

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 111**  
**96TH GENERAL ASSEMBLY**

0593L.04C

D. ADAM CRUMBLISS, Chief Clerk

---

**AN ACT**

To repeal sections 32.056, 221.105, 301.146, 302.020, 302.321, 303.025, 311.325, 452.430, 455.040, 475.060, 475.061, 475.115, 475.375, 488.432, 516.140, 544.455, 544.470, and 557.011, RSMo, and to enact in lieu thereof forty-six new sections relating to the judiciary, with penalty provisions.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 32.056, 221.105, 301.146, 302.020, 302.321, 303.025, 311.325, 452.430, 455.040, 475.060, 475.061, 475.115, 475.375, 488.432, 516.140, 544.455, 544.470, and 557.011, RSMo, are repealed and forty-six new sections enacted in lieu thereof, to be known as sections 32.056, 56.061, 56.089, 221.025, 221.105, 301.146, 302.020, 302.321, 303.025, 311.325, 452.430, 455.007, 455.040, 475.060, 475.061, 475.115, 475.501, 475.502, 475.503, 475.504, 475.505, 475.506, 475.521, 475.522, 475.523, 475.524, 475.525, 475.526, 475.527, 475.528, 475.529, 475.531, 475.532, 475.541, 475.542, 475.543, 475.544, 475.551, 475.552, 475.555, 488.432, 516.140, 544.455, 544.470, 557.011, and 571.092, to read as follows:

32.056. The department of revenue shall not release the home address or any other information contained in the department's motor vehicle or driver registration records regarding any person, **and the immediate family members of any such person**, who is a county, state or federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to section [590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's immediate family] **590.010, or those persons vested by article V, section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary**, based on a specific request for such information from any person. Any person [who is a county, state or federal parole officer or who is a federal pretrial

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

11 officer or who is a peace officer pursuant to section 590.100, RSMo,] **with a current status**  
12 **covered by this section** may notify the department of such status and the department shall  
13 protect the confidentiality of the records on such a person and his or her immediate family as  
14 required by this section. This section shall not prohibit the department from releasing  
15 information on a motor registration list pursuant to section 32.055 or from releasing information  
16 on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor  
17 Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

**56.061. Nothing in sections 56.010, 56.020, and 56.060 shall be construed,**  
2 **interpreted, or applied to supersede, interfere, or otherwise inhibit any charter county**  
3 **from determining, within its charter authority, the time of election cycles under Article VI,**  
4 **Sections 18(a) - 18(r) of the Missouri Constitution.**

**56.089. 1. As used in this section the following terms shall mean:**

- 2 (1) "Accusatory instrument", a warrant of arrest, complaint, information, or  
3 indictment;
- 4 (2) "Accused", an individual accused of a crime, but not yet charged with a crime;
- 5 (3) "Defendant", any person charged with a criminal offense;
- 6 (4) "Deferred prosecution", the suspension of a criminal case for a specified period  
7 upon the request of both the prosecuting attorney and the accused or the defendant;
- 8 (5) "Diversionary screening", the discretionary power of the prosecuting attorney  
9 to suspend all formal prosecutorial proceedings against a person who has become involved  
10 in the criminal justice system as an accused or defendant;
- 11 (6) "Prosecuting attorney", includes the prosecuting attorney or circuit attorney  
12 for each county of the state and the City of St. Louis, or the attorney general;
- 13 (7) "Prosecution diversion", the imposition of conditions of behavior and conduct  
14 by the prosecuting attorney upon an accused or defendant for a specified period of time  
15 as an alternative to proceeding to adjudication on a complaint, information, or indictment.
- 16 2. Each prosecuting attorney in the state of Missouri shall have the authority to,  
17 upon agreement with an accused or a defendant, divert a criminal case to a prosecution  
18 diversion program for a period of six months to two years, thus allowing for any statute  
19 of limitations to be tolled for that time alone. The period of diversion may be extended by  
20 the prosecuting attorney as a disciplinary measure or to allow sufficient time for  
21 completion of any portion of the prosecution diversion including restitution; provided,  
22 however, that no extension of such diversion shall be for a period of more than two years.
- 23 3. The prosecuting attorney may divert cases, under this system, out of the criminal  
24 justice system where the prosecuting attorney determines that the advantages of utilizing  
25 prosecution diversion outweigh the advantages of immediate court activity.

26           **4. Prior to or upon the issuance of an accusatory instrument, with consent of the**  
27 **accused or defendant, the prosecuting attorney may forego continued prosecution upon the**  
28 **parties' agreement to a prosecution diversion plan. The prosecution diversion plan shall**  
29 **be for a specified period and be in writing. The prosecuting attorney has the sole authority**  
30 **to develop diversionary program requirements.**

31           **5. During any period of prosecution diversion, the prosecuting attorney may impose**  
32 **conditions upon the behavior and conduct of the accused or defendant that assures the**  
33 **safety and well-being of the community as well as that of the accused or defendant. The**  
34 **conditions imposed by the prosecuting attorney may include, but are not limited to, the**  
35 **following:**

36           **(1) Requiring the accused or defendant to remain free of any criminal behavior**  
37 **during the entire period of prosecution diversion;**

38           **(2) Payment of restitution to any victim of the related offense;**

39           **(3) Requiring the accused to pay an administrative handling cost of not more than**  
40 **one hundred twenty dollars for each misdemeanor case diverted under this section and not**  
41 **more than two hundred fifty dollars for each felony case diverted under this section, which**  
42 **the prosecuting attorney may waive or defer in whole or in part. Notwithstanding the**  
43 **provisions of sections 50.525 to 50.745, the costs provided for in this subdivision shall be**  
44 **deposited by the county treasurer into a separate interest-bearing fund to be expended by**  
45 **the prosecuting attorney. This fund shall be known as the "Administrative Handling Cost**  
46 **Fund", and it shall be the same fund for deposits under this section and under section**  
47 **570.120. The funds shall be expended, upon warrants issued by the prosecuting attorney**  
48 **directing the treasurer to issue checks thereon, only for purposes related to that authorized**  
49 **by subsection 6 of this section. Notwithstanding the provisions of any other law, in**  
50 **addition to the administrative handling cost, the prosecuting attorney may collect an**  
51 **additional cost of five dollars per case for deposit to the Missouri office of prosecution**  
52 **services fund established in subsection 2 of section 56.765. All moneys collected under this**  
53 **section which are payable to the Missouri office of prosecution services fund shall be**  
54 **transmitted at least monthly by the county treasurer to the director of revenue who shall**  
55 **deposit the amount collected to the credit of the Missouri office of prosecution services**  
56 **fund under the procedure established under subsection 2 of section 56.765.**

57           **6. The moneys deposited in the fund may be used by the prosecuting attorney for**  
58 **office supplies, postage, books, training, office equipment, capital outlay, expenses of trial**  
59 **and witness preparation, additional employees for the staff of the prosecuting attorney,**  
60 **employees' salaries, and for other lawful expenses incurred by the prosecuting attorney in**  
61 **the operation of that office.**

62           **7. This fund may be audited by the state auditor's office or the appropriate**  
63 **auditing agency.**

64           **8. If the moneys collected and deposited into this fund are not totally expended**  
65 **annually, then the unexpended balance shall remain in the fund and the balance shall be**  
66 **kept in the fund to accumulate from year to year.**

67           **9. The responsibility and authority to screen or divert specific cases, or to refuse**  
68 **to screen or divert specific cases, shall rest within the sole judgment and discretion of the**  
69 **prosecuting attorney as part of their official duties as prosecuting attorney. The decision**  
70 **of the prosecuting attorney regarding diversion shall not be subject to appeal nor be raised**  
71 **as a defense in any prosecution of a criminal case involving the accused or defendant.**

72           **10. Any person participating in the program shall have the right to insist on**  
73 **criminal prosecution for the offense for which they are accused at any time.**

74           **11. In conducting the program, the prosecuting attorney may require at any point**  
75 **the reinitiation of criminal proceedings when, in his or her judgment, such is warranted.**

76           **12. Any county, city, person, organization or agency, or employee or agent thereof,**  
77 **involved with the supervision of activities, programs, or community service that are a part**  
78 **of a prosecution diversion program, shall be immune from any suit by the person**  
79 **performing the work under the deferred prosecution agreement, or any person deriving**  
80 **a cause of action from such person, except for an intentional tort or gross negligence.**  
81 **Persons performing work or community service pursuant to a deferred prosecution**  
82 **agreement as described shall not be deemed to be engaged in employment within the**  
83 **meaning of the provisions of chapter 288. A person performing work or community**  
84 **service pursuant to a deferred prosecution agreement shall not be deemed an employee**  
85 **within the meaning of the provisions of chapter 287.**

86           **13. Any person supervising or employing an accused or defendant under the**  
87 **program shall report to the prosecuting attorney any violation of the terms of the**  
88 **prosecution diversion program.**

