

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1231

AN ACT

To repeal sections 56.807, 105.711, 302.065, 408.040, 452.556, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014, 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and 650.120, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the administration of justice, with penalty provisions and an effective date 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 56.807, 105.711, 302.065, 408.040,  
2 452.556, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152,  
3 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320,  
4 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014,  
5 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080,  
6 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and  
7 650.120, RSMo, are repealed and thirty-nine new sections enacted  
8 in lieu thereof, to be known as sections 21.880, 56.807, 105.711,  
9 302.065, 302.067, 408.040, 452.556, 455.007, 456.950, 456.4-420,  
10 474.395, 477.160, 477.170, 477.180, 478.320, 478.437, 478.464,

1 478.513, 478.600, 478.610, 478.740, 483.140, 488.014, 488.026,  
2 488.305, 488.2206, 488.2245, 516.140, 516.350, 525.040, 525.070,  
3 525.080, 525.230, 525.310, 537.602, 574.160, 575.153, 632.520,  
4 and 650.120, to read as follows:

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

9 (1) The chairs of the senate and house committees on the  
10 judiciary;

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

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

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

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

21 (6) A member of the senate appointed by the minority floor  
22 leader of the senate;

23 (7) A member of the house of representatives appointed by  
24 the minority floor leader of the house of representatives;

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

28 2. No more than three members from each house shall be of

1 the same political party.

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

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

17 (1) Review and monitor:

18 (a) The state's justice system;

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

21 (c) The state's correctional institutions and penal and  
22 correctional issues; and

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

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

28 (3) Conduct an ongoing study and analysis of the state's

1 justice system and related issues;

2 (4) Determine the need for changes in statutory law, rules,  
3 policies, or procedures;

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

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

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

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

28 7. The joint committee may make reasonable requests for

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

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

14 56.807. 1. Beginning August 28, 1989, and continuing  
15 monthly thereafter until August 27, 2003, the funds for  
16 prosecuting attorneys and circuit attorneys provided for in  
17 subsection 2 of this section shall be paid from county or city  
18 funds.

19 2. Beginning August 28, 1989, and continuing monthly  
20 thereafter until August 27, 2003, each county treasurer shall pay  
21 to the system the following amounts to be drawn from the general  
22 revenues of the county:

23 (1) For counties of the third and fourth classification  
24 except as provided in subdivision (3) of this subsection, three  
25 hundred seventy-five dollars;

26 (2) For counties of the second classification, five hundred  
27 forty-one dollars and sixty-seven cents;

28 (3) For counties of the first classification, counties

1 which pursuant to section 56.363 elect to make the position of  
2 prosecuting attorney a full-time position after August 28, 2001,  
3 or whose county commission has elected a full-time retirement  
4 benefit pursuant to subsection 3 of section 56.363, and the city  
5 of St. Louis, one thousand two hundred ninety-one dollars and  
6 sixty-seven cents.

7 3. Beginning August 28, 1989, and continuing until August  
8 27, 2003, the county treasurer shall at least monthly transmit  
9 the sums specified in subsection 2 of this section to the  
10 Missouri office of prosecution services for deposit to the credit  
11 of the "Missouri Prosecuting Attorneys and Circuit Attorneys'  
12 Retirement System Fund", which is hereby created. All moneys  
13 held by the state treasurer on behalf of the system shall be paid  
14 to the system within ninety days after August 28, 1993. Moneys  
15 in the Missouri prosecuting attorneys and circuit attorneys'  
16 retirement system fund shall be used only for the purposes  
17 provided in sections 56.800 to 56.840 and for no other purpose.

18 4. Beginning August 28, 2003, the funds for prosecuting  
19 attorneys and circuit attorneys provided for in this section  
20 shall be paid from county or city funds and the surcharge  
21 established in this section and collected as provided by this  
22 section and sections 488.010 to 488.020.

23 5. Beginning August 28, 2003, each county treasurer shall  
24 pay to the system the following amounts to be drawn from the  
25 general revenues of the county:

26 (1) For counties of the third and fourth classification  
27 except as provided in subdivision (3) of this subsection, one  
28 hundred eighty-seven dollars;

1           (2) For counties of the second classification, two hundred  
2 seventy-one dollars;

3           (3) For counties of the first classification, counties  
4 which pursuant to section 56.363 elect to make the position of  
5 prosecuting attorney a full-time position after August 28, 2001,  
6 or whose county commission has elected a full-time retirement  
7 benefit pursuant to subsection 3 of section 56.363, and the city  
8 of St. Louis, six hundred forty-six dollars.

9           6. Beginning August 28, 2003, the county treasurer shall at  
10 least monthly transmit the sums specified in subsection 5 of this  
11 section to the Missouri office of prosecution services for  
12 deposit to the credit of the Missouri prosecuting attorneys and  
13 circuit attorneys' retirement system fund. Moneys in the  
14 Missouri prosecuting attorneys and circuit attorneys' retirement  
15 system fund shall be used only for the purposes provided in  
16 sections 56.800 to 56.840, and for no other purpose.

17           7. Beginning August 28, 2003, the following surcharge for  
18 prosecuting attorneys and circuit attorneys shall be collected  
19 and paid as follows:

20           (1) There shall be assessed and collected a surcharge of  
21 four dollars in all criminal cases filed in the courts of this  
22 state including violation of any county ordinance [or], any  
23 violation of criminal or traffic laws of this state, including  
24 infractions, and against any person who has pled guilty for any  
25 violation and paid a fine through a fine collection center, but  
26 no such surcharge shall be assessed when the costs are waived or  
27 are to be paid by the state, county, or municipality or when a  
28 criminal proceeding or the defendant has been dismissed by the

1 court [or against any person who has pled guilty and paid their  
2 fine pursuant to subsection 4 of section 476.385]. For purposes  
3 of this section, the term "county ordinance" shall include any  
4 ordinance of the city of St. Louis;

5 (2) The clerk responsible for collecting court costs in  
6 criminal cases shall collect and disburse such amounts as  
7 provided by sections 488.010 to 488.026. Such funds shall be  
8 payable to the prosecuting attorneys and circuit attorneys'  
9 retirement fund. Moneys credited to the prosecuting attorneys  
10 and circuit attorneys' retirement fund shall be used only for the  
11 purposes provided for in sections 56.800 to 56.840 and for no  
12 other purpose.

13 8. The board may accept gifts, donations, grants and  
14 bequests from private or public sources to the Missouri  
15 prosecuting attorneys and circuit attorneys' retirement system  
16 fund.

17 9. No state moneys shall be used to fund section 56.700 and  
18 sections 56.800 to 56.840 unless provided for by law.

19 105.711. 1. There is hereby created a "State Legal Expense  
20 Fund" which shall consist of moneys appropriated to the fund by  
21 the general assembly and moneys otherwise credited to such fund  
22 pursuant to section 105.716.

