

SECOND REGULAR SESSION

# HOUSE BILL NO. 1611

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WALSH (Sponsor), MEADOWS, LAMPE, McNEIL,  
SCHIEFFER, CORCORAN, PACE, FUNDERBURK, CHAPPELLE-NADAL, OXFORD AND KRATKY (Co-  
sponsors).

3736L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 455.040 and 455.516, RSMo, and to enact in lieu thereof two new sections relating to orders of protection.

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

Section A. Sections 455.040 and 455.516, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 455.040 and 455.516, to read as follows:  
455.040. 1. Not later than fifteen days after the filing of a petition pursuant to sections  
2 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that  
3 a continuance should be granted. At the hearing, if the petitioner has proved the allegation of  
4 abuse or stalking by a preponderance of the evidence, the court shall issue a full order of  
5 protection for a period of time the court deems appropriate, except that the protective order shall  
6 be valid for at least one hundred eighty days and not more than [one year] **three years**. Upon  
7 motion by the petitioner, and after a hearing by the court, the full order of protection may be  
8 renewed for a period of time the court deems appropriate, except that the protective order shall  
9 be valid for at least one hundred eighty days and not more than [one year] **three years** from the  
10 expiration date of the originally issued full order of protection. If for good cause a hearing  
11 cannot be held on the motion to renew the full order of protection prior to the expiration date of  
12 the originally issued full order of protection, an ex parte order of protection may be issued until  
13 a hearing is held on the motion. Upon motion by the petitioner, and after a hearing by the court,  
14 the second full order of protection may be renewed for an additional period of time the court  
15 deems appropriate, except that the protective order shall be valid for at least one hundred eighty

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.

16 days and not more than [one year] **three years**. For purposes of this subsection, a finding by the  
17 court of a subsequent act of abuse is not required for a renewal order of protection.

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

27         3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085  
28 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where  
29 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law  
30 enforcement agency responsible for maintaining the Missouri uniform law enforcement system  
31 or any other comparable law enforcement system the same day the order is granted. The law  
32 enforcement agency responsible for maintaining MULES shall enter information contained in  
33 the order for purposes of verification within twenty-four hours from the time the order is granted.  
34 A notice of expiration or of termination of any order of protection shall be issued to the local law  
35 enforcement agency and to the law enforcement agency responsible for maintaining MULES or  
36 any other comparable law enforcement system. The law enforcement agency responsible for  
37 maintaining the applicable law enforcement system shall enter such information in the system.  
38 The information contained in an order of protection may be entered in the Missouri uniform law  
39 enforcement system or comparable law enforcement system using a direct automated data  
40 transfer from the court automated system to the law enforcement system.

455.516. 1. Not later than fifteen days after the filing of a petition under sections  
2 455.500 to 455.538, a hearing shall be held unless the court deems, for good cause shown, that  
3 a continuance should be granted. At the hearing, which may be an open or a closed hearing at  
4 the discretion of the court, whichever is in the best interest of the child, if the petitioner has  
5 proved the allegation of abuse of a child by a preponderance of the evidence, the court may issue  
6 a full order of protection for at least one hundred eighty days and not more than [one year] **three**  
7 **years**. The court may allow as evidence any in camera videotape made of the testimony of the  
8 child pursuant to section 491.699, RSMo. The provisions of section 491.075, RSMo, relating  
9 to admissibility of statements of a child under the age of [twelve] **fourteen** shall apply to any  
10 hearing under the provisions of sections 455.500 to 455.538. Upon motion by either party, the  
11 guardian ad litem or the court-appointed special advocate, and after a hearing by the court, the

12 full order of protection may be renewed for a period of time the court deems appropriate, except  
13 that the protective order shall be valid for at least one hundred eighty days and not more than  
14 [one year] **three years** from the expiration date of the originally issued full order of protection.  
15 If for good cause a hearing cannot be held on the motion to renew the full order of protection  
16 prior to the expiration date of the originally issued full order of protection, an ex parte order of  
17 protection may be issued until a hearing is held on the motion. Upon motion by either party, the  
18 guardian ad litem or the court appointed special advocate, and after a hearing by the court, the  
19 second full order of protection may be renewed for an additional period of time the court deems  
20 appropriate, except that the protective order shall be valid for at least one hundred eighty days  
21 and not more than [one year] **three years** from the expiration date of the second full order of  
22 protection. If for good cause a hearing cannot be held on the motion to renew the second full  
23 order of protection prior to the expiration date of the second order, an ex parte order of protection  
24 may be issued until a hearing is held on the motion. For purposes of this subsection, a finding  
25 by the court of a subsequent act of abuse is not required for a renewal order of protection.

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

35         3. A copy of any order of protection granted under sections 455.500 to 455.538 shall be  
36 issued to the petitioner and to the local law enforcement agency in the jurisdiction where the  
37 petitioner resides. The clerk shall also issue a copy of any order of protection to the local law  
38 enforcement agency responsible for maintaining the Missouri uniform law enforcement system  
39 (MULES) or any other comparable law enforcement system the same day the order is granted.  
40 The law enforcement agency responsible for maintaining MULES shall enter information  
41 contained in the order for purposes of verification within twenty-four hours from the time the  
42 order is granted. A notice of expiration or of termination of any order of protection shall be  
43 issued to such local law enforcement agency and to the law enforcement agency responsible for  
44 maintaining MULES or any other comparable law enforcement system. The law enforcement  
45 agency responsible for maintaining the applicable law enforcement system shall enter such  
46 information in the system. The information contained in an order of protection may be entered  
47 in the Missouri uniform law enforcement system or comparable law enforcement system using

48 a direct automated data transfer from the court automated system to the law enforcement system.  
49 4. A copy of the petition and notice of the date set for the hearing on such petition and  
50 any order of protection granted pursuant to sections 455.500 to 455.538 shall be issued to the  
51 juvenile office in the jurisdiction where the petitioner resides. A notice of expiration or of  
52 termination of any order of protection shall be issued to such juvenile office.

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