

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 111

96TH GENERAL ASSEMBLY

0593S.13T

2011

AN ACT

To repeal sections 144.032, 302.020, 302.321, 303.025, 311.325, 351.340, 452.340, 475.060, 475.061, 475.115, 477.650, 484.350, 523.040, 544.455, 544.470, 557.011, 566.086, 566.147, 568.040, 570.080, 578.150, and 589.040, RSMo, and to enact in lieu thereof fifty-three new sections relating to the judiciary, with penalty provisions, and an emergency clause for certain sections.

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

Section A. Sections 144.032, 302.020, 302.321, 303.025, 311.325, 351.340, 452.340, 475.060, 475.061, 475.115, 477.650, 484.350, 523.040, 544.455, 544.470, 557.011, 566.086, 566.147, 568.040, 570.080, 578.150, and 589.040, RSMo, are repealed and fifty-three new sections enacted in lieu thereof, to be known as sections 34.376, 34.378, 34.380, 144.032, 205.205, 221.025, 302.020, 302.321, 303.025, 311.325, 351.340, 452.340, 455.007, 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, 477.650, 484.350, 523.040, 544.455, 544.470, 557.011, 566.086, 566.147, 568.040, 570.080, 578.150, 589.040, and 632.312, to read as follows:

- 34.376. 1. Sections 34.376 to 34.380 may be known as the "Transparency in Private Attorney Contracts Act".**
- 2. As used in sections 34.376 to 34.380, the following terms shall mean:**

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.

4 (1) "Government attorney", an attorney employed by the state as an assistant
5 attorney general;

6 (2) "Private attorney", any private attorney or law firm;

7 (3) "State", the state of Missouri, in any action instituted by the attorney general
8 pursuant to section 27.060.

34.378. 1. The state shall not enter into a contingency fee contract with a private
2 attorney unless the attorney general makes a written determination prior to entering into
3 such a contract that contingency fee representation is both cost-effective and in the public
4 interest. Any written determination shall include specific findings for each of the following
5 factors:

6 (1) Whether there exists sufficient and appropriate legal and financial resources
7 within the attorney general's office to handle the matter;

8 (2) The time and labor required; the novelty, complexity, and difficulty of the
9 questions involved; and the skill requisite to perform the attorney services properly;

10 (3) The geographic area where the attorney services are to be provided; and

11 (4) The amount of experience desired for the particular kind of attorney services
12 to be provided and the nature of the private attorney's experience with similar issues or
13 cases.

14 2. If the attorney general makes the determination described in subsection 1 of this
15 section, the attorney general shall request written proposals from private attorneys to
16 represent the state, unless the attorney general determines that requesting proposals is not
17 feasible under the circumstances and sets forth the basis for this determination in writing.
18 If a request for proposals is issued, the attorney general shall choose the lowest and best
19 bid or request the office of administration establish an independent panel to evaluate the
20 proposals and choose the lowest and best bid.

21 3. The state shall not enter into a contract for contingency fee attorney services
22 unless the following requirements are met throughout the contract period and any
23 extensions to the contract:

24 (1) The government attorneys shall retain complete control over the course and
25 conduct of the case;

26 (2) A government attorney with supervisory authority shall oversee the litigation;

27 (3) The government attorneys shall retain veto power over any decisions made by
28 outside counsel;

29 (4) A government attorney with supervisory authority for the case shall attend all
30 settlement conferences; and

31 **(5) Decisions regarding settlement of the case shall be reserved exclusively to the**
32 **discretion of the attorney general.**

33 **4. The attorney general shall develop a standard addendum to every contract for**
34 **contingent fee attorney services that shall be used in all cases, describing in detail what is**
35 **expected of both the contracted private attorney and the state, including, without**
36 **limitation, the requirements listed in subsection 4 of this section.**

37 **5. Copies of any executed contingency fee contract and the attorney general's**
38 **written determination to enter into a contingency fee contract with the private attorney**
39 **shall be posted on the attorney general's website for public inspection within five business**
40 **days after the date the contract is executed and shall remain posted on the website for the**
41 **duration of the contingency fee contract, including any extensions or amendments to the**
42 **contract. Any payment of contingency fees shall be posted on the attorney general's**
43 **website within fifteen days after the payment of such contingency fees to the private**
44 **attorney and shall remain posted on the website for at least three hundred sixty-five days.**

45 **6. Any private attorney under contract to provide services to the state on a**
46 **contingency fee basis shall, from the inception of the contract until at least four years after**
47 **the contract expires or is terminated, maintain detailed current records, including**
48 **documentation of all expenses, disbursements, charges, credits, underlying receipts and**
49 **invoices, and other financial transactions that concern the provision of such attorney**
50 **services. The private attorney shall maintain detailed contemporaneous time records for**
51 **the attorneys and paralegals working on the matter in increments of no greater than one**
52 **tenth of an hour and shall promptly provide these records to the attorney general, upon**
53 **request. Any request under chapter 610 for inspection and copying of such records shall**
54 **be served upon and responded to by the attorney general's office.**

55 **7. By February first of each year, the attorney general shall submit a report to the**
56 **president pro tem of the senate and the speaker of the house of representatives describing**
57 **the use of contingency fee contracts with private attorneys in the preceding calendar year.**
58 **At a minimum, the report shall:**

59 **(1) Identify all new contingency fee contracts entered into during the year and all**
60 **previously executed contingency fee contracts that remain current during any part of the**
61 **year, and for each contract describe:**

62 **(a) The name of the private attorney with whom the department has contracted,**
63 **including the name of the attorney's law firm;**

64 **(b) The nature and status of the legal matter;**

65 **(c) The name of the parties to the legal matter;**

66 **(d) The amount of any recovery; and**

67 (e) **The amount of any contingency fee paid.**

68 (2) **Include copies of any written determinations made under subsections 1 and 2**
69 **of this section.**

34.380. Nothing in sections 34.376 to 34.380 shall be construed to expand the
2 **authority of any state agency or state agent to enter into contracts where no such authority**
3 **previously existed.**

144.032. The provisions of section 144.030 to the contrary notwithstanding, any city
2 imposing a sales tax under the provisions of sections 94.500 to 94.570, or any county imposing
3 a sales tax under the provisions of sections 66.600 to 66.635, or any county imposing a sales tax
4 under the provisions of sections 67.500 to 67.729, **or any hospital district imposing a sales tax**
5 **under the provisions of section 205.205**, may by ordinance impose a sales tax upon all sales
6 of metered water services, electricity, electrical current and natural, artificial or propane gas,
7 wood, coal, or home heating oil for domestic use only. Such tax shall be administered by the
8 department of revenue and assessed by the retailer in the same manner as any other city [or] ,
9 county, **or hospital district** sales tax. Domestic use shall be determined in the same manner as
10 the determination of domestic use for exemption of such sales from the state sales tax under the
11 provisions of section 144.030.

