

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND Senate Bill No. 628, Page 1, Title, Line 3, by deleting all of said line and inserting in
2 lieu thereof the following:

3
4 “relating to the judiciary.”; and

5
6 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said section and line
7 the following:

8
9 “21.771. 1. There is established a joint committee of the general assembly to be known as
10 the "Joint Committee on Child Abuse and Neglect" to be composed of seven members of the
11 senate and seven members of the house of representatives. The senate members of the joint
12 committee shall be appointed by the president pro tem and minority floor leader of the senate and
13 the house members shall be appointed by the speaker and minority floor leader of the house of
14 representatives. The appointment of each member shall continue during the member's term of
15 office as a member of the general assembly or until a successor has been appointed to fill the
16 member's place. No party shall be represented by more than four members from the house of
17 representatives nor more than four members from the senate. A majority of the committee shall
18 constitute a quorum, but the concurrence of a majority of the members shall be required for the
19 determination of any matter within the committee's duties.

20 2. The joint committee shall:

21 (1) Make a continuing study and analysis of the state child abuse and neglect reporting
22 and investigation system;

23 (2) Devise a plan for improving the structured decisionmaking regarding the removal of a
24 child from a home;

25 (3) Determine the additional personnel and resources necessary to adequately protect the
26 children of this state and improve their welfare and the welfare of families;

27 (4) Address the need for additional foster care homes and to improve the quality of care
28 provided to abused and neglected children in the custody of the state;

1 (5) Determine from its study and analysis the need for changes in statutory law; and

2 (6) Make any other recommendation to the general assembly necessary to provide
3 adequate protections for the children of our state.

4 3. The joint committee shall meet within thirty days after its creation and organize by
5 selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and
6 the other a member of the house of representatives. The chairperson shall alternate between
7 members of the house and senate every two years after the committee's organization.

8 4. The committee shall meet at least quarterly. The committee may meet at locations
9 other than Jefferson City when the committee deems it necessary.

10 5. The committee shall be staffed by legislative personnel as is deemed necessary to assist
11 the committee in the performance of its duties.

12 6. The members of the committee shall serve without compensation but shall be entitled
13 to reimbursement for actual and necessary expenses incurred in the performance of their official
14 duties.

15 7. It shall be the duty of the committee to compile a full report of its activities for
16 submission to the general assembly. The report shall be submitted not later than the fifteenth of
17 January of each year in which the general assembly convenes in regular session and shall include
18 any recommendations which the committee may have for legislative action as well as any
19 recommendations for administrative or procedural changes in the internal management or
20 organization of state or local government agencies and departments. Copies of the report
21 containing such recommendations shall be sent to the appropriate directors of state or local
22 government agencies or departments included in the report.

23 8. The provisions of this section shall expire on January 15, 2018.

24 32.056. The department of revenue shall not release the home address of or any [other]
25 information [contained in the department's motor vehicle or driver registration records regarding]
26 that identifies any vehicle owned or leased by any person who is a county, state or federal parole
27 officer [or who is], a federal pretrial officer [or who is], a peace officer pursuant to section
28 [590.100] 590.010, a person vested by Article V, Section 1 of the Missouri Constitution with the
29 judicial power of the state, a member of the federal judiciary, or a member of [the parole officer's,
30 pretrial officer's or peace officer's] such person's immediate family contained in the department's
31 motor vehicle or driver registration records, based on a specific request for such information from
32 any person. Any such person [who is a county, state or federal parole officer or who is a federal
33 pretrial officer or who is a peace officer pursuant to section 590.100] may notify the department of
34 [such] his or her status and the department shall protect the confidentiality of the home address
35 and vehicle records on such a person and his or her immediate family as required by this section.
36 If such member of the judiciary's status changes and he or she and his or her immediate family do

1 not qualify for the exemption contained in this subsection, such person shall notify the department
2 and the department's records shall be revised. This section shall not prohibit the department from
3 releasing information on a motor registration list pursuant to section 32.055 or from releasing
4 information on any officer who holds a class A, B or C commercial driver's license pursuant to the
5 Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

6 56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August
7 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of
8 this section shall be paid from county or city funds.

9 2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003,
10 each county treasurer shall pay to the system the following amounts to be drawn from the general
11 revenues of the county:

12 (1) For counties of the third and fourth classification except as provided in subdivision (3)
13 of this subsection, three hundred seventy-five dollars;

14 (2) For counties of the second classification, five hundred forty-one dollars and
15 sixty-seven cents;

16 (3) For counties of the first classification, counties which pursuant to section 56.363 elect
17 to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose
18 county commission has elected a full-time retirement benefit pursuant to subsection 3 of section
19 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven
20 cents.

21 3. Beginning August 28, 1989, and continuing until August 27, 2003, the county treasurer
22 shall at least monthly transmit the sums specified in subsection 2 of this section to the Missouri
23 office of prosecution services for deposit to the credit of the "Missouri Prosecuting Attorneys and
24 Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys held by the
25 state treasurer on behalf of the system shall be paid to the system within ninety days after August
26 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system
27 fund shall be used only for the purposes provided in sections 56.800 to 56.840 and for no other
28 purpose.

29 4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys
30 provided for in this section shall be paid from county or city funds and the surcharge established
31 in this section and collected as provided by this section and sections 488.010 to 488.020.

32 5. Beginning August 28, 2003, each county treasurer shall pay to the system the following
33 amounts to be drawn from the general revenues of the county:

34 (1) For counties of the third and fourth classification except as provided in subdivision (3)
35 of this subsection, one hundred eighty-seven dollars;

36 (2) For counties of the second classification, two hundred seventy-one dollars;

1 (3) For counties of the first classification, counties which pursuant to section 56.363 elect
2 to make the position of prosecuting attorney a full-time position after August 28, 2001, or whose
3 county commission has elected a full-time retirement benefit pursuant to subsection 3 of section
4 56.363, and the city of St. Louis, six hundred forty-six dollars.

5 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the
6 sums specified in subsection 5 of this section to the Missouri office of prosecution services for
7 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system
8 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund
9 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other
10 purpose.

11 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and
12 circuit attorneys shall be collected and paid as follows:

13 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases
14 filed in the courts of this state including violation of any county ordinance [or], any violation of
15 criminal or traffic laws of this state, including infractions and against any person who pled guilty
16 and paid a fine through a fine collection center, but no such surcharge shall be assessed when the
17 costs are waived or are to be paid by the state, county, or municipality or when a criminal
18 proceeding or the defendant has been dismissed by the court [or against any person who has pled
19 guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of this
20 section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

21 (2) The clerk responsible for collecting court costs in criminal cases shall collect and
22 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable
23 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the
24 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes
25 provided for in sections 56.800 to 56.840 and for no other purpose.

26 8. The board may accept gifts, donations, grants and bequests from private or public
27 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

28 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840
29 unless provided for by law.

30 67.136. 1. Notwithstanding any other provisions to the contrary, any local governmental
31 agency may utilize collections agencies to collect any debt as defined in this section.

32 2. For purposes of this section, the following terms shall mean:

33 (1) "Debt", any court or administrative fines or costs associated with a criminal conviction
34 or entry of a civil judgment which are legally owed and enforceable, and which are past due and
35 remain uncollected;

36 (2) "Debtor", any individual or entity owing a debt.

1 67.2010. 1. Any county of the first classification with more than eighty-two thousand but
2 less than eighty-two thousand one hundred inhabitants and any county of the first classification
3 with more than two hundred sixty thousand but fewer than three hundred thousand inhabitants
4 may elect to have the violations of county ordinances adopted pursuant to [section 304.130] the
5 authority provided by statute heard and determined by an associate circuit judge of the circuit in
6 which the county is located; provided, however, if such election is made, all violations of that
7 county's ordinances adopted pursuant to [section 304.130] statutory authority shall be heard and
8 determined before an associate circuit judge or judges. Nothing in this subsection shall preclude
9 the transfer or assignment of another judge to hear and determine a case or class of cases when
10 otherwise authorized by provisions of the constitution, law, or court rule.

11 2. If a county elects to have the violations of its county ordinances [adopted pursuant to
12 section 304.130] heard and determined by an associate circuit judge, the associate circuit judge or
13 judges shall commence hearing and determining such violations six months after the county
14 notifies the presiding judge of the circuit of its election. With the consent of the presiding judge,
15 the associate circuit judge or judges may commence hearing such violations at an earlier date.

16 195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except
17 as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
18 attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or
19 substance containing a detectable amount of heroin. Violations of this subsection shall be
20 punished as follows:

21 (1) If the quantity involved is more than thirty grams but less than ninety grams the person
22 shall be sentenced to the authorized term of imprisonment for a class A felony;

23 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
24 authorized term of imprisonment for a class A felony which term shall be served without
25 probation or parole.

26 2. A person commits the crime of trafficking drugs in the first degree if, except as
27 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
28 attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a
29 mixture or substance containing a detectable amount of coca leaves, except coca leaves and
30 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts
31 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;
32 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or
33 preparation which contains any quantity of any of the foregoing substances. Violations of this
34 subsection shall be punished as follows:

35 (1) If the quantity involved is more than one hundred fifty grams but less than four
36 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a

1 class A felony;

2 (2) If the quantity involved is four hundred fifty grams or more the person shall be
3 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
4 without probation or parole.

5 3. A person commits the crime of trafficking drugs in the first degree if, except as
6 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
7 attempts to distribute, deliver, manufacture or produce more than [two] twenty eight grams of a
8 mixture or substance described in subsection 2 of this section which contains cocaine base.

9 Violations of this subsection shall be punished as follows:

10 (1) If the quantity involved is more than [two] twenty eight grams but less than [six] two
11 hundred eighty grams the person shall be sentenced to the authorized term of imprisonment for a
12 class A felony;

13 (2) If the quantity involved is [six] two hundred eighty grams or more the person shall be
14 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
15 without probation or parole.

16 4. A person commits the crime of trafficking drugs in the first degree if, except as
17 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
18 attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a
19 mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).

20 Violations of this subsection shall be punished as follows:

21 (1) If the quantity involved is more than five hundred milligrams but less than one gram
22 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

23 (2) If the quantity involved is one gram or more the person shall be sentenced to the
24 authorized term of imprisonment for a class A felony which term shall be served without
25 probation or parole.

26 5. A person commits the crime of trafficking drugs in the first degree if, except as
27 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
28 attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or
29 substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection
30 shall be punished as follows:

31 (1) If the quantity involved is more than thirty grams but less than ninety grams the person
32 shall be sentenced to the authorized term of imprisonment for a class A felony;

33 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the
34 authorized term of imprisonment for a class A felony which term shall be served without
35 probation or parole.

36 6. A person commits the crime of trafficking drugs in the first degree if, except as

1 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
2 attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine.

3 Violations of this subsection shall be punished as follows:

4 (1) If the quantity involved is more than four grams but less than twelve grams the person
5 shall be sentenced to the authorized term of imprisonment for a class A felony;

6 (2) If the quantity involved is twelve grams or more the person shall be sentenced to the
7 authorized term of imprisonment for a class A felony which term shall be served without
8 probation or parole.

9 7. A person commits the crime of trafficking drugs in the first degree if, except as
10 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
11 attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture or
12 substance containing marijuana. Violations of this subsection shall be punished as follows:

13 (1) If the quantity involved is more than thirty kilograms but less than one hundred
14 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A
15 felony;

16 (2) If the quantity involved is one hundred kilograms or more the person shall be
17 sentenced to the authorized term of imprisonment for a class A felony which term shall be served
18 without probation or parole.

19 8. A person commits the crime of trafficking drugs in the first degree if, except as
20 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or
21 attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,
22 compound, mixture or preparation which contains any quantity of the following substances having
23 a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts
24 of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers;
25 phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to
26 violate this subsection shall be punished as follows:

27 (1) If the quantity involved is more than thirty grams but less than ninety grams the person
28 shall be sentenced to the authorized term of imprisonment for a class A felony;

29 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
30 grams or more and the location of the offense was within two thousand feet of a school or public
31 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
32 structure or building which contains rooms furnished for the accommodation or lodging of guests,
33 and kept, used, maintained, advertised, or held out to the public as a place where sleeping
34 accommodations are sought for pay or compensation to transient guests or permanent guests, the
35 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
36 shall be served without probation or parole.

1 9. A person commits the crime of trafficking drugs in the first degree if, except as
2 authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures, produces
3 or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,
4 compound, mixture or preparation which contains any quantity of
5 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
6 subsection shall be punished as follows:

7 (1) If the quantity involved is more than thirty grams but less than ninety grams the person
8 shall be sentenced to the authorized term of imprisonment for a class A felony;

9 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty
10 grams or more and the location of the offense was within two thousand feet of a school or public
11 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any
12 structure or building which contains rooms furnished for the accommodation or lodging of guests,
13 and kept, used, maintained, advertised, or held out to the public as a place where sleeping
14 accommodations are sought for pay or compensation to transient guests or permanent guests, the
15 person shall be sentenced to the authorized term of imprisonment for a class A felony which term
16 shall be served without probation or parole.

17 195.223. 1. A person commits the crime of trafficking drugs in the second degree if,
18 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,
19 purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture or
20 substance containing a detectable amount of heroin. Violations of this subsection shall be
21 punished as follows:

22 (1) If the quantity involved is more than thirty grams but less than ninety grams the person
23 shall be guilty of a class B felony;

24 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class A
25 felony.

26 2. A person commits the crime of trafficking drugs in the second degree if, except as
27 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
28 attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or
29 substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca
30 leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been
31 removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its
32 derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation
33 which contains any quantity of any of the foregoing substances. Violations of this subsection
34 shall be punished as follows:

35 (1) If the quantity involved is more than one hundred fifty grams but less than four
36 hundred fifty grams the person shall be guilty of a class B felony;

1 (2) If the quantity involved is four hundred fifty grams or more the person shall be guilty
2 of a class A felony.

3 3. A person commits the crime of trafficking drugs in the second degree if, except as
4 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
5 attempts to purchase, or brings into this state more than [two] twenty eight grams of a mixture or
6 substance described in subsection 2 of this section which contains cocaine base. Violations of this
7 subsection shall be punished as follows:

8 (1) If the quantity involved is more than [two] twenty eight grams but less than [six] two
9 hundred eighty grams the person shall be guilty of a class B felony;

10 (2) If the quantity involved is [six] two hundred eighty grams or more the person shall be
11 guilty of a class A felony.

12 4. A person commits the crime of trafficking drugs in the second degree if, except as
13 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
14 attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or
15 substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this
16 subsection shall be punished as follows:

17 (1) If the quantity involved is more than five hundred milligrams but less than one gram
18 the person shall be guilty of a class B felony;

19 (2) If the quantity involved is one gram or more the person shall be guilty of a class A
20 felony.

