

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 111

96TH GENERAL ASSEMBLY

0593L.04P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 11.010, 32.056, 211.031, 221.105, 301.146, 302.020, 302.321, 303.025, 311.325, 452.430, 455.040, 475.060, 475.061, 475.115, 475.375, 479.020, 488.432, 488.5026, 516.140, 537.528, 544.455, 544.470, 557.011, and 574.105, RSMo, and to enact in lieu thereof fifty-four new sections relating to the judiciary, with penalty provisions.

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

Section A. Sections 11.010, 32.056, 211.031, 221.105, 301.146, 302.020, 302.321, 303.025, 311.325, 452.430, 455.040, 475.060, 475.061, 475.115, 475.375, 479.020, 488.432, 488.5026, 516.140, 537.528, 544.455, 544.470, 557.011, and 574.105, RSMo, are repealed and fifty-four new sections enacted in lieu thereof, to be known as sections 11.010, 11.025, 32.056, 56.061, 56.089, 211.031, 221.025, 221.105, 301.146, 302.020, 302.321, 303.025, 311.325, 452.430, 455.007, 455.040, 475.060, 475.061, 475.115, 475.501, 475.502, 475.503, 475.504, 475.505, 475.506, 475.521, 475.522, 475.523, 475.524, 475.525, 475.526, 475.527, 475.528, 475.529, 475.531, 475.532, 475.541, 475.542, 475.543, 475.544, 475.551, 475.552, 475.555, 479.020, 488.432, 488.5026, 516.140, 537.528, 544.455, 544.470, 557.011, 571.063, 571.092, and 574.105, to read as follows:

11.010. The official manual, commonly known as the "Blue Book", compiled and electronically published by the secretary of state on its official website is the official manual of this state, and it is unlawful for any officer or employee of this state **except the secretary of state**, or any board, or department or any officer or employee thereof, to cause to be printed, at state expense, any duplication or rearrangement of any part of the manual. It is also unlawful for the secretary of state to publish, or permit to be published in the manual any duplication, or

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.

7 rearrangement of any part of any report, or other document, required to be printed at the expense
8 of the state which has been submitted to and rejected by him or her as not suitable for publication
9 in the manual. **The official manual shall include information such as the biographies of**
10 **elected members of the executive, legislative and judicial branches of state government.**

11.025. Notwithstanding any other provision of law, the secretary of state may enter
2 **into an agreement directly with a nonprofit organization for such nonprofit organization**
3 **to print and distribute copies of the official manual. The secretary of state shall provide**
4 **to the organization the electronic version of the official manual prepared and published**
5 **under this chapter. The nonprofit organization shall charge a fee for a copy of the official**
6 **manual to cover the cost of production and distribution.**

32.056. The department of revenue shall not release the home address or any other
2 information contained in the department's motor vehicle or driver registration records regarding
3 any person, **and the immediate family members of any such person**, who is a county, state or
4 federal parole officer or who is a federal pretrial officer or who is a peace officer pursuant to
5 section [590.100, RSMo, or a member of the parole officer's, pretrial officer's or peace officer's
6 immediate family] **590.010, or those persons vested by article V, section 1 of the Constitution**
7 **of Missouri with the judicial power of the state and those persons vested by Article III of**
8 **the Constitution of the United States with the judicial power of the United States, the**
9 **members of the federal judiciary**, based on a specific request for such information from any
10 person. Any person [who is a county, state or federal parole officer or who is a federal pretrial
11 officer or who is a peace officer pursuant to section 590.100, RSMo,] **with a current status**
12 **covered by this section** may notify the department of such status and the department shall
13 protect the confidentiality of the records on such a person and his or her immediate family as
14 required by this section. This section shall not prohibit the department from releasing
15 information on a motor registration list pursuant to section 32.055 or from releasing information
16 on any officer who holds a class A, B or C commercial driver's license pursuant to the Motor
17 Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

56.061. Nothing in sections 56.010, 56.020, and 56.060 shall be construed,
2 **interpreted, or applied to supersede, interfere, or otherwise inhibit any charter county**
3 **from determining, within its charter authority, the time of election cycles under Article VI,**
4 **Sections 18(a) - 18(r) of the Missouri Constitution.**

56.089. 1. As used in this section the following terms shall mean:

- 2 (1) "Accusatory instrument", a warrant of arrest, complaint, information, or
3 indictment;
- 4 (2) "Accused", an individual accused of a crime, but not yet charged with a crime;
- 5 (3) "Defendant", any person charged with a criminal offense;

6 (4) "Deferred prosecution", the suspension of a criminal case for a specified period
7 upon the request of both the prosecuting attorney and the accused or the defendant;

8 (5) "Diversionary screening", the discretionary power of the prosecuting attorney
9 to suspend all formal prosecutorial proceedings against a person who has become involved
10 in the criminal justice system as an accused or defendant;

11 (6) "Prosecuting attorney", includes the prosecuting attorney or circuit attorney
12 for each county of the state and the City of St. Louis, or the attorney general;

13 (7) "Prosecution diversion", the imposition of conditions of behavior and conduct
14 by the prosecuting attorney upon an accused or defendant for a specified period of time
15 as an alternative to proceeding to adjudication on a complaint, information, or indictment.

16 2. Each prosecuting attorney in the state of Missouri shall have the authority to,
17 upon agreement with an accused or a defendant, divert a criminal case to a prosecution
18 diversion program for a period of six months to two years, thus allowing for any statute
19 of limitations to be tolled for that time alone. The period of diversion may be extended by
20 the prosecuting attorney as a disciplinary measure or to allow sufficient time for
21 completion of any portion of the prosecution diversion including restitution; provided,
22 however, that no extension of such diversion shall be for a period of more than two years.

23 3. The prosecuting attorney may divert cases, under this system, out of the criminal
24 justice system where the prosecuting attorney determines that the advantages of utilizing
25 prosecution diversion outweigh the advantages of immediate court activity.

26 4. Prior to or upon the issuance of an accusatory instrument, with consent of the
27 accused or defendant, the prosecuting attorney may forego continued prosecution upon the
28 parties' agreement to a prosecution diversion plan. The prosecution diversion plan shall
29 be for a specified period and be in writing. The prosecuting attorney has the sole authority
30 to develop diversionary program requirements.

31 5. During any period of prosecution diversion, the prosecuting attorney may impose
32 conditions upon the behavior and conduct of the accused or defendant that assures the
33 safety and well-being of the community as well as that of the accused or defendant. The
34 conditions imposed by the prosecuting attorney may include, but are not limited to, the
35 following:

36 (1) Requiring the accused or defendant to remain free of any criminal behavior
37 during the entire period of prosecution diversion;

38 (2) Payment of restitution to any victim of the related offense;

39 (3) Requiring the accused to pay an administrative handling cost of not more than
40 one hundred twenty dollars for each misdemeanor case diverted under this section and not
41 more than two hundred fifty dollars for each felony case diverted under this section, which

42 the prosecuting attorney may waive or defer in whole or in part. Notwithstanding the
43 provisions of sections 50.525 to 50.745, the costs provided for in this subdivision shall be
44 deposited by the county treasurer into a separate interest-bearing fund to be expended by
45 the prosecuting attorney. This fund shall be known as the "Administrative Handling Cost
46 Fund", and it shall be the same fund for deposits under this section and under section
47 570.120. The funds shall be expended, upon warrants issued by the prosecuting attorney
48 directing the treasurer to issue checks thereon, only for purposes related to that authorized
49 by subsection 6 of this section. Notwithstanding the provisions of any other law, in
50 addition to the administrative handling cost, the prosecuting attorney may collect an
51 additional cost of five dollars per case for deposit to the Missouri office of prosecution
52 services fund established in subsection 2 of section 56.765. All moneys collected under this
53 section which are payable to the Missouri office of prosecution services fund shall be
54 transmitted at least monthly by the county treasurer to the director of revenue who shall
55 deposit the amount collected to the credit of the Missouri office of prosecution services
56 fund under the procedure established under subsection 2 of section 56.765.

57 6. The moneys deposited in the fund may be used by the prosecuting attorney for
58 office supplies, postage, books, training, office equipment, capital outlay, expenses of trial
59 and witness preparation, additional employees for the staff of the prosecuting attorney,
60 employees' salaries, and for other lawful expenses incurred by the prosecuting attorney in
61 the operation of that office.

62 7. This fund may be audited by the state auditor's office or the appropriate
63 auditing agency.

64 8. If the moneys collected and deposited into this fund are not totally expended
65 annually, then the unexpended balance shall remain in the fund and the balance shall be
66 kept in the fund to accumulate from year to year.

67 9. The responsibility and authority to screen or divert specific cases, or to refuse
68 to screen or divert specific cases, shall rest within the sole judgment and discretion of the
69 prosecuting attorney as part of their official duties as prosecuting attorney. The decision
70 of the prosecuting attorney regarding diversion shall not be subject to appeal nor be raised
71 as a defense in any prosecution of a criminal case involving the accused or defendant.

72 10. Any person participating in the program shall have the right to insist on
73 criminal prosecution for the offense for which they are accused at any time.

74 11. In conducting the program, the prosecuting attorney may require at any point
75 the reinitiation of criminal proceedings when, in his or her judgment, such is warranted.

76 12. Any county, city, person, organization or agency, or employee or agent thereof,
77 involved with the supervision of activities, programs, or community service that are a part

78 of a prosecution diversion program, shall be immune from any suit by the person
79 performing the work under the deferred prosecution agreement, or any person deriving
80 a cause of action from such person, except for an intentional tort or gross negligence.
81 Persons performing work or community service pursuant to a deferred prosecution
82 agreement as described shall not be deemed to be engaged in employment within the
83 meaning of the provisions of chapter 288. A person performing work or community
84 service pursuant to a deferred prosecution agreement shall not be deemed an employee
85 within the meaning of the provisions of chapter 287.

