PART I. HISTORY, CONSTITUTIONAL ISSUES, CLASSIFICATION OF OFFENSES, PRINCIPLES OF LIABILITY AND DEFENSES

CHAPTER 1. THE COMMON LAW AND THE CRIMINAL CODE

- § 1:1 Historical note on common law crimes
- § 1:2 Criminal Code of 1835
- § 1:3 Adoption of the 1979 Criminal Code
- § 1:4 Revised Criminal Code of 2017

CHAPTER 2. CONSTITUTIONAL ISSUES

- $\S~2:1~$ Constitutional limitations on the criminal law in general
- § 2:2 Due process
- § 2:3 Equal protection
- § 2:4 Ex post facto laws
- § 2:5 Bills of attainder
- § 2:6 Double jeopardy
- § 2:7 Corruption of blood
- § 2:8 First Amendment limitations
- § 2:9 The right to keep and bear arms

CHAPTER 3. CLASSIFICATION AND NATURE OF CRIMES

- § 3:1 Felony
- § 3:2 Misdemeanor
- § 3:3 Infraction
- § 3:4 Definition
- § 3:5 Merger
- § 3:6 Moral turpitude and other classifications of crimes
- § 3:7 Lesser included offenses

CHAPTER 4. CRIMINAL RESPONSIBILITY

§ 4:1 Voluntary acts

§ 4:2	Mens rea or culpable mental state
§ 4:3	Causation and corpus delicti
§ 4:4	Intent and scienter
§ 4:5	Insanity
§ 4:6	Battered spouse syndrome
§ 4:7	Diminished capacity (responsibility)
§ 4:8	Mental abnormality evidence when criminal
	responsibility not at issue
§ 4:9	Intoxicated or drugged condition
§ 4:10	Duress
§ 4:11	Entrapment
§ 4:12	Necessity
§ 4:13	Strict liability
§ 4:14	Provocation
§ 4:15	Acting with another
§ 4:16	Jury instructions

CHAPTER 5. PARTIES

- § 5:1 In general
- § 5:2 Infants and juveniles
- § 5:3 Corporations, associations, employers, and vicarious liability

CHAPTER 6. JURISDICTION

- § 6:1 State jurisdiction
- § 6:2 Federal jurisdiction
- § 6:3 Territorial limits
- § 6:4 Charging instrument

CHAPTER 7. ATTEMPTS

- § 7:1 In general
- § 7:2 Substantial step
- § 7:3 Purpose
- § 7:4 Impossibility
- § 7:5 Resolving confusion in the law of attempt
- § 7:6 Jury instructions

CHAPTER 8. CONSPIRACY

- § 8:1 In general
- § 8:2 Agreement
- § 8:3 Known and unknown conspirators
- § 8:4 One agreement, one conspiracy
- § 8:5 Overt act
- § 8:6 Renunciation, abandonment, withdrawal

- § 8:7 Limitations on prosecution: conspiracy or actual commission of offense
- § 8:8 Jury instructions

CHAPTER 9. DEFENSE OF JUSTIFICATION

- § 9:1 In general
- § 9:2 Public duty
- § 9:3 Defense of persons—Self defense
- § 9:4 Defense of premises—"Castle doctrine"
- § 9:5 Defense of property
- § 9:6 Arrest by an officer
- § 9:7 Citizen's arrest
- § 9:8 Prevention of escape from confinement
- § 9:9 Parent, guardian, custodian, physician
- § 9:10 Jury instructions

CHAPTER 10. MISCELLANEOUS DEFENSES

- § 10:1 Defenses in general
- § 10:2 Ignorance or mistake
- § 10:3 Duress
- § 10:4 Statute of limitations
- § 10:5 Pardon
- § 10:6 Intoxicated or drugged condition
- § 10:7 Infancy
- § 10:8 Consent
- § 10:9 Accident
- § 10:10 Alibi

PART II. CRIMES AGAINST PERSONS

CHAPTER 11. MURDER FIRST DEGREE

- § 11:1 Common law
- § 11:2 Statutory evolution
- § 11:3 Deliberation
- § 11:4 Knowingly causing
- § 11:5 Acting with another
- § 11:6 Instructing down
- § 11:7 Jury instructions

CHAPTER 12. MURDER SECOND DEGREE—"CONVENTIONAL"

- § 12:1 Historical note
- § 12:2 Elements in general
- § 12:3 Knowledge, purpose, sudden passion and causation
- § 12:4 Lesser included offenses
- § 12:5 "Infanticide"
- § 12:6 Jury instructions

