

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE NO. 2

FOR

SENATE BILL NO. 976

AN ACT

To repeal sections 1.020, 49.292, 191.225, 211.031, 302.341, 452.377, 452.380, 479.260, 514.040, 565.084, 595.045, 621.250, and 640.013, RSMo, section 454.516 as enacted by senate substitute for senate committee substitute for house bill no. 2008, ninety-first general assembly, second regular session, and section 454.516 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 895, ninety-first general assembly, second regular session, and to enact in lieu thereof twenty new sections relating to judicial procedure and personnel, with penalty provisions.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 1.020, 49.292, 191.225, 211.031,  
2 302.341, 452.377, 452.380, 479.260, 514.040, 565.084, 595.045,  
3 621.250, and 640.013, RSMo, section 454.516 as enacted by senate  
4 substitute for senate committee substitute for house bill no.  
5 2008, ninety-first general assembly, second regular session, and  
6 section 454.516 as enacted by conference committee substitute for  
7 house substitute for house committee substitute for senate bill  
8 no. 895, ninety-first general assembly, second regular session,  
9 are repealed and twenty new sections enacted in lieu thereof, to  
10 be known as sections 1.020, 49.292, 191.225, 211.031, 302.341,  
11 379.130, 441.645, 442.558, 452.377, 452.380, 454.516, 479.260,

1 514.040, 537.055, 565.084, 595.045, 595.107, 621.250, 640.013,  
2 and 1, to read as follows:

3 1.020. As used in the statutory laws of this state, unless  
4 otherwise specially provided or unless plainly repugnant to the  
5 intent of the legislature or to the context thereof:

6 (1) "Certified mail" or "certified mail with return receipt  
7 requested", includes any parcel or letter carried by an  
8 overnight, express, or ground delivery service that allows a  
9 sender or recipient to electronically track its location;

10 (2) "County or circuit attorney" means prosecuting  
11 attorney;

12 [(2)] (3) "Executor" includes administrator where the  
13 subject matter applies to an administrator;

14 [(3)] (4) "General election" means the election required to  
15 be held on the Tuesday succeeding the first Monday of November,  
16 biennially;

17 [(4)] (5) "Guardian", if used in a section in a context  
18 relating to property rights or obligations, means "conservator of  
19 the estate" as defined in chapter 475, RSMo. "Guardianship", if  
20 used in a section in a context relating to rights and obligations  
21 other than property rights or obligations, means "guardian of the  
22 person" as defined in chapter 475, RSMo;

23 [(5)] (6) "Handicap" means a mental or physical impairment  
24 that substantially limits one or more major life activities,  
25 whether the impairment is congenital or acquired by accident,  
26 injury, or disease, and where the impairment is verified by  
27 medical findings;

28 [(6)] (7) "Heretofore" means any time previous to the day

1 when the statute containing it takes effect; and "hereafter"  
2 means the time after the statute containing it takes effect;

3 [(7)] (8) "In vacation" includes any adjournment of court  
4 for more than one day whenever any act is authorized to be done  
5 by or any power given to a court, or judge thereof in vacation,  
6 or whenever any act is authorized to be done by or any power  
7 given to a clerk of any court in vacation;

8 [(8)] (9) "Incompetent", if used in a section in a context  
9 relating to actual occupational ability without reference to a  
10 court adjudication of incompetency, means the actual ability of a  
11 person to perform in that occupation. "Incompetent", if used in  
12 a section in a context relating to the property rights and  
13 obligations of a person, means a "disabled person" as defined in  
14 chapter 475, RSMo. "Incompetent", if used in a section in a  
15 context relating to the rights and obligations of a person other  
16 than property rights and obligations, means an "incapacitated  
17 person" as defined in chapter 475, RSMo;

18 [(9)] (10) "Justice of the county court" means commissioner  
19 of the county commission;

20 [(10)] (11) "Month" and "year". "Month" means a calendar  
21 month, and "year" means a calendar year unless otherwise  
22 expressed, and is equivalent to the words "year of our Lord";

23 [(11)] (12) The word "person" may extend and be applied to  
24 bodies politic and corporate, and to partnerships and other  
25 unincorporated associations;

26 [(12)] (13) "Personal property" includes money, goods,  
27 chattels, things in action and evidences of debt;

28 [(13)] (14) "Place of residence" means the place where the

1 family of any person permanently resides in this state, and the  
2 place where any person having no family generally lodges;

3 [(14)] (15) "Preceding" and "following", when used by way  
4 of reference to any section of the statutes, mean the section  
5 next preceding or next following that in which the reference is  
6 made, unless some other section is expressly designated in the  
7 reference;

8 [(15)] (16) "Property" includes real and personal property;

9 [(16)] (17) "Real property" or "premises" or "real estate"  
10 or "lands" is coextensive with lands, tenements and  
11 hereditaments;

12 [(17)] (18) "State", when applied to any of the United  
13 States, includes the District of Columbia and the territories,  
14 and the words "United States" includes such district and  
15 territories;

16 [(18)] (19) "Under legal disability" includes persons  
17 within the age of minority or of unsound mind or imprisoned;

18 [(19)] (20) "Ward", if used in a section in a context  
19 relating to the property rights and obligations of a person,  
20 means a "protectee" as defined in chapter 475, RSMo. "Ward", if  
21 used in a section in a context relating to the rights and  
22 obligations of a person other than property rights and  
23 obligations, means a "ward" as defined in chapter 475, RSMo;

24 [(20)] (21) "Will" includes the words "testament" and  
25 "codicil";

26 [(21)] (22) "Written" and "in writing" and "writing word  
27 for word" includes printing, lithographing, or other mode of  
28 representing words and letters, but in all cases where the

1 signature of any person is required, the proper handwriting of  
2 the person, or his mark, is intended.

3 49.292. 1. Notwithstanding any other law to the contrary,  
4 the county commission of any county may reject the transfer of  
5 title of real property to the county by donation or dedication if  
6 the commission determines that such rejection is in the public  
7 interest of the county.

8 2. No transfer of title of real property to the county  
9 commission or any other political subdivision by donation or  
10 dedication authorized to be recorded in the office of the  
11 recorder of deeds shall be valid unless it has been proved or  
12 acknowledged. The preparer of the document relating to  
13 subsection 1 of this section shall not submit a document to the  
14 recorder of deeds for recording unless the acceptance thereof of  
15 the grantee named in the document has been proved or  
16 acknowledged. No water or sewer line easement shall be construed  
17 as a transfer of title of real property under this subsection.

18 191.225. 1. [The department of health and senior services  
19 shall make payments to appropriate medical providers, out of  
20 appropriations made for that purpose, to cover the charges of the  
21 forensic examination of persons who may be a victim of a sexual  
22 offense if:

23 (1) The victim or the victim's guardian consents in writing  
24 to the examination;

25 (2) The report of the examination is made on a form  
26 approved by the attorney general with the advice of the  
27 department of health and senior services; and

28 (3) The report of the examination is filed with the

1 prosecuting attorney of the county in which the alleged incident  
2 occurred.] For purposes of this section, the following terms  
3 mean:

4 (1) "Appropriate medical provider", any licensed nurse,  
5 physician, or physician assistant, and any institution employing  
6 licensed nurses, physicians, or physician assistants; provided  
7 that such licensed professionals are the only persons at such  
8 institution to perform tasks under the provisions of this  
9 section;

10 (2) "Evidentiary collection kit", a kit used during a  
11 forensic examination that includes materials necessary for  
12 appropriate medical providers to gather evidence in accordance  
13 with the forms and procedures developed by the attorney general  
14 for forensic examinations;

15 (3) "Forensic examination", an examination performed by an  
16 appropriate medical provider on a victim of an alleged offense  
17 included under chapter 566, RSMo, to gather and collect forensic  
18 evidence;

19 (4) "Medical treatment", the treatment of all injuries and  
20 health concerns resulting directly from a patient's sexual  
21 assault or victimization.

22 2. The appropriate medical provider shall file [the] a  
23 forensic report of the examination [within three business days of  
24 completion of the forensic exam] with the prosecuting attorney of  
25 the county in which the alleged offense occurred.

