

CONFERENCE COMMITTEE SUBSTITUTE NO. 2

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 621

AN ACT

To repeal sections 3.010, 3.066, 3.090, 56.110, 67.320, 408.040, 447.560, 447.584, 452.556, 476.001, 476.320, 476.330, 476.340, 478.240, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310, 550.040, 550.060, 632.480, 632.483, 632.484, and 650.120, RSMo, and to enact in lieu thereof thirty-seven new sections relating to judicial procedures, with penalty provisions and an effective date for certain sections and an emergency clause for certain sections.

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

1           Section A. Sections 3.010, 3.066, 3.090, 56.110, 67.320,  
2 408.040, 447.560, 447.584, 452.556, 476.001, 476.320, 476.330,  
3 476.340, 478.240, 478.320, 478.437, 478.464, 478.513, 478.600,  
4 478.610, 488.305, 525.040, 525.070, 525.080, 525.230, 525.310,  
5 550.040, 550.060, 632.480, 632.483, 632.484, and 650.120, RSMo,  
6 are repealed and thirty-seven new sections enacted in lieu  
7 thereof, to be known as sections 3.010, 3.066, 3.090, 21.880,  
8 56.110, 57.095, 67.320, 408.040, 447.534, 447.560, 447.584,  
9 452.556, 456.4-420, 474.395, 476.001, 476.320, 476.330, 476.340,  
10 478.240, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610,  
11 478.740, 488.305, 488.2206, 525.040, 525.070, 525.080, 525.230,

1 525.310, 632.480, 632.483, 632.484, and 650.120, to read as  
2 follows:

3 3.010. [As soon as possible after the final adjournment of  
4 the seventieth general assembly and at least every ten years  
5 thereafter] Only upon the adoption of a concurrent resolution by  
6 the general assembly, the revised statutes of Missouri shall be  
7 printed, published and distributed in as many volumes as the  
8 committee on legislative research (herein called "the committee")  
9 shall determine, and such publication shall be under the  
10 direction and supervision of the committee. The annotations or  
11 supplements may be printed separately and without a concurrent  
12 resolution being adopted by the general assembly. The cost of  
13 printing, binding and delivery of such publication shall be paid  
14 from funds appropriated from the general revenue for that  
15 purpose.

16 3.066. 1. When the Missouri supreme court or a federal  
17 court with competent jurisdiction makes a final ruling that a  
18 bill enacted by the Missouri general assembly or a Missouri state  
19 statute or any portion of a Missouri state statute contained in a  
20 bill enacted by the Missouri general assembly is unconstitutional  
21 on procedural grounds, the Missouri revisor of statutes shall:

22 (1) For a repealed statute or an amended statute contained  
23 in such bill, reprint the statute as it existed in the revised  
24 statutes of Missouri prior to the enactment of the bill that the  
25 court declared unconstitutional;

26 (2) For a new statute contained in such bill, remove the  
27 new statute from the revised statutes of Missouri, if necessary,  
28 and publish only a footnote calling attention to the ruling of

1 the court explaining the reason for the removal of such statute  
2 from the revised statutes of Missouri.

3 2. When a state or federal court with competent  
4 jurisdiction issues a permanent order enjoining a bill enacted by  
5 the Missouri general assembly or a Missouri state statute or any  
6 portion of a Missouri state statute contained in a bill enacted  
7 by the Missouri general assembly as unconstitutional on  
8 procedural grounds, the Missouri attorney general shall notify  
9 the Missouri revisor of statutes of any such order and the  
10 Missouri revisor of statutes shall publish a footnote to each  
11 affected section calling attention to the ruling of the court on  
12 any official website of the committee on legislative research.  
13 Such footnote shall remain until such time as a final ruling is  
14 made by the Missouri supreme court or a federal court with  
15 competent jurisdiction, and at such time, the Missouri revisor  
16 shall remove such footnote and, if necessary, shall update such  
17 website in like manner as provided in subsection 1 of this  
18 section.

19 3.090. 1. The revisor of statutes shall supervise the  
20 printing and publication of all editions of the revised statutes  
21 of Missouri and all supplements and pocket parts thereto. [He]  
22 The revisor shall proofread and compare all copies of laws  
23 appearing in the revised statutes of Missouri and supplement or  
24 pocket parts thereto and supervise the correction thereof to  
25 ensure that all such copies are true and correct copies of the  
26 existing laws of this state according to the original rolls  
27 thereof with only such variations in the language thereof as are  
28 authorized by section 3.060.

1           2. When any volume of any edition of the revised statutes  
2 of Missouri, or any supplement or any edition of pocket parts  
3 thereto is printed and published the revisor of statutes shall  
4 certify that all laws printed therein have been examined and  
5 compared as required by this section and that the same are true  
6 and correct copies thereof as passed and remaining in the office  
7 of the secretary of state, and that the revised statutes,  
8 supplement or pocket part thereto, as thus published, and all  
9 laws as therein contained, are true copies of the existing laws  
10 of the state of Missouri, of a general nature. [He] The revisor  
11 shall deposit a copy of each volume of the revised statutes,  
12 supplement or pocket part, so certified, in the secretary's  
13 office, which shall be prima facie evidence of such statutes.  
14 The certificate shall be printed in each copy of the revised  
15 statutes, supplement or pocket part, and every copy so printed  
16 containing the certificate may be used in evidence without other  
17 or further proof of authentication.

18           3. The revisor of statutes shall supervise the publication  
19 of the revised statutes on any official website of the committee  
20 on legislative research. Such supervision shall comply with the  
21 provisions of subsection 1 of this section to ensure that a true  
22 and correct copy of the existing laws of this state are placed on  
23 such website. However, the online version of the revised  
24 statutes on any official website of the committee on legislative  
25 research shall not be considered an official version of the  
26 revised statutes, unless the revisor of statutes chooses to  
27 certify it as such and places a certificate on the website. The  
28 revisor shall periodically update such website as new laws are

1 enacted, including an update of the website on the effective date  
2 of any section that becomes law.

3 21.880. 1. There is hereby established a permanent joint  
4 committee of the general assembly, which shall be known as the  
5 "Joint Committee on the Justice System" and shall be composed of  
6 the following members:

7 (1) The chairs of the senate and house committees on the  
8 judiciary;

9 (2) The ranking minority members of the senate and house  
10 committees on the judiciary;

11 (3) Two members of the senate appointed by the president  
12 pro tempore of the senate, one of whom shall be a member of the  
13 senate committee on appropriations;

14 (4) The chair of the house committee with jurisdiction over  
15 matters relating to criminal laws, law enforcement, and public  
16 safety;

17 (5) The chair of the house committee with jurisdiction over  
18 matters relating to state correctional institutions;

19 (6) A member of the senate appointed by the minority floor  
20 leader of the senate;

21 (7) A member of the house of representatives appointed by  
22 the minority floor leader of the house of representatives;

23 (8) Three nonvoting ex officio members who shall be the  
24 chief justice of the Missouri supreme court, the state auditor,  
25 and the attorney general, or their designees.

26 2. No more than three members from each house shall be of  
27 the same political party.

28 3. The joint committee shall meet within thirty days after

1 its creation and organize by selecting a chair and vice chair,  
2 one of whom shall be the senate judiciary chair and one of whom  
3 shall be the house judiciary chair. The positions of chair and  
4 vice chair shall alternate every two years thereafter between the  
5 senate and house. After its organization, the committee shall  
6 meet regularly, at least twice a year, at such time and place as  
7 the chair designates, including locations other than Jefferson  
8 City. A majority of the members of the committee shall  
9 constitute a quorum, but the concurrence of a majority of the  
10 members, other than the ex officio members, shall be required for  
11 the determination of any matter within the committee's duties.

12 4. In order to promote the effective administration of  
13 justice and public safety, it shall be the duty of the joint  
14 committee to:

15 (1) Review and monitor:

16 (a) The state's justice system;

17 (b) The state's criminal laws, law enforcement, and public  
18 safety;

19 (c) The state's correctional institutions and penal and  
20 correctional issues; and

21 (d) All state government efforts related to terrorism,  
22 bioterrorism, and homeland security;

23 (2) Receive reports from the judicial branch, state or  
24 local government agencies or departments, and any entities  
25 attached to them for administrative purposes;

26 (3) Conduct an ongoing study and analysis of the state's  
27 justice system and related issues;

28 (4) Determine the need for changes in statutory law, rules,

1 policies, or procedures;

2 (5) Make any recommendations to the general assembly for  
3 legislative action; and

4 (6) Perform other duties authorized by concurrent  
5 resolution of the general assembly.

6 5. By January 15, 2016, and every year thereafter, it shall  
7 be the duty of the joint committee to file with the general  
8 assembly a report of its activities, along with any findings or  
9 recommendations the committee may have for legislative action.