21 5. A person commits the crime of trafficking drugs in the second degree if, except as
22 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
23 attempts to purchase, or brings into this state more than thirty grams of a mixture or substance
24 containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be
25 punished as follows:

26 (1) If the quantity involved is more than thirty grams but less than ninety grams the person
27 shall be guilty of a class B felony;

28 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class A
29 felony.

30 6. A person commits the crime of trafficking drugs in the second degree if, except as
31 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
32 attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations
33 of this subsection shall be punished as follows:

34 (1) If the quantity involved is more than four grams but less than twelve grams the person
35 shall be guilty of a class B felony;

36 (2) If the quantity involved is twelve grams or more the person shall be guilty of a class A

1 felony.

2 7. A person commits the crime of trafficking drugs in the second degree if, except as
3 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
4 attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture or
5 substance containing marijuana. Violations of this subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty kilograms but less than one hundred
7 kilograms the person shall be guilty of a class B felony;

8 (2) If the quantity involved is one hundred kilograms or more the person shall be guilty of
9 a class A felony.

10 8. A person commits the class A felony of trafficking drugs in the second degree if, except
11 as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
12 attempts to purchase, or brings into this state more than five hundred marijuana plants.

13 9. A person commits the crime of trafficking drugs in the second degree if, except as
14 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or
15 attempts to purchase, or brings into this state more than thirty grams of any material, compound,
16 mixture or preparation which contains any quantity of the following substances having a stimulant
17 effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical
18 isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts;
19 or methylphenidate. Violations of this subsection or attempts to violate this subsection shall be
20 punished as follows:

21 (1) If the quantity involved is more than thirty grams but less than ninety grams the person
22 shall be guilty of a class B felony;

23 (2) If the quantity involved is ninety grams or more but less than four hundred fifty grams,
24 the person shall be guilty of a class A felony;

25 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
26 of a class A felony and the term of imprisonment shall be served without probation or parole.

27 10. A person commits the crime of trafficking drugs in the second degree if, except as
28 authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control,
29 purchases or attempts to purchase, or brings into this state more than thirty grams of any material,
30 compound, mixture or preparation which contains any quantity of
31 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this
32 subsection shall be punished as follows:

33 (1) If the quantity involved is more than thirty grams but less than ninety grams the person
34 shall be guilty of a class B felony;

35 (2) If the quantity involved is ninety grams or more but less than four hundred fifty grams,
36 the person shall be guilty of a class A felony;

1 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty
2 of a class A felony and the term of imprisonment shall be served without probation or parole.

3 210.567. Except to the extent disclosure is otherwise required by law, a public
4 governmental body may close meetings, records, and votes to the extent they relate to personal
5 information of any person obtained in the process of licensing a foster home, as described and
6 required under sections 210.481 to 210.536; except that, the division, as defined in section
7 210.481 and charged with licensing foster homes, shall make available for disclosure a report
8 containing the following information for each foster home:

9 (1) The names of all persons eighteen years of age or older licensed to operate the foster
10 home and the amount of state funds paid to the licensed operator for a foster care service;

11 (2) A description of the background investigation conducted on all persons operating or
12 maintaining the foster home, including a list of documents submitted by such persons, a statement
13 that such documents have been examined and approved as authentic, and a list of all meetings and
14 classes attended by such persons in order to obtain a license to operate or maintain a foster home;

15 (3) A description of all concerns raised during the background investigation and foster
16 home licensure process as well as a description of how such concerns were resolved;

17 (4) A description of such person's ability to perform the minimum competency
18 requirements of foster parents in accordance with rules promulgated by the division;

19 (5) A list of all references provided by each person, stating the name of the reference, how
20 and when the reference was contacted, and a brief description of the reference's opinion of such
21 person;

22 (6) The number of the operator's previous foster care assignments, if any;

23 (7) Any history of previous complaints involving the foster care operator or the foster
24 child.

25
26 The report shall not contain the address of any residence, nor shall it contain any personal
27 information not otherwise required in this subdivision which could be used by another to threaten,
28 harm, harass, or embarrass any person, nor shall it contain any information that is otherwise
29 closed, confidential, or privileged. In the event of serious injury, death, or criminal incident
30 involving a foster child, all records, including the address of the foster home, any complaints
31 made by any person since custodial care of the child began, or relating to personal information of
32 any person obtained in the process of licensing a foster home, shall be considered public records,
33 except the records that are otherwise confidential.

34 211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
35 court in circuits that have a family court as provided in sections 487.010 to 487.190 shall have
36 exclusive original jurisdiction in proceedings:

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

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

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

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

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

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

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

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

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

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

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

33 (3) Involving any child who is alleged to have violated a state law or municipal ordinance,
34 or any person who is alleged to have violated a state law or municipal ordinance prior to attaining
35 the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in
36 which the child or person resides or may be found or in which the violation is alleged to have

1 occurred; except that, the juvenile court shall not have jurisdiction over any child fifteen [and
2 one-half] years of age who is alleged to have violated a state or municipal traffic ordinance or
3 regulation, the violation of which does not constitute a felony, and except that the juvenile court
4 shall have concurrent jurisdiction with the municipal court over any child who is alleged to have
5 violated a municipal curfew ordinance, and except that the juvenile court shall have concurrent
6 jurisdiction with the circuit court on any child who is alleged to have violated a state or municipal
7 ordinance or regulation prohibiting possession or use of any tobacco product;

8 (4) For the adoption of a person;

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

11 (6) Involving an order of protection pursuant to chapter 455 when the respondent is less
12 than seventeen years of age.

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

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

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

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

30 (4) Upon motion of any party or upon its own motion at any time following a judgment of
31 disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
32 may place the child or person seventeen years of age under the supervision of another juvenile
33 court within or without the state pursuant to section 210.570 with the consent of the receiving
34 court;

35 (5) Upon motion of any child or person seventeen years of age or his or her parent, the
36 court having jurisdiction shall grant one change of judge pursuant to Missouri Supreme Court

1 Rules;

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

6 3. In any proceeding involving any child or person seventeen years of age taken into
7 custody in a county other than the county of the child's residence or the residence of a person
8 seventeen years of age, the juvenile court of the county of the child's residence or the residence of
9 a person seventeen years of age shall be notified of such taking into custody within seventy-two
10 hours.

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

18 5. The disability or disease of a parent shall not constitute a basis for a determination that
19 a child is a child in need of care or for the removal of custody of a child from the parent without a
20 specific showing that there is a causal relation between the disability or disease and harm to the
21 child.

22 211.093. Except as otherwise provided under section 452.374, any order or judgment
23 entered by the court under authority of this chapter or chapter 210 shall, so long as such order or
24 judgment remains in effect, take precedence over any order or judgment concerning the status or
25 custody of a child under age twenty-one entered by a court under authority of chapter 452, 453,
26 454 or 455, but only to the extent inconsistent therewith.

27 211.177. 1. Except as otherwise prohibited under section 452.374, a grandparent shall
28 have a right to intervene in any proceeding initiated pursuant to the provisions of this chapter, in
29 which the custody of a grandchild is in issue, unless the juvenile judge decides after considering a
30 motion to intervene by the grandparent that such intervention is against the best interest of the
31 child.

32 2. The right of a grandparent to intervene pursuant to the provisions of this section may
33 terminate upon the adoption of the child except where the child is adopted by a stepparent,
34 another grandparent or other blood relative.

35 211.444. 1. The juvenile court may, upon petition of the juvenile officer or a
36 child-placing agency licensed under sections 210.481 to 210.536 in conjunction with a placement

1 with such agency under subsection 6 of section 453.010, the children's division, or the court
2 before which a petition for adoption has been filed pursuant to the provisions of chapter 453,
3 terminate the rights of a parent or approve the consent to adoption or waiver of consent to
4 adoption by a parent, as defined in section 211.442, or of a named father to a child, including a
5 child who is a ward of the court, if the court finds that such termination or consent to adoption or
6 waiver of consent to adoption is in the best interests of the child and the parent, as defined in
7 section 211.442, has consented in writing to the termination of his or her parental rights or
8 consented or waived consent to the adoption.

9 2. The written consent required by subsection 1 of this section may be executed before or
10 after the institution of the proceedings and shall be acknowledged before a notary public. In lieu
11 of such acknowledgment, the signature of the person giving the written consent shall be witnessed
12 by at least two adult persons who are present at the execution whose signatures and addresses
13 shall be plainly written thereon and who determine and certify that the consent is knowingly and
14 freely given. The two adult witnesses shall not be the prospective parents. The notary public or
15 witnesses shall verify the identity of the party signing the consent.

16 3. The written consent required by subsection 1 of this section shall be valid and effective
17 only after the child is at least forty-eight hours old and if it complies with the other requirements
18 of section 453.030.

19 400.9-311. (a) Except as otherwise provided in subsection (d), the filing of a financing
20 statement is not necessary or effective to perfect a security interest in property subject to:

21 (1) A statute, regulation, or treaty of the United States whose requirements for a security
22 interest's obtaining priority over the rights of a lien creditor with respect to the property preempt
23 section 400.9-310(a);

24 (2) Sections 301.600 to 301.661, section 700.350, and section 400.2A-304; or

25 (3) A certificate-of-title statute of another jurisdiction which provides for a security
26 interest to be indicated on the certificate as a condition or result of the security interest's obtaining
27 priority over the rights of a lien creditor with respect to the property.

28 (b) Compliance with the requirements of a statute, regulation, or treaty described in
29 subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a
30 financing statement under this article. Except as otherwise provided in subsection (d) and
31 sections 400.9-313 and 400.9-316(d) and (e) for goods covered by a certificate of title, a security
32 interest in property subject to a statute, regulation, or treaty described in subsection (a) may be
33 perfected only by compliance with those requirements, and a security interest so perfected remains
34 perfected notwithstanding a change in the use or transfer of possession of the collateral.

35 (c) Except as otherwise provided in subsection (d) and section 400.9-316(d) and (e),
36 duration and renewal of perfection of a security interest perfected by compliance with the

1 requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed
2 by the statute, regulation, or treaty. In other respects, the security interest is subject to this article.

3 (d) During any period in which collateral is inventory held for sale or lease by a person or
4 leased by that person as lessor and that person is in the business of selling [or leasing] goods of
5 that kind, this section does not apply to a security interest in that collateral created by that person
6 [as debtor].

7 452.374. 1. The court shall deny any individual custody, parenting time, and contact with
8 a biological child, including during the pendency of any criminal investigation, criminal charges,
9 or any other criminal proceeding resulting from or alleging an act of rape by such individual, if:

10 (1) The individual is a biological parent of the child or alleges to be a biological parent of
11 the child; and

12 (2) The court finds by clear and convincing evidence that the child was conceived as the
13 result of an act of rape and the individual described in subdivision (1) of this subsection was the
14 perpetrator of the act of rape.

15 2. If the court denies an individual custody, parenting time, and contact with a biological
16 child under subsection 1 of this section, the court shall not require the individual to pay child
17 support for such child.

18 3. The court shall order an individual who is denied custody, parenting time, and contact
19 with a biological child under subsection 1 of this section to pay the prevailing party a reasonable
20 amount for:

21 (1) The cost of maintaining an action under this chapter; and

22 (2) Attorney's fees, including amounts for legal services provided and costs incurred,
23 before the commencement of the proceedings or after entry of judgment.

24
25 The court may order the amount awarded under this subsection to be paid directly to the attorney
26 of the prevailing party, who may enforce the order in the attorney's name.

27 4. No parent of an individual described in subsection 1 of this section shall have standing
28 as a grandparent or otherwise be permitted to file an action for custody or parenting time with a
29 child during the pendency of any proceedings under this section or during the pendency of any
30 criminal investigation, criminal charges, or any other criminal proceeding resulting from or
31 alleging an act of rape by such parent's child.

32 5. This section shall not apply if the biological parents were married at the time the child
33 was conceived.

34 452.402. 1. Except as otherwise prohibited under section 452.374, the court may grant
35 reasonable visitation rights to the grandparents of the child and issue any necessary orders to
36 enforce the decree. The court may grant grandparent visitation when:

1 (1) The parents of the child have filed for a dissolution of their marriage. A grandparent
2 shall have the right to intervene in any dissolution action solely on the issue of visitation rights.
3 Grandparents shall also have the right to file a motion to modify the original decree of dissolution
4 to seek visitation rights when visitation has been denied to them; or

5 (2) One parent of the child is deceased and the surviving parent denies reasonable
6 visitation to a parent of the deceased parent of the child; or

7 (3) The child has resided in the grandparent's home for at least six months within the
8 twenty-four month period immediately preceding the filing of the petition; and

9 (4) A grandparent is unreasonably denied visitation with the child for a period exceeding
10 ninety days. However, if the natural parents are legally married to each other and are living
11 together with the child, a grandparent may not file for visitation pursuant to this subdivision.

12 2. The court shall determine if the visitation by the grandparent would be in the child's
13 best interest or if it would endanger the child's physical health or impair the child's emotional
14 development. Visitation may only be ordered when the court finds such visitation to be in the best
15 interests of the child. However, when the parents of the child are legally married to each other
16 and are living together with the child, it shall be a rebuttable presumption that such parents know
17 what is in the best interest of the child. The court may order reasonable conditions or restrictions
18 on grandparent visitation.

19 3. If the court finds it to be in the best interests of the child, the court may appoint a
20 guardian ad litem for the child. The guardian ad litem shall be an attorney licensed to practice law
21 in Missouri. The guardian ad litem may, for the purpose of determining the question of
22 grandparent visitation rights, participate in the proceedings as if such guardian ad litem were a
23 party. The court shall enter judgment allowing a reasonable fee to the guardian ad litem.

24 4. A home study, as described by section 452.390, may be ordered by the court to assist in
25 determining the best interests of the child.

26 5. The court may, in its discretion, consult with the child regarding the child's wishes in
27 determining the best interest of the child.

28 6. The right of a grandparent to maintain visitation rights pursuant to this section may
29 terminate upon the adoption of the child.

30 7. The court may award reasonable attorneys fees and expenses to the prevailing party.

31 453.030. 1. In all cases the approval of the court of the adoption shall be required and
32 such approval shall be given or withheld as the welfare of the person sought to be adopted may, in
33 the opinion of the court, demand.

34 2. The written consent of the person to be adopted shall be required in all cases where the
35 person sought to be adopted is fourteen years of age or older, except where the court finds that
36 such child has not sufficient mental capacity to give the same. In a case involving a child under

1 fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings about
2 his or her adoption by conducting an interview or interviews with the child, if appropriate based
3 on the child's age and maturity level, which shall be considered by the court as a factor in
4 determining if the adoption is in the child's best interests.

