

## HCS HB 807 -- COURT PROCEEDINGS

SPONSOR: Cornejo

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Civil and Criminal Proceedings by a vote of 7 to 1. Voted "Do Pass with HCS" by the Select Committee on the Judiciary by a vote of 9 to 1.

This bill changes the laws regarding court proceedings.

### QUALIFIED SPOUSAL TRUSTS

The bill specifies that a qualified spousal trust can include without limitation a discretionary power to distribute trust property to a person in addition to a settlor. All property at any time held in a qualified spousal trust, without regard to how the property was titled prior to it being so held, must have the same immunity from the claims of a separate creditor of either settlor as if the property were held outside the trust by the settlors as tenants by the entirety, unless otherwise provided in writing by the settlor or settlors who transferred the property to the trust, and the property must be treated for that purpose, including without limitation, federal and state bankruptcy laws, as tenants by entirety property.

Property held in a qualified spousal trust is required to be treated as tenants by the entirety, without regard to whether the document governing the qualified spousal trust has been amended or restated, so long as that trust qualifies as a qualified spousal trust and both settlors remain married to each other.

A transfer to a qualified spousal trust cannot avoid or defeat the Missouri Uniform Fraudulent Transfer Act and any transfer of an asset to a trustee of a trust, to the trust itself, or to a share of the trust, in a manner that is reasonably calculated to identify the trust or that share of the trust, subjects that asset to the terms of the trust or that share.

### INSURANCE POLICIES

The bill allows an insurance policyholder to petition the court for reimbursement of insurance costs as they occur during the pendency of a dissolution of marriage or legal separation; allows either party to a divorce to request the court issue an order after a notice and hearing which reallocates or reapportions any or all insurance costs incurred during the divorce proceedings.

This bill exempts from attachment and execution of up to \$15,000

for any matured life insurance policy to pay for a funeral, cremation, or burial expenses for a deceased spouse, child, or parent of the beneficiary.

#### CRIMINAL OFFENSES

The bill makes the physical theft or attempted physical theft of property owned by or in the custody of a financial institution a class B felony.

This bill adds the delivery or attempted delivery of a two-way communications device or its component parts to the list of items prohibited into a correctional facility and makes the offense a class D felony until December 31, 2016 and a class E felony after January 1, 2017.

The bill prohibits the advertising of a commercial sex act, sexual performance, or production of sexually explicit material involving a child and makes the offense a felony punishable by 10 years to life imprisonment if the child is 12 years old or older and life imprisonment if the child is less than 12 years old.

#### SUSPENSION OF DRIVING PRIVILEGES

The bill gives the court discretion to order the Director of Revenue to suspend the defendant's driving privileges at the request of the prosecutor for a defendant when he or she fails to appear or dispose of the charges and fully pay the costs of their moving traffic violation 30 days after the mailing date of the notice.

#### JUDICIAL CIRCUITS

The bill also moves the seat of Division 12 of the 16th Judicial Circuit from Kansas City to Independence.

**PROPONENTS:** Supporters say that the bill will clean up language which has become difficult to interpret. It also will streamline the process by which spouses can place property into joint trusts.

Testifying for the bill were Representative Cornejo and David J. Klarich.

**OPPONENTS:** There was no opposition voiced to the committee.