

LEGISLATIVE UPDATE

2013

To: All MPCA Members & Chiefs
From: Sheldon Lineback, MPCA Executive Director
RE: End of Session Report 2013

The document that follows is a summary of the law enforcement bills that have been truly agreed to and passed by the Missouri General Assembly for 2013. I have enclosed a citation to each bill as to if they have been signed or vetoed (See in yellow highlight). The reason for the addition of those bills that have been vetoed is that I have a strong sense that some of the vetoed bills will be over ridden by the legislature during the September VETO session. If this occurs then I will send out an update.

I have attached an ordinance for the 610 RSMo. I have already sent this once, but the reason for an ordinance vs. policy it creates a city wide affirmative active of closing said records that may be located within more than one department. In no way am I saying that you should not pass a department specific policy, but the ordinance is an effective way of addressing the issue city wide.

HB 307 the Just Cause Bill for Police Chiefs will be trained on and a question and answer sheet is almost completed and will be addressed at the August 16, 2013 MPCA board meeting along with a number of the other bills passed this session.

I have a meeting on Wednesday with the state auditor, DOR, and the attorney general on the Bill 103 which reduced the traffic revenue from 35% to 30%. I have had several agencies contact me on this issue and I will have define process, definitions, and responses after the meeting on Wednesday.

CCW change from the state to Sheriffs referencing the issuing of CCW permits and LE capabilities of checks for stops is still underway, but should have better picture by the time of the board meeting.

\$3 SHERIFFS RETIREMENT COLLECTION: This was **NOT** a recent legislative action. The statute has been on the books for several years. What has led to this is an April 2013 opinion by the Missouri Attorney General's Office relating to whether or not municipal offenses were included in the statute for the required collection of the \$3 sheriffs retirement collection. For several years the municipal courts were told they did not need to be collected even though there had been an opinion from the AG several years ago requested by Representative Kenny Jones that the municipal offenses were included. OSCA during their 2013 conference took the

position, after another opinion from the AG which came out in April of 2013, which said that the municipal offenses were included in the assessments. So the question is where are we now? The answer has three options.

1. Option one – do what the law and AG says and collect the fee and then seek to change the law during the next legislative session.
2. Option two – do what the law and AG says and collect the fee and not seek change to the law during the next legislative session.
3. Option three – there is discussion of litigation by some municipal judges – So seek litigation and (collect or not collect) and see what the courts say.

MPCA will be addressing these issues at the next meeting which is August 16, 2013 at 10 a.m., at the MPCA Headquarters located at 1001 East High Street, Jefferson City, MO 65101. All MPCA members are welcome and encouraged to attend all MPCA meetings and board meetings.

Have a great day.

SENATE BILLS

***** SB 1 *** LE Stress Occupational Hazard**

SPONSOR: Rupp HANDLER: Richardson (SIGNED)

CCS/HCS/SS#2/SCS/SB 1 - This act modifies the law relating to the Second Injury Fund and Occupational disease within the workers' compensation system.

The act establishes psychological stress of paid peace officers of a police department as an Occupational disease for the purposes of workers' compensation.

***** SB 9 *****

SPONSOR: Pearce HANDLER: Guernsey

VIOLATIONS OF THE MISSOURI LIVESTOCK DISEASE CONTROL AND

ERADICATION LAW: (VETOED)

- **STEALING OF LIVESTOCK:** Stealing of livestock, as defined in section 144.010, will be a class B felony if the value of the livestock exceeds ten thousand dollars. (Section 570.030)
- **CRIME OF ANIMAL NEGLECT:** Currently, a person is guilty of animal neglect when he or she has custody, ownership, or both of an animal and fails to provide adequate care or adequate control those results in substantial harm to the animal. This act specifies that a person will be guilty of animal neglect if he or she has custody, ownership, or both and fails to provide adequate care.
- **CRIME OF ANIMAL TRESPASS:** This act creates the crime of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve hours. The first conviction for animal trespass is an infraction punishable by a fine not to exceed two hundred dollars. The second and subsequent convictions are a Class C misdemeanor punishable by imprisonment or a fine not to exceed five hundred dollars. (Section 578.011)
- **CRIME OF ANIMAL ABUSE:** Currently, a person is guilty of animal abuse when the person having ownership or custody of an animal knowingly fails to provide adequate care or adequate control. This act specifies that a person is guilty of animal abuse if a person having ownership or custody of an animal knowingly fails to provide adequate control those results in substantial harm to the animal. (Section 578.012)

***** SB 20 *** TAX CREDIT FOR LE SURVIING SPOUSE**

SPONSOR: Dixon HANDLER: Burlison (SIGNED)

HCS/SS/SCS/SBs 20, 15 & 19 - This act modifies provisions of law regarding certain benevolent tax credits.

The Public Safety Officer Surviving Spouse Tax Credit program currently sunsets on August 28, 2013. This act extends the sunset to December 31, 2019. (Section 135.090)

Advocate Fund. This tax credit program sunset on August 28, 2012. This act reauthorizes this tax credit.

***** SB 23 ***DRIVING LICENSES/MANDATORY REPORTING**

SPONSOR: Parson HANDLER: Jones (SIGNED)

CCS/HCS/SB 23 - This act modifies provisions relating to taxation.

SALES TAX ON MOTOR VEHICLES

Sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, and 144.615

- **ALCOHOL RELATED TRAFFIC OFFENSES**

This act requires the court to order the Department of Revenue to issue a license to persons convicted of certain intoxication-related traffic offenses if the person (1) petitions the court, (2) has no pending charges or convictions relating to alcohol or drugs over a certain period, and (3) the court finds that the person does not pose a threat to the public. (Section 302.060)

For persons seeking a stay of assessment of points, the act gives them the option of completing the driver-improvement program through an online course. (Section 302.302 and 476.385)

A person whose license is to be suspended for a first offense of driving while intoxicated or driving with excessive blood alcohol content may complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. If the person fails to maintain proof of the device, the restricted driving privilege will be terminated.

Upon completion of the 90-day period of restricted driving privilege, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above

The alcohol set point or the reports indicate the device has been tampered with or circumvented, and then the license will not be reinstated until the person completes an additional 30-day period of restricted driving privilege. (Section 302.304)

The act specifies that any person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a conviction for an intoxication-related traffic offense and has a prior alcohol-related enforcement contact will be required to file proof with the department that any motor vehicle operated by the person is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement of the license. (Section 302.304)

Persons may receive a limited driving privilege if his or her license at the time of application has been suspended or revoked due to a failure to submit to a chemical test and the person has completed the first 90 days of revocation and files proof of installation with the department that any vehicle operated by him or her is equipped with a functioning, certified ignition interlock device, provided he or she is not otherwise ineligible for a limited driving privilege. (Section 302.309)

The act specifies that a circuit court or the department may allow a person who has been convicted more than twice for driving while intoxicated and has had his or her license revoked

for a period of 10 years without the ability to obtain a new license or for a person who has been convicted twice for driving while intoxicated and has had his or her license revoked for a period of five years to apply for a limited driving privilege and repeals the requirement that he or she must serve at least 45 days of the disqualification or revocation. A circuit court must grant a limited driving privilege to any person who otherwise is eligible, has filed proof of installation of a certified ignition interlock device, and has had no alcohol-related enforcement contacts since the contact that resulted in his or her license denial. (Section 302.309)

A person whose driving record shows no prior alcohol related enforcement contacts in the immediately preceding five years may complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during such 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol set point or has been tampered with or circumvented, then the license cannot be reinstated until he or she completes an additional 30-day period of restricted driving privilege. (Section 302.525)

The act specifies that any person who has a license to operate a motor vehicle revoked under these provisions and has a prior alcohol-related enforcement contact will be required to file proof with the department that any motor vehicle operated by him or her is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device must be required on all motor vehicles operated by the person for a period of at least six months immediately following reinstatement. If the monthly monitoring reports show that the device has registered a confirmed blood alcohol concentration reading above the alcohol set point or has been tampered with or circumvented, then the period will be extended for an additional six months. (Section 577.041)

Provisions relating to alcohol related traffic offenses, except section 302.309, have an effective date of March 3, 2014. Section 302.309 has an emergency clause.

- **MOVING TRAFFIC VIOLATIONS**

Currently, if a Missouri resident fails to dispose of a moving traffic violation charge, the court must order the Director of the Department of Revenue to suspend his or her driving privileges if the charges are not disposed of and fully paid within 30 days. Upon proof of disposition of charges and payment of fine, court costs, and reinstatement fee, the director must return the license and remove the suspension from the driving record if he or she was not operating a commercial motor vehicle or a commercial driver's license holder at the time of the offense. The act removes the requirement that the director return the license upon proof of the disposition of charges. (Section 302.341)

***** SB 28 *** UNEMPLOYMENT DISQUALIFICATIONS**

SPONSOR: Kraus HANDLER: Cierpiot (VETOED)

SS/SB 28 - This act redefines "misconduct" for which an employee may be disqualified from Unemployment benefits.

- Currently, misconduct includes a wanton or willful disregard of the employer's interest and a disregard of standards of behavior the employer has the right to respect. The act changes that standard to a knowing disregard of that interest and a knowing violation of the standards the employer expects.
- Currently, an intentional and substantial disregard of the employer's interest or of the employer's duties and obligations to the employer also qualifies as misconduct. The act changes that standard to a knowing disregard of such interests, duties and obligations.
- Currently, a deliberate violation of the employer's rules constitutes misconduct. Under the act, a violation of an employer's rule is misconduct unless the employee demonstrates that he or she did not know and could not reasonably know the requirement or the rule is unlawful.
- Misconduct also includes a violation of a no-call, no-show policy, chronic absenteeism, tardiness, unapproved absences following a written warning, and a knowing violation of a state standard or regulation of an employee of a licensed employer which would cause the employer to be sanctioned.
- The misconduct standard shall apply when the conduct is reasonably related to the job environment and the job performance and irrespective of whether it occurs at the workplace or during work hours.
- Currently, employees are disqualified from benefits if they voluntarily leave work without good cause. The act defines "good cause" as that which would compel a reasonable employee to cease working or which would require separation from work due to illness or disability.

***** SB 29 *** FAIR SHARE**

SPONSOR: Brown HANDLER: Burlison (VETOED)

SS/SCS/SB 29 - This act allows public employee labor unions to withhold fees from public employee paychecks only upon the annual written consent of the employee.

- The act also requires the public employee's annual consent for public employee labor unions to use fees and dues for political purposes.
- The employee must authorize the amount to be used for political contributions to be transferred to the labor union's continuing committee. Authorizing or refraining from authorizing any amount shall in no way affect employment.
- The labor union must keep records of all authorizations for political contributions and submit them to the Labor and Industrial Relations Commission.
- The act exempts first responders from the new provisions.

***** SB 34 *** WORKERS COMPENSATION DATA BASE -CLAIMS**

SPONSOR: Cunningham HANDLER: Fraker (VETOED)

CCS/HCS/SS/SB 34 - This act requires the Division of Workers' Compensation to develop and Maintain a workers' compensation claims database that is accessible to potential employers during a pre-hire period and searchable by an employee's name and social security number.

- The Division shall maintain a record of claims records reviewed. Those who fraudulently access the database shall be guilty of a Class A misdemeanor.

***** SB 36 *** JUVENILE PROCEDURES**

SPONSOR: Wallingford HANDLER: Hicks (SIGNED)

CCS/SCS/SB 36 –

- Under current law, when a juvenile is prosecuted as an adult, the jurisdiction of the juvenile court over future violations of the law is forever terminated for the child unless he or she is found not guilty of the offense.
- This act specifies that the jurisdiction of the juvenile court is only terminated if the child is convicted of the crime.
- In addition, current law allows a court of general jurisdiction to impose a juvenile sentence and, at the same time, impose, but suspend the execution of, an adult criminal sentence when an offender under the age of 17 is certified as an adult. If a juvenile is sentenced this way, the court may order the offender into the custody of the Division of Youth Services if a facility, which was designed and built by the division specifically for offenders sentenced under dual jurisdiction, has space available.
- Under this act, the court must consider imposing a juvenile sentence and suspending the execution of the adult criminal sentence if the juvenile is under the age of 17 and a half. In addition, the facility only needs to be designed to serve offenders sentenced in this manner and have space available.
- Also, this act requires the court to make a finding on the record as to why the division was not appropriate for the offender if the court chooses not to impose a juvenile sentence prior to imposing an adult criminal sentence.

***** SB 42 *** SHERIFFS BILL & MODEX**

SPONSOR: Munzlinger HANDLER: Riddle (SIGNED)

CCS/HCS/SCS/SB 42 –

- This act modifies provisions relating to county sheriffs, allows setoff of income tax refunds and lottery payouts for unpaid debts to county jails, and bars such debtors from holding licenses to hunt or fish.
- ELIGIBILITY FOR OFFICE OF SHERIFF - 57.010 This act requires any person filing for the office of sheriff to have a valid peace officer license at the time of filing. The provisions regarding the sheriff needing to a licensed peace officer do not apply to the City of St. Louis under this act.
- SHERIFFS EMPLOYING ATTORNEYS - 57.104 Under current law, sheriffs in first class counties may employ an attorney. This act provides that sheriffs in any county, except charter counties, may employ an attorney.
- REPAYMENT OF COUNTY JAIL DEBT - 221.070, 313.321, 488.5028, & 488.5029 Under current law, prisoners in a county jail must pay the costs of their board. This act requires the circuit clerk in each county to report to the Office of State Courts Administrator the names of people certified by the sheriff as being delinquent in the payment of money owed for a period of imprisonment in a county jail. Whenever a person has satisfied his or her debt or begun making regular payments to the sheriff, the

sheriff must notify the clerk that the person is no longer considered delinquent. When the Office of State Courts Administrator receives the name of a debtor, it is required to seek a setoff of state tax refunds and state lottery winnings until the full debt has been paid. The Department of Conservation must suspend and refuse to issue a hunting or fishing license for anyone reported delinquent to the department by the Office of State Courts Administrator.

- In addition, this act requires the Office of State Courts Administrator to notify debtors that the person will be ineligible for a hunting or fishing license prior to forwarding a person's name to the Department of Conservation. The notice must contain information regarding the right of review of the debt in the court in which the debt arose. Eligibility for a new or renewed license to hunt or fish is reestablished when the county sheriff notifies the circuit clerk who notifies State Courts Administrator who notifies the Department of Conservation that the person has repaid the debt or honored a repayment plan with the sheriff.
- COUNTY JAIL CANTEEN - 221.102 This act allows a county sheriff to establish a canteen or commissary in the county jail. Funds from sales at the canteen or commissary are to be deposited in the "Inmate Prisoner Detainee Security Fund".
- MODEX FUND - 488.5320
 1. Currently, sheriffs, county marshals and other officers are not allowed to charge for their services rendered in cases disposed of by a violations bureau.
 2. This act allows these officials to charge six dollars for their services, even when a case is disposed of by a violations bureau.
 3. One-half of the amounts collected will be deposited in the MODEX fund.
 4. The other half will be deposited in the inmate security fund of the county or municipality where the citation originated.
 5. If the county or municipality does not have an inmate security fund, all of the amount collected shall be deposited in the MODEX fund.
 6. This act also creates the MODEX fund. The fund will be used for the support and expansion of the Missouri Data Exchange (MODEX) system. The Peace Officers Standards and Training Commission will administer the fund.
 7. The act specifies that sheriffs, county marshals or other officers located in St. Louis County or St. Louis City cannot charge for their services rendered in cases disposed of by a violations bureau.
- SCHOOL PROTECTION OFFICER TRAINING - 590.205 This act corrects a mistake in a provision of law dealing with training for school protection officers that was truly agreed to and finally passed in SCS/HCS/SB 436 (2013).

***** SB 43 *** COMMERCIAL MOTOR VEHICLE**

SPONSOR: Munzlinger HANDLER: Kolkmeyer (VETOED)

CCS/HCS/SB 43 - This act modifies various provisions relating to transportation.

- COMMERCIAL MOTOR VEHICLES - This act modifies Missouri's commercial motor vehicle law to conform with Federal Motor Carrier Safety Administration regulations.
 1. The act modifies several definitions contained in the "Uniform Commercial Driver's License Act" (Sections 302.700 to 302.780).

2. Most notably, the act provides definitions for the terms "electronic device", "mobile telephone", and "texting". In addition, the act modifies the definition of the term "serious traffic violation" to include violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle and violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle.
3. The act also modifies the term "disqualification" so that commercial driver's instruction permit holders are held to the same standards and disqualification penalties as commercial driver's license holders (Section 302.700).
4. Under the terms of this act, all applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of 14 calendar days prior to the date of completing skills testing (Section 302.720).
5. Under current law, the commercial motor vehicle driving skills test may be waived under certain circumstances for members of the military.
6. Currently, one of the conditions for obtaining a waiver is that the applicant must be regularly employed in a job requiring operation of a commercial motor vehicle and has operated the vehicle for at least 60 days during the two years immediately preceding application for a commercial driver's license.
7. This act qualifies this condition by providing that the applicant must be regularly employed "within the last 90 days in a military position" in order to obtain the skills test waiver (Section 302.720). Federal regulations have amended the commercial driver's license (CDL) program with respect to Commercial Learner's Permits (CLP), specifically requiring "a CLP holder meet virtually the same requirements as those for a CDL holder..." Missouri's current law does not hold a CLP holder to the same standards and disqualification penalties as a CDL holder. This act aligns the standards.
8. This act, in compliance with federal amended regulations, specifically requires all CDL applicants to maintain the appropriate class of commercial driver's instruction permit issued by this state or another state for a minimum of 14 calendar days prior to the date of taking a skills test. In other words federal guidance requires that a state prohibit issuing a CDL unless the applicant has first obtained a learner's permit and held it for a minimum of 14 days (Section 302.720).
9. This act modifies the provisions pertaining to nonresident commercial drivers licenses. Under the act, the term "nonresident" is changed to "non-domiciled" and the provisions for obtaining a non-domiciled commercial driver's license are changed to reflect that such applicants can obtain commercial driver's instruction permits as well (Section 302.735).
10. The act provides that commercial driver's instruction permits must include the same data elements as commercial driver's licenses and must also contain the words "CDL PERMIT" or "COMMERCIAL LEARNER PERMIT" (Section 302.740). This act provides that disqualification periods must be in addition to any other previous periods of disqualification in a manner

consistent with federal law, except when the major or serious violations are a result of the same incident (Section 302.755).