89           **14. After completion of the program and any conditions imposed upon the accused**  
90 **or defendant, to the satisfaction of the prosecuting attorney, the accused shall be entitled**  
91 **to not have the diverted case filed or the defendant shall be entitled to a dismissal of the**  
92 **diverted charges. Any other provision of law notwithstanding, such individual may be**  
93 **required to pay any associated costs prior to dismissal of pending charges.**

**221.025. 1. As an alternative to confinement for any nonviolent offender as defined**  
2 **in section 217.010, an individual may be placed on electronic monitoring with such terms**  
3 **and conditions as a court shall deem just and appropriate under the circumstances**

4 **including a condition that the individual pay the costs of electronic monitoring in full prior**  
5 **to the beginning of the electronic monitoring.**

6 **2. During any such period of electronic monitoring, an individual while complying**  
7 **with any court-ordered restitution, shall be considered in custody and such period of**  
8 **electronic monitoring shall be credited against any period of confinement or incarceration**  
9 **ordered, however, electronic monitoring shall not be considered to be custody or**  
10 **incarceration for purposes of Medicaid.**

11 **3. A sheriff may contract with a private company to provide electronic monitoring**  
12 **services and any private company which provides such electronic monitoring services shall**  
13 **certify to the sheriff the number of days that any individual was electronically monitored.**

221.105. 1. The governing body of any county and of any city not within a county shall  
2 fix the amount to be expended for the cost of incarceration of prisoners confined in jails [or] ,  
3 medium security institutions **or on electronic monitoring**. The per diem cost of incarceration  
4 **or electronic monitoring** of these [prisoners] **individuals** chargeable by [the] law to the state  
5 shall be determined, subject to the review and approval of the department of corrections.

6 2. When the final determination of any criminal prosecution shall be such as to render  
7 the state liable for costs under existing [laws] **law**, it shall be the duty of the sheriff to certify to  
8 the clerk of the circuit court [or court of common pleas] in which the case was [determined]  
9 **prosecuted** the total number of days [any prisoner who was a party in such case remained in the  
10 county jail] **an individual was in custody or subjected to electronic monitoring**. It shall be  
11 the duty of the county commission to supply the cost per diem for county prisons **and for**  
12 **electronic monitoring** to the clerk of the circuit court on the first day of each year, and thereafter  
13 whenever the amount may be changed. It shall then be the duty of the clerk of the court in which  
14 the case was [determined] **prosecuted** to include in the bill of cost against the state all fees which  
15 are properly chargeable to the state. In any city not within a county it shall be the duty of the  
16 superintendent of any facility boarding prisoners to certify to the chief executive officer of such  
17 city not within a county the total number of days any [prisoner who] **individual** was [a party in  
18 such case remained in such facility] **incarcerated and the total number of days, if any, any**  
19 **such individual was on electronic monitoring**. It shall be the duty of the superintendents of  
20 such facilities to supply the cost per diem **for individuals and for electronic monitoring** to the  
21 chief executive officer on the first day of each year, and thereafter whenever the amount may be  
22 changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding  
23 such [prisoners] **individuals and for electronic monitoring** which are properly chargeable to  
24 the state. The chief executive may by notification to the department of corrections delegate such  
25 responsibility to another duly sworn official of such city not within a county. The clerk of the  
26 court of any city not within a county shall not include such fees in the bill of costs chargeable to

27 the state. The department of corrections shall revise its criminal cost manual in accordance with  
28 this provision.

29 **3. Except as provided in subsection 4 of this section** the actual costs chargeable to the  
30 state, including those incurred for a prisoner who is incarcerated in the county jail because the  
31 prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has,  
32 violated any condition of the prisoner's parole or probation, and such parole or probation is a  
33 consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri  
34 department of corrections or otherwise held at the request of the Missouri department of  
35 corrections regardless of whether or not a warrant has been issued shall be the actual cost of  
36 incarceration not to exceed:

37 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

38 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

39 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per  
40 prisoner, subject to appropriations, but not less than the amount appropriated in the previous  
41 fiscal year.

42 **4. If a court or judge places an individual on electronic monitoring, the judge may**  
43 **in his or her discretion charge the costs associated with the electronic monitoring to the**  
44 **individual in custody as a condition of their sentence. If the judge finds the offender**  
45 **unable to afford the costs associated with electronic monitoring the state shall then**  
46 **reimburse the county for any costs associated with electronic monitoring.**

301.146. 1. Any federal, state, county or municipal law enforcement or public safety  
2 agency, **or those persons vested by article V, section 1 of the Constitution of Missouri with**  
3 **the judicial power of the state and those persons vested by Article III of the Constitution**  
4 **of the United States with the judicial power of the United States, the members of the**  
5 **federal judiciary,** may request the issuance of special license plates and drivers licenses. Upon  
6 receipt of such a request, the director of revenue shall determine whether or not the special  
7 license plates and drivers licenses are to be used for a legitimate law enforcement or public safety  
8 purpose and if he so determines then the director of revenue shall issue the special license plates  
9 and drivers licenses subject to such conditions as he shall decide, in a form prescribed by the  
10 advisory committee established in section 301.129, except that such license plates shall be made  
11 with fully reflective material with a common color scheme and design, shall be clearly visible  
12 at night, and shall be aesthetically attractive, as prescribed by section 301.130. All decisions of  
13 the director of revenue relating to the special law enforcement or public safety license plates or  
14 drivers licenses shall be final.

15 2. Notwithstanding any other provision of law to the contrary, records pertaining to the  
16 request for, issuance of, retention of or disposal of special license plates and drivers licenses

17 issued for law enforcement or public safety purposes as provided for in this section shall not be  
18 subject to public disclosure and shall be held by the department of revenue in such a way as to  
19 keep these records confidential.

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,  
2 except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person has a valid  
4 license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such  
6 person has a valid license that shows the person has successfully passed an examination for the  
7 operation of a motorcycle or motortricycle as prescribed by the director. The director may  
8 indicate such upon a valid license issued to such person, or shall issue a license restricting the  
9 applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required  
10 by section 302.173, is conducted on such vehicle;

11 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person  
12 or under such person's control to be driven upon any highway by any person whose license does  
13 not indicate that the person has passed the examination for the operation of a motorcycle or  
14 motortricycle or has been issued an instruction permit therefor;

15 (4) Operate a motor vehicle with an instruction permit or license issued to another  
16 person.

17 2. Every person operating or riding as a passenger on any motorcycle or motortricycle,  
18 as defined in section 301.010, upon any highway of this state shall wear protective headgear at  
19 all times the vehicle is in motion. The protective headgear shall meet reasonable standards and  
20 specifications established by the director.

21 3. Notwithstanding the provisions of section 302.340 any person convicted of violating  
22 subdivision (1) or (2) of subsection 1 of this section is guilty of a [class A] misdemeanor. **A first**  
23 **violation of this section shall be punishable by a fine not to exceed three hundred dollars.**  
24 **A second or subsequent violation of this section shall be punishable by imprisonment in the**  
25 **county jail for a term not to exceed one year and/or a fine not to exceed one thousand**  
26 **dollars.** Any person convicted a third or subsequent time of violating subdivision (1) or (2) of  
27 subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of  
28 section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a [class  
29 C] misdemeanor, **the first violation punishable by a fine not to exceed three hundred**  
30 **dollars, a second or subsequent violation of this section punishable as a class C**  
31 **misdemeanor,** and the penalty for failure to wear protective headgear as required by subsection  
32 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be  
33 imposed.

34 Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall  
35 be imposed upon any person due to such violation. No points shall be assessed pursuant to  
36 section 302.302 for a failure to wear such protective headgear. **Prior pleas of guilty and prior**  
37 **findings of guilty shall be pleaded and proven in the same manner as required by section**  
38 **558.021.**

302.321. 1. A person commits the crime of driving while revoked if such person  
2 operates a motor vehicle on a highway when such person's license or driving privilege has been  
3 canceled, suspended, or revoked under the laws of this state or any other state and acts with  
4 criminal negligence with respect to knowledge of the fact that such person's driving privilege has  
5 been canceled, suspended, or revoked.

