



Senator Matt Bartle – Serving Jackson County

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## Comprehensive Civil Bill Will Improve Missouri's Court System

Last week I touched a bit on the comprehensive judicial bill that we passed in the final moments of the legislative session, and this week I would like to expand on this important legislation. Though on the surface [House Bill 481](#) may seem a little dry, the provisions of the bill are designed to streamline and improve the state's judicial system and abolish some outdated statutes that no longer belong in our law books. At any given time, any one of us or a family member might be required to use the judicial system, so it is important that it functions as effectively as possible.

One component of the bill addresses detainers—a ruling by a court officer authorizing an agency to keep an individual in custody. Currently, if the Department of Corrections (DOC) fails to notify an offender within one year after a detainer has been filed at the correctional facility, the charges must be dismissed, regardless of their severity—even first-degree murder. To make matters more convoluted, there was some uncertainty about what constituted a detainer in the first place.

House Bill 481 clarifies the procedure on issuing detainers and removes the loophole that would have allowed an oversight by the DOC to be the basis for dismissing a charge unless the court also finds the offender has been denied the constitutional right to a speedy trial.

Occasionally, we must evaluate the current statutes to determine if there are any outdated or unnecessary laws. One portion of HB 481 repeals an old law that requires prosecutors to file a lawsuit against individuals who fail to trim their hedge fences.

Similarly, the bill also removes the requirement that court costs be assessed against the prosecutor in certain cases. Our prosecutors form a vital link in the process of trying and convicting criminals. These archaic and unnecessary laws only served to create a burden on these fine public servants.

The bill also removes a provision inserted by a former legislator that allows a deposition prepared by an uncertified court reporter to be used in court under certain circumstances. Unfortunately, this provision was crafted to help certain constituents who couldn't pass the test. With 197 members in the General Assembly, there is always the potential for special laws that target certain people for unique treatment. By cleaning up these statutes, we are shaping better public policy for our state.

Finally, HB 481 corrects a law that unfairly targets motorcycle riders as negligent simply because they are operating a motorcycle (which is considered to be a more dangerous vehicle by most insurance companies). This legislation states that operating a motorcycle, in and of itself, cannot be considered evidence of comparative negligence. Also, insurers, when investigating an accident or settling an automobile insurance policy claim, may not assign a percentage of fault to a party based upon the sole fact that the party was operating a motorcycle in an otherwise legal manner.

All of these provisions, along with the many more contained in HB 481, are designed to improve the administration of justice in Missouri and clean up some of the state's civil statutes. I'm pleased we were able to pass such a wide-ranging bill and I look forward to the governor adding his signature.

If you have any comments or questions about this week's column or any other matter involving state government, please do not hesitate to contact me. You can reach my office by e-mail at [matt\\_bartle@senate.mo.gov](mailto:matt_bartle@senate.mo.gov) or by phone at (888) 711-9278. My web address is <http://www.senate.mo.gov/bartle>.

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