86 **13. Any person supervising or employing an accused or defendant under the**
87 **program shall report to the prosecuting attorney any violation of the terms of the**
88 **prosecution diversion program.**

89 **14. After completion of the program and any conditions imposed upon the accused**
90 **or defendant, to the satisfaction of the prosecuting attorney, the accused shall be entitled**
91 **to not have the diverted case filed or the defendant shall be entitled to a dismissal of the**
92 **diverted charges. Any other provision of law notwithstanding, such individual may be**
93 **required to pay any associated costs prior to dismissal of pending charges.**

94 **15. Notwithstanding any provision of this section to the contrary, a prosecuting**
95 **attorney shall not utilize a prosecution diversion program when the accused's participation**
96 **in such a program will prevent a conviction from appearing on the driving record of a**
97 **commercial driver's license holder in violation of Title 49 Code of Federal Regulations,**
98 **Section 384.226, as amended.**

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

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

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

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

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

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

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

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

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

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

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

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

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen [and one-half] years of age who is alleged to have violated a state or municipal traffic
42 ordinance or regulation, the violation of which does not constitute a felony, and except that the
43 juvenile court shall have concurrent jurisdiction with the municipal court over any child who is
44 alleged to have violated a municipal curfew ordinance, and except that the juvenile court shall
45 have concurrent jurisdiction with the circuit court on any child who is alleged to have violated
46 a state or municipal ordinance or regulation prohibiting possession or use of any tobacco product;

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship
49 of the department of social services as provided by law.

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

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

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

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

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

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

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

79 3. In any proceeding involving any child or person seventeen years of age taken into
80 custody in a county other than the county of the child's residence or the residence of a person
81 seventeen years of age, the juvenile court of the county of the child's residence or the residence
82 of a person seventeen years of age shall be notified of such taking into custody within
83 seventy-two hours.

84 4. When an investigation by a juvenile officer pursuant to this section reveals that the
85 only basis for action involves an alleged violation of section 167.031, involving a child who

86 alleges to be home schooled, the juvenile officer shall contact a parent or parents of such child
87 to verify that the child is being home schooled and not in violation of section 167.031, before
88 making a report of such a violation. Any report of a violation of section 167.031, made by a
89 juvenile officer regarding a child who is being home schooled shall be made to the prosecuting
90 attorney of the county where the child legally resides.

**221.025. 1. As an alternative to confinement for any nonviolent offender as defined
2 in section 217.010, an individual may be placed on electronic monitoring with such terms
3 and conditions as a court shall deem just and appropriate under the circumstances
4 including a condition that the individual pay the costs of electronic monitoring in full prior
5 to the beginning of the electronic monitoring.**

6 **2. During any such period of electronic monitoring, an individual while complying
7 with any court-ordered restitution, shall be considered in custody and such period of
8 electronic monitoring shall be credited against any period of confinement or incarceration
9 ordered, however, electronic monitoring shall not be considered to be custody or
10 incarceration for purposes of Medicaid.**

11 **3. A sheriff may contract with a private company to provide electronic monitoring
12 services and any private company which provides such electronic monitoring services shall
13 certify to the sheriff the number of days that any individual was electronically monitored.**

221.105. 1. The governing body of any county and of any city not within a county shall
2 fix the amount to be expended for the cost of incarceration of prisoners confined in jails [or] ,
3 medium security institutions **or on electronic monitoring**. The per diem cost of incarceration
4 **or electronic monitoring** of these [prisoners] **individuals** chargeable by [the] law to the state
5 shall be determined, subject to the review and approval of the department of corrections.

6 2. When the final determination of any criminal prosecution shall be such as to render
7 the state liable for costs under existing [laws] **law**, it shall be the duty of the sheriff to certify to
8 the clerk of the circuit court [or court of common pleas] in which the case was [determined]
9 **prosecuted** the total number of days [any prisoner who was a party in such case remained in the
10 county jail] **an individual was in custody or subjected to electronic monitoring**. It shall be
11 the duty of the county commission to supply the cost per diem for county prisons **and for
12 electronic monitoring** to the clerk of the circuit court on the first day of each year, and thereafter
13 whenever the amount may be changed. It shall then be the duty of the clerk of the court in which
14 the case was [determined] **prosecuted** to include in the bill of cost against the state all fees which
15 are properly chargeable to the state. In any city not within a county it shall be the duty of the
16 superintendent of any facility boarding prisoners to certify to the chief executive officer of such
17 city not within a county the total number of days any [prisoner who] **individual** was [a party in
18 such case remained in such facility] **incarcerated and the total number of days, if any, any**

19 **such individual was on electronic monitoring.** It shall be the duty of the superintendents of
20 such facilities to supply the cost per diem **for individuals and for electronic monitoring** to the
21 chief executive officer on the first day of each year, and thereafter whenever the amount may be
22 changed. It shall be the duty of the chief executive officer to bill the state all fees for boarding
23 such [prisoners] **individuals and for electronic monitoring** which are properly chargeable to
24 the state. The chief executive may by notification to the department of corrections delegate such
25 responsibility to another duly sworn official of such city not within a county. The clerk of the
26 court of any city not within a county shall not include such fees in the bill of costs chargeable to
27 the state. The department of corrections shall revise its criminal cost manual in accordance with
28 this provision.

29 **3. Except as provided in subsection 4 of this section** the actual costs chargeable to the
30 state, including those incurred for a prisoner who is incarcerated in the county jail because the
31 prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has,
32 violated any condition of the prisoner's parole or probation, and such parole or probation is a
33 consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri
34 department of corrections or otherwise held at the request of the Missouri department of
35 corrections regardless of whether or not a warrant has been issued shall be the actual cost of
36 incarceration not to exceed:

37 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

38 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

39 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
40 prisoner, subject to appropriations, but not less than the amount appropriated in the previous
41 fiscal year.

42 **4. If a court or judge places an individual on electronic monitoring, the judge may**
43 **in his or her discretion charge the costs associated with the electronic monitoring to the**
44 **individual in custody as a condition of their sentence. If the judge finds the offender**
45 **unable to afford the costs associated with electronic monitoring the state shall then**
46 **reimburse the county for any costs associated with electronic monitoring not to exceed**
47 **twelve dollars per day per individual, subject to appropriations.**

301.146. 1. Any federal, state, county or municipal law enforcement or public safety
2 agency, or those persons vested by article V, section 1 of the Constitution of Missouri with
3 the judicial power of the state and those persons vested by Article III of the Constitution
4 of the United States with the judicial power of the United States, the members of the
5 federal judiciary, may request the issuance of special license plates and drivers licenses. Upon
6 receipt of such a request, the director of revenue shall determine whether or not the special
7 license plates and drivers licenses are to be used for a legitimate law enforcement or public safety

8 purpose and if he so determines then the director of revenue shall issue the special license plates
9 and drivers licenses subject to such conditions as he shall decide, in a form prescribed by the
10 advisory committee established in section 301.129, except that such license plates shall be made
11 with fully reflective material with a common color scheme and design, shall be clearly visible
12 at night, and shall be aesthetically attractive, as prescribed by section 301.130. All decisions of
13 the director of revenue relating to the special law enforcement or public safety license plates or
14 drivers licenses shall be final.

15 2. Notwithstanding any other provision of law to the contrary, records pertaining to the
16 request for, issuance of, retention of or disposal of special license plates and drivers licenses
17 issued for law enforcement or public safety purposes as provided for in this section shall not be
18 subject to public disclosure and shall be held by the department of revenue in such a way as to
19 keep these records confidential.

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,
2 except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person has a valid
4 license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such
6 person has a valid license that shows the person has successfully passed an examination for the
7 operation of a motorcycle or motortricycle as prescribed by the director. The director may
8 indicate such upon a valid license issued to such person, or shall issue a license restricting the
9 applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required
10 by section 302.173, is conducted on such vehicle;

11 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person
12 or under such person's control to be driven upon any highway by any person whose license does
13 not indicate that the person has passed the examination for the operation of a motorcycle or
14 motortricycle or has been issued an instruction permit therefor;

15 (4) Operate a motor vehicle with an instruction permit or license issued to another
16 person.

17 2. Every person operating or riding as a passenger on any motorcycle or motortricycle,
18 as defined in section 301.010, upon any highway of this state shall wear protective headgear at
19 all times the vehicle is in motion. The protective headgear shall meet reasonable standards and
20 specifications established by the director.

21 3. Notwithstanding the provisions of section 302.340 any person convicted of violating
22 subdivision (1) or (2) of subsection 1 of this section is guilty of a [class A] misdemeanor. **A first**
23 **violation of this section shall be punishable by a fine not to exceed three hundred dollars.**
24 **A second or subsequent violation of this section shall be punishable by imprisonment in the**

25 **county jail for a term not to exceed one year and/or a fine not to exceed one thousand**
26 **dollars.** Any person convicted a third or subsequent time of violating subdivision (1) or (2) of
27 subsection 1 of this section is guilty of a class D felony. Notwithstanding the provisions of
28 section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section is a [class
29 C] misdemeanor, **the first violation punishable by a fine not to exceed three hundred**
30 **dollars, a second or subsequent violation of this section punishable as a class C**
31 **misdemeanor,** and the penalty for failure to wear protective headgear as required by subsection
32 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be
33 imposed.

34

35 Notwithstanding all other provisions of law and court rules to the contrary, no court costs shall
36 be imposed upon any person due to such violation. No points shall be assessed pursuant to
37 section 302.302 for a failure to wear such protective headgear. **Prior pleas of guilty and prior**
38 **findings of guilty shall be pleaded and proven in the same manner as required by section**
39 **558.021.**

302.321. 1. A person commits the crime of driving while revoked if such person
2 operates a motor vehicle on a highway when such person's license or driving privilege has been
3 canceled, suspended, or revoked under the laws of this state or any other state and acts with
4 criminal negligence with respect to knowledge of the fact that such person's driving privilege has
5 been canceled, suspended, or revoked.