26 [2.] 3. A minor may consent to examination under this  
27 section. Such consent is not subject to disaffirmance because of  
28 minority, and consent of parent or guardian of the minor is not

1 required for such examination. The appropriate medical provider  
2 making the examination shall give written notice to the parent or  
3 guardian of a minor that such an examination has taken place.

4 [3.] 4. The attorney general, with the advice of the  
5 department of health and senior services, shall develop the forms  
6 and procedures for gathering evidence during the forensic  
7 examination under the provisions of this section. The department  
8 of health and senior services shall develop a checklist and  
9 evidentiary collection kit, when appropriate, for appropriate  
10 medical providers to refer to while providing medical treatment  
11 to victims of a sexual offense.

12 [4.] 5. Evidentiary collection kits shall be developed and  
13 made available, subject to appropriation, to appropriate medical  
14 providers by the highway patrol or its designees and eligible  
15 crime laboratories. Such kits shall be distributed with the  
16 forms and procedures for gathering evidence during forensic  
17 examinations of victims of a sexual offense to appropriate  
18 medical providers upon request of the provider, in the amount  
19 requested, and at no charge to the medical provider. All  
20 appropriate medical providers shall, with the written consent of  
21 the victim, perform a forensic examination using the evidentiary  
22 collection kit and forms and procedures for gathering evidence  
23 following the checklist for any person presenting as a victim of  
24 a sexual offense.

25 [5.] 6. All [appropriate medical provider charges] costs  
26 for eligible forensic examinations performed by appropriate  
27 medical providers shall be billed to and paid by the department  
28 of [health and senior services] public safety as provided in

1 section 595.107, RSMo. No appropriate medical provider  
2 conducting forensic examinations and providing medical treatment  
3 to victims of sexual offenses shall [charge] assess costs against  
4 the victim for the forensic examination. For appropriate medical  
5 provider charges related to the medical treatment of victims of  
6 sexual offenses, if the victim is an eligible claimant under the  
7 crime victims' compensation fund, the appropriate medical  
8 provider shall seek compensation under sections 595.010 to  
9 595.075, RSMo. [6. For purposes of this section, the

10 following terms mean:

11 (1) "Appropriate medical provider", any licensed nurse,  
12 physician, or physician assistant, and any institution employing  
13 licensed nurses, physicians, or physician assistants; provided  
14 that such licensed professionals are the only persons at such  
15 institution to perform tasks under the provisions of this  
16 section;

17 (2) "Evidentiary collection kit", a kit used during a  
18 forensic examination that includes materials necessary for  
19 appropriate medical providers to gather evidence in accordance  
20 with the forms and procedures developed by the attorney general  
21 for forensic examinations;

22 (3) "Forensic examination", an examination performed by an  
23 appropriate medical provider on a victim of an alleged sexual  
24 offense to gather evidence for the evidentiary collection kit;

25 (4) "Medical treatment", the treatment of all injuries and  
26 health concerns resulting directly from a patient's sexual  
27 assault or victimization.]

28 211.031. 1. Except as otherwise provided in this chapter,

1 the juvenile court or the family court in circuits that have a  
2 family court as provided in sections 487.010 to 487.190, RSMo,  
3 shall have exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age  
5 who may be a resident of or found within the county and who is  
6 alleged to be in need of care and treatment because:

7 (a) The parents, or other persons legally responsible for  
8 the care and support of the child or person seventeen years of  
9 age, neglect or refuse to provide proper support, education which  
10 is required by law, medical, surgical or other care necessary for  
11 his or her well-being; except that reliance by a parent, guardian  
12 or custodian upon remedial treatment other than medical or  
13 surgical treatment for a child or person seventeen years of age  
14 shall not be construed as neglect when the treatment is  
15 recognized or permitted pursuant to the laws of this state;

16 (b) The child or person seventeen years of age is otherwise  
17 without proper care, custody or support; or

18 (c) The child or person seventeen years of age was living  
19 in a room, building or other structure at the time such dwelling  
20 was found by a court of competent jurisdiction to be a public  
21 nuisance pursuant to section 195.130, RSMo;

22 (d) The child or person seventeen years of age is a child  
23 in need of mental health services and the parent, guardian or  
24 custodian is unable to afford or access appropriate mental health  
25 treatment or care for the child;

26 (2) Involving any child who may be a resident of or found  
27 within the county and who is alleged to be in need of care and  
28 treatment because:

1           (a) The child while subject to compulsory school attendance  
2 is repeatedly and without justification absent from school; or

3           (b) The child disobeys the reasonable and lawful directions  
4 of his or her parents or other custodian and is beyond their  
5 control; or

6           (c) The child is habitually absent from his or her home  
7 without sufficient cause, permission, or justification; or

8           (d) The behavior or associations of the child are otherwise  
9 injurious to his or her welfare or to the welfare of others; or

10          (e) The child is charged with an offense not classified as  
11 criminal, or with an offense applicable only to children; except  
12 that, the juvenile court shall not have jurisdiction over any  
13 child fifteen [and one-half] years of age who is alleged to have  
14 violated a state or municipal traffic ordinance or regulation,  
15 the violation of which does not constitute a felony, or any child  
16 who is alleged to have violated a state or municipal ordinance or  
17 regulation prohibiting possession or use of any tobacco product;

18          (3) Involving any child who is alleged to have violated a  
19 state law or municipal ordinance, or any person who is alleged to  
20 have violated a state law or municipal ordinance prior to  
21 attaining the age of seventeen years, in which cases jurisdiction  
22 may be taken by the court of the circuit in which the child or  
23 person resides or may be found or in which the violation is  
24 alleged to have occurred; except that, the juvenile court shall  
25 not have jurisdiction over any child fifteen [and one-half] years  
26 of age who is alleged to have violated a state or municipal  
27 traffic ordinance or regulation, the violation of which does not  
28 constitute a felony, and except that the juvenile court shall

1 have concurrent jurisdiction with the municipal court over any  
2 child who is alleged to have violated a municipal curfew  
3 ordinance, and except that the juvenile court shall have  
4 concurrent jurisdiction with the circuit court on any child who  
5 is alleged to have violated a state or municipal ordinance or  
6 regulation prohibiting possession or use of any tobacco product;

7 (4) For the adoption of a person;

8 (5) For the commitment of a child or person seventeen years  
9 of age to the guardianship of the department of social services  
10 as provided by law.

11 2. Transfer of a matter, proceeding, jurisdiction or  
12 supervision for a child or person seventeen years of age who  
13 resides in a county of this state shall be made as follows:

14 (1) Prior to the filing of a petition and upon request of  
15 any party or at the discretion of the juvenile officer, the  
16 matter in the interest of a child or person seventeen years of  
17 age may be transferred by the juvenile officer, with the prior  
18 consent of the juvenile officer of the receiving court, to the  
19 county of the child's residence or the residence of the person  
20 seventeen years of age for future action;

21 (2) Upon the motion of any party or on its own motion prior  
22 to final disposition on the pending matter, the court in which a  
23 proceeding is commenced may transfer the proceeding of a child or  
24 person seventeen years of age to the court located in the county  
25 of the child's residence or the residence of the person seventeen  
26 years of age, or the county in which the offense pursuant to  
27 subdivision (3) of subsection 1 of this section is alleged to  
28 have occurred for further action;

1           (3) Upon motion of any party or on its own motion, the  
2 court in which jurisdiction has been taken pursuant to subsection  
3 1 of this section may at any time thereafter transfer  
4 jurisdiction of a child or person seventeen years of age to the  
5 court located in the county of the child's residence or the  
6 residence of the person seventeen years of age for further action  
7 with the prior consent of the receiving court;

8           (4) Upon motion of any party or upon its own motion at any  
9 time following a judgment of disposition or treatment pursuant to  
10 section 211.181, the court having jurisdiction of the cause may  
11 place the child or person seventeen years of age under the  
12 supervision of another juvenile court within or without the state  
13 pursuant to section 210.570, RSMo, with the consent of the  
14 receiving court;

15           (5) Upon motion of any child or person seventeen years of  
16 age or his or her parent, the court having jurisdiction shall  
17 grant one change of judge pursuant to Missouri Supreme Court  
18 Rules;

19           (6) Upon the transfer of any matter, proceeding,  
20 jurisdiction or supervision of a child or person seventeen years  
21 of age, certified copies of all legal and social documents and  
22 records pertaining to the case on file with the clerk of the  
23 transferring juvenile court shall accompany the transfer.

