

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 100
97TH GENERAL ASSEMBLY

0212H.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.056, 43.518, 56.807, 432.047, 443.723, 452.400, 453.030, 453.040, 453.050, 454.475, 476.057, 477.405, 478.007, 478.320, 488.026, 488.426, 488.2250, 488.5320, 513.430, 559.100, 559.105, 565.020, 570.120, 600.042, 600.044, and 600.090, RSMo, and to enact in lieu thereof thirty-three new sections relating to judicial procedures, with penalty provisions, an emergency clause for certain sections and an effective date for certain sections.

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

Section A. Sections 32.056, 43.518, 56.807, 432.047, 443.723, 452.400, 453.030, 2 453.040, 453.050, 454.475, 476.057, 477.405, 478.007, 478.320, 488.026, 488.426, 488.2250, 3 488.5320, 513.430, 559.100, 559.105, 565.020, 570.120, 600.042, 600.044, and 600.090, RSMo, 4 are repealed and thirty-three new sections enacted in lieu thereof, to be known as sections 5 32.056, 43.518, 56.807, 57.095, 432.047, 443.723, 452.400, 453.030, 453.040, 453.050, 6 454.475, 476.057, 477.405, 478.007, 478.320, 479.085, 488.026, 488.426, 488.2250, 488.5320, 7 513.430, 537.602, 537.865, 545.417, 559.100, 559.105, 565.020, 570.120, 600.042, 600.044, 8 600.052, 600.053, and 600.090, to read as follows:

32.056. Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department 2 of revenue shall not release the home address of or any information that identifies any vehicle 3 owned or leased by any person who is a county, state or federal parole officer, a federal pretrial 4 officer, a peace officer pursuant to section 590.010, a person vested by article V, section 1 of the 5 Missouri Constitution with the judicial power of the state, a member of the federal judiciary, or 6 a member of such person's immediate family contained in the department's motor vehicle or 7 driver registration records, based on a specific request for such information from any person. Any 8 such person may notify the department of his or her status and the department shall protect the

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.

9 confidentiality of the home address and vehicle records on such a person and his or her
10 immediate family as required by this section. [If such member of the judiciary's status changes
11 and he or she and his or her immediate family do not qualify for the exemption contained in this
12 subsection, such person shall notify the department and the department's records shall be
13 revised.] This section shall not prohibit the department from releasing information on a motor
14 registration list pursuant to section 32.055 or from releasing information on any officer who
15 holds a class A, B or C commercial driver's license pursuant to the Motor Carrier Safety
16 Improvement Act of 1999, as amended, 49 U.S.C. 31309.

43.518. 1. There is hereby established within the department of public safety a "Criminal
2 Records and Justice Information Advisory Committee" whose purpose is to:

3 (1) Recommend general policies with respect to the philosophy, concept and operational
4 principles of the Missouri criminal history record information system established by sections
5 43.500 to 43.530, in regard to the collection, processing, storage, dissemination and use of
6 criminal history record information maintained by the central repository;

7 (2) Assess the current state of electronic justice information sharing; and

8 (3) Recommend policies and strategies, including standards and technology, for
9 promoting electronic justice information sharing, and coordinating among the necessary agencies
10 and institutions; and

11 (4) Provide guidance regarding the use of any state or federal funds appropriated for
12 promoting electronic justice information sharing.

13 2. The committee shall be composed of the following officials or their designees: the
14 director of the department of public safety; the director of the department of corrections and
15 human resources; the attorney general; the director of the Missouri office of prosecution services;
16 the president of the Missouri prosecutors association; the president of the Missouri court clerks
17 association; the chief clerk of the Missouri state supreme court; the director of the state courts
18 administrator; the chairman of the state judicial record committee; the chairman of the [circuit
19 court budget committee] **joint legislative committee on court automation**; the presidents of
20 the Missouri peace officers association; the Missouri sheriffs association; the Missouri police
21 chiefs association or their successor agency; the superintendent of the Missouri highway patrol;
22 the chiefs of police of agencies in jurisdictions with over two hundred thousand population;
23 except that, in any county of the first class having a charter form of government, the chief
24 executive of the county may designate another person in place of the police chief of any
25 countywide police force, to serve on the committee; and, at the discretion of the director of
26 public safety, as many as three other representatives of other criminal justice records systems or
27 law enforcement agencies may be appointed by the director of public safety. The director of the
28 department of public safety will serve as the permanent chairman of this committee.

29 3. The committee shall meet as determined by the director but not less than semiannually
30 to perform its duties. A majority of the appointed members of the committee shall constitute a
31 quorum.

32 4. No member of the committee shall receive any state compensation for the
33 performance of duties associated with membership on this committee.

34 5. Official minutes of all committee meetings will be prepared by the director, promptly
35 distributed to all committee members, and filed by the director for a period of at least five years.

 56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August
2 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2
3 of this section shall be paid from county or city funds.

4 2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003,
5 each county treasurer shall pay to the system the following amounts to be drawn from the general
6 revenues of the county:

7 (1) For counties of the third and fourth classification except as provided in subdivision
8 (3) of this subsection, three hundred seventy-five dollars;

9 (2) For counties of the second classification, five hundred forty-one dollars and sixty-
10 seven cents;

11 (3) For counties of the first classification, counties which pursuant to section 56.363
12 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or
13 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of
14 section 56.363, and the city of St. Louis, one thousand two hundred ninety-one dollars and sixty-
15 seven cents.

16 3. Beginning August 28, 1989, and continuing until August 27, 2003, the county
17 treasurer shall at least monthly transmit the sums specified in subsection 2 of this section to the
18 Missouri office of prosecution services for deposit to the credit of the "Missouri Prosecuting
19 Attorneys and Circuit Attorneys' Retirement System Fund", which is hereby created. All moneys
20 held by the state treasurer on behalf of the system shall be paid to the system within ninety days
21 after August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit attorneys'
22 retirement system fund shall be used only for the purposes provided in sections 56.800 to 56.840
23 and for no other purpose.

24 4. Beginning August 28, 2003, the funds for prosecuting attorneys and circuit attorneys
25 provided for in this section shall be paid from county or city funds and the surcharge established
26 in this section and collected as provided by this section and sections 488.010 to 488.020.

27 5. **(1)** Beginning August 28, 2003, each county treasurer shall pay to the system the
28 following amounts to be drawn from the general revenues of the county:

29 [(1)] (a) For counties of the third and fourth classification except as provided in
30 [subdivision (3)] **paragraph (c)** of this [subsection] **subdivision**, one hundred eighty-seven
31 dollars;

32 [(2)] (b) For counties of the second classification, two hundred seventy-one dollars;

33 [(3)] (c) For counties of the first classification, counties which pursuant to section 56.363
34 elect to make the position of prosecuting attorney a full-time position after August 28, 2001, or
35 whose county commission has elected a full-time retirement benefit pursuant to subsection 3 of
36 section 56.363, and the city of St. Louis, six hundred forty-six dollars.

37 **(2) Beginning August 28, 2013, the county contribution set forth in paragraphs (a)**
38 **to (c) of subdivision (1) of this subsection shall be adjusted in accordance with the following**
39 **schedule based upon the prosecuting attorneys and circuit attorneys' retirement system's**
40 **annual actuarial valuation report. If the system's funding ratio is:**

41 (a) **One hundred twenty percent or more, no monthly sum shall be transmitted;**

42 (b) **More than one hundred ten percent but less than one hundred twenty percent,**
43 **the monthly sum transmitted shall be reduced fifty percent;**

44 (c) **At least ninety percent and up to and including one hundred ten percent, the**
45 **monthly sum transmitted shall remain the same;**

46 (d) **At least eighty percent and less than ninety percent, the monthly sum**
47 **transmitted shall be increased fifty percent; and**

48 (e) **Less than eighty percent, the monthly sum transmitted shall be increased one**
49 **hundred percent.**

50 6. Beginning August 28, 2003, the county treasurer shall at least monthly transmit the
51 sums specified in subsection 5 of this section to the Missouri office of prosecution services for
52 deposit to the credit of the Missouri prosecuting attorneys and circuit attorneys' retirement system
53 fund. Moneys in the Missouri prosecuting attorneys and circuit attorneys' retirement system fund
54 shall be used only for the purposes provided in sections 56.800 to 56.840, and for no other
55 purpose.

56 7. Beginning August 28, 2003, the following surcharge for prosecuting attorneys and
57 circuit attorneys shall be collected and paid as follows:

58 (1) There shall be assessed and collected a surcharge of four dollars in all criminal cases
59 filed in the courts of this state including violation of any county ordinance [or] , any violation
60 of criminal or traffic laws of this state, including infractions, **and against any person who pled**
61 **guilty and paid a fine through a fine collection center**, but no such surcharge shall be assessed
62 when the costs are waived or are to be paid by the state, county, or municipality or when a
63 criminal proceeding or the defendant has been dismissed by the court [or against any person who

64 has pled guilty and paid their fine pursuant to subsection 4 of section 476.385]. For purposes of
65 this section, the term "county ordinance" shall include any ordinance of the city of St. Louis;

66 (2) The clerk responsible for collecting court costs in criminal cases shall collect and
67 disburse such amounts as provided by sections 488.010 to 488.026. Such funds shall be payable
68 to the prosecuting attorneys and circuit attorneys' retirement fund. Moneys credited to the
69 prosecuting attorneys and circuit attorneys' retirement fund shall be used only for the purposes
70 provided for in sections 56.800 to 56.840 and for no other purpose.

71 8. The board may accept gifts, donations, grants and bequests from private or public
72 sources to the Missouri prosecuting attorneys and circuit attorneys' retirement system fund.

73 9. No state moneys shall be used to fund section 56.700 and sections 56.800 to 56.840
74 unless provided for by law.

**57.095. Notwithstanding section 537.600, sheriffs or any other law enforcement
2 officers shall have immunity from any liability, civil or criminal, while conducting service
3 of process at the direction of any court to the extent that the officers' actions do not violate
4 clearly established statutory or constitutional rights of which a reasonable person would
5 have known.**

432.047. 1. For the purposes of this section, the term "credit agreement" means an
2 agreement to lend or forbear repayment of money, to otherwise extend credit, or to make any
3 other financial accommodation.