- Under the act, the Department of Revenue shall have until July 8, 2015, to comply with the federal regulations pertaining to commercial driver's license testing and commercial learner's permit standards (Section 302.767) (HA 2).
- Under current law, texting while driving is limited to persons under the age of 21 and excludes the majority of commercial driver's license holders. Under this act, a person convicted of texting while operating a commercial motor vehicle or convicted of using a hand-held mobile telephone while driving a commercial motor vehicle, may have his or her commercial driver's license disqualified. Under the act, texting while driving and using a hand-held mobile telephone while driving a commercial motor vehicle has been defined as a serious traffic violation under Section 302.700.
- The disqualification provisions for such violations may be found under Section 302.755.5. In addition, this act makes it an infraction for a person to use a hand-held mobile telephone or engage in texting while operating a commercial motor vehicle (Section 304.820).
- **IDLE REDUCTION TECHNOLOGY** - Under current law, Missouri allows vehicles equipped with idle reduction technology to exceed the maximum gross vehicle weight limit and the axle weight limit by up to 400 pounds to compensate for the additional weight of the idle reduction technology. Under federal law, the total allowable weight exemption for idle reduction technology was recently increased to 550 pounds. This act increases the weight limit for idle reduction technology to 550 pounds to reflect the new maximum federal limit.
- **ASSAULT OF MASS TRANSIT WORKERS** - This act creates the crimes of assault of an employee of a mass transit system while in the scope of his or her duties in the first, second, and third degree. Mass transit employees include those working for public bus and light rail companies. The penalties for such crimes are a Class B felony, C felony, or Class B misdemeanor, respectively.
- **GRAHAM'S PICNIC ROCK HIGHWAY** - This act designates a portion of Interstate 70 within Montgomery County as the "Graham's Picnic Rock Highway" (section 1) (HA 5).
- **ISSUANCE OF DRIVER'S LICENSES TO CERTAIN DWI OFFENDERS**- This act requires a court to order the Director of the Department of Revenue to issue licenses to certain multiple DWI offenders (persons who have been convicted more than twice of driving while intoxicated and have received 10 year license denials and persons who have been convicted twice within a five-year period of driving while intoxicated or other intoxication-related traffic offenses and have received 5 year license denials). The license must be issued to the offender if the court finds that the offender does not have any alcohol-related convictions within the preceding ten or five year period, and the offender's habits and conduct show that the offender does not pose a threat to public safety. Under the current law, the court has discretion whether to order the director to issue a license or not to these types of offenders (Section 302.060).
- **ONLINE DRIVER IMPROVEMENT PROGRAM** - This act specifies that an operator must be given the option to complete a driver-improvement program through an online or in-person course to stay the assessment of points against a license (Sections 302.302 and 476.385).

- RESTRICTED DRIVING PRIVILEGES AND IGNITION INTERLOCK DEVICES -**
 Under current law, a first time DWI or BAC offender receives a 30 day license suspension ("hard walk") followed by a 60-day period of restricted driving privilege. This act allows the first time DWI or BAC offender to complete a 90-day period of restricted driving privilege in lieu of the 30 day suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. If the person fails to maintain proof of the device, the restricted driving privilege will be terminated. Upon completion of the 90-day period of restricted driving privilege, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license will be reinstated. However, if the monthly monitoring reports during the 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol set point or the reports indicate the device has been tampered with or circumvented, then the license will not be reinstated until the person completes an additional 30-day period of restricted driving privilege without any violations (Section 302.304).
- Under current law, a person who has had his or her license suspended or revoked due to points received for the second or subsequent conviction of a DWI offense or BAC offense must, as a condition of license reinstatement, file proof with the director that all vehicles operated by the offender are equipped with function ignition interlock devices.
- This act revises this provision so that any person who has had his or her license suspended or revoked as a result of points assessment for intoxication-related traffic offense convictions, and who has a prior alcohol-related enforcement contact must file proof of ignition interlock installation as a condition of license reinstatement (section 302.204.17).
- LIMITED DRIVING PRIVILEGE ("HARDSHIP LICENSES") -** This act repeals the provision of law that makes a person ineligible to receive a limited driving privilege if the person has previously been granted a limited driving privilege within the immediately preceding 5 years. Under current law, a person who has had his or her licenses suspended for multiple violations of state implied consent laws (failure to submit) is ineligible to receive a limited driving privilege. This act repeals this ineligibility provision and revises the conditions for receiving a limited driving privilege for anyone whose license has been suspended for failing to submit to a chemical test. The act specifies that a person who has failed to submit to a chemical test is ineligible to receive a limited driving privilege unless the person files proof of installation with the department that any vehicle operated by him or her is equipped with a functioning, certified ignition interlock device (Section 302.309).
- Under current law, certain offenders (a person who has been convicted more than twice for DWI and has received a 10 years license denial or a person who has been convicted twice for driving while intoxicated and has received a 5 year license denial) may apply for a limited driving privilege if the person serves at least 45 days of the disqualification or revocation. This act repeals the 45 day mandatory disqualification or revocation period. In addition, the act requires a circuit court to grant a limited driving privilege to a person who otherwise is eligible, has filed proof of installation of a certified ignition interlock device, and has no alcohol-related enforcement contacts since the contact that resulted in his or her license suspension or revocation (Section 302.309). This portion of the act is subject to an emergency clause.

- **ADMINISTRATIVE SUSPENSIONS FOR ALCOHOL-RELATED ENFORCEMENT CONTACTS** - This act allows a person whose driving record shows no prior alcohol related enforcement contacts in the immediately preceding 5 years to complete a 90-day period of restricted driving privilege in lieu of the suspension if he or she provides proof to the department that all vehicles operated by the person have a functioning, certified ignition interlock device. Upon completion of the restricted driving period, compliance with other requirements of law, and filing proof of financial responsibility with the department, the license must be reinstated. However, if the monthly monitoring reports during such 90-day period indicate that the ignition interlock device has registered a confirmed BAC level above the alcohol set point or that the device has been tampered with or circumvented, then the license cannot be reinstated until he or she completes an additional 30-day period of restricted driving privilege without any violations (Section 302.525.2(1)).
- **REFUSAL TO SUBMIT TO CHEMICAL TESTS** - Under current law, any person who has had a driver's license revoked more than once for a violation of refusing to submit to a chemical test shall be required to file proof with the director that all motor vehicles operated by the person are equipped with ignition interlock devices and will be maintained on all vehicles for a period of 6 months following the date of reinstatement. The act modifies that provision so that any person who has a license revoked under the refusal to submit law (§577.041) and has a prior alcohol-related enforcement contact will be required to file proof with the department that any motor vehicle operated by him or her is equipped with a functioning, certified ignition interlock device as a required condition of reinstatement. The ignition interlock device must be required on all motor vehicles operated by the person for a period of at least 6 months immediately following reinstatement. If the monthly monitoring reports show that the device has registered a confirmed blood alcohol concentration reading above the alcohol set point or has been tampered with or circumvented, then the period will be extended for an additional six months. (Section 577.041).

***** SB 51 ***TOWING AND REJIS LANGUAGE**

SPONSOR: Munzlinger HANDLER: Guernsey (VETOED)

CCS/HCS/SB 51 - This act modifies several provisions of law relating to the regulation of motor Vehicles.

- **LICENSE PLATE TABS** - This act modifies the process for obtaining free license plate tabs. Under current law, any person replacing a stolen license plate tab may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report.
- This act replaces the police report with a notarized affidavit so that a person may receive up to two sets of license plate tabs per year when the application for the replacement tab is accompanied by a notarized affidavit verifying that the tab or tabs were stolen (Section 301.301).
- **FEE OFFICE FEE INCREASES** - This act increases the fees that fee offices may charge for issuing driver's licenses, registering motor vehicles, and other motor vehicle related services. The fee for annually registering motor vehicles is increased from \$3.50 to \$5.00. The fee for biennially registering a motor vehicles is increased from \$7.00 to \$10. The fee for a notice of lien is increased from \$2.50 to \$5.00. The title application fee is

increased from \$2.50 to \$5.00. The fees for issuing driver's licenses are increased from \$2.50 (less than 3 years) and \$5.00 (over 3 years) to \$5.00 and \$10.00 respectively (Section 136.055) (HA 2).

- **REIMBURSEMENT OF FEE OFFICE FEES BY THE DEPARTMENT OF REVENUE-** The act requires the Department of Revenue to reimburse reasonable costs incurred associated with the transactions required in contract license offices (Section 136.055) (HA 1 to HA 2).
- **LICENSE OFFICE BIDDING PROCEDURE -** The act requires the Department of Revenue to comply with state purchasing requirements for bidding when awarding license office contracts. No points are to be awarded on a request for proposal that has a return-to-the-state provision offer (Section 34.040)(HA 1 to HA 2).
- **COMPLIANCE WITH FEDERAL MOTOR CARRIER SAFETY REGULATIONS -** This act modifies several commercial motor vehicle provisions in an effort to comply with Federal Motor Carrier Safety Regulations. These provisions may also be found in SB 411, and the truly agreed to versions of SB 43 and HB 103 (2013).
- The act modifies several definitions contained in the "Uniform Commercial Driver's License Act" (Sections 302.700 to 302.780).
- Most notably, the act provides definitions for the terms "electronic device", "mobile telephone", and "texting". In addition, the act modifies the definition of the term "serious traffic violation" to include violating a state or local law or ordinance on motor vehicle traffic control prohibiting texting while driving a commercial motor vehicle and violating a state or local law or ordinance on motor vehicle traffic control restricting or prohibiting the use of a hand-held mobile telephone while driving a commercial motor vehicle. The act also modifies the term "disqualification" so that commercial driver's instruction permit holders are held to the same standards and disqualification penalties as commercial driver's license holders (Section 302.700).
- Under the terms of this act, all applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of 14 calendar days prior to the date of completing skills testing (Section 302.720).
- Under current law, the commercial motor vehicle driving skills test may be waived under certain circumstances for members of the military. Currently, one of the conditions for obtaining a waiver is that the applicant must be regularly employed in a job requiring operation of a commercial motor vehicle and has operated the vehicle for at least 60 days during the two years immediately preceding application for a commercial driver's license. This act qualifies this condition by providing that the applicant must be regularly employed "within the last 90 days in a military position" in order to obtain the skills test waiver (Section 302.720).
- This act modifies the provisions pertaining to nonresident commercial drivers licenses. Under the act, the term "nonresident" is changed to "non-domiciled" and the provisions for obtaining a non-domiciled commercial driver's license are changed to reflect that such applicants can obtain commercial driver's instruction permits as well (Section 302.735).
- The act provides that commercial driver's instruction permits must include the same data elements as commercial driver's licenses and must also contain the words "CDL PERMIT" or "COMMERCIAL

- LEARNER PERMITS" (Section 302.740). This act provides that disqualification periods must be in addition to any other previous periods of disqualification in a manner consistent with federal law, except when the major or serious violations are a result of the same incident (Section 302.755).
- Under this act, the Department of Revenue shall have until July 8, 2015, to comply with certain federal regulations pertaining to commercial driver's license testing and commercial learner's permit standards (Section 302.767) (HA 12).
- MINIMUM STANDARDS FOR TOWING COMPANIES - This act requires certain towing companies to comply with additional regulations. Such towing companies shall have a storage lot or an enclosed building for the storage of vehicles with a total storage area of at least 2,000 square feet and fencing a minimum of 7 feet high. In addition, the towing company must be open for a minimum of 8 hours per day between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, for customers or their authorized agents to view and retrieve vehicles, with no additional fees charged to view or retrieve a vehicle during these regular business hours. The regulated towing companies must also have and maintain an operational telephone with the telephone number published or available through directory assistance. The towing companies must maintain insurance policies in the amount prescribed by the U.S. Department of Transportation. Under the terms of the act, towing companies located in Franklin County and Washington County are exempt from the towing standards set forth in the section (Section 304.154).
- TEXTING AND COMMERCIAL MOTOR VEHICLES - Under current law, texting while driving is limited to persons under the age of 21 and excludes the majority of commercial driver's license holders.
- Under this act, a person convicted of texting while operating a commercial motor vehicle or convicted of using a hand-held mobile telephone while driving a commercial motor vehicle, may have his or her commercial driver's license disqualified. Under the act, texting while driving and using a hand-held mobile telephone while driving a commercial motor vehicle has been defined as a serious traffic violation under Section 302.700. The disqualification provisions for such violations may be found under Section 302.755.5. In addition, this act makes it an infraction for a person to use a hand-held mobile telephone or engage in texting while operating a commercial motor vehicle (Section 304.820). A similar provision may be found in SB 411 and the truly agreed to version of HB 103 (2013). An identical provision may be found in the truly agreed to version of SB 43 (2013). certification and others.
- Under MAP-21, hours of service regulations (49 CFR § 395) do not apply when operating a commercial motor vehicle within the scope of the covered farm vehicle exemptions.
- Under current Missouri state law, the federal regulations relating to hours of service do not apply to drivers transporting agricultural commodities or farm supplies if certain conditions are met. Since Missouri's exemption regarding hours of service is inconsistent with the federal law, this act repeals the provision to be consistent with MAP-21.
- Under current Missouri law, certain federal regulations regarding the equipment and operation of motor vehicles do not apply to commercial motor vehicles that transport property in intrastate commerce if such vehicles have a gross vehicle weight rating or gross combination weight rating of 26,000 pounds or less. Under this act, this exception

shall not apply to covered farm vehicles required to be placarded for hazardous materials under federal law (Section 307.400).

- **TEMPORARY PERMIT FOR SALVAGE VEHICLES** - This act allows the Director of the Department of Revenue to issue temporary permits to individuals who possess motor vehicles that require law enforcement examinations. A person issued a temporary permit under the act may operate the salvage motor vehicle from his or her residence or storage facility to the nearest authorized examination facility and return (Section 301.140)
- **REGULATION OF ALTERNATIVE FUELS** - This act modifies several provisions relating to the regulation of alternative fuels. This act prohibits a county building ordinance adopted by a first or second classification county building commission from conflicting with the liquefied petroleum gas installation regulations established under Section 323.020 (Section 64.196). This act reauthorizes, beginning January 1, 2014, but ending before January 1, 2017, the tax credit for alternative fuel stations and specifies that alternative fuels must have at least 70% by volume of one or more of ethanol, biodiesel, liquefied petroleum, auto gas, hydrogen, or natural gas based fuels. The credit may be carried forward for up to two years or it may be transferred, assigned or sold. The alternative fuel station tax credit is capped at \$1 million annually (section 135.710). This act adds stationary property used for generation, transportation, or storage of liquid and gaseous products including petroleum products, natural gas, propane, LP gas, solar and wind power equipment, water, and sewage to the definition of "real property" for property taxation purposes (Section 137.010).
- **COLLEGE LICENSE PLATE FIX** - Under current law, only a Missouri college may authorize the use of its school's official emblem to be affixed to special license plates. The effect of this law is to ban the issuance of out-of-state college specialty license plates. This act allows any out-of-state college which has authorized the use of its official emblem to be affixed to license plates and has had its application for a specialty license plate approved by the Joint Committee on Transportation Oversight prior to August 28, 2012, to continue authorizing the use of its official emblem on the plates (Section 301.449). This portion of the act is similar to a provision contained in HB 483 (2013). This portion of the act is subject to an emergency clause. This portion of the act is also contained in the truly agreed to version of HB 103 (2013) (HA 9).
- **MOTORCYCLE PERMIT RENEWAL** - This act allows a person who has been issued a temporary motorcycle instruction permit to renew the permit two additional times for a total maximum period of 18 months (Section 302.132). Under current law, a person can renew the permit an unlimited number of times.
- **INFORMATION MANAGEMENT PRODUCTS** - Under this act, any quasi-government entity created to provide information management products and services to criminal justice, municipal and county courts and other government agencies whose originating agency identifier was terminated by the FBI shall provide integration access to the contracted data for the political subdivision or its agency in a web service or file transfer protocol format on line in a timely manner upon written request at no additional charge as is required by the political subdivision or its agency.
- **EMERGENCY UTILITY PERMITS** - This act requires the Department of Transportation to issue emergency utility response permits for the transporting of equipment and materials needed following a disaster where utility service has been disrupted (Section 304.180)

***** SB 73 ***MOTOR CYCLE CHECK POINTS/BRAKES**

SPONSOR: Schaefer HANDLER: Cornejo (VETOED)

HCS/SB 73 - This act modifies various provisions relating to the judicial process.

