

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2562

AN ACT

To repeal sections 82.1025, 82.1027, 82.1028, 208.151, 217.703, 302.321, 302.341, 476.521, 478.001, 478.003, 478.004, 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550, 478.551, 478.600, 478.716, 479.020, 479.190, 479.353, 479.360, 488.2230, 488.2250, 488.5358, 514.040, and 577.001, RSMo, and to enact in lieu thereof thirty new sections relating to courts, with existing penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 82.1025, 82.1027, 82.1028, 208.151,
2 217.703, 302.321, 302.341, 476.521, 478.001, 478.003, 478.004,
3 478.005, 478.006, 478.007, 478.008, 478.009, 478.466, 478.550,
4 478.551, 478.600, 478.716, 479.020, 479.190, 479.353, 479.360,
5 488.2230, 488.2250, 488.5358, 514.040, and 577.001, RSMo, are
6 repealed and thirty new sections enacted in lieu thereof, to be
7 known as sections 82.1025, 82.1027, 82.1028, 208.151, 217.703,
8 302.321, 302.341, 476.175, 476.521, 478.001, 478.003, 478.004,
9 478.005, 478.007, 478.009, 478.466, 478.550, 478.600, 478.716,
10 479.020, 479.190, 479.353, 479.354, 479.360, 488.2230, 488.2250,
11 488.5358, 514.040, 577.001, and 1, to read as follows:

12 82.1025. 1. Sections 82.1025 to 82.1030 shall be known and
13 may be cited as the "Neighborhood Restoration Act".

1 2. This section applies to a nuisance located within the
2 boundaries of any county of the first classification with a
3 charter form of government and a population greater than nine
4 hundred thousand, in any county of the first classification with
5 more than one hundred ninety-eight thousand but fewer than one
6 hundred ninety-nine thousand two hundred inhabitants, in any
7 county of the first classification with more than seventy-three
8 thousand seven hundred but fewer than seventy-three thousand
9 eight hundred inhabitants, in any county of the first
10 classification with more than ninety-three thousand eight hundred
11 but fewer than ninety-three thousand nine hundred inhabitants, in
12 any home rule city with more than one hundred fifty-one thousand
13 five hundred but fewer than one hundred fifty-one thousand six
14 hundred inhabitants, in any city not within a county [and], in
15 any city with at least three hundred fifty thousand inhabitants
16 which is located in more than one county, and in any home rule
17 city with more than one hundred fifty-five thousand but fewer
18 than two hundred thousand inhabitants.

19 [2.] 3. A parcel of property is a nuisance, if such
20 property adversely affects the property values of a neighborhood
21 or the property value of any property within the neighborhood
22 because the owner of such property allows the property to be in a
23 deteriorated condition, due to neglect or failure to reasonably
24 maintain, violation of a county or municipal building code,
25 standard, or ordinance, abandonment, failure to repair after a
26 fire, flood or some other damage to the property or because the
27 owner or resident of the property allows clutter on the property
28 such as abandoned automobiles, appliances or similar objects.

1 Any property owner who owns property within one thousand two
2 hundred feet of a parcel of property which is alleged to be a
3 nuisance may bring a nuisance action against the offending
4 property owner for the amount of damage created by such nuisance
5 to the value of the petitioner's property, including diminution
6 in value of the petitioner's property, and court costs, provided
7 that the owner of the property which is alleged to be a nuisance
8 has received notification of the alleged nuisance and has had a
9 reasonable opportunity, not to exceed forty-five days, to correct
10 the alleged nuisance. This section is not intended to abrogate,
11 and shall not be construed as abrogating, any remedy available
12 under the common law of private nuisance.

13 [3.] 4. An action for injunctive relief to abate a nuisance
14 under this section may be brought by:

15 (1) Anyone who owns property within one thousand two
16 hundred feet to a property which is alleged to be a nuisance; or

17 (2) A neighborhood organization, as defined in subdivision
18 (2) of section 82.1027, on behalf of any person or persons who
19 own property within the boundaries of the neighborhood or
20 neighborhoods described in the articles of incorporation or
21 bylaws of the neighborhood organization and who could maintain a
22 nuisance action under this section or under the common law of
23 private nuisance, or on its own behalf with respect to a nuisance
24 on property anywhere within the boundaries of the neighborhood or
25 neighborhoods.

26 [4.] 5. An action shall not be brought under this section
27 until sixty days after the party who brings the action has sent
28 written notice of intent to bring an action under this section by

1 certified mail, return receipt requested, postage prepaid to:

2 (1) The tenant, if any, or to "occupant" if the identity of
3 the tenant cannot be reasonably ascertained, at the property's
4 address; and

5 (2) The property owner of record at the last known address
6 of the property owner on file with the county or city, or, if the
7 property owner is a corporation or other type of limited
8 liability company, to the property owner's registered agent at
9 the agent's address of record;

10
11 that a nuisance exists and that legal action may be taken against
12 the owner of the property. If the notice sent by certified mail
13 is returned unclaimed or refused, designated by the post office
14 to be undeliverable, or signed for by a person other than the
15 addressee, then adequate and sufficient notice may be given to
16 the tenant, if any, and the property owner of record by sending a
17 copy of the notice by regular mail to the address of the property
18 owner or registered agent and posting a copy of the notice on the
19 property where the nuisance allegedly is occurring. A sworn
20 affidavit by the person who mailed or posted the notice
21 describing the date and manner that notice was given shall be
22 prima facie evidence of the giving of such notice. The notice
23 shall specify:

24 (a) The act or condition that constitutes the nuisance;

25 (b) The date the nuisance was first discovered;

26 (c) The address of the property and location on the
27 property where the act or condition that constitutes the nuisance
28 is allegedly occurring or exists; and

1 (d) The relief sought in the action.

2 [5.] 6. When a neighborhood organization files a suit under
3 this section, an officer of the neighborhood organization or its
4 counsel shall certify to the court:

5 (1) From personal knowledge, that the neighborhood
6 organization has taken the required steps to satisfy the notice
7 requirements under this section; and

8 (2) Based on reasonable inquiry, that each condition
9 precedent to the filing of the action under this section has been
10 met.

11 [6.] 7. A neighborhood organization may not bring an action
12 under this section if, at the time of filing suit, the
13 neighborhood organization or any of its directors own real
14 estate, or have an interest in a trust or a corporation or other
15 limited liability company that owns real estate, in the city or
16 county in which the nuisance is located with respect to which
17 real property taxes are delinquent or a notice of violation of a
18 city code or ordinance has been issued and served and is
19 outstanding.

20 [7.] 8. This section is not intended to abrogate, and shall
21 not be construed as abrogating, any remedy available under the
22 common law of private nuisance.

23 82.1027. As used in sections 82.1027 to 82.1030, the
24 following terms mean:

25 (1) "Code or ordinance violation", a violation under the
26 provisions of a municipal code or ordinance of any home rule city
27 with more than four hundred thousand inhabitants and located in
28 more than one county, any home rule city with more than one

1 hundred fifty-five thousand but fewer than two hundred thousand
2 inhabitants, or any city not within a county, which regulates
3 fire prevention, animal control, noise control, property
4 maintenance, building construction, health, safety, neighborhood
5 detriment, sanitation, or nuisances;

6 (2) "Neighborhood organization", a Missouri not-for-profit
7 corporation whose articles of incorporation or bylaws specify
8 that one of the purposes for which the corporation is organized
9 is the preservation and protection of residential and community
10 property values in a neighborhood or neighborhoods with
11 geographic boundaries that conform to the boundaries of not more
12 than two adjoining neighborhoods recognized by the planning
13 division of the city or county in which the neighborhood or
14 neighborhoods are located provided that the corporation's
15 articles of incorporation or bylaws provide that:

16 (a) The corporation has members;

17 (b) Membership shall be open to all persons who own
18 residential real estate or who reside in the neighborhood or
19 neighborhoods described in the corporation's articles of
20 incorporation or bylaws subject to reasonable restrictions on
21 membership to protect the integrity of the organization; however,
22 membership may not be conditioned upon payment of monetary
23 consideration in excess of twenty-five dollars per year; and

24 (c) Only members who own residential real estate or who
25 reside in the neighborhood or neighborhoods described in the
26 corporation's articles of incorporation or bylaws may elect
27 directors or serve as a director;

28 (3) "Nuisance", within the boundaries of the neighborhood

1 or neighborhoods described in the articles of incorporation or
2 bylaws of the neighborhood organization, an act or condition
3 knowingly created, performed, maintained, or permitted to exist
4 on private property that constitutes a code or ordinance
5 violation and that significantly affects the other residents of
6 the neighborhood; and:

7 (a) Diminishes the value of the neighboring property; or

8 (b) Is injurious to the public health, safety, security, or
9 welfare of neighboring residents or businesses; or

10 (c) Impairs the reasonable use or peaceful enjoyment of
11 other property in the neighborhood.

12 82.1028. Sections 82.1027 to 82.1030 shall apply to a
13 nuisance located within the boundaries of any city not within a
14 county [and], any home rule city with more than four hundred
15 thousand inhabitants and located in more than one county, and any
16 home rule city with more than one hundred fifty-five thousand but
17 fewer than two hundred thousand inhabitants.

18 208.151. 1. Medical assistance on behalf of needy persons
19 shall be known as "MO HealthNet". For the purpose of paying MO
20 HealthNet benefits and to comply with Title XIX, Public Law
21 89-97, 1965 amendments to the federal Social Security Act (42
22 U.S.C. Section 301, et seq.) as amended, the following needy
23 persons shall be eligible to receive MO HealthNet benefits to the
24 extent and in the manner hereinafter provided:

25 (1) All participants receiving state supplemental payments
26 for the aged, blind and disabled;

27 (2) All participants receiving aid to families with
28 dependent children benefits, including all persons under nineteen

1 years of age who would be classified as dependent children except
2 for the requirements of subdivision (1) of subsection 1 of
3 section 208.040. Participants eligible under this subdivision
4 who are participating in [drug] treatment court, as defined in
5 section 478.001, shall have their eligibility automatically
6 extended sixty days from the time their dependent child is
7 removed from the custody of the participant, subject to approval
8 of the Centers for Medicare and Medicaid Services;

9 (3) All participants receiving blind pension benefits;

10 (4) All persons who would be determined to be eligible for
11 old age assistance benefits, permanent and total disability
12 benefits, or aid to the blind benefits under the eligibility
13 standards in effect December 31, 1973, or less restrictive
14 standards as established by rule of the family support division,
15 who are sixty-five years of age or over and are patients in state
16 institutions for mental diseases or tuberculosis;

17 (5) All persons under the age of twenty-one years who would
18 be eligible for aid to families with dependent children except
19 for the requirements of subdivision (2) of subsection 1 of
20 section 208.040, and who are residing in an intermediate care
21 facility, or receiving active treatment as inpatients in
22 psychiatric facilities or programs, as defined in 42 U.S.C.
23 1396d, as amended;

24 (6) All persons under the age of twenty-one years who would
25 be eligible for aid to families with dependent children benefits
26 except for the requirement of deprivation of parental support as
27 provided for in subdivision (2) of subsection 1 of section
28 208.040;

1 (7) All persons eligible to receive nursing care benefits;

2 (8) All participants receiving family foster home or
3 nonprofit private child-care institution care, subsidized
4 adoption benefits and parental school care wherein state funds
5 are used as partial or full payment for such care;

6 (9) All persons who were participants receiving old age
7 assistance benefits, aid to the permanently and totally disabled,
8 or aid to the blind benefits on December 31, 1973, and who
9 continue to meet the eligibility requirements, except income, for
10 these assistance categories, but who are no longer receiving such
11 benefits because of the implementation of Title XVI of the
12 federal Social Security Act, as amended;