6 2. Any person convicted of driving while revoked is guilty of a [class A] misdemeanor.  
7 **A first violation of this section shall be punishable by a fine not to exceed three hundred**  
8 **dollars. A second or third violation of this section shall be punishable by imprisonment in**  
9 **the county jail for a term not to exceed one year and/or a fine not to exceed one thousand**  
10 **dollars.** Any person with no prior alcohol-related enforcement contacts as defined in section  
11 302.525, convicted a fourth or subsequent time of driving while revoked or a county or  
12 municipal ordinance of driving while suspended or revoked where the defendant was represented  
13 by or waived the right to an attorney in writing, and where the prior three driving-while-revoked  
14 offenses occurred within ten years of the date of occurrence of the present offense; and any  
15 person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted  
16 a third or subsequent time of driving while revoked or a county or municipal ordinance of driving  
17 while suspended or revoked where the defendant was represented by or waived the right to an  
18 attorney in writing, and where the prior two driving-while-revoked offenses occurred within ten  
19 years of the date of occurrence of the present offense and where the person received and served  
20 a sentence of ten days or more on such previous offenses is guilty of a class D felony. **Except**  
21 **upon conviction as a first offense,** no court shall suspend the imposition of sentence as to such  
22 a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such  
23 person be eligible for parole or probation until such person has served a minimum of forty- eight  
24 consecutive hours of imprisonment, unless as a condition of such parole or probation, such  
25 person performs at least ten days involving at least forty hours of community service under the  
26 supervision of the court in those jurisdictions which have a recognized program for community  
27 service. Driving while revoked is a class D felony on the second or subsequent conviction  
28 pursuant to section 577.010 or a fourth or subsequent conviction for any other offense. **Prior**  
29 **pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner**  
30 **as required by section 558.021.**

303.025. 1. No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. No nonresident shall operate or permit another person to operate in this state a motor vehicle registered to such nonresident unless the nonresident maintains the financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle; however, no owner or nonresident shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director may prescribe rules and regulations for the implementation of this section.

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the owner's financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence.

3. Any person who violates this section is guilty of a [class C] misdemeanor. **A first violation of this section shall be punishable by a fine not to exceed three hundred dollars. A second or subsequent violation of this section shall be punishable by imprisonment in the county jail for a term not to exceed fifteen days and/or a fine not to exceed three hundred dollars. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021.** However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

(1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days;

(2) Forward the record of the conviction for an assessment of four points;

36 (3) In lieu of an assessment of points, render an order of supervision as provided in  
37 section 302.303. An order of supervision shall not be used in lieu of points more than one time  
38 in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this  
39 section shall forward a record of conviction to the Missouri state highway patrol, or at the written  
40 direction of the Missouri state highway patrol, to the department of revenue, in a manner  
41 approved by the director of the department of public safety. The director shall establish  
42 procedures for the record keeping and administration of this section; or

43 (4) For a nonresident, suspend the nonresident's driving privileges in this state in  
44 accordance with section 303.030 and notify the official in charge of the issuance of licenses and  
45 registration certificates in the state in which such nonresident resides in accordance with section  
46 303.080.

47 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330  
48 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions  
49 and professional registration from approving or authorizing those exclusions and limitations  
50 which are contained in automobile liability insurance policies and the uninsured motorist  
51 provisions of automobile liability insurance policies.

52 5. If a court enters an order of suspension, the offender may appeal such order directly  
53 pursuant to chapter 512 and the provisions of section 302.311 shall not apply.

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts  
2 to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020  
3 or who is visibly in an intoxicated condition as defined in section 577.001, or has a detectable  
4 blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol  
5 in such person's blood is guilty of a misdemeanor. **A first violation of this section shall be**  
6 **punishable by a fine not to exceed three hundred dollars. A second or subsequent violation**  
7 **of this section shall be punishable by imprisonment in the county jail for a term not to**  
8 **exceed one year and/or a fine not to exceed one thousand dollars. Prior pleas of guilty and**  
9 **prior findings of guilty shall be pleaded and proven in the same manner as required by**  
10 **section 558.021.** For purposes of prosecution under this section or any other provision of this  
11 chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under  
12 twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating  
13 liquor therein need not be opened or the contents therein tested to verify that there is intoxicating  
14 liquor in such container. The alleged violator may allege that there was not intoxicating liquor  
15 in such container, but the burden of proof of such allegation is on such person, as it shall be  
16 presumed that such a sealed container describing that there is intoxicating liquor therein contains  
17 intoxicating liquor.

18           2. For purposes of determining violations of any provision of this chapter, or of any rule  
19 or regulation of the supervisor of alcohol and tobacco control, a manufacturer- sealed container  
20 describing that there is intoxicating liquor therein need not be opened or the contents therein  
21 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege  
22 that there was not intoxicating liquor in such container, but the burden of proof of such allegation  
23 is on such person, as it shall be presumed that such a sealed container describing that there is  
24 intoxicating liquor therein contains intoxicating liquor.

25           3. Any person under the age of twenty-one years who purchases or attempts to purchase,  
26 or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated  
27 condition as defined in section 577.001, shall be deemed to have given consent to a chemical test  
28 or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol  
29 or drug content of the person's blood. The implied consent to submit to the chemical tests listed  
30 in this subsection shall be limited to not more than two such tests arising from the same arrest,  
31 incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be  
32 performed according to methods approved by the state department of health and senior services  
33 by licensed medical personnel or by a person possessing a valid permit issued by the state  
34 department of health and senior services for this purpose. The state department of health and  
35 senior services shall approve satisfactory techniques, devices, equipment, or methods to be  
36 considered valid and shall establish standards to ascertain the qualifications and competence of  
37 individuals to conduct analyses and to issue permits which shall be subject to termination or  
38 revocation by the state department of health and senior services. The person tested may have a  
39 physician, or a qualified technician, chemist, registered nurse, or other qualified person at the  
40 choosing and expense of the person to be tested, administer a test in addition to any administered  
41 at the direction of a law enforcement officer. The failure or inability to obtain an additional test  
42 by a person shall not preclude the admission of evidence relating to the test taken at the direction  
43 of a law enforcement officer. Upon the request of the person who is tested, full information  
44 concerning the test shall be made available to such person. Full information is limited to the  
45 following:

- 46           (1) The type of test administered and the procedures followed;
- 47           (2) The time of the collection of the blood or breath sample or urine analyzed;
- 48           (3) The numerical results of the test indicating the alcohol content of the blood and  
49 breath and urine;
- 50           (4) The type and status of any permit which was held by the person who performed the  
51 test;
- 52           (5) If the test was administered by means of a breath- testing instrument, the date of  
53 performance of the most recent required maintenance of such instrument. Full information does

54 not include manuals, schematics, or software of the instrument used to test the person or any  
55 other material that is not in the actual possession of the state. Additionally, full information does  
56 not include information in the possession of the manufacturer of the test instrument.

57 4. The provisions of this section shall not apply to a student who:

58 (1) Is eighteen years of age or older;

59 (2) Is enrolled in an accredited college or university and is a student in a culinary course;

60 (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other  
61 similar malt or fermented beverage as part of the required curriculum; and

62 (4) Tastes a beverage under subdivision (3) of this subsection only for instructional  
63 purposes during classes that are part of the curriculum of the accredited college or university.

64 The beverage must at all times remain in the possession and control of an authorized instructor  
65 of the college or university, who must be twenty-one years of age or older. Nothing in this  
66 subsection may be construed to allow a student under the age of twenty-one to receive any beer,  
67 ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered  
68 as part of the student's required curriculum and the beverage is used only for instructional  
69 purposes during classes conducted as part of the curriculum.

452.430. [All pleadings and filings in a dissolution of marriage, legal separation, or  
2 modification proceeding filed more than seventy-two years prior to the time a request for  
3 inspection is made may be made available to the public.] Any pleadings **or filings**, other than  
4 the interlocutory or final judgment or any modification thereof, in a dissolution of marriage, legal  
5 separation, or modification proceeding filed prior to August 28, 2009, [but less than seventy-two  
6 years prior to the time a request for inspection is made,] shall be subject to inspection only by  
7 the parties, an attorney of record, the family support division within the department of social  
8 services when services are being provided under section 454.400, the attorney general or his or  
9 her designee, a person or designee of a person licensed and acting under chapter 381 who shall  
10 keep any information obtained confidential, except as necessary to the performance of functions  
11 required by chapter 381, or upon order of the court for good cause shown **unless the clerk has**  
12 **redacted the Social Security number from such pleadings or filings.** [Such persons] **The**  
13 **parties, an attorney of record, the family support division within the department of social**  
14 **services when services are being provided under section 454.400, the attorney general or**  
15 **his or her designee, or a person or designee of a person licensed and acting under chapter**  
16 **381** may receive or make copies of documents without the clerk being required to redact the  
17 Social Security number, unless the court specifically orders the clerk to do otherwise. The clerk  
18 **upon request** shall redact the Social Security number from any copy of a **filing, pleading,**  
19 **judgment or satisfaction of judgment** before releasing the copy of the **filing, pleading, or**  
20 **interlocutory or final judgment or satisfaction of judgment** to the public.