205.205. 1. The governing body of any hospital district established under sections
2 **205.160 to 205.379 in any county of the third classification without a township form of**
3 **government and with more than ten thousand six hundred but fewer than ten thousand**
4 **seven hundred inhabitants may, by resolution, abolish the property tax authorized in such**
5 **district under this chapter and impose a sales tax on all retail sales made within the district**
6 **which are subject to sales tax under chapter 144 and all sales of metered water services,**
7 **electricity, electrical current and natural, artificial or propane gas, wood, coal, or home**
8 **heating oil for domestic use only as provided under section 144.032. The tax authorized**
9 **in this section shall be not more than one percent, and shall be imposed solely for the**
10 **purpose of funding the hospital district. The tax authorized in this section shall be in**
11 **addition to all other sales taxes imposed by law, and shall be stated separately from all**
12 **other charges and taxes.**

13 **2. No such resolution adopted under this section shall become effective unless the**
14 **governing body of the hospital district submits to the voters residing within the district at**
15 **a state general, primary, or special election a proposal to authorize the governing body of**
16 **the district to impose a tax under this section. If a majority of the votes cast on the**
17 **question by the qualified voters voting thereon are in favor of the question, then the tax**
18 **shall become effective on the first day of the second calendar quarter after the director of**
19 **revenue receives notification of adoption of the local sales tax. If a majority of the votes**

20 cast on the question by the qualified voters voting thereon are opposed to the question, then
21 the tax shall not become effective unless and until the question is resubmitted under this
22 section to the qualified voters and such question is approved by a majority of the qualified
23 voters voting on the question.

24 **3. All revenue collected under this section by the director of the department of**
25 **revenue on behalf of the hospital district, except for one percent for the cost of collection**
26 **which shall be deposited in the state's general revenue fund, shall be deposited in a special**
27 **trust fund, which is hereby created and shall be known as the "Hospital District Sales Tax**
28 **Fund", and shall be used solely for the designated purposes. Moneys in the fund shall not**
29 **be deemed to be state funds, and shall not be commingled with any funds of the state. The**
30 **director may make refunds from the amounts in the fund and credited to the district for**
31 **erroneous payments and overpayments made, and may redeem dishonored checks and**
32 **drafts deposited to the credit of such district. Any funds in the special fund which are not**
33 **needed for current expenditures shall be invested in the same manner as other funds are**
34 **invested. Any interest and moneys earned on such investments shall be credited to the**
35 **fund.**

36 **4. The governing body of any hospital district that has adopted the sales tax**
37 **authorized in this section may submit the question of repeal of the tax to the voters on any**
38 **date available for elections for the district. If a majority of the votes cast on the question**
39 **by the qualified voters voting thereon are in favor of the repeal, that repeal shall become**
40 **effective on December thirty-first of the calendar year in which such repeal was approved.**
41 **If a majority of the votes cast on the question by the qualified voters voting thereon are**
42 **opposed to the repeal, then the sales tax authorized in this section shall remain effective**
43 **until the question is resubmitted under this section to the qualified voters and the repeal**
44 **is approved by a majority of the qualified voters voting on the question.**

45 **5. Whenever the governing body of any hospital district that has adopted the sales**
46 **tax authorized in this section receives a petition, signed by a number of registered voters**
47 **of the district equal to at least ten percent of the number of registered voters of the district**
48 **voting in the last gubernatorial election, calling for an election to repeal the sales tax**
49 **imposed under this section, the governing body shall submit to the voters of the district a**
50 **proposal to repeal the tax. If a majority of the votes cast on the question by the qualified**
51 **voters voting thereon are in favor of the repeal, the repeal shall become effective on**
52 **December thirty-first of the calendar year in which such repeal was approved. If a**
53 **majority of the votes cast on the question by the qualified voters voting thereon are**
54 **opposed to the repeal, then the sales tax authorized in this section shall remain effective**

55 until the question is resubmitted under this section to the qualified voters and the repeal
56 is approved by a majority of the qualified voters voting on the question.

57 **6. If the tax is repealed or terminated by any means, all funds remaining in the**
58 **special trust fund shall continue to be used solely for the designated purposes, and the**
59 **hospital district shall notify the director of the department of revenue of the action at least**
60 **ninety days before the effective date of the repeal and the director may order retention in**
61 **the trust fund, for a period of one year, of two percent of the amount collected after receipt**
62 **of such notice to cover possible refunds or overpayment of the tax and to redeem**
63 **dishonored checks and drafts deposited to the credit of such accounts. After one year has**
64 **elapsed after the effective date of abolition of the tax in such district, the director shall**
65 **remit the balance in the account to the district and close the account of that district. The**
66 **director shall notify each district of each instance of any amount refunded or any check**
67 **redeemed from receipts due the district.**

221.025. 1. As an alternative to confinement, an individual may be placed on
2 **electronic monitoring pursuant to subsection 1 of section 544.455 or subsection 6 of section**
3 **557.011, with such terms and conditions as a court shall deem just and appropriate under**
4 **the circumstances.**

5 **2. A judge may, in his or her discretion, credit any such period of electronic**
6 **monitoring against any period of confinement or incarceration ordered, however,**
7 **electronic monitoring shall not be considered to be in custody or incarceration for purposes**
8 **of eligibility for the MO HealthNet program, nor shall it be considered confinement in a**
9 **correctional center or private or county jail for purposes of determining responsibility for**
10 **the individual's health care.**

11 **3. This section shall not authorize a court to place an individual on electronic**
12 **monitoring in lieu of the required imprisonment, community service, or court ordered**
13 **treatment program involving community service, if that individual is a prior, persistent,**
14 **aggravated, or chronic offender sentenced pursuant to section 577.023.**

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

34

35 Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall
36 be imposed upon any person due to such violation. No points shall be assessed pursuant to
37 section 302.302 for a failure to wear such protective headgear. **Prior pleas of guilty and prior**
38 **findings of guilty shall be pleaded and proven in the same manner as required by section**
39 **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
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial
4 responsibility which conforms to the requirements of the laws of this state. No nonresident shall
5 operate or permit another person to operate in this state a motor vehicle registered to such
6 nonresident unless the nonresident maintains the financial responsibility which conforms to the
7 requirements of the laws of the nonresident's state of residence. Furthermore, no person shall
8 operate a motor vehicle owned by another with the knowledge that the owner has not maintained
9 financial responsibility unless such person has financial responsibility which covers the person's
10 operation of the other's vehicle; however, no owner or nonresident shall be in violation of this
11 subsection if he or she fails to maintain financial responsibility on a motor vehicle which is

12 inoperable or being stored and not in operation. The director may prescribe rules and regulations
13 for the implementation of this section.