23 2. Moneys in the state legal expense fund shall be  
24 available for the payment of any claim or any amount required by  
25 any final judgment rendered by a court of competent jurisdiction  
26 against:

27 (1) The state of Missouri, or any agency of the state,  
28 pursuant to section 536.050 or 536.087 or section 537.600;



1           (2) Any officer or employee of the state of Missouri or any  
2 agency of the state, including, without limitation, elected  
3 officials, appointees, members of state boards or commissions,  
4 and members of the Missouri National Guard upon conduct of such  
5 officer or employee arising out of and performed in connection  
6 with his or her official duties on behalf of the state, or any  
7 agency of the state, provided that moneys in this fund shall not  
8 be available for payment of claims made under chapter 287;

9           (3) (a) Any physician, psychiatrist, pharmacist,  
10 podiatrist, dentist, nurse, or other health care provider  
11 licensed to practice in Missouri under the provisions of chapter  
12 330, 332, 334, 335, 336, 337 or 338 who is employed by the state  
13 of Missouri or any agency of the state under formal contract to  
14 conduct disability reviews on behalf of the department of  
15 elementary and secondary education or provide services to  
16 patients or inmates of state correctional facilities on a  
17 part-time basis, and any physician, psychiatrist, pharmacist,  
18 podiatrist, dentist, nurse, or other health care provider  
19 licensed to practice in Missouri under the provisions of chapter  
20 330, 332, 334, 335, 336, 337, or 338 who is under formal contract  
21 to provide services to patients or inmates at a county jail on a  
22 part-time basis;

23           (b) Any physician licensed to practice medicine in Missouri  
24 under the provisions of chapter 334 and his professional  
25 corporation organized pursuant to chapter 356 who is employed by  
26 or under contract with a city or county health department  
27 organized under chapter 192 or chapter 205, or a city health  
28 department operating under a city charter, or a combined

1 city-county health department to provide services to patients for  
2 medical care caused by pregnancy, delivery, and child care, if  
3 such medical services are provided by the physician pursuant to  
4 the contract without compensation or the physician is paid from  
5 no other source than a governmental agency except for patient  
6 co-payments required by federal or state law or local ordinance;

7 (c) Any physician licensed to practice medicine in Missouri  
8 under the provisions of chapter 334 who is employed by or under  
9 contract with a federally funded community health center  
10 organized under Section 315, 329, 330 or 340 of the Public Health  
11 Services Act (42 U.S.C. 216, 254c) to provide services to  
12 patients for medical care caused by pregnancy, delivery, and  
13 child care, if such medical services are provided by the  
14 physician pursuant to the contract or employment agreement  
15 without compensation or the physician is paid from no other  
16 source than a governmental agency or such a federally funded  
17 community health center except for patient co-payments required  
18 by federal or state law or local ordinance. In the case of any  
19 claim or judgment that arises under this paragraph, the aggregate  
20 of payments from the state legal expense fund shall be limited to  
21 a maximum of one million dollars for all claims arising out of  
22 and judgments based upon the same act or acts alleged in a single  
23 cause against any such physician, and shall not exceed one  
24 million dollars for any one claimant;

25 (d) Any physician licensed pursuant to chapter 334 who is  
26 affiliated with and receives no compensation from a nonprofit  
27 entity qualified as exempt from federal taxation under Section  
28 501(c)(3) of the Internal Revenue Code of 1986, as amended, which

1 offers a free health screening in any setting or any physician,  
2 nurse, physician assistant, dental hygienist, dentist, or other  
3 health care professional licensed or registered under chapter  
4 330, 331, 332, 334, 335, 336, 337, or 338 who provides health  
5 care services within the scope of his or her license or  
6 registration at a city or county health department organized  
7 under chapter 192 or chapter 205, a city health department  
8 operating under a city charter, or a combined city-county health  
9 department, or a nonprofit community health center qualified as  
10 exempt from federal taxation under Section 501(c)(3) of the  
11 Internal Revenue Code of 1986, as amended, excluding federally  
12 funded community health centers as specified in paragraph (c) of  
13 this subdivision and rural health clinics under 42 U.S.C.  
14 1396d(1)(1), if such services are restricted to primary care and  
15 preventive health services, provided that such services shall not  
16 include the performance of an abortion, and if such health  
17 services are provided by the health care professional licensed or  
18 registered under chapter 330, 331, 332, 334, 335, 336, 337, or  
19 338 without compensation. MO HealthNet or Medicare payments for  
20 primary care and preventive health services provided by a health  
21 care professional licensed or registered under chapter 330, 331,  
22 332, 334, 335, 336, 337, or 338 who volunteers at a [free]  
23 community health clinic is not compensation for the purpose of  
24 this section if the total payment is assigned to the [free]  
25 community health clinic. For the purposes of the section,  
26 "[free] community health clinic" means a nonprofit community  
27 health center qualified as exempt from federal taxation under  
28 Section 501(c)(3) of the Internal Revenue Code of 1987, as

1 amended, that provides primary care and preventive health  
2 services to people without health insurance coverage [for the  
3 services provided without charge]. In the case of any claim or  
4 judgment that arises under this paragraph, the aggregate of  
5 payments from the state legal expense fund shall be limited to a  
6 maximum of five hundred thousand dollars, for all claims arising  
7 out of and judgments based upon the same act or acts alleged in a  
8 single cause and shall not exceed five hundred thousand dollars  
9 for any one claimant, and insurance policies purchased pursuant  
10 to the provisions of section 105.721 shall be limited to five  
11 hundred thousand dollars. Liability or malpractice insurance  
12 obtained and maintained in force by or on behalf of any health  
13 care professional licensed or registered under chapter 330, 331,  
14 332, 334, 335, 336, 337, or 338 shall not be considered available  
15 to pay that portion of a judgment or claim for which the state  
16 legal expense fund is liable under this paragraph;

17 (e) Any physician, nurse, physician assistant, dental  
18 hygienist, or dentist licensed or registered to practice  
19 medicine, nursing, or dentistry or to act as a physician  
20 assistant or dental hygienist in Missouri under the provisions of  
21 chapter 332, 334, or 335, or lawfully practicing, who provides  
22 medical, nursing, or dental treatment within the scope of his  
23 license or registration to students of a school whether a public,  
24 private, or parochial elementary or secondary school or summer  
25 camp, if such physician's treatment is restricted to primary care  
26 and preventive health services and if such medical, dental, or  
27 nursing services are provided by the physician, dentist,  
28 physician assistant, dental hygienist, or nurse without

1 compensation. In the case of any claim or judgment that arises  
2 under this paragraph, the aggregate of payments from the state  
3 legal expense fund shall be limited to a maximum of five hundred  
4 thousand dollars, for all claims arising out of and judgments  
5 based upon the same act or acts alleged in a single cause and  
6 shall not exceed five hundred thousand dollars for any one  
7 claimant, and insurance policies purchased pursuant to the  
8 provisions of section 105.721 shall be limited to five hundred  
9 thousand dollars; or

10 (f) Any physician licensed under chapter 334, or dentist  
11 licensed under chapter 332, providing medical care without  
12 compensation to an individual referred to his or her care by a  
13 city or county health department organized under chapter 192 or  
14 205, a city health department operating under a city charter, or  
15 a combined city-county health department, or nonprofit health  
16 center qualified as exempt from federal taxation under Section  
17 501(c)(3) of the Internal Revenue Code of 1986, as amended, or a  
18 federally funded community health center organized under Section  
19 315, 329, 330, or 340 of the Public Health Services Act, 42  
20 U.S.C. Section 216, 254c; provided that such treatment shall not  
21 include the performance of an abortion. In the case of any claim  
22 or judgment that arises under this paragraph, the aggregate of  
23 payments from the state legal expense fund shall be limited to a  
24 maximum of one million dollars for all claims arising out of and  
25 judgments based upon the same act or acts alleged in a single  
26 cause and shall not exceed one million dollars for any one  
27 claimant, and insurance policies purchased under the provisions  
28 of section 105.721 shall be limited to one million dollars.

