

SS SCS HB 2562 -- COURTS

NUISANCE PROPERTIES

This bill adds a section relating to service on certain individuals for nuisance properties. Currently, the law allows for the current occupant to be served in lieu of the current owner. This bill limits it to the owner of the property and also allows for service to be made by a private delivery service as long as it is substantially equivalent to certified mail (Sections 67.398 and 67.410, RSMo).

ABANDONED PROPERTY

Allows a person or entity to enter onto a property to beautify it if it appears the property has been abandoned. The owner of the property shall be immune from civil liability for any injury sustained by a person who enters onto a property to beautify it unless the injury resulted from the owner's gross negligence or willful, wanton, or intentional misconduct (Section 82.462).

COMPLIANCE CREDITS

The bill suspends the application of earned compliance credits upon an offender's entry into a treatment court. Upon successful completion of the treatment court, all earned compliance credits accumulated during the suspension period will be retroactively applied (Section 217.703).

NEIGHBORHOOD RESTORATION ACT

The bill establishes the "Neighborhood Restoration Act." Currently, certain provisions relating to property regulations apply to cities and counties specified in the bill but do not apply to the city of Springfield. This bill includes the City of Springfield among those cities and counties that are regulated by these provisions. These provisions primarily concern nuisance properties (Sections 82.1025, 82.1027, and 82.1028).

KANSAS CITY POLICE OFFICERS

The bill allows for a salary cap increase for Kansas City police officers (Section 84.5100).

OPEN RECORDS

Other provisions of law to the contrary notwithstanding, all pleadings and filings in a dissolution of marriage, legal separation, or modification shall be made available to the public,

subject to a few exceptions (Section 452.430).

#### JUDICIAL CANDIDACY

This bill provides that a person who filed as a candidate in 2010 to become a judge, was eligible to receive an annuity under the MOSERS Year 2000 Plan as a member of the General Assembly or as a statewide elected official, and whose term as a judge began in 2011 is exempt from the provisions of the Judicial Retirement Plan 2011 (Section 476.521).

#### TREATMENT COURTS

This bill establishes treatment court divisions, which include, but are not limited to Adult Treatment Court, Driving While Intoxicated (DWI) Court, Family Treatment Court, Juvenile Treatment Court, and Veterans Treatment Court. Previously, a treatment court division was called a drug court.

An adult treatment court provides an alternative for the judicial system to dispose of cases which stem from substance use.

A DWI court provides an alternative for the judicial system to dispose of cases which stem from driving while intoxicated.

A family treatment court provides an alternative for a parent or other household member who has a substance use disorder (with or without a mental health disorder) which impacts the safety and well-being of the children in the family.

A juvenile treatment court provides an alternative for a juvenile whose substance use disorder (with or without a mental health disorder) contributed to the commission of a criminal offense.

A veterans treatment court provides an alternative for the judicial system to dispose of cases which stem from substance use or a mental health disorder or military veterans or current military personnel (Section 478.001).

#### TREATMENT COURT COMMISSIONER

The Supreme Court may assign a treatment court commissioner to serve in a treatment court division of a circuit other than the circuit in which the commissioner is appointed. A treatment court commissioner may serve as a commissioner in any treatment or problem-solving court, as designated by the treatment court coordinating commission (Section 478.003).

#### TREATMENT COURT PARTICIPATION

This bill specifies that a treatment court team must conduct a staffing prior to each treatment court session to determine the progress of the treatment court participant and the appropriate incentive or sanction to be applied. In any criminal case, if the defendant meets the eligibility criteria for treatment court, the judge may order the defendant to treatment court for treatment either before the entry of the sentence if the prosecuting attorney consents, as a condition of probation, or upon consideration of a motion to revoke probation. A treatment court may accept participants from any other jurisdiction (Section 478.004).

Each treatment court must establish criteria for who is eligible for treatment court and what constitutes successful completion of the program (Section 478.005).

#### JACKSON COUNTY

This bill repeals a provision that would allow Jackson County to establish its own docket within the treatment court division. The bill also removes a provision that requires breath alcohol testing to be done a minimum of four times a day (Section 478.007).

