

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NOS. 374 & 434

AN ACT

To repeal sections 32.056, 43.518, 408.040, 454.475, 476.057, 477.405, 478.073, 478.075, 478.077, 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, 478.320, 487.010, 487.020, 488.305, 488.426, 488.2250, 488.5320, 513.430, 514.040, 525.020, 525.040, 525.070, 525.080, 525.230, 525.310, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, and to enact in lieu thereof twenty-eight new sections relating to judicial procedures, with an effective date for certain sections.

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

1 Section A. Sections 32.056, 43.518, 408.040, 454.475,
2 476.057, 477.405, 478.073, 478.075, 478.077, 478.080, 478.085,
3 478.087, 478.090, 478.093, 478.095, 478.097, 478.100, 478.103,
4 478.105, 478.107, 478.110, 478.113, 478.115, 478.117, 478.120,
5 478.123, 478.125, 478.127, 478.130, 478.133, 478.135, 478.137,
6 478.140, 478.143, 478.145, 478.147, 478.150, 478.153, 478.155,
7 478.157, 478.160, 478.163, 478.165, 478.167, 478.170, 478.173,

1 478.175, 478.177, 478.180, 478.183, 478.185, 478.186, 478.320,
2 487.010, 487.020, 488.305, 488.426, 488.2250, 488.5320, 513.430,
3 514.040, 525.020, 525.040, 525.070, 525.080, 525.230, 525.310,
4 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo,
5 are repealed and twenty-eight new sections enacted in lieu
6 thereof, to be known as sections 32.056, 43.518, 408.040,
7 454.475, 476.057, 477.405, 478.073, 478.320, 487.010, 487.020,
8 488.305, 488.426, 488.2250, 488.5320, 513.430, 514.040, 525.020,
9 525.040, 525.070, 525.080, 525.230, 525.310, 544.455, 557.011,
10 559.036, 559.115, 632.498, and 632.505, to read as follows:

11 32.056. Except for uses permitted under 18 U.S.C. Section
12 2721(b)(1), the department of revenue shall not release the home
13 address of or any information that identifies any vehicle owned
14 or leased by any person who is a county, state or federal parole
15 officer, a federal pretrial officer, a peace officer pursuant to
16 section 590.010, a person vested by article V, section 1 of the
17 Missouri Constitution with the judicial power of the state, a
18 member of the federal judiciary, or a member of such person's
19 immediate family contained in the department's motor vehicle or
20 driver registration records, based on a specific request for such
21 information from any person. Any such person may notify the
22 department of his or her status and the department shall protect
23 the confidentiality of the home address and vehicle records on
24 such a person and his or her immediate family as required by this
25 section. [If such member of the judiciary's status changes and
26 he or she and his or her immediate family do not qualify for the
27 exemption contained in this subsection, such person shall notify
28 the department and the department's records shall be revised.]

1 This section shall not prohibit the department from releasing
2 information on a motor registration list pursuant to section
3 32.055 or from releasing information on any officer who holds a
4 class A, B or C commercial driver's license pursuant to the Motor
5 Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C.
6 31309.

7 43.518. 1. There is hereby established within the
8 department of public safety a "Criminal Records and Justice
9 Information Advisory Committee" whose purpose is to:

10 (1) Recommend general policies with respect to the
11 philosophy, concept and operational principles of the Missouri
12 criminal history record information system established by
13 sections 43.500 to 43.530, in regard to the collection,
14 processing, storage, dissemination and use of criminal history
15 record information maintained by the central repository;

16 (2) Assess the current state of electronic justice
17 information sharing; and

18 (3) Recommend policies and strategies, including standards
19 and technology, for promoting electronic justice information
20 sharing, and coordinating among the necessary agencies and
21 institutions; and

22 (4) Provide guidance regarding the use of any state or
23 federal funds appropriated for promoting electronic justice
24 information sharing.

25 2. The committee shall be composed of the following
26 officials or their designees: the director of the department of
27 public safety; the director of the department of corrections and
28 human resources; the attorney general; the director of the

1 Missouri office of prosecution services; the president of the
2 Missouri prosecutors association; the president of the Missouri
3 court clerks association; the chief clerk of the Missouri state
4 supreme court; the director of the state courts administrator;
5 the chairman of the state judicial record committee; the chairman
6 of the [circuit court budget] court automation committee; the
7 presidents of the Missouri peace officers association; the
8 Missouri sheriffs association; the Missouri police chiefs
9 association or their successor agency; the superintendent of the
10 Missouri highway patrol; the chiefs of police of agencies in
11 jurisdictions with over two hundred thousand population; except
12 that, in any county of the first class having a charter form of
13 government, the chief executive of the county may designate
14 another person in place of the police chief of any countywide
15 police force, to serve on the committee; and, at the discretion
16 of the director of public safety, as many as three other
17 representatives of other criminal justice records systems or law
18 enforcement agencies may be appointed by the director of public
19 safety. The director of the department of public safety will
20 serve as the permanent chairman of this committee.

21 3. The committee shall meet as determined by the director
22 but not less than semiannually to perform its duties. A majority
23 of the appointed members of the committee shall constitute a
24 quorum.

25 4. No member of the committee shall receive any state
26 compensation for the performance of duties associated with
27 membership on this committee.

28 5. Official minutes of all committee meetings will be

1 prepared by the director, promptly distributed to all committee
2 members, and filed by the director for a period of at least five
3 years.

4
5 408.040. 1. Judgements shall accrue interest on the
6 judgment balance as set forth in this section. The judgment
7 balance is defined as the total amount of the judgment awarded on
8 the day judgment is entered including, but not limited to,
9 principal, prejudgment interest, and all costs and fees. Post
10 judgment payments or credits shall be applied first to post
11 judgment costs, then to post judgment interest, and then to the
12 judgement balance.

13 2. In all nontort actions, interest shall be allowed on all
14 money due upon any judgment or order of any court from the date
15 judgment is entered by the trial court until satisfaction be made
16 by payment, accord or sale of property; all such judgments and
17 orders for money upon contracts bearing more than nine percent
18 interest shall bear the same interest borne by such contracts,
19 and all other judgments and orders for money shall bear nine
20 percent per annum until satisfaction made as aforesaid.

21 [2.] 3. Notwithstanding the provisions of subsection [1] 2
22 of this section, in tort actions, interest shall be allowed on
23 all money due upon any judgment or order of any court from the
24 date of judgment is entered by the trial court until full
25 satisfaction. All such judgments and orders for money shall bear
26 a per annum interest rate equal to the intended Federal Funds
27 Rate, as established by the Federal Reserve Board, plus five
28 percent, until full satisfaction is made. The judgment shall

1 state the applicable interest rate, which shall not vary once
2 entered. In tort actions, if a claimant has made a demand for
3 payment of a claim or an offer of settlement of a claim, to the
4 party, parties or their representatives, and to such party's
5 liability insurer if known to the claimant, and the amount of the
6 judgment or order exceeds the demand for payment or offer of
7 settlement, then prejudgment interest shall be awarded,
8 calculated from a date ninety days after the demand or offer was
9 received, as shown by the certified mail return receipt, or from
10 the date the demand or offer was rejected without counter offer,
11 whichever is earlier. In order to qualify as a demand or offer
12 pursuant to this section, such demand must:

13 (1) Be in writing and sent by certified mail return receipt
14 requested; and

15 (2) Be accompanied by an affidavit of the claimant
16 describing the nature of the claim, the nature of any injuries
17 claimed and a general computation of any category of damages
18 sought by the claimant with supporting documentation, if any is
19 reasonably available; and

20 (3) For wrongful death, personal injury, and bodily injury
21 claims, be accompanied by a list of the names and addresses of
22 medical providers who have provided treatment to the claimant or
23 decedent for such injuries, copies of all reasonably available
24 medical bills, a list of employers if the claimant is seeking
25 damages for loss of wages or earning, and written authorizations
26 sufficient to allow the party, its representatives, and liability
27 insurer if known to the claimant to obtain records from all
28 employers and medical care providers; and

1 (4) Reference this section and be left open for ninety
2 days.

3
4 Unless the parties agree in writing to a longer period of time,
5 if the claimant fails to file a cause of action in circuit court
6 prior to a date one hundred twenty days after the demand or offer
7 was received, then the court shall not award prejudgment interest
8 to the claimant. If the claimant is a minor or incompetent or
9 deceased, the affidavit may be signed by any person who
10 reasonably appears to be qualified to act as next friend or
11 conservator or personal representative. If the claim is one for
12 wrongful death, the affidavit may be signed by any person
13 qualified pursuant to section 537.080 to make claim for the
14 death. Nothing contained herein shall limit the right of a
15 claimant, in actions other than tort actions, to recover
16 prejudgment interest as otherwise provided by law or contract.

17 [3.] 4. In tort actions, a judgment for prejudgment
18 interest awarded pursuant to this subsection should bear interest
19 at a per annum interest rate equal to the intended Federal Funds
20 Rate, as established by the Federal Reserve Board, plus three
21 percent. The judgment shall state the applicable interest rate,
22 which shall not vary once entered.

23 454.475. 1. Hearings provided for in this section shall
24 be conducted pursuant to chapter 536 by administrative hearing
25 officers designated by the Missouri department of social
26 services. The hearing officer shall provide the parents, the
27 person having custody of the child, or other appropriate agencies
28 or their attorneys with notice of any proceeding in which support

1 obligations may be established or modified. The department shall
2 not be stayed from enforcing and collecting upon the
3 administrative order during the hearing process and during any
4 appeal to the courts of this state, unless specifically enjoined
5 by court order.

6 2. If no factual issue has been raised by the application
7 for hearing, or the issues raised have been previously litigated
8 or do not constitute a defense to the action, the director may
9 enter an order without an evidentiary hearing, which order shall
10 be a final decision entitled to judicial review as provided in
11 sections 536.100 to 536.140.

12 3. After full and fair hearing, the hearing officer shall
13 make specific findings regarding the liability and
14 responsibility, if any, of the alleged responsible parent for the
15 support of the dependent child, and for repayment of accrued
16 state debt or arrearages, and the costs of collection, and shall
17 enter an order consistent therewith. In making the determination
18 of the amount the parent shall contribute toward the future
19 support of a dependent child, the hearing officer shall consider
20 the factors set forth in section 452.340.

21 4. If the person who requests the hearing fails to appear
22 at the time and place set for the hearing, upon a showing of
23 proper notice to that [parent] person, the hearing officer shall
24 enter findings and order in accordance with the provisions of the
25 notice [and finding of support responsibility] or motion unless
26 the hearing officer determines that no good cause therefor
27 exists.

28 5. In contested cases, the findings and order of the

1 hearing officer shall be the decision of the director. Any
2 parent or person having custody of the child adversely affected
3 by such decision may obtain judicial review pursuant to sections
4 536.100 to 536.140 by filing a petition for review in the circuit
5 court of proper venue within thirty days of mailing of the
6 decision. Copies of the decision or order of the hearing officer
7 shall be mailed to any parent, person having custody of the child
8 and the division within fourteen days of issuance.

