

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NOS. 374 & 434**  
**97TH GENERAL ASSEMBLY**

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, April 29, 2013, with recommendation that the Senate Committee Substitute do pass.

0987S.05C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 32.056, 43.518, 408.040, 476.057, 477.405, 478.320, 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-six new sections relating to judicial procedures.

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

Section A. Sections 32.056, 43.518, 408.040, 476.057, 477.405, 478.320, 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525.040, 525.070, 525.080, 525.230, 525.310, 544.455, 557.011, 559.036, 559.115, 632.498, and 632.505, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 32.056, 43.518, 408.040, 476.057, 477.405, 478.320, 487.020, 488.305, 488.426,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, 545.417, 557.011, 559.036, 559.115, 632.498, and 632.505, to read as follows:

32.056. Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department of revenue shall not release the home address of or any information that identifies any vehicle owned or leased by any person who is a county, state or federal parole officer, a federal pretrial officer, a peace officer pursuant to section 590.010, a person vested by article V, section 1 of the Missouri Constitution with the judicial power of the state, a member of the federal judiciary, or a member of such person's immediate family contained in the department's motor vehicle or driver registration records, based on a specific

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

9 request for such information from any person. Any such person may notify the  
10 department of his or her status and the department shall protect the  
11 confidentiality of the home address and vehicle records on such a person and his  
12 or her immediate family as required by this section. [If such member of the  
13 judiciary's status changes and he or she and his or her immediate family do not  
14 qualify for the exemption contained in this subsection, such person shall notify  
15 the department and the department's records shall be revised.] This section shall  
16 not prohibit the department from releasing information on a motor registration  
17 list pursuant to section 32.055 or from releasing information on any officer who  
18 holds a class A, B or C commercial driver's license pursuant to the Motor Carrier  
19 Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

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

4 (1) Recommend general policies with respect to the philosophy, concept  
5 and operational principles of the Missouri criminal history record information  
6 system established by sections 43.500 to 43.530, in regard to the collection,  
7 processing, storage, dissemination and use of criminal history record information  
8 maintained by the central repository;

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

10 (3) Recommend policies and strategies, including standards and  
11 technology, for promoting electronic justice information sharing, and coordinating  
12 among the necessary agencies and institutions; and

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

15 2. The committee shall be composed of the following officials or their  
16 designees: the director of the department of public safety; the director of the  
17 department of corrections and human resources; the attorney general; the director  
18 of the Missouri office of prosecution services; the president of the Missouri  
19 prosecutors association; the president of the Missouri court clerks association; the  
20 chief clerk of the Missouri state supreme court; the director of the state courts  
21 administrator; the chairman of the state judicial record committee; the chairman  
22 of the [circuit court budget] **court automation** committee; the presidents of the  
23 Missouri peace officers association; the Missouri sheriffs association; the Missouri  
24 police chiefs association or their successor agency; the superintendent of the  
25 Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over

26 two hundred thousand population; except that, in any county of the first class  
27 having a charter form of government, the chief executive of the county may  
28 designate another person in place of the police chief of any countywide police  
29 force, to serve on the committee; and, at the discretion of the director of public  
30 safety, as many as three other representatives of other criminal justice records  
31 systems or law enforcement agencies may be appointed by the director of public  
32 safety. The director of the department of public safety will serve as the  
33 permanent chairman of this committee.

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

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

39 5. Official minutes of all committee meetings will be prepared by the  
40 director, promptly distributed to all committee members, and filed by the director  
41 for a period of at least five years.

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

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

15 [2.] 3. Notwithstanding the provisions of subsection [1] 2 of this section,  
16 in tort actions, interest shall be allowed on all money due upon any judgment or  
17 order of any court from the date of judgment is entered by the trial court until  
18 full satisfaction. All such judgments and orders for money shall bear a per  
19 annum interest rate equal to the intended Federal Funds Rate, as established by  
20 the Federal Reserve Board, plus five percent, until full satisfaction is made. The

21 judgment shall state the applicable interest rate, which shall not vary once  
22 entered. In tort actions, if a claimant has made a demand for payment of a claim  
23 or an offer of settlement of a claim, to the party, parties or their representatives,  
24 and to such party's liability insurer if known to the claimant, and the amount of  
25 the judgment or order exceeds the demand for payment or offer of settlement,  
26 then prejudgment interest shall be awarded, calculated from a date ninety days  
27 after the demand or offer was received, as shown by the certified mail return  
28 receipt, or from the date the demand or offer was rejected without counter offer,  
29 whichever is earlier. In order to qualify as a demand or offer pursuant to this  
30 section, such demand must:

- 31 (1) Be in writing and sent by certified mail return receipt requested; and
- 32 (2) Be accompanied by an affidavit of the claimant describing the nature  
33 of the claim, the nature of any injuries claimed and a general computation of any  
34 category of damages sought by the claimant with supporting documentation, if  
35 any is reasonably available; and
- 36 (3) For wrongful death, personal injury, and bodily injury claims, be  
37 accompanied by a list of the names and addresses of medical providers who have  
38 provided treatment to the claimant or decedent for such injuries, copies of all  
39 reasonably available medical bills, a list of employers if the claimant is seeking  
40 damages for loss of wages or earning, and written authorizations sufficient to  
41 allow the party, its representatives, and liability insurer if known to the claimant  
42 to obtain records from all employers and medical care providers; and
- 43 (4) Reference this section and be left open for ninety days.

44 Unless the parties agree in writing to a longer period of time, if the claimant fails  
45 to file a cause of action in circuit court prior to a date one hundred twenty days  
46 after the demand or offer was received, then the court shall not award  
47 prejudgment interest to the claimant. If the claimant is a minor or incompetent  
48 or deceased, the affidavit may be signed by any person who reasonably appears  
49 to be qualified to act as next friend or conservator or personal representative. If  
50 the claim is one for wrongful death, the affidavit may be signed by any person  
51 qualified pursuant to section 537.080 to make claim for the death. Nothing  
52 contained herein shall limit the right of a claimant, in actions other than tort  
53 actions, to recover prejudgment interest as otherwise provided by law or contract.

54 [3.] 4. In tort actions, a judgment for prejudgment interest awarded  
55 pursuant to this subsection should bear interest at a per annum interest rate  
56 equal to the intended Federal Funds Rate, as established by the Federal Reserve

57 Board, plus three percent. The judgment shall state the applicable interest rate,  
58 which shall not vary once entered.

476.057. 1. The state courts administrator shall determine the amount  
2 of the projected total collections of fees pursuant to section 488.015, payable to  
3 the state pursuant to section 488.023, or subdivision (4) of subsection 2 of section  
4 488.018; and the amount of such projected total collections of fees required to be  
5 deposited into the fund in order to maintain the fund required pursuant to  
6 subsection 2 of this section. The amount of fees payable for court cases may  
7 thereafter be adjusted pursuant to section 488.015, as provided by said section.  
8 All proceeds of the adjusted fees shall thereupon be collected and deposited to the  
9 state general revenue fund as otherwise provided by law, subject to the transfer  
10 of a portion of such proceeds to the fund established pursuant to subsection 2 of  
11 this section.