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

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

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

35 (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.

351.340. 1. Regular meetings of the board of directors may be held with or without
2 notice as the bylaws may prescribe. Special meetings of the board of directors shall be held upon
3 such notice as the bylaws may prescribe. Attendance of a director at any meeting shall constitute
4 a waiver of notice of the meeting except where a director attends a meeting for the express
5 purpose of objecting to the transaction of any business because the meeting is not lawfully called
6 or convened. Neither the business to be transacted at, nor the purpose of, any regular meeting
7 of the board of directors need be specified in the notice or waiver of notice of the meeting.

8 2. Any action which is required to be or may be taken at a meeting of the directors, or
9 of the executive committee or any other committee of the directors, may be taken without a
10 meeting if [consents in writing], setting forth the action so taken, [are signed by] all of the
11 members of the board or of the committee as the case may be, **consent thereto in writing or by**
12 **electronic transmission**. The consents shall have the same force and effect as a unanimous vote
13 at a meeting duly held, and may be stated as such in any certificate or document filed under this
14 chapter. The secretary shall file the [consents] **writing or writings or electronic transmission**
15 **or transmissions** with the minutes of the meetings of the board of directors or of the committee
16 as the case may be. **Such filing shall be in paper form if the minutes are maintained in**
17 **paper form and shall be in electronic form if the minutes are maintained in electronic form.**
18 **"Electronic transmission" for purposes of this section shall be as defined in subdivision (2)**
19 **of subsection 5 of section 351.245.**

452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support,
2 the court may order either or both parents owing a duty of support to a child of the marriage to
3 pay an amount reasonable or necessary for the support of the child, including an award
4 retroactive to the date of filing the petition, without regard to marital misconduct, after
5 considering all relevant factors including:

- 6 (1) The financial needs and resources of the child;
- 7 (2) The financial resources and needs of the parents;
- 8 (3) The standard of living the child would have enjoyed had the marriage not been
9 dissolved;
- 10 (4) The physical and emotional condition of the child, and the child's educational needs;
- 11 (5) The child's physical and legal custody arrangements, including the amount of time
12 the child spends with each parent and the reasonable expenses associated with the custody or
13 visitation arrangements; and

14 (6) The reasonable work-related child care expenses of each parent.

15 2. The obligation of the parent ordered to make support payments shall abate, in whole
16 or in part, for such periods of time in excess of thirty consecutive days that the other parent has
17 voluntarily relinquished physical custody of a child to the parent ordered to pay child support,
18 notwithstanding any periods of visitation or temporary physical and legal or physical or legal
19 custody pursuant to a judgment of dissolution or legal separation or any modification thereof.
20 In a IV-D case, the family support division may determine the amount of the abatement pursuant
21 to this subsection for any child support order and shall record the amount of abatement in the
22 automated child support system record established pursuant to chapter 454. If the case is not a
23 IV-D case and upon court order, the circuit clerk shall record the amount of abatement in the
24 automated child support system record established in chapter 454.

25 3. Unless the circumstances of the child manifestly dictate otherwise and the court
26 specifically so provides, the obligation of a parent to make child support payments shall
27 terminate when the child:

28 (1) Dies;

29 (2) Marries;

30 (3) Enters active duty in the military;

31 (4) Becomes self-supporting, provided that the custodial parent has relinquished the child
32 from parental control by express or implied consent;

33 (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply;
34 or

35 (6) Reaches age twenty-one, unless the provisions of the child support order specifically
36 extend the parental support order past the child's twenty-first birthday for reasons provided by
37 subsection 4 of this section.

38 4. If the child is physically or mentally incapacitated from supporting himself and
39 insolvent and unmarried, the court may extend the parental support obligation past the child's
40 eighteenth birthday.

41 5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary
42 school program of instruction, the parental support obligation shall continue, if the child
43 continues to attend and progresses toward completion of said program, until the child completes
44 such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an
45 institution of vocational or higher education not later than October first following graduation
46 from a secondary school or completion of a graduation equivalence degree program and so long
47 as the child enrolls for and completes at least twelve hours of credit each semester, not including
48 the summer semester, at an institution of vocational or higher education and achieves grades
49 sufficient to reenroll at such institution, the parental support obligation shall continue until the

50 child completes his or her education, or until the child reaches the age of twenty-one, whichever
51 first occurs. To remain eligible for such continued parental support, at the beginning of each
52 semester the child shall submit to each parent a transcript or similar official document provided
53 by the institution of vocational or higher education which includes the courses the child is
54 enrolled in and has completed for each term, the grades and credits received for each such
55 course, and an official document from the institution listing the courses which the child is
56 enrolled in for the upcoming term and the number of credits for each such course. When
57 enrolled in at least twelve credit hours, if the child receives failing grades in half or more of his
58 or her courseload in any one semester, payment of child support may be terminated and shall not
59 be eligible for reinstatement. Upon request for notification of the child's grades by the
60 noncustodial parent, the child shall produce the required documents to the noncustodial parent
61 within thirty days of receipt of grades from the education institution. If the child fails to produce
62 the required documents, payment of child support may terminate without the accrual of any child
63 support arrearage and shall not be eligible for reinstatement. If the circumstances of the child
64 manifestly dictate, the court may waive the October first deadline for enrollment required by this
65 subsection. If the child is enrolled in such an institution, the child or parent obligated to pay
66 support may petition the court to amend the order to direct the obligated parent to make the
67 payments directly to the child. As used in this section, an "institution of vocational education"
68 means any postsecondary training or schooling for which the student is assessed a fee and attends
69 classes regularly. "Higher education" means any community college, college, or university at
70 which the child attends classes regularly. A child who has been diagnosed with a developmental
71 disability, as defined in section 630.005, or whose physical disability or diagnosed health
72 problem limits the child's ability to carry the number of credit hours prescribed in this subsection,
73 shall remain eligible for child support so long as such child is enrolled in and attending an
74 institution of vocational or higher education, and the child continues to meet the other
75 requirements of this subsection. A child who is employed at least fifteen hours per week during
76 the semester may take as few as nine credit hours per semester and remain eligible for child
77 support so long as all other requirements of this subsection are complied with.

78 6. The court shall consider ordering a parent to waive the right to claim the tax
79 dependency exemption for a child enrolled in an institution of vocational or higher education in
80 favor of the other parent if the application of state and federal tax laws and eligibility for
81 financial aid will make an award of the exemption to the other parent appropriate.