#### TREATMENT COURTS COORDINATING COMMISSION

This bill adds two more members to the Treatment Court Coordinating Commission to be selected by the Supreme Court. One member must be a representative of prosecuting attorneys and one member must be a representative of the criminal defense bar. The commission must establish standards and practices for treatment courts and each treatment court must adopt policies and practices that are consistent with the commission's standards in order to be recognized as a functioning treatment court and to accept new admissions. The commission will provide assistance to the treatment courts to assist with the implementation of the commission's standards. Any funds from the Treatment Court Resources Fund can only be awarded to treatment courts that are in compliance with the commission's standards (Section 478.009).

The remaining sections in the bill change references from "drug court" to "treatment court" (Sections 208.151, 478.466, 478.550, 478.600, 478.716, 488.2230, 488.5358, and 577.001).

This bill repeals a provision regarding veterans treatment courts and a provision stating that being appointed as a drug court commissioner to the 23rd Judicial Circuit is a state-funded position.

#### MUNICIPAL COURTS

Municipal court judges are prohibited from serving in more than five municipalities at one time. The provision of this bill specifies that a court that serves more than one municipality shall be treated as a single municipality with respect to the prohibition. Additionally, no municipal judge, municipal court personnel, or any prosecutor assigned to the municipal court shall have the authority to hire, fire, or discipline any probation officer or probation personnel. The language exempts certain cities and counties. Currently, a county or municipality that has a municipal court must submit a financial report to the auditor. This bill provides that a county or municipality will meet compliance with this requirement by filing a statement confirming that 20% or less of its general revenue comes from fines, bond forfeitures, and court costs in municipal court cases. Currently, the State Auditor shall establish a procedure for including such information by December 31, 2015 (Sections 479.020, 479.190, and 479.360).

#### MINOR TRAFFIC VIOLATIONS

If an individual has been held in custody on a notice to show cause warrant for an underlying minor traffic violation, the court, on its own motion or on the motion of any interested party, may review the original fine and sentence and waive or reduce such fine or sentence if the court finds it reasonable given the circumstances of the case. Also, this requires any summons, notice to appear, or citation for a minor traffic violation to include the date and time a defendant is to appear in court when the defendant is first provided the summons, notice to appear, or citation. If the summons does not include such information when first given to the defendant, the summons will be void (Sections 479.353 and 479.354).

#### CIRCUIT COURT CLERKS

The section specifies that when a circuit court clerk is a party to a suit or action, the writ of summons and all other processes shall be issued by the clerk of the county commission. The amendment specifies that this shall not apply where the circuit court clerk is named as a party under sections relating to the expungement of criminal records (Section 483.075).

#### GUARDIAN AD LITEM FEES

Currently, when a person is represented in a civil action by a legal aid society or other nonprofit organization that provides legal services to indigent persons, all costs related to the prosecution may be waived without a motion or court approval. This bill provides that this automatic waiver shall not include guardian

ad litem fees. A party requesting waiver of guardian ad litem fees, who is represented by a legal aid society or other nonprofit, must file an updated certification form with the court prior to trial. Any party may present to the court additional evidence on the financial condition of the parties. Any failure to pay guardian ad litem fees shall not preclude a certifying party from filing future suits and shall not be used as a basis to limit the certifying party's prosecution or defense of the action (Section 514.040).

#### CLAIMS AGAINST HEALTH CARE PROVIDERS

This provision provides that in a claim against a health care provider for damages for malpractice or negligence when the defendant is served after the statute of limitation has expired, if such service is not made within 180 days of filing the petition, the court shall dismiss the action. In an action for wrongful death when a defendant is served after the statute of limitation has expired and such service is not made within 180 days of the petition being filed, the court shall dismiss the action. If the plaintiff has previously taken or suffered a nonsuit, then the dismissal shall be with prejudice (Sections 516.105 and 537.100).

#### PRIVATE PROBATION SERVICES

This provision requires private probation entities to use the cutoff concentrations utilized by the Department of Corrections with regard to drug and alcohol screening for clients assigned to the entity. Additionally, the private probation service shall not require the clients assigned to the entity to travel more than 50 miles in order to attend their regular probation meetings (Section 559.600).

#### SINGLE COUNTY CIRCUITS

This bill specifies that in any county circuit with more than 250,000 inhabitants, no individual shall concurrently serve as prosecuting attorney and city attorney for a political subdivision located in that circuit (Section 1).