2           **455.007. Notwithstanding any other provision of law to the contrary, the public**  
3 **interest exception to the mootness doctrine shall apply to an appeal of a full order of**  
4 **protection which:**

5           **(1) Has expired; and**

6           **(2) Subjects the person against whom such order is issued to significant collateral**  
7 **consequences by the mere existence of such full order of protection after its expiration.**

8           **455.040. 1. This act shall be known as "Sam and Lindsey's Law".**

9           **2.** Not later than fifteen days after the filing of a petition pursuant to sections 455.010  
10 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that a  
11 continuance should be granted. At the hearing, if the petitioner has proved the allegation of  
12 abuse or stalking by a preponderance of the evidence, the court shall issue a full order of  
13 protection for a period of time the court deems appropriate, except that the protective order shall  
14 be valid for at least one hundred eighty days and not more than one year. Upon motion by the  
15 petitioner, and after a hearing by the court, the full order of protection may be renewed for a  
16 period of time the court deems appropriate, except that the protective order shall be valid for at  
17 least one hundred eighty days and not more than one year from the expiration date of the  
18 originally issued full order of protection. If for good cause a hearing cannot be held on the  
19 motion to renew the full order of protection prior to the expiration date of the originally issued  
20 full order of protection, an ex parte order of protection may be issued until a hearing is held on  
21 the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order  
22 of protection may be renewed for an additional period of time the court deems appropriate,  
23 except that the protective order shall be valid for at least one hundred eighty days and not more  
24 than one year. For purposes of this subsection, a finding by the court of a subsequent act of  
25 abuse is not required for a renewal order of protection.

26           **[2.] 3.** The court shall cause a copy of the petition and notice of the date set for the  
27 hearing on such petition and any ex parte order of protection to be served upon the respondent  
28 as provided by law or by any sheriff or police officer at least three days prior to such hearing.  
29 Such notice shall be served at the earliest time, and service of such notice shall take priority over  
30 service in other actions, except those of a similar emergency nature. The court shall cause a copy  
of any full order of protection to be served upon or mailed by certified mail to the respondent at  
the respondent's last known address. Failure to serve or mail a copy of the full order of  
protection to the respondent shall not affect the validity or enforceability of a full order of  
protection.

**[3.] 4.** A copy of any order of protection granted pursuant to sections 455.010 to 455.085  
shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where  
the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law

31 enforcement agency responsible for maintaining the Missouri uniform law enforcement system  
32 or any other comparable law enforcement system the same day the order is granted. The law  
33 enforcement agency responsible for maintaining MULES shall [enter information contained in  
34 the order] , for purposes of verification, within twenty-four hours from the time the order is  
35 granted, **enter information contained in the order including but not limited to any orders**  
36 **regarding child custody or visitation and all specifics as to times and dates of custody or**  
37 **visitation that are provided in the order.** A notice of expiration or of termination of any order  
38 of protection **or any change in child custody or visitation within that order** shall be issued  
39 to the local law enforcement agency and to the law enforcement agency responsible for  
40 maintaining MULES or any other comparable law enforcement system. The law enforcement  
41 agency responsible for maintaining the applicable law enforcement system shall enter such  
42 information in the system. The information contained in an order of protection may be entered  
43 in the Missouri uniform law enforcement system or comparable law enforcement system using  
44 a direct automated data transfer from the court automated system to the law enforcement system.

475.060. 1. Any person may file a petition for the appointment of himself **or herself** or  
2 some other qualified person as guardian of a minor [or guardian of an incapacitated person].  
3 Such petition shall state:

4 (1) The name, age, domicile, actual place of residence and post office address of the  
5 minor [or incapacitated person] if known and if any of these facts is unknown, the efforts made  
6 to ascertain that fact;

7 (2) The estimated value of [his] **the minor's** real and personal property, **and the location**  
8 **and value of any real property owned by the minor outside of this state;**

9 (3) If the minor [or incapacitated person] has no domicile or place of residence in this  
10 state, the county in which the property or major part thereof of the minor [or incapacitated  
11 person] is located;

12 (4) The name and address of the parents of the minor [or incapacitated person] and  
13 whether they are living or dead;

14 (5) The name and address of the spouse, and the names, ages and addresses of all living  
15 children of the minor [or incapacitated person];

16 (6) The name and address of the person having custody of the person of the minor [or  
17 incapacitated person];

18 (7) The name and address of any guardian of the person or conservator of the estate of  
19 the minor [or incapacitated person] appointed in this or any other state;

20 (8) If appointment is sought for a natural person, other than the public administrator, the  
21 names and addresses of wards and disabled persons for whom such person is already guardian  
22 or conservator;

23 (9) [In the case of an incapacitated person, the fact that the person for whom  
24 guardianship is sought is unable by reason of some specified physical or mental condition to  
25 receive and evaluate information or to communicate decisions to such an extent that the person  
26 lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such  
27 that serious physical injury, illness or disease is likely to occur] **The name and address of the**  
28 **trustees and the purpose of any trust of which the minor is a qualified beneficiary;**

29 (10) The reasons why the appointment of a guardian is sought;

30 (11) A petition for the appointment of a guardian of a minor may be filed for the sole and  
31 specific purpose of school registration or medical insurance coverage. Such a petition shall  
32 clearly set out this limited request and shall not be combined with a petition for conservatorship.

33 **2. Any person may file a petition for the appointment of himself or herself or some**  
34 **other qualified person as guardian of an incapacitated person. Such petition shall state:**

35 (1) **The name, age, domicile, actual place of residence and post office address of the**  
36 **alleged incapacitated person, if known, and if any of these facts is unknown, the efforts**  
37 **made to ascertain that fact; in addition, for the period of three years before the filing of the**  
38 **petition, the most recent addresses, up to three, at which the alleged incapacitated person**  
39 **lived prior to the most recent address. In the case of a petition filed by a public official in**  
40 **his or her official capacity, the information required by this subdivision need only be**  
41 **supplied to the extent it is reasonably available to the petitioner; in the case of any other**  
42 **petition, if any information required by this subdivision is not available, the petition shall**  
43 **state the efforts made to obtain such information;**

44 (2) **The estimated value of the alleged incapacitated person's real and personal**  
45 **property, and the location and value of any real property owned by the alleged**  
46 **incapacitated person outside of this state;**

47 (3) **If the alleged incapacitated person has no domicile or place of residence in this**  
48 **state, the county in which the property or major part thereof of the alleged incapacitated**  
49 **person is located;**

50 (4) **The name and address of the parents of the alleged incapacitated person and**  
51 **whether they are living or dead;**

52 (5) **The name and address of the spouse, the names, ages, and addresses of all living**  
53 **children of the alleged incapacitated person, the names and addresses of the alleged**  
54 **incapacitated person's closest known relatives, and the names and relationship, if known,**  
55 **of any adults living with the alleged incapacitated person; if no spouse, adult child, or**  
56 **parent is listed, the names and addresses of the siblings and children of deceased siblings**  
57 **of the alleged incapacitated person; the name and address of any agent appointed by the**  
58 **alleged incapacitated person in any durable power of attorney, and of the presently acting**

59 **trustees of any trust of which the alleged incapacitated person is the grantor or is a**  
60 **qualified beneficiary or is or was the trustee or co-trustee and the purpose of the power of**  
61 **attorney or trust;**

62 **(6) The name and address of the person having custody of the person of the alleged**  
63 **incapacitated person;**

64 **(7) The name and address of any guardian of the person or conservator of the**  
65 **estate of the alleged incapacitated person appointed in this or any other state;**

66 **(8) If appointment is sought for a natural person, other than the public**  
67 **administrator, the names and addresses of wards and disabled persons for whom such**  
68 **person is already guardian or conservator;**

69 **(9) The fact that the person for whom guardianship is sought is unable by reason**  
70 **of some specified physical or mental condition to receive and evaluate information or to**  
71 **communicate decisions to such an extent that the person lacks capacity to meet essential**  
72 **requirements for food, clothing, shelter, safety, or other care such that serious physical**  
73 **injury, illness, or disease is likely to occur;**

74 **(10) The reasons why the appointment of a guardian is sought.**

475.061. 1. Any person may file a petition in the probate division of the circuit court of  
2 the county of proper venue for the appointment of himself or some other qualified person as  
3 conservator of the estate of a minor or disabled person. The petition shall contain the same  
4 allegations as are set forth in subdivisions (1), (8), and (10) of **subsection 2** of section 475.060  
5 with respect to the appointment of a guardian for an incapacitated person and, in addition thereto,  
6 an allegation that the respondent is unable by reason of some specific physical or mental  
7 condition to receive and evaluate information or to communicate decisions to such an extent that  
8 the respondent lacks ability to manage his financial resources or that the respondent is under the  
9 age of eighteen years.

10 2. A petition for appointment of a conservator or limited conservator of the estate may  
11 be combined with a petition for appointment of a guardian or limited guardian of the person. In  
12 such a combined petition allegations need not be repeated.