82 7. The general assembly finds and declares that it is the public policy of this state that
83 frequent, continuing and meaningful contact with both parents after the parents have separated
84 or dissolved their marriage is in the best interest of the child except for cases where the court
85 specifically finds that such contact is not in the best interest of the child. In order to effectuate

86 this public policy, a court with jurisdiction shall enforce visitation, custody and child support
87 orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or
88 future obligation of support and may transfer the physical and legal or physical or legal custody
89 of one or more children if it finds that a parent has, without good cause, failed to provide
90 visitation or physical and legal or physical or legal custody to the other parent pursuant to the
91 terms of a judgment of dissolution, legal separation or modifications thereof. The court shall
92 also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court
93 costs incurred by the prevailing party.

94 8. The Missouri supreme court shall have in effect a rule establishing guidelines by
95 which any award of child support shall be made in any judicial or administrative proceeding.
96 Said guidelines shall contain specific, descriptive and numeric criteria which will result in a
97 computation of the support obligation. The guidelines shall address how the amount of child
98 support shall be calculated when an award of joint physical custody results in the child or
99 children spending **equal or** substantially equal time with both parents **and the directions and**
100 **comments and any tabular representations of the directions and comments for completion**
101 **of the child support guidelines and a subsequent form developed to reflect the guidelines,**
102 **shall reflect the ability to obtain up to a fifty percent adjustment or credit below the basic**
103 **child support amount for joint physical custody or visitation as described in subsection 11**
104 **of this section.** The Missouri supreme court shall publish child support guidelines and
105 specifically list and explain the relevant factors and assumptions that were used to calculate the
106 child support guidelines. Any rule made pursuant to this subsection shall be reviewed by the
107 promulgating body not less than once every four years to ensure that its application results in the
108 determination of appropriate child support award amounts.

109 9. There shall be a rebuttable presumption, in any judicial or administrative proceeding
110 for the award of child support, that the amount of the award which would result from the
111 application of the guidelines established pursuant to subsection 8 of this section is the correct
112 amount of child support to be awarded. A written finding or specific finding on the record in a
113 judicial or administrative proceeding that the application of the guidelines would be unjust or
114 inappropriate in a particular case, after considering all relevant factors, including the factors set
115 out in subsection 1 of this section, is required if requested by a party and shall be sufficient to
116 rebut the presumption in the case. The written finding or specific finding on the record shall
117 detail the specific relevant factors that required a deviation from the application of the guidelines.

118 10. Pursuant to this or any other chapter, when a court determines the amount owed by
119 a parent for support provided to a child by another person, other than a parent, prior to the date
120 of filing of a petition requesting support, or when the director of the family support division
121 establishes the amount of state debt due pursuant to subdivision (2) of subsection 1 of section

122 454.465, the court or director shall use the guidelines established pursuant to subsection 8 of this
123 section. The amount of child support resulting from the application of the guidelines shall be
124 applied retroactively for a period prior to the establishment of a support order and the length of
125 the period of retroactivity shall be left to the discretion of the court or director. There shall be
126 a rebuttable presumption that the amount resulting from application of the guidelines under
127 subsection 8 of this section constitutes the amount owed by the parent for the period prior to the
128 date of the filing of the petition for support or the period for which state debt is being established.
129 In applying the guidelines to determine a retroactive support amount, when information as to
130 average monthly income is available, the court or director may use the average monthly income
131 of the noncustodial parent, as averaged over the period of retroactivity, in determining the
132 amount of presumed child support owed for the period of retroactivity. The court or director may
133 enter a different amount in a particular case upon finding, after consideration of all relevant
134 factors, including the factors set out in subsection 1 of this section, that there is sufficient cause
135 to rebut the presumed amount.

136 **11. The court may award child support in an amount that provides up to a fifty**
137 **percent adjustment below the basic child support amount authorized by the child support**
138 **guidelines described under subsection 8 of this section for custody awards of joint physical**
139 **custody where the child or children spend equal or substantially equal time with both**
140 **parents.**

141 **12.** The obligation of a parent to make child support payments may be terminated as
142 follows:

143 (1) Provided that the state case registry or child support order contains the child's date
144 of birth, the obligation shall be deemed terminated without further judicial or administrative
145 process when the child reaches age twenty-one if the child support order does not specifically
146 require payment of child support beyond age twenty-one for reasons provided by subsection 4
147 of this section;

148 (2) The obligation shall be deemed terminated without further judicial or administrative
149 process when the parent receiving child support furnishes a sworn statement or affidavit
150 notifying the obligor parent of the child's emancipation in accordance with the requirements of
151 subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the
152 court which entered the order establishing the child support obligation, or the family support
153 division for an order entered under section 454.470;

154 (3) The obligation shall be deemed terminated without further judicial or administrative
155 process when the parent paying child support files a sworn statement or affidavit with the court
156 which entered the order establishing the child support obligation, or the family support division
157 for an order entered under section 454.470, stating that the child is emancipated and reciting the

158 factual basis for such statement; which statement or affidavit is served by the court or division,
159 as applicable, on the child support obligee; and which is either acknowledged and affirmed by
160 the child support obligee in writing, or which is not responded to in writing within thirty days
161 of receipt by the child support obligee;

162 (4) The obligation shall be terminated as provided by this subdivision by the court which
163 entered the order establishing the child support obligation, or the family support division for an
164 order entered under section 454.470, when the parent paying child support files a sworn
165 statement or affidavit with the court which entered the order establishing the child support
166 obligation, or the family support division, as applicable, stating that the child is emancipated and
167 reciting the factual basis for such statement; and which statement or affidavit is served by the
168 court or division, as applicable, on the child support obligee. If the obligee denies the statement
169 or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a
170 request for hearing and shall proceed to hear and adjudicate such request for hearing as provided
171 by law; provided that the court may require the payment of a deposit as security for court costs
172 and any accrued court costs, as provided by law, in relation to such request for hearing. When
173 the division receives a request for hearing, the hearing shall be held in the manner provided by
174 section 454.475.

175 [12.] **13.** The court may enter a judgment terminating child support pursuant to
176 subdivisions (1) to (3) of subsection [11] **12** of this section without necessity of a court
177 appearance by either party. The clerk of the court shall mail a copy of a judgment terminating
178 child support entered pursuant to subsection [11] **12** of this section on both the obligor and
179 obligee parents. The supreme court may promulgate uniform forms for sworn statements and
180 affidavits to terminate orders of child support obligations for use pursuant to subsection [11] **12**
181 of this section and subsection 4 of section 452.370.