13 (10) Pregnant women who meet the requirements for aid to
14 families with dependent children, except for the existence of a
15 dependent child in the home;

16 (11) Pregnant women who meet the requirements for aid to
17 families with dependent children, except for the existence of a
18 dependent child who is deprived of parental support as provided
19 for in subdivision (2) of subsection 1 of section 208.040;

20 (12) Pregnant women or infants under one year of age, or
21 both, whose family income does not exceed an income eligibility
22 standard equal to one hundred eighty-five percent of the federal
23 poverty level as established and amended by the federal
24 Department of Health and Human Services, or its successor agency;

25 (13) Children who have attained one year of age but have
26 not attained six years of age who are eligible for medical
27 assistance under 6401 of P.L. 101-239 (Omnibus Budget
28 Reconciliation Act of 1989). The family support division shall

1 use an income eligibility standard equal to one hundred
2 thirty-three percent of the federal poverty level established by
3 the Department of Health and Human Services, or its successor
4 agency;

5 (14) Children who have attained six years of age but have
6 not attained nineteen years of age. For children who have
7 attained six years of age but have not attained nineteen years of
8 age, the family support division shall use an income assessment
9 methodology which provides for eligibility when family income is
10 equal to or less than equal to one hundred percent of the federal
11 poverty level established by the Department of Health and Human
12 Services, or its successor agency. As necessary to provide MO
13 HealthNet coverage under this subdivision, the department of
14 social services may revise the state MO HealthNet plan to extend
15 coverage under 42 U.S.C. 1396a (a) (10) (A) (i) (III) to children who
16 have attained six years of age but have not attained nineteen
17 years of age as permitted by paragraph (2) of subsection (n) of
18 42 U.S.C. 1396d using a more liberal income assessment
19 methodology as authorized by paragraph (2) of subsection (r) of
20 42 U.S.C. 1396a;

21 (15) The family support division shall not establish a
22 resource eligibility standard in assessing eligibility for
23 persons under subdivision (12), (13) or (14) of this subsection.
24 The MO HealthNet division shall define the amount and scope of
25 benefits which are available to individuals eligible under each
26 of the subdivisions (12), (13), and (14) of this subsection, in
27 accordance with the requirements of federal law and regulations
28 promulgated thereunder;

1 (16) Notwithstanding any other provisions of law to the
2 contrary, ambulatory prenatal care shall be made available to
3 pregnant women during a period of presumptive eligibility
4 pursuant to 42 U.S.C. Section 1396r-1, as amended;

5 (17) A child born to a woman eligible for and receiving MO
6 HealthNet benefits under this section on the date of the child's
7 birth shall be deemed to have applied for MO HealthNet benefits
8 and to have been found eligible for such assistance under such
9 plan on the date of such birth and to remain eligible for such
10 assistance for a period of time determined in accordance with
11 applicable federal and state law and regulations so long as the
12 child is a member of the woman's household and either the woman
13 remains eligible for such assistance or for children born on or
14 after January 1, 1991, the woman would remain eligible for such
15 assistance if she were still pregnant. Upon notification of such
16 child's birth, the family support division shall assign a MO
17 HealthNet eligibility identification number to the child so that
18 claims may be submitted and paid under such child's
19 identification number;

20 (18) Pregnant women and children eligible for MO HealthNet
21 benefits pursuant to subdivision (12), (13) or (14) of this
22 subsection shall not as a condition of eligibility for MO
23 HealthNet benefits be required to apply for aid to families with
24 dependent children. The family support division shall utilize an
25 application for eligibility for such persons which eliminates
26 information requirements other than those necessary to apply for
27 MO HealthNet benefits. The division shall provide such
28 application forms to applicants whose preliminary income

1 information indicates that they are ineligible for aid to
2 families with dependent children. Applicants for MO HealthNet
3 benefits under subdivision (12), (13) or (14) of this subsection
4 shall be informed of the aid to families with dependent children
5 program and that they are entitled to apply for such benefits.
6 Any forms utilized by the family support division for assessing
7 eligibility under this chapter shall be as simple as practicable;

8 (19) Subject to appropriations necessary to recruit and
9 train such staff, the family support division shall provide one
10 or more full-time, permanent eligibility specialists to process
11 applications for MO HealthNet benefits at the site of a health
12 care provider, if the health care provider requests the placement
13 of such eligibility specialists and reimburses the division for
14 the expenses including but not limited to salaries, benefits,
15 travel, training, telephone, supplies, and equipment of such
16 eligibility specialists. The division may provide a health care
17 provider with a part-time or temporary eligibility specialist at
18 the site of a health care provider if the health care provider
19 requests the placement of such an eligibility specialist and
20 reimburses the division for the expenses, including but not
21 limited to the salary, benefits, travel, training, telephone,
22 supplies, and equipment, of such an eligibility specialist. The
23 division may seek to employ such eligibility specialists who are
24 otherwise qualified for such positions and who are current or
25 former welfare participants. The division may consider training
26 such current or former welfare participants as eligibility
27 specialists for this program;

28 (20) Pregnant women who are eligible for, have applied for

1 and have received MO HealthNet benefits under subdivision (2),
2 (10), (11) or (12) of this subsection shall continue to be
3 considered eligible for all pregnancy-related and postpartum MO
4 HealthNet benefits provided under section 208.152 until the end
5 of the sixty-day period beginning on the last day of their
6 pregnancy;

7 (21) Case management services for pregnant women and young
8 children at risk shall be a covered service. To the greatest
9 extent possible, and in compliance with federal law and
10 regulations, the department of health and senior services shall
11 provide case management services to pregnant women by contract or
12 agreement with the department of social services through local
13 health departments organized under the provisions of chapter 192
14 or chapter 205 or a city health department operated under a city
15 charter or a combined city-county health department or other
16 department of health and senior services designees. To the
17 greatest extent possible the department of social services and
18 the department of health and senior services shall mutually
19 coordinate all services for pregnant women and children with the
20 crippled children's program, the prevention of intellectual
21 disability and developmental disability program and the prenatal
22 care program administered by the department of health and senior
23 services. The department of social services shall by regulation
24 establish the methodology for reimbursement for case management
25 services provided by the department of health and senior
26 services. For purposes of this section, the term "case
27 management" shall mean those activities of local public health
28 personnel to identify prospective MO HealthNet-eligible high-risk

1 mothers and enroll them in the state's MO HealthNet program,
2 refer them to local physicians or local health departments who
3 provide prenatal care under physician protocol and who
4 participate in the MO HealthNet program for prenatal care and to
5 ensure that said high-risk mothers receive support from all
6 private and public programs for which they are eligible and shall
7 not include involvement in any MO HealthNet prepaid, case-managed
8 programs;

9 (22) By January 1, 1988, the department of social services
10 and the department of health and senior services shall study all
11 significant aspects of presumptive eligibility for pregnant women
12 and submit a joint report on the subject, including projected
13 costs and the time needed for implementation, to the general
14 assembly. The department of social services, at the direction of
15 the general assembly, may implement presumptive eligibility by
16 regulation promulgated pursuant to chapter 207;

17 (23) All participants who would be eligible for aid to
18 families with dependent children benefits except for the
19 requirements of paragraph (d) of subdivision (1) of section
20 208.150;

21 (24) (a) All persons who would be determined to be
22 eligible for old age assistance benefits under the eligibility
23 standards in effect December 31, 1973, as authorized by 42 U.S.C.
24 Section 1396a(f), or less restrictive methodologies as contained
25 in the MO HealthNet state plan as of January 1, 2005; except
26 that, on or after July 1, 2005, less restrictive income
27 methodologies, as authorized in 42 U.S.C. Section 1396a(r) (2),
28 may be used to change the income limit if authorized by annual

1 appropriation;

2 (b) All persons who would be determined to be eligible for
3 aid to the blind benefits under the eligibility standards in
4 effect December 31, 1973, as authorized by 42 U.S.C. Section
5 1396a(f), or less restrictive methodologies as contained in the
6 MO HealthNet state plan as of January 1, 2005, except that less
7 restrictive income methodologies, as authorized in 42 U.S.C.
8 Section 1396a(r)(2), shall be used to raise the income limit to
9 one hundred percent of the federal poverty level;

10 (c) All persons who would be determined to be eligible for
11 permanent and total disability benefits under the eligibility
12 standards in effect December 31, 1973, as authorized by 42 U.S.C.
13 1396a(f); or less restrictive methodologies as contained in the
14 MO HealthNet state plan as of January 1, 2005; except that, on or
15 after July 1, 2005, less restrictive income methodologies, as
16 authorized in 42 U.S.C. Section 1396a(r)(2), may be used to
17 change the income limit if authorized by annual appropriations.
18 Eligibility standards for permanent and total disability benefits
19 shall not be limited by age;

20 (25) Persons who have been diagnosed with breast or
21 cervical cancer and who are eligible for coverage pursuant to 42
22 U.S.C. 1396a (a)(10)(A)(ii)(XVIII). Such persons shall be
23 eligible during a period of presumptive eligibility in accordance
24 with 42 U.S.C. 1396r-1;

25 (26) Effective August 28, 2013, persons who are in foster
26 care under the responsibility of the state of Missouri on the
27 date such persons attain the age of eighteen years, or at any
28 time during the thirty-day period preceding their eighteenth

1 birthday, without regard to income or assets, if such persons:

2 (a) Are under twenty-six years of age;

3 (b) Are not eligible for coverage under another mandatory
4 coverage group; and

5 (c) Were covered by Medicaid while they were in foster
6 care.

7 2. Rules and regulations to implement this section shall be
8 promulgated in accordance with chapter 536. Any rule or portion
9 of a rule, as that term is defined in section 536.010, that is
10 created under the authority delegated in this section shall
11 become effective only if it complies with and is subject to all
12 of the provisions of chapter 536 and, if applicable, section
13 536.028. This section and chapter 536 are nonseverable and if
14 any of the powers vested with the general assembly pursuant to
15 chapter 536 to review, to delay the effective date or to
16 disapprove and annul a rule are subsequently held
17 unconstitutional, then the grant of rulemaking authority and any
18 rule proposed or adopted after August 28, 2002, shall be invalid
19 and void.

20 3. After December 31, 1973, and before April 1, 1990, any
21 family eligible for assistance pursuant to 42 U.S.C. 601, et
22 seq., as amended, in at least three of the last six months
23 immediately preceding the month in which such family became
24 ineligible for such assistance because of increased income from
25 employment shall, while a member of such family is employed,
26 remain eligible for MO HealthNet benefits for four calendar
27 months following the month in which such family would otherwise
28 be determined to be ineligible for such assistance because of

1 income and resource limitation. After April 1, 1990, any family
2 receiving aid pursuant to 42 U.S.C. 601, et seq., as amended, in
3 at least three of the six months immediately preceding the month
4 in which such family becomes ineligible for such aid, because of
5 hours of employment or income from employment of the caretaker
6 relative, shall remain eligible for MO HealthNet benefits for six
7 calendar months following the month of such ineligibility as long
8 as such family includes a child as provided in 42 U.S.C. 1396r-6.
9 Each family which has received such medical assistance during the
10 entire six-month period described in this section and which meets
11 reporting requirements and income tests established by the
12 division and continues to include a child as provided in 42
13 U.S.C. 1396r-6 shall receive MO HealthNet benefits without fee
14 for an additional six months. The MO HealthNet division may
15 provide by rule and as authorized by annual appropriation the
16 scope of MO HealthNet coverage to be granted to such families.

17 4. When any individual has been determined to be eligible
18 for MO HealthNet benefits, such medical assistance will be made
19 available to him or her for care and services furnished in or
20 after the third month before the month in which he made
21 application for such assistance if such individual was, or upon
22 application would have been, eligible for such assistance at the
23 time such care and services were furnished; provided, further,
24 that such medical expenses remain unpaid.

