

CONFERENCE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE NO. 2

FOR

SENATE BILL NO. 128

AN ACT

To repeal sections 105.478, 144.026, 210.845, 302.441, 400.9-501, 452.370, 452.747, 454.500, 456.1-103, 456.4-414, 456.4-420, 456.8-808, 475.024, 478.463, 479.020, 479.170, 479.353, 488.029, 488.2206, 488.2250, 488.5050, 513.430, 513.440, 514.040, 515.575, 515.635, 552.020, 557.035, 565.076, 565.091, 566.010, 575.280, 577.001, 577.010, 577.037, 577.060, and 595.045, RSMo, and to enact in lieu thereof sixty-eight new sections relating to judicial proceedings, with penalty provisions.

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

1           Section A. Sections 105.478, 144.026, 210.845, 302.441,  
2   400.9-501, 452.370, 452.747, 454.500, 456.1-103, 456.4-414,  
3   456.4-420, 456.8-808, 475.024, 478.463, 479.020, 479.170,  
4   479.353, 488.029, 488.2206, 488.2250, 488.5050, 513.430, 513.440,  
5   514.040, 515.575, 515.635, 552.020, 557.035, 565.076, 565.091,  
6   566.010, 575.280, 577.001, 577.010, 577.037, 577.060, and  
7   595.045, RSMo, are repealed and sixty-eight new sections enacted  
8   in lieu thereof, to be known as sections 29.225, 105.478,  
9   105.713, 144.026, 210.845, 210.1109, 252.069, 302.441, 400.9-501,  
10   452.370, 452.747, 454.500, 456.1-103, 456.4-414, 456.4-420,  
11   456.8-808, 472.400, 472.405, 472.410, 472.415, 472.420, 472.425,  
12   472.430, 472.435, 472.440, 472.445, 472.450, 472.455, 472.460,

1 472.465, 472.470, 472.475, 472.480, 472.485, 472.490, 475.084,  
2 475.600, 475.602, 475.604, 478.463, 479.020, 479.170, 479.353,  
3 479.354, 488.029, 488.2206, 488.2250, 488.5050, 513.430, 513.440,  
4 514.040, 515.575, 515.635, 552.020, 557.035, 565.076, 565.091,  
5 566.010, 570.095, 575.280, 577.001, 577.010, 577.011, 577.037,  
6 577.060, 589.664, 595.045, and 595.219, to read as follows:

7 29.225. When requested by a prosecuting attorney or circuit  
8 attorney or law enforcement agency, the auditor or his or her  
9 authorized representatives may audit all or part of any political  
10 subdivision or other government entity as part of an  
11 investigation of improper government activities, including  
12 official misconduct, fraud, misappropriation, mismanagement,  
13 waste of resources, or a violation of state or federal law, rule,  
14 or regulation.

15 105.478. Any person guilty of knowingly violating any of  
16 the provisions of sections 105.450 to 105.498 shall be punished  
17 as follows:

18 (1) [For the first offense, such person is guilty of a] The  
19 offense is a class B misdemeanor, unless the person has  
20 previously been found guilty of knowingly violating any of the  
21 provisions of sections 105.450 to 105.498, in which case such  
22 person shall be guilty of a class E felony;

23 (2) [For the second and subsequent offenses] For any  
24 offense involving more than seven hundred fifty dollars in value  
25 of any combination of goods or services, such person is guilty of  
26 a class E felony.

27 105.713. 1. By no later than September 30, 2017, and the  
28 last day of each calendar month thereafter, the attorney general

1 and the commissioner of administration shall submit a report to  
2 the general assembly detailing all settlements and judgments paid  
3 in the previous month from the state legal expense fund,  
4 including:

5 (1) Each payment from such fund, which shall include the  
6 case name and number of any settlement payments from such fund;

7 (2) Each individual deposit to such fund, including:

8 (a) The transferring state fund's name and section number  
9 authorizing the transfer of such funds; and

10 (b) The case name and case number that correspond to any  
11 expenses authorized under section 105.711 for which the deposit  
12 is being made; and

13 (3) The total amount of expenses from such fund's creation  
14 for each case included in the report.

15 2. In cases concerning the legal expenses incurred by the  
16 department of transportation, department of conservation, or a  
17 public institution that awards baccalaureate degrees, the report  
18 required under subsection 1 of this section shall be submitted by  
19 the legal counsel provided by the respective entity and by the  
20 designated keeper of accounts of the respective entity.

21 144.026. The director of revenue shall not send notice to  
22 any taxpayer under subsection 2 of section 144.021 regarding the  
23 decision in IBM Corporation v. Director of Revenue, [Case No.  
24 94999] 491 S.W.3d 535 (Mo. banc 2016) prior to August 28, [2017]  
25 2018.