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

4 **(1) Has expired; and**

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

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) **If known, the name, age, domicile, actual place of residence, and post office**
36 **address of the alleged incapacitated person, and for the period of three years before the**
37 **filing of the petition, the most recent addresses, up to three, at which the alleged**
38 **incapacitated person lived prior to the most recent address, and if any of these facts is**
39 **unknown, the efforts made to ascertain that fact. In the case of a petition filed by a public**
40 **official in his or her official capacity, the information required by this subdivision need**
41 **only be supplied to the extent it is reasonably available to the petitioner;**

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

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

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

50 **(5) The name and address of the spouse, the names, ages, and addresses of all living**
51 **children of the alleged incapacitated person, the names and addresses of the alleged**
52 **incapacitated person's closest known relatives, and the names and relationship, if known,**
53 **of any adults living with the alleged incapacitated person; if no spouse, adult child, or**
54 **parent is listed, the names and addresses of the siblings and children of deceased siblings**
55 **of the alleged incapacitated person; the name and address of any agent appointed by the**
56 **alleged incapacitated person in any durable power of attorney, and of the presently acting**
57 **trustees of any trust of which the alleged incapacitated person is the grantor or is a**
58 **qualified beneficiary or is or was the trustee or co-trustee and the purpose of the power of**
59 **attorney or trust;**

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

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

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

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

72 **(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.**

16 ARTICLE 1

17 GENERAL PROVISIONS

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

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.

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

2 **475.504. 1.** A court of this state may communicate with a court in another state
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.

2 **475.505. 1.** In a guardianship or protective proceeding in this state, a court of this
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;

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.

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

2 **475.529.** Except for a petition for the appointment of a guardian in an emergency
3 or issuance of a protective order limited to property located in this state as provided in
4 subdivision (1) or (2) of subsection 1 of section 475.524, if a petition for the appointment
5 of a guardian or issuance of a protective order is filed in this and in another state and
6 neither petition has been dismissed or withdrawn, the following rules apply:

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

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

ARTICLE 3

TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

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

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

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

10 **4.** The court shall issue an order provisionally granting a petition to transfer a
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.

35 ARTICLE 4

36 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
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
protective order is not pending in this state, the conservator appointed in the other state,

3 after giving notice to the appointing court of an intent to register, may register the
4 protective order in this state by filing as a foreign judgment in a court of this state, in any
5 county in which property belonging to the protected person is located, certified copies of
6 the order and letters of office and of any bond.

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

6 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.

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

5 ARTICLE 5

6 MISCELLANEOUS PROVISIONS

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

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

475.555. 1. Sections 475.501 to 475.555 apply to guardianship and protective
2 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.

477.650. 1. There is hereby created in the state treasury the "Basic Civil Legal Services
2 Fund", to be administered by, or under the direction of, the Missouri supreme court. All moneys
3 collected under section 488.031 shall be credited to the fund. In addition to the court filing
4 surcharges, funds from other public or private sources also may be deposited into the fund and
5 all earnings of the fund shall be credited to the fund. The purpose of this section is to increase

6 the funding available for basic civil legal services to eligible low-income persons as such persons
7 are defined by the Federal Legal Services Corporation's Income Eligibility Guidelines.

8 2. Funds in the basic civil legal services fund shall be allocated annually and expended
9 to provide legal representation to eligible low-income persons in the state in civil matters.
10 Moneys, funds, or payments paid to the credit of the basic civil legal services fund shall, at least
11 as often as annually, be distributed to the legal services organizations in this state which qualify
12 for Federal Legal Services Corporation funding. The funds so distributed shall be used by legal
13 services organizations in this state solely to provide legal services to eligible low-income persons
14 as such persons are defined by the Federal Legal Services Corporation's Income Eligibility
15 Guidelines. Fund money shall be subject to all restrictions imposed on such legal services
16 organizations by law. Funds shall be allocated to the programs according to the funding formula
17 employed by the Federal Legal Services Corporation for the distribution of funds to this state.
18 Notwithstanding the provisions of section 33.080, any balance remaining in the basic civil legal
19 services fund at the end of any year shall not be transferred to the state's general revenue fund.
20 Moneys in the basic civil legal services fund shall not be used to pay any portion of a refund
21 mandated by article X, section 15 of the Missouri Constitution. State legal services programs
22 shall represent individuals to secure lawful state benefits, but shall not sue the state, its agencies,
23 or its officials, with any state funds.

24 3. Contracts for services with state legal services programs shall provide eligible
25 low-income Missouri citizens with equal access to the civil justice system, with a high priority
26 on families and children, domestic violence, the elderly, and qualification for benefits under the
27 Social Security Act. State legal services programs shall abide by all restrictions, requirements,
28 and regulations of the Legal Services Corporation regarding their cases.

29 4. The Missouri supreme court, or a person or organization designated by the court, is
30 the administrator and shall administer the fund in such manner as determined by the Missouri
31 supreme court, including in accordance with any rules and policies adopted by the Missouri
32 supreme court for such purpose. Moneys from the fund shall be used to pay for the collection
33 of the fee and the implementation and administration of the fund.

34 5. Each recipient of funds from the basic civil legal services fund shall maintain
35 appropriate records accounting for the receipt and expenditure of all funds distributed and
36 received pursuant to this section. These records must be maintained for a period of five years
37 from the close of the fiscal year in which such funds are distributed or received or until audited,
38 whichever is sooner. All funds distributed or received pursuant to this section are subject to
39 audit by the Missouri supreme court or the state auditor.

40 6. The Missouri supreme court, or a person or organization designated by the court, shall,
41 by January thirty-first of each year, report to the general assembly on the moneys collected and
42 disbursed pursuant to this section and section 488.031 by judicial circuit.

43 7. The provisions of this section shall expire on December 31, [2012] **2018**.

 484.350. Recognizing that Missouri children have a right to adequate and effective
2 representation in child welfare cases, the September 17, 1996, Missouri supreme court standards
3 for representation by guardians ad litem shall be **updated and** adopted statewide and each circuit
4 shall devise a plan for implementation which takes into account the individual needs of their
5 circuit as well as the negative impact that excessive caseloads have upon effectiveness of
6 counsel. These plans shall be approved by the supreme court en banc and fully implemented by
7 July 1, 2011.