475.115. 1. When a guardian or conservator dies, is removed by order of the court, or  
2 resigns and his **or her** resignation is accepted by the court, the court shall have the same  
3 authority as it has in like cases over personal representatives and their sureties and may appoint  
4 another guardian or conservator in the same manner and subject to the same requirements as are  
5 herein provided for an original appointment of a guardian or conservator.

6 **2. A public administrator may request transfer of any case to the jurisdiction of**  
7 **another county by filing a petition for transfer. If the receiving county meets the venue**

8 requirements of section 475.035 and the public administrator of the receiving county  
9 consents to the transfer, the court shall transfer the case. The court with jurisdiction over  
10 the receiving county shall, without the necessity of any hearing as required by section  
11 475.075, appoint the public administrator of the receiving county as successor guardian  
12 and/or successor conservator and issue letters therein. In the case of a conservatorship, the  
13 final settlement of the public administrator's conservatorship shall be filed within thirty  
14 days of the court's transfer of the case, in the court with jurisdiction over the original  
15 conservatorship, and forwarded to the receiving county upon audit and approval.

2 475.501. Sections 475.501 to 475.555 may be cited as the "Uniform Adult  
2 Guardianship and Protective Proceedings Jurisdiction Act".

2 475.502. Notwithstanding the definitions in section 475.010, when used in sections  
2 475.501 to 475.555, the following terms mean:

- 3 (1) "Adult", an individual who has attained eighteen years of age;
- 4 (2) "Conservator", a person appointed by the court to administer the property of  
5 an adult, including a person appointed under this chapter;
- 6 (3) "Guardian", a person appointed by the court to make decisions regarding the  
7 person of an adult, including a person appointed under this chapter;
- 8 (4) "Guardianship order", an order appointing a guardian;
- 9 (5) "Guardianship proceeding", a proceeding in which an order for the  
10 appointment of a guardian is sought or has been issued;
- 11 (6) "Incapacitated person", an adult for whom a guardian has been appointed;
- 12 (7) "Party", the respondent, petitioner, guardian, conservator, or any other person  
13 allowed by the court to participate in a guardianship or protective proceeding;
- 14 (8) "Person", except in the term "incapacitated person" or "protected person", an  
15 individual, corporation, business trust, estate, trust, partnership, limited liability company,  
16 association, joint venture, public corporation, government or governmental subdivision,  
17 agency, or instrumentality, or any other legal or commercial entity;
- 18 (9) "Protected person", an adult for whom a protective order has been issued;
- 19 (10) "Protective order", an order appointing a conservator or other order related  
20 to management of an adult's property;
- 21 (11) "Protective proceeding", a judicial proceeding in which a protective order is  
22 sought or has been issued;
- 23 (12) "Record", information that is inscribed on a tangible medium or that is stored  
24 in an electronic or other medium and is retrievable in perceivable form;

25           (13) "Respondent", an adult for whom a protective order or the appointment of a  
26 guardian is sought;

27           (14) "State", a state of the United States, the District of Columbia, Puerto Rico, the  
28 United States Virgin Islands, a federally recognized Indian tribe, or any territory or  
29 insular possession subject to the jurisdiction of the United States.

**475.503.** A court of this state may treat a foreign country as if it were a state for the  
2 purpose of applying this article and articles 2, 3, and 5.

**475.504. 1.** A court of this state may communicate with a court in another state  
2 concerning a proceeding arising under sections 475.501 to 475.555. The court may allow  
3 the parties to participate in the communication. Except as otherwise provided in  
4 subsection 2 of this section, the court shall make a record of the communication. The  
5 record may be limited to the fact that the communication occurred.

6           **2.** Courts may communicate concerning schedules, calendars, court records, and  
7 other administrative matters without making a record.

**475.505. 1.** In a guardianship or protective proceeding in this state, a court of this  
2 state may request the appropriate court of another state to:

3           (1) Hold an evidentiary hearing;

4           (2) Order a person in that state to produce evidence or give testimony pursuant to  
5 procedures of that state;

6           (3) Order that an evaluation or assessment be made of the respondent;

7           (4) Order any appropriate investigation of a person involved in a proceeding;

8           (5) Forward to the court of this state a certified copy of the transcript or other  
9 record of a hearing under subdivision (1) of subsection 1 of this section or any other  
10 proceeding, any evidence otherwise produced under subdivision (2) of subsection 1 of this  
11 section, and any evaluation or assessment prepared in compliance with an order under  
12 subdivisions (3) and (4) of subsection 1 of this section;

13           (6) Issue any order necessary to assure the appearance in the proceeding of a  
14 person whose presence is necessary for the court to make a determination, including the  
15 respondent or the incapacitated or protected person;

16           (7) Issue an order authorizing the release of medical, financial, criminal, or other  
17 relevant information in that state, including protected health information as defined in 45  
18 CFR 160.103, as amended.

19           **2.** If a court of another state in which a guardianship or protective proceeding is  
20 pending requests assistance of the kind provided in subsection 1 of this section, a court of

21 this state has jurisdiction for the limited purpose of granting the request or making  
22 reasonable efforts to comply with the request.

475.506. 1. In a guardianship or protective proceeding, in addition to other  
2 procedures that may be available, testimony of a witness who is located in another state  
3 may be offered by deposition or other means allowable in this state for testimony taken in  
4 another state. The court on its own motion may order that the testimony of a witness be  
5 taken in another state and may prescribe the manner in which and the terms upon which  
6 the testimony is to be taken.

7 2. In a guardianship or protective proceeding, a court in this state may permit a  
8 witness located in another state to be deposed or to testify by telephone or audiovisual or  
9 other electronic means. A court of this state shall cooperate with court of the other state  
10 in designating an appropriate location for the deposition or testimony.

11 3. Documentary evidence transmitted from another state to a court of this state by  
12 technological means that do not produce an original writing may not be excluded from  
13 evidence on an objection based on the best evidence rule.

## ARTICLE 2 JURISDICTION

475.521. 1. In this article, the following terms mean:

2 (1) "Emergency", a circumstance that likely will result in substantial harm to a  
3 respondent's health, safety, or welfare, and for which the appointment of a guardian is  
4 necessary because no other person has authority and is willing to act on the respondent's  
5 behalf;

6 (2) "Home state", the state in which the respondent was physically present,  
7 including any period of temporary absence, for at least six consecutive months immediately  
8 before the filing of a petition for a protective order or the appointment of a guardian; or  
9 if none, the state in which the respondent was physically present, including any period of  
10 temporary absence, for at least six consecutive months ending within the six months prior  
11 to the filing of the petition;

12 (3) "Significant-connection state", a state, other than the home state, with which  
13 a respondent has a significant connection other than mere physical presence and in which  
14 substantial evidence concerning the respondent is available.

15 2. In determining under section 475.523 and subsection 5 of section 475.531  
16 whether a respondent has a significant connection with a particular state, the court shall  
17 consider:

18 (1) The location of the respondent's family and other persons required to be  
19 notified of the guardianship or protective proceeding;

20 (2) The length of time the respondent at any time was physically present in the state  
21 and the duration of any absence;

22 (3) The location of the respondent's property; and

23 (4) The extent to which the respondent has ties to the state such as voting  
24 registration, state or local tax return filing, vehicle registration, driver's license, social  
25 relationship, and receipt of services.

475.522. This article provides the exclusive jurisdictional basis for a court of this  
2 state to appoint a guardian or issue a protective order for an adult.

475.523. A court of this state has jurisdiction to appoint a guardian or issue a  
2 protective order for a respondent if:

3 (1) This state is the respondent's home state;

4 (2) On the date a petition is filed, this state is a significant-connection state and:

5 (a) The respondent does not have a home state or a court of the respondent's home  
6 state has declined to exercise jurisdiction because this state is a more appropriate forum;  
7 or

8 (b) The respondent has a home state, a petition for an appointment or order is not  
9 pending in a court of that state or another significant-connection state, and, before the  
10 court makes the appointment or issues the order:

11 a. A petition for an appointment or order is not filed in the respondent's home  
12 state;

13 b. An objection to the court's jurisdiction is not filed by a person required to be  
14 notified of the proceeding; and

15 c. The court in this state concludes that it is an appropriate forum under the factors  
16 set forth in section 475.526;

17 (3) This state does not have jurisdiction under either subdivisions (1) or (2) of this  
18 section, the respondent's home state and all significant-connection states have declined to  
19 exercise jurisdiction because this state is the more appropriate forum, and jurisdiction in  
20 this state is consistent with the constitutions of this state and the United States; or

21 (4) The requirements for special jurisdiction under section 475.524 are met.

475.524. 1. A court of this state lacking jurisdiction under section 475.523 has  
2 special jurisdiction to do any of the following:

3 (1) Appoint a guardian in an emergency for a term not exceeding ninety days for  
4 a respondent who is physically present in this state;

5           (2) Issue a protective order with respect to real or tangible personal property  
6 located in this state;

7           (3) Appoint a guardian or conservator for an incapacitated or protected person for  
8 whom a provisional order to transfer the proceeding from another state has been issued  
9 under procedures similar to section 475.531.

