

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1231

AN ACT

To repeal sections 56.807, 105.711, 302.065, 334.950, 408.040, 452.556, 454.500, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014, 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and 650.120, RSMo, and to enact in lieu thereof forty-two new sections relating to the administration of justice, with penalty provisions, an effective date for certain sections, and an emergency clause for certain sections.

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

1 Section A. Sections 56.807, 105.711, 302.065, 334.950,
2 408.040, 452.556, 454.500, 455.007, 456.950, 476.445, 477.081,
3 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190,
4 477.191, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610,
5 483.140, 488.014, 488.026, 488.305, 516.140, 516.350, 525.040,
6 525.070, 525.080, 525.230, 525.310, 575.153, 578.501, 578.502,
7 578.503, and 650.120, RSMo, are repealed and forty-two new

1 sections enacted in lieu thereof, to be known as sections 21.880,
2 56.807, 57.095, 105.711, 302.065, 302.067, 334.950, 408.040,
3 452.556, 454.500, 455.007, 456.950, 456.4-420, 474.395, 477.160,
4 477.170, 477.180, 478.320, 478.437, 478.464, 478.513, 478.600,
5 478.610, 478.740, 483.140, 488.014, 488.026, 488.305, 488.2206,
6 488.2245, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230,
7 525.310, 537.602, 574.160, 575.153, 632.520, and 650.120, to read
8 as follows:

9 21.880. 1. There is hereby established a permanent joint
10 committee of the general assembly, which shall be known as the
11 "Joint Committee on the Justice System" and shall be composed of
12 the following members:

13 (1) The chairs of the senate and house committees on the
14 judiciary;

15 (2) The ranking minority members of the senate and house
16 committees on the judiciary;

17 (3) Two members of the senate appointed by the president
18 pro tempore of the senate, one of whom shall be a member of the
19 senate committee on appropriations;

20 (4) The chair of the house committee with jurisdiction over
21 matters relating to criminal laws, law enforcement, and public
22 safety;

23 (5) The chair of the house committee with jurisdiction over
24 matters relating to state correctional institutions;

25 (6) A member of the senate appointed by the minority floor
26 leader of the senate;

27 (7) A member of the house of representatives appointed by
28 the minority floor leader of the house of representatives;

1 (8) Three nonvoting ex officio members who shall be the
2 chief justice of the Missouri supreme court, the state auditor,
3 and the attorney general, or their designees.

4 2. No more than three members from each house shall be of
5 the same political party.

6 3. The joint committee shall meet within thirty days after
7 its creation and organize by selecting a chair and vice chair,
8 one of whom shall be the senate judiciary chair and one of whom
9 shall be the house judiciary chair. The positions of chair and
10 vice chair shall alternate every two years thereafter between the
11 senate and house. After its organization, the committee shall
12 meet regularly, at least twice a year, at such time and place as
13 the chair designates, including locations other than Jefferson
14 City. A majority of the members of the committee shall
15 constitute a quorum, but the concurrence of a majority of the
16 members, other than the ex officio members, shall be required for
17 the determination of any matter within the committee's duties.

18 4. In order to promote the effective administration of
19 justice and public safety, it shall be the duty of the joint
20 committee to:

21 (1) Review and monitor:

22 (a) The state's justice system;

23 (b) The state's criminal laws, law enforcement, and public
24 safety;

25 (c) The state's correctional institutions and penal and
26 correctional issues; and

27 (d) All state government efforts related to terrorism,
28 bioterrorism, and homeland security;

1 (2) Receive reports from the judicial branch, state or
2 local government agencies or departments, and any entities
3 attached to them for administrative purposes;

4 (3) Conduct an ongoing study and analysis of the state's
5 justice system and related issues;

6 (4) Determine the need for changes in statutory law, rules,
7 policies, or procedures;

8 (5) Make any recommendations to the general assembly for
9 legislative action; and

10 (6) Perform other duties authorized by concurrent
11 resolution of the general assembly.

12 5. By January 15, 2016, and every year thereafter, it shall
13 be the duty of the joint committee to file with the general
14 assembly a report of its activities, along with any findings or
15 recommendations the committee may have for legislative action.

16 6. The joint committee shall establish a permanent
17 subcommittee on the Missouri criminal code, which shall conduct
18 and supervise a continuing program of revision designed to
19 maintain the cohesiveness, consistency, and effectiveness of the
20 criminal laws of the state. In connection with this program, the
21 committee may select an advisory committee on the Missouri
22 criminal code, composed of a representative of the Missouri
23 supreme court, a representative of the office of the attorney
24 general, and other individuals known to be interested in the
25 improvement of the state's criminal laws, and may authorize the
26 payment of any actual and necessary expenses incurred by such
27 members while attending meetings with the committee or the
28 subcommittee on the Missouri criminal code. The subcommittee on

1 the Missouri criminal code shall present to the general assembly
2 in each tenth year such criminal code revision bills as it finds
3 appropriate to accomplish its purpose.

4 7. The joint committee may make reasonable requests for
5 staff assistance from the research and appropriations staffs of
6 the senate and house and the joint committee on legislative
7 research, and may employ such personnel as it deems necessary to
8 carry out the duties imposed by this section, within the limits
9 of any appropriation for such purpose. In the performance of its
10 duties, the committee may request assistance or information from
11 all branches of government and state departments, agencies,
12 boards, commissions, and offices.

13 8. The members of the committee shall serve without
14 compensation, but any actual and necessary expenses incurred in
15 the performance of the committee's official duties by the joint
16 committee, its members, and any staff assigned to the committee
17 shall be paid from the joint contingent fund.

18 56.807. 1. Beginning August 28, 1989, and continuing
19 monthly thereafter until August 27, 2003, the funds for
20 prosecuting attorneys and circuit attorneys provided for in
21 subsection 2 of this section shall be paid from county or city
22 funds.

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

27 (1) For counties of the third and fourth classification
28 except as provided in subdivision (3) of this subsection, three

1 hundred seventy-five dollars;

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

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

11 3. Beginning August 28, 1989, and continuing until August
12 27, 2003, the county treasurer shall at least monthly transmit
13 the sums specified in subsection 2 of this section to the
14 Missouri office of prosecution services for deposit to the credit
15 of the "Missouri Prosecuting Attorneys and Circuit Attorneys'
16 Retirement System Fund", which is hereby created. All moneys
17 held by the state treasurer on behalf of the system shall be paid
18 to the system within ninety days after August 28, 1993. Moneys
19 in the Missouri prosecuting attorneys and circuit attorneys'
20 retirement system fund shall be used only for the purposes
21 provided in sections 56.800 to 56.840 and for no other purpose.

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

27 5. (1) Beginning August 28, 2003, each county treasurer
28 shall pay to the system the following amounts to be drawn from

1 the general revenues of the county:

2 [(1)] (a) For counties of the third and fourth
3 classification except as provided in [subdivision (3)] paragraph
4 (c) of this [subsection] subdivision, one hundred eighty-seven
5 dollars;

6 [(2)] (b) For counties of the second classification, two
7 hundred seventy-one dollars;

8 [(3)] (c) For counties of the first classification,
9 counties which pursuant to section 56.363 elect to make the
10 position of prosecuting attorney a full-time position after
11 August 28, 2001, or whose county commission has elected a full-
12 time retirement benefit pursuant to subsection 3 of section
13 56.363, and the city of St. Louis, six hundred forty-six dollars.

14 (2) Beginning August 28, 2015, the county contribution set
15 forth in paragraphs (a) to (c) of subdivision (1) of this
16 subsection shall be adjusted in accordance with the following
17 schedule based upon the prosecuting attorneys and circuit
18 attorneys' retirement system's annual actuarial valuation report.
19 If the system's funding ratio is:

20 (a) One hundred twenty percent or more, no monthly sum
21 shall be transmitted;

22 (b) More than one hundred ten percent but less than one
23 hundred twenty percent, the monthly sum transmitted shall be
24 reduced fifty percent;

25 (c) At least ninety percent and up to and including one
26 hundred ten percent, the monthly sum transmitted shall remain the
27 same;

28 (d) At least eighty percent and less than ninety percent,

1 the monthly sum transmitted shall be increased fifty percent; and

2 (e) Less than eighty percent, the monthly sum transmitted
3 shall be increased one hundred percent.

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

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

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

28 (2) The clerk responsible for collecting court costs in

1 criminal cases shall collect and disburse such amounts as
2 provided by sections 488.010 to 488.026. Such funds shall be
3 payable to the prosecuting attorneys and circuit attorneys'
4 retirement fund. Moneys credited to the prosecuting attorneys
5 and circuit attorneys' retirement fund shall be used only for the
6 purposes provided for in sections 56.800 to 56.840 and for no
7 other purpose.

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

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

14 57.095. Notwithstanding the provisions of section 537.600
15 to the contrary, sheriffs or any other law enforcement officers
16 shall have immunity from any liability, civil or criminal, while
17 conducting service of process at the direction of any court to
18 the extent that the officers' actions do not violate clearly
19 established statutory or constitutional rights of which a
20 reasonable person would have known.

21 105.711. 1. There is hereby created a "State Legal Expense
22 Fund" which shall consist of moneys appropriated to the fund by
23 the general assembly and moneys otherwise credited to such fund
24 pursuant to section 105.716.

25 2. Moneys in the state legal expense fund shall be
26 available for the payment of any claim or any amount required by
27 any final judgment rendered by a court of competent jurisdiction
28 against:

1 (1) The state of Missouri, or any agency of the state,
2 pursuant to section 536.050 or 536.087 or section 537.600;

3 (2) Any officer or employee of the state of Missouri or any
4 agency of the state, including, without limitation, elected
5 officials, appointees, members of state boards or commissions,
6 and members of the Missouri National Guard upon conduct of such
7 officer or employee arising out of and performed in connection
8 with his or her official duties on behalf of the state, or any
9 agency of the state, provided that moneys in this fund shall not
10 be available for payment of claims made under chapter 287;

11 (3) (a) Any physician, psychiatrist, pharmacist,
12 podiatrist, dentist, nurse, or other health care provider
13 licensed to practice in Missouri under the provisions of chapter
14 330, 332, 334, 335, 336, 337 or 338 who is employed by the state
15 of Missouri or any agency of the state under formal contract to
16 conduct disability reviews on behalf of the department of
17 elementary and secondary education or provide services to
18 patients or inmates of state correctional facilities on a
19 part-time basis, and any physician, psychiatrist, pharmacist,
20 podiatrist, dentist, nurse, or other health care provider
21 licensed to practice in Missouri under the provisions of chapter
22 330, 332, 334, 335, 336, 337, or 338 who is under formal contract
23 to provide services to patients or inmates at a county jail on a
24 part-time basis;

25 (b) Any physician licensed to practice medicine in Missouri
26 under the provisions of chapter 334 and his professional
27 corporation organized pursuant to chapter 356 who is employed by
28 or under contract with a city or county health department

1 organized under chapter 192 or chapter 205, or a city health
2 department operating under a city charter, or a combined
3 city-county health department to provide services to patients for
4 medical care caused by pregnancy, delivery, and child care, if
5 such medical services are provided by the physician pursuant to
6 the contract without compensation or the physician is paid from
7 no other source than a governmental agency except for patient
8 co-payments required by federal or state law or local ordinance;