- DWI COURT IN JACKSON COUNTY - Under this act, if the department of probation and parole is otherwise unavailable to assist in the judicial supervision of any person who wishes to enter a DWI court, a court-approved private probation service may be utilized by the DWI court to fill the department's role.
- In such case, any and all necessary additional costs may be assessed against the participant. In no case shall any person be rejected from participating in DWI court for the reason that the person does not reside in the city or county where the applicable DWI court is located (Section 478.007).
- MOTORCYCLE CHECKPOINTS - This act prohibits law enforcement agencies from establishing roadside checkpoint or road block patterns based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints. Law enforcement agencies may establish roadside checkpoint patterns that only stop and check commercial motor vehicles. The provisions of the act shall not be construed to restrict any other type of checkpoint or road block which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri.
- MOTORCYCLE BRAKE LIGHTS - This act allows a motorcycle to be equipped with a means of varying the brightness of its brake light for a duration of not more than 5 seconds upon application of the vehicle's brakes.

***** SB 75 ***CCW Transfer to Sheriffs**

SPONSOR: Brown HANDLER: Burlison (SIGNED)

HCS/SB 75 - This act modifies provisions relating to public safety.

- SHERIFFS: This act provides that no person will be eligible for the office of sheriff unless he or she holds a valid peace officer license under Chapter 590. Any person filing for the office must have the license at the time of filing. These provisions do not apply to St. Louis County or St. Louis City. (Section 57.010)
- Every sheriff must maintain, house, and issue concealed carry permits beginning January 1, 2014. (Section 57.100)
- The sheriff of any first class county not having a charter form of government, Second Class County, Third Class County, or fourth class county may employ an attorney to aid and advise the sheriff in the discharge of his or her duties and represent him or her in court. (Section 57.104)
- Under current law, prisoners in a county jail must pay the costs of their board. This act requires the circuit clerk in each county to report to the Office of State Courts Administrator the names of people certified by the sheriff as being delinquent in the payment of money owed for a period of imprisonment in a county jail. Whenever a person has satisfied his or her debt or begun making regular payments to the sheriff, the sheriff must notify the clerk that the person is no longer considered delinquent. (Section 221.070)

- The sheriff of any county may establish and operate a canteen or commissary in the county jail for the use and benefit of the prisoners. The revenues received from the canteen or commissary must be kept in a separate account and must be used to acquire the goods sold and other minimum expenses of operation. Any excess moneys must be deposited in the Inmate Prisoner Detainee Security Fund. (Section 221.102)
- ASIRT: This act establishes the Active Shooter and Intruder Response Training for Schools Program (ASIRT). By July 1, 2014, each school district and charter school may train teachers and school employees on how to respond to students with information about a threatening situation and how to address a potentially dangerous or armed intruder or active shooter in the school or on school property.
 1. Training may be conducted on an annual basis. Initial training may be eight hours in length and continuing training may be four hours in length.
 2. All school personnel must annually participate in a simulated active shooter and intruder response drill conducted by law enforcement professionals, as described in the act. Program instructors must be certified by the Department of Public Safety's Peace Officers Standards Training Commission. (Section 170.315)
- EDDIE EAGLE GUNSAFE PROGRAM: Each school district and charter school may annually teach the Eddie Eagle Gun safe Program to first grade students, or use a substantially similar or successor program of the same qualifications. The purpose of the program will be to promote safety and protection of children and emphasize how students should respond if they encounter a firearm. School personnel and program instructors must not make value judgments about firearms. Firearms are prohibited from the teaching of the program. Students with disabilities will participate to the extent appropriate. (Section 171.410)
- FIREARMS OWNERSHIP RECORDS: Any records of ownership of a firearm or applications for ownership or an endorsement that allows a person to own, acquire, possess, or carry a firearm are not open records and will not be open for inspection except by order of the court to persons having a legitimate interest. Any person who violates this provision is guilty of a class A misdemeanor.
- CONCEALED CARRY PERMITS: Under current law, a person seeking to carry concealed firearms must apply to the sheriff for a certificate of qualification for a concealed carry endorsement. Upon the issuance of the certificate, the person must then present the certificate to the Department of Revenue, which issues a driver's license or non-driver's license with a concealed carry endorsement.
 1. This act repeals the provisions requiring the person to present the certificate to the Department of Revenue for a driver's license or non-driver's license with a concealed carry endorsement. Instead, the permit issued by the sheriff authorizes the person to carry concealed firearms. (Section 571.101)
 2. Concealed carry permits will be valid for five years from the date of issuance or renewal. A concealed carry endorsement issued prior to August 28, 2013 must continue for a period of three years from the date of issuance or renewal, as described in the act. (Section 571.101)
 3. This act changes the eligibility requirements for a concealed carry permit. Non-citizens who are United States permanent residents are eligible. Currently, an applicant must not have pled guilty or pled no contest to certain crimes punishable by a prison term of one year or less.

4. This act increases the prison term to two years.
5. This act adds closed records to the documents in which a person cannot have engaged in a pattern of behavior considered dangerous to obtain a concealed carry permit. Applicants must also not otherwise be prohibited from possessing a firearm under section 571.070 or 18 U.S.C. 922(g). If an applicant is not a U.S. citizen, the application must include his or her country of citizenship and any alien or admission number issued by the federal Bureau of Customs and Immigration Enforcement. An applicant must show a government issued photo identification only for the purpose of verifying the person's identify for permit renewal. (Section 571.101)
6. Biometric data is prohibited from being collected from the applicant other than fingerprints.
7. The sheriff must perform an inquiry of the National Instant Criminal Background Check System. If no disqualifying information is identified, the sheriff must issue the permit. However, if the required background checks are not completed within forty-five calendar days and no disqualifying information has come to the sheriff's attention, the sheriff must issue a provisional permit. The permit will be valid until the sheriff issues or denies the certificate of qualification. The sheriff must revoke a provisional permit within twenty-four hours of receipt of any background check that identifies a disqualifying record and must notify MULES. (Section 571.101)
8. The concealed carry permit must specify only the following information: the permit holder's name, address, date of birth, gender, height, weight, color of hair, color of eyes, and signature; the signature of the issuing sheriff; the date of issuance; and the expiration date. (Section 571.101)
9. The permit must be no larger than two inches wide by three and one-fourth inches and must be of a uniform style. The permit must be assigned a Missouri uniform law enforcement system county code and must be stored in sequential numbered order. (Section 571.101)
10. Sheriffs must keep a record of all applications for concealed carry permits or provisional permits.
11. Any record of an application that is incomplete or denied must be kept for a period not to exceed one year.
12. Records of approved applications must be kept for one year after the expiration and non-renewal of the permit.
13. Beginning August 28, 2013, the Department of Revenue must not keep any records of applications for concealed carry permits. Any information collected by the Department of Revenue related to an application for a concealed carry endorsement prior to August 28, 2013 must be given to MoSMART and the sheriff of the county in which the applicant resides. (Section 571.101)
14. An applicant's status as a holder of a concealed carry permit, provisional permit, or a concealed carry endorsement issued prior to August 28, 2013 is not public information, is considered personal protected information, and is required to not be batch processed for query and is only available for a single entry query if an individual is a subject of interest in an active criminal investigation or is arrested for a crime.
15. In addition, the distribution of bulk downloads or batch data to federal, state, or private entities is prohibited, except to MoSMART as provided in the act. Any state agency that has retained any documents or records, including fingerprint records provided for a

concealed carry endorsement prior to August 28, 2013 must destroy them upon successful issuance of a permit. (Section 571.101)

16. For purposes of chapter 571, the term "concealed carry permit" will include any concealed carry endorsement issued by the Department of Revenue before January 1, 2014 and any concealed carry document issued by any sheriff or under the authority of any sheriff after December 31, 2013. (Section 571.101)
17. A concealed carry permit, or endorsement, must be suspended or revoked if the holder becomes ineligible, as described in the act. In addition, when a valid full order of protection, arrest warrant, or commitment occurs, or a court order in a criminal proceeding is issued, the concealed carry permit or endorsement must be surrendered, as described in the act. (Section 571.104)
18. To renew a concealed carry permit, a renewal application must be completed. In lieu of the fingerprint requirements and firearms safety training, the applicant need only display his or her current concealed carry permit. A name-based background check, including an inquiry of the National Instant Criminal Background Check System, must be done for each renewal.
19. The process for renewing a concealed carry endorsement issued prior to August 28, 2013 will be the same as for renewing a concealed carry permit except that the applicant need only display his or her current driver's license or non-driver's license containing an endorsement in lieu of the fingerprint and firearms safety training requirement. (Section 571.104)
20. Late fees assessed for a renewal and notice of expired certificates to the Missouri uniform law enforcement system and the individual are extended to concealed carry permits. Also, when a concealed carry permit or endorsement holder's permanent address changes and he or she reports the address change to the sheriffs, the sheriff of the new jurisdiction may charge a fee for processing not to exceed ten dollars.
21. If the person has a concealed carry endorsement issued prior to August 28, 2013, he or she must also furnish proof to the Department of Revenue. The sheriff must report the residence change to the Missouri uniform law enforcement system. A ten dollar fee may be charged for the replacement of a lost or destroyed permit or a driver's license or non-driver's license containing a concealed carry endorsement.
22. A sheriff may charge a fee not to exceed ten dollars for name changes. The sheriff must report the name change to the Missouri uniform law enforcement system. (Section 571.104)
23. This act repeals the requirement that a concealed carry endorsement suspension be reinstated at the time of the individual's driver's license. (Section 571.107)
 - FIREARMS SAFETY INSTRUCTION: This act reduces, from fifty to twenty, the number of minimum rounds of live firing an applicant must do to receive a certificate of firearms safety training course completion by a qualified firearms safety instructor. Certificates from a firearms safety instructor course approved by the Department of Public Safety must be notarized.
 - This act allows a qualified firearms safety instructor to submit a copy of a training instructor certificate, course outline bearing a notarized signature of the instructor, and recent photograph to the sheriff of the county in which he or she resides. The sheriff must collect an annual ten dollar fee from an instructor who chooses to submit the information

and must retain a database of qualified instructors. This information will be a closed record except for access by any sheriff.

- Any firearms safety instructor who violates any provision of section 571.111 will be prohibited from instructing concealed carry permit classes and issuing certificates. (Section 571.111)
- **OTHER CONCEALED CARRY CHANGES:** The forms used to petition a court to revoke an individual's concealed carry permit or endorsement are updated to incorporate changes in the law, including: the previously mentioned allowable increase in prison term from one year to two years' imprisonment; the effect of the issuance of a provisional permit; and disqualification based on 18 U.S.C. 922(g). (Section 571.114)
- The term "concealed carry endorsement" is replaced, or supplemented with, the phrase "concealed carry permit" throughout to reflect the change from the issuance of a concealed carry endorsement to a concealed carry permit. The terms "provisional certificate of qualification" and "certificate of qualification" are changed, as appropriate, to "provisional permit." In addition, "permanent resident" is added in conjunction with "United States citizen" or "U.S. citizen." (Sections 50.535, 302.181, 571.030, 571.037, 571.107, 571.114, 571.121)
- **PROHIBITION ON SHARING RECORDS OR DEVELOPING DATABASES WITH THE FEDERAL GOVERNMENT:** This prohibits state agencies, departments, contractors and agents working for the state from constructing, enabling, maintaining, participating in, developing or cooperating with the state or federal government in developing a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses. (Section 571.500)
- **MOSMART:** Any information collected by the Department of Revenue related to a concealed carry endorsement must be given to the members of MoSMART. In addition, on August 28, 2013, the Department of Revenue must begin transferring any records related to the issuance of a concealed carry permit to MoSMART for dissemination to sheriffs. (Sections 571.101 & 650.350)
- This act creates the "Concealed Carry Permit Fund" within the state treasury. The director of the Department of Public Safety must distribute all funds annually in the form of grants approved by MoSMART. The Department must administer all MoSMART grant deposits. Grant funds must be spent first to ensure county law enforcement agencies' ability to comply with the issuance of concealed carry permits, including but not limited to, equipment, records management hardware and software, personnel, supplies, and other services. (Section 650.350)
- **REPEALED SECTION:** This act repeals section 571.102, which governed the effective date of the law based on the date when the Department of Revenue begins issuing non-driver licenses with conceal carry endorsements. (Section 571.102)
- This act contains an emergency clause on Section 650.350. (MoSMART)

***** SB 99 ***CITY ELECTION/OFFICIALS**

SPONSOR: Keaveny HANDLER: Dugger **(SIGNED)**

HCS/SB 99 - This act modifies various provisions relating elections, the official state manual, and sale tax ballot issues.

- **OFFICIAL STATE MANUAL:** The act allows the Secretary of State to enter into an agreement with a nonprofit organization to print copies of the Official State Manual. The Secretary of State must provide to the organization the electronic version of the official manual to be published. The nonprofit organization must charge a fee for a copy of the manual to cover the cost of production and distribution (Sections 11.010, 11.025).
- **SALES TAX ON THE TITLING OF MOTOR VEHICLES:** The act eliminates both state and local use taxes on the storage, use or consumption of motor vehicles, trailers, boats, or outboard motors. The act specifies that a sales tax is to be collected for the titling of such property. The rate of tax associated with titling will be the sum of state sales tax and the local sales tax rate in effect at the address of the owner of the property. All local taxing jurisdictions that have not previously approved a local use tax must put to a vote of the people whether to discontinue collecting sales tax on the titling of motor vehicles purchased from vendors not located in Missouri. If a taxing jurisdiction does not hold such a vote before November 2016, the taxing jurisdiction must cease collecting the sales tax. Taxing jurisdictions may at any time hold a vote to repeal the tax. Language repealing the tax must also be put to a vote of the people any time 15% of the registered voters in a taxing jurisdiction sign a petition requesting such (Sections 32.087, 144.020, 144.021, 144.069, 144.071, 144.440, 144.450, 144.455, 144.525, 144.610, 144.613, 144.615). These sections contain a non-severability clause, and an emergency clause.
- **TRANSIENT GUEST TAX:** The act authorizes the cities of Edmundson and Woodson Terrace to impose a transient guest tax. Such a tax cannot exceed 0.6% of the sales price per room per night. The tax does not take effect until voted on by the residents of the city (Section 67.1009).
- Currently, Edmundson and Woodson Terrace are prohibited from raising their hotel and motel license tax more than 5% per year or over a certain total cap. This act removes the references to Edmundson and Woodson Terrace (Section 94.270).
- **CITY COUNCIL TERMS IN THIRD CLASS CITIES:** The act allows council members in third class cities to serve four-year terms by vote of the people. If four-year terms are approved, the extended terms begin with any council member elected to office after the approval of the ballot question (Section 77.030). The act also repeals section 77.030 which was truly agreed to and finally passed in HB 163 (2013).
- **PRIMARY ELECTIONS FOR MAYOR AND COUNCILMEN OFFICES:** The act allows certain third class cities to eliminate, by ordinance or order, primary elections for mayor and councilmen offices. Any person wishing to become a candidate for these offices must file a statement of candidacy with the city clerk in order to be placed on the ballot (Section 78.090).
- **REQUIREMENTS FOR SERVING AS AN ALDERMAN:** The act also lowers the minimum age required for a person to serve as an alderman in a fourth class city from twenty-one to eighteen years of age (Section 79.070).
- **VOTING MACHINES:** The act repeals the requirement that the voting machines used in presidential elections must permit the voter to vote by use of a single lever for the

candidates of one party or group of petitioners for president, vice president and their presidential electors. The act also repeals the provision which requires voting machines to be provided with a mechanical model, which illustrates the manner of voting on the machine (Section 115.249).

- The requirement that voting machines shall be placed so that ballot labels can be plainly seen by the election judges when not in use is repealed (Section 115.259).
- **ABSENTEE VOTING:** The act repeals the requirement that absentee ballots shall have the words "Official Absentee Ballot" appears on the ballot (Section 115.281). Currently, the election authority appoints a sufficient number of teams consisting of four election judges on each team, two judges from each party, to count absentee votes. This act repeals the requirement of four judges per team and provides that each team shall be comprised of an equal number of judges from each political party. The act also repeals the provision prohibiting absentee ballots from being counted by the same person who removed the ballots from their envelopes (Sections 115.299 & 115.300).
- **ELECTION AUTHORITY AND VOTING PROCEDURES:** The act repeals the provision which mandates that the election authority shall have posters prepared to add or delete names on printed ballots, and removes ballot labels from the list of items that the election authority must deliver to each polling place before the polls open (Sections 115.383 & 115.419).
- The act changes the time when election judges must open the ballot box and show to all present that it is empty from "after the time fixed by law for the opening of the polls but before the voting begins" to "not more than one hour before the voting begins" (Section 115.423).
- Ballot cards are removed from the type of paper ballots that election judges must initial after the voter's identification certificate has been initialed. The act also removes language requiring the election judges to seal the ballot envelope before placing it in the ballot box (Section 115.433 & 115.436).
- The act provides that when paper ballots are used then the voter shall place a distinguishing mark immediately beside the name of the candidate for which the voter intends to vote. The provision which allows a voter to cross out a name on the ballot and write in a name of a person not on the ballot when a write-in line is not provided is also removed.
- The act removes provisions specifying that when voting machines are used the voter shall go alone to a voting machine and register votes as directed. The act also repeals the provisions allowing the use of a sticker or other item containing a write-in candidate's name in lieu of a handwritten name (Section 115.439).
- The act removes the requirement that after the proper votes on a ballot have been counted then the ballot shall be strung on a wire, and upon recording of the count the wire shall be knotted and sealed.
- The act also repeals provisions which address the election authority's responsibilities when counting ballots cast by punch card voting systems (Sections 115.449 & 115.456).
- The time period that the election authority shall keep election ballots, records, and materials is extended from twelve months to twenty-two months (Section 115.493).
- Currently when a candidate has originally filed for a recount of the votes or the ballot question with the secretary of state then the candidate who was defeated by less than one percent of the votes is allowed a recount by filing with the secretary of state. This act

changes the standard to require that the candidate must be defeated by less than one-half of one percent for the candidate to receive a recount by the Secretary of State (Section 115.601).