6 2. Any person convicted of driving while revoked is guilty of a [class A] misdemeanor.
7 **A first violation of this section shall be punishable by a fine not to exceed three hundred**
8 **dollars. A second or third violation of this section shall be punishable by imprisonment in**
9 **the county jail for a term not to exceed one year and/or a fine not to exceed one thousand**
10 **dollars.** Any person with no prior alcohol-related enforcement contacts as defined in section
11 302.525, convicted a fourth or subsequent time of driving while revoked or a county or
12 municipal ordinance of driving while suspended or revoked where the defendant was represented
13 by or waived the right to an attorney in writing, and where the prior three driving-while-revoked
14 offenses occurred within ten years of the date of occurrence of the present offense; and any
15 person with a prior alcohol-related enforcement contact as defined in section 302.525, convicted
16 a third or subsequent time of driving while revoked or a county or municipal ordinance of driving
17 while suspended or revoked where the defendant was represented by or waived the right to an
18 attorney in writing, and where the prior two driving-while-revoked offenses occurred within ten
19 years of the date of occurrence of the present offense and where the person received and served
20 a sentence of ten days or more on such previous offenses is guilty of a class D felony. **Except**
21 **upon conviction as a first offense,** no court shall suspend the imposition of sentence as to such

22 a person nor sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such
23 person be eligible for parole or probation until such person has served a minimum of forty- eight
24 consecutive hours of imprisonment, unless as a condition of such parole or probation, such
25 person performs at least ten days involving at least forty hours of community service under the
26 supervision of the court in those jurisdictions which have a recognized program for community
27 service. Driving while revoked is a class D felony on the second or subsequent conviction
28 pursuant to section 577.010 or a fourth or subsequent conviction for any other offense. **Prior**
29 **pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner**
30 **as required by section 558.021.**

303.025. 1. No owner of a motor vehicle registered in this state, or required to be
2 registered in this state, shall operate, register or maintain registration of a motor vehicle, or
3 permit another person to operate such vehicle, unless the owner maintains the financial
4 responsibility which conforms to the requirements of the laws of this state. No nonresident shall
5 operate or permit another person to operate in this state a motor vehicle registered to such
6 nonresident unless the nonresident maintains the financial responsibility which conforms to the
7 requirements of the laws of the nonresident's state of residence. Furthermore, no person shall
8 operate a motor vehicle owned by another with the knowledge that the owner has not maintained
9 financial responsibility unless such person has financial responsibility which covers the person's
10 operation of the other's vehicle; however, no owner or nonresident shall be in violation of this
11 subsection if he or she fails to maintain financial responsibility on a motor vehicle which is
12 inoperable or being stored and not in operation. The director may prescribe rules and regulations
13 for the implementation of this section.

14 2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner
15 provided for in section 303.160, or with a motor vehicle liability policy which conforms to the
16 requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the
17 owner's financial responsibility which conforms to the requirements of the laws of the
18 nonresident's state of residence.

19 3. Any person who violates this section is guilty of a [class C] misdemeanor. **A first**
20 **violation of this section shall be punishable by a fine not to exceed three hundred dollars.**
21 **A second or subsequent violation of this section shall be punishable by imprisonment in the**
22 **county jail for a term not to exceed fifteen days and/or a fine not to exceed three hundred**
23 **dollars. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in**
24 **the same manner as required by section 558.021.** However, no person shall be found guilty
25 of violating this section if the operator demonstrates to the court that he or she met the financial
26 responsibility requirements of this section at the time the peace officer, commercial vehicle
27 enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other

28 authorized punishment, the court shall notify the director of revenue of any person convicted
29 pursuant to this section and shall do one of the following:

30 (1) Enter an order suspending the driving privilege as of the date of the court order. If
31 the court orders the suspension of the driving privilege, the court shall require the defendant to
32 surrender to it any driver's license then held by such person. The length of the suspension shall
33 be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of
34 revenue the order of suspension of driving privilege and any license surrendered within ten days;

35 (2) Forward the record of the conviction for an assessment of four points;

36 (3) In lieu of an assessment of points, render an order of supervision as provided in
37 section 302.303. An order of supervision shall not be used in lieu of points more than one time
38 in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this
39 section shall forward a record of conviction to the Missouri state highway patrol, or at the written
40 direction of the Missouri state highway patrol, to the department of revenue, in a manner
41 approved by the director of the department of public safety. The director shall establish
42 procedures for the record keeping and administration of this section; or

43 (4) For a nonresident, suspend the nonresident's driving privileges in this state in
44 accordance with section 303.030 and notify the official in charge of the issuance of licenses and
45 registration certificates in the state in which such nonresident resides in accordance with section
46 303.080.

47 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330
48 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions
49 and professional registration from approving or authorizing those exclusions and limitations
50 which are contained in automobile liability insurance policies and the uninsured motorist
51 provisions of automobile liability insurance policies.

52 5. If a court enters an order of suspension, the offender may appeal such order directly
53 pursuant to chapter 512 and the provisions of section 302.311 shall not apply.

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts
2 to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020
3 or who is visibly in an intoxicated condition as defined in section 577.001, or has a detectable
4 blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol
5 in such person's blood is guilty of a misdemeanor. **A first violation of this section shall be**
6 **punishable by a fine not to exceed three hundred dollars. A second or subsequent violation**
7 **of this section shall be punishable by imprisonment in the county jail for a term not to**
8 **exceed one year and/or a fine not to exceed one thousand dollars. Prior pleas of guilty and**
9 **prior findings of guilty shall be pleaded and proven in the same manner as required by**
10 **section 558.021.** For purposes of prosecution under this section or any other provision of this

11 chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under
12 twenty-one years of age, a manufacturer-sealed container describing that there is intoxicating
13 liquor therein need not be opened or the contents therein tested to verify that there is intoxicating
14 liquor in such container. The alleged violator may allege that there was not intoxicating liquor
15 in such container, but the burden of proof of such allegation is on such person, as it shall be
16 presumed that such a sealed container describing that there is intoxicating liquor therein contains
17 intoxicating liquor.

18 2. For purposes of determining violations of any provision of this chapter, or of any rule
19 or regulation of the supervisor of alcohol and tobacco control, a manufacturer- sealed container
20 describing that there is intoxicating liquor therein need not be opened or the contents therein
21 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege
22 that there was not intoxicating liquor in such container, but the burden of proof of such allegation
23 is on such person, as it shall be presumed that such a sealed container describing that there is
24 intoxicating liquor therein contains intoxicating liquor.

25 3. Any person under the age of twenty-one years who purchases or attempts to purchase,
26 or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated
27 condition as defined in section 577.001, shall be deemed to have given consent to a chemical test
28 or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol
29 or drug content of the person's blood. The implied consent to submit to the chemical tests listed
30 in this subsection shall be limited to not more than two such tests arising from the same arrest,
31 incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be
32 performed according to methods approved by the state department of health and senior services
33 by licensed medical personnel or by a person possessing a valid permit issued by the state
34 department of health and senior services for this purpose. The state department of health and
35 senior services shall approve satisfactory techniques, devices, equipment, or methods to be
36 considered valid and shall establish standards to ascertain the qualifications and competence of
37 individuals to conduct analyses and to issue permits which shall be subject to termination or
38 revocation by the state department of health and senior services. The person tested may have a
39 physician, or a qualified technician, chemist, registered nurse, or other qualified person at the
40 choosing and expense of the person to be tested, administer a test in addition to any administered
41 at the direction of a law enforcement officer. The failure or inability to obtain an additional test
42 by a person shall not preclude the admission of evidence relating to the test taken at the direction
43 of a law enforcement officer. Upon the request of the person who is tested, full information
44 concerning the test shall be made available to such person. Full information is limited to the
45 following:

46 (1) The type of test administered and the procedures followed;

- 47 (2) The time of the collection of the blood or breath sample or urine analyzed;
- 48 (3) The numerical results of the test indicating the alcohol content of the blood and
49 breath and urine;
- 50 (4) The type and status of any permit which was held by the person who performed the
51 test;
- 52 (5) If the test was administered by means of a breath- testing instrument, the date of
53 performance of the most recent required maintenance of such instrument. Full information does
54 not include manuals, schematics, or software of the instrument used to test the person or any
55 other material that is not in the actual possession of the state. Additionally, full information does
56 not include information in the possession of the manufacturer of the test instrument.
- 57 4. The provisions of this section shall not apply to a student who:
- 58 (1) Is eighteen years of age or older;
- 59 (2) Is enrolled in an accredited college or university and is a student in a culinary course;
- 60 (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other
61 similar malt or fermented beverage as part of the required curriculum; and
- 62 (4) Tastes a beverage under subdivision (3) of this subsection only for instructional
63 purposes during classes that are part of the curriculum of the accredited college or university.
64 The beverage must at all times remain in the possession and control of an authorized instructor
65 of the college or university, who must be twenty-one years of age or older. Nothing in this
66 subsection may be construed to allow a student under the age of twenty-one to receive any beer,
67 ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered
68 as part of the student's required curriculum and the beverage is used only for instructional
69 purposes during classes conducted as part of the curriculum.

452.430. [All pleadings and filings in a dissolution of marriage, legal separation, or
2 modification proceeding filed more than seventy-two years prior to the time a request for
3 inspection is made may be made available to the public.] Any pleadings **or filings**, other than
4 the interlocutory or final judgment or any modification thereof, in a dissolution of marriage, legal
5 separation, or modification proceeding filed prior to August 28, 2009, [but less than seventy-two
6 years prior to the time a request for inspection is made,] shall be subject to inspection only by
7 the parties, an attorney of record, the family support division within the department of social
8 services when services are being provided under section 454.400, the attorney general or his or
9 her designee, a person or designee of a person licensed and acting under chapter 381 who shall
10 keep any information obtained confidential, except as necessary to the performance of functions
11 required by chapter 381, or upon order of the court for good cause shown **unless the clerk has**
12 **redacted the Social Security number from such pleadings or filings.** [Such persons] **The**
13 **parties, an attorney of record, the family support division within the department of social**

14 **services when services are being provided under section 454.400, the attorney general or**
15 **his or her designee, or a person or designee of a person licensed and acting under chapter**
16 **381** may receive or make copies of documents without the clerk being required to redact the
17 Social Security number, unless the court specifically orders the clerk to do otherwise. The clerk
18 **upon request** shall redact the Social Security number from any copy of a **filing, pleading,**
19 judgment or satisfaction of judgment before releasing the copy of the **filing, pleading, or**
20 interlocutory or final judgment or satisfaction of judgment to the public.