CHAPTER 13. FELONY MURDER

- § 13:1 Common law and statutory evolution
- § 13:2 Current standard
- § 13:3 Perpetration or attempt to perpetrate any felony—Causation
- § 13:4 Immediate flight
- § 13:5 Cumulative punishments and successive prosecutions
- § 13:6 Acting with another
- § 13:7 Jury instructions

CHAPTER 14. VOLUNTARY MANSLAUGHTER

- § 14:1 Common law
- § 14:2 Statutory evolution
- § 14:3 Sudden passion
- § 14:4 Adequate cause
- § 14:5 Burden of injecting issue
- § 14:6 To instruct or not to instruct
- § 14:7 Assisted suicide
- § 14:8 Jury instructions

CHAPTER 15. INVOLUNTARY MANSLAUGHTER

- § 15:1 Statutory evolution, degrees of offense
- § 15:2 Recklessness
- § 15:3 Criminal negligence
- § 15:4 Jury instructions

CHAPTER 16. ASSAULT FIRST DEGREE

- § 16:1 In general
- § 16:2 Knowingly causing
- § 16:3 Serious physical injury
- § 16:4 Assault first degree—"special victims"

- § 16:5 Domestic assault in the first degree § 16:6 Defenses and lesser included offenses § 16:7 Jury instructions CHAPTER 17. ASSAULT SECOND DEGREE § 17:1 In general Serious physical injury, attempts to kill, and physical § 17:2 injury § 17:3 Sudden passion and adequate cause
- § 17:4 Deadly weapon or dangerous instrument
- § 17:5 Recklessly causing serious physical injury
- § 17:6 Recklessness and firearms
- § 17:7 Domestic assault in the second degree
- Defenses and lesser included offense issues § 17:8
- § 17:9 Jury instructions

CHAPTER 18. ASSAULT THIRD DEGREE

- § 18:1 In general
- § 18:2 Physical injury
- § 18:3 "Special victims"
- Domestic assault third degree § 18:4
- § 18:5 Consent and other defenses
- § 18:6 Jury instructions

CHAPTER 19. ASSAULT FOURTH DEGREE

- § 19:1 In general
- § 19:2 Domestic assault fourth degree
- § 19:3 Physical injury, pain and illness
- § 19:4 Recklessness
- § 19:5 Criminal negligence, firearms, deadly weapons, dangerous instruments
- Apprehension of immediate physical injury § 19:6
- § 19:7 Substantial risk of death or serious physical injury
- Offensive or provocative physical contact § 19:8
- § 19:9 Consent and other defenses
- § 19:10 Jury instructions

CHAPTER 20. KIDNAPPING

- § 20:1 Kidnapping first degree
- § 20:2 Removal or confinement, consent
- § 20:3
- § 20:4 Kidnapping second degree (formerly felonious restraint)
- Lack of consent § 20:5

§ 20:6	Substantial interference with liberty
§ 20:7	Kidnapping third degree
§ 20:8	Parental kidnapping, child kidnapping or abduction, and interference with custody
§ 20:9	Defenses
§ 20:10	Jury instructions

CHAPTER 21. ROBBERY

e	01.1	Τ	
0	21:1	ın	general

- § 21:2 Robbery first degree
- § 21:3 Robbery second degree
- § 21:4 Pharmacy robbery
- § 21:5 Forcible stealing
- § 21:6 Physical injury
- § 21:7 Deadly weapon or dangerous instrument
- § 21:8 Jury instructions

CHAPTER 22. MISCELLANEOUS OFFENSES AGAINST PERSONS

- § 22:1 In general
- § 22:2 Adult abuse orders
- § 22:3 Tampering with judicial officers
- § 22:4 Harassment
- § 22:5 Abuse of elderly, disabled or "vulnerable" persons
- § 22:6 Stalking
- § 22:7 Invasion of privacy
- § 22:8 Jury instructions

PART III. SEX CRIMES

CHAPTER 23. HISTORICAL NOTES, CONSTITUTIONAL ISSUES, SPECIAL PUNISHMENT ISSUES

- § 23:1 Common law antecedents
- § 23:2 Evolution of Missouri law
- § 23:3 Erosion of defenses
- § 23:4 Privacy
- § 23:5 Confrontation issues
- § 23:6 Propensity evidence
- § 23:7 Sexually violent predators
- § 23:8 Aggravated sexual offenses
- § 23:9 Regulations applicable to sex offenders

