

FIRST REGULAR SESSION

# HOUSE BILL NO. 744

101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE ROBERTS.

1692H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To repeal section 455.040, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 455.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 455.040, to read as follows:

455.040. 1. Not later than fifteen days after the filing of a petition that meets the requirements of section 455.020, a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of domestic violence, stalking, or sexual assault by a preponderance of the evidence, and the respondent cannot show that his or her actions alleged to constitute abuse were otherwise justified under the law, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the originally issued full order of protection. The court may, upon finding that it is in the best interest of the parties, include a provision that any full order of protection for one year shall automatically renew unless the respondent requests a hearing by thirty days prior to the expiration of the order. If for good cause a hearing cannot be held on the motion to renew or the objection to an automatic renewal of the full order of protection prior to the expiration date of the originally issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 When an automatic renewal is not authorized, upon motion by the petitioner, and after a hearing  
19 by the court, the second full order of protection may be renewed for an additional period of time  
20 the court deems appropriate, except that the protective order shall be valid for at least one  
21 hundred eighty days and **up to a period of time not ~~[more than one year]~~ to exceed the lifetime**  
22 **of the respondent.** For purposes of this subsection, a finding by the court of a subsequent act  
23 of domestic violence, stalking, or sexual assault is not required for a renewal order of protection.

24 2. The court shall cause a copy of the petition and notice of the date set for the hearing  
25 on such petition and any ex parte order of protection to be served upon the respondent as  
26 provided by law or by any sheriff or police officer at least three days prior to such hearing. The  
27 court shall cause a copy of any full order of protection to be served upon or mailed by certified  
28 mail to the respondent at the respondent's last known address. Notice of an ex parte or full order  
29 of protection shall be served at the earliest time, and service of such notice shall take priority  
30 over service in other actions, except those of a similar emergency nature. Failure to serve or mail  
31 a copy of the full order of protection to the respondent shall not affect the validity or  
32 enforceability of a full order of protection.

33 3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085  
34 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where  
35 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law  
36 enforcement agency responsible for maintaining the Missouri uniform law enforcement system  
37 or any other comparable law enforcement system the same day the order is granted. The law  
38 enforcement agency responsible for maintaining MULES shall, for purposes of verification,  
39 within twenty-four hours from the time the order is granted, enter information contained in the  
40 order including but not limited to any orders regarding child custody or visitation and all  
41 specifics as to times and dates of custody or visitation that are provided in the order. A notice  
42 of expiration or of termination of any order of protection or any change in child custody or  
43 visitation within that order shall be issued to the local law enforcement agency and to the law  
44 enforcement agency responsible for maintaining MULES or any other comparable law  
45 enforcement system. The law enforcement agency responsible for maintaining the applicable  
46 law enforcement system shall enter such information in the system within twenty-four hours of  
47 receipt of information evidencing such expiration or termination. The information contained in  
48 an order of protection may be entered in the Missouri uniform law enforcement system or  
49 comparable law enforcement system using a direct automated data transfer from the court  
50 automated system to the law enforcement system.

51 4. The court shall cause a copy of any objection filed by the respondent and notice of the  
52 date set for the hearing on such objection to an automatic renewal of a full order of protection  
53 for a period of one year to be personally served upon the petitioner by personal process server

54 as provided by law or by a sheriff or police officer at least three days prior to such hearing. Such  
55 service of process shall be served at the earliest time and shall take priority over service in other  
56 actions except those of a similar emergency nature.

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