

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1231**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 8, 2014, with recommendation that the Senate Committee Substitute do pass.

4472S.04C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 56.363, 56.800, 56.805, 56.807, 56.811, 56.827, 56.833, 56.840, 105.711, 211.183, 211.447, 302.065, 452.556, 455.007, 456.950, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.026, 516.140, 516.350, 536.010, 546.720, 578.501, 578.502, 578.503, and 650.120, RSMo, and to enact in lieu thereof forty-three new sections relating to the administration of justice, with penalty provisions.

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

Section A. Sections 56.363, 56.800, 56.805, 56.807, 56.811, 56.827, 56.833, 2 56.840, 105.711, 211.183, 211.447, 302.065, 452.556, 455.007, 456.950, 478.320, 3 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.026, 516.140, 516.350, 4 536.010, 546.720, 578.501, 578.502, 578.503, and 650.120, RSMo, are repealed and 5 forty-three new sections enacted in lieu thereof, to be known as sections 21.880, 6 43.675, 56.363, 56.800, 56.805, 56.807, 56.811, 56.827, 56.833, 56.840, 56.850, 7 56.860, 105.711, 211.183, 211.447, 302.065, 302.067, 452.556, 453.700, 455.007, 8 456.950, 456.2-205, 456.4-420, 474.395, 478.320, 478.437, 478.464, 478.513, 9 478.600, 478.610, 478.740, 483.140, 488.026, 488.2206, 488.2245, 516.140, 10 516.350, 536.010, 537.602, 546.720, 574.160, 632.520, and 650.120, to read as 11 follows:

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

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

5           (1) The chairs of the senate and house committees on the  
6 judiciary;

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

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

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

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

16           (6) A member of the senate appointed by the minority floor  
17 leader of the senate;

18           (7) A member of the house of representatives appointed by the  
19 minority floor leader of the house of representatives;

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

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

25           3. The joint committee shall meet within thirty days after its  
26 creation and organize by selecting a chair and vice chair, one of whom  
27 shall be the senate judiciary chair and one of whom shall be the house  
28 judiciary chair. The positions of chair and vice chair shall alternate  
29 every two years thereafter between the senate and house. After its  
30 organization, the committee shall meet regularly, at least twice a year,  
31 at such time and place as the chair designates, including locations  
32 other than Jefferson City. A majority of the members of the committee  
33 shall constitute a quorum, but the concurrence of a majority of the  
34 members, other than the ex officio members, shall be required for the  
35 determination of any matter within the committee's duties.

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

38           (1) Review and monitor:

39           (a) The state's justice system;

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

41           (c) The state's correctional institutions and penal and

42 **correctional issues; and**

43 **(d) All state government efforts related to terrorism,**  
44 **bioterrorism, and homeland security;**

45 **(2) Receive reports from the judicial branch, state or local**  
46 **government agencies or departments, and any entities attached to them**  
47 **for administrative purposes;**

48 **(3) Conduct an ongoing study and analysis of the state's justice**  
49 **system and related issues;**

50 **(4) Determine the need for changes in statutory law, rules,**  
51 **policies, or procedures;**

52 **(5) Make any recommendations to the general assembly for**  
53 **legislative action; and**

54 **(6) Perform other duties authorized by concurrent resolution of**  
55 **the general assembly.**

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

60 **6. The joint committee shall establish a permanent subcommittee**  
61 **on the Missouri criminal code, which shall conduct and supervise a**  
62 **continuing program of revision designed to maintain the cohesiveness,**  
63 **consistency, and effectiveness of the criminal laws of the state. In**  
64 **connection with this program, the committee may select an advisory**  
65 **committee on the Missouri criminal code, composed of a representative**  
66 **of the Missouri supreme court, a representative of the office of the**  
67 **attorney general, and other individuals known to be interested in the**  
68 **improvement of the state's criminal laws, and may authorize the**  
69 **payment of any actual and necessary expenses incurred by such**  
70 **members while attending meetings with the committee or the**  
71 **subcommittee on the Missouri criminal code. The subcommittee on the**  
72 **Missouri criminal code shall present to the general assembly in each**  
73 **tenth year such criminal code revision bills as it finds appropriate to**  
74 **accomplish its purpose.**

75 **7. The joint committee may make reasonable requests for staff**  
76 **assistance from the research and appropriations staffs of the senate**  
77 **and house and the joint committee on legislative research, and may**  
78 **employ such personnel as it deems necessary to carry out the duties**

79 imposed by this section, within the limits of any appropriation for such  
80 purpose. In the performance of its duties, the committee may request  
81 assistance or information from all branches of government and state  
82 departments, agencies, boards, commissions, and offices.

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

43.675. 1. As used in this section the following terms shall mean:

2 (1) "Criminal justice agency", courts or a governmental agency or  
3 any subunit thereof that performs the administration of criminal  
4 justice pursuant to a statute or executive order and that allocates a  
5 substantial part of its annual budget to the administration of criminal  
6 justice including state and federal inspector general offices;

7 (2) "Regional Justice Information Service (REJIS)", a  
8 governmental agency created by the enactment of dual ordinances of  
9 a city not within a county and a county with a charter form of  
10 government and with more than nine hundred fifty thousand  
11 inhabitants pursuant to the provisions of section 70.210 for the  
12 administration of criminal justice, which provides support to any  
13 political subdivision requiring technological assistance with collecting,  
14 storing, and disseminating criminal history record information.

15 2. The Regional Justice Information Service (REJIS) is hereby  
16 designated a "Criminal Justice Agency" for purposes of 28 CFR 20 and  
17 shall have all the powers necessary to carry out its purposes including,  
18 but not limited to, the power to:

19 (1) Facilitate criminal identification activities and collect, store,  
20 and disseminate criminal history record information throughout the  
21 state of Missouri;

22 (2) Provide criminal history and related criminal justice support  
23 to political subdivisions and other authorized entities; and

24 (3) Perform related functions not inconsistent with the law.

56.363. 1. The county commission of any county may on its own motion  
2 and shall upon the petition of ten percent of the total number of people who voted  
3 in the previous general election in the county submit to the voters at a general  
4 or special election the proposition of making the county prosecutor a full-time

5 position. The commission shall cause notice of the election to be published in a  
6 newspaper published within the county, or if no newspaper is published within  
7 the county, in a newspaper published in an adjoining county, for three weeks  
8 consecutively, the last insertion of which shall be at least ten days and not more  
9 than thirty days before the day of the election, and by posting printed notices  
10 thereof at three of the most public places in each township in the county. The  
11 proposition shall be put before the voters substantially in the following form:

12           Shall the office of prosecuting attorney be made a full-time position in  
13 ..... County?

14                            YES                            NO

15 If a majority of the voters voting on the proposition vote in favor of making the  
16 county prosecutor a full-time position, it shall become effective upon the date that  
17 the prosecutor who is elected at the next election subsequent to the passage of  
18 such proposal is sworn into office.

19           **2. Upon passage of the proposition under subsection 1 of this**  
20 **section, the position shall qualify for the retirement benefit available**  
21 **for a full-time prosecutor of a county of the first**  
22 **classification. Regardless of the county classification, any county**  
23 **which has elected at any time to make the position of prosecuting**  
24 **attorney a full-time position shall pay the same contribution amount**  
25 **that is paid by counties of the first classification into the Missouri**  
26 **prosecuting attorneys and circuit attorneys' retirement fund**  
27 **established under section 56.800.**

28           **3.** The provisions of subsection 1 of this section notwithstanding, in any  
29 county where the proposition of making the county prosecutor a full-time position  
30 was submitted to the voters at a general election in 1998 and where a majority  
31 of the voters voting on the proposition voted in favor of making the county  
32 prosecutor a full-time position, the proposition shall become effective on May 1,  
33 1999. Any prosecuting attorney whose position becomes full time on May 1, 1999,  
34 under the provisions of this subsection shall have the additional duty of providing  
35 not less than three hours of continuing education to peace officers in the county  
36 served by the prosecuting attorney in each year of the term beginning January  
37 1, 1999.

38           **[3.] 4.** In counties that, prior to August 28, 2001, have elected pursuant  
39 to this section to make the position of prosecuting attorney a full-time position,  
40 the county commission may at any time elect to have that position also qualify

41 for the retirement benefit available for a full-time prosecutor of a county of the  
42 first classification. Such election shall be made by a majority vote of the county  
43 commission and once made shall be irrevocable. When such an election is made,  
44 the results shall be transmitted to the Missouri prosecuting attorneys and circuit  
45 attorneys' retirement system fund, and the election shall be effective on the first  
46 day of January following such election. Such election shall also obligate the  
47 county to pay into the Missouri prosecuting attorneys and circuit attorneys'  
48 system retirement fund the same retirement contributions for full-time  
49 prosecutors as are paid by counties of the first classification.

56.800. There is hereby authorized a "Prosecuting Attorneys and Circuit  
2 Attorneys' Retirement Fund" which shall be under the management of a board of  
3 trustees described in section 56.809. The board of trustees shall be responsible  
4 for the administration of such prosecuting attorneys and circuit attorneys'  
5 retirement fund. If insufficient funds are generated to provide the benefits  
6 payable pursuant to the provisions of sections 56.800 to [56.840] **56.860**, the  
7 board shall proportion the benefits according to the funds available. The  
8 prosecuting attorneys and circuit attorneys' retirement fund shall be a body  
9 corporate and may sue and be sued, transact business, invest funds, and hold  
10 cash, securities, and other property.

56.805. As used in sections 56.800 to [56.840] **56.860**, the following words  
2 and terms mean:

3 (1) "Annuity", annual payments, made in equal monthly installments, to  
4 a retired member from funds provided for, in, or authorized by, the provisions of  
5 sections 56.800 to [56.840] **56.860**;

6 (2) "Average final compensation", the average compensation of an  
7 employee for the two consecutive years prior to retirement when the employee's  
8 compensation was greatest;

9 (3) "Board of trustees" or "board", the board of trustees established by the  
10 provisions of sections 56.800 to [56.840] **56.860**;

11 (4) "Compensation", all salary and other compensation payable by a  
12 county to an employee, **including any salary reduction amounts authorized**  
13 **under a cafeteria plan satisfying 26 U.S.C. 125 or eligible deferred**  
14 **compensation plan satisfying 26 U.S.C. 457** for personal services rendered  
15 as an employee, but not including travel [and], mileage, reimbursement **for any**  
16 **expenses, consideration for agreeing to terminate employment, or other**  
17 **nonrecurring or unusual payment that is not part of regular**  
18 **remuneration**;

- 19 (5) "County", the city of St. Louis and each county in the state;
- 20 (6) "Creditable service", the sum of both membership service and  
21 creditable prior service;
- 22 (7) "Effective date of the establishment of the system", August 28, 1989;
- 23 (8) "Employee", an elected or appointed prosecuting attorney or circuit  
24 attorney who is employed by a county or a city not within a county;
- 25 (9) "Membership service", service as a prosecuting attorney or circuit  
26 attorney after becoming a member that is creditable in determining the amount  
27 of the member's benefits under this system;
- 28 (10) "Prior service", service of a member rendered prior to the effective  
29 date of the establishment of the system which is creditable under [section]  
30 **sections 56.823 and 56.850**;
- 31 (11) "Retirement system" or "system", the prosecuting attorneys and  
32 circuit attorneys' retirement system authorized by the provisions of sections  
33 56.800 to [56.840] **56.860**.