5 3. With the exceptions specifically enumerated in section 453.040, when the person
6 sought to be adopted is under the age of eighteen years, the written consent of the following
7 persons shall be required and filed in and made a part of the files and record of the proceeding:

8 (1) The mother of the child; and

9 (2) Only the man who:

10 (a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection 1
11 of section 210.822; or

12 (b) Has filed an action to establish his paternity in a court of competent jurisdiction no
13 later than fifteen days after the birth of the child and has served a copy of the petition on the
14 mother in accordance with section 506.100; or

15 (c) Filed with the putative father registry pursuant to section 192.016 a notice of intent to
16 claim paternity or an acknowledgment of paternity either prior to or within fifteen days after the
17 child's birth, and has filed an action to establish his paternity in a court of competent jurisdiction
18 no later than fifteen days after the birth of the child; or

19 (3) The child's current adoptive parents or other legally recognized mother and father.

20 Upon request by the petitioner and within one business day of such request, the clerk of the local
21 court shall verify whether such written consents have been filed with the court.

22 4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section
23 may be executed before or after the commencement of the adoption proceedings, and shall be
24 executed in front of a judge or acknowledged before a notary public. If consent is executed in
25 front of a judge, it shall be the duty of the judge to advise the consenting birth parent of the
26 consequences of the consent. In lieu of such acknowledgment, the signature of the person giving
27 such written consent shall be witnessed by the signatures of at least two adult persons whose
28 signatures and addresses shall be plainly written thereon. The two adult witnesses shall not be the
29 prospective adoptive parents or any attorney representing a party to the adoption proceeding. The
30 notary public or witnesses shall verify the identity of the party signing the consent.

31 5. The written consent required in subdivision (1) of subsection 3 of this section by the
32 birth parent shall not be executed anytime before the child is forty-eight hours old. Such written
33 consent shall be executed in front of a judge or acknowledged before a notary public. If consent is
34 executed in front of a judge, it shall be the duty of the judge to advise the consenting party of the
35 consequences of the consent. In lieu of such acknowledgment, the signature of the person giving
36 such written consent shall be witnessed by the signatures of at least two adult persons who are

1 present at the execution whose signatures and addresses shall be plainly written thereon and who
2 determine and certify that the consent is knowingly and freely given. The two adult witnesses
3 shall not be the prospective adoptive parents or any attorney representing a party to the adoption
4 proceeding. The notary public or witnesses shall verify the identity of the party signing the
5 consent.

6 6. [The written consents shall be reviewed and, if found to be in compliance with this
7 section, approved by the court within three business days of such consents being presented to the
8 court. Upon review, in lieu of approving the consent within three business days, the court may set
9 a date for a prompt evidentiary hearing upon notice to the parties. Failure to review and approve
10 the written consent within three business days shall not void the consent, but a party may seek a
11 writ of mandamus from the appropriate court, unless an evidentiary hearing has been set by the
12 court pursuant to this subsection.

13 7. The written consent required in subsection 3 of this section may be withdrawn anytime
14 until it has been reviewed and accepted by a judge.

15 8.] A consent is final when executed, unless the consenting party, prior to a final decree of
16 adoption, alleges and proves by clear and convincing evidence that the consent was not freely and
17 voluntarily given. The burden of proving the consent was not freely and voluntarily given shall
18 rest with the consenting party. Consents in all cases shall have been executed not more than six
19 months prior to the date the petition for adoption is filed.

20 7. A consent form shall be developed through rules and regulations promulgated by the
21 department of social services. No rule or portion of a rule promulgated under the authority of this
22 section shall become effective unless it has been promulgated pursuant to the provisions of
23 chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development
24 of a consent form by the department and the written consent complies with the provisions of
25 subsection [9] 8 of this section, such written consent shall be deemed valid.

26 [9.] 8. However, the consent form must specify that:

27 (1) The birth parent understands the importance of identifying all possible fathers of the
28 child and may provide the names of all such persons; and

29 (2) The birth parent understands that if he denies paternity, but consents to the adoption,
30 he waives any future interest in the child.

31 [10.] 9. The written consent to adoption required by subsection 3 and executed through
32 procedures set forth in subsection 5 of this section shall be valid and effective even though the
33 parent consenting was under eighteen years of age, if such parent was represented by an attorney
34 or a guardian ad litem, at the time of the execution thereof.

35 [11.] 10. Where the person sought to be adopted is eighteen years of age or older, his or
36 her written consent alone to his or her adoption shall be sufficient.

1 [12.] 11. A birth parent, including a birth parent less than eighteen years of age, shall have
2 the right to legal representation and payment of any reasonable legal fees incurred throughout the
3 adoption process. In addition, the court may appoint an attorney to represent a birth parent if:

4 (1) A birth parent requests representation;

5 (2) The court finds that hiring an attorney to represent such birth parent would cause a
6 financial hardship for the birth parent; and

7 (3) The birth parent is not already represented by counsel.

8 [13.] 12. Except in cases where the court determines that the adoptive parents are unable
9 to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court shall
10 order the costs of the attorney fees incurred pursuant to subsection [12] 11 of this section to be
11 paid by the prospective adoptive parents or the child-placing agency.

12 453.050. 1. The juvenile court may, upon application, permit a parent to waive the
13 necessity of [his] such person's consent to a future adoption of the child. However, that approval
14 cannot be granted until the child is at least two days old.

15 2. The waiver of consent may be executed before or after the institution of the adoption
16 proceedings, and shall be executed in front of a judge or acknowledged before a notary public, or
17 in lieu of such acknowledgment, the signature of the person giving such written consent shall be
18 witnessed by the signatures of at least two adult persons whose addresses shall be plainly written
19 thereon. If waiver of consent is executed in front of a judge, it shall be the duty of the judge to
20 advise the consenting party of the consequences of the waiver of consent.

21 3. A waiver of consent shall be valid and effective even though the parent waiving
22 consent was under eighteen years of age at the time of the execution thereof.

23 453.065. As used in sections 453.065 to 453.074, the following words and terms shall
24 have the meanings indicated:

25 (1) "Child", a person within the state who is under the age of eighteen or in the custody of
26 the division of family services who is in need of medical, dental, educational, mental or other
27 related health services and treatment, as defined in this section, or who belongs to a racial or
28 ethnic minority, who is five years of age or older, or who is a member of a sibling group, and for
29 whom an adoptive home is not readily available. If the physical, dental or mental condition of the
30 child requires care after the age of eighteen, payment can be continued with the approval of the
31 division of family services of the department of social services and subject to annual review;

32 (2) "Diminishing allotment", a monthly payment which periodically diminishes over a
33 period of not longer than four years at which time it ceases;

34 (3) "Long term subsidy", a continuous monthly payment toward the child's care for a
35 period of more than four years;

36 (4) "Post adoption contract agreement", a written agreement approved by the court under

1 subsection 4 of section 453.080;

2 (5) "Special services", an allotment to a child who is in need of medical, dental,
3 educational, mental health or other related health services and treatment, including treatment for
4 physical handicap, intellectual impairment, developmental disability, mental or emotional
5 disturbance, social maladjustment;

6 ~~[(5)]~~ (6) "Time limited subsidy", a monthly allotment which is continued for a limited
7 time after legal adoption, not exceeding four years. This compensation is to aid the family in
8 integrating the care of the new child in their home.

9 453.080. 1. The court shall conduct a hearing to determine whether the adoption shall be
10 finalized. During such hearing, the court shall ascertain whether:

11 (1) The person sought to be adopted, if a child, has been in the lawful and actual custody
12 of the petitioner for a period of at least six months prior to entry of the adoption decree; except
13 that the six-month period may be waived if the person sought to be adopted is a child who is
14 under the prior and continuing jurisdiction of a court pursuant to chapter 211 and the person
15 desiring to adopt the child is the child's current foster parent. "Lawful and actual custody" shall
16 include a transfer of custody pursuant to the laws of this state, another state, a territory of the
17 United States, or another country;

18 (2) The court has received and reviewed:

19 (a) A postplacement assessment on the monthly contacts with the adoptive family
20 pursuant to section 453.077, except for good cause shown in the case of a child adopted from a
21 foreign country;

22 (b) An investigation report under section 453.070, if any;

23 (c) An investigation and social study under section 211.455, if any;

24 (3) The court has received and reviewed an updated financial affidavit;

25 (4) The court has received the recommendations of the guardian ad litem and has received
26 and reviewed the recommendations of the person placing the child, the person making the
27 assessment and the person making the postplacement assessment;

28 (5) There is compliance with the uniform child custody jurisdiction act, sections 452.440
29 to 452.550;

30 (6) There is compliance with the Indian Child Welfare Act, if applicable;

31 (7) There is compliance with the Interstate Compact on the Placement of Children
32 pursuant to section 210.620; and

33 (8) It is fit and proper that such adoption should be made.

34 2. If a petition for adoption has been filed pursuant to section 453.010 and a transfer of
35 custody has occurred pursuant to section 453.110, the court may authorize the filing for
36 finalization in another state if the adoptive parents are domiciled in that state.

1 3. If the court determines the adoption should be finalized, a [decree] judgment shall be
2 issued setting forth the facts and ordering that from the date of the [decree] judgment the adoptee
3 shall be for all legal intents and purposes the child of the petitioner or petitioners. The court may
4 decree that the name of the person sought to be adopted be changed, according to the prayer of the
5 petition.

6 4. Before the completion of an adoption, the exchange of information among the parties
7 shall be at the discretion of the parties. Prospective adoptive parents and parents of a prospective
8 adoptee may enter into a written post adoption contract agreement to allow contact after the
9 adoption between the parents, siblings, or other relatives of the adoptee and the adoptee and the
10 adoptive parents. Upon completion of an adoption, further contact among the parties shall be at
11 the discretion of the adoptive parents, and such adoptive parents may exercise their discretion to
12 enter into a written post adoption contract agreement with the former parents of an adoptee to
13 allow contact between a former parent, sibling, or other relative of the adoptee and the adoptee or
14 adoptive parents. The agreement shall be in writing, signed by the parties thereto, and be made a
15 part of the court record. The agreement shall include:

16 (1) An acknowledgment by the former parents that the adoption is irrevocable, even if the
17 adoptive parents do not abide by the post adoption contract agreement;

18 (2) An acknowledgment by the adoptive parents that the agreement grants the former
19 parents the right to seek to enforce the post adoption privileges set forth in the agreement.

20
21 The court shall enforce a written post adoption contract agreement made in accordance with this
22 subsection unless enforcement is not in the best interest of the adoptee. The court shall not have
23 jurisdiction to deny continuing contact between the adopted person and the birth parent, or an
24 adoptive parent and a birth parent. Additionally, the court shall not have jurisdiction to deny an
25 exchange of identifying information between an adoptive parent and a birth parent.

26 5. By July 1, 2013, the Missouri supreme court shall develop a standardized form to be
27 used in all adoption cases which includes a checklist to verify all of the documents and procedures
28 required under this section have been submitted, followed, and reviewed by the judge prior to
29 entering a final order. Such form shall include, but not be limited to, attachment of any written
30 reports or assessments required under this section and the signature of the judge attesting to the
31 submission and review of such form and attachments prior to entering a final order. Such form
32 and attachments shall be included as part of the adoption record.

33 456.950. 1. As used in this section, "qualified spousal trust" means a trust:

34 (1) The settlors of which are husband and wife at the time of the creation of the trust; and

35 (2) The terms of which provide that during the joint lives of the settlors all property or
36 interests in property transferred to, or held by, the trustee are [either]:

1 (a) Held and administered in one trust for the benefit of both settlors, revocable by either or
2 both settlors acting together while either or both are alive, and each settlor having the right to
3 receive distributions of income or principal, whether mandatory or within the discretion of the
4 trustee, from the entire trust for the joint lives of the settlors and for the survivor's life; or

5 (b) Held and administered in two separate shares of one trust for the benefit of each of the
6 settlors, with the trust revocable by each settlor with respect to that settlor's separate share of that
7 trust without the participation or consent of the other settlor, and each settlor having the right to
8 receive distributions of income or principal, whether mandatory or within the discretion of the
9 trustee, from that settlor's separate share for that settlor's life; or

10 (c) Held and administered under the terms and conditions contained in paragraphs (a) and (b)
11 of this subdivision.

12 2. A qualified spousal trust may contain any other trust terms that are not inconsistent with the
13 provisions of this section.

14 3. Property or interests in property held as tenants by the entirety by a husband and wife that is
15 at any time transferred to the trustee of a qualified spousal trust of which the husband and wife are
16 the settlors shall be held and administered as provided by the trust terms in accordance with
17 [either] paragraph (a) [or], (b), or (c) of subdivision (2) of subsection 1 of this section, and all
18 such property and interests in property, including the proceeds thereof, the income thereon, and
19 any property into which such property, proceeds, or income may be converted, shall thereafter
20 have the same immunity from the claims of the separate creditors of the settlors as would have
21 existed if the settlors had continued to hold that property as husband and wife as tenants by the
22 entirety, so long as:

23 (1) Both settlors are alive and remain married; and

24 (2) The property, proceeds, or income continue to be held in trust by the trustee of the
25 qualified spousal trust.

26 4. Property or interests in property held by a husband and wife or held in the sole name of a
27 husband or wife that is not held as tenants by the entirety and is transferred to a qualified spousal
28 trust shall be held as directed in the qualified spousal trust's governing instrument or in the
29 instrument of transfer and the rights of any claimant to any interest in that property shall not be
30 affected by this section.

31 5. Upon the death of each settlor, all property and interests in property held by the trustee of
32 the qualified spousal trust shall be distributed as directed by the then current terms of the
33 governing instrument of such trust. Upon the death of the first settlor to die, if immediately prior
34 to death the predeceased settlor's interest in the qualified spousal trust was then held in such
35 settlor's separate share, the property or interests in property in such settlor's separate share may
36 pass into an irrevocable trust for the benefit of the surviving settlor upon such terms as the

1 governing instrument shall direct, including without limitation a spendthrift provision as provided
2 in section 456.5-502.

3 6. No transfer by a husband and wife as settlors to a qualified spousal trust shall affect or
4 change either settlor's marital property rights to the transferred property or interest therein
5 immediately prior to such transfer in the event of dissolution of marriage of the spouses, unless
6 both spouses otherwise expressly agree in writing.

7 7. This section shall apply to all trusts which fulfill the criteria set forth in this section for a
8 qualified spousal trust regardless of whether such trust was created before or after August 28,
9 2011.

10 456.8-808. 1. While a trust is revocable, the trustee may follow a direction of the settlor
11 that is contrary to the terms of the trust.

12 2. [If the terms of a trust confer upon a person other than the settlor of a revocable trust
13 power to direct certain actions of the trustee, the trustee shall act in accordance with an exercise of
14 the power unless the attempted exercise is contrary to the terms of the trust or the trustee knows
15 the attempted exercise would constitute a serious breach of a fiduciary duty that the person
16 holding the power owes to the beneficiaries of the trust.

17 3. The terms of a trust may confer upon a trustee or other person a power to direct the
18 modification or termination of the trust.