9 6. If a hearing has been requested, and upon request of a
10 parent, a person having custody of the child, the division or a
11 IV-D agency, the director shall enter a temporary order requiring
12 the provision of child support pending the final decision or
13 order pursuant to this section if there is clear and convincing
14 evidence establishing a presumption of paternity pursuant to
15 section 210.822. In determining the amount of child support, the
16 director shall consider the factors set forth in section 452.340.
17 The temporary order, effective upon filing pursuant to section
18 454.490, is not subject to a hearing pursuant to this section.
19 The temporary order may be stayed by a court of competent
20 jurisdiction only after a hearing and a finding by the court that
21 the order fails to comply with rule 88.01.

22 7. (1) Any administrative decision or order issued under
23 this section containing clerical mistakes arising from oversight
24 or omission, except proposed administrative modifications of
25 judicial orders, may be corrected by an agency administrative
26 hearing officer at any time upon their own initiative or written
27 motion filed by the division or any party to the action provided
28 the written motion is mailed to all parties. Any objection or

1 response to the written motion shall be made in writing and filed
2 with the hearing officer within fifteen days from the mailing
3 date of the motion. Proposed administrative modifications of
4 judicial orders may be corrected by an agency administrative
5 hearing officer prior to the filing of the proposed
6 administrative modification of a judicial order with the court
7 that entered the underlying judicial order as required in section
8 454.496, or upon express order of the court that entered the
9 underlying judicial order. No correction shall be made during the
10 court's review of the administrative decision, order, or proposed
11 order as authorized under sections 536.100 to 536.140, except in
12 response to an express order from the reviewing court.

13 (2) Any administrative decision or order or proposed
14 administrative modification of judicial order issued under this
15 section containing errors arising from mistake, surprise, fraud,
16 misrepresentation, excusable neglect or inadvertence, may be
17 corrected prior to being filed with the court by an agency
18 administrative hearing officer upon their own initiative or by
19 written motion filed by the division or any party to the action
20 provided the written motion is mailed to all parties and filed
21 within sixty days of the administrative decision, order, or
22 proposed decision and order. Any objection or response to the
23 written motion shall be made in writing and filed with the
24 hearing officer within fifteen days from the mailing date of the
25 motion. No decision, order, or proposed administrative
26 modification of judicial order may be corrected after ninety days
27 from the mailing of the administrative decision, order, or
28 proposed order or during the court's review of the administrative

1 decision, order, or proposed order as authorized under sections
2 536.100 to 536.140, except in response to an express order from
3 the reviewing court.

4 (3) Any administrative decision or order or proposed
5 administrative modification of judicial order, issued under this
6 section may be vacated by an agency administrative hearing
7 officer upon their own initiative or by written motion filed by
8 the division or any party to the action provided the written
9 motion is mailed to all parties, if the administrative hearing
10 officer determines that the decision or order was issued without
11 subject matter jurisdiction, without personal jurisdiction, or
12 without affording the parties due process. Any objection or
13 response to the written motion shall be made in writing and filed
14 with the hearing officer within fifteen days from the mailing
15 date of the motion. A proposed administrative modification of a
16 judicial order may only be vacated prior to being filed with the
17 court. No decision, order, or proposed administrative
18 modification of a judicial order may be vacated during the
19 court's review of the administrative decision, order, or proposed
20 order as authorized under sections 536.100 to 536.140, except in
21 response to an express order from the reviewing court.

22 476.057. 1. The state courts administrator shall determine
23 the amount of the projected total collections of fees pursuant to
24 section 488.015, payable to the state pursuant to section
25 488.023, or subdivision (4) of subsection 2 of section 488.018;
26 and the amount of such projected total collections of fees
27 required to be deposited into the fund in order to maintain the
28 fund required pursuant to subsection 2 of this section. The

1 amount of fees payable for court cases may thereafter be adjusted
2 pursuant to section 488.015, as provided by said section. All
3 proceeds of the adjusted fees shall thereupon be collected and
4 deposited to the state general revenue fund as otherwise provided
5 by law, subject to the transfer of a portion of such proceeds to
6 the fund established pursuant to subsection 2 of this section.

7 2. There is hereby established in the state treasury a
8 special fund for purposes of providing training and education for
9 judicial personnel, including any clerical employees of each
10 circuit court clerk. Moneys from collected fees shall be
11 annually transferred by the state treasurer into the fund from
12 the state general revenue fund in the amount of no more than two
13 percent of the amount expended for personal service by state and
14 local government entities for judicial personnel as determined by
15 the state courts administrator pursuant to subsection 1 of this
16 section. Any unexpended balance remaining in the fund at the end
17 of each biennium shall be exempt from the provisions of section
18 33.080 relating to the transfer of unexpended balances to the
19 state general revenue fund, until the amount in the fund exceeds
20 two percent of the amounts expended for personal service by state
21 and local government for judicial personnel.

22 3. In addition, any moneys received by or on behalf of the
23 state courts administrator from fees, grants, or any other
24 sources in connection with providing training to judicial
25 personnel shall be deposited in the fund provided, however, that
26 moneys collected in the fund in connection with a particular
27 purpose shall be segregated and shall not be disbursed for any
28 other purpose.

1 4. The state treasurer shall administer the fund and,
2 pursuant to appropriations, shall disburse moneys from the fund
3 to the state courts administrator in order to provide training
4 and to purchase goods and services determined appropriate by the
5 state courts administrator related to the training and education
6 of judicial personnel. As used in this section, the term
7 "judicial personnel" shall include court personnel as defined in
8 section 476.058, and judges.

9 477.405. On or before ~~March 1, 1989~~ January 1, 2015, the
10 supreme court of the state of Missouri shall recommend guidelines
11 appropriate for use by the general assembly in determining the
12 need for additional judicial personnel or reallocation of
13 existing personnel in this state, and shall recommend guidelines
14 appropriate for the evaluation of judicial performance. The
15 guidelines shall be filed with the ~~chairmen~~ chairs of the house
16 and senate judiciary committees, for distribution to the members
17 of the general assembly, and the court shall file therewith
18 annually a report measuring and assessing judicial performance in
19 the appellate and circuit courts of this state, including a
20 judicial weighted workload model and a clerical weighted workload
21 model.

22 478.073. [The state is divided into the judicial circuits
23 numbered and described in the following sections.] 1. As set
24 forth in this section, the general assembly authorizes the
25 judicial conference of the state of Missouri, as established
26 pursuant to section 476.320, to alter the geographical boundaries
27 and territorial jurisdiction of the judicial circuits by means of
28 a circuit realignment plan as the administration of justice may

1 require, subject to the requirements set forth in article V of
2 the constitution of Missouri.

3 (1) Beginning in 2020, and every twenty years thereafter,
4 within the first ten calendar days of the regular legislative
5 session, the judicial conference shall submit to the secretary of
6 the senate, the chief clerk of the house of representatives and
7 the chairs of the house and senate judiciary committees a circuit
8 realignment plan for the alteration of the geographical
9 boundaries and territorial jurisdiction of the judicial circuits.

10 Along with a statement of the numbers and boundaries of the
11 proposed judicial circuits together with a map of the proposed
12 judicial circuits, the circuit realignment plan shall include an
13 analysis of the following supporting information:

14 (a) A current judicial weighted workload model;

15 (b) A current clerical weighted workload model;

16 (c) Whether litigants in the current circuits have adequate
17 access to the courts;

18 (d) The populations of the current and proposed judicial
19 circuits determined on the basis of the most recent decennial
20 census of the United States or annual population estimates
21 prepared by the United States Bureau of the Census;

22 (e) Judicial duties and travel time;

23 (f) Historical connections between counties in the judicial
24 circuits; and

25 (g) Other information deemed relevant by the judicial
26 conference.

27 (2) Once submitted to both chambers, a circuit realignment
28 plan shall become effective January first of the year following

1 the session of the general assembly to which it is submitted,
2 unless a bill realigning the judicial circuits is presented to
3 the governor by April first and is duly enacted.

4 2. A circuit realignment plan shall not alter the total
5 number of judicial circuits in existence on December 31, 2019,
6 and any circuit realignment plan creating or reducing the number
7 of judicial circuits shall be null and void.

8 3. A circuit realignment plan not superceded in the manner
9 set forth in this section shall be considered for all purposes as
10 the equivalent in force, effect, and intent of a public act of
11 the state upon its taking effect, and it shall be published by
12 the revisor of statutes together with the laws adopted by the
13 general assembly during the session in which the plan is
14 submitted.

15 478.320. 1. In counties having a population of thirty
16 thousand or less, there shall be one associate circuit judge. In
17 counties having a population of more than thirty thousand and
18 less than one hundred thousand, there shall be two associate
19 circuit judges. In counties having a population of one hundred
20 thousand or more, there shall be three associate circuit judges
21 and one additional associate circuit judge for each additional
22 one hundred thousand inhabitants.

23 2. When the office of state courts administrator indicates
24 in an annual judicial weighted workload model for three
25 consecutive years or more the need for four or more full-time
26 judicial positions in any judicial circuit having a population of
27 one hundred thousand or more, there shall be one additional
28 associate circuit judge position in such circuit for every four

1 full-time judicial positions needed as indicated in the weighted
2 workload model. In a multicounty circuit, the additional
3 associate circuit judge positions shall be apportioned among the
4 counties in the circuit on the basis of population, starting with
5 the most populous county, then the next most populous county, and
6 so forth.

7 3. For purposes of this section, notwithstanding the
8 provisions of section 1.100, population of a county shall be
9 determined on the basis of the last previous decennial census of
10 the United States; and, beginning after certification of the year
11 2000 decennial census, on the basis of annual population
12 estimates prepared by the United States Bureau of the Census,
13 provided that the number of associate circuit judge positions in
14 a county shall be adjusted only after population estimates for
15 three consecutive years indicate population change in the county
16 to a level provided by subsection 1 of this section.

17 [3.] 4. Except in circuits where associate circuit judges
18 are selected under the provisions of sections 25(a) to (g) of
19 article V of the constitution, the election of associate circuit
20 judges shall in all respects be conducted as other elections and
21 the returns made as for other officers.

22 [4.] 5. In counties not subject to sections 25(a) to (g) of
23 article V of the constitution, associate circuit judges shall be
24 elected by the county at large.

25 [5.] 6. No associate circuit judge shall practice law, or
26 do a law business, nor shall he or she accept, during his or her
27 term of office, any public appointment for which he or she
28 receives compensation for his or her services.

1 [6.] 7. No person shall be elected as an associate circuit
2 judge unless he or she has resided in the county for which he or
3 she is to be elected at least one year prior to the date of his
4 or her election; provided that, a person who is appointed by the
5 governor to fill a vacancy may file for election and be elected
6 notwithstanding the provisions of this subsection.

7 487.010. 1. [There is hereby created in the circuit court
8 of the following judicial circuits of the state, a division or
9 divisions to be designated as provided in sections 487.010 to
10 487.190, which shall be the family court:

11 (1) Circuit number seven, consisting of the county of Clay;

12 (2) Circuit number thirteen, consisting of Callaway and
13 Boone;

14 (3) Circuit number sixteen, consisting of the county of
15 Jackson;

16 (4) Circuit number twenty-one, consisting of the county of
17 St. Louis;

18 (5) Circuit number twenty-two, consisting of the city of
19 St. Louis;

20 (6) Circuit number thirty-one, consisting of the county of
21 Greene; and

22 (7) Any other circuit which chooses, by local court rule,
23 to have a family court as provided in sections 487.010 to
24 487.190.