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

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

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

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

11 (3) For counties of the first classification, counties which pursuant to  
12 section 56.363 elect to make the position of prosecuting attorney a full-time  
13 position after August 28, 2001, or whose county commission has elected a full-  
14 time retirement benefit pursuant to subsection 3 of section 56.363, and the city  
15 of St. Louis, one thousand two hundred ninety-one dollars and sixty-seven cents.

16 3. Beginning August 28, 1989, and continuing until August 27, 2003, the  
17 county treasurer shall at least monthly transmit the sums specified in subsection  
18 2 of this section to the Missouri office of prosecution services for deposit to the  
19 credit of the "Missouri Prosecuting Attorneys and Circuit Attorneys' Retirement  
20 System Fund", which is hereby created. All moneys held by the state treasurer  
21 on behalf of the system shall be paid to the system within ninety days after  
22 August 28, 1993. Moneys in the Missouri prosecuting attorneys and circuit

23 attorneys' retirement system fund shall be used only for the purposes provided  
24 in sections 56.800 to 56.840 and for no other purpose.

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

29 5. **(1)** Beginning August 28, 2003, each county treasurer shall pay to the  
30 system the following amounts to be drawn from the general revenues of the  
31 county:

32 **[(1)] (a)** For counties of the third and fourth classification except as  
33 provided in **[subdivision (3)] paragraph (c)** of this **[subsection] subdivision**,  
34 one hundred eighty-seven dollars;

35 **[(2)] (b)** For counties of the second classification, two hundred seventy-  
36 one dollars;

37 **[(3)] (c)** For counties of the first classification, counties which pursuant  
38 to section 56.363 elect to make the position of prosecuting attorney a full-time  
39 position after August 28, 2001, or whose county commission has elected a full-  
40 time retirement benefit pursuant to subsection 3 of section 56.363, and the city  
41 of St. Louis, six hundred forty-six dollars.

42 **(2) Beginning August 28, 2015, the county contribution set forth**  
43 **in paragraphs (a) to (c) of subdivision (1) of this subsection shall be**  
44 **adjusted in accordance with the following schedule based upon the**  
45 **prosecuting attorneys and circuit attorneys' retirement system's annual**  
46 **actuarial valuation report. If the system's funding ration is:**

47 **(a) One hundred twenty percent or more, no monthly sum shall**  
48 **be transmitted;**

49 **(b) More than one hundred ten percent but less than one**  
50 **hundred twenty percent, the monthly sum transmitted shall be reduced**  
51 **fifty percent;**

52 **(c) At least ninety percent and up to and including one hundred**  
53 **ten percent, the monthly sum transmitted shall remain the same;**

54 **(d) At least eighty percent and less than ninety percent, the**  
55 **monthly sum transmitted shall be increased fifty percent; and**

56 **(e) Less than eighty percent, the monthly sum transmitted shall**  
57 **be increased one hundred percent.**

58 6. Beginning August 28, 2003, the county treasurer shall at least monthly  
59 transmit the sums specified in subsection 5 of this section to the Missouri office



60 of prosecution services for deposit to the credit of the Missouri prosecuting  
61 attorneys and circuit attorneys' retirement system fund. Moneys in the Missouri  
62 prosecuting attorneys and circuit attorneys' retirement system fund shall be used  
63 only for the purposes provided in sections 56.800 to [56.840] **56.860**, and for no  
64 other purpose.

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

67 (1) There shall be assessed and collected a surcharge of four dollars  
68 **against any person who has pled guilty for any violation and paid a fine**  
69 **through a fine collection center, and** in all criminal cases filed in the courts  
70 of this state including violation of any county ordinance [or], any violation of  
71 criminal or traffic laws of this state, including infractions, but no such surcharge  
72 shall be assessed when the costs are waived or are to be paid by the state, county,  
73 or municipality or when a criminal proceeding or the defendant has been  
74 dismissed by the court [or against any person who has pled guilty and paid their  
75 fine pursuant to subsection 4 of section 476.385]. For purposes of this section,  
76 the term "county ordinance" shall include any ordinance of the city of St. Louis;

77 (2) The clerk responsible for collecting court costs in criminal cases shall  
78 collect and disburse such amounts as provided by sections 488.010 to  
79 488.026. Such funds shall be payable to the prosecuting attorneys and circuit  
80 attorneys' retirement fund. Moneys credited to the prosecuting attorneys and  
81 circuit attorneys' retirement fund shall be used only for the purposes provided for  
82 in sections 56.800 to [56.840] **56.860** and for no other purpose.

83 8. The board may accept gifts, donations, grants and bequests from  
84 private or public sources to the Missouri prosecuting attorneys and circuit  
85 attorneys' retirement system fund.

86 9. No state moneys shall be used to fund section 56.700 and sections  
87 56.800 to [56.840] **56.860** unless provided for by law.

56.811. On and after the effective date of the establishment of the system,  
2 as an incident to his employment or continued employment, each person employed  
3 as an elected or appointed prosecuting attorney or circuit attorney shall become  
4 a member of the system. Such membership shall continue as long as the person  
5 continues to be an employee, or receives or is eligible to receive benefits under the  
6 provisions of sections 56.800 to [56.840] **56.860**.

56.827. 1. The normal annuity of a member shall be paid to a member  
2 during his lifetime. Upon his death no further payments shall be made.

3 2. In lieu of the normal annuity otherwise payable to a member, the

4 member may elect in the member's application for retirement to receive his choice  
5 of the following options:

6 Option 1. The actuarial equivalent of the member's normal annuity in  
7 reduced monthly payments for life during retirement with the provision that upon  
8 the member's death, fifty percent of the reduced normal annuity shall be  
9 continued throughout the life of and paid to the member's spouse; or

10 Option 2. Some other option approved by the board which shall be the  
11 actuarial equivalent of the annuity to which the member is entitled under this  
12 system.

13 3. The election may be made only in the application for retirement and  
14 such application shall be filed prior to the date on which the retirement of the  
15 member is to be effective unless otherwise provided. If, after the reduced normal  
16 annuity begins under option 1, the spouse predeceases the retired member, the  
17 reduced normal annuity continues to the retired member during the member's  
18 lifetime; but, when a member dies any time after August 28, 1989, who is eligible  
19 for retirement prior to retiring and receiving retirement benefits, the surviving  
20 spouse of such member of the retirement system coming under the provisions of  
21 sections 56.800 to [56.840] **56.860** shall, upon application, be appointed and  
22 employed as a special consultant by the retirement system for the remainder of  
23 the spouse's life, and upon request shall give oral or written opinions on the  
24 benefits of the retirement system, and shall be entitled to receive benefits under  
25 option 1, and shall be eligible for all other benefits that other spouses are entitled  
26 to receive.

56.833. 1. Upon termination of employment, any member with twelve or  
2 more years of creditable service shall be entitled to a deferred normal annuity,  
3 payable at age fifty-five with twelve or more years of creditable service. Any  
4 member with less than twelve years of creditable service shall forfeit all rights  
5 in the fund, including the member's accrued creditable service as of the date of  
6 the member's termination of employment.

7 2. A former member who has forfeited creditable service may have the  
8 creditable service restored by again becoming an employee and completing four  
9 years of continuous membership service.

10 3. Absences for sickness or injury of less than twelve months shall be  
11 counted as membership service.

12 **4. Notwithstanding the provisions of section 104.800 to the**  
13 **contrary, no former or current member shall be entitled to transfer**  
14 **creditable service into the retirement system unless the member**

15 **previously vested in the system.**

56.840. Annuity payments to retired employees under the provisions of  
2 sections 56.800 to [56.840] **56.860** shall be available beginning January first next  
3 succeeding the expiration of two calendar years from the effective date of the  
4 establishment of the system to eligible retired employees, and employees with at  
5 least twelve years of creditable service shall have vested rights and upon reaching  
6 the required age shall be entitled to retirement benefits.

**56.850. All non-vested members of the retirement system serving**  
2 **as prosecuting attorney or circuit attorney in counties of the first**  
3 **classification or any city not within a county shall receive one year of**  
4 **creditable service for each year served. Non-vested members serving**  
5 **as prosecuting attorney in counties that have elected to make the**  
6 **position of prosecuting attorney a full-time position shall receive one**  
7 **year of creditable service for each year served as a full-time**  
8 **prosecuting attorney and sixty percent creditable service for each year**  
9 **served as a part-time prosecuting attorney. Unless otherwise permitted**  
10 **by law, credit shall not be earned by any member for employment of**  
11 **only a portion of a year.**

**56.860. Notwithstanding any provision of law to the contrary, any**  
2 **part-time vested member of the retirement system who ceased being a**  
3 **member for more than six months before returning as a full-time**  
4 **member shall be entitled to retirement benefits for creditable service**  
5 **as calculated on the date the member was terminated. Any creditable**  
6 **service earned by such a member after rejoining the plan begins a new**  
7 **vesting period. No member shall receive any retirement benefits while**  
8 **employed as a prosecuting attorney or circuit attorney.**

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

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

7 (1) The state of Missouri, or any agency of the state, pursuant to section  
8 536.050 or 536.087 or section 537.600;

9 (2) Any officer or employee of the state of Missouri or any agency of the  
10 state, including, without limitation, elected officials, appointees, members of state  
11 boards or commissions, and members of the Missouri National Guard upon

12 conduct of such officer or employee arising out of and performed in connection  
13 with his or her official duties on behalf of the state, or any agency of the state,  
14 provided that moneys in this fund shall not be available for payment of claims  
15 made under chapter 287;

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

27 (b) Any physician licensed to practice medicine in Missouri under the  
28 provisions of chapter 334 and his professional corporation organized pursuant to  
29 chapter 356 who is employed by or under contract with a city or county health  
30 department organized under chapter 192 or chapter 205, or a city health  
31 department operating under a city charter, or a combined city-county health  
32 department to provide services to patients for medical care caused by pregnancy,  
33 delivery, and child care, if such medical services are provided by the physician  
34 pursuant to the contract without compensation or the physician is paid from no  
35 other source than a governmental agency except for patient co-payments required  
36 by federal or state law or local ordinance;

37 (c) Any physician licensed to practice medicine in Missouri under the  
38 provisions of chapter 334 who is employed by or under contract with a federally  
39 funded community health center organized under Section 315, 329, 330 or 340 of  
40 the Public Health Services Act (42 U.S.C. 216, 254c) to provide services to  
41 patients for medical care caused by pregnancy, delivery, and child care, if such  
42 medical services are provided by the physician pursuant to the contract or  
43 employment agreement without compensation or the physician is paid from no  
44 other source than a governmental agency or such a federally funded community  
45 health center except for patient co-payments required by federal or state law or  
46 local ordinance. In the case of any claim or judgment that arises under this  
47 paragraph, the aggregate of payments from the state legal expense fund shall be  
48 limited to a maximum of one million dollars for all claims arising out of and