24           3. In any proceeding involving any child or person  
25 seventeen years of age taken into custody in a county other than  
26 the county of the child's residence or the residence of a person  
27 seventeen years of age, the juvenile court of the county of the  
28 child's residence or the residence of a person seventeen years of

1 age shall be notified of such taking into custody within  
2 seventy-two hours.

3 4. When an investigation by a juvenile officer pursuant to  
4 this section reveals that the only basis for action involves an  
5 alleged violation of section 167.031, RSMo, involving a child who  
6 alleges to be home schooled, the juvenile officer shall contact a  
7 parent or parents of such child to verify that the child is being  
8 home schooled and not in violation of section 167.031, RSMo,  
9 before making a report of such a violation. Any report of a  
10 violation of section 167.031, RSMo, made by a juvenile officer  
11 regarding a child who is being home schooled shall be made to the  
12 prosecuting attorney of the county where the child legally  
13 resides.

14 302.341. If a Missouri resident charged with a moving  
15 traffic violation of this state or any county or municipality of  
16 this state fails to dispose of the charges of which he is accused  
17 through authorized prepayment of fine and court costs and fails  
18 to appear on the return date or at any subsequent date to which  
19 the case has been continued, or without good cause fails to pay  
20 any fine or court costs assessed against him for any such  
21 violation within the period of time specified or in such  
22 installments as approved by the court or as otherwise provided by  
23 law, any court having jurisdiction over the charges shall within  
24 ten days of the failure to comply inform the defendant by  
25 ordinary mail at the last address shown on the court records that  
26 the court will order the director of revenue to suspend the  
27 defendant's driving privileges if the charges are not disposed of  
28 and fully paid within thirty days from the date of mailing.

1     Thereafter, if the defendant fails to timely act to dispose of  
2     the charges and fully pay any applicable fines and court costs,  
3     the court shall notify the director of revenue of such failure  
4     and of the pending charges against the defendant. Upon receipt  
5     of this notification, the director shall suspend the license of  
6     the driver, effective immediately, and provide notice of the  
7     suspension to the driver at the last address for the driver shown  
8     on the records of the department of revenue. Such suspension  
9     shall remain in effect until the court with the subject pending  
10    charge requests setting aside the noncompliance suspension  
11    pending final disposition, or satisfactory evidence of  
12    disposition of pending charges and payment of fine and court  
13    costs, if applicable, is furnished to the director by the  
14    individual. Upon proof of disposition of charges and payment of  
15    fine and court costs, if applicable, and payment of the  
16    reinstatement fee as set forth in section 302.304, the director  
17    shall [reinstate] return the license and remove the suspension  
18    from the individual's driving record. The filing of financial  
19    responsibility with the bureau of safety responsibility,  
20    department of revenue, shall not be required as a condition of  
21    reinstatement of a driver's license suspended solely under the  
22    provisions of this section. If any city, town or village  
23    receives more than forty-five percent of its total annual revenue  
24    from fines for traffic violations occurring on state highways,  
25    all revenues from such violations in excess of forty-five percent  
26    of the total annual revenue of the city, town or village shall be  
27    sent to the director of the department of revenue and shall be  
28    distributed annually to the schools of the county in the same

1 manner that proceeds of all penalties, forfeitures and fines  
2 collected for any breach of the penal laws of the state are  
3 distributed. For the purpose of this section the words "state  
4 highways" shall mean any state or federal highway, including any  
5 such highway continuing through the boundaries of a city, town or  
6 village with a designated street name other than the state  
7 highway number.

8 379.130. 1. When investigating an accident or settling an  
9 automobile insurance policy claim, no insurer, agent, producer,  
10 or claims adjuster of an insurer shall assign a percentage of  
11 fault to a party based upon the sole fact that the party was  
12 operating a motorcycle in an otherwise legal manner.

13 2. A violation of this section shall be an unfair trade  
14 practice as defined by sections 375.930 to 375.948, RSMo, and  
15 shall be subject to all of the provisions and penalties provided  
16 by such sections.

17 3. As used in this section, the term "insurer" shall mean  
18 any insurance company, association or exchange authorized to  
19 issue policies of automobile insurance in the state of Missouri.  
20 The term "automobile insurance policy" shall mean a policy  
21 providing automobile liability coverage, uninsured motorists  
22 coverage, automobile medical payments coverage or automobile  
23 physical damage coverage insuring a private passenger automobile  
24 owned by an individual or partnership.

25 441.645. In the absence of a written contract to the  
26 contrary, if a residence is destroyed by an act of God, including  
27 but not limited to fire or a tornado, or other natural disaster  
28 or man-made disaster, so long as the tenant was not the person

1 who caused the disaster, the tenant shall not be liable to the  
2 landlord for rent during the remainder of the term of the lease  
3 agreement.

4 442.558. 1. As used in this section, the following terms  
5 shall mean:

6 (1) "Transfer", the sale, gift, conveyance, assignment,  
7 inheritance, or other transfer of ownership interest in real  
8 property located in this state;

9 (2) "Transfer fee", a fee or charge payable upon the  
10 transfer of an interest in real property, or payable for the  
11 right to make or accept such transfer, regardless of whether the  
12 fee or charge is a fixed amount or is determined as a percentage  
13 of the value of the property, the purchase price, or other  
14 consideration given for the transfer. Transfer fee shall not  
15 include the following:

16 (a) Any consideration payable by the grantee to the grantor  
17 for the interest in real property being transferred;

18 (b) Any commission payable to a licensed real estate broker  
19 for the transfer of real property under an agreement between the  
20 broker and the grantor or the grantee;

21 (c) Any interest, charges, fees, or other amounts payable  
22 by a borrower to a lender under a loan secured by a mortgage  
23 against real property, including but not limited to any fee  
24 payable to the lender for consenting to an assumption of the loan  
25 or a transfer of the real property subject to the mortgage, any  
26 fees or charges payable to the lender for estoppel letters or  
27 certificates, and any other consideration allowed by law and  
28 payable to the lender in connection with the loan;

1 (d) Any rent, reimbursement, charge, fee, or other amount  
2 payable by a lessee to a lessor under a lease, including but not  
3 limited to any fee payable to the lessor for consenting to an  
4 assignment, subletting, encumbrance, or transfer of the lease;

5 (e) Any consideration payable to the holder of an option to  
6 purchase an interest in real property or the holder of a right of  
7 first refusal or first offer to purchase an interest in real  
8 property for waiving, releasing, or not exercising the option or  
9 right upon the transfer of the property to another person;

10 (f) Any tax, fee, charge, assessment, fine, or other amount  
11 payable to or imposed by a governmental authority;

12 (3) "Transfer fee covenant", a declaration or covenant  
13 purporting to affect real property which requires or purports to  
14 require the payment of a transfer fee to the declarant or other  
15 person specified in the declaration or covenant or to their  
16 successors or assigns upon a subsequent transfer of an interest  
17 in the real property.

18 2. A transfer fee covenant recorded in this state on or  
19 after September 1, 2008, shall not run with the title to real  
20 property and is not binding on or enforceable at law or in equity  
21 against any subsequent owner, purchaser, or mortgagee of any  
22 interest in real property as an equitable servitude or otherwise.  
23 Any lien purporting to secure the payment of a transfer fee under  
24 a transfer fee covenant recorded in this state on or after  
25 September 1, 2008, is void and unenforceable.

26 452.377. 1. For purposes of this section and section  
27 452.375, "relocate" or "relocation" means a change in the  
28 principal residence of a child for a period of ninety days or

1 more, but does not include a temporary absence from the principal  
2 residence.

