33 **4. In cases of class D and E felonies, the court shall have discretion to imprison for a**
34 **special term not to exceed one year in the county jail or other authorized penal institution, and**
35 **the place of confinement shall be fixed by the court. If the court imposes a sentence of**
36 **imprisonment for a term longer than one year upon a person convicted of a class D or E**
37 **felony, it shall commit the person to the custody of the department of corrections.**

38 **[3.] 5. (1) When a regular sentence of imprisonment for a felony is imposed, the**
39 **court shall commit the person to the custody of the department of corrections for the term**
40 **imposed under section 557.036, or until released under procedures established elsewhere by**
41 **law.**

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

45 **[4. (1) Except as otherwise provided, a sentence of imprisonment for a term of years**
46 **for felonies other than dangerous felonies as defined in section 556.061, and other than**
47 **sentences of imprisonment which involve the individual's fourth or subsequent remand to the**
48 **department of corrections shall consist of a prison term and a conditional release term. The**
49 **conditional release term of any term imposed under section 557.036 shall be:**

50 **(a) One third for terms of nine years or less;**
51 **(b) Three years for terms between nine and fifteen years;**
52 **(c) Five years for terms more than fifteen years; and the prison term shall be the**
53 **remainder of such term. The prison term may be extended by the parole board pursuant to**
54 **subsection 5 of this section.**

55 **(2) "Conditional release" means the conditional discharge of an offender by the parole**
56 **board, subject to conditions of release that the parole board deems reasonable to assist the**
57 **offender to lead a law abiding life, and subject to the supervision under the division of**
58 **probation and parole. The conditions of release shall include avoidance by the offender of**
59 **any other offense, federal or state, and other conditions that the parole board in its discretion**
60 **deems reasonably necessary to assist the releasee in avoiding further violation of the law.**

61 **5. The date of conditional release from the prison term may be extended up to a**
62 **maximum of the entire sentence of imprisonment by the parole board. The director of any**

63 ~~division of the department of corrections except the division of probation and parole may file~~
64 ~~with the parole board a petition to extend the conditional release date when an offender fails~~
65 ~~to follow the rules and regulations of the division or commits an act in violation of such rules.~~
66 ~~Within ten working days of receipt of the petition to extend the conditional release date, the~~
67 ~~parole board shall convene a hearing on the petition. The offender shall be present and may~~
68 ~~call witnesses in his or her behalf and cross examine witnesses appearing against the offender.~~
69 ~~The hearing shall be conducted as provided in section 217.670. If the violation occurs in~~
70 ~~close proximity to the conditional release date, the conditional release may be held for a~~
71 ~~maximum of fifteen working days to permit necessary time for the division director to file a~~
72 ~~petition for an extension with the parole board and for the parole board to conduct a hearing,~~
73 ~~provided some affirmative manifestation of an intent to extend the conditional release has~~
74 ~~occurred prior to the conditional release date. If at the end of a fifteen working day period a~~
75 ~~parole board decision has not been reached, the offender shall be released conditionally. The~~
76 ~~decision of the parole board shall be final.]~~

77 **6. This section shall not be construed to affect the powers of the governor under**
78 **Section 7 of Article IV of the Constitution of Missouri. This section shall not affect those**
79 **provisions of section 565.020 or 566.125, which set minimum terms of sentences, or the**
80 **provisions of section 559.115 relating to probation.**

81 **7. Notwithstanding any other provision of law to the contrary, any offender who**
82 **has been found guilty of a dangerous felony and is committed to the department of**
83 **corrections shall be required to serve a minimum prison term of eighty-five percent of**
84 **the sentence imposed by the sentencing court.**

85 **8. For the purpose of determining the minimum prison term to be served, the**
86 **following calculations shall apply:**

87 **(1) A sentence of life shall be calculated to be thirty years;**
88 **(2) Any sentence either alone or in the aggregate with other consecutive**
89 **sentences for offenses committed at or near the same time that is over seventy-five years**
90 **shall be calculated to be seventy-five years.**

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

94 **558.019. 1. [This section shall not be construed to affect the powers of the governor**
95 **under Article IV, Section 7, of the Missouri Constitution. This statute shall not affect those**
96 **provisions of section 565.020 or section 566.125, which set minimum terms of sentences, or**
97 **the provisions of section 559.115, relating to probation.**

98 **2. The provisions of subsections 2 to 5 of this section shall only be applicable to the**
99 **offenses contained in sections 565.021, 565.023, 565.024, 565.027, 565.050, 565.052,**