9 (c) Any physician licensed to practice medicine in Missouri
10 under the provisions of chapter 334 who is employed by or under
11 contract with a federally funded community health center
12 organized under Section 315, 329, 330 or 340 of the Public Health
13 Services Act (42 U.S.C. 216, 254c) to provide services to
14 patients for medical care caused by pregnancy, delivery, and
15 child care, if such medical services are provided by the
16 physician pursuant to the contract or employment agreement
17 without compensation or the physician is paid from no other
18 source than a governmental agency or such a federally funded
19 community health center except for patient co-payments required
20 by federal or state law or local ordinance. In the case of any
21 claim or judgment that arises under this paragraph, the aggregate
22 of payments from the state legal expense fund shall be limited to
23 a maximum of one million dollars for all claims arising out of
24 and judgments based upon the same act or acts alleged in a single
25 cause against any such physician, and shall not exceed one
26 million dollars for any one claimant;

27 (d) Any physician licensed pursuant to chapter 334 who is
28 affiliated with and receives no compensation from a nonprofit

1 entity qualified as exempt from federal taxation under Section
2 501(c)(3) of the Internal Revenue Code of 1986, as amended, which
3 offers a free health screening in any setting or any physician,
4 nurse, physician assistant, dental hygienist, dentist, or other
5 health care professional licensed or registered under chapter
6 330, 331, 332, 334, 335, 336, 337, or 338 who provides health
7 care services within the scope of his or her license or
8 registration at a city or county health department organized
9 under chapter 192 or chapter 205, a city health department
10 operating under a city charter, or a combined city-county health
11 department, or a nonprofit community health center qualified as
12 exempt from federal taxation under Section 501(c)(3) of the
13 Internal Revenue Code of 1986, as amended, excluding federally
14 funded community health centers as specified in paragraph (c) of
15 this subdivision and rural health clinics under 42 U.S.C.
16 1396d(1)(1), if such services are restricted to primary care and
17 preventive health services, provided that such services shall not
18 include the performance of an abortion, and if such health
19 services are provided by the health care professional licensed or
20 registered under chapter 330, 331, 332, 334, 335, 336, 337, or
21 338 without compensation. MO HealthNet or Medicare payments for
22 primary care and preventive health services provided by a health
23 care professional licensed or registered under chapter 330, 331,
24 332, 334, 335, 336, 337, or 338 who volunteers at a [free]
25 community health clinic is not compensation for the purpose of
26 this section if the total payment is assigned to the [free]
27 community health clinic. For the purposes of the section,
28 "[free] community health clinic" means a nonprofit community

1 health center qualified as exempt from federal taxation under
2 Section 501(c)(3) of the Internal Revenue Code of 1987, as
3 amended, that provides primary care and preventive health
4 services to people without health insurance coverage [for the
5 services provided without charge]. In the case of any claim or
6 judgment that arises under this paragraph, the aggregate of
7 payments from the state legal expense fund shall be limited to a
8 maximum of five hundred thousand dollars, for all claims arising
9 out of and judgments based upon the same act or acts alleged in a
10 single cause and shall not exceed five hundred thousand dollars
11 for any one claimant, and insurance policies purchased pursuant
12 to the provisions of section 105.721 shall be limited to five
13 hundred thousand dollars. Liability or malpractice insurance
14 obtained and maintained in force by or on behalf of any health
15 care professional licensed or registered under chapter 330, 331,
16 332, 334, 335, 336, 337, or 338 shall not be considered available
17 to pay that portion of a judgment or claim for which the state
18 legal expense fund is liable under this paragraph;

19 (e) Any physician, nurse, physician assistant, dental
20 hygienist, or dentist licensed or registered to practice
21 medicine, nursing, or dentistry or to act as a physician
22 assistant or dental hygienist in Missouri under the provisions of
23 chapter 332, 334, or 335, or lawfully practicing, who provides
24 medical, nursing, or dental treatment within the scope of his
25 license or registration to students of a school whether a public,
26 private, or parochial elementary or secondary school or summer
27 camp, if such physician's treatment is restricted to primary care
28 and preventive health services and if such medical, dental, or

1 nursing services are provided by the physician, dentist,
2 physician assistant, dental hygienist, or nurse without
3 compensation. In the case of any claim or judgment that arises
4 under this paragraph, the aggregate of payments from the state
5 legal expense fund shall be limited to a maximum of five hundred
6 thousand dollars, for all claims arising out of and judgments
7 based upon the same act or acts alleged in a single cause and
8 shall not exceed five hundred thousand dollars for any one
9 claimant, and insurance policies purchased pursuant to the
10 provisions of section 105.721 shall be limited to five hundred
11 thousand dollars; or

12 (f) Any physician licensed under chapter 334, or dentist
13 licensed under chapter 332, providing medical care without
14 compensation to an individual referred to his or her care by a
15 city or county health department organized under chapter 192 or
16 205, a city health department operating under a city charter, or
17 a combined city-county health department, or nonprofit health
18 center qualified as exempt from federal taxation under Section
19 501(c)(3) of the Internal Revenue Code of 1986, as amended, or a
20 federally funded community health center organized under Section
21 315, 329, 330, or 340 of the Public Health Services Act, 42
22 U.S.C. Section 216, 254c; provided that such treatment shall not
23 include the performance of an abortion. In the case of any claim
24 or judgment that arises under this paragraph, the aggregate of
25 payments from the state legal expense fund shall be limited to a
26 maximum of one million dollars for all claims arising out of and
27 judgments based upon the same act or acts alleged in a single
28 cause and shall not exceed one million dollars for any one

1 claimant, and insurance policies purchased under the provisions
2 of section 105.721 shall be limited to one million dollars.
3 Liability or malpractice insurance obtained and maintained in
4 force by or on behalf of any physician licensed under chapter
5 334, or any dentist licensed under chapter 332, shall not be
6 considered available to pay that portion of a judgment or claim
7 for which the state legal expense fund is liable under this
8 paragraph;

9 (4) Staff employed by the juvenile division of any judicial
10 circuit;

11 (5) Any attorney licensed to practice law in the state of
12 Missouri who practices law at or through a nonprofit community
13 social services center qualified as exempt from federal taxation
14 under Section 501(c)(3) of the Internal Revenue Code of 1986, as
15 amended, or through any agency of any federal, state, or local
16 government, if such legal practice is provided by the attorney
17 without compensation. In the case of any claim or judgment that
18 arises under this subdivision, the aggregate of payments from the
19 state legal expense fund shall be limited to a maximum of five
20 hundred thousand dollars for all claims arising out of and
21 judgments based upon the same act or acts alleged in a single
22 cause and shall not exceed five hundred thousand dollars for any
23 one claimant, and insurance policies purchased pursuant to the
24 provisions of section 105.721 shall be limited to five hundred
25 thousand dollars;

26 (6) Any social welfare board created under section 205.770
27 and the members and officers thereof upon conduct of such officer
28 or employee while acting in his or her capacity as a board member

1 or officer, and any physician, nurse, physician assistant, dental
2 hygienist, dentist, or other health care professional licensed or
3 registered under chapter 330, 331, 332, 334, 335, 336, 337, or
4 338 who is referred to provide medical care without compensation
5 by the board and who provides health care services within the
6 scope of his or her license or registration as prescribed by the
7 board; or

8 (7) Any person who is selected or appointed by the state
9 director of revenue under subsection 2 of section 136.055 to act
10 as an agent of the department of revenue, to the extent that such
11 agent's actions or inactions upon which such claim or judgment is
12 based were performed in the course of the person's official
13 duties as an agent of the department of revenue and in the manner
14 required by state law or department of revenue rules.

15 3. The department of health and senior services shall
16 promulgate rules regarding contract procedures and the
17 documentation of care provided under paragraphs (b), (c), (d),
18 (e), and (f) of subdivision (3) of subsection 2 of this section.
19 The limitation on payments from the state legal expense fund or
20 any policy of insurance procured pursuant to the provisions of
21 section 105.721, provided in subsection 7 of this section, shall
22 not apply to any claim or judgment arising under paragraph (a),
23 (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of
24 this section. Any claim or judgment arising under paragraph (a),
25 (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of
26 this section shall be paid by the state legal expense fund or any
27 policy of insurance procured pursuant to section 105.721, to the
28 extent damages are allowed under sections 538.205 to 538.235.

1 Liability or malpractice insurance obtained and maintained in
2 force by any health care professional licensed or registered
3 under chapter 330, 331, 332, 334, 335, 336, 337, or 338 for
4 coverage concerning his or her private practice and assets shall
5 not be considered available under subsection 7 of this section to
6 pay that portion of a judgment or claim for which the state legal
7 expense fund is liable under paragraph (a), (b), (c), (d), (e),
8 or (f) of subdivision (3) of subsection 2 of this section.

9 However, a health care professional licensed or registered under
10 chapter 330, 331, 332, 334, 335, 336, 337, or 338 may purchase
11 liability or malpractice insurance for coverage of liability
12 claims or judgments based upon care rendered under paragraphs
13 (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this
14 section which exceed the amount of liability coverage provided by
15 the state legal expense fund under those paragraphs. Even if
16 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of
17 subsection 2 of this section is repealed or modified, the state
18 legal expense fund shall be available for damages which occur
19 while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of
20 subdivision (3) of subsection 2 of this section is in effect.

21 4. The attorney general shall promulgate rules regarding
22 contract procedures and the documentation of legal practice
23 provided under subdivision (5) of subsection 2 of this section.
24 The limitation on payments from the state legal expense fund or
25 any policy of insurance procured pursuant to section 105.721 as
26 provided in subsection 7 of this section shall not apply to any
27 claim or judgment arising under subdivision (5) of subsection 2
28 of this section. Any claim or judgment arising under subdivision

1 (5) of subsection 2 of this section shall be paid by the state
2 legal expense fund or any policy of insurance procured pursuant
3 to section 105.721 to the extent damages are allowed under
4 sections 538.205 to 538.235. Liability or malpractice insurance
5 otherwise obtained and maintained in force shall not be
6 considered available under subsection 7 of this section to pay
7 that portion of a judgment or claim for which the state legal
8 expense fund is liable under subdivision (5) of subsection 2 of
9 this section. However, an attorney may obtain liability or
10 malpractice insurance for coverage of liability claims or
11 judgments based upon legal practice rendered under subdivision
12 (5) of subsection 2 of this section that exceed the amount of
13 liability coverage provided by the state legal expense fund under
14 subdivision (5) of subsection 2 of this section. Even if
15 subdivision (5) of subsection 2 of this section is repealed or
16 amended, the state legal expense fund shall be available for
17 damages that occur while the pertinent subdivision (5) of
18 subsection 2 of this section is in effect.

19 5. All payments shall be made from the state legal expense
20 fund by the commissioner of administration with the approval of
21 the attorney general. Payment from the state legal expense fund
22 of a claim or final judgment award against a health care
23 professional licensed or registered under chapter 330, 331, 332,
24 334, 335, 336, 337, or 338, described in paragraph (a), (b), (c),
25 (d), (e), or (f) of subdivision (3) of subsection 2 of this
26 section, or against an attorney in subdivision (5) of subsection
27 2 of this section, shall only be made for services rendered in
28 accordance with the conditions of such paragraphs. In the case

1 of any claim or judgment against an officer or employee of the
2 state or any agency of the state based upon conduct of such
3 officer or employee arising out of and performed in connection
4 with his or her official duties on behalf of the state or any
5 agency of the state that would give rise to a cause of action
6 under section 537.600, the state legal expense fund shall be
7 liable, excluding punitive damages, for:

8 (1) Economic damages to any one claimant; and

9 (2) Up to three hundred fifty thousand dollars for
10 noneconomic damages.