25 5. The department of social services may apply to the
26 federal Department of Health and Human Services for a MO
27 HealthNet waiver amendment to the Section 1115 demonstration
28 waiver or for any additional MO HealthNet waivers necessary not

1 to exceed one million dollars in additional costs to the state,
2 unless subject to appropriation or directed by statute, but in no
3 event shall such waiver applications or amendments seek to waive
4 the services of a rural health clinic or a federally qualified
5 health center as defined in 42 U.S.C. 1396d(1)(1) and (2) or the
6 payment requirements for such clinics and centers as provided in
7 42 U.S.C. 1396a(a)(15) and 1396a(bb) unless such waiver
8 application is approved by the oversight committee created in
9 section 208.955. A request for such a waiver so submitted shall
10 only become effective by executive order not sooner than ninety
11 days after the final adjournment of the session of the general
12 assembly to which it is submitted, unless it is disapproved
13 within sixty days of its submission to a regular session by a
14 senate or house resolution adopted by a majority vote of the
15 respective elected members thereof, unless the request for such a
16 waiver is made subject to appropriation or directed by statute.

17 6. Notwithstanding any other provision of law to the
18 contrary, in any given fiscal year, any persons made eligible for
19 MO HealthNet benefits under subdivisions (1) to (22) of
20 subsection 1 of this section shall only be eligible if annual
21 appropriations are made for such eligibility. This subsection
22 shall not apply to classes of individuals listed in 42 U.S.C.
23 Section 1396a(a)(10)(A)(i).

24 217.703. 1. The division of probation and parole shall
25 award earned compliance credits to any offender who is:

26 (1) Not subject to lifetime supervision under sections
27 217.735 and 559.106 or otherwise found to be ineligible to earn
28 credits by a court pursuant to subsection 2 of this section;

1 (2) On probation, parole, or conditional release for an
2 offense listed in chapter 579, or an offense previously listed in
3 chapter 195, or for a class D or E felony, excluding the offenses
4 of stalking in the first degree, rape in the second degree,
5 sexual assault, sodomy in the second degree, deviate sexual
6 assault, assault in the second degree under subdivision (2) of
7 subsection 1 of section 565.052, sexual misconduct involving a
8 child, endangering the welfare of a child in the first degree
9 under subdivision (2) of subsection 1 of section 568.045, incest,
10 invasion of privacy, abuse of a child, and any offense of
11 aggravated stalking or assault in the second degree under
12 subdivision (2) of subsection 1 of section 565.060 as such
13 offenses existed prior to January 1, 2017;

14 (3) Supervised by the board; and

15 (4) In compliance with the conditions of supervision
16 imposed by the sentencing court or board.

17 2. If an offender was placed on probation, parole, or
18 conditional release for an offense of:

19 (1) Involuntary manslaughter in the second degree;

20 (2) Assault in the second degree except under subdivision
21 (2) of subsection 1 of section 565.052 or section 565.060 as it
22 existed prior to January 1, 2017;

23 (3) Domestic assault in the second degree;

24 (4) Assault in the third degree when the victim is a
25 special victim or assault of a law enforcement officer in the
26 second degree as it existed prior to January 1, 2017;

27 (5) Statutory rape in the second degree;

28 (6) Statutory sodomy in the second degree;

1 (7) Endangering the welfare of a child in the first degree
2 under subdivision (1) of subsection 1 of section 568.045; or

3 (8) Any case in which the defendant is found guilty of a
4 felony offense under chapter 571;

5
6 the sentencing court may, upon its own motion or a motion of the
7 prosecuting or circuit attorney, make a finding that the offender
8 is ineligible to earn compliance credits because the nature and
9 circumstances of the offense or the history and character of the
10 offender indicate that a longer term of probation, parole, or
11 conditional release is necessary for the protection of the public
12 or the guidance of the offender. The motion may be made any time
13 prior to the first month in which the person may earn compliance
14 credits under this section. The offender's ability to earn
15 credits shall be suspended until the court or board makes its
16 finding. If the court or board finds that the offender is
17 eligible for earned compliance credits, the credits shall begin
18 to accrue on the first day of the next calendar month following
19 the issuance of the decision.

20 3. Earned compliance credits shall reduce the term of
21 probation, parole, or conditional release by thirty days for each
22 full calendar month of compliance with the terms of supervision.
23 Credits shall begin to accrue for eligible offenders after the
24 first full calendar month of supervision or on October 1, 2012,
25 if the offender began a term of probation, parole, or conditional
26 release before September 1, 2012.

27 4. For the purposes of this section, the term "compliance"
28 shall mean the absence of an initial violation report submitted

1 by a probation or parole officer during a calendar month, or a
2 motion to revoke or motion to suspend filed by a prosecuting or
3 circuit attorney, against the offender.

4 5. Credits shall not accrue during any calendar month in
5 which a violation report has been submitted or a motion to revoke
6 or motion to suspend has been filed, and shall be suspended
7 pending the outcome of a hearing, if a hearing is held. If no
8 hearing is held or the court or board finds that the violation
9 did not occur, then the offender shall be deemed to be in
10 compliance and shall begin earning credits on the first day of
11 the next calendar month following the month in which the report
12 was submitted or the motion was filed. All earned credits shall
13 be rescinded if the court or board revokes the probation or
14 parole or the court places the offender in a department program
15 under subsection 4 of section 559.036. Earned credits shall
16 continue to be suspended for a period of time during which the
17 court or board has suspended the term of probation, parole, or
18 release, and shall begin to accrue on the first day of the next
19 calendar month following the lifting of the suspension.

20 6. Offenders who are deemed by the division to be
21 absconders shall not earn credits. For purposes of this
22 subsection, "absconder" shall mean an offender under supervision
23 who has left such offender's place of residency without the
24 permission of the offender's supervising officer for the purpose
25 of avoiding supervision. An offender shall no longer be deemed
26 an absconder when such offender is available for active
27 supervision.

28 7. Notwithstanding subsection 2 of section 217.730 to the

1 contrary, once the combination of time served in custody, if
2 applicable, time served on probation, parole, or conditional
3 release, and earned compliance credits satisfy the total term of
4 probation, parole, or conditional release, the board or
5 sentencing court shall order final discharge of the offender, so
6 long as the offender has completed at least two years of his or
7 her probation or parole, which shall include any time served in
8 custody under section 217.718 and sections 559.036 and 559.115.

9 8. The award or rescission of any credits earned under this
10 section shall not be subject to appeal or any motion for
11 postconviction relief.

12 9. At least twice a year, the division shall calculate the
13 number of months the offender has remaining on his or her term of
14 probation, parole, or conditional release, taking into
15 consideration any earned compliance credits, and notify the
16 offender of the length of the remaining term.

17 10. No less than sixty days before the date of final
18 discharge, the division shall notify the sentencing court, the
19 board, and, for probation cases, the circuit or prosecuting
20 attorney of the impending discharge. If the sentencing court,
21 the board, or the circuit or prosecuting attorney upon receiving
22 such notice does not take any action under subsection 5 of this
23 section, the offender shall be discharged under subsection 7 of
24 this section.

25 11. Any offender who was sentenced prior to January 1,
26 2017, to an offense that was eligible for earned compliance
27 credits under subsection 1 or 2 of this section at the time of
28 sentencing shall continue to remain eligible for earned

1 compliance credits so long as the offender meets all the other
2 requirements provided under this section.

3 12. The application of earned compliance credits shall be
4 suspended upon entry into a treatment court, as described in
5 sections 478.001 to 478.009, and shall remain suspended until the
6 offender is discharged from such treatment court. Upon
7 successful completion of treatment court, all earned compliance
8 credits accumulated during the suspension period shall be
9 retroactively applied, so long as the other terms and conditions
10 of probation have been successfully completed.

11 302.321. 1. A person commits the offense of driving while
12 revoked if such person operates a motor vehicle on a highway when
13 such person's license or driving privilege has been cancelled,
14 suspended, or revoked under the laws of this state or any other
15 state, excluding a person whose license is suspended solely
16 pursuant to section 302.341, and acts with criminal negligence
17 with respect to knowledge of the fact that such person's driving
18 privilege has been cancelled, suspended, or revoked.

19 2. Any person convicted of driving while revoked is guilty
20 of a misdemeanor. A first violation of this section shall be
21 punishable as a class D misdemeanor. A second or third violation
22 of this section shall be punishable as a class A misdemeanor.
23 Any person with no prior alcohol-related enforcement contacts as
24 defined in section 302.525, convicted a fourth or subsequent time
25 of driving while revoked or a county or municipal ordinance of
26 driving while suspended or revoked where the defendant was
27 represented by or waived the right to an attorney in writing, and
28 where the prior three driving-while-revoked offenses occurred

1 within ten years of the date of occurrence of the present
2 offense; and any person with a prior alcohol-related enforcement
3 contact as defined in section 302.525, convicted a third or
4 subsequent time of driving while revoked or a county or municipal
5 ordinance of driving while suspended or revoked where the
6 defendant was represented by or waived the right to an attorney
7 in writing, and where the prior two driving-while-revoked
8 offenses occurred within ten years of the date of occurrence of
9 the present offense and where the person received and served a
10 sentence of ten days or more on such previous offenses is guilty
11 of a class E felony. Except upon conviction as a first offense,
12 no court shall suspend the imposition of sentence as to such a
13 person nor sentence such person to pay a fine in lieu of a term
14 of imprisonment, nor shall such person be eligible for parole or
15 probation until such person has served a minimum of forty-eight
16 consecutive hours of imprisonment, unless as a condition of such
17 parole or probation, such person performs at least ten days
18 involving at least forty hours of community service under the
19 supervision of the court in those jurisdictions which have a
20 recognized program for community service. Driving while revoked
21 is a class E felony on the second or subsequent conviction
22 pursuant to section 577.010 or a fourth or subsequent conviction
23 for any other offense. Prior pleas of guilty and prior findings
24 of guilty shall be pleaded and proven in the same manner as
25 required by section 558.021.

26 3. A person who operates a motor vehicle while such
27 person's license is suspended solely pursuant to section 302.341
28 shall be deemed to not have a valid license pursuant to section

1 302.020.

2 302.341. 1. If a Missouri resident charged with a moving
3 traffic violation of this state or any county or municipality of
4 this state fails to dispose of the charges of which the resident
5 is accused through authorized prepayment of fine and court costs
6 and fails to appear on the return date or at any subsequent date
7 to which the case has been continued, or without good cause fails
8 to pay any fine or court costs assessed against the resident for
9 any such violation within the period of time specified or in such
10 installments as approved by the court or as otherwise provided by
11 law, any court having jurisdiction over the charges shall within
12 ten days of the failure to comply inform the defendant by
13 ordinary mail at the last address shown on the court records that
14 the court will order the director of revenue to suspend the
15 defendant's driving privileges if the charges are not disposed of
16 and fully paid within thirty days from the date of mailing.
17 Thereafter, if the defendant fails to timely act to dispose of
18 the charges and fully pay any applicable fines and court costs,
19 the court shall notify the director of revenue of such failure
20 and of the pending charges against the defendant. Upon receipt
21 of this notification, the director shall suspend the license of
22 the driver, effective immediately, and provide notice of the
23 suspension to the driver at the last address for the driver shown
24 on the records of the department of revenue. Such suspension
25 shall remain in effect until the court with the subject pending
26 charge requests setting aside the noncompliance suspension
27 pending final disposition, or satisfactory evidence of
28 disposition of pending charges and payment of fine and court

1 costs, if applicable, is furnished to the director by the
2 individual. The filing of financial responsibility with the
3 bureau of safety responsibility, department of revenue, shall not
4 be required as a condition of reinstatement of a driver's license
5 suspended solely under the provisions of this section.