7 ~~565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156,~~
8 ~~565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064,~~
9 ~~566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111,~~
10 ~~566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215,~~
11 ~~568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030~~
12 ~~when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony,~~
13 ~~570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023,~~
14 ~~573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150,~~
15 ~~575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230~~
16 ~~when punished as a class B felony, 575.240 when punished as a class B felony, 576.070,~~
17 ~~576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, and 579.068 when punished~~
18 ~~as a class A or B felony. For the purposes of this section, "prison commitment" means and is~~
19 ~~the receipt by the department of corrections of an offender after sentencing. For purposes of~~
20 ~~this section, prior prison commitments to the department of corrections shall not include an~~
21 ~~offender's first incarceration prior to release on probation under section 217.362 or 559.115.~~
22 ~~Other provisions of the law to the contrary notwithstanding, any offender who has been found~~
23 ~~guilty of a felony other than a dangerous felony as defined in section 556.061 and is~~
24 ~~committed to the department of corrections shall be required to serve the following minimum~~
25 ~~prison terms:~~

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

30 (2) ~~If the offender has two previous prison commitments to the department of~~
31 ~~corrections for felonies unrelated to the present offense, the minimum prison term which the~~
32 ~~offender must serve shall be fifty percent of his or her sentence or until the offender attains~~
33 ~~seventy years of age, and has served at least forty percent of the sentence imposed, whichever~~
34 ~~occurs first;~~

35 (3) ~~If the offender has three or more previous prison commitments to the department~~
36 ~~of corrections for felonies unrelated to the present offense, the minimum prison term which~~
37 ~~the offender must serve shall be eighty percent of his or her sentence or until the offender~~
38 ~~attains seventy years of age, and has served at least forty percent of the sentence imposed,~~
39 ~~whichever occurs first.~~

40 3. ~~Other provisions of the law to the contrary notwithstanding, any offender who has~~
41 ~~been found guilty of a dangerous felony as defined in section 556.061 and is committed to the~~
42 ~~department of corrections shall be required to serve a minimum prison term of eighty-five~~

43 ~~percent of the sentence imposed by the court or until the offender attains seventy years of age, and has served at least forty percent of the sentence imposed, whichever occurs first.~~

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

47 (1) A sentence of life shall be calculated to be thirty years;
48 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
49 offenses committed at or near the same time which is over seventy five years shall be
50 calculated to be seventy five years.

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

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

59 7.] (1) A sentencing advisory commission is hereby created to consist of eleven
60 members. One member shall be appointed by the speaker of the house. One member shall be
61 appointed by the president pro tem of the senate. One member shall be the director of the
62 department of corrections. Six members shall be appointed by and serve at the pleasure of the
63 governor from among the following: the public defender commission; private citizens; a
64 private member of the Missouri Bar; the board of probation and parole; and a prosecutor.
65 Two members shall be appointed by the supreme court, one from a metropolitan area and one
66 from a rural area. All members shall be appointed to a four-year term. All members of the
67 sentencing commission appointed prior to August 28, 1994, shall continue to serve on the
68 sentencing advisory commission at the pleasure of the governor.

69 (2) The commission shall study sentencing practices in the circuit courts throughout
70 the state for the purpose of determining whether and to what extent disparities exist among
71 the various circuit courts with respect to the length of sentences imposed and the use of
72 probation for offenders convicted of the same or similar offenses and with similar criminal
73 histories. The commission shall also study and examine whether and to what extent
74 sentencing disparity among economic and social classes exists in relation to the sentence of
75 death and if so, the reasons therefor, if sentences are comparable to other states, if the length
76 of the sentence is appropriate, and the rate of rehabilitation based on sentence. It shall
77 compile statistics, examine cases, draw conclusions, and perform other duties relevant to the
78 research and investigation of disparities in death penalty sentencing among economic and
79 social classes.

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

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

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

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

[§.] 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:

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

102 (2) Offender treatment programs;

103 (3) Mandatory community service;

104 (4) Work release programs in local facilities; and

105 (5) Community-based residential and nonresidential programs.

[10.] 4. Pursuant to subdivision (1) of subsection [9] 3 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.

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

116 [12.] 6. A person who fails to make a payment to a county law enforcement
117 restitution fund may not have his or her probation revoked solely for failing to make such
118 payment unless the judge, after evidentiary hearing, makes a finding supported by a
119 preponderance of the evidence that the person either willfully refused to make the payment or
120 that the person willfully, intentionally, and purposefully failed to make sufficient bona fide
121 efforts to acquire the resources to pay.

122 [13.] 7. Nothing in this section shall be construed to allow the sentencing advisory
123 commission to issue recommended sentences in specific cases pending in the courts of this
124 state.

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

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

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

13 2. If a person who is on probation[;] or parole [~~or conditional release~~] is sentenced to
14 a term of imprisonment for an offense committed after the granting of probation or parole [~~or~~
15 ~~after the start of his or her conditional release term~~], the court shall direct the manner in which
16 the sentence or sentences imposed by the court shall run with respect to any resulting
17 probation[;] or parole [~~or conditional release~~] revocation term or terms. If the subsequent
18 sentence to imprisonment is in another jurisdiction, the court shall specify how any resulting
19 probation[;] or parole [~~or conditional release~~] revocation term or terms shall run with respect
20 to the foreign sentence of imprisonment.