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

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

30 4. The state treasurer shall administer the fund and, pursuant to  
31 appropriations, shall disburse moneys from the fund to the state courts  
32 administrator in order to provide training and to purchase goods and services  
33 determined appropriate by the state courts administrator related to the training  
34 and education of judicial personnel. As used in this section, the term "judicial

35 personnel" shall include court personnel as defined in section 476.058, and  
36 judges.

477.405. On or before [March 1, 1989] **January 1, 2015**, the supreme  
2 court of the state of Missouri shall recommend guidelines appropriate for use by  
3 the general assembly in determining the need for additional judicial personnel or  
4 reallocation of existing personnel in this state, and shall recommend guidelines  
5 appropriate for the evaluation of judicial performance. The guidelines shall be  
6 filed with the [chairmen] **chairs** of the house and senate judiciary committees,  
7 **for distribution to the members of the general assembly**, and the court  
8 shall file therewith **annually** a report measuring and assessing judicial  
9 performance in the appellate and circuit courts of this state, **including a**  
10 **judicial weighted workload model and a clerical weighted workload**  
11 **model.**

478.320. 1. In counties having a population of thirty thousand or less,  
2 there shall be one associate circuit judge. In counties having a population of  
3 more than thirty thousand and less than one hundred thousand, there shall be  
4 two associate circuit judges. In counties having a population of one hundred  
5 thousand or more, there shall be three associate circuit judges and one additional  
6 associate circuit judge for each additional one hundred thousand inhabitants.

7       2. **When the office of state courts administrator indicates in an**  
8 **annual judicial weighted workload model for three consecutive years**  
9 **or more the need for four or more full-time judicial positions in any**  
10 **judicial circuit having a population of one hundred thousand or more,**  
11 **there shall be one additional associate circuit judge position in such**  
12 **circuit for every four full-time judicial positions needed as indicated in**  
13 **the weighted workload model. In a multicounty circuit, the additional**  
14 **associate circuit judge positions shall be apportioned among the**  
15 **counties in the circuit on the basis of population, starting with the**  
16 **most populous county, then the next most populous county, and so**  
17 **forth.**

18       3. For purposes of this section, notwithstanding the provisions of section  
19 1.100, population of a county shall be determined on the basis of the last previous  
20 decennial census of the United States; and, beginning after certification of the  
21 year 2000 decennial census, on the basis of annual population estimates prepared  
22 by the United States Bureau of the Census, provided that the number of associate  
23 circuit judge positions in a county shall be adjusted only after population

24 estimates for three consecutive years indicate population change in the county to  
25 a level provided by subsection 1 of this section.

26 [3.] 4. Except in circuits where associate circuit judges are selected under  
27 the provisions of sections 25(a) to (g) of article V of the constitution, the election  
28 of associate circuit judges shall in all respects be conducted as other elections and  
29 the returns made as for other officers.

30 [4.] 5. In counties not subject to sections 25(a) to (g) of article V of the  
31 constitution, associate circuit judges shall be elected by the county at large.

32 [5.] 6. No associate circuit judge shall practice law, or do a law business,  
33 nor shall he **or she** accept, during his **or her** term of office, any public  
34 appointment for which he **or she** receives compensation for his **or her** services.

35 [6.] 7. No person shall be elected as an associate circuit judge unless he  
36 **or she** has resided in the county for which he **or she** is to be elected at least one  
37 year prior to the date of his **or her** election; provided that, a person who is  
38 appointed by the governor to fill a vacancy may file for election and be elected  
39 notwithstanding the provisions of this subsection.

487.020. 1. In each circuit or a county having a family court, a majority  
2 of the circuit and associate circuit judges en banc, in the circuit, may appoint  
3 commissioners, subject to appropriations, to hear family court cases and make  
4 findings as provided for in sections 487.010 to 487.190. Any person serving as a  
5 commissioner of the juvenile division of the circuit court on August 28, 1993, shall  
6 become a commissioner of the family court. In each circuit or a county therein  
7 having a family court, a majority of the circuit and associate circuit judges en  
8 banc may appoint, in addition to those commissioners serving as commissioners  
9 of the juvenile division and becoming commissioners of the family court pursuant  
10 to the provisions of sections 487.020 to 487.040, no more than three additional  
11 commissioners to hear family court cases and make findings and  
12 recommendations as provided in sections 487.010 to 487.190. The number of  
13 additional commissioners added as a result of the provisions of sections 487.010  
14 to 487.190 may be appointed only to the extent that the state is reimbursed for  
15 the salaries of the commissioners as provided in sections 487.010 to 487.190 or  
16 by federal or county funds or by gifts or grants made for such purposes. A  
17 commissioner shall be appointed for a term of four years. Commissioners  
18 appointed pursuant to sections 487.020 to 487.040 shall serve in addition to  
19 circuit judges, associate circuit court judges and commissioners authorized to hear  
20 actions classified under section 487.080.

21           2. The circuit [court] **courts** in the eleventh judicial circuit **and in the**  
22 **thirty-first judicial circuit** may, in substitution of [a] **each** family court  
23 commissioner currently appointed pursuant to this section whose salary is  
24 reimbursable, appoint [one] **a** family court commissioner whose compensation  
25 shall be payable by the state without necessity of reimbursement. The provisions  
26 of this subsection shall not be construed to allow appointment of a family court  
27 commissioner in **the eleventh judicial circuit in** addition to the number of  
28 such family court commissioners holding office in the eleventh judicial circuit as  
29 of January 1, 1999[, and]. **The provisions of this subsection shall not be**  
30 **construed to allow appointment of a family court commissioner in the**  
31 **thirty-first judicial circuit in addition to the number of such family**  
32 **court commissioners holding office in the circuit as of January 1,**  
33 **2013.** The appointment of the state-paid commissioner shall be subject to  
34 appropriations for such purpose.

35           3. Each commissioner of the family court shall possess the same  
36 qualifications as a circuit judge. The compensation and retirement benefits of  
37 each commissioner shall be the same as that of an associate circuit judge, payable  
38 in the same manner and from the same source as that of an associate circuit  
39 judge.

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

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

488.426. 1. The judges of the circuit court, en banc, in any circuit in this  
2 state may require any party filing a civil case in the circuit court, at the time of  
3 filing the suit, to deposit with the clerk of the court a surcharge in addition to all  
4 other deposits required by law or court rule. Sections 488.426 to 488.432 shall  
5 not apply to proceedings when costs are waived or are to be paid by the county  
6 or state or any city.

7           2. The surcharge in effect on August 28, 2001, shall remain in effect until  
8 changed by the circuit court. The circuit court in any circuit, except the circuit  
9 court in Jackson County **or the circuit court in any circuit that reimburses**



10 **the state for the salaries of family court commissioners pursuant to**  
11 **section 487.020**, may change the fee to any amount not to exceed fifteen  
12 dollars. The circuit court in Jackson County **or the circuit court in any**  
13 **circuit that reimburses the state for the salaries of family court**  
14 **commissioners pursuant to section 487.020** may change the fee to any  
15 amount not to exceed twenty dollars. A change in the fee shall become effective  
16 and remain in effect until further changed.