1 Liability or malpractice insurance obtained and maintained in  
2 force by or on behalf of any physician licensed under chapter  
3 334, or any dentist licensed under chapter 332, shall not be  
4 considered available to pay that portion of a judgment or claim  
5 for which the state legal expense fund is liable under this  
6 paragraph;

7 (4) Staff employed by the juvenile division of any judicial  
8 circuit;

9 (5) Any attorney licensed to practice law in the state of  
10 Missouri who practices law at or through a nonprofit community  
11 social services center qualified as exempt from federal taxation  
12 under Section 501(c)(3) of the Internal Revenue Code of 1986, as  
13 amended, or through any agency of any federal, state, or local  
14 government, if such legal practice is provided by the attorney  
15 without compensation. In the case of any claim or judgment that  
16 arises under this subdivision, the aggregate of payments from the  
17 state legal expense fund shall be limited to a maximum of five  
18 hundred thousand dollars for all claims arising out of and  
19 judgments based upon the same act or acts alleged in a single  
20 cause and shall not exceed five hundred thousand dollars for any  
21 one claimant, and insurance policies purchased pursuant to the  
22 provisions of section 105.721 shall be limited to five hundred  
23 thousand dollars;

24 (6) Any social welfare board created under section 205.770  
25 and the members and officers thereof upon conduct of such officer  
26 or employee while acting in his or her capacity as a board member  
27 or officer, and any physician, nurse, physician assistant, dental  
28 hygienist, dentist, or other health care professional licensed or

1 registered under chapter 330, 331, 332, 334, 335, 336, 337, or  
2 338 who is referred to provide medical care without compensation  
3 by the board and who provides health care services within the  
4 scope of his or her license or registration as prescribed by the  
5 board; or

6 (7) Any person who is selected or appointed by the state  
7 director of revenue under subsection 2 of section 136.055 to act  
8 as an agent of the department of revenue, to the extent that such  
9 agent's actions or inactions upon which such claim or judgment is  
10 based were performed in the course of the person's official  
11 duties as an agent of the department of revenue and in the manner  
12 required by state law or department of revenue rules.

13 3. The department of health and senior services shall  
14 promulgate rules regarding contract procedures and the  
15 documentation of care provided under paragraphs (b), (c), (d),  
16 (e), and (f) of subdivision (3) of subsection 2 of this section.  
17 The limitation on payments from the state legal expense fund or  
18 any policy of insurance procured pursuant to the provisions of  
19 section 105.721, provided in subsection 7 of this section, shall  
20 not apply to any claim or judgment arising under paragraph (a),  
21 (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of  
22 this section. Any claim or judgment arising under paragraph (a),  
23 (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of  
24 this section shall be paid by the state legal expense fund or any  
25 policy of insurance procured pursuant to section 105.721, to the  
26 extent damages are allowed under sections 538.205 to 538.235.  
27 Liability or malpractice insurance obtained and maintained in  
28 force by any health care professional licensed or registered

1 under chapter 330, 331, 332, 334, 335, 336, 337, or 338 for  
2 coverage concerning his or her private practice and assets shall  
3 not be considered available under subsection 7 of this section to  
4 pay that portion of a judgment or claim for which the state legal  
5 expense fund is liable under paragraph (a), (b), (c), (d), (e),  
6 or (f) of subdivision (3) of subsection 2 of this section.

7 However, a health care professional licensed or registered under  
8 chapter 330, 331, 332, 334, 335, 336, 337, or 338 may purchase  
9 liability or malpractice insurance for coverage of liability  
10 claims or judgments based upon care rendered under paragraphs  
11 (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this  
12 section which exceed the amount of liability coverage provided by  
13 the state legal expense fund under those paragraphs. Even if  
14 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of  
15 subsection 2 of this section is repealed or modified, the state  
16 legal expense fund shall be available for damages which occur  
17 while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of  
18 subdivision (3) of subsection 2 of this section is in effect.

19 4. The attorney general shall promulgate rules regarding  
20 contract procedures and the documentation of legal practice  
21 provided under subdivision (5) of subsection 2 of this section.  
22 The limitation on payments from the state legal expense fund or  
23 any policy of insurance procured pursuant to section 105.721 as  
24 provided in subsection 7 of this section shall not apply to any  
25 claim or judgment arising under subdivision (5) of subsection 2  
26 of this section. Any claim or judgment arising under subdivision  
27 (5) of subsection 2 of this section shall be paid by the state  
28 legal expense fund or any policy of insurance procured pursuant



1 to section 105.721 to the extent damages are allowed under  
2 sections 538.205 to 538.235. Liability or malpractice insurance  
3 otherwise obtained and maintained in force shall not be  
4 considered available under subsection 7 of this section to pay  
5 that portion of a judgment or claim for which the state legal  
6 expense fund is liable under subdivision (5) of subsection 2 of  
7 this section. However, an attorney may obtain liability or  
8 malpractice insurance for coverage of liability claims or  
9 judgments based upon legal practice rendered under subdivision  
10 (5) of subsection 2 of this section that exceed the amount of  
11 liability coverage provided by the state legal expense fund under  
12 subdivision (5) of subsection 2 of this section. Even if  
13 subdivision (5) of subsection 2 of this section is repealed or  
14 amended, the state legal expense fund shall be available for  
15 damages that occur while the pertinent subdivision (5) of  
16 subsection 2 of this section is in effect.

17 5. All payments shall be made from the state legal expense  
18 fund by the commissioner of administration with the approval of  
19 the attorney general. Payment from the state legal expense fund  
20 of a claim or final judgment award against a health care  
21 professional licensed or registered under chapter 330, 331, 332,  
22 334, 335, 336, 337, or 338, described in paragraph (a), (b), (c),  
23 (d), (e), or (f) of subdivision (3) of subsection 2 of this  
24 section, or against an attorney in subdivision (5) of subsection  
25 2 of this section, shall only be made for services rendered in  
26 accordance with the conditions of such paragraphs. In the case  
27 of any claim or judgment against an officer or employee of the  
28 state or any agency of the state based upon conduct of such

1 officer or employee arising out of and performed in connection  
2 with his or her official duties on behalf of the state or any  
3 agency of the state that would give rise to a cause of action  
4 under section 537.600, the state legal expense fund shall be  
5 liable, excluding punitive damages, for:

6 (1) Economic damages to any one claimant; and

7 (2) Up to three hundred fifty thousand dollars for  
8 noneconomic damages.

9 The state legal expense fund shall be the exclusive remedy and  
10 shall preclude any other civil actions or proceedings for money  
11 damages arising out of or relating to the same subject matter  
12 against the state officer or employee, or the officer's or  
13 employee's estate. No officer or employee of the state or any  
14 agency of the state shall be individually liable in his or her  
15 personal capacity for conduct of such officer or employee arising  
16 out of and performed in connection with his or her official  
17 duties on behalf of the state or any agency of the state. The  
18 provisions of this subsection shall not apply to any defendant  
19 who is not an officer or employee of the state or any agency of  
20 the state in any proceeding against an officer or employee of the  
21 state or any agency of the state. Nothing in this subsection  
22 shall limit the rights and remedies otherwise available to a  
23 claimant under state law or common law in proceedings where one  
24 or more defendants is not an officer or employee of the state or  
25 any agency of the state.

26 6. The limitation on awards for noneconomic damages  
27 provided for in this subsection shall be increased or decreased  
28 on an annual basis effective January first of each year in

1 accordance with the Implicit Price Deflator for Personal  
2 Consumption Expenditures as published by the Bureau of Economic  
3 Analysis of the United States Department of Commerce. The  
4 current value of the limitation shall be calculated by the  
5 director of the department of insurance, financial institutions  
6 and professional registration, who shall furnish that value to  
7 the secretary of state, who shall publish such value in the  
8 Missouri Register as soon after each January first as  
9 practicable, but it shall otherwise be exempt from the provisions  
10 of section 536.021.