- **PUBLIC ADMINISTRATORS:** Current statute provides that all public administrators are to be elected in the county or city they serve. This act will make the St. Louis City public administrator an appointed position. The public administrator will be appointed by a majority of the circuit and associate circuit judges of the 22nd judicial circuit. The qualifications and requirements for this appointed position will be the same as those for elected public administrators (Sections 473.730, 473.733 & 473.737).

***** SB 100 ***MODEX**

SPONSOR: Keaveny HANDLER: Cox **(SIGNED)**

CCS/HCS/SB 100 - This act modifies various provisions relating to various court proceedings, court costs, and surcharges and judicial personnel.

- **RELEASING INFORMATION:** First, the act repeals the requirement that a member of the judiciary must notify the Department of Revenue when the member's status changes and the member no longer qualifies for the exemption which prohibits the Department from releasing certain information (Section 32.056)
- **CRIMINAL RECORDS AND JUSTICE INFORMATION ADVISORY COMMITTEE:** Within the Department of Public Safety there is a Criminal Records and Justice Information Advisory Committee, which is composed of various members. This act replaces the chairman of the circuit court budget committee as a member of the advisory committee with the chairman of the court automation committee (Section 43.518).
- **CREDIT AGREEMENTS:** A credit agreement must be executed by both the debtor and the lender for a debtor to maintain an action upon or defense related to the credit agreement (Section 432.047).
- **MORTGAGE LOAN ORIGINATORS:** The act requires licensed mortgage loan originators to complete one hour of continuing education in Missouri law and regulations, as part of the eight hours of education necessary to maintain licensure (Section 443.723).
- **CHILD CUSTODY:** Currently, when custody or visitation is interfered with by a parent without good cause the aggrieved person may file a family access motion with the court stating the facts which constitute a violation of the judgment of dissolution or legal separation. This act states that the aggrieved person may file a family access motion with the court also for a violation of a judgment of paternity (Section 452.400).
- **ADOPTION PROCEEDINGS:** When the person sought to be adopted is under eighteen then written consent of certain persons is required. The act specifies that the signatures of the mother of the child, the man who has established paternity of the child or the current adoptive parents of the child must execute in front of a judge or before a notary. If the signatures are executed in front of a judge then the judge must advise the birth parent of the consequences of consent (Section 453.030).
- A parent may waive the necessity of consent to future adoption of the child, and the waiver must be acknowledged before a notary or executed in front of a judge. When the waiver is executed in front of a judge then the judge must advise the parent of the consequences of the waiver (Section 453.050).

- **ADMINISTRATIVE PROCEEDINGS:** The act grants the authority to administrative hearing officers from the Department of Social Services to set aside or correct administrative child support decisions or orders and proposed administrative modifications of a judicial order. Such authority to set aside or correct decisions, orders or modifications must be done after written notice and an opportunity to respond to all parties and any objection or response to such motion shall be made in writing within 15 days from the filing of the motion to correct or set aside. The act specifies the conditions and time frame under which the corrections can be made.
- Specifically, an order, decision or modification based on errors arising from mistake, fraud, misrepresentation, excusable neglect or inadvertence may be corrected prior to being filed with the court provided the written motion is mailed to all parties and filed within 60 days of the administrative decision, order or proposed decision and order. Any objection or response to the motion shall be filed within 15 days from the mailing of the motion. No decision, order, or proposed modification of a judicial order may be vacated after 90 days from the mailing of the administrative decision, order, or proposed modification of a judicial order.
- In cases of lack of jurisdiction, the hearing officer may, after notice to the parties, on his or her own initiative or upon the motion of any party or the Family Support Division, vacate the administrative order or proposed administrative modification of a judicial order if it is found the order, decision or modification was without subject matter or personal jurisdiction or due process and the order, decision or modification had not been filed with the court.
- This act also specifies however, that no corrections shall be made during the court's review of the applicable administrative decision, order or proposed order as authorized under the judicial review procedures for such administrative decisions under Chapter 536, RSMo, except in response to an express order from the reviewing court (Section 454.475).
- **SEGREGATION OF FEES COLLECTED BY THE OFFICE OF STATE COURTS ADMINISTRATOR:** The act specifies that moneys collected for providing training to judicial personnel by the Office of State Courts Administrator shall be deposited in a special fund, but moneys in the fund in connection with a particular purpose shall be segregated and not disbursed for any other purpose (Section 476.057).
- **SUBMISSION OF JUDICIAL WEIGHTED WORKLOAD MODELS:** The act states that the Supreme Court shall submit a judicial weighted workload model and a clerical weighted workload model to the chairs of both the House and the Senate Judiciary Committees, to be distributed to the members of the General Assembly (Section 477.405).
- **DWI COURT:** The act allows the DWI court to use a private probation service when the Division of Probation and Parole is unavailable to assist in the supervision of a person who wishes to enter a DWI court. A person cannot be rejected from participating in the DWI court for not residing in the city or county where the DWI court is located (Section 478.007).
- **JUDICIAL POSITIONS:** When a judicial weighted workload indicates for three consecutive years that a judicial circuit with a population of one-hundred thousand or more is in need of four or more full-time judicial positions, then there shall be one additional associate circuit judge position in such circuit. In circuits composed of

multiple counties, the additional associate circuit judge position shall be apportioned among the counties based on population (Section 478.320).

- **SURCHARGES IN CIVIL CASES:** The act modifies provisions which allow Jackson County to charge up to a twenty dollar surcharge when a party files a civil court case. Currently, only Jackson County can charge twenty dollars, and all other circuits may charge up to fifteen dollars. This act authorizes any circuit court that reimburses the state for the salaries of family court commissioners to charge up to a twenty dollar surcharge for such cases (Section 488.426).
- **KANSAS CITY MUNICIPAL VIOLATIONS SURCHARGE:** The act allows Kansas City to provide for an additional surcharge of up to seven dollars in municipal ordinance violation cases. No additional cost shall be collected in a proceeding involving an indigent defendant. The surcharge shall be used to fund special mental health, drug, and veterans courts. (Section 488.2230).
- **COURT TRANSCRIPTS COSTS:** The act specifies that the court reporter shall receive three dollars and fifty cents per page for appeal transcripts. When the defendant is indigent or when a judge orders a transcript, the court reporter shall receive two dollars and sixty cents per page (Section 488.2250).
- **MODEX FUND:** Currently, sheriffs, county marshals and other officers are not allowed to charge for their services rendered in cases disposed of by a violations bureau. This act allows these officials to charge six dollars for their services, even when a case is disposed of by a violations bureau. One-half of the amounts collected will be deposited in the MODEX fund. The other half will be deposited in the inmate security fund of the county or municipality where the citation originated. If the county or municipality does not have an inmate security fund, all of the amount collected shall be deposited in the MODEX fund. This act also creates the MODEX fund. The fund will be used for the support and expansion of the Missouri Data Exchange (MODEX) system. The Peace Officers Standards and Training Commission will administer the fund. The act specifies that sheriffs, county marshals or other officers located in St. Louis County or St. Louis County cannot charge for their services rendered in cases disposed of by a violations bureau (Section 488.5320).
- **BANKRUPTCY PROCEEDINGS EXEMPTIONS:** Under current law a person, either as a participant or a beneficiary, can exempt from attachment in bankruptcy proceedings the right to receive money from a retirement or profit-sharing plan. This act includes a person's interest in health savings plans and inherited accounts to this list of exemptions (Section 513.430).
- **WAIVER OF COURT COSTS:** Currently when a legal aid society, legal services, or a nonprofit organization represents an indigent party in a civil case, the court costs and expenses are waived without motion and court approval, provided that the organization has already determined the party is unable to pay the expenses and filed the determination with the court. This act adds law school clinics to the list of organizations who may waive court expenses without filing a motion with the court (Section 514.040).

*** SB 106 ***MILITARY & CIVIL ACTIONS

SPONSOR: Brown HANDLER: Davis (SIGNED)

CCS/SCS/SB 106 - This act modifies various provisions relating to veterans and members of the Military including academic credit, professional licenses and child custody rights of military members.

- **HONOR AND REMEMBER FLAG:** The act allows for the display of the honor and remembers flag at all state buildings and state parks as an official recognition and in honor of fallen members of the armed forces of the United States.
- **MILITARY TRAINING AND ACADEMIC CREDIT:** This act requires public postsecondary institutions to accept credits for courses that the military awarded to personnel as part of their military training if the courses meet certain standards for academic credit.
- **MILITARY MEMBERS AND PROFESSIONAL LICENSES:** Members of the armed forces with health-related professional licenses or certificates that are in good standing when entering active duty will remain in good standing while on active duty. Renewal of these licenses or certificates while the member is on active duty shall occur without the payment of dues. Continuing education will also not be required if certain requirements are met. Service, education, or training as a member of the armed forces, if satisfactory to the licensing board, may be applied towards qualifications to receive a license or certificate from a professional licensing board.
- **CHILD CUSTODY RIGHTS OF DEPLOYED MILITARY MEMBERS:** This act establishes the child custody and visitation rights of a deploying military parent. A deploying parent is a military parent who has received written orders to deploy with the United States army, navy, air force, Marine Corps, coast guard, National Guard, or any other reserve component. The act provides that if a deploying parent is required to be separated from a child, a court shall not enter a final order modifying the terms of custody or visitation contained in an existing order until 90 days after the deployment ends unless there is a written agreement by both parties. Deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.
- The act provides that a custody or visitation order may be temporarily modified to make reasonable accommodation for the parties due to the deployment. Such temporary order shall also specify the terms of custody or visitation during the deployment and for when there is leave time for the deploying parent. Procedures are delineated for the deploying parent to obtain an expedited hearing in any custody or visitation matters. The non-deploying parent is required to provide written notice to the court and to the deploying parent of any change of address and contact information within seven days of the change, except in instances where there is a valid order of protection in effect requiring the confidentiality of the non-deploying parent's contact information. In such instances the information shall only be given to the court. Nothing in the act shall be construed to eliminate current law requirements regarding relocation procedures. A temporary modification shall automatically end no later than 30 days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated. The court may also conduct an

expedited or emergency hearing within 10 days of the filing of a motion regarding custody or visitation upon return of the deploying parent in cases alleging an immediate danger or irreparable harm to the child. The non-deploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the non-deploying parent for hearing within 30 days of the filing of the motion. Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child. Such rights shall terminate by operation of law upon the end of the deployment, as set forth under the act. There is a rebuttable presumption that delegation of rights shall not be permitted in instances of domestic violence on the part of the family member seeking the delegated visitation rights.

- This act specifies certain obligations the non-deploying and deploying parent has toward each other under any order entered. A deploying parent is required to provide a copy of his or her orders to the non-deploying parent promptly and without delay prior to the deployment.
- The act prohibits a court from counting any time periods during which the deploying parent did not exercise visitation due to military duties when determining whether a parent failed to exercise such rights.
- This act also specifies that any absence of a child from the state during a deployment after an order for custody has been entered must be denominated as a temporary absence for the purposes of the uniform child custody jurisdiction and enforcement act. The act specifies how the court may award attorney's fees and court costs.

***** SB 110 ***MILITARY & CIVIL ACTIONS/CUSTODY**

SPONSOR: Brown HANDLER: Davis (VETOED)

HCS/SB 110 - This act establishes the child custody and visitation rights of a deploying military parent. A deploying parent is a military parent who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component.

- This act provides that if a deploying parent is required to be separated from a child, a court shall not enter a final order modifying the terms of custody or visitation contained in an existing order until 90 days after the deployment ends unless there is a written agreement by both parties. Deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.
- **EXISTING COURT ORDERS** This act provides that a custody or visitation order may be temporarily modified to make reasonable accommodation for the parties due to the deployment. Such temporary order shall also specify the terms of custody or visitation during the deployment and for when there is leave time for the deploying parent. Procedures are delineated for the deploying parent to obtain an expedited hearing in any custody or visitation matters.
- This act requires the non-deploying parent to provide written notice to the court and to the deploying parent of any change of address and contact information within seven days

of the change, except in instances where there is a valid order of protection in effect requiring the confidentiality of the non-deploying parent's contact information. In such instances the information shall only be given to the court. Nothing in the act shall be construed to eliminate current law requirements regarding relocation procedures.

- **AFTER DEPLOYMENT** a temporary modification shall automatically end no later than 30 days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated. The court may also conduct an expedited or emergency hearing within 10 days of the filing of a motion regarding custody or visitation upon return of the deploying parent in cases alleging an immediate danger or irreparable harm to the child. The non-deploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the non-deploying parent for hearing within 30 days of the filing of the motion.
- **DELEGATION OF VISITATION RIGHTS** Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child. Such rights shall terminate by operation of law upon the end of the deployment, as set forth under the act. There is a rebuttable presumption that delegation of rights shall not be permitted in instances of domestic violence on the part of the family member seeking the delegated visitation rights.
- This act specifies certain obligations the non-deploying and deploying parent has toward each other under any order entered. A deploying parent is required to provide a copy of his or her orders to the non-deploying parent promptly and without delay prior to the deployment.
- This act prohibits a court from counting any time periods during which the deploying parent did not exercise visitation due to military duties when determining whether a parent failed to exercise such rights.
- This act also specifies that any absence of a child from the state during a deployment after an order for custody has been entered must be denominated as a temporary absence for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

***** SB 117 *** CIVIL ISSUES MILITARY - CUSTODY**

SPONSOR: Kraus HANDLER: Davis **(SIGNED)**

CCS/HCS/SCS/SB 117 - This act modifies provisions relating to military affairs.

- **DISPLAY OF THE HONOR AND REMEMBER FLAG:** This act requires the display of the Honor and Remember flag at all state buildings and state parks as an official recognition and in honor of fallen members of the Armed Forces of the United States. (Section 8.012 & Section 253.048)
- **RESIDENCY FOR PUBLIC HIGHER EDUCATION INSTITUTIONS:** This act allows any individual who is separating from the military forces of the United States with an honorable discharge or a general discharge to be considered a resident student for admission and in-state tuition purposes at an approved public four-year institution of higher education or in-state and in-district for admission and tuition at any approved

public two-year institution of higher education. The separating military member must demonstrate presence and declare residency within Missouri and, if attending a community college, presence within the taxing district of the community college. The Coordinating Board for Higher Education must promulgate rules to implement this act. (Section 173.1150)

- **CHILD CUSTODY AND VISITATION RIGHTS OF DEPLOYING MILITARY PARENTS:** This act establishes the child custody and visitation rights of a deploying military parent. A deploying parent is a military parent who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, or any other reserve component.
- This act provides that if a deploying parent is required to be separated from a child, a court shall not enter a final order modifying the terms of custody or visitation contained in an existing order until 90 days after the deployment ends unless there is a written agreement by both parties. Deployment or the potential for future deployment shall not be the sole factor supporting a change in circumstances or grounds sufficient to support a permanent modification of the custody or visitation terms established in an existing order.
- **EXISTING COURT ORDERS:** This act provides that a custody or visitation order may be temporarily modified to make reasonable accommodation for the parties due to the deployment. Such temporary order shall also specify the terms of custody or visitation during the deployment and for when there is leave time for the deploying parent. Procedures are delineated for the deploying parent to obtain an expedited hearing in any custody or visitation matters.
- This act requires the non-deploying parent to provide written notice to the court and to the deploying parent of any change of address and contact information within seven days of the change, except in instances where there is a valid order of protection in effect requiring the confidentiality of the non-deploying parent's contact information. In such instances the information shall only be given to the court. Nothing in the act shall be construed to eliminate current law requirements regarding relocation procedures.
- **AFTER DEPLOYMENT:** A temporary modification shall automatically end no later than 30 days after the return of the deploying parent and the original terms of the custody or visitation order in place at the time of deployment are automatically reinstated. The court may also conduct an expedited or emergency hearing within 10 days of the filing of a motion regarding custody or visitation upon return of the deploying parent in cases alleging an immediate danger or irreparable harm to the child. The non-deploying parent shall bear the burden of showing that reentry of the custody or visitation order in effect before the deployment is no longer in the child's best interests. The court shall set any nonemergency motion by the non-deploying parent for hearing within 30 days of the filing of the motion.
- **DELEGATION OF VISITATION RIGHTS:** Upon motion of the deploying parent or upon motion of a family member of the deploying parent with his or her consent, the court may delegate his or her visitation rights, or a portion of such rights, to a family member with a close and substantial relationship to the minor child or children for the duration of the deployment if it is in the best interest of the child. Such rights shall terminate by operation of law upon the end of the deployment, as set forth under the act. There is a rebuttable presumption that delegation of rights shall not be permitted in

instances of domestic violence on the part of the family member seeking the delegated visitation rights.