10 6. The joint committee shall establish a permanent  
11 subcommittee on the Missouri criminal code, which shall conduct  
12 and supervise a continuing program of revision designed to  
13 maintain the cohesiveness, consistency, and effectiveness of the  
14 criminal laws of the state. In connection with this program, the  
15 committee may select an advisory committee on the Missouri  
16 criminal code, composed of a representative of the Missouri  
17 supreme court, a representative of the office of the attorney  
18 general, and other individuals known to be interested in the  
19 improvement of the state's criminal laws, and may authorize the  
20 payment of any actual and necessary expenses incurred by such  
21 members while attending meetings with the committee or the  
22 subcommittee on the Missouri criminal code. The subcommittee on  
23 the Missouri criminal code shall present to the general assembly  
24 in each tenth year such criminal code revision bills as it finds  
25 appropriate to accomplish its purpose.

26 7. The joint committee may make reasonable requests for  
27 staff assistance from the research and appropriations staffs of  
28 the senate and house and the joint committee on legislative

1 research, and may employ such personnel as it deems necessary to  
2 carry out the duties imposed by this section, within the limits  
3 of any appropriation for such purpose. In the performance of its  
4 duties, the committee may request assistance or information from  
5 all branches of government and state departments, agencies,  
6 boards, commissions and offices.

7 8. The members of the committee shall serve without  
8 compensation, but any actual and necessary expenses incurred in  
9 the performance of the committee's official duties by the joint  
10 committee, its members, and any staff assigned to the committee  
11 shall be paid from the joint contingent fund.

12 56.110. If the prosecuting attorney and assistant  
13 prosecuting attorney be interested or shall have been employed as  
14 counsel in any case where such employment is inconsistent with  
15 the duties of his or her office, or shall be related to the  
16 defendant in any criminal prosecution, either by blood or by  
17 marriage, the court having criminal jurisdiction may appoint some  
18 other attorney to prosecute or defend the cause. Such special  
19 prosecutor shall not otherwise represent a party other than the  
20 state of Missouri in any criminal case or proceeding in that  
21 circuit for the duration of that appointment and shall be  
22 considered an appointed prosecutor for purposes of section  
23 56.360.

24 57.095. Notwithstanding the provisions of section 537.600  
25 to the contrary, sheriffs or any other law enforcement officers  
26 shall have immunity from any liability, civil or criminal, while  
27 conducting service of process at the direction of any court to  
28 the extent that the officers' actions do not violate clearly



1 established statutory or constitutional rights of which a  
2 reasonable person would have known.

3       67.320. 1. Any county [of the first classification with  
4 more than one hundred ninety-eight thousand but less than one  
5 hundred ninety-nine thousand two hundred] with a charter form of  
6 government and with more than two hundred thousand but fewer than  
7 three hundred fifty thousand inhabitants or any county of the  
8 first classification with more than one hundred one thousand but  
9 fewer than one hundred fifteen thousand inhabitants may prosecute  
10 and punish violations of its county orders in the circuit court  
11 of such counties in the manner and to the extent herein provided  
12 or in a county municipal court if creation of a county municipal  
13 court is approved by order of the county commission. The county  
14 may adopt orders with penal provisions consistent with state law,  
15 but only in the areas of traffic violations, solid waste  
16 management, county building codes, on-site sewer treatment,  
17 zoning orders, and animal control. Any county municipal court  
18 established pursuant to the provisions of this section shall have  
19 jurisdiction over violations of that county's orders and the  
20 ordinances of municipalities with which the county has a contract  
21 to prosecute and punish violations of municipal ordinances of the  
22 municipality.

23       2. Except as provided in subsection 5 of this section in  
24 any county which has elected to establish a county municipal  
25 court pursuant to this section, the judges for such court shall  
26 be appointed by the county commission of such county, subject to  
27 confirmation by the legislative body of such county in the same  
28 manner as confirmation for other county appointed officers. The

1 number of judges appointed, and qualifications for their  
2 appointment, shall be established by order of the commission.

3 3. The practice and procedure of each prosecution shall be  
4 conducted in compliance with all of the terms and provisions of  
5 sections 66.010 to 66.140, except as provided for in this  
6 section.

7 4. Any use of the term ordinance in sections 66.010 to  
8 66.140 shall be synonymous with the term order for purposes of  
9 this section.

10 5. In any county of the first classification with more than  
11 one hundred one thousand but fewer than one hundred fifteen  
12 thousand inhabitants, the first judges shall be appointed by the  
13 county commission for a term of four years, and thereafter the  
14 judges shall be elected for a term of four years. The number of  
15 judges appointed, and qualifications for their appointment, shall  
16 be established by order of the commission.

17 408.040. 1. Judgments shall accrue interest on the  
18 judgment balance as set forth in this section. The "judgment  
19 balance" is defined as the total amount of the judgment awarded  
20 on the day judgment is entered including, but not limited to,  
21 principal, prejudgment interest, and all costs and fees. Post-  
22 judgment payments or credits shall be applied first to post-  
23 judgment costs, then to post-judgment interest, and then to the  
24 judgment balance.

25 2. In all nontort actions, interest shall be allowed on all  
26 money due upon any judgment or order of any court from the date  
27 judgment is entered by the trial court until satisfaction be made  
28 by payment, accord or sale of property; all such judgments and

1 orders for money upon contracts bearing more than nine percent  
2 interest shall bear the same interest borne by such contracts,  
3 and all other judgments and orders for money shall bear nine  
4 percent per annum until satisfaction made as aforesaid.

5 [2.] 3. Notwithstanding the provisions of subsection [1] 2  
6 of this section, in tort actions, interest shall be allowed on  
7 all money due upon any judgment or order of any court from the  
8 date [of] judgment is entered by the trial court until full  
9 satisfaction. All such judgments and orders for money shall bear  
10 a per annum interest rate equal to the intended Federal Funds  
11 Rate, as established by the Federal Reserve Board, plus five  
12 percent, until full satisfaction is made. The judgment shall  
13 state the applicable interest rate, which shall not vary once  
14 entered. In tort actions, if a claimant has made a demand for  
15 payment of a claim or an offer of settlement of a claim, to the  
16 party, parties or their representatives, and to such party's  
17 liability insurer if known to the claimant, and the amount of the  
18 judgment or order exceeds the demand for payment or offer of  
19 settlement, then prejudgment interest shall be awarded,  
20 calculated from a date ninety days after the demand or offer was  
21 received, as shown by the certified mail return receipt, or from  
22 the date the demand or offer was rejected without counter offer,  
23 whichever is earlier. In order to qualify as a demand or offer  
24 pursuant to this section, such demand must:

25 (1) Be in writing and sent by certified mail return receipt  
26 requested; and

27 (2) Be accompanied by an affidavit of the claimant  
28 describing the nature of the claim, the nature of any injuries

1 claimed and a general computation of any category of damages  
2 sought by the claimant with supporting documentation, if any is  
3 reasonably available; and

4 (3) For wrongful death, personal injury, and bodily injury  
5 claims, be accompanied by a list of the names and addresses of  
6 medical providers who have provided treatment to the claimant or  
7 decedent for such injuries, copies of all reasonably available  
8 medical bills, a list of employers if the claimant is seeking  
9 damages for loss of wages or earning, and written authorizations  
10 sufficient to allow the party, its representatives, and liability  
11 insurer if known to the claimant to obtain records from all  
12 employers and medical care providers; and

13 (4) Reference this section and be left open for ninety  
14 days.

15  
16 Unless the parties agree in writing to a longer period of time,  
17 if the claimant fails to file a cause of action in circuit court  
18 prior to a date one hundred twenty days after the demand or offer  
19 was received, then the court shall not award prejudgment interest  
20 to the claimant. If the claimant is a minor or incompetent or  
21 deceased, the affidavit may be signed by any person who  
22 reasonably appears to be qualified to act as next friend or  
23 conservator or personal representative. If the claim is one for  
24 wrongful death, the affidavit may be signed by any person  
25 qualified pursuant to section 537.080 to make claim for the  
26 death. Nothing contained herein shall limit the right of a  
27 claimant, in actions other than tort actions, to recover  
28 prejudgment interest as otherwise provided by law or contract.

1           [3.] 4. In tort actions, a judgment for prejudgment  
2 interest awarded pursuant to this [subsection] section should  
3 bear interest at a per annum interest rate equal to the intended  
4 Federal Funds Rate, as established by the Federal Reserve Board,  
5 plus three percent. The judgment shall state the applicable  
6 interest rate, which shall not vary once entered.