21 3. A court may cause any sentence it imposes to run concurrently with a sentence an
22 individual is serving or is to serve in another state or in a federal correctional center. If the
23 Missouri sentence is served in another state or in a federal correctional center, [~~subsection 4~~
24 ~~of section 558.011 and~~] section 217.690 shall apply as if the individual were serving his or her
25 sentence within the department of corrections of the state of Missouri, except that a personal
26 hearing before the parole board shall not be required for parole consideration.

27 4. When consecutive sentences are imposed by a court, the sentencing equation
28 shall be calculated using the imposed term of years with respect to the minimum

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

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

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

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

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

4 2. [Such] The court shall when pronouncing sentence, executing a suspended
5 sentence, or suspending the imposition of a sentence record, as part of the judgment, the
6 number of days the person [shall receive credit toward the service of a sentence of
7 imprisonment for all time] was in prison, jail, or custody, that was related to the offense,
8 after the offense occurred and before the [commencement] pronouncement of the sentence[;
9 when the time in custody was related to that offense] or suspension of imposition of the
10 sentence, and award credit towards the service of a sentence of imprisonment for that
11 number of days. [This] The jail time credit calculation shall be [based upon the
12 certification of the sheriff as provided in subdivision (3) of subsection 2 of section 217.305
13 and may be supplemented by a certificate of a sheriff or other custodial officer from another
14 jurisdiction having held the person on the charge of the offense for which the sentence of
15 imprisonment is ordered] pronounced at the time of the judgment, the execution of a
16 suspended sentence, or the suspension of imposition of sentence, shall be included in the
17 record, and shall include both the dates the person was in custody and the number of
18 days to be credited toward the service of the sentence.

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

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

33 **5. Upon motion and notice by defendant or defense counsel, for any such person**
34 **who was held in a juvenile detention facility for an offense for which such person was**
35 **subsequently adjudicated to stand trial as an adult, the court may also award credit**
36 **toward the service of a sentence of imprisonment for any time such person was confined**
37 **in a juvenile detention facility.**

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

42 **7. The officer required by law to deliver a person convicted of an offense in this state**
43 **to the department of corrections shall endorse upon the papers required by section 217.305**
44 **both the dates the offender was in custody and the period of time to be credited toward the**
45 **service of the sentence of imprisonment, [except as endorsed by such officer] included in the**
46 **judgment or suspended imposition of sentence and such additional days after the**
47 **pronouncement of sentence and before the delivery of the person to the department of**
48 **corrections.**

49 **[4.] 8. If a person convicted of an offense escapes from custody, such escape shall**
50 **interrupt the sentence. The interruption shall continue until such person is returned to the**
51 **correctional center where the sentence was being served, or in the case of a person committed**
52 **to the custody of the department of corrections, to any correctional center operated by the**
53 **department of corrections. An escape shall also interrupt the jail time credit to be applied to a**
54 **sentence which had not commenced when the escape occurred.**

55 **[5:] 9. If a sentence of imprisonment is vacated and a new sentence imposed upon the**
56 **offender for that offense, all time served under the vacated sentence shall be credited against**
57 **the new sentence, unless the time has already been credited to another sentence as provided in**
58 **subsection 1 of this section.**

59 **[6:] 10. If a person released from imprisonment on parole or serving a conditional**
60 **release term violates any of the conditions of his or her parole or release, he or she may be**
61 **treated as a parole violator. If the parole board revokes the parole or conditional release, the**
62 **paroled person shall serve the remainder of the prison term and conditional release term, as an**

63 additional prison term, and the conditionally released person shall serve the remainder of the
64 conditional release term as a prison term, unless released on parole.

65 [7.] 11. Subsection 2 of this section shall be applicable to offenses for which the
66 offender was sentenced on or after August 28, [2023] 2026.

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

70 12. The court shall retain jurisdiction to rule on any motion challenging the
71 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
2 probation pronounced by the court or a term of conditional release or parole pronounced by
3 the parole board if the court determines that:

4 (1) The convicted person was:

5 (a) Convicted of an offense that did not involve violence or the threat of violence; and
6 (b) Convicted of an offense that involved alcohol or illegal drugs; and

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

9 (3) The convicted person is not:

10 (a) A prior offender, a persistent offender, a dangerous offender or a persistent
11 misdemeanor offender as defined by section 558.016; or

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

13 (c) ~~A prior offender, a persistent offender or a class X offender as defined in section~~
14 ~~558.019.~~

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

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

12 3. The court may recommend placement of an offender in a department of corrections
13 one hundred twenty-day program under this subsection. The department of corrections shall
14 assess each offender to determine the appropriate one hundred twenty-day program in which