26 210.845. 1. The provisions of any decree respecting  
27 support may be modified only upon a showing of changed  
28 circumstances so substantial and continuing as to make the terms

1 unreasonable. In a proceeding for modifications of any child  
2 support award, the court, in determining whether or not a  
3 substantial change in circumstances has occurred, shall consider  
4 all financial resources of both parties, including the extent to  
5 which the reasonable expenses of either party are, or should be,  
6 shared by a spouse or other person with whom he cohabits, and the  
7 earning capacity of a party who is not employed. If the  
8 application of the guidelines and criteria set forth in supreme  
9 court rule 88.01 to the financial circumstances of the parties  
10 would result in a change of child support from the existing  
11 amount by twenty percent or more, then a prima facie showing has  
12 been made of a change of circumstances so substantial and  
13 continuing as to make the present terms unreasonable.

14 2. When the party seeking modification has met the burden  
15 of proof set forth in subsection 1 of this section, the child  
16 support shall be determined in conformity with criteria set forth  
17 in supreme court rule 88.01.

18 3. A responsive pleading shall be filed in response to any  
19 motion to modify a child support or custody judgment.

20 210.1109. During any child protective investigation or  
21 assessment that does not result in an out-of-home placement, if  
22 the children's division determines that a child is at risk for  
23 possible removal and placement in out-of-home care, the division  
24 shall provide information to the parent or guardian about  
25 community service programs that provide respite care, voluntary  
26 guardianship, or other support services for families in crisis in  
27 cases where such services may address the needs of the family.  
28 The children's division is authorized to exercise its discretion

1 in recommending community service programs provided to a parent  
2 or guardian under this section.

3 252.069. Any agent of the conservation commission may  
4 enforce the provisions of sections 577.070 and 577.080 and arrest  
5 violators only upon the water, the banks thereof, or upon public  
6 land.

7 302.441. 1. If a person is required to have an ignition  
8 interlock device installed on such person's vehicle, he or she  
9 may apply to the court for an employment exemption variance to  
10 allow him or her to drive an employer-owned vehicle not equipped  
11 with an ignition interlock device for employment purposes only.  
12 Such exemption shall not be granted to a person who is self-  
13 employed or who wholly or partially owns or controls an entity  
14 that owns an employer-owned vehicle.

15 2. A person who is granted an employment exemption variance  
16 under subsection 1 of this section shall not drive, operate, or  
17 be in physical control of an employer-owned vehicle used for  
18 transporting children under eighteen years of age or vulnerable  
19 persons, as defined in section 630.005, or an employer-owned  
20 vehicle for personal use.

21 400.9-501. (a) Except as otherwise provided in subsection  
22 (b), if the local law of this state governs perfection of a  
23 security interest or agricultural lien, the office in which to  
24 file a financing statement to perfect the security interest or  
25 agricultural lien is:

26 (1) The office designated for the filing or recording of a  
27 record of a mortgage on the related real property, if:

28 (A) The collateral is as-extracted collateral or timber to

1 be cut; or

2 (B) The financing statement is filed as a fixture filing  
3 and the collateral is goods that are or are to become fixtures;  
4 or

5 (2) The office of the secretary of state in all other  
6 cases, including a case in which the collateral is goods that are  
7 or are to become fixtures and the financing statement is not  
8 filed as a fixture filing.

9 (b) The office in which to file a financing statement to  
10 perfect a security interest in collateral, including fixtures, of  
11 a transmitting utility is the office of the secretary of state.  
12 The financing statement also constitutes a fixture filing as to  
13 the collateral indicated in the financing statement which is or  
14 is to become fixtures.

15 [(c) A person shall not knowingly or intentionally file,  
16 attempt to file, or record any document related to real property  
17 with a recorder of deeds under chapter 59 or a financing  
18 statement with the secretary of state under subdivision (2) of  
19 subsection (a) or subsection (b) of this section, with the intent  
20 that such document or statement be used to harass or defraud any  
21 other person or knowingly or intentionally file, attempt to file,  
22 or record such a document or statement that is materially false  
23 or fraudulent.

24 (1) A person who violates this subsection shall be guilty  
25 of a class E felony.

26 (2) If a person is convicted of a violation under this  
27 subsection, the court may order restitution.

28 (d) In the alternative to the provisions of sections

1 428.105 through 428.135, if a person files a false or fraudulent  
2 financing statement with the secretary of state under subdivision  
3 (2) of subsection (a) or subsection (b) of this section, a debtor  
4 named in that financing statement may file an action against the  
5 person that filed the financing statement seeking appropriate  
6 equitable relief, actual damages, or punitive damages, including,  
7 but not limited to, reasonable attorney fees.]