455.007. Notwithstanding any other provision of law to the contrary, the public
2 **interest exception to the mootness doctrine shall apply to an appeal of a full order of**
3 **protection which:**

4 **(1) Has expired; and**

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

455.040. 1. **This act shall be known as "Sam and Lindsey's Law".**

2 **2.** Not later than fifteen days after the filing of a petition pursuant to sections 455.010
3 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that a
4 continuance should be granted. At the hearing, if the petitioner has proved the allegation of
5 abuse or stalking by a preponderance of the evidence, the court shall issue a full order of
6 protection for a period of time the court deems appropriate, except that the protective order shall
7 be valid for at least one hundred eighty days and not more than one year. Upon motion by the
8 petitioner, and after a hearing by the court, the full order of protection may be renewed for a
9 period of time the court deems appropriate, except that the protective order shall be valid for at
10 least one hundred eighty days and not more than one year from the expiration date of the
11 originally issued full order of protection. If for good cause a hearing cannot be held on the
12 motion to renew the full order of protection prior to the expiration date of the originally issued
13 full order of protection, an ex parte order of protection may be issued until a hearing is held on
14 the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order
15 of protection may be renewed for an additional period of time the court deems appropriate,
16 except that the protective order shall be valid for at least one hundred eighty days and not more
17 than one year. For purposes of this subsection, a finding by the court of a subsequent act of
18 abuse is not required for a renewal order of protection.

19 **[2.] 3.** The court shall cause a copy of the petition and notice of the date set for the
20 hearing on such petition and any ex parte order of protection to be served upon the respondent
21 as provided by law or by any sheriff or police officer at least three days prior to such hearing.
22 Such notice shall be served at the earliest time, and service of such notice shall take priority over
23 service in other actions, except those of a similar emergency nature. The court shall cause a copy

24 of any full order of protection to be served upon or mailed by certified mail to the respondent at
25 the respondent's last known address. Failure to serve or mail a copy of the full order of
26 protection to the respondent shall not affect the validity or enforceability of a full order of
27 protection.

28 [3.] 4. A copy of any order of protection granted pursuant to sections 455.010 to 455.085
29 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where
30 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law
31 enforcement agency responsible for maintaining the Missouri uniform law enforcement system
32 or any other comparable law enforcement system the same day the order is granted. The law
33 enforcement agency responsible for maintaining MULES shall [enter information contained in
34 the order] , for purposes of verification, within twenty-four hours from the time the order is
35 granted, **enter information contained in the order including but not limited to any orders**
36 **regarding child custody or visitation and all specifics as to times and dates of custody or**
37 **visitation that are provided in the order.** A notice of expiration or of termination of any order
38 of protection **or any change in child custody or visitation within that order** shall be issued
39 to the local law enforcement agency and to the law enforcement agency responsible for
40 maintaining MULES or any other comparable law enforcement system. The law enforcement
41 agency responsible for maintaining the applicable law enforcement system shall enter such
42 information in the system. The information contained in an order of protection may be entered
43 in the Missouri uniform law enforcement system or comparable law enforcement system using
44 a direct automated data transfer from the court automated system to the law enforcement system.

475.060. 1. Any person may file a petition for the appointment of himself **or herself** or
2 some other qualified person as guardian of a minor [or guardian of an incapacitated person].
3 Such petition shall state:

4 (1) The name, age, domicile, actual place of residence and post office address of the
5 minor [or incapacitated person] if known and if any of these facts is unknown, the efforts made
6 to ascertain that fact;

7 (2) The estimated value of [his] **the minor's** real and personal property, **and the location**
8 **and value of any real property owned by the minor outside of this state;**

9 (3) If the minor [or incapacitated person] has no domicile or place of residence in this
10 state, the county in which the property or major part thereof of the minor [or incapacitated
11 person] is located;

12 (4) The name and address of the parents of the minor [or incapacitated person] and
13 whether they are living or dead;

14 (5) The name and address of the spouse, and the names, ages and addresses of all living
15 children of the minor [or incapacitated person];

16 (6) The name and address of the person having custody of the person of the minor [or
17 incapacitated person];

18 (7) The name and address of any guardian of the person or conservator of the estate of
19 the minor [or incapacitated person] appointed in this or any other state;

20 (8) If appointment is sought for a natural person, other than the public administrator, the
21 names and addresses of wards and disabled persons for whom such person is already guardian
22 or conservator;

23 (9) [In the case of an incapacitated person, the fact that the person for whom
24 guardianship is sought is unable by reason of some specified physical or mental condition to
25 receive and evaluate information or to communicate decisions to such an extent that the person
26 lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such
27 that serious physical injury, illness or disease is likely to occur] **The name and address of the
28 trustees and the purpose of any trust of which the minor is a qualified beneficiary;**

29 (10) The reasons why the appointment of a guardian is sought;

30 (11) A petition for the appointment of a guardian of a minor may be filed for the sole and
31 specific purpose of school registration or medical insurance coverage. Such a petition shall
32 clearly set out this limited request and shall not be combined with a petition for conservatorship.

33 **2. Any person may file a petition for the appointment of himself or herself or some
34 other qualified person as guardian of an incapacitated person. Such petition shall state:**

35 **(1) The name, age, domicile, actual place of residence and post office address of the
36 alleged incapacitated person, if known, and if any of these facts is unknown, the efforts
37 made to ascertain that fact; in addition, for the period of three years before the filing of the
38 petition, the most recent addresses, up to three, at which the alleged incapacitated person
39 lived prior to the most recent address. In the case of a petition filed by a public official in
40 his or her official capacity, the information required by this subdivision need only be
41 supplied to the extent it is reasonably available to the petitioner; in the case of any other
42 petition, if any information required by this subdivision is not available, the petition shall
43 state the efforts made to obtain such information;**

44 **(2) The estimated value of the alleged incapacitated person's real and personal
45 property, and the location and value of any real property owned by the alleged
46 incapacitated person outside of this state;**

47 **(3) If the alleged incapacitated person has no domicile or place of residence in this
48 state, the county in which the property or major part thereof of the alleged incapacitated
49 person is located;**

50 **(4) The name and address of the parents of the alleged incapacitated person and
51 whether they are living or dead;**

52 **(5) The name and address of the spouse, the names, ages, and addresses of all living**
53 **children of the alleged incapacitated person, the names and addresses of the alleged**
54 **incapacitated person's closest known relatives, and the names and relationship, if known,**
55 **of any adults living with the alleged incapacitated person; if no spouse, adult child, or**
56 **parent is listed, the names and addresses of the siblings and children of deceased siblings**
57 **of the alleged incapacitated person; the name and address of any agent appointed by the**
58 **alleged incapacitated person in any durable power of attorney, and of the presently acting**
59 **trustees of any trust of which the alleged incapacitated person is the grantor or is a**
60 **qualified beneficiary or is or was the trustee or co-trustee and the purpose of the power of**
61 **attorney or trust;**

62 **(6) The name and address of the person having custody of the person of the alleged**
63 **incapacitated person;**

64 **(7) The name and address of any guardian of the person or conservator of the**
65 **estate of the alleged incapacitated person appointed in this or any other state;**

66 **(8) If appointment is sought for a natural person, other than the public**
67 **administrator, the names and addresses of wards and disabled persons for whom such**
68 **person is already guardian or conservator;**

69 **(9) The fact that the person for whom guardianship is sought is unable by reason**
70 **of some specified physical or mental condition to receive and evaluate information or to**
71 **communicate decisions to such an extent that the person lacks capacity to meet essential**
72 **requirements for food, clothing, shelter, safety, or other care such that serious physical**
73 **injury, illness, or disease is likely to occur;**

74 **(10) The reasons why the appointment of a guardian is sought.**

475.061. 1. Any person may file a petition in the probate division of the circuit court of
2 the county of proper venue for the appointment of himself or some other qualified person as
3 conservator of the estate of a minor or disabled person. The petition shall contain the same
4 allegations as are set forth in subdivisions (1), (8), and (10) **of subsection 2** of section 475.060
5 with respect to the appointment of a guardian for an incapacitated person and, in addition thereto,
6 an allegation that the respondent is unable by reason of some specific physical or mental
7 condition to receive and evaluate information or to communicate decisions to such an extent that
8 the respondent lacks ability to manage his financial resources or that the respondent is under the
9 age of eighteen years.

10 2. A petition for appointment of a conservator or limited conservator of the estate may
11 be combined with a petition for appointment of a guardian or limited guardian of the person. In
12 such a combined petition allegations need not be repeated.

475.115. **1.** When a guardian or conservator dies, is removed by order of the court, or resigns and his **or her** resignation is accepted by the court, the court shall have the same authority as it has in like cases over personal representatives and their sureties and may appoint another guardian or conservator in the same manner and subject to the same requirements as are herein provided for an original appointment of a guardian or conservator.

2. A public administrator may request transfer of any case to the jurisdiction of another county by filing a petition for transfer. If the receiving county meets the venue requirements of section 475.035 and the public administrator of the receiving county consents to the transfer, the court shall transfer the case. The court with jurisdiction over the receiving county shall, without the necessity of any hearing as required by section 475.075, appoint the public administrator of the receiving county as successor guardian and/or successor conservator and issue letters therein. In the case of a conservatorship, the final settlement of the public administrator's conservatorship shall be filed within thirty days of the court's transfer of the case, in the court with jurisdiction over the original conservatorship, and forwarded to the receiving county upon audit and approval.

475.501. Sections 475.501 to 475.555 may be cited as the "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act".

475.502. Notwithstanding the definitions in section 475.010, when used in sections 475.501 to 475.555, the following terms mean:

- (1) "Adult", an individual who has attained eighteen years of age;**
- (2) "Conservator", a person appointed by the court to administer the property of an adult, including a person appointed under this chapter;**
- (3) "Guardian", a person appointed by the court to make decisions regarding the person of an adult, including a person appointed under this chapter;**
- (4) "Guardianship order", an order appointing a guardian;**
- (5) "Guardianship proceeding", a proceeding in which an order for the appointment of a guardian is sought or has been issued;**
- (6) "Incapacitated person", an adult for whom a guardian has been appointed;**
- (7) "Party", the respondent, petitioner, guardian, conservator, or any other person allowed by the court to participate in a guardianship or protective proceeding;**
- (8) "Person", except in the term "incapacitated person" or "protected person", an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity;**
- (9) "Protected person", an adult for whom a protective order has been issued;**

19 (10) "Protective order", an order appointing a conservator or other order related
20 to management of an adult's property;

21 (11) "Protective proceeding", a judicial proceeding in which a protective order is
22 sought or has been issued;

23 (12) "Record", information that is inscribed on a tangible medium or that is stored
24 in an electronic or other medium and is retrievable in perceivable form;

25 (13) "Respondent", an adult for whom a protective order or the appointment of a
26 guardian is sought;

27 (14) "State", a state of the United States, the District of Columbia, Puerto Rico, the
28 United States Virgin Islands, a federally recognized Indian tribe, or any territory or
29 insular possession subject to the jurisdiction of the United States.