19 4. A person, other than a beneficiary, who holds a power to direct is presumptively a
20 fiduciary who, as such, is required to act in good faith with regard to the purposes of the trust and
21 the interests of the beneficiaries. The holder of a power to direct is liable for any loss that results
22 from breach of a fiduciary duty.] A trust instrument may provide for the appointment of a trust
23 protector. For purposes of this section, a "trust protector", whether referred to in the trust
24 instrument by that name or by some other name, is a person, other than the settlor, a trustee, or a
25 beneficiary, who is expressly granted in the trust instrument one or more powers over the trust.

26 3. A trust protector appointed in the trust instrument shall have only the powers granted to
27 the trust protector by the express terms of the trust instrument, and a trust protector is only
28 authorized to act within the scope of the authority expressly granted in the trust instrument.
29 Without limiting the authority of the settlor to grant powers to a trust protector, the express
30 powers that may be granted include, but are not limited to, the following:

31 (1) Remove and appoint a trustee or name a successor trustee or trust protector;

32 (2) Modify or amend the trust instrument to:

33 (a) Achieve favorable tax status or respond to changes in the Internal Revenue Code or
34 state law, or the rulings and regulations under such code or law;

35 (b) Reflect legal changes that affect trust administration;

36 (c) Correct errors or ambiguities that might otherwise require court construction; or

- 1 (d) Correct a drafting error that defeats a grantor's intent;
2 (3) Increase, decrease, modify, or restrict the interests of the beneficiary or beneficiaries
3 of the trust;
4 (4) Terminate the trust in favor of the beneficiary or beneficiaries of the trust;
5 (5) Change the applicable law governing the trust and the trust situs; or
6 (6) Such other powers as are expressly granted to the trust protector in the trust
7 instrument.

8 4. Notwithstanding any provision in the trust instrument to the contrary, a trust protector
9 shall have no power to modify a trust to:

10 (1) Remove a requirement from a trust created to meet the requirements of 42 U.S.C.
11 Section 1396p(d)(4) to payback a governmental entity for benefits provided to the permissible
12 beneficiary of the trust at the death of that beneficiary; or

13 (2) Reduce or eliminate an income interest of the income beneficiary of any of the
14 following types of trusts:

15 (a) A trust for which a marital deduction has been taken for federal tax purposes under
16 Section 2056 or 2523 of the Internal Revenue Code or for state tax purposes under any
17 comparable provision of applicable state law, during the life of the settlor's spouse;

18 (b) A charitable remainder trust under Section 664 of the Internal Revenue Code, during
19 the life of the noncharitable beneficiary;

20 (c) A grantor retained annuity trust under Section 2702 of the Internal Revenue Code,
21 during any period in which the settlor is a beneficiary; or

22 (d) A trust for which an election as a qualified Sub-Chapter S Trust under Section 1361(d)
23 of the Internal Revenue Code is currently in place.

24 5. Except to the extent otherwise provided in a trust instrument specifically referring to
25 this subsection, the trust protector shall not exercise a power in a way that would result in a
26 taxable gift for federal gift tax purposes or cause the inclusion of any assets of the trust in the trust
27 protector's gross estate for federal estate tax purposes.

28 6. Except to the extent otherwise provided in the trust instrument and in subsection 7 of
29 this section, and notwithstanding any provision of sections 456.1-101 to 456.11-1106 to the
30 contrary:

31 (1) A trust protector shall act in a fiduciary capacity in carrying out the powers granted to
32 the trust protector in the trust instrument, and shall have such duties to the beneficiaries, the
33 settlor, or the trust as set forth in the trust instrument. A trust protector is not a trustee, and is not
34 liable or accountable as a trustee when performing or declining to perform the express powers
35 given to the trust protector in the trust instrument. A trust protector is not liable for the acts or
36 omissions of any fiduciary or beneficiary under the trust instrument;

1 (2) A trust protector is exonerated from any and all liability for the trust protector's acts or
2 omissions, or arising from any exercise or nonexercise of the powers expressly conferred on the
3 trust protector in the trust instrument, unless it is established by a preponderance of the evidence
4 that the acts or omissions of the trust protector were done or omitted in breach of the trust
5 protector's duty, in bad faith or with reckless indifference;

6 (3) A trust protector is authorized to exercise the express powers granted in the trust
7 instrument at any time and from time to time after the trust protector acquires knowledge of their
8 appointment as trust protector and of the powers granted;

9 (4) A trust protector is entitled to receive, from the assets of the trust for which the trust
10 protector is acting, reasonable compensation, and reimbursement of the reasonable costs and
11 expenses incurred, in determining whether to carry out, and in carrying out, the express powers
12 given to the trust protector in the trust instrument;

13 (5) A trust protector is entitled to receive, from the assets of the trust for which the trust
14 protector is acting, reimbursement of the reasonable costs and expenses, including attorney's fees,
15 of defending any claim made against the trust protector arising from the acts or omissions of the
16 trust protector acting in that capacity unless it is established by clear and convincing evidence that
17 the trust protector was acting in bad faith or with reckless indifference; and

18 (6) The express powers granted in the trust instrument shall not be exercised by the trust
19 protector for the trust protector's own personal benefit.

20 7. If a trust protector is granted a power in the trust instrument to direct, consent to, or
21 disapprove a trustee's actual or proposed investment decision, distribution decision, or other
22 decision of the trustee required to be performed under applicable trust law in carrying out the
23 duties of the trustee in administering the trust, then only with respect to such power, excluding the
24 powers identified in subsection 3 of this section, the trust protector shall have the same duties and
25 liabilities as if serving as a trustee under the trust instrument.

26 8. A trustee shall carry out the written directions given to the trustee by a trust protector
27 acting within the scope of the powers expressly granted to the trust protector in the trust
28 instrument. Except in cases of bad faith or reckless indifference on the part of the trustee, or as
29 otherwise provided in the trust instrument, the trustee shall not be liable for any loss resulting
30 directly or indirectly from any act taken or omitted as a result of the written direction of the trust
31 protector or the failure of the trust protector to provide consent. Except as otherwise provided in
32 the trust instrument, the trustee shall have no duty to monitor the conduct of the trust protector,
33 provide advice to or consult with the trust protector, or communicate with or warn or apprise any
34 beneficiary concerning instances in which the trustee would or might have exercised the trustee's
35 own discretion in a manner different from the manner directed by the trust protector.

36 9. Except to the extent otherwise expressly provided in the trust instrument, the trust

1 protector shall be entitled to receive information regarding the administration of the trust as
2 follows:

3 (1) Upon the request of the trust protector, unless unreasonable under the circumstances,
4 the trustee shall promptly provide to the trust protector any and all information related to the trust
5 that may relate to the exercise or nonexercise of a power expressly granted to the trust protector in
6 the trust instrument. The trustee has no obligation to provide any information to the trust
7 protector except to the extent a trust protector requests information under this section;

8 (2) The request of the trust protector for information under this section shall be with
9 respect to a single trust that is sufficiently identified to enable the trustee to locate the records of
10 the trust; and

11 (3) If the trustee is bound by any confidentiality restrictions with respect to an asset of a
12 trust, a trust protector who requests information under this section about such asset shall agree to
13 be bound by the confidentiality restrictions that bind the trustee before receiving such information
14 from the trustee.

15 10. A trust protector may resign by giving thirty days' written notice to the trustee and any
16 successor trust protector. A successor trust protector, if any, shall have all the powers expressly
17 granted in the trust instrument to the resigning trust protector unless such powers are expressly
18 modified for the successor trust protector.

19 11. A trust protector of a trust having its principal place of administration in this state
20 submits personally to the jurisdiction of the courts of this state during any period that the principal
21 place of administration of the trust is located in this state and the trust protector is serving in such
22 capacity.

23 476.055. 1. There is hereby established in the state treasury the "Statewide Court
24 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,
25 contributions, devises, bequests, and grants received relating to automation of judicial record
26 keeping, and moneys received by the judicial system for the dissemination of information and
27 sales of publications developed relating to automation of judicial record keeping, shall be credited
28 to the fund. Moneys credited to this fund may only be used for the purposes set forth in this
29 section and as appropriated by the general assembly. Any unexpended balance remaining in the
30 statewide court automation fund at the end of each biennium shall not be subject to the provisions
31 of section 33.080 requiring the transfer of such unexpended balance to general revenue; except
32 that, any unexpended balance remaining in the fund on September 1, 2013, shall be transferred to
33 general revenue.

34 2. The statewide court automation fund shall be administered by a court automation
35 committee consisting of the following: the chief justice of the supreme court, a judge from the
36 court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit

1 court, the commissioner of administration, two members of the house of representatives appointed
2 by the speaker of the house, two members of the senate appointed by the president pro tem of the
3 senate and two members of the Missouri Bar. The judge members and employee members shall
4 be appointed by the chief justice. The commissioner of administration shall serve ex officio. The
5 members of the Missouri Bar shall be appointed by the board of governors of the Missouri Bar.
6 Any member of the committee may designate another person to serve on the committee in place of
7 the committee member.

8 3. The committee shall develop and implement a plan for a statewide court automation
9 system. The committee shall have the authority to hire consultants, review systems in other
10 jurisdictions and purchase goods and services to administer the provisions of this section. The
11 committee may implement one or more pilot projects in the state for the purposes of determining
12 the feasibility of developing and implementing such plan. The members of the committee shall be
13 reimbursed from the court automation fund for their actual expenses in performing their official
14 duties on the committee.

15 4. Any purchase of computer software or computer hardware that exceeds five thousand
16 dollars shall be made pursuant to the requirements of the office of administration for lowest and
17 best bid. Such bids shall be subject to acceptance by the office of administration. The court
18 automation committee shall determine the specifications for such bids.

19 5. The court automation committee shall not require any circuit court to change any
20 operating system in such court, unless the committee provides all necessary personnel, funds and
21 equipment necessary to effectuate the required changes. No judicial circuit or county may be
22 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or county
23 has the approval of the court automation committee prior to incurring the specific cost.

24 6. Any court automation system, including any pilot project, shall be implemented,
25 operated and maintained in accordance with strict standards for the security and privacy of
26 confidential judicial records. Any person who knowingly releases information from a confidential
27 judicial record is guilty of a class B misdemeanor. Any person who, knowing that a judicial
28 record is confidential, uses information from such confidential record for financial gain is guilty
29 of a class D felony.

30 7. On the first day of February, May, August and November of each year, the court
31 automation committee shall file a report on the progress of the statewide automation system with
32 the joint legislative committee on court automation. Such committee shall consist of the
33 following:

- 34 (1) The chair of the house budget committee;
- 35 (2) The chair of the senate appropriations committee;
- 36 (3) The chair of the house judiciary committee;

1 (4) The chair of the senate judiciary committee;

2 (5) One member of the minority party of the house appointed by the speaker of the house
3 of representatives; and

4 (6) One member of the minority party of the senate appointed by the president pro
5 tempore of the senate.

6 8. The members of the joint legislative committee shall be reimbursed from the court
7 automation fund for their actual expenses incurred in the performance of their official duties as
8 members of the joint legislative committee on court automation.

9 9. Section 488.027 shall expire on September 1, [2013] 2018. The court automation
10 committee established pursuant to this section may continue to function until completion of its
11 duties prescribed by this section, but shall complete its duties prior to September 1, [2015] 2020.

12 10. This section shall expire on September 1, [2015] 2020.

13 479.011. 1. (1) The following cities may establish an administrative adjudication system
14 under this section:

15 (a) Any city not within a county;

16 (b) Any home rule city with more than four hundred thousand inhabitants and located in
17 more than one county; [and]

18 (c) Any home rule city with more than seventy-three thousand but fewer than seventy-five
19 thousand inhabitants; and

20 (d) Any home rule city with more than one hundred fifty-five thousand but fewer than two
21 hundred thousand inhabitants.

22 (2) The cities listed in subdivision (1) of this subsection may establish, by order or
23 ordinance, an administrative system for adjudicating housing, property maintenance, nuisance,
24 parking, and other civil, nonmoving municipal code violations consistent with applicable state
25 law. Such administrative adjudication system shall be subject to practice, procedure, and pleading
26 rules established by the state supreme court, circuit court, or municipal court. This section shall
27 not be construed to affect the validity of other administrative adjudication systems authorized by
28 state law and created before August 28, 2004.

29 2. The order or ordinance creating the administrative adjudication system shall designate
30 the administrative tribunal and its jurisdiction, including the code violations to be reviewed. The
31 administrative tribunal may operate under the supervision of the municipal court, parking
32 commission, or other entity designated by order or ordinance and in a manner consistent with state
33 law. The administrative tribunal shall adopt policies and procedures for administrative hearings,
34 and filing and notification requirements for appeals to the municipal or circuit court, subject to the
35 approval of the municipal or circuit court.

36 3. The administrative adjudication process authorized in this section shall ensure a fair

1 and impartial review of contested municipal code violations, and shall afford the parties due
2 process of law. The formal rules of evidence shall not apply in any administrative review or
3 hearing authorized in this section. Evidence, including hearsay, may be admitted only if it is the
4 type of evidence commonly relied upon by reasonably prudent persons in the conduct of their
5 affairs. The code violation notice, property record, and related documentation in the proper form,
6 or a copy thereof, shall be prima facie evidence of the municipal code violation. The officer who
7 issued the code violation citation need not be present.

8 4. An administrative tribunal may not impose incarceration or any fine in excess of the
9 amount allowed by law. Any sanction, fine or costs, or part of any fine, other sanction, or costs,
10 remaining unpaid after the exhaustion of, or the failure to exhaust, judicial review procedures
11 under chapter 536 shall be a debt due and owing the city, and may be collected in accordance with
12 applicable law.

13 5. Any final decision or disposition of a code violation by an administrative tribunal shall
14 constitute a final determination for purposes of judicial review. Such determination is subject to
15 review under chapter 536 or, at the request of the defendant made within ten days, a trial de novo
16 in the circuit court. After expiration of the judicial review period under chapter 536, unless stayed
17 by a court of competent jurisdiction, the administrative tribunal's decisions, findings, rules, and
18 orders may be enforced in the same manner as a judgment entered by a court of competent
19 jurisdiction. Upon being recorded in the manner required by state law or the uniform commercial
20 code, a lien may be imposed on the real or personal property of any defendant entering a plea of
21 nolo contendere, pleading guilty to, or found guilty of a municipal code violation in the amount of
22 any debt due the city under this section and enforced in the same manner as a judgment lien under
23 a judgment of a court of competent jurisdiction. The city may also issue a special tax bill to
24 collect fines issued for housing, property maintenance, and nuisance code violations.