6 2. Except as provided in subdivision (6) of subsection 1 of
7 section 479.353, the provisions of subsection 1 of this section
8 shall not apply to minor traffic violations as defined in section
9 479.350.

10 476.175. Notwithstanding section 109.180 to the contrary, a
11 judge may order that a civil judgment or any portion thereof be
12 sealed for good cause shown upon motion of a party and the
13 portion sealed shall not be subject to inspection or disclosure
14 by a public official or employee of the court, unless pursuant to
15 court order.

16 476.521. 1. Notwithstanding any provision of chapter 476
17 to the contrary, each person who first becomes a judge on or
18 after January 1, 2011, and continues to be a judge may receive
19 benefits as provided in sections [476.445] 476.450 to [476.688]
20 476.690 subject to the provisions of this section. However, any
21 person who filed as a candidate in 2010 to become a judge, was
22 ultimately elected and became a judge in 2011 as a result of such
23 election, was eligible in 2010 to receive a future annuity under
24 section 104.1084, and is a judge on the effective date of this
25 section, shall not be subject to the provisions of this section.

26 2. Any person who is at least sixty-seven years of age, has
27 served in this state an aggregate of at least twelve years,
28 continuously or otherwise, as a judge, and ceases to hold office

1 by reason of the expiration of the judge's term, voluntary
2 resignation, or retirement pursuant to the provisions of
3 Subsection 2 of Section 24 of Article V of the Constitution of
4 Missouri may receive benefits as provided in sections 476.515 to
5 476.565. The twelve-year requirement of this subsection may be
6 fulfilled by service as judge in any of the courts covered, or by
7 service in any combination as judge of such courts, totaling an
8 aggregate of twelve years. Any judge who is at least sixty-seven
9 years of age and who has served less than twelve years and is
10 otherwise qualified under sections 476.515 to 476.565 may retire
11 after reaching age sixty-seven, or thereafter, at a reduced
12 retirement compensation in a sum equal to the proportion of the
13 retirement compensation provided in section 476.530 that his or
14 her period of judicial service bears to twelve years.

15 3. Any person who is at least sixty-two years of age or
16 older, has served in this state an aggregate of at least twenty
17 years, continuously or otherwise, as a judge, and ceases to hold
18 office by reason of the expiration of the judge's term, voluntary
19 resignation, or retirement pursuant to the provisions of
20 Subsection 2 of Section 24 of Article V of the Constitution of
21 Missouri may receive benefits as provided in sections 476.515 to
22 476.565. The twenty-year requirement of this subsection may be
23 fulfilled by service as a judge in any of the courts covered, or
24 by service in any combination as judge of such courts, totaling
25 an aggregate of twenty years. Any judge who is at least
26 sixty-two years of age and who has served less than twenty years
27 and is otherwise qualified under sections 476.515 to 476.565 may
28 retire after reaching age sixty-two, at a reduced retirement

1 compensation in a sum equal to the proportion of the retirement
2 compensation provided in section 476.530 that his or her period
3 of judicial service bears to twenty years.

4 4. All judges under this section required by the provisions
5 of Section 26 of Article V of the Constitution of Missouri to
6 retire at the age of seventy years shall retire upon reaching
7 that age.

8 5. The provisions of sections 104.344, 476.524, and 476.690
9 shall not apply to judges covered by this section.

10 6. A judge shall be required to contribute four percent of
11 the judge's compensation to the retirement system, which shall
12 stand to the judge's credit in his or her individual account with
13 the system, together with investment credits thereon, for
14 purposes of funding retirement benefits payable as provided in
15 sections 476.515 to 476.565, subject to the following provisions:

16 (1) The state of Missouri employer, pursuant to the
17 provisions of 26 U.S.C. Section 414(h)(2), shall pick up and pay
18 the contributions that would otherwise be payable by the judge
19 under this section. The contributions so picked up shall be
20 treated as employer contributions for purposes of determining the
21 judge's compensation that is includable in the judge's gross
22 income for federal income tax purposes;

23 (2) Judge contributions picked up by the employer shall be
24 paid from the same source of funds used for the payment of
25 compensation to a judge. A deduction shall be made from each
26 judge's compensation equal to the amount of the judge's
27 contributions picked up by the employer. This deduction,
28 however, shall not reduce the judge's compensation for purposes

1 of computing benefits under the retirement system pursuant to
2 this chapter;

3 (3) Judge contributions so picked up shall be credited to a
4 separate account within the judge's individual account so that
5 the amounts contributed pursuant to this section may be
6 distinguished from the amounts contributed on an after-tax basis;

7 (4) The contributions, although designated as employee
8 contributions, are being paid by the employer in lieu of the
9 contributions by the judge. The judge shall not have the option
10 of choosing to receive the contributed amounts directly instead
11 of having them paid by the employer to the retirement system;

12 (5) Interest shall be credited annually on June thirtieth
13 based on the value in the account as of July first of the
14 immediately preceding year at a rate of four percent. Interest
15 credits shall cease upon retirement of the judge;

16 (6) A judge whose employment is terminated may request a
17 refund of his or her contributions and interest credited thereon.
18 If such judge is married at the time of such request, such
19 request shall not be processed without consent from the spouse.
20 A judge is not eligible to request a refund if the judge's
21 retirement benefit is subject to a division of benefit order
22 pursuant to section 104.312. Such refund shall be paid by the
23 system after ninety days from the date of termination of
24 employment or the request, whichever is later and shall include
25 all contributions made to any retirement plan administered by the
26 system and interest credited thereon. A judge may not request a
27 refund after such judge becomes eligible for retirement benefits
28 under sections 476.515 to 476.565. A judge who receives a refund

1 shall forfeit all the judge's service and future rights to
2 receive benefits from the system and shall not be eligible to
3 receive any long-term disability benefits; provided that any
4 judge or former judge receiving long-term disability benefits
5 shall not be eligible for a refund. If such judge subsequently
6 becomes a judge and works continuously for at least one year, the
7 service previously forfeited shall be restored if the judge
8 returns to the system the amount previously refunded plus
9 interest at a rate established by the board;

10 (7) The beneficiary of any judge who made contributions
11 shall receive a refund upon the judge's death equal to the
12 amount, if any, of such contributions less any retirement
13 benefits received by the judge unless an annuity is payable to a
14 survivor or beneficiary as a result of the judge's death. In
15 that event, the beneficiary of the survivor or beneficiary who
16 received the annuity shall receive a refund upon the survivor's
17 or beneficiary's death equal to the amount, if any, of the
18 judge's contributions less any annuity amounts received by the
19 judge and the survivor or beneficiary.

20 7. The employee contribution rate, the benefits provided
21 under sections 476.515 to 476.565 to judges covered under this
22 section, and any other provision of sections 476.515 to 476.565
23 with regard to judges covered under this section may be altered,
24 amended, increased, decreased, or repealed, but only with respect
25 to services rendered by the judge after the effective date of
26 such alteration, amendment, increase, decrease, or repeal, or,
27 with respect to interest credits, for periods of time after the
28 effective date of such alteration, amendment, increase, decrease,

1 or repeal.

2 8. Any judge who is receiving retirement compensation under
3 section 476.529 or 476.530 who becomes employed as an employee
4 eligible to participate in the closed plan or in the year 2000
5 plan under chapter 104, shall not receive such retirement
6 compensation for any calendar month in which the retired judge is
7 so employed. Any judge who is receiving retirement compensation
8 under section 476.529 or section 476.530 who subsequently serves
9 as a judge as defined pursuant to subdivision (4) of subsection 1
10 of section 476.515 shall not receive such retirement compensation
11 for any calendar month in which the retired judge is serving as a
12 judge; except that upon retirement such judge's annuity shall be
13 recalculated to include any additional service or salary accrued
14 based on the judge's subsequent service. A judge who is
15 receiving compensation under section 476.529 or 476.530 may
16 continue to receive such retirement compensation while serving as
17 a senior judge or senior commissioner and shall receive
18 additional credit and salary for such service pursuant to section
19 476.682.

20 478.001. 1. For purposes of sections 478.001 to 478.009,
21 the following terms mean:

22 (1) "Adult treatment court", a treatment court focused on
23 addressing the substance use disorder or co-occurring disorder of
24 defendants charged with a criminal offense;

25 (2) "Community-based substance use disorder treatment
26 program", an agency certified by the department of mental health
27 as a substance use disorder treatment provider;

28 (3) "Co-occurring disorder", the coexistence of both a

1 substance use disorder and a mental health disorder;

2 (4) "DWI court", a treatment court focused on addressing
3 the substance use disorder or co-occurring disorder of defendants
4 who have pleaded guilty or been found guilty of driving while
5 intoxicated or driving with an excessive blood alcohol content;

6 (5) "Family treatment court", a treatment court focused on
7 addressing a substance use disorder or co-occurring disorder
8 existing in families in the juvenile court, family court, or
9 criminal court in which a parent or other household member has
10 been determined to have a substance use disorder or co-occurring
11 disorder that impacts the safety and well-being of the children
12 in the family;

13 (6) "Juvenile treatment court", a treatment court focused
14 on addressing the substance use disorder or co-occurring disorder
15 of juveniles in the juvenile court;

16 (7) "Medication-assisted treatment", the use of
17 pharmacological medications, in combination with counseling and
18 behavioral therapies, to provide a whole-patient approach to the
19 treatment of substance use disorders;

20 (8) "Mental health disorder", any organic, mental, or
21 emotional impairment which has substantial adverse effects on a
22 person's cognitive, volitional, or emotional function and which
23 constitutes a substantial impairment in a person's ability to
24 participate in activities of normal living;

25 (9) "Risk and needs assessment", an actuarial tool,
26 approved by the treatment court coordinating commission and
27 validated on a targeted population of drug-involved adult
28 offenders, scientifically proven to determine a person's risk to

1 recidivate and to identify criminal risk factors that, when
2 properly addressed, can reduce that person's likelihood of
3 committing future criminal behavior;

4 (10) "Substance use disorder", when an individual
5 experiences the recurrent use of alcohol or drugs which causes
6 clinically significant impairment, including health problems,
7 disability, and failure to meet major responsibilities at work,
8 school, or home;

9 (11) "Treatment court commissioner", a person appointed by
10 a majority of the circuit and associate circuit judges in a
11 circuit to preside as the judicial officer in the treatment court
12 division;

13 (12) "Treatment court division", a specialized,
14 nonadversarial court division with jurisdiction over cases
15 involving substance-involved offenders and making extensive use
16 of comprehensive supervision, drug or alcohol testing, and
17 treatment services. Treatment court divisions include, but are
18 not limited to, the following specialized courts: adult
19 treatment court, DWI court, family treatment court, juvenile
20 treatment court, veterans treatment court, or any combination
21 thereof;

22 (13) "Treatment court team", consists of the following
23 members who are assigned to the treatment court: the judge or
24 treatment court commissioner, treatment court administrator or
25 coordinator, the prosecutor, the public defender or member of the
26 criminal defense bar, a representative from the department of
27 probation and parole, a representative from law enforcement,
28 substance use disorder treatment providers, and any other person

1 selected by the treatment court team;

2 (14) "Veterans treatment court", a treatment court focused
3 on the substance use disorder, co-occurring disorder, or mental
4 health disorder of defendants charged with a criminal offense who
5 are military veterans or current military personnel.

