

House _____ Amendment NO. _____

Offered By

1
2 AMEND Senate Committee Substitute for Senate Bill Nos. 905 & 992, Page 1, In the Title, Line 3,
3 by deleting the words "the uniform interstate family support act" and inserting in lieu thereof the
4 words "domestic relations"; and

5
6 Further amend said bill and page, Section 454.849, Line 5, by inserting after all of said section and
7 line the following:

8
9 *454.1000. As used in sections 454.1000 to 454.1025, the following terms mean:

10 (1) "Arrearage", the amount created by a failure to provide:

11 (a) Support to a child pursuant to an administrative or judicial support order; or

12 (b) Support to a spouse if the judgment or order requiring payment of spousal support also
13 requires payment of child support and such spouse is the custodial parent;

14 (2) "Child", a person for whom child support is due pursuant to a support order;

15 (3) "Court", any circuit court of the state that enters a support order or a circuit court in
16 which such order is registered or filed;

17 (4) "Director", the director of the family support division;

18 (5) "Division", the family support division of the department of social services;

19 (6) "IV-D case", a case in which support rights are assigned to the state pursuant to section
20 208.040 or the division is providing support enforcement services pursuant to section 454.425;

21 (7) "License", a license, certificate, registration or authorization issued by a licensing
22 authority granting a person a right or privilege to engage in a business, occupation, profession,
23 recreation or other related privilege that is subject to suspension, revocation, forfeiture or
24 termination by the licensing authority prior to its date of expiration, except for any license issued by
25 the department of conservation[. Licenses include licenses to operate motor vehicles pursuant to
26 chapter 302, but shall not include motor vehicle registrations pursuant to chapter 301] or a driver's
27 license issued by the department of revenue;

28 (8) "Licensing authority", any department, except for the department of conservation,
29 division, board, agency or instrumentality of this state or any political subdivision thereof that issues
30 a license. Any board or commission assigned to the division of professional registration is included
31 in the definition of licensing authority;

32 (9) "Obligee":

33 (a) A person to whom payments are required to be made pursuant to a support order; or

34 (b) A public agency of this or any other state which has the right to receive current or
35 accrued support payments or provides support enforcement services pursuant to this chapter;

36 (10) "Obligor", a person who owes a duty of support;

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 (11) "Order suspending a license", an order issued by a court or the director to suspend a
2 license. The order shall contain the name of the obligor, date of birth of the obligor, the type of
3 license and the Social Security number of the obligor;

4 (12) "Payment plan" includes, but is not limited to, a written plan approved by the court or
5 division that incorporates an income withholding pursuant to sections 452.350 and 454.505 or a
6 similar plan for periodic payment of an arrearage, and current and future support, if applicable;

7 (13) "Support order", an order providing a determinable amount for temporary or final
8 periodic payment of support. Such order may include payment of a determinable amount of
9 insurance, medical or other expenses of the child issued by:

10 (a) A court of this state;

11 (b) A court or administrative agency of competent jurisdiction of another state, an Indian
12 tribe, or a foreign country; or

13 (c) The director of the division.

14 454.1008. 1. Upon receipt of an order suspending a license, a licensing authority shall:

15 (1) Determine if the licensing authority has issued a license to the obligor whose name
16 appears on the order;

17 (2) Enter the suspension as effective from the date of the order issued by the court or
18 division;

19 (3) Issue the notice of the suspension to the licensee; and

20 (4) If required by law, demand surrender of the suspended license.

21 2. An order issued by a court or the director suspending a license shall be processed by the
22 licensing authority without any additional review or hearing by such licensing authority.

23 3. Notwithstanding the provisions of any other law regarding the suspension, revocation,
24 denial, termination or renewal of a license to the contrary, an order issued by a court or the director
25 suspending a license shall be implemented by the licensing authority and continue until the court or
26 division advises the licensing authority that such suspension has been stayed or terminated. The
27 obligor may not appeal the suspension of a license pursuant to sections 454.1000 to 454.1025
28 pursuant to any other law[, including, but not limited to, section 302.311]. The exclusive procedure
29 for appeal is provided in sections 454.1000 to 454.1025.