3 2. Notice of a proposed relocation of the residence of the  
4 child, or any party entitled to custody or visitation of the  
5 child, shall be given in writing by certified mail, return  
6 receipt requested, to any party with custody or visitation  
7 rights. Absent exigent circumstances as determined by a court  
8 with jurisdiction, written notice shall be provided at least  
9 sixty days in advance of the proposed relocation. The notice of  
10 the proposed relocation shall include the following information:

11 (1) The intended new residence, including the specific  
12 address and mailing address, if known, and if not known, the  
13 city;

14 (2) The home telephone number of the new residence, if  
15 known;

16 (3) The date of the intended move or proposed relocation;

17 (4) A brief statement of the specific reasons for the  
18 proposed relocation of a child, if applicable; and

19 (5) A proposal for a revised schedule of custody or  
20 visitation with the child, if applicable.

21 3. A party required to give notice of a proposed relocation  
22 pursuant to subsection 2 of this section has a continuing duty to  
23 provide a change in or addition to the information required by  
24 this section as soon as such information becomes known.

25 4. In exceptional circumstances where the court makes a  
26 finding that the health or safety of any adult or child would be  
27 unreasonably placed at risk by the disclosure of the required  
28 identifying information concerning a proposed relocation of the

1 child, the court may order that:

2 (1) The specific residence address and telephone number of  
3 the child, parent or person, and other identifying information  
4 shall not be disclosed in the pleadings, notice, other documents  
5 filed in the proceeding or the final order except for an in  
6 camera disclosure;

7 (2) The notice requirements provided by this section shall  
8 be waived to the extent necessary to protect the health or safety  
9 of a child or any adult; or

10 (3) Any other remedial action the court considers necessary  
11 to facilitate the legitimate needs of the parties and the best  
12 interest of the child.

13 5. The court shall consider a failure to provide notice of  
14 a proposed relocation of a child as:

15 (1) A factor in determining whether custody and visitation  
16 should be modified;

17 (2) A basis for ordering the return of the child if the  
18 relocation occurs without notice; and

19 (3) Sufficient cause to order the party seeking to relocate  
20 the child to pay reasonable expenses and attorneys fees incurred  
21 by the party objecting to the relocation.

22 6. If the parties agree to a revised schedule of custody  
23 and visitation for the child, which includes a parenting plan,  
24 they may submit the terms of such agreement to the court with a  
25 written affidavit signed by all parties with custody or  
26 visitation assenting to the terms of the agreement, and the court  
27 may order the revised parenting plan and applicable visitation  
28 schedule without a hearing.

1           7. The residence of the child may be relocated sixty days  
2 after providing notice, as required by this section, unless a  
3 parent files a motion seeking an order to prevent the relocation  
4 within thirty days after receipt of such notice. Such motion  
5 shall be accompanied by an affidavit setting forth the specific  
6 factual basis supporting a prohibition of the relocation. The  
7 person seeking relocation shall file a response to the motion  
8 within fourteen days, unless extended by the court for good  
9 cause, and include a counter-affidavit setting forth the facts in  
10 support of the relocation as well as a proposed revised parenting  
11 plan for the child.

12           8. If relocation of the child is proposed, a third party  
13 entitled by court order to legal custody of or visitation with a  
14 child and who is not a parent may file a cause of action to  
15 obtain a revised schedule of legal custody or visitation, but  
16 shall not prevent a relocation.

17           9. The party seeking to relocate shall have the burden of  
18 proving that the proposed relocation is made in good faith and is  
19 in the best interest of the child.

20           10. If relocation is permitted:

21           (1) The court shall order contact with the nonrelocating  
22 party including custody or visitation and telephone access  
23 sufficient to assure that the child has frequent, continuing and  
24 meaningful contact with the nonrelocating party unless the  
25 child's best interest warrants otherwise; and

26           (2) The court shall specify how the transportation costs  
27 will be allocated between the parties and adjust the child  
28 support, as appropriate, considering the costs of transportation.

1           11. After August 28, 1998, every court order establishing  
2 or modifying custody or visitation shall include the following  
3 language: "Absent exigent circumstances as determined by a court  
4 with jurisdiction, you, as a party to this action, are ordered to  
5 notify, in writing by certified mail, return receipt requested,  
6 and at least sixty days prior to the proposed relocation, each  
7 party to this action of any proposed relocation of the principal  
8 residence of the child, including the following information:

9           (1) The intended new residence, including the specific  
10 address and mailing address, if known, and if not known, the  
11 city;

12           (2) The home telephone number of the new residence, if  
13 known;

14           (3) The date of the intended move or proposed relocation;

15           (4) A brief statement of the specific reasons for the  
16 proposed relocation of the child; and

17           (5) A proposal for a revised schedule of custody or  
18 visitation with the child.

19  
20 Your obligation to provide this information to each party  
21 continues as long as you or any other party by virtue of this  
22 order is entitled to custody of a child covered by this order.  
23 Your failure to obey the order of this court regarding the  
24 proposed relocation may result in further litigation to enforce  
25 such order, including contempt of court. In addition, your  
26 failure to notify a party of a relocation of the child may be  
27 considered in a proceeding to modify custody or visitation with  
28 the child. Reasonable costs and attorney fees may be assessed

1 against you if you fail to give the required notice. The  
2 residence of the child may be relocated sixty days after  
3 providing notice, as required in this section, unless a parent  
4 files a motion seeking an order to prevent the relocation within  
5 thirty days after receipt of such notice. Such motion shall be  
6 accompanied by an affidavit setting forth the specific factual  
7 basis supporting a prohibition of the relocation. The person  
8 seeking relocation shall file a response to the motion within  
9 fourteen days, unless extended by the court for good cause, and  
10 include a counter-affidavit setting forth the facts in support of  
11 the relocation as well as a proposed revised parenting plan for  
12 the child.".

13 12. Violation of the provisions of this section or a court  
14 order under this section may be deemed a change of circumstance  
15 under section 452.410, allowing the court to modify the prior  
16 custody decree. In addition, the court may utilize any and all  
17 powers relating to contempt conferred on it by law or rule of the  
18 Missouri supreme court.

19 13. Any party who objects in good faith to the relocation  
20 of a child's principal residence shall not be ordered to pay the  
21 costs and attorney's fees of the party seeking to relocate.

22 452.380. 1. A party to a custody proceeding may move for a  
23 temporary custody order. A court is authorized to issue an order  
24 of temporary custody, visitation, or support prompted solely by a  
25 motion for modification. The motion must be supported by an  
26 affidavit. The court may award temporary custody after a hearing  
27 or, if there is no objection, solely on the basis of the  
28 affidavits.

1           2. If a proceeding for dissolution of marriage or legal  
2 separation is dismissed, any temporary custody order is vacated  
3 unless a parent or the child's custodian moves that the  
4 proceeding continue as a custody proceeding and the court finds,  
5 after a hearing, that the circumstances of the parents and the  
6 best interest of the child require that a custody decree be  
7 issued.

8           454.516. 1. The director or IV-D agency may cause a lien  
9 pursuant to subsections 2 and 3 of this section or the obligee  
10 may cause a lien pursuant to subsection 8 of this section for  
11 unpaid and delinquent child support to block the issuance of a  
12 certificate of ownership for motor vehicles, motor boats,  
13 outboard motors, manufactured homes and trailers that are  
14 registered in the name of a delinquent child support obligor.

15           2. The director or IV-D agency shall notify the department  
16 of revenue with the required information necessary to impose a  
17 lien pursuant to this section by filing a notice of lien.

18           3. The director or IV-D agency shall not notify the  
19 department of revenue and the department of revenue shall not  
20 register lien except as provided in this subsection. After the  
21 director or IV-D agency decide that such lien qualifies pursuant  
22 to this section and forward it to the department of revenue, the  
23 director of revenue or the director's designee shall only file  
24 such lien against the obligor's certificate of ownership when:

25           (1) The obligor has unpaid child support which exceeds one  
26 thousand dollars;

27           (2) The property has a value of more than three thousand  
28 dollars as determined by current industry publications that

1 provide such estimates to dealers in the business, and the  
2 property's year of manufacture is within seven years of the date  
3 of filing of the lien except in the case of a motor vehicle that  
4 has been designated a historic vehicle;

5 (3) The property has no more than two existing liens for  
6 child support;

7 (4) The property has had no more than three prior liens for  
8 child support in the same calendar year.

9 4. In the event that a lien is placed and the obligor's  
10 total support obligation is eliminated, the director shall notify  
11 the department of revenue that the lien shall be removed.