15 to place the offender, which may include placement in the structured cognitive behavioral
16 intervention program or institutional treatment program. The placement of an offender in the
17 structured cognitive behavioral intervention program or institutional treatment program shall
18 be at the sole discretion of the department based on the assessment of the offender and
19 available bed space. When the court recommends and receives placement of an offender in a
20 department of corrections one hundred twenty-day program, the offender shall be released on
21 probation if the department of corrections determines that the offender has successfully
22 completed the program except as follows. Upon successful completion of a program under
23 this subsection, the division of probation and parole shall advise the sentencing court of an
24 offender's probationary release date thirty days prior to release. The court shall follow the
25 recommendation of the department unless the court determines that probation is not
26 appropriate. If the court determines that probation is not appropriate, the court may order the
27 execution of the offender's sentence only after conducting a hearing on the matter within
28 ninety to one hundred twenty days from the date the offender was delivered to the department
29 of corrections. If the department determines the offender has not successfully completed a
30 one hundred twenty-day program under this subsection, the division of probation and parole
31 shall advise the prosecuting attorney and the sentencing court of the defendant's unsuccessful
32 program exit and the defendant shall be removed from the program. The department shall
33 report on the offender's participation in the program and may provide recommendations for
34 terms and conditions of an offender's probation. The court shall then have the power to grant
35 probation or order the execution of the offender's sentence.

36 4. If the court is advised that an offender is not eligible for placement in a one
37 hundred twenty-day program under subsection 3 of this section, the court shall consider other
38 authorized dispositions. If the department of corrections one hundred twenty-day program
39 under subsection 3 of this section is full, the court may place the offender in a private program
40 approved by the department of corrections or the court, the expenses of such program to be
41 paid by the offender, or in an available program offered by another organization. If the
42 offender is convicted of a class C, class D, or class E nonviolent felony, the court may order
43 probation while awaiting appointment to treatment.

44 5. Except when the offender has been found to be a predatory sexual offender
45 pursuant to section 566.125, the court shall request the department of corrections to conduct a
46 sexual offender assessment if the defendant has been found guilty of sexual abuse when
47 classified as a class B felony. Upon completion of the assessment, the department shall
48 provide to the court a report on the offender and may provide recommendations for terms and
49 conditions of an offender's probation. The assessment shall not be considered a one hundred
50 twenty-day program as provided under subsection 3 of this section. The process for granting

51 probation to an offender who has completed the assessment shall be as provided under
52 subsections 2 and 6 of this section.

53 6. Unless the offender is being granted probation pursuant to successful completion of
54 a one hundred twenty-day program the circuit court shall notify the state in writing when the
55 court intends to grant probation to the offender pursuant to the provisions of this section. The
56 state may, in writing, request a hearing within ten days of receipt of the court's notification
57 that the court intends to grant probation. Upon the state's request for a hearing, the court shall
58 grant a hearing as soon as reasonably possible. If the state does not respond to the court's
59 notice in writing within ten days, the court may proceed upon its own motion to grant
60 probation.

61 7. ~~An offender's first incarceration under this section prior to release on probation
62 shall not be considered a previous prison commitment for the purpose of determining a
63 minimum prison term under the provisions of section 558.019.~~

64 8.] Notwithstanding any other provision of law, probation may not be granted
65 pursuant to this section to offenders who have been convicted of murder in the second degree
66 pursuant to section 565.021; forcible rape pursuant to section 566.030 as it existed prior to
67 August 28, 2013; rape in the first degree under section 566.030; forcible sodomy pursuant to
68 section 566.060 as it existed prior to August 28, 2013; sodomy in the first degree under
69 section 566.060; statutory rape in the first degree pursuant to section 566.032; statutory
70 sodomy in the first degree pursuant to section 566.062; child molestation in the first degree
71 pursuant to section 566.067 when classified as a class A felony; abuse of a child pursuant to
72 section 568.060 when classified as a class A felony; or an offender who has been found to be
73 a predatory sexual offender pursuant to section 566.125; any offense under section 557.045;
74 or any offense in which there exists a statutory prohibition against either probation or parole.

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

7 2. The offense of rape in the first degree or an attempt to commit rape in the first
8 degree is a felony for which the authorized term of imprisonment is life imprisonment or a
9 term of years not less than five years, unless:

10 (1) The offense is an aggravated sexual offense, in which case the authorized term of
11 imprisonment is life imprisonment or a term of years not less than fifteen years;

12 (2) The person is a persistent or predatory sexual offender as defined in section
13 566.125 and subjected to an extended term of imprisonment under said section;

14 (3) The victim is a child less than twelve years of age, in which case the required term
15 of imprisonment is life imprisonment without eligibility for probation or parole until the
16 offender has served not less than thirty years of such sentence or unless the offender has
17 reached the age of seventy-five years and has served at least fifteen years of such sentence,
18 unless such rape in the first degree is described under subdivision (4) of this subsection; or

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

24 3. Subsection [4] **8** of section ~~[558.019]~~ **558.011** shall not apply to the sentence of a
25 person who has been found guilty of rape in the first degree or attempt to commit rape in the
26 first degree when the victim is less than twelve years of age, and "life imprisonment" shall
27 mean imprisonment for the duration of a person's natural life for the purposes of this section.