475.503. A court of this state may treat a foreign country as if it were a state for the
2 purpose of applying this article and articles 2, 3, and 5.

475.504. 1. A court of this state may communicate with a court in another state
2 concerning a proceeding arising under sections 475.501 to 475.555. The court may allow
3 the parties to participate in the communication. Except as otherwise provided in
4 subsection 2 of this section, the court shall make a record of the communication. The
5 record may be limited to the fact that the communication occurred.

6 **2.** Courts may communicate concerning schedules, calendars, court records, and
7 other administrative matters without making a record.

475.505. 1. In a guardianship or protective proceeding in this state, a court of this
2 state may request the appropriate court of another state to:

3 (1) Hold an evidentiary hearing;

4 (2) Order a person in that state to produce evidence or give testimony pursuant to
5 procedures of that state;

6 (3) Order that an evaluation or assessment be made of the respondent;

7 (4) Order any appropriate investigation of a person involved in a proceeding;

8 (5) Forward to the court of this state a certified copy of the transcript or other
9 record of a hearing under subdivision (1) of subsection 1 of this section or any other
10 proceeding, any evidence otherwise produced under subdivision (2) of subsection 1 of this
11 section, and any evaluation or assessment prepared in compliance with an order under
12 subdivisions (3) and (4) of subsection 1 of this section;

13 (6) Issue any order necessary to assure the appearance in the proceeding of a
14 person whose presence is necessary for the court to make a determination, including the
15 respondent or the incapacitated or protected person;

16 (7) Issue an order authorizing the release of medical, financial, criminal, or other
 17 relevant information in that state, including protected health information as defined in 45
 18 CFR 160.103, as amended.

19 2. If a court of another state in which a guardianship or protective proceeding is
 20 pending requests assistance of the kind provided in subsection 1 of this section, a court of
 21 this state has jurisdiction for the limited purpose of granting the request or making
 22 reasonable efforts to comply with the request.

475.506. 1. In a guardianship or protective proceeding, in addition to other
 2 procedures that may be available, testimony of a witness who is located in another state
 3 may be offered by deposition or other means allowable in this state for testimony taken in
 4 another state. The court on its own motion may order that the testimony of a witness be
 5 taken in another state and may prescribe the manner in which and the terms upon which
 6 the testimony is to be taken.

7 2. In a guardianship or protective proceeding, a court in this state may permit a
 8 witness located in another state to be deposed or to testify by telephone or audiovisual or
 9 other electronic means. A court of this state shall cooperate with court of the other state
 10 in designating an appropriate location for the deposition or testimony.

11 3. Documentary evidence transmitted from another state to a court of this state by
 12 technological means that do not produce an original writing may not be excluded from
 13 evidence on an objection based on the best evidence rule.

ARTICLE 2 JURISDICTION

475.521. 1. In this article, the following terms mean:

2 (1) "Emergency", a circumstance that likely will result in substantial harm to a
 3 respondent's health, safety, or welfare, and for which the appointment of a guardian is
 4 necessary because no other person has authority and is willing to act on the respondent's
 5 behalf;

6 (2) "Home state", the state in which the respondent was physically present,
 7 including any period of temporary absence, for at least six consecutive months immediately
 8 before the filing of a petition for a protective order or the appointment of a guardian; or
 9 if none, the state in which the respondent was physically present, including any period of
 10 temporary absence, for at least six consecutive months ending within the six months prior
 11 to the filing of the petition;

12 (3) "Significant-connection state", a state, other than the home state, with which
 13 a respondent has a significant connection other than mere physical presence and in which
 14 substantial evidence concerning the respondent is available.

15 **2. In determining under section 475.523 and subsection 5 of section 475.531**
16 **whether a respondent has a significant connection with a particular state, the court shall**
17 **consider:**

18 **(1) The location of the respondent's family and other persons required to be**
19 **notified of the guardianship or protective proceeding;**

20 **(2) The length of time the respondent at any time was physically present in the state**
21 **and the duration of any absence;**

22 **(3) The location of the respondent's property; and**

23 **(4) The extent to which the respondent has ties to the state such as voting**
24 **registration, state or local tax return filing, vehicle registration, driver's license, social**
25 **relationship, and receipt of services.**

475.522. This article provides the exclusive jurisdictional basis for a court of this
2 **state to appoint a guardian or issue a protective order for an adult.**

475.523. A court of this state has jurisdiction to appoint a guardian or issue a
2 **protective order for a respondent if:**

3 **(1) This state is the respondent's home state;**

4 **(2) On the date a petition is filed, this state is a significant-connection state and:**

5 **(a) The respondent does not have a home state or a court of the respondent's home**
6 **state has declined to exercise jurisdiction because this state is a more appropriate forum;**
7 **or**

8 **(b) The respondent has a home state, a petition for an appointment or order is not**
9 **pending in a court of that state or another significant-connection state, and, before the**
10 **court makes the appointment or issues the order:**

11 **a. A petition for an appointment or order is not filed in the respondent's home**
12 **state;**

13 **b. An objection to the court's jurisdiction is not filed by a person required to be**
14 **notified of the proceeding; and**

15 **c. The court in this state concludes that it is an appropriate forum under the factors**
16 **set forth in section 475.526;**

17 **(3) This state does not have jurisdiction under either subdivisions (1) or (2) of this**
18 **section, the respondent's home state and all significant-connection states have declined to**
19 **exercise jurisdiction because this state is the more appropriate forum, and jurisdiction in**
20 **this state is consistent with the constitutions of this state and the United States; or**

21 **(4) The requirements for special jurisdiction under section 475.524 are met.**

475.524. 1. A court of this state lacking jurisdiction under section 475.523 has
2 **special jurisdiction to do any of the following:**

3 **(1) Appoint a guardian in an emergency for a term not exceeding ninety days for**
4 **a respondent who is physically present in this state;**

5 **(2) Issue a protective order with respect to real or tangible personal property**
6 **located in this state;**

7 **(3) Appoint a guardian or conservator for an incapacitated or protected person for**
8 **whom a provisional order to transfer the proceeding from another state has been issued**
9 **under procedures similar to section 475.531.**

10 **2. If a petition for the appointment of a guardian in an emergency is brought in this**
11 **state and this state was not the respondent's home state on the date the petition was filed,**
12 **the court shall dismiss the proceeding at the request of the court of the home state, if any,**
13 **whether dismissal is requested before or after the emergency appointment.**

475.525. Except as otherwise provided in section 475.524, a court that has
2 **appointed a guardian or issued a protective order consistent with sections 475.501 to**
3 **475.555 has exclusive and continuing jurisdiction over the proceeding until it is terminated**
4 **by the court or the appointment or order expires by its own terms.**

475.526. 1. A court of this state having jurisdiction under section 475.523 to
2 **appoint a guardian or issue a protective order may decline to exercise its jurisdiction if it**
3 **determines at any time that a court of another state is a more appropriate forum.**

4 **2. If a court of this state declines to exercise its jurisdiction under subsection 1 of**
5 **this section, it shall either dismiss or stay the proceeding. The court may impose any**
6 **condition the court considers just and proper, including the condition that a petition for**
7 **the appointment of a guardian or protective order be promptly filed in another state.**

8 **3. In determining whether it is an appropriate forum, the court shall consider all**
9 **relevant factors, including:**

10 **(1) Any expressed preference of the respondent;**

11 **(2) Whether abuse, neglect, or exploitation of the respondent has occurred or is**
12 **likely to occur and which state could best protect the respondent from the abuse, neglect,**
13 **or exploitation;**

14 **(3) The length of time the respondent was physically present in or was a legal**
15 **resident of this or another state;**

16 **(4) The distance of the respondent from the court in each state;**

17 **(5) The financial circumstances of the respondent's estate;**

18 **(6) The nature and location of the evidence;**

19 **(7) The ability of the court in each state to decide the issue expeditiously and the**
20 **procedures necessary to present evidence;**

21 (8) The familiarity of the court of each state with the facts and issues in the
22 proceeding; and

23 (9) If an appointment were made, the court's ability to monitor the conduct of the
24 guardian or conservator.

475.527. 1. If at any time a court of this state determines that it acquired
2 jurisdiction to appoint a guardian or issue a protective order because of unjustifiable
3 conduct, the court may:

4 (1) Decline to exercise jurisdiction;

5 (2) Exercise jurisdiction for the limited purpose of fashioning an appropriate
6 remedy to ensure the health, safety, and welfare of the respondent or the protection of the
7 respondent's property or prevent a repetition of the unjustifiable conduct, including
8 staying the proceeding until a petition for the appointment of a guardian or issuance of a
9 protective order is filed in a court of another state having jurisdiction; or

10 (3) Continue to exercise jurisdiction after considering:

11 (a) The extent to which the respondent and all persons required to be notified of
12 the proceedings have acquiesced in the exercise of the court's jurisdiction;

13 (b) Whether it is a more appropriate forum than the court of any other state under
14 the factors set forth in subsection 3 of section 475.526; and

15 (c) Whether the court of any other state would have jurisdiction under factual
16 circumstances in substantial conformity with the jurisdictional standards of section
17 475.523.

18 2. If a court of this state determines that it acquired jurisdiction to appoint a
19 guardian or issue a protective order because a party seeking to invoke its jurisdiction
20 engaged in unjustifiable conduct, it may assess against that party necessary and reasonable
21 expenses, including attorney's fees, investigative fees, court costs, communication expenses,
22 witness fees and expenses, and travel expenses. The court may not assess fees, costs, or
23 expenses of any kind against this state or a governmental subdivision, agency, or
24 instrumentality of this state unless authorized by law other than sections 475.501 to
25 475.555.

475.528. If a petition for the appointment of a guardian or issuance of a protective
2 order is brought in this state and this state was not the respondent's home state on the date
3 the petition was filed, in addition to complying with the notice requirements of this state,
4 notice of the petition shall be given to those persons who would be entitled to notice of the
5 petition if a proceeding were brought in the respondent's home state. The notice shall be
6 given in the same manner as notice is required to be given in this state.