- **ADDITIONAL PROVISIONS:** This act specifies certain obligations the non-deploying and deploying parents have toward each other under any order entered. A deploying parent is required to provide a copy of his or her orders to the non-deploying parent promptly and without delay prior to the deployment.
- This act prohibits a court from counting any time periods during which the deploying parent did not exercise visitation due to military duties when determining whether a parent failed to exercise such rights.
- This act also specifies that any absence of a child from the state during a deployment after an order for custody has been entered must be denominated as a temporary absence for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.
- This act specifies how the court may award attorney's fees and court costs. (Section 452.413)

***** SB 121 ***ALCOHAL BILL**

SPONSOR: Schaefer HANDLER: Jones **(SIGNED)**

SS/SCS/SB 121 –

- This act provides that distillers, wholesalers, winemakers, retailers, and brewers may make financial contributions for festivals where alcohol is sold to a not-for-profit organization that is registered with the Secretary of State.
 1. No part of the contributions may benefit a private shareholder or liquor licensee member of the organization.
 2. The contributions must be used to pay for event expenses that are unrelated to retail alcohol sales.
- This act provides that beer brewed for personal or family use may be removed from the premises where brewed for use at organized affairs, exhibitions, or competitions, such as home brewer contests, tastings, or judging. The use may occur off licensed retail premises, on any premises under a temporary retail license, or on any tax-exempt organization's licensed premises.
- In addition, this act provides that intoxicating liquor manufactured for personal or family use may not be offered for sale.
- This act contains an emergency clause for the provision relating to beer brewed for personal or family use.
- Under this act, a wholesaler may give, and a retailer may accept, a sample of malt liquor that is no more than 72 ounces if the retailer has not previously purchased the brand of malt liquor from that wholesaler, the wholesaler keeps a record of the transaction, and no samples are consumed or opened on the premises of the retailer except as provided by the retail license. If a particular product is not available in a size of 72 ounces or less, a wholesaler may give the next larger size to the retailer.
- Under current law, liquor may not be sold in a train while it is stopped. This act repeals that prohibition.
- Current law also requires most businesses licensed to sell alcohol to be closed from 1:30 a.m. to 6 a.m. This act adds bowling alleys to the list of businesses that are not required to be closed during those hours, but which may not sell liquor during those hours. Any

rooms in which alcohol is dispensed in a bowling alley would have to be locked from 1:30 a.m. to 6 a.m. If business is conducted in one room, the bowling alley may keep the refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed closed rather than the entire room in which intoxicating liquor is dispensed.

- Under current law, restaurants whose business is conducted in one room only may keep the refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed closed instead of the room if substantial quantities of food and merchandise other than liquor are dispensed at the restaurant.
- This act removes the requirement that substantial quantities of food and merchandise be dispensed at the restaurant.
- Under current law, the Division of Alcohol and Tobacco Control may issue a license to serve liquor by the drink at retail for consumption on a boat that can carry 100 or more passengers. This act allows a person to get a license to serve liquor by the drink at retail for consumption on a boat that can carry 45 to 99 passengers and is on Table Rock Lake.
- This act creates a temporary liquor permit for festivals. Any persons holding a license to sell intoxicating liquor by the drink at retail may apply for the permit. An application for a festival permit must be made at least five business days prior to the festival. The temporary permit shall be effective for no more than 168 consecutive hours. The permit costs \$10 for each day it covers. Wholesalers may, but are not be required to, give a retailer credit for liquor that is delivered but not used if the wholesaler removes the product within 72 hours of the expiration of the permit.
- This act provides that no law or regulation shall be interpreted as preventing a wholesaler, retailer, or distributor from providing storage, cooling, or dispensing equipment for use at festivals.
- Under current law, a festival is defined as a musical activity which will continue uninterrupted for a period of twelve hours or more. This act removes the term "uninterrupted".

***** SB 148 ***SALVAGE VEHICLES/TITLES**

SPONSOR: Wasson HANDLER: Schatz **(SIGNED)**

HCS/SB 148 - This act modifies various provisions relating to the regulation of salvage motor vehicles.

- This act allows the Director of the Department of Revenue to issue temporary permits to individuals who possess motor vehicles that require law enforcement examinations. A person issued a temporary permit under the act may operate the salvage motor vehicle from his or her residence or storage facility to the nearest authorized examination facility and return (Section 301.140).
- Under the current law, any insurer which purchases a vehicle that is currently titled in Missouri through the claims adjustment process for which the insurer is unable to obtain a negotiable title, may make application to the Department of Revenue for a salvage certificate of title or junking certificate.
- This act adds additional consumer protection language to the current law by providing that if the Director of Revenue identifies any additional owner or lien holder who has not been notified by the insurer, the director must inform the insurer of such additional owner

or lien holder and the insurer shall notify the additional owner or lien holder of the insured's intent to obtain title as prescribed by law (Section 301.193).

- Under the terms of this act, an insurer that purchases a motor vehicle through the claims adjustment process which is subject to a lien may apply for a salvage title or junking certificate without obtaining a lien release. The insurer may request a letter of guarantee indicating the amount of the lien from each lien holder and pay the amount indicated within 10 days of receipt of the letter. Prior to applying for a salvage title or junking certificate, the insurer must provide to each lien holder a copy of the letter of guarantee and proof of payment from the claim file as proof of satisfaction for the lien or encumbrance.
- The insurer may then submit copies of all letters of guarantee, proof of payment and title for the vehicle or trailer to the Department of Revenue in lieu of a lien release for processing of the application (Section 301.642).
- The act also provides that the assessed valuation of any tractor or trailer owned by an individual, partner, or member and used in interstate commerce must be apportioned to Missouri based on the ratio of miles traveled in this state to miles traveled in the United States in interstate commerce during the preceding tax year or on the basis of the most recent annual mileage figures available (Sections 137.090 and 137.095).

***** SB 157 ***SCRAP METAL AND PRECIOUS METALS BILL**

SPONSOR: Sater HANDLER: Phillips (SIGNED)

CCS/HCS/SCS/SB 157 & SB 102 - This act modifies provisions relating to the disposition of personal property.

- SALE OF PRECIOUS METALS (Section 407.292) - This act requires that a record be kept for all transactions involving gold, silver, and platinum. Records of buyer transactions may be made available to law enforcement officials or other entities. When a purchase is made from a minor, the written authority of a parent or guardian authorizing the sale shall be attached and maintained with the record.
- This act also requires that when a weighing device is used to purchase gold, silver, or platinum, that a sign be posted listing prices for the gold, silver, or platinum as set forth in this act. The weighing device shall be positioned so that it may be read by both the buyer and seller. The person operating the device shall make a verbal statement of the result of the weighing. If a gold, silver, or platinum purchase is not in accordance with this section, it shall be considered a violation and the buyer may be subject to a fine not to exceed \$1,000.
- SCRAP METAL (Sections 407.300-407.303) - This act modifies the documentation requirement for transactions where junk or scrap metal is sold or traded. A record must be kept for each transaction involving a catalytic converter. In addition, the record must contain the gender, birth date and a photograph of the seller, a full description of the metal, the purchase price, and the license plate number of the vehicle used to haul the scrap metal.
- Currently, scrap yards are prohibited from purchasing metal identified as belonging to a public or private cemetery, political subdivision, electrical cooperative, municipal utility, or other utility. This act expands this prohibition to apply to metal identified as belonging to a telecommunications provider, cable provider, wireless service or other communications-related provider, and water utilities.

- Any scrap metal dealer paying out an amount \$500 or more shall make the payment by a pre-numbered check drawn on a regular bank account in the name of the scrap metal dealer or by using a system for automated cash or electronic payment distribution.
- Further, any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's or non-driver's license if the metal is copper or a catalytic converter.
- This act extends penalty provisions resulting in the revocation of business licenses from dealers, consequential damages related to obtaining stolen scrap metal, and provisions for multiple violations of this act.

***** SB 170 ***GOVERNMENTS ABLE TO USE VIDEO CONFERENCING FOR VOTE**

SPONSOR: Chappelle-Nadal HANDLER: Smith (VETOED)

- Currently, all roll call votes in public meetings of public governmental bodies can only be cast by members that are physically present and in attendance at the meeting. This act allows members cast roll call votes if the member is participating via videoconferencing in such meetings.

***** SB 188 ***SEX OFFENDERS AND FARMINGTON TRACKING**

SPONSOR: Romine HANDLER: Engler (SIGNED)

HCS/SB 188 - This act modifies provisions relating to civil commitment of sexual violent predators.

- This act revised the definition of "sexually violent offense" for purposes of civil commitment to include sexual abuse in the first degree, sexual assault in the first degree, deviate sexual assault in the first degree, and an act of abuse of a child involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to these offenses.
SECTION 632.480
- This act also adds to the list of persons who shall be served with petitions for the conditional release of a sexually violent predator to include the prosecuting attorney of the jurisdiction where the person is to be released. SECTION 632.498
- Under this act, when a person designated as a sexually violent predator is electronically monitored while on conditional release, the Department of Corrections must provide, upon request, the chief of the law enforcement agency for the county or city where the facility that released the offender is located with access to the real-time and recorded information collected by the electronic monitoring, including any alerts generated by the technology.
- The access must continue while the person is living in the county, city, town, or village where the facility that released the offender is located.
- The electronic information must be closed and not disclosed to anyone outside of the law enforcement agency except upon an order of the court supervising the conditional release.
SECTION 632.505
- There is an emergency clause for the provision relating to the definition of "sexually violent offense."

***** SB 216 *** POLITICAL ACTIVITY AUTHORIZATION OFF DUTY**

SPONSOR: Silvy **(SIGNED)**

- Under this act, political subdivisions cannot prohibit first responders from engaging in political activity while off duty and not in uniform or being a candidate for or holding a public office unless the activity or candidacy is otherwise prohibited by law.
- This act repeals provisions of law which currently prohibit any employee or officer of the Kansas City Police Department from belonging to a political party committee, being a ward committeeman or committeewoman, or making contributions of any kind for political activity.
- Also repealed is a provision that prohibits any person from soliciting a police employee, officer, or a member of the police board for any political purpose.
- Current law prohibits a Kansas City officer or employee from soliciting any person to vote for or against a candidate for public office, "poll precincts", or be connected with similar political work for a political organization, party, or candidate. Under this act, those activities are only prohibited while the officer or employee is on duty or in uniform.

***** SB 224 ***METRO POLICE RETIREMENTS/PAY BILL/REJIS**

SPONSOR: Curls HANDLER: Rizzo **(VETOED)**

CCS/SCS/SB 224 - This act modifies provisions relating to public safety.

- KANSAS CITY POLICE DEPARTMENT - Sections 84.480 & 84.490 This act increases the maximum salaries that may be paid to the chief of police and officers of the Kansas City Police Department.
- In addition, this act repeals a provision of current law, which provides that actions taken by the Kansas City Board of Police Commissioners in suspending, removing or demoting the chief of police are not subject to review by any court.
- ST. LOUIS POLICE RETIREMENT SYSTEM - Sections 86.200, 86.257, & 86.263 Currently, a member of the Police Retirement System of St. Louis who becomes disabled from causes occurring within the performance of duties shall be retired upon certification by the medical director of the police retirement system and approved by the board of trustees of the system.
- This act replaces this certification process by requiring that one or more physicians of the medical board certify that the member is unable to perform the full and unrestricted duties of a police officer. The act defines both medical board and full and unrestricted duties of a police officer.
- Under current law, a member who is disabled in an incident unrelated to the performance of official duties and who has ten or more years of service shall be retired by the board of trustees of the police retirement system.
- The act provides that a member with a non-duty disability may retire after five years of creditable service provided that the system's actuarial valuation is at least eighty percent.
- The act also provides that the retirement application shall be certified by a medical board, rather than the medical
- PRESENTING FALSE ID ON A GAMBLING BOAT - Section 313.817
- This act specifies that it is a Class B misdemeanor for a person 21 years of age or older to present false ID to a license or gaming agent in order to enter a gambling boat. When a

person under the age of 21 engages in such acts, this act specifies that it is an infraction and a \$500 fine.

- **CRIMINAL NONSUPPORT** - Section 568.040 This act defines "arrearage" as the amount of money created by a failure to provide support to a child as required under an administrative or judicial support order or support to an estranged or former spouse if the judgment or order for spousal support also requires the payment of child support and the individual receiving the spousal support is the custodial parent.
- The arrearage must reflect any retroactive support ordered under a modification, any judgments entered by a court or any authorized agency, and any satisfactions of judgment filed by the custodial parent.
- Currently, criminal nonsupport is a Class D felony if the total arrearage is in excess of 12 monthly payments. The act changes it to if the total arrearage is in excess of 18 monthly payments.
- A person may petition the court for the expungement of the criminal records of a first felony offense of criminal nonsupport. The expungement of a record is allowed only when at least eight years have elapsed since the person requesting expungement has completed his or her imprisonment or period of probation; the person has not been convicted of or been placed on probation for any felonies during the same period; is current on all child support obligations; has paid off all arrearages; has no other criminal charges or administrative child support actions pending at the time of the hearing on the application for expungement; and the person has successfully completed a criminal nonsupport courts program under Section 478.1000, RSMo.
- If a court grants the order of expungement, the records and files maintained in any court proceeding in an associate circuit or circuit court for the offense ordered expunged will be confidential and only available to the parties or by the order of the court for good cause shown.
- An individual is only entitled to have one petition for expungement granted under these provisions.
- **QUASI-GOVERNMENT ENTITIES - SECTION 1.** Under this act, quasi-government entities who provide information management products and services to criminal justice, municipal and county courts, and other governmental agencies must provide integration data access to the governmental agency at no additional cost.

***** SB 236 ***PATROL VEHICLE FUND**

SPONSOR: Parson HANDLER: Franklin (Will go into law without signature)

- Under current law, the Highway Patrol's Motor Vehicle, Aircraft, and Watercraft Revolving Fund, which is administered by the Superintendent of the Highway Patrol, includes funds received for the purchase of Highway Patrol vehicles, watercraft, and aircraft. The fund is to be used for the purchase of Highway Patrol vehicles, watercraft, and aircraft.
- This act requires the fund to include money received for the purchase and maintenance of vehicles, watercraft, and aircraft and provides that the fund be used for the purchase and maintenance of such items. In addition, this act provides that the Highway Patrol must receive a specific appropriation before obligating any funds for the purchase of an individual unit that costs more than \$100,000.

***** SB 252 ***DOR BILL – BIOMETRIC RESTRICTION BILL**

SPONSOR: Kraus HANDLER: Richardson (SIGNED)

- SCANNING OF SOURCE DOCUMENTS FOR DRIVER'S LICENSES AND NONDRIVER'S LICENSES - Under this act, the department of revenue shall not retain copies, in any format, of source documents presented by individuals applying for or holding driver's licenses or non-driver's licenses.
- In addition, the Department of Revenue shall not use technology to capture digital images of source documents so that the images are capable of being retained in electronic storage in a transferable format.
- The scanning and retention provisions of the act shall not apply to:
 - (1) Original application forms, which may be retained but not scanned;
 - (2) Test score documents issued by state highway patrol driver examiners;
 - (3) Documents demonstrating lawful presence of any applicant who is not a citizen of the United States, including documents demonstrating duration of the person's lawful presence in the United States;
 - (4) Any document required to be retained under federal motor carrier regulations relating to the issuance of commercial driver's license; and
 - (5) Any other document at the request of and for the convenience of the applicant where the applicant requests the department of revenue review alternative documents as proof required for issuance of a driver license, non-driver license, or instruction permit.
- The act further requires the Department of Revenue, by December 31, 2013, to securely destroy any source documents that have been obtained from driver's license or non-driver's license applicants after September 1, 2012.
- Under the terms of the act, as long as the department has the authority to issue a concealed carry endorsement, the department shall not retain copies of any certificate of qualification for a concealed carry endorsement presented to the department for an endorsement on a driver's license or non-driver's license.
- In addition, the act further requires the department to purge any copies of certificates of qualification that have been obtained from driver's license and non-driver's license applicants.
- Under the act, any person harmed or damaged by any violation of scanning and retention provision may bring a civil action for damages, including non-economic and punitive damages, as well as injunctive relief, in the circuit court where that person resided at the time of the violation or in the circuit court or the circuit court of Cole County to recover such damages from the department of revenue and any persons participating in such violation. Sovereign immunity shall not be available as a defense for the department of revenue in such an action. In the event the plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled to recover reasonable attorney fees from the defendants.
- The act defines "source documents" as original or certified copies of documents presented by an applicant as required under federal law to the Department of Revenue to apply for a driver's license or non-driver's license. Source documents shall also include any documents required for the issuance, renewal, or replacement of driver's licenses or non-driver's licenses by the Department of Revenue.