4 2. [A debtor] **No party** may [not] maintain an action upon or a defense, regardless of
5 legal theory in which it is based, in any way related to a credit agreement unless the credit
6 agreement is in writing, provides for the payment of interest or for other consideration, [and] sets
7 forth the relevant terms and conditions, **and the credit agreement is executed by the debtor
8 and the lender.**

9 3. (1) [If] **When** a written credit agreement has been signed by a debtor, subsection 2 of
10 this section shall not apply to any credit agreement between such debtor and creditor unless such
11 written credit agreement contains the following language in boldface ten-point type: "Oral **or
12 unexecuted** agreements or commitments to loan money, extend credit or to forbear from
13 enforcing repayment of a debt including promises to extend or renew such debt are not
14 enforceable, regardless of the legal theory upon which it is based that is in any way related to the
15 credit agreement. To protect you (borrower(s)) and us (creditor) from misunderstanding or
16 disappointment, any agreements we reach covering such matters are contained in this writing,
17 which is the complete and exclusive statement of the agreement between us, except as we may
18 later agree in writing to modify it."

19 (2) Notwithstanding any other law to the contrary in this chapter, the provisions of this
20 section shall apply to commercial credit agreements only and shall not apply to credit agreements
21 for personal, family, or household purposes.

22 4. Nothing contained in this section shall affect the enforceability by a creditor of any
23 promissory note, guaranty, security agreement, deed of trust, mortgage, or other instrument,
24 agreement, or document evidencing or creating an obligation for the payment of money or other
25 financial accommodation, lien, or security interest.

443.723. 1. To meet the annual continuing education requirements referred to in sections
2 443.701 to 443.893, a licensed mortgage loan originator shall complete at least eight hours of
3 education approved in accordance with subsection 2 of this section, which shall include at least:

4 (1) Three hours of federal law and regulations;

5 (2) Two hours of ethics, which shall include instruction on fraud, consumer protection,
6 and fair lending issues; [and]

7 (3) Two hours of training related to lending standards for the nontraditional mortgage
8 product marketplace; **and**

9 **(4) One hour of Missouri law and regulations.**

10 2. For purposes of subsection 1 of this section, continuing education courses shall be
11 reviewed, and approved by the NMLSR based upon reasonable standards. Review and approval
12 of a continuing education course shall include review and approval of the course provider.

13 3. Nothing in this section shall preclude any education course, as approved by the
14 NMLSR, that is provided by the employer of the mortgage loan originator or person who is
15 affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate
16 of such employer or person.

17 4. Continuing education may be offered either in a classroom, online, or by any other
18 means approved by the NMLSR.

19 5. A licensed mortgage loan originator:

20 (1) Shall only receive credit for a continuing education course in the year in which the
21 course is taken except in the case of an expired license and under subsection 9 of this section;
22 and

23 (2) Shall not take the same approved course in the same or successive years to meet the
24 annual requirements for continuing education.

25 6. A licensed mortgage loan originator who is an approved instructor of an approved
26 continuing education course may receive credit for the licensed mortgage loan originator's own
27 annual continuing education requirement at the rate of two hours credit for every one hour
28 taught.

29 7. A person having successfully completed the education requirements approved by the
30 NMLSR in subdivisions (1) to (3) of subsection 1 of this section for any state shall be accepted
31 as credit towards completion of continuing education requirements in Missouri.

32 8. A licensed mortgage loan originator who subsequently becomes unlicensed shall
33 complete the continuing education requirements for the last year in which the license was held
34 prior to issuance of a new or renewed license.

35 9. A person meeting the requirements of subdivisions (1) and (3) of subsection 2 of
36 section 443.719 may make up any deficiency in continuing education as established by rule of
37 the director.

452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable
2 visitation rights unless the court finds, after a hearing, that visitation would endanger the child's
3 physical health or impair his or her emotional development. The court shall enter an order
4 specifically detailing the visitation rights of the parent without physical custody rights to the
5 child and any other children for whom such parent has custodial or visitation rights. In
6 determining the granting of visitation rights, the court shall consider evidence of domestic
7 violence. If the court finds that domestic violence has occurred, the court may find that granting
8 visitation to the abusive party is in the best interests of the child.

9 (2) (a) The court shall not grant visitation to the parent not granted custody if such
10 parent or any person residing with such parent has been found guilty of or pled guilty to any of
11 the following offenses when a child was the victim:

12 a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
13 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
14 566.209, 566.212, or 566.215;

15 b. A violation of section 568.020;

16 c. A violation of subdivision (2) of subsection 1 of section 568.060;

17 d. A violation of section 568.065;

18 e. A violation of section 568.080;

19 f. A violation of section 568.090; or

20 g. A violation of section 568.175.

21 (b) For all other violations of offenses in chapters 566 and 568 not specifically listed in
22 paragraph (a) of this subdivision or for a violation of an offense committed in another state when
23 a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri,
24 the court may exercise its discretion in granting visitation to a parent not granted custody if such
25 parent or any person residing with such parent has been found guilty of, or pled guilty to, any
26 such offense.

27 (3) The court shall consider the parent's history of inflicting, or tendency to inflict,
28 physical harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on
29 other persons and shall grant visitation in a manner that best protects the child and the parent or
30 other family or household member who is the victim of domestic violence, and any other
31 children for whom the parent has custodial or visitation rights from any further harm.

32 (4) The court, if requested by a party, shall make specific findings of fact to show that
33 the visitation arrangements made by the court best protect the child or the parent or other family
34 or household member who is the victim of domestic violence, or any other child for whom the
35 parent has custodial or visitation rights from any further harm.

36 2. (1) The court may modify an order granting or denying visitation rights whenever
37 modification would serve the best interests of the child, but the court shall not restrict a parent's
38 visitation rights unless it finds that the visitation would endanger the child's physical health or
39 impair his or her emotional development.

40 (2) (a) In any proceeding modifying visitation rights, the court shall not grant
41 unsupervised visitation to a parent if the parent or any person residing with such parent has been
42 found guilty of or pled guilty to any of the following offenses when a child was the victim:

43 a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
44 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
45 566.209, 566.212, or 566.215;

46 b. A violation of section 568.020;

47 c. A violation of subdivision (2) of subsection 1 of section 568.060;

48 d. A violation of section 568.065;

49 e. A violation of section 568.080;

50 f. A violation of section 568.090; or

51 g. A violation of section 568.175.

52 (b) For all other violations of offenses in chapters 566 and 568 not specifically listed in
53 paragraph (a) of this subdivision or for a violation of an offense committed in another state when
54 a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri,
55 the division may exercise its discretion regarding the placement of a child taken into the custody
56 of the state in which a parent or any person residing in the home has been found guilty of, or pled
57 guilty to, any such offense.

58 (3) When a court restricts a parent's visitation rights or when a court orders supervised
59 visitation because of allegations of abuse or domestic violence, a showing of proof of treatment
60 and rehabilitation shall be made to the court before unsupervised visitation may be ordered.
61 "Supervised visitation", as used in this section, is visitation which takes place in the presence of
62 a responsible adult appointed by the court for the protection of the child.

63 3. The court shall mandate compliance with its order by all parties to the action,
64 including parents, children and third parties. In the event of noncompliance, the aggrieved
65 person may file a verified motion for contempt. If custody, visitation or third-party custody is
66 denied or interfered with by a parent or third party without good cause, the aggrieved person may
67 file a family access motion with the court stating the specific facts which constitute a violation
68 of the judgment of dissolution, [or] legal separation **or judgment of paternity**. The state courts
69 administrator shall develop a simple form for pro se motions to the aggrieved person, which shall
70 be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk,
71 shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks
72 will provide such assistance shall be conspicuously posted in the clerk's offices. The location
73 of the office where the family access motion may be filed shall be conspicuously posted in the
74 court building. The performance of duties described in this section shall not constitute the
75 practice of law as defined in section 484.010. Such form for pro se motions shall not require the
76 assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard
77 court costs otherwise due for instituting a civil action in the circuit court.

78 4. Within five court days after the filing of the family access motion pursuant to
79 subsection 3 of this section, the clerk of the court shall issue a summons pursuant to applicable
80 state law, and applicable local or supreme court rules. A copy of the motion shall be personally
81 served upon the respondent by personal process server as provided by law or by any sheriff.
82 Such service shall be served at the earliest time and shall take priority over service in other civil
83 actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion
84 shall contain the following statement in boldface type:

85 "PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE
86 CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO
87 RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

88 (1) AN ORDER FOR A COMPENSATORY

89 PERIOD OF CUSTODY, VISITATION OR
90 THIRD-PARTY CUSTODY AT A TIME
91 CONVENIENT FOR THE AGGRIEVED
92 PARTY NOT LESS THAN THE PERIOD OF
93 TIME DENIED;

94 (2) PARTICIPATION BY THE VIOLATOR IN

95 COUNSELING TO EDUCATE THE
96 VIOLATOR ABOUT THE IMPORTANCE OF
97 PROVIDING THE CHILD WITH A
98 CONTINUING AND MEANINGFUL

- 99 RELATIONSHIP WITH BOTH PARENTS;
100 (3) ASSESSMENT OF A FINE OF UP TO FIVE
101 HUNDRED DOLLARS AGAINST THE
102 VIOLATOR;
103 (4) REQUIRING THE VIOLATOR TO POST
104 BOND OR SECURITY TO ENSURE
105 FUTURE COMPLIANCE WITH THE
106 COURT'S ORDERS;
107 (5) ORDERING THE VIOLATOR TO PAY THE
108 COST OF COUNSELING TO REESTABLISH
109 THE PARENT-CHILD RELATIONSHIP
110 BETWEEN THE AGGRIEVED PARTY AND
111 THE CHILD; AND
112 (6) A JUDGMENT IN AN AMOUNT NOT LESS
113 THAN THE REASONABLE EXPENSES,
114 INCLUDING ATTORNEY'S FEES AND
115 COURT COSTS ACTUALLY INCURRED BY
116 THE AGGRIEVED PARTY AS A RESULT OF
117 THE DENIAL OF CUSTODY, VISITATION
118 OR THIRD-PARTY CUSTODY."

119

120 5. If an alternative dispute resolution program is available pursuant to section 452.372,
121 the clerk shall also provide information to all parties on the availability of any such services, and
122 within fourteen days of the date of service, the court may schedule alternative dispute resolution.