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

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

488.2250. [For all transcripts of testimony given or proceedings had in  
2 any circuit court, the court reporter shall receive the sum of two dollars per  
3 twenty-five-line page for the original of the transcript, and the sum of thirty-five  
4 cents per twenty-five-line page for each carbon copy thereof; the page to be  
5 approximately eight and one-half inches by eleven inches in size, with left-hand  
6 margin of approximately one and one-half inches and the right-hand margin of  
7 approximately one-half inch; answer to follow question on same line when  
8 feasible; such page to be designated as a legal page. Any judge, in his or her  
9 discretion, may order a transcript of all or any part of the evidence or oral  
10 proceedings, and the court reporter's fees for making the same shall be paid by  
11 the state upon a voucher approved by the court, and taxed against the state. In  
12 criminal cases where an appeal is taken by the defendant, and it appears to the  
13 satisfaction of the court that the defendant is unable to pay the costs of the  
14 transcript for the purpose of perfecting the appeal, the court shall order the court  
15 reporter to furnish three transcripts in duplication of the notes of the evidence,  
16 for the original of which the court reporter shall receive two dollars per legal page  
17 and for the copies twenty cents per page. The payment of court reporter's fees  
18 provided in this section shall be made by the state upon a voucher approved by  
19 the court] **1. For all appeal transcripts of testimony given or**  
20 **proceedings in any circuit court, the court reporter shall receive the**  
21 **sum of 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 defendant  
24 and it appears to the satisfaction of the court that the defendant is  
25 unable to pay the costs of the transcript for the purpose of perfecting  
26 the appeal, the court reporter shall receive a fee of two dollars and  
27 sixty cents per legal page for the preparation of a paper and an  
28 electronic version of the transcript.

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

34           4. For purposes of this section, a legal page, other than the first  
35 page and the final page of the transcript, shall be twenty-five lines,  
36 approximately eight and one-half inches by eleven inches in size, with  
37 the left-hand margin of approximately one and one-half inches, and  
38 with the right-hand margin of approximately one-half inch.

39           5. Notwithstanding any law to the contrary, the payment of court  
40 reporter's fees provided in subsections 2 and 3 of this section shall be  
41 made by the state upon a voucher approved by the court. The cost to  
42 prepare all other transcripts of testimony or proceedings shall be borne  
43 by the party requesting their preparation and production, who shall  
44 reimburse the court reporter the sum provided in subsection 1 of this  
45 section.

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed  
2 a charge for their services rendered in criminal cases and in all proceedings for  
3 contempt or attachment, as required by law, the sum of seventy-five dollars for  
4 each felony case or contempt or attachment proceeding, ten dollars for each  
5 misdemeanor case, and six dollars for each infraction, [excluding] **including**  
6 cases disposed of by a [traffic] violations bureau established pursuant to law or  
7 supreme court rule. Such charges shall be charged and collected in the manner  
8 provided by sections 488.010 to 488.020 and shall be payable to the county  
9 treasury; **except that, those charges from cases disposed of by a**  
10 **violations bureau shall be distributed as follows: one-half of the**  
11 **charges collected shall be forwarded and deposited to the credit of the**  
12 **MODEX fund established in subsection 6 of this section for the**  
13 **operational cost of the Missouri data exchange (MODEX) system, and**

14 **one-half of the charges collected shall be deposited to the credit of the**  
15 **inmate security fund, established in section 488.5026, of the county or**  
16 **municipal political subdivision from which the citation originated. If**  
17 **the county or municipal political subdivision has not established an**  
18 **inmate security fund, all of the funds shall be deposited in the MODEX**  
19 **fund.**

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

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

32 **[3.] 4.** The charges provided in subsection 1 of this section shall be taxed  
33 as other costs in criminal proceedings immediately upon a plea of guilty or a  
34 finding of guilt of any defendant in any criminal procedure. The clerk shall tax  
35 all the costs in the case against such defendant, which shall be collected and  
36 disbursed as provided by sections 488.010 to 488.020; provided, that no such  
37 charge shall be collected in any proceeding in any court when the proceeding or  
38 the defendant has been dismissed by the court; provided further, that all costs,  
39 incident to the issuing and serving of writs of scire facias and of writs of fieri  
40 facias, and of attachments for witnesses of defendant, shall in no case be paid by  
41 the state, but such costs incurred under writs of fieri facias and scire facias shall  
42 be paid by the defendant and such defendant's sureties, and costs for attachments  
43 for witnesses shall be paid by such witnesses.

44 **[4.] 5.** Mileage shall be reimbursed to sheriffs, county marshals and  
45 guards for all services rendered pursuant to this section at the rate prescribed by  
46 the Internal Revenue Service for allowable expenses for motor vehicle use  
47 expressed as an amount per mile.

48 **6. (1) There is hereby created in the state treasury the "MODEX**  
49 **Fund", which shall consist of money collected under subsection 1 of this**

50 **section. The fund shall be administered by the Peace Officers**  
51 **Standards and Training Commission established in section 590.120. The**  
52 **state treasurer shall be custodian of the fund. In accordance with**  
53 **sections 30.170 and 30.180, the state treasurer may approve**  
54 **disbursements. The fund shall be a dedicated fund and, upon**  
55 **appropriation, money in the fund shall be used solely for the**  
56 **operational support and expansion of the MODEX system.**

57 **(2) Notwithstanding the provisions of section 33.080 to the**  
58 **contrary, any moneys remaining in the fund at the end of the biennium**  
59 **shall not revert to the credit of the general revenue fund.**

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

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

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

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

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

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

16 (5) Any motor vehicles, not to exceed three thousand dollars in value in  
17 the aggregate;

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

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

23 (8) The amount of any accrued dividend or interest under, or loan value

24 of, any one or more unmaturred life insurance contracts owned by such person  
25 under which the insured is such person or an individual of whom such person is  
26 a dependent; provided, however, that if proceedings under Title 11 of the United  
27 States Code are commenced by or against such person, the amount exempt in  
28 such proceedings shall not exceed in value one hundred fifty thousand dollars in  
29 the aggregate less any amount of property of such person transferred by the life  
30 insurance company or fraternal benefit society to itself in good faith if such  
31 transfer is to pay a premium or to carry out a nonforfeiture insurance option and  
32 is required to be so transferred automatically under a life insurance contract with  
33 such company or society that was entered into before commencement of such  
34 proceedings. No amount of any accrued dividend or interest under, or loan value  
35 of, any such life insurance contracts shall be exempt from any claim for child  
36 support. Notwithstanding anything to the contrary, no such amount shall be  
37 exempt in such proceedings under any such insurance contract which was  
38 purchased by such person within one year prior to the commencement of such  
39 proceedings;

40 (9) Professionally prescribed health aids for such person or a dependent  
41 of such person;

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

43 (a) A Social Security benefit, unemployment compensation or a public  
44 assistance benefit;

45 (b) A veteran's benefit;

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

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

49 (e) Any payment under a stock bonus plan, pension plan, disability or  
50 death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan  
51 described, defined, or established pursuant to section 456.072, the person's right  
52 to a participant account in any deferred compensation program offered by the  
53 state of Missouri or any of its political subdivisions, or annuity or similar plan or  
54 contract on account of illness, disability, death, age or length of service, to the  
55 extent reasonably necessary for the support of such person and any dependent of  
56 such person unless:

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

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

61           c. Such plan or contract does not qualify under Section 401(a), 403(a),  
62 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26  
63 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to  
64 any person shall be subject to attachment or execution pursuant to a qualified  
65 domestic relations order, as defined by Section 414(p) of the Internal Revenue  
66 Code of 1986, as amended, issued by a court in any proceeding for dissolution of  
67 marriage or legal separation or a proceeding for disposition of property following  
68 dissolution of marriage by a court which lacked personal jurisdiction over the  
69 absent spouse or lacked jurisdiction to dispose of marital property at the time of  
70 the original judgment of dissolution;

71           (f) Any money or assets, payable to a participant or beneficiary from, or  
72 any interest of any participant or beneficiary in, a retirement plan [or],  
73 profit-sharing plan, **health savings plan, or similar plan, including an**  
74 **inherited account or plan**, that is qualified under Section 401(a), 403(a),  
75 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended,  
76 **whether such participant's or beneficiary's interest arises by**  
77 **inheritance, designation, appointment, or otherwise**, except as provided  
78 in this paragraph. Any plan or arrangement described in this paragraph shall  
79 not be exempt from the claim of an alternate payee under a qualified domestic  
80 relations order; however, the interest of any and all alternate payees under a  
81 qualified domestic relations order shall be exempt from any and all claims of any  
82 creditor, other than the state of Missouri through its division of family services.  
83 As used in this paragraph, the terms "alternate payee" and "qualified domestic  
84 relations order" have the meaning given to them in Section 414(p) of the Internal  
85 Revenue Code of 1986, as amended.

86 If proceedings under Title 11 of the United States Code are commenced by or  
87 against such person, no amount of funds shall be exempt in such proceedings  
88 under any such plan, contract, or trust which is fraudulent as defined in  
89 subsection 2 of section 428.024 and for the period such person participated within  
90 three years prior to the commencement of such proceedings. For the purposes of  
91 this section, when the fraudulently conveyed funds are recovered and after, such  
92 funds shall be deducted and then treated as though the funds had never been  
93 contributed to the plan, contract, or trust;

94           (11) The debtor's right to receive, or property that is traceable to, a  
95 payment on account of the wrongful death of an individual of whom the debtor

96 was a dependent, to the extent reasonably necessary for the support of the debtor  
97 and any dependent of the debtor.

98 2. Nothing in this section shall be interpreted to exempt from attachment  
99 or execution for a valid judicial or administrative order for the payment of child  
100 support or maintenance any money or assets, payable to a participant or  
101 beneficiary from, or any interest of any participant or beneficiary in, a retirement  
102 plan which is qualified pursuant to Section 408A of the Internal Revenue Code  
103 of 1986, as amended.

514.040. 1. Except as provided in subsection 3 of this section, if any court  
2 shall, before or after the commencement of any suit pending before it, be satisfied  
3 that the plaintiff is a poor person, and unable to prosecute his or her suit, and  
4 pay all or any portion of the costs and expenses thereof, such court may, in its  
5 discretion, permit him or her to commence and prosecute his or her action as a  
6 poor person, and thereupon such poor person shall have all necessary process and  
7 proceedings as in other cases, without fees, tax or charge as the court determines  
8 the person cannot pay; and the court may assign to such person counsel, who, as  
9 well as all other officers of the court, shall perform their duties in such suit  
10 without fee or reward as the court may excuse; but if judgment is entered for the  
11 plaintiff, costs shall be recovered, which shall be collected for the use of the  
12 officers of the court.

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

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

29 unable to pay the costs, fees and expenses necessary to prosecute or defend the  
30 action, and that a certification that such determination has been made is filed  
31 with the clerk of the court.

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

24 2. **Within five days of notice of service upon the garnishee, the**  
25 **garnishor shall serve a copy of the summons and writ on the judgment**  
26 **debtor. The writ shall be served by delivering it to the judgment**  
27 **debtor as provided in supreme court rule by mailing the documents to**  
28 **the debtor's last known address. Service by mail shall be complete**  
29 **upon mailing. At the time of mailing, a certificate of service shall be**  
30 **filed with the court. The certificate shall show the caption of the case,**  
31 **the name of the party served, the date and manner of service, the**  
32 **designation of the documents, and the signature of the serving party or**  
33 **attorney.**

525.040. 1. Notice of garnishment, served as provided in sections 525.010



2 to 525.480 shall have the effect of attaching all personal property, money, rights,  
3 credits, bonds, bills, notes, drafts, checks or other choses in action of the  
4 defendant in the garnishee's possession or charge, or under his **or her** control at  
5 the time of the service of the garnishment, or which may come into his **or her**  
6 possession or charge, or under his **or her** control, or be owing by him **or her**,  
7 between that time and the time of filing his **or her** answer, **or in the case of**  
8 **a continuous wage garnishment, until the judgment is paid in full or**  
9 **until the employment relationship is terminated whichever occurs first;**  
10 but he **or she** shall not be liable to a judgment in money on account of such  
11 bonds, bills, notes, drafts, checks or other choses in action, unless the same shall  
12 have been converted into money since the garnishment, or he **or she** fail, in such  
13 time as the court may prescribe, to deliver them into court, or to the sheriff or  
14 other person designated by the court.

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

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

525.080. 1. If it appear that a garnishee, at or after his or her  
2 garnishment, was possessed of any property of the defendant, or was indebted to  
3 him, the court, or judge in vacation, may order the delivery of such property, or  
4 the payment of the amount owing by the garnishee, to the sheriff [or], into court,  
5 **or to the attorney for the party on whose behalf the order of**  
6 **garnishment issued,** at such time as the court may direct; or may permit the  
7 garnishee to retain the same, upon his or her executing a bond to the plaintiff,  
8 with security, approved by the court, to the effect that the property shall be  
9 forthcoming, or the amount paid, as the court may direct. Upon a breach of the  
10 obligation of such bond, the plaintiff may proceed against the obligors therein, in

11 the manner prescribed in the case of a delivery bond given to the sheriff.

12 2. Notwithstanding subsection 1 of this section, when property is  
13 protected from garnishment by state or federal law including but not limited to  
14 federal restrictions on the garnishment of earnings in Title 15, U.S.C. Sections  
15 1671 to 1677 and Old Age, Survivors and Disability Insurance benefits as  
16 provided in Title 42, U.S.C. Section 407, such property need not be delivered to  
17 the court, **or to any other person**, by the garnishee to the extent such  
18 protection or preemption is applicable.