6 2. [Drug courts] A treatment court division may be
7 established by [any] each circuit court pursuant to sections
8 478.001 to [478.006] 478.009 to provide an alternative for the
9 judicial system to dispose of cases which stem from [drug] or are
10 otherwise impacted by substance use. The treatment court
11 division shall include, but not be limited to, cases assigned to
12 an adult treatment court, DWI court, family treatment court,
13 juvenile treatment court, veterans treatment court, or any
14 combination thereof. A [drug] treatment court shall combine
15 judicial supervision, drug or alcohol testing and treatment of
16 [drug court] participants. Except for good cause found by the
17 court, a [drug] treatment court making a referral for substance
18 [abuse] use disorder treatment, when such program will receive
19 state or federal funds in connection with such referral, shall
20 refer the person only to a program which is certified by the
21 department of mental health, unless no appropriate certified
22 treatment program is located within the same county as the [drug]
23 treatment court. Upon successful completion of the treatment
24 court program, the charges, petition, or penalty against a [drug]
25 treatment court participant may be dismissed, reduced, or
26 modified, unless otherwise stated. Any fees received by a court
27 from a defendant as payment for substance treatment programs
28 shall not be considered court costs, charges or fines.

1 3. An adult treatment court may be established by any
2 circuit court under sections 478.001 to 478.009 to provide an
3 alternative for the judicial system to dispose of cases which
4 stem from substance use.

5 [2.] 4. Under sections 478.001 to [~~478.007~~] 478.009, a DWI
6 [~~docket~~] court may be established by a circuit court[, or any
7 county with a charter form of government and with more than six
8 hundred thousand but fewer than seven hundred thousand
9 inhabitants with a county municipal court established under
10 section 66.010,] to provide an alternative for the judicial
11 system to dispose of cases which stem from driving while
12 intoxicated. [A drug court commissioner may serve as a
13 commissioner in a DWI court or any other treatment or
14 problem-solving court as designated by the drug court
15 coordinating commission. Drug court commissioners may serve in
16 counties other than the county they are appointed upon agreement
17 by the presiding judge of that circuit and assignment by the
18 supreme court.]

19 5. A family treatment court within the treatment court
20 division may be established by a circuit court. The juvenile
21 division of the circuit court or the family court, if one is
22 established under section 487.010, may refer one or more parents
23 or other household members subject to its jurisdiction to the
24 family treatment court when he or she has been determined to have
25 a substance use disorder or co-occurring disorder which impacts
26 the safety and well-being of the children in the family.

27 6. A juvenile treatment court within the treatment court
28 division may be established by the juvenile division of any

1 circuit court. The juvenile division may refer juveniles to the
2 juvenile treatment court when the juvenile is determined to have
3 committed acts that violate the criminal laws of the state or
4 ordinances of the municipalities of the county and a substance
5 use disorder or co-occurring disorder contributed to the
6 commission of the offense.

7 7. A veterans treatment court may be established by any
8 circuit court, or combination of circuit courts, upon agreement
9 of the presiding judges of such circuit courts to provide an
10 alternative for the judicial system to dispose of cases which
11 stem from substance use or a mental health disorder of military
12 veterans or current military personnel. A veterans treatment
13 court shall combine judicial supervision, drug or alcohol
14 testing, and substance use and mental health treatment to
15 participants who have served or are currently serving the United
16 States Armed Forces, including members of the Reserves, National
17 Guard, or state guard. Except for good cause found by the court,
18 a veterans treatment court shall make a referral for substance
19 use or mental health treatment, or a combination of substance use
20 and mental health treatment, through the Department of Defense
21 health care, the Veterans Administration, or a community-based
22 substance use disorder treatment program. Community-based
23 programs utilized shall receive state or federal funds in
24 connection with such referral and shall only refer the individual
25 to a program which is certified by the department of mental
26 health, unless no appropriate certified treatment program is
27 located within the same county as the veterans treatment court.

28 478.003. 1. In any judicial circuit of this state, a

1 majority of the judges of the circuit court may designate a judge
2 to hear cases arising in the circuit subject to the provisions of
3 sections 478.001 to ~~[478.007]~~ 478.009. In lieu thereof and
4 subject to appropriations or other funds available for such
5 purpose, a majority of the judges of the circuit court may
6 appoint a person or persons to act as ~~[drug]~~ treatment court
7 commissioners. Each commissioner shall be appointed for a term
8 of four years, but may be removed at any time by a majority of
9 the judges of the circuit court. The qualifications ~~[and]~~,
10 compensation, and retirement benefits of the commissioner shall
11 be the same as that of an associate circuit judge. If the
12 compensation of a commissioner appointed pursuant to this section
13 is provided from other than state funds, the source of such fund
14 shall pay to and reimburse the state for the actual costs of the
15 salary and benefits of the commissioner. The commissioner shall
16 have all the powers and duties of a circuit judge, except that
17 any order, judgment or decree of the commissioner shall be
18 confirmed or rejected by an associate circuit or circuit judge by
19 order of record entered within the time the judge could set aside
20 such order, judgment or decree had the same been made by the
21 judge. If so confirmed, the order, judgment or decree shall have
22 the same effect as if made by the judge on the date of its
23 confirmation.

24 2. The supreme court may assign a treatment court
25 commissioner to serve in the treatment court division of a
26 circuit other than the circuit in which the commissioner is
27 appointed. The transfer shall only be ordered with the consent
28 and approval of the presiding circuit judge of the circuit to

1 which the commissioner is to be assigned.

2 3. A treatment court commissioner may serve as a
3 commissioner in any treatment court as designated by the
4 treatment court coordinating commission, subject to local court
5 rules.

6 478.004. 1. [As used in this section, "medication-assisted
7 treatment" means the use of pharmacological medications, in
8 combination with counseling and behavioral therapies, to provide
9 a whole patient approach to the treatment of substance use
10 disorders.] The treatment court team shall, when practicable,
11 conduct a meeting prior to each treatment court session to
12 discuss and provide updated information regarding the treatment
13 court participant. After determining his or her progress or lack
14 thereof, the treatment court team shall consider the appropriate
15 incentive or sanction to be applied, and the court shall make the
16 final decision based on information presented in the meeting.

17 2. In any criminal case in the circuit, if it is determined
18 that the defendant meets the criteria for eligibility in the
19 treatment court, the judge presiding over the criminal case may
20 order the defendant to the treatment court division for
21 treatment:

22 (1) Prior to the entry of the sentence, excluding suspended
23 imposition of sentence (SIS), if the prosecuting attorney
24 consents;

25 (2) As a condition of probation; or

26 (3) Upon consideration of a motion to revoke probation.

27 3. A circuit that has established a treatment court
28 division under this chapter may accept participants from any

1 other jurisdiction in this state based upon either the residence
2 of the participant in the receiving jurisdiction or the
3 unavailability of a treatment court in the transferring
4 jurisdiction. The transfer may occur at any time during the
5 proceedings including, but not limited to, prior to adjudication
6 and during periods when the participant is on probation. The
7 receiving court shall have jurisdiction to impose a sentence,
8 including, but not limited to, sanctions, incentives,
9 incarceration, and phase changes. A transfer under this
10 subsection is not valid unless it is agreed to by all of the
11 following:

12 (1) The parties to the action;

13 (2) The judge or commissioner of the transferring court;

14 and

15 (3) The judge or commissioner of the receiving treatment
16 court.

17
18 If the party assigned to treatment court is terminated from the
19 treatment court, the case shall be returned to the transferring
20 court for disposition.

21 4. If a [drug] treatment court [or veterans court]
22 participant requires treatment for opioid or other substance
23 misuse or dependence, a [drug] treatment court [or veterans
24 court] shall not prohibit such participant from participating in
25 and receiving medication-assisted treatment under the care of a
26 physician licensed in this state to practice medicine. A [drug]
27 treatment court [or veterans court] participant shall not be
28 required to refrain from using medication-assisted treatment as a

1 term or condition of successful completion of the [drug]
2 treatment court program.

3 [3.] 5. A [drug] treatment court [or veterans court]
4 participant assigned to a treatment program for opioid or other
5 substance misuse or dependence shall not be in violation of the
6 terms or conditions of the [drug] treatment court [or veterans
7 court] on the basis of his or her participation in
8 medication-assisted treatment under the care of a physician
9 licensed in this state to practice medicine.

10 478.005. 1. Each circuit court shall establish conditions
11 for referral of proceedings to the [drug] treatment court
12 division. [The defendant in any criminal proceeding accepted by
13 a drug court for disposition shall be a nonviolent person, as
14 determined by the prosecuting attorney. Any proceeding accepted
15 by the drug court program for disposition shall be upon agreement
16 of the parties.] Each treatment court within a treatment court
17 division shall establish criteria upon which a person is deemed
18 eligible for that specific treatment court and for determining
19 successful completion of the treatment court program.

20 2. Any statement made by a participant as part of
21 participation in the [drug] treatment court program, or any
22 report made by the staff of the program, shall not be admissible
23 as evidence against the participant in any criminal, juvenile or
24 civil proceeding. Notwithstanding the foregoing, termination
25 from the [drug] treatment court program and the reasons for
26 termination may be considered in sentencing or disposition.

27 3. Notwithstanding any other provision of law to the
28 contrary, [drug] treatment court staff shall be provided with

1 access to all records of any state or local government agency
2 relevant to the treatment of any program participant. Upon
3 general request, employees of all such agencies shall fully
4 inform [a drug] treatment court staff of all matters relevant to
5 the treatment of the participant. All such records and reports
6 and the contents thereof shall be treated as closed records and
7 shall not be disclosed to any person outside of the [drug]
8 treatment court, and shall be maintained by the court in a
9 confidential file not available to the public.

10 478.007. 1. Any circuit court[, or any county with a
11 charter form of government and with more than six hundred
12 thousand but fewer than seven hundred thousand inhabitants with a
13 county municipal court established under section 66.010,] may
14 establish a [docket or] court within the treatment court division
15 to provide an alternative for the judicial system to dispose of
16 cases in which a person has pleaded guilty to driving while
17 intoxicated or driving with excessive blood alcohol content and:

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

21 (2) The person has previously pleaded guilty to or has been
22 found guilty of one or more intoxication-related traffic offenses
23 as defined by [section 577.023] sections 577.001 and 577.010; or

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

26 2. This [docket or] court shall combine judicial
27 supervision, drug or alcohol testing, continuous alcohol
28 monitoring, or verifiable breath alcohol testing [performed a

1 minimum of four times per day], substance abuse traffic offender
2 program compliance, and treatment of DWI court participants. The
3 court may assess any and all necessary costs for participation in
4 DWI court against the participant. Any money received from such
5 assessed costs by a court from a defendant shall not be
6 considered court costs, charges, or fines. This [docket or]
7 court [may] shall operate in conjunction with a [drug] treatment
8 court established pursuant to sections 478.001 to [478.006]
9 478.009.

10 3. If the division of probation and parole is otherwise
11 unavailable to assist in the judicial supervision of any person
12 who wishes to enter a DWI court, a court-approved private
13 probation service may be utilized by the DWI court to fill the
14 division's role. In such case, any and all necessary additional
15 costs may be assessed against the participant. No person shall
16 be rejected from participating in DWI court solely for the reason
17 that the person does not reside in the city or county where the
18 applicable DWI court is located but the DWI court can base
19 acceptance into a treatment court program on its ability to
20 adequately provide services for the person or handle the
21 additional caseload.

22 478.009. 1. In order to coordinate the allocation of
23 resources available to [drug] treatment courts [and the dockets
24 or courts] established by section [478.007] 478.001 throughout
25 the state, there is hereby established a "[Drug] Treatment Courts
26 Coordinating Commission" in the judicial department. The [drug]
27 treatment courts coordinating commission shall consist of one
28 member selected by the director of the department of corrections;

1 one member selected by the director of the department of social
2 services; one member selected by the director of the department
3 of mental health; one member selected by the director of the
4 department of public safety; one member selected by the state
5 courts administrator; and ~~[three]~~ five members selected by the
6 supreme court, one of which shall be a representative of the
7 prosecuting attorneys of the state and one of which shall be a
8 representative of the criminal defense bar of the state. The
9 supreme court shall designate the chair of the commission. The
10 commission shall periodically meet at the call of the chair;
11 evaluate resources available for assessment and treatment of
12 persons assigned to ~~[drug]~~ treatment courts or for the operation
13 of ~~[drug]~~ treatment courts; secure grants, funds and other
14 property and services necessary or desirable to facilitate ~~[drug]~~
15 treatment court operation; and allocate such resources among the
16 various ~~[drug]~~ treatment courts operating within the state.