123 6. Upon a finding by the court pursuant to a motion for a family access order or a motion
124 for contempt that its order for custody, visitation or third-party custody has not been complied
125 with, without good cause, the court shall order a remedy, which may include, but not be limited
126 to:

127 (1) A compensatory period of visitation, custody or third-party custody at a time
128 convenient for the aggrieved party not less than the period of time denied;

129 (2) Participation by the violator in counseling to educate the violator about the
130 importance of providing the child with a continuing and meaningful relationship with both
131 parents;

132 (3) Assessment of a fine of up to five hundred dollars against the violator payable to the
133 aggrieved party;

134 (4) Requiring the violator to post bond or security to ensure future compliance with the
135 court's access orders; and

136 (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child
137 relationship between the aggrieved party and the child.

138 7. The reasonable expenses incurred as a result of denial or interference with custody or
139 visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody
140 or third-party custody, shall be assessed, if requested and for good cause, against the parent or
141 party who unreasonably denies or interferes with visitation, custody or third-party custody. In
142 addition, the court may utilize any and all powers relating to contempt conferred on it by law or
143 rule of the Missouri supreme court.

144 8. Final disposition of a motion for a family access order filed pursuant to this section
145 shall take place not more than sixty days after the service of such motion, unless waived by the
146 parties or determined to be in the best interest of the child. Final disposition shall not include
147 appellate review.

148 9. Motions filed pursuant to this section shall not be deemed an independent civil action
149 from the original action pursuant to which the judgment or order sought to be enforced was
150 entered.

453.030. 1. In all cases the approval of the court of the adoption shall be required and
2 such approval shall be given or withheld as the welfare of the person sought to be adopted may,
3 in the opinion of the court, demand.

4 2. The written consent of the person to be adopted shall be required in all cases where
5 the person sought to be adopted is fourteen years of age or older, except where the court finds
6 that such child has not sufficient mental capacity to give the same. In a case involving a child
7 under fourteen years of age, the guardian ad litem shall ascertain the child's wishes and feelings
8 about his or her adoption by conducting an interview or interviews with the child, if appropriate
9 based on the child's age and maturity level, which shall be considered by the court as a factor in
10 determining if the adoption is in the child's best interests.

11 3. With the exceptions specifically enumerated in section 453.040, when the person
12 sought to be adopted is under the age of eighteen years, the written consent of the following
13 persons shall be required and filed in and made a part of the files and record of the proceeding:

14 (1) The mother of the child; and

15 (2) Only the man who:

16 (a) Is presumed to be the father pursuant to the subdivision (1), (2), or (3) of subsection
17 1 of section 210.822; or

18 (b) Has filed an action to establish his paternity in a court of competent jurisdiction no
19 later than fifteen days after the birth of the child and has served a copy of the petition on the
20 mother in accordance with section 506.100; or

21 (c) Filed with the putative father registry pursuant to section 192.016 a notice of intent
22 to claim paternity or an acknowledgment of paternity either prior to or within fifteen days after
23 the child's birth, and has filed an action to establish his paternity in a court of competent
24 jurisdiction no later than fifteen days after the birth of the child; or

25 (3) The child's current adoptive parents or other legally recognized mother and father.
26 Upon request by the petitioner and within one business day of such request, the clerk of the local
27 court shall verify whether such written consents have been filed with the court.

28 4. The written consent required in subdivisions (2) and (3) of subsection 3 of this section
29 may be executed before or after the commencement of the adoption proceedings, and shall be
30 **executed in front of a judge or** acknowledged before a notary public. **If consent is executed**
31 **in front of a judge, it shall be the duty of the judge to advise the consenting birth parent**
32 **of the consequences of the consent.** In lieu of such acknowledgment, the signature of the
33 person giving such written consent shall be witnessed by the signatures of at least two adult
34 persons whose signatures and addresses shall be plainly written thereon. The two adult witnesses
35 shall not be the prospective adoptive parents or any attorney representing a party to the adoption
36 proceeding. The notary public or witnesses shall verify the identity of the party signing the
37 consent.

38 5. The written consent required in subdivision (1) of subsection 3 of this section by the
39 birth parent shall not be executed anytime before the child is forty-eight hours old. Such written
40 consent shall be executed in front of a judge or **acknowledged before** a notary public. **If**
41 **consent is executed in front of a judge, it shall be the duty of the judge to advise the**
42 **consenting party of the consequences of the consent.** In lieu of such acknowledgment, the
43 signature of the person giving such written consent shall be witnessed by the signatures of at
44 least two adult persons who are present at the execution whose signatures and addresses shall
45 be plainly written thereon and who determine and certify that the consent is knowingly and freely
46 given. The two adult witnesses shall not be the prospective adoptive parents or any attorney
47 representing a party to the adoption proceeding. The notary public or witnesses shall verify the
48 identity of the party signing the consent.

49 6. [The written consents shall be reviewed and, if found to be in compliance with this
50 section, approved by the court within three business days of such consents being presented to the
51 court. Upon review, in lieu of approving the consent within three business days, the court may
52 set a date for a prompt evidentiary hearing upon notice to the parties. Failure to review and
53 approve the written consent within three business days shall not void the consent, but a party may

54 seek a writ of mandamus from the appropriate court, unless an evidentiary hearing has been set
55 by the court pursuant to this subsection.

56 7. The written consent required in subsection 3 of this section may be withdrawn anytime
57 until it has been reviewed and accepted by a judge.

58 **8.] A consent is final when executed, unless the consenting party, prior to a final**
59 **decree of adoption, alleges and proves by clear and convincing evidence that the consent**
60 **was not freely and voluntarily given. The burden of proving the consent was not freely and**
61 **voluntarily given shall rest with the consenting party. Consents in all cases shall have been**
62 **executed not more than six months prior to the date the petition for adoption is filed.**

63 7. A consent form shall be developed through rules and regulations promulgated by the
64 department of social services. No rule or portion of a rule promulgated under the authority of
65 this section shall become effective unless it has been promulgated pursuant to the provisions of
66 chapter 536. If a written consent is obtained after August 28, 1997, but prior to the development
67 of a consent form by the department and the written consent complies with the provisions of
68 subsection [9] 8 of this section, such written consent shall be deemed valid.

69 [9.] 8. However, the consent form must specify that:

70 (1) The birth parent understands the importance of identifying all possible fathers of the
71 child and may provide the names of all such persons; and

72 (2) The birth parent understands that if he denies paternity, but consents to the adoption,
73 he waives any future interest in the child.

74 [10.] 9. The written consent to adoption required by subsection 3 and executed through
75 procedures set forth in subsection 5 of this section shall be valid and effective even though the
76 parent consenting was under eighteen years of age, if such parent was represented by a guardian
77 ad litem, at the time of the execution thereof.

78 [11.] 10. Where the person sought to be adopted is eighteen years of age or older, his **or**
79 **her** written consent alone to his **or her** adoption shall be sufficient.

80 [12.] 11. A birth parent, including a birth parent less than eighteen years of age, shall
81 have the right to legal representation and payment of any reasonable legal fees incurred
82 throughout the adoption process. In addition, the court may appoint an attorney to represent a
83 birth parent if:

84 (1) A birth parent requests representation;

85 (2) The court finds that hiring an attorney to represent such birth parent would cause a
86 financial hardship for the birth parent; and

87 (3) The birth parent is not already represented by counsel.

88 [13.] 12. Except in cases where the court determines that the adoptive parents are unable
89 to pay reasonable attorney fees and appoints pro bono counsel for the birth parents, the court

90 shall order the costs of the attorney fees incurred pursuant to subsection [12] 11 of this section
91 to be paid by the prospective adoptive parents or the child-placing agency.

453.040. The consent to the adoption of a child is not required of:

2 (1) A parent whose rights with reference to the child have been terminated pursuant to
3 law, including section 211.444 or section 211.447 or other similar laws in other states;

4 (2) A parent of a child who has legally consented to a future adoption of the child;

5 (3) A parent whose identity is unknown and cannot be ascertained at the time of the
6 filing of the petition;

7 (4) A man who has not been established to be the father and who is not presumed by law
8 to be the father, and who, after the conception of the child, executes a verified statement denying
9 paternity and disclaiming any interest in the child and acknowledging that this statement is
10 irrevocable when executed and follows the consent as set forth in section 453.030;

11 (5) A parent or other person who has not executed a consent and who, after proper
12 service of process, fails to file an answer or make an appearance in a proceeding for adoption or
13 for termination of parental rights at the time such cause is heard;

14 (6) A parent who has a mental condition which is shown by competent evidence either
15 to be permanent or such that there is no reasonable likelihood that the condition can be reversed
16 and which renders the parent unable to knowingly provide the child the necessary care, custody
17 and control;

18 (7) A parent who has for a period of at least six months, for a child one year of age or
19 older, or at least sixty days, for a child under one year of age, immediately prior to the filing of
20 the petition for adoption, willfully abandoned the child or, for a period of at least six months
21 immediately prior to the filing of the petition for adoption, willfully, substantially and
22 continuously neglected to provide him with necessary care and protection;

23 (8) **A man who has reason to believe he is the biological father of an unborn child**
24 **and who attempted to coerce the mother of the child to obtain an abortion;**

25 (9) A parent whose rights to the child may be terminated for any of the grounds set forth
26 in section 211.447 and whose rights have been terminated after hearing and proof of such
27 grounds as required by sections 211.442 to 211.487. Such petition for termination may be filed
28 as a count in an adoption petition.

453.050. 1. The juvenile court may, upon application, permit a parent to waive the
2 necessity of [his] **such person's** consent to a future adoption of the child. However, that
3 approval cannot be granted until the child is at least two days old.

4 2. The waiver of consent may be executed before or after the institution of the adoption
5 proceedings, and shall be **executed in front of a judge or** acknowledged before a notary public,
6 or in lieu of such acknowledgment, the signature of the person giving such written consent shall

7 be witnessed by the signatures of at least two adult persons whose addresses shall be plainly
8 written thereon. **If waiver of consent is executed in front of a judge, it shall be the duty of**
9 **the judge to advise the consenting party of the consequences of the waiver of consent.**

10 3. A waiver of consent shall be valid and effective even though the parent waiving
11 consent was under eighteen years of age at the time of the execution thereof.