525.230. [1. The court shall make the garnishee a reasonable allowance]  
2 **The garnishee may deduct a one-time sum not to exceed twenty dollars,**  
3 **or the fee previously agreed upon between the garnishee and judgment**  
4 **debtor where the garnishee is a financial institution,** for his or her trouble  
5 and expenses in answering the interrogatories **and withholding the funds**, to  
6 be [paid out of the funds or proceeds of the property or effects confessed in his or  
7 her hands. The reasonable allowances shall include any court costs, attorney's  
8 fees and any other bona fide expenses of the garnishee] **withheld from any**  
9 **funds garnished, in addition to the moneys withheld to satisfy the**  
10 **court-ordered judgment. Such fee shall not be a credit against the**  
11 **court-ordered judgment and shall be collected first. The garnishee may**  
12 **file a motion with the court for additional costs, including attorney's**  
13 **fees, reasonably incurred in answering the interrogatories in which**  
14 **case the court may make such award as it deems reasonable. The**  
15 **motion shall be filed on or before the date the garnishee makes**  
16 **payment or delivers property subject to garnishment to the court.**

17 [2. The court also shall allow the garnishee, in addition to the reasonable  
18 allowance for his or her trouble and expenses in answering the interrogatories,  
19 to collect an administrative fee consisting of the greater of eight dollars or two  
20 percent of the amount required to be deducted by any court-ordered garnishment  
21 or series of garnishments arising out of the same judgment debt. Such fee shall  
22 be for the trouble and expenses in administering the notice of garnishment and  
23 paying over any garnished funds available to the court. The fee shall be withheld  
24 by the employer from the employee, or by any other garnishee from any fund  
25 garnished, in addition to the moneys withheld to satisfy the court-ordered  
26 judgment. Such fee shall not be a credit against the court-ordered judgment and  
27 shall be collected first.]

525.310. 1. [When a judgment has been rendered against an officer,

2 appointee or employee of the state of Missouri, or any municipal corporation or  
3 other political subdivision of the state, the judgment creditor, or his attorney or  
4 agent, may file in the office of the clerk of the court before whom the judgment  
5 was rendered, an application setting forth such facts, and that the judgment  
6 debtor is employed by the state, or a municipal corporation or other political  
7 subdivision of the state, with the name of the department of state or the  
8 municipal corporation or other political subdivision of the state which employs  
9 the judgment debtor, and the name of the treasurer, or the name and title of the  
10 paying, disbursing or auditing officer of the state, municipal corporation or other  
11 political subdivision of the state, charged with the duty of payment or audit of  
12 such salary, wages, fees or earnings of such employee, and upon the filing of such  
13 application the clerk shall issue a writ of sequestration directed to the sheriff or  
14 other officer authorized to execute writs in the county in which such paying,  
15 disbursing or auditing officer may be found and the sheriff or other officer to  
16 whom the writ is directed shall serve a true copy thereof upon such paying,  
17 disbursing or auditing officer named therein, which shall have the effect of  
18 attaching any and all salary, wages, fees or earnings of the judgment debtor,  
19 which are not made exempt by virtue of the exemption statutes of this state and  
20 are not in excess of the amount due on the judgment and costs, then due and  
21 payable, from the date of the writ to the return day thereof.

22         2. The paying, disbursing or auditing officer charged with the duty of  
23 payment or audit of the salary, wages, fees or earnings of the judgment debtor  
24 shall deliver to the sheriff or officer serving the writ the amount, not to exceed  
25 the amount due upon the judgment and costs, of the salary, wages, fees or  
26 earnings of the judgment debtor not made exempt by virtue of the exemption  
27 statutes of this state, as the same shall become due to the judgment debtor. The  
28 paying, disbursing or auditing officer shall pay to the judgment debtor the  
29 remaining portion of his salary, wages, fees or earnings, as the same shall become  
30 due to the judgment debtor. The sheriff, or officer serving the writ, shall provide  
31 to the paying, disbursing or auditing officer along with the writ sufficient  
32 information to compute the amount which shall be delivered to the sheriff or  
33 officer serving the writ. Neither the state, municipal corporation or other  
34 political subdivision of the state, nor the paying, disbursing or auditing officer  
35 shall be liable for the payment of any amount above the amount delivered to the  
36 sheriff or officer serving the writ if the computation of the amount delivered is in  
37 accordance with the information provided with the writ.

38           3. The sheriff or officer serving such writ shall endorse thereon the day  
39 and date he received the same, and upon receiving any amount in connection with  
40 the writ, shall issue his receipt to such paying, disbursing or auditing officer  
41 therefor. All amounts delivered to the sheriff, or officer serving said writ, in  
42 connection with the writ, or so much thereof as shall be necessary therefor, shall  
43 be applied to the payment of the judgment debt, interest and costs in the same  
44 manner as in the case of garnishment under execution. The sheriff or other  
45 officer serving the writ shall make his return to the writ showing the manner of  
46 serving the same, and he shall be allowed the same fees therefor as provided for  
47 levy of execution, and the writ shall be returnable in the same manner as the  
48 execution issued out of the court in which the judgment was rendered. Nothing  
49 in this section shall deprive the judgment debtor of any exemptions to which he  
50 may be entitled under the exemption laws of this state, and the same may be  
51 claimed by him to the sheriff or other officer serving the writ at any time on or  
52 before the return day of the writ in the manner provided under the exemption  
53 laws of this state. It shall be the duty of such sheriff or other officer serving the  
54 writ, at the time of the service thereof, to apprise the judgment debtor of his  
55 exemption rights, either in person or by registered letter directed to the judgment  
56 debtor to his last known address.] **The provisions of this section constitute**  
57 **a waiver of sovereign immunity with respect to garnishment of the pay**  
58 **of state, municipal, or other political subdivision employees. The state,**  
59 **municipal, or other political subdivision employer served with a**  
60 **garnishment shall have the same duties and obligations as those**  
61 **imposed upon a private employer when served with garnishment.**

62           2. **Pay of any officer, appointee, or employee of the state of**  
63 **Missouri, or any municipal corporation or other political subdivision**  
64 **of the state, shall be subject to garnishment to the same extent as in**  
65 **any other garnishment. All garnishments against such employee shall**  
66 **proceed in the same manner as any other garnishment, except as**  
67 **provided in subsection 3 of this section.**

68           3. **Service of legal process to which a department, municipal**  
69 **corporation, or other political subdivision of the state is subject under**  
70 **this section may be accomplished by certified mail, return receipt**  
71 **requested, or by personal service upon:**

72           (1) **The appropriate agent designed for receipt of such service of**  
73 **process; or**

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

544.455. 1. Any person charged with a bailable offense, at his or her  
2 appearance before an associate circuit judge or judge may be ordered released  
3 pending trial, appeal, or other stage of the proceedings against him on his  
4 personal recognizance, unless the associate circuit judge or judge determines, in  
5 the exercise of his discretion, that such a release will not reasonably assure the  
6 appearance of the person as required. When such a determination is made, the  
7 associate circuit judge or judge may either in lieu of or in addition to the above  
8 methods of release, impose any or any combination of the following conditions of  
9 release which will reasonably assure the appearance of the person for trial:

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

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

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

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

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

22           (6) Place the person on house arrest with electronic monitoring[.]; except  
23 that all costs associated with the electronic monitoring shall be charged to the  
24 person on house arrest. If the judge finds the person unable to afford the costs  
25 associated with electronic monitoring, [then] the judge [shall not] **may** order that  
26 the person be placed on house arrest with electronic monitoring **if the county**  
27 **commission agrees to pay from the general revenue of the county the**  
28 **costs of such monitoring. If the person on house arrest is unable to**  
29 **afford the costs associated with electronic monitoring and the county**  
30 **commission does not agree to pay the costs of such electronic**  
31 **monitoring, the judge shall not order that the person be placed on**  
32 **house arrest with electronic monitoring;**

33           (7) Impose any other condition deemed reasonably necessary to assure  
34 appearance as required, including a condition requiring that the person return

35 to custody after specified hours.