25 479.040. 1. (1) Any city, town or village with a population of less than four hundred
26 thousand may elect to have the violations of its municipal ordinances heard and determined by an
27 associate circuit judge of the circuit in which the city, town or village, or the major geographical
28 portion thereof, is located; provided, however, if such election is made, all violations of that
29 municipality's ordinances shall be heard and determined before an associate circuit judge or
30 judges. If a municipality has elected to have the violations of its municipal ordinances heard and
31 determined by an associate circuit judge, the municipality may thereafter elect to provide for a
32 municipal judge or judges to hear such cases; provided, however, if such later election is made, all
33 violations of that municipality's ordinances shall be heard and determined before a municipal
34 judge. Nothing in this subsection shall preclude the transfer or assignment of another judge to
35 hear and determine a case or class of cases when otherwise authorized by provisions of the
36 constitution, law, or court rule. Nothing in this section shall preclude an election made under the

1 provisions of subsection 4 of this section.

2 (2) In lieu of electing to have all violations of municipal ordinances heard and determined
3 before an associate circuit court or a county municipal court, a city, town, or village may, under
4 subdivision (1) of this subsection, elect to have such court only hear and determine those
5 violations of its municipal ordinances as may be designated on the information by the prosecutor
6 as involving an accused with special needs due to mental disorder or mental illness, as defined by
7 section 630.005, or whose special needs, circumstances, and charges cannot be adequately
8 accommodated by the municipal court of the city, town, or village, provided that the associate
9 circuit court or county municipal court has established specialized dockets or courts to provide
10 such adequate accommodations and resources for specifically handling such matters, such as a
11 mental health court, housing court, domestic violence court, family court, or DWI court, and such
12 associate circuit court or county municipal court accepts such election by consent of the presiding
13 judge or by county contract, as applicable, and further provided that upon a determination by the
14 court that the accused does not have such special needs, the matter shall be transferred back to the
15 municipal court.

16 2. If, after January 1, 1980, a municipality elects to have the violations of its municipal
17 ordinances heard and determined by an associate circuit judge, the associate circuit judge or
18 judges shall commence hearing and determining such violations six months after the municipality
19 notifies the presiding judge of the circuit of its election. With the consent of the presiding judge,
20 the associate circuit judge or judges may commence hearing such violations at an earlier date.

21 3. Associate circuit judges of the circuit in which the municipality, or major geographical
22 portion thereof, is located shall hear and determine violations of municipal ordinances of any
23 municipality with a population of under four hundred thousand for which a municipal judge is not
24 provided.

25 4. Any city, town or village with a population of less than four hundred thousand located
26 in a county which has created a county municipal court under the provisions of section 66.010
27 may elect to enter into a contract with the county to have violations of municipal ordinances
28 prosecuted, heard, and determined in the county municipal court. If a contract is entered into
29 under the provisions of this subsection, all violations of that municipality's ordinances shall be
30 heard and determined in the county municipal court. The contract may provide for a transition
31 period after an election is made under the provisions of this subsection.

32 483.015. 1. At the general election in the year 1982, and every four years thereafter,
33 except as herein provided and except as otherwise provided by law, circuit clerks shall be elected
34 by the qualified voters of each county [and of the city of St. Louis], who shall be commissioned
35 by the governor, and shall enter upon the discharge of their duties on the first day in January next
36 ensuing their election, and shall hold their offices for the term of four years, and until their

1 successors shall be duly elected and qualified, unless sooner removed from office.

2 2. The court administrator for Jackson County provided by the charter of Jackson County
3 shall be selected as provided in the county charter and shall exercise all of the powers and duties
4 of the circuit clerk of Jackson County. The director of judicial administration and the circuit clerk
5 of St. Louis County shall be selected as provided in the charter of St. Louis County.

6 3. When provision is made in a county charter for the appointment of a court
7 administrator to perform the duties of a circuit clerk or for the appointment of a circuit clerk, such
8 provisions shall prevail over the provisions of this chapter providing for a circuit clerk to be
9 elected. The persons appointed to fill any such appointive positions shall be paid by the counties
10 as provided by the county charter or ordinance; provided, however, that if provision is now or
11 hereafter made by law for the salaries of circuit clerks to be paid by the state, the state shall pay
12 over to the county a sum which is equivalent to the salary that would be payable by law by the
13 state to an elected circuit clerk in such county if such charter provision was not in effect. The sum
14 shall be paid in semimonthly or monthly installments, as designated by the commissioner of
15 administration.

16 4. The circuit clerk in the sixth judicial circuit and in the seventh judicial circuit shall be
17 appointed by a majority of the circuit judges and associate circuit judges of the circuit court, en
18 banc. The circuit clerk in those circuits shall be removable for cause by a majority of the circuit
19 judges and associate circuit judges of such circuit, en banc, in accordance with supreme court
20 administrative rules governing court personnel. This subsection shall become effective on
21 January 1, 2004, and the elected circuit clerks in those circuits in office at that time shall continue
22 to hold such office for the remainder of their elected terms as if they had been appointed pursuant
23 to the terms of this subsection.

24 5. The circuit clerk in the twenty-second judicial circuit shall be appointed by a majority
25 of the circuit judges and associate circuit judges of the circuit court, en banc. The circuit clerk in
26 such circuit shall be removable for cause by a majority of the circuit judges and associate circuit
27 judges of such circuit, en banc, in accordance with supreme court administrative rules governing
28 court personnel. The elected circuit clerk in such circuit in office on the effective date of this
29 section shall continue to hold such office for the remainder of his or her elected term.

30 488.026. As provided by section 56.807, there shall be assessed and collected a surcharge
31 of four dollars in all criminal cases filed in the courts of this state, including violations of any
32 county ordinance or any violation of criminal or traffic laws of this state, including infractions, or
33 against any person who pled guilty and paid a fine through a fine collection center, but no such
34 surcharge shall be assessed when the costs are waived or are to be paid by the state, county, or
35 municipality or when a criminal proceeding or the defendant has been dismissed by the court [or
36 against any person who has pled guilty and paid their fine pursuant to subsection 4 of section

1 476.385]. For purposes of this section, the term "county ordinance" shall include any ordinance of
2 the city of St. Louis. The clerk responsible for collecting court costs in criminal cases shall collect
3 and disburse such amounts as provided by sections 488.010 to 488.020. Such funds shall be
4 payable to the prosecuting attorneys and circuit attorneys' retirement fund.

5 488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may
6 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit with
7 the clerk of the court a surcharge in addition to all other deposits required by law or court rule.
8 Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are to be
9 paid by the county or state or any city.

10 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by the
11 circuit court. The circuit court in any circuit, except the circuit court in Jackson County or the
12 circuit court in any circuit that reimburses the state for the salaries of family court commissioners
13 under section 487.020, may change the fee to any amount not to exceed fifteen dollars. The
14 circuit court in Jackson County or the circuit court in any circuit that reimburses the state for the
15 salaries of family court commissioners under section 487.020 may change the fee to any amount
16 not to exceed twenty dollars. A change in the fee shall become effective and remain in effect until
17 further changed.

18 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or
19 are paid by the county or state or any city.

20 4. In addition to any fee authorized by subsection 1 of this section, any county of the first
21 classification with more than ninety-three thousand eight hundred but less than ninety-three
22 thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases
23 concerning adoption and those in small claims court. The provisions of this subsection shall
24 expire on December 31, 2014.

25 488.2250. For all transcripts of testimony given or proceedings had in any circuit court in
26 cases where an appeal is taken, the court reporter shall receive the sum of [two dollars] three
27 dollars and fifty cents per twenty-five-line page for the original and up to three copies of the
28 transcript, and the sum of [thirty-five cents] fifty cents per twenty-five-line page for each [carbon]
29 additional copy thereof; the page to be approximately eight and one-half inches by eleven inches
30 in size, with left-hand margin of approximately one and one-half inches and the right-hand margin
31 of approximately one-half inch; answer to follow question on same line when feasible; such page
32 to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of all
33 or any part of the evidence or oral proceedings, and the court reporter's fees for making the same
34 shall be paid by the state upon a voucher approved by the court, and taxed against the state. In
35 criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the
36 court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting

1 the appeal, the court shall order the court reporter to furnish three paper or electronic transcripts in
2 duplication of the notes of the evidence, for the original and up to three copies of the transcript [of
3 which] the court reporter shall receive the sum of two dollars and sixty cents per legal page [and
4 for the copies] and the sum of twenty cents per page for each additional copy thereof. The
5 payment of court reporter's fees provided in this section shall be made by the state upon a voucher
6 approved by the court. An electronic version of all transcripts mentioned herein shall be provided.
7 All copies shall be provided by a Court Reporter certified by the Missouri Supreme Court.”; and
8

9 Further amend said bill, Page 1, Section 488.5026, Line 18, by deleting the phrase “Prisoner
10 Detainee”; and
11

12 Further amend said bill, Page 2, Section 488.5026, Line 30, by inserting after all of said section
13 and line the following:
14

15 “488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for
16 their services rendered in criminal cases and in all proceedings for contempt or attachment, as
17 required by law, the sum of seventy-five dollars for each felony case or contempt or attachment
18 proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction, [excluding]
19 including cases disposed of by a [traffic] central violations bureau established pursuant to law or
20 supreme court rule. Such charges shall be charged and collected in the manner provided by
21 sections 488.010 to 488.020 and shall be payable to the county treasury; except that, those charges
22 from cases disposed of by a central violations bureau shall be distributed as follows: one-half of
23 the charges collected shall be forwarded and deposited to the credit of the Missouri MODEX fund
24 established in subsection 5 of this section for the operational cost of the MODEX system, and
25 one-half of the charges collected shall be deposited to the credit of the inmate security fund,
26 established in section 488.5026, of the county or municipal political subdivision from which the
27 citation originated. If the county or municipal political subdivision has not established an inmate
28 security fund, the funds shall be deposited in the MODEX fund.

29 2. The sheriff receiving any charge pursuant to subsection 1 of this section shall reimburse
30 the sheriff of any other county or the city of St. Louis the sum of three dollars for each pleading,
31 writ, summons, order of court or other document served in connection with the case or proceeding
32 by the sheriff of the other county or city, and return made thereof, to the maximum amount of the
33 total charge received pursuant to subsection 1 of this section.

34 3. The charges provided in subsection 1 of this section shall be taxed as other costs in
35 criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in
36 any criminal procedure. The clerk shall tax all the costs in the case against such defendant, which

1 shall be collected and disbursed as provided by sections 488.010 to 488.020; provided, that no
2 such charge shall be collected in any proceeding in any court when the proceeding or the
3 defendant has been dismissed by the court; provided further, that all costs, incident to the issuing
4 and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses of
5 defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri facias
6 and scire facias shall be paid by the defendant and such defendant's sureties, and costs for
7 attachments for witnesses shall be paid by such witnesses.

8 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services
9 rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for
10 allowable expenses for motor vehicle use expressed as an amount per mile.

11 5. (1) There is hereby created in the state treasury the "MODEX Fund", which shall
12 consist of money collected under subsection 1 of this section. The fund shall be administered by
13 the Peace Officers Standards and Training Commission established in section 590.120. The state
14 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
15 treasurer may approve disbursements. The fund shall be a dedicated fund and, upon
16 appropriation, money in the fund shall be used solely for the operational support and expansion of
17 the MODEX system.

18 (2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys
19 remaining in the fund at the end of the biennium shall not revert to the credit of the general
20 revenue fund.

21 (3) The state treasurer shall invest moneys in the fund in the same manner as other funds
22 are invested. Any interest and moneys earned on such investments shall be credited to the fund.

23 488.5375. Upon a plea of guilty or a finding of guilt for a felony sexual offense in which
24 computers, computer equipment, computer devices, cellular telephones, or other electronic
25 devices were seized, the court may, in addition to imposition of any penalties provided by law,
26 order the defendant to reimburse the state or local law enforcement agency for the costs incurred
27 by such agency in the examination of any computer, computer equipment, computer devices,
28 cellular telephones, or other electronic devices seized. Such costs shall include the reasonable
29 costs of performing examinations of the seized electronic devices. Each law enforcement agency
30 may establish a schedule of such costs; except that, the court may order the costs reduced if the
31 court determines that the costs are excessive.

32 508.050. Suits against municipal corporations as defendant or codefendant shall be
33 commenced only in the county in which the municipal corporation is situated, or if the municipal
34 corporation is situated in more than one county, then suits against the municipal corporation shall
35 be commenced only in that county wherein the seat of government of the municipal corporation is

1 situated; except that:

2 _____ (1) Suits may be brought against a city containing more than four hundred thousand
3 inhabitants in any county in which any part of the city is situated; and

4 _____ (2) Suits in inverse condemnation or involving dangerous conditions of public property
5 against a municipal corporation established under Article VI, Section 30(a) of the Missouri
6 Constitution shall be brought only in the county where such land or any part thereof lies.

7 523.010. 1. In case land, or other property, is sought to be appropriated by any road,
8 railroad, street railway, telephone, telegraph or any electrical corporation organized for the
9 manufacture or transmission of electric current for light, heat or power, including the construction,
10 when that is the case, of necessary dams and appurtenant canals, flumes, tunnels and tailraces and
11 including the erection, when that is the case, of necessary electric steam powerhouses,
12 hydroelectric powerhouses and electric substations or any oil, pipeline or gas corporation engaged
13 in the business of transporting or carrying oil, liquid fertilizer solutions, or gas by means of pipes
14 or pipelines laid underneath the surface of the ground, or other corporation created under the laws
15 of this state for public use, and such corporation and the owners cannot agree upon the proper
16 compensation to be paid, or in the case the owner is incapable of contracting, be unknown, or be a
17 nonresident of the state, such corporation may apply to the circuit court of the county of this state
18 where such land or any part thereof lies by petition setting forth the general directions in which it
19 is desired to construct its road, railroad, street railway, telephone, or telegraph line or electric line,
20 including, when that is the case, the construction and maintenance of necessary dams and
21 appurtenant canals, tunnels, flumes and tailraces and, when that is the case, the appropriation of
22 land submerged by the construction of such dam, and including the erection and maintenance,
23 when that is the case, of necessary electric steam powerhouses, hydroelectric powerhouses and
24 electric substations, or oil, pipeline, liquid fertilizer solution pipeline, or gas line over or
25 underneath the surface of such lands, a description of the real estate, or other property, which the
26 company seeks to acquire; the names of the owners thereof, if known; or if unknown, a pertinent

1 description of the property whose owners are unknown and praying the appointment of three
2 disinterested residents of the county, as commissioners, or a jury, to assess the damages which
3 such owners may severally sustain in consequence of the establishment, erection and maintenance
4 of such road, railroad, street railway, telephone, telegraph line, or electrical line including
5 damages from the construction and maintenance of necessary dams and the condemnation of land
6 submerged thereby, and the construction and maintenance of appurtenant canals, flumes, tunnels
7 and tailraces and the erection and maintenance of necessary electric steam powerhouses,
8 hydroelectric powerhouses and electric substations, or oil, pipeline, or gas line over or underneath
9 the surface of such lands; to which petition the owners of any or all as the plaintiff may elect of
10 such parcels as lie within the county or circuit may be made parties defendant by names if the
11 names are known, and by the description of the unknown owners of the land therein described if
12 their names are unknown.