475.529. Except for a petition for the appointment of a guardian in an emergency or issuance of a protective order limited to property located in this state as provided in subdivision (1) or (2) of subsection 1 of section 475.524, if a petition for the appointment of a guardian or issuance of a protective order is filed in this and in another state and neither petition has been dismissed or withdrawn, the following rules apply:

(1) If the court in this state has jurisdiction under section 475.523, it may proceed with the case unless a court in another state acquires jurisdiction under provisions similar to section 475.523 before the appointment or issuance of the order.

(2) If the court in this state does not have jurisdiction under section 475.523, whether at the time the petition is filed or at any time before the appointment or issuance of the order, the court shall stay the proceeding and communicate with the court in the other state. If the court in the other state has jurisdiction, the court in this state shall dismiss the petition unless the court in the other state determines that the court in this state is a more appropriate forum.

ARTICLE 3

TRANSFER OF GUARDIANSHIP OR CONSERVATORSHIP

475.531. 1. A guardian or conservator appointed in this state may petition the court to transfer the guardianship or conservatorship to another state.

2. Notice of a petition under subsection 1 of this section shall be given to those persons that would be entitled to notice of a petition in this state for the appointment of a guardian or conservator.

3. On the court's own motion or on request of the guardian or conservator, the incapacitated or protected person, or other person required to be notified of the petition, the court shall hold a hearing on a petition filed pursuant to subsection 1 of this section.

4. The court shall issue an order provisionally granting a petition to transfer a guardianship and shall direct the guardian to petition for guardianship in the other state if the court is satisfied that the guardianship will be accepted by the court in the other state and the court finds that:

(1) The incapacitated person is physically present in or is reasonably expected to move permanently to the other state;

(2) An objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the incapacitated person; and

(3) Plans for care and services for the incapacitated person in the other state are reasonable and sufficient.

20 **5. The court shall issue a provisional order granting a petition to transfer a**
21 **conservatorship and shall direct the conservator to petition for conservatorship in the**
22 **other state if the court is satisfied that the conservatorship will be accepted by the court of**
23 **the other state and the court finds that:**

24 **(1) The protected person is physically present in or is reasonably expected to move**
25 **permanently to the other state, or the protected person has a significant connection to the**
26 **other state considering the factors set forth in subsection 2 of section 475.521;**

27 **(2) An objection to the transfer has not been made or, if an objection has been**
28 **made, the objector has not established that the transfer would be contrary to the interests**
29 **of the protected person; and**

30 **(3) Adequate arrangements will be made for management of the protected person's**
31 **property.**

32 **6. The court shall issue a final order confirming the transfer and terminating the**
33 **guardianship or conservatorship upon its receipt of:**

34 **(1) A provisional order accepting the proceeding from the court to which the**
35 **proceeding is to be transferred which is issued under provisions similar to section 475.532;**
36 **and**

37 **(2) The documents required to terminate a guardianship or conservatorship in this**
38 **state.**

475.532. 1. To confirm transfer of a guardianship or conservatorship transferred
2 **to this state under provisions similar to those in section 475.531, the guardian or**
3 **conservator shall petition the court in this state to accept the guardianship or**
4 **conservatorship. The petition shall include a certified copy of the other state's provisional**
5 **order of transfer.**

6 **2. Notice of a petition under subsection 1 of this section shall be given to those**
7 **persons that would be entitled to notice if the petition were a petition for the appointment**
8 **of a guardian or issuance of a protective order in both the transferring state and this state.**
9 **The notice shall be given in the same manner as notice is required to be given in this state.**

10 **3. On the court's own motion or on request of the guardian or conservator, the**
11 **incapacitated or protected person, or other person required to be notified of the**
12 **proceeding, the court shall hold a hearing on a petition filed pursuant to subsection 1 of**
13 **this section.**

14 **4. The court shall issue an order provisionally granting a petition filed under**
15 **subsection 1 of this section unless:**

16 **(1) An objection is made and the objector establishes that transfer of the**
17 **proceeding would be contrary to the interests of the incapacitated or protected person; or**

18 **(2) The guardian or conservator is ineligible for appointment in this state.**

19 **5. The court shall issue a final order accepting the proceeding and appointing the**
20 **guardian or conservator as guardian or conservator in this state upon its receipt from the**
21 **court from which the proceeding is being transferred of a final order issued under**
22 **provisions similar to section 475.531 transferring the proceeding to this state.**

23 **6. Not later than ninety days after issuance of a final order accepting transfer of a**
24 **guardianship or conservatorship, the court shall determine whether the guardianship or**
25 **conservatorship needs to be modified to conform to the law of this state.**

26 **7. In granting a petition under this section, the court shall recognize a guardianship**
27 **or conservatorship order from the other state, including the determination of the**
28 **incapacitated or protected person's incapacity and the appointment of the guardian or**
29 **conservator.**

30 **8. The denial by a court of this state of a petition to accept guardianship or**
31 **conservatorship transferred from another state does not affect the ability of the guardian**
32 **or conservator to seek appointment as guardian or conservator in this state under this**
33 **chapter if the court has jurisdiction to make an appointment other than by reason of the**
34 **provisional order of transfer.**

ARTICLE 4

REGISTRATION AND RECOGNITION OF ORDERS FROM OTHER STATES

2 **475.541. If a guardian has been appointed in another state and a petition for the**
3 **appointment of a guardian is not pending in this state, the guardian appointed in the other**
4 **state, after giving notice to the appointing court of an intent to register, may register the**
5 **guardianship order in this state by filing as a foreign judgment in a court, in any**
6 **appropriate county of this state, certified copies of the order and letters of office.**

2 **475.542. If a conservator has been appointed in another state and a petition for a**
3 **protective order is not pending in this state, the conservator appointed in the other state,**
4 **after giving notice to the appointing court of an intent to register, may register the**
5 **protective order in this state by filing as a foreign judgment in a court of this state, in any**
6 **county in which property belonging to the protected person is located, certified copies of**
7 **the order and letters of office and of any bond.**

2 **475.543. 1. Upon registration of a guardianship or protective order from another**
3 **state, the guardian or conservator may exercise in this state all powers authorized in the**
4 **order of appointment except as prohibited under the laws of this state, including**
5 **maintaining actions and proceedings in this state and, if the guardian or conservator is not**
6 **a resident of this state, subject to any conditions imposed upon nonresident parties.**

2 **2. A court of this state may grant any relief available under sections 475.501 to**

7 **475.555 and other law of this state to enforce a registered order.**

2 **475.544. Except where inconsistent with sections 475.541, 475.542, and 475.543, the**
3 **laws of this state relating to the registration and recognition of the acts of a foreign**
4 **guardian, curator, or conservator contained in sections 475.335 to 475.340 shall be**
5 **applicable.**

ARTICLE 5

MISCELLANEOUS PROVISIONS

2 **475.551. In applying and construing this uniform act, consideration shall be given**
3 **to the need to promote uniformity of the law with respect to its subject matter among states**
4 **that enact it.**

2 **475.552. Sections 475.501 to 475.555 modify, limit, and supersede the federal**
3 **Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et**
4 **seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section**
5 **7001(c), or authorize electronic delivery of any of the notices described in Section 103(b)**
6 **of that act, 15 U.S.C. Section 7003(b).**

2 **475.555. 1. Sections 475.501 to 475.555 apply to guardianship and protective**
3 **proceedings begun on or after August 28, 2011.**

4 **2. Articles 1, 3, 4, and sections 475.551 and 475.552 apply to proceedings begun**
5 **before August 28, 2011, regardless of whether a guardianship or protective order has been**
6 **issued.**

7 **479.020. 1. Any city, town or village, including those operating under a constitutional**
8 **or special charter, may, and cities with a population of four hundred thousand or more shall,**
9 **provide by ordinance or charter for the selection, tenure and compensation of a municipal judge**
10 **or judges consistent with the provisions of this chapter who shall have original jurisdiction to**
11 **hear and determine all violations against the ordinances of the municipality. The method of**
12 **selection of municipal judges shall be provided by charter or ordinance. Each municipal judge**
13 **shall be selected for a term of not less than two years as provided by charter or ordinance.**

14 **2. Except where prohibited by charter or ordinance, the municipal judge may be a**
15 **part-time judge and may serve as municipal judge in more than one municipality.**

16 **3. No person shall serve as a municipal judge of any municipality with a population of**
17 **seven thousand five hundred or more or of any municipality in a county of the first class with a**
18 **charter form of government unless the person is licensed to practice law in this state unless, prior**
19 **to January 2, 1979, such person has served as municipal judge of that same municipality for at**
20 **least two years.**

15 4. Notwithstanding any other statute, a municipal judge need not be a resident of the
16 municipality or of the circuit in which the municipal judge serves except where ordinance or
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18 5. Judges selected under the provisions of this section shall be municipal judges of the
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme
22 court. The presiding judge of the circuit shall have general administrative authority over the
23 judges and court personnel of the municipal divisions within the circuit.

24 6. No municipal judge shall hold any other office in the municipality which the
25 municipal judge serves as judge. The compensation of any municipal judge and other court
26 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty
27 verdicts reached or the amount of fines imposed or collected.

28 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as
29 municipal judge after that person has reached that person's [seventy-fifth] **seventy-eighth**
30 birthday.

31 8. Within six months after selection for the position, each municipal judge who is not
32 licensed to practice law in this state shall satisfactorily complete the course of instruction for
33 municipal judges prescribed by the supreme court. The state courts administrator shall certify
34 to the supreme court the names of those judges who satisfactorily complete the prescribed
35 course. If a municipal judge fails to complete satisfactorily the prescribed course within six
36 months after the municipal judge's selection as municipal judge, the municipal judge's office
37 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal
38 judge, nor shall any compensation thereafter be paid to such person for serving as municipal
39 judge.

 488.432. **1.** If in any suit in which a deposit is provided for under sections 488.426 to
2 488.432, the party filing the suit shall prevail, the amount of said deposit required at the time of
3 filing said suit shall be awarded and collectable as a judgment entered in said suit in favor of the
4 prevailing party making said deposit.