30 4. If a license is suspended, any funds paid by the obligor to the licensing authority for costs
31 related to issuance, renewal or maintenance of a license shall not be refunded to the obligor.

32 5. Unless acting pursuant to an order of a court or the director which stays the suspension of
33 a license, an obligor who continues to engage in the business, occupation, profession or other
34 licensed activity while the license is suspended pursuant to this section is guilty of a class A
35 misdemeanor, unless a penalty is otherwise provided. The division or the licensing authority may
36 refer the obligor to the appropriate prosecuting or circuit attorney or the attorney general for
37 prosecution pursuant to this section in addition to any other remedy provided by law for engaging in
38 a licensed activity without a license or while a license is suspended.

39 6. The licensing authority shall be exempt from liability to the licensee for activities
40 conducted pursuant to this section.

41 7. The licensing authority shall not modify, remand, reverse, vacate or stay an order of the
42 court or director suspending a license.

43 [8. If the license suspended is a driver's license, the obligor shall have no rights pursuant to
44 section 302.311.]

45 454.1010. 1. An obligor may, at any time, petition a court or the director for an order to
46 stay the suspension of a license. Any petition seeking to stay an order of the director shall be served
47 on the director.

48 2. The court or director may consider the obligor's petition for a stay separately from any

1 determination on the suspension of a license.

2 3. The court, but not the director, may stay suspension of a license upon a showing that a
3 suspension or continued suspension of a license would create a significant hardship to the obligor,
4 the obligor's employees, any legal dependents residing in the obligor's household, or persons,
5 businesses or other entities served by the obligor.

6 4. The court or director may stay suspension of a license upon entry of a payment plan or
7 receipt of adequate assurance that the obligor shall comply with an existing payment plan.

8 5. A stay shall terminate if:

9 (1) A court determines that the significant hardship circumstance pursuant to subsection 3 of
10 this section has ended;

11 (2) The court or division determines that the obligor has failed to abide by the terms and
12 conditions of a payment plan; or

13 (3) The order staying suspension of a license has a termination date and such date has been
14 reached.

15 6. If the licensing authority is notified of an order suspending a license, the court or division
16 shall send a copy of any order staying or reimposing suspension of the license to the licensing
17 authority and the obligor by certified mail.

18 7. Upon receipt of an order staying or reimposing suspension of the license, the licensing
19 authority shall:

20 (1) Enter the information on appropriate records;

21 (2) Issue notice of the action to the licensee; and

22 (3) If required by law, demand surrender of the suspended license or return the reinstated
23 license.

24 8. No additional action by the licensing authority shall be required to implement a stay or
25 reinstatement of suspension of a license.

26 9. This section shall be the exclusive remedy for the obligor to obtain an order staying
27 suspension of a license pursuant to sections 454.1000 to 454.1025. [Any other provisions providing
28 for the issuance of hardship licenses, including, but not limited to, those provided in section
29 302.309, do not apply to suspensions pursuant to sections 454.1000 to 454.1025.

30 10. No person shall be required to file proof of financial responsibility with the department
31 of revenue as a condition of reinstatement of a driver's license suspended solely pursuant to the
32 provisions of sections 454.1000 to 454.1025.

33 11. Any person whose license to operate a motor vehicle in this state has been suspended
34 pursuant to this section shall, before having the license reinstated, pay to the director of revenue a
35 reinstatement fee of twenty dollars.]