11 7. Except as provided in subsection 3 of this section, in  
12 the case of any claim or judgment that arises under sections  
13 537.600 and 537.610 against the state of Missouri, or an agency  
14 of the state, the aggregate of payments from the state legal  
15 expense fund and from any policy of insurance procured pursuant  
16 to the provisions of section 105.721 shall not exceed the limits  
17 of liability as provided in sections 537.600 to 537.610. No  
18 payment shall be made from the state legal expense fund or any  
19 policy of insurance procured with state funds pursuant to section  
20 105.721 unless and until the benefits provided to pay the claim  
21 by any other policy of liability insurance have been exhausted.

22 8. The provisions of section 33.080 notwithstanding, any  
23 moneys remaining to the credit of the state legal expense fund at  
24 the end of an appropriation period shall not be transferred to  
25 general revenue.

26 9. Any rule or portion of a rule, as that term is defined  
27 in section 536.010, that is promulgated under the authority  
28 delegated in sections 105.711 to 105.726 shall become effective

1 only if it has been promulgated pursuant to the provisions of  
2 chapter 536. Nothing in this section shall be interpreted to  
3 repeal or affect the validity of any rule filed or adopted prior  
4 to August 28, 1999, if it fully complied with the provisions of  
5 chapter 536. This section and chapter 536 are nonseverable and  
6 if any of the powers vested with the general assembly pursuant to  
7 chapter 536 to review, to delay the effective date, or to  
8 disapprove and annul a rule are subsequently held  
9 unconstitutional, then the grant of rulemaking authority and any  
10 rule proposed or adopted after August 28, 1999, shall be invalid  
11 and void.

12 302.065. 1. Notwithstanding section 32.090 or any other  
13 provision of the law to the contrary, and except as provided in  
14 subsection 4 of this section, the department of revenue shall not  
15 retain copies, in any format, of source documents presented by  
16 individuals applying for or holding driver's licenses or  
17 nondriver's licenses. The department of revenue shall not use  
18 technology to capture digital images of source documents so that  
19 the images are capable of being retained in electronic storage in  
20 a transferable format.

21 2. By December 31, 2013, the department of revenue shall  
22 securely destroy so as to make irretrievable any source documents  
23 that have been obtained from driver's license or nondriver's  
24 license applicants after September 1, 2012.

25 3. As long as the department of revenue has the authority  
26 to issue a concealed carry endorsement, the department shall not  
27 retain copies of any certificate of qualification for a concealed  
28 carry endorsement presented to the department for an endorsement

1 on a driver's license or nondriver's license under section  
2 571.101. The department of revenue shall not use technology to  
3 capture digital images of a certificate of qualification nor  
4 shall the department retain digital or electronic images of such  
5 certificates. The department of revenue shall merely verify  
6 whether the applicant for a driver's license or nondriver's  
7 license has presented a certificate of qualification which will  
8 allow the applicant to obtain a concealed carry endorsement. By  
9 December 31, 2013, the department of revenue shall securely  
10 destroy so as to make irretrievable any copies of certificates of  
11 qualification that have been obtained from driver's license or  
12 nondriver's license applicants.

13 4. The provisions of this section shall not apply to:

14 (1) Original application forms, which may be retained but  
15 not scanned;

16 (2) Test score documents issued by state highway patrol  
17 driver examiners;

18 (3) Documents demonstrating lawful presence of any  
19 applicant who is not a citizen of the United States, including  
20 documents demonstrating duration of the person's lawful presence  
21 in the United States; and

22 (4) Any document required to be retained under federal  
23 motor carrier regulations in Title 49, Code of Federal  
24 Regulations, including but not limited to documents required by  
25 federal law for the issuance of a commercial driver's license and  
26 a commercial driver instruction permit; and

27 (5) Any other document at the request of and for the  
28 convenience of the applicant where the applicant requests the

1 department of revenue review alternative documents as proof  
2 required for issuance of a [driver] driver's license, [nondriver]  
3 nondriver's license, or instruction permit.

4 5. As used in this section, the term "source documents"  
5 means original or certified copies, where applicable, of  
6 documents presented by an applicant as required under 6 CFR Part  
7 37 to the department of revenue to apply for a driver's license  
8 or nondriver's license. Source documents shall also include any  
9 documents required for the issuance[, renewal, or replacement] of  
10 driver's licenses or nondriver's licenses by the department of  
11 revenue under the provisions of this chapter or accompanying  
12 regulations.

13 6. Any person harmed or damaged by any violation of this  
14 section may bring a civil action for damages, including  
15 noneconomic and punitive damages, as well as injunctive relief,  
16 in the circuit court where that person resided at the time of the  
17 violation or in the circuit court [or the circuit court] of Cole  
18 County to recover such damages from the department of revenue and  
19 any persons participating in such violation. Sovereign immunity  
20 shall not be available as a defense for the department of revenue  
21 in such an action. In the event the plaintiff prevails on any  
22 count of his or her claim, the plaintiff shall be entitled to  
23 recover reasonable attorney fees from the defendants.

24 302.067. Any original or certified copy, if applicable, of  
25 a document presented by an applicant under this chapter and its  
26 accompanying regulations as proof of lawful presence or  
27 citizenship to the department of revenue to apply for a driver's  
28 license, nondriver's license or instruction permit shall not be

1 required to be presented by the applicant for any subsequent new,  
2 renewal, or duplicate application, except:

3 (1) Documents demonstrating lawful presence of any  
4 applicant who is not a citizen of the United States, including  
5 documents demonstrating duration of the person's lawful presence  
6 in the United States, may be required to be presented upon each  
7 subsequent application;

8 (2) The department may require the documents to be  
9 presented if it is reasonably believed by the department that the  
10 prior driver's license or non-driver's license was issued as a  
11 result of a fraudulent act of the applicant; or

12 (3) Applicants applying for or renewing a commercial  
13 driver's license or commercial driver's instruction permit.

14 408.040. 1. Judgments shall accrue interest on the  
15 judgment balance as set forth in this section. The "judgment  
16 balance" is defined as the total amount of the judgment awarded  
17 on the day judgment is entered including, but not limited to,  
18 principal, prejudgment interest, and all costs and fees. Post-  
19 judgment payments or credits shall be applied first to post-  
20 judgment costs, then to post-judgment interest, and then to the  
21 judgment balance.

22 2. In all nontort actions, interest shall be allowed on all  
23 money due upon any judgment or order of any court from the date  
24 judgment is entered by the trial court until satisfaction be made  
25 by payment, accord or sale of property; all such judgments and  
26 orders for money upon contracts bearing more than nine percent  
27 interest shall bear the same interest borne by such contracts,  
28 and all other judgments and orders for money shall bear nine

1 percent per annum until satisfaction made as aforesaid.

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

22 (1) Be in writing and sent by certified mail return receipt  
23 requested; and

24 (2) Be accompanied by an affidavit of the claimant  
25 describing the nature of the claim, the nature of any injuries  
26 claimed and a general computation of any category of damages  
27 sought by the claimant with supporting documentation, if any is  
28 reasonably available; and



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

10           (4) Reference this section and be left open for ninety  
11 days.

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

26           [3.] 4. In tort actions, a judgment for prejudgment  
27 interest awarded pursuant to this [subsection] section should  
28 bear interest at a per annum interest rate equal to the intended

1 Federal Funds Rate, as established by the Federal Reserve Board,  
2 plus three percent. The judgment shall state the applicable  
3 interest rate, which shall not vary once entered.

4 452.556. 1. The state courts administrator shall create a  
5 handbook or be responsible for the approval of a handbook  
6 outlining the following:

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

8 (2) The benefits of the parties agreeing to a parenting  
9 plan which outlines education, custody and cooperation between  
10 parents;

11 (3) The benefits of alternative dispute resolution;

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

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

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

23 2. Each court shall [mail] provide a copy of the handbook  
24 developed pursuant to subsection 1 of this section to each party  
25 in a dissolution or legal separation action filed pursuant to  
26 section 452.310, or any proceeding in modification thereof, where  
27 minor children are involved, or may provide the petitioner with a  
28 copy of the handbook at the time the petition is filed and direct

1 that a copy of the handbook be served along with the petition and  
2 summons upon the respondent.