11 The state legal expense fund shall be the exclusive remedy and
12 shall preclude any other civil actions or proceedings for money
13 damages arising out of or relating to the same subject matter
14 against the state officer or employee, or the officer's or
15 employee's estate. No officer or employee of the state or any
16 agency of the state shall be individually liable in his or her
17 personal capacity for conduct of such officer or employee arising
18 out of and performed in connection with his or her official
19 duties on behalf of the state or any agency of the state. The
20 provisions of this subsection shall not apply to any defendant
21 who is not an officer or employee of the state or any agency of
22 the state in any proceeding against an officer or employee of the
23 state or any agency of the state. Nothing in this subsection
24 shall limit the rights and remedies otherwise available to a
25 claimant under state law or common law in proceedings where one
26 or more defendants is not an officer or employee of the state or
27 any agency of the state.

28 6. The limitation on awards for noneconomic damages

1 provided for in this subsection shall be increased or decreased
2 on an annual basis effective January first of each year in
3 accordance with the Implicit Price Deflator for Personal
4 Consumption Expenditures as published by the Bureau of Economic
5 Analysis of the United States Department of Commerce. The
6 current value of the limitation shall be calculated by the
7 director of the department of insurance, financial institutions
8 and professional registration, who shall furnish that value to
9 the secretary of state, who shall publish such value in the
10 Missouri Register as soon after each January first as
11 practicable, but it shall otherwise be exempt from the provisions
12 of section 536.021.

13 7. Except as provided in subsection 3 of this section, in
14 the case of any claim or judgment that arises under sections
15 537.600 and 537.610 against the state of Missouri, or an agency
16 of the state, the aggregate of payments from the state legal
17 expense fund and from any policy of insurance procured pursuant
18 to the provisions of section 105.721 shall not exceed the limits
19 of liability as provided in sections 537.600 to 537.610. No
20 payment shall be made from the state legal expense fund or any
21 policy of insurance procured with state funds pursuant to section
22 105.721 unless and until the benefits provided to pay the claim
23 by any other policy of liability insurance have been exhausted.

24 8. The provisions of section 33.080 notwithstanding, any
25 moneys remaining to the credit of the state legal expense fund at
26 the end of an appropriation period shall not be transferred to
27 general revenue.

28 9. Any rule or portion of a rule, as that term is defined

1 in section 536.010, that is promulgated under the authority
2 delegated in sections 105.711 to 105.726 shall become effective
3 only if it has been promulgated pursuant to the provisions of
4 chapter 536. Nothing in this section shall be interpreted to
5 repeal or affect the validity of any rule filed or adopted prior
6 to August 28, 1999, if it fully complied with the provisions of
7 chapter 536. This section and chapter 536 are nonseverable and
8 if any of the powers vested with the general assembly pursuant to
9 chapter 536 to review, to delay the effective date, or to
10 disapprove and annul a rule are subsequently held
11 unconstitutional, then the grant of rulemaking authority and any
12 rule proposed or adopted after August 28, 1999, shall be invalid
13 and void.

14 302.065. 1. Notwithstanding section 32.090 or any other
15 provision of the law to the contrary, and except as provided in
16 subsection 4 of this section, the department of revenue shall not
17 retain copies, in any format, of source documents presented by
18 individuals applying for or holding driver's licenses or
19 nondriver's licenses. The department of revenue shall not use
20 technology to capture digital images of source documents so that
21 the images are capable of being retained in electronic storage in
22 a transferable format.

23 2. By December 31, 2013, the department of revenue shall
24 securely destroy so as to make irretrievable any source documents
25 that have been obtained from driver's license or nondriver's
26 license applicants after September 1, 2012.

27 3. As long as the department of revenue has the authority
28 to issue a concealed carry endorsement, the department shall not

1 retain copies of any certificate of qualification for a concealed
2 carry endorsement presented to the department for an endorsement
3 on a driver's license or nondriver's license under section
4 571.101. The department of revenue shall not use technology to
5 capture digital images of a certificate of qualification nor
6 shall the department retain digital or electronic images of such
7 certificates. The department of revenue shall merely verify
8 whether the applicant for a driver's license or nondriver's
9 license has presented a certificate of qualification which will
10 allow the applicant to obtain a concealed carry endorsement. By
11 December 31, 2013, the department of revenue shall securely
12 destroy so as to make irretrievable any copies of certificates of
13 qualification that have been obtained from driver's license or
14 nondriver's license applicants.

15 4. The provisions of this section shall not apply to:

16 (1) Original application forms, which may be retained but
17 not scanned;

18 (2) Test score documents issued by state highway patrol
19 driver examiners;

20 (3) Documents demonstrating lawful presence of any
21 applicant who is not a citizen of the United States, including
22 documents demonstrating duration of the person's lawful presence
23 in the United States; and

24 (4) Any document required to be retained under federal
25 motor carrier regulations in Title 49, Code of Federal
26 Regulations, including but not limited to documents required by
27 federal law for the issuance of a commercial driver's license and
28 a commercial driver instruction permit; and

1 (5) Any other document at the request of and for the
2 convenience of the applicant where the applicant requests the
3 department of revenue review alternative documents as proof
4 required for issuance of a [driver] driver's license, [nondriver]
5 nondriver's license, or instruction permit.

6 5. As used in this section, the term "source documents"
7 means original or certified copies, where applicable, of
8 documents presented by an applicant as required under 6 CFR Part
9 37 to the department of revenue to apply for a driver's license
10 or nondriver's license. Source documents shall also include any
11 documents required for the issuance[, renewal, or replacement] of
12 driver's licenses or nondriver's licenses by the department of
13 revenue under the provisions of this chapter or accompanying
14 regulations.

15 6. Any person harmed or damaged by any violation of this
16 section may bring a civil action for damages, including
17 noneconomic and punitive damages, as well as injunctive relief,
18 in the circuit court where that person resided at the time of the
19 violation or in the circuit court [or the circuit court] of Cole
20 County to recover such damages from the department of revenue and
21 any persons participating in such violation. Sovereign immunity
22 shall not be available as a defense for the department of revenue
23 in such an action. In the event the plaintiff prevails on any
24 count of his or her claim, the plaintiff shall be entitled to
25 recover reasonable attorney fees from the defendants.

26 302.067. Any original or certified copy, if applicable, of
27 a document presented by an applicant under this chapter and its
28 accompanying regulations as proof of lawful presence or

1 citizenship to the department of revenue to apply for a driver's
2 license, nondriver's license or instruction permit shall not be
3 required to be presented by the applicant for any subsequent new,
4 renewal, or duplicate application, except:

5 (1) Documents demonstrating lawful presence of any
6 applicant who is not a citizen of the United States, including
7 documents demonstrating duration of the person's lawful presence
8 in the United States, may be required to be presented upon each
9 subsequent application;

10 (2) The department may require the documents to be
11 presented if it is reasonably believed by the department that the
12 prior driver's license or non-driver's license was issued as a
13 result of a fraudulent act of the applicant;

14 (3) Applicants applying for or renewing a commercial
15 driver's license or commercial driver's instruction permit; or

16 (4) The department may require an applicant to present such
17 documents demonstrating lawful presence or citizenship specified
18 in this section in order to correct any known or presumed error
19 on the driver's license, nondriver's license, or instruction
20 permit.

21 334.950. 1. As used in this section, the following terms
22 shall mean:

23 (1) "Child abuse medical resource centers", medical
24 institutions affiliated with accredited children's hospitals or
25 recognized institutions of higher education with accredited
26 medical school programs that provide training, support,
27 mentoring, and peer review to SAFE CARE providers in Missouri;

28 (2) "SAFE CARE provider", a physician, advanced practice

1 nurse, or physician's assistant licensed in this state who
2 provides medical diagnosis and treatment to children suspected of
3 being victims of abuse and who receives:

4 (a) Missouri-based initial intensive training regarding
5 child maltreatment from the SAFE CARE network;

6 (b) Ongoing update training on child maltreatment from the
7 SAFE CARE network;

8 (c) Peer review and new provider mentoring regarding the
9 forensic evaluation of children suspected of being victims of
10 abuse from the SAFE CARE network;

11 (3) "Sexual assault forensic examination child abuse
12 resource education network" or "SAFE CARE network", a network of
13 SAFE CARE providers and child abuse medical resource centers that
14 collaborate to provide forensic evaluations, medical training,
15 support, mentoring, and peer review for SAFE CARE providers for
16 the medical evaluation of child abuse victims in this state to
17 improve outcomes for children who are victims of or at risk for
18 child maltreatment by enhancing the skills and role of the
19 medical provider in a multidisciplinary context.

20 2. Child abuse medical resource centers may collaborate
21 directly or through the use of technology with SAFE CARE
22 providers to promote improved services to children who are
23 suspected victims of abuse that will need to have a forensic
24 medical evaluation conducted by providing specialized training
25 for forensic medical evaluations for children conducted in a
26 hospital, child advocacy center, or by a private health care
27 professional without the need for a collaborative agreement
28 between the child abuse medical resource center and a SAFE CARE

1 provider.

2 3. SAFE CARE providers who are a part of the SAFE CARE
3 network in Missouri may collaborate directly or through the use
4 of technology with other SAFE CARE providers and child abuse
5 medical resource centers to promote improved services to children
6 who are suspected victims of abuse that will need to have a
7 forensic medical evaluation conducted by providing specialized
8 training for forensic medical evaluations for children conducted
9 in a hospital, child advocacy center, or by a private health care
10 professional without the need for a collaborative agreement
11 between the child abuse medical resource center and a SAFE CARE
12 provider.

13 4. The SAFE CARE network shall develop recommendations
14 concerning medically based screening processes and forensic
15 evidence collection for children who may be in need of an
16 emergency examination following an alleged sexual assault. Such
17 recommendations shall be provided to the SAFE CARE providers,
18 child advocacy centers, hospitals and licensed practitioners that
19 provide emergency examinations for children suspected of being
20 victims of abuse.

21 5. The department of public safety shall establish rules
22 and make payments to SAFE CARE providers, out of appropriations
23 made for that purpose, who provide forensic examinations of
24 persons under eighteen years of age who are alleged victims of
25 physical abuse.

26 6. The department shall establish maximum reimbursement
27 rates for charges submitted under this section, which shall
28 reflect the reasonable cost of providing the forensic exam.

1 7. The department shall only reimburse providers for
2 forensic evaluations and case reviews. The department shall not
3 reimburse providers for medical procedures, facility fees,
4 supplies, or laboratory/radiology tests.

5 8. In order for the department to provide reimbursement,
6 the child shall be the subject of a child abuse investigation or
7 reported to the children's division as a result of the
8 examination.

9 9. A minor may consent to examination under this section.
10 Such consent is not subject to disaffirmance because of the
11 individual's status as a minor, and the consent of a parent or
12 guardian of the minor is not required for such examination.

13 408.040. 1. Judgments shall accrue interest on the
14 judgment balance as set forth in this section. The "judgment
15 balance" is defined as the total amount of the judgment awarded
16 on the day judgment is entered including, but not limited to,
17 principal, prejudgment interest, and all costs and fees. Post-
18 judgment payments or credits shall be applied first to post-
19 judgment costs, then to post-judgment interest, and then to the
20 judgment balance.

21 2. In all nontort actions, interest shall be allowed on all
22 money due upon any judgment or order of any court from the date
23 judgment is entered by the trial court until satisfaction be made
24 by payment, accord or sale of property; all such judgments and
25 orders for money upon contracts bearing more than nine percent
26 interest shall bear the same interest borne by such contracts,
27 and all other judgments and orders for money shall bear nine
28 percent per annum until satisfaction made as aforesaid.