13 2. If the proceedings seek to affect the lands of persons under conservatorship, the
14 conservators must be made parties defendant. If the present owner of any land to be affected has
15 less estate than a fee, the person having the next vested estate in remainder may at the option of
16 the petitioners be made party defendant; but if such remaindermen are not made parties, their
17 interest shall not be bound by the proceedings.

18 3. It shall not be necessary to make any persons party defendants in respect to their
19 ownership unless they are either in actual possession of the premises to be affected claiming title
20 or having a title of the premises appearing of record upon the proper records of the county.

21 4. Except as provided in subsection 5 of this section, nothing in this chapter shall be
22 construed to give a public utility, as defined in section 386.020, or a rural electric cooperative, as
23 provided in chapter 394, the power to condemn property which is currently used by another
24 provider of public utility service, including a municipality or a special purpose district, when such
25 property is used or useful in providing utility services, if the public utility or cooperative seeking
26 to condemn such property, directly or indirectly, will use or proposes to use the property for the

1 same purpose, or a purpose substantially similar to the purpose [that] for which the property is
2 being used by the provider of the public utility service.

3 5. A public utility or a rural electric cooperative may only condemn the property of
4 another provider of public utility service, even if the property is used or useful in providing utility
5 services by such provider, if the condemnation is necessary for the public purpose of acquiring a
6 nonexclusive easement or right-of-way across the property of such provider and only if the
7 acquisition will not materially impair or interfere with the current use of such property by the
8 utility or cooperative and will not prevent or materially impair such provider of public utility
9 service from any future expansion of its facilities on such property.

10 6. If a public utility or rural electric cooperative seeks to condemn the property of another
11 provider of public utility service, and the conditions in subsection 4 of this section do not apply,
12 this section does not limit the condemnation powers otherwise possessed by such public utility or
13 rural electric cooperative.

14 7. Suits in inverse condemnation or involving dangerous conditions of public property
15 against a municipal corporation established under Article VI, Section 30(a) of the Missouri
16 Constitution shall be brought only in the county where such land or any part thereof lies.

17 513.430. 1. The following property shall be exempt from attachment and execution to the
18 extent of any person's interest therein:

19 (1) Household furnishings, household goods, wearing apparel, appliances, books, animals,
20 crops or musical instruments that are held primarily for personal, family or household use of such
21 person or a dependent of such person, not to exceed three thousand dollars in value in the
22 aggregate;

23 (2) A wedding ring not to exceed one thousand five hundred dollars in value and other
24 jewelry held primarily for the personal, family or household use of such person or a dependent of
25 such person, not to exceed five hundred dollars in value in the aggregate;

26 (3) Any other property of any kind, not to exceed in value six hundred dollars in the

1 aggregate;

2 (4) Any implements or professional books or tools of the trade of such person or the trade
3 of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

4 (5) Any motor [vehicle in the aggregate] vehicles, not to exceed three thousand dollars in
5 value in the aggregate;

6 (6) Any mobile home used as the principal residence but not [on or] attached to real
7 property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

8 (7) Any one or more unmaturred life insurance contracts owned by such person, other than
9 a credit life insurance contract;

10 (8) The amount of any accrued dividend or interest under, or loan value of, any one or
11 more unmaturred life insurance contracts owned by such person under which the insured is such
12 person or an individual of whom such person is a dependent; provided, however, that if
13 proceedings under Title 11 of the United States Code are commenced by or against such person,
14 the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand
15 dollars in the aggregate less any amount of property of such person transferred by the life
16 insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a
17 premium or to carry out a nonforfeiture insurance option and is required to be so transferred
18 automatically under a life insurance contract with such company or society that was entered into
19 before commencement of such proceedings. No amount of any accrued dividend or interest
20 under, or loan value of, any such life insurance contracts shall be exempt from any claim for child
21 support. Notwithstanding anything to the contrary, no such amount shall be exempt in such
22 proceedings under any such insurance contract which was purchased by such person within one
23 year prior to the commencement of such proceedings;

24 (9) Professionally prescribed health aids for such person or a dependent of such person;

25 (10) Such person's right to receive:

26 (a) A Social Security benefit, unemployment compensation or a local public assistance

1 benefit;

2 (b) A veteran's benefit;

3 (c) A disability, illness or unemployment benefit;

4 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a
5 month;

6 (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan,
7 profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established
8 pursuant to section 456.072, the person's right to a participant account in any deferred
9 compensation program offered by the state of Missouri or any of its political subdivisions, or
10 annuity or similar plan or contract on account of illness, disability, death, age or length of service,
11 to the extent reasonably necessary for the support of such person and any dependent of such
12 person unless:

13 a. Such plan or contract was established by or under the auspices of an insider that
14 employed such person at the time such person's rights under such plan or contract arose;

15 b. Such payment is on account of age or length of service; and

16 c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A
17 or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408,
18 408A or 409);

19
20 except that any such payment to any person shall be subject to attachment or execution pursuant to
21 a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of
22 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal
23 separation or a proceeding for disposition of property following dissolution of marriage by a court
24 which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of
25 marital property at the time of the original judgment of dissolution;

26 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of

1 any participant or beneficiary in, a retirement plan or profit-sharing plan that is qualified under
2 Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as
3 amended, except as provided in this paragraph. Any plan or arrangement described in this
4 paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic
5 relations order; however, the interest of any and all alternate payees under a qualified domestic
6 relations order shall be exempt from any and all claims of any creditor, other than the state of
7 Missouri through its division of family services. As used in this paragraph, the terms "alternate
8 payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p)
9 of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the United
10 States Code are commenced by or against such person, no amount of funds shall be exempt in
11 such proceedings under any such plan, contract, or trust which is fraudulent as defined in [section
12 456.630] subsection 2 of section 428.024 and for the period such person participated within three
13 years prior to the commencement of such proceedings. For the purposes of this section, when the
14 fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated
15 as though the funds had never been contributed to the plan, contract, or trust;

16 (11) The debtor's right to receive, or property that is traceable to, a payment on account of
17 the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably
18 necessary for the support of the debtor and any dependent of the debtor.

19 2. Nothing in this section shall be interpreted to exempt from attachment or execution for
20 a valid judicial or administrative order for the payment of child support or maintenance any
21 money or assets, payable to a participant or beneficiary from, or any interest of any participant or
22 beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal
23 Revenue Code of 1986, as amended.

24 513.440. Each head of a family may select and hold, exempt from execution, any other
25 property, real, personal or mixed, or debts and wages, not exceeding in value the amount of one
26 thousand two hundred fifty dollars plus three hundred fifty dollars for each of such person's

1 unmarried dependent children under the age of [eighteen] twenty-one years or dependent as
2 defined by the Internal Revenue Code of 1986, as amended, determined to be disabled by the
3 Social Security Administration, except ten percent of any debt, income, salary or wages due such
4 head of a family.

5 537.345. As used in sections 537.345 to 537.347, and section 537.351, the following
6 terms mean:

7 (1) "Charge", the admission price or fee asked by an owner of land or an invitation or
8 permission without price or fee to use land for recreational purposes when such invitation or
9 permission is given for the purpose of sales promotion, advertising or public goodwill in fostering
10 business purposes;

11 (2) "Land", all real property, land and water, and all structures, fixtures, equipment and
12 machinery thereon;

13 (3) "Owner", any individual, legal entity or governmental agency that has any ownership
14 or security interest whatever or lease or right of possession in land;

15 (4) "Recreational use", hunting, fishing, camping, picnicking, biking, nature study, winter
16 sports, viewing or enjoying archaeological or scenic sites, or other similar activities undertaken
17 for recreation, exercise, education, relaxation, or pleasure on land owned by another;

18 (5) "Trespasser", any person who enters on the property of another without permission
19 and without an invitation, express or implied regardless of whether actual notice of trespass was
20 given or the land was posted in accordance with the provisions of sections 569.140 and 569.145.

21 537.346. Except as provided in sections 537.345 to 537.348, and section 537.351, an
22 owner of land owes no duty of care to any person who enters on the land without charge to keep
23 his land safe for recreational use or to give any general or specific warning with respect to any
24 natural or artificial condition, structure, or personal property thereon.

25 537.351. 1. Except as provided in subsection 2 of this section, a possessor of real
26 property, including an owner, lessee, or other occupant, or an agent of such owner, lessee, or other

1 occupant, owes no duty of care to a trespasser except to refrain from harming the trespasser by an
2 intentional, willful, or wanton act. As used in this subsection, willful includes but is not limited to
3 the failure of the possessor to remedy or warn against a dangerous artificial condition. A
4 possessor of real property may use justifiable force to repel a criminal trespasser as provided by
5 section 563.074.

6 2. A possessor of real property may be subject to liability for physical injury or death to a
7 trespasser in the following situations:

8 (1) If the trespasser is a child who is harmed by a dangerous condition on the land; and

9 (a) The possessor knew or should have known that children were likely to trespass at the
10 location of the condition;

11 (b) The condition is one which the possessor knew or reasonably should have known
12 involved an unreasonable risk of death or serious physical injury to such children;

13 (c) The injured child because of the child's youth did not discover the condition or realize
14 the risk involved in the intermeddling with the condition or in coming within the area made
15 dangerous by the condition; and

16 (d) The possessor failed to exercise reasonable care to eliminate the danger or otherwise
17 protect the injured child; or

18 (2) The possessor knew or should have known that trespassers consistently intrude upon a
19 limited area of the possessor's land where the trespasser was harmed, the harm resulted from a
20 dangerous artificial condition on the land; and

21 (a) The possessor created or maintained the artificial condition that caused the injury;

22 (b) The possessor knew that the condition was likely to cause death or serious bodily
23 harm to trespassers;

24 (c) The possessor knew or should have known that the condition was of such a nature that
25 trespassers would not discover it; and

26 (d) The possessor failed to exercise reasonable care to warn trespassers of the condition

1 and the risk involved; or

2 (3) If the possessor knew of the trespasser's presence on the land and failed to warn of
3 dangerous conditions on the land or failed to exercise ordinary care as to active operations carried
4 out on the land.

5 3. This section does not create or increase the liability of any possessor of real property
6 and does not affect any immunities from or defenses to liability established under state law or
7 available under common law to which a possessor of real property may be entitled under
8 circumstances not covered by this section.

9 537.528. 1. Any action [seeking money damages] against a person for conduct or speech
10 undertaken or made in connection with a public hearing or public meeting, in a quasi-judicial
11 proceeding before a tribunal or decision-making body of the state or any political subdivision of
12 the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or
13 motion for summary judgment that shall be considered by the court on a priority or expedited
14 basis to ensure the early consideration of the issues raised by the motion and to prevent the
15 unnecessary expense of litigation. Upon the filing of any special motion described in this
16 subsection, all discovery shall be suspended pending a decision on the motion by the court and the
17 exhaustion of all appeals regarding the special motion.

18 2. If the rights afforded by this section are raised as an affirmative defense and if a court
19 grants a motion to dismiss, a motion for judgment on the pleadings or a motion for summary
20 judgment filed within ninety days of the filing of the moving party's answer, the court shall award
21 reasonable attorney fees and costs incurred by the moving party in defending the action. If the
22 court finds that a special motion to dismiss or motion for summary judgment is frivolous or solely
23 intended to cause unnecessary delay, the court shall award costs and reasonable attorney fees to
24 the party prevailing on the motion.

25 3. Any party shall have the right to an expedited appeal from a trial court order on the
26 special motions described in subsection 2 of this section or from a trial court's failure to rule on

1 the motion on an expedited basis.

2 4. As used in this section, a "public meeting in a quasi-judicial proceeding" means and
3 includes any meeting established and held by a state or local governmental entity, including
4 without limitations meetings or presentations before state, county, city, town or village councils,
5 planning commissions, review boards or commissions.

6 5. Nothing in this section limits or prohibits the exercise of a right or remedy of a party
7 granted pursuant to another constitutional, statutory, common law or administrative provision,
8 including civil actions for defamation.

9 6. If any provision of this section or the application of any provision of this section to a
10 person or circumstance is held invalid, the invalidity shall not affect other provisions or
11 applications of this section that can be given effect without the invalid provision or application,
12 and to this end the provisions of this section are severable.

13 7. The provisions of this section shall apply to all causes of actions.

14 542.301. 1. Property which comes into the custody of an officer or of a court as the result
15 of any seizure and which has not been forfeited pursuant to any other provisions of law or
16 returned to the claimant shall be disposed of as follows:

17 (1) Stolen property, or property acquired in any other manner declared an offense by
18 chapters 569 and 570, but not including any of the property referred to in subdivision (2) of this
19 subsection, shall be delivered by order of court upon claim having been made and established, to
20 the person who is entitled to possession:

21 (a) The claim shall be made by written motion filed with the court with which a motion to
22 suppress has been, or may be, filed. The claim shall be barred if not made within one year from
23 the date of the seizure;

24 (b) Upon the filing of such motion, the judge shall order notice to be given to all persons
25 interested in the property, including other claimants and the person from whose possession the
26 property was seized, of the time, place and nature of the hearing to be held on the motion. The

1 notice shall be given in a manner reasonably calculated to reach the attention of all interested
2 persons. Notice may be given to unknown persons and to persons whose address is unknown by
3 publication in a newspaper of general circulation in the county. No property shall be delivered to
4 any claimant unless all interested persons have been given a reasonable opportunity to appear and
5 to be heard;

6 (c) After a hearing, the judge shall order the property delivered to the person or persons
7 entitled to possession, if any. The judge may direct that delivery of property required as evidence
8 in a criminal proceeding shall be postponed until the need no longer exists;

9 (d) A law enforcement officer having custody of seized property may, at any time that
10 seized property has ceased to be useful as evidence, request that the prosecuting attorney of the
11 county in which property was seized file a motion with the court of such county for the disposition
12 of the seized property. If the prosecuting attorney does not file such motion within sixty days of
13 the request by the law enforcement officer having custody of the seized property, then such officer
14 may request that the attorney general file a written motion with the circuit court of the county or
15 judicial district in which the seizure occurred. Upon filing of the motion, the court shall issue an
16 order directing the disposition of the property. Such disposition may, if the property is not
17 claimed within one year from the date of the seizure or if no one establishes a right to it, and the
18 seized property has ceased to be useful as evidence, include a public sale of the property.

19 Pursuant to a motion properly filed and granted under this section, the proceeds of any sale, less
20 necessary expenses of preservation and sale, shall be paid into the county treasury for the use of
21 the county. If the property is not salable, the judge may order its destruction. Notwithstanding any
22 other provision of law, if no claim is filed within one year of the seizure and no motion pursuant
23 to this section is filed within six months thereafter, and the seized property has ceased to be useful
24 as evidence, the property shall be deemed abandoned, converted to cash and shall be turned over
25 immediately to the treasurer pursuant to section 447.543;

26 (e) If the property is a living animal or is perishable, the judge may, at any time, order it

1 sold at public sale. The proceeds shall be held in lieu of the property. A written description of the
2 property sold shall be filed with the judge making the order of sale so that the claimant may
3 identify the property. If the proceeds are not claimed within the time limited for the claim of the
4 property, the proceeds shall be paid into the county treasury. If the property is not salable, the
5 judge may order its destruction.