7           447.534. 1. Notwithstanding the provisions of subsection 2  
8 of section 447.532, section 447.533, and subsection 1 of section  
9 447.545, United States savings bonds which are unclaimed property  
10 and subject to the provisions of sections 447.500 to 447.595  
11 shall be deemed abandoned when they have remained unclaimed for  
12 more than three years after their date of maturity and such bonds  
13 and the proceeds from such bonds, including all principal and  
14 interest due, in the possession of the treasurer or with an owner  
15 whose last known address is located in Missouri shall escheat to  
16 the state of Missouri three years after becoming unclaimed  
17 property by virtue of the provisions of sections 447.500 to  
18 447.595 and all property rights and legal title to and ownership  
19 of such United States savings bonds and the proceeds from such  
20 bonds, including all rights, powers, and privileges of  
21 survivorship of any owner, co-owner, or beneficiary, shall vest  
22 solely in the state of Missouri according to the procedure set  
23 forth as follows:

24           (1) After one hundred eighty days following the second  
25 three year period referenced in this subsection, if no claim has  
26 been approved in accordance with the provisions of section  
27 447.562 for such United States savings bonds or proceeds from  
28 such bonds, the treasurer shall commence a civil action in the

1 circuit court of Cole County for a determination that such United  
2 States savings bonds and the proceeds from such bonds shall  
3 escheat to the state of Missouri. The treasurer may postpone the  
4 bringing of such action until sufficient United States savings  
5 bonds have accumulated in the treasurer's custody to justify the  
6 expense of such proceedings;

7 (2) If no person shall file a claim or appear at the  
8 hearing to substantiate a claim or where the court determines  
9 that a claimant is not entitled to the United States savings  
10 bonds or proceeds from such bonds claimed by such claimant, then  
11 the court, if satisfied by evidence that the treasurer has  
12 substantially complied with the laws of the state of Missouri,  
13 shall enter a judgment that the subject United States savings  
14 bonds and the proceeds from such bonds have escheated to the  
15 state of Missouri, and all property rights and legal title to and  
16 ownership of such United States savings bonds and the proceeds  
17 from such bonds, including all rights, powers, and privileges of  
18 survivorship of any owner, co-owner, or beneficiary, shall vest  
19 solely in the state of Missouri;

20 (3) The treasurer shall redeem such United States savings  
21 bonds escheated to the state of Missouri and the proceeds from  
22 such redemption of United States savings bonds shall be deposited  
23 in the abandoned fund account created by section 447.543.

24 2. Any person making a claim for the United States savings  
25 bonds escheated to the state of Missouri, or for the proceeds  
26 from such bonds, may file a claim in accordance with the  
27 provisions of section 447.562. Upon providing sufficient proof  
28 of the validity of such person's claim, the treasurer may pay

1 such claim in accordance with the provisions of section 447.565.

2       447.560. 1. The treasurer shall retain a record of the  
3 name and last known address of each person appearing from the  
4 holders' reports to be entitled to the abandoned moneys and  
5 property and of the name and last known address of each insured  
6 person or annuitant, and with respect to each policy or contract  
7 listed in the report of a life insurance corporation, its number,  
8 the name of the corporation, and the amount due. The record  
9 shall be available for public inspection at all reasonable  
10 business hours.

11       2. Except as specifically provided by this section, no  
12 information furnished to the treasurer in the holder reports,  
13 including Social Security numbers or other identifying  
14 information, shall be open to public inspection or made public.  
15 Any officer, employee or agent of the treasurer who, in violation  
16 of the provisions of this section, divulges, discloses or permits  
17 the inspection of such information shall be guilty of a  
18 misdemeanor.

19       3. If an amount is turned over to the state that is less  
20 than fifty dollars, the amount reported may be made available as  
21 public information, along with the name and last known address of  
22 the person appearing from the holder report to be entitled to the  
23 abandoned moneys; except that, no additional information other  
24 than provided for in this section may be released, and any  
25 individual other than the person appearing from the holder report  
26 to be entitled to the abandoned moneys shall be governed by  
27 sections 447.500 to 447.595 and other applicable Missouri law in  
28 his or her use or dissemination of such information.

1           4. If the abandoned property is a military medal, the  
2 treasurer is authorized to make any information, other than  
3 Social Security numbers, contained in the holder report and  
4 record under subsection 1 of this section, and any photograph or  
5 other visual depiction of the military medal available to the  
6 public in order to facilitate the identification of the original  
7 owner or such owner's respective heirs or beneficiaries as  
8 described under subdivision (4) of section 447.559.

9           5. The treasurer shall retain a record of the name and, if  
10 known, the last known address of each person named on the United  
11 States savings bonds which have escheated to the state of  
12 Missouri and which have been redeemed by the treasurer under  
13 section 447.534. The record shall be made public and available  
14 for public inspection at all reasonable business hours. In  
15 addition, if a United States savings bond is redeemed in an  
16 amount that is less than fifty dollars, the amount redeemed may  
17 be made available as public information. No other information  
18 furnished to the treasurer in regard to such United States  
19 savings bonds, including Social Security numbers or other  
20 identifying information shall be open to public inspection or  
21 made public. Any officer, employee or agent of the treasurer  
22 who, in violation of the provisions of this section, divulges,  
23 discloses, or permits the inspection of such information shall be  
24 guilty of a misdemeanor.

25           447.584. The treasurer, with the approval of the governor,  
26 may enter into agreements with any person, firm or corporation to  
27 assist in the identification, collection, and processing of  
28 abandoned or escheated property held by any business entity



1 domiciled and located in another state or any governmental  
2 entity. The treasurer may agree to pay a fee for such services  
3 based in whole or in part on a percentage of the value of any  
4 property received pursuant to such agreements. Any expenses paid  
5 pursuant to this section may not be deducted from the amount  
6 subject to claim [by the owner] under sections 447.500 to  
7 447.595.

8 452.556. 1. The state courts administrator shall create a  
9 handbook or be responsible for the approval of a handbook  
10 outlining the following:

11 (1) What is included in a parenting plan;

12 (2) The benefits of the parties agreeing to a parenting  
13 plan which outlines education, custody and cooperation between  
14 parents;

15 (3) The benefits of alternative dispute resolution;

16 (4) The pro se family access motion for enforcement of custody or  
17 temporary physical custody;

18 (5) The underlying assumptions for supreme court rules  
19 relating to child support; and

20 (6) A party's duties and responsibilities pursuant to  
21 section 452.377, including the possible consequences of not  
22 complying with section 452.377. The handbooks shall be  
23 distributed to each court and shall be available in an  
24 alternative format, including Braille, large print, or electronic  
25 or audio format upon request by a person with a disability, as  
26 defined by the federal Americans with Disabilities Act.

27 2. Each court shall [mail] provide a copy of the handbook  
28 developed pursuant to subsection 1 of this section to each party

1 in a dissolution or legal separation action filed pursuant to  
2 section 452.310, or any proceeding in modification thereof, where  
3 minor children are involved, or may provide the petitioner with a  
4 copy of the handbook at the time the petition is filed and direct  
5 that a copy of the handbook be served along with the petition and  
6 summons upon the respondent.

7 3. The court shall make the handbook available to  
8 interested state agencies and members of the public.

9 456.4-420. 1. If a trust instrument containing a no-  
10 contest clause is or has become irrevocable, an interested person  
11 may file a petition to the court for an interlocutory  
12 determination whether a particular motion, petition, or other  
13 claim for relief by the interested person would trigger  
14 application of the no-contest clause or would otherwise trigger a  
15 forfeiture that is enforceable under applicable law and public  
16 policy.

17 2. The petition described in subsection 1 of this section  
18 shall be verified under oath. The petition may be filed by an  
19 interested person either as a separate judicial proceeding, or  
20 brought with other claims for relief in a single judicial  
21 proceeding, all in the manner prescribed generally for such  
22 proceedings under this chapter. If a petition is joined with  
23 other claims for relief, the court shall enter its order or  
24 judgment on the petition before proceeding any further with any  
25 other claim for relief joined therein. In ruling on such a  
26 petition, the court shall consider the text of the clause, the  
27 context to the terms of the trust instrument as a whole, and in  
28 the context of the verified factual allegations in the petition.

1 No evidence beyond the pleadings and the trust instrument shall  
2 be taken except as required to resolve an ambiguity in the no-  
3 contest clause.

4 3. An order or judgment determining a petition described in  
5 subsection 1 of this section shall have the effect set forth in  
6 subsections 4 and 5 of this section, and shall be subject to  
7 appeal as with other final judgments. If the order disposes of  
8 fewer than all claims for relief in a judicial proceeding, that  
9 order is subject to interlocutory appeal in accordance with the  
10 applicable rules for taking such an appeal. If an interlocutory  
11 appeal is taken, the court may stay the pending judicial  
12 proceeding until final disposition of said appeal on such terms  
13 and conditions as the court deems reasonable and proper under the  
14 circumstances. A final ruling on the applicability of a no-  
15 contest clause shall not preclude any later filing and  
16 adjudication of other claims related to the trust.

17 4. An order or judgment, in whole or in part, on a petition  
18 described in subsection 1 of this section shall result in the no-  
19 contest clause being enforceable to the extent of the court's  
20 ruling, and shall govern application of the no-contest clause to  
21 the extent that the interested person then proceeds forward with  
22 the claims described therein. In the event such an interlocutory  
23 order or judgment is vacated, reversed, or otherwise modified on  
24 appeal, no interested person shall be prejudiced by any reliance,  
25 through action, inaction or otherwise, on the order or judgment  
26 prior to final disposition of the appeal.