1 [2.] 3. Notwithstanding the provisions of subsection [1] 2
2 of this section, in tort actions, interest shall be allowed on
3 all money due upon any judgment or order of any court from the
4 date [of] judgment is entered by the trial court until full
5 satisfaction. All such judgments and orders for money shall bear
6 a per annum interest rate equal to the intended Federal Funds
7 Rate, as established by the Federal Reserve Board, plus five
8 percent, until full satisfaction is made. The judgment shall
9 state the applicable interest rate, which shall not vary once
10 entered. In tort actions, if a claimant has made a demand for
11 payment of a claim or an offer of settlement of a claim, to the
12 party, parties or their representatives, and to such party's
13 liability insurer if known to the claimant, and the amount of the
14 judgment or order exceeds the demand for payment or offer of
15 settlement, then prejudgment interest shall be awarded,
16 calculated from a date ninety days after the demand or offer was
17 received, as shown by the certified mail return receipt, or from
18 the date the demand or offer was rejected without counter offer,
19 whichever is earlier. In order to qualify as a demand or offer
20 pursuant to this section, such demand must:

21 (1) Be in writing and sent by certified mail return receipt
22 requested; and

23 (2) Be accompanied by an affidavit of the claimant
24 describing the nature of the claim, the nature of any injuries
25 claimed and a general computation of any category of damages
26 sought by the claimant with supporting documentation, if any is
27 reasonably available; and

28 (3) For wrongful death, personal injury, and bodily injury

1 claims, be accompanied by a list of the names and addresses of
2 medical providers who have provided treatment to the claimant or
3 decedent for such injuries, copies of all reasonably available
4 medical bills, a list of employers if the claimant is seeking
5 damages for loss of wages or earning, and written authorizations
6 sufficient to allow the party, its representatives, and liability
7 insurer if known to the claimant to obtain records from all
8 employers and medical care providers; and

9 (4) Reference this section and be left open for ninety
10 days.

11
12 Unless the parties agree in writing to a longer period of time,
13 if the claimant fails to file a cause of action in circuit court
14 prior to a date one hundred twenty days after the demand or offer
15 was received, then the court shall not award prejudgment interest
16 to the claimant. If the claimant is a minor or incompetent or
17 deceased, the affidavit may be signed by any person who
18 reasonably appears to be qualified to act as next friend or
19 conservator or personal representative. If the claim is one for
20 wrongful death, the affidavit may be signed by any person
21 qualified pursuant to section 537.080 to make claim for the
22 death. Nothing contained herein shall limit the right of a
23 claimant, in actions other than tort actions, to recover
24 prejudgment interest as otherwise provided by law or contract.

25 [3.] 4. In tort actions, a judgment for prejudgment
26 interest awarded pursuant to this [subsection] section should
27 bear interest at a per annum interest rate equal to the intended
28 Federal Funds Rate, as established by the Federal Reserve Board,

1 plus three percent. The judgment shall state the applicable
2 interest rate, which shall not vary once entered.

3 452.556. 1. The state courts administrator shall create a
4 handbook or be responsible for the approval of a handbook
5 outlining the following:

6 (1) What is included in a parenting plan;

7 (2) The benefits of the parties agreeing to a parenting
8 plan which outlines education, custody and cooperation between
9 parents;

10 (3) The benefits of alternative dispute resolution;

11 (4) The pro se family access motion for enforcement of
12 custody or temporary physical custody;

13 (5) The underlying assumptions for supreme court rules
14 relating to child support; and

15 (6) A party's duties and responsibilities pursuant to
16 section 452.377, including the possible consequences of not
17 complying with section 452.377. The handbooks shall be
18 distributed to each court and shall be available in an
19 alternative format, including Braille, large print, or electronic
20 or audio format upon request by a person with a disability, as
21 defined by the federal Americans with Disabilities Act.

22 2. Each court shall [mail] provide a copy of the handbook
23 developed pursuant to subsection 1 of this section to each party
24 in a dissolution or legal separation action filed pursuant to
25 section 452.310, or any proceeding in modification thereof, where
26 minor children are involved, or may provide the petitioner with a
27 copy of the handbook at the time the petition is filed and direct
28 that a copy of the handbook be served along with the petition and

1 summons upon the respondent.

2 3. The court shall make the handbook available to
3 interested state agencies and members of the public.

4 454.500. 1. At any time after the entry of an order
5 pursuant to sections 454.470 and 454.475, the obligated parent,
6 the division, or the person or agency having custody of the
7 dependent child may file a motion for modification with the
8 director. Such motion shall be in writing, shall set forth the
9 reasons for modification, and shall state the address of the
10 moving party. The motion shall be served by the moving party in
11 the manner provided for in subsection 5 of section 454.465 upon
12 the obligated parent or the party holding the support rights, as
13 appropriate. In addition, if the support rights are held by the
14 division of family services on behalf of the state, a true copy
15 of the motion shall be mailed by the moving party by certified
16 mail to the person having custody of the dependent child at the
17 last known address of that person. A hearing on the motion shall
18 then be provided in the same manner, and determinations shall be
19 based on considerations set out in section 454.475, unless the
20 party served fails to respond within thirty days, in which case
21 the director may enter an order by default. If the child for
22 whom the order applies is no longer in the custody of a person
23 receiving public assistance or receiving support enforcement
24 services from the department, or a division thereof, pursuant to
25 section 454.425, the director may certify the matter for hearing
26 to the circuit court in which the order was filed pursuant to
27 section 454.490 in lieu of holding a hearing pursuant to section
28 454.475. If the director certifies the matter for hearing to the
29 circuit court, service of the motion to modify shall be had in
30 accordance with the provisions of subsection 5 of section

1 452.370. If the director does not certify the matter for hearing
2 to the circuit court, service of the motion to modify shall be
3 considered complete upon personal service, or on the date of
4 mailing, if sent by certified mail. For the purpose of 42 U.S.C.
5 666(a)(9)(C), the director shall be considered the appropriate
6 agent to receive the notice of the motion to modify for the
7 obligee or the obligor, but only in those instances in which the
8 matter is not certified to circuit court for hearing, and only
9 when service of the motion is attempted on the obligee or obligor
10 by certified mail.

11 2. A motion for modification made pursuant to this section
12 shall not stay the director from enforcing and collecting upon
13 the existing order pending the modification proceeding unless so
14 ordered by the court.

15 3. Only payments accruing subsequent to the service of the
16 motion for modification upon all named parties to the motion may
17 be modified. Modification may be granted only upon a showing of
18 a change of circumstances so substantial and continuing as to
19 make the terms unreasonable. In a proceeding for modification of
20 any child support award, the director, in determining whether or
21 not a substantial change in circumstances has occurred, shall
22 consider all financial resources of both parties, including the
23 extent to which the reasonable expenses of either party are, or
24 should be, shared by a spouse or other person with whom he or she
25 cohabits, and the earning capacity of a party who is not
26 employed. If the application of the guidelines and criteria set
27 forth in supreme court rule 88.01 to the financial circumstances
28 of the parties would result in a change of child support from the
29 existing amount by twenty percent or more, then a prima facie
30 showing has been made of a change of circumstances so substantial

1 and continuing as to make the present terms unreasonable.

2 4. If the division has entered an order under section
3 454.470 or 454.500, and an additional child or children not the
4 subject of the order are born to the parties, the division may,
5 following the filing of a motion to modify, service of process,
6 and opportunity for a hearing pursuant to this section, modify
7 the underlying child support order to include a single child
8 support obligation for all children of the parties in conformity
9 with the criteria set forth in supreme court rule 88.01.

10 5. The circuit court may, upon such terms as may be just,
11 relieve a parent from an administrative order entered against
12 that parent because of mistake, inadvertence, surprise, or
13 excusable neglect.

14 [5.] 6. No order entered pursuant to section 454.476 shall
15 be modifiable pursuant to this section, except that an order
16 entered pursuant to section 454.476 shall be amended by the
17 director to conform with any modification made by the court that
18 entered the court order upon which the director based his or her
19 order.

20 [6.] 7. When the party seeking modifications has met the
21 burden of proof set forth in subsection 3 of this section, then
22 the child support shall be determined in conformity with the
23 criteria set forth in supreme court rule 88.01.

24 [7.] 8. The last four digits of the Social Security number
25 of the parents shall be recorded on any order entered pursuant to
26 this section. The full Social Security number of each party and
27 each child shall be retained in the manner required by section
28 509.520.

29 455.007. Notwithstanding any other provision of law to the
30 contrary, the public interest exception to the mootness doctrine

1 shall apply to an appeal of a full order of protection which[:

2 (1)] has expired[; and

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

6 456.950. 1. As used in this section, "qualified spousal
7 trust" means a trust:

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

10 (2) The terms of which provide that during the joint lives
11 of the settlors all property or interests in property transferred
12 to, or held by, the trustee are:

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

20 (b) Held and administered in two separate shares of one
21 trust for the benefit of each of the settlors, with the trust
22 revocable by each settlor with respect to that settlor's separate
23 share of that trust without the participation or consent of the
24 other settlor, and each settlor having the right to receive
25 distributions of income or principal, whether mandatory or within
26 the discretion of the trustee, from that settlor's separate share
27 for that settlor's life; or

28 (c) Held and administered under the terms and conditions

1 contained in paragraphs (a) and (b) of this subdivision.

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

5 3. Any property or interests in property [held as tenants
6 by the entirety by a husband and wife] that [is] are at any time
7 transferred to the trustee of a qualified spousal trust of which
8 the husband and wife are the settlors, shall thereafter be [held
9 and] administered as provided by the trust terms in accordance
10 with paragraph (a), (b), or (c) of subdivision (2) of subsection
11 1 of this section[, and all such]. All trust property and
12 interests in property deemed for purposes of this section to be
13 held as tenants by the entirety, including the proceeds thereof,
14 the income thereon, and any property into which such property,
15 proceeds, or income may be converted, shall [thereafter] have the
16 same immunity from the claims of the separate creditors of the
17 settlors as would have existed if the settlors had continued to
18 hold that property as husband and wife as tenants by the
19 entirety. Property or interests in property held by a husband
20 and wife as tenants by the entirety or as joint tenants or other
21 form of joint ownership with right of survivorship shall be
22 conclusively deemed for purposes of this section to be held as
23 tenants by the entirety upon its transfer to the qualified
24 spousal trust. All such transfers shall retain said immunity, so
25 long as:

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

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

1 4. Property or interests in property held by a husband and
2 wife or held in the sole name of a husband or wife that [is] are
3 not held as tenants by the entirety or deemed held as tenants by
4 the entirety for purposes of this section and [is] are
5 transferred to a qualified spousal trust shall be held as
6 directed in the qualified spousal trust's governing instrument or
7 in the instrument of transfer and the rights of any claimant to
8 any interest in that property shall not be affected by this
9 section.

10 5. Upon the death of each settlor, all property and
11 interests in property held by the trustee of the qualified
12 spousal trust shall be distributed as directed by the then
13 current terms of the governing instrument of such trust. Upon
14 the death of the first settlor to die, if immediately prior to
15 death the predeceased settlor's interest in the qualified spousal
16 trust was then held in such settlor's separate share, the
17 property or interests in property in such settlor's separate
18 share may pass into an irrevocable trust for the benefit of the
19 surviving settlor upon such terms as the governing instrument
20 shall direct, including without limitation a spendthrift
21 provision as provided in section 456.5-502.

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

28 7. This section shall apply to all trusts which fulfill the

1 criteria set forth in this section for a qualified spousal trust
2 regardless of whether such trust was created before or after
3 August 28, 2011.

4 456.4-420. 1. If a trust instrument containing a no-
5 contest clause is or has become irrevocable, an interested person
6 may file a petition to the court for an interlocutory
7 determination whether a particular motion, petition, or other
8 claim for relief by the interested person would trigger
9 application of the no-contest clause or would otherwise trigger a
10 forfeiture that is enforceable under applicable law and public
11 policy.