25 2.] The majority of the circuit judges and associate
26 circuit judges en banc, in the circuit, may designate, by local
27 court rule, a family court in a county in the circuit as provided
28 in sections 487.010 to 487.190.

1 [3.] 2. The presiding judge of each circuit where the
2 circuit or a county in the circuit has a family court shall
3 designate the division or divisions of the circuit court that
4 shall be the family court. In those circuits with split venue, a
5 division shall be designated in each venue.

6 [4.] 3. In each circuit having more than one division
7 designated as the family court, the presiding judge shall
8 designate from the divisions so designated an administrative
9 judge of the family court.

10 [5.] 4. In any circuit with a county with split venue,
11 there shall be at least one circuit judge assigned to the family
12 court for each block of one hundred sixty thousand persons, or
13 portion of such block, based upon the latest decennial national
14 census.

15 [6.] 5. Notwithstanding any other provision of this chapter
16 to the contrary, the judges of the court en banc may remove a
17 judge from his duties as a family court judge and may assign a
18 new judge to sit as the family court judge.

19 6. This section shall not be construed as eliminating any
20 family courts in existence as of December 31, 2019.

21 487.020. 1. In each circuit or a county having a family
22 court, a majority of the circuit and associate circuit judges en
23 banc, in the circuit, may appoint commissioners, subject to
24 appropriations, to hear family court cases and make findings as
25 provided for in sections 487.010 to 487.190. Any person serving
26 as a commissioner of the juvenile division of the circuit court
27 on August 28, 1993, shall become a commissioner of the family
28 court. In each circuit or a county therein having a family

1 court, a majority of the circuit and associate circuit judges en
2 banc may appoint, in addition to those commissioners serving as
3 commissioners of the juvenile division and becoming commissioners
4 of the family court pursuant to the provisions of sections
5 487.020 to 487.040, no more than three additional commissioners
6 to hear family court cases and make findings and recommendations
7 as provided in sections 487.010 to 487.190. The number of
8 additional commissioners added as a result of the provisions of
9 sections 487.010 to 487.190 may be appointed only to the extent
10 that the state is reimbursed for the salaries of the
11 commissioners as provided in sections 487.010 to 487.190 or by
12 federal or county funds or by gifts or grants made for such
13 purposes. A commissioner shall be appointed for a term of four
14 years. Commissioners appointed pursuant to sections 487.020 to
15 487.040 shall serve in addition to circuit judges, associate
16 circuit court judges and commissioners authorized to hear actions
17 classified under section 487.080.

18 2. The circuit ~~[court]~~ courts in the eleventh judicial
19 circuit, the thirteenth judicial circuit, and in the thirty-first
20 judicial circuit may, in substitution of [a] each family court
21 commissioner currently appointed pursuant to this section whose
22 salary is reimbursable, appoint [one] a family court commissioner
23 whose compensation shall be payable by the state without
24 necessity of reimbursement. The provisions of this subsection
25 shall not be construed to allow appointment of a family court
26 commissioner in the eleventh judicial circuit in addition to the
27 number of such family court commissioners holding office in the
28 eleventh judicial circuit as of January 1, 1999[, and]. The

1 provisions of this subsection shall not be construed to allow
2 appointment of a family court commissioner in the thirteenth
3 judicial circuit or the thirty-first judicial circuit in addition
4 to the number of such family court commissioners holding office
5 in such circuits as of January 1, 2013. The appointment of the
6 state-paid commissioner shall be subject to appropriations for
7 such purpose.

8 3. Each commissioner of the family court shall possess the
9 same qualifications as a circuit judge. The compensation and
10 retirement benefits of each commissioner shall be the same as
11 that of an associate circuit judge, payable in the same manner
12 and from the same source as that of an associate circuit judge.

13 488.305. 1. The clerk of the circuit court shall charge
14 and collect fees for the clerk's duties as prescribed by sections
15 429.090 and 429.120 in such amounts as are determined pursuant to
16 sections 488.010 to 488.020.

17 2. The clerk of the circuit court may charge and collect in
18 cases where a garnishment is granted, a surcharge not to exceed
19 ten dollars for the clerk's duties. Any moneys collected under
20 this subsection shall be placed in a fund to be used at the
21 discretion of the circuit clerk to maintain and improve case
22 processing and record preservation.

23 488.426. 1. The judges of the circuit court, en banc, in
24 any circuit in this state may require any party filing a civil
25 case in the circuit court, at the time of filing the suit, to
26 deposit with the clerk of the court a surcharge in addition to
27 all other deposits required by law or court rule. Sections
28 488.426 to 488.432 shall not apply to proceedings when costs are

1 waived or are to be paid by the county or state or any city.

2 2. The surcharge in effect on August 28, 2001, shall remain
3 in effect until changed by the circuit court. The circuit court
4 in any circuit, except the circuit court in Jackson County or the
5 circuit court in any circuit that reimburses the state for the
6 salaries of family court commissioners pursuant to section
7 487.020, may change the fee to any amount not to exceed fifteen
8 dollars. The circuit court in Jackson County or the circuit
9 court in any circuit that reimburses the state for the salaries
10 of family court commissioners pursuant to section 487.020 may
11 change the fee to any amount not to exceed twenty dollars. A
12 change in the fee shall become effective and remain in effect
13 until further changed.

14 3. Sections 488.426 to 488.432 shall not apply to
15 proceedings when costs are waived or are paid by the county or
16 state or any city.

17 4. In addition to any fee authorized by subsection 1 of
18 this section, any county of the first classification with more
19 than ninety-three thousand eight hundred but less than
20 ninety-three thousand nine hundred inhabitants may impose an
21 additional fee of ten dollars excluding cases concerning adoption
22 and those in small claims court. The provisions of this
23 subsection shall expire on December 31, 2014.

24 488.2250. [For all transcripts of testimony given or
25 proceedings had in any circuit court, the court reporter shall
26 receive the sum of two dollars per twenty-five-line page for the
27 original of the transcript, and the sum of thirty-five cents per
28 twenty-five-line page for each carbon copy thereof; the page to

1 be approximately eight and one-half inches by eleven inches in
2 size, with left-hand margin of approximately one and one-half
3 inches and the right-hand margin of approximately one-half inch;
4 answer to follow question on same line when feasible; such page
5 to be designated as a legal page. Any judge, in his or her
6 discretion, may order a transcript of all or any part of the
7 evidence or oral proceedings, and the court reporter's fees for
8 making the same shall be paid by the state upon a voucher
9 approved by the court, and taxed against the state. In criminal
10 cases where an appeal is taken by the defendant, and it appears
11 to the satisfaction of the court that the defendant is unable to
12 pay the costs of the transcript for the purpose of perfecting the
13 appeal, the court shall order the court reporter to furnish three
14 transcripts in duplication of the notes of the evidence, for the
15 original of which the court reporter shall receive two dollars
16 per legal page and for the copies twenty cents per page. The
17 payment of court reporter's fees provided in this section shall
18 be made by the state upon a voucher approved by the court] 1.
19 For all appeal transcripts of testimony given or proceedings in
20 any circuit court, the court reporter shall receive the sum of
21 three dollars and fifty cents per legal page for the preparation
22 of a paper and an electronic version of the transcript.

23 2. In criminal cases where an appeal is taken by the
24 defendant and it appears to the satisfaction of the court that
25 the defendant is unable to pay the costs of the transcript for
26 the purpose of perfecting the appeal, the court reporter shall
27 receive a fee of two dollars and sixty cents per legal page for
28 the preparation of a paper and an electronic version of the

1 transcript.

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

7 4. For purposes of this section, a legal page, other than
8 the first page and the final page of the transcript, shall be
9 twenty-five lines, approximately eight and one-half inches by
10 eleven inches in size, with the left-hand margin of approximately
11 one and one-half inches, and with the right-hand margin of
12 approximately one-half inch.

13 5. Notwithstanding any law to the contrary, the payment of
14 court reporter's fees provided in subsections 2 and 3 of this
15 section shall be made by the state upon a voucher approved by the
16 court. The cost to prepare all other transcripts of testimony or
17 proceedings shall be borne by the party requesting their
18 preparation and production, who shall reimburse the court
19 reporter the sum provided in subsection 1 of this section.

20 488.5320. 1. Sheriffs, county marshals or other officers
21 shall be allowed a charge for their services rendered in criminal
22 cases and in all proceedings for contempt or attachment, as
23 required by law, the sum of seventy-five dollars for each felony
24 case or contempt or attachment proceeding, ten dollars for each
25 misdemeanor case, and six dollars for each infraction,
26 **[excluding]** including cases disposed of by a **[traffic]** violations
27 bureau established pursuant to law or supreme court rule. Such
28 charges shall be charged and collected in the manner provided by

1 sections 488.010 to 488.020 and shall be payable to the county
2 treasury; except that, those charges from cases disposed of by a
3 violations bureau shall be distributed as follows: one-half of
4 the charges collected shall be forwarded and deposited to the
5 credit of the MODEX fund established in subsection 6 of this
6 section for the operational cost of the Missouri data exchange
7 (MODEX) system, and one-half of the charges collected shall be
8 deposited to the credit of the inmate security fund, established
9 in section 488.5026, of the county or municipal political
10 subdivision from which the citation originated. If the county or
11 municipal political subdivision has not established an inmate
12 security fund, all of the funds shall be deposited in the MODEX
13 fund.

14 2. Notwithstanding subsection 1 of this section to the
15 contrary, sheriffs, county marshals, or other officers in any
16 county with a charter form of government and with more than nine
17 hundred fifty thousand inhabitants or in any city not within a
18 county shall not be allowed a charge for their services rendered
19 in cases disposed of by a violations bureau established pursuant
20 to law or supreme court rule.

21 3. The sheriff receiving any charge pursuant to subsection
22 1 of this section shall reimburse the sheriff of any other county
23 or the city of St. Louis the sum of three dollars for each
24 pleading, writ, summons, order of court or other document served
25 in connection with the case or proceeding by the sheriff of the
26 other county or city, and return made thereof, to the maximum
27 amount of the total charge received pursuant to subsection 1 of
28 this section.

1 [3.] 4. The charges provided in subsection 1 of this
2 section shall be taxed as other costs in criminal proceedings
3 immediately upon a plea of guilty or a finding of guilt of any
4 defendant in any criminal procedure. The clerk shall tax all the
5 costs in the case against such defendant, which shall be
6 collected and disbursed as provided by sections 488.010 to
7 488.020; provided, that no such charge shall be collected in any
8 proceeding in any court when the proceeding or the defendant has
9 been dismissed by the court; provided further, that all costs,
10 incident to the issuing and serving of writs of scire facias and
11 of writs of fieri facias, and of attachments for witnesses of
12 defendant, shall in no case be paid by the state, but such costs
13 incurred under writs of fieri facias and scire facias shall be
14 paid by the defendant and such defendant's sureties, and costs
15 for attachments for witnesses shall be paid by such witnesses.