454.475. 1. Hearings provided for in this section shall be conducted pursuant to chapter
2 536 by administrative hearing officers designated by the Missouri department of social services.
3 The hearing officer shall provide the parents, the person having custody of the child, or other
4 appropriate agencies or their attorneys with notice of any proceeding in which support
5 obligations may be established or modified. The department shall not be stayed from enforcing
6 and collecting upon the administrative order during the hearing process and during any appeal
7 to the courts of this state, unless specifically enjoined by court order.

8 2. If no factual issue has been raised by the application for hearing, or the issues raised
9 have been previously litigated or do not constitute a defense to the action, the director may enter
10 an order without an evidentiary hearing, which order shall be a final decision entitled to judicial
11 review as provided in sections 536.100 to 536.140.

12 3. After full and fair hearing, the hearing officer shall make specific findings regarding
13 the liability and responsibility, if any, of the alleged responsible parent for the support of the
14 dependent child, and for repayment of accrued state debt or arrearages, and the costs of
15 collection, and shall enter an order consistent therewith. In making the determination of the
16 amount the parent shall contribute toward the future support of a dependent child, the hearing
17 officer shall consider the factors set forth in section 452.340.

18 4. If the person who requests the hearing fails to appear at the time and place set for the
19 hearing, upon a showing of proper notice to that [parent] **person**, the hearing officer shall enter
20 findings and order in accordance with the provisions of the notice [and finding of support
21 responsibility] **or motion** unless the hearing officer determines that no good cause therefor
22 exists.

23 5. In contested cases, the findings and order of the hearing officer shall be the decision
24 of the director. Any parent or person having custody of the child adversely affected by such
25 decision may obtain judicial review pursuant to sections 536.100 to 536.140 by filing a petition
26 for review in the circuit court of proper venue within thirty days of mailing of the decision.
27 Copies of the decision or order of the hearing officer shall be mailed to any parent, person having
28 custody of the child and the division within fourteen days of issuance.

29 6. If a hearing has been requested, and upon request of a parent, a person having custody
30 of the child, the division or a IV-D agency, the director shall enter a temporary order requiring
31 the provision of child support pending the final decision or order pursuant to this section if there

32 is clear and convincing evidence establishing a presumption of paternity pursuant to section
33 210.822. In determining the amount of child support, the director shall consider the factors set
34 forth in section 452.340. The temporary order, effective upon filing pursuant to section 454.490,
35 is not subject to a hearing pursuant to this section. The temporary order may be stayed by a court
36 of competent jurisdiction only after a hearing and a finding by the court that the order fails to
37 comply with rule 88.01.

38 **7. (1) Any administrative decision or order issued under this section containing**
39 **clerical mistakes arising from oversight or omission, except proposed administrative**
40 **modifications of judicial orders, may be corrected by an agency administrative hearing**
41 **officer at any time upon their own initiative or written motion filed by the division or any**
42 **party to the action provided the written motion is mailed to all parties. Any objection or**
43 **response to the written motion shall be made in writing and filed with the hearing officer**
44 **within fifteen days from the mailing date of the motion. Proposed administrative**
45 **modifications of judicial orders may be corrected by an agency administrative hearing**
46 **officer prior to the filing of the proposed administrative modification of a judicial order**
47 **with the court that entered the underlying judicial order as required in section 454.496, or**
48 **upon express order of the court that entered the underlying judicial order. No correction**
49 **shall be made during the court's review of the administrative decision, order, or proposed**
50 **order as authorized under sections 536.100 to 536.140, except in response to an express**
51 **order from the reviewing court.**

52 **(2) Any administrative decision or order or proposed administrative modification**
53 **of judicial order issued under this section containing errors arising from mistake, surprise,**
54 **fraud, misrepresentation, excusable neglect or inadvertence, may be corrected prior to**
55 **being filed with the court by an agency administrative hearing officer upon their own**
56 **initiative or by written motion filed by the division or any party to the action provided the**
57 **written motion is mailed to all parties and filed within sixty days of the administrative**
58 **decision, order, or proposed decision and order. Any objection or response to the written**
59 **motion shall be made in writing and filed with the hearing officer within fifteen days from**
60 **the mailing date of the motion. No decision, order, or proposed administrative**
61 **modification of judicial order may be corrected after ninety days from the mailing of the**
62 **administrative decision, order, or proposed order or during the court's review of the**
63 **administrative decision, order, or proposed order as authorized under sections 536.100 to**
64 **536.140, except in response to an express order from the reviewing court.**

65 **(3) Any administrative decision or order or proposed administrative modification**
66 **of judicial order, issued under this section may be vacated by an agency administrative**
67 **hearing officer upon their own initiative or by written motion filed by the division or any**

68 **party to the action provided the written motion is mailed to all parties, if the administrative**
69 **hearing officer determines that the decision or order was issued without subject matter**
70 **jurisdiction, without personal jurisdiction, or without affording the parties due process.**
71 **Any objection or response to the written motion shall be made in writing and filed with the**
72 **hearing officer within fifteen days from the mailing date of the motion. A proposed**
73 **administrative modification of a judicial order may only be vacated prior to being filed**
74 **with the court. No decision, order, or proposed administrative modification of a judicial**
75 **order may be vacated during the court's review of the administrative decision, order, or**
76 **proposed order as authorized under sections 536.100 to 536.140, except in response to an**
77 **express order from the reviewing court.**

476.057. 1. The state courts administrator shall determine the amount of the projected
2 total collections of fees pursuant to section 488.015, payable to the state pursuant to section
3 488.023, or subdivision (4) of subsection 2 of section 488.018; and the amount of such projected
4 total collections of fees required to be deposited into the fund in order to maintain the fund
5 required pursuant to subsection 2 of this section. The amount of fees payable for court cases may
6 thereafter be adjusted pursuant to section 488.015, as provided by said section. All proceeds of
7 the adjusted fees shall thereupon be collected and deposited to the state general revenue fund as
8 otherwise provided by law, subject to the transfer of a portion of such proceeds to the fund
9 established pursuant to subsection 2 of this section.

10 2. There is hereby established in the state treasury a special fund for purposes of
11 providing training and education for judicial personnel, including any clerical employees of each
12 circuit court clerk. Moneys from collected fees shall be annually transferred by the state treasurer
13 into the fund from the state general revenue fund in the amount of no more than two percent of
14 the amount expended for personal service by state and local government entities for judicial
15 personnel as determined by the state courts administrator pursuant to subsection 1 of this section.
16 Any unexpended balance remaining in the fund at the end of each biennium shall be exempt from
17 the provisions of section 33.080 relating to the transfer of unexpended balances to the state
18 general revenue fund, until the amount in the fund exceeds two percent of the amounts expended
19 for personal service by state and local government for judicial personnel.

20 3. **In addition, any moneys received by or on behalf of the state courts administrator**
21 **from fees, grants, or any other sources in connection with providing training to judicial**
22 **personnel shall be deposited in the fund provided, however, that moneys collected in the**
23 **fund in connection with a particular purpose shall be segregated and shall not be disbursed**
24 **for any other purpose.**

25 4. The state treasurer shall administer the fund and, pursuant to appropriations, shall
26 disburse moneys from the fund to the state courts administrator in order to provide training and

27 to purchase goods and services determined appropriate by the state courts administrator related
28 to the training and education of judicial personnel. As used in this section, the term "judicial
29 personnel" shall include court personnel as defined in section 476.058, and judges.

477.405. On or before [March 1, 1989] **January 1, 2015**, the supreme court of the state
2 of Missouri shall recommend guidelines appropriate for use by the general assembly in
3 determining the need for additional judicial personnel or reallocation of existing personnel in this
4 state, and shall recommend guidelines appropriate for the evaluation of judicial performance.
5 The guidelines shall be filed with the [chairmen] **chairs** of the house and senate judiciary
6 committees **for distribution to the members of the general assembly**, and the court shall file
7 therewith a report measuring and assessing judicial performance in the appellate and circuit
8 courts of this state, **including a judicial weighted workload model and a clerical weighted**
9 **workload model.**

478.007. 1. Any circuit court, or any county with a charter form of government and with
2 more than six hundred thousand but fewer than seven hundred thousand inhabitants with a
3 county municipal court established under section 66.010, may establish a docket or court to
4 provide an alternative for the judicial system to dispose of cases in which a person has pleaded
5 guilty to driving while intoxicated or driving with excessive blood alcohol content and:

6 (1) The person was operating a motor vehicle with at least fifteen-hundredths of one
7 percent or more by weight of alcohol in such person's blood; or

8 (2) The person has previously pleaded guilty to or has been found guilty of one or more
9 intoxication-related traffic offenses as defined by section 577.023; or

10 (3) The person has two or more previous alcohol-related enforcement contacts as defined
11 in section 302.525.

12 2. This docket or court shall combine judicial supervision, drug testing, continuous
13 alcohol monitoring, substance abuse traffic offender program compliance, and treatment of DWI
14 court participants. The court may assess any and all necessary costs for participation in DWI
15 court against the participant. Any money received from such assessed costs by a court from a
16 defendant shall not be considered court costs, charges, or fines. This docket or court may operate
17 in conjunction with a drug court established pursuant to sections 478.001 to 478.006.

18 **3. If the department of probation and parole is otherwise unavailable to assist in**
19 **the judicial supervision of any person who wishes to enter a DWI court, a court-approved**
20 **private probation service may be utilized by the DWI court to fill the department's role.**
21 **In such case, any and all necessary additional costs may be assessed against the participant.**
22 **In no case shall any person be rejected from participating in DWI court for the reason that**
23 **the person does not reside in the city or county where the applicable DWI court is located.**

478.320. 1. In counties having a population of thirty thousand or less, there shall be one
2 associate circuit judge. In counties having a population of more than thirty thousand and less
3 than one hundred thousand, there shall be two associate circuit judges. In counties having a
4 population of one hundred thousand or more, there shall be three associate circuit judges and one
5 additional associate circuit judge for each additional one hundred thousand inhabitants.