36           2. In determining which conditions of release will reasonably assure  
37 appearance, the associate circuit judge or judge shall, on the basis of available  
38 information, take into account the nature and circumstances of the offense  
39 charged, the weight of the evidence against the accused, the accused's family ties,  
40 employment, financial resources, character and mental condition, the length of  
41 his residence in the community, his record of convictions, and his record of  
42 appearance at court proceedings or flight to avoid prosecution or failure to appear  
43 at court proceedings.

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

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

54           5. An associate circuit judge or judge ordering the release of a person on  
55 any condition specified in this section may at any time amend his order to impose  
56 additional or different conditions of release; except that, if the imposition of such  
57 additional or different conditions results in the detention of the person as a result  
58 of his inability to meet such conditions or in the release of the person on a  
59 condition requiring him to return to custody after specified hours, the provisions  
60 of subsection 4 **of this section** shall apply.

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

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

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

71 circuit judge.

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

**545.417. Any party who takes a deposition in any criminal case  
2 shall be responsible for the costs of providing one copy of the  
3 transcript of such deposition to the opposing party.**

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

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

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

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

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

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

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

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

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

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

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

27 4. Whenever any organization has been found guilty of an offense, the  
28 court shall make one or more of the following dispositions of the organization in

29 any appropriate combination. The court may:

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

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

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

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

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

41 6. In the event a sentence of confinement is ordered executed, a court may  
42 order that an individual serve all or any portion of such sentence on electronic  
43 monitoring[.]; except that all costs associated with the electronic monitoring shall  
44 be charged to the person on house arrest. If the judge finds the person unable to  
45 afford the costs associated with electronic monitoring, [then] the judge [shall not]  
46 **may** order that the person be placed on house arrest with electronic monitoring  
47 **if the county commission agrees to pay the costs of such monitoring.**  
48 **If the person on house arrest is unable to afford the costs associated**  
49 **with electronic monitoring and the county commission does not agree**  
50 **to pay from the general revenue of the county the costs of such**  
51 **electronic monitoring, the judge shall not order that the person be**  
52 **placed on house arrest with electronic monitoring.**

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

7 2. The court may terminate a period of probation and discharge the  
8 defendant at any time before completion of the specific term fixed under section  
9 559.016 if warranted by the conduct of the defendant and the ends of justice. The  
10 court may extend the term of the probation, but no more than one extension of  
11 any probation may be ordered except that the court may extend the term of  
12 probation by one additional year by order of the court if the defendant admits he



13 or she has violated the conditions of probation or is found by the court to have  
14 violated the conditions of his or her probation. Total time on any probation term,  
15 including any extension shall not exceed the maximum term established in  
16 section 559.016. Procedures for termination, discharge and extension may be  
17 established by rule of court.

18 3. If the defendant violates a condition of probation at any time prior to  
19 the expiration or termination of the probation term, the court may continue him  
20 on the existing conditions, with or without modifying or enlarging the conditions  
21 or extending the term.

22 4. (1) **Unless the defendant consents to the revocation of**  
23 **probation,** if a continuation, modification, enlargement or extension is not  
24 appropriate under this section, the court shall order placement of the offender in  
25 one of the department of corrections' one hundred twenty-day programs so long  
26 as:

27 (a) The underlying offense for the probation is a class C or D felony or an  
28 offense listed in chapter 195; except that, the court may, upon its own motion or  
29 a motion of the prosecuting or circuit attorney, make a finding that an offender  
30 is not eligible if the underlying offense is involuntary manslaughter in the first  
31 degree, involuntary manslaughter in the second degree, aggravated stalking,  
32 assault in the second degree, sexual assault, domestic assault in the second  
33 degree, assault of a law enforcement officer in the second degree, statutory rape  
34 in the second degree, statutory sodomy in the second degree, deviate sexual  
35 assault, sexual misconduct involving a child, incest, endangering the welfare of  
36 a child in the first degree under subdivision (1) or (2) of subsection 1 of section  
37 568.045, abuse of a child, invasion of privacy or any case in which the defendant  
38 is found guilty of a felony offense under chapter 571;

39 (b) The probation violation is not the result of the defendant being an  
40 absconder or being found guilty of, pleading guilty to, or being arrested on  
41 suspicion of any felony, misdemeanor, or infraction. For purposes of this  
42 subsection, "absconder" shall mean an offender under supervision who has left  
43 such offender's place of residency without the permission of the offender's  
44 supervising officer for the purpose of avoiding supervision;

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

48 (d) The defendant has not already been placed in one of the programs by

49 the court for the same underlying offense or during the same probation term.

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

53 (3) Notwithstanding any of the provisions of subsection 3 of section  
54 559.115 to the contrary, once the defendant has successfully completed the  
55 program under this subsection, the court shall release the defendant to continue  
56 to serve the term of probation, which shall not be modified, enlarged, or extended  
57 based on the same incident of violation. Time served in the program shall be  
58 credited as time served on any sentence imposed for the underlying offense.

59 5. If **the defendant consents to the revocation of probation or if**  
60 the defendant is not eligible under subsection 4 of this section for placement in  
61 a program and a continuation, modification, enlargement, or extension of the term  
62 under this section is not appropriate, the court may revoke probation and order  
63 that any sentence previously imposed be executed. If imposition of sentence was  
64 suspended, the court may revoke probation and impose any sentence available  
65 under section 557.011. The court may mitigate any sentence of imprisonment by  
66 reducing the prison or jail term by all or part of the time the defendant was on  
67 probation. The court may, upon revocation of probation, place an offender on a  
68 second term of probation. Such probation shall be for a term of probation as  
69 provided by section 559.016, notwithstanding any amount of time served by the  
70 offender on the first term of probation.

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

75 7. The prosecuting or circuit attorney may file a motion to revoke  
76 probation or at any time during the term of probation, the court may issue a  
77 notice to the probationer to appear to answer a charge of a violation, and the  
78 court may issue a warrant of arrest for the violation. Such notice shall be  
79 personally served upon the probationer. The warrant shall authorize the return  
80 of the probationer to the custody of the court or to any suitable detention facility  
81 designated by the court. Upon the filing of the prosecutor's or circuit attorney's  
82 motion or on the court's own motion, the court may immediately enter an order  
83 suspending the period of probation and may order a warrant for the defendant's  
84 arrest. The probation shall remain suspended until the court rules on the

85 prosecutor's or circuit attorney's motion, or until the court otherwise orders the  
86 probation reinstated.

87         8. The power of the court to revoke probation shall extend for the duration  
88 of the term of probation designated by the court and for any further period which  
89 is reasonably necessary for the adjudication of matters arising before its  
90 expiration, provided that some affirmative manifestation of an intent to conduct  
91 a revocation hearing occurs prior to the expiration of the period and that every  
92 reasonable effort is made to notify the probationer and to conduct the hearing  
93 prior to the expiration of the period.