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

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

7 2. The offense of sodomy in the first degree or an attempt to commit sodomy in the
8 first degree is a felony for which the authorized term of imprisonment is life imprisonment or
9 a term of years not less than five years, unless:

10 (1) The offense is an aggravated sexual offense, in which case the authorized term of
11 imprisonment is life imprisonment or a term of years not less than ten years;

12 (2) The person is a persistent or predatory sexual offender as defined in section
13 566.125 and subjected to an extended term of imprisonment under said section;

14 (3) The victim is a child less than twelve years of age, in which case the required term
15 of imprisonment is life imprisonment without eligibility for probation or parole until the
16 offender has served not less than thirty years of such sentence or unless the offender has
17 reached the age of seventy-five years and has served at least fifteen years of such sentence,
18 unless such sodomy in the first degree is described under subdivision (4) of this subsection; or

19 (4) The victim is a child less than twelve years of age and such sodomy in the first
20 degree or attempt to commit sodomy in the first degree was outrageously or wantonly vile,

21 horrible or inhumane, in that it involved torture or depravity of mind, in which case the
22 required term of imprisonment is life imprisonment without eligibility for probation[;] or
23 parole [~~or conditional release~~].

24 3. Subsection [4] **8** of section [558.019] **558.011** shall not apply to the sentence of a
25 person who has been found guilty of sodomy in the first degree or an attempt to commit
26 sodomy in the first degree when the victim is less than twelve years of age, and "life
27 imprisonment" shall mean imprisonment for the duration of a person's natural life for the
28 purposes of this section.

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

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

4 2. The offense of child molestation in the first degree is a class A felony and, if the
5 victim is a child less than twelve years of age, the person shall serve his or her term of
6 imprisonment without eligibility for probation[;] or parole[; ~~or conditional release~~].

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

- 4 (1) Statutory rape in the first degree or statutory sodomy in the first degree;
- 5 (2) Rape in the first degree or sodomy in the first degree;
- 6 (3) Forcible rape;
- 7 (4) Forcible sodomy;
- 8 (5) Rape;
- 9 (6) Sodomy.

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

14 3. The term of imprisonment for one found to be a persistent sexual offender shall be
15 imprisonment for life without eligibility for probation or parole. Subsection [4] **8** of section
16 [558.019] **558.011** shall not apply to any person imprisoned under this subsection, and
17 "imprisonment for life" shall mean imprisonment for the duration of the person's natural life.

18 4. The court shall sentence a person to an extended term of imprisonment as provided
19 for in this section if it finds the defendant is a predatory sexual offender and has been found
20 guilty of committing or attempting to commit any of the offenses listed in subsection 1 of this

21 section or committing child molestation in the first or second degree or sexual abuse when
22 classified as a class B felony.

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

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

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

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

32 6. A person found to be a predatory sexual offender shall be imprisoned for life with
33 eligibility for parole, however subsection [4] 8 of section [558.019] 558.011 shall not apply to
34 persons found to be predatory sexual offenders for the purposes of determining the minimum
35 prison term or the length of sentence as defined or used in such subsection. Notwithstanding
36 any other provision of law, in no event shall a person found to be a predatory sexual offender
37 receive a final discharge from parole.

38 7. Notwithstanding any other provision of law, the court shall set the minimum time
39 required to be served before a predatory sexual offender is eligible for parole[,-conditional
40 release] or other early release by the department of corrections. The minimum time to be
41 served by a person found to be a predatory sexual offender who:

42 (1) Has previously been found guilty of committing or attempting to commit any of
43 the offenses listed in subsection 1 of this section and is found guilty of committing or
44 attempting to commit any of the offenses listed in subsection 1 of this section shall be any
45 number of years but not less than thirty years;

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

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

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

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

62 8. Notwithstanding any provision of law to the contrary, the department of
63 corrections, or any division thereof, may not furlough an individual found to be and sentenced
64 as a persistent sexual offender or a predatory sexual offender.

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

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

8 3. Enticement of a child or an attempt to commit enticement of a child is a felony for
9 which the authorized term of imprisonment shall be not less than five years and not more than
10 thirty years. No person convicted under this section shall be eligible for parole, probation,
11 ~~conditional release,~~ or suspended imposition or execution of sentence for a period of five
12 calendar years.

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

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

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

5 (3) By blackmail;

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

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

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

13 3. The offense of abuse through forced labor is a felony punishable by imprisonment
14 for a term of years not less than five years and not more than twenty years and a fine not to
15 exceed two hundred fifty thousand dollars.