12 5. Upon notification that a lien exists pursuant to this  
13 section, the department of revenue shall register the lien on the  
14 records of the department of revenue. Such registration shall  
15 contain the type and model of the property and the serial number  
16 of the property.

17 6. Upon notification by the director that the lien shall be  
18 removed pursuant to subsection 4 of this section, the department  
19 of revenue shall register such removal of lien on its database,  
20 that shall contain the type and model of the property and the  
21 serial number of the property.

22 7. A good faith purchaser for value without notice of the  
23 lien or a lender without notice of the lien takes free of the  
24 lien.

25 8. In cases which are not IV-D cases, to cause a lien  
26 pursuant to the provisions of this section the obligee or the  
27 obligee's attorney shall file notice of the lien with the  
28 department of revenue. This notice shall have attached a

1 certified copy of the court order with all modifications and a  
2 sworn statement by the obligee or a certified statement from the  
3 court attesting to or certifying the amount of arrearages.

4 9. Notwithstanding any other law to the contrary, the  
5 department of revenue shall maintain a child support lien  
6 database that may be collected against the owner on a certificate  
7 of ownership provided for by chapters 301, 306 and 700, RSMo. To  
8 determine any existing liens for child support pursuant to this  
9 section, the lienholder, dealer or buyer may inquire  
10 electronically into the database. A good faith purchaser for  
11 value without notice of the lien or a lender without notice of  
12 the lien takes free of the lien.

13 [454.516. 1. The director or IV-D agency may  
14 cause a lien pursuant to subsections 2 and 3 of this  
15 section or the obligee may cause a lien pursuant to  
16 subsection 7 of this section for unpaid and delinquent  
17 child support to block the issuance of a certificate of  
18 ownership for motor vehicles, motor boats, outboard  
19 motors, manufactured homes and trailers that are  
20 registered in the name of a delinquent child support  
21 obligor.

22 2. The director or IV-D agency shall notify the  
23 department of revenue with the required information  
24 necessary to impose a lien pursuant to this section by  
25 filing a notice of lien.

26 3. The director or IV-D agency shall not notify  
27 the department of revenue and the department of revenue  
28 shall not register such lien except as provided in this  
29 subsection. After the director or IV-D agency decides  
30 that such lien qualifies pursuant to this section and  
31 forward it to the department of revenue, the director  
32 of revenue or the director's designee shall only file  
33 such lien against the obligor's certificate of  
34 ownership when:

35 (1) The obligor has unpaid child support which  
36 exceeds one thousand dollars;

37 (2) The property has a value of more than three  
38 thousand dollars as determined by current industry  
39 publications that provide such estimates to dealers in  
40 the business, and the property's year of manufacture is  
41 within seven years of the date of filing of the lien

1 except in the case of a motor vehicle that has been  
2 designated a historic vehicle;

3 (3) The property has no more than two existing  
4 liens for child support;

5 (4) The property has had no more than three prior  
6 liens for child support in the same calendar year.

7 4. In the event that a lien is placed and the  
8 obligor's total support obligation is eliminated, the  
9 director shall notify the department of revenue that  
10 the lien shall be removed.

11 5. Upon notification that a lien exists pursuant  
12 to this section, the department of revenue shall  
13 register the lien on the records of the department of  
14 revenue. Such registration shall contain the type and  
15 model of the property and the serial number of the  
16 property.

17 6. Upon notification by the director that the  
18 lien shall be removed pursuant to subsection 4 of this  
19 section, the department of revenue shall register such  
20 removal of lien on its datebank, that shall contain the  
21 type and model of the property and the serial number of  
22 the property. The division or IV-D agency may hold any  
23 satisfaction of the registered lien until the child  
24 support obligation is satisfied, or levy and execute on  
25 the motor vehicle, motor boat, outboard motor,  
26 manufactured home or trailer and sell same, at public  
27 sale, in order to satisfy the debt.

28 7. In cases which are not IV-D cases, to cause a  
29 lien pursuant to the provisions of this section the  
30 obligee or the obligee's attorney shall file notice of  
31 the lien with the department of revenue. This notice  
32 shall have attached a certified copy of the court order  
33 with all modifications and a sworn statement by the  
34 obligee or a certified statement from the court  
35 attesting to or certifying the amount of arrearages.

36 8. Notwithstanding any other law to the contrary,  
37 the department of revenue shall maintain a child  
38 support lien database for outstanding child support  
39 liens against the owner's certificate of ownership  
40 provided for by chapters 301, 306, and 700, RSMo. To  
41 determine any existing liens for child support pursuant  
42 to this section, the lienholder, dealer, or buyer may  
43 inquire electronically into the database. A good faith  
44 purchaser for value without notice of the lien in the  
45 database or a lender without notice of the lien in the  
46 database takes free of the lien.]

47 479.260. 1. Municipalities by ordinance may provide for  
48 fees in an amount per case to be set pursuant to sections 488.010

1 to 488.020, RSMo, for each municipal ordinance violation case  
2 filed before a municipal judge, and in the event a defendant  
3 pleads guilty or is found guilty, the judge may assess costs  
4 against the defendant except in those cases where the defendant  
5 is found by the judge to be indigent and unable to pay the costs.  
6 In the event the case is dismissed before the defendant pleads  
7 guilty or is found guilty, the municipal judge may assess  
8 municipal court costs as determined by section 488.012, RSMo,  
9 against the defendant if the defendant consents to paying the  
10 costs except in those cases where the defendant is found by the  
11 judge to be indigent and unable to pay the costs. The fees  
12 authorized in this subsection are in addition to service charges,  
13 witness fees and jail costs that may otherwise be authorized to  
14 be assessed, but are in lieu of other court costs. The fees  
15 provided by this subsection shall be collected by the municipal  
16 division clerk in municipalities electing or required to have  
17 violations of municipal ordinances tried before a municipal judge  
18 pursuant to section 479.020, or to employ judicial personnel  
19 pursuant to section 479.060, and disbursed as provided in  
20 subsection 1 of section 479.080. Any other court costs required  
21 in connection with such cases shall be collected and disbursed as  
22 provided in sections 488.010 to 488.020, RSMo; provided that,  
23 each municipal court may establish a judicial education fund in  
24 an account under the control of the municipal court to retain one  
25 dollar of the fees collected on each case and to use the fund  
26 only to pay for:

27 (1) The continuing education and certification required of  
28 the municipal judges by law or supreme court rule; and

1           (2) Judicial education and training for the court  
2 administrator and clerks of the municipal court.

3  
4 Provided further, that no municipal court shall retain more than  
5 one thousand five hundred dollars in the fund for each judge,  
6 administrator or clerk of the municipal court. Any excess funds  
7 shall be transmitted quarterly to the general revenue fund of the  
8 county or municipal treasury.

9           2. In municipal ordinance violation cases which are filed  
10 in the associate circuit division of the circuit court, fees  
11 shall be assessed in each case in an amount to be set pursuant to  
12 sections 488.010 to 488.020, RSMo. In the event a defendant  
13 pleads guilty or is found guilty, the judge shall assess costs  
14 against the defendant except in those cases where the defendant  
15 is found by the judge to be indigent and unable to pay the costs.  
16 In the event a defendant is acquitted or the case is dismissed,  
17 the judge shall not assess costs against the municipality. The  
18 costs authorized in this subsection are in addition to service  
19 charges, witness fees and jail costs that may otherwise be  
20 authorized to be assessed, but are in lieu of other court costs.  
21 The costs provided by this subsection shall be collected by the  
22 municipal division clerk in municipalities electing or required  
23 to have violations of municipal ordinances tried before a  
24 municipal judge pursuant to section 479.020, or to employ  
25 judicial personnel pursuant to section 479.060, and disbursed as  
26 provided in subsection 2 of section 479.080. Any other court  
27 costs required in connection with such cases shall be collected  
28 and disbursed as provided in sections 488.010 to 488.020, RSMo.

1           3. A municipality, when filing cases before an associate  
2 circuit judge, shall not be required to pay fees.

3           4. No fees for a judge, city attorney or prosecutor shall  
4 be assessed as costs in a municipal ordinance violation case.