17 2. The commission shall establish standards and practices
18 for the various courts of the treatment court divisions, taking
19 into consideration guidelines and principles based on current
20 research and findings relating to practices shown to reduce
21 recidivism of offenders with a substance use disorder or
22 co-occurring disorder.

23 3. Each treatment court division shall adopt policies and
24 practices that are consistent with the standards and practices
25 published by the commission.

26 4. The commission, in cooperation with the office of state
27 courts administrator, shall provide technical assistance to
28 treatment courts to assist them with the implementation of

1 policies and practices consistent with the standards adopted by
2 the commission.

3 5. A circuit court that operates a treatment court division
4 shall adhere to the commission's published standards and
5 practices in order to operate and be recognized as a functioning
6 treatment court division.

7 6. Treatment courts that do not comply with the
8 commission's standards shall be subject to administrative action.
9 The administrative action shall prohibit that treatment court
10 from accepting any new admissions and shall require a written
11 plan for the completion of treatment for any existing
12 participants be submitted to the commission and the office of
13 state courts administrator. A treatment court receiving
14 administrative action may request authorization for the
15 continuance of operations for a specified period of time. A
16 request for authorization for continuance of operations shall
17 include a plan of improvement and proposals that would allow for
18 the continued operation for a specified period of time.

19 7. Treatment court programs that collect or assess fees
20 shall follow guidelines established by the commission.

21 8. Treatment court programs shall enter data in the
22 approved statewide case management system as specified by the
23 commission.

24 9. There is hereby established in the state treasury a
25 "[Drug] Treatment Court Resources Fund", which shall be
26 administered by the [drug] treatment courts coordinating
27 commission. Funds available for allocation or distribution by
28 the [drug] treatment courts coordinating commission may be

1 deposited into the [drug] treatment court resources fund.
2 Notwithstanding the provisions of section 33.080 to the contrary,
3 moneys in the [drug] treatment court resources fund shall not be
4 transferred or placed to the credit of the general revenue fund
5 of the state at the end of each biennium, but shall remain
6 deposited to the credit of the [drug] treatment court resources
7 fund.

8 10. After a date determined by the commission, funds from
9 the treatment court resources fund shall be awarded only to
10 treatment courts which are in compliance with the standards and
11 practices published by the commission.

12 478.466. 1. In the sixteenth judicial circuit consisting
13 of the county of Jackson, a majority of the court en banc may
14 appoint one person, who shall possess the same qualifications as
15 an associate circuit judge, to act as [drug] treatment court
16 commissioner. The commissioner shall be appointed for a term of
17 four years. The compensation of the commissioner shall be the
18 same as that of an associate circuit judge and shall be paid out
19 of the same source as the compensation of all other [drug]
20 treatment court commissioners in the state. The retirement
21 benefits of such commissioner shall be the same as those of an
22 associate circuit judge, payable in the same manner and from the
23 same source as those of an associate circuit judge. Subject to
24 approval or rejection by a circuit judge, the commissioner shall
25 have all the powers and duties of a circuit judge. A circuit
26 judge shall by order of record reject or confirm any order,
27 judgment and decree of the commissioner within the time the judge
28 could set aside such order, judgment or decree had the same been

1 made by him. If so confirmed, the order, judgment or decree
2 shall have the same effect as if made by the judge on the date of
3 its confirmation.

4 2. The court administrator of the sixteenth judicial
5 circuit shall charge and collect a surcharge of thirty dollars in
6 all proceedings assigned to the [drug] treatment commissioner for
7 disposition, provided that the surcharge shall not be charged in
8 any proceeding when costs are waived or are to be paid by the
9 state, county or municipality. Moneys obtained from such
10 surcharge shall be collected and disbursed in the manner provided
11 by sections 488.010 to 488.020 and payable to the [drug]
12 treatment commissioner for operation of the [drug] treatment
13 court.

14 478.550. 1. There shall be four circuit judges in the
15 twenty-third judicial circuit consisting of the county of
16 Jefferson. These judges shall sit in divisions numbered one,
17 two, three and four. Beginning on January 1, 2007, there shall
18 be six circuit judges in the twenty-third judicial district and
19 these judges shall sit in divisions numbered one, two, three,
20 four, five, and six. The division eleven associate circuit judge
21 position and the division twelve associate circuit judge shall
22 become circuit judge positions beginning January 1, 2007. The
23 division eleven associate circuit judge shall be numbered as
24 division five and the division twelve associate circuit judge
25 shall be numbered as division six.

26 2. The circuit judge in division three shall be elected in
27 1980. The circuit judges in divisions one and four shall be
28 elected in 1982. The circuit judge in division two shall be

1 elected in 1984. The circuit judges in divisions five and six
2 shall be elected for a six-year term in 2006.

3 3. Beginning January 1, 2007, the family court commissioner
4 position in the twenty-third judicial district appointed under
5 section 487.020 shall become an associate circuit judge position
6 in all respects and shall be designated as division eleven. This
7 position may retain the duties and responsibilities with regard
8 to the family court. The associate circuit judge in division
9 eleven shall be elected in 2006 for a full four-year term. This
10 associate circuit judgeship shall not be included in the
11 statutory formula for authorizing additional associate circuit
12 judgeships per county under section 478.320.

13 4. Beginning January 1, 2007, the **[drug]** treatment court
14 commissioner position in the twenty-third judicial district
15 appointed under section 478.003 shall become an associate circuit
16 judge position in all respects and shall be designated as
17 division twelve. This position may retain the duties and
18 responsibilities with regard to the **[drug]** treatment court. The
19 associate circuit judge in division twelve shall be elected in
20 2006 for a full four-year term. This associate circuit judgeship
21 shall not be included in the statutory formula for authorizing
22 additional associate circuit judgeships per county under section
23 478.320.

24 478.600. 1. There shall be four circuit judges in the
25 eleventh judicial circuit. These judges shall sit in divisions
26 numbered one, two, three and four. Beginning on January 1, 2007,
27 there shall be six circuit judges in the eleventh judicial
28 circuit and these judges shall sit in divisions numbered one,

1 two, three, four, five, and seven. The division five associate
2 circuit judge position and the division seven associate circuit
3 judge position shall become circuit judge positions beginning
4 January 1, 2007, and shall be numbered as divisions five and
5 seven.

6 2. The circuit judge in division two shall be elected in
7 1980. The circuit judge in division four shall be elected in
8 1982. The circuit judge in division one shall be elected in
9 1984. The circuit judge in division three shall be elected in
10 1992. The circuit judges in divisions five and seven shall be
11 elected for a six-year term in 2006.

12 3. Beginning January 1, 2007, the family court commissioner
13 positions in the eleventh judicial circuit appointed under
14 section 487.020 shall become associate circuit judge positions in
15 all respects and shall be designated as divisions nine and ten
16 respectively. These positions may retain the duties and
17 responsibilities with regard to the family court. The associate
18 circuit judges in divisions nine and ten shall be elected in 2006
19 for full four-year terms.

20 4. Beginning on January 1, 2007, the **[drug]** treatment court
21 commissioner position in the eleventh judicial circuit appointed
22 under section 478.003 shall become an associate circuit judge
23 position in all respects and shall be designated as division
24 eleven. This position retains the duties and responsibilities
25 with regard to the **[drug]** treatment court. Such associate
26 circuit judge shall be elected in 2006 for a full four-year term.
27 This associate circuit judgeship shall not be included in the
28 statutory formula for authorizing additional associate circuit

1 judgeships per county under section 478.320.

2 5. Beginning in fiscal year 2015, there shall be one
3 additional associate circuit judge position in the eleventh
4 judicial circuit. The associate circuit judge shall be elected
5 in 2016. This associate circuit judgeship shall not be included
6 in the statutory formula for authorizing additional circuit
7 judgeships per county under section 478.320.

8 478.716. Beginning January 1, 2007, there is hereby created
9 a state-funded [drug] treatment court commissioner position in
10 the forty-second judicial circuit.

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

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

25 3. No person shall serve as a municipal judge of any
26 municipality with a population of seven thousand five hundred or
27 more or of any municipality in a county of the first class with a
28 charter form of government unless the person is licensed to

1 practice law in this state unless, prior to January 2, 1979, such
2 person has served as municipal judge of that same municipality
3 for at least two years.

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

9 5. Judges selected under the provisions of this section
10 shall be municipal judges of the circuit court and shall be
11 divisions of the circuit court of the circuit in which the
12 municipality, or major geographical portion thereof, is located.
13 The judges of these municipal divisions shall be subject to the
14 rules of the circuit court which are not inconsistent with the
15 rules of the supreme court. The presiding judge of the circuit
16 shall have general administrative authority over the judges and
17 court personnel of the municipal divisions within the circuit.

18 6. No municipal judge shall hold any other office in the
19 municipality which the municipal judge serves as judge. The
20 compensation of any municipal judge and other court personnel
21 shall not be dependent in any way upon the number of cases tried,
22 the number of guilty verdicts reached or the amount of fines
23 imposed or collected.

24 7. Municipal judges shall be at least twenty-one years of
25 age. No person shall serve as municipal judge after that person
26 has reached that person's seventy-fifth birthday.

27 8. Within six months after selection for the position, each
28 municipal judge who is not licensed to practice law in this state

1 shall satisfactorily complete the course of instruction for
2 municipal judges prescribed by the supreme court. The state
3 courts administrator shall certify to the supreme court the names
4 of those judges who satisfactorily complete the prescribed
5 course. If a municipal judge fails to complete satisfactorily
6 the prescribed course within six months after the municipal
7 judge's selection as municipal judge, the municipal judge's
8 office shall be deemed vacant and such person shall not
9 thereafter be permitted to serve as a municipal judge, nor shall
10 any compensation thereafter be paid to such person for serving as
11 municipal judge.

12 9. No municipal judge shall serve as a municipal judge in
13 more than five municipalities at one time. A court that serves
14 more than one municipality shall be treated as a single
15 municipality for the purposes of this subsection.

16 479.190. 1. Any judge hearing violations of municipal
17 ordinances may, when in his judgment it may seem advisable, grant
18 a parole or probation to any person who shall plead guilty or who
19 shall be convicted after a trial before such judge. When a
20 person is placed on probation he shall be given a certificate
21 explicitly stating the conditions on which he is being released.

22 2. In addition to such other authority as exists to order
23 conditions of probation, the court may order conditions which the
24 court believes will serve to compensate the victim of the crime,
25 any dependent of the victim, or society in general. Such
26 conditions may include, but need not be limited to:

27 (1) Restitution to the victim or any dependent of the
28 victim, in an amount to be determined by the judge; and

1 (2) The performance of a designated amount of free work for
2 a public or charitable purpose, or purposes, as determined by the
3 judge.

4 3. A person may refuse probation conditioned on the
5 performance of free work. If he does so, the court shall decide
6 the extent or duration of sentence or other disposition to be
7 imposed and render judgment accordingly. Any county, city,
8 person, organization, or agency, or employee of a county, city,
9 organization or agency charged with the supervision of such free
10 work or who benefits from its performance shall be immune from
11 any suit by the person placed on parole or probation or any
12 person deriving a cause of action from him if such cause of
13 action arises from such supervision of performance, except for
14 intentional torts or gross negligence. The services performed by
15 the probationer or parolee shall not be deemed employment within
16 the meaning of the provisions of chapter 288.