6 2. **When the office of state courts administrator indicates in an annual weighted**
7 **workload model for three consecutive years or more the need for four or more full-time**
8 **judicial positions in any judicial circuit having a population of one hundred thousand or**
9 **more, there shall be one additional associate circuit judge position in such circuit for every**
10 **four full-time judicial positions needed as indicated in the weighted workload model. In**
11 **a multicounty circuit, the additional associate circuit judge positions shall be apportioned**
12 **among the counties in the circuit on the basis of population, starting with the most**
13 **populous county, then the next most populous county, and so forth.**

14 3. For purposes of this section, notwithstanding the provisions of section 1.100,
15 population of a county shall be determined on the basis of the last previous decennial census of
16 the United States; and, beginning after certification of the year 2000 decennial census, on the
17 basis of annual population estimates prepared by the United States Bureau of the Census,
18 provided that the number of associate circuit judge positions in a county shall be adjusted only
19 after population estimates for three consecutive years indicate population change in the county
20 to a level provided by subsection 1 of this section.

21 [3.] 4. Except in circuits where associate circuit judges are selected under the provisions
22 of sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges
23 shall in all respects be conducted as other elections and the returns made as for other officers.

24 [4.] 5. In counties not subject to sections 25(a) to (g) of article V of the constitution,
25 associate circuit judges shall be elected by the county at large.

26 [5.] 6. No associate circuit judge shall practice law, or do a law business, nor shall he **or**
27 **she** accept, during his **or her** term of office, any public appointment for which he **or she** receives
28 compensation for his **or her** services.

29 [6.] 7. No person shall be elected as an associate circuit judge unless he **or she** has
30 resided in the county for which he **or she** is to be elected at least one year prior to the date of his
31 **or her** election; provided that, a person who is appointed by the governor to fill a vacancy may
32 file for election and be elected notwithstanding the provisions of this subsection.

479.085. Any home rule city with more than one hundred fifty-five thousand but
2 **fewer than two hundred thousand inhabitants which owns and operates a municipal court**
3 **building is authorized to impose a surcharge of ten dollars on all municipal code violations**
4 **for the purpose of funding the construction, remodel, repair, and maintenance of the**

5 **municipal court building. The provisions of this section shall automatically expire on**
6 **December 31, 2033, unless reauthorized by an act of the general assembly.**

488.026. As provided by section 56.807, there shall be assessed and collected a
2 surcharge of four dollars in all criminal cases filed in the courts of this state, including violations
3 of any county ordinance [or] , any violation of criminal or traffic laws of this state, including
4 infractions, **or against any person who pled guilty and paid a fine through a fine collection**
5 **center**, but no such surcharge shall be assessed when the costs are waived or are to be paid by
6 the state, county, or municipality or when a criminal proceeding or the defendant has been
7 dismissed by the court [or against any person who has pled guilty and paid their fine pursuant
8 to subsection 4 of section 476.385]. For purposes of this section, the term "county ordinance"
9 shall include any ordinance of the city of St. Louis. The clerk responsible for collecting court
10 costs in criminal cases shall collect and disburse such amounts as provided by sections 488.010
11 to 488.020. Such funds shall be payable to the prosecuting attorneys and circuit attorneys'
12 retirement fund.

488.426. 1. The judges of the circuit court, en banc, in any circuit in this state may
2 require any party filing a civil case in the circuit court, at the time of filing the suit, to deposit
3 with the clerk of the court a surcharge in addition to all other deposits required by law or court
4 rule. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or are
5 to be paid by the county or state or any city.

6 2. The surcharge in effect on August 28, 2001, shall remain in effect until changed by
7 the circuit court. The circuit court in any circuit, except the circuit court in Jackson County **or**
8 **the circuit court in any circuit that reimburses the state for the salaries of family court**
9 **commissioners under section 487.020**, may change the fee to any amount not to exceed fifteen
10 dollars. The circuit court in Jackson County **or the circuit court in any circuit that reimburses**
11 **the state for the salaries of family court commissioners under section 487.020** may change
12 the fee to any amount not to exceed twenty dollars. A change in the fee shall become effective
13 and remain in effect until further changed.

14 3. Sections 488.426 to 488.432 shall not apply to proceedings when costs are waived or
15 are paid by the county or state or any city.

16 4. In addition to any fee authorized by subsection 1 of this section, any county of the first
17 classification with more than ninety-three thousand eight hundred but less than ninety-three
18 thousand nine hundred inhabitants may impose an additional fee of ten dollars excluding cases
19 concerning adoption and those in small claims court. The provisions of this subsection shall
20 expire on December 31, 2014.

488.2250. [For all transcripts of testimony given or proceedings had in any circuit court,
2 the court reporter shall receive the sum of two dollars per twenty-five-line page for the original

3 of the transcript, and the sum of thirty-five cents per twenty-five-line page for each carbon copy
4 thereof; the page to be approximately eight and one-half inches by eleven inches in size, with
5 left-hand margin of approximately one and one-half inches and the right-hand margin of
6 approximately one-half inch; answer to follow question on same line when feasible; such page
7 to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of
8 all or any part of the evidence or oral proceedings, and the court reporter's fees for making the
9 same shall be paid by the state upon a voucher approved by the court, and taxed against the state.
10 In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of
11 the court that the defendant is unable to pay the costs of the transcript for the purpose of
12 perfecting the appeal, the court shall order the court reporter to furnish three transcripts in
13 duplication of the notes of the evidence, for the original of which the court reporter shall receive
14 two dollars per legal page and for the copies twenty cents per page. The payment of court
15 reporter's fees provided in this section shall be made by the state upon a voucher approved by
16 the court] **1. For all appeal transcripts of testimony given or proceedings in any circuit
17 court, the court reporter shall receive the sum of three dollars and fifty cents per legal page
18 for the preparation of a paper and an electronic version of the transcript.**

19 **2. In criminal cases where an appeal is taken by the defendant and it appears to the
20 satisfaction of the court that the defendant is unable to pay the costs of the transcript for
21 the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars
22 and sixty cents per legal page for the preparation of a paper and an electronic version of
23 the transcript.**

24 **3. Any judge, in his or her discretion, may order a transcript of all or any part of
25 the evidence or oral proceedings and the court reporter shall receive the sum of two dollars
26 and sixty cents per legal page for the preparation of a paper and an electronic version of
27 the transcript.**

28 **4. For purposes of this section, a legal page, other than the first page and the final
29 page of the transcript, shall be twenty-five lines, approximately eight and one-half inches
30 by eleven inches in size, with the left-hand margin of approximately one and one-half
31 inches, and with the right-hand margin of approximately one-half inch.**

32 **5. Notwithstanding any law to the contrary, the payment of court reporter's fees
33 provided in subsections 2 and 3 of this section shall be made by the state upon a voucher
34 approved by the court. The cost to prepare all other transcripts of testimony or
35 proceedings shall be borne by the party requesting their preparation and production, who
36 shall reimburse the court reporter the sum provided in subsection 1 of this section.**

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for
2 their services rendered in criminal cases and in all proceedings for contempt or attachment, as

3 required by law, the sum of seventy-five dollars for each felony case or contempt or attachment
4 proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction,
5 [excluding] **including** cases disposed of by a traffic violations bureau established pursuant to law
6 or supreme court rule. Such charges shall be charged and collected in the manner provided by
7 sections 488.010 to 488.020 and shall be payable to the county treasury; **except that, those**
8 **charges from cases disposed of by a traffic violations bureau shall be distributed as follows:**
9 **one-half of the charges collected shall be forwarded and deposited to the credit of the**
10 **MODEX fund established in subsection 5 of this section for the operational cost of the**
11 **Missouri data exchange (MODEX) system, and one-half of the charges collected shall be**
12 **deposited to the credit of the inmate security fund, established in section 488.5026, of the**
13 **county or municipal political subdivision from which the citation originated. If the county**
14 **or municipal political subdivision has not established an inmate security fund, all of the**
15 **funds shall be deposited in the MODEX fund.**

16 2. The sheriff receiving any charge pursuant to subsection 1 of this section shall
17 reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each
18 pleading, writ, summons, order of court or other document served in connection with the case
19 or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum
20 amount of the total charge received pursuant to subsection 1 of this section.

21 3. The charges provided in subsection 1 of this section shall be taxed as other costs in
22 criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in
23 any criminal procedure. The clerk shall tax all the costs in the case against such defendant,
24 which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided,
25 that no such charge shall be collected in any proceeding in any court when the proceeding or the
26 defendant has been dismissed by the court; provided further, that all costs, incident to the issuing
27 and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses
28 of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri
29 facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for
30 attachments for witnesses shall be paid by such witnesses.

31 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services
32 rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for
33 allowable expenses for motor vehicle use expressed as an amount per mile.

34 5. **(1) There is hereby created in the state treasury the “MODEX Fund”, which**
35 **shall consist of money collected under subsection 1 of this section. The fund shall be**
36 **administered by the Peace Officers Standards and Training Commission established in**
37 **section 590.120. The state treasurer shall be custodian of the fund. In accordance with**
38 **sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall**

39 **be a dedicated fund and, upon appropriation, money in the fund shall be used solely for**
40 **the operational support and expansion of the MODEX system.**

41 **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
42 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
43 **general revenue fund.**

44 **(3) The state treasurer shall invest moneys in the fund in the same manner as other**
45 **funds are invested. Any interest and moneys earned on such investments shall be credited**
46 **to the fund.**

513.430. 1. The following property shall be exempt from attachment and execution to
2 the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances, books,
4 animals, crops or musical instruments that are held primarily for personal, family or household
5 use of such person or a dependent of such person, not to exceed three thousand dollars in value
6 in the aggregate;

7 (2) A wedding ring not to exceed one thousand five hundred dollars in value and other
8 jewelry held primarily for the personal, family or household use of such person or a dependent
9 of such person, not to exceed five hundred dollars in value in the aggregate;

10 (3) Any other property of any kind, not to exceed in value six hundred dollars in the
11 aggregate;

12 (4) Any implements or professional books or tools of the trade of such person or the
13 trade of a dependent of such person not to exceed three thousand dollars in value in the
14 aggregate;

15 (5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

16 (6) Any mobile home used as the principal residence but not attached to real property
17 in which the debtor has a fee interest, not to exceed five thousand dollars in value;

18 (7) Any one or more unmaturred life insurance contracts owned by such person, other
19 than a credit life insurance contract;