27 5. An order or judgment shall have effect only as to the  
28 specific trust terms and factual basis recited in the petition.

1 If claims are later filed that are materially different than  
2 those upon which the order or judgment is based, then to the  
3 extent such new claims are raised, the party in whose favor the  
4 order or judgment was entered shall have no protection from  
5 enforcement of the no-contest clause otherwise afforded by the  
6 order and judgment entered under this section.

7 6. For purposes of this section, a "no-contest clause"  
8 shall mean a provision in a trust instrument purporting to  
9 rescind a donative transfer to, or a fiduciary appointment of,  
10 any person, or that otherwise effects a forfeiture of some or all  
11 of an interested person's beneficial interest in a trust estate  
12 as a result of some action taken by the beneficiary. This  
13 definition shall not be construed in any way as determining  
14 whether a no-contest clause is enforceable under applicable law  
15 and public policy in a particular factual situation. As used in  
16 this section, the term "no-contest clause" shall also mean an "in  
17 terrorem clause".

18 7. A no-contest clause is not enforceable against an  
19 interested person in, but not limited to, the following  
20 circumstances:

21 (1) Filing a motion, petition, or other claim for relief  
22 objecting to the jurisdiction or venue of the court over a  
23 proceeding concerning a trust, or over any person joined, or  
24 attempted to be joined, in such a proceeding;

25 (2) Filing a motion, petition, or other claim for relief  
26 concerning an accounting, report, or notice that has or should  
27 have been made by a trustee, provided the interested person  
28 otherwise has standing to do so under applicable law, including,

1 but not limited to, section 456.6-603;

2 (3) Filing a motion, petition, or other claim for relief  
3 under chapter 475 concerning the appointment of a guardian or  
4 conservator for the settlor;

5 (4) Filing a motion, petition, or other claim for relief  
6 under chapter 404 concerning the settlor;

7 (5) Disclosure to any person of information concerning a  
8 trust instrument or that is relevant to a proceeding before the  
9 court concerning the trust instrument or property of the trust  
10 estate, unless such disclosure is otherwise prohibited by law;

11 (6) Filing a motion, pleading, or other claim for relief  
12 seeking approval of a nonjudicial settlement agreement concerning  
13 a trust instrument, as set forth in section 456.1-111;

14 (7) To the extent a petition under subsection 1 of this  
15 section is limited to the procedure and purpose described  
16 therein.

17 8. In any proceeding brought under this section, the court  
18 may award costs, expenses, and attorneys' fees to any party, as  
19 provided in section 456.10-1004.

20 474.395. 1. If a will contains a no-contest clause, an  
21 interested person may file a petition with the court for a  
22 determination whether a particular motion, petition, action, or  
23 other claim for relief by the interested person would trigger  
24 application of the no-contest clause or would otherwise trigger a  
25 forfeiture that is enforceable under applicable law and public  
26 policy, which application would be adjudicated in the manner  
27 prescribed in section 456.4-420, and subject to the provisions  
28 set forth therein.

1           2. For purposes of this section, a "no-contest clause"  
2 shall mean a provision in a will purporting to rescind a donative  
3 transfer to, or a fiduciary appointment of, any person who  
4 institutes a proceeding challenging the validity of all or part  
5 of the will, or that otherwise effects a forfeiture of some or  
6 all of an interested person's beneficial interest in the estate  
7 as a result of some action taken by the beneficiary. This  
8 definition shall not be construed in any way as determining  
9 whether a no-contest clause is enforceable under applicable law  
10 and public policy in a particular factual situation. As used in  
11 this section, the term no-contest clause shall also mean an "in  
12 terrorem clause".

13           476.001. An efficient, well operating and productive  
14 judiciary is essential to the preservation of the people's  
15 liberty and prosperity. In order to achieve this goal, the  
16 general assembly and the supreme court must constantly be aware  
17 of the operations, needs, strengths and weaknesses of the  
18 judicial system. It is the purpose of sections 476.001, 476.055,  
19 476.330 to 476.380, 476.412, [476.415 and] 476.681, and 477.405  
20 to provide the general assembly and the supreme court with the  
21 mechanisms to obtain on a continuing basis a comprehensive  
22 analysis of judicial resources and an efficient and organized  
23 method of identifying the problems and needs as they occur. It  
24 is the further purpose of sections 476.001, 476.055, 476.330 to  
25 476.380, 476.412, [476.415 and] 476.681, 477.405, 478.073,  
26 478.320, and subdivision (12) of subsection 1 of section 600.042  
27 to provide a system for the efficient allocation of available  
28 personnel, facilities and resources to achieve a uniform and

1 effective operation of the judicial system.

2 476.320. There is hereby established "The Judicial  
3 Conference of the State of Missouri". The conference shall  
4 consist of the judges [and commissioners] of the supreme court  
5 and of the court of appeals, the circuit judges, associate  
6 circuit judges, family court commissioners, the commissioners of  
7 the juvenile division of the circuit courts, and all judges and  
8 commissioners who have retired under any of the provisions of  
9 sections 476.450 to 476.595 heretofore or hereafter in effect.  
10 The chief justice of the supreme court, or in his absence the  
11 vice president elected by the executive council, shall be the  
12 presiding officer.

13 476.330. The conference shall meet on the call of the chief  
14 justice. A meeting shall be called at least once [a] every odd-  
15 numbered year at some convenient time and place in the state. It  
16 shall be the duty of all members of the conference to attend such  
17 [annual] meeting.

18 476.340. 1. The governing body of the conference, between  
19 [annual] sessions, shall be the executive council. The executive  
20 council shall consist of the following members:

21 (1) The chief justice of the supreme court, or some member  
22 of the supreme court appointed by him;

23 (2) Two other members of the supreme court appointed by the  
24 supreme court;

25 (3) One member of each district of the court of appeals  
26 elected by the judges thereof, respectively;

27 (4) Eight circuit judges, other than judges of the probate  
28 division, three of whom shall be elected for three-year terms,

1 one from each district of the court of appeals, by the circuit  
2 judges, other than judges of the probate division, of the  
3 district to represent each of the districts of the court of  
4 appeals, respectively. A judge whose circuit is in part in more  
5 than one district of the court of appeals may vote in and be  
6 elected to represent either district but not both. Five of the  
7 circuit judges on the council shall be elected for three-year  
8 terms by the circuit judges of the state;

9 (5) One judge of the probate division of circuit courts in  
10 counties having a population of more than thirty thousand  
11 inhabitants elected for a three-year term by the judges of the  
12 probate divisions of the circuit courts in such counties;

13 (6) Three associate circuit judges elected for three-year  
14 terms, one from each district of the court of appeals, by the  
15 associate circuit judges of the district to represent each of the  
16 districts of the court of appeals, respectively;

17 (7) Three other associate circuit judges elected for  
18 three-year terms by the associate circuit judges of the state;

19 (8) One associate circuit judge from counties having a  
20 population of thirty thousand inhabitants or less elected for a  
21 three-year term by the associate circuit judges in such counties;

22 (9) One retired judge or commissioner who is a member of  
23 the judicial conference elected for a three-year term by such  
24 judges and commissioners.

25  
26 Members of the executive council on August 28, 2003, shall serve  
27 out their terms and their replacements shall be elected under the  
28 provisions of this section. Vacancies shall be filled for the



1 unexpired term of any member as provided by resolution of the  
2 judicial conference.

3 2. The executive council shall have general supervision of  
4 the work of the conference and such other duties and authority as  
5 may be given to it under rules or resolutions adopted by the  
6 conference. The members of the executive council shall elect one  
7 of its members vice president to act in the absence of the chief  
8 justice.

9 478.240. 1. The presiding judge of each circuit which is  
10 provided by subsection 3 of section 15 of article V of the  
11 constitution shall be selected for a two-year term. The circuit  
12 and associate circuit judges in each circuit shall select by  
13 secret ballot a circuit judge from their number to serve as  
14 presiding judge. Selection and removal procedures, not  
15 inconsistent with the rules of the supreme court, may be provided  
16 by local court rule. If a presiding judge is disqualified from  
17 acting as a judicial officer pursuant to the constitution,  
18 article V, section 24, the circuit judges and associate circuit  
19 judges of the circuit shall select a circuit judge as presiding  
20 judge. If the circuit does not have an eligible judge to be  
21 elected presiding judge, then the chief justice of the supreme  
22 court may designate an acting presiding judge until a successor  
23 is chosen or until the disability of the presiding judge  
24 terminates.