16 [4.] 5. Mileage shall be reimbursed to sheriffs, county
17 marshals and guards for all services rendered pursuant to this
18 section at the rate prescribed by the Internal Revenue Service
19 for allowable expenses for motor vehicle use expressed as an
20 amount per mile.

21 6. (1) There is hereby created in the state treasury the
22 "MODEX Fund", which shall consist of money collected under
23 subsection 1 of this section. The fund shall be administered by
24 the Peace Officers Standards and Training Commission established
25 in section 590.120. The state treasurer shall be custodian of
26 the fund. In accordance with sections 30.170 and 30.180, the
27 state treasurer may approve disbursements. The fund shall be a
28 dedicated fund and, upon appropriation, money in the fund shall

1 be used solely for the operational support and expansion of the
2 MODEX system.

3 (2) Notwithstanding the provisions of section 33.080 to the
4 contrary, any moneys remaining in the fund at the end of the
5 biennium shall not revert to the credit of the general revenue
6 fund.

7 (3) The state treasurer shall invest moneys in the fund in
8 the same manner as other funds are invested. Any interest and
9 moneys earned on such investments shall be credited to the fund.

10 513.430. 1. The following property shall be exempt from
11 attachment and execution to the extent of any person's interest
12 therein:

13 (1) Household furnishings, household goods, wearing
14 apparel, appliances, books, animals, crops or musical instruments
15 that are held primarily for personal, family or household use of
16 such person or a dependent of such person, not to exceed three
17 thousand dollars in value in the aggregate;

18 (2) A wedding ring not to exceed one thousand five hundred
19 dollars in value and other jewelry held primarily for the
20 personal, family or household use of such person or a dependent
21 of such person, not to exceed five hundred dollars in value in
22 the aggregate;

23 (3) Any other property of any kind, not to exceed in value
24 six hundred dollars in the aggregate;

25 (4) Any implements or professional books or tools of the
26 trade of such person or the trade of a dependent of such person
27 not to exceed three thousand dollars in value in the aggregate;

28 (5) Any motor vehicles, not to exceed three thousand

1 dollars in value in the aggregate;

2 (6) Any mobile home used as the principal residence but not
3 attached to real property in which the debtor has a fee interest,
4 not to exceed five thousand dollars in value;

5 (7) Any one or more unmatured life insurance contracts
6 owned by such person, other than a credit life insurance
7 contract;

8 (8) The amount of any accrued dividend or interest under,
9 or loan value of, any one or more unmatured life insurance
10 contracts owned by such person under which the insured is such
11 person or an individual of whom such person is a dependent;
12 provided, however, that if proceedings under Title 11 of the
13 United States Code are commenced by or against such person, the
14 amount exempt in such proceedings shall not exceed in value one
15 hundred fifty thousand dollars in the aggregate less any amount
16 of property of such person transferred by the life insurance
17 company or fraternal benefit society to itself in good faith if
18 such transfer is to pay a premium or to carry out a nonforfeiture
19 insurance option and is required to be so transferred
20 automatically under a life insurance contract with such company
21 or society that was entered into before commencement of such
22 proceedings. No amount of any accrued dividend or interest
23 under, or loan value of, any such life insurance contracts shall
24 be exempt from any claim for child support. Notwithstanding
25 anything to the contrary, no such amount shall be exempt in such
26 proceedings under any such insurance contract which was purchased
27 by such person within one year prior to the commencement of such
28 proceedings;

1 (9) Professionally prescribed health aids for such person
2 or a dependent of such person;

3 (10) Such person's right to receive:

4 (a) A Social Security benefit, unemployment compensation or
5 a public assistance benefit;

6 (b) A veteran's benefit;

7 (c) A disability, illness or unemployment benefit;

8 (d) Alimony, support or separate maintenance, not to exceed
9 seven hundred fifty dollars a month;

10 (e) Any payment under a stock bonus plan, pension plan,
11 disability or death benefit plan, profit-sharing plan, nonpublic
12 retirement plan or any plan described, defined, or established
13 pursuant to section 456.072, the person's right to a participant
14 account in any deferred compensation program offered by the state
15 of Missouri or any of its political subdivisions, or annuity or
16 similar plan or contract on account of illness, disability,
17 death, age or length of service, to the extent reasonably
18 necessary for the support of such person and any dependent of
19 such person unless:

20 a. Such plan or contract was established by or under the
21 auspices of an insider that employed such person at the time such
22 person's rights under such plan or contract arose;

23 b. Such payment is on account of age or length of service;
24 and

25 c. Such plan or contract does not qualify under Section
26 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue
27 Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408,
28 408A or 409); except that any such payment to any person shall be

1 subject to attachment or execution pursuant to a qualified
2 domestic relations order, as defined by Section 414(p) of the
3 Internal Revenue Code of 1986, as amended, issued by a court in
4 any proceeding for dissolution of marriage or legal separation or
5 a proceeding for disposition of property following dissolution of
6 marriage by a court which lacked personal jurisdiction over the
7 absent spouse or lacked jurisdiction to dispose of marital
8 property at the time of the original judgment of dissolution;

9 (f) Any money or assets, payable to a participant or
10 beneficiary from, or any interest of any participant or
11 beneficiary in, a retirement plan [or], profit-sharing plan,
12 health savings plan, or similar plan, including an inherited
13 account or plan, that is qualified under Section 401(a), 403(a),
14 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as
15 amended, whether such participant's or beneficiary's interest
16 arises by inheritance, designation, appointment, or otherwise,
17 except as provided in this paragraph. Any plan or arrangement
18 described in this paragraph shall not be exempt from the claim of
19 an alternate payee under a qualified domestic relations order;
20 however, the interest of any and all alternate payees under a
21 qualified domestic relations order shall be exempt from any and
22 all claims of any creditor, other than the state of Missouri
23 through its division of family services. As used in this
24 paragraph, the terms "alternate payee" and "qualified domestic
25 relations order" have the meaning given to them in Section 414(p)
26 of the Internal Revenue Code of 1986, as amended.

27
28 If proceedings under Title 11 of the United States Code are

1 commenced by or against such person, no amount of funds shall be
2 exempt in such proceedings under any such plan, contract, or
3 trust which is fraudulent as defined in subsection 2 of section
4 428.024 and for the period such person participated within three
5 years prior to the commencement of such proceedings. For the
6 purposes of this section, when the fraudulently conveyed funds
7 are recovered and after, such funds shall be deducted and then
8 treated as though the funds had never been contributed to the
9 plan, contract, or trust;

10 (11) The debtor's right to receive, or property that is
11 traceable to, a payment on account of the wrongful death of an
12 individual of whom the debtor was a dependent, to the extent
13 reasonably necessary for the support of the debtor and any
14 dependent of the debtor.

15 2. Nothing in this section shall be interpreted to exempt
16 from attachment or execution for a valid judicial or
17 administrative order for the payment of child support or
18 maintenance any money or assets, payable to a participant or
19 beneficiary from, or any interest of any participant or
20 beneficiary in, a retirement plan which is qualified pursuant to
21 Section 408A of the Internal Revenue Code of 1986, as amended.

22 514.040. 1. Except as provided in subsection 3 of this
23 section, if any court shall, before or after the commencement of
24 any suit pending before it, be satisfied that the plaintiff is a
25 poor person, and unable to prosecute his or her suit, and pay all
26 or any portion of the costs and expenses thereof, such court may,
27 in its discretion, permit him or her to commence and prosecute
28 his or her action as a poor person, and thereupon such poor

1 person shall have all necessary process and proceedings as in
2 other cases, without fees, tax or charge as the court determines
3 the person cannot pay; and the court may assign to such person
4 counsel, who, as well as all other officers of the court, shall
5 perform their duties in such suit without fee or reward as the
6 court may excuse; but if judgment is entered for the plaintiff,
7 costs shall be recovered, which shall be collected for the use of
8 the officers of the court.

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

16 3. Where a party is represented in a civil action by a
17 legal aid society or a legal services or other nonprofit
18 organization funded in whole or substantial part by moneys
19 appropriated by the general assembly of the state of Missouri,
20 which has as its primary purpose the furnishing of legal services
21 to indigent persons, by a law school clinic which has as its
22 primary purpose educating law students through furnishing legal
23 services to indigent persons, or by private counsel working on
24 behalf of or under the auspices of such society, all costs and
25 expenses related to the prosecution of the suit may be waived
26 without the necessity of a motion and court approval, provided
27 that a determination has been made by such society or
28 organization that such party is unable to pay the costs, fees and

1 expenses necessary to prosecute or defend the action, and that a
2 certification that such determination has been made is filed with
3 the clerk of the court.

4 525.020. 1. Upon receipt of the garnishment application,
5 the clerk shall process the application, issue the writ, and
6 return the garnishment to the garnishor. The garnishor shall be
7 responsible for obtaining service upon the garnishee of the
8 summons, application, and order of execution or garnishment.

9 When a fieri facias shall be issued and placed in the hands of an
10 officer for collection, it shall be the duty of the officer, when
11 directed by the plaintiff, his agent or attorney, to summon
12 garnishees, and with like effect as in case of an original
13 attachment. The service of garnishment in such case, and the
14 subsequent proceedings against and in behalf of the garnishee,
15 shall be the same as in the case of garnishment under an
16 attachment. Alternatively, the garnishor may obtain service upon
17 the garnishee by certified mail. In such cases, it shall be the
18 duty of the garnishor to send the summons and writ by certified
19 mail, return receipt requested, to the garnishee; or if the
20 garnishee is a corporation, to the person described in section
21 525.050. The garnishor shall thereafter file with the clerk of
22 the court issuing the order the return receipt signed by the
23 garnishee. When service on the garnishee is obtained by
24 certified mail, no subsequent proceeding against the garnishee
25 may be undertaken unless the party filing the garnishment has
26 filed the signed return receipt with the court. All sums paid on
27 behalf of the garnishor to the United States Postal Service or a
28 private mail provider for certified mail shall be treated as and

1 included in post-judgment costs.

2 2. Within five days of notice of service upon the
3 garnishee, the garnishor shall serve a copy of the summons and
4 writ on the judgment debtor. The writ shall be served by
5 delivering it to the judgment debtor as provided in supreme court
6 rule by mailing the documents to the debtor's last known address.
7 Service by mail shall be complete upon mailing. At the time of
8 mailing, a certificate of service shall be filed with the court.
9 The certificate shall show the caption of the case, the name of
10 the party served, the date and manner of service, the designation
11 of the documents, and the signature of the serving party or
12 attorney.

13 525.040. 1. Notice of garnishment, served as provided in
14 sections 525.010 to 525.480 shall have the effect of attaching
15 all personal property, money, rights, credits, bonds, bills,
16 notes, drafts, checks or other choses in action of the defendant
17 in the garnishee's possession or charge, or under his or her
18 control at the time of the service of the garnishment, or which
19 may come into his or her possession or charge, or under his or
20 her control, or be owing by him or her, between that time and the
21 time of filing his or her answer, or in the case of a continuous
22 wage garnishment, until the judgment is paid in full or until the
23 employment relationship is terminated whichever occurs first; but
24 he or she shall not be liable to a judgment in money on account
25 of such bonds, bills, notes, drafts, checks or other choses in
26 action, unless the same shall have been converted into money
27 since the garnishment, or he or she fail, in such time as the
28 court may prescribe, to deliver them into court, or to the

1 sheriff or other person designated by the court.