 523.040. 1. The court, or judge thereof in vacation, on being satisfied that due notice
2 of the pendency of the petition has been given, shall appoint three disinterested commissioners,
3 who shall be residents of the county in which the real estate or a part thereof is situated, **and in**
4 **any city not within a county, any county with a charter form of government and with more**
5 **than one million inhabitants, or any county with a charter form of government and with**
6 **more than six hundred thousand but fewer than seven hundred thousand inhabitants at**
7 **least one of the commissioners shall be either a licensed real estate broker or a state-**
8 **licensed or state-certified real estate appraiser**, to assess the damages which the owners may
9 severally sustain by reason of such appropriation, who, within forty-five days after appointment
10 by the court, which forty-five days may be extended by the court to a date certain with good
11 cause shown, after applying the definition of fair market value contained in subdivision (1) of
12 section 523.001, and after having viewed the property, shall return to the clerk of such court,
13 under oath, their report in duplicate of such assessment of damages, setting forth the amount of
14 damages allowed to the person or persons named as owning or claiming the tract of land
15 condemned, and should more than one tract be condemned in the petition, then the damages
16 allowed to the owner, owners, claimant or claimants of each tract, respectively, shall be stated
17 separately, together with a specific description of the tracts for which such damages are assessed;
18 and the clerk shall file one copy of said report in his office and record the same in the order book
19 of the court, and he shall deliver the other copy, duly certified by him, to the recorder of deeds
20 of the county where the land lies (or to the recorder of deeds of the city of St. Louis, if the land
21 lies in said city) who shall record the same in his office, and index each tract separately as
22 provided in section 59.440, and the fee for so recording shall be taxed by the clerk as costs in the
23 proceedings; and thereupon such company shall pay to the clerk the amount thus assessed for the
24 party in whose favor such damages have been assessed; and on making such payment it shall be
25 lawful for such company to hold the interest in the property so appropriated for the uses

26 prescribed in this section; and upon failure to pay the assessment, the court may, upon motion
27 and notice by the party entitled to such damages, enforce the payment of the same by execution,
28 unless the said company shall, within ten days from the return of such assessment, elect to
29 abandon the proposed appropriation of any parcel of land, by an instrument in writing to that
30 effect, to be filed with the clerk of the court, and entered on the minutes of the court, and as to
31 so much as is thus abandoned, the assessment of damages shall be void.

32 2. Prior to the issuance of any report under subsection 1 of this section, a commissioner
33 shall notify all parties named in the condemnation petition no less than ten days prior to the
34 commissioners' viewing of the property of the named parties' opportunity to accompany the
35 commissioners on the commissioners' viewing of the property and of the named parties'
36 opportunity to present information to the commissioners.

37 3. The commissioners shall view the property, hear arguments, and review other relevant
38 information that may be offered by the parties.

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) **Place the person on house arrest with electronic monitoring, except that all costs**
21 **associated with the electronic monitoring shall be charged to the person on house arrest.**
22 **If the judge finds the person unable to afford the costs associated with electronic**

23 **monitoring, then the judge shall not order that the person be placed on house arrest with**
24 **electronic monitoring;**

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

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

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

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

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

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

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

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

58 **9. A circuit court may adopt a local rule authorizing the pretrial release on**
59 **electronic monitoring pursuant to subdivision (6) of subsection 1 of this section in lieu of**
60 **incarceration of individuals charged with offenses specifically identified therein.**

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

6 2. There shall be a presumption that releasing the person under any conditions as
7 provided by section 544.455 shall not reasonably assure the appearance of the person as required
8 if the circuit judge or associate circuit judge reasonably believes that the person is an alien
9 unlawfully present in the United States. If such presumption exists, the person shall be
10 committed to the jail, as provided in subsection 1 of this section, until such person provides
11 verification of his or her lawful presence in the United States to rebut such presumption. If the
12 person adequately proves his or her lawful presence, the circuit judge or associate circuit judge
13 shall review the issue of release, as provided under section 544.455, without regard to previous
14 issues concerning whether the person is lawfully present in the United States. If the person
15 cannot prove his or her lawful presence, the person shall continue to be committed to the jail and
16 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, except**
 35 **that all costs associated with the electronic monitoring shall be charged to the person on**
 36 **house arrest. If the judge finds the person unable to afford the costs associated with**
 37 **electronic monitoring, then the judge shall not order that the person be placed on house**
 38 **arrest with electronic monitoring.**

- 566.086. 1. A person commits the crime of sexual contact with a student [while on
 2 public school property] if he or she has sexual contact with a student of the public school [while
 3 on any public school property] and is:
- 4 (1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104;
 5 (2) A student teacher;
 6 (3) An employee of the school;
 7 (4) A volunteer of the school or of an organization working with the school on a project
 8 or program **who is not a student at the public school;** [or]
 9 (5) **An elected or appointed official of the public school district; or**
 10 (6) A person employed by an entity that contracts with the public school district to
 11 provide services.
- 12 2. [For the purposes of this section, "public school property" shall mean property of any
 13 public school in this state serving kindergarten through grade twelve or any school bus used by
 14 the public school district.
 15 3.] Sexual contact with a student [while on public school property] is a class D felony.

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty
2 or nolo contendere to, or been convicted of, or been found guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of subsection 2 of
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;
5 subsection 2 of section 568.080, use of a child in a sexual performance; section 568.090,
6 promoting a sexual performance by a child; section 573.023, sexual exploitation of a minor;
7 section 573.025, promoting child pornography in the first degree; section 573.035, promoting
8 child pornography in the second degree; section 573.037, possession of child pornography, or
9 section 573.040, furnishing pornographic material to minors; or

10 (2) Any offense in any other state or foreign country, or under federal, tribal, or military
11 jurisdiction which, if committed in this state, would be a violation listed in this section;

12

13 shall not reside within one thousand feet of any public school as defined in section 160.011, [or]
14 any private school giving instruction in a grade or grades not higher than the twelfth grade, [or]
15 **any child-care facility [as defined in section 210.201, which] that is licensed under chapter**
16 **210, or any child-care facility as defined in section 210.201 that is exempt from state**
17 **licensure but subject to state regulation under section 210.252 and holds itself out to be a**
18 **child-care facility, where the school or facility** is in existence at the time the individual begins
19 to reside at the location.

20 2. If such person has already established a residence and a public school, a private
21 school, or child-care facility is subsequently built or placed within one thousand feet of such
22 person's residence, then such person shall, within one week of the opening of such public school,
23 private school, or child-care facility, notify the county sheriff where such public school, private
24 school, or child-care facility is located that he or she is now residing within one thousand feet
25 of such public school, private school, or child-care facility and shall provide verifiable proof to
26 the sheriff that he or she resided there prior to the opening of such public school, private school,
27 or child-care facility.

28 3. For purposes of this section, "resides" means sleeps in a residence, which may include
29 more than one location and may be mobile or transitory.