CHAPTER 24. RAPE

- § 24:1 Rape first degree and its ancestry
- § 24:2 Rape second degree
- § 24:3 Sexual intercourse
- § 24:4 Forcible compulsion
- § 24:5 Attempts
- § 24:6 Enhancement of punishment
- § 24:7 Consent issues
- § 24:8 Jury instructions

CHAPTER 25. SODOMY

- § 25:1 Sodomy first degree
- § 25:2 Sodomy second degree
- § 25:3 Deviate sexual intercourse
- § 25:4 Attempt to commit sodomy first degree
- § 25:5 Enhancement of punishment
- § 25:6 Lesser included offenses
- § 25:7 Jury instructions

CHAPTER 26. STATUTORY RAPE AND SODOMY

- § 26:1 Statutory rape first degree
- § 26:2 Statutory rape second degree
- § 26:3 Statutory sodomy first degree
- § 26:4 Statutory sodomy second degree
- § 26:5 Marriage
- § 26:6 Consent and mistake as to age
- § 26:7 Propensity evidence
- § 26:8 Jury instructions

CHAPTER 27. CHILD MOLESTATION

- § 27:1 Child molestation first degree
- § 27:2 Child molestation second degree
- § 27:3 Child molestation third and fourth degrees
- § 27:4 Sexual contact—Definition and proof
- § 27:5 Teachers and students
- § 27:6 Propensity evidence
- § 27:7 Consent and mistake
- § 27:8 Enticement of a child
- § 27:9 Jury instructions

CHAPTER 28. SEXUAL MISCONDUCT

§ 28:1 Sexual misconduct first degree

- § 28:2 Sexual misconduct second degree
- § 28:3 Sexual misconduct involving a child
- § 28:4 Jury instructions

CHAPTER 29. SEXUAL ASSAULT, SEXUAL ABUSE, SEXUAL CONDUCT

- § 29:1 Sexual assault and deviate sexual assault redefined
- § 29:2 Sexual abuse first degree
- § 29:3 Sexual abuse second degree
- § 29:4 Forcible compulsion
- § 29:5 Consent
- § 29:6 Bestiality
- § 29:7 Sexual conduct with nursing home residents, vulnerable persons, or prisoners
- § 29:8 Jury instructions

CHAPTER 30. PROSTITUTION

- § 30:1 Prostitution
- § 30:2 Sexual conduct
- § 30:3 Value
- § 30:4 Patronizing prostitution
- § 30:5 Promoting prostitution
- § 30:6 Forcible compulsion
- § 30:7 Preemption of local laws
- § 30:8 Jury instructions

CHAPTER 31. OFFENSES AGAINST THE FAMILY

- § 31:1 Bigamy
- § 31:2 Incest
- § 31:3 Child abandonment
- § 31:4 Criminal nonsupport
- § 31:5 Endangering the welfare of a child first degree
- § 31:6 Endangering the welfare of a child second degree
- § 31:7 Child abuse
- § 31:8 Jury instructions

CHAPTER 32. OBSCENITY

- § 32:1 Definitions
- § 32:2 Promoting obscenity and child pornography—First degree
- § 32:3 —Second degree
- § 32:4 Possession

- § 32:5 Constitutional issues
- § 32:6 Evidentiary issues
- § 32:7 Preemption of local laws
- § 32:8 Jury instructions

PART IV. CRIMES AGAINST PROPERTY

CHAPTER 33. BURGLARY FIRST AND SECOND DEGREE

- § 33:1 Burglary first degree
- § 33:2 Burglary second degree
- § 33:3 Knowingly entering or remaining unlawfully
- § 33:4 Building or inhabitable structure
- § 33:5 Possession of burglar's tools
- § 33:6 Jury instructions

CHAPTER 34. ARSON AND RECKLESS BURNING

- § 34:1 Arson first degree
- § 34:2 Arson second degree
- § 34:3 Arson third degree
- § 34:4 Knowingly burning, recklessly or negligently burning or exploding
- § 34:5 Building or inhabitable structure
- § 34:6 Knowingly damaging
- § 34:7 Property interest or lawful purpose
- § 34:8 Jury instructions

CHAPTER 35. TAMPERING AND PROPERTY DAMAGE OFFENSES

- § 35:1 Tampering first degree
- § 35:2 Tampering second degree
- § 35:3 Tampering with computer data
- § 35:4 Tampering with computer equipment
- § 35:5 Tampering with computer users
- § 35:6 Property damage
- § 35:7 Jury instructions

CHAPTER 36. TRESPASS

- § 36:1 Trespass first degree
- § 36:2 Trespass second degree

- § 36:3 Trespass of school bus
 § 36:4 Fencing or posting
 § 36:5 Absolute liability
 § 36:6 Defenses
- § 36:7 Jury instructions