2 2. Writs of garnishment which would otherwise have equal
3 priority shall have priority according to the date of service on
4 the garnishee. If an employee's wages have been attached by more
5 than one writ of garnishment, the employer must inform the
6 inferior garnishor of the existence and case number of all senior
7 garnishments.

8 525.070. Whenever any property, effects, money or debts,
9 belonging or owing to the defendant, shall be confessed, or found
10 by the court or jury, to be in the hands of the garnishee, the
11 garnishee may, at any time before final judgment, discharge
12 himself, by paying or delivering the same, or so much thereof as
13 the court shall order, to the sheriff [or], to the court, or when
14 applicable to the attorney for the party on whose behalf the
15 order of garnishment issued, from all further liability on
16 account of the property, money or debts so paid or delivered.

17 525.080. 1. If it appear that a garnishee, at or after his
18 or her garnishment, was possessed of any property of the
19 defendant, or was indebted to him, the court, or judge in
20 vacation, may order the delivery of such property, or the payment
21 of the amount owing by the garnishee, to the sheriff [or], into
22 court, or to the attorney for the party on whose behalf the order
23 of garnishment issued, at such time as the court may direct; or
24 may permit the garnishee to retain the same, upon his or her
25 executing a bond to the plaintiff, with security, approved by the
26 court, to the effect that the property shall be forthcoming, or
27 the amount paid, as the court may direct. Upon a breach of the
28 obligation of such bond, the plaintiff may proceed against the

1 obligors therein, in the manner prescribed in the case of a
2 delivery bond given to the sheriff.

3 2. Notwithstanding subsection 1 of this section, when
4 property is protected from garnishment by state or federal law
5 including but not limited to federal restrictions on the
6 garnishment of earnings in Title 15, U.S.C. Sections 1671 to
7 1677 and Old Age, Survivors and Disability Insurance benefits as
8 provided in Title 42, U.S.C. Section 407, such property need not
9 be delivered to the court, or to any other person, by the
10 garnishee to the extent such protection or preemption is
11 applicable.

12 525.230. [1. The court shall make the garnishee a
13 reasonable allowance] The garnishee may deduct a one-time sum not
14 to exceed twenty dollars, or the fee previously agreed upon
15 between the garnishee and judgment debtor where the garnishee is
16 a financial institution, for his or her trouble and expenses in
17 answering the interrogatories and withholding the funds, to be
18 [paid out of the funds or proceeds of the property or effects
19 confessed in his or her hands. The reasonable allowances shall
20 include any court costs, attorney's fees and any other bona fide
21 expenses of the garnishee] withheld from any funds garnished, in
22 addition to the moneys withheld to satisfy the court-ordered
23 judgment. Such fee shall not be a credit against the court-
24 ordered judgment and shall be collected first. The garnishee may
25 file a motion with the court for additional costs, including
26 attorney's fees, reasonably incurred in answering the
27 interrogatories in which case the court may make such award as it
28 deems reasonable. The motion shall be filed on or before the

1 date the garnishee makes payment or delivers property subject to
2 garnishment to the court.

3 [2. The court also shall allow the garnishee, in addition
4 to the reasonable allowance for his or her trouble and expenses
5 in answering the interrogatories, to collect an administrative
6 fee consisting of the greater of eight dollars or two percent of
7 the amount required to be deducted by any court-ordered
8 garnishment or series of garnishments arising out of the same
9 judgment debt. Such fee shall be for the trouble and expenses in
10 administering the notice of garnishment and paying over any
11 garnished funds available to the court. The fee shall be
12 withheld by the employer from the employee, or by any other
13 garnishee from any fund garnished, in addition to the moneys
14 withheld to satisfy the court-ordered judgment. Such fee shall
15 not be a credit against the court-ordered judgment and shall be
16 collected first.]

17 525.310. 1. [When a judgment has been rendered against an
18 officer, appointee or employee of the state of Missouri, or any
19 municipal corporation or other political subdivision of the
20 state, the judgment creditor, or his attorney or agent, may file
21 in the office of the clerk of the court before whom the judgment
22 was rendered, an application setting forth such facts, and that
23 the judgment debtor is employed by the state, or a municipal
24 corporation or other political subdivision of the state, with the
25 name of the department of state or the municipal corporation or
26 other political subdivision of the state which employs the
27 judgment debtor, and the name of the treasurer, or the name and
28 title of the paying, disbursing or auditing officer of the state,

1 municipal corporation or other political subdivision of the
2 state, charged with the duty of payment or audit of such salary,
3 wages, fees or earnings of such employee, and upon the filing of
4 such application the clerk shall issue a writ of sequestration
5 directed to the sheriff or other officer authorized to execute
6 writs in the county in which such paying, disbursing or auditing
7 officer may be found and the sheriff or other officer to whom the
8 writ is directed shall serve a true copy thereof upon such
9 paying, disbursing or auditing officer named therein, which shall
10 have the effect of attaching any and all salary, wages, fees or
11 earnings of the judgment debtor, which are not made exempt by
12 virtue of the exemption statutes of this state and are not in
13 excess of the amount due on the judgment and costs, then due and
14 payable, from the date of the writ to the return day thereof.

15 2. The paying, disbursing or auditing officer charged with
16 the duty of payment or audit of the salary, wages, fees or
17 earnings of the judgment debtor shall deliver to the sheriff or
18 officer serving the writ the amount, not to exceed the amount due
19 upon the judgment and costs, of the salary, wages, fees or
20 earnings of the judgment debtor not made exempt by virtue of the
21 exemption statutes of this state, as the same shall become due to
22 the judgment debtor. The paying, disbursing or auditing officer
23 shall pay to the judgment debtor the remaining portion of his
24 salary, wages, fees or earnings, as the same shall become due to
25 the judgment debtor. The sheriff, or officer serving the writ,
26 shall provide to the paying, disbursing or auditing officer along
27 with the writ sufficient information to compute the amount which
28 shall be delivered to the sheriff or officer serving the writ.

1 Neither the state, municipal corporation or other political
2 subdivision of the state, nor the paying, disbursing or auditing
3 officer shall be liable for the payment of any amount above the
4 amount delivered to the sheriff or officer serving the writ if
5 the computation of the amount delivered is in accordance with the
6 information provided with the writ.

7 3. The sheriff or officer serving such writ shall endorse
8 thereon the day and date he received the same, and upon receiving
9 any amount in connection with the writ, shall issue his receipt
10 to such paying, disbursing or auditing officer therefor. All
11 amounts delivered to the sheriff, or officer serving said writ,
12 in connection with the writ, or so much thereof as shall be
13 necessary therefor, shall be applied to the payment of the
14 judgment debt, interest and costs in the same manner as in the
15 case of garnishment under execution. The sheriff or other
16 officer serving the writ shall make his return to the writ
17 showing the manner of serving the same, and he shall be allowed
18 the same fees therefor as provided for levy of execution, and the
19 writ shall be returnable in the same manner as the execution
20 issued out of the court in which the judgment was rendered.
21 Nothing in this section shall deprive the judgment debtor of any
22 exemptions to which he may be entitled under the exemption laws
23 of this state, and the same may be claimed by him to the sheriff
24 or other officer serving the writ at any time on or before the
25 return day of the writ in the manner provided under the exemption
26 laws of this state. It shall be the duty of such sheriff or
27 other officer serving the writ, at the time of the service
28 thereof, to apprise the judgment debtor of his exemption rights,

1 either in person or by registered letter directed to the judgment
2 debtor to his last known address.] The provisions of this
3 section constitute a waiver of sovereign immunity with respect to
4 garnishment of the pay of state, municipal, or other political
5 subdivision employees. The state, municipal, or other political
6 subdivision employer served with a garnishment shall have the
7 same duties and obligations as those imposed upon a private
8 employer when served with garnishment.

9 2. Pay of any officer, appointee, or employee of the state
10 of Missouri, or any municipal corporation or other political
11 subdivision of the state, shall be subject to garnishment to the
12 same extent as in any other garnishment. All garnishments
13 against such employee shall proceed in the same manner as any
14 other garnishment, except as provided in subsection 3 of this
15 section.

16 3. Service of legal process to which a department,
17 municipal corporation, or other political subdivision of the
18 state is subject under this section may be accomplished by
19 certified mail, return receipt requested, or by personal service
20 upon:

21 (1) The appropriate agent designed for receipt of such
22 service of process; or

23 (2) The head of such department, municipal corporation, or
24 other political subdivision of the state if no agent has been so
25 designated.

26 544.455. 1. Any person charged with a bailable offense, at
27 his or her appearance before an associate circuit judge or judge
28 may be ordered released pending trial, appeal, or other stage of

1 the proceedings against him on his personal recognizance, unless
2 the associate circuit judge or judge determines, in the exercise
3 of his discretion, that such a release will not reasonably assure
4 the appearance of the person as required. When such a
5 determination is made, the associate circuit judge or judge may
6 either in lieu of or in addition to the above methods of release,
7 impose any or any combination of the following conditions of
8 release which will reasonably assure the appearance of the person
9 for trial:

10 (1) Place the person in the custody of a designated person
11 or organization agreeing to supervise him;

12 (2) Place restriction on the travel, association, or place
13 of abode of the person during the period of release;

14 (3) Require the execution of a bail bond with sufficient
15 solvent sureties, or the deposit of cash in lieu thereof;

16 (4) Require the person to report regularly to some officer
17 of the court, or peace officer, in such manner as the associate
18 circuit judge or judge directs;

19 (5) Require the execution of a bond in a given sum and the
20 deposit in the registry of the court of ten percent, or such
21 lesser percent as the judge directs, of the sum in cash or
22 negotiable bonds of the United States or of the state of Missouri
23 or any political subdivision thereof;

24 (6) Place the person on house arrest with electronic
25 monitoring[,]; except that all costs associated with the
26 electronic monitoring shall be charged to the person on house
27 arrest. If the judge finds the person unable to afford the costs
28 associated with electronic monitoring, [then] the judge [shall

1 not] may order that the person be placed on house arrest with
2 electronic monitoring if the county commission agrees to pay from
3 the general revenue of the county the costs of such monitoring.
4 If the person on house arrest is unable to afford the costs
5 associated with electronic monitoring and the county commission
6 does not agree to pay the costs of such electronic monitoring,
7 the judge shall not order that the person be placed on house
8 arrest with electronic monitoring;

9 (7) Impose any other condition deemed reasonably necessary
10 to assure appearance as required, including a condition requiring
11 that the person return to custody after specified hours.

12 2. In determining which conditions of release will
13 reasonably assure appearance, the associate circuit judge or
14 judge shall, on the basis of available information, take into
15 account the nature and circumstances of the offense charged, the
16 weight of the evidence against the accused, the accused's family
17 ties, employment, financial resources, character and mental
18 condition, the length of his residence in the community, his
19 record of convictions, and his record of appearance at court
20 proceedings or flight to avoid prosecution or failure to appear
21 at court proceedings.