49 judgments based upon the same act or acts alleged in a single cause against any  
50 such physician, and shall not exceed one million dollars for any one claimant;

51 (d) Any physician licensed pursuant to chapter 334 who is affiliated with  
52 and receives no compensation from a nonprofit entity qualified as exempt from  
53 federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as  
54 amended, which offers a free health screening in any setting or any physician,  
55 nurse, physician assistant, dental hygienist, dentist, or other health care  
56 professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,  
57 337, or 338 who provides health care services within the scope of his or her  
58 license or registration at a city or county health department organized under  
59 chapter 192 or chapter 205, a city health department operating under a city  
60 charter, or a combined city-county health department, or a nonprofit community  
61 health center qualified as exempt from federal taxation under Section 501(c)(3)  
62 of the Internal Revenue Code of 1986, as amended, **excluding federally funded**  
63 **community health centers as specified in paragraph (c) of this**  
64 **subdivision and rural health clinics under 42 U.S.C. 1396d(l)(1)**, if such  
65 services are restricted to primary care and preventive health services, provided  
66 that such services shall not include the performance of an abortion, and if such  
67 health services are provided by the health care professional licensed or registered  
68 under chapter 330, 331, 332, 334, 335, 336, 337, or 338 without  
69 compensation. MO HealthNet or Medicare payments for primary care and  
70 preventive health services provided by a health care professional licensed or  
71 registered under chapter 330, 331, 332, 334, 335, 336, 337, or 338 who volunteers  
72 at a **[free] community health clinic** is not compensation for the purpose of this  
73 section if the total payment is assigned to the **[free] community health**  
74 **clinic**. For the purposes of the section, "**[free] community health clinic**" means  
75 a nonprofit community health center qualified as exempt from federal taxation  
76 under Section 501(c)(3) of the Internal Revenue Code of 1987, as amended, that  
77 provides primary care and preventive health services to people without health  
78 insurance coverage **[for the services provided without charge]**. In the case of any  
79 claim or judgment that arises under this paragraph, the aggregate of payments  
80 from the state legal expense fund shall be limited to a maximum of five hundred  
81 thousand dollars, for all claims arising out of and judgments based upon the same  
82 act or acts alleged in a single cause and shall not exceed five hundred thousand  
83 dollars for any one claimant, and insurance policies purchased pursuant to the  
84 provisions of section 105.721 shall be limited to five hundred thousand  
85 dollars. Liability or malpractice insurance obtained and maintained in force by

86 or on behalf of any health care professional licensed or registered under chapter  
87 330, 331, 332, 334, 335, 336, 337, or 338 shall not be considered available to pay  
88 that portion of a judgment or claim for which the state legal expense fund is  
89 liable under this paragraph;

90 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist  
91 licensed or registered to practice medicine, nursing, or dentistry or to act as a  
92 physician assistant or dental hygienist in Missouri under the provisions of  
93 chapter 332, 334, or 335, or lawfully practicing, who provides medical, nursing,  
94 or dental treatment within the scope of his license or registration to students of  
95 a school whether a public, private, or parochial elementary or secondary school  
96 or summer camp, if such physician's treatment is restricted to primary care and  
97 preventive health services and if such medical, dental, or nursing services are  
98 provided by the physician, dentist, physician assistant, dental hygienist, or nurse  
99 without compensation. In the case of any claim or judgment that arises under  
100 this paragraph, the aggregate of payments from the state legal expense fund shall  
101 be limited to a maximum of five hundred thousand dollars, for all claims arising  
102 out of and judgments based upon the same act or acts alleged in a single cause  
103 and shall not exceed five hundred thousand dollars for any one claimant, and  
104 insurance policies purchased pursuant to the provisions of section 105.721 shall  
105 be limited to five hundred thousand dollars; or

106 (f) Any physician licensed under chapter 334, or dentist licensed under  
107 chapter 332, providing medical care without compensation to an individual  
108 referred to his or her care by a city or county health department organized under  
109 chapter 192 or 205, a city health department operating under a city charter, or  
110 a combined city-county health department, or nonprofit health center qualified  
111 as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue  
112 Code of 1986, as amended, or a federally funded community health center  
113 organized under Section 315, 329, 330, or 340 of the Public Health Services Act,  
114 42 U.S.C. Section 216, 254c; provided that such treatment shall not include the  
115 performance of an abortion. In the case of any claim or judgment that arises  
116 under this paragraph, the aggregate of payments from the state legal expense  
117 fund shall be limited to a maximum of one million dollars for all claims arising  
118 out of and judgments based upon the same act or acts alleged in a single cause  
119 and shall not exceed one million dollars for any one claimant, and insurance  
120 policies purchased under the provisions of section 105.721 shall be limited to one  
121 million dollars. Liability or malpractice insurance obtained and maintained in  
122 force by or on behalf of any physician licensed under chapter 334, or any dentist

123 licensed under chapter 332, shall not be considered available to pay that portion  
124 of a judgment or claim for which the state legal expense fund is liable under this  
125 paragraph;

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

127 (5) Any attorney licensed to practice law in the state of Missouri who  
128 practices law at or through a nonprofit community social services center qualified  
129 as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue  
130 Code of 1986, as amended, or through any agency of any federal, state, or local  
131 government, if such legal practice is provided by the attorney without  
132 compensation. In the case of any claim or judgment that arises under this  
133 subdivision, the aggregate of payments from the state legal expense fund shall be  
134 limited to a maximum of five hundred thousand dollars for all claims arising out  
135 of and judgments based upon the same act or acts alleged in a single cause and  
136 shall not exceed five hundred thousand dollars for any one claimant, and  
137 insurance policies purchased pursuant to the provisions of section 105.721 shall  
138 be limited to five hundred thousand dollars;

139 (6) Any social welfare board created under section 205.770 and the  
140 members and officers thereof upon conduct of such officer or employee while  
141 acting in his or her capacity as a board member or officer, and any physician,  
142 nurse, physician assistant, dental hygienist, dentist, or other health care  
143 professional licensed or registered under chapter 330, 331, 332, 334, 335, 336,  
144 337, or 338 who is referred to provide medical care without compensation by the  
145 board and who provides health care services within the scope of his or her license  
146 or registration as prescribed by the board; or

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

153 3. The department of health and senior services shall promulgate rules  
154 regarding contract procedures and the documentation of care provided under  
155 paragraphs (b), (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this  
156 section. The limitation on payments from the state legal expense fund or any  
157 policy of insurance procured pursuant to the provisions of section 105.721,  
158 provided in subsection 7 of this section, shall not apply to any claim or judgment  
159 arising under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection

160 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d),  
161 (e), or (f) of subdivision (3) of subsection 2 of this section shall be paid by the  
162 state legal expense fund or any policy of insurance procured pursuant to section  
163 105.721, to the extent damages are allowed under sections 538.205 to  
164 538.235. Liability or malpractice insurance obtained and maintained in force by  
165 any health care professional licensed or registered under chapter 330, 331, 332,  
166 334, 335, 336, 337, or 338 for coverage concerning his or her private practice and  
167 assets shall not be considered available under subsection 7 of this section to pay  
168 that portion of a judgment or claim for which the state legal expense fund is  
169 liable under paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of subsection  
170 2 of this section. However, a health care professional licensed or registered under  
171 chapter 330, 331, 332, 334, 335, 336, 337, or 338 may purchase liability or  
172 malpractice insurance for coverage of liability claims or judgments based upon  
173 care rendered under paragraphs (c), (d), (e), and (f) of subdivision (3) of subsection  
174 2 of this section which exceed the amount of liability coverage provided by the  
175 state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c),  
176 (d), (e), or (f) of subdivision (3) of subsection 2 of this section is repealed or  
177 modified, the state legal expense fund shall be available for damages which occur  
178 while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of  
179 subsection 2 of this section is in effect.

180 4. The attorney general shall promulgate rules regarding contract  
181 procedures and the documentation of legal practice provided under subdivision  
182 (5) of subsection 2 of this section. The limitation on payments from the state  
183 legal expense fund or any policy of insurance procured pursuant to section  
184 105.721 as provided in subsection 7 of this section shall not apply to any claim  
185 or judgment arising under subdivision (5) of subsection 2 of this section. Any  
186 claim or judgment arising under subdivision (5) of subsection 2 of this section  
187 shall be paid by the state legal expense fund or any policy of insurance procured  
188 pursuant to section 105.721 to the extent damages are allowed under sections  
189 538.205 to 538.235. Liability or malpractice insurance otherwise obtained and  
190 maintained in force shall not be considered available under subsection 7 of this  
191 section to pay that portion of a judgment or claim for which the state legal  
192 expense fund is liable under subdivision (5) of subsection 2 of this  
193 section. However, an attorney may obtain liability or malpractice insurance for  
194 coverage of liability claims or judgments based upon legal practice rendered  
195 under subdivision (5) of subsection 2 of this section that exceed the amount of  
196 liability coverage provided by the state legal expense fund under subdivision (5)



197 of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this  
198 section is repealed or amended, the state legal expense fund shall be available for  
199 damages that occur while the pertinent subdivision (5) of subsection 2 of this  
200 section is in effect.

201         5. All payments shall be made from the state legal expense fund by the  
202 commissioner of administration with the approval of the attorney  
203 general. Payment from the state legal expense fund of a claim or final judgment  
204 award against a health care professional licensed or registered under chapter 330,  
205 331, 332, 334, 335, 336, 337, or 338, described in paragraph (a), (b), (c), (d), (e),  
206 or (f) of subdivision (3) of subsection 2 of this section, or against an attorney in  
207 subdivision (5) of subsection 2 of this section, shall only be made for services  
208 rendered in accordance with the conditions of such paragraphs. In the case of  
209 any claim or judgment against an officer or employee of the state or any agency  
210 of the state based upon conduct of such officer or employee arising out of and  
211 performed in connection with his or her official duties on behalf of the state or  
212 any agency of the state that would give rise to a cause of action under section  
213 537.600, the state legal expense fund shall be liable, excluding punitive damages,  
214 for:

- 215           (1) Economic damages to any one claimant; and  
216           (2) Up to three hundred fifty thousand dollars for noneconomic damages.

217 The state legal expense fund shall be the exclusive remedy and shall preclude any  
218 other civil actions or proceedings for money damages arising out of or relating to  
219 the same subject matter against the state officer or employee, or the officer's or  
220 employee's estate. No officer or employee of the state or any agency of the state  
221 shall be individually liable in his or her personal capacity for conduct of such  
222 officer or employee arising out of and performed in connection with his or her  
223 official duties on behalf of the state or any agency of the state. The provisions of  
224 this subsection shall not apply to any defendant who is not an officer or employee  
225 of the state or any agency of the state in any proceeding against an officer or  
226 employee of the state or any agency of the state. Nothing in this subsection shall  
227 limit the rights and remedies otherwise available to a claimant under state law  
228 or common law in proceedings where one or more defendants is not an officer or  
229 employee of the state or any agency of the state.

