

HCS SB 871 -- COURT ADMINISTRATION

This bill modifies provisions relating to court administration.

PROTECTION ORDERS

Currently, a court may not grant an ex parte child protection order if a prior custody order is pending. This bill specifies that ex parte orders may be granted so long as no prior custody order involving the respondent and the child is pending (Section 455.513, RSMo).

COURT REPORTERS

Currently, for the preparation of all appellate transcripts of testimony or for proceedings in any circuit court, the court reporter shall receive \$3.50 per page. This bill repeals the specification that the court reporter is to receive only \$3.50 per page in all circuit court proceedings. Also, the bill repeals the provision specifying that the court reporter is to be reimbursed \$3.50 per legal page for the preparation of such transcripts (Section 478.625).

JUDGES

This bill adds an additional associate circuit judge to the 11th Judicial Circuit (St. Charles County) and an additional associate circuit judge in Cole County, both to be first elected in 2020 (Section 478.600).

CIRCUIT COURT CLERKS

The bill 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. 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).

STATUTE OF LIMITATION

This bill 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 limitations has expired, if such service is not made within 180 days of filing the petition, the court shall dismiss the action. Likewise, in an action for wrongful death when a defendant is served after the statute of limitations has expired and such service is not made within 180 days of the petition being filed, the court shall dismiss the

action. In each case the dismissal shall be without prejudice, unless the plaintiff has previously taken or suffered a nonsuit, then the dismissal shall be with prejudice (Sections 516.105 and 537.100).