10           2. If a petition for the appointment of a guardian in an emergency is brought in this  
11 state and this state was not the respondent's home state on the date the petition was filed,  
12 the court shall dismiss the proceeding at the request of the court of the home state, if any,  
13 whether dismissal is requested before or after the emergency appointment.

          475.525. Except as otherwise provided in section 475.524, a court that has  
2 appointed a guardian or issued a protective order consistent with sections 475.501 to  
3 475.555 has exclusive and continuing jurisdiction over the proceeding until it is terminated  
4 by the court or the appointment or order expires by its own terms.

          475.526. 1. A court of this state having jurisdiction under section 475.523 to  
2 appoint a guardian or issue a protective order may decline to exercise its jurisdiction if it  
3 determines at any time that a court of another state is a more appropriate forum.

4           2. If a court of this state declines to exercise its jurisdiction under subsection 1 of  
5 this section, it shall either dismiss or stay the proceeding. The court may impose any  
6 condition the court considers just and proper, including the condition that a petition for  
7 the appointment of a guardian or protective order be promptly filed in another state.

8           3. In determining whether it is an appropriate forum, the court shall consider all  
9 relevant factors, including:

10           (1) Any expressed preference of the respondent;

11           (2) Whether abuse, neglect, or exploitation of the respondent has occurred or is  
12 likely to occur and which state could best protect the respondent from the abuse, neglect,  
13 or exploitation;

14           (3) The length of time the respondent was physically present in or was a legal  
15 resident of this or another state;

16           (4) The distance of the respondent from the court in each state;

17           (5) The financial circumstances of the respondent's estate;

18           (6) The nature and location of the evidence;

19           (7) The ability of the court in each state to decide the issue expeditiously and the  
20 procedures necessary to present evidence;

21           (8) The familiarity of the court of each state with the facts and issues in the  
22 proceeding; and

23 (9) If an appointment were made, the court's ability to monitor the conduct of the  
24 guardian or conservator.

475.527. 1. If at any time a court of this state determines that it acquired  
2 jurisdiction to appoint a guardian or issue a protective order because of unjustifiable  
3 conduct, the court may:

4 (1) Decline to exercise jurisdiction;

5 (2) Exercise jurisdiction for the limited purpose of fashioning an appropriate  
6 remedy to ensure the health, safety, and welfare of the respondent or the protection of the  
7 respondent's property or prevent a repetition of the unjustifiable conduct, including  
8 staying the proceeding until a petition for the appointment of a guardian or issuance of a  
9 protective order is filed in a court of another state having jurisdiction; or

10 (3) Continue to exercise jurisdiction after considering:

11 (a) The extent to which the respondent and all persons required to be notified of  
12 the proceedings have acquiesced in the exercise of the court's jurisdiction;

13 (b) Whether it is a more appropriate forum than the court of any other state under  
14 the factors set forth in subsection 3 of section 475.526; and

15 (c) Whether the court of any other state would have jurisdiction under factual  
16 circumstances in substantial conformity with the jurisdictional standards of section  
17 475.523.

18 2. If a court of this state determines that it acquired jurisdiction to appoint a  
19 guardian or issue a protective order because a party seeking to invoke its jurisdiction  
20 engaged in unjustifiable conduct, it may assess against that party necessary and reasonable  
21 expenses, including attorney's fees, investigative fees, court costs, communication expenses,  
22 witness fees and expenses, and travel expenses. The court may not assess fees, costs, or  
23 expenses of any kind against this state or a governmental subdivision, agency, or  
24 instrumentality of this state unless authorized by law other than sections 475.501 to  
25 475.555.

475.528. If a petition for the appointment of a guardian or issuance of a protective  
2 order is brought in this state and this state was not the respondent's home state on the date  
3 the petition was filed, in addition to complying with the notice requirements of this state,  
4 notice of the petition shall be given to those persons who would be entitled to notice of the  
5 petition if a proceeding were brought in the respondent's home state. The notice shall be  
6 given in the same manner as notice is required to be given in this state.

475.529. Except for a petition for the appointment of a guardian in an emergency  
2 or issuance of a protective order limited to property located in this state as provided in

3 subdivision (1) or (2) of subsection 1 of section 475.524, if a petition for the appointment  
4 of a guardian or issuance of a protective order is filed in this and in another state and  
5 neither petition has been dismissed or withdrawn, the following rules apply:

6 (1) If the court in this state has jurisdiction under section 475.523, it may proceed  
7 with the case unless a court in another state acquires jurisdiction under provisions similar  
8 to section 475.523 before the appointment or issuance of the order.

9 (2) If the court in this state does not have jurisdiction under section 475.523,  
10 whether at the time the petition is filed or at any time before the appointment or issuance  
11 of the order, the court shall stay the proceeding and communicate with the court in the  
12 other state. If the court in the other state has jurisdiction, the court in this state shall  
13 dismiss the petition unless the court in the other state determines that the court in this state  
14 is a more appropriate forum.

### ARTICLE 3

#### TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

475.531. 1. A guardian or conservator appointed in this state may petition the  
2 court to transfer the guardianship or conservatorship to another state.

3 2. Notice of a petition under subsection 1 of this section shall be given to those  
4 persons that would be entitled to notice of a petition in this state for the appointment of a  
5 guardian or conservator.

6 3. On the court's own motion or on request of the guardian or conservator, the  
7 incapacitated or protected person, or other person required to be notified of the petition,  
8 the court shall hold a hearing on a petition filed pursuant to subsection 1 of this section.

9 4. The court shall issue an order provisionally granting a petition to transfer a  
10 guardianship and shall direct the guardian to petition for guardianship in the other state  
11 if the court is satisfied that the guardianship will be accepted by the court in the other state  
12 and the court finds that:

13 (1) The incapacitated person is physically present in or is reasonably expected to  
14 move permanently to the other state;

15 (2) An objection to the transfer has not been made or, if an objection has been  
16 made, the objector has not established that the transfer would be contrary to the interests  
17 of the incapacitated person; and

18 (3) Plans for care and services for the incapacitated person in the other state are  
19 reasonable and sufficient.

20 5. The court shall issue a provisional order granting a petition to transfer a  
21 conservatorship and shall direct the conservator to petition for conservatorship in the

22 other state if the court is satisfied that the conservatorship will be accepted by the court of  
23 the other state and the court finds that:

24 (1) The protected person is physically present in or is reasonably expected to move  
25 permanently to the other state, or the protected person has a significant connection to the  
26 other state considering the factors set forth in subsection 2 of section 475.521;

27 (2) An objection to the transfer has not been made or, if an objection has been  
28 made, the objector has not established that the transfer would be contrary to the interests  
29 of the protected person; and

30 (3) Adequate arrangements will be made for management of the protected person's  
31 property.

32 6. The court shall issue a final order confirming the transfer and terminating the  
33 guardianship or conservatorship upon its receipt of:

34 (1) A provisional order accepting the proceeding from the court to which the  
35 proceeding is to be transferred which is issued under provisions similar to section 475.532;  
36 and

37 (2) The documents required to terminate a guardianship or conservatorship in this  
38 state.

475.532. 1. To confirm transfer of a guardianship or conservatorship transferred  
2 to this state under provisions similar to those in section 475.531, the guardian or  
3 conservator shall petition the court in this state to accept the guardianship or  
4 conservatorship. The petition shall include a certified copy of the other state's provisional  
5 order of transfer.

6 2. Notice of a petition under subsection 1 of this section shall be given to those  
7 persons that would be entitled to notice if the petition were a petition for the appointment  
8 of a guardian or issuance of a protective order in both the transferring state and this state.  
9 The notice shall be given in the same manner as notice is required to be given in this state.

10 3. On the court's own motion or on request of the guardian or conservator, the  
11 incapacitated or protected person, or other person required to be notified of the  
12 proceeding, the court shall hold a hearing on a petition filed pursuant to subsection 1 of  
13 this section.

14 4. The court shall issue an order provisionally granting a petition filed under  
15 subsection 1 of this section unless:

16 (1) An objection is made and the objector establishes that transfer of the  
17 proceeding would be contrary to the interests of the incapacitated or protected person; or

18 (2) The guardian or conservator is ineligible for appointment in this state.