230         6. The limitation on awards for noneconomic damages provided for in this  
231 subsection shall be increased or decreased on an annual basis effective January  
232 first of each year in accordance with the Implicit Price Deflator for Personal  
233 Consumption Expenditures as published by the Bureau of Economic Analysis of

234 the United States Department of Commerce. The current value of the limitation  
235 shall be calculated by the director of the department of insurance, financial  
236 institutions and professional registration, who shall furnish that value to the  
237 secretary of state, who shall publish such value in the Missouri Register as soon  
238 after each January first as practicable, but it shall otherwise be exempt from the  
239 provisions of section 536.021.

240 7. Except as provided in subsection 3 of this section, in the case of any  
241 claim or judgment that arises under sections 537.600 and 537.610 against the  
242 state of Missouri, or an agency of the state, the aggregate of payments from the  
243 state legal expense fund and from any policy of insurance procured pursuant to  
244 the provisions of section 105.721 shall not exceed the limits of liability as  
245 provided in sections 537.600 to 537.610. No payment shall be made from the  
246 state legal expense fund or any policy of insurance procured with state funds  
247 pursuant to section 105.721 unless and until the benefits provided to pay the  
248 claim by any other policy of liability insurance have been exhausted.

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

252 9. Any rule or portion of a rule, as that term is defined in section 536.010,  
253 that is promulgated under the authority delegated in sections 105.711 to 105.726  
254 shall become effective only if it has been promulgated pursuant to the provisions  
255 of chapter 536. Nothing in this section shall be interpreted to repeal or affect the  
256 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied  
257 with the provisions of chapter 536. This section and chapter 536 are  
258 nonseverable and if any of the powers vested with the general assembly pursuant  
259 to chapter 536 to review, to delay the effective date, or to disapprove and annul  
260 a rule are subsequently held unconstitutional, then the grant of rulemaking  
261 authority and any rule proposed or adopted after August 28, 1999, shall be  
262 invalid and void.

211.183. 1. In juvenile court proceedings regarding the removal of a child  
2 from his or her home, the court's order shall include a determination of whether  
3 the division of family services has made reasonable efforts to prevent or eliminate  
4 the need for removal of the child and, after removal, to make it possible for the  
5 child to return home. If the first contact with the family occurred during an  
6 emergency in which the child could not safely remain at home even with  
7 reasonable in-home services, the division shall be deemed to have made  
8 reasonable efforts to prevent or eliminate the need for removal.

9           2. "Reasonable efforts" means the exercise of reasonable diligence and care  
10 by the division to utilize all available services related to meeting the needs of the  
11 juvenile and the family. In determining reasonable efforts to be made and in  
12 making such reasonable efforts, the child's present and ongoing health and safety  
13 shall be the paramount consideration.

14           3. In support of its determination of whether reasonable efforts have been  
15 made, the court shall enter findings, including a brief description of what  
16 preventive or reunification efforts were made and why further efforts could or  
17 could not have prevented or shortened the separation of the family. The division  
18 shall have the burden of demonstrating reasonable efforts.

19           4. The juvenile court may authorize the removal of the child even if the  
20 preventive and reunification efforts of the division have not been reasonable, but  
21 further efforts could not permit the child to remain at home.

22           5. Before a child may be removed from the parent, guardian, or custodian  
23 of the child by order of a juvenile court, excluding commitments to the division  
24 of youth services, the court shall in its orders:

25           (1) State whether removal of the child is necessary to protect the child  
26 and the reasons therefor;

27           (2) Describe the services available to the family before removal of the  
28 child, including in-home services;

29           (3) Describe the efforts made to provide those services relevant to the  
30 needs of the family before the removal of the child;

31           (4) State why efforts made to provide family services described did not  
32 prevent removal of the child; and

33           (5) State whether efforts made to prevent removal of the child were  
34 reasonable, based upon the needs of the family and child.

35           6. If continuation of reasonable efforts, as described in this section, is  
36 determined by the division to be inconsistent with establishing a permanent  
37 placement for the child, the division shall take such steps as are deemed  
38 necessary by the division, including seeking modification of any court order to  
39 modify the permanency plan for the child.

40           7. The division shall not be required to make reasonable efforts, as  
41 defined in this section, but has the discretion to make reasonable efforts if a court  
42 of competent jurisdiction has determined that:

43           (1) The parent has subjected the child to a severe act or recurrent acts of  
44 physical, emotional or sexual abuse toward the child, including an act of incest;

45 or

46 (2) The parent has:

47 (a) Committed murder of another child of the parent;

48 (b) Committed voluntary manslaughter of another child of the parent;

49 (c) Aided or abetted, attempted, conspired or solicited to commit such a  
50 murder or voluntary manslaughter; or

51 (d) Committed a felony assault that resulted in serious bodily injury to  
52 the child or to another child of the parent; or

53 (3) **Aggravating factors that in the totality of circumstances**  
54 **affect the fitness of the parent including, but not limited to, alcohol,**  
55 **controlled substances, or prescription drug dependency of the parent,**  
56 **all of which prevents him or her from consistently providing the**  
57 **necessary care, custody, and control of the child and which in the**  
58 **totality of the circumstances appear to be not treatable such as to**  
59 **enable the parent to consistently provide such care, custody, and**  
60 **control. The court may consider, but is not limited to, the following**  
61 **factors under this subdivision:**

62 (a) **Previous history of child abandonment;**

63 (b) **Previous history of child maltreatment;**

64 (c) **Placement of the parent's other child or children in foster**  
65 **care or out-of-home placement;**

66 (d) **Prior failed efforts at reunification with the child at issue or**  
67 **with the parent's other child or children;**

68 (e) **History of giving birth to a newborn with fetal alcohol**  
69 **syndrome or a controlled substance exposed newborn;**

70 (f) **History of a parent's child or children testing positive for**  
71 **alcohol or a controlled substance at birth or any time afterwards;**

72 (g) **Diminished motivation to parent the child at issue or another**  
73 **child or children of the parent;**

74 (h) **Past or current failed efforts at alcohol or controlled**  
75 **substance rehabilitation or refusal to enter an alcohol or controlled**  
76 **substance abuse rehabilitation facility; or**

77 (i) **Extended period of alcohol or controlled substance abuse; or**

78 (4) The parent's parental rights to a sibling have been involuntarily  
79 terminated.

80 8. If the court determines that reasonable efforts, as described in this  
81 section, are not required to be made by the division, the court shall hold a  
82 permanency hearing within thirty days after the court has made such

83 determination. The division shall complete whatever steps are necessary to  
84 finalize the permanent placement of the child.

85 9. The division may concurrently engage in reasonable efforts, as  
86 described in this section, while engaging in such other measures as are deemed  
87 appropriate by the division to establish a permanent placement for the child.

211.447. 1. Any information that could justify the filing of a petition to  
2 terminate parental rights may be referred to the juvenile officer by any  
3 person. The juvenile officer shall make a preliminary inquiry and if it does not  
4 appear to the juvenile officer that a petition should be filed, such officer shall so  
5 notify the informant in writing within thirty days of the referral. Such  
6 notification shall include the reasons that the petition will not be  
7 filed. Thereupon, the informant may bring the matter directly to the attention  
8 of the judge of the juvenile court by presenting the information in writing, and  
9 if it appears to the judge that the information could justify the filing of a petition,  
10 the judge may order the juvenile officer to take further action, including making  
11 a further preliminary inquiry or filing a petition.

12 2. Except as provided for in subsection 4 of this section, a petition to  
13 terminate the parental rights of the child's parent or parents shall be filed by the  
14 juvenile officer or the division, or if such a petition has been filed by another  
15 party, the juvenile officer or the division shall seek to be joined as a party to the  
16 petition, when:

17 (1) Information available to the juvenile officer or the division establishes  
18 that the child has been in foster care for at least fifteen of the most recent  
19 twenty-two months; or

20 (2) A court of competent jurisdiction has determined the child to be an  
21 abandoned infant. For purposes of this subdivision, an "infant" means any child  
22 one year of age or under at the time of filing of the petition. The court may find  
23 that an infant has been abandoned if:

24 (a) The parent has left the child under circumstances that the identity of  
25 the child was unknown and could not be ascertained, despite diligent searching,  
26 and the parent has not come forward to claim the child; or

27 (b) The parent has, without good cause, left the child without any  
28 provision for parental support and without making arrangements to visit or  
29 communicate with the child, although able to do so; or

30 (c) The parent has voluntarily relinquished a child under section 210.950;  
31 or

32 (3) A court of competent jurisdiction has determined that the parent has:

- 33 (a) Committed murder of another child of the parent; or  
34 (b) Committed voluntary manslaughter of another child of the parent; or  
35 (c) Aided or abetted, attempted, conspired or solicited to commit such a  
36 murder or voluntary manslaughter; or  
37 (d) Committed a felony assault that resulted in serious bodily injury to  
38 the child or to another child of the parent.

39 3. A termination of parental rights petition shall be filed by the juvenile  
40 officer or the division, or if such a petition has been filed by another party, the  
41 juvenile officer or the division shall seek to be joined as a party to the petition,  
42 within sixty days of the judicial determinations required in subsection 2 of this  
43 section, except as provided in subsection 4 of this section. Failure to comply with  
44 this requirement shall not deprive the court of jurisdiction to adjudicate a  
45 petition for termination of parental rights which is filed outside of sixty days.

46 4. If grounds exist for termination of parental rights pursuant to  
47 subsection 2 of this section, the juvenile officer or the division may, but is not  
48 required to, file a petition to terminate the parental rights of the child's parent  
49 or parents if:

- 50 (1) The child is being cared for by a relative; or  
51 (2) There exists a compelling reason for determining that filing such a  
52 petition would not be in the best interest of the child, as documented in the  
53 permanency plan which shall be made available for court review; or  
54 (3) The family of the child has not been provided such services as provided  
55 for in section 211.183.

56 5. The juvenile officer or the division may file a petition to terminate the  
57 parental rights of the child's parent when it appears that one or more of the  
58 following grounds for termination exist:

59 (1) The child has been abandoned. For purposes of this subdivision a  
60 "child" means any child over one year of age at the time of filing of the  
61 petition. The court shall find that the child has been abandoned if, for a period  
62 of six months or longer:

63 (a) The parent has left the child under such circumstances that the  
64 identity of the child was unknown and could not be ascertained, despite diligent  
65 searching, and the parent has not come forward to claim the child; or

66 (b) The parent has, without good cause, left the child without any  
67 provision for parental support and without making arrangements to visit or  
68 communicate with the child, although able to do so;

69 (2) The child has been abused or neglected. In determining whether to

70 terminate parental rights pursuant to this subdivision, the court shall consider  
71 and make findings on the following conditions or acts of the parent:

72 (a) A mental condition which is shown by competent evidence either to be  
73 permanent or such that there is no reasonable likelihood that the condition can  
74 be reversed and which renders the parent unable to knowingly provide the child  
75 the necessary care, custody and control;

76 (b) Chemical dependency which prevents the parent from consistently  
77 providing the necessary care, custody and control of the child and which cannot  
78 be treated so as to enable the parent to consistently provide such care, custody  
79 and control;

80 (c) A severe act or recurrent acts of physical, emotional or sexual abuse  
81 toward the child or any child in the family by the parent, including an act of  
82 incest, or by another under circumstances that indicate that the parent knew or  
83 should have known that such acts were being committed toward the child or any  
84 child in the family; or

85 (d) Repeated or continuous failure by the parent, although physically or  
86 financially able, to provide the child with adequate food, clothing, shelter, or  
87 education as defined by law, or other care and control necessary for the child's  
88 physical, mental, or emotional health and development.