30 4. Violation of the provisions of subsection 1 of this section is a class D felony except
31 that the second or any subsequent violation is a class B felony. Violation of the provisions of
32 subsection 2 of this section is a class A misdemeanor except that the second or subsequent
33 violation is a class D felony.

568.040. 1. A person commits the crime of nonsupport if such person knowingly fails
2 to provide[, without good cause,] adequate support for his or her spouse; a parent commits the
3 crime of nonsupport if such parent knowingly fails to provide[, without good cause,] adequate

4 support which such parent is legally obligated to provide for his or her child or stepchild who is
5 not otherwise emancipated by operation of law.

6 2. For purposes of this section:

7 (1) "Child" means any biological or adoptive child, or any child whose paternity has been
8 established under chapter 454, or chapter 210, or any child whose relationship to the defendant
9 has been determined, by a court of law in a proceeding for dissolution or legal separation, to be
10 that of child to parent;

11 (2) "Good cause" means any substantial reason why the defendant is unable to provide
12 adequate support. Good cause does not exist if the defendant purposely maintains his inability
13 to support;

14 (3) "Support" means food, clothing, lodging, and medical or surgical attention;

15 (4) It shall not constitute a failure to provide medical and surgical attention, if
16 nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

17 3. Inability to provide support for good cause shall be an affirmative defense under this
18 section. A person who raises such affirmative defense has the burden of proving the defense by
19 a preponderance of the evidence.

20 4. The defendant shall have the burden of injecting the issues raised by [subdivisions (2)
21 and] **subdivision** (4) of subsection 2 [and subsection 3] of this section.

22 5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess
23 of an aggregate of twelve monthly payments due under any order of support issued by any court
24 of competent jurisdiction or any authorized administrative agency, in which case it is a class D
25 felony.

26 6. If at any time a defendant convicted of criminal nonsupport is placed on probation or
27 parole, there may be ordered as a condition of probation or parole that the defendant commence
28 payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by
29 making such lump sum payment as the defendant is capable of paying, if any, as may be shown
30 after examination of defendant's financial resources or assets, both real, personal, and mixed, and
31 second by making periodic payments. Periodic payments toward satisfaction of arrears when
32 added to current payments due may be in such aggregate sums as is not greater than fifty percent
33 of the defendant's adjusted gross income after deduction of payroll taxes, medical insurance that
34 also covers a dependent spouse or children, and any other court or administrative ordered
35 support, only. If the defendant fails to pay the current support and arrearages as ordered, the
36 court may revoke probation or parole and then impose an appropriate sentence within the range
37 for the class of offense that the defendant was convicted of as provided by law, unless the
38 defendant proves good cause for the failure to pay as required under subsection 3 of this section.

39 7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport,

40 if the defendant is ready, willing, and able to be gainfully employed during said period of
41 incarceration, the defendant, if he or she meets the criteria established by the department of
42 corrections, may be placed on work release to allow the defendant to satisfy defendant's
43 obligation to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

44 8. Beginning August 28, 2009, every nonviolent first- and second-time offender then
45 incarcerated for criminal nonsupport, who has not been previously placed on probation or parole
46 for conviction of criminal nonsupport, may be considered for parole, under the conditions set
47 forth in subsection 6 of this section, or work release, under the conditions set forth in subsection
48 7 of this section.

49 9. Beginning January 1, 1991, every prosecuting attorney in any county which has
50 entered into a cooperative agreement with the [division of] child support enforcement **service**
51 **of the family support division of the department of social services** shall report to the division
52 on a quarterly basis the number of charges filed and the number of convictions obtained under
53 this section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate
54 the reported information into a statewide report by county and make the report available to the
55 general public.

56 10. Persons accused of committing the offense of nonsupport of the child shall be
57 prosecuted:

58 (1) In any county in which the child resided during the period of time for which the
59 defendant is charged; or

60 (2) In any county in which the defendant resided during the period of time for which the
61 defendant is charged.

570.080. 1. A person commits the crime of receiving stolen property if for the purpose
2 of depriving the owner of a lawful interest therein, he or she receives, retains or disposes of
3 property of another knowing that it has been stolen, or believing that it has been stolen.

4 2. Evidence of the following is admissible in any criminal prosecution pursuant to this
5 section to prove the requisite knowledge or belief of the alleged receiver:

6 (1) That he or she was found in possession or control of other property stolen on separate
7 occasions from two or more persons;

8 (2) That he or she received other stolen property in another transaction within the year
9 preceding the transaction charged;

10 (3) That he or she acquired the stolen property for a consideration which he or she knew
11 was far below its reasonable value;

12 (4) That he or she obtained control over stolen property knowing the property to have
13 been stolen or under such circumstances as would reasonably induce a person to believe the
14 property was stolen.

15 3. [Receiving stolen property is a class A misdemeanor unless the property involved has
16 a value of five hundred dollars or more, or the person receiving the property is a dealer in goods
17 of the type in question, or the property involved is an explosive weapon as that term is defined
18 in section 571.010, in which cases receiving stolen property is a class C felony] **Except as**
19 **otherwise provided in subsections 4 and 5 of this section, receiving stolen property is a class**
20 **A misdemeanor.**

21 **4. Receiving stolen property is a class C felony if:**

22 **(1) The value of the property or services appropriated is five hundred dollars or**
23 **more but less than twenty-five thousand dollars;**

24 **(2) The property has been physically taken from the person of the victim; or**

25 **(3) The property appropriated includes:**

26 **(a) Any motor vehicle, watercraft, or aircraft;**

27 **(b) Any will or unrecorded deed affecting real property;**

28 **(c) Any credit card or letter of credit;**

29 **(d) Any firearm;**

30 **(e) Any explosive weapon as that term is defined in section 571.010;**

31 **(f) A United States national flag designed, intended, and used for display on**
32 **buildings or stationary flagstaffs in the open;**

33 **(g) Any original copy of an act, bill, or resolution, introduced or acted upon by the**
34 **legislature of the state of Missouri;**

35 **(h) Any pleading, notice, judgment, or any other record or entry of any court of this**
36 **state, any other state, or of the United States;**

37 **(i) Any book of registration or list of voters required by chapter 115;**

38 **(j) Any animal considered livestock as that term is defined in section 144.010;**

39 **(k) Any live fish raised for commercial sale with a value of seventy-five dollars or**
40 **more;**

41 **(l) Any captive wildlife held under permit issued by the conservation commission;**

42 **(m) Any controlled substance as that term is defined in section 195.010;**

43 **(n) Anhydrous ammonia;**

44 **(o) Ammonium nitrate; or**

45 **(p) Any document of historical significance which has a fair market value of five**
46 **hundred dollars or more.**