25 2. Subject to the authority of the supreme court and the  
26 chief justice under article V of the constitution, the presiding  
27 judge of the circuit shall have general administrative authority  
28 over all judicial personnel and court officials in the circuit,

1 including the authority to assign any judicial or court personnel  
2 anywhere in the circuit, and shall have the authority to assign  
3 judges to hear such cases or classes of cases as the presiding  
4 judge may designate, and to assign judges to divisions. Such  
5 assignment authority shall include the authority to authorize  
6 particular associate circuit judges to hear and determine cases  
7 or classes of cases. By this subsection the presiding judge  
8 shall not, however, be authorized to make the following  
9 assignments:

10 (1) Assignment of a municipal judge to hear any case other  
11 than to initially hear a municipal ordinance violation case of  
12 the municipality which makes provision for such municipal judge,  
13 except that the presiding judge of a circuit may assign a  
14 municipal judge of a municipality within the circuit to hear and  
15 determine municipal ordinance violations in a court of another  
16 municipality within the circuit if the municipality to which the  
17 judge is especially assigned by the presiding judge has made  
18 provision for the compensation of such judge;

19 (2) Assignment of a judge to hear the trial of a felony  
20 case when he or she has previously conducted the preliminary  
21 hearing in that case, unless the defendant has signed a written  
22 waiver permitting the same judge to hear both the preliminary  
23 hearing and the trial, or unless the defendant has indicated on  
24 the record that the defendant is permitting the same judge to  
25 hear both the preliminary hearing and the trial;

26 (3) Assignment of a case to a judge contrary to provisions  
27 of supreme court rules or local circuit court rules; and

28 (4) Assignment of a case or class of cases not within the

1 class of cases specified in section 472.020, to a circuit judge  
2 who is also judge of the probate division and who was on January  
3 1, 1979, a probate judge shall only be with the consent of such  
4 judge of the probate division.

5 3. If any circuit judge or associate circuit judge shall  
6 proceed to hear and determine any case or class of cases which  
7 has not been assigned to him or her by the presiding judge  
8 pursuant to subsection 1 or 2 of this section, or to which he or  
9 she had not been transferred by the chief justice of the supreme  
10 court, or in the event the purported assignment to him or her  
11 shall be determined to be defective or deficient in any manner,  
12 any order or judgment he or she may have entered may be set  
13 aside, as otherwise provided by rule or by law, and the judge may  
14 be subject to discipline under article V, section 24 of the  
15 Missouri Constitution, but he or she shall not be deemed to have  
16 acted other than as a judicial officer because of any such  
17 absence, defect or deficiency of assignment under this section,  
18 or transfer by the chief justice.

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

27 2. [When the office of state courts administrator indicates  
28 in an annual judicial weighted workload model for three

1 consecutive years or more the need for four or more full-time  
2 judicial positions in any judicial circuit having a population of  
3 one hundred thousand or more, there shall be one additional  
4 associate circuit judge position in such circuit for every four  
5 full-time judicial positions needed as indicated in the weighted  
6 workload model. In a multicounty circuit, the additional  
7 associate circuit judge positions shall be apportioned among the  
8 counties in the circuit on the basis of population, starting with  
9 the most populous county, then the next most populous county, and  
10 so forth.

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

21       **[4.] 3.** Except in circuits where associate circuit judges  
22 are selected under the provisions of Sections 25(a) to (g) of  
23 Article V of the constitution, the election of associate circuit  
24 judges shall in all respects be conducted as other elections and  
25 the returns made as for other officers.

26       **[5.] 4.** In counties not subject to Sections 25(a) to (g) of  
27 Article V of the constitution, associate circuit judges shall be  
28 elected by the county at large.

1           [6.] 5. No associate circuit judge shall practice law, or  
2 do a law business, nor shall he or she accept, during his or her  
3 term of office, any public appointment for which he or she  
4 receives compensation for his or her services.

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

11           478.437. [The circuit court of the county of St. Louis,  
12 comprising circuit number twenty-one, shall be composed of  
13 nineteen divisions and nineteen judges] 1. Beginning in fiscal  
14 year 2015, there shall be twenty circuit judges in the twenty-  
15 first judicial circuit. These judges shall sit in twenty  
16 divisions, and each of the judges shall separately try causes,  
17 exercise the powers and perform all the duties imposed upon  
18 circuit judges.

19           2. Beginning in fiscal year 2015, there shall be one  
20 additional associate circuit judge position in the twenty-first  
21 judicial circuit. This associate circuit judgeship shall not be  
22 included in the statutory formula for authorizing additional  
23 judgeships per county under section 478.320.

24           478.464. [1.] In the sixteenth judicial circuit,  
25 [associate circuit divisions shall hereafter be numbered  
26 beginning with the number 25:

27           (1) Division 101 shall hereafter be division 25;

28           (2) Division 102 shall hereafter be division 26;

- 1 (3) Division 103 shall hereafter be division 27;
- 2 (4) Division 104 shall hereafter be division 28;
- 3 (5) Division 105 shall hereafter be division 29;
- 4 (6) Division 106 shall hereafter be division 30;
- 5 (7) Division 107 shall hereafter be division 31; and
- 6 (8) Division 108 shall hereafter be division 32.

7 2. Twelve months after construction of two new courtrooms  
8 in Independence is completed, there shall be one additional  
9 associate circuit judge in the sixteenth judicial circuit, to be  
10 known as division 33. The presiding judge of such circuit shall  
11 certify to the state of administration office the actual date of  
12 completion of said construction.

13 3.] there shall be ten associate circuit judges. These  
14 judges shall sit in ten divisions, which shall be numbered  
15 beginning with the number 25. Divisions 25, 26, 27, 29, and 31  
16 shall sit in Kansas City and divisions 28, 30, 32, and 33 shall  
17 sit in Independence. Division 34 shall sit in the location  
18 determined by the court en banc. The tenth associate circuit  
19 judgeship shall not be included in the statutory formula for  
20 authorizing additional associate circuit judgeships per county  
21 under section 478.320.

22 478.513. 1. There shall be five circuit judges in the  
23 thirty-first judicial circuit [consisting of the county of  
24 Greene]. These judges shall sit in divisions numbered one, two,  
25 three, four and five.

26 2. The circuit judge in division three shall be elected in  
27 1980. The circuit judges in divisions one, four and five shall  
28 be elected in 1982. The circuit judge in division two shall be

1 elected in 1984.

2 3. Beginning in fiscal year 2015, there shall be one  
3 additional associate circuit judge in the thirty-first judicial  
4 circuit, and there shall continue to be the associate judge  
5 position authorized in fiscal year 2014. Neither associate  
6 circuit judgeship shall be included in the statutory formula for  
7 authorizing additional associate circuit judgeships per county  
8 under section 478.320.

9 478.600. 1. There shall be four circuit judges in the  
10 eleventh judicial circuit [consisting of the county of St.  
11 Charles]. These judges shall sit in divisions numbered one, two,  
12 three and four. Beginning on January 1, 2007, there shall be six  
13 circuit judges in the eleventh judicial circuit and these judges  
14 shall sit in divisions numbered one, two, three, four, five, and  
15 seven. The division five associate circuit judge position and  
16 the division seven associate circuit judge position shall become  
17 circuit judge positions beginning January 1, 2007, and shall be  
18 numbered as divisions five and seven.

19 2. The circuit judge in division two shall be elected in  
20 1980. The circuit judge in division four shall be elected in  
21 1982. The circuit judge in division one shall be elected in  
22 1984. The circuit judge in division three shall be elected in  
23 1992. The circuit judges in divisions five and seven shall be  
24 elected for a six-year term in 2006.

25 3. Beginning January 1, 2007, the family court commissioner  
26 positions in the eleventh judicial circuit appointed under  
27 section 487.020 shall become associate circuit judge positions in  
28 all respects and shall be designated as divisions nine and ten

1 respectively. These positions may retain the duties and  
2 responsibilities with regard to the family court. The associate  
3 circuit judges in divisions nine and ten shall be elected in 2006  
4 for full four-year terms.

5 4. Beginning on January 1, 2007, the drug court  
6 commissioner position in the eleventh judicial circuit appointed  
7 under section 478.003 shall become an associate circuit judge  
8 position in all respects and shall be designated as division  
9 eleven. This position retains the duties and responsibilities  
10 with regard to the drug court. Such associate circuit judge  
11 shall be elected in 2006 for a full four-year term. This  
12 associate circuit judgeship shall not be included in the  
13 statutory formula for authorizing additional associate circuit  
14 judgeships per county under section 478.320.

15 5. Beginning in fiscal year 2015, there shall be one  
16 additional associate circuit judge position in the eleventh  
17 judicial circuit. The associate circuit judge shall be elected  
18 in 2016. This associate circuit judgeship shall not be included  
19 in the statutory formula for authorizing additional circuit  
20 judgeships per county under section 478.320.

21 478.610. 1. There shall be three circuit judges in the  
22 thirteenth judicial circuit consisting of the counties of Boone  
23 and Callaway. These judges shall sit in divisions numbered one,  
24 two and three. Beginning on January 1, 2007, there shall be four  
25 circuit judges in the thirteenth judicial circuit and these  
26 judges shall sit in divisions numbered one, two, three, and four.

27 2. The circuit judge in division two shall be elected in  
28 1980. The circuit judges in divisions one and three shall be



1 elected in 1982. The circuit judge in division four shall be  
2 elected in 2006 for a two-year term and thereafter in 2008 for a  
3 full six-year term.