89 Nothing in this subdivision shall be construed to permit discrimination on the  
90 basis of disability or disease;

91 (3) The child has been under the jurisdiction of the juvenile court for a  
92 period of one year, and the court finds that the conditions which led to the  
93 assumption of jurisdiction still persist, or conditions of a potentially harmful  
94 nature continue to exist, that there is little likelihood that those conditions will  
95 be remedied at an early date so that the child can be returned to the parent in  
96 the near future, or the continuation of the parent-child relationship greatly  
97 diminishes the child's prospects for early integration into a stable and permanent  
98 home. In determining whether to terminate parental rights under this  
99 subdivision, the court shall consider and make findings on the following:

100 (a) The terms of a social service plan entered into by the parent and the  
101 division and the extent to which the parties have made progress in complying  
102 with those terms;

103 (b) The success or failure of the efforts of the juvenile officer, the division  
104 or other agency to aid the parent on a continuing basis in adjusting his  
105 circumstances or conduct to provide a proper home for the child;

106 (c) A mental condition which is shown by competent evidence either to be

107 permanent or such that there is no reasonable likelihood that the condition can  
108 be reversed and which renders the parent unable to knowingly provide the child  
109 the necessary care, custody and control;

110 (d) Chemical dependency which prevents the parent from consistently  
111 providing the necessary care, custody and control over the child and which cannot  
112 be treated so as to enable the parent to consistently provide such care, custody  
113 and control; or

114 (4) The parent has been found guilty or pled guilty to a felony violation  
115 of chapter 566 when the child or any child in the family was a victim, or a  
116 violation of section 568.020 when the child or any child in the family was a  
117 victim. As used in this subdivision, a "child" means any person who was under  
118 eighteen years of age at the time of the crime and who resided with such parent  
119 or was related within the third degree of consanguinity or affinity to such parent;  
120 or

121 (5) The child was conceived and born as a result of an act of forcible rape  
122 or rape in the first degree. When the biological father has pled guilty to, or is  
123 convicted of, the forcible rape or rape in the first degree of the birth mother, such  
124 a plea or conviction shall be conclusive evidence supporting the termination of the  
125 biological father's parental rights; or

126 (6) [The parent is unfit to be a party to the parent and child relationship  
127 because of a consistent pattern of committing a specific abuse, including but not  
128 limited to abuses as defined in section 455.010, child abuse or drug abuse before  
129 the child or of specific conditions directly relating to the parent and child  
130 relationship either of which are determined by the court to be of a duration or  
131 nature that renders the parent unable, for the reasonably foreseeable future, to  
132 care appropriately for the ongoing physical, mental or emotional needs of the  
133 child. It is presumed that a parent is unfit to be a party to the parent-child  
134 relationship upon a showing that within a three-year period immediately prior  
135 to the termination adjudication, the parent's parental rights to one or more other  
136 children were involuntarily terminated pursuant to subsection 2 or 4 of this  
137 section or subdivisions (1), (2), (3) or (4) of this subsection or similar laws of other  
138 states.] **(a) The parent is unfit to be a party to the parent and child**  
139 **relationship because of a consistent pattern of committing a specific**  
140 **abuse including, but not limited to, specific conditions directly relating**  
141 **to the parent and child relationship which are determined by the court**  
142 **to be of a duration or nature that renders the parent unable for the**  
143 **reasonably foreseeable future to care appropriately for the ongoing**



144 **physical, mental, or emotional needs of the child.**

145 **(b) It is presumed that a parent is unfit to be a party to the**  
146 **parent and child relationship upon a showing that:**

147 **a. Within a three-year period immediately prior to the**  
148 **termination adjudication, the parent's parental rights to one or more**  
149 **other children were involuntarily terminated pursuant to subsection 2**  
150 **or 4 of this section or subdivisions (1), (2), (3), or (4) of this subsection**  
151 **or similar laws of other states;**

152 **b. If the parent is the birth mother and within eight hours after**  
153 **the child's birth, the child's birth mother tested positive and over .08**  
154 **blood alcohol content pursuant to testing under section 577.020 for**  
155 **alcohol, or tested positive for cocaine, heroin, methamphetamine, a**  
156 **controlled substance as defined in section 195.010, or a prescription**  
157 **drug as defined in section 196.973, excepting those controlled**  
158 **substances or prescription drugs present in the mother's body as a**  
159 **result of medical treatment administered to the mother, and the birth**  
160 **mother is the biological mother of at least one other child who was**  
161 **adjudicated an abused or neglected minor by the mother or the mother**  
162 **has previously failed to complete recommended treatment services by**  
163 **the children's division through a family-centered services case;**

164 **c. If the parent is the birth mother and at the time of the child's**  
165 **birth or within eight hours after a child's birth the child tested positive**  
166 **for alcohol, cocaine, heroin, methamphetamine, a controlled substance**  
167 **as defined in section 195.010, or a prescription drug as defined in**  
168 **section 196.973, excepting those controlled substances or prescription**  
169 **drugs present in the mother's body as a result of medical treatment**  
170 **administered to the mother, and the birth mother is the biological**  
171 **mother of at least one other child who was adjudicated an abused or**  
172 **neglected minor by the mother or the mother has previously failed to**  
173 **complete recommended treatment services by the children's division**  
174 **through a family-centered services case; or**

175 **d. Within a three-year period immediately prior to the**  
176 **termination adjudication, the parent has pled guilty to or has been**  
177 **convicted of a felony involving the possession, distribution, or**  
178 **manufacture of cocaine, heroin, or methamphetamine, and the parent**  
179 **is the biological parent of at least one other child who was adjudicated**  
180 **an abused or neglected minor by such parent or such parent has**

181 **previously failed to complete recommended treatment services by the**  
182 **children's division through a family-centered services case.**

183           6. The juvenile court may terminate the rights of a parent to a child upon  
184 a petition filed by the juvenile officer or the division, or in adoption cases, by a  
185 prospective parent, if the court finds that the termination is in the best interest  
186 of the child and when it appears by clear, cogent and convincing evidence that  
187 grounds exist for termination pursuant to subsection 2, 4 or 5 of this section.

188           7. When considering whether to terminate the parent-child relationship  
189 pursuant to subsection 2 or 4 of this section or subdivision (1), (2), (3) or (4) of  
190 subsection 5 of this section, the court shall evaluate and make findings on the  
191 following factors, when appropriate and applicable to the case:

192           (1) The emotional ties to the birth parent;

193           (2) The extent to which the parent has maintained regular visitation or  
194 other contact with the child;

195           (3) The extent of payment by the parent for the cost of care and  
196 maintenance of the child when financially able to do so including the time that  
197 the child is in the custody of the division or other child-placing agency;

198           (4) Whether additional services would be likely to bring about lasting  
199 parental adjustment enabling a return of the child to the parent within an  
200 ascertainable period of time;

201           (5) The parent's disinterest in or lack of commitment to the child;

202           (6) The conviction of the parent of a felony offense that the court finds is  
203 of such a nature that the child will be deprived of a stable home for a period of  
204 years; provided, however, that incarceration in and of itself shall not be grounds  
205 for termination of parental rights;

206           (7) Deliberate acts of the parent or acts of another of which the parent  
207 knew or should have known that subjects the child to a substantial risk of  
208 physical or mental harm.

209           8. The court may attach little or no weight to infrequent visitations,  
210 communications, or contributions. It is irrelevant in a termination proceeding  
211 that the maintenance of the parent-child relationship may serve as an  
212 inducement for the parent's rehabilitation.

213           9. In actions for adoption pursuant to chapter 453, the court may hear and  
214 determine the issues raised in a petition for adoption containing a prayer for  
215 termination of parental rights filed with the same effect as a petition permitted  
216 pursuant to subsection 2, 4, or 5 of this section.

217           10. The disability or disease of a parent shall not constitute a basis for a

218 determination that a child is a child in need of care, for the removal of custody  
219 of a child from the parent, or for the termination of parental rights without a  
220 specific showing that there is a causal relation between the disability or disease  
221 and harm to the child.

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

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

11 3. As long as the department of revenue has the authority to issue a  
12 concealed carry endorsement, the department shall not retain copies of any  
13 certificate of qualification for a concealed carry endorsement presented to the  
14 department for an endorsement on a driver's license or nondriver's license under  
15 section 571.101. The department of revenue shall not use technology to capture  
16 digital images of a certificate of qualification nor shall the department retain  
17 digital or electronic images of such certificates. The department of revenue shall  
18 merely verify whether the applicant for a driver's license or nondriver's license  
19 has presented a certificate of qualification which will allow the applicant to  
20 obtain a concealed carry endorsement. By December 31, 2013, the department of  
21 revenue shall securely destroy so as to make irretrievable any copies of  
22 certificates of qualification that have been obtained from driver's license or  
23 nondriver's license applicants.

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

25 (1) Original application forms, which may be retained but not scanned;  
26 (2) Test score documents issued by state highway patrol driver examiners;  
27 (3) Documents demonstrating lawful presence of any applicant who is not  
28 a citizen of the United States, including documents demonstrating duration of the  
29 person's lawful presence in the United States; and

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

34 (5) Any other document at the request of and for the convenience of the  
35 applicant where the applicant requests the department of revenue review  
36 alternative documents as proof required for issuance of a [driver] **driver's**  
37 license, [nondriver] **nondriver's** license, or instruction permit.

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

45 6. Any person harmed or damaged by any violation of this section may  
46 bring a civil action for damages, including noneconomic and punitive damages,  
47 as well as injunctive relief, in the circuit court where that person resided at the  
48 time of the violation or in the circuit court [or the circuit court] of Cole County  
49 to recover such damages from the department of revenue and any persons  
50 participating in such violation. Sovereign immunity shall not be available as a  
51 defense for the department of revenue in such an action. In the event the  
52 plaintiff prevails on any count of his or her claim, the plaintiff shall be entitled  
53 to recover reasonable attorney fees from the defendants.