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

5 455.007. Notwithstanding any other provision of law to the  
6 contrary, the public interest exception to the mootness doctrine  
7 shall apply to an appeal of a full order of protection which[:

8 (1)] has expired[; and

9 (2) Subjects the person against whom such order is issued  
10 to significant collateral consequences by the mere existence of  
11 such full order of protection after its expiration].

12 456.950. 1. As used in this section, "qualified spousal  
13 trust" means a trust:

14 (1) The settlors of which are husband and wife at the time  
15 of the creation of the trust; and

16 (2) The terms of which provide that during the joint lives  
17 of the settlors all property or interests in property transferred  
18 to, or held by, the trustee are:

19 (a) Held and administered in one trust for the benefit of  
20 both settlors, revocable by either or both settlors acting  
21 together while either or both are alive, and each settlor having  
22 the right to receive distributions of income or principal,  
23 whether mandatory or within the discretion of the trustee, from  
24 the entire trust for the joint lives of the settlors and for the  
25 survivor's life; or

26 (b) Held and administered in two separate shares of one  
27 trust for the benefit of each of the settlors, with the trust  
28 revocable by each settlor with respect to that settlor's separate

1 share of that trust without the participation or consent of the  
2 other settlor, and each settlor having the right to receive  
3 distributions of income or principal, whether mandatory or within  
4 the discretion of the trustee, from that settlor's separate share  
5 for that settlor's life; or

6 (c) Held and administered under the terms and conditions  
7 contained in paragraphs (a) and (b) of this subdivision.

8 2. A qualified spousal trust may contain any other trust  
9 terms that are not inconsistent with the provisions of this  
10 section.

11 3. Any property or interests in property [held as tenants  
12 by the entirety by a husband and wife] that [is] are at any time  
13 transferred to the trustee of a qualified spousal trust of which  
14 the husband and wife are the settlors, shall thereafter be [held  
15 and] administered as provided by the trust terms in accordance  
16 with paragraph (a), (b), or (c) of subdivision (2) of subsection  
17 1 of this section[, and all such]. All trust property and  
18 interests in property deemed for purposes of this section to be  
19 held as tenants by the entirety, including the proceeds thereof,  
20 the income thereon, and any property into which such property,  
21 proceeds, or income may be converted, shall [thereafter] have the  
22 same immunity from the claims of the separate creditors of the  
23 settlors as would have existed if the settlors had continued to  
24 hold that property as husband and wife as tenants by the  
25 entirety. Property or interests in property held by a husband  
26 and wife as tenants by the entirety or as joint tenants or other  
27 form of joint ownership with right of survivorship shall be  
28 conclusively deemed for purposes of this section to be held as

1 tenants by the entirety upon its transfer to the qualified  
2 spousal trust. All such transfers shall retain said immunity, so  
3 long as:

4 (1) Both settlors are alive and remain married; and

5 (2) The property, proceeds, or income continue to be held  
6 in trust by the trustee of the qualified spousal trust.

7 4. Property or interests in property held by a husband and  
8 wife or held in the sole name of a husband or wife that [is] are  
9 not held as tenants by the entirety or deemed held as tenants by  
10 the entirety for purposes of this section and [is] are

11 transferred to a qualified spousal trust shall be held as  
12 directed in the qualified spousal trust's governing instrument or  
13 in the instrument of transfer and the rights of any claimant to  
14 any interest in that property shall not be affected by this  
15 section.

16 5. Upon the death of each settlor, all property and  
17 interests in property held by the trustee of the qualified  
18 spousal trust shall be distributed as directed by the then  
19 current terms of the governing instrument of such trust. Upon  
20 the death of the first settlor to die, if immediately prior to  
21 death the predeceased settlor's interest in the qualified spousal  
22 trust was then held in such settlor's separate share, the  
23 property or interests in property in such settlor's separate  
24 share may pass into an irrevocable trust for the benefit of the  
25 surviving settlor upon such terms as the governing instrument  
26 shall direct, including without limitation a spendthrift  
27 provision as provided in section 456.5-502.

28 6. No transfer by a husband and wife as settlors to a

1 qualified spousal trust shall affect or change either settlor's  
2 marital property rights to the transferred property or interest  
3 therein immediately prior to such transfer in the event of  
4 dissolution of marriage of the spouses, unless both spouses  
5 otherwise expressly agree in writing.

6 7. This section shall apply to all trusts which fulfill the  
7 criteria set forth in this section for a qualified spousal trust  
8 regardless of whether such trust was created before or after  
9 August 28, 2011.

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

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

1 the context of the verified factual allegations in the petition.  
2 No evidence beyond the pleadings and the trust instrument shall  
3 be taken except as required to resolve an ambiguity in the no-  
4 contest clause.

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

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

28 5. An order or judgment shall have effect only as to the

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

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

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

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

26 (2) Filing a motion, petition, or other claim for relief  
27 concerning an accounting, report, or notice that has or should  
28 have been made by a trustee, provided the interested person



1 otherwise has standing to do so under applicable law including,  
2 but not limited to, section 456.6-603;

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

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

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

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

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

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

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

1 set forth therein.

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

14 477.160. There shall be [~~twelve~~] fourteen judges of the  
15 eastern district of the court of appeals.

16 477.170. There shall be [~~seven~~] eleven judges of the  
17 western district of the court of appeals.

18 477.180. There shall be [~~five~~] seven judges of the southern  
19 district of the court of appeals.

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

28 2. [When the office of state courts administrator indicates

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

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

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

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

1 elected by the county at large.

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

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

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

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

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

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

- 1 (2) Division 102 shall hereafter be division 26;
- 2 (3) Division 103 shall hereafter be division 27;
- 3 (4) Division 104 shall hereafter be division 28;
- 4 (5) Division 105 shall hereafter be division 29;
- 5 (6) Division 106 shall hereafter be division 30;
- 6 (7) Division 107 shall hereafter be division 31; and
- 7 (8) Division 108 shall hereafter be division 32.

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

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

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

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

1 be elected in 1982. The circuit judge in division two shall be  
2 elected in 1984.

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

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

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

26 3. Beginning January 1, 2007, the family court commissioner  
27 positions in the eleventh judicial circuit appointed under  
28 section 487.020 shall become associate circuit judge positions in

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

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

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

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

28 2. The circuit judge in division two shall be elected in

1 1980. The circuit judges in divisions one and three shall be  
2 elected in 1982. The circuit judge in division four shall be  
3 elected in 2006 for a two-year term and thereafter in 2008 for a  
4 full six-year term.

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

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

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

18 483.140. It shall be the special duty of every judge of a  
19 court of record to examine into and superintend the manner in  
20 which the rolls and records of the court are made up and kept; to  
21 prescribe orders that will procure uniformity, regularity and  
22 accuracy in the transaction of the business of the court; to  
23 require that the records and files be properly maintained and  
24 entries be made at the proper times as required by law or supreme  
25 court rule, and that the duties of the clerks be performed  
26 according to law and supreme court rule; and if any clerk fail to  
27 comply with the law, the court shall proceed against him as for a  
28 misdemeanor. The provisions of this section shall not be



1 construed to permit the adoption of any local court rule that  
2 grants a judge the discretion to remove or direct the removal of  
3 any pleading, file, or communication from a court file or record  
4 without the agreement of all parties.