4 3. [The authority for a majority of judges of the  
5 thirteenth judicial circuit to appoint or retain a commissioner  
6 pursuant to section 478.003 shall expire August 28, 2001. As of  
7 such date,] Beginning August 28, 2001, there shall be one more  
8 additional associate circuit judge position in Boone County than  
9 is provided pursuant to section 478.320.

10 478.740. 1. There shall be two circuit judges in the  
11 thirty-eighth judicial circuit. These judges shall sit in  
12 divisions numbered one and two.

13 2. The circuit judge in division two shall be elected in  
14 2016, and such judicial position shall not be considered vacant  
15 or filled until January 1, 2017. The judge in division one shall  
16 be elected in 2018.

17 488.305. 1. The clerk of the circuit court shall charge  
18 and collect fees for the clerk's duties as prescribed by sections  
19 429.090 and 429.120 in such amounts as are determined pursuant to  
20 sections 488.010 to 488.020.

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

27 488.2206. 1. In addition to all court fees and costs  
28 prescribed by law, a surcharge of up to ten dollars shall be

1 assessed as costs in each court proceeding filed in any court  
2 within the thirty-first judicial circuit in all criminal cases  
3 including violations of any county or municipal ordinance or any  
4 violation of a criminal or traffic law of the state, including an  
5 infraction, except that no such surcharge shall be collected in  
6 any proceeding in any court when the proceeding or defendant has  
7 been dismissed by the court or when costs are to be paid by the  
8 state, county, or municipality. For violations of the general  
9 criminal laws of the state or county ordinances, no such  
10 surcharge shall be collected unless it is authorized, by order,  
11 ordinance, or resolution by the county government where the  
12 violation occurred. For violations of municipal ordinances, no  
13 such surcharge shall be collected unless it is authorized, by  
14 order, ordinance, or resolution by the municipal government where  
15 the violation occurred. Such surcharges shall be collected and  
16 disbursed by the clerk of each respective court responsible for  
17 collecting court costs in the manner provided by sections 488.010  
18 to 488.020, and shall be payable to the treasurer of the  
19 political subdivision authorizing such surcharge.

20 2. Each county or municipality shall use all funds received  
21 pursuant to this section only to pay for the costs associated  
22 with the land assemblage and purchase, construction, maintenance,  
23 and operation of any county or municipal judicial facility  
24 including, but not limited to, debt service, utilities,  
25 maintenance, and building security. The county or municipality  
26 shall maintain records identifying such operating costs, and any  
27 moneys not needed for the operating costs of the county or  
28 municipal judicial facility shall be transmitted quarterly to the

1 general revenue fund of the county or municipality respectively.

2       525.040. 1. Notice of garnishment, served as provided in  
3 sections 525.010 to 525.480 shall have the effect of attaching  
4 all personal property, money, rights, credits, bonds, bills,  
5 notes, drafts, checks or other choses in action of the defendant  
6 in the garnishee's possession or charge, or under his or her  
7 control at the time of the service of the garnishment, or which  
8 may come into his or her possession or charge, or under his or  
9 her control, or be owing by him or her, between that time and the  
10 time of filing his or her answer, or in the case of a continuous  
11 wage garnishment, until the judgment is paid in full or until the  
12 employment relationship is terminated, whichever occurs first;  
13 but he or she shall not be liable to a judgment in money on  
14 account of such bonds, bills, notes, drafts, checks or other  
15 choses in action, unless the same shall have been converted into  
16 money since the garnishment, or he or she fail, in such time as  
17 the court may prescribe, to deliver them into court, or to the  
18 sheriff or other person designated by the court.

19       2. Writs of garnishment which would otherwise have equal  
20 priority shall have priority according to the date of service on  
21 the garnishee. If the employee's wages have been attached by  
22 more than one writ of garnishment, the employer shall inform the  
23 inferior garnisher of the existence and case number of all senior  
24 garnishments.

25       525.070. Whenever any property, effects, money or debts,  
26 belonging or owing to the defendant, shall be confessed, or found  
27 by the court or jury, to be in the hands of the garnishee, the  
28 garnishee may, at any time before final judgment, discharge

1 himself or herself, by paying or delivering the same, or so much  
2 thereof as the court shall order, to the sheriff [or], to the  
3 court, or if applicable, to the attorney for the party on whose  
4 behalf the order of garnishment issued, from all further  
5 liability on account of the property, money or debts so paid or  
6 delivered.

7 525.080. 1. If it appear that a garnishee, at or after his  
8 or her garnishment, was possessed of any property of the  
9 defendant, or was indebted to him or her, the court, or judge in  
10 vacation, may order the delivery of such property, or the payment  
11 of the amount owing by the garnishee, to the sheriff [or], into  
12 court, or to the attorney for the party on whose behalf the order  
13 of garnishment issued, at such time as the court may direct; or  
14 may permit the garnishee to retain the same, upon his or her  
15 executing a bond to the plaintiff, with security, approved by the  
16 court, to the effect that the property shall be forthcoming, or  
17 the amount paid, as the court may direct. Upon a breach of the  
18 obligation of such bond, the plaintiff may proceed against the  
19 obligors therein, in the manner prescribed in the case of a  
20 delivery bond given to the sheriff.

21 2. Notwithstanding subsection 1 of this section, when  
22 property is protected from garnishment by state or federal law  
23 including but not limited to federal restrictions on the  
24 garnishment of earnings in Title 15, U.S.C. Sections 1671 to 1677  
25 and Old Age, Survivors and Disability Insurance benefits as  
26 provided in Title 42, U.S.C. Section 407, such property need not  
27 be delivered to the court, or to any other person, by the  
28 garnishee to the extent such protection or preemption is

1 applicable.

2 525.230. [1. The court shall make the garnishee a  
3 reasonable allowance] The garnishee may deduct a one-time sum not  
4 to exceed twenty dollars, or the fee previously agreed upon  
5 between the garnishee and judgment debtor where the garnishee is  
6 a financial institution, for his or her trouble and expenses in  
7 answering the interrogatories and withholding the funds, to be  
8 [paid out of the funds or proceeds of the property or effects  
9 confessed in his or her hands. The reasonable allowances shall  
10 include any court costs, attorney's fees and any other bona fide  
11 expenses of the garnishee.

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

1 additional costs, including attorney's fees, reasonably incurred  
2 in answering the interrogatories in which case the court may make  
3 such award as it deems reasonable. The motion shall be filed on  
4 or before the date the garnishee makes payment or delivers  
5 property subject to garnishment to the court.

6 525.310. 1. [When a judgment has been rendered against an  
7 officer, appointee or employee of the state of Missouri, or any  
8 municipal corporation or other political subdivision of the  
9 state, the judgment creditor, or his attorney or agent, may file  
10 in the office of the clerk of the court before whom the judgment  
11 was rendered, an application setting forth such facts, and that  
12 the judgment debtor is employed by the state, or a municipal  
13 corporation or other political subdivision of the state, with the  
14 name of the department of state or the municipal corporation or  
15 other political subdivision of the state which employs the  
16 judgment debtor, and the name of the treasurer, or the name and  
17 title of the paying, disbursing or auditing officer of the state,  
18 municipal corporation or other political subdivision of the  
19 state, charged with the duty of payment or audit of such salary,  
20 wages, fees or earnings of such employee, and upon the filing of  
21 such application the clerk shall issue a writ of sequestration  
22 directed to the sheriff or other officer authorized to execute  
23 writs in the county in which such paying, disbursing or auditing  
24 officer may be found and the sheriff or other officer to whom the  
25 writ is directed shall serve a true copy thereof upon such  
26 paying, disbursing or auditing officer named therein, which shall  
27 have the effect of attaching any and all salary, wages, fees or  
28 earnings of the judgment debtor, which are not made exempt by

1 virtue of the exemption statutes of this state and are not in  
2 excess of the amount due on the judgment and costs, then due and  
3 payable, from the date of the writ to the return day thereof.

4 2. The paying, disbursing or auditing officer charged with  
5 the duty of payment or audit of the salary, wages, fees or  
6 earnings of the judgment debtor shall deliver to the sheriff or  
7 officer serving the writ the amount, not to exceed the amount due  
8 upon the judgment and costs, of the salary, wages, fees or  
9 earnings of the judgment debtor not made exempt by virtue of the  
10 exemption statutes of this state, as the same shall become due to  
11 the judgment debtor. The paying, disbursing or auditing officer  
12 shall pay to the judgment debtor the remaining portion of his  
13 salary, wages, fees or earnings, as the same shall become due to  
14 the judgment debtor. The sheriff, or officer serving the writ,  
15 shall provide to the paying, disbursing or auditing officer along  
16 with the writ sufficient information to compute the amount which  
17 shall be delivered to the sheriff or officer serving the writ.  
18 Neither the state, municipal corporation or other political  
19 subdivision of the state, nor the paying, disbursing or auditing  
20 officer shall be liable for the payment of any amount above the  
21 amount delivered to the sheriff or officer serving the writ if  
22 the computation of the amount delivered is in accordance with the  
23 information provided with the writ.