- **BIOMETRIC DATA** - Under current law, biometric data previously collected or retained in connection with motor vehicle registrations, driver's licenses, and non-driver's licenses must be deleted from all state databases. This purging provision, however, does not apply to any data collected, obtained, or retained for a purpose other than compliance with the federal REAL ID Act.
- This act removes this qualifier so that the purging of state databases applies to all biometric data collected, obtained, or retained in connection with motor vehicle registrations, driver's licenses, and non-driver's licenses.
- Under this act, the Department of Revenue shall not use, collect, obtain, share, or retain biometric data nor shall the department use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a driver's license or non-driver's license or to uniquely identify licensees or license applicants for whatever purpose.
- The act shall not apply to digital images nor licensee signatures that are required for the issuance of driver's licenses and non-driver's license.
- **PROHIBITION AGAINST STATE AGENCIES SHARING FIREARM INFORMATION WITH THE FEDERAL GOVERNMENT** - Under the act, no state agency or department, or contractor or agent working for the state, shall construct, enable by providing or sharing records to, maintain, participate in, or develop, or cooperate or enable the federal government in developing, a database or record of the number or type of firearms, ammunition, or firearms accessories that an individual possesses (Section 571.500).
- Under the act, no state agency shall disclose to the federal government the statewide list of persons who have obtained a concealed carry endorsement or permit. Nothing in this section shall be construed to restrict access to individual records by any criminal justice agency authorized to access the Missouri uniform law enforcement system.

***** SB 256 ***SEXUAL ASSAULT/TESTING**

REIMBURSEMENT

SPONSOR: Silvey HANDLER: Torpey (SIGNED)

CCS/HCS/SCS/SB 256 - This act modifies provisions relating to child abuse and neglect.

- **TASK FORCE ON THE PREVENTION OF SEXUAL ABUSE OF CHILDREN** (Section 160.2100) This act repeals the January 1, 2013, expiration date for the Task Force on the Prevention of Sexual Abuse of Children. Beginning January 1, 2014, the Department of Elementary and Secondary Education, in collaboration with the task force, shall make yearly reports to the General Assembly on the department's progress in preventing child sexual abuse.
- **SAFE PLACE FOR NEWBORNS ACT** (Sections 1, 210.950 and 211.447) This act modifies provisions relating to the Safe Place for Newborns Act of 2002. Under current law, a parent will not be prosecuted for the abandonment of a child up to 5 days old if he or she leaves the child in the custody of a medical facility staff member, provider or volunteer, a firefighter or emergency medical technician or with a law enforcement officer. This act increases that time period to up to 45 days after birth and includes maternity homes and pregnancy resource centers as a permissible place to relinquish a child.

- FORENSIC EXAMINATIONS IN CHILD ABUSE CASES (Sections 595.220) This act requires the Department of Public Safety to establish rules regarding the reimbursement of the costs of forensic examinations for children younger than 14 years of age, including establishing conditions and definitions for emergency and non-emergency forensic exams and specific qualifications for appropriate medical providers performing non-emergency forensic exams. The Department must provide reimbursements regardless of whether or not the findings indicate the child was abused. This act also allows the department to establish additional qualifications for appropriate medical providers performing non-emergency forensic evaluations for children younger than 14 years of age. (Section 595.220)

***** SB 282 ***PASSING/CHECK POINTS – TRAFFIC COLLEGE TRAFFIC**

SPONSOR: Wasson HANDLER: Hough – (SIGNED)

HCS/SS/SB 282 - This act modifies various provisions relating to the regulation of motor vehicles.

- ENDANGERMENT OF EMERGENCY WORKERS - This act increases penalties for moving violations and traffic offenses occurring within an active emergency zone. Such a zone is defined under this act as an area that is visibly marked by emergency responders on, or around, a highway, and where an active emergency or incident removal is temporarily occurring.
 1. Any person convicted of a first moving violation or traffic offense within an active emergency zone shall be assessed a fine of \$35 in addition to any other fine authorized by law.
 2. A second or subsequent offense within an active emergency zone shall be assessed a fine of \$75 (Section 304.892.1).
- Under this act, it is a Class C misdemeanor to pass another vehicle in an active emergency zone. Those who plead guilty to, or are convicted of, a speeding or passing violation shall be assessed a fine of \$250 in addition to any other fine authorized by law. A second or subsequent speeding or passing violation shall result in a \$300 fine (Section 304.892.2 and .3).
- A person commits the offense of endangerment of an emergency responder if, while in an active emergency zone while emergency responders are present, the person:
 - (1) Exceeds the posted speed limit by 15 mph or more;
 - (2) Passes another vehicle;
 - (3) Fails to stop for a flagman, an emergency responder, or a traffic control signal in the active emergency zone;
 - (4) Drives through, or around, an active emergency zone via any lane that is not for motorists;
 - (5) Physically assaults, threatens, or attempts to assault an emergency responder with a motor vehicle or other instrument; or
 - (6) Intentionally strikes or moves barrels, barriers, signs or other devices for a reason other than to avoid an obstacle, emergency, or to protect the health and safety of another person.
 - When no injury or death results, a person who pleads guilty to, or is convicted of, endangering an emergency responder shall be subject to a fine of not more than \$1,000 (Section 304.894.2).

- If a death or injury results, the person commits aggravated endangerment of an emergency responder. The penalty for aggravated endangerment of an emergency responder is a fine of not more than \$5,000 if a responder is injured, and not more than \$10,000 if death resulted (Section 304.894.3).
- The act provides for the assessment of 4 points for endangerment of an emergency responder and 12 points for aggravated endangerment of an emergency responder (Section 302.302). If a person commits endangerment or aggravated endangerment of an emergency responder as a result of a vehicle's mechanical failure or the negligence of another person, then the person shall not be cited for, or convicted of, such offenses.
- COLLEGIATE REGULATION OF VEHICULAR TRAFFIC - This act allows the governing body of any state college or university to establish regulations to control vehicular traffic on campus. Any such regulations must be consistent with state law. The governing body of any state college or university may also enforce any such regulations and general motor vehicle laws of Missouri through college or university police officers.
- Any regulations adopted must be codified, printed, and distributed for public use. There must be adequate signs displaying the speed limit on thoroughfares. Violations will have the same effect as a municipal ordinance, as well as penalty provisions and points. State college or university police officers must be certified under the requirements of Chapter 590 and will have the same powers as other law enforcement officers (Sections 174.700, 174.703, 174.706, 174.709, 174.712, and 544.157).
- REMOVAL OF CERTAIN DRIVER'S LICENSE SUSPENSIONS - Under current Missouri law, a person's driver's license may be suspended for failing to timely dispose of traffic tickets. The suspension will be removed if the person pays the traffic ticket fine, court costs, and a reinstatement fee. The removal of the suspension from the individual's driving record will only occur if the individual was not operating a commercial motor vehicle or was a commercial driver's license holder at the time of the offense.
- This act deletes the provision that requires the director to return the person's license and remove the suspension from the individual's driving record (Section 302.341).
- MOTORCYCLE CHECKPOINTS - This act prohibits law enforcement agencies from establishing roadside checkpoint or road block patterns based upon a particular vehicle type, including the establishment of motorcycle-only checkpoints. Law enforcement agencies may establish roadside checkpoint patterns that only stop and check commercial motor vehicles. The provisions of the act shall not be construed to restrict any other type of checkpoint or road block which is lawful and is established and operated in accordance with the provisions of the United States Constitution and the Constitution of Missouri.
- MOTORCYCLE BRAKE LIGHTS - This act allows a motorcycle to be equipped with a means of varying the brightness of its brake light for a duration of not more than 5 seconds upon application of the vehicle's brakes.
- EMERGENCY MEDICAL TECHNICIANS - This act adds emergency medical technicians to the list of health care professionals who may report incompetent or unqualified drivers to the Department of Revenue (Section 302.291)

***** SB 327 *** DWI COURTS AND MONITORING**

SPONSOR: Dixon HANDLER: Haahr **(SIGNED)**

CCS/SB 327 - This act modifies provisions regarding DWI courts and electronic monitoring of criminal offenders.

- **ELECTRONIC MONITORING** - Sections 544.455 & 557.011. Under current law, a judge may release a person charged with a crime pending trial and place the person on house arrest with electronic monitoring if the person can afford the costs of the monitoring. A judge can also order that a person convicted of a crime and placed on probation be placed on house arrest with electronic monitoring if the person can afford the costs of the monitoring. This act provides that, in either of the above scenarios, a person may be placed on electronic monitoring if the person can afford the costs or the county commission agrees to pay the costs of the monitoring from its general revenue.
- **DWI COURT** - Section 478.007 The act allows the DWI court to use a private probation service when the Division of Probation and Parole is unavailable to assist in the supervision of a person who wishes to enter a DWI court. A person cannot be rejected from participating in the DWI court for not residing in the city or county where the DWI court is located.

HOUSE BILLS

***** HB 103 ***CAMPUS TRAFFIC/MACK CREEK/ ATVS/TABS & CONVERTERS**

SPONSOR: Kelley HANDLER: Munzlinger (SIGNED)

CCS/SCS/HB 103 - This act modifies various provisions of law relating to transportation.

- **CAMPUS ENFORCEMENT OF MOTOR VEHICLE LAWS** - This act allows the governing body of any state college or university to establish regulations to control vehicular traffic on campus. Any such regulations must be consistent with state law. The governing body of any state college or university may also enforce any such regulations and general motor vehicle laws of Missouri through college or university police officers. Any regulations adopted must be codified, printed, and distributed for public use. There must be adequate signs displaying the speed limit on thoroughfares. Violations will have the same effect as a municipal ordinance, as well as penalty provisions and points. State college or university police officers must be certified under the requirements of chapter 590 and will have the same powers as other law enforcement officers. (Sections 174.700, 174.703, 174.706, 174.709, 174.712 and 544.157).
- **TEXTING AND COMMERCIAL MOTOR VEHICLES** - Under current law, texting while driving is limited to persons under the age of 21 and excludes the majority of commercial driver's license holders. Under this act, a person convicted of texting while operating a commercial motor vehicle or convicted of using a hand-held mobile telephone while driving a commercial motor vehicle, may have his or her commercial driver's license disqualified. Under the act, texting while driving and using a hand-held mobile telephone while driving a commercial motor vehicle has been defined as a serious traffic violation under Section 302.700. The disqualification provisions for such violations may be found under Section 302.755.5. In addition, this act makes it an infraction for a person to use a hand-held mobile telephone or engage in texting while operating a commercial motor vehicle (Section 304.820).
- **PERMISSIVE YELLOW-LIGHT INTERVALS** - Under this act, no ordinance shall prohibit the operator of a motor vehicle from being in an intersection while a red signal is being displayed if the operator of the motor vehicle entered the intersection during a yellow signal interval. The provisions of this act shall supercede any local laws, ordinances, orders, rules, or regulations enacted by a county, municipality, or other political subdivision that are to the contrary (Section 304.120).
- **OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY VEHICLES ON CITY STREETS** – This act allows municipalities to adopt ordinances or resolutions that allow all-terrain vehicles or utility vehicles to operate on streets and highways under their jurisdiction. Person operating all-terrain vehicles or utility vehicles pursuant to a

municipal resolution or ordinance must maintain proof of insurance (Sections 304.013 and 304.032).

- **MACKS CREEK LAW** - This act modifies the law commonly referred to as "Macks Creek Law". Under current law, if a city, town, or village receives more than 35% of its annual general operating revenue from traffic fines and court costs for traffic violations occurring on state highways within its jurisdiction, all revenues in excess of the 35% threshold must be sent to the Department of Revenue to be distributed annually to the schools of the county in the same manner other penalty proceeds are distributed.
 1. This act modifies the "Macks Creek law" by expanding its application to counties.
 2. The act further removes the qualification that the traffic violation revenue limitation only apply to violations occurring on state highways.
 3. The act makes the revenue limitation applicable to all traffic violations occurring within the described political subdivisions regardless of highway type.
 4. The act makes the law applicable to amended charges from any traffic violation and lowers the 35% threshold to 30%. (ISSUES – calculation/formula in question and how to calculated based on budget cycle are two very concerning issues.)
 5. In addition, the act requires political subdivisions to include an accounting of the percent of annual general operating revenue from fines and court costs for traffic violations within the Comprehensive Annual Financial Report that it submits to the State Auditor.
 6. Any political subdivision that fails to make an accurate or timely report, or fails to send in excess revenues from traffic violations to the Department of Revenue shall lose jurisdiction on traffic-related charges until it comes into compliance with the law. (Section 302.341).
- **LICENSE PLATE TABS** - This act modifies the process for obtaining free license plate tabs. Under current law, any person replacing a stolen license plate tab may receive at no cost up to two sets of two license plate tabs per year when the application for the replacement tab is accompanied with a police report. This act replaces the police report with a notarized affidavit so that a person may receive up to two sets of license plate tabs per year when the application for the replacement tab is accompanied by a notarized affidavit verifying that the tab or tabs were stolen (Section 301.301).
- **CATALYTIC CONVERTERS** - Under current law, scrap dealers must keep documentation of transaction involving certain metals. This act adds catalytic converters to the types of metal requiring documentation. Records for transactions involving catalytic converters must be kept regardless of the dollar value of the scrap (section 407.300).
- **ENDANGERMENT OF EMERGENCY WORKERS** - This act increases penalties for moving violations and traffic offenses occurring within an active emergency zone. Such a zone is defined under this act as an area that is visibly marked by emergency responders on, or around, a highway, and where an active emergency or incident removal is temporarily occurring.
 1. Any person convicted of a first moving violation or traffic offense within an active emergency zone shall be assessed a fine of \$35 in addition to any other fine authorized by law.
 2. A second or subsequent offense within an active emergency zone shall be assessed a fine of \$75 (Section 304.892.1).

- Under this act, it is a Class C misdemeanor to pass another vehicle in an active emergency zone.
 - 1. Those who plead guilty to, or are convicted of, a speeding or passing violation shall be assessed a fine of \$250 in addition to any other fine authorized by law.
 - 2. A second or subsequent speeding or passing violation shall result in a \$300 fine (Section 304.892.2 and .3).
 - A person commits the offense of endangerment of an emergency responder if, while in an active emergency zone while emergency responders are present, the person:
 - (1) Exceeds the posted speed limit by 15 mph or more;
 - (2) Passes another vehicle;
 - (3) Fails to stop for a flagman, an emergency responder, or a traffic control signal in the active emergency
 - (4) Drives through, or around, an active emergency zone via any lane that is not for motorists;
 - (5) Physically assaults, threatens, or attempts to assault an emergency responder with a motor vehicle or other instrument; or
 - (6) Intentionally strikes or moves barrels, barriers, signs or other devices for a reason other than to avoid an obstacle, emergency, or to protect the health and safety of another person.
- When no injury or death results, a person who pleads guilty to, or is convicted of, endangering an emergency responder shall be subject to a fine of not more than \$1,000 (Section 304.894.2).

- If a death or injury results, the person commits aggravated endangerment of an emergency responder.
- The penalty for aggravated endangerment of an emergency responder is a fine of not more than \$5,000 if a responder is injured, and not more than \$10,000 if death resulted (Section 304.894.3).
- The act provides for the assessment of 4 points for endangerment of an emergency responder and 12 points for aggravated endangerment of an emergency responder (Section 302.302).
- If a person commits endangerment or aggravated endangerment of an emergency responder as a result of a vehicle's mechanical failure or the negligence of another person, then the person shall not be cited for, or convicted of, such offenses.

***** HB 152 ***MPCCF CERTIFYING BODY FOR SROs and SCHOOL DISTRICT LE**

SPONSOR: Solon HANDLER: Kraus (SIGNED)

SCS/HB 152 - This act modifies provisions relating to school district officers.

- SCHOOL OFFICERS: Currently, the school board of the Blue Springs school district may authorize and commission school officers to enforce laws relating to crimes committed on school premises, at school activities, and on school buses. This act allows the school board of any school district to authorize and commission such school officers. (Section 162.215)

DARE PROGRAM CURRICULUM: The Missouri State Training Center for the DARE program must develop curriculum and certification requirements for school resource officers. School resource officers must complete, at a minimum, forty hours of basic school resource

officer training that includes legal operations within an educational environment, intruder training and planning, juvenile law, and other relevant topics.

***** HB 215 ***SEXUAL**

ASSAULT/DV/RESTITUTION/EXAMS/PORNAGRAPHY

SPONSOR: Cox HANDLER: Dixon **(SIGNED)**

SS/SCS/HCS/HB 215 - This act modifies provisions relating to criminal procedure.

- CRIMINAL RECORDS AND JUSTICE INFORMATION ADVISORY COMMITTEE - 43.518 Under current law, the chairman of the Circuit Court Budget Committee serves on the Criminal Records and Justice Information Advisory Committee. This act replaces the chairman of the budget committee with the chairman of the Court Automation Committee.
- SEXUAL OFFENSES - 160.261 to 217.010, 217.703, 339.100, 375.1312, 556.036 to 556.061, 558.018, 558.026, 559.105.8, 559.117, 566.020 to 566.226, 589.015, 590.700, & 632.480 Under this act, the crimes of forcible rape and sexual assault are renamed first and second degree rape, the crimes of forcible sodomy and deviate sexual assault are renamed first and second degree sodomy, and the crimes of sexual abuse and first degree sexual misconduct are renamed first and second degree sexual abuse.
 1. Second and third degree sexual misconduct are renamed first and second degree sexual misconduct. References throughout the statutes to the former names are updated to reflect the change.
 2. A section that prohibits insurers from taking certain actions based on a person's status as a domestic violence victim was further modified to align with statutory definitions in current law related to domestic violence.
 3. Under current law, forcible rape, forcible sodomy and sexual abuse all occur when a person engages in certain specified sexual conduct with another person by forcible compulsion. This act provides that a person violates the law when engaging in the sexual conduct with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by forcible compulsion.
 4. Under current law, assent does not constitute consent if it is given by a person who due to youth, mental disease or defect, or intoxication is manifestly unable to make a reasonable judgement regarding the conduct charged. This act provides that a drug-induced state or any other reason can result in the person being unable to consent.
 5. In addition, this act repeals current law specifying that a person is not to be considered incapacitated if the person became incapacitated after consenting to an act and a crime is not committed when an offender reasonably believed the victim consented to the act and was not incapacitated.
 6. Current law provides that multiple sentences of imprisonment must run concurrently unless the court specifies that the sentences are to run consecutively, except when the sentences are for the crimes of rape or sodomy, in which case the sentences for those crimes must run consecutively.
 7. Under this act, sentences for the crimes of first degree statutory rape and first degree statutory sodomy must also run consecutively.
- CORRECTIONS PROGRAMS FOR OFFENDERS UNDER AGE 18 - 217.345 Under current law, the Department of Corrections must establish correctional treatment

programs for offenders who are under the age of 17. In such programs, offenders who are under the age of 17 must be separated from those who are 17 years of age or older.