5 **2. If in any suit in which a deposit is not required by the filing party because that**
6 **party is a city, county, or the state of Missouri under subsection 1 of section 488.426, the**
7 **party filing the suit shall prevail, the amount of said deposit that would otherwise have**
8 **been awarded and collectable as a judgment entered in said suit in favor of the prevailing**
9 **party under subsection 1 of this section had the prevailing party been required to make a**
10 **deposit shall be paid from the respondent to the prevailing party and the prevailing party**
11 **shall then pay such amount collected to the clerk of the appropriate court.**

488.5026. 1. [Upon approval of the governing body of a city, county, or a city not within
2 a county,] A surcharge of two dollars shall be assessed **and collected** as costs in each court
3 proceeding filed in any court in any city, county, or city not within a county [adopting such a
4 surcharge,] in all criminal cases including violations of any county ordinance or any violation
5 of criminal or traffic laws of the state, including an infraction and violation of a municipal
6 ordinance; except that no such fee shall be collected in any proceeding in any court when the
7 proceeding or the defendant has been dismissed by the court or when costs are to be paid by the
8 state, county, or municipality. A surcharge of two dollars shall be assessed as costs in a juvenile
9 court proceeding in which a child is found by the court to come within the applicable provisions
10 of subdivision (3) of subsection 1 of section 211.031.

11 2. Notwithstanding any other provision of law, the moneys collected by clerks of the
12 courts pursuant to the provisions of subsection 1 of this section shall be collected and disbursed
13 in accordance with sections 488.010 to 488.020, and shall be payable to the treasurer of the
14 governmental unit authorizing such surcharge.

15 3. The treasurer shall deposit funds generated by the surcharge into the "Inmate Security
16 Fund". Funds deposited shall be utilized to develop **information sharing and** biometric
17 verification systems to ensure that inmates can be properly identified **upon booking** and tracked
18 within the local jail **and criminal justice** system. Upon the installation of the **information**
19 **sharing and** biometric verification system, funds in the inmate security fund may be used for
20 the maintenance of the **information sharing and** biometric verification system, and to pay for
21 any expenses related to custody and housing and other expenses for prisoners.

516.140. Within two years: An action for libel, slander, **injurious falsehood**, assault,
2 battery, false imprisonment, criminal conversation, malicious prosecution or actions brought
3 under section 290.140. An action by an employee for the payment of unpaid minimum wages,
4 unpaid overtime compensation or liquidated damages by reason of the nonpayment of minimum
5 wages or overtime compensation, and for the recovery of any amount under and by virtue of the
6 provisions of the Fair Labor Standards Act of 1938 and amendments thereto, such act being an
7 act of Congress, shall be brought within two years after the cause accrued.

537.528. 1. Any action [seeking money damages] against a person for conduct or speech
2 undertaken or made in connection with a public hearing or public meeting, in a quasi-judicial
3 proceeding before a tribunal or decision-making body of the state or any political subdivision of
4 the state is subject to a special motion to dismiss, motion for judgment on the pleadings, or
5 motion for summary judgment that shall be considered by the court on a priority or expedited
6 basis to ensure the early consideration of the issues raised by the motion and to prevent the
7 unnecessary expense of litigation. Upon the filing of any special motion described in this

8 subsection, all discovery shall be suspended pending a decision on the motion by the court and
9 the exhaustion of all appeals regarding the special motion.

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

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

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

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

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

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

544.455. 1. Any person charged with a bailable offense, at his **or her** appearance before
2 an associate circuit judge or judge may be ordered released pending trial, appeal, or other stage
3 of the proceedings against him on his personal recognizance, unless the associate circuit judge
4 or judge determines, in the exercise of his discretion, that such a release will not reasonably
5 assure the appearance of the person as required. When such a determination is made, the
6 associate circuit judge or judge may either in lieu of or in addition to the above methods of
7 release, impose any or any combination of the following conditions of release which will
8 reasonably assure the appearance of the person for trial:

9 (1) Place the person in the custody of a designated person or organization agreeing to
10 supervise him;

11 (2) Place restriction on the travel, association, or place of abode of the person during the
12 period of release;

13 (3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit
14 of cash in lieu thereof;

15 (4) Require the person to report regularly to some officer of the court, or peace officer,
16 in such manner as the associate circuit judge or judge directs;

17 (5) Require the execution of a bond in a given sum and the deposit in the registry of the
18 court of ten percent, or such lesser percent as the judge directs, of the sum in cash or negotiable
19 bonds of the United States or of the state of Missouri or any political subdivision thereof;

20 (6) Impose any other condition deemed reasonably necessary to assure appearance as
21 required, including a condition requiring that the person return to custody after specified hours.

22 2. In determining which conditions of release will reasonably assure appearance, the
23 associate circuit judge or judge shall, on the basis of available information, take into account the
24 nature and circumstances of the offense charged, the weight of the evidence against the accused,
25 the accused's family ties, employment, financial resources, character and mental condition, the
26 length of his residence in the community, his record of convictions, and his record of appearance
27 at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.

28 3. An associate circuit judge or judge authorizing the release of a person under this
29 section shall issue an appropriate order containing a statement of the conditions imposed, if any,
30 shall inform such person of the penalties applicable to violations of the conditions of his release
31 and shall advise him that a warrant for his arrest will be issued immediately upon any such
32 violation.

33 4. A person for whom conditions of release are imposed and who after twenty-four hours
34 from the time of the release hearing continues to be detained as a result of his inability to meet
35 the conditions of release, shall, upon application, be entitled to have the condition reviewed by
36 the associate circuit judge or judge who imposed them. The motion shall be determined
37 promptly.

38 5. An associate circuit judge or judge ordering the release of a person on any condition
39 specified in this section may at any time amend his order to impose additional or different
40 conditions of release; except that, if the imposition of such additional or different conditions
41 results in the detention of the person as a result of his inability to meet such conditions or in the
42 release of the person on a condition requiring him to return to custody after specified hours, the
43 provisions of subsection 4 shall apply.

44 6. Information stated in, or offered in connection with, any order entered pursuant to this
45 section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

46 7. Nothing contained in this section shall be construed to prevent the disposition of any
47 case or class of cases by forfeiture of collateral security where such disposition is authorized by
48 the court.

49 8. Persons charged with violations of municipal ordinances may be released by a
50 municipal judge or other judge who hears and determines municipal ordinance violation cases
51 of the municipality involved under the same conditions and in the same manner as provided in
52 this section for release by an associate circuit judge.

53 **9. Any person charged with aailable nonviolent offense who does not post bail**
54 **prior to his or her appearance before an associate circuit judge or judge may be ordered**
55 **to be placed on house arrest with electronic monitoring.**

 544.470. 1. If the offense is notailable, **or if the individual is not granted electronic**
2 **monitoring** or if the person does not meet the conditions for release, as provided in section
3 544.455, the prisoner shall be committed to the jail of the county in which the same is to be tried,
4 there to remain until he be discharged by due course of law.

5 2. There shall be a presumption that releasing the person under any conditions as
6 provided by section 544.455 shall not reasonably assure the appearance of the person as required
7 if the circuit judge or associate circuit judge reasonably believes that the person is an alien
8 unlawfully present in the United States. If such presumption exists, the person shall be
9 committed to the jail, as provided in subsection 1 of this section, until such person provides
10 verification of his or her lawful presence in the United States to rebut such presumption. If the
11 person adequately proves his or her lawful presence, the circuit judge or associate circuit judge
12 shall review the issue of release, as provided under section 544.455, without regard to previous
13 issues concerning whether the person is lawfully present in the United States. If the person
14 cannot prove his or her lawful presence, the person shall continue to be committed to the jail and
15 remain until discharged by due course of law.

 557.011. 1. Every person found guilty of an offense shall be dealt with by the court in
2 accordance with the provisions of this chapter, except that for offenses defined outside this code
3 and not repealed, the term of imprisonment or the fine that may be imposed is that provided in
4 the statute defining the offense; however, the conditional release term of any sentence of a term
5 of years shall be determined as provided in subsection 4 of section 558.011.

6 2. Whenever any person has been found guilty of a felony or a misdemeanor the court
7 shall make one or more of the following dispositions of the offender in any appropriate
8 combination. The court may:

- 9 (1) Sentence the person to a term of imprisonment as authorized by chapter 558;
- 10 (2) Sentence the person to pay a fine as authorized by chapter 560;
- 11 (3) Suspend the imposition of sentence, with or without placing the person on probation;
- 12 (4) Pronounce sentence and suspend its execution, placing the person on probation;
- 13 (5) Impose a period of detention as a condition of probation, as authorized by section
14 559.026.

15 3. Whenever any person has been found guilty of an infraction, the court shall make one
16 or more of the following dispositions of the offender in any appropriate combination. The court
17 may:

18 (1) Sentence the person to pay a fine as authorized by chapter 560;

19 (2) Suspend the imposition of sentence, with or without placing the person on probation;

20 (3) Pronounce sentence and suspend its execution, placing the person on probation.

21 4. Whenever any organization has been found guilty of an offense, the court shall make
22 one or more of the following dispositions of the organization in any appropriate combination.

23 The court may:

24 (1) Sentence the organization to pay a fine as authorized by chapter 560;

25 (2) Suspend the imposition of sentence, with or without placing the organization on
26 probation;

27 (3) Pronounce sentence and suspend its execution, placing the organization on probation;

28 (4) Impose any special sentence or sanction authorized by law.

29 5. This chapter shall not be construed to deprive the court of any authority conferred by
30 law to decree a forfeiture of property, suspend or cancel a license, remove a person from office,
31 or impose any other civil penalty. An appropriate order exercising such authority may be
32 included as part of any sentence.

33 **6. In the event a sentence of confinement is ordered executed, a court may order**
34 **that an individual serve all or any portion of such sentence on electronic monitoring with**
35 **such conditions and limitations as the court shall deem appropriate in the circumstances**
36 **including a condition that the individual pay the cost of the electronic monitoring.**

37 **7. A circuit court may adopt a local rule authorizing the pretrial release on**
38 **electronic monitoring in lieu of incarceration of individuals charged with offenses**
39 **specifically identified therein.**

571.063. 1. As used in this section the following terms shall mean:

2 (1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;

3 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to
4 engage in the business of dealing in firearms;

5 (3) "Materially false information", any information that portrays an illegal
6 transaction as legal or a legal transaction as illegal;

7 (4) "Private seller", a person who sells or offers for sale any firearm, as defined in
8 section 571.010, or ammunition.