**302.067. Any original or certified copy, if applicable, of a  
2 document presented by an applicant under this chapter and its  
3 accompanying regulations as proof of lawful presence or citizenship to  
4 the department of revenue to apply for a driver's license, nondriver's  
5 license or instruction permit shall not be required to be presented by  
6 the applicant for any subsequent new, renewal, or duplicate  
7 application, except:**

8 (1) Documents demonstrating lawful presence of any applicant  
9 who is not a citizen of the United States, including documents  
10 demonstrating duration of the person's lawful presence in the United  
11 States, may be required to be presented upon each subsequent  
12 application;

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

17 (3) Applicants applying for or renewing a commercial driver's

**18 license or commercial driver's instruction permit.**

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

- 3 (1) What is included in a parenting plan;
- 4 (2) The benefits of the parties agreeing to a parenting plan which outlines  
5 education, custody and cooperation between parents;
- 6 (3) The benefits of alternative dispute resolution;
- 7 (4) The pro se family access motion for enforcement of custody or  
8 temporary physical custody;
- 9 (5) The underlying assumptions for supreme court rules relating to child  
10 support; and
- 11 (6) A party's duties and responsibilities pursuant to section 452.377,  
12 including the possible consequences of not complying with section 452.377. The  
13 handbooks shall be distributed to each court and shall be available in an  
14 alternative format, including Braille, large print, or electronic or audio format  
15 upon request by a person with a disability, as defined by the federal Americans  
16 with Disabilities Act.

17 2. Each court shall [mail] **provide** a copy of the handbook developed  
18 pursuant to subsection 1 of this section to each party in a dissolution or legal  
19 separation action filed pursuant to section 452.310, or any proceeding in  
20 modification thereof, where minor children are involved, or may provide the  
21 petitioner with a copy of the handbook at the time the petition is filed and direct  
22 that a copy of the handbook be served along with the petition and summons upon  
23 the respondent.

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

**453.700. 1. Only the children's division, an attorney licensed to  
2 practice law, or a child placing agency licensed under the laws of the  
3 state of Missouri may place or cause to be placed an advertisement or  
4 listing of the attorney's or agency's telephone number or other contact  
5 information in a telephone directory or other advertising distributed  
6 within the state of Missouri that states or implies that:**

- 7 **(1) A child is offered or wanted for adoption; or**
- 8 **(2) The attorney or agency is able to place, locate, or receive a  
9 child for adoption.**

10 **2. An attorney or child placing agency that advertises in  
11 Missouri may place or cause to be placed an advertisement or listing**

12 **described in subsection 1 of this section only if the advertisement or**  
13 **contact information contains the following:**

14 **(1) For an attorney licensed to practice law in Missouri, the**  
15 **attorney's current bar number. However, an attorney listing in a**  
16 **telephone directory or other listing under an adoption or adoption-**  
17 **related category that only provides the attorney's name, address, and**  
18 **telephone number need not include the attorney's bar number;**

19 **(2) For a child placing agency licensed under the laws of**  
20 **Missouri, the licensure number on the child placing agency**  
21 **license. However, an agency listing in a telephone directory or other**  
22 **listing under an adoption or adoption-related category that only**  
23 **provides the agency's name, address, and telephone number need not**  
24 **include the agency's licensure number.**

25 **3. A person who knowingly or intentionally violates the terms of**  
26 **this section shall be guilty of a class A misdemeanor.**

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

4 (1)] has expired[; and

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

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

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

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

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

12 (b) Held and administered in two separate shares of one trust for the  
13 benefit of each of the settlors, with the trust revocable by each settlor with  
14 respect to that settlor's separate share of that trust without the participation or  
15 consent of the other settlor, and each settlor having the right to receive

16 distributions of income or principal, whether mandatory or within the discretion  
17 of the trustee, from that settlor's separate share for that settlor's life; or

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

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

22 3. **Any** property or interests in property [held as tenants by the entirety  
23 by a husband and wife] that [is] **are** at any time transferred to the trustee of a  
24 qualified spousal trust of which the husband and wife are the settlors, shall  
25 **thereafter** be [held and] administered as provided by the trust terms in  
26 accordance with paragraph (a), (b), or (c) of subdivision (2) of subsection 1 of this  
27 section[, and all such]. **All trust** property and interests in property **deemed for**  
28 **purposes of this section to be held as tenants by the entirety**, including  
29 the proceeds thereof, the income thereon, and any property into which such  
30 property, proceeds, or income may be converted, shall [thereafter] have the same  
31 immunity from the claims of the separate creditors of the settlors as would have  
32 existed if the settlors had continued to hold that property as husband and wife  
33 as tenants by the entirety. **Property or interests in property held by a**  
34 **husband and wife as tenants by the entirety or as joint tenants or other**  
35 **form of joint ownership with right of survivorship shall be conclusively**  
36 **deemed for purposes of this section to be held as tenants by the**  
37 **entirety upon its transfer to the qualified spousal trust. All such**  
38 **transfers shall retain said immunity**, so long as:

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

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

42 4. Property or interests in property held by a husband and wife or held  
43 in the sole name of a husband or wife that [is] **are** not held as tenants by the  
44 entirety **or deemed held as tenants by the entirety for purposes of this**  
45 **section** and [is] **are** transferred to a qualified spousal trust shall be held as  
46 directed in the qualified spousal trust's governing instrument or in the  
47 instrument of transfer and the rights of any claimant to any interest in that  
48 property shall not be affected by this section.

49 5. Upon the death of each settlor, all property and interests in property  
50 held by the trustee of the qualified spousal trust shall be distributed as directed  
51 by the then current terms of the governing instrument of such trust. Upon the  
52 death of the first settlor to die, if immediately prior to death the predeceased

53 settlor's interest in the qualified spousal trust was then held in such settlor's  
54 separate share, the property or interests in property in such settlor's separate  
55 share may pass into an irrevocable trust for the benefit of the surviving settlor  
56 upon such terms as the governing instrument shall direct, including without  
57 limitation a spendthrift provision as provided in section 456.5-502.

58 6. No transfer by a husband and wife as settlors to a qualified spousal  
59 trust shall affect or change either settlor's marital property rights to the  
60 transferred property or interest therein immediately prior to such transfer in the  
61 event of dissolution of marriage of the spouses, unless both spouses otherwise  
62 expressly agree in writing.

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

**456.2-205. 1. Subject to the exception in subsection 2 of this  
2 section, a provision in a trust instrument requiring the mediation or  
3 arbitration of disputes between or among the beneficiaries, a fiduciary,  
4 a person granted nonfiduciary powers under the trust instrument, or  
5 any combination of such persons is enforceable.**

6 **2. A provision in a trust instrument requiring the mediation or  
7 arbitration of disputes relating to the validity of a trust is not  
8 enforceable unless all interested persons with regard to the dispute  
9 consent to the mediation or arbitration of the dispute.**

**456.4-420. 1. If a trust instrument containing a no-contest clause  
2 is or has become irrevocable, an interested person may file a petition  
3 to the court for an interlocutory determination whether a particular  
4 motion, petition, or other claim for relief by the interested person  
5 would trigger application of the no-contest clause or would otherwise  
6 trigger a forfeiture that is enforceable under applicable law and public  
7 policy.**

8 **2. The petition described in subsection 1 of this section shall be  
9 verified under oath. The petition may be filed by an interested person  
10 either as a separate judicial proceeding, or brought with other claims  
11 for relief in a single judicial proceeding, all in the manner prescribed  
12 generally for such proceedings under this chapter. If a petition is  
13 joined with other claims for relief, the court shall enter its order or  
14 judgment on the petition before proceeding any further with any other  
15 claim for relief joined therein. In ruling on such a petition, the court**



16 shall consider the text of the clause, the context to the terms of the  
17 trust instrument as a whole, and in the context of the verified factual  
18 allegations in the petition. No evidence beyond the pleadings and the  
19 trust instrument shall be taken except as required to resolve an  
20 ambiguity in the no-contest clause.

21       3. An order or judgment determining a petition described in  
22 subsection 1 of this section shall have the effect set forth in subsections  
23 4 and 5 of this section, and shall be subject to appeal as with other final  
24 judgments. If the order disposes of fewer than all claims for relief in  
25 a judicial proceeding, that order is subject to interlocutory appeal in  
26 accordance with the applicable rules for taking such an appeal. If an  
27 interlocutory appeal is taken, the court may stay the pending judicial  
28 proceeding until final disposition of said appeal on such terms and  
29 conditions as the court deems reasonable and proper under the  
30 circumstances. A final ruling on the applicability of a no-contest clause  
31 shall not preclude any later filing and adjudication of other claims  
32 related to the trust.

33       4. An order or judgment, in whole or in part, on a petition  
34 described in subsection 1 of this section shall result in the no-contest  
35 clause being enforceable to the extent of the court's ruling and shall  
36 govern application of the no-contest clause to the extent that the  
37 interested person then proceeds forward with the claims described  
38 therein. In the event such an interlocutory order or judgment is  
39 vacated, reversed, or otherwise modified on appeal, no interested  
40 person shall be prejudiced by any reliance, through action, inaction, or  
41 otherwise on the order or judgment prior to final disposition of the  
42 appeal.

43       5. An order or judgment shall have effect only as to the specific  
44 trust terms and factual basis recited in the petition. If claims are later  
45 filed that are materially different than those upon which the order or  
46 judgment is based, then to the extent such new claims are raised, the  
47 party in whose favor the order or judgment was entered shall have no  
48 protection from enforcement of the no-contest clause otherwise  
49 afforded by the order and judgment entered under this section.

50       6. For purposes of this section, a "no-contest clause" shall mean  
51 a provision in a trust instrument purporting to rescind a donative  
52 transfer to, or a fiduciary appointment of, any person or that otherwise

53 effects a forfeiture of some or all of an interested person's beneficial  
54 interest in a trust estate as a result of some action taken by the  
55 beneficiary. This definition shall not be construed in any way as  
56 determining whether a no-contest clause is enforceable under  
57 applicable law and public policy in a particular factual situation. As  
58 used in this section, the term "no-contest clause" shall also mean an "in  
59 terrorem clause".

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

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

66 (2) Filing a motion, petition, or other claim for relief concerning  
67 an accounting, report, or notice that has or should have been made by  
68 a trustee, provided the interested person otherwise has standing to do  
69 so under applicable law including, but not limited to, section 456.6-603;

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

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

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

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

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

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

474.395. 1. If a will contains a no-contest clause, an interested  
2 person may file a petition with the court for a determination whether  
3 a particular motion, petition, action, or other claim for relief by the

4 interested person would trigger application of the no-contest clause or  
5 would otherwise trigger a forfeiture that is enforceable under  
6 applicable law and public policy, which application would be  
7 adjudicated in the manner prescribed in section 456.4-420, and subject  
8 to the provisions set forth therein.

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

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

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

16       **3.] For purposes of this section, notwithstanding the provisions of section**  
17 **1.100, population of a county shall be determined on the basis of the last previous**  
18 **decennial census of the United States; and, beginning after certification of the**  
19 **year 2000 decennial census, on the basis of annual population estimates prepared**  
20 **by the United States Bureau of the Census, provided that the number of associate**  
21 **circuit judge positions in a county shall be adjusted only after population**

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

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

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

30 [6.] 5. No associate circuit judge shall practice law, or do a law business,  
31 nor shall he or she accept, during his or her term of office, any public  
32 appointment for which he or she receives compensation for his or her services.