12 2. The petition described in subsection 1 of this section
13 shall be verified under oath. The petition may be filed by an
14 interested person either as a separate judicial proceeding, or
15 brought with other claims for relief in a single judicial
16 proceeding, all in the manner prescribed generally for such
17 proceedings under this chapter. If a petition is joined with
18 other claims for relief, the court shall enter its order or
19 judgment on the petition before proceeding any further with any
20 other claim for relief joined therein. In ruling on such a
21 petition, the court shall consider the text of the clause, the
22 context to the terms of the trust instrument as a whole, and in
23 the context of the verified factual allegations in the petition.
24 No evidence beyond the pleadings and the trust instrument shall
25 be taken except as required to resolve an ambiguity in the no-
26 contest clause.

27 3. An order or judgment determining a petition described in
28 subsection 1 of this section shall have the effect set forth in

1 subsections 4 and 5 of this section, and shall be subject to
2 appeal as with other final judgments. If the order disposes of
3 fewer than all claims for relief in a judicial proceeding, that
4 order is subject to interlocutory appeal in accordance with the
5 applicable rules for taking such an appeal. If an interlocutory
6 appeal is taken, the court may stay the pending judicial
7 proceeding until final disposition of said appeal on such terms
8 and conditions as the court deems reasonable and proper under the
9 circumstances. A final ruling on the applicability of a no-
10 contest clause shall not preclude any later filing and
11 adjudication of other claims related to the trust.

12 4. An order or judgment, in whole or in part, on a petition
13 described in subsection 1 of this section shall result in the no-
14 contest clause being enforceable to the extent of the court's
15 ruling and shall govern application of the no-contest clause to
16 the extent that the interested person then proceeds forward with
17 the claims described therein. In the event such an interlocutory
18 order or judgment is vacated, reversed, or otherwise modified on
19 appeal, no interested person shall be prejudiced by any reliance,
20 through action, inaction, or otherwise on the order or judgment
21 prior to final disposition of the appeal.

22 5. An order or judgment shall have effect only as to the
23 specific trust terms and factual basis recited in the petition.
24 If claims are later filed that are materially different than
25 those upon which the order or judgment is based, then to the
26 extent such new claims are raised, the party in whose favor the
27 order or judgment was entered shall have no protection from
28 enforcement of the no-contest clause otherwise afforded by the

1 order and judgment entered under this section.

2 6. For purposes of this section, a "no-contest clause"
3 shall mean a provision in a trust instrument purporting to
4 rescind a donative transfer to, or a fiduciary appointment of,
5 any person or that otherwise effects a forfeiture of some or all
6 of an interested person's beneficial interest in a trust estate
7 as a result of some action taken by the beneficiary. This
8 definition shall not be construed in any way as determining
9 whether a no-contest clause is enforceable under applicable law
10 and public policy in a particular factual situation. As used in
11 this section, the term "no-contest clause" shall also mean an "in
12 terrorem clause".

13 7. A no-contest clause is not enforceable against an
14 interested person in, but not limited to, the following
15 circumstances:

16 (1) Filing a motion, petition, or other claim for relief
17 objecting to the jurisdiction or venue of the court over a
18 proceeding concerning a trust or over any person joined or
19 attempted to be joined in such a proceeding;

20 (2) Filing a motion, petition, or other claim for relief
21 concerning an accounting, report, or notice that has or should
22 have been made by a trustee, provided the interested person
23 otherwise has standing to do so under applicable law including,
24 but not limited to, section 456.6-603;

25 (3) Filing a motion, petition, or other claim for relief
26 under chapter 475 concerning the appointment of a guardian or
27 conservator for the settlor;

28 (4) Filing a motion, petition, or other claim for relief

1 under chapter 404 concerning the settlor;

2 (5) Disclosure to any person of information concerning a
3 trust instrument or that is relevant to a proceeding before the
4 court concerning the trust instrument or property of the trust
5 estate, unless such disclosure is otherwise prohibited by law;

6 (6) Filing a motion, pleading, or other claim for relief
7 seeking approval of a nonjudicial settlement agreement concerning
8 a trust instrument, as set forth in section 456.1-111;

9 (7) To the extent a petition under subsection 1 of this
10 section is limited to the procedure and purpose described
11 therein.

12 8. In any proceeding brought under this section, the court
13 may award costs, expenses, and attorney's fees to any party as
14 provided in section 456.10-1004.

15 474.395. 1. If a will contains a no-contest clause, an
16 interested person may file a petition with the court for a
17 determination whether a particular motion, petition, action, or
18 other claim for relief by the interested person would trigger
19 application of the no-contest clause or would otherwise trigger a
20 forfeiture that is enforceable under applicable law and public
21 policy, which application would be adjudicated in the manner
22 prescribed in section 456.4-420, and subject to the provisions
23 set forth therein.

24 2. For purposes of this section, a "no-contest clause"
25 shall mean a provision in a will purporting to rescind a donative
26 transfer to, or a fiduciary appointment of, any person who
27 institutes a proceeding challenging the validity of all or part
28 of the will or that otherwise effects a forfeiture of some or all

1 of an interested person's beneficial interest in the estate as a
2 result of some action taken by the beneficiary. This definition
3 shall not be construed in any way as determining whether a no-
4 contest clause is enforceable under applicable law and public
5 policy in a particular factual situation. As used in this
6 section, the term "no-contest clause" shall also mean an "in
7 terrorem clause".

8 477.160. There shall be [~~twelve~~] fourteen judges of the
9 eastern district of the court of appeals.

10 477.170. There shall be [~~seven~~] eleven judges of the
11 western district of the court of appeals.

12 477.180. There shall be [~~five~~] seven judges of the southern
13 district of the court of appeals.

14 478.320. 1. In counties having a population of thirty
15 thousand or less, there shall be one associate circuit judge. In
16 counties having a population of more than thirty thousand and
17 less than one hundred thousand, there shall be two associate
18 circuit judges. In counties having a population of one hundred
19 thousand or more, there shall be three associate circuit judges
20 and one additional associate circuit judge for each additional
21 one hundred thousand inhabitants.

22 2. [When the office of state courts administrator indicates
23 in an annual judicial weighted workload model for three
24 consecutive years or more the need for four or more full-time
25 judicial positions in any judicial circuit having a population of
26 one hundred thousand or more, there shall be one additional
27 associate circuit judge position in such circuit for every four
28 full-time judicial positions needed as indicated in the weighted
29 workload model. In a multicounty circuit, the additional

1 associate circuit judge positions shall be apportioned among the
2 counties in the circuit on the basis of population, starting with
3 the most populous county, then the next most populous county, and
4 so forth.

5 3.] For purposes of this section, notwithstanding the
6 provisions of section 1.100, population of a county shall be
7 determined on the basis of the last previous decennial census of
8 the United States; and, beginning after certification of the year
9 2000 decennial census, on the basis of annual population
10 estimates prepared by the United States Bureau of the Census,
11 provided that the number of associate circuit judge positions in
12 a county shall be adjusted only after population estimates for
13 three consecutive years indicate population change in the county
14 to a level provided by subsection 1 of this section.

15 [4.] 3. Except in circuits where associate circuit judges
16 are selected under the provisions of Sections 25(a) to (g) of
17 Article V of the constitution, the election of associate circuit
18 judges shall in all respects be conducted as other elections and
19 the returns made as for other officers.

20 [5.] 4. In counties not subject to Sections 25(a) to (g) of
21 Article V of the constitution, associate circuit judges shall be
22 elected by the county at large.

23 [6.] 5. No associate circuit judge shall practice law, or
24 do a law business, nor shall he or she accept, during his or her
25 term of office, any public appointment for which he or she
26 receives compensation for his or her services.

27 [7.] 6. No person shall be elected as an associate circuit
28 judge unless he or she has resided in the county for which he or

1 she is to be elected at least one year prior to the date of his
2 or her election; provided that, a person who is appointed by the
3 governor to fill a vacancy may file for election and be elected
4 notwithstanding the provisions of this subsection.

5 478.437. [The circuit court of the county of St. Louis,
6 comprising circuit number twenty-one, shall be composed of
7 nineteen divisions and nineteen judges] 1. Beginning in fiscal
8 year 2015, there shall be twenty circuit judges in the twenty-
9 first judicial circuit. These judges shall sit in twenty
10 divisions, and each of the judges shall separately try causes,
11 exercise the powers and perform all the duties imposed upon
12 circuit judges.

13 2. Beginning in fiscal year 2015, there shall be one
14 additional associate circuit judge position in the twenty-first
15 judicial circuit. This associate circuit judgeship shall not be
16 included in the statutory formula for authorizing additional
17 judgeships per county under section 478.320.

18 478.464. [1.] In the sixteenth judicial circuit,
19 [associate circuit divisions shall hereafter be numbered
20 beginning with the number 25:

- 21 (1) Division 101 shall hereafter be division 25;
- 22 (2) Division 102 shall hereafter be division 26;
- 23 (3) Division 103 shall hereafter be division 27;
- 24 (4) Division 104 shall hereafter be division 28;
- 25 (5) Division 105 shall hereafter be division 29;
- 26 (6) Division 106 shall hereafter be division 30;
- 27 (7) Division 107 shall hereafter be division 31; and
- 28 (8) Division 108 shall hereafter be division 32.

1 2. Twelve months after construction of two new courtrooms
2 in Independence is completed, there shall be one additional
3 associate circuit judge in the sixteenth judicial circuit, to be
4 known as division 33. The presiding judge of such circuit shall
5 certify to the state of administration office the actual date of
6 completion of said construction.

7 3.] there shall be ten associate circuit judges. These
8 judges shall sit in ten divisions, which shall be numbered
9 beginning with the number 25. Divisions 25, 26, 27, 29, and 31
10 shall sit in Kansas City and divisions 28, 30, 32, and 33 shall
11 sit in Independence. Division 34 shall sit in the location
12 determined by the court en banc. The tenth associate circuit
13 judgeship shall not be included in the statutory formula for
14 authorizing additional associate circuit judgeships per county
15 under section 478.320.

16 478.513. 1. There shall be five circuit judges in the
17 thirty-first judicial circuit [consisting of the county of
18 Greene]. These judges shall sit in divisions numbered one, two,
19 three, four and five.

20 2. The circuit judge in division three shall be elected in
21 1980. The circuit judges in divisions one, four and five shall
22 be elected in 1982. The circuit judge in division two shall be
23 elected in 1984.

24 3. Beginning in fiscal year 2015, there shall be one
25 additional associate circuit judge in the thirty-first judicial
26 circuit, and there shall continue to be the associate judge
27 position authorized in fiscal year 2014. Neither associate
28 circuit judgeship shall be included in the statutory formula for

1 authorizing additional associate circuit judgeships per county
2 under section 478.320.

3 478.600. 1. There shall be four circuit judges in the
4 eleventh judicial circuit [consisting of the county of St.
5 Charles]. These judges shall sit in divisions numbered one, two,
6 three and four. Beginning on January 1, 2007, there shall be six
7 circuit judges in the eleventh judicial circuit and these judges
8 shall sit in divisions numbered one, two, three, four, five, and
9 seven. The division five associate circuit judge position and
10 the division seven associate circuit judge position shall become
11 circuit judge positions beginning January 1, 2007, and shall be
12 numbered as divisions five and seven.

13 2. The circuit judge in division two shall be elected in
14 1980. The circuit judge in division four shall be elected in
15 1982. The circuit judge in division one shall be elected in
16 1984. The circuit judge in division three shall be elected in
17 1992. The circuit judges in divisions five and seven shall be
18 elected for a six-year term in 2006.

19 3. Beginning January 1, 2007, the family court commissioner
20 positions in the eleventh judicial circuit appointed under
21 section 487.020 shall become associate circuit judge positions in
22 all respects and shall be designated as divisions nine and ten
23 respectively. These positions may retain the duties and
24 responsibilities with regard to the family court. The associate
25 circuit judges in divisions nine and ten shall be elected in 2006
26 for full four-year terms.