16 4. If death results from a violation of this section, or if the violation includes
17 kidnapping or an attempt to kidnap, sexual abuse when punishable as a class B felony, or an
18 attempt to commit sexual abuse when punishable as a class B felony, or an attempt to kill, it

19 shall be punishable for a term of years not less than five years or life and a fine not to exceed
20 two hundred fifty thousand dollars.

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

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

9 (2) Causes a person under the age of fourteen to engage in a commercial sex act, a
10 sexual performance, or the production of explicit sexual material as defined in section
11 573.010; or

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

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

17 3. The offense of sexual trafficking of a child in the first degree is a felony for which
18 the authorized term of imprisonment is life imprisonment without eligibility for probation or
19 parole until the offender has served not less than thirty years of such sentence. Subsection [4]
20 8 of section [558.019] 558.011 shall not apply to the sentence of a person who has been found
21 guilty of sexual trafficking of a child less than fourteen years of age, and "life imprisonment"
22 shall mean imprisonment for the duration of a person's natural life for the purposes of this
23 section.

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

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

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

10 (3) "Independent activities", includes traveling to or from school or nearby
11 locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable
12 period of time without adult supervision;

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

16 [(4)] (5) "Neglect", the failure to provide, by those responsible for the care, custody,
17 and control of a child under the age of eighteen years, the care reasonable and necessary to
18 maintain the physical and mental health of the child, when such failure presents a substantial
19 probability that death or physical injury or sexual injury would result;

20 [(5)] (6) "Physical injury", physical pain, illness, or any impairment of physical
21 condition, including but not limited to bruising, lacerations, hematomas, welts, or permanent
22 or temporary disfigurement and impairment of any bodily function or organ;

23 [(6)] (7) "Serious emotional injury", an injury that creates a substantial risk of
24 temporary or permanent medical or psychological damage, manifested by impairment of a
25 behavioral, cognitive, or physical condition. Serious emotional injury shall be established by
26 testimony of qualified experts upon the reasonable expectation of probable harm to a
27 reasonable degree of medical or psychological certainty;

28 [(7)] (8) "Serious physical injury", a physical injury that creates a substantial risk of
29 death or that causes serious disfigurement or protracted loss or impairment of the function of
30 any part of the body.

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

33 (1) To suffer physical or mental injury as a result of abuse or neglect; or
34 (2) To be placed in a situation in which the child may suffer physical or mental injury
35 as the result of abuse or neglect.

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

39 4. A person does not commit the offense of abuse or neglect of a child by virtue of the
40 sole fact that the person delivers or allows the delivery of a child to a provider of emergency
41 services.

42 5. [(1)] A person does not commit the offense of abuse or neglect of a child by virtue
43 of the sole fact that the person allows the child to engage in independent activities without
44 adult supervision and the person is a parent to the child or is responsible for the child's care,
45 provided that the:

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

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

50 ~~[(2) As used in this subsection, "independent activities" shall include traveling to or~~
51 ~~from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home~~
52 ~~for a reasonable period of time without adult supervision.]~~

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

54 (1) A class D felony, without eligibility for probation~~[,]~~ or parole~~[, or conditional~~
55 ~~release]~~ until the defendant has served no less than one year of such sentence, unless the
56 person has previously been found guilty of a violation of this section or of a violation of the
57 law of any other jurisdiction that prohibits the same or similar conduct or the injury inflicted
58 on the child is a serious emotional injury or a serious physical injury, in which case abuse or
59 neglect of a child is a class B felony, without eligibility for probation or parole until the
60 defendant has served not less than five years of such sentence; or

61 (2) A class A felony if the child dies as a result of injuries sustained from conduct
62 chargeable under the provisions of this section.

63 7. Notwithstanding subsection 6 of this section to the contrary, the offense of abuse or
64 neglect of a child is a class A felony, without eligibility for probation~~[,]~~ or parole~~[, or~~
65 ~~conditional release]~~ until the defendant has served not less than fifteen years of such sentence,
66 if:

67 (1) The injury is a serious emotional injury or a serious physical injury;
68 (2) The child is less than fourteen years of age; and
69 (3) The injury is the result of sexual abuse or sexual abuse in the first degree as
70 defined under section 566.100 or sexual exploitation of a minor as defined under section
71 573.023.