19           **5. The court shall issue a final order accepting the proceeding and appointing the**  
20 **guardian or conservator as guardian or conservator in this state upon its receipt from the**  
21 **court from which the proceeding is being transferred of a final order issued under**  
22 **provisions similar to section 475.531 transferring the proceeding to this state.**

23           **6. Not later than ninety days after issuance of a final order accepting transfer of a**  
24 **guardianship or conservatorship, the court shall determine whether the guardianship or**  
25 **conservatorship needs to be modified to conform to the law of this state.**

26           **7. In granting a petition under this section, the court shall recognize a guardianship**  
27 **or conservatorship order from the other state, including the determination of the**  
28 **incapacitated or protected person's incapacity and the appointment of the guardian or**  
29 **conservator.**

30           **8. The denial by a court of this state of a petition to accept guardianship or**  
31 **conservatorship transferred from another state does not affect the ability of the guardian**  
32 **or conservator to seek appointment as guardian or conservator in this state under this**  
33 **chapter if the court has jurisdiction to make an appointment other than by reason of the**  
34 **provisional order of transfer.**

#### **ARTICLE 4**

##### **REGISTRATION AND RECOGNITION OF ORDERS FROM OTHER STATES**

2           **475.541. If a guardian has been appointed in another state and a petition for the**  
3 **appointment of a guardian is not pending in this state, the guardian appointed in the other**  
4 **state, after giving notice to the appointing court of an intent to register, may register the**  
5 **guardianship order in this state by filing as a foreign judgment in a court, in any**  
6 **appropriate county of this state, certified copies of the order and letters of office.**

2           **475.542. If a conservator has been appointed in another state and a petition for a**  
3 **protective order is not pending in this state, the conservator appointed in the other state,**  
4 **after giving notice to the appointing court of an intent to register, may register the**  
5 **protective order in this state by filing as a foreign judgment in a court of this state, in any**  
6 **county in which property belonging to the protected person is located, certified copies of**  
7 **the order and letters of office and of any bond.**

2           **475.543. 1. Upon registration of a guardianship or protective order from another**  
3 **state, the guardian or conservator may exercise in this state all powers authorized in the**  
4 **order of appointment except as prohibited under the laws of this state, including**  
5 **maintaining actions and proceedings in this state and, if the guardian or conservator is not**  
6 **a resident of this state, subject to any conditions imposed upon nonresident parties.**

2           **2. A court of this state may grant any relief available under sections 475.501 to**

7 **475.555 and other law of this state to enforce a registered order.**

2 **475.544. Except where inconsistent with sections 475.541, 475.542, and 475.543, the**  
 3 **laws of this state relating to the registration and recognition of the acts of a foreign**  
 4 **guardian, curator, or conservator contained in sections 475.335 to 475.340 shall be**  
 5 **applicable.**

## ARTICLE 5

### MISCELLANEOUS PROVISIONS

2 **475.551. In applying and construing this uniform act, consideration shall be given**  
 3 **to the need to promote uniformity of the law with respect to its subject matter among states**  
 4 **that enact it.**

2 **475.552. Sections 475.501 to 475.555 modify, limit, and supersede the federal**  
 3 **Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et**  
 4 **seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section**  
 5 **7001(c), or authorize electronic delivery of any of the notices described in Section 103(b)**  
 6 **of that act, 15 U.S.C. Section 7003(b).**

2 **475.555. 1. Sections 475.501 to 475.555 apply to guardianship and protective**  
 3 **proceedings begun on or after August 28, 2011.**

3 **2. Articles 1, 3, 4, and sections 475.551 and 475.552 apply to proceedings begun**  
 4 **before August 28, 2011, regardless of whether a guardianship or protective order has been**  
 5 **issued.**

2 **488.432. 1. If in any suit in which a deposit is provided for under sections 488.426 to**  
 3 **488.432, the party filing the suit shall prevail, the amount of said deposit required at the time of**  
 4 **filing said suit shall be awarded and collectable as a judgment entered in said suit in favor of the**  
 5 **prevailing party making said deposit.**

5 **2. If in any suit in which a deposit is not required by the filing party because that**  
 6 **party is a city, county, or the state of Missouri under subsection 1 of section 488.426, the**  
 7 **party filing the suit shall prevail, the amount of said deposit that would otherwise have**  
 8 **been awarded and collectable as a judgment entered in said suit in favor of the prevailing**  
 9 **party under subsection 1 of this section had the prevailing party been required to make a**  
 10 **deposit shall be paid from the respondent to the prevailing party and the prevailing party**  
 11 **shall then pay such amount collected to the clerk of the appropriate court.**

2 **516.140. Within two years: An action for libel, slander, injurious falsehood, assault,**  
 3 **battery, false imprisonment, criminal conversation, malicious prosecution or actions brought**  
 4 **under section 290.140. An action by an employee for the payment of unpaid minimum wages,**  
 5 **unpaid overtime compensation or liquidated damages by reason of the nonpayment of minimum**

5 wages or overtime compensation, and for the recovery of any amount under and by virtue of the  
6 provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such act being an  
7 act of Congress, shall be brought within two years after the cause accrued.

544.455. 1. Any person charged with a bailable offense, at his **or her** appearance before  
2 an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage  
3 of the proceedings against him on his personal recognizance, unless the associate circuit judge  
4 or judge determines, in the exercise of his discretion, that such a release will not reasonably  
5 assure the appearance of the person as required. When such a determination is made, the  
6 associate circuit judge or judge may either in lieu of or in addition to the above methods of  
7 release, impose any or any combination of the following conditions of release which will  
8 reasonably assure the appearance of the person for trial:

9 (1) Place the person in the custody of a designated person or organization agreeing to  
10 supervise him;

11 (2) Place restriction on the travel, association, or place of abode of the person during the  
12 period of release;

13 (3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit  
14 of cash in lieu thereof;

15 (4) Require the person to report regularly to some officer of the court, or peace officer,  
16 in such manner as the associate circuit judge or judge directs;

17 (5) Require the execution of a bond in a given sum and the deposit in the registry of the  
18 court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable  
19 bonds of the United States or of the state of Missouri or any political subdivision thereof;

20 (6) Impose any other condition deemed reasonably necessary to assure appearance as  
21 required, including a condition requiring that the person return to custody after specified hours.

22 2. In determining which conditions of release will reasonably assure appearance, the  
23 associate circuit judge or judge shall, on the basis of available information, take into account the  
24 nature and circumstances of the offense charged, the weight of the evidence against the accused,  
25 the accused's family ties, employment, financial resources, character and mental condition, the  
26 length of his residence in the community, his record of convictions, and his record of appearance  
27 at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

28 3. An associate circuit judge or judge authorizing the release of a person under this  
29 section shall issue an appropriate order containing a statement of the conditions imposed, if any,  
30 shall inform such person of the penalties applicable to violations of the conditions of his release  
31 and shall advise him that a warrant for his arrest will be issued immediately upon any such  
32 violation.

33           4. A person for whom conditions of release are imposed and who after twenty-four hours  
34 from the time of the release hearing continues to be detained as a result of his inability to meet  
35 the conditions of release, shall, upon application, be entitled to have the condition reviewed by  
36 the associate circuit judge or judge who imposed them. The motion shall be determined  
37 promptly.

38           5. An associate circuit judge or judge ordering the release of a person on any condition  
39 specified in this section may at any time amend his order to impose additional or different  
40 conditions of release; except that, if the imposition of such additional or different conditions  
41 results in the detention of the person as a result of his inability to meet such conditions or in the  
42 release of the person on a condition requiring him to return to custody after specified hours, the  
43 provisions of subsection 4 shall apply.

44           6. Information stated in, or offered in connection with, any order entered pursuant to this  
45 section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

46           7. Nothing contained in this section shall be construed to prevent the disposition of any  
47 case or class of cases by forfeiture of collateral security where such disposition is authorized by  
48 the court.

49           8. Persons charged with violations of municipal ordinances may be released by a  
50 municipal judge or other judge who hears and determines municipal ordinance violation cases  
51 of the municipality involved under the same conditions and in the same manner as provided in  
52 this section for release by an associate circuit judge.

53           **9. Any person charged with aailable nonviolent offense who does not post bail**  
54 **prior to his or her appearance before an associate circuit judge or judge may be ordered**  
55 **to be placed on house arrest with electronic monitoring.**

544.470. 1. If the offense is notailable, **or if the individual is not granted electronic**  
2 **monitoring** or if the person does not meet the conditions for release, as provided in section  
3 544.455, the prisoner shall be committed to the jail of the county in which the same is to be tried,  
4 there to remain until he be discharged by due course of law.

5           2. There shall be a presumption that releasing the person under any conditions as  
6 provided by section 544.455 shall not reasonably assure the appearance of the person as required  
7 if the circuit judge or associate circuit judge reasonably believes that the person is an alien  
8 unlawfully present in the United States. If such presumption exists, the person shall be  
9 committed to the jail, as provided in subsection 1 of this section, until such person provides  
10 verification of his or her lawful presence in the United States to rebut such presumption. If the  
11 person adequately proves his or her lawful presence, the circuit judge or associate circuit judge  
12 shall review the issue of release, as provided under section 544.455, without regard to previous

13 issues concerning whether the person is lawfully present in the United States. If the person  
14 cannot prove his or her lawful presence, the person shall continue to be committed to the jail and  
15 remain until discharged by due course of law.

