

HOUSE _____ AMENDMENT NO. ____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 516, Page 30, Section 195.202, Line 7,
2 by inserting after the word "violates" the words "subsection 2 of"; and

3
4 FURTHER AMEND House Committee Substitute for Senate Bill No. 516, Page 30, Section
5 195.202, Line 9, by inserting after all of said Line the following:

6 "210.854. 1. In the event of the entry of a judgment of paternity and support, a person
7 against whom such a judgment has been entered may file a petition requesting a circuit court with
8 jurisdiction over the subject child or children to set aside said judgment in the interests of justice
9 and upon the grounds set forth in this section. Any such petition shall be served upon the
10 biological mother and any other legal guardian or custodian.

11 2. The petition shall include an affidavit executed by the petitioner alleging that evidence
12 exists which was not considered before entry of judgment and either:

13 (1) An allegation that genetic testing was conducted within ninety days prior to the filing
14 of such petition using DNA methodology to determine the probability or improbability of
15 paternity, and performed by an expert as defined in section 210.834. The affidavit shall also
16 allege that the test results indicate a ninety-nine percent or greater probability that the person
17 subject to the child support payment order is not the child's father; or

18 (2) A request to the court for an order of genetic paternity testing using DNA
19 methodology.

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1 3. The court, after a hearing wherein all interested parties have been given an opportunity
2 to present evidence and be heard, may order the relevant parties to submit to genetic paternity
3 testing upon a finding of probable cause to believe said testing may result in a determination of
4 non-paternity. The genetic paternity testing costs shall be paid by the petitioner.

5 4. The court shall grant relief on the petition and enter judgment setting aside the previous
6 judgment of paternity and support, or acknowledgment of paternity under section 210.823,
7 extinguish any existing child support arrearage, and order the department of health and senior
8 services to modify the child's birth certificate accordingly upon a finding that the genetic test
9 referred to herein was properly conducted, accurate and indicates a ninety-nine percent or greater
10 probability that the person subject to the child support payment order is not the child's father.

11 5. The provisions of this section shall not apply to grant relief to the parent of any adopted
12 child.

13 6. A finding under subsection 4 of this section shall constitute a material mistake of fact
14 under section 210.823.

15 7. Notwithstanding any other provision of law to the contrary, an action under this section
16 may be brought at any time.

17 8. The provisions of this section shall not be construed to create a cause of action to
18 recover child support or state debt, under subdivision (2) of subsection 1 of section 454.465,
19 RSMo, and subsection 10 of section 425.340, RSMo, that was previously paid pursuant to the
20 order. The petitioner shall have no right for reimbursement for any moneys previously paid
21 pursuant to said order."; and

22
23 FURTHER AMEND said Bill, Page 66, Section 407.300, Line 29, by deleting from said line the
24 word "business." and inserting in lieu thereof the following:

25 "business; or

26 (4) Any transaction for which the type of metal subject to subsection 1 of this section is a
27 minor part of a larger item, except for equipment used in the generation and transmission of
28 electric power."; and

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1 FURTHER AMEND said Bill, Page 77, Section 429.010, Line 40, by deleting the word "this" and
2 inserting after the word "subsection" the number "2"; and

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4 FURTHER AMEND House Committee Substitute for Senate Bill No. 516, Page 100, Section
5 455.038, Line 10, by inserting after all of said Line the following:

6 "The provisions of this section shall only apply to those circuit clerks able to access a
7 statewide victim notification system designed to provide notification of service of orders of
8 protection."; and

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10 FURTHER AMEND House Committee Substitute for Senate Bill No. 516, Page 103, Section
11 478.463, Line 8, by inserting after the word "twenty" the word "shall"; and

12
13 FURTHER AMEND House Committee Substitute for Senate Bill No. 516, Page 107, Section
14 484.280, Line 6, by inserting after the word "compensation", the following:

15 "; however, no state court judge serving pursuant to article V, Constitution of Missouri,
16 shall be permitted to engage in the practice of law during his or her term in office, except for such
17 limited purpose as authorized by supreme court rule"; and

18
19 FURTHER AMEND House Committee Substitute for Senate Bill No. 516, Page 110, Section
20 488.2253, Line 1, by deleting the phrase "1."; and

21
22 FURTHER AMEND said Section, Page 111, Lines 6-15, by deleting all of said Lines; and

23
24 FURTHER AMEND House Committee Substitute for Senate Bill No. 516, Page 113, Section
25 510.120, Line 9, by inserting an open bracket "[" immediately preceding the word "more"; and

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27 FURTHER AMEND said Section, Page 113, Line 10, by inserting a closed bracket "]" after the
28 word "subsection"; and

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1 FURTHER AMEND House Committee Substitute for Senate Bill No. 516, Page 117, Section
2 548.260, Line 27, by inserting after all of said Line the following:

3 "556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible
4 sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

5 2. Except as otherwise provided in this section, prosecutions for other offenses must be
6 commenced within the following periods of limitation:

7 (1) For any felony, three years;

8 (2) For any misdemeanor, one year;

9 (3) For any infraction, six months.

10 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may
11 nevertheless be commenced for:

12 (1) Any offense a material element of which is either fraud or a breach of fiduciary
13 obligation within one year after discovery of the offense by an aggrieved party or by a person who
14 has a legal duty to represent an aggrieved party and who is himself or herself not a party to the
15 offense, but in no case shall this provision extend the period of limitation by more than three
16 years. As used in this subdivision, the term "person who has a legal duty to represent an
17 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having
18 jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant to
19 sections 407.511 to 407.556, RSMo; and

20 (2) Any offense based upon misconduct in office by a public officer or employee at any
21 time when the defendant is in public office or employment or within two years thereafter, but in
22 no case shall this provision extend the period of limitation by more than three years; [and]

23 (3) Any offense based upon an intentional and willful fraudulent claim of child support
24 arrearage to a public servant in the performance of his or her duties within one year after
25 discovery of the offense, but in no case shall this provision extend the period of limitation by
26 more than three years; and

27 (4) Any violation of sections 569.040 to 569.055, RSMo, within five years.

28 4. An offense is committed either when every element occurs, or, if a legislative purpose
29 to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct

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1 or the defendant's complicity therein is terminated. Time starts to run on the day after the offense
2 is committed.

3 5. A prosecution is commenced for a misdemeanor or infraction when the information is
4 filed and for a felony when the complaint or indictment is filed.

5 6. The period of limitation does not run:

6 (1) During any time when the accused is absent from the state, but in no case shall this
7 provision extend the period of limitation otherwise applicable by more than three years; or

8 (2) During any time when the accused is concealing himself from justice either within or
9 without this state; or

10 (3) During any time when a prosecution against the accused for the offense is pending in
11 this state; or

12 (4) During any time when the accused is found to lack mental fitness to proceed pursuant
13 to section 552.020, RSMo."; and

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15 FURTHER AMEND said Bill by amending the title, enacting clause, and intersectional references
16 accordingly.

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