8 452.370. 1. Except as otherwise provided in subsection 6  
9 of section 452.325, the provisions of any judgment respecting  
10 maintenance or support may be modified only upon a showing of  
11 changed circumstances so substantial and continuing as to make  
12 the terms unreasonable. A responsive pleading shall be filed in  
13 response to any motion to modify a child support or maintenance  
14 judgment. In a proceeding for modification of any child support  
15 or maintenance judgment, the court, in determining whether or not  
16 a substantial change in circumstances has occurred, shall  
17 consider all financial resources of both parties, including the  
18 extent to which the reasonable expenses of either party are, or  
19 should be, shared by a spouse or other person with whom he or she  
20 cohabits, and the earning capacity of a party who is not  
21 employed. If the application of the child support guidelines and  
22 criteria set forth in section 452.340 and applicable supreme  
23 court rules to the financial circumstances of the parties would  
24 result in a change of child support from the existing amount by  
25 twenty percent or more, a prima facie showing has been made of a  
26 change of circumstances so substantial and continuing as to make  
27 the present terms unreasonable, if the existing amount was based  
28 upon the presumed amount pursuant to the child support

1 guidelines.

2 2. When the party seeking modification has met the burden  
3 of proof set forth in subsection 1 of this section, the child  
4 support shall be determined in conformity with criteria set forth  
5 in section 452.340 and applicable supreme court rules.

6 3. Unless otherwise agreed in writing or expressly provided  
7 in the judgment, the obligation to pay future statutory  
8 maintenance is terminated upon the death of either party or the  
9 remarriage of the party receiving maintenance.

10 4. Unless otherwise agreed in writing or expressly provided  
11 in the judgment, provisions for the support of a child are  
12 terminated by emancipation of the child. The parent entitled to  
13 receive child support shall have the duty to notify the parent  
14 obligated to pay support of the child's emancipation and failing  
15 to do so, the parent entitled to receive child support shall be  
16 liable to the parent obligated to pay support for child support  
17 paid following emancipation of a minor child, plus interest.

18 5. If a parent has made an assignment of support rights to  
19 the family support division on behalf of the state as a condition  
20 of eligibility for benefits pursuant to the Temporary Assistance  
21 for Needy Families program and either party initiates a motion to  
22 modify the support obligation by reducing it, the state of  
23 Missouri shall be named as a party to the proceeding. The state  
24 shall be served with a copy of the motion by sending it by  
25 certified mail to the director of the family support division.

26 6. The court shall have continuing personal jurisdiction  
27 over both the obligee and the obligor of a court order for child  
28 support or maintenance for the purpose of modifying such order.

1 Both obligee and obligor shall notify, in writing, the clerk of  
2 the court in which the support or maintenance order was entered  
3 of any change of mailing address. If personal service of the  
4 motion cannot be had in this state, the motion to modify and  
5 notice of hearing shall be served outside the state as provided  
6 by supreme court rule 54.14. The order may be modified only as  
7 to support or maintenance installments which accrued subsequent  
8 to the date of personal service. For the purpose of 42 U.S.C.  
9 Section 666(a)(9)(C), the circuit clerk shall be considered the  
10 appropriate agent to receive notice of the motion to modify for  
11 the obligee or the obligor, but only in those instances in which  
12 personal service could not be had in this state.

13 7. If a responsive pleading raising the issues of custody  
14 or visitation is filed in response to a motion to modify child  
15 support filed at the request of the family support division by a  
16 prosecuting attorney or circuit attorney or an attorney under  
17 contract with the division, such responsive pleading shall be  
18 severed upon request.

19 8. Notwithstanding any provision of this section which  
20 requires a showing of substantial and continuing change in  
21 circumstances, in a IV-D case filed pursuant to this section by  
22 the family support division as provided in section 454.400, the  
23 court shall modify a support order in accordance with the  
24 guidelines and criteria set forth in supreme court rule 88.01 and  
25 any regulations thereunder if the amount in the current order  
26 differs from the amount which would be ordered in accordance with  
27 such guidelines or regulations.

28 452.747. 1. Any petition for modification of child custody

1 decrees filed under the provisions of section 452.410 or sections  
2 452.700 to 452.930 shall be verified and, if the original  
3 proceeding originated in the state of Missouri, shall be filed in  
4 that original case, but service shall be obtained and responsive  
5 pleadings [may] shall be filed as in any original proceeding.

6 2. Before making a decree under section 452.410 or sections  
7 452.700 to 452.930, the litigants, any parent whose parental  
8 rights have not been previously terminated, and any person who  
9 has physical custody of the child shall be served in the manner  
10 provided by the rules of civil procedure and applicable court  
11 rules and [may] shall within thirty days after the date of  
12 service (forty-five days if service by publication) file a  
13 verified answer. If any such persons are outside this state,  
14 notice and opportunity to be heard shall be given under section  
15 452.740.

16 454.500. 1. At any time after the entry of an order  
17 pursuant to sections 454.470 and 454.475, the obligated parent,  
18 the division, or the person or agency having custody of the  
19 dependent child may file a