6 (2) Weapons, tools, devices, computers, computer equipment, computer software,
7 computer hardware, cellular telephones, or other devices capable of accessing the internet, and
8 substances other than motor vehicles, aircraft or watercraft, used by the owner or with the owner's
9 consent as a means for committing felonies other than the offense of possessing burglary tools in
10 violation of section 569.180, and property, the possession of which is an offense under the laws of
11 this state or which has been used by the owner, or used with the owner's acquiescence or consent,
12 as a raw material or as an instrument to manufacture [or], produce, or distribute, or be used as a
13 means of storage of anything the possession of which is an offense under the laws of this state, or
14 which any statute authorizes or directs to be seized, other than lawfully possessed weapons seized
15 by an officer incident to an arrest, shall be forfeited to the state of Missouri.

16 2. The officer who has custody of the property shall inform the prosecuting attorney of the
17 fact of seizure and of the nature of the property. The prosecuting attorney shall thereupon file a
18 written motion with the court with which the motion to suppress has been, or may be, filed
19 praying for an order directing the forfeiture of the property. If the prosecuting attorney of a county
20 in which property is seized fails to file a motion with the court for the disposition of the seized
21 property within sixty days of the request by a law enforcement officer, the officer having custody
22 of the seized property may request the attorney general to file a written motion with the circuit
23 court of the county or judicial district in which the seizure occurred. Upon filing of the motion,
24 the court shall issue an order directing the disposition of the property. The signed motion shall be
25 returned to the requesting agency. A motion may also be filed by any person claiming the right to
26 possession of the property praying that the court declare the property not subject to forfeiture and

1 order it delivered to the moving party.

2 3. Upon the filing of a motion either by the prosecuting attorney or by a claimant, the
3 judge shall order notice to be given to all persons interested in the property, including the person
4 out of whose possession the property was seized and any lienors, of the time, place and nature of
5 the hearing to be held on the motion. The notice shall be given in a manner reasonably calculated
6 to reach the attention of all interested persons. Notice may be given to unknown persons and to
7 persons of unknown address by publication in a newspaper of general circulation in the county.
8 Every interested person shall be given a reasonable opportunity to appear and to be heard as to the
9 nature of the person's claim to the property and upon the issue of whether or not it is subject to
10 forfeiture.

11 4. If the evidence is clear and convincing that the property in issue is in fact of a kind
12 subject to forfeiture under this subsection, the judge shall declare it forfeited and order its
13 destruction or sale. The judge shall direct that the destruction or sale of property needed as
14 evidence in a criminal proceeding shall be postponed until this need no longer exists.

15 5. If the forfeited property can be put to a lawful use, it may be ordered sold after any
16 alterations which are necessary to adapt it to a lawful use have been made. In the case of
17 computers, computer equipment, computer software, computer hardware, cellular telephones, or
18 other devices capable of accessing the internet, or other devices used in the acquisition,
19 possession, or distribution of child pornography or obscene material, the law enforcement agency
20 in possession of such items may, upon court order, retain possession of such property and convert
21 such property to the use of the law enforcement agency for use in criminal investigations. If there
22 is a holder of a bona fide lien against property which has been used as a means for committing an
23 offense or which has been used as a raw material or as an instrument to manufacture or produce
24 anything which is an offense to possess, who establishes that the use was without the lienholder's
25 acquiescence or consent, the proceeds, less necessary expenses of preservation and sale, shall be
26 paid to the lienholder to the amount of the lienholder's lien. The remaining amount shall be paid

1 into the county treasury.

2 6. If the property is perishable the judge may order it sold at a public sale or destroyed, as
3 may be appropriate, prior to a hearing. The proceeds of a sale, less necessary expenses of
4 preservation and sale, shall be held in lieu of the property.

5 7. When a warrant has been issued to search for and seize allegedly obscene matter for
6 forfeiture to the state, after an adversary hearing, the judge, upon return of the warrant with the
7 matter seized, shall give notice of the fact to the prosecuting attorney of the county in which the
8 matter was seized and the dealer, exhibitor or displayer and shall conduct further adversary
9 proceedings to determine whether the matter is subject to forfeiture. If the evidence is clear and
10 convincing that the matter is obscene as defined by law and it was being held or displayed for
11 sale, exhibition, distribution or circulation to the public, the judge shall declare it to be obscene
12 and forfeited to the state and order its destruction or other disposition; except that, no forfeiture
13 shall be declared without the dealer, distributor or displayer being given a reasonable opportunity
14 to appear in opposition and without the judge having thoroughly examined each item. If the
15 material to be seized is the same as or another copy of matter that has already been determined to
16 be obscene in a criminal proceeding against the dealer, exhibitor, displayer or such person's agent,
17 the determination of obscenity in the criminal proceeding shall constitute clear and convincing
18 evidence that the matter to be forfeited pursuant to this subsection is obscene. Except when the
19 dealer, exhibitor or displayer consents to a longer period, or by such person's actions or pleadings
20 willfully prevents the prompt resolution of the hearing, judgment shall be rendered within ten days
21 of the return of the warrant. If the matter is not found to be obscene or is not found to have been
22 held or displayed for sale, exhibition or distribution to the public, or a judgment is not entered
23 within the time provided for, the matter shall be restored forthwith to the dealer, exhibitor or
24 displayer.

25 8. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment, the
26 case should be assigned for hearing at the earliest practicable date and expedited in every way.

1 Destruction or disposition of a matter declared forfeited shall be postponed until the judgment has
2 become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter
3 is no longer needed as evidence in a criminal proceeding.

4 9. A determination of obscenity, pursuant to this subsection, shall not be admissible in any
5 criminal proceeding against any person or corporation for sale or possession of obscene matter;
6 except that dealer, distributor or displayer from which the obscene matter was seized for forfeiture
7 to the state.

8 10. When allegedly obscene matter or pornographic material for minors has been seized
9 under a search warrant issued pursuant to subsection 2 of section 542.281 and the matter is no
10 longer needed as evidence in a criminal proceeding the prosecuting attorney of the county in
11 which the matter was seized may file a written motion with the circuit court of the county or
12 judicial district in which the seizure occurred praying for an order directing the forfeiture of the
13 matter. Upon filing of the motion, the court shall set a date for a hearing. Written notice of date,
14 time, place and nature of the hearing shall be personally served upon the owner, dealer, exhibitor,
15 displayer or such person's agent. Such notice shall be served no less than five days before the
16 hearing.

17 11. If the evidence is clear and convincing that the matter is obscene as defined by law,
18 and that the obscene material was being held or displayed for sale, exhibition, distribution or
19 circulation to the public or that the matter is pornographic for minors and that the pornographic
20 material was being held or displayed for sale, exhibition, distribution or circulation to minors, the
21 judge shall declare it to be obscene or pornographic for minors and forfeited to the state and order
22 its destruction or other disposition. A determination that the matter is obscene in a criminal
23 proceeding as well as a determination that such obscene material was held or displayed for sale,
24 exhibition, distribution or circulation to the public or a determination that the matter is
25 pornographic for minors in a criminal proceeding as well as a determination that such
26 pornographic material was held or displayed for sale, exhibition, distribution or circulation to

1 minors shall be clear and convincing evidence that such material should be forfeited to the state;
2 except that, no forfeiture shall be declared without the dealer, distributor or displayer being given
3 a reasonable opportunity to appear in opposition and without a judge having thoroughly examined
4 each item. A dealer, distributor or displayer shall have had reasonable opportunity to appear in
5 opposition if the matter the prosecutor seeks to destroy is the same matter that formed the basis of
6 a criminal proceeding against the dealer, distributor or displayer where the dealer, distributor or
7 displayer has been charged and found guilty of holding or displaying for sale, exhibiting,
8 distributing or circulating obscene material to the public or pornographic material for minors to
9 minors. If the matter is not found to be obscene, or if obscene material is not found to have been
10 held or displayed for sale, exhibition, distribution or circulation to the public, or if the matter is
11 not found to be pornographic for minors or if pornographic material is not found to have been
12 held or displayed for sale, exhibition, distribution or circulation to minors, the matter shall be
13 restored forthwith to the dealer, exhibitor or displayer.

14 12. If an appeal is taken by the dealer, exhibitor or displayer from an adverse judgment,
15 the case shall be assigned for hearing at the earliest practicable date and expedited in every way.
16 Destruction or disposition of matter declared forfeited shall be postponed until the judgment has
17 become final by exhaustion of appeal, or by expiration of the time for appeal, and until the matter
18 is no longer needed as evidence in a criminal proceeding.

19 13. A determination of obscenity shall not be admissible in any criminal proceeding
20 against any person or corporation for sale or possession of obscene matter.

21 14. An appeal by any party shall be allowed from the judgment of the court as in other
22 civil actions.

23 15. All other property still in the custody of an officer or of a court as the result of any
24 seizure and which has not been forfeited pursuant to this section or any other provision of law
25 after three years following the seizure and which has ceased to be useful as evidence shall be
26 deemed abandoned, converted to cash and shall be turned over immediately to the treasurer

1 pursuant to section 447.543.

2 16. In fiscal year 2003, the commissioner of administration shall estimate the amount of
3 any additional state revenue received pursuant to this section and section 447.532, shall transfer
4 an equivalent amount of general revenue to the schools of the future fund created in section
5 163.005.

6 558.019. 1. This section shall not be construed to affect the powers of the governor under
7 article IV, section 7, of the Missouri Constitution. This statute shall not affect those provisions of
8 section 565.020, section 558.018 or section 571.015, which set minimum terms of sentences, or
9 the provisions of section 559.115, relating to probation.

10 2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes of
11 felonies except those set forth in chapter 195, and those otherwise excluded in subsection 1 of this
12 section. For the purposes of this section, "prison commitment" means and is the receipt by the
13 department of corrections of an offender after sentencing. For purposes of this section, prior
14 prison commitments to the department of corrections shall not include commitment to a
15 regimented discipline program established pursuant to section 217.378. Other provisions of the
16 law to the contrary notwithstanding, any offender who has pleaded guilty to or has been found
17 guilty of a felony other than a dangerous felony as defined in section 556.061 and is committed to
18 the department of corrections shall be required to serve the following minimum prison terms:

19 (1) If the offender has one previous prison commitment to the department of corrections
20 for a felony offense, the minimum prison term which the offender must serve shall be forty
21 percent of his or her sentence or until the offender attains seventy years of age, and has served at
22 least thirty percent of the sentence imposed, whichever occurs first;

23 (2) If the offender has two previous prison commitments to the department of corrections
24 for felonies unrelated to the present offense, the minimum prison term which the offender must
25 serve shall be fifty percent of his or her sentence or until the offender attains seventy years of age,
26 and has served at least forty percent of the sentence imposed, whichever occurs first;

1 (3) If the offender has three or more previous prison commitments to the department of
2 corrections for felonies unrelated to the present offense, the minimum prison term which the
3 offender must serve shall be eighty percent of his or her sentence or until the offender attains
4 seventy years of age, and has served at least forty percent of the sentence imposed, whichever
5 occurs first.

6 3. Other provisions of the law to the contrary notwithstanding, any offender who has
7 pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061 and
8 is committed to the department of corrections shall be required to serve a minimum prison term of
9 eighty-five percent of the sentence imposed by the court or until the offender attains seventy years
10 of age, and has served at least forty percent of the sentence imposed, whichever occurs first.

11 4. For the purpose of determining the minimum prison term to be served, the following
12 calculations shall apply:

13 (1) A sentence of life shall be calculated to be thirty years;

14 (2) Any sentence either alone or in the aggregate with other consecutive sentences for
15 crimes committed at or near the same time which is over seventy-five years shall be calculated to
16 be seventy-five years.

17 5. For purposes of this section, the term "minimum prison term" shall mean time required
18 to be served by the offender before he or she is eligible for parole, conditional release or other
19 early release by the department of corrections.

20 6. (1) A sentencing advisory commission is hereby created to consist of eleven members.
21 One member shall be appointed by the speaker of the house. One member shall be appointed by
22 the president pro tem of the senate. One member shall be the director of the department of
23 corrections. Six members shall be appointed by and serve at the pleasure of the governor from
24 among the following: the public defender commission; private citizens; a private member of the
25 Missouri Bar; the board of probation and parole; and a prosecutor. Two members shall be
26 appointed by the supreme court, one from a metropolitan area and one from a rural area. All

1 members shall be appointed to a four-year term. All members of the sentencing commission
2 appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory
3 commission at the pleasure of the governor.

4 (2) The commission shall study sentencing practices in the circuit courts throughout the
5 state for the purpose of determining whether and to what extent disparities exist among the
6 various circuit courts with respect to the length of sentences imposed and the use of probation for
7 offenders convicted of the same or similar crimes and with similar criminal histories. The
8 commission shall also study and examine whether and to what extent sentencing disparity among
9 economic and social classes exists in relation to the sentence of death and if so, the reasons
10 therefor sentences are comparable to other states, if the length of the sentence is appropriate, and
11 the rate of rehabilitation based on sentence. It shall compile statistics, examine cases, draw
12 conclusions, and perform other duties relevant to the research and investigation of disparities in
13 death penalty sentencing among economic and social classes.

14 (3) [The commission shall establish a system of recommended sentences, within the
15 statutory minimum and maximum sentences provided by law for each felony committed under the
16 laws of this state. This system of recommended sentences shall be distributed to all sentencing
17 courts within the state of Missouri. The recommended sentence for each crime shall take into
18 account, but not be limited to, the following factors:

- 19 (a) The nature and severity of each offense;
20 (b) The record of prior offenses by the offender;
21 (c) The data gathered by the commission showing the duration and nature of sentences
22 imposed for each crime; and
23 (d) The resources of the department of corrections and other authorities to carry out the
24 punishments that are imposed.

25 (4)] The commission shall study alternative sentences, prison work programs, work
26 release, home-based incarceration, probation and parole options, and any other programs and

1 report the feasibility of these options in Missouri.

2 [(5) The commission shall publish and distribute its recommendations on or before July 1,
3 2004. The commission shall study the implementation and use of the recommendations until July
4 1, 2005, and return a report to the governor, the speaker of the house of representatives, and the
5 president pro tem of the senate. Following the July 1, 2005, report, the commission shall revise
6 the recommended sentences every two years.

7 (6) (4) The governor shall select a chairperson who shall call meetings of the commission
8 as required or permitted pursuant to the purpose of the sentencing commission.

9 [(7) (5) The members of the commission shall not receive compensation for their duties
10 on the commission, but shall be reimbursed for actual and necessary expenses incurred in the
11 performance of these duties and for which they are not reimbursed by reason of their other paid
12 positions.