27 4. Beginning on January 1, 2007, the drug court
28 commissioner position in the eleventh judicial circuit appointed

1 under section 478.003 shall become an associate circuit judge
2 position in all respects and shall be designated as division
3 eleven. This position retains the duties and responsibilities
4 with regard to the drug court. Such associate circuit judge
5 shall be elected in 2006 for a full four-year term. This
6 associate circuit judgeship shall not be included in the
7 statutory formula for authorizing additional associate circuit
8 judgeships per county under section 478.320.

9 5. Beginning in fiscal year 2015, there shall be one
10 additional associate circuit judge position in the eleventh
11 judicial circuit. The associate circuit judge shall be elected
12 in 2016. This associate circuit judgeship shall not be included
13 in the statutory formula for authorizing additional circuit
14 judgeships per county under section 478.320.

15 478.610. 1. There shall be three circuit judges in the
16 thirteenth judicial circuit consisting of the counties of Boone
17 and Callaway. These judges shall sit in divisions numbered one,
18 two and three. Beginning on January 1, 2007, there shall be four
19 circuit judges in the thirteenth judicial circuit and these
20 judges shall sit in divisions numbered one, two, three, and four.

21 2. The circuit judge in division two shall be elected in
22 1980. The circuit judges in divisions one and three shall be
23 elected in 1982. The circuit judge in division four shall be
24 elected in 2006 for a two-year term and thereafter in 2008 for a
25 full six-year term.

26 3. [The authority for a majority of judges of the
27 thirteenth judicial circuit to appoint or retain a commissioner
28 pursuant to section 478.003 shall expire August 28, 2001. As of

1 such date,] Beginning August 28, 2001, there shall be one more
2 additional associate circuit judge position in Boone County than
3 is provided pursuant to section 478.320.

4 478.740. 1. There shall be two circuit judges in the
5 thirty-eighth judicial circuit. These judges shall sit in
6 divisions numbered one and two.

7 2. The circuit judge in division two shall be elected in
8 2016, and such judicial position shall not be considered vacant
9 or filled until January 1, 2017. The judge in division one shall
10 be elected in 2018.

11 483.140. It shall be the special duty of every judge of a
12 court of record to examine into and superintend the manner in
13 which the rolls and records of the court are made up and kept; to
14 prescribe orders that will procure uniformity, regularity and
15 accuracy in the transaction of the business of the court; to
16 require that the records and files be properly maintained and
17 entries be made at the proper times as required by law or supreme
18 court rule, and that the duties of the clerks be performed
19 according to law and supreme court rule; and if any clerk fail to
20 comply with the law, the court shall proceed against him as for a
21 misdemeanor. The provisions of this section shall not be
22 construed to permit the adoption of any local court rule that
23 grants a judge the discretion to remove or direct the removal of
24 any pleading, file, or communication from a court file or record
25 without the agreement of all parties.

26 488.014. No court of record in this state, municipal
27 division of the circuit court, or any entity collecting court
28 costs on their behalf shall be required to refund any overpayment

1 of court costs in an amount not exceeding five dollars or to
2 collect any due court costs in an amount of less than five
3 dollars. Any such overpaid funds may be retained by the county
4 for the operation of the circuit court, except any overpaid funds
5 owed to a municipal division of the circuit court may be retained
6 by the municipality for the operation of the municipal court.

7 488.026. As provided by section 56.807, there shall be
8 assessed and collected a surcharge of four dollars in all
9 criminal cases filed in the courts of this state, including
10 violations of any county ordinance [or], any violation of
11 criminal or traffic laws of this state, including infractions, or
12 against any person who has pled guilty of a violation and paid a
13 fine through a fine collection center, but no such surcharge
14 shall be assessed when the costs are waived or are to be paid by
15 the state, county, or municipality or when a criminal proceeding
16 or the defendant has been dismissed by the court [or against any
17 person who has pled guilty and paid their fine pursuant to
18 subsection 4 of section 476.385]. For purposes of this section,
19 the term "county ordinance" shall include any ordinance of the
20 city of St. Louis. The clerk responsible for collecting court
21 costs in criminal cases shall collect and disburse such amounts
22 as provided by sections 488.010 to 488.020. Such funds shall be
23 payable to the prosecuting attorneys and circuit attorneys'
24 retirement fund.

25 488.305. 1. The clerk of the circuit court shall charge
26 and collect fees for the clerk's duties as prescribed by sections
27 429.090 and 429.120 in such amounts as are determined pursuant to
28 sections 488.010 to 488.020.

1 2. The clerk of the circuit court may charge and collect in
2 cases where a garnishment is granted, a surcharge not to exceed
3 ten dollars for the clerk's duties. Any moneys collected under
4 this subsection shall be placed in a fund to be used at the
5 discretion of the circuit clerk to maintain and improve case
6 processing and record preservation.

7 488.2206. 1. In addition to all court fees and costs
8 prescribed by law, a surcharge of up to ten dollars shall be
9 assessed as costs in each court proceeding filed in any court
10 within the thirty-first judicial circuit in all criminal cases
11 including violations of any county or municipal ordinance or any
12 violation of a criminal or traffic law of the state, including an
13 infraction, except that no such surcharge shall be collected in
14 any proceeding in any court when the proceeding or defendant has
15 been dismissed by the court or when costs are to be paid by the
16 state, county, or municipality. For violations of the general
17 criminal laws of the state or county ordinances, no such
18 surcharge shall be collected unless it is authorized, by order,
19 ordinance, or resolution by the county government where the
20 violation occurred. For violations of municipal ordinances, no
21 such surcharge shall be collected unless it is authorized, by
22 order, ordinance, or resolution by the municipal government where
23 the violation occurred. Such surcharges shall be collected and
24 disbursed by the clerk of each respective court responsible for
25 collecting court costs in the manner provided by sections 488.010
26 to 488.020, and shall be payable to the treasurer of the
27 political subdivision authorizing such surcharge.

28 2. Each county or municipality shall use all funds received

1 pursuant to this section only to pay for the costs associated
2 with the land assemblage and purchase, construction, maintenance,
3 and operation of any county or municipal judicial facility
4 including, but not limited to, debt service, utilities,
5 maintenance, and building security. The county or municipality
6 shall maintain records identifying such operating costs, and any
7 moneys not needed for the operating costs of the county or
8 municipal judicial facility shall be transmitted quarterly to the
9 general revenue fund of the county or municipality respectively.

10 488.2245. 1. In addition to all other court costs for
11 municipal ordinance violations, any home rule city with more than
12 fifty-two thousand but fewer than sixty-four thousand inhabitants
13 and located in any county with a charter form of government and
14 with more than nine hundred fifty thousand inhabitants may
15 provide for additional court costs in an amount up to ten dollars
16 per case for each municipal ordinance violation case filed before
17 a municipal division judge or associate circuit judge.

18 2. Such cost shall be collected by the clerk and disbursed
19 to the city at least monthly. The city shall use such additional
20 costs only for the land assemblage and purchase, construction,
21 maintenance, and upkeep of a municipal courthouse. The costs
22 collected may be pledged to directly or indirectly secure bonds
23 for the cost of land assemblage and purchase, construction,
24 maintenance, and upkeep of the courthouse.

25 516.140. Within two years: An action for libel, slander,
26 injurious falsehood, assault, battery, false imprisonment,
27 criminal conversation, malicious prosecution or actions brought
28 under section 290.140. An action by an employee for the payment

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

8 516.350. 1. Every judgment, order or decree of any court
9 of record of the United States, or of this or any other state,
10 territory or country, except for any judgment, order, or decree
11 awarding child support or maintenance or dividing pension,
12 retirement, life insurance, or other employee benefits in
13 connection with a dissolution of marriage, legal separation or
14 annulment which mandates the making of payments over a period of
15 time or payments in the future, shall be presumed to be paid and
16 satisfied after the expiration of ten years from the date of the
17 original rendition thereof, or if the same has been revived upon
18 personal service duly had upon the defendant or defendants
19 therein, then after ten years from and after such revival, or in
20 case a payment has been made on such judgment, order or decree,
21 and duly entered upon the record thereof, after the expiration of
22 ten years from the last payment so made, and after the expiration
23 of ten years from the date of the original rendition or revival
24 upon personal service, or from the date of the last payment, such
25 judgment shall be conclusively presumed to be paid, and no
26 execution, order or process shall issue thereon, nor shall any
27 suit be brought, had or maintained thereon for any purpose
28 whatever. An action to emancipate a child, and any personal

1 service or order rendered thereon, shall not act to revive the
2 support order.

3 2. In any judgment, order, or decree awarding child support
4 or maintenance, each periodic payment shall be presumed paid and
5 satisfied after the expiration of ten years from the date that
6 periodic payment is due, unless the judgment has been otherwise
7 revived as set out in subsection 1 of this section. This
8 subsection shall take effect as to all such judgments, orders, or
9 decrees which have not been presumed paid pursuant to subsection
10 1 of this section as of August 31, 1982.

11 3. In any judgment, order, or decree dividing pension,
12 retirement, life insurance, or other employee benefits in
13 connection with a dissolution of marriage, legal separation or
14 annulment, each periodic payment shall be presumed paid and
15 satisfied after the expiration of ten years from the date that
16 periodic payment is due, unless the judgment has been otherwise
17 revived as set out in subsection 1 of this section. This
18 subsection shall take effect as to all such judgments, orders, or
19 decrees which have not been presumed paid pursuant to subsection
20 1 of this section as of August 28, 2001.

21 4. In any judgment, order or decree awarding child support
22 or maintenance, payment duly entered on the record as provided in
23 subsection 1 of this section shall include recording of payments
24 or credits in the automated child support system created pursuant
25 to chapter 454 by the division of child support enforcement or
26 payment center pursuant to chapter 454.

27 5. Any judgment, order, or decree awarding unpaid rent may
28 be revived upon publication consistent with the publication

1 requirements of section 506.160 and need not be personally served
2 on the defendant.

3 525.040. 1. Notice of garnishment, served as provided in
4 sections 525.010 to 525.480 shall have the effect of attaching
5 all personal property, money, rights, credits, bonds, bills,
6 notes, drafts, checks or other choses in action of the defendant
7 in the garnishee's possession or charge, or under his or her
8 control at the time of the service of the garnishment, or which
9 may come into his or her possession or charge, or under his or
10 her control, or be owing by him or her, between that time and the
11 time of filing his or her answer, or in the case of a continuous
12 wage garnishment, until the judgment is paid in full or until the
13 employment relationship is terminated, whichever occurs first;
14 but he or she shall not be liable to a judgment in money on
15 account of such bonds, bills, notes, drafts, checks or other
16 choses in action, unless the same shall have been converted into
17 money since the garnishment, or he or she [fail] fails, in such
18 time as the court may prescribe, to deliver them into court, or
19 to the sheriff or other person designated by the court.

20 2. Writs of garnishment which would otherwise have equal
21 priority shall have priority according to the date of service on
22 the garnishee. If the employee's wages have been attached by
23 more than one writ of garnishment, the employer shall inform the
24 inferior garnisher of the existence and case number of all senior
25 garnishments.

26 525.070. Whenever any property, effects, money or debts,
27 belonging or owing to the defendant, shall be confessed, or found
28 by the court or jury, to be in the hands of the garnishee, the

1 garnishee may, at any time before final judgment, discharge
2 himself or herself, by paying or delivering the same, or so much
3 thereof as the court shall order, to the sheriff [or], to the
4 court, or if applicable, to the attorney for the party on whose
5 behalf the order of garnishment was issued, from all further
6 liability on account of the property, money or debts so paid or
7 delivered.