22 3. An associate circuit judge or judge authorizing the
23 release of a person under this section shall issue an appropriate
24 order containing a statement of the conditions imposed, if any,
25 shall inform such person of the penalties applicable to
26 violations of the conditions of his release and shall advise him
27 that a warrant for his arrest will be issued immediately upon any
28 such violation.

1 4. A person for whom conditions of release are imposed and
2 who after twenty-four hours from the time of the release hearing
3 continues to be detained as a result of his inability to meet the
4 conditions of release, shall, upon application, be entitled to
5 have the condition reviewed by the associate circuit judge or
6 judge who imposed them. The motion shall be determined promptly.

7 5. An associate circuit judge or judge ordering the release
8 of a person on any condition specified in this section may at any
9 time amend his order to impose additional or different conditions
10 of release; except that, if the imposition of such additional or
11 different conditions results in the detention of the person as a
12 result of his inability to meet such conditions or in the release
13 of the person on a condition requiring him to return to custody
14 after specified hours, the provisions of subsection 4 of this
15 section shall apply.

16 6. Information stated in, or offered in connection with,
17 any order entered pursuant to this section need not conform to
18 the rules pertaining to the admissibility of evidence in a court
19 of law.

20 7. Nothing contained in this section shall be construed to
21 prevent the disposition of any case or class of cases by
22 forfeiture of collateral security where such disposition is
23 authorized by the court.

24 8. Persons charged with violations of municipal ordinances
25 may be released by a municipal judge or other judge who hears and
26 determines municipal ordinance violation cases of the
27 municipality involved under the same conditions and in the same
28 manner as provided in this section for release by an associate

1 circuit judge.

2 9. A circuit court may adopt a local rule authorizing the
3 pretrial release on electronic monitoring pursuant to subdivision
4 (6) of subsection 1 of this section in lieu of incarceration of
5 individuals charged with offenses specifically identified
6 therein.

7 557.011. 1. Every person found guilty of an offense shall
8 be dealt with by the court in accordance with the provisions of
9 this chapter, except that for offenses defined outside this code
10 and not repealed, the term of imprisonment or the fine that may
11 be imposed is that provided in the statute defining the offense;
12 however, the conditional release term of any sentence of a term
13 of years shall be determined as provided in subsection 4 of
14 section 558.011.

15 2. Whenever any person has been found guilty of a felony or
16 a misdemeanor the court shall make one or more of the following
17 dispositions of the offender in any appropriate combination. The
18 court may:

19 (1) Sentence the person to a term of imprisonment as
20 authorized by chapter 558;

21 (2) Sentence the person to pay a fine as authorized by
22 chapter 560;

23 (3) Suspend the imposition of sentence, with or without
24 placing the person on probation;

25 (4) Pronounce sentence and suspend its execution, placing
26 the person on probation;

27 (5) Impose a period of detention as a condition of
28 probation, as authorized by section 559.026.

1 3. Whenever any person has been found guilty of an
2 infraction, the court shall make one or more of the following
3 dispositions of the offender in any appropriate combination. The
4 court may:

5 (1) Sentence the person to pay a fine as authorized by
6 chapter 560;

7 (2) Suspend the imposition of sentence, with or without
8 placing the person on probation;

9 (3) Pronounce sentence and suspend its execution, placing
10 the person on probation.

11 4. Whenever any organization has been found guilty of an
12 offense, the court shall make one or more of the following
13 dispositions of the organization in any appropriate combination.
14 The court may:

15 (1) Sentence the organization to pay a fine as authorized
16 by chapter 560;

17 (2) Suspend the imposition of sentence, with or without
18 placing the organization on probation;

19 (3) Pronounce sentence and suspend its execution, placing
20 the organization on probation;

21 (4) Impose any special sentence or sanction authorized by
22 law.

23 5. This chapter shall not be construed to deprive the court
24 of any authority conferred by law to decree a forfeiture of
25 property, suspend or cancel a license, remove a person from
26 office, or impose any other civil penalty. An appropriate order
27 exercising such authority may be included as part of any
28 sentence.

1 6. In the event a sentence of confinement is ordered
2 executed, a court may order that an individual serve all or any
3 portion of such sentence on electronic monitoring[,]; except that
4 all costs associated with the electronic monitoring shall be
5 charged to the person on house arrest. If the judge finds the
6 person unable to afford the costs associated with electronic
7 monitoring, [then] the judge [shall not] may order that the
8 person be placed on house arrest with electronic monitoring if
9 the county commission agrees to pay the costs of such
10 monitoring. If the person on house arrest is unable to afford
11 the costs associated with electronic monitoring and the county
12 commission does not agree to pay from the general revenue of the
13 county the costs of such electronic monitoring, the judge shall
14 not order that the person be placed on house arrest with
15 electronic monitoring.

16 559.036. 1. A term of probation commences on the day it is
17 imposed. Multiple terms of Missouri probation, whether imposed at
18 the same time or at different times, shall run concurrently.
19 Terms of probation shall also run concurrently with any federal
20 or other state jail, prison, probation or parole term for another
21 offense to which the defendant is or becomes subject during the
22 period, unless otherwise specified by the Missouri court.

23 2. The court may terminate a period of probation and
24 discharge the defendant at any time before completion of the
25 specific term fixed under section 559.016 if warranted by the
26 conduct of the defendant and the ends of justice. The court may
27 extend the term of the probation, but no more than one extension
28 of any probation may be ordered except that the court may extend

1 the term of probation by one additional year by order of the
2 court if the defendant admits he or she has violated the
3 conditions of probation or is found by the court to have violated
4 the conditions of his or her probation. Total time on any
5 probation term, including any extension shall not exceed the
6 maximum term established in section 559.016. Procedures for
7 termination, discharge and extension may be established by rule
8 of court.

9 3. If the defendant violates a condition of probation at
10 any time prior to the expiration or termination of the probation
11 term, the court may continue him on the existing conditions, with
12 or without modifying or enlarging the conditions or extending the
13 term.

14 4. (1) Unless the defendant consents to the revocation of
15 probation, if a continuation, modification, enlargement or
16 extension is not appropriate under this section, the court shall
17 order placement of the offender in one of the department of
18 corrections' one hundred twenty-day programs so long as:

19 (a) The underlying offense for the probation is a class C
20 or D felony or an offense listed in chapter 195; except that, the
21 court may, upon its own motion or a motion of the prosecuting or
22 circuit attorney, make a finding that an offender is not eligible
23 if the underlying offense is involuntary manslaughter in the
24 first degree, involuntary manslaughter in the second degree,
25 aggravated stalking, assault in the second degree, sexual
26 assault, domestic assault in the second degree, assault of a law
27 enforcement officer in the second degree, statutory rape in the
28 second degree, statutory sodomy in the second degree, deviate

1 sexual assault, sexual misconduct involving a child, incest,
2 endangering the welfare of a child in the first degree under
3 subdivision (1) or (2) of subsection 1 of section 568.045, abuse
4 of a child, invasion of privacy or any case in which the
5 defendant is found guilty of a felony offense under chapter 571;

6 (b) The probation violation is not the result of the
7 defendant being an absconder or being found guilty of, pleading
8 guilty to, or being arrested on suspicion of any felony,
9 misdemeanor, or infraction. For purposes of this subsection,
10 "absconder" shall mean an offender under supervision who has left
11 such offender's place of residency without the permission of the
12 offender's supervising officer for the purpose of avoiding
13 supervision;

14 (c) The defendant has not violated any conditions of
15 probation involving the possession or use of weapons, or a
16 stay-away condition prohibiting the defendant from contacting a
17 certain individual; and

18 (d) The defendant has not already been placed in one of the
19 programs by the court for the same underlying offense or during
20 the same probation term.

21 (2) Upon receiving the order, the department of corrections
22 shall conduct an assessment of the offender and place such
23 offender in the appropriate one hundred twenty-day program under
24 subsection 3 of section 559.115.

25 (3) Notwithstanding any of the provisions of subsection 3
26 of section 559.115 to the contrary, once the defendant has
27 successfully completed the program under this subsection, the
28 court shall release the defendant to continue to serve the term

1 of probation, which shall not be modified, enlarged, or extended
2 based on the same incident of violation. Time served in the
3 program shall be credited as time served on any sentence imposed
4 for the underlying offense.

5 5. If the defendant consents to the revocation of probation
6 or if the defendant is not eligible under subsection 4 of this
7 section for placement in a program and a continuation,
8 modification, enlargement, or extension of the term under this
9 section is not appropriate, the court may revoke probation and
10 order that any sentence previously imposed be executed. If
11 imposition of sentence was suspended, the court may revoke
12 probation and impose any sentence available under section
13 557.011. The court may mitigate any sentence of imprisonment by
14 reducing the prison or jail term by all or part of the time the
15 defendant was on probation. The court may, upon revocation of
16 probation, place an offender on a second term of probation. Such
17 probation shall be for a term of probation as provided by section
18 559.016, notwithstanding any amount of time served by the
19 offender on the first term of probation.

20 6. Probation shall not be revoked without giving the
21 probationer notice and an opportunity to be heard on the issues
22 of whether he violated a condition of probation and, if he did,
23 whether revocation is warranted under all the circumstances.

24 7. The prosecuting or circuit attorney may file a motion to
25 revoke probation or at any time during the term of probation, the
26 court may issue a notice to the probationer to appear to answer a
27 charge of a violation, and the court may issue a warrant of
28 arrest for the violation. Such notice shall be personally served

1 upon the probationer. The warrant shall authorize the return of
2 the probationer to the custody of the court or to any suitable
3 detention facility designated by the court. Upon the filing of
4 the prosecutor's or circuit attorney's motion or on the court's
5 own motion, the court may immediately enter an order suspending
6 the period of probation and may order a warrant for the
7 defendant's arrest. The probation shall remain suspended until
8 the court rules on the prosecutor's or circuit attorney's motion,
9 or until the court otherwise orders the probation reinstated.

10 8. The power of the court to revoke probation shall extend
11 for the duration of the term of probation designated by the court
12 and for any further period which is reasonably necessary for the
13 adjudication of matters arising before its expiration, provided
14 that some affirmative manifestation of an intent to conduct a
15 revocation hearing occurs prior to the expiration of the period
16 and that every reasonable effort is made to notify the
17 probationer and to conduct the hearing prior to the expiration of
18 the period.

19 559.115. 1. Neither probation nor parole shall be granted
20 by the circuit court between the time the transcript on appeal
21 from the offender's conviction has been filed in appellate court
22 and the disposition of the appeal by such court.

23 2. Unless otherwise prohibited by subsection [5] 8 of this
24 section, a circuit court only upon its own motion and not that of
25 the state or the offender shall have the power to grant probation
26 to an offender anytime up to one hundred twenty days after such
27 offender has been delivered to the department of corrections but
28 not thereafter. The court may request information and a

1 recommendation from the department concerning the offender and
2 such offender's behavior during the period of incarceration.
3 Except as provided in this section, the court may place the
4 offender on probation in a program created pursuant to section
5 217.777, or may place the offender on probation with any other
6 conditions authorized by law.