20 (8) The amount of any accrued dividend or interest under, or loan value of, any one or
21 more unmaturred life insurance contracts owned by such person under which the insured is such
22 person or an individual of whom such person is a dependent; provided, however, that if
23 proceedings under Title 11 of the United States Code are commenced by or against such person,
24 the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand
25 dollars in the aggregate less any amount of property of such person transferred by the life
26 insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a
27 premium or to carry out a nonforfeiture insurance option and is required to be so transferred
28 automatically under a life insurance contract with such company or society that was entered into

29 before commencement of such proceedings. No amount of any accrued dividend or interest
30 under, or loan value of, any such life insurance contracts shall be exempt from any claim for
31 child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such
32 proceedings under any such insurance contract which was purchased by such person within one
33 year prior to the commencement of such proceedings;

34 (9) Professionally prescribed health aids for such person or a dependent of such person;

35 (10) Such person's right to receive:

36 (a) A Social Security benefit, unemployment compensation or a public assistance
37 benefit;

38 (b) A veteran's benefit;

39 (c) A disability, illness or unemployment benefit;

40 (d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars
41 a month;

42 (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan,
43 profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established
44 pursuant to section 456.072, the person's right to a participant account in any deferred
45 compensation program offered by the state of Missouri or any of its political subdivisions, or
46 annuity or similar plan or contract on account of illness, disability, death, age or length of
47 service, to the extent reasonably necessary for the support of such person and any dependent of
48 such person unless:

49 a. Such plan or contract was established by or under the auspices of an insider that
50 employed such person at the time such person's rights under such plan or contract arose;

51 b. Such payment is on account of age or length of service; and

52 c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A
53 or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b),
54 408, 408A or 409); except that any such payment to any person shall be subject to attachment
55 or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the
56 Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution
57 of marriage or legal separation or a proceeding for disposition of property following dissolution
58 of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked
59 jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

60 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of
61 any participant or beneficiary in, a retirement plan [or] , profit-sharing plan, **health savings plan,**
62 **or similar plan, including an inherited account or plan,** that is qualified under Section 401(a),
63 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, **whether**
64 **such participant's or beneficiary's interest arises by inheritance, designation, appointment,**

65 **or otherwise**, except as provided in this paragraph. Any plan or arrangement described in this
66 paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic
67 relations order; however, the interest of any and all alternate payees under a qualified domestic
68 relations order shall be exempt from any and all claims of any creditor, other than the state of
69 Missouri through its division of family services. As used in this paragraph, the terms "alternate
70 payee" and "qualified domestic relations order" have the meaning given to them in Section
71 414(p) of the Internal Revenue Code of 1986, as amended. If proceedings under Title 11 of the
72 United States Code are commenced by or against such person, no amount of funds shall be
73 exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined
74 in subsection 2 of section 428.024 and for the period such person participated within three years
75 prior to the commencement of such proceedings. For the purposes of this section, when the
76 fraudulently conveyed funds are recovered and after, such funds shall be deducted and then
77 treated as though the funds had never been contributed to the plan, contract, or trust;

78 (11) The debtor's right to receive, or property that is traceable to, a payment on account
79 of the wrongful death of an individual of whom the debtor was a dependent, to the extent
80 reasonably necessary for the support of the debtor and any dependent of the debtor.

81 2. Nothing in this section shall be interpreted to exempt from attachment or execution
82 for a valid judicial or administrative order for the payment of child support or maintenance any
83 money or assets, payable to a participant or beneficiary from, or any interest of any participant
84 or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal
85 Revenue Code of 1986, as amended.

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

2 (1) "Community service work", any work which is performed without
3 compensation and is required in exchange for deferred prosecution of any criminal charge
4 by any federal, state, or local prosecutor under a written agreement;

5 (2) "Entity", includes any person, for profit or not-for-profit business, agency,
6 group, charity, organization, or any unit of federal, state or local government or any of
7 their employees.

8 2. Any entity which supervises community service work performed as a
9 requirement for deferment of any criminal charge under a written agreement with a
10 federal, state, or local prosecutor, or any entity which derives benefits from the
11 performance of community service work shall be immune from any suit by the person
12 performing the community service work or by any person deriving a cause of action from
13 the person performing the community service work if that cause of action arises from the
14 supervision of the work performed, except that the entity supervising the work shall not
15 be immune from any suit for gross negligence or for an intentional tort.

16 **3. Community service work shall not be deemed employment within the meaning**
17 **of the provisions of chapter 288 and a person performing community service work under**
18 **the provisions of this section shall not be deemed an employee within the meaning of the**
19 **provisions of chapter 287.**

537.865. An attorney appointed by the court to serve as counsel for an indigent
2 **defendant in a criminal case without compensation shall be immune from civil liability,**
3 **including causes of action for malpractice, for discretionary acts or omissions committed**
4 **during the course of the representation so long as the actions or omissions are taken in**
5 **good faith and are not performed with reckless disregard. Immunity from civil liability**
6 **shall not apply to conduct that is willfully wrong or performed with malice or corruption.**

545.417. Any party who takes a deposition in any criminal case shall be responsible
2 **for the costs of providing one copy of the transcript of such deposition to the opposing**
3 **party.**

 559.100. 1. The circuit courts of this state shall have power, herein provided, to place
2 on probation or to parole persons convicted of any offense over which they have jurisdiction,
3 except as otherwise provided in sections 195.275 to 195.296, section 558.018, section 559.115,
4 section 565.020, sections 566.030, 566.060, 566.067, 566.151, and 566.213, section 571.015,
5 and subsection 3 of section 589.425.

6 2. The circuit court shall have the power to revoke the probation or parole previously
7 granted and commit the person to the department of corrections. The circuit court shall
8 determine any conditions of probation or parole for the defendant that it deems necessary to
9 ensure the successful completion of the probation or parole term, including the extension of any
10 term of supervision for any person while on probation or parole. The circuit court may require
11 that the defendant pay restitution for his crime. The probation or parole may be revoked for
12 failure to pay restitution or for failure to conform his behavior to the conditions imposed by the
13 circuit court. The circuit court may, in its discretion, credit any period of probation or parole as
14 time served on a sentence.

15 **3. Restitution, whether court ordered as provided in subsection 2 of this section or**
16 **agreed to by the parties, or as enforced under section 558.011, shall be paid through the**
17 **office of the prosecuting attorney or circuit attorney. The circuit court en banc shall**
18 **approve the use of any contractor or entity selected by the prosecuting attorney for the**
19 **collection of restitution and costs. When ordered by the court, interest shall be allowed**
20 **under subsection 1 of section 408.040. In addition to all other costs and fees allowed by**
21 **law, each prosecuting attorney or circuit attorney who takes any action to collect**
22 **restitution shall collect from the person paying restitution an administrative handling cost.**
23 **The cost shall be twenty-five dollars for restitution less than one hundred dollars and fifty**

24 dollars for restitution of one hundred dollars but less than two hundred fifty dollars. For
25 restitution of two hundred fifty dollars or more an additional fee of ten percent of the total
26 restitution shall be assessed, with a maximum fee for administrative handling costs not to
27 exceed seventy-five dollars total. In addition to the administrative handling costs, an
28 installment cost shall be assessed in the amount of two dollars per installment, excepting
29 the first installment, until such total amount of restitution is paid in full. Notwithstanding
30 the provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall
31 be deposited by the county treasurer into a separate interest-bearing fund to be expended
32 by the prosecuting attorney or circuit attorney. This fund shall be known as the
33 "Administrative Handling Cost Fund", and it shall be the fund for deposits under this
34 section and under section 570.120. The funds shall be expended, upon warrants issued by
35 the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon,
36 only for purposes related to that authorized by subsection 4 of this section.
37 Notwithstanding the provisions of any other law, in addition to the administrative handling
38 cost, the prosecuting attorney or circuit attorney shall collect an additional cost of five
39 dollars per each crime victim to whom restitution is paid for deposit into the Missouri
40 office of prosecution services fund established in subsection 2 of section 56.765. All moneys
41 collected under this section which are payable to the Missouri office of prosecution services
42 fund shall be transmitted at least monthly by the county treasurer to the director of
43 revenue who shall deposit the amount collected to the credit of the Missouri office of
44 prosecution services fund under the procedure established under subsection 2 of section
45 56.765. As used in this subsection, "crime victim" means any natural person or their
46 survivors or legal guardians, the estate of a deceased person, a for-profit corporation or
47 business entity, a nonprofit corporation or entity, a charitable entity, or any governmental
48 body or a political subdivision thereof.

49 4. The moneys deposited in the fund may be used by the prosecuting attorney or
50 circuit attorney for office supplies, postage, books, training, office equipment, capital
51 outlay, expenses of trial and witness preparation, additional employees for the staff of the
52 prosecuting or circuit attorney, employees' salaries, and for other lawful expenses incurred
53 by the prosecuting or circuit attorney in the operation of that office.

54 5. This fund may be audited by the state auditor's office or the appropriate
55 auditing agency.

56 6. If the moneys collected and deposited into this fund are not totally expended
57 annually, then the unexpended balance shall remain in the fund and the balance shall be
58 kept in the fund to accumulate from year to year.

59 **7. Nothing in this section shall be construed to prohibit a crime victim from**
60 **pursuing other lawful remedies against a defendant for restitution.**

 559.105. 1. Any person who has been found guilty [of] or has pled guilty to [a violation
2 of subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of
3 subsection 3 of section 570.030] **an offense** may be ordered by the court to make restitution to
4 the victim for the victim's losses due to such offense. Restitution pursuant to this section shall
5 include, but not be limited to[, the following:

6 (1)] a victim's reasonable expenses to participate in the prosecution of the crime[;

7 (2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft,
8 or aircraft; and

9 (3) A victim's costs associated with towing or storage fees for the motor vehicle caused
10 by the acts of the defendant].

11 2. No person ordered by the court to pay restitution pursuant to this section shall be
12 released from probation until such restitution is complete. If full restitution is not made within
13 the original term of probation, the court shall order the maximum term of probation allowed for
14 such offense.

15 3. Any person eligible to be released on parole [for a violation of subdivision (2) of
16 subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of subsection 3 of section
17 570.030 may] **shall** be required, as a condition of parole, to make restitution pursuant to this
18 section. The board of probation and parole shall not release any person from any term of parole
19 for such offense until the person has completed such restitution, or until the maximum term of
20 parole for such offense has been served.