5 488.014. No court of record in this state, municipal  
6 division of the circuit court, or any entity collecting court  
7 costs on their behalf shall be required to refund any overpayment  
8 of court costs in an amount not exceeding five dollars or to  
9 collect any due court costs in an amount of less than five  
10 dollars. Any such overpaid funds may be retained by the county  
11 for the operation of the circuit court, except any overpaid funds  
12 owed to a municipal division of the circuit court may be retained  
13 by the municipality for the operation of the municipal court.

14 488.026. As provided by section 56.807, there shall be  
15 assessed and collected a surcharge of four dollars in all  
16 criminal cases filed in the courts of this state, including  
17 violations of any county ordinance [or], any violation of  
18 criminal or traffic laws of this state, including infractions, or  
19 against any person who has pled guilty of a violation and paid a  
20 fine through a fine collection center, but no such surcharge  
21 shall be assessed when the costs are waived or are to be paid by  
22 the state, county, or municipality or when a criminal proceeding  
23 or the defendant has been dismissed by the court [or against any  
24 person who has pled guilty and paid their fine pursuant to  
25 subsection 4 of section 476.385]. For purposes of this section,  
26 the term "county ordinance" shall include any ordinance of the  
27 city of St. Louis. The clerk responsible for collecting court  
28 costs in criminal cases shall collect and disburse such amounts

1 as provided by sections 488.010 to 488.020. Such funds shall be  
2 payable to the prosecuting attorneys and circuit attorneys'  
3 retirement fund.

4 488.305. 1. The clerk of the circuit court shall charge  
5 and collect fees for the clerk's duties as prescribed by sections  
6 429.090 and 429.120 in such amounts as are determined pursuant to  
7 sections 488.010 to 488.020.

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

14 488.2206. 1. In addition to all court fees and costs  
15 prescribed by law, a surcharge of up to ten dollars shall be  
16 assessed as costs in each court proceeding filed in any court  
17 within the thirty-first judicial circuit in all criminal cases  
18 including violations of any county or municipal ordinance or any  
19 violation of a criminal or traffic law of the state, including an  
20 infraction, except that no such surcharge shall be collected in  
21 any proceeding in any court when the proceeding or defendant has  
22 been dismissed by the court or when costs are to be paid by the  
23 state, county, or municipality. For violations of the general  
24 criminal laws of the state or county ordinances, no such  
25 surcharge shall be collected unless it is authorized, by order,  
26 ordinance, or resolution by the county government where the  
27 violation occurred. For violations of municipal ordinances, no  
28 such surcharge shall be collected unless it is authorized, by

1 order, ordinance, or resolution by the municipal government where  
2 the violation occurred. Such surcharges shall be collected and  
3 disbursed by the clerk of each respective court responsible for  
4 collecting court costs in the manner provided by sections 488.010  
5 to 488.020, and shall be payable to the treasurer of the  
6 political subdivision authorizing such surcharge.

7 2. Each county or municipality shall use all funds received  
8 pursuant to this section only to pay for the costs associated  
9 with the land assemblage and purchase, construction, maintenance,  
10 and operation of any county or municipal judicial facility  
11 including, but not limited to, debt service, utilities,  
12 maintenance, and building security. The county or municipality  
13 shall maintain records identifying such operating costs, and any  
14 moneys not needed for the operating costs of the county or  
15 municipal judicial facility shall be transmitted quarterly to the  
16 general revenue fund of the county or municipality respectively.

17 488.2245. 1. In addition to all other court costs for  
18 municipal ordinance violations, any home rule city with more than  
19 fifty-two thousand but fewer than sixty-four thousand inhabitants  
20 and located in any county with a charter form of government and  
21 with more than nine hundred fifty thousand inhabitants may  
22 provide for additional court costs in an amount up to ten dollars  
23 per case for each municipal ordinance violation case filed before  
24 a municipal division judge or associate circuit judge.

25 2. Such cost shall be collected by the clerk and disbursed  
26 to the city at least monthly. The city shall use such additional  
27 costs only for the land assemblage and purchase, construction,  
28 maintenance, and upkeep of a municipal courthouse. The costs

1 collected may be pledged to directly or indirectly secure bonds  
2 for the cost of land assemblage and purchase, construction,  
3 maintenance, and upkeep of the courthouse.

4 516.140. Within two years: An action for libel, slander,  
5 injurious falsehood, assault, battery, false imprisonment,  
6 criminal conversation, malicious prosecution or actions brought  
7 under section 290.140. An action by an employee for the payment  
8 of unpaid minimum wages, unpaid overtime compensation or  
9 liquidated damages by reason of the nonpayment of minimum wages  
10 or overtime compensation, and for the recovery of any amount  
11 under and by virtue of the provisions of the Fair Labor Standards  
12 Act of 1938 and amendments thereto, such act being an act of  
13 Congress, shall be brought within two years after the cause  
14 accrued.

15 516.350. 1. Every judgment, order or decree of any court  
16 of record of the United States, or of this or any other state,  
17 territory or country, except for any judgment, order, or decree  
18 awarding child support or maintenance or dividing pension,  
19 retirement, life insurance, or other employee benefits in  
20 connection with a dissolution of marriage, legal separation or  
21 annulment which mandates the making of payments over a period of  
22 time or payments in the future, shall be presumed to be paid and  
23 satisfied after the expiration of ten years from the date of the  
24 original rendition thereof, or if the same has been revived upon  
25 personal service duly had upon the defendant or defendants  
26 therein, then after ten years from and after such revival, or in  
27 case a payment has been made on such judgment, order or decree,  
28 and duly entered upon the record thereof, after the expiration of

1 ten years from the last payment so made, and after the expiration  
2 of ten years from the date of the original rendition or revival  
3 upon personal service, or from the date of the last payment, such  
4 judgment shall be conclusively presumed to be paid, and no  
5 execution, order or process shall issue thereon, nor shall any  
6 suit be brought, had or maintained thereon for any purpose  
7 whatever. An action to emancipate a child, and any personal  
8 service or order rendered thereon, shall not act to revive the  
9 support order.

10 2. In any judgment, order, or decree awarding child support  
11 or maintenance, each periodic payment shall be presumed paid and  
12 satisfied after the expiration of ten years from the date that  
13 periodic payment is due, unless the judgment has been otherwise  
14 revived as set out in subsection 1 of this section. This  
15 subsection shall take effect as to all such judgments, orders, or  
16 decrees which have not been presumed paid pursuant to subsection  
17 1 of this section as of August 31, 1982.

18 3. In any judgment, order, or decree dividing pension,  
19 retirement, life insurance, or other employee benefits in  
20 connection with a dissolution of marriage, legal separation or  
21 annulment, each periodic payment shall be presumed paid and  
22 satisfied after the expiration of ten years from the date that  
23 periodic payment is due, unless the judgment has been otherwise  
24 revived as set out in subsection 1 of this section. This  
25 subsection shall take effect as to all such judgments, orders, or  
26 decrees which have not been presumed paid pursuant to subsection  
27 1 of this section as of August 28, 2001.

28 4. In any judgment, order or decree awarding child support

1 or maintenance, payment duly entered on the record as provided in  
2 subsection 1 of this section shall include recording of payments  
3 or credits in the automated child support system created pursuant  
4 to chapter 454 by the division of child support enforcement or  
5 payment center pursuant to chapter 454.

6 5. Any judgment, order, or decree awarding unpaid rent may  
7 be revived upon publication consistent with the publication  
8 requirements of section 506.160 and need not be personally served  
9 on the defendant.

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

27 2. Writs of garnishment which would otherwise have equal  
28 priority shall have priority according to the date of service on

1 the garnishee. If the employee's wages have been attached by  
2 more than one writ of garnishment, the employer shall inform the  
3 inferior garnisher of the existence and case number of all senior  
4 garnishments.