7 3. The court may recommend placement of an offender in a
8 department of corrections one hundred twenty-day program under
9 this ~~[section]~~ subsection or order such placement under
10 subsection 4 of section 559.036. Upon the recommendation or
11 order of the court, the department of corrections shall assess
12 each offender to determine the appropriate one hundred twenty-day
13 program in which to place the offender, ~~[including]~~ which may
14 include placement in the shock incarceration program or
15 institutional treatment program. When the court recommends and
16 receives placement of an offender in a department of corrections
17 one hundred twenty-day program, the offender shall be released on
18 probation if the department of corrections determines that the
19 offender has successfully completed the program except as
20 follows. Upon successful completion of a ~~[treatment]~~ program
21 under this subsection, the board of probation and parole shall
22 advise the sentencing court of an offender's probationary release
23 date thirty days prior to release. ~~[The court shall release the~~
24 offender unless such release constitutes an abuse of discretion.
25 If the court determined that there is an abuse of discretion, the
26 court may order the execution of the offender's sentence only
27 after conducting a hearing on the matter within ninety to one
28 hundred twenty days of the offender's sentence. If the court

1 does not respond when an offender successfully completes the
2 program, the offender shall be released on probation. Upon
3 successful completion of a shock incarceration program, the board
4 of probation and parole shall advise the sentencing court of an
5 offender's probationary release date thirty days prior to
6 release.】 The court shall follow the recommendation of the
7 department unless the court determines that probation is not
8 appropriate. If the court determines that probation is not
9 appropriate, the court may order the execution of the offender's
10 sentence only after conducting a hearing on the matter within
11 ninety to one hundred twenty days [of the offender's sentence.
12 If the department determines that an offender is not successful
13 in a program, then after one hundred days of incarceration the
14 circuit court shall receive from] from the date the offender was
15 delivered to the department of corrections. If the department
16 determines the offender has not successfully completed a one
17 hundred twenty-day program under this subsection, the offender
18 shall be removed from the program and the court shall be advised
19 of the removal. The department [of corrections a] shall report
20 on the offender's participation in the program and [department]
21 may provide recommendations for terms and conditions of an
22 offender's probation. The court shall then [release the offender
23 on probation or order the offender to remain in the department to
24 serve the sentence imposed] have the power to grant probation or
25 order the execution of the offender's sentence.

26 4. If the court is advised that an offender is not eligible
27 for placement in a one hundred twenty-day program under
28 subsection 3 of this section, the court shall consider other

1 authorized dispositions. If the department of corrections one
2 hundred twenty-day program under subsection 3 of this section is
3 full, the court may place the offender in a private program
4 approved by the department of corrections or the court, the
5 expenses of such program to be paid by the offender, or in an
6 available program offered by another organization. If the
7 offender is convicted of a class C or class D nonviolent felony,
8 the court may order probation while awaiting appointment to
9 treatment.

10 5. Except when the offender has been found to be a
11 predatory sexual offender pursuant to section 558.018, the court
12 shall request [that the offender be placed in the sexual offender
13 assessment unit of the department of corrections] the department
14 of corrections to conduct a sexual offender assessment if the
15 defendant has pleaded guilty to or has been found guilty of
16 sexual abuse when classified as a class B felony. Upon
17 completion of the assessment, the department shall provide to the
18 court a report on the offender and may provide recommendations
19 for terms and conditions of an offender's probation. The
20 assessment shall not be considered a one hundred twenty-day
21 program as provided under subsection 3 of this section. The
22 process for granting probation to an offender who has completed
23 the assessment shall be as provided under subsections 2 and 6 of
24 this section.

25 6. Unless the offender is being granted probation pursuant
26 to successful completion of a one hundred twenty-day program the
27 circuit court shall notify the state in writing when the court
28 intends to grant probation to the offender pursuant to the

1 provisions of this section. The state may, in writing, request a
2 hearing within ten days of receipt of the court's notification
3 that the court intends to grant probation. Upon the state's
4 request for a hearing, the court shall grant a hearing as soon as
5 reasonably possible. If the state does not respond to the
6 court's notice in writing within ten days, the court may proceed
7 upon its own motion to grant probation.

8 7. An offender's first incarceration [for one hundred
9 twenty days for participation in a department of corrections
10 program] under this section prior to release on probation shall
11 not be considered a previous prison commitment for the purpose of
12 determining a minimum prison term under the provisions of section
13 558.019.

14 8. Notwithstanding any other provision of law, probation
15 may not be granted pursuant to this section to offenders who have
16 been convicted of murder in the second degree pursuant to section
17 565.021; forcible rape pursuant to section 566.030; forcible
18 sodomy pursuant to section 566.060; statutory rape in the first
19 degree pursuant to section 566.032; statutory sodomy in the first
20 degree pursuant to section 566.062; child molestation in the
21 first degree pursuant to section 566.067 when classified as a
22 class A felony; abuse of a child pursuant to section 568.060 when
23 classified as a class A felony; an offender who has been found to
24 be a predatory sexual offender pursuant to section 558.018; or
25 any offense in which there exists a statutory prohibition against
26 either probation or parole.

27 632.498. 1. Each person committed pursuant to sections
28 632.480 to 632.513 shall have a current examination of the

1 person's mental condition made once every year by the director of
2 the department of mental health or designee. The yearly report
3 shall be provided to the court that committed the person pursuant
4 to sections 632.480 to 632.513. The court shall conduct an
5 annual review of the status of the committed person. The court
6 shall not conduct an annual review of a person's status if he or
7 she has been conditionally released pursuant to section 632.505.

8 2. Nothing contained in sections 632.480 to 632.513 shall
9 prohibit the person from otherwise petitioning the court for
10 release. The director of the department of mental health shall
11 provide the committed person who has not been conditionally
12 released with an annual written notice of the person's right to
13 petition the court for release over the director's objection.
14 The notice shall contain a waiver of rights. The director shall
15 forward the notice and waiver form to the court with the annual
16 report.

17 3. If the committed person petitions the court for
18 conditional release over the director's objection, the petition
19 shall be served upon the court that committed the person, the
20 prosecuting attorney of the jurisdiction into which the committed
21 person is to be released, the director of the department of
22 mental health, the head of the facility housing the person, and
23 the attorney general.

24 4. The committed person shall have a right to have an
25 attorney represent the person at the hearing but the person is
26 not entitled to be present at the hearing. If the court at the
27 hearing determines by a preponderance of the evidence that the
28 person no longer suffers from a mental abnormality that makes the

1 person likely to engage in acts of sexual violence if released,
2 then the court shall set a trial on the issue.

3 5. The trial shall be governed by the following provisions:

4 (1) The committed person shall be entitled to be present
5 and entitled to the benefit of all constitutional protections
6 that were afforded the person at the initial commitment
7 proceeding;

8 (2) The attorney general shall represent the state and
9 shall have a right to a jury trial and to have the committed
10 person evaluated by a psychiatrist or psychologist not employed
11 by the department of mental health or the department of
12 corrections. In addition, the person may be examined by a
13 consenting psychiatrist or psychologist of the person's choice at
14 the person's own expense;

15 (3) The burden of proof at the trial shall be upon the
16 state to prove by clear and convincing evidence that the
17 committed person's mental abnormality remains such that the
18 person is not safe to be at large and if released is likely to
19 engage in acts of sexual violence. If such determination is made
20 by a jury, the verdict must be unanimous;

21 (4) If the court or jury finds that the person's mental
22 abnormality remains such that the person is not safe to be at
23 large and if released is likely to engage in acts of sexual
24 violence, the person shall remain in the custody of the
25 department of mental health in a secure facility designated by
26 the director of the department of mental health. If the court or
27 jury finds that the person's mental abnormality has so changed
28 that the person is not likely to commit acts of sexual violence

1 if released, the person shall be conditionally released as
2 provided in section 632.505.

3 632.505. 1. Upon determination by a court or jury that the
4 person's mental abnormality has so changed that the person is not
5 likely to commit acts of sexual violence if released, the court
6 shall place the person on conditional release pursuant to the
7 terms of this section. The primary purpose of conditional
8 release is to provide outpatient treatment and monitoring to
9 prevent the person's condition from deteriorating to the degree
10 that the person would need to be returned to a secure facility
11 designated by the director of the department of mental health.

12 2. The department of mental health is authorized to enter
13 into an interagency agreement with the department of corrections
14 for the supervision of persons granted a conditional release by
15 the court. In conjunction with the department of corrections,
16 the department of mental health shall develop a conditional
17 release plan which contains appropriate conditions for the person
18 to be released. The plan shall address the person's need for
19 supervision, counseling, medication, community support services,
20 residential services, vocational services, and alcohol and drug
21 treatment. The department of mental health shall submit the
22 proposed plan for conditional release to the court.

23 3. The court shall review the plan and determine the
24 conditions that it deems necessary to meet the person's need for
25 treatment and supervision and to protect the safety of the
26 public. The court shall order that the person shall be subject
27 to the following conditions and other conditions as deemed
28 necessary:

1 (1) Maintain a residence approved by the department of
2 mental health and not change residence unless approved by the
3 department of mental health;

4 (2) Maintain employment unless engaged in other structured
5 activity approved by the department of mental health;

6 (3) Obey all federal and state laws;

7 (4) Not possess a firearm or dangerous weapon;

8 (5) Not be employed or voluntarily participate in an
9 activity that involves contact with children without approval of
10 the department of mental health;

11 (6) Not consume alcohol or use a controlled substance
12 except as prescribed by a treating physician and to submit, upon
13 request, to any procedure designed to test for alcohol or
14 controlled substance use;

15 (7) Not associate with any person who has been convicted of
16 a felony unless approved by the department of mental health;

17 (8) Not leave the state without permission of the
18 department of mental health;

19 (9) Not have contact with specific persons, including but
20 not limited to, the victim or victim's family, as directed by the
21 department of mental health;

22 (10) Not have any contact with any child without specific
23 approval by the department of mental health;

24 (11) Not possess material that is pornographic, sexually
25 oriented, or sexually stimulating;

26 (12) Not enter a business providing sexually stimulating or
27 sexually oriented entertainment;

28 (13) Submit to a polygraph, plethysmograph, or other

1 electronic or behavioral monitoring or assessment;

2 (14) Submit to electronic monitoring which may be based on
3 a global positioning system or other technology which identifies
4 and records a person's location at all times;

5 (15) Attend and fully participate in assessment and
6 treatment as directed by the department of mental health;

7 (16) Take all psychiatric medications as prescribed by a
8 treating physician;

9 (17) Authorize the department of mental health to access
10 and obtain copies of confidential records pertaining to
11 evaluation, counseling, treatment, and other such records and
12 provide the consent necessary for the release of any such
13 records;

14 (18) Pay fees to the department of mental health and the
15 department of corrections to cover the costs of services and
16 monitoring;

17 (19) Report to or appear in person as directed by the
18 department of mental health and the department of corrections,
19 and to follow all directives of such departments;

20 (20) Comply with any registration requirements under
21 sections 589.400 to 589.425; and

22 (21) Comply with any other conditions that the court
23 determines to be in the best interest of the person and society.

24 4. The court shall provide a copy of the order containing
25 the conditions of release to the person, the attorney general,
26 the department of mental health, the head of the facility housing
27 the person, and the department of corrections.

28 5. A person who is conditionally released and supervised by

1 a probation and parole officer employed by the department of
2 corrections remains under the control, care, and treatment of the
3 department of mental health.