21 **4. The court may set an amount of restitution to be paid by the defendant. Said**
22 **amount may be taken from the inmate's account at the department of corrections while the**
23 **defendant is incarcerated. Upon conditional release or parole, if any amount of such court-**
24 **ordered restitution is unpaid, the balance of the unpaid restitution may be collected as a**
25 **condition of conditional release or parole by the prosecuting attorney or circuit attorney**
26 **under section 559.100. The prosecuting attorney or circuit attorney may refer any failure**
27 **to make such restitution as a condition of conditional release or parole to the parole board**
28 **for enforcement.**

 565.020. 1. A person commits the crime of murder in the first degree if he knowingly
2 causes the death of another person after deliberation upon the matter.

3 2. Murder in the first degree is a class A felony, and, **if a person has reached his or her**
4 **eighteenth birthday at the time of the commission of the crime**, the punishment shall be either
5 death or imprisonment for life without eligibility for probation or parole, or release except by act
6 of the governor; except that, if a person has not reached his **or her [sixteenth] eighteenth**

7 birthday at the time of the commission of the crime, the punishment shall be **either**
8 imprisonment for life without eligibility for probation or parole, or release except by act of the
9 governor, **or life imprisonment with eligibility for parole after fifty years.**

10 **3. If the person has not reached his or her eighteenth birthday at the time of the**
11 **commission of the crime, the court shall hold a hearing upon the motion of the prosecuting**
12 **attorney to determine whether the mandatory sentence of life imprisonment should be**
13 **without the possibility of parole or with eligibility for parole after fifty years. Such motion**
14 **shall be filed within fourteen days of the person's conviction. In the event the prosecuting**
15 **attorney does not file such a motion within fourteen days, the sentence shall be life with**
16 **eligibility for parole after fifty years.**

17 **4. The motion of the prosecuting attorney shall specify the basis on which he or she**
18 **believes the proper sentence shall be life without the possibility of parole.**

19 **5. At such hearing, the court shall consider both the statutory aggravating**
20 **circumstances under subsection 2 of section 565.032 and the statutory mitigating**
21 **circumstances under subsection 3 of section 565.032.**

22 **6. At the sentencing, the court shall specify on the record the statutory aggravating**
23 **circumstances and the statutory mitigating circumstances considered by the court, and the**
24 **court's reasons supporting the sentence imposed. The court may consider evidence**
25 **presented at trial together with any new evidence presented at the sentencing hearing.**

26 **7. The procedures specified in subsections 3, 4, 5 and 6 of this section shall not**
27 **apply to any case that is final for purposes of appeal on or before the enactment date of this**
28 **section. A case is final for purposes of appeal when the time for filing an appeal in the**
29 **Missouri Court of Appeals has expired; if an appeal was filed in the Missouri Court of**
30 **Appeals, when the time for filing an application for transfer to the Missouri Supreme**
31 **Court has expired; if an application for transfer to the Missouri Supreme Court has been**
32 **filed, when the application for transfer was denied or when a timely filed motion for**
33 **rehearing was denied; or if the Missouri Supreme Court granted transfer, when the**
34 **Missouri Supreme Court rendered its decision or when a timely filed motion for rehearing**
35 **was denied.**

36 **8. Any person sentenced to imprisonment for life without the eligibility for**
37 **probation or parole for a crime committed before the person reached his or her eighteenth**
38 **birthday, and who was sentenced prior to the effective date of this section, may file a**
39 **motion in the sentencing court for a sentencing hearing. Such sentencing hearing shall be**
40 **heard by the judge. The sole purpose of the sentencing hearing shall be to determine if the**
41 **sentence of imprisonment for life without the eligibility for probation or parole which was**

42 **originally imposed shall remain or should be amended to life with eligibility for parole**
43 **after fifty years.**

44 **9. This section shall have an emergency clause and shall be effective upon signature**
45 **by the governor.**

570.120. 1. A person commits the crime of passing a bad check when:

2 (1) With purpose to defraud, the person makes, issues or passes a check or other similar
3 sight order or any other form of presentment involving the transmission of account information
4 for the payment of money, knowing that it will not be paid by the drawee, or that there is no such
5 drawee; or

6 (2) The person makes, issues, or passes a check or other similar sight order or any other
7 form of presentment involving the transmission of account information for the payment of
8 money, knowing that there are insufficient funds in or on deposit with that account for the
9 payment of such check, sight order, or other form of presentment involving the transmission of
10 account information in full and all other checks, sight orders, or other forms of presentment
11 involving the transmission of account information upon such funds then outstanding, or that
12 there is no such account or no drawee and fails to pay the check or sight order or other form of
13 presentment involving the transmission of account information within ten days after receiving
14 actual notice in writing that it has not been paid because of insufficient funds or credit with the
15 drawee or because there is no such drawee.

16 2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing"
17 means notice of the nonpayment which is actually received by the defendant. Such notice may
18 include the service of summons or warrant upon the defendant for the initiation of the
19 prosecution of the check or checks which are the subject matter of the prosecution if the
20 summons or warrant contains information of the ten-day period during which the instrument may
21 be paid and that payment of the instrument within such ten-day period will result in dismissal
22 of the charges. The requirement of notice shall also be satisfied for written communications
23 which are tendered to the defendant and which the defendant refuses to accept.

24 3. The face amounts of any bad checks passed pursuant to one course of conduct within
25 any ten-day period may be aggregated in determining the grade of the offense.

26 4. Passing bad checks is a class A misdemeanor, unless:

27 (1) The face amount of the check or sight order or the aggregated amounts is five
28 hundred dollars or more; or

29 (2) The issuer had no account with the drawee or if there was no such drawee at the time
30 the check or order was issued, in which cases passing bad checks is a class C felony.

31 5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney
32 or circuit attorney who takes any action pursuant to the provisions of this section shall collect

33 from the issuer in such action an administrative handling cost. The cost shall be twenty-five
34 dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred
35 dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more
36 an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for
37 administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the
38 provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be
39 deposited by the county treasurer into a separate interest-bearing fund to be expended by the
40 prosecuting attorney or circuit attorney. **This fund shall be known as the "Administrative**
41 **Handling Cost Fund", and it shall be the fund for deposits under this section and under**
42 **section 559.100.** The funds shall be expended, upon warrants issued by the prosecuting attorney
43 or circuit attorney directing the treasurer to issue checks thereon, only for purposes related to that
44 previously authorized in this section. Any revenues that are not required for the purposes of this
45 section may be placed in the general revenue fund of the county or city not within a county.
46 Notwithstanding any law to the contrary, in addition to the administrative handling cost, the
47 prosecuting attorney or circuit attorney shall collect an additional cost of five dollars per check
48 for deposit to the Missouri office of prosecution services fund established in subsection 2 of
49 section 56.765. All moneys collected pursuant to this section which are payable to the Missouri
50 office of prosecution services fund shall be transmitted at least monthly by the county treasurer
51 to the director of revenue who shall deposit the amount collected pursuant to the credit of the
52 Missouri office of prosecution services fund under the procedure established pursuant to
53 subsection 2 of section 56.765.

54 (2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney
55 for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial
56 and witness preparation, additional employees for the staff of the prosecuting or circuit attorney,
57 employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney
58 in operation of that office.

59 (3) This fund may be audited by the state auditor's office or the appropriate auditing
60 agency.

61 (4) If the moneys collected and deposited into this fund are not totally expended
62 annually, then the unexpended balance shall remain in said fund and the balance shall be kept
63 in said fund to accumulate from year to year.

64 6. Notwithstanding any other provision of law to the contrary:

65 (1) In addition to the administrative handling costs provided for in subsection 5 of this
66 section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the
67 face amount of the check, a reasonable service charge, which along with the face amount of the
68 check, shall be turned over to the party to whom the bad check was issued;

69 (2) If a check that is dishonored or returned unpaid by a financial institution is not
70 referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions
71 of this section, the party to whom the check was issued, or his or her agent or assignee, or a
72 holder, may collect from the issuer, in addition to the face amount of the check, a reasonable
73 service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by
74 the depository institution for the return of each unpaid or dishonored instrument.

75 7. When any financial institution returns a dishonored check to the person who deposited
76 such check, it shall be in substantially the same physical condition as when deposited, or in such
77 condition as to provide the person who deposited the check the information required to identify
78 the person who wrote the check.

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy directors and other state public defender
3 office personnel appointed pursuant to this chapter; and he and the chief deputy director may
4 participate in the trial and appeal of criminal actions at the request of the defender or upon order
5 of the commission;

6 (2) Submit to the commission, between August fifteenth and September fifteenth of each
7 year, a report which shall include all pertinent data on the operation of the state public defender
8 system, the costs, projected needs, and recommendations for statutory changes. Prior to October
9 fifteenth of each year, the commission shall submit such report along with such
10 recommendations, comments, conclusions, or other pertinent information it chooses to make to
11 the chief justice, the governor, and the general assembly. Such reports shall be a public record,
12 shall be maintained in the office of the state public defender, and shall be otherwise distributed
13 as the commission shall direct;

14 (3) With the approval of the commission, establish such divisions, facilities and offices
15 and select such professional, technical and other personnel, including investigators, as he deems
16 reasonably necessary for the efficient operation and discharge of the duties of the state public
17 defender system under this chapter;

18 (4) Administer and coordinate the operations of defender services and be responsible for
19 the overall supervision of all personnel, offices, divisions and facilities of the state public
20 defender system, except that the director shall have no authority to direct or control the legal
21 defense provided by a defender to any person served by the state public defender system;

22 (5) Develop programs and administer activities to achieve the purposes of this chapter;

23 (6) Keep and maintain proper financial records with respect to the providing of all public
24 defender services for use in the calculating of direct and indirect costs of any or all aspects of the
25 operation of the state public defender system;

26 (7) Supervise the training of all public defenders, assistant public defenders, deputy
27 public defenders and other personnel and establish such training courses as shall be appropriate;

28 (8) With approval of the commission, promulgate necessary rules, regulations and
29 instructions consistent with this chapter defining the organization of his office and the
30 responsibilities of public defenders, assistant public defenders, deputy public defenders and other
31 personnel;