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

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

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

10           525.230. [1. The court shall make the garnishee a  
11 reasonable allowance] The garnishee may deduct a one-time sum not  
12 to exceed twenty dollars, or the fee previously agreed upon  
13 between the garnishee and judgment debtor if the garnishee is a  
14 financial institution, for his or her trouble and expenses in  
15 answering the interrogatories and withholding the funds, to be  
16 [paid out of the funds or proceeds of the property or effects  
17 confessed in his or her hands. The reasonable allowances shall  
18 include any court costs, attorney's fees and any other bona fide  
19 expenses of the garnishee.

20           2. The court also shall allow the garnishee, in addition to  
21 the reasonable allowance for his or her trouble and expenses in  
22 answering the interrogatories, to collect an administrative fee  
23 consisting of the greater of eight dollars or two percent of the  
24 amount required to be deducted by any court-ordered garnishment  
25 or series of garnishments arising out of the same judgment debt.  
26 Such fee shall be for the trouble and expenses in administering  
27 the notice of garnishment and paying over any garnished funds  
28 available to the court. The fee shall be withheld by the



1 employer from the employee, or by any other garnishee from any  
2 fund garnished, in addition to the moneys withheld to satisfy the  
3 court-ordered judgment. Such fee shall not be a credit against  
4 the court-ordered judgment and shall be collected first] withheld  
5 from any funds garnished, in addition to the moneys withheld to  
6 satisfy the court-ordered judgment. Such fee shall not be a  
7 credit against the court-ordered judgment and shall be collected  
8 first. The garnishee may file a motion with the court for  
9 additional costs, including attorney's fees, reasonably incurred  
10 in answering the interrogatories in which case the court may make  
11 such award as it deems reasonable. The motion shall be filed on  
12 or before the date the garnishee makes payment or delivers  
13 property subject to garnishment to the court.

14 525.310. 1. [When a judgment has been rendered against an  
15 officer, appointee or employee of the state of Missouri, or any  
16 municipal corporation or other political subdivision of the  
17 state, the judgment creditor, or his attorney or agent, may file  
18 in the office of the clerk of the court before whom the judgment  
19 was rendered, an application setting forth such facts, and that  
20 the judgment debtor is employed by the state, or a municipal  
21 corporation or other political subdivision of the state, with the  
22 name of the department of state or the municipal corporation or  
23 other political subdivision of the state which employs the  
24 judgment debtor, and the name of the treasurer, or the name and  
25 title of the paying, disbursing or auditing officer of the state,  
26 municipal corporation or other political subdivision of the  
27 state, charged with the duty of payment or audit of such salary,  
28 wages, fees or earnings of such employee, and upon the filing of

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

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

1 amount delivered to the sheriff or officer serving the writ if  
2 the computation of the amount delivered is in accordance with the  
3 information provided with the writ.

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

1 have the same duties and obligations as those imposed upon a  
2 private employer when served with a garnishment.

3 2. Pay of any officer, appointee, or employee of the state  
4 of Missouri, or any municipal corporation or other political  
5 subdivision of the state, shall be subject to garnishment to the  
6 same extent as in any other garnishment. All garnishments  
7 against such employee shall proceed in the same manner as any  
8 other garnishment.

9 3. Service of legal process to which a department,  
10 municipal corporation, or other political subdivision of the  
11 state is subject under this section may be accomplished by  
12 personal service upon the paying, disbursing, or auditing officer  
13 of the state, municipal corporation, or other political  
14 subdivision of the state, charged with the duty of payment or  
15 audit of such salary, wages, fees, or earnings of such employees.

16 537.602. 1. As used in this section the following terms  
17 shall mean:

18 (1) "Community service work", any work which is performed  
19 without compensation and is required in exchange for deferred  
20 prosecution of any criminal charge by any federal, state, or  
21 local prosecutor under a written agreement;

22 (2) "Entity", includes any person, for-profit or not-for-  
23 profit business, agency, group, charity, organization, or any  
24 unit of federal, state, or local government or any of their  
25 employees.

26 2. Any entity which supervises community service work  
27 performed as a requirement for deferment of any criminal charge  
28 under a written agreement with a federal, state, or local

1 prosecutor, or any entity which derives benefits from the  
2 performance of community service work shall be immune from any  
3 suit by the person performing the community service work or by  
4 any person deriving a cause of action from the person performing  
5 the community service work if that cause of action arises from  
6 the supervision of the work performed, except that the entity  
7 supervising the work shall not be immune from any suit for gross  
8 negligence or for an intentional tort.

9 3. Community service work shall not be deemed employment  
10 within the meaning of the provisions of chapter 288 and a person  
11 performing community service work under the provisions of this  
12 section shall not be deemed an employee within the meaning of the  
13 provisions of chapter 287.

14 574.160. 1. A person commits the offense of unlawful  
15 funeral protest if he or she pickets or engages in other protest  
16 activities within three hundred feet of any residence, cemetery,  
17 funeral home, church, synagogue, or other establishment during or  
18 within one hour before or one hour after the conducting of any  
19 actual funeral or burial service at that place.

20 2. For purposes of this section, "other protest activities"  
21 means any action that is disruptive or undertaken to disrupt or  
22 disturb a funeral or burial service.

23 3. For purposes of this section, "funeral" and "burial  
24 service" mean the ceremonies and memorial services held in  
25 conjunction with the burial or cremation of the dead, but this  
26 section does not apply to processions while they are in transit  
27 beyond any three-hundred-foot zone that is established under  
28 subsection 1 of this section.

1           4. The offense of unlawful funeral protest is a class B  
2 misdemeanor, unless committed by a person who has previously been  
3 found guilty of a violation of this section, in which case it is  
4 a class A misdemeanor.

5           575.153. 1. A person commits the crime of disarming a  
6 peace officer, as defined in section ~~[590.100]~~ 590.010, or a  
7 correctional officer if such person intentionally:

8           (1) Removes a firearm ~~[or other]~~, deadly weapon, or less-  
9 lethal weapon, to include blunt impact, chemical or conducted  
10 energy devices, used in the performance of his or her official  
11 duties from the person of a peace officer or correctional officer  
12 while such officer is acting within the scope of his or her  
13 official duties; or

14           (2) Deprives a peace officer or correctional officer of  
15 such officer's use of a firearm ~~[or]~~, deadly weapon, or any other  
16 equipment described in subdivision (1) of this subsection while  
17 the officer is acting within the scope of his or her official  
18 duties.

19           2. The provisions of this section shall not apply when:

20           (1) The defendant does not know or could not reasonably  
21 have known that the person he or she disarmed was a peace officer  
22 or correctional officer; or

23           (2) The peace officer or correctional officer was engaged  
24 in an incident involving felonious conduct by the peace officer  
25 or correctional officer at the time the defendant disarmed such  
26 officer.

27           3. Disarming a peace officer or correctional officer is a  
28 class C felony.

1           632.520. 1. For purposes of this section, the following  
2 terms mean:

3           (1) "Employee of the department of mental health", a person  
4 who is an employee of the department of mental health, an  
5 employee or contracted employee of a subcontractor of the  
6 department of mental health, or an employee or contracted  
7 employee of a subcontractor of an entity responsible for  
8 confining offenders as authorized by section 632.495;

9           (2) "Offender", a person ordered to the department of  
10 mental health after a determination by the court that the person  
11 meets the definition of a sexually violent predator, a person  
12 ordered to the department of mental health after a finding of  
13 probable cause under section 632.489, or a person committed for  
14 control, care, and treatment by the department of mental health  
15 under sections 632.480 to 632.513;

16           (3) "Secure facility", a facility operated by the  
17 department of mental health or an entity responsible for  
18 confining offenders as authorized by section 632.495.