1. This act raises the age of the offenders in the programs to under the age of 18, and provides that offenders who are under the age of 18 must be separated from those who are 18 years of age or older. The provisions relating to a regimented training program for juvenile offenders are repealed.
 2. Current law also requires the Department to implement an ongoing evaluation process for juvenile offender programs. This act removes the requirement that the process be ongoing. This act repeals provisions requiring prosecuting attorneys to maintain sentencing records for offenders who were under the age of 17 at the time of prosecution and requiring the Department to submit an annual report regarding juvenile offender programs to the Governor and General Assembly.
- DOMESTIC VIOLENCE - 339.100, 375.1312, & 455.010 to 527.290 This act modifies provisions relating to domestic violence and makes various changes to the domestic violence chapter as follows:
 - (1) Provides for the consistent use of the terms "person" rather than "adult" and the use of "domestic violence" rather than "abuse" in the domestic violence chapter;
 - (2) Provides for the consistent use of "stalking" to ensure that the provisions of the chapter apply to instances of both domestic abuse and stalking that does not involve a family or household member;
 - (3) Provides that a court must order a protective order if the petitioner has proven the allegation by a preponderance of the evidence and the respondent cannot show his or her actions were otherwise justified under the law;
 - (4) Under this act, notice for both ex parte and full orders of protection shall have priority over other non-emergency actions;
 - (5) The provisions requiring a court to "dismiss a petitioner" when there are insufficient allegations have been revised to provide that the court shall deny the ex parte order and dismiss the petition; and
 - (6) Service on a custodial parent, guardian or guardian ad litem for a juvenile respondent will require the person to bring the respondent to court.
 - (7) Also, current law provides for an exception to the requirement for public notice of a name change for instances where the person changing his or her name is a victim of domestic violence.
 - (8) This act extends such exception to prohibit publication on CaseNet or through other any system operated by the judiciary that is designed to provide public case information electronically. Section 527.290.2
 - RESTITUTION - 559.100, 559.105, & 570.120
 - (1) This act provides that restitution must be paid through the office of the prosecuting or circuit attorney.
 - (2) In addition, this act allows the prosecuting attorney who takes action to collect restitution to collect an administrative handling cost.
 - (3) The proceeds are to be deposited by the county treasurer into an "Administrative Handling Cost Fund" to be expended by the prosecuting attorney. Restitution collected from a person found guilty of passing a bad check must also be put in the "Administrative Handling Cost Fund".

- (4) Current law provides that a court may order a person to make restitution when the person has been found guilty of first degree tampering involving an automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle or stealing a motor vehicle, watercraft, or aircraft.
 - (5) The restitution must include payment for repairs or replacement of the vehicle, watercraft, or aircraft and any costs associated with towing or storage fees. In addition, a person may be required, as a condition of parole, to make restitution.
 - (6) This act expands the current restitution law so that it applies to any person found guilty of any offense and repeals the provisions requiring the restitution include repairs, towing, and storage fees.
 - (7) In addition, this act provides that a person must be required to make restitution as a condition of parole.
 - (8) This act allows the court to set an amount of restitution to be taken from the inmate's account while incarcerated by the Department of Corrections.
 - (9) This act also provides that the payment of restitution may be collected as a condition of conditional release or parole by the prosecuting attorney and that the prosecuting attorney may refer any failure to make restitution as a violation of parole or the terms of conditional release.
- **POSSESSION OF CHILD PORNOGRAPHY - 573.037**
 - (1) Under current law, a person commits the Class C felony of possession of child pornography if he or she possesses any child pornography or obscene material portraying what appears to be a minor.
 - (2) This act provides that possession of child pornography is a Class C felony if the person possesses one still image of child pornography or one obscene still image.
 - (3) Under current law, possession of child pornography is a Class B felony if the person possesses more than 20 still images of child pornography or one video of child pornography.
 - (4) This act also makes it a Class B felony to possess more than 20 obscene still images or one obscene video. In addition, it is a Class B felony if the person has previously been found guilty of possession of child pornography.
 - (5) This act provides that a person who has committed the offense of possession of child pornography is subject to separate punishments for each item of child pornography or obscene material.
 - **FORENSIC EXAMS OF CHILD VICTIMS - 595.220**
 - (1) This act requires the Department of Public Safety to establish rules regarding reimbursements of the costs of forensic exams of children under the age of 14, including rules on conditions and definitions for emergency and nonemergency forensic examinations and qualifications for appropriate medical providers performing nonemergency forensic examinations.
 - (2) The department must provide reimbursement regardless of whether the exam findings indicate abuse.
 - (3) In addition, this act defines the terms "emergency forensic examination" and "nonemergency forensic examination".
 - **SEXUALLY VIOLENT PREDATORS - 632.480, 632.498, 632.505 & Section 1**

- (1) This act adds to the list of persons who shall be served with petitions for the conditional release of a sexually violent predator to include the prosecuting attorney of the jurisdiction where the person is to be released.
- (2) This act provides that, when a person designated as a sexually violent predator is electronically monitored while on conditional release, the Department of Corrections must provide, upon request, the chief of the law enforcement agency for the county or city where the facility that released the offender is located with access to the real-time and recorded information collected by the electronic monitoring, including any alerts generated by the technology.
- (3) The access must continue while the person is living in the county, city, town, or village where the facility that released the offender is located.
- (4) The electronic information must be closed and not disclosed to anyone outside of the law enforcement agency except upon an order of the court supervising the conditional release.
- (5) This act revises the definition of "sexually violent offense" for purposes of civil commitment to include sexual abuse in the first degree, sexual assault in the first degree, deviate sexual assault in the first degree, and an act of abuse of a child involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to these offenses.
- (6) The intent of the legislature to is to reject and abrogate earlier case law interpretations on the meaning of or definition of "sexually violent offense". This provision contains an emergency clause.

***** HB 256 ***CLOSES RECORDS UNDER 610 RSMO**

SPONSOR: Jones HANDLER: Kehoe (SIGNED)

CCS/HCS/HBs 256, 33 & 205 –

- This act modifies provisions of Missouri's open records law, commonly known as the Sunshine Law, regarding bases for closing a record, meeting or vote. Certain bases for closure relating to operational guidelines and security systems expired on December 31, 2012. This act removes the expiration date for such bases. The act adds specific response plans to the operational guideline records that may be closed and provides that financial records related to the procurement of, and expenditures for, such guidelines and plans are open records.
- The act creates a new basis for closing the portion of a record that identifies security systems or access codes or authorization codes for security systems of real property.
- Currently, any information acquired by a law enforcement agency by way of a complaint or a report using the 911 phone number is inaccessible to the public, with exceptions for certain information. This act adds information acquired by first responder agencies to this provision.
- Any records or flight logs pertaining to flights or requests for flights, after such flight has occurred, by any member of the legislative or executive branch shall be open records. This provision only applies to a flight on a state-owned plane.
- This act contains an emergency clause for changes to the section concerning the bases for closing of records.

***** HB 301 *** FARMINGTON TRACKING/SEXUAL OFFENSES**

SPONSOR: Engler HANDLER: Romine (VETOED)

This act is substantially similar to HB 756 (2013).

- SEXUAL OFFENSES - Sections 160.261 to 217.010, 217.703, 339.100, 375.1312, 556.036 to 556.061, 558.018, 558.026, 559.105.8, 559.117, 566.020 to 566.226, 589.015, 590.700, & 632.480
 - (1) Under this act, the crimes of forcible rape and sexual assault are renamed first and second degree rape, the crimes of forcible sodomy and deviate sexual assault are renamed first and second degree sodomy, and the crimes of sexual abuse and first degree sexual misconduct are renamed first and second degree sexual abuse.
 - (2) Second and third degree sexual misconduct are renamed first and second degree sexual misconduct. References throughout the statutes to the former names are updated to reflect the change.
 - (3) A section that prohibits insurers from taking certain actions based on a person's status as a domestic violence victim was further modified to align with statutory definitions in current law related to domestic violence.
 - (4) Under current law, forcible rape, forcible sodomy and sexual abuse all occur when a person engages in certain specified sexual conduct with another person by forcible compulsion.
 - (5) This act provides that a person violates the law when engaging in the sexual conduct with another person who is incapacitated, incapable of consent, or lacks the capacity to consent, or by forcible compulsion.
 - (6) Under current law, assent does not constitute consent if it is given by a person who due to youth, mental disease or defect, or intoxication is manifestly unable to make a reasonable judgement regarding the conduct charged.
 - (7) This act provides that a drug-induced state or any other reason can result in the person being unable to consent.
 - (8) In addition, this act repeals current law specifying that a person is not to be considered incapacitated if the person became incapacitated after consenting to an act and a crime is not committed when an offender reasonably believed the victim consented to the act and was not incapacitated.
 - (9) Current law provides that multiple sentences of imprisonment must run concurrently unless the court specifies that the sentences are to run consecutively, except when the sentences are for the crimes of rape or sodomy, in which case the sentences for those crimes must run consecutively.
 - (10) Under this act, sentences for the crimes of first degree statutory rape and first degree statutory sodomy must also run consecutively.
- CIVIL COMMITMENT AND RELEASE OF SEXUALLY VIOLENT PREDATORS- Sections 632.480, 632.498, 632.505
 - (1) This act revises the definition of "sexually violent offense" for purposes of civil commitment to include sexual abuse in the first degree, sexual assault in the first degree, deviate sexual assault in the first degree, and an act of abuse of a child involving either sexual contact, a prohibited sexual act, sexual abuse, or sexual exploitation of a minor, or any felony offense that contains elements substantially similar to these offenses.

- (2) The intent of the legislature to is to reject and abrogate earlier case law interpretations on the meaning of or definition of "sexually violence offense". This provision contains an emergency clause.
- (3) This act also adds to the list of persons who shall be served with petitions for the conditional release of a sexually violent predator to include the prosecuting attorney of the jurisdiction where the person is to be released.
- (4) Under this act, when a person designated as a sexually violent predator is electronically monitored while on conditional release, the Department of Corrections must provide, upon request, the chief of the law enforcement agency for the county or city where the facility that released the offender is located with access to the real-time and recorded information collected by the electronic monitoring, including any alerts generated by the technology.
- (5) The access must continue while the person is living in the county, city, town, or village where the facility that released the offender is located.
- (6) The electronic information must be closed and not disclosed to anyone outside of the law enforcement agency except upon an order of the court supervising the conditional release.
- **SEX OFFENDER REGISTRY- Sections 43.650, 589.400, 589.402**
 - (1) Under this amendment, beginning August 28, 2013, no information shall be provided on sex offender websites maintained by the Highway Patrol or any local law enforcement agencies regarding offenders who were under the age of 18 when they committed their sex offenses.
 - (2) Information regarding such offenders that is currently on the websites must be removed immediately.
 - (3) Offenders on the adult registry who were juveniles at the time of their offenses will be required to register as sex offenders on the adult registry for a period of five years from the later of the date they were found guilty or were released from custody.
 - (4) After the five-year period, such offenders may petition for removal from the registry.
 - (5) The petition may be filed in the circuit court in the county in which the person was found guilty of the offense requiring registration.
 - (6) A person whose offense was adjudicated outside the state may petition in the circuit court in the county in which such person resides if the person has been a resident of Missouri for at least five years prior to filing the petition.
 - (7) The court must grant the petition unless it finds that the petitioner in this state, or any other state, country, or jurisdiction, has been found guilty of, or has charges pending for, failure to register or an additional offense that would require registration on either the adult or juvenile sex offender registries, has not completed any required period of supervised release, probation, or parole, or, if the offense was adjudicated outside the state, the offender has not been a Missouri resident for at least five years.
 - (8) If the petition was denied for pending charges, the petitioner may file a new petition if those charges are subsequently dismissed or the person is acquitted.
 - (9) A person denied for failing to register may petition again after five years have passed from the date the person was found guilty of failure to register.

- (10) If the denial is for not completing a required term of probation, parole, or conditional release and the person subsequently completes such term, then the person may immediately file a new petition.
- (11) A person denied for committing an additional offense requiring registration may never file a petition again under this act.
- (12) If the petition was denied because the person did not meet the five-year residency requirement, then a new petition may be filed whenever the person can meet the requirement.

***** HB 307 *** JUST CAUSE, POLITICAL ACTIVITY & COLLEGE TRAFFIC**

SPONSOR: Riddle HANDLER: Schmitt (**SIGNED DURNING COMBINED CONFERENCE**)

CCS/SS/SCS/HB 307 - This act modifies provisions relating to emergency service providers.

- **FIRST RESPONDER POLITICAL RESTRICTIONS** - Sections 67.145 & 84.830
 - (1) Under this act, political subdivisions cannot prohibit first responders from engaging in political activity while off duty and not in uniform or being a candidate for or holding a public office unless the activity or candidacy is otherwise prohibited by law.
 - (2) This act repeals provisions of law which currently prohibit any employee or officer of the Kansas City Police Department from belonging to a political party committee, being a ward committeeman or committeewoman, or making contributions of any kind for political activity.
 - (3) Also repealed is a provision that prohibits any person from soliciting a police employee, officer, or a member of the police board for any political purpose. Current law prohibits a Kansas City officer or employee from soliciting any person to vote for or against a candidate for public office, "poll precincts", or be connected with similar political work for a political organization, party, or candidate. Under this act, those activities are only prohibited while the officer or employee is on duty or in uniform.
- **REMOVAL OF POLICE CHIEFS** - Sections 77.046, 78.340, 79.240, 80.420, 84.120, 84.490, 84.830, 85.551, 106.270, 106.273
 - (1) This act creates a process for removing a non-elected police chief from office by an appointing authority or the governing body of the political subdivision employing the officer.
 - (2) This act defines just cause for the police chief's removal. In addition, this act provides that the Chief of the Kansas City Police Department may only be removed, suspended, or demoted for cause and provides a list of reasons that may constitute cause.
 - (3) A provision of current law providing that adverse employment actions taken by the Kansas City Board of Police Commissioners against the Chief are not subject to judicial review.
 - (4) This act specifies that provisions of law relating to third and fourth class cities, towns and villages, and the Governor shall not be construed as authorizing such entities or the Governor to remove or discharge a police chief.
 - (5) This provision is similar to HCS/HB 335 (2013) and to a provision of HCS/HB 468 (2013).
- **TRAFFIC LAWS ON COLLEGE CAMPUSES** - Sections 174.700-174.712 & 544.157

- (1) This act allows the governing body of any state college or university to establish regulations to control vehicular traffic on campus.
- (2) Any such regulations must be consistent with state law.
- (3) The governing body of any state college or university may also enforce any such regulations and general motor vehicle laws of Missouri through college or university police officers.
- (4) Any regulations adopted must be codified, printed, and distributed for public use.
- (5) There must be adequate signs displaying the speed limit on thoroughfares.
- (6) Violations will have the same effect as a municipal ordinance, as well as penalty provisions and points.
- (7) State college or university police officers must be certified under the requirements of Chapter 590 and will have the same powers as other law enforcement officers.

***** HB 322 ***ELECTRONIC PROOF OF INSURANCE**

SPONSOR: Gosen HANDLER: Parson **(SIGNED)** – Will need policy.

SCS/HB 322 - This act allows proof of financial responsibility and other insurance-related documents to be provided or presented through electronic means.

- **PROOF OF FINANCIAL RESPONSIBILITY** - This act allows a motorist to provide proof of financial responsibility for vehicle registration purposes by displaying an image of an insurance identification card on a mobile electronic device (Section 301.149).
 - (1) This act allows the insurance identification card that contains proof of insurance information for a motor vehicle to be produced in a paper or an electronic format.
 - (2) Acceptable electronic forms include the display of electronic images on a cellular phone or any other type of portable electronic device.
 - (3) Under the act, an image of a motor vehicle liability insurance policy displayed on a mobile electronic device shall serve as satisfactory evidence of insurance in lieu of an insurance identification card.
 - (4) The display of an image of an insurance card on a mobile electronic device shall not serve as consent for a law enforcement officer to access other contents of the device in any manner other than to verify the image of the insurance card.
 - (5) Under the act, a person presenting his or her mobile electronic device to a law enforcement officer shall assume all liability for any damage to the mobile electronic device except for damage willfully or maliciously caused by a law enforcement officer.
 - (6) The act updates a provision of law which makes it a Class B misdemeanor to knowingly or intentionally produce or distribute fraudulent insurance identification cards.
 - (7) Under the act, it will be a Class B misdemeanor to knowingly or intentionally produce or distribute fraudulent identification card images on a mobile electronic device (Section 303.024).