72 8. The circuit or prosecuting attorney may refer a person who is suspected of abuse or
73 neglect of a child to an appropriate public or private agency for treatment or counseling so
74 long as the agency has consented to taking such referrals. Nothing in this subsection shall
75 limit the discretion of the circuit or prosecuting attorney to prosecute a person who has been
76 referred for treatment or counseling pursuant to this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 (3) The property appropriated consists of:

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

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

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

56 (d) Any firearms;

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

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

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

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

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

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

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

67 more;

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

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

70 (n) Ammonium nitrate;

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

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

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

79 (1) The property appropriated is an animal;

80 (2) The property is a catalytic converter;

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

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

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

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

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

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

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

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

109 (2) Any act of receiving or possessing any property that has been taken or stolen in
110 violation of subdivision (1) of this subsection while knowing or having reasonable grounds to
111 believe the property is stolen from any business in violation of this section, and separate acts
112 of receiving or possessing such stolen property that are part of any ongoing agreement to
113 receive or possess such stolen property may be aggregated for the purpose of determining
114 value regardless of whether such acts are committed in the same jurisdiction or at the same
115 time; or

116 (3) Any act of organizing, supervising, financing, leading, or managing between one
117 or more persons to engage for profit in a scheme or course of conduct to effectuate or intend
118 to effectuate the transfer or sale of property stolen from any business in violation of this
119 section, and separate acts of organizing, supervising, financing, leading, or managing between
120 one or more persons to engage for profit in a scheme or course of conduct to effectuate or
121 intend to effectuate the transfer or sale of such stolen property that are part of any ongoing
122 agreement to organize, supervise, finance, lead, or manage between one or more persons to
123 engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the
124 transfer or sale of such stolen property may be aggregated for the purpose of determining the
125 value regardless of whether such acts are committed in the same jurisdiction or at the same
126 time.

127 13. If any prosecuting attorney or circuit attorney makes a request in writing to the
128 attorney general, the attorney general shall have the authority to commence and prosecute the
129 offense of stealing if such offense involves organized retail theft, and any other offenses that
130 directly arise from or causally occur as a result of an alleged violation of the offense of
131 stealing involving organized retail theft, in each or any county or a city not within a county in
132 which the offense occurred with the same power and authority granted to prosecuting
133 attorneys in section 56.060 and circuit attorneys in section 56.450, except that all costs and
134 fees of such prosecution by the attorney general shall be paid by the state and not by any
135 county or local government.

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

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

13 2. Any person convicted of a second offense of armed criminal action under
14 subsection 1 of this section shall be punished by imprisonment by the department of
15 corrections for a term of not less than five years and not to exceed thirty years, unless the

16 person is unlawfully possessing a firearm, in which case the term of imprisonment shall be for
17 a term not less than fifteen years. The punishment imposed pursuant to this subsection shall
18 be in addition to and consecutive to any punishment provided by law for the crime committed
19 by, with, or through the use, assistance, or aid of a dangerous instrument or deadly weapon.
20 No person convicted under this subsection shall be eligible for parole, probation, ~~[e]conditional~~
21 ~~release,~~] or suspended imposition or execution of sentence for a period of five calendar years.

22 3. Any person convicted of a third or subsequent offense of armed criminal action
23 under subsection 1 of this section shall be punished by imprisonment by the department of
24 corrections for a term of not less than ten years, unless the person is unlawfully possessing a
25 firearm, in which case the term of imprisonment shall be no less than fifteen years. The
26 punishment imposed pursuant to this subsection shall be in addition to and consecutive to any
27 punishment provided by law for the crime committed by, with, or through the use, assistance,
28 or aid of a dangerous instrument or deadly weapon. No person convicted under this
29 subsection shall be eligible for parole, probation, ~~[e]conditional release,~~] or suspended
30 imposition or execution of sentence for a period of ten calendar years.

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

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

6 (2) Sets a spring gun; or

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

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

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

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

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

20 (8) Carries a firearm or any other weapon readily capable of lethal use into any
21 church or place where people have assembled for worship, or into any election precinct on

22 any election day, or into any building owned or occupied by any agency of the federal
23 government, state government, or political subdivision thereof; or

24 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section
25 301.010, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any
26 building or habitable structure, unless the person was lawfully acting in self-defense; or

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

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

32 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the
33 persons described in this subsection, regardless of whether such uses are reasonably
34 associated with or are necessary to the fulfillment of such person's official duties except as
35 otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1
36 of this section shall not apply to or affect any of the following persons, when such uses are
37 reasonably associated with or are necessary to the fulfillment of such person's official duties,
38 except as otherwise provided in this subsection:

39 (1) All state, county and municipal peace officers who have completed the training
40 required by the police officer standards and training commission pursuant to sections 590.030
41 to 590.050 and who possess the duty and power of arrest for violation of the general criminal
42 laws of the state or for violation of ordinances of counties or municipalities of the state,
43 whether such officers are on or off duty, and whether such officers are within or outside of the
44 law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in
45 subsection 12 of this section, and who carry the identification defined in subsection 13 of this
46 section, or any person summoned by such officers to assist in making arrests or preserving the
47 peace while actually engaged in assisting such officer;

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

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

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

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

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

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

62 (8) Any corporate security advisor meeting the definition and fulfilling the
63 requirements of the regulations established by the department of public safety under section
64 590.750;

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

66 (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney;
67 circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any
68 person appointed by a court to be a special prosecutor who has completed the firearms safety
69 training course required under subsection 2 of section 571.111;

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

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

80 3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply
81 when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state
82 when ammunition is not readily accessible or when such weapons are not readily accessible.
83 Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of
84 age or older or eighteen years of age or older and a member of the United States Armed
85 Forces, or honorably discharged from the United States Armed Forces, transporting a
86 concealable firearm in the passenger compartment of a motor vehicle, so long as such
87 concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession
88 of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her
89 dwelling unit or upon premises over which the actor has possession, authority or control, or is
90 traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection
91 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person
92 while traversing school premises for the purposes of transporting a student to or from school,

93 or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related
94 event or club event.