5           5. In municipal ordinance violation cases, when there is an  
6 application for a trial de novo, there shall be an additional fee  
7 in an amount to be set pursuant to sections 488.010 to 488.020,  
8 RSMo, which shall be assessed in the same manner as provided in  
9 subsection 2 of this section.

10          6. Municipalities by ordinance may provide for a schedule  
11 of costs to be paid in connection with pleas of guilty which are  
12 processed in a traffic violations bureau. If a municipality  
13 files its municipal ordinance violation cases before a municipal  
14 judge, such costs shall not exceed the court costs authorized by  
15 subsection 1 of this section. If a municipality files its  
16 municipal ordinance violations cases in the associate circuit  
17 division of the circuit court, such costs shall not exceed the  
18 court costs authorized by subsection 2 of this section.

19          514.040. 1. Except as provided in subsection 3 of this  
20 section, if any court shall, before or after the commencement of  
21 any suit pending before it, be satisfied that the plaintiff is a  
22 poor person, and unable to prosecute his or her suit, and pay all  
23 or any portion of the costs and expenses thereof, such court may,  
24 in its discretion, permit him or her to commence and prosecute  
25 his or her action as a poor person, and thereupon such poor  
26 person shall have all necessary process and proceedings as in  
27 other cases, without fees, tax or charge as the court determines  
28 the person cannot pay; and the court may assign to such person

1 counsel, who, as well as all other officers of the court, shall  
2 perform their duties in such suit without fee or reward as the  
3 court may excuse; but if judgment is entered for the plaintiff,  
4 costs shall be recovered, which shall be collected for the use of  
5 the officers of the court.

6 2. In any civil action brought in a court of this state by  
7 any offender convicted of a crime who is confined in any state  
8 prison or correctional center, the court shall not reduce the  
9 amount required as security for costs upon filing such suit to an  
10 amount of less than ten dollars pursuant to this section. This  
11 subsection shall not apply to any action for which no sum as  
12 security for costs is required to be paid upon filing such suit.

13 3. Where a party is represented in a civil action by:

14 (1) A legal aid society or a legal services or other  
15 nonprofit organization funded in whole or substantial part by  
16 moneys appropriated by the general assembly of the state of  
17 Missouri, which has as its primary purpose the furnishing of  
18 legal services to indigent persons, or by private counsel working  
19 on behalf of or under the auspices of such society[,]; or

20 (2) A legal aid clinic approved by a law school approved by  
21 the American Bar Association, or a nonprofit legal assistance  
22 program affiliated with such clinic, that utilizes the services  
23 of law students licensed to provide legal services to indigent  
24 persons under Missouri supreme court rule 13.01, et seq.

25  
26 All costs and expenses related to the prosecution of the suit may  
27 be waived without the necessity of a motion and court approval,  
28 provided that a determination has been made by such society [or],

1 organization, or clinic that such party is unable to pay the  
2 costs, fees and expenses necessary to prosecute or defend the  
3 action, and that a certification that such determination has been  
4 made is filed with the clerk of the court.

5 537.055. In any action to recover damages arising out of  
6 the ownership, common maintenance, or operation of a motor  
7 vehicle, the fact that one of the parties was operating a  
8 motorcycle shall not, in and of itself, be considered evidence of  
9 comparative negligence.

10 565.084. 1. A person commits the crime of tampering with a  
11 judicial officer if, with the purpose to harass, intimidate or  
12 influence a judicial officer in the performance of such officer's  
13 official duties, [he] such person:

14 (1) Threatens or causes harm to such judicial officer or  
15 members of such judicial officer's family;

16 (2) Uses force, threats, or deception against or toward  
17 such judicial officer or members of such judicial officer's  
18 family;

19 (3) Offers, conveys or agrees to convey any benefit direct  
20 or indirect upon such judicial officer or such judicial officer's  
21 family;

22 (4) Engages in conduct reasonably calculated to harass or  
23 alarm such judicial officer or such judicial officer's family,  
24 including stalking pursuant to section 565.225.

25 2. A judicial officer for purposes of this section shall be  
26 a judge, arbitrator, special master, juvenile court commissioner,  
27 state probation or parole officer, juvenile officer, deputy  
28 juvenile officer or referee.

1           3. A judicial officer's family for purposes of this section  
2 shall be:

3           (1) [His] Such officer's spouse; or

4           (2) [His] Such officer or [his] such officer's spouse's  
5 ancestor or descendant by blood or adoption; or

6           (3) [His] Such officer's stepchild, while the marriage  
7 creating that relationship exists.           4. Tampering with a  
8 judicial officer is a class C felony.

9           595.045. 1. There is established in the state treasury the  
10 "Crime Victims' Compensation Fund". A surcharge of seven dollars  
11 and fifty cents shall be assessed as costs in each court  
12 proceeding filed in any court in the state in all criminal cases  
13 including violations of any county ordinance or any violation of  
14 criminal or traffic laws of the state, including an infraction  
15 and violation of a municipal ordinance; except that no such fee  
16 shall be collected in any proceeding in any court when the  
17 proceeding or the defendant has been dismissed by the court or  
18 when costs are to be paid by the state, county, or municipality.  
19 A surcharge of seven dollars and fifty cents shall be assessed as  
20 costs in a juvenile court proceeding in which a child is found by  
21 the court to come within the applicable provisions of subdivision  
22 (3) of subsection 1 of section 211.031, RSMo.

23           2. Notwithstanding any other provision of law to the  
24 contrary, the moneys collected by clerks of the courts pursuant  
25 to the provisions of subsection 1 of this section shall be  
26 collected and disbursed in accordance with sections 488.010 to  
27 488.020, RSMo, and shall be payable to the director of the  
28 department of revenue.

1           3. The director of revenue shall deposit annually the  
2 amount of two hundred fifty thousand dollars to the state  
3 forensic laboratory account administered by the department of  
4 public safety to provide financial assistance to defray expenses  
5 of crime laboratories if such analytical laboratories are  
6 registered with the federal Drug Enforcement Agency or the  
7 Missouri department of health and senior services. Subject to  
8 appropriations made therefor, such funds shall be distributed by  
9 the department of public safety to the crime laboratories serving  
10 the courts of this state making analysis of a controlled  
11 substance or analysis of blood, breath or urine in relation to a  
12 court proceeding.

13           4. Notwithstanding any other provision of law to the  
14 contrary, money in the crime victims' compensation fund may be  
15 deposited into the sexual offense forensic examination  
16 compensation fund created under section 595.107.

17           5. The remaining funds collected under subsection 1 of this  
18 section shall be denoted to the payment of an annual  
19 appropriation for the administrative and operational costs of the  
20 office for victims of crime and, if a statewide automated crime  
21 victim notification system is established pursuant to section  
22 650.310, RSMo, to the monthly payment of expenditures actually  
23 incurred in the operation of such system. Additional remaining  
24 funds shall be subject to the following provisions:

25           (1) On the first of every month, the director of revenue or  
26 the director's designee shall determine the balance of the funds  
27 in the crime victims' compensation fund available to satisfy the  
28 amount of compensation payable pursuant to sections 595.010 to

1 595.075, excluding sections 595.050 and 595.055;

2 (2) Beginning on September 1, 2004, and on the first of  
3 each month, the director of revenue or the director's designee  
4 shall deposit fifty percent of the balance of funds available to  
5 the credit of the crime victims' compensation fund and fifty  
6 percent to the services to victims' fund established in section  
7 595.100;

8 (3) Subject to appropriations, the director of revenue or  
9 the director's designee shall transfer money from the crime  
10 victims' compensation fund into the sexual offense forensic  
11 examination compensation fund as created under section 595.107.

12 [5.] 6. The director of revenue or such director's  
13 designee shall at least monthly report the moneys paid pursuant  
14 to this section into the crime victims' compensation fund and the  
15 services to victims fund to the [division of workers'  
16 compensation and the] department of public safety[,  
17 respectively].