24 3. The sheriff or officer serving such writ shall endorse  
25 thereon the day and date he received the same, and upon receiving  
26 any amount in connection with the writ, shall issue his receipt  
27 to such paying, disbursing or auditing officer therefor. All  
28 amounts delivered to the sheriff, or officer serving said writ,

1 in connection with the writ, or so much thereof as shall be  
2 necessary therefor, shall be applied to the payment of the  
3 judgment debt, interest and costs in the same manner as in the  
4 case of garnishment under execution. The sheriff or other  
5 officer serving the writ shall make his return to the writ  
6 showing the manner of serving the same, and he shall be allowed  
7 the same fees therefor as provided for levy of execution, and the  
8 writ shall be returnable in the same manner as the execution  
9 issued out of the court in which the judgment was rendered.

10 Nothing in this section shall deprive the judgment debtor of any  
11 exemptions to which he may be entitled under the exemption laws  
12 of this state, and the same may be claimed by him to the sheriff  
13 or other officer serving the writ at any time on or before the  
14 return day of the writ in the manner provided under the exemption  
15 laws of this state. It shall be the duty of such sheriff or  
16 other officer serving the writ, at the time of the service  
17 thereof, to apprise the judgment debtor of his exemption rights,  
18 either in person or by registered letter directed to the judgment  
19 debtor to his last known address.] The state, municipal, or other  
20 political subdivision employer served with a garnishment shall  
21 have the same duties and obligations as those imposed upon a  
22 private employer when served with a garnishment.

23 2. Pay of any officer, appointee, or employee of the state  
24 of Missouri, or any municipal corporation or other political  
25 subdivision of the state, shall be subject to garnishment to the  
26 same extent as in any other garnishment. All garnishments  
27 against such employee shall proceed in the same manner as any  
28 other garnishment.



1           3. Service of legal process to which a department,  
2 municipal corporation, or other political subdivision of the  
3 state is subject under this section may be accomplished by  
4 personal service upon the paying, disbursing, or auditing officer  
5 of the state, municipal corporation, or other political  
6 subdivision of the state, charged with the duty of payment or  
7 audit of such salary, wages, fees, or earnings of such employees.

8           632.480. As used in sections 632.480 to 632.513, the  
9 following terms mean:

10           (1) "Agency with jurisdiction", the department of  
11 corrections or the department of mental health;

12           (2) "Mental abnormality", a congenital or acquired  
13 condition affecting the emotional or volitional capacity which  
14 predisposes the person to commit sexually violent offenses in a  
15 degree constituting such person a menace to the health and safety  
16 of others;

17           (3) "Predatory", acts directed towards individuals,  
18 including family members, for the primary purpose of  
19 victimization;

20           (4) "Sexually violent offense", the felonies of rape in the  
21 first degree, forcible rape, rape, statutory rape in the first  
22 degree, sodomy in the first degree, forcible sodomy, sodomy,  
23 statutory sodomy in the first degree, or an attempt to commit any  
24 of the preceding crimes, or child molestation in the first or  
25 second degree, sexual abuse, sexual abuse in the first degree,  
26 rape in the second degree, sexual assault, sexual assault in the  
27 first degree, sodomy in the second degree, deviate sexual  
28 assault, deviate sexual assault in the first degree, or the act

1 of abuse of a child involving either sexual contact, a prohibited  
2 sexual act, sexual abuse, or sexual exploitation of a minor, or  
3 any felony offense that contains elements substantially similar  
4 to the offenses listed above;

5 (5) "Sexually violent predator", any person who suffers  
6 from a mental abnormality which makes the person more likely than  
7 not to engage in predatory acts of sexual violence if not  
8 confined in a secure facility and who:

9 (a) Has pled guilty or been found guilty in this state or  
10 any other jurisdiction, or been found not guilty by reason of  
11 mental disease or defect pursuant to section 552.030, of a  
12 sexually violent offense; or

13 (b) Has been committed as a criminal sexual psychopath  
14 pursuant to section 632.475 and statutes in effect before August  
15 13, 1980.

16 632.483. 1. When it appears that a person may meet the  
17 criteria of a sexually violent predator, the agency with  
18 jurisdiction shall give written notice of such to the attorney  
19 general and the multidisciplinary team established in subsection  
20 4 of this section. Written notice shall be given:

21 (1) Within three hundred sixty days prior to the  
22 anticipated release from a correctional center of the department  
23 of corrections of a person who has been convicted of a sexually  
24 violent offense, except that in the case of persons who are  
25 returned to prison for no more than one hundred eighty days as a  
26 result of revocation of postrelease supervision, written notice  
27 shall be given as soon as practicable following the person's  
28 readmission to prison;

1           (2) At any time prior to the release of a person who has  
2 been found not guilty by reason of mental disease or defect of a  
3 sexually violent offense; or

4           (3) At any time prior to the release of a person who was  
5 committed as a criminal sexual psychopath pursuant to section  
6 632.475 and statutes in effect before August 13, 1980.

7           2. The agency with jurisdiction shall provide the attorney  
8 general and the multidisciplinary team established in subsection  
9 4 of this section with the following:

10           (1) The person's name, identifying factors, anticipated  
11 future residence and offense history;

12           (2) Documentation of institutional adjustment and any  
13 treatment received or refused, including the Missouri sexual  
14 offender program; and

15           (3) A determination by either a psychiatrist or a  
16 psychologist as defined in section 632.005 as to whether the  
17 person meets the definition of a sexually violent predator.

18           3. The agency with jurisdiction, its employees, officials,  
19 members of the multidisciplinary team established in subsection 4  
20 of this section, members of the prosecutor's review committee  
21 appointed as provided in subsection 5 of this section and  
22 individuals contracting or appointed to perform services  
23 hereunder shall be immune from liability for any conduct  
24 performed in good faith and without gross negligence pursuant to  
25 the provisions of sections 632.480 to 632.513.

26           4. The director of the department of mental health and the  
27 director of the department of corrections shall establish a  
28 multidisciplinary team consisting of no more than seven members,

1 at least one from the department of corrections and the  
2 department of mental health, and which may include individuals  
3 from other state agencies to review available records of each  
4 person referred to such team pursuant to subsection 1 of this  
5 section. The team, within thirty days of receiving notice, shall  
6 assess whether or not the person meets the definition of a  
7 sexually violent predator. The team shall notify the attorney  
8 general of its assessment.

9 5. The prosecutors coordinators training council  
10 established pursuant to section 56.760 shall appoint a  
11 five-member prosecutors' review committee composed of a cross  
12 section of county prosecutors from urban and rural counties. No  
13 more than three shall be from urban counties, and one member  
14 shall be the prosecuting attorney of the county in which the  
15 person was convicted or committed pursuant to chapter 552, if the  
16 conviction was in this state. The committee shall review the  
17 records of each person referred to the attorney general pursuant  
18 to subsection 1 of this section. The prosecutors' review  
19 committee shall make a determination of whether or not the person  
20 meets the definition of a sexually violent predator. The  
21 determination of the prosecutors' review committee or any member  
22 pursuant to this section or section 632.484 shall not be  
23 admissible evidence in any proceeding to prove whether or not the  
24 person is a sexually violent predator. The assessment of the  
25 multidisciplinary team shall be made available to the attorney  
26 general and the prosecutors' review committee.

27 632.484. 1. When the attorney general receives written  
28 notice from any law enforcement agency that a person, who has

1   pled guilty to or been convicted of a sexually violent offense  
2   and who is not presently in the physical custody of an agency  
3   with jurisdiction has committed a recent overt act, the attorney  
4   general may file a petition for detention and evaluation with the  
5   probate division of the court in which the person was convicted,  
6   or committed pursuant to chapter 552, alleging the respondent may  
7   meet the definition of a sexually violent predator and should be  
8   detained for evaluation for a period of up to nine days. If the  
9   person was convicted in another jurisdiction and the recent overt  
10   act was committed in this state, the attorney general may file  
11   the petition for detention and evaluation with the probate  
12   division of the court in the county of this state where the overt  
13   act was committed. The written notice shall include the previous  
14   conviction record of the person, a description of the recent  
15   overt act, if applicable, and any other evidence which tends to  
16   show the person to be a sexually violent predator. The attorney  
17   general shall provide notice of the petition to the prosecuting  
18   attorney of the county where the petition was filed.

19       2. Upon a determination by the court that the person may  
20   meet the definition of a sexually violent predator, the court  
21   shall order the detention and transport of such person to a  
22   secure facility to be determined by the department of mental  
23   health. The attorney general shall immediately give written  
24   notice of such to the department of mental health.