95 4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any
96 person who has a valid concealed carry permit issued pursuant to sections 571.101 to
97 571.121, a valid concealed carry endorsement issued before August 28, 2013, or a valid
98 permit or endorsement to carry concealed firearms issued by another state or political
99 subdivision of another state.

100 5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section
101 shall not apply to persons who are engaged in a lawful act of defense pursuant to section
102 563.031.

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

111 7. (1) Subdivision (10) of subsection 1 of this section shall not apply to a person who
112 is a school officer commissioned by the district school board under section 162.215 or who is
113 a school protection officer, as described under section 160.665.

114 (2) Nothing in this section shall make it unlawful for a student to actually participate
115 in school-sanctioned gun safety courses, student military or ROTC courses, or other school-
116 sponsored or club-sponsored firearm-related events, provided the student does not carry a
117 firearm or other weapon readily capable of lethal use into any school, onto any school bus, or
118 onto the premises of any other function or activity sponsored or sanctioned by school officials
119 or the district school board.

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

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

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

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

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

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

136 (1) For the first violation a person shall be sentenced to the maximum authorized term
137 of imprisonment for a class B felony;

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

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

144 (4) For any violation which results in injury or death to another person, a person shall
145 be sentenced to an authorized disposition for a class A felony.

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

149 11. Notwithstanding any other provision of law, no person who pleads guilty to or is
150 found guilty of a felony violation of subsection 1 of this section shall receive a suspended
151 imposition of sentence if such person has previously received a suspended imposition of
152 sentence for any other firearms- or weapons-related felony offense.

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

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

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

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

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

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

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

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

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

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

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

180 (3) A certification issued by the state in which the individual resides that indicates
181 that the individual has, not less recently than one year before the date the individual is
182 carrying the concealed firearm, been tested or otherwise found by the state to meet the
183 standards established by the state for training and qualification for active peace officers to
184 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
2 degree if, knowing of its content and character, such person possesses with the intent to
3 promote or promotes child pornography of a child less than fourteen years of age or obscene
4 material portraying what appears to be a child less than fourteen years of age.

5 2. The offense of promoting child pornography in the first degree is a class B felony
6 unless the person knowingly promotes such material to a minor, in which case it is a class A
7 felony. No person who is found guilty of promoting child pornography in the first degree
8 shall be eligible for probation[;] or parole[; or conditional release] for a period of three
9 calendar years.

10 3. Nothing in this section shall be construed to require a provider of electronic
11 communication services or remote computing services to monitor any user, subscriber or
12 customer of the provider, or the content of any communication of any user, subscriber or
13 customer of the provider.

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

2 2. A person commits the offense of aggravated fleeing a stop or detention of a motor
3 vehicle if he or she knows or reasonably should know that a law enforcement officer is

4 attempting to detain or stop a motor vehicle, and for the purpose of preventing the officer
5 from effecting the stop or detention, he or she flees and:

6 (1) Such person operates a motor vehicle at a high speed or in any manner which
7 creates a substantial risk of serious physical injury or death to any person;
8 (2) As a result of such flight causes physical injury to another person; or
9 (3) As a result of such flight causes death to another person.

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

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

18 5. The offense of aggravated fleeing a stop or detention in violation of subdivision (1)
19 of subsection 2 of this section shall be a class D felony, without eligibility for probation[;]
20 or parole[; or conditional release] until the defendant has served no less than one year of such
21 sentence. The offense of aggravated fleeing a stop or detention in violation of subdivision (2)
22 of subsection 2 of this section shall be a class B felony. The offense of aggravated fleeing a
23 stop or detention in violation of subdivision (3) of subsection 2 of this section shall be a class
24 A felony.

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

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

16 3. (1) A person commits the crime of failing to register as a sex offender as a third
17 offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has,
18 on two or more occasions, previously pled guilty to or has previously been found guilty of
19 failing to register as a sex offender. Failing to register as a sex offender as a third offense is a
20 felony which shall be punished by a term of imprisonment of not less than ten years and not
21 more than thirty years.

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

25 (3) A person sentenced under this subsection shall not be eligible for ~~conditional~~
26 ~~release or~~ parole until he or she has served at least two years of imprisonment.

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

✓