33 [7.] 6. No person shall be elected as an associate circuit judge unless he  
34 or she has resided in the county for which he or she is to be elected at least one  
35 year prior to the date of his or her election; provided that, a person who is  
36 appointed by the governor to fill a vacancy may file for election and be elected  
37 notwithstanding the provisions of this subsection.

478.437. [The circuit court of the county of St. Louis, comprising circuit  
2 number twenty-one, shall be composed of nineteen divisions and nineteen judges]

3 1. **Beginning in fiscal year 2015, there shall be twenty circuit**  
4 **judges in the twenty-first judicial circuit. These judges shall sit in**  
5 **twenty divisions**, and each of the judges shall separately try causes, exercise  
6 the powers and perform all the duties imposed upon circuit judges.

7 2. **Beginning in fiscal year 2015, there shall be one additional**  
8 **associate circuit judge position in the twenty-first judicial circuit. This**  
9 **associate circuit judgeship shall not be included in the statutory**  
10 **formula for authorizing additional judgeships per county under section**  
11 **478.320.**

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

- 3 (1) Division 101 shall hereafter be division 25;
- 4 (2) Division 102 shall hereafter be division 26;
- 5 (3) Division 103 shall hereafter be division 27;
- 6 (4) Division 104 shall hereafter be division 28;
- 7 (5) Division 105 shall hereafter be division 29;
- 8 (6) Division 106 shall hereafter be division 30;
- 9 (7) Division 107 shall hereafter be division 31; and
- 10 (8) Division 108 shall hereafter be division 32.

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

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

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

4           2. The circuit judge in division three shall be elected in 1980. The circuit  
5 judges in divisions one, four and five shall be elected in 1982. The circuit judge  
6 in division two shall be elected in 1984.

7           **3. Beginning in fiscal year 2015, there shall be one additional**  
8 **associate circuit judge in the thirty-first judicial circuit, and there shall**  
9 **continue to be the associate judge position authorized in fiscal year**  
10 **2014. Neither associate circuit judgeship shall be included in the**  
11 **statutory formula for authorizing additional associate circuit**  
12 **judgeships per county under section 478.320.**

478.600. 1. There shall be four circuit judges in the eleventh judicial  
2 circuit [consisting of the county of St. Charles]. These judges shall sit in  
3 divisions numbered one, two, three and four. Beginning on January 1, 2007,  
4 there shall be six circuit judges in the eleventh judicial circuit and these judges  
5 shall sit in divisions numbered one, two, three, four, five, and seven. The division  
6 five associate circuit judge position and the division seven associate circuit judge  
7 position shall become circuit judge positions beginning January 1, 2007, and shall  
8 be numbered as divisions five and seven.

9           2. The circuit judge in division two shall be elected in 1980. The circuit  
10 judge in division four shall be elected in 1982. The circuit judge in division one  
11 shall be elected in 1984. The circuit judge in division three shall be elected in  
12 1992. The circuit judges in divisions five and seven shall be elected for a six-year

13 term in 2006.

14 3. Beginning January 1, 2007, the family court commissioner positions in  
15 the eleventh judicial circuit appointed under section 487.020 shall become  
16 associate circuit judge positions in all respects and shall be designated as  
17 divisions nine and ten respectively. These positions may retain the duties and  
18 responsibilities with regard to the family court. The associate circuit judges in  
19 divisions nine and ten shall be elected in 2006 for full four-year terms.

20 4. Beginning on January 1, 2007, the drug court commissioner position in  
21 the eleventh judicial circuit appointed under section 478.003 shall become an  
22 associate circuit judge position in all respects and shall be designated as division  
23 eleven. This position retains the duties and responsibilities with regard to the  
24 drug court. Such associate circuit judge shall be elected in 2006 for a full  
25 four-year term. This associate circuit judgeship shall not be included in the  
26 statutory formula for authorizing additional associate circuit judgeships per  
27 county under section 478.320.

28 **5. Beginning in fiscal year 2015, there shall be one additional**  
29 **associate circuit judge position in the eleventh judicial circuit. The**  
30 **associate circuit judge shall be elected in 2016, and such judicial**  
31 **position shall not be considered vacant or filled until January 1,**  
32 **2017. This associate circuit judgeship shall not be included in the**  
33 **statutory formula for authorizing additional circuit judgeships per**  
34 **county under section 478.320.**

478.610. 1. There shall be three circuit judges in the thirteenth judicial  
2 circuit consisting of the counties of Boone and Callaway. These judges shall sit  
3 in divisions numbered one, two and three. Beginning on January 1, 2007, there  
4 shall be four circuit judges in the thirteenth judicial circuit and these judges shall  
5 sit in divisions numbered one, two, three, and four.

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

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

**478.740. 1. There shall be two circuit judges in the thirty-eighth**

2 **judicial circuit. These judges shall sit in divisions numbered one and**  
3 **two.**

4 **2. The circuit judge in division two shall be elected in 2016, and**  
5 **such judicial position shall not be considered vacant or filled until**  
6 **January 1, 2017. The judge in division one shall be elected in 2018.**

483.140. It shall be the special duty of every judge of a court of record to  
2 examine into and superintend the manner in which the rolls and records of the  
3 court are made up and kept; to prescribe orders that will procure uniformity,  
4 regularity and accuracy in the transaction of the business of the court; to require  
5 that the records and files be properly maintained and entries be made at the  
6 proper times as required by law or supreme court rule, and that the duties of the  
7 clerks be performed according to law and supreme court rule; and if any clerk fail  
8 to comply with the law, the court shall proceed against him as for a  
9 misdemeanor. **The provisions of this section shall not be construed to**  
10 **permit the adoption of any local court rule that grants a judge the**  
11 **discretion to remove or direct the removal of any pleading, file, or**  
12 **communication from a court file or record without the agreement of all**  
13 **parties.**

488.026. As provided by section 56.807, there shall be assessed and  
2 collected a surcharge of four dollars **against any person who has pled guilty**  
3 **of a violation and paid a fine through a fine collection center and** in all  
4 criminal cases filed in the courts of this state, including violations of any county  
5 ordinance or any violation of criminal or traffic laws of this state, including  
6 infractions, but no such surcharge shall be assessed when the costs are waived  
7 or are to be paid by the state, county, or municipality or when a criminal  
8 proceeding or the defendant has been dismissed by the court [or against any  
9 person who has pled guilty and paid their fine pursuant to subsection 4 of section  
10 476.385]. For purposes of this section, the term "county ordinance" shall include  
11 any ordinance of the city of St. Louis. The clerk responsible for collecting court  
12 costs in criminal cases shall collect and disburse such amounts as provided by  
13 sections 488.010 to 488.020. Such funds shall be payable to the prosecuting  
14 attorneys and circuit attorneys' retirement fund.

488.2206. 1. **In addition to all court fees and costs prescribed by**  
2 **law, a surcharge of up to ten dollars shall be assessed as costs in each**  
3 **court proceeding filed in any court within the thirty-first judicial**  
4 **circuit in all criminal cases including violations of any county or**  
5 **municipal ordinance or any violation of a criminal or traffic law of the**

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

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

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

9       2. Such cost shall be collected by the clerk and disbursed to the  
10 city at least monthly. The city shall use such additional costs only for  
11 the land assemblage and purchase, construction, maintenance, and  
12 upkeep of a municipal courthouse. The costs collected may be pledged  
13 to directly or indirectly secure bonds for the cost of land assemblage



14 **and purchase, construction, maintenance, and upkeep of the**  
15 **courthouse.**

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

516.350. 1. Every judgment, order or decree of any court of record of the  
2 United States, or of this or any other state, territory or country, except for any  
3 judgment, order, or decree awarding child support or maintenance or dividing  
4 pension, retirement, life insurance, or other employee benefits in connection with  
5 a dissolution of marriage, legal separation or annulment which mandates the  
6 making of payments over a period of time or payments in the future, shall be  
7 presumed to be paid and satisfied after the expiration of ten years from the date  
8 of the original rendition thereof, or if the same has been revived upon personal  
9 service duly had upon the defendant or defendants therein, then after ten years  
10 from and after such revival, or in case a payment has been made on such  
11 judgment, order or decree, and duly entered upon the record thereof, after the  
12 expiration of ten years from the last payment so made, and after the expiration  
13 of ten years from the date of the original rendition or revival upon personal  
14 service, or from the date of the last payment, such judgment shall be conclusively  
15 presumed to be paid, and no execution, order or process shall issue thereon, nor  
16 shall any suit be brought, had or maintained thereon for any purpose whatever.  
17 An action to emancipate a child, and any personal service or order rendered  
18 thereon, shall not act to revive the support order.

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

26 3. In any judgment, order, or decree dividing pension, retirement, life

27 insurance, or other employee benefits in connection with a dissolution of  
28 marriage, legal separation or annulment, each periodic payment shall be  
29 presumed paid and satisfied after the expiration of ten years from the date that  
30 periodic payment is due, unless the judgment has been otherwise revived as set  
31 out in subsection 1 of this section. This subsection shall take effect as to all such  
32 judgments, orders, or decrees which have not been presumed paid pursuant to  
33 subsection 1 of this section as of August 28, 2001.

34 4. In any judgment, order or decree awarding child support or  
35 maintenance, payment duly entered on the record as provided in subsection 1 of  
36 this section shall include recording of payments or credits in the automated child  
37 support system created pursuant to chapter 454 by the division of child support  
38 enforcement or payment center pursuant to chapter 454.

39 **5. Any judgment, order, or decree awarding unpaid rent may be**  
40 **revived upon publication consistent with the publication requirements**  
41 **of section 506.160 and need not be personally served on the defendant.**

536.010. For the purpose of this chapter:

2 (1) "Affected small business" or "affects small business" means any  
3 potential or actual requirement imposed upon a small business or minority small  
4 business through a state agency's proposed or adopted rule that will cause direct  
5 and significant economic burden upon a small business or minority small  
6 business, or that is directly related to the formation, operation, or expansion of  
7 a small business;

8 (2) "Agency" means any administrative officer or body existing under the  
9 constitution or by law and authorized by law or the constitution to make rules or  
10 to adjudicate contested cases, except those in the legislative or judicial branches;

11 (3) "Board" means the small business regulatory fairness board, except  
12 when the word is used in section 536.100;

13 (4) "Contested case" means a proceeding before an agency in which legal  
14 rights, duties or privileges of specific parties are required by law to be determined  
15 after hearing;

16 (5) The term "decision" includes decisions and orders whether negative or  
17 affirmative in form;

18 (6) "Rule" means each agency statement of general applicability that  
19 implements, interprets, or prescribes law or policy, or that describes the  
20 organization, procedure, or practice requirements of any agency. The term  
21 includes the amendment or repeal of an existing rule, but does not include:

22 (a) A statement concerning only the internal management of an agency

23 and which does not substantially affect the legal rights of, or procedures available  
24 to, the public or any segment thereof;

25 (b) A declaratory ruling issued pursuant to section 536.050, or an  
26 interpretation issued by an agency with respect to a specific set of facts and  
27 intended to apply only to that specific set of facts;