36 478.1000. 1. Criminal nonsupport courts may be established by any circuit court to provide
37 an alternative for the criminal justice system to dispose of cases which stem from criminal
38 nonsupport. A criminal nonsupport court shall combine judicial supervision, substance abuse
39 treatment, education including general education development certificate (GED) programs,
40 vocational or employment training, work programs, and support payment plans for criminal
41 nonsupport court participants. Except for good cause found by the court, a criminal nonsupport
42 court making a referral for education, substance abuse treatment, vocational or employment
43 training, or work programs, when such program will receive state or federal funds in connection
44 with such referral, shall refer the person only to a program which is certified by a department of the
45 state of Missouri, unless no appropriate certified program is located within the same county as the
46 criminal nonsupport court. Upon successful completion of the education, substance abuse
47 treatment, vocational or employment training program, work program, or support payment plan, the
48 defendant becoming gainfully employed, or the defendant commencing payment of current and

1 accrued support, the charges, petition, or penalty against a criminal nonsupport court participant
2 may be dismissed, reduced, or modified. Any fees received by a court from a defendant as payment
3 for education, substance abuse treatment, or training programs shall not be considered court costs,
4 charges, or fines.

5 2. Each circuit court shall establish conditions for referral of proceedings to the criminal
6 nonsupport court. The defendant in any criminal proceeding accepted by a criminal nonsupport
7 court for disposition shall be a nonviolent person, as determined by the prosecuting attorney[, and
8 shall be subject to the conditions set forth in subsection 6 of section 568.040]. Any proceeding
9 accepted by the criminal nonsupport court program for disposition shall be upon agreement of the
10 parties.

11 3. Any report made by the staff of the program shall not be admissible as evidence against
12 the participant in the underlying criminal nonsupport case. Notwithstanding the foregoing,
13 termination from the criminal nonsupport court program and the reasons for termination may be
14 considered in sentencing or disposition.

15 4. Notwithstanding any other provision of law, criminal nonsupport court staff shall be
16 provided with access to all records of any state or local government agency relevant to the
17 supervision of any program participant. Upon general request, employees of all such agencies shall
18 fully inform criminal nonsupport court staff of all matters relevant to the supervision of the
19 participant. All such records and reports and the contents thereof shall be treated as closed records
20 and shall not be disclosed to any person outside of the criminal nonsupport court, and shall be
21 maintained by the court in a confidential file not available to the public.

22 5. In order to coordinate the allocation of resources available to criminal nonsupport courts
23 throughout the state, there is hereby established a "Criminal Nonsupport Courts Coordinating
24 Commission" in the judicial department. The criminal nonsupport courts coordinating commission
25 shall consist of one member selected by the director of the department of corrections; one member
26 selected by the director of the department of social services; one member selected by the director of
27 the department of education; one member selected by the director of the department of public
28 safety; one member selected by the state courts administrator; one member selected by the director
29 of the department of labor and industrial relations; three members selected by the Missouri supreme
30 court, one being a criminal defense attorney; and one member who is a prosecuting attorney selected
31 by the office of prosecution services. The Missouri supreme court shall designate the chair of the
32 commission. The commission shall periodically meet at the call of the chair; evaluate resources
33 available for assessment and training of persons assigned to criminal nonsupport courts or for
34 operation of criminal nonsupport courts; secure grants, funds, and other property and services
35 necessary or desirable to facilitate criminal nonsupport court operation; and allocate such resources
36 among the various criminal nonsupport courts operating within the state.

37 6. There is hereby established in the state treasury a "Criminal Nonsupport Court Resources
38 Fund", which shall be administered by the criminal nonsupport courts coordinating commission.
39 Funds available for allocation or distribution by the criminal nonsupport courts coordinating
40 commission may be deposited into the criminal nonsupport court resources fund. The state treasurer
41 shall be the custodian of the fund and may approve disbursements from the fund in accordance with
42 sections 30.170 and 30.180. Notwithstanding the provisions of section 33.080, moneys in the
43 criminal nonsupport court resources fund shall not be transferred or placed to the credit of the
44 general revenue fund of the state at the end of each biennium, but shall remain deposited to the
45 credit of the criminal nonsupport court resources fund."; and
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47 Further amend said bill and page, Section 454.1728, Line 5, by inserting after all of said section and
48 line the following:

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2 "568.040. 1. A person commits the offense of nonsupport if he or she knowingly fails to
3 provide adequate support for his or her spouse; a parent commits the offense of nonsupport if such
4 parent knowingly fails to provide adequate support which such parent is legally obligated to provide
5 for his or her child or stepchild who is not otherwise emancipated by operation of law.