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

4         2. Unless otherwise prohibited by subsection [5] 8 of this section, a circuit  
5 court only upon its own motion and not that of the state or the offender shall  
6 have the power to grant probation to an offender anytime up to one hundred  
7 twenty days after such offender has been delivered to the department of  
8 corrections but not thereafter. The court may request information and a  
9 recommendation from the department concerning the offender and such offender's  
10 behavior during the period of incarceration. Except as provided in this section,  
11 the court may place the offender on probation in a program created pursuant to  
12 section 217.777, or may place the offender on probation with any other conditions  
13 authorized by law.

14         3. The court may recommend placement of an offender in a department  
15 of corrections one hundred twenty-day program under this [section] **subsection**  
16 or order such placement under subsection 4 of section 559.036. Upon the  
17 recommendation or order of the court, the department of corrections shall assess  
18 each offender to determine the appropriate **one hundred twenty-day** program  
19 in which to place the offender, [including] **which may include placement in**  
20 **the shock incarceration program** or institutional treatment **program**. When  
21 the court recommends and receives placement of an offender in a department of  
22 corrections one hundred twenty-day program, the offender shall be released on  
23 probation if the department of corrections determines that the offender has  
24 successfully completed the program except as follows. Upon successful completion  
25 of a [treatment] program **under this subsection**, the board of probation and  
26 parole shall advise the sentencing court of an offender's probationary release date  
27 thirty days prior to release. [The court shall release the offender unless such

28 release constitutes an abuse of discretion. If the court determined that there is  
29 an abuse of discretion, the court may order the execution of the offender's  
30 sentence only after conducting a hearing on the matter within ninety to one  
31 hundred twenty days of the offender's sentence. If the court does not respond  
32 when an offender successfully completes the program, the offender shall be  
33 released on probation. Upon successful completion of a shock incarceration  
34 program, the board of probation and parole shall advise the sentencing court of  
35 an offender's probationary release date thirty days prior to release.] The court  
36 shall follow the recommendation of the department unless the court determines  
37 that probation is not appropriate. If the court determines that probation is not  
38 appropriate, the court may order the execution of the offender's sentence only  
39 after conducting a hearing on the matter within ninety to one hundred twenty  
40 days [of the offender's sentence. If the department determines that an offender  
41 is not successful in a program, then after one hundred days of incarceration the  
42 circuit court shall receive from] **from the date the offender was delivered**  
43 **to the department of corrections. If the department determines the**  
44 **offender has not successfully completed a one hundred twenty-day**  
45 **program under this subsection, the offender shall be removed from the**  
46 **program and the court shall be advised of the removal.** The department  
47 [of corrections a] **shall** report on the offender's participation in the program and  
48 [department] **may provide** recommendations for terms and conditions of an  
49 offender's probation. The court shall then [release the offender on probation or  
50 order the offender to remain in the department to serve the sentence imposed]  
51 **have the power to grant probation or order the execution of the**  
52 **offender's sentence.**

53       4. **If the court is advised that an offender is not eligible for**  
54 **placement in a one hundred twenty-day program under subsection 3 of**  
55 **this section, the court shall consider other authorized dispositions.** If  
56 the department of corrections one hundred twenty-day program **under**  
57 **subsection 3 of this section** is full, the court may place the offender in a  
58 private program approved by the department of corrections or the court, the  
59 expenses of such program to be paid by the offender, or in an available program  
60 offered by another organization. If the offender is convicted of a class C or class  
61 D nonviolent felony, the court may order probation while awaiting appointment  
62 to treatment.

63       5. Except when the offender has been found to be a predatory sexual

64 offender pursuant to section 558.018, the court shall request [that the offender  
65 be placed in the sexual offender assessment unit of the department of corrections]  
66 **the department of corrections to conduct a sexual offender assessment**  
67 if the defendant has pleaded guilty to or has been found guilty of sexual abuse  
68 when classified as a class B felony. **Upon completion of the assessment, the**  
69 **department shall provide to the court a report on the offender and may**  
70 **provide recommendations for terms and conditions of an offender's**  
71 **probation. The assessment shall not be considered a one hundred**  
72 **twenty-day program as provided under subsection 3 of this**  
73 **section. The process for granting probation to an offender who has**  
74 **completed the assessment shall be as provided under subsections 2 and**  
75 **6 of this section.**

76 6. Unless the offender is being granted probation pursuant to successful  
77 completion of a one hundred twenty-day program the circuit court shall notify the  
78 state in writing when the court intends to grant probation to the offender  
79 pursuant to the provisions of this section. The state may, in writing, request a  
80 hearing within ten days of receipt of the court's notification that the court intends  
81 to grant probation. Upon the state's request for a hearing, the court shall grant  
82 a hearing as soon as reasonably possible. If the state does not respond to the  
83 court's notice in writing within ten days, the court may proceed upon its own  
84 motion to grant probation.

85 7. An offender's first incarceration [for one hundred twenty days for  
86 participation in a department of corrections program] **under this section** prior  
87 to release on probation shall not be considered a previous prison commitment for  
88 the purpose of determining a minimum prison term under the provisions of  
89 section 558.019.

90 8. Notwithstanding any other provision of law, probation may not be  
91 granted pursuant to this section to offenders who have been convicted of murder  
92 in the second degree pursuant to section 565.021; forcible rape pursuant to  
93 section 566.030; forcible sodomy pursuant to section 566.060; statutory rape in  
94 the first degree pursuant to section 566.032; statutory sodomy in the first degree  
95 pursuant to section 566.062; child molestation in the first degree pursuant to  
96 section 566.067 when classified as a class A felony; abuse of a child pursuant to  
97 section 568.060 when classified as a class A felony; an offender who has been  
98 found to be a predatory sexual offender pursuant to section 558.018; or any  
99 offense in which there exists a statutory prohibition against either probation or

100 parole.

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

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

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

21 4. The committed person shall have a right to have an attorney represent  
22 the person at the hearing but the person is not entitled to be present at the  
23 hearing. If the court at the hearing determines by a preponderance of the  
24 evidence that the person no longer suffers from a mental abnormality that makes  
25 the person likely to engage in acts of sexual violence if released, then the court  
26 shall set a trial on the issue.

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

28 (1) The committed person shall be entitled to be present and entitled to  
29 the benefit of all constitutional protections that were afforded the person at the  
30 initial commitment proceeding;

31 (2) The attorney general shall represent the state and shall have a right  
32 to a jury trial and to have the committed person evaluated by a psychiatrist or  
33 psychologist not employed by the department of mental health or the department  
34 of corrections. In addition, the person may be examined by a consenting  
35 psychiatrist or psychologist of the person's choice at the person's own expense;

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

41           (4) If the court or jury finds that the person's mental abnormality remains  
42 such that the person is not safe to be at large and if released is likely to engage  
43 in acts of sexual violence, the person shall remain in the custody of the  
44 department of mental health in a secure facility designated by the director of the  
45 department of mental health. If the court or jury finds that the person's mental  
46 abnormality has so changed that the person is not likely to commit acts of sexual  
47 violence if released, the person shall be conditionally released as provided in  
48 section 632.505.