28 (c) An intergovernmental, interagency, or intraagency memorandum,  
29 directive, manual or other communication which does not substantially affect the  
30 legal rights of, or procedures available to, the public or any segment thereof;

31 (d) A determination, decision, or order in a contested case;

32 (e) An opinion of the attorney general;

33 (f) Those portions of staff manuals, instructions or other statements  
34 issued by an agency which set forth criteria or guidelines to be used by its staff  
35 in auditing, in making inspections, in settling commercial disputes or negotiating  
36 commercial arrangements, or in the selection or handling of cases, such as  
37 operational tactics or allowable tolerances or criteria for the defense, prosecution,  
38 or settlement of cases, when the disclosure of such statements would enable law  
39 violators to avoid detection, facilitate disregard of requirements imposed by law,  
40 or give a clearly improper advantage to persons who are in an adverse position  
41 to the state;

42 (g) A specification of the prices to be charged for goods or services sold by  
43 an agency as distinguished from a license fee, or other fees;

44 (h) A statement concerning only the physical servicing, maintenance or  
45 care of publicly owned or operated facilities or property;

46 (i) A statement relating to the use of a particular publicly owned or  
47 operated facility or property, the substance of which is indicated to the public by  
48 means of signs or signals;

49 (j) A decision by an agency not to exercise a discretionary power;

50 (k) **Except for statements concerning the execution of inmates,**  
51 a statement concerning only inmates of an institution under the control of the  
52 department of corrections and human resources or the division of youth services,  
53 students enrolled in an educational institution, or clients of a health care facility,  
54 when issued by such an agency;

55 (l) Statements or requirements establishing the conditions under which  
56 persons may participate in exhibitions, fairs or similar activities, managed by the  
57 state or an agency of the state;

58 (m) Income tax or sales forms, returns and instruction booklets prepared  
59 by the state department of revenue for distribution to taxpayers for use in

60 preparing tax returns;

61 (7) "Small business" means a for-profit enterprise consisting of fewer than  
62 one hundred full- or part-time employees;

63 (8) "State agency" means each board, commission, department, officer or  
64 other administrative office or unit of the state other than the general assembly,  
65 the courts, the governor, or a political subdivision of the state, existing under the  
66 constitution or statute, and authorized by the constitution or statute to make  
67 rules or to adjudicate contested cases.

**537.602. 1. As used in this section the following terms shall  
2 mean:**

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

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

10 2. Any entity which supervises community service work  
11 performed as a requirement for deferment of any criminal charge  
12 under a written agreement with a federal, state, or local prosecutor, or  
13 any entity which derives benefits from the performance of community  
14 service work shall be immune from any suit by the person performing  
15 the community service work or by any person deriving a cause of  
16 action from the person performing the community service work if that  
17 cause of action arises from the supervision of the work performed,  
18 except that the entity supervising the work shall not be immune from  
19 any suit for gross negligence or for an intentional tort.

20 3. Community service work shall not be deemed employment  
21 within the meaning of the provisions of chapter 288 and a person  
22 performing community service work under the provisions of this  
23 section shall not be deemed an employee within the meaning of the  
24 provisions of chapter 287.

546.720. 1. The manner of inflicting the punishment of death shall be by  
2 the administration of lethal gas or by means of the administration of lethal  
3 injection. And for such purpose the director of the department of corrections is  
4 hereby authorized and directed to provide a suitable and efficient room or place,  
5 enclosed from public view, within the walls of a correctional facility of the

6 department of corrections, and the necessary appliances for carrying into  
7 execution the death penalty by means of the administration of lethal gas or by  
8 means of the administration of lethal injection.

9         2. The director of the department of corrections shall select an execution  
10 team which shall consist of those persons who administer lethal gas or lethal  
11 chemicals and those persons, such as medical personnel, who provide direct  
12 support for the administration of lethal gas or lethal chemicals. The identities  
13 of members of the execution team, as defined in the execution protocol of the  
14 department of corrections, shall be kept confidential. Notwithstanding any  
15 provision of law to the contrary, any portion of a record that could identify a  
16 person as being a current or former member of an execution team shall be  
17 privileged and shall not be subject to discovery, subpoena, or other means of legal  
18 compulsion for disclosure to any person or entity, the remainder of such record  
19 shall not be privileged or closed unless protected from disclosure by law. The  
20 section of an execution protocol that directly relates to the administration of  
21 lethal gas or lethal chemicals is an open record, the remainder of any execution  
22 protocol of the department of corrections is a closed record.

23         3. A person may not, without the approval of the director of the  
24 department of corrections, knowingly disclose the identity of a current or former  
25 member of an execution team or disclose a record knowing that it could identify  
26 a person as being a current or former member of an execution team. Any person  
27 whose identity is disclosed in violation of this section shall:

- 28         (1) Have a civil cause of action against a person who violates this section;
- 29         (2) Be entitled to recover from any such person:
  - 30             (a) Actual damages; and
  - 31             (b) Punitive damages on a showing of a willful violation of this section.

32         4. Notwithstanding any provision of law to the contrary, if a member of  
33 the execution team is licensed by a board or department, the licensing board or  
34 department shall not censure, reprimand, suspend, revoke, or take any other  
35 disciplinary action against the person's license because of his or her participation  
36 in a lawful execution. All members of the execution team are entitled to coverage  
37 under the state legal expense fund established by section 105.711 for conduct of  
38 such execution team member arising out of and performed in connection with his  
39 or her official duties on behalf of the state or any agency of the state, provided  
40 that moneys in this fund shall not be available for payment of claims under  
41 chapter 287.

42         5. **The department of corrections shall promulgate rules to**

43 administer the provisions of this section. Any rule or portion of a rule,  
44 as that term is defined in section 536.010, that is created under the  
45 authority delegated in this section shall become effective only if it  
46 complies with and is subject to all of the provisions of chapter 536 and,  
47 if applicable, section 536.028. This section and chapter 536 are  
48 nonseverable and if any of the powers vested with the general assembly  
49 under chapter 536 to review, to delay the effective date, or to  
50 disapprove and annul a rule are subsequently held unconstitutional,  
51 then the grant of rulemaking authority and any rule proposed or  
52 adopted after August 28, 2014, shall be invalid and void.

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

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

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

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

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

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

9 (2) "Offender", a person ordered to the department of mental

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

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

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

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

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

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

24 children, including but not limited to enticement of a child, possession or  
25 promotion of child pornography, provide funding for the training of law  
26 enforcement personnel and prosecuting and circuit attorneys as well as their  
27 assistant prosecuting and circuit attorneys, and purchase necessary equipment,  
28 supplies, and services. The funding for such training may be used to cover the  
29 travel expenses of those persons participating.

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

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

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

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

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

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

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

47           **(7) The executive director of the Missouri office of prosecution**  
48 **services, or his or her designee.**

49 The panel members who are appointed under subdivisions (2), (3), and (4) of this  
50 subsection shall serve a four-year term ending four years from the date of  
51 expiration of the term for which his or her predecessor was appointed. However,  
52 a person appointed to fill a vacancy prior to the expiration of such a term shall  
53 be appointed for the remainder of the term. Such members shall hold office for  
54 the term of his or her appointment and until a successor is appointed. The  
55 members of the panel shall receive no additional compensation but shall be  
56 eligible for reimbursement for mileage directly related to the performance of  
57 panel duties.

58       4. Local matching amounts, which may include new or existing funds or  
59 in-kind resources including but not limited to equipment or personnel, are  
60 required for multijurisdictional Internet cyber crime law enforcement task forces



61 and other law enforcement agencies to receive grants awarded by the panel. Such  
62 amounts shall be determined by the state appropriations process or by the panel.

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

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

68 7. Multijurisdictional Internet cyber crime law enforcement task forces  
69 and other law enforcement agencies participating in the grant program  
70 established in subsection 2 of this section shall share information and cooperate  
71 with the highway patrol and with existing Internet crimes against children task  
72 force programs.

73 8. The panel may make recommendations to the general assembly  
74 regarding the need for additional resources or appropriations.

75 9. The power of arrest of any peace officer who is duly authorized as a  
76 member of a multijurisdictional Internet cyber crime law enforcement task force  
77 shall only be exercised during the time such peace officer is an active member of  
78 such task force and only within the scope of the investigation on which the task  
79 force is working. Notwithstanding other provisions of law to the contrary, such  
80 task force officer shall have the power of arrest, as limited in this subsection,  
81 anywhere in the state and shall provide prior notification to the chief of police of  
82 a municipality or the sheriff of the county in which the arrest is to take place. If  
83 exigent circumstances exist, such arrest may be made and notification shall be  
84 made to the chief of police or sheriff as appropriate and as soon as practical. The  
85 chief of police or sheriff may elect to work with the multijurisdictional Internet  
86 cyber crime law enforcement task force at his or her option when such task force  
87 is operating within the jurisdiction of such chief of police or sheriff.

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

89 (1) The provisions of the new program authorized under this section shall  
90 [sunset automatically six years after June 5, 2006] **be reauthorized on August**  
91 **28, 2014, and shall expire on December 31, 2024**, unless reauthorized by an  
92 act of the general assembly; and

93 (2) If such program is reauthorized, the program authorized under this  
94 section shall sunset automatically twelve years after the effective date of the  
95 reauthorization of this section; and

96 (3) This section shall terminate on September first of the calendar year  
97 immediately following the calendar year in which the program authorized under

98 this section is sunset.

2 [578.501. 1. This section shall be known as "Spc. Edward  
Lee Myers' Law".

3 2. It shall be unlawful for any person to engage in picketing  
4 or other protest activities in front of or about any location at which  
5 a funeral is held, within one hour prior to the commencement of  
6 any funeral, and until one hour following the cessation of any  
7 funeral. Each day on which a violation occurs shall constitute a  
8 separate offense. Violation of this section is a class B  
9 misdemeanor, unless committed by a person who has previously  
10 pled guilty to or been found guilty of a violation of this section, in  
11 which case the violation is a class A misdemeanor.

12 3. For the purposes of this section, "funeral" means the  
13 ceremonies, processions and memorial services held in connection  
14 with the burial or cremation of the dead.]

2 [578.502. 1. This section shall be known as "Spc. Edward  
Lee Myers' Law".

3 2. It shall be unlawful for any person to engage in picketing  
4 or other protest activities within three hundred feet of or about any  
5 location at which a funeral is held, within one hour prior to the  
6 commencement of any funeral, and until one hour following the  
7 cessation of any funeral. Each day on which a violation occurs  
8 shall constitute a separate offense. Violation of this section is a  
9 class B misdemeanor, unless committed by a person who has  
10 previously pled guilty to or been found guilty of a violation of this  
11 section, in which case the violation is a class A misdemeanor.

12 3. For purposes of this section, "funeral" means the  
13 ceremonies, processions, and memorial services held in connection  
14 with the burial or cremation of the dead.]

2 [578.503. The enactment of section 578.502 shall become  
effective only on the date the provisions of section 578.501 are  
3 finally declared void or unconstitutional by a court of competent  
4 jurisdiction and upon notification by the attorney general to the  
5 revisor of statutes.]

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