

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 468
95TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, March 11, 2009, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

2161S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 455.038 and 455.040, RSMo, and to enact in lieu thereof two new sections relating to ex parte orders of protection.

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

Section A. Sections 455.038 and 455.040, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 455.038 and
3 455.040, to read as follows:

455.038. Every circuit clerk shall be responsible for providing information
2 to individuals petitioning for ex parte orders of protection regarding notification
3 of service of these orders of protection. Such notification to the petitioner is
4 required if the petitioner has registered a telephone number with the victim
5 notification system, established under subsection 3 of section 650.310,
6 RSMo. The petitioner shall be informed of his or her option to receive notification
7 of service of an ex parte order of protection on the respondent by the circuit clerk
8 and shall be provided information on how to receive notification of service of ex
9 parte orders of protection. The local law enforcement agency or any other
10 government agency responsible for serving ex parte orders of protection **shall**
11 **enter service information into the Missouri Uniform Law Enforcement**
12 **system or future secure electronic databases that are intended for law**
13 **enforcement use only within twenty-four hours after the ex parte order**
14 **is served on the respondent or** shall notify the circuit clerk when no more
15 service attempts are planned by that agency. The provisions of this section shall
16 only apply to those circuit clerks able to access a statewide victim notification
17 system designed to provide notification of service of orders of protection.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

455.040. 1. Not later than fifteen days after the filing of a petition
2 pursuant to sections 455.010 to 455.085 a hearing shall be held unless the court
3 deems, for good cause shown, that a continuance should be granted. At the
4 hearing, if the petitioner has proved the allegation of abuse or stalking by a
5 preponderance of the evidence, the court shall issue a full order of protection for
6 a period of time the court deems appropriate, except that the protective order
7 shall be valid for at least one hundred eighty days and not more than one
8 year. Upon motion by the petitioner, and after a hearing by the court, the full
9 order of protection may be renewed for a period of time the court deems
10 appropriate, except that the protective order shall be valid for at least one
11 hundred eighty days and not more than one year from the expiration date of the
12 originally issued full order of protection. If for good cause a hearing cannot be
13 held on the motion to renew the full order of protection prior to the expiration
14 date of the originally issued full order of protection, an ex parte order of
15 protection may be issued until a hearing is held on the motion. Upon motion by
16 the petitioner, and after a hearing by the court, the second full order of protection
17 may be renewed for an additional period of time the court deems appropriate,
18 except that the protective order shall be valid for at least one hundred eighty
19 days and not more than one year. For purposes of this subsection, a finding by
20 the court of a subsequent act of abuse is not required for a renewal order of
21 protection.

22 2. The court shall cause a copy of the petition and notice of the date set
23 for the hearing on such petition and any ex parte order of protection to be served
24 upon the respondent as provided by law or by any sheriff or police officer at least
25 three days prior to such hearing. Such notice shall be served at the earliest time,
26 and service of such notice shall take priority over service in other actions, except
27 those of a similar emergency nature. The court shall cause a copy of any full
28 order of protection to be served upon or mailed by certified mail to the respondent
29 at the respondent's last known address. Failure to serve or mail a copy of the full
30 order of protection to the respondent shall not affect the validity or enforceability
31 of a full order of protection.

32 3. A copy of any order of protection granted pursuant to sections 455.010
33 to 455.085 shall be issued to the petitioner and to the local law enforcement
34 agency in the jurisdiction where the petitioner resides. The clerk shall also issue
35 a copy of any order of protection to the local law enforcement agency responsible
36 for maintaining the Missouri uniform law enforcement system or any other

37 comparable law enforcement system the same day the order is granted. The law
38 enforcement agency responsible for maintaining MULES shall enter information
39 contained in the order for purposes of verification within twenty-four hours from
40 the time the order is granted. A notice of expiration [or], of termination, **or of**
41 **denial** of any order of protection shall be issued to the local law enforcement
42 agency and to the law enforcement agency responsible for maintaining MULES
43 or any other comparable law enforcement system. The law enforcement agency
44 responsible for maintaining the applicable law enforcement system shall enter
45 such information in the system **within twenty-four hours of such**
46 **expiration, termination, or denial.** The information contained in an order
47 of protection may be entered in the Missouri uniform law enforcement system or
48 comparable law enforcement system using a direct automated data transfer from
49 the court automated system to the law enforcement system.

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Bill

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