18 [6.] 7. The moneys collected by clerks of municipal courts  
19 pursuant to subsection 1 of this section shall be collected and  
20 disbursed as provided by sections 488.010 to 488.020, RSMo. Five  
21 percent of such moneys shall be payable to the city treasury of  
22 the city from which such funds were collected. The remaining  
23 ninety-five percent of such moneys shall be payable to the  
24 director of revenue. The funds received by the director of  
25 revenue pursuant to this subsection shall be distributed as  
26 follows:

27 (1) On the first of every month, the director of revenue or  
28 the director's designee shall determine the balance of the funds

1 in the crime victims' compensation fund available to satisfy the  
2 amount of compensation payable pursuant to sections 595.010 to  
3 595.075, excluding sections 595.050 and 595.055;

4 (2) Beginning on September 1, 2004, and on the first of  
5 each month the director of revenue or the director's designee  
6 shall deposit fifty percent of the balance of funds available to  
7 the credit of the crime victims' compensation fund and fifty  
8 percent to the services to victims' fund established in section  
9 595.100;

10 (3) Subject to appropriations, the director of revenue or  
11 the director's designee shall transfer money from the crime  
12 victims' compensation fund into the sexual offense forensic  
13 examination compensation fund as created under section 595.107.

14 [7.] 8. These funds shall be subject to a biennial audit  
15 by the Missouri state auditor. Such audit shall include all  
16 records associated with crime victims' compensation funds  
17 collected, held or disbursed by any state agency.

18 [8.] 9. In addition to the moneys collected pursuant to  
19 subsection 1 of this section, the court shall enter a judgment in  
20 favor of the state of Missouri, payable to the crime victims'  
21 compensation fund, of sixty-eight dollars upon a plea of guilty  
22 or a finding of guilt for a class A or B felony; forty-six  
23 dollars upon a plea of guilty or finding of guilt for a class C  
24 or D felony; and ten dollars upon a plea of guilty or a finding  
25 of guilt for any misdemeanor under Missouri law except for those  
26 in chapter 252, RSMo, relating to fish and game, chapter 302,  
27 RSMo, relating to drivers' and commercial drivers' license,  
28 chapter 303, RSMo, relating to motor vehicle financial

1 responsibility, chapter 304, RSMo, relating to traffic  
2 regulations, chapter 306, RSMo, relating to watercraft regulation  
3 and licensing, and chapter 307, RSMo, relating to vehicle  
4 equipment regulations. Any clerk of the court receiving moneys  
5 pursuant to such judgments shall collect and disburse such crime  
6 victims' compensation judgments in the manner provided by  
7 sections 488.010 to 488.020, RSMo. Such funds shall be payable  
8 to the state treasury and deposited to the credit of the crime  
9 victims' compensation fund.

10 [9.] 10. The clerk of the court processing such funds  
11 shall maintain records of all dispositions described in  
12 subsection 1 of this section and all dispositions where a  
13 judgment has been entered against a defendant in favor of the  
14 state of Missouri in accordance with this section; all payments  
15 made on judgments for alcohol-related traffic offenses; and any  
16 judgment or portion of a judgment entered but not collected.  
17 These records shall be subject to audit by the state auditor.  
18 The clerk of each court transmitting such funds shall report  
19 separately the amount of dollars collected on judgments entered  
20 for alcohol-related traffic offenses from other crime victims'  
21 compensation collections or services to victims collections.

22 [10.] 11. The department of revenue shall maintain records  
23 of funds transmitted to the crime victims' compensation fund by  
24 each reporting court and collections pursuant to subsection 16 of  
25 this section and shall maintain separate records of collection  
26 for alcohol-related offenses.

27 [11.] 12. The state courts administrator shall include in  
28 the annual report required by section 476.350, RSMo, the circuit

1 court caseloads and the number of crime victims' compensation  
2 judgments entered.

3 [12.] 13. All awards made to injured victims under  
4 sections 595.010 to 595.105 and all appropriations for  
5 administration of sections 595.010 to 595.105, except sections  
6 595.050 and 595.055, shall be made from the crime victims'  
7 compensation fund. Any unexpended balance remaining in the crime  
8 victims' compensation fund at the end of each biennium shall not  
9 be subject to the provision of section 33.080, RSMo, requiring  
10 the transfer of such unexpended balance to the ordinary revenue  
11 fund of the state, but shall remain in the crime victims'  
12 compensation fund. In the event that there are insufficient  
13 funds in the crime victims' compensation fund to pay all claims  
14 in full, all claims shall be paid on a pro rata basis. If there  
15 are no funds in the crime victims' compensation fund, then no  
16 claim shall be paid until funds have again accumulated in the  
17 crime victims' compensation fund. When sufficient funds become  
18 available from the fund, awards which have not been paid shall be  
19 paid in chronological order with the oldest paid first. In the  
20 event an award was to be paid in installments and some remaining  
21 installments have not been paid due to a lack of funds, then when  
22 funds do become available that award shall be paid in full. All  
23 such awards on which installments remain due shall be paid in  
24 full in chronological order before any other postdated award  
25 shall be paid. Any award pursuant to this subsection is  
26 specifically not a claim against the state, if it cannot be paid  
27 due to a lack of funds in the crime victims' compensation fund.

28 [13.] 14. When judgment is entered against a defendant as

1 provided in this section and such sum, or any part thereof,  
2 remains unpaid, there shall be withheld from any disbursement,  
3 payment, benefit, compensation, salary, or other transfer of  
4 money from the state of Missouri to such defendant an amount  
5 equal to the unpaid amount of such judgment. Such amount shall  
6 be paid forthwith to the crime victims' compensation fund and  
7 satisfaction of such judgment shall be entered on the court  
8 record. Under no circumstances shall the general revenue fund be  
9 used to reimburse court costs or pay for such judgment. The  
10 director of the department of corrections shall have the  
11 authority to pay into the crime victims' compensation fund from  
12 an offender's compensation or account the amount owed by the  
13 offender to the crime victims' compensation fund, provided that  
14 the offender has failed to pay the amount owed to the fund prior  
15 to entering a correctional facility of the department of  
16 corrections.

17 [14.] 15. All interest earned as a result of investing  
18 funds in the crime victims' compensation fund shall be paid into  
19 the crime victims' compensation fund and not into the general  
20 revenue of this state.

21 [15.] 16. Any person who knowingly makes a fraudulent  
22 claim or false statement in connection with any claim hereunder  
23 is guilty of a class A misdemeanor.

24 [16.] 17. Any gifts, contributions, grants or federal  
25 funds specifically given to the [division] department for the  
26 benefit of victims of crime shall be credited to the crime  
27 victims' compensation fund. Payment or expenditure of moneys in  
28 such funds shall comply with any applicable federal crime

1 victims' compensation laws, rules, regulations or other  
2 applicable federal guidelines.

3 595.107. 1. There is hereby created in the state treasury  
4 the "Sexual Offense Forensic Examination Compensation Fund",  
5 which shall consist of funds from the crime victims' compensation  
6 fund state general revenue fund. The state treasurer shall be  
7 the custodian of the fund and may approve disbursements from the  
8 fund in accordance with sections 30.170 and 30.180, RSMo. The  
9 department of public safety shall administer the fund, which  
10 shall be used solely to make payments to appropriate medical  
11 providers to cover the costs of the forensic examination of  
12 persons who may be a victim of a sexual offense if:

13 (1) The victim or the victim's guardian consents in writing  
14 to the examination, so as to demonstrate cooperation with law  
15 enforcement authorities;

16 (2) The report of the examination is made on a form  
17 approved by the attorney general with the advice of the  
18 department of health and senior services; and

19 (3) The report of the examination is filed with the  
20 prosecuting attorney of the county in which the alleged incident  
21 occurred.

22  
23 Notwithstanding the provisions of section 33.080, RSMo, to the  
24 contrary, any moneys remaining in the fund at the end of the  
25 biennium shall not revert to the credit of the general revenue  
26 fund. The state treasurer shall invest moneys in the fund in the  
27 same manner as other funds are invested. Any interest and moneys  
28 earned on such investments shall be credited to the fund.

1 2. Federal funds may also be used to make payments to  
2 appropriate medical providers to cover the costs of the forensic  
3 examinations described under subsection 1 of this section.