17 4. The court may modify or enlarge the conditions of
18 probation at any time prior to the expiration or termination of
19 the probation term.

20 5. No municipal judge, municipal court personnel, or any
21 prosecutor designated by the municipality or personnel assigned
22 thereto shall supervise or have authority to hire, fire, or
23 discipline any probation officer or probation personnel assigned
24 by the municipality to perform the duties of probation or parole.
25 This subsection shall not apply to any home rule city with more
26 than ninety thousand but fewer than one hundred eight thousand
27 inhabitants and partially located in any county with a charter
28 form of government and with more than six hundred thousand but

1 fewer than seven hundred thousand inhabitants.

2 479.353. 1. Notwithstanding any provisions to the
3 contrary, the following conditions shall apply to minor traffic
4 violations and municipal ordinance violations:

5 (1) The court shall not assess a fine, if combined with the
6 amount of court costs, totaling in excess of:

7 (a) Two hundred twenty-five dollars for minor traffic
8 violations; and

9 (b) For municipal ordinance violations committed within a
10 twelve-month period beginning with the first violation: two
11 hundred dollars for the first municipal ordinance violation, two
12 hundred seventy-five dollars for the second municipal ordinance
13 violation, three hundred fifty dollars for the third municipal
14 ordinance violation, and four hundred fifty dollars for the
15 fourth and any subsequent municipal ordinance violations;

16 (2) The court shall not sentence a person to confinement,
17 except the court may sentence a person to confinement for any
18 violation involving alcohol or controlled substances, violations
19 endangering the health or welfare of others, or eluding or giving
20 false information to a law enforcement officer;

21 (3) A person shall not be placed in confinement for failure
22 to pay a fine unless such nonpayment violates terms of probation
23 or unless the due process procedures mandated by Missouri supreme
24 court rule 37.65 or its successor rule are strictly followed by
25 the court;

26 (4) Court costs that apply shall be assessed against the
27 defendant unless the court finds that the defendant is indigent
28 based on standards set forth in determining such by the presiding

1 judge of the circuit. Such standards shall reflect model rules
2 and requirements to be developed by the supreme court; [and]

3 (5) No court costs shall be assessed if the defendant is
4 found to be indigent under subdivision (4) of this section or if
5 the case is dismissed; and

6 (6) In the event a person charged with a minor traffic
7 violation or municipal ordinance violation fails to appear in
8 court after having been summoned to appear, and if the court
9 finds that there is not good cause for such nonappearance, then
10 the court may:

11 (a) For minor traffic violations, order the director of the
12 department of revenue to suspend the defendant's driving
13 privileges, in accordance with section 302.341, and upon
14 appearance before the court and a showing of good cause by the
15 defendant, the court shall set aside the suspension; or

16 (b) Order the defendant to complete a period of community
17 service.

18 2. If an individual has been held in custody on a notice to
19 show cause warrant for an underlying minor traffic violation, the
20 court, on its own motion or on the motion of any interested
21 party, may review the original fine and sentence and waive or
22 reduce such fine or sentence if the court finds it reasonable
23 given the circumstances of the case.

24 479.354. For any notice to appear, citation, or summons on
25 a minor traffic violation, the date and time the defendant is to
26 appear in court shall be given when such notice to appear,
27 citation, or summons is first provided to the defendant. Failure
28 to provide such date and time shall render such notice to appear,

1 citation, or summons void.

2 479.360. 1. Every county, city, town, and village shall
3 file with the state auditor, together with its report due under
4 section 105.145, its certification of its substantial compliance
5 signed by its municipal judge with the municipal court procedures
6 set forth in this subsection during the preceding fiscal year.
7 The procedures to be adopted and certified include the following:

8 (1) Defendants in custody pursuant to an initial arrest
9 warrant issued by a municipal court have an opportunity to be
10 heard by a judge in person, by telephone, or video conferencing
11 as soon as practicable and not later than forty-eight hours on
12 minor traffic violations and not later than seventy-two hours on
13 other violations and, if not given that opportunity, are
14 released;

15 (2) Defendants in municipal custody shall not be held more
16 than twenty-four hours without a warrant after arrest;

17 (3) Defendants are not detained in order to coerce payment
18 of fines and costs unless found to be in contempt after strict
19 compliance by the court with the due process procedures mandated
20 by Missouri supreme court rule 37.65 or its successor rule;

21 (4) The municipal court has established procedures to allow
22 indigent defendants to present evidence of their financial
23 condition and takes such evidence into account if determining
24 fines and costs and establishing related payment requirements;

25 (5) The municipal court only assesses fines and costs as
26 authorized by law;

27 (6) No additional charge shall be issued for the failure to
28 appear for a minor traffic violation;

1 (7) The municipal court conducts proceedings in a courtroom
2 that is open to the public and large enough to reasonably
3 accommodate the public, parties, and attorneys;

4 (8) The municipal court makes use of alternative payment
5 plans;

6 (9) The municipal court makes use of community service
7 alternatives [for which no associated costs are charged to the
8 defendant]; and

9 (10) The municipal court has adopted an electronic payment
10 system or payment by mail for the payment of minor traffic
11 violations.

12 2. On or before December 31, 2015, the state auditor shall
13 set forth by rule a procedure for including the addendum
14 information required by this section. The rule shall also allow
15 reasonable opportunity for demonstration of compliance.

16 488.2230. 1. In addition to all other court costs for
17 municipal ordinance violations, any home rule city with more than
18 four hundred thousand inhabitants and located in more than one
19 county may provide for additional court costs in an amount up to
20 seven dollars per case for each municipal ordinance violation
21 case, except that no such additional cost shall be collected in
22 any proceeding involving a violation of an ordinance when the
23 proceeding or defendant has been dismissed by the court.

24 2. The judge may waive the assessment of the cost in those
25 cases where the defendant is found by the judge to be indigent
26 and unable to pay the costs.

27 3. Such cost shall be calculated by the clerk and disbursed
28 to the city at least monthly. The city shall use such additional

1 costs exclusively to fund special mental health[, drug,] and
2 [veterans] treatment courts, including indigent defense and
3 ancillary services associated with such specialized courts.

4 488.2250. 1. For all appeal transcripts of testimony given
5 [or proceedings in any circuit court], the court reporter shall
6 receive the sum of three dollars and fifty cents per legal page
7 for the preparation of a paper and an electronic version of the
8 transcript.

9 2. In criminal cases where an appeal is taken by the
10 defendant and it appears to the satisfaction of the court that
11 the defendant is unable to pay the costs of the transcript for
12 the purpose of perfecting the appeal, the court reporter shall
13 receive a fee of two dollars and sixty cents per legal page for
14 the preparation of a paper and an electronic version of the
15 transcript.

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

21 4. For purposes of this section, a legal page, other than
22 the first page and the final page of the transcript, shall be
23 twenty-five lines, approximately eight and one-half inches by
24 eleven inches in size, with the left-hand margin of approximately
25 one and one-half inches, and with the right-hand margin of
26 approximately one-half inch.

27 5. Notwithstanding any law to the contrary, the payment of
28 court reporter's fees provided in subsections 2 and 3 of this

1 section shall be made by the state upon a voucher approved by the
2 court. The cost to prepare all other transcripts of testimony or
3 proceedings shall be borne by the party requesting their
4 preparation and production, who shall reimburse the court
5 reporter [the sum provided in subsection 1 of this section].

6 488.5358. The court administrator of the sixteenth judicial
7 circuit shall, pursuant to section 478.466, charge and collect a
8 surcharge of thirty dollars in all proceedings assigned to the
9 [drug] treatment commissioner for disposition, provided that the
10 surcharge shall not be charged in any proceeding when costs are
11 waived or are to be paid by the state, county or municipality.
12 Moneys obtained from such surcharge shall be collected and
13 disbursed in the manner provided by sections 488.010 to 488.020
14 and payable to the [drug] treatment commissioner for operation of
15 the [drug] treatment court.

16 514.040. 1. Except as provided in subsection 3 of this
17 section, if any court shall, before or after the commencement of
18 any suit pending before it, be satisfied that the plaintiff is a
19 poor person, and unable to prosecute his or her suit, and pay all
20 or any portion of the costs and expenses thereof, such court may,
21 in its discretion, permit him or her to commence and prosecute
22 his or her action as a poor person, and thereupon such poor
23 person shall have all necessary process and proceedings as in
24 other cases, without fees, tax or charge as the court determines
25 the person cannot pay; and the court may assign to such person
26 counsel, who, as well as all other officers of the court, shall
27 perform their duties in such suit without fee or reward as the
28 court may excuse; but if judgment is entered for the plaintiff,

1 costs shall be recovered, which shall be collected for the use of
2 the officers of the court.

3 2. In any civil action brought in a court of this state by
4 any offender convicted of a crime who is confined in any state
5 prison or correctional center, the court shall not reduce the
6 amount required as security for costs upon filing such suit to an
7 amount of less than ten dollars pursuant to this section. This
8 subsection shall not apply to any action for which no sum as
9 security for costs is required to be paid upon filing such suit.

10 3. Where a party is represented in a civil action by a
11 legal aid society or a legal services or other nonprofit
12 organization funded in whole or substantial part by moneys
13 appropriated by the general assembly of the state of Missouri,
14 which has as its primary purpose the furnishing of legal services
15 to indigent persons, by a law school clinic which has as its
16 primary purpose educating law students through furnishing legal
17 services to indigent persons, or by private counsel working on
18 behalf of or under the auspices of such society, all costs and
19 expenses, except guardian ad litem fees as provided by this
20 subsection, related to the prosecution of the suit may be waived
21 without the necessity of a motion and court approval, provided
22 that a determination has been made by such society or
23 organization that such party is unable to pay the costs, fees and
24 expenses necessary to prosecute or defend the action, and that a
25 certification that such determination has been made is filed with
26 the clerk of the court. In the event an action involving the
27 appointment of a guardian ad litem goes to trial, an updated
28 certification shall be filed prior to the trial commencing. The

1 waiver of guardian ad litem fees for a party who has filed a
2 certification may be reviewed by the court at the conclusion of
3 the action upon the motion of any party requesting the court to
4 apportion guardian ad litem fees.

5 4. Any party may present additional evidence on the
6 financial condition of the parties. Based upon that evidence, if
7 the court finds the certifying party has the present ability to
8 pay, the court may enter judgment ordering the certifying party
9 to pay a portion of the guardian ad litem fees.

10 5. Any failure to pay guardian ad litem fees shall not
11 preclude a certifying party from filing future suits, including
12 motions to modify, and shall not be used as a basis to limit the
13 certifying party's prosecution or defense of the action.