CHAPTER 37. STEALING

- § 37:1 Stealing in general
- § 37:2 Stealing—Felony—Minimum value
- § 37:3 Valuation and aggregation
- § 37:4 Stealing from a person
- § 37:5 Special categories of property and enhancements
- § 37:6 Fourth offense ("felony stealing")
- § 37:7 Financial exploitation of elderly or disabled
- § 37:8 Claim of right
- § 37:9 Jury instructions

CHAPTER 38. STEALING BY RECEIVING STOLEN PROPERTY

- § 38:1 In general
- § 38:2 Knowledge and purpose
- § 38:3 Evidence of defendant's knowledge and belief
- § 38:4 Jury instructions

CHAPTER 39. FORGERY, FRAUD AND FALSIFICATION OFFENSES

- § 39:1 Forgery—In general—"Making"
- § 39:2 —"Erasing"
- § 39:3 —Artwork, etc
- § 39:4 —"Using" or "uttering"
- § 39:5 Forging instrumentality
- § 39:6 False instruments or certificates
- § 39:7 Passing bad checks
- § 39:8 Fraudulently stopping payment
- § 39:9 Fraudulent use of a credit device
- § 39:10 Misapplication of funds of financial institution
- § 39:11 Counterfeiting marks
- § 39:12 Misappropriation of credit information and "identity theft"
- § 39:13 Jury instructions

PART V. DRUG AND WEAPONS CRIMES

CHAPTER 40. DRUG TRAFFICKING AND POSSESSION

§ 40:1	Controlled substances
§ 40:2	Regulated use or transfer
§ 40:3	Culpable mental state
§ 40:4	Possession
§ 40:5	Distribution, delivery, manufacture or production
§ 40:6	Possession with intent to distribute
§ 40:7	Manufacturing
§ 40:8	Distribution in a "protected location"
§ 40:9	Trafficking first degree
§ 40:10	Trafficking second degree
§ 40:11	Fraudulent attempt to obtain a controlled substance
§ 40:12	Attempts
§ 40:13	Drug paraphernalia
§ 40:14	Methamphetamine enforcement measures
§ 40:15	Jury instructions

CHAPTER 41. WEAPONS OFFENSES

- § 41:1 Constitutional issues and "conceal carry"
- § 41:2 Unlawful possession of certain weapons and defaced firearms
- § 41:3 Unlawful use of weapons—Carrying weapons concealed
- § 41:4 "Open carry" in certain locations
- § 41:5 Discharge of weapons and "drive-by shootings"
- § 41:6 Flourishing (exhibiting)
- § 41:7 Exceptions and defenses
- § 41:8 Unlawful transfer of weapons
- § 41:9 Possession of weapons by certain persons
- § 41:10 Use or possession of certain bullets
- § 41:11 Jury instructions

CHAPTER 42. ARMED CRIMINAL ACTION

- § 42:1 In general
- § 42:2 Cumulative punishment
- § 42:3 Dangerous instrument
- § 42:4 Deadly weapon
- § 42:5 Use
- § 42:6 Exceptions

PART VI. CRIMES INVOLVING PUBLIC ORDER OR INSTITUTIONS

CHAPTER 43. RIOT AND UNLAWFUL ASSEMBLY

- § 43:1 Rioting
- § 43:2 Unlawful assembly
- § 43:3 Refusal to disperse
- § 43:4 Promoting civil disorder
- § 43:5 Jury instructions

CHAPTER 44. PEACE DISTURBANCE

- § 44:1 Public peace disturbance
- § 44:2 Private peace disturbance
- § 44:3 Constitutional issues
- § 44:4 Jury instructions

CHAPTER 45. CAUSING A CATASTROPHE

- § 45:1 In general
- § 45:2 Accident
- § 45:3 Jury instructions

CHAPTER 46. PERJURY

- § 46:1 In general
- § 46:2 Materiality
- § 46:3 Retraction
- § 46:4 Enhancement of punishment
- § 46:5 Jury instructions

CHAPTER 47. CONCEALING OFFENSES, TAMPERING WITH EVIDENCE, HINDERING PROSECUTION, RESISTING ARREST

- § 47:1 Concealing an offense
- § 47:2 Tampering with evidence
- § 47:3 Hindering prosecution
- § 47:4 Resisting or interfering with arrest
- § 47:5 Jury instructions