47 **5. The receipt of any item of property or services pursuant to subsection 4 of this**
48 **section which exceeds five hundred dollars may be considered a separate felony and may**
49 **be charged in separate counts.**

50 **6. Any person who previously has been found guilty of, or pled guilty to, receiving**
51 **stolen property, when the property is of the kind described under paragraph (j) or (l) of**
52 **subdivision (3) of subsection 4 of this section and the value of the animal or animals**
53 **received exceeds three thousand dollars, is guilty of a class B felony. Such person shall**
54 **serve a minimum prison term of not less than eighty percent of his or her sentence before**
55 **being eligible for probation, parole, conditional release, or other early release by the**
56 **department of corrections.**

57 **7. Receiving stolen property is a class B felony if the value of the property or**
58 **services equals or exceeds twenty-five thousand dollars.**

578.150. 1. A person commits the crime of [failing to return] **stealing** leased or rented
2 property if, with the intent to deprive the owner thereof, [he] **such person:**

3 **(1) Purposefully fails to return leased or rented personal property to the place and within**
4 **the time specified in an agreement in writing providing for the leasing or renting of such personal**
5 **property[. In addition, any person who has leased or rented personal property of another who]**
6 **;**

7 **(2) Conceals or aids or abets the concealment of the property from the owner[, or who**
8 **otherwise] ;**

9 **(3) Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or**
10 **rented property [is guilty of the crime of failing to return leased or rented property] or any part**
11 **thereof, without the written consent of the lessor, or without informing the person to whom**
12 **the property is transferred to that the property is subject to a lease;**

13 **(4) Returns the property to the lessor at the end of the lease term, plus any agreed**
14 **upon extensions, but does not pay the lease charges agreed upon in the written instrument,**
15 **with the intent to wrongfully deprive the lessor of the agreed upon charges.**

16 **2.** The provisions of this section shall apply to all forms of leasing and rental agreements,
17 including, but not limited to, contracts which provide the consumer options to buy the leased or
18 rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose
19 of determining if a violation of this section has occurred, leasing contracts which provide options
20 to buy the merchandise are owned by the owner of the property until such time as the owner
21 endorses the sale and transfer of ownership of the leased property to the lessee.

22 [2. It shall be prima facie evidence of the crime of failing to return leased or rented
23 property when a person who has leased or rented personal property of another willfully fails to
24 return or make arrangements acceptable with the lessor to return the personal property to its
25 owner at the owner's place of business within ten days after proper notice following the
26 expiration of the lease or rental agreement] **3. Evidence that a lessee used a false, fictitious,**
27 **or not current name, address, or place of employment in obtaining the property or that a**

28 lessee fails or refuses to return the property or pay the lease charges to the lessor within
29 seven days after written demand for the return has been sent by certified mail, return
30 receipt requested, to the address the person set forth in the lease agreement, or in the
31 absence of the address, to the person's last known place of residence, shall be evidence of
32 intent to violate the provisions of this section, except that if [the] a motor vehicle has not been
33 returned within seventy-two hours after the expiration of the lease or rental agreement, such
34 failure to return the motor vehicle shall be prima facie evidence of the intent of the crime of
35 [failing to return] **stealing** leased or rented property. Where the leased or rented property is a
36 motor vehicle, if the motor vehicle has not been returned within seventy-two hours after the
37 expiration of the lease or rental agreement, the lessor may notify the local law enforcement
38 agency of the failure of the lessee to return such motor vehicle, and the local law enforcement
39 agency shall cause such motor vehicle to be put into any appropriate state and local computer
40 system listing stolen motor vehicles. Any law enforcement officer which stops such a motor
41 vehicle may seize the motor vehicle and notify the lessor that he may recover such motor vehicle
42 after it is photographed and its vehicle identification number is recorded for evidentiary
43 purposes. Where the leased or rented property is not a motor vehicle, if such property has not
44 been returned within the [ten-day] **seven-day** period prescribed in this subsection, the owner of
45 the property shall report the failure to return the property to the local law enforcement agency,
46 and such law enforcement agency may within five days notify the person who leased or rented
47 the property that such person is in violation of this section, and that failure to immediately return
48 the property may subject such person to arrest for the violation.

49 [3.] **4.** This section shall not apply if such personal property is a vehicle and such return
50 is made more difficult or expensive by a defect in such vehicle which renders such vehicle
51 inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect
52 before the expiration of the lease or rental agreement, or within ten days after proper notice.

53 [4. Proper notice by the lessor shall consist of a written demand addressed and mailed
54 by certified or registered mail to the lessee at the address given at the time of making the lease
55 or rental agreement. The notice shall contain a statement that the failure to return the property
56 may subject the lessee to criminal prosecution.]

57 5. Any person who has leased or rented personal property of another who destroys such
58 property so as to avoid returning it to the owner shall be guilty of property damage pursuant to
59 section 569.100 or 569.120, in addition to being in violation of this section.

60 6. Venue shall lie in the county where the personal property was originally rented or
61 leased.

62 7. [Failure to return] **Stealing** leased or rented property is a class A misdemeanor unless
63 the property involved has a value of [five hundred] **one thousand** dollars or more, in which case
64 [failing to return] **stealing** leased or rented property is a class C felony.

 589.040. 1. The director of the department of corrections shall develop a program of
2 treatment, education and rehabilitation for all imprisoned offenders who are serving sentences
3 for sexual assault offenses. When developing such programs, the ultimate goal shall be the
4 prevention of future sexual assaults by the participants in such programs, and the director shall
5 utilize those concepts, services, programs, projects, facilities and other resources designed to
6 achieve this goal.

7 2. All persons imprisoned by the department of corrections for sexual assault offenses
8 shall be required to successfully complete the programs developed pursuant to subsection 1 of
9 this section **prior to being eligible for parole or conditional release.**

**632.312. Notwithstanding the provisions of section 105.452 to the contrary, a sheriff
2 may receive reimbursement for the actual costs of transporting a person to and from a
3 mental health facility pursuant to chapter 632 from a public or private hospital, not-for-
4 profit charitable organization, the state, or a political subdivision. Reimbursement from
5 the state for actual costs, except for allowable mileage expenses, shall be subject to
6 appropriations.**

 Section B. Because of the need to adequately fund hospital districts in the state, the
2 repeal and reenactment of section 144.032 and the enactment of section 205.205 of section A of
3 this act is deemed necessary for the immediate preservation of the public health, welfare, peace
4 and safety, and is hereby declared to be an emergency act within the meaning of the constitution,
5 and the repeal and reenactment of section 144.032 and the enactment of section 205.205 of
6 section A of this act shall be in full force and effect upon its passage and approval.

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