***** HB 331 ***IMMUNITY FOR TELCOMs PROVIDING INFO TO LE**

SPONSOR: Miller HANDLER: Emery **(SIGNED)**

SS/HB 331 - This act modifies provisions relating to telecommunications.

- **CIVIL IMMUNITY** (Section 392.415) - This act establishes immunity from a cause of action for any telecommunications carrier or other communications service for providing any information, facilities, or assistance to a law official or agency in response to requests made under the circumstances of an emergency situation.

***** HB 336 ***ALREADY COVERED IN HB 307**

SPONSOR: Hinson HANDLER: Silvey (SIGNED)

CCS/SS/HB 336 - This act modifies provisions relating to emergency services.

- POLITICAL PROHIBITIONS ON FIRST RESPONDERS - 67.145 & 84.830 Under this act, political subdivisions cannot prohibit first responders from engaging in political activity while off duty and not in uniform or being a candidate for or holding a public office unless the activity or candidacy is otherwise prohibited by law.

***** HB 374 ***MODEX AND JUDICIAL PROCEDURES**

SPONSOR: Cox HANDLER: Dixon (SIGNED)

CCS/SS/SCS/HCS/HBs 374 & 434 - This act modifies various provisions relating to judicial procedures.

- RELEASING INFORMATION (32.056): First, the act repeals the requirement that a member of the judiciary must notify the Department of Revenue when the member's status changes and the member no longer qualifies for the exemption from the release of certain information.
- CRIMINAL RECORDS AND JUSTICE INFORMATION ADVISORY COMMITTEE (43.518): Within the Department of Public Safety there is a Criminal Records and Justice Information Advisory Committee, which is composed of various members. This act replaces the chairman of the circuit court budget committee as a member of the committee with the chairman of the court automation committee.
- SEGREGATION OF FEES COLLECTED BY THE OFFICE OF STATE COURTS ADMINISTRATOR (476.057): The act specifies that moneys collected for a particular purpose by the Office of State Courts Administrator shall be segregated and not disbursed for any other purpose.
- MODEX FUND (488.5320): Currently, sheriffs, county marshals and other officers are not allowed to charge for their services rendered in cases disposed of by a violations bureau.
 - (1) This act allows these officials to charge six dollars for their services, even when a case is disposed of by a violations bureau.
 - (2) One-half of the amount collected will be deposited in the MODEX fund. The other half will be deposited in the inmate security fund of the county or municipality where the citation originated.
 - (3) If the county or municipality does not have an inmate security fund, all of the amount collected shall be deposited in the MODEX fund.
 - (4) This act also creates the MODEX fund. The fund will be used for the support and expansion of the Missouri Data Exchange (MODEX) system.
 - (5) The Peace Officers Standards and Training Commission will administer the fund.
 - (6) The act specifies that sheriffs, county marshals or other officers located in St. Louis County or St. Louis City cannot charge for their services rendered in cases disposed of by a violations bureau.
- MONITORING OF SEXUALLY VIOLENT PREDATORS (632.498, 632.505, Section 1)
 - (1) The act modifies the list of persons who shall be served with the petition for conditional release of a sexually violent predator to include the prosecuting attorney of the jurisdiction where the person is to be released.

- (2) When a person designated as a sexually violent predator is electronically monitored while on conditional release, the Department of Corrections must provide, upon request, the chief of the law enforcement agency for the county or city where the facility that released the offender is located with access to the real-time and recorded information collected by the electronic monitoring, including any alerts generated by the technology.
- (3) The access must continue while the person is living in the county, city, town, or village where the facility that released the offender is located.
- (4) The electronic information must be closed and not disclosed to anyone outside of the law enforcement agency, except upon an order of the court supervising the conditional release.
- (5) The act also specifies that it is the intent of the legislature to reject and abrogate earlier case law interpretations on the definition of "sexually violent offense."

***** HB 404 ***PSYCHOLOGICAL STRESS OCCUPATION DISEASE FOR LE**

SPONSOR: Conway HANDLER: Kehoe (SIGNED)

HCS/HBs 404 & 614 –

- This act establishes psychological stress of paid peace officers of a police department as an occupational disease for the purposes of workers' compensation.

***** HB 436 ***GUN/2nd Amendment BILL**

SPONSOR: Funderburk HANDLER: Nieves (VETOED)

SCS/HCS/HB 436 - This act modifies provisions relating to firearms.

SECOND AMENDMENT PRESERVATION ACT - Section 1.320

- (1) In addition, this act declares that federal supremacy does not apply to federal laws that restrict or prohibit the manufacture, ownership, and use of firearms, firearm accessories, or ammunition within the state because such laws exceed the scope of the federal government's authority.
- (2) Laws necessary for the regulation of the land and the United States Armed Forces are excluded from the types of federal firearms laws that exceed federal authority.
- (3) This act also declares that the General Assembly strongly promotes responsible gun ownership and condemns unlawful transfers of firearms and the use of a firearm in criminal or unlawful activity.
- (4) This act declares as invalid all federal laws that infringe on the right to bear arms under the Second Amendment to the U.S. Constitution and Article I, Section 23 of the Missouri Constitution.
- (5) Some laws declared invalid under this act include the Gun Control Acts of 1934 and 1968, certain taxes, certain registration and tracking laws, certain prohibitions on the possession, ownership, use, or transfer of a specific type of firearm, and confiscation orders.
- (6) This act declares that it is the duty of the courts and law enforcement agencies to protect the rights of law-abiding citizens to keep and bear arms.
- (7) Under this act, no public officer or state employee has the authority to enforce firearms laws declared invalid by the act.

- (8) Any federal official, agent or employee who enforces any of the laws declared invalid under the act is guilty of a Class A misdemeanor.
- (9) Any Missourian who has been subject to an enforcement action involving any of the laws declared invalid by this act has a private cause of action for declaratory judgment and damages against any person or entity attempting to enforce the law.
- OPEN CARRY ORDINANCES - Section 21.750
 - (1) This act provides that the open carrying of a firearm by a political subdivision may not be prohibited for any person with a valid concealed carry endorsement in his or her possession who presents such endorsement upon the demand of a law enforcement officer and the firearm is more than 16 inches in length.
 - (2) In addition, no person carrying a concealed or unconcealed handgun may be disarmed or physically restrained by a law enforcement officer unless under arrest or if there is no reasonable and articulable suspicion of criminal activity.
 - (3) Any person who violates these provisions may be issued a citation for up to \$35.
- SCHOOL PROTECTION OFFICERS - Sections 160.665, 571.107, 590.010 to 590.207
 - (1) This act allows a school district to designate one or more school teachers or administrators as a school protection officer.
 - (2) School protection officers must carry a firearm on his or her person at all times while on school property or be guilty of a Class A misdemeanor and subject to immediate removal from the classroom and employment termination proceedings.
 - (3) School protection officers may detain any person the officer sees or has reasonable grounds to believe has violated any law or school policy.
 - (4) A school protection officer must turn a detained person over to law enforcement for a violation of law or to school administration for a violation of policy as soon as practicable, and no longer than four hours.
 - (5) Those seeking to be designated as school protection officers must make a request in writing to the superintendent of the school district along with proof of ownership of a valid concealed carry endorsement and a certificate of completion of a school protection officer training program.
 - (6) The school district must notify the director of the Department of Public Safety of the designation of any school protection officer.
 - (7) The department must make a list of all school protection officers available to all law enforcement agencies.
 - (8) This act requires the Peace Officer Standards and Training Commission to establish standards and curriculum for training of school protection officers.
 - (9) The director of the Department of Public Safety must develop, and make available to all school districts, a list of approved school protection officer training instructors, centers, and programs.
 - (10) In order to attend a school protection officer training program, a person must submit to a criminal history background check and prove he or she has a valid concealed carry endorsement.
 - (11) Any school employee who discloses identifying information about a school protection officer to anyone other than the director of the Department of Public Safety is guilty of a class B misdemeanor and subject to employment termination proceedings.

- PUBLISHING NAMES OF FIREARM OWNERS - Section 571.011 This act makes it a Class A misdemeanor to publish the name, address, or other identifying information of any firearm owner or applicant for, or holder of, a license, certificate, permit, or endorsement to own, acquire, possess, or carry a firearm.
- HEALTH CARE PROFESSIONALS AND FIREARMS - Section 571.012 This act specifies that no licensed health care professional may be required by law to ask a patient whether he or she owns a firearm, document firearm ownership in a patient's medical records, or notify any governmental entity of the identity of a patient based solely on the patient's status as a firearm owner.
- LOWERING THE AGE FOR CONCEALED CARRY TO 19 - Sections 571.030, 571.101, & 571.117 Under current law, a person, who is not a member of the United States Armed Forces or honorably discharged from the armed forces, must be at least 21 years of age, in order to qualify for a concealed carry endorsement. This act lowers the age to at least 19 years of age.
- GUN BUY-BACK PROGRAMS - Section 571.067
 - (1) This act prohibits a county, municipality, or other governmental body, or agent of one of the above, from participating in a program in which individuals are given a thing of value in exchange for surrendering a firearm unless the county, municipality or governmental body adopts an ordinance providing that any firearm received will be offered for sale or trade to a licensed firearms dealer.
 - (2) The proceeds from the sale must be deposited with the county, municipality, or governmental body unless the proceeds are collected by a sheriff, in which case they must be deposited in the County Sheriff's Revolving Fund.
 - (3) If the firearm is not sold or traded after being offered to at least two licensed firearms dealers, then the county, municipality, or governmental body may destroy the firearm.

***** HB 505 ***SCHOOLS AND REPORTING**

SPONSOR: Haefner HANDLER: Dixon **(SIGNED)**

SCS/HCS/HB 505 - This act modifies provisions relating to child abuse and neglect.

- MEDIATION: This act allows the Office of the Child Advocate to coordinate mediation efforts between charter schools and students when requested by both parties when allegations of child abuse arise in a school setting. (Sections 37.710 & 160.262)
- REPORTS TO CHILDREN'S DIVISION: A person to whom a student reports alleged sexual misconduct on the part of a school employee and the superintendent of the school district must report the allegation to the Children's Division as set forth in section 210.115. (Section 160.261)
- CHARTER SCHOOL POLICIES ON INFORMATION ABOUT FORMER EMPLOYEES: This act requires each charter school to adopt a written policy on information that the charter school provides about former employees to other public schools. (Section 162.068)
- POLICIES ON EMPLOYEE-STUDENT COMMUNICATION: The governing body of each charter school must adopt a written policy concerning employee-student communication by January 1, 2014. All school boards and all governing bodies of charter schools must adopt and implement training guidelines and an annual training program, as

described in the act, for all school employees who are mandatory reporters of child abuse or neglect. (Section 162.069)

- **MANDATORY REPORTING:** Current law requires that certain personnel must report, or cause a report to be made, to the Children's Division when child abuse or neglect is suspected. This act requires that an individual must immediately report to the Children's Division when child abuse or neglect is suspected.
 - (1) This act prohibits an internal investigation from being initiated until a report has been made.
 - (2) If two or more members of a medical institution are required to report jointly, a single report may be made by a designated member of that medical team.
 - (3) If the designated team member fails to report, any other member must immediately make the report.
 - (4) Supervisors and administrators are prohibited from impeding and inhibiting reporting.
 - (5) Employers are prohibited from sanctioning or imposing any adverse employment action on any mandatory reporter for making a report.
 - (6) Every employer must ensure that any employee who is required to report has immediate and unrestricted access to communications technology necessary to make and immediate report and is temporarily relieved of work duties to make any required report. (Section 210.115)
- **CRIMINAL CHILD ABUSE:** This act specifies that child abuse is a Class A felony and shall also be classified as a dangerous felony if the child dies as a result of injuries sustained from chargeable conduct. These provisions contain an emergency clause. (Sections 556.061 and 568.060)
- **FORENSIC EXAMINATIONS IN CHILD ABUSE CASES:**
 - (1) This act requires the Department of Public Safety to establish rules regarding the reimbursement of the costs of forensic examinations for children younger than 14 years of age, including establishing conditions and definitions for emergency and non-emergency forensic exams and specific qualifications for appropriate medical providers performing non-emergency forensic exams.
 - (2) The Department must provide reimbursements regardless of whether or not the findings indicate the child was abused.
 - (3) This act also allows the department to establish additional qualifications for appropriate medical providers performing non-emergency forensic evaluations for children younger than 14 years of age.(Section 595.220)

***** HB 533 ***GUN AND 2nd AMENDMENT BILL**

SPONSOR: Riddle HANDLER: Munzlinger **(SIGNED)**

SCS/HB 533 - This act modifies provisions relating to firearms.

- **EXEMPTION FROM UNLAWFUL USE OF WEAPONS FOR FIRE CHIEFS** - Section 571.030.2(12) Under this act, chiefs of paid fire departments or districts are exempt from a crime establishing otherwise unlawful uses of weapons when such uses are associated with the chiefs' duties if the chiefs have the written approval of the governing body of the fire department or district and a valid concealed carry endorsement.
- **FIREARMS IN STATE EMPLOYEE VEHICLES** - Section 571.030.6 Under this act, the state may not prohibit a state employee from having a firearm in his or her vehicle on

state property as long as the vehicle is locked, the firearm is not visible, and the employee is conducting activities within the scope of his or her employment.

- **GUN BUY-BACK PROGRAMS - Section 571.067** This act prohibits a county, municipality, or other governmental body, or agent of one of the above, from participating in a program in which individuals are given a thing of value in exchange for surrendering a firearm unless the county, municipality or governmental body adopts an ordinance providing that any firearm received will be offered for sale or trade to a licensed firearms dealer.
 - (1) The proceeds from the sale must be deposited with the county, municipality, or governmental body unless the proceeds are collected by a sheriff, in which case they must be deposited in the County Sheriff's Revolving Fund.
 - (2) If the firearm is not sold or traded after being offered to at least two licensed firearms dealers, then the county, municipality, or governmental body may destroy the firearm.
- **DECLARATIONS OF THE GENERAL ASSEMBLY - SECTION 1** This act declares that the General Assembly strongly promotes responsible gun ownership and condemns unlawful transfers of firearms and the use of a firearm in criminal or unlawful activity.

***** HB 611 *** UNEMPLOYMENT BENEFITS**

SPONSOR: Lant HANDLER: Kraus (VETOED)

SCS/HCS/HB 611 - This act modifies the law relating to employment.

- (1) Under current law, employers are required to have each newly hired employee to fill out a federal W-4 form. Those forms are forwarded to the Department of Revenue and then to the Division of Child Support Enforcement.
- (2) This act defines a "newly hired employee" as one who has not been previously employed by the employer or was previously employed but separated from employment for at least 60 days.
- (3) This act redefines "misconduct" for which an employee may be disqualified from unemployment benefits.
- (4) Currently, misconduct includes a wanton or willful disregard of the employer's interest and a disregard of standards of behavior the employer has the right to respect. The act changes that standard to a knowing disregard of that interest and a knowing violation of the standards the employer expects.
- (5) Currently, an intentional and substantial disregard of the employer's interest or of the employer's duties and obligations to the employer also qualifies as misconduct.
- (6) The act changes that standard to a knowing disregard of such interests, duties and obligations.
- (7) Currently, a deliberate violation of the employer's rules constitutes misconduct.
- (8) Under the act, a violation of an employer's rule is misconduct unless the employee demonstrates that he or she did not know and could not reasonably know the requirement or the rule is unlawful.
- (9) Misconduct also includes a violation of a no-call, no-show policy, chronic absenteeism, tardiness, unapproved absences following a written warning, and a knowing violation of a state standard or regulation of an employee of a licensed employer which would cause the employer to be sanctioned.

- (10) The misconduct standard shall apply when the conduct is reasonably related to the job environment and the job performance and irrespective of whether it occurs at the workplace or during work hours.
- (11) Currently, employees are disqualified from benefits if they voluntarily leave work without good cause. The act defines "good cause" as that which would compel a reasonable employee to cease working or which would require separation from work due to illness or disability.
- (12) Under current law, unemployment claimants are required to report in person to an unemployment office at least once every 4 weeks in order to be eligible for unemployment compensation.
- (13) The amendment removes the requirement that the claimant appears in person and allows the claimant to report via the internet. Employer's unemployment accounts shall not be relieved of charges relating to payments that were erroneously made from the unemployment compensation fund if the payment was made because the employer failed to respond to the division and the employer has established a pattern of failing to respond.
- (14) Under current law, employer payments made for penalties are credited to the special employment security fund. Under the act, 15% of the amount of benefits fraudulently obtained shall be credited to the unemployment compensation fund with the remaining amount credited to the special employment compensation fund.

***** HB 675 ***MPCCF SRO CERTIFYING BODY**

SPONSOR: Grisamore HANDLER: Pearce **(SIGNED)**

HCS/HB 675 - This act modifies provisions relating to student health in elementary and secondary schools.

- **DARE CURRICULUM:** The Missouri State Training Center for the DARE program must develop curriculum and certification requirements for school resource officers. School resource officers must complete, at a minimum, forty hours of basic school resource officer training that includes legal operations within an educational environment, intruder training and planning, juvenile law, and other relevant topics.

***** HB 715 ***MOTORCYCLE BILL**

SPONSOR: McCaherty HANDLER: Nieves **(SIGNED)**

HB 715 - This act allows a motorcycle to be equipped with a means of varying the brightness of its brake light for a duration of not more than 5 seconds upon application of the vehicle's brakes.