4 3. The department of public safety shall promulgate rules  
5 and regulations establishing which procedures performed by  
6 appropriate medical providers shall qualify for coverage under  
7 the sexual offense forensic examination compensation fund and  
8 establishing the reimbursement rates for such procedures. The  
9 checklists for appropriate medical providers under section  
10 191.225, RSMo, shall be used and considered when promulgating the  
11 rules and regulations. Any rule or portion of a rule, as that  
12 term is defined in section 536.010, RSMo, that is created under  
13 the authority delegated in this section shall become effective  
14 only if it complies with and is subject to all of the provisions  
15 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo.  
16 This section and chapter 536, RSMo, are nonseverable and if any  
17 of the powers vested with the general assembly pursuant to  
18 chapter 536, RSMo, to review, to delay the effective date, or to  
19 disapprove and annul a rule are subsequently held  
20 unconstitutional, then the grant of rulemaking authority and any  
21 rule proposed or adopted after August 28, 2008, shall be invalid  
22 and void.

23 4. For the purposes of this section, the following terms  
24 shall mean:

25 (1) "Appropriate medical provider", any licensed nurse,  
26 physician, or physician assistant, and any institution employing  
27 licensed nurses, physicians, or physician assistants; provided  
28 that such licensed professionals are the only persons at such

1 institution to perform tasks under the provisions of this  
2 section;

3 (2) "Evidentiary collection kit", a kit used during a  
4 forensic examination that includes materials necessary for  
5 appropriate medical providers to gather evidence in accordance  
6 with the forms and procedures developed by the attorney general  
7 for forensic examinations;

8 (3) "Forensic examination", an examination performed by an  
9 appropriate medical provider on a victim of an alleged offense  
10 included under chapter 566, RSMo, to gather and collect evidence;

11 (4) "Medical treatment", the treatment of all injuries and  
12 health concerns resulting directly from a patient's sexual  
13 assault or victimization.

14 621.250. 1. All authority to hear appeals granted in  
15 chapters 260, 444, 640, 643, and 644, RSMo, and to the hazardous  
16 waste management commission in chapter 260, RSMo, the land  
17 reclamation commission in chapter 444, RSMo, the safe drinking  
18 water commission in chapter 640, RSMo, the air conservation  
19 commission in chapter 643, RSMo, and the clean water commission  
20 in chapter 644, RSMo, shall be transferred to the administrative  
21 hearing commission under this chapter. The authority to render  
22 final decisions after hearing on appeals heard by the  
23 administrative hearing commission shall remain with the  
24 commissions listed in this subsection. The commissions listed in  
25 this subsection may render final decisions after hearing or  
26 through stipulation, consent order, agreed settlement or by  
27 disposition in the nature of default judgment, judgment on the  
28 pleadings, or summary determination, consistent with the rules

1 and procedures of the administrative hearing commission.

2       2. Except as otherwise provided by law, any person or  
3 entity who is a party to, or who is affected by, any finding,  
4 order, decision, or assessment for which the authority to hear  
5 appeals was transferred to the administrative hearing commission  
6 in subsection 1 of this section [shall be entitled to a hearing  
7 before the administrative hearing commission by the filing of a  
8 petition] may file a notice of appeal with the administrative  
9 hearing commission within thirty days after any such finding,  
10 order, decision, or assessment is placed in the United States  
11 mail or within thirty days of any such finding, order, decision,  
12 or assessment being delivered, whichever is earlier. The  
13 administrative hearing commission may hold hearings or may make  
14 recommended decisions based on stipulation of the parties,  
15 consent order, agreed settlement or by disposition in the nature  
16 of default judgment, judgment on the pleadings, or summary  
17 determination, in accordance with the rules and procedures of the  
18 administrative hearing commission.

19       3. Any decision by the director of the department of  
20 natural resources that may be appealed to the commissions listed  
21 in subsection 1 of this section [621.052] and shall contain a  
22 notice of the right of appeal in substantially the following  
23 language: "If you were adversely affected by this decision, you  
24 may appeal to have the matter heard by the administrative hearing  
25 commission. To appeal, you must file a petition with the  
26 administrative hearing commission within thirty days after the  
27 date this decision was mailed or the date it was delivered,  
28 whichever date was earlier. If any such petition is sent by

1 registered mail or certified mail, it will be deemed filed on the  
2 date it is mailed; if it is sent by any method other than  
3 registered mail or certified mail, it will be deemed filed on the  
4 date it is received by the administrative hearing commission."  
5 Within fifteen days after the administrative hearing commission  
6 renders its recommended decision, it shall transmit the record  
7 and a transcript of the proceedings, together with the  
8 administrative hearing commission's recommended decision to the  
9 commission having authority to issue a final decision. The  
10 decision of the commission shall be based only on the facts and  
11 evidence in the hearing record. The commission may adopt the  
12 recommended decision as its final decision. The commission may  
13 change a finding of fact or conclusion of law made by the  
14 administrative hearing commission, or may vacate or modify the  
15 recommended decision issued by the administrative hearing  
16 commission, only if the commission states in writing the specific  
17 reason for a change made under this subsection.

18 4. In the event the person filing the appeal prevails in  
19 any dispute under this section, interest shall be allowed upon  
20 any amount found to have been wrongfully collected or erroneously  
21 paid at the rate established by the director of the department of  
22 revenue under section 32.065, RSMo.

23 5. Appropriations shall be made from the respective funds  
24 of the various commissions to cover the administrative hearing  
25 commission's costs associated with these appeals.

26 6. In all matters heard by the administrative hearing  
27 commission under this section, the burden of proof shall comply  
28 with section 640.012, RSMo. The hearings shall be conducted by

1 the administrative hearing commission in accordance with the  
2 provisions of chapter 536, RSMo, and its regulations promulgated  
3 thereunder.

4 640.013. [All authority to hear appeals granted in this  
5 chapter and chapters 260, 444, 643, and 644, RSMo, and to the  
6 hazardous waste management commission in chapter 260, RSMo, the  
7 land reclamation commission in chapter 444, RSMo, the safe  
8 drinking water commission in this chapter, the air conservation  
9 commission in chapter 643, RSMo, and the clean water commission  
10 in chapter 644, RSMo, shall be transferred to the administrative  
11 hearing commission under chapter 621, RSMo. The authority to  
12 render final decisions after hearing on appeals heard by the  
13 administrative hearing commission shall remain with the  
14 commissions listed in this subsection.] The administrative  
15 hearing commission shall have the authority to hear certain  
16 environmental appeals in accordance with section 621.250, RSMo.

17 Section 1. 1. The governor is hereby authorized and  
18 empowered to sell, transfer, grant, convey, remise, release, and  
19 forever quitclaim all interest of the state of Missouri in real  
20 property known as the Joplin Regional Center, located in Jasper  
21 County, Joplin, Missouri, for no less than three hundred thousand  
22 dollars. The property to be conveyed is more particularly  
23 described as follows:

24 A tract of land lying in the Southwest Quarter (1/4) of  
25 the Southeast Quarter (1/4) of Section 31, Township 28,  
26 Range 32, Jasper County, Missouri, and described by the  
27 following metes and bounds: beginning at the Southwest  
28 corner of the above described Southwest Quarter (1/4)  
29 of the Southeast (1/4) of Section 31; thence North  
30 along the West line thereof 670.0 Feet; thence East  
31 with an angle of 90 degrees with the said West line  
32 450.0 Feet to a point; thence South parallel to said

1 West line 140.0 Feet; thence South 56 degrees East for  
2 a distance of 415.0 Feet to a point; thence South 290.0  
3 Feet to the South line of said Southwest Quarter (1/4)  
4 of the Southeast Quarter (1/4); thence West along said  
5 South line 800.0 Feet to point of beginning, containing  
6 ten and two-tenths (10.2) acres, more or less, except a  
7 strip of land fifty feet wide East and West off of the  
8 West side thereof, the same being reserved for road  
9 purposes.

10 2. The conveyance of the property described in this section  
11 shall not occur until the Joplin Regional Center is relocated  
12 from the property described in this section to different  
13 property.

14 3. The commissioner of administration shall set the terms  
15 and conditions for the conveyance as the commissioner deems  
16 reasonable. Such terms and conditions may include, but are not  
17 limited to, the time, place, and terms of the conveyance.

18 4. The attorney general shall approve the form of the  
19 instrument of conveyance.

20 ✓

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23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_  
26 Luann Ridgeway

\_\_\_\_\_

Bryan Stevenson