

HB 504 -- Domestic Violence and Orders of Protection

Sponsor: Silvey

This bill changes the laws regarding domestic violence and orders of protection. In its main provisions, the bill:

(1) Specifies that the juvenile court or the family court will have exclusive original jurisdiction in proceedings involving an order of protection when the respondent is younger than 17 years of age;

(2) Requires the court to transfer a case to juvenile court for a hearing on a full order of protection if an ex parte order is entered and the respondent is younger than 17 years of age;

(3) Allows the court upon a finding that it is in the best interest of the parties to include a provision in a full order of protection with a duration of one year that the order must automatically renew unless the respondent requests a hearing within 30 days of the expiration of the order;

(4) Requires the court to cause a copy of any objection filed by the respondent and a notice of the date set for the hearing on that objection to an automatic renewal of a full order of protection with a duration of one year to be personally served upon the petitioner by a personal process server, sheriff, or police officer at least three days prior to the hearing. This service of process must take priority over service in all other actions except those of a similar emergency nature;

(5) Specifies that before the court terminates any order of protection, it can examine the circumstances of the motion to dismiss the order and may inquire of the petitioner or other persons in order to assist the court in determining if dismissal is voluntary;

(6) Specifies that a respondent in violation of the terms and conditions of an order of protection will be guilty of a class A misdemeanor for entering a petitioner's place of employment or school or for being within a certain distance of the petitioner or a child of the petitioner. If a respondent has previously pled guilty to or been found guilty of violating an order of protection within five years of the date of the subsequent violation, he or she will be guilty of a class D felony. Evidence of a prior plea of guilty or finding of guilt must be heard by the court out of the presence of the jury. If the court finds the existence of a prior plea of guilty beyond a reasonable doubt, the court must decide the extent or duration of sentence or other disposition and cannot instruct the jury regarding the

range of punishment or allow the jury to assess punishment as part of its verdict;

(7) Requires the municipal court to transfer to the circuit court any case where a respondent has previously violated an order of protection; and

(8) Specifies that any person who has pled guilty to or been found guilty of any offense committed in violation of any county or municipal ordinance in any state or any state, federal, or military law which, if committed in Missouri, would be chargeable or indictable as third degree domestic assault will be guilty of a class D felony for the third or any subsequent commission of the crime of domestic assault.