32 (9) With the approval of the commission, apply for and accept on behalf of the public
33 defender system any funds which may be offered or which may become available from
34 government grants, private gifts, donations or bequests or from any other source. Such moneys
35 shall be deposited in the state general revenue fund;

36 (10) [Contract for legal services with private attorneys on a case-by-case basis and with
37 assigned counsel as the commission deems necessary considering the needs of the area, for fees
38 approved and established by the commission;

39 (11) **In the event that the prosecuting attorney does not collect and enforce liens**
40 **and other judgments owed to the state for services rendered by the state public defender**
41 **system as set forth in subsection 3 of section 600.093, then** with the approval and on behalf
42 of the commission, contract with private attorneys for the collection and enforcement of liens and
43 other judgments owed to the state for services rendered by the state public defender system;

44 (11) **Contract out for legal services with private attorneys all nonsexual class C and**
45 **D felonies, all nonsexual misdemeanor cases, all traffic cases, and all probation violation**
46 **cases. The office of administration shall handle the bidding process for all such contracts**
47 **in accordance with the provisions of section 600.052;**

48 (12) **Shall establish district offices, the boundaries of which shall coincide with**
49 **existing judicial circuits. Any district office may contain more than one judicial circuit**
50 **within its boundaries, but in no event shall any district office boundary include any**
51 **geographic region of a judicial circuit without including the entire judicial circuit.**

52 2. No rule or portion of a rule promulgated under the authority of this chapter shall
53 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

54 3. The director and defenders shall, within guidelines as established by the commission
55 and as set forth in subsection 4 of this section, accept requests for legal services from eligible
56 persons entitled to counsel under this chapter or otherwise so entitled under the constitution or
57 laws of the United States or of the state of Missouri and provide such persons with legal services
58 when, in the discretion of the director or the defenders, such provision of legal services is
59 appropriate.

60 4. **Except as provided in subsection 5 of this section,** the director and defenders shall
61 provide legal services to an eligible person:

62 (1) Who is detained or charged with a **class A or B** felony, including appeals from a
63 conviction in such a case;

64 (2) [Who is detained or charged with a misdemeanor which will probably result in
65 confinement in the county jail upon conviction, including appeals from a conviction in such a
66 case;

67 (3) Who is detained or charged with a violation of probation or parole;

68 (4)] **Who is detained or charged with any sexual offense;**

69 (3) Who has been taken into custody pursuant to section 632.489, including appeals from
70 a determination that the person is a sexually violent predator and petitions for release,
71 notwithstanding any provisions of law to the contrary;

72 [(5)] (4) For whom the federal constitution or the state constitution requires the
73 appointment of counsel; and

74 [(6)] (5) For whom, in a case in which he faces a loss or deprivation of liberty, any law
75 of this state requires the appointment of counsel; however, the director and the defenders shall
76 not be required to provide legal services to persons charged with violations of county or
77 municipal ordinances.

78 5. The director may:

79 (1) [Delegate the legal representation of any person to any member of the state bar of
80 Missouri;

81 (2)] Designate persons as representatives of the director for the purpose of making
82 indigency determinations and assigning counsel;

83 (2) **Contract out for legal services with private attorneys direct appeals of any cases**
84 **handled by public defenders.**

85 **6. The director and defenders shall not provide legal services or contract out for**
86 **legal services with private attorneys for the following types of cases:**

87 (1) **Motions under Rule 24.035 or 29.15 claiming ineffective assistance of counsel;**
88 **or**

89 (2) **Representation of any crime victim or witness.**

90 **7. The public defender shall provide legal services in those cases in which a private**
91 **attorney who has a contract for the provision of legal services under section 600.052 has**
92 **a conflict of interest.**

600.044. **Except as provided in subdivision (2) of subsection 5 of section 600.042,**
2 a defender who undertakes to represent an eligible person shall continue to do so at every stage
3 of the case or proceeding, including the filing of a motion for new trial and the processing,
4 briefing, and argument of an appeal, until the defender is relieved of his duties by the director
5 or is permitted by a court to withdraw.

600.052. The office of administration shall award contracts under this section through a competitive bidding process with the approval of the presiding judge of the judicial circuit where the services are rendered. The competitive bidding process shall be designed to award contracts to the lowest and best bidder. In determining the lowest and best bidder, priority shall be given to bidders who exhibit experience in criminal law, demonstrate the capacity to provide effective representation in all assigned cases, and carry sufficient malpractice insurance. The office of administration shall also administer all contracts made by the director, including contracts for cases which are conflicts of the public defender. The office of administration shall establish a quality assurance program, with the assistance of each presiding circuit judge, to ensure that defendants are being provided quality representation by private attorneys awarded contracts under this section. The office of administration may promulgate rules and regulations necessary to carry out the provisions of this subsection.

600.053. 18 C.S.R. 10-4.010 is hereby invalidated and is null and void. The public defender may not refuse to provide representation required under this chapter without prior approval from a court of competent jurisdiction.

600.090. 1. (1) If a person is determined to be eligible for the services provided by the state public defender system and if, at the time such determination is made, he is able to provide a limited cash contribution toward the cost of his representation without imposing a substantial hardship upon himself or his dependents, such contribution shall be required as a condition of his representation by the state public defender system.

(2) If at any time, either during or after the disposition of his case, such defendant becomes financially able to meet all or some part of the cost of services rendered to him, he shall be required to reimburse the commission in such amounts as he can reasonably pay, either by a single payment or by installments of reasonable amounts, in accordance with a schedule of charges for public defender services prepared by the commission.

(3) No difficulty or failure in the making of such payment shall reduce or in any way affect the rendering of public defender services to such persons.

2. (1) The reasonable value of the services rendered to a defendant pursuant to sections 600.011 to 600.048 and 600.086 to 600.096 may in all cases be a lien on any and all property to which the defendant shall have or acquire an interest. The public defender shall effectuate such lien whenever the reasonable value of the services rendered to a defendant appears to exceed one hundred fifty dollars and may effectuate such lien where the reasonable value of those services appears to be less than one hundred fifty dollars.

(2) To effectuate such a lien, the public defender shall, prior to the final disposition of the case or within ten days thereafter, file a notice of lien setting forth the services rendered to

21 the defendant and a claim for the reasonable value of such services with the clerk of the circuit
22 court. The defendant shall be personally served with a copy of such notice of lien. The court
23 shall rule on whether all or any part of the claim shall be allowed. The portion of the claim
24 approved by the court as the value of defender services which has been provided to the defendant
25 shall be a judgment at law. The public defender shall not be required to pay filing or recording
26 fees for or relating to such claim.

27 (3) Such judgment shall be enforceable in the name of the state on behalf of the
28 commission by the prosecuting attorney of the circuit in which the judgment was entered.

29 (4) The prosecuting attorney may compromise and make settlement of, or, with the
30 concurrence of the director, forego any claims for services performed for any person pursuant
31 to this chapter whenever the financial circumstances of such person are such that the best
32 interests of the state will be served by such action.

33 **(5) The public defender shall pay the prosecuting or circuit attorney a collection**
34 **fee of twenty percent of the funds collected by the prosecuting or circuit attorney on behalf**
35 **of the public defender. This collection fee shall be deposited in the same manner as**
36 **collection fees are deposited for delinquent taxes under section 136.150 as follows: the**
37 **collection fee shall be deposited in the county treasury of the circuit or prosecuting**
38 **attorney who collected such funds, with one-half of such collection fee being designated for**
39 **the use of the prosecuting or circuit attorney's office and one-half to be expended as the**
40 **county shall determine.**

41 3. [The commission may contract with] **If the prosecuting attorney does not take**
42 **action to enforce the judgment within ninety days of entry, then the commission may**
43 **contract with private collection agencies or private attorneys for the collection and**
44 **enforcement of liens and other judgments owed to the state for services rendered by the state**
45 **public defender system.**

46 4. The lien created by this section shall be from the time filed in the court by the
47 defender a charge or claim against any assets of the defendant; provided further that the same
48 shall be served upon the person in possession of the assets or shall be recorded in the office of
49 the recorder of deeds in the county in which the person resides or in which the assets are located.

50 5. **Except as provided in subdivision (5) of subsection 2 of this section,** funds
51 collected pursuant to this section and section 600.093 shall be credited to the "Legal Defense and
52 Defender Fund" which is hereby created. The moneys credited to the legal defense and defender
53 fund shall be used for the purpose of training public defenders, assistant public defenders, deputy
54 public defenders and other personnel pursuant to subdivision (7) of subsection 1 of section
55 600.042, and may be used to pay for expert witness fees, the costs of depositions, travel expenses

56 incurred by witnesses in case preparation and trial, expenses incurred for changes of venue and
57 for other lawful expenses as authorized by the public defender commission.

58 6. The state treasurer shall be the custodian of the legal defense and defender fund,
59 moneys in the legal defense and defender fund shall be deposited the same as are other state
60 funds, and any interest accruing to the legal defense and defender fund shall be added to the legal
61 defense and defender fund. The legal defense and defender fund shall be subject to audit, the
62 same as other state funds and accounts, and shall be protected by the general bond given by the
63 state treasurer.

64 7. Upon the request of the director of the office of state public defender, the
65 commissioner of administration shall approve disbursements from the legal defense and defender
66 fund. The legal defense and defender fund shall be funded annually by appropriation, but any
67 unexpended balance in the fund at the end of the appropriation period not in excess of one
68 hundred and fifty thousand dollars shall be exempt from the provisions of section 33.080,
69 specifically as they relate to the transfer of fund balances to the general revenue, and shall be the
70 amount of the fund at the beginning of the appropriation period next immediately following.

 Section B. Because immediate action is necessary to protect public safety, to ensure the
2 constitutionality of statutes regarding criminal procedure for juvenile offenders, and to ensure
3 the quality representation of indigent criminal defendants, the enactment of sections 537.865,
4 565.020, and 600.053 of section A of this act is deemed necessary for the immediate preservation
5 of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act
6 within the meaning of the constitution, and the enactment of sections 537.865, 565.020, and
7 600.053 of section A of this act shall be in full force and effect upon its passage and approval.

 Section C. Sections 600.042, 600.044, 600.052, and 600.090 of this act shall become
2 effective July 1, 2014.

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