4 6. The court may modify conditions of release upon its own
5 motion or upon the petition of the department of mental health,
6 the department of corrections, or the person on conditional
7 release.

8 7. The following provisions shall apply to violations of
9 conditional release:

10 (1) If any probation and parole officer has reasonable
11 cause to believe that a person on conditional release has
12 violated a condition of release or that the person is no longer a
13 proper subject for conditional release, the officer may issue a
14 warrant for the person's arrest. The warrant shall contain a
15 brief recitation of the facts supporting the officer's belief.
16 The warrant shall direct any peace officer to take the person
17 into custody immediately so that the person can be returned to a
18 secure facility;

19 (2) If the director of the department of mental health or
20 the director's designee has reasonable cause to believe that a
21 person on conditional release has violated a condition of release
22 or that the person is no longer a proper subject for conditional
23 release, the director or the director's designee may request that
24 a peace officer take the person into custody immediately, or
25 request that a probation and parole officer or the court which
26 ordered the release issue a warrant for the person's arrest so
27 that the person can be returned to a secure facility;

28 (3) At any time during the period of a conditional release,

1 the court which ordered the release may issue a notice to the
2 released person to appear to answer a charge of a violation of
3 the terms of the release and the court may issue a warrant of
4 arrest for the violation. Such notice shall be personally served
5 upon the released person. The warrant shall authorize the return
6 of the released person to the custody of the court or to the
7 custody of the director of mental health or the director's
8 designee;

9 (4) No peace officer responsible for apprehending and
10 returning the person to the facility upon the request of the
11 director of the department of mental health or the director's
12 designee or a probation and parole officer shall be civilly
13 liable for apprehending or transporting such person to the
14 facility so long as such duties were performed in good faith and
15 without negligence;

16 (5) The department of mental health shall promptly notify
17 the court that the person has been apprehended and returned to a
18 secure facility;

19 (6) Within seven days of the person's return to a secure
20 facility, the department of mental health must either request
21 that the attorney general file a petition to revoke the person's
22 conditional release or continue the person on conditional
23 release;

24 (7) If a petition to revoke conditional release is filed,
25 the person shall remain in custody until a hearing is held on the
26 petition. The hearing shall be given priority on the court's
27 docket. If upon hearing the evidence, the court finds by
28 preponderance of the evidence that the person has violated a

1 condition of release and that the violation of the condition was
2 sufficient to render the person no longer suitable for
3 conditional release, the court shall revoke the conditional
4 release and order the person returned to a secure facility
5 designated by the director of the department of mental health.
6 If the court determines that revocation is not required, the
7 court may modify or increase the conditions of release or order
8 the person's release on the existing conditions of release;

9 (8) A person whose conditional release has been revoked may
10 petition the court for subsequent release pursuant to sections
11 632.498, 632.501, and 632.504 no sooner than six months after the
12 person's return to a secure facility.

13 8. The department of mental health may enter into
14 agreements with the department of corrections and other
15 departments and may enter into contracts with private entities
16 for the purpose of supervising a person on conditional release.

17 9. The department of mental health and the department of
18 corrections may require a person on conditional release to pay a
19 reasonable fee to cover the costs of providing services and
20 monitoring while the person is released. Each department may
21 adopt rules with respect to establishing, waiving, collecting,
22 and using fees. Any rule or portion of a rule, as that term is
23 defined in section 536.010, that is created under the authority
24 delegated in this section shall become effective only if it
25 complies with and is subject to all of the provisions of chapter
26 536 and, if applicable, section 536.028. This section and
27 chapter 536 are nonseverable and if any of the powers vested with
28 the general assembly pursuant to chapter 536 to review, to delay

1 the effective date, or to disapprove and annul a rule are
2 subsequently held unconstitutional, then the grant of rulemaking
3 authority and any rule proposed or adopted after August 28, 2006,
4 shall be invalid and void.

5 10. In the event a person on conditional release escapes
6 from custody, the department of mental health shall notify the
7 court, the department of corrections, the attorney general, the
8 chief law enforcement officer of the county or city not within a
9 county from where the person escaped or absconded, and any other
10 persons necessary to protect the safety of the public or to
11 assist in the apprehension of the person. The attorney general
12 shall notify victims and witnesses. Upon receiving such notice,
13 the attorney general shall file escape from commitment charges
14 under section 575.195.

15 11. When a person who has been granted conditional release
16 under this section is being electronically monitored and remains
17 in the county, city, town, or village where the facility is
18 located that released the person, the department of corrections
19 shall provide, upon request, the chief of the local law
20 enforcement agency of such county, city, town, or village with
21 access to the information gathered by the global positioning
22 system or other technology used to monitor the person. This
23 access shall include, but not be limited to, any user name or
24 password needed to view any real-time or recorded information
25 about the person, and any alert or message generated by the
26 technology. The access shall continue while the person is being
27 electronically monitored and is living in the county, city, town,
28 or village where the facility that released the offender is

1 located. The information obtained by the chief of the local law
2 enforcement agency shall be closed and shall not be disclosed to
3 any person outside the law enforcement agency except upon an
4 order of the court supervising the conditional release.

5 [478.075. Circuit number one shall consist of the
6 counties of Clark, Schuyler and Scotland.]
7

8 [478.077. Circuit number two shall consist of the
9 counties of Adair, Knox and Lewis.]
10

11 [478.080. Circuit number three shall consist of
12 the counties of Grundy, Harrison, Mercer and Putnam.]
13

14 [478.085. Circuit number four shall consist of
15 the counties of Holt, Atchison, Gentry, Nodaway and
16 Worth.]
17

18 [478.087. Circuit number five shall consist of
19 the counties of Buchanan and Andrew.]
20

21 [478.090. Circuit number six shall consist of the
22 county of Platte.]
23

24 [478.093. Circuit number seven shall consist of
25 the county of Clay.]
26

27 [478.095. Circuit number eight shall consist of
28 the counties of Carroll and Ray.]
29

30 [478.097. Circuit number nine shall consist of
31 the counties of Chariton, Linn and Sullivan.]
32

33 [478.100. Circuit number ten shall consist of the
34 counties of Marion, Monroe and Ralls.]
35

36 [478.103. 1. Until August 28, 1991, circuit
37 number eleven shall consist of the counties of Lincoln,
38 Pike and St. Charles.

39 2. Beginning August 29, 1991, circuit number
40 eleven shall consist of the county of St. Charles.]
41

42 [478.105. Circuit number twelve shall consist of
43 the counties of Audrain, Montgomery and Warren.]
44

45 [478.107. Circuit number thirteen shall consist
46 of the counties of Boone and Callaway.]

1 [478.110. Circuit number fourteen shall consist
2 of the counties of Howard and Randolph.]

3
4 [478.113. Circuit number fifteen shall consist of
5 the counties of Lafayette and Saline.]

6
7 [478.115. Circuit number sixteen shall consist of
8 the county of Jackson.]

9
10 [478.117. Circuit number seventeen shall consist
11 of the counties of Cass and Johnson.]

12
13 [478.120. Circuit number eighteen shall consist
14 of the counties of Cooper and Pettis.]

15
16 [478.123. Circuit number nineteen shall consist
17 of the county of Cole.]

18
19 [478.125. Circuit number twenty shall consist of
20 the counties of Franklin, Gasconade and Osage.]

21
22 [478.127. Circuit number twenty-one shall consist
23 of the county of St. Louis.]

24
25 [478.130. Circuit number twenty-two shall consist
26 of the city of St. Louis.]

27
28 [478.133. Circuit number twenty-three shall
29 consist of Jefferson County.]

30
31 [478.135. Circuit number twenty-four shall
32 consist of the counties of Madison, St. Francois, Ste.
33 Genevieve and Washington.]

34
35 [478.137. Circuit number twenty-five shall
36 consist of the counties of Maries, Phelps, Pulaski and
37 Texas.]

38
39 [478.140. Circuit number twenty-six shall consist
40 of the counties of Camden, Laclede, Miller, Moniteau
41 and Morgan.]

42
43 [478.143. Circuit number twenty-seven shall
44 consist of the counties of Bates, Henry and St. Clair.]

45
46 [478.145. Circuit number twenty-eight shall
47 consist of the counties of Barton, Cedar, Dade and
48 Vernon.]

1 [478.147. Circuit number twenty-nine shall
2 consist of the county of Jasper.]

3
4 [478.150. Circuit number thirty shall consist of
5 the counties of Benton, Dallas, Hickory, Polk and
6 Webster.]

7
8 [478.153. Circuit number thirty-one shall consist
9 of the county of Greene.]

10
11 [478.155. Circuit number thirty-two shall consist
12 of the counties of Perry, Bollinger and Cape
13 Girardeau.]

14
15 [478.157. Circuit number thirty-three shall
16 consist of the counties of Mississippi and Scott.]

17
18 [478.160. Circuit number thirty-four shall
19 consist of the counties of New Madrid and Pemiscot.]

20
21 [478.163. Circuit number thirty-five shall
22 consist of the counties of Dunklin and Stoddard.]

23
24 [478.165. Circuit number thirty-six shall consist
25 of the counties of Butler and Ripley.]

26
27 [478.167. Circuit number thirty-seven shall
28 consist of the counties of Carter, Howell, Oregon and
29 Shannon.]

30
31 [478.170. Circuit number thirty-eight shall
32 consist of the counties of Christian and Taney.]

33
34 [478.173. Circuit number thirty-nine shall
35 consist of the counties of Barry, Lawrence and Stone.]

36
37 [478.175. Circuit number forty shall consist of
38 the counties of McDonald and Newton.]

39
40 [478.177. Circuit number forty-one shall consist
41 of the counties of Macon and Shelby.]

42
43 [478.180. Circuit number forty-two shall consist
44 of the counties of Crawford, Dent, Iron, Reynolds and
45 Wayne.]

46
47 [478.183. Circuit number forty-three shall
48 consist of the counties of Clinton, Caldwell, Daviess,
49 Livingston, and DeKalb.]

1 [478.185. Circuit number forty-four shall consist
2 of the counties of Douglas, Ozark, and Wright.]

3
4 [478.186. 1. Beginning August 29, 1991, circuit
5 number forty-five shall consist of the counties of
6 Lincoln and Pike.

7 2. The circuit court judge who sat in division
8 three of the eleventh judicial circuit on August 28,
9 1991, shall beginning August 29, 1991, be the circuit
10 judge of the forty-fifth judicial circuit and shall
11 hold office for the remainder of the term to which he
12 was elected or appointed, and until his successor is
13 elected and qualified.]

14 Section B. The repeal of sections 478.075, 478.077,
15 478.080, 478.085, 478.087, 478.090, 478.093, 478.095, 478.097,
16 478.100, 478.103, 478.105, 478.107, 478.110, 478.113, 478.115,
17 478.117, 478.120, 478.123, 478.125, 478.127, 478.130, 478.133,
18 478.135, 478.137, 478.140, 478.143, 478.145, 478.147, 478.150,
19 478.153, 478.155, 478.157, 478.160, 478.163, 478.165, 478.167,
20 478.170, 478.173, 478.175, 478.177, 478.180, 478.183, 478.185,
21 478.186, and the repeal and reenactment of section 487.010 shall
22 become effective December 31, 2020.