19           2. No offender shall knowingly commit violence to an  
20 employee of the department of mental health or to another  
21 offender housed in a secure facility. Violation of this  
22 subsection shall be a class B felony.

23           3. No offender shall knowingly damage any building or other  
24 property owned or operated by the department of mental health.  
25 Violation of this subsection shall be a class C felony.

26           650.120. 1. There is hereby created in the state treasury  
27 the "Cyber Crime Investigation Fund". The treasurer shall be  
28 custodian of the fund and may approve disbursements from the fund

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

14 2. The department of public safety shall create a program  
15 to distribute grants to multijurisdictional Internet cyber crime  
16 law enforcement task forces, multijurisdictional enforcement  
17 groups, as defined in section 195.503, that are investigating  
18 Internet sex crimes against children, and other law enforcement  
19 agencies. The program shall be funded by the cyber crime  
20 investigation fund created under subsection 1 of this section.  
21 Not more than three percent of the money in the fund may be used  
22 by the department to pay the administrative costs of the grant  
23 program. The grants shall be awarded and used to pay the  
24 salaries of detectives, assistant prosecuting and circuit  
25 attorneys, and computer forensic personnel whose focus is  
26 investigating Internet sex crimes against children, including but  
27 not limited to enticement of a child, possession or promotion of  
28 child pornography, provide funding for the training of law



1 enforcement personnel and prosecuting and circuit attorneys as  
2 well as their assistant prosecuting and circuit attorneys, and  
3 purchase necessary equipment, supplies, and services. The  
4 funding for such training may be used to cover the travel  
5 expenses of those persons participating.

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

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

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

14 (3) 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 Sheriffs' Association;

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

21 (5) One member of the house of representatives [who shall  
22 be] appointed by the speaker of the house of representatives;  
23 [and]

24 (6) One member of the senate [who shall be] appointed by  
25 the president pro tem; and

26 (7) The executive director of the Missouri office of  
27 prosecution services, or his or her designee.

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 [476.445. 1. Any commissioner of the supreme court or  
7 commissioner of a court of appeals who is unable to  
8 discharge the duties of his office with efficiency by reason  
9 of continued sickness or physical or mental infirmity shall  
10 be retired from office upon the en banc order of the court  
11 appointing him.

12 2. No order retiring a commissioner shall be entered  
13 without the commissioner involved having been given due  
14 notice and an opportunity to be heard and without a finding  
15 by a majority of the court involved that the commissioner's  
16 disability is permanent.

17 3. Any commissioner retired under the provisions of  
18 this section shall receive as compensation during such  
19 retirement and until the end of the term for which he was  
20 appointed a sum equal to one-half of the regular  
21 compensation for that office.

22 4. Any commissioner retired under the provisions of  
23 this section shall not be eligible to be made, constituted  
24 and appointed a special commissioner as provided in sections  
25 476.450 to 476.510 (nor to receive the compensation provided  
26 therefor by sections 476.450 to 476.510) during the period  
27 of his retirement under the provisions of this section but  
28 upon the completion of such period he shall be and become  
29 eligible to be made, constituted and appointed a special  
30 commissioner as provided in sections 476.450 to 476.510 if  
31 he be otherwise qualified as to age and length of service.]  
32

33 [477.081. From January 1, 1972, no new commissioner  
34 shall be appointed by the supreme court or the court of  
35 appeals. All commissioners serving on January 1, 1972, are  
36 eligible for reappointment for additional four-year terms  
37 until they reach compulsory retirement age, or die, resign  
38 or are removed. Each commissioner shall possess the same  
39 qualifications, take and subscribe a like oath, and receive  
40 the same compensation payable in the same manner as judges  
41 of the court appointing them. The commissioners are subject  
42 to the rules and orders of the court appointing them and  
43 shall provide such services as the court may require.]  
44

45 [477.082. From January 1, 1972, the commissioners of  
46 the supreme court, in addition to their other duties, by  
47 order of the supreme court, may be temporarily assigned for

1 the performance of judicial duties as special judges of the  
2 supreme court, of any district of the court of appeals, or  
3 of any circuit court when their services are required for  
4 the prompt and efficient administration of justice. During  
5 such temporary assignments, subject to the supervision of  
6 the regular judge or judges of the court, the commissioners  
7 shall exercise the same powers, duties, and responsibilities  
8 as are vested by law in the regular judges of the court to  
9 which they are assigned.]

10  
11 [477.152. Whenever a vacancy occurs after September 3,  
12 1970, in the office of commissioner of the supreme court, a  
13 judge shall be appointed in the manner prescribed by  
14 sections 25(a)-(g), article V of the Constitution of  
15 Missouri to serve on the court of appeals. Appointments  
16 under this section shall be made to the districts of the  
17 court of appeals in the following order: eastern, western,  
18 southern, eastern, western, eastern.]

19  
20 [477.181. 1. On July 1, 1979, the number of judges of  
21 the southern district of the court of appeals shall be  
22 increased by one judge.

23 2. The judge appointed pursuant to the provisions of  
24 this section shall be in addition to any other judges  
25 appointed to the southern district of the court of appeals  
26 pursuant to other provisions of law.]

27  
28 [477.190. The judgeships authorized by sections  
29 477.160, 477.170 and 477.180 shall be in addition to those  
30 newly authorized after January 1, 1978, by the provisions of  
31 section 477.152 or by any other law enacted at or after the  
32 second regular session of the seventy-ninth general  
33 assembly.]

34  
35 [477.191. 1. On January 1, 1979, the western district  
36 of the Missouri court of appeals shall be increased by three  
37 judges.

38 2. The judges appointed pursuant to the provisions of  
39 this section shall be in addition to any other judges  
40 appointed to the western district of the Missouri court of  
41 appeals under the provisions of any other law.]

42  
43 [578.501. 1. This section shall be known as  
44 "Spc. Edward Lee Myers' Law".

45 2. It shall be unlawful for any person to engage  
46 in picketing or other protest activities in front of or  
47 about any location at which a funeral is held, within  
48 one hour prior to the commencement of any funeral, and  
49 until one hour following the cessation of any funeral.  
50 Each day on which a violation occurs shall constitute a

1 separate offense. Violation of this section is a class  
2 B misdemeanor, unless committed by a person who has  
3 previously pled guilty to or been found guilty of a  
4 violation of this section, in which case the violation  
5 is a class A misdemeanor.

6 3. For the purposes of this section, "funeral"  
7 means the ceremonies, processions and memorial services  
8 held in connection with the burial or cremation of the  
9 dead.]

10  
11 [578.502. 1. This section shall be known as  
12 "Spc. Edward Lee Myers' Law".

13 2. It shall be unlawful for any person to engage  
14 in picketing or other protest activities within three  
15 hundred feet of or about any location at which a  
16 funeral is held, within one hour prior to the  
17 commencement of any funeral, and until one hour  
18 following the cessation of any funeral. Each day on  
19 which a violation occurs shall constitute a separate  
20 offense. Violation of this section is a class B  
21 misdemeanor, unless committed by a person who has  
22 previously pled guilty to or been found guilty of a  
23 violation of this section, in which case the violation  
24 is a class A misdemeanor.

25 3. For purposes of this section, "funeral" means  
26 the ceremonies, processions, and memorial services held  
27 in connection with the burial or cremation of the  
28 dead.]

29  
30 [578.503. The enactment of section 578.502 shall  
31 become effective only on the date the provisions of  
32 section 578.501 are finally declared void or  
33 unconstitutional by a court of competent jurisdiction  
34 and upon notification by the attorney general to the  
35 revisor of statutes.]

36  
37 Section B. The repeal and reenactment of sections 408.040,  
38 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310 of this  
39 act shall become effective on January 15, 2015.