8 525.080. 1. If it appear that a garnishee, at or after his
9 or her garnishment, was possessed of any property of the
10 defendant, or was indebted to him or her, the court, or judge in
11 vacation, may order the delivery of such property, or the payment
12 of the amount owing by the garnishee, to the sheriff [or], into
13 court, or to the attorney for the party on whose behalf the order
14 of garnishment was issued, at such time as the court may direct;
15 or may permit the garnishee to retain the same, upon his or her
16 executing a bond to the plaintiff, with security, approved by the
17 court, to the effect that the property shall be forthcoming, or
18 the amount paid, as the court may direct. Upon a breach of the
19 obligation of such bond, the plaintiff may proceed against the
20 obligors therein, in the manner prescribed in the case of a
21 delivery bond given to the sheriff.

22 2. Notwithstanding subsection 1 of this section, when
23 property is protected from garnishment by state or federal law
24 including but not limited to federal restrictions on the
25 garnishment of earnings in Title 15, U.S.C. Sections 1671 to 1677
26 and Old Age, Survivors and Disability Insurance benefits as
27 provided in Title 42, U.S.C. Section 407, such property need not
28 be delivered to the court, or to any other person, by the

1 garnishee to the extent such protection or preemption is
2 applicable.

3 525.230. [1. The court shall make the garnishee a
4 reasonable allowance] The garnishee may deduct a one-time sum not
5 to exceed twenty dollars, or the fee previously agreed upon
6 between the garnishee and judgment debtor if the garnishee is a
7 financial institution, for his or her trouble and expenses in
8 answering the interrogatories and withholding the funds, to be
9 [paid out of the funds or proceeds of the property or effects
10 confessed in his or her hands. The reasonable allowances shall
11 include any court costs, attorney's fees and any other bona fide
12 expenses of the garnishee.

13 2. The court also shall allow the garnishee, in addition to
14 the reasonable allowance for his or her trouble and expenses in
15 answering the interrogatories, to collect an administrative fee
16 consisting of the greater of eight dollars or two percent of the
17 amount required to be deducted by any court-ordered garnishment
18 or series of garnishments arising out of the same judgment debt.
19 Such fee shall be for the trouble and expenses in administering
20 the notice of garnishment and paying over any garnished funds
21 available to the court. The fee shall be withheld by the
22 employer from the employee, or by any other garnishee from any
23 fund garnished, in addition to the moneys withheld to satisfy the
24 court-ordered judgment. Such fee shall not be a credit against
25 the court-ordered judgment and shall be collected first] withheld
26 from any funds garnished, in addition to the moneys withheld to
27 satisfy the court-ordered judgment. Such fee shall not be a
28 credit against the court-ordered judgment and shall be collected

1 first. The garnishee may file a motion with the court for
2 additional costs, including attorney's fees, reasonably incurred
3 in answering the interrogatories in which case the court may make
4 such award as it deems reasonable. The motion shall be filed on
5 or before the date the garnishee makes payment or delivers
6 property subject to garnishment to the court.

7 525.310. 1. [When a judgment has been rendered against an
8 officer, appointee or employee of the state of Missouri, or any
9 municipal corporation or other political subdivision of the
10 state, the judgment creditor, or his attorney or agent, may file
11 in the office of the clerk of the court before whom the judgment
12 was rendered, an application setting forth such facts, and that
13 the judgment debtor is employed by the state, or a municipal
14 corporation or other political subdivision of the state, with the
15 name of the department of state or the municipal corporation or
16 other political subdivision of the state which employs the
17 judgment debtor, and the name of the treasurer, or the name and
18 title of the paying, disbursing or auditing officer of the state,
19 municipal corporation or other political subdivision of the
20 state, charged with the duty of payment or audit of such salary,
21 wages, fees or earnings of such employee, and upon the filing of
22 such application the clerk shall issue a writ of sequestration
23 directed to the sheriff or other officer authorized to execute
24 writs in the county in which such paying, disbursing or auditing
25 officer may be found and the sheriff or other officer to whom the
26 writ is directed shall serve a true copy thereof upon such
27 paying, disbursing or auditing officer named therein, which shall
28 have the effect of attaching any and all salary, wages, fees or

1 earnings of the judgment debtor, which are not made exempt by
2 virtue of the exemption statutes of this state and are not in
3 excess of the amount due on the judgment and costs, then due and
4 payable, from the date of the writ to the return day thereof.

5 2. The paying, disbursing or auditing officer charged with
6 the duty of payment or audit of the salary, wages, fees or
7 earnings of the judgment debtor shall deliver to the sheriff or
8 officer serving the writ the amount, not to exceed the amount due
9 upon the judgment and costs, of the salary, wages, fees or
10 earnings of the judgment debtor not made exempt by virtue of the
11 exemption statutes of this state, as the same shall become due to
12 the judgment debtor. The paying, disbursing or auditing officer
13 shall pay to the judgment debtor the remaining portion of his
14 salary, wages, fees or earnings, as the same shall become due to
15 the judgment debtor. The sheriff, or officer serving the writ,
16 shall provide to the paying, disbursing or auditing officer along
17 with the writ sufficient information to compute the amount which
18 shall be delivered to the sheriff or officer serving the writ.
19 Neither the state, municipal corporation or other political
20 subdivision of the state, nor the paying, disbursing or auditing
21 officer shall be liable for the payment of any amount above the
22 amount delivered to the sheriff or officer serving the writ if
23 the computation of the amount delivered is in accordance with the
24 information provided with the writ.

25 3. The sheriff or officer serving such writ shall endorse
26 thereon the day and date he received the same, and upon receiving
27 any amount in connection with the writ, shall issue his receipt
28 to such paying, disbursing or auditing officer therefor. All

1 amounts delivered to the sheriff, or officer serving said writ,
2 in connection with the writ, or so much thereof as shall be
3 necessary therefor, shall be applied to the payment of the
4 judgment debt, interest and costs in the same manner as in the
5 case of garnishment under execution. The sheriff or other
6 officer serving the writ shall make his return to the writ
7 showing the manner of serving the same, and he shall be allowed
8 the same fees therefor as provided for levy of execution, and the
9 writ shall be returnable in the same manner as the execution
10 issued out of the court in which the judgment was rendered.
11 Nothing in this section shall deprive the judgment debtor of any
12 exemptions to which he may be entitled under the exemption laws
13 of this state, and the same may be claimed by him to the sheriff
14 or other officer serving the writ at any time on or before the
15 return day of the writ in the manner provided under the exemption
16 laws of this state. It shall be the duty of such sheriff or
17 other officer serving the writ, at the time of the service
18 thereof, to apprise the judgment debtor of his exemption rights,
19 either in person or by registered letter directed to the judgment
20 debtor to his last known address.] The state, municipal, or other
21 political subdivision employer served with a garnishment shall
22 have the same duties and obligations as those imposed upon a
23 private employer when served with a garnishment.

24 2. Pay of any officer, appointee, or employee of the state
25 of Missouri, or any municipal corporation or other political
26 subdivision of the state, shall be subject to garnishment to the
27 same extent as in any other garnishment. All garnishments
28 against such employee shall proceed in the same manner as any

1 other garnishment.

2 3. Service of legal process to which a department,
3 municipal corporation, or other political subdivision of the
4 state is subject under this section may be accomplished by
5 personal service upon the paying, disbursing, or auditing officer
6 of the state, municipal corporation, or other political
7 subdivision of the state, charged with the duty of payment or
8 audit of such salary, wages, fees, or earnings of such employees.

9 537.602. 1. As used in this section the following terms
10 shall mean:

11 (1) "Community service work", any work which is performed
12 without compensation and is required in exchange for deferred
13 prosecution of any criminal charge by any federal, state, or
14 local prosecutor under a written agreement;

15 (2) "Entity", includes any person, for-profit or not-for-
16 profit business, agency, group, charity, organization, or any
17 unit of federal, state, or local government or any of their
18 employees.

19 2. Any entity which supervises community service work
20 performed as a requirement for deferment of any criminal charge
21 under a written agreement with a federal, state, or local
22 prosecutor, or any entity which derives benefits from the
23 performance of community service work shall be immune from any
24 suit by the person performing the community service work or by
25 any person deriving a cause of action from the person performing
26 the community service work if that cause of action arises from
27 the supervision of the work performed, except that the entity
28 supervising the work shall not be immune from any suit for gross

1 negligence or for an intentional tort.

2 3. Community service work shall not be deemed employment
3 within the meaning of the provisions of chapter 288 and a person
4 performing community service work under the provisions of this
5 section shall not be deemed an employee within the meaning of the
6 provisions of chapter 287.

7 574.160. 1. A person commits the offense of unlawful
8 funeral protest if he or she pickets or engages in other protest
9 activities within three hundred feet of any residence, cemetery,
10 funeral home, church, synagogue, or other establishment during or
11 within one hour before or one hour after the conducting of any
12 actual funeral or burial service at that place.

13 2. For purposes of this section, "other protest activities"
14 means any action that is disruptive or undertaken to disrupt or
15 disturb a funeral or burial service.

16 3. For purposes of this section, "funeral" and "burial
17 service" mean the ceremonies and memorial services held in
18 conjunction with the burial or cremation of the dead, but this
19 section does not apply to processions while they are in transit
20 beyond any three-hundred-foot zone that is established under
21 subsection 1 of this section.

22 4. The offense of unlawful funeral protest is a class B
23 misdemeanor, unless committed by a person who has previously been
24 found guilty of a violation of this section, in which case it is
25 a class A misdemeanor.

26 575.153. 1. A person commits the crime of disarming a
27 peace officer, as defined in section [590.100] 590.010, or a
28 correctional officer if such person intentionally:

1 (1) Removes a firearm [or other], deadly weapon, or less-
2 lethal weapon, to include blunt impact, chemical or conducted
3 energy devices, used in the performance of his or her official
4 duties from the person of a peace officer or correctional officer
5 while such officer is acting within the scope of his or her
6 official duties; or

7 (2) Deprives a peace officer or correctional officer of
8 such officer's use of a firearm [or], deadly weapon, or any other
9 equipment described in subdivision (1) of this subsection while
10 the officer is acting within the scope of his or her official
11 duties.

12 2. The provisions of this section shall not apply when:

13 (1) The defendant does not know or could not reasonably
14 have known that the person he or she disarmed was a peace officer
15 or correctional officer; or

16 (2) The peace officer or correctional officer was engaged
17 in an incident involving felonious conduct by the peace officer
18 or correctional officer at the time the defendant disarmed such
19 officer.

20 3. Disarming a peace officer or correctional officer is a
21 class C felony.

22
23 632.520. 1. For purposes of this section, the following
24 terms mean:

25 (1) "Employee of the department of mental health", a person
26 who is an employee of the department of mental health, an
27 employee or contracted employee of a subcontractor of the
28 department of mental health, or an employee or contracted

1 employee of a subcontractor of an entity responsible for
2 confining offenders as authorized by section 632.495;

3 (2) "Offender", a person ordered to the department of
4 mental health after a determination by the court that the person
5 meets the definition of a sexually violent predator, a person
6 ordered to the department of mental health after a finding of
7 probable cause under section 632.489, or a person committed for
8 control, care, and treatment by the department of mental health
9 under sections 632.480 to 632.513;

10 (3) "Secure facility", a facility operated by the
11 department of mental health or an entity responsible for
12 confining offenders as authorized by section 632.495.

13 2. No offender shall knowingly commit violence to an
14 employee of the department of mental health or to another
15 offender housed in a secure facility. Violation of this
16 subsection shall be a class B felony.

17 3. No offender shall knowingly damage any building or other
18 property owned or operated by the department of mental health.
19 Violation of this subsection shall be a class C felony.