25       3. Upon receiving physical custody of the person and  
26   written notice pursuant to subsection 2 of this section, the  
27   department of mental health shall, through either a psychiatrist  
28   or psychologist as defined in section 632.005, make a

1 determination whether or not the person meets the definition of a  
2 sexually violent predator. The department of mental health  
3 shall, within seven days of receiving physical custody of the  
4 person, provide the attorney general with a written report of the  
5 results of its investigation and evaluation. The attorney  
6 general shall provide any available records of the person that  
7 are retained by the department of corrections to the department  
8 of mental health for the purposes of this section. If the  
9 department of mental health is unable to make a determination  
10 within seven days, the attorney general may request an additional  
11 detention of ninety-six hours from the court for good cause  
12 shown.

13 4. If the department determines that the person may meet  
14 the definition of a sexually violent predator, the attorney  
15 general shall provide the results of the investigation and  
16 evaluation to the prosecutors' review committee. The  
17 prosecutors' review committee shall, by majority vote, determine  
18 whether or not the person meets the definition of a sexually  
19 violent predator within twenty-four hours of written notice from  
20 the attorney general's office. If the prosecutors' review  
21 committee determines that the person meets the definition of a  
22 sexually violent predator, the prosecutors' review committee  
23 shall provide written notice to the attorney general of its  
24 determination. The attorney general may file a petition pursuant  
25 to section 632.486 within forty-eight hours after obtaining the  
26 results from the department.

27 5. For the purposes of this section "recent overt act"  
28 means any act that creates a reasonable apprehension of harm of a

1 sexually violent nature.

2           650.120. 1. There is hereby created in the state treasury  
3 the "Cyber Crime Investigation Fund". The treasurer shall be  
4 custodian of the fund and may approve disbursements from the fund  
5 in accordance with sections 30.170 and 30.180. [Beginning with  
6 the 2010 fiscal year and in each subsequent fiscal year, the  
7 general assembly shall appropriate three million dollars to the  
8 cyber crime investigation fund.] The department of public safety  
9 shall be the administrator of the fund. Moneys in the fund shall  
10 be used solely for the administration of the grant program  
11 established under this section. Notwithstanding the provisions  
12 of section 33.080 to the contrary, any moneys remaining in the  
13 fund at the end of the biennium shall not revert to the credit of  
14 the general revenue fund. The state treasurer shall invest  
15 moneys in the fund in the same manner as other funds are  
16 invested. Any interest and moneys earned on such investments  
17 shall be credited to the fund.

18           2. The department of public safety shall create a program  
19 to distribute grants to multijurisdictional Internet cyber crime  
20 law enforcement task forces, multijurisdictional enforcement  
21 groups, as defined in section 195.503, that are investigating  
22 Internet sex crimes against children, and other law enforcement  
23 agencies. The program shall be funded by the cyber crime  
24 investigation fund created under subsection 1 of this section.  
25 Not more than three percent of the money in the fund may be used  
26 by the department to pay the administrative costs of the grant  
27 program. The grants shall be awarded and used to pay the  
28 salaries of detectives and computer forensic personnel whose

1 focus is investigating Internet sex crimes against children,  
2 including but not limited to enticement of a child, possession or  
3 promotion of child pornography, provide funding for the training  
4 of law enforcement personnel and prosecuting and circuit  
5 attorneys as well as their assistant prosecuting and circuit  
6 attorneys, and purchase necessary equipment, supplies, and  
7 services. The funding for such training may be used to cover the  
8 travel expenses of those persons participating.

9 3. A panel is hereby established in the department of  
10 public safety to award grants under this program and shall be  
11 comprised of the following members:

12 (1) The director of the department of public safety, or his  
13 or her designee;

14 (2) Two members [shall be] appointed by the director of the  
15 department of public safety from a list of six nominees submitted  
16 by the Missouri Police Chiefs Association;

17 (3) Two members [shall be] appointed by the director of the  
18 department of public safety from a list of six nominees submitted  
19 by the Missouri Sheriffs' Association;

20 (4) Two members of the state highway patrol [shall be]  
21 appointed by the director of the department of public safety from  
22 a list of six nominees submitted by the Missouri State Troopers  
23 Association;

24 (5) One member of the house of representatives [who shall  
25 be] appointed by the speaker of the house of representatives; and

26 (6) One member of the senate [who shall be] appointed by  
27 the president pro tem.  
28



1 The panel members who are appointed under subdivisions (2), (3),  
2 and (4) of this subsection shall serve a four-year term ending  
3 four years from the date of expiration of the term for which his  
4 or her predecessor was appointed. However, a person appointed to  
5 fill a vacancy prior to the expiration of such a term shall be  
6 appointed for the remainder of the term. Such members shall hold  
7 office for the term of his or her appointment and until a  
8 successor is appointed. The members of the panel shall receive  
9 no additional compensation but shall be eligible for  
10 reimbursement for mileage directly related to the performance of  
11 panel duties.

12 4. Local matching amounts, which may include new or  
13 existing funds or in-kind resources including but not limited to  
14 equipment or personnel, are required for multijurisdictional  
15 Internet cyber crime law enforcement task forces and other law  
16 enforcement agencies to receive grants awarded by the panel.  
17 Such amounts shall be determined by the state appropriations  
18 process or by the panel.

19 5. When awarding grants, priority should be given to newly  
20 hired detectives and computer forensic personnel.

21 6. The panel shall establish minimum training standards for  
22 detectives and computer forensic personnel participating in the  
23 grant program established in subsection 2 of this section.

24 7. Multijurisdictional Internet cyber crime law enforcement  
25 task forces and other law enforcement agencies participating in  
26 the grant program established in subsection 2 of this section  
27 shall share information and cooperate with the highway patrol and  
28 with existing Internet crimes against children task force

1 programs.

2 8. The panel may make recommendations to the general  
3 assembly regarding the need for additional resources or  
4 appropriations.

5 9. The power of arrest of any peace officer who is duly  
6 authorized as a member of a multijurisdictional Internet cyber  
7 crime law enforcement task force shall only be exercised during  
8 the time such peace officer is an active member of such task  
9 force and only within the scope of the investigation on which the  
10 task force is working. Notwithstanding other provisions of law  
11 to the contrary, such task force officer shall have the power of  
12 arrest, as limited in this subsection, anywhere in the state and  
13 shall provide prior notification to the chief of police of a  
14 municipality or the sheriff of the county in which the arrest is  
15 to take place. If exigent circumstances exist, such arrest may  
16 be made and notification shall be made to the chief of police or  
17 sheriff as appropriate and as soon as practical. The chief of  
18 police or sheriff may elect to work with the multijurisdictional  
19 Internet cyber crime law enforcement task force at his or her  
20 option when such task force is operating within the jurisdiction  
21 of such chief of police or sheriff.

22 10. Under section 23.253 of the Missouri sunset act:

23 (1) The provisions of the new program authorized under this  
24 section shall [sunset automatically six years after June 5, 2006]  
25 be reauthorized on August 28, 2014 and shall expire on December  
26 31, 2024, unless reauthorized by an act of the general assembly;  
27 and

28 (2) If such program is reauthorized, the program authorized

1 under this section shall sunset automatically twelve years after  
2 the effective date of the reauthorization of this section; and

3 (3) This section shall terminate on September first of the  
4 calendar year immediately following the calendar year in which  
5 the program authorized under this section is sunset.

6 [550.040. In all capital cases, and those in  
7 which imprisonment in the penitentiary is the sole  
8 punishment for the offense, if the defendant is  
9 acquitted, the costs shall be paid by the state; and in  
10 all other trials on indictments or information, if the  
11 defendant is acquitted, the costs shall be paid by the  
12 county in which the indictment was found or information  
13 filed.]

14  
15 [550.060. In all cases where any person shall be  
16 committed or recognized to answer for a felony, and no  
17 indictment shall be found against such person, the  
18 prosecutor, or person on whose oath the prosecution was  
19 commenced, shall be liable for all the costs incurred  
20 in that behalf; and the court shall render judgment  
21 against such prosecutor for the same, and in no such  
22 case shall the state or county pay such costs.]

23  
24 Section B. The repeal and reenactment of sections 408.040,  
25 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310 of this  
26 act shall become effective on January 15, 2015.

27 Section C. Because of the necessity of constitutionally  
28 protected expedient access to the courts and ensuring the  
29 continued efficient administration of justice and because of the  
30 need to protect the interests of the state, the repeal and  
31 reenactment of sections 447.560, 447.584, 478.320, 478.437,  
32 478.464, 478.513, and 478.600, and the enactment of section  
33 447.534 and 478.740 of this act are deemed necessary for the  
34 immediate preservation of the public health, welfare, peace, and  
35 safety, and is hereby declared to be an emergency act within the  
36 meaning of the constitution and the repeal and reenactment of

1 sections 447.560, 447.584, 478.320, 478.437, 478.464, 478.513,  
2 and 478.600, and the enactment of section 447.534 and 478.740 of  
3 this act shall be in full force and effect upon its passage and  
4 approval.

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12 Bob Dixon

Stanley Cox