14 577.001. As used in this chapter, the following terms mean:

15 (1) "Aggravated offender", a person who has been found
16 guilty of:

17 (a) Three or more intoxication-related traffic offenses
18 committed on separate occasions; or

19 (b) Two or more intoxication-related traffic offenses
20 committed on separate occasions where at least one of the
21 intoxication-related traffic offenses is an offense committed in
22 violation of any state law, county or municipal ordinance, any
23 federal offense, or any military offense in which the defendant
24 was operating a vehicle while intoxicated and another person was
25 injured or killed;

26 (2) "Aggravated boating offender", a person who has been
27 found guilty of:

28 (a) Three or more intoxication-related boating offenses; or

1 (b) Two or more intoxication-related boating offenses
2 committed on separate occasions where at least one of the
3 intoxication-related boating offenses is an offense committed in
4 violation of any state law, county or municipal ordinance, any
5 federal offense, or any military offense in which the defendant
6 was operating a vessel while intoxicated and another person was
7 injured or killed;

8 (3) "All-terrain vehicle", any motorized vehicle
9 manufactured and used exclusively for off-highway use which is
10 fifty inches or less in width, with an unladen dry weight of one
11 thousand pounds or less, traveling on three, four or more low
12 pressure tires, with a seat designed to be straddled by the
13 operator, or with a seat designed to carry more than one person,
14 and handlebars for steering control;

15 (4) "Court", any circuit, associate circuit, or municipal
16 court, including traffic court, but not any juvenile court or
17 [drug] treatment court;

18 (5) "Chronic offender", a person who has been found guilty
19 of:

20 (a) Four or more intoxication-related traffic offenses
21 committed on separate occasions; or

22 (b) Three or more intoxication-related traffic offenses
23 committed on separate occasions where at least one of the
24 intoxication-related traffic offenses is an offense committed in
25 violation of any state law, county or municipal ordinance, any
26 federal offense, or any military offense in which the defendant
27 was operating a vehicle while intoxicated and another person was
28 injured or killed; or

1 (c) Two or more intoxication-related traffic offenses
2 committed on separate occasions where both intoxication-related
3 traffic offenses were offenses committed in violation of any
4 state law, county or municipal ordinance, any federal offense, or
5 any military offense in which the defendant was operating a
6 vehicle while intoxicated and another person was injured or
7 killed;

8 (6) "Chronic boating offender", a person who has been found
9 guilty of:

10 (a) Four or more intoxication-related boating offenses; or

11 (b) Three or more intoxication-related boating offenses
12 committed on separate occasions where at least one of the
13 intoxication-related boating offenses is an offense committed in
14 violation of any state law, county or municipal ordinance, any
15 federal offense, or any military offense in which the defendant
16 was operating a vessel while intoxicated and another person was
17 injured or killed; or

18 (c) Two or more intoxication-related boating offenses
19 committed on separate occasions where both intoxication-related
20 boating offenses were offenses committed in violation of any
21 state law, county or municipal ordinance, any federal offense, or
22 any military offense in which the defendant was operating a
23 vessel while intoxicated and another person was injured or
24 killed;

25 (7) "Continuous alcohol monitoring", automatically testing
26 breath, blood, or transdermal alcohol concentration levels and
27 tampering attempts at least once every hour, regardless of the
28 location of the person who is being monitored, and regularly

1 transmitting the data. Continuous alcohol monitoring shall be
2 considered an electronic monitoring service under subsection 3 of
3 section 217.690;

4 (8) "Controlled substance", a drug, substance, or immediate
5 precursor in schedules I to V listed in section 195.017;

6 (9) "Drive", "driving", "operates" or "operating",
7 physically driving or operating a vehicle or vessel;

8 (10) "Flight crew member", the pilot in command, copilots,
9 flight engineers, and flight navigators;

10 (11) "Habitual offender", a person who has been found
11 guilty of:

12 (a) Five or more intoxication-related traffic offenses
13 committed on separate occasions; or

14 (b) Four or more intoxication-related traffic offenses
15 committed on separate occasions where at least one of the
16 intoxication-related traffic offenses is an offense committed in
17 violation of any state law, county or municipal ordinance, any
18 federal offense, or any military offense in which the defendant
19 was operating a vehicle while intoxicated and another person was
20 injured or killed; or

21 (c) Three or more intoxication-related traffic offenses
22 committed on separate occasions where at least two of the
23 intoxication-related traffic offenses were offenses committed in
24 violation of any state law, county or municipal ordinance, any
25 federal offense, or any military offense in which the defendant
26 was operating a vehicle while intoxicated and another person was
27 injured or killed;

28 (12) "Habitual boating offender", a person who has been

1 found guilty of:

2 (a) Five or more intoxication-related boating offenses; or

3 (b) Four or more intoxication-related boating offenses
4 committed on separate occasions where at least one of the
5 intoxication-related boating offenses is an offense committed in
6 violation of any state law, county or municipal ordinance, any
7 federal offense, or any military offense in which the defendant
8 was operating a vessel while intoxicated and another person was
9 injured or killed; or

10 (c) Three or more intoxication-related boating offenses
11 committed on separate occasions where at least two of the
12 intoxication-related boating offenses were offenses committed in
13 violation of any state law, county or municipal ordinance, any
14 federal offense, or any military offense in which the defendant
15 was operating a vessel while intoxicated and another person was
16 injured or killed; or

17 (d) While boating while intoxicated, the defendant acted
18 with criminal negligence to:

19 a. Cause the death of any person not a passenger in the
20 vessel operated by the defendant, including the death of an
21 individual that results from the defendant's vessel leaving the
22 water; or

23 b. Cause the death of two or more persons; or

24 c. Cause the death of any person while he or she has a
25 blood alcohol content of at least eighteen-hundredths of one
26 percent by weight of alcohol in such person's blood;

27 (13) "Intoxicated" or "intoxicated condition", when a
28 person is under the influence of alcohol, a controlled substance,

1 or drug, or any combination thereof;

2 (14) "Intoxication-related boating offense", operating a
3 vessel while intoxicated; boating while intoxicated; operating a
4 vessel with excessive blood alcohol content or an offense in
5 which the defendant was operating a vessel while intoxicated and
6 another person was injured or killed in violation of any state
7 law, county or municipal ordinance, any federal offense, or any
8 military offense;

9 (15) "Intoxication-related traffic offense", driving while
10 intoxicated, driving with excessive blood alcohol content,
11 driving under the influence of alcohol or drugs in violation of a
12 state law, county or municipal ordinance, any federal offense, or
13 any military offense, or an offense in which the defendant was
14 operating a vehicle while intoxicated and another person was
15 injured or killed in violation of any state law, county or
16 municipal ordinance, any federal offense, or any military
17 offense;

18 (16) "Law enforcement officer" or "arresting officer",
19 includes the definition of law enforcement officer in section
20 556.061 and military policemen conducting traffic enforcement
21 operations on a federal military installation under military
22 jurisdiction in the state of Missouri;

23 (17) "Operate a vessel", to physically control the movement
24 of a vessel in motion under mechanical or sail power in water;

25 (18) "Persistent offender", a person who has been found
26 guilty of:

27 (a) Two or more intoxication-related traffic offenses
28 committed on separate occasions; or

1 (b) One intoxication-related traffic offense committed in
2 violation of any state law, county or municipal ordinance,
3 federal offense, or military offense in which the defendant was
4 operating a vehicle while intoxicated and another person was
5 injured or killed;

6 (19) "Persistent boating offender", a person who has been
7 found guilty of:

8 (a) Two or more intoxication-related boating offenses
9 committed on separate occasions; or

10 (b) One intoxication-related boating offense committed in
11 violation of any state law, county or municipal ordinance,
12 federal offense, or military offense in which the defendant was
13 operating a vessel while intoxicated and another person was
14 injured or killed;

15 (20) "Prior offender", a person who has been found guilty
16 of one intoxication-related traffic offense, where such prior
17 offense occurred within five years of the occurrence of the
18 intoxication-related traffic offense for which the person is
19 charged;

20 (21) "Prior boating offender", a person who has been found
21 guilty of one intoxication-related boating offense, where such
22 prior offense occurred within five years of the occurrence of the
23 intoxication-related boating offense for which the person is
24 charged.

25 Section 1. In any county with more than two hundred fifty
26 thousand inhabitants, no individual shall concurrently serve as a
27 municipal prosecuting attorney, under section 479.120, and city
28 attorney for the same political subdivision.

1 [478.006. Any provision or provisions of sections
2 478.001 to 478.006 may be applied by local circuit
3 court rule to proceedings in the sixteenth judicial
4 circuit subject to section 478.466.]
5

6 [478.008. 1. Veterans treatment courts may be
7 established by any circuit court, or combination of
8 circuit courts, upon agreement of the presiding judges
9 of such circuit courts to provide an alternative for
10 the judicial system to dispose of cases which stem from
11 substance abuse or mental illness of military veterans
12 or current military personnel.

13 2. A veterans treatment court shall combine
14 judicial supervision, drug testing, and substance abuse
15 and mental health treatment to participants who have
16 served or are currently serving the United States Armed
17 Forces, including members of the Reserves, National
18 Guard, or state guard.

19 3. (1) Each circuit court, which establishes
20 such courts as provided in subsection 1 of this
21 section, shall establish conditions for referral of
22 proceedings to the veterans treatment court; and

23 (2) Each circuit court shall enter into a
24 memorandum of understanding with each participating
25 prosecuting attorney in the circuit court. The
26 memorandum of understanding shall specify a list of
27 felony offenses ineligible for referral to the veterans
28 treatment court. The memorandum of understanding may
29 include other parties considered necessary including,
30 but not limited to, defense attorneys, treatment
31 providers, and probation officers.

32 4. (1) A circuit that has adopted a veterans
33 treatment court under this section may accept
34 participants from any other jurisdiction in this state
35 based upon either the residence of the participant in
36 the receiving jurisdiction or the unavailability of a
37 veterans treatment court in the jurisdiction where the
38 participant is charged.

39 (2) The transfer can occur at any time during the
40 proceedings, including, but not limited to, prior to
41 adjudication. The receiving court shall have
42 jurisdiction to impose sentence, including, but not
43 limited to, sanctions, incentives, incarceration, and
44 phase changes.

45 (3) A transfer under this subsection is not valid
46 unless it is agreed to by all of the following:

47 (a) The defendant or respondent;

48 (b) The attorney representing the defendant or
49 respondent;

50 (c) The judge of the transferring court and the
51 prosecutor of the case; and

1 (d) The judge of the receiving veterans treatment
2 court and the prosecutor of the veterans treatment
3 court.

4 (4) If the defendant is terminated from the
5 veterans treatment court program the defendant's case
6 shall be returned to the transferring court for
7 disposition.

8 5. Any proceeding accepted by the veterans
9 treatment court program for disposition shall be upon
10 agreement of the parties.

11 6. Except for good cause found by the court, a
12 veterans treatment court shall make a referral for
13 substance abuse or mental health treatment, or a
14 combination of substance abuse and mental health
15 treatment, through the Department of Defense health
16 care, the Veterans Administration, or a community-based
17 treatment program. Community-based programs utilized
18 shall receive state or federal funds in connection with
19 such referral and shall only refer the individual to a
20 program which is certified by the Missouri department
21 of mental health, unless no appropriate certified
22 treatment program is located within the same county as
23 the veterans treatment court.

24 7. Any statement made by a participant as part of
25 participation in the veterans treatment court program,
26 or any report made by the staff of the program, shall
27 not be admissible as evidence against the participant
28 in any criminal, juvenile, or civil proceeding.
29 Notwithstanding the foregoing, termination from the
30 veterans treatment court program and the reasons for
31 termination may be considered in sentencing or
32 disposition.

33 8. Notwithstanding any other provision of law to
34 the contrary, veterans treatment court staff shall be
35 provided with access to all records of any state or
36 local government agency relevant to the treatment of
37 any program participant.

38 9. Upon general request, employees of all such
39 agencies shall fully inform a veterans treatment court
40 staff of all matters relevant to the treatment of the
41 participant. All such records and reports and the
42 contents thereof shall:

43 (1) Be treated as closed records;

44 (2) Not be disclosed to any person outside of the
45 veterans treatment court;

46 (3) Be maintained by the court in a confidential
47 file not available to the public.

48 10. Upon successful completion of the treatment
49 program, the charges, petition, or penalty against a
50 veterans treatment court participant may be dismissed,
51 reduced, or modified. Any fees received by a court

1 from a defendant as payment for substance abuse or
2 mental health treatment programs shall not be
3 considered court costs, charges, or fines.]
4

5 [478.551. Any drug court commissioner authorized
6 pursuant to section 478.001 and appointed in the
7 twenty-third judicial circuit pursuant to section
8 478.003 shall be a state-funded position.]
9