9 **2. A person commits the crime of fraudulent purchase of a firearm if such person:**

10 (1) Knowingly solicits, persuades, encourages or entices a licensed dealer or private
11 seller of firearms or ammunition to transfer a firearm or ammunition under circumstances
12 which the person knows would violate the laws of this state or the United States; or

13 (2) Provides to a licensed dealer or private seller of firearms or ammunition what
14 the person knows to be materially false information with intent to deceive the dealer or
15 seller about the legality of a transfer of a firearm or ammunition; or

16 (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of
17 this subsection.

18 **3. Fraudulent purchase of a firearm is a class D felony.**

571.092. 1. Any individual who has been adjudged incapacitated under chapter
2 **475, who has been involuntarily committed under chapter 632, or who is otherwise subject**
3 **to the firearms-related disabilities of 18 U.S.C. Section 922(d)(4) or (g)(4) as a result of an**
4 **adjudication or commitment that occurred in this state may file a petition for the removal**
5 **of the disqualification to ship, transport, receive, purchase, possess, or transfer a firearm**
6 **imposed under 18 U.S.C. Section 922(d)(4) or (g)(4) and the laws of this state.**

7 **2. The petition shall be filed in the circuit court with jurisdiction in the petitioner's**
8 **place of residence or that entered the letters of guardianship or the most recent order for**
9 **involuntary commitment, or the most recent disqualifying order, whichever is later. The**
10 **petition shall include and the court shall consider:**

11 (1) The circumstances regarding the firearms related disabilities;

12 (2) The applicant's record which at a minimum shall include the applicant's mental
13 health and criminal history records, if any;

14 (3) The applicant's reputation through character witness statements, testimony, or
15 other character evidence; and

16 (4) Any other information or evidence relevant to the relief sought, including but
17 not limited to evidence concerning any changes in the petitioner's condition since the
18 disqualifying commitment or adjudication occurred.

19

20 Upon receipt of the petition, the clerk shall schedule a hearing and provide notice of the
21 hearing to the petitioner.

22 **3. The court shall grant the requested relief if it finds by clear and convincing**
23 **evidence that:**

24 (1) The petitioner will not be likely to act in a manner dangerous to public safety;
25 and

26 (2) Granting the relief is not contrary to the public interest.

27 **4. In order to determine whether to grant relief under this section, the court may**
28 **request the local prosecuting attorney, circuit attorney, or attorney general to provide a**
29 **written recommendation as to whether relief should be granted. In any order requiring**
30 **such review the court may grant access to any and all mental health records, juvenile**
31 **records, and criminal history of the petitioner wherever maintained. The court may allow**
32 **presentation of evidence at the hearing if requested by the petitioner or by the local**
33 **prosecuting attorney, circuit attorney, or attorney general. A record shall be kept of the**
34 **proceedings.**

35 **5. If the petitioner is filing the petition as a result of an involuntary commitment**
36 **under chapter 632, the hearing and records shall be closed to the public, unless the court**
37 **finds that public interest would be better served by conducting the hearing in public. If**
38 **the court determines the hearing should be open to the public, upon motion by the**
39 **petitioner, the court may allow for the in-camera inspection of mental health records. The**
40 **court may allow the use of the record but shall restrict it from public disclosure, unless it**
41 **finds that the public interest would be better served by making the record public.**

42 **6. The court shall include in its order the specific findings of fact on which it bases**
43 **its decision.**

44 **7. Upon a judicial determination to grant a petition under this section, the clerk in**
45 **the county where the petition was granted shall forward the order to the Missouri state**
46 **highway patrol for updating of the petitioner's record with the National Instant Criminal**
47 **Background Check System (NICS). The Missouri state highway patrol shall contact the**
48 **Federal Bureau of Investigation to effect this updating no later than twenty-one days from**
49 **receipt of the order.**

50 **8. Any person who has been denied a petition for the removal of the disqualification**
51 **to ship, transport, receive, purchase, possess, or transfer a firearm under this section shall**
52 **not be eligible to file another petition for removal of such disqualification until the**
53 **expiration of one year from the date of such denial.**

54 **9. In the event a petition is denied under this section, the petitioner may appeal**
55 **such denial, and review shall be de novo.**

574.105. 1. As used in this section, the following terms mean:

2 (1) "Conducts", initiating, concluding or participating in initiating or concluding a
3 transaction;

4 (2) "Criminal activity", any act or activity constituting an offense punishable as a felony
5 pursuant to the laws of Missouri or the United States;

6 (3) "[Currency] **Monetary instrument**", currency and coin of the United States **or any**
7 **other country, travelers' checks, personal checks, bank checks, money orders, investment**
8 **securities, and any other type or form of negotiable instrument**;

9 (4) "[Currency] **Monetary instrument** transaction", a transaction involving the physical
10 transfer of [currency] **monetary instrument** from one person to another[. A transaction which
11 is a transfer of funds by means of] **by any means, including but not limited to** bank check,
12 bank draft, wire transfer or other written order[, and which does not include the physical transfer
13 of currency is not a currency transaction];

14 (5) "Person", natural persons, partnerships, trusts, estates, associations, corporations and
15 all entities cognizable as legal personalities.

16 2. A person commits the crime of money laundering if he:

17 (1) Conducts or attempts to conduct a [currency] **monetary instrument** transaction with
18 the purpose to promote or aid the carrying on of criminal activity; or

19 (2) Conducts or attempts to conduct a [currency] **monetary instrument** transaction with
20 the purpose to conceal or disguise in whole or in part the nature, location, source, ownership or
21 control of the proceeds of criminal activity; or

22 (3) Conducts or attempts to conduct a [currency] **monetary instrument** transaction with
23 the purpose to avoid [currency] **monetary instrument** transaction reporting requirements under
24 federal law; or

25 (4) Conducts or attempts to conduct a [currency] **monetary instrument** transaction with
26 the purpose to promote or aid the carrying on of criminal activity for the purpose of furthering
27 or making a terrorist threat or act.

28 3. The crime of money laundering is a class B felony and in addition to penalties
29 otherwise provided by law, a fine of not more than five hundred thousand dollars or twice the
30 amount involved in the transaction, whichever is greater, may be assessed.

2 [475.375. 1. Any individual over the age of eighteen years who has been
3 adjudged incapacitated under this chapter or who has been involuntarily
4 committed under chapter 632 may file a petition for the removal of the
5 disqualification to purchase, possess, or transfer a firearm when:

6 (1) The individual no longer suffers from the condition that resulted in
7 the individual's incapacity or involuntary commitment;

8 (2) The individual no longer poses a danger to self or others for purposes
9 of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922;
10 and

11 (3) Granting relief under this section is not contrary to the public interest.
12 No individual who has been found guilty by reason of mental disease or defect
may petition a court for restoration under this section.

13 2. The petition shall be filed in the circuit court that entered the letters of
14 guardianship or the most recent order for involuntary commitment, whichever is
15 later. Upon receipt of the petition, the clerk shall schedule a hearing and provide
16 notice of the hearing to the petitioner.

17 3. The burden is on the petitioner to establish by clear and convincing
18 evidence that:

19 (1) The petitioner no longer suffers from the condition that resulted in the
20 incapacity or the involuntary commitment;

21 (2) The individual no longer poses a danger to self or others for purposes
22 of the purchase, possession, or transfer of firearms under 18 U.S.C. Section 922;
23 and

24 (3) Granting relief under this section is not contrary to the public interest.

25 4. Upon the filing of the petition the court shall review the petition and
26 determine if the petition is based upon frivolous grounds and if so may deny the
27 petition without a hearing. In order to determine whether petitioner has met the
28 burden pursuant to this section, the court may request the local prosecuting
29 attorney, circuit attorney, or attorney general to provide a written
30 recommendation as to whether relief should be granted. In any order requiring
31 such review the court may grant access to any and all mental health records,
32 juvenile records, and criminal history of the petitioner wherever maintained. The
33 court may allow presentation of evidence at the hearing if requested by the local
34 prosecuting attorney, circuit attorney, or attorney general.

35 5. If the petitioner is filing the petition as a result of an involuntary
36 commitment under chapter 632, the hearing and records shall be closed to the
37 public, unless the court finds that public interest would be better served by
38 conducting the hearing in public. If the court determines the hearing should be
39 open to the public, upon motion by the petitioner, the court may allow for the
40 in-camera inspection of mental health records. The court may allow the use of
41 the record but shall restrict from public disclosure, unless it finds that the public
42 interest would be better served by making the record public.

43 6. The court shall enter an order that:

44 (1) The petitioner does or does not continue to suffer from the condition
45 that resulted in commitment;

46 (2) The individual does or does not continue to pose a danger to self or
47 others for purposes of the purchase, possession, or transfer of firearms under 18
48 U.S.C. Section 922; and

49 (3) Granting relief under this section is not contrary to the public interest.
50 The court shall include in its order the specific findings of fact on which it bases
51 its decision.

52 7. Upon a judicial determination to grant a petition under this section, the
53 clerk in the county where the petition was granted shall forward the order to the
54 Missouri state highway patrol for updating of the petitioner's record with the
55 National Instant Criminal Background Check System (NICS).

56 8. (1) Any person who has been denied a petition for the removal of the
57 disqualification to purchase, possess, or transfer a firearm pursuant to this section
58 shall not be eligible to file another petition for removal of the disqualification to
59 purchase, possess, or transfer a firearm until the expiration of one year from the
60 date of such denial.

61 (2) If a person has previously filed a petition for the removal of the
62 disqualification to purchase, possess, or transfer a firearm and the court
63 determined that:

64 (a) The petitioner's petition was frivolous; or

65 (b) The petitioner's condition had not so changed such that the person
66 continued to suffer from the condition that resulted in the individual's incapacity
67 or involuntary commitment and continued to pose a danger to self or others for
68 purposes of the purchase, possession, or transfer of firearms under 18 U.S.C.
69 Section 922; or

70 (3) Granting relief under this section would be contrary to the public
71 interest, then the court shall deny the subsequent petition unless the petition
72 contains the additional facts upon which the court could find the condition of the
73 petitioner had so changed that a hearing was warranted.]