20 650.120. 1. There is hereby created in the state treasury
21 the "Cyber Crime Investigation Fund". The treasurer shall be
22 custodian of the fund and may approve disbursements from the fund
23 in accordance with sections 30.170 and 30.180. [Beginning with
24 the 2010 fiscal year and in each subsequent fiscal year, the
25 general assembly shall appropriate three million dollars to the
26 cyber crime investigation fund.] The department of public safety
27 shall be the administrator of the fund. Moneys in the fund shall
28 be used solely for the administration of the grant program

1 established under this section. Notwithstanding the provisions
2 of section 33.080 to the contrary, any moneys remaining in the
3 fund at the end of the biennium shall not revert to the credit of
4 the general revenue fund. The state treasurer shall invest
5 moneys in the fund in the same manner as other funds are
6 invested. Any interest and moneys earned on such investments
7 shall be credited to the fund.

8 2. The department of public safety shall create a program
9 to distribute grants to multijurisdictional Internet cyber crime
10 law enforcement task forces, multijurisdictional enforcement
11 groups, as defined in section 195.503, that are investigating
12 Internet sex crimes against children, and other law enforcement
13 agencies. The program shall be funded by the cyber crime
14 investigation fund created under subsection 1 of this section.
15 Not more than three percent of the money in the fund may be used
16 by the department to pay the administrative costs of the grant
17 program. The grants shall be awarded and used to pay the
18 salaries of detectives and computer forensic personnel whose
19 focus is investigating Internet sex crimes against children,
20 including but not limited to enticement of a child, possession or
21 promotion of child pornography, provide funding for the training
22 of law enforcement personnel and prosecuting and circuit
23 attorneys as well as their assistant prosecuting and circuit
24 attorneys, and purchase necessary equipment, supplies, and
25 services. The funding for such training may be used to cover the
26 travel expenses of those persons participating.

27 3. A panel is hereby established in the department of
28 public safety to award grants under this program and shall be

1 comprised of the following members:

2 (1) The director of the department of public safety, or his
3 or her designee;

4 (2) Two members [shall be] appointed by the director of the
5 department of public safety from a list of six nominees submitted
6 by the Missouri Police Chiefs Association;

7 (3) Two members [shall be] appointed by the director of the
8 department of public safety from a list of six nominees submitted
9 by the Missouri Sheriffs' Association;

10 (4) Two members of the state highway patrol [shall be]
11 appointed by the director of the department of public safety from
12 a list of six nominees submitted by the Missouri State Troopers
13 Association;

14 (5) One member of the house of representatives [who shall
15 be] appointed by the speaker of the house of representatives; and

16 (6) One member of the senate [who shall be] appointed by
17 the president pro tem.

18
19 The panel members who are appointed under subdivisions (2), (3),
20 and (4) of this subsection shall serve a four-year term ending
21 four years from the date of expiration of the term for which his
22 or her predecessor was appointed. However, a person appointed to
23 fill a vacancy prior to the expiration of such a term shall be
24 appointed for the remainder of the term. Such members shall hold
25 office for the term of his or her appointment and until a
26 successor is appointed. The members of the panel shall receive
27 no additional compensation but shall be eligible for
28 reimbursement for mileage directly related to the performance of

1 panel duties.

2 4. Local matching amounts, which may include new or
3 existing funds or in-kind resources including but not limited to
4 equipment or personnel, are required for multijurisdictional
5 Internet cyber crime law enforcement task forces and other law
6 enforcement agencies to receive grants awarded by the panel.
7 Such amounts shall be determined by the state appropriations
8 process or by the panel.

9 5. When awarding grants, priority should be given to newly
10 hired detectives and computer forensic personnel.

11 6. The panel shall establish minimum training standards for
12 detectives and computer forensic personnel participating in the
13 grant program established in subsection 2 of this section.

14 7. Multijurisdictional Internet cyber crime law enforcement
15 task forces and other law enforcement agencies participating in
16 the grant program established in subsection 2 of this section
17 shall share information and cooperate with the highway patrol and
18 with existing Internet crimes against children task force
19 programs.

20 8. The panel may make recommendations to the general
21 assembly regarding the need for additional resources or
22 appropriations.

23 9. The power of arrest of any peace officer who is duly
24 authorized as a member of a multijurisdictional Internet cyber
25 crime law enforcement task force shall only be exercised during
26 the time such peace officer is an active member of such task
27 force and only within the scope of the investigation on which the
28 task force is working. Notwithstanding other provisions of law

1 to the contrary, such task force officer shall have the power of
2 arrest, as limited in this subsection, anywhere in the state and
3 shall provide prior notification to the chief of police of a
4 municipality or the sheriff of the county in which the arrest is
5 to take place. If exigent circumstances exist, such arrest may
6 be made and notification shall be made to the chief of police or
7 sheriff as appropriate and as soon as practical. The chief of
8 police or sheriff may elect to work with the multijurisdictional
9 Internet cyber crime law enforcement task force at his or her
10 option when such task force is operating within the jurisdiction
11 of such chief of police or sheriff.

12 10. Under section 23.253 of the Missouri sunset act:

13 (1) The provisions of the new program authorized under this
14 section shall [sunset automatically six years after June 5, 2006]
15 be reauthorized on August 28, 2014, and shall expire on December
16 31, 2024, unless reauthorized by an act of the general assembly;
17 and

18 (2) If such program is reauthorized, the program authorized
19 under this section shall sunset automatically twelve years after
20 the effective date of the reauthorization of this section; and

21 (3) This section shall terminate on September first of the
22 calendar year immediately following the calendar year in which
23 the program authorized under this section is sunset.

24 [476.445. 1. Any commissioner of the supreme court or
25 commissioner of a court of appeals who is unable to
26 discharge the duties of his office with efficiency by reason
27 of continued sickness or physical or mental infirmity shall
28 be retired from office upon the en banc order of the court
29 appointing him.

30 2. No order retiring a commissioner shall be entered
31 without the commissioner involved having been given due
32 notice and an opportunity to be heard and without a finding

1 by a majority of the court involved that the commissioner's
2 disability is permanent.

3 3. Any commissioner retired under the provisions of
4 this section shall receive as compensation during such
5 retirement and until the end of the term for which he was
6 appointed a sum equal to one-half of the regular
7 compensation for that office.

8 4. Any commissioner retired under the provisions of
9 this section shall not be eligible to be made, constituted
10 and appointed a special commissioner as provided in sections
11 476.450 to 476.510 (nor to receive the compensation provided
12 therefor by sections 476.450 to 476.510) during the period
13 of his retirement under the provisions of this section but
14 upon the completion of such period he shall be and become
15 eligible to be made, constituted and appointed a special
16 commissioner as provided in sections 476.450 to 476.510 if
17 he be otherwise qualified as to age and length of service.]
18

19 [477.081. From January 1, 1972, no new commissioner
20 shall be appointed by the supreme court or the court of
21 appeals. All commissioners serving on January 1, 1972, are
22 eligible for reappointment for additional four-year terms
23 until they reach compulsory retirement age, or die, resign
24 or are removed. Each commissioner shall possess the same
25 qualifications, take and subscribe a like oath, and receive
26 the same compensation payable in the same manner as judges
27 of the court appointing them. The commissioners are subject
28 to the rules and orders of the court appointing them and
29 shall provide such services as the court may require.]
30

31 [477.082. From January 1, 1972, the commissioners of
32 the supreme court, in addition to their other duties, by
33 order of the supreme court, may be temporarily assigned for
34 the performance of judicial duties as special judges of the
35 supreme court, of any district of the court of appeals, or
36 of any circuit court when their services are required for
37 the prompt and efficient administration of justice. During
38 such temporary assignments, subject to the supervision of
39 the regular judge or judges of the court, the commissioners
40 shall exercise the same powers, duties, and responsibilities
41 as are vested by law in the regular judges of the court to
42 which they are assigned.]
43

44 [477.152. Whenever a vacancy occurs after September 3,
45 1970, in the office of commissioner of the supreme court, a
46 judge shall be appointed in the manner prescribed by
47 sections 25(a)-(g), article V of the Constitution of
48 Missouri to serve on the court of appeals. Appointments
49 under this section shall be made to the districts of the
50 court of appeals in the following order: eastern, western,

1 southern, eastern, western, eastern.]

2
3 [477.181. 1. On July 1, 1979, the number of judges of
4 the southern district of the court of appeals shall be
5 increased by one judge.

6 2. The judge appointed pursuant to the provisions of
7 this section shall be in addition to any other judges
8 appointed to the southern district of the court of appeals
9 pursuant to other provisions of law.]

10
11 [477.190. The judgeships authorized by sections
12 477.160, 477.170 and 477.180 shall be in addition to those
13 newly authorized after January 1, 1978, by the provisions of
14 section 477.152 or by any other law enacted at or after the
15 second regular session of the seventy-ninth general
16 assembly.]

17
18 [477.191. 1. On January 1, 1979, the western district
19 of the Missouri court of appeals shall be increased by three
20 judges.

21 2. The judges appointed pursuant to the provisions of
22 this section shall be in addition to any other judges
23 appointed to the western district of the Missouri court of
24 appeals under the provisions of any other law.]

25
26 [578.501. 1. This section shall be known as
27 "Sp. Edward Lee Myers' Law".

28 2. It shall be unlawful for any person to engage
29 in picketing or other protest activities in front of or
30 about any location at which a funeral is held, within
31 one hour prior to the commencement of any funeral, and
32 until one hour following the cessation of any funeral.
33 Each day on which a violation occurs shall constitute a
34 separate offense. Violation of this section is a class
35 B misdemeanor, unless committed by a person who has
36 previously pled guilty to or been found guilty of a
37 violation of this section, in which case the violation
38 is a class A misdemeanor.

39 3. For the purposes of this section, "funeral"
40 means the ceremonies, processions and memorial services
41 held in connection with the burial or cremation of the
42 dead.]

43
44 [578.502. 1. This section shall be known as
45 "Sp. Edward Lee Myers' Law".

46 2. It shall be unlawful for any person to engage
47 in picketing or other protest activities within three
48 hundred feet of or about any location at which a
49 funeral is held, within one hour prior to the
50 commencement of any funeral, and until one hour

1 following the cessation of any funeral. Each day on
2 which a violation occurs shall constitute a separate
3 offense. Violation of this section is a class B
4 misdemeanor, unless committed by a person who has
5 previously pled guilty to or been found guilty of a
6 violation of this section, in which case the violation
7 is a class A misdemeanor.

8 3. For purposes of this section, "funeral" means
9 the ceremonies, processions, and memorial services held
10 in connection with the burial or cremation of the
11 dead.]

12
13 [578.503. The enactment of section 578.502 shall
14 become effective only on the date the provisions of
15 section 578.501 are finally declared void or
16 unconstitutional by a court of competent jurisdiction
17 and upon notification by the attorney general to the
18 revisor of statutes.]

19
20 Section B. The repeal and reenactment of sections 408.040,
21 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310 of this
22 act shall become effective on January 15, 2015.

23 Section C. Because of the necessity of constitutionally
24 protected expedient access to the courts and ensuring the
25 continued efficient administration of justice, the repeal and
26 reenactment of sections 478.320, 478.437, 478.464, 478.513, and
27 478.600, and the enactment of section 478.740 of this act are
28 deemed necessary for the immediate preservation of the public
29 health, welfare, peace, and safety, and is hereby declared to be
30 an emergency act within the meaning of the constitution and the
31 repeal and reenactment of sections 478.320, 478.437, 478.464,
32 478.513, and 478.600, and the enactment of section 478.740 of
33 this act shall be in full force and effect upon its passage and
34 approval.

35 ✓
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