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

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

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

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

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

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

- 24 (1) Sentence the organization to pay a fine as authorized by chapter 560;
- 25 (2) Suspend the imposition of sentence, with or without placing the organization on  
26 probation;
- 27 (3) Pronounce sentence and suspend its execution, placing the organization on probation;
- 28 (4) Impose any special sentence or sanction authorized by law.

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

33           **6. In the event a sentence of confinement is ordered executed, a court may order**  
34 **that an individual serve all or any portion of such sentence on electronic monitoring with**  
35 **such conditions and limitations as the court shall deem appropriate in the circumstances**  
36 **including a condition that the individual pay the cost of the electronic monitoring.**

37           **7. A circuit court may adopt a local rule authorizing the pretrial release on**  
38 **electronic monitoring in lieu of incarceration of individuals charged with offenses**  
39 **specifically identified therein.**

**571.092. 1. Any individual over the age of eighteen years who has been adjudged**  
2 **incapacitated under chapter 475, who has been involuntarily committed under chapter 632,**  
3 **or who is otherwise subject to the firearms-related disabilities of 18 U.S.C. Section**  
4 **922(d)(4) or (g)(4) as a result of an adjudication or commitment that occurred in this state**  
5 **may file a petition for the removal of the disqualification to ship, transport, receive,**  
6 **purchase, possess, or transfer a firearm imposed under 18 U.S.C. Section 922(d)(4) or (g)(4)**  
7 **and the laws of this state.**

8           **2. The petition shall be filed in the circuit court with jurisdiction in the petitioner's**  
9 **place of residence or that entered the letters of guardianship or the most recent order for**  
10 **involuntary commitment, or the most recent disqualifying order, whichever is later. The**  
11 **petition shall include:**

12           **(1) The circumstances regarding the firearms disabilities;**

13           **(2) The applicant's record which at a minimum shall include the applicant's mental**  
14 **health and criminal history records, if any;**

15           **(3) The applicant's reputation through character witness statements, testimony, or**  
16 **other character evidence; and**

17           **(4) Any other information or evidence relevant to the relief sought, including but**  
18 **not limited to evidence concerning any changes in the petitioner's condition since the**  
19 **disqualifying commitment or adjudication occurred.**

20

21 **Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the**  
22 **hearing to the petitioner.**

23           **3. The court shall grant the requested relief if it finds by a preponderance of**  
24 **evidence that:**

25           **(1) The petitioner will not be likely to act in a manner dangerous to public safety;**  
26 **and**

27           **(2) Granting the relief is not contrary to the public interest.**

28           **4. In order to determine whether to grant relief under this section, the court may**  
29 **request the local prosecuting attorney, circuit attorney, or attorney general to provide a**  
30 **written recommendation as to whether relief should be granted. In any order requiring**  
31 **such review the court may grant access to any and all mental health records, juvenile**  
32 **records, and criminal history of the petitioner wherever maintained. The court may allow**  
33 **presentation of evidence at the hearing if requested by the petitioner or by the local**  
34 **prosecuting attorney, circuit attorney, or attorney general. A record shall be kept of the**  
35 **proceedings.**

36           **5. If the petitioner is filing the petition as a result of an involuntary commitment**  
37 **under chapter 632, the hearing and records shall be closed to the public, unless the court**  
38 **finds that public interest would be better served by conducting the hearing in public. If**  
39 **the court determines the hearing should be open to the public, upon motion by the**  
40 **petitioner, the court may allow for the in-camera inspection of mental health records. The**  
41 **court may allow the use of the record but shall restrict it from public disclosure, unless it**  
42 **finds that the public interest would be better served by making the record public.**

43           **6. The court shall include in its order the specific findings of fact on which it bases**  
44 **its decision.**

45           **7. Upon a judicial determination to grant a petition under this section, the clerk in**  
46 **the county where the petition was granted shall forward the order to the Missouri state**  
47 **highway patrol for updating of the petitioner's record with the National Instant Criminal**  
48 **Background Check System (NICS). The Missouri state highway patrol shall contact the**  
49 **Federal Bureau of Investigation to effect this updating no later than twenty-one days from**  
50 **receipt of the order.**

51           **8. Any person who has been denied a petition for the removal of the disqualification**  
52 **to ship, transport, receive, purchase, possess, or transfer a firearm under this section shall**  
53 **not be eligible to file another petition for removal of such disqualification until the**  
54 **expiration of one year from the date of such denial.**

55           **9. In the event a petition is denied under this section, the petitioner may appeal**  
56 **such denial, and review shall be de novo.**

2           [475.375. 1. Any individual over the age of eighteen years who has been  
3 adjudged incapacitated under this chapter or who has been involuntarily  
4 committed under chapter 632 may file a petition for the removal of the  
5 disqualification to purchase, possess, or transfer a firearm when:

6           (1) The individual no longer suffers from the condition that resulted in  
the individual's incapacity or involuntary commitment;

7           (2) The individual no longer poses a danger to self or others for purposes  
8 of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922;  
9 and

10           (3) Granting relief under this section is not contrary to the public interest.  
11 No individual who has been found guilty by reason of mental disease or defect  
12 may petition a court for restoration under this section.

13           2. The petition shall be filed in the circuit court that entered the letters of  
14 guardianship or the most recent order for involuntary commitment, whichever is  
15 later. Upon receipt of the petition, the clerk shall schedule a hearing and provide  
16 notice of the hearing to the petitioner.

17           3. The burden is on the petitioner to establish by clear and convincing  
18 evidence that:

19           (1) The petitioner no longer suffers from the condition that resulted in the  
20 incapacity or the involuntary commitment;

21           (2) The individual no longer poses a danger to self or others for purposes  
22 of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922;  
23 and

24           (3) Granting relief under this section is not contrary to the public interest.

25           4. Upon the filing of the petition the court shall review the petition and  
26 determine if the petition is based upon frivolous grounds and if so may deny the  
27 petition without a hearing. In order to determine whether petitioner has met the  
28 burden pursuant to this section, the court may request the local prosecuting  
29 attorney, circuit attorney, or attorney general to provide a written  
30 recommendation as to whether relief should be granted. In any order requiring  
31 such review the court may grant access to any and all mental health records,  
32 juvenile records, and criminal history of the petitioner wherever maintained. The  
33 court may allow presentation of evidence at the hearing if requested by the local  
34 prosecuting attorney, circuit attorney, or attorney general.

35           5. If the petitioner is filing the petition as a result of an involuntary  
36 commitment under chapter 632, the hearing and records shall be closed to the  
37 public, unless the court finds that public interest would be better served by  
38 conducting the hearing in public. If the court determines the hearing should be  
39 open to the public, upon motion by the petitioner, the court may allow for the  
40 in-camera inspection of mental health records. The court may allow the use of  
41 the record but shall restrict from public disclosure, unless it finds that the public  
42 interest would be better served by making the record public.

43           6. The court shall enter an order that:

44           (1) The petitioner does or does not continue to suffer from the condition  
45 that resulted in commitment;

46           (2) The individual does or does not continue to pose a danger to self or  
47 others for purposes of the purchase, possession, or transfer of firearms under 18  
48 U.S.C. Section 922; and

49                   (3) Granting relief under this section is not contrary to the public interest.  
50           The court shall include in its order the specific findings of fact on which it bases  
51           its decision.

52                   7. Upon a judicial determination to grant a petition under this section, the  
53           clerk in the county where the petition was granted shall forward the order to the  
54           Missouri state highway patrol for updating of the petitioner's record with the  
55           National Instant Criminal Background Check System (NICS).

56                   8. (1) Any person who has been denied a petition for the removal of the  
57           disqualification to purchase, possess, or transfer a firearm pursuant to this section  
58           shall not be eligible to file another petition for removal of the disqualification to  
59           purchase, possess, or transfer a firearm until the expiration of one year from the  
60           date of such denial.

61                   (2) If a person has previously filed a petition for the removal of the  
62           disqualification to purchase, possess, or transfer a firearm and the court  
63           determined that:

64                   (a) The petitioner's petition was frivolous; or

65                   (b) The petitioner's condition had not so changed such that the person  
66           continued to suffer from the condition that resulted in the individual's incapacity  
67           or involuntary commitment and continued to pose a danger to self or others for  
68           purposes of the purchase, possession, or transfer of firearms under 18 U.S.C.  
69           Section 922; or

70                   (3) Granting relief under this section would be contrary to the public  
71           interest, then the court shall deny the subsequent petition unless the petition  
72           contains the additional facts upon which the court could find the condition of the  
73           petitioner had so changed that a hearing was warranted.]