13 [(8) (6) The circuit and associate circuit courts of this state, the office of the state courts
14 administrator, the department of public safety, and the department of corrections shall cooperate
15 with the commission by providing information or access to information needed by the
16 commission. The office of the state courts administrator will provide needed staffing resources.

17 7. Courts shall retain discretion to lower or exceed the sentence recommended by the
18 commission as otherwise allowable by law, and to order restorative justice methods, when
19 applicable.

20 8. If the imposition or execution of a sentence is suspended, the court may order any or all
21 of the following restorative justice methods, or any other method that the court finds just or
22 appropriate:

23 (1) Restitution to any victim or a statutorily created fund for costs incurred as a result of
24 the offender's actions;

25 (2) Offender treatment programs;

26 (3) Mandatory community service;

1 (4) Work release programs in local facilities; and

2 (5) Community-based residential and nonresidential programs.

3 9. The provisions of this section shall apply only to offenses occurring on or after August
4 28, 2003.

5 10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the
6 assessment and payment of a designated amount of restitution to a county law enforcement
7 restitution fund established by the county commission pursuant to section 50.565. Such
8 contribution shall not exceed three hundred dollars for any charged offense. Any restitution
9 moneys deposited into the county law enforcement restitution fund pursuant to this section shall
10 only be expended pursuant to the provisions of section 50.565.

11 11. A judge may order payment to a restitution fund only if such fund had been created by
12 ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall not
13 have any direct supervisory authority or administrative control over any fund to which the judge is
14 ordering a defendant to make payment.

15 12. A defendant who fails to make a payment to a county law enforcement restitution fund
16 may not have his or her probation revoked solely for failing to make such payment unless the
17 judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence
18 that the defendant either willfully refused to make the payment or that the defendant willfully,
19 intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources
20 to pay.

21 13. Nothing in this section shall be construed to allow the sentencing advisory
22 commission to issue recommended sentences in specific cases pending in the courts of this state.

23 559.100. 1. The circuit courts of this state shall have power, herein provided, to place on
24 probation or to parole persons convicted of any offense over which they have jurisdiction, except
25 as otherwise provided in sections 195.275 to 195.296, section 558.018, section 559.115, section
26 565.020, sections 566.030, 566.060, 566.067, 566.151, and 566.213, section 571.015, and

1 subsection 3 of section 589.425.

2 2. The circuit court shall have the power to revoke the probation or parole previously
3 granted and commit the person to the department of corrections. The circuit court shall determine
4 any conditions of probation or parole for the defendant that it deems necessary to ensure the
5 successful completion of the probation or parole term, including the extension of any term of
6 supervision for any person while on probation or parole. The circuit court may require that the
7 defendant pay restitution for his crime. The probation or parole may be revoked for failure to pay
8 restitution or for failure to conform his behavior to the conditions imposed by the circuit court.
9 The circuit court may, in its discretion, credit any period of probation or parole as time served on a
10 sentence.

11 3. Restitution, whether court ordered as provided in subsection 2 of this section or agreed
12 to by the parties, or as enforced under section 558.011, shall be paid through the office of the
13 prosecuting attorney or circuit attorney. Nothing in this section shall prohibit the prosecuting
14 attorney or circuit attorney from contracting with or utilizing another entity for the collection of
15 restitution and costs under this section. When ordered by the court, interest shall be allowed
16 under subsection 1 of section 408.040. In addition to all other costs and fees allowed by law, each
17 prosecuting attorney or circuit attorney who takes any action to collect restitution shall collect
18 from the person paying restitution an administrative handling cost. The cost shall be twenty-five
19 dollars for restitution less than one hundred dollars and fifty dollars for restitution of one hundred
20 dollars but less than two hundred fifty dollars. For restitution of two hundred fifty dollars or more
21 an additional fee of ten percent of the total restitution shall be assessed, with a maximum fee for
22 administrative handling costs not to exceed seventy-five dollars total. In addition to the
23 administrative handling costs, an installment cost shall be assessed in the amount of two dollars
24 per installment, excepting the first installment, until such total amount of restitution is paid in full.
25 Notwithstanding the provisions of sections 50.525 to 50.745, the costs provided for in this
26 subsection shall be deposited by the county treasurer into a separate interest-bearing fund to be

1 expended by the prosecuting attorney or circuit attorney. This fund shall be known as the
2 "Administrative Handling Cost Fund", and it shall be the fund for deposits under this section and
3 under section 570.120. The funds shall be expended, upon warrants issued by the prosecuting
4 attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes
5 related to that authorized by subsection 4 of this section. Notwithstanding the provisions of any
6 other law, in addition to the administrative handling cost, the prosecuting attorney or circuit
7 attorney shall collect an additional cost of five dollars per each crime victim to whom restitution is
8 paid for deposit to the Missouri office of prosecution services fund established in subsection 2 of
9 section 56.765. All moneys collected under this section which are payable to the Missouri office
10 of prosecution services fund shall be transmitted at least monthly by the county treasurer to the
11 director of revenue who shall deposit the amount collected to the credit of the Missouri office of
12 prosecution services fund under the procedure established under subsection 2 of section 56.765.
13 As used in this subsection, "crime victim" means any natural person or their survivors or legal
14 guardians, the estate of a deceased person, a for-profit corporation or business entity, a nonprofit
15 corporation or entity, a charitable entity, or any governmental body or a political subdivision
16 thereof.

17 4. The moneys deposited in the fund may be used by the prosecuting attorney or circuit
18 attorney for office supplies, postage, books, training, office equipment, capital outlay, expenses of
19 trial and witness preparation, additional employees for the staff of the prosecuting or circuit
20 attorney, employees' salaries, and for other lawful expenses incurred by the prosecuting or circuit
21 attorney in the operation of that office.

22 5. This fund may be audited by the state auditor's office or the appropriate auditing
23 agency.

24 6. If the moneys collected and deposited into this fund are not totally expended annually,
25 then the unexpended balance shall remain in the fund and the balance shall be kept in the fund to
26 accumulate from year to year.

1 7. Nothing in this section shall be construed to prohibit a crime victim from pursuing
2 other lawful remedies against a defendant for restitution.

3 559.105. 1. Any person who has been found guilty [of] or has pled guilty to [a violation
4 of subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of
5 subsection 3 of section 570.030] an offense may be ordered by the court to make restitution to the
6 victim for the victim's losses due to such offense. Restitution pursuant to this section shall
7 include, but not be limited to[, the following:

8 (1) a victim's reasonable expenses to participate in the prosecution of the crime[;

9 (2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft, or
10 aircraft; and

11 (3) A victim's costs associated with towing or storage fees for the motor vehicle caused by
12 the acts of the defendant].

13 2. No person ordered by the court to pay restitution pursuant to this section shall be
14 released from probation until such restitution is complete. If full restitution is not made within the
15 original term of probation, the court shall order the maximum term of probation allowed for such
16 offense.

17 3. Any person eligible to be released on parole [for a violation of subdivision (2) of
18 subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of subsection 3 of section
19 570.030 may] shall be required, as a condition of parole, to make restitution pursuant to this
20 section. The board of probation and parole shall not release any person from any term of parole
21 for such offense until the person has completed such restitution, or until the maximum term of
22 parole for such offense has been served.

23 4. The court may set an amount of restitution to be paid by the defendant. Such amount
24 may be taken from the inmate's account at the department of corrections while the defendant is
25 incarcerated. Upon conditional release or parole, if any amount of such court-ordered restitution
26 is unpaid, the payment of the unpaid balance may be collected as a condition of conditional

1 release or parole by the prosecuting attorney or circuit attorney under section 559.100. The
2 prosecuting attorney or circuit attorney may refer any failure to make such restitution as a
3 condition of conditional release or parole to the parole board for enforcement.

4 566.083. 1. A person commits the crime of sexual misconduct involving a child if [the]
5 such person:

6 (1) Knowingly exposes his or her genitals to a child less than fifteen years of age under
7 circumstances in which he or she knows that his or her conduct is likely to cause affront or alarm
8 to the child;

9 (2) Knowingly exposes his or her genitals to a child less than fifteen years of age for the
10 purpose of arousing or gratifying the sexual desire of any person, including the child; [or]

11 (3) Knowingly coerces or induces a child less than fifteen years of age to expose the
12 child's genitals for the purpose of arousing or gratifying the sexual desire of any person, including
13 the child; or

14 (4) Knowingly coerces or induces a child who is known by such person to be less than
15 fifteen years of age to expose the breasts of a female child through the Internet or other electronic
16 means for the purpose of arousing or gratifying the sexual desire of any person, including the
17 child.

18 2. The provisions of this section shall apply regardless of whether the person violates [the]
19 this section in person or via the Internet or other electronic means.

20 3. It is not an affirmative defense to prosecution for a violation of this section that the
21 other person was a peace officer masquerading as a minor.

22 4. Sexual misconduct involving a child or attempted sexual misconduct involving a child
23 is a class D felony unless the actor has previously pleaded guilty to or been found guilty of an
24 offense pursuant to this chapter or the actor has previously pleaded guilty to or has been convicted
25 of an offense against the laws of another state or jurisdiction which would constitute an offense
26 under this chapter, in which case it is a class C felony.

1 569.100. 1. A person commits the crime of property damage in the first degree if such
2 person:

3 (1) [He] Knowingly damages property of another to an extent exceeding seven hundred
4 and fifty dollars; or

5 (2) [He] Damages property to an extent exceeding one thousand dollars for the purpose of
6 defrauding an insurer; or

7 (3) Knowingly damages a motor vehicle of another and the damage occurs while such
8 person is making entry into the motor vehicle for the purpose of committing the crime of stealing
9 therein or the damage occurs while such person is committing the crime of stealing within the
10 motor vehicle.

11 2. Property damage in the first degree committed under subdivision (1) or (2) of
12 subsection 1 of this section is a class D felony. Property damage in the first degree committed
13 under subdivision (3) of subsection 1 of this section is a class C felony unless committed as a
14 second or subsequent violation of subdivision (3) of subsection 1 of this section in which case it is
15 a class B felony.

16 570.120. 1. A person commits the crime of passing a bad check when:

17 (1) With purpose to defraud, the person makes, issues or passes a check or other similar
18 sight order or any other form of presentment involving the transmission of account information
19 for the payment of money, knowing that it will not be paid by the drawee, or that there is no such
20 drawee; or

21 (2) The person makes, issues, or passes a check or other similar sight order or any other
22 form of presentment involving the transmission of account information for the payment of money,
23 knowing that there are insufficient funds in or on deposit with that account for the payment of
24 such check, sight order, or other form of presentment involving the transmission of account
25 information in full and all other checks, sight orders, or other forms of presentment involving the
26 transmission of account information upon such funds then outstanding, or that there is no such

1 account or no drawee and fails to pay the check or sight order or other form of presentment
2 involving the transmission of account information within ten days after receiving actual notice in
3 writing that it has not been paid because of insufficient funds or credit with the drawee or because
4 there is no such drawee.

5 2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing"
6 means notice of the nonpayment which is actually received by the defendant. Such notice may
7 include the service of summons or warrant upon the defendant for the initiation of the prosecution
8 of the check or checks which are the subject matter of the prosecution if the summons or warrant
9 contains information of the ten-day period during which the instrument may be paid and that
10 payment of the instrument within such ten-day period will result in dismissal of the charges. The
11 requirement of notice shall also be satisfied for written communications which are tendered to the
12 defendant and which the defendant refuses to accept.

13 3. The face amounts of any bad checks passed pursuant to one course of conduct within
14 any ten-day period may be aggregated in determining the grade of the offense.

15 4. Passing bad checks is a class A misdemeanor, unless:

16 (1) The face amount of the check or sight order or the aggregated amounts is five hundred
17 dollars or more; or

18 (2) The issuer had no account with the drawee or if there was no such drawee at the time
19 the check or order was issued, in which cases passing bad checks is a class C felony.

20 5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney or
21 circuit attorney who takes any action pursuant to the provisions of this section shall collect from
22 the issuer in such action an administrative handling cost. The cost shall be twenty-five dollars for
23 checks of less than one hundred dollars, and fifty dollars for checks of one hundred dollars but
24 less than two hundred fifty dollars. For checks of two hundred fifty dollars or more an additional
25 fee of ten percent of the face amount shall be assessed, with a maximum fee for administrative
26 handling costs not to exceed seventy-five dollars total. Notwithstanding the provisions of sections

1 50.525 to 50.745, the costs provided for in this subsection shall be deposited by the county
2 treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney or circuit
3 attorney. This fund shall be known as the "Administrative Handling Cost Fund", and it shall be
4 the fund for deposits under this section and under section 559.100. The funds shall be expended,
5 upon warrants issued by the prosecuting attorney or circuit attorney directing the treasurer to issue
6 checks thereon, only for purposes related to that previously authorized in this section. Any
7 revenues that are not required for the purposes of this section may be placed in the general
8 revenue fund of the county or city not within a county. Notwithstanding any law to the contrary,
9 in addition to the administrative handling cost, the prosecuting attorney or circuit attorney shall
10 collect an additional cost of five dollars per check for deposit to the Missouri office of prosecution
11 services fund established in subsection 2 of section 56.765. All moneys collected pursuant to this
12 section which are payable to the Missouri office of prosecution services fund shall be transmitted
13 at least monthly by the county treasurer to the director of revenue who shall deposit the amount
14 collected pursuant to the credit of the Missouri office of prosecution services fund under the
15 procedure established pursuant to subsection 2 of section 56.765.

16 (2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney
17 for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial and
18 witness preparation, additional employees for the staff of the prosecuting or circuit attorney,
19 employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney
20 in operation of that office.

21 (3) This fund may be audited by the state auditor's office or the appropriate auditing
22 agency.

23 (4) If the moneys collected and deposited into this fund are not totally expended annually,
24 then the unexpended balance shall remain in said fund and the balance shall be kept in said fund
25 to accumulate from year to year.

26 6. Notwithstanding any other provision of law to the contrary:

1 (1) In addition to the administrative handling costs provided for in subsection 5 of this
2 section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the
3 face amount of the check, a reasonable service charge, which along with the face amount of the
4 check, shall be turned over to the party to whom the bad check was issued;

5 (2) If a check that is dishonored or returned unpaid by a financial institution is not referred
6 to the prosecuting attorney or circuit attorney for any action pursuant to the provisions of this
7 section, the party to whom the check was issued, or his or her agent or assignee, or a holder, may
8 collect from the issuer, in addition to the face amount of the check, a reasonable service charge,
9 not to exceed twenty-five dollars, plus an amount equal to the actual charge by the depository
10 institution for the return of each unpaid or dishonored instrument.

11 7. When any financial institution returns a dishonored check to the person who deposited
12 such check, it shall be in substantially the same physical condition as when deposited, or in such
13 condition as to provide the person who deposited the check the information required to identify
14 the person who wrote the check.”; and

15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.