CHAPTER 48. BRIBERY, CORRUPTION AND OFFICIAL MISCONDUCT

- § 48:1 Commercial bribery
- § 48:2 Bribery of a public servant
- § 48:3 Acceding to corruption
- § 48:4 Official misconduct
- § 48:5 Misuse of official information
- § 48:6 Misconduct in administration of justice
- § 48:7 Conflict of interest
- § 48:8 Jury instructions

CHAPTER 49. ESCAPE

- § 49:1 Escape or attempted escape
- § 49:2 Failure to return to confinement
- § 49:3 Aiding escape
- § 49:4 Permitting escape
- § 49:5 Defenses
- § 49:6 Enhancement of punishment
- § 49:7 Jury instructions

CHAPTER 50. TAMPERING AND FALSIFICATION OFFENSES (PUBLIC RECORDS, ETC.)

- § 50:1 Tampering with public records
- § 50:2 Tampering with or disturbing judicial proceedings
- § 50:3 Tampering with witnesses or victims
- § 50:4 Juror misconduct
- § 50:5 False affidavits, declarations and reports
- § 50:6 Special proof issues in falsification cases
- § 50:7 Simulating process—Nonconsensual liens
- § 50:8 Jury instructions

CHAPTER 51. TREASON AND TERRORISM

- § 51:1 Treason defined
- § 51:2 Pleading and proof required
- § 51:3 Practical effect
- § 51:4 Supporting terrorism
- § 51:5 Terrorist threats
- § 51:6 Jury instructions

PART VII. MISCELLANEOUS CRIMES

CHAPTER 52. DRIVING WHILE INTOXICATED

§ 52:1	In general
§ 52:2	Driving or operating—Definition and proof
§ 52:3	Intoxicated condition
§ 52:4	Excessive blood alcohol content
§ 52:5	"Implied consent"
8 52.6	Punishment and enhancement in general

- § 52:6 Punishment and enhancement in general § 52:7 Causing injury or death
- § 52:8 Evidentiary issues
- § 52:9 Jury instructions

CHAPTER 53. "HATE CRIMES"

- § 53:1 Statutory evolution
- § 53:2 "Hate crimes"—Culpable motives
- § 53:3 Constitutional issues
- § 53:4 Evidentiary issues
- § 53:5 Jury instructions

CHAPTER 54. REGULATORY AND MISCELLANEOUS OFFENSES

- § 54:1 In general
- § 54:2 Animal neglect and abuse
- § 54:3 Hazing
- § 54:4 Bus hijacking
- § 54:5 Welfare fraud
- § 54:6 Criminal street gang activity
- § 54:7 Uncodified offenses generally
- § 54:8 Failure to appear
- § 54:9 Wiretapping
- § 54:10 Creating risk of HIV infection

CHAPTER 55. GAMBLING

- § 55:1 Historical note
- § 55:2 Gambling
- § 55:3 Promoting gambling
- § 55:4 Possession of gambling records
- § 55:5 Possession of gambling devices
- § 55:6 Exemptions and exceptions

PART VIII. SENTENCING

CHAP	FER. 56.	SENTE	NCING

§ 56:1	Punishment in general and evolution of the Missouri criminal code
§ 56:2	Assessment by jury
§ 56:3	Assessment by the court
§ 56:4	Consecutive or concurrent sentences
§ 56:5	Cruel and unusual punishment
§ 56:6	Discretion of the court
§ 56:7	Presentence investigation/sentencing assessment report (PSI/SAR)
§ 56:8	Right of allocution
§ 56:9	Time and form of sentencing
§ 56:10	Reductions in punishment
§ 56:11	Prior offenders and minimum terms—In general
§ 56:12	Sex offenders
§ 56:13	Assaults, "special victims," "domestic victims," and prior and persistent assault offenders
§ 56:14	Prior drug offenders
§ 56:15	Dangerous felonies and dangerous offenders
CHAI	PTER 57. CAPITAL CASES
§ 57:1	Death penalty cases in general
§ 57:2	Constitutional standards
§ 57:3	Missouri's statutory response
§ 57:4	Statutory aggravating circumstances
§ 57:5	Other evidence or circumstances in aggravation of punishment
§ 57:6	Statutory mitigating circumstances
§ 57:7	Other evidence or circumstances in mitigation
§ 57:8	"Death qualification" of jury

Table of Laws and Rules

Jury instructions § 57:10 Proportionality review

Victim impact evidence

Postconviction proceedings

Appendix—Penalty phase jury instructions

Table of Cases

Index

§ 57:9

§ 57:11

§ 57:12

§ 57:13