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

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

18           3. The court shall review the plan and determine the conditions that it  
19 deems necessary to meet the person's need for treatment and supervision and to  
20 protect the safety of the public. The court shall order that the person shall be  
21 subject to the following conditions and other conditions as deemed necessary:

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

- 24           (2) Maintain employment unless engaged in other structured activity  
25 approved by the department of mental health;
- 26           (3) Obey all federal and state laws;
- 27           (4) Not possess a firearm or dangerous weapon;
- 28           (5) Not be employed or voluntarily participate in an activity that involves  
29 contact with children without approval of the department of mental health;
- 30           (6) Not consume alcohol or use a controlled substance except as prescribed  
31 by a treating physician and to submit, upon request, to any procedure designed  
32 to test for alcohol or controlled substance use;
- 33           (7) Not associate with any person who has been convicted of a felony  
34 unless approved by the department of mental health;
- 35           (8) Not leave the state without permission of the department of mental  
36 health;
- 37           (9) Not have contact with specific persons, including but not limited to,  
38 the victim or victim's family, as directed by the department of mental health;
- 39           (10) Not have any contact with any child without specific approval by the  
40 department of mental health;
- 41           (11) Not possess material that is pornographic, sexually oriented, or  
42 sexually stimulating;
- 43           (12) Not enter a business providing sexually stimulating or sexually  
44 oriented entertainment;
- 45           (13) Submit to a polygraph, plethysmograph, or other electronic or  
46 behavioral monitoring or assessment;
- 47           (14) Submit to electronic monitoring which may be based on a global  
48 positioning system or other technology which identifies and records a person's  
49 location at all times;
- 50           (15) Attend and fully participate in assessment and treatment as directed  
51 by the department of mental health;
- 52           (16) Take all psychiatric medications as prescribed by a treating  
53 physician;
- 54           (17) Authorize the department of mental health to access and obtain  
55 copies of confidential records pertaining to evaluation, counseling, treatment, and  
56 other such records and provide the consent necessary for the release of any such  
57 records;
- 58           (18) Pay fees to the department of mental health and the department of  
59 corrections to cover the costs of services and monitoring;



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

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

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

67 4. The court shall provide a copy of the order containing the conditions of  
68 release to the person, the attorney general, the department of mental health, the  
69 head of the facility housing the person, and the department of corrections.

70 5. A person who is conditionally released and supervised by a probation  
71 and parole officer employed by the department of corrections remains under the  
72 control, care, and treatment of the department of mental health.

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

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

77 (1) If any probation and parole officer has reasonable cause to believe that  
78 a person on conditional release has violated a condition of release or that the  
79 person is no longer a proper subject for conditional release, the officer may issue  
80 a warrant for the person's arrest. The warrant shall contain a brief recitation of  
81 the facts supporting the officer's belief. The warrant shall direct any peace officer  
82 to take the person into custody immediately so that the person can be returned  
83 to a secure facility;

84 (2) If the director of the department of mental health or the director's  
85 designee has reasonable cause to believe that a person on conditional release has  
86 violated a condition of release or that the person is no longer a proper subject for  
87 conditional release, the director or the director's designee may request that a  
88 peace officer take the person into custody immediately, or request that a  
89 probation and parole officer or the court which ordered the release issue a  
90 warrant for the person's arrest so that the person can be returned to a secure  
91 facility;

92 (3) At any time during the period of a conditional release, the court which  
93 ordered the release may issue a notice to the released person to appear to answer  
94 a charge of a violation of the terms of the release and the court may issue a  
95 warrant of arrest for the violation. Such notice shall be personally served upon

96 the released person. The warrant shall authorize the return of the released  
97 person to the custody of the court or to the custody of the director of mental  
98 health or the director's designee;

99 (4) No peace officer responsible for apprehending and returning the person  
100 to the facility upon the request of the director of the department of mental health  
101 or the director's designee or a probation and parole officer shall be civilly liable  
102 for apprehending or transporting such person to the facility so long as such duties  
103 were performed in good faith and without negligence;

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

106 (6) Within seven days of the person's return to a secure facility, the  
107 department of mental health must either request that the attorney general file  
108 a petition to revoke the person's conditional release or continue the person on  
109 conditional release;

110 (7) If a petition to revoke conditional release is filed, the person shall  
111 remain in custody until a hearing is held on the petition. The hearing shall be  
112 given priority on the court's docket. If upon hearing the evidence, the court finds  
113 by preponderance of the evidence that the person has violated a condition of  
114 release and that the violation of the condition was sufficient to render the person  
115 no longer suitable for conditional release, the court shall revoke the conditional  
116 release and order the person returned to a secure facility designated by the  
117 director of the department of mental health. If the court determines that  
118 revocation is not required, the court may modify or increase the conditions of  
119 release or order the person's release on the existing conditions of release;

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

123 8. The department of mental health may enter into agreements with the  
124 department of corrections and other departments and may enter into contracts  
125 with private entities for the purpose of supervising a person on conditional  
126 release.

127 9. The department of mental health and the department of corrections  
128 may require a person on conditional release to pay a reasonable fee to cover the  
129 costs of providing services and monitoring while the person is released. Each  
130 department may adopt rules with respect to establishing, waiving, collecting, and  
131 using fees. Any rule or portion of a rule, as that term is defined in section

132 536.010, that is created under the authority delegated in this section shall  
133 become effective only if it complies with and is subject to all of the provisions of  
134 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
135 nonseverable and if any of the powers vested with the general assembly pursuant  
136 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
137 a rule are subsequently held unconstitutional, then the grant of rulemaking  
138 authority and any rule proposed or adopted after August 28, 2006, shall be  
139 invalid and void.

140       10. In the event a person on conditional release escapes from custody, the  
141 department of mental health shall notify the court, the department of corrections,  
142 the attorney general, the chief law enforcement officer of the county or city not  
143 within a county from where the person escaped or absconded, and any other  
144 persons necessary to protect the safety of the public or to assist in the  
145 apprehension of the person. The attorney general shall notify victims and  
146 witnesses. Upon receiving such notice, the attorney general shall file escape from  
147 commitment charges under section 575.195.

148       **11. When a person who has been granted conditional release**  
149 **under this section is being electronically monitored and remains in the**  
150 **county, city, town, or village where the facility is located that released**  
151 **the person, the department of corrections shall provide, upon request,**  
152 **the chief of the local law enforcement agency of such county, city, town,**  
153 **or village with access to the information gathered by the global**  
154 **positioning system or other technology used to monitor the**  
155 **person. This access shall include, but not be limited to, any user name**  
156 **or password needed to view any real-time or recorded information**  
157 **about the person, and any alert or message generated by the**  
158 **technology. The access shall continue while the person is being**  
159 **electronically monitored and is living in the county, city, town, or**  
160 **village where the facility that released the offender is located. The**  
161 **information obtained by the chief of the local law enforcement agency**  
162 **shall be closed and shall not be disclosed to any person outside the law**  
163 **enforcement agency except upon an order of the court supervising the**  
164 **conditional release.**