6 2. For purposes of this section:

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

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

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

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

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

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

22 5. The offense of criminal nonsupport is a class A misdemeanor[, unless the total arrearage
23 is in excess of an aggregate of twelve monthly payments due under any order of support issued by
24 any court of competent jurisdiction or any authorized administrative agency, in which case it is a
25 class E felony]. Any person found guilty under this section shall not receive jail time as part of his
26 or her sentence; however, the court may order the offender to perform community service under the
27 supervision of the court for a violation under this section.

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

41 7. During any period that a nonviolent offender is incarcerated for criminal nonsupport, if
42 the offender is ready, willing, and able to be gainfully employed during said period of incarceration,
43 the offender, if he or she meets the criteria established by the department of corrections, may be
44 placed on work release to allow the offender to satisfy his or her obligation to pay support.
45 Arrearages shall be satisfied as outlined in the collection agreement.

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

1 subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of this
2 section.

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

9 [10.] 7. Persons accused of committing the offense of nonsupport of the child shall be
10 prosecuted:

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

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

15 568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to
16 provide adequate support for his or her spouse; a parent commits the crime of nonsupport if such
17 parent knowingly fails to provide adequate support which such parent is legally obligated to provide
18 for his or her child or stepchild who is not otherwise emancipated by operation of law.

19 2. For purposes of this section:

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

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

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

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

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

33 4. The defendant shall have the burden of injecting the issues raised by subdivision (4) of
34 subsection 2 of this section.

35 5. Criminal nonsupport is a class A misdemeanor[, unless the total arrearage is in excess of
36 an aggregate of twelve monthly payments due under any order of support issued by any court of
37 competent jurisdiction or any authorized administrative agency, in which case it is a class D felony].
38 Any person found guilty under this section shall not receive jail time as part of his or her sentence;
39 however, the court may order the offender to perform community service under the supervision of
40 the court for a violation under this section.

41 6. [If at any time a defendant convicted of criminal nonsupport is placed on probation or
42 parole, there may be ordered as a condition of probation or parole that the defendant commence
43 payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by
44 making such lump sum payment as the defendant is capable of paying, if any, as may be shown after
45 examination of defendant's financial resources or assets, both real, personal, and mixed, and second
46 by making periodic payments. Periodic payments toward satisfaction of arrears when added to
47 current payments due may be in such aggregate sums as is not greater than fifty percent of the
48 defendant's adjusted gross income after deduction of payroll taxes, medical insurance that also

1 covers a dependent spouse or children, and any other court- or administrative-ordered support, only.
2 If the defendant fails to pay the current support and arrearages as ordered, the court may revoke
3 probation or parole and then impose an appropriate sentence within the range for the class of offense
4 that the defendant was convicted of as provided by law, unless the defendant proves good cause for
5 the failure to pay as required under subsection 3 of this section.

6 7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport, if
7 the defendant is ready, willing, and able to be gainfully employed during said period of
8 incarceration, the defendant, if he or she meets the criteria established by the department of
9 corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation
10 to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

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

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

22 [10.] 7. Persons accused of committing the offense of nonsupport of the child shall be
23 prosecuted:

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

26 (2) In any county in which the defendant resided during the period of time for which the
27 defendant is charged."; and
28

29 Further amend said bill and page, Section B, Line 2, by inserting after the word "program," the
30 words "the repeal and reenactment of sections 454.849 and 454.1728 of"; and
31

32 Further amend said bill and section, Page 2, Line 5, by inserting after the first instance of the word
33 "and" the words "the repeal and reenactment of sections 454.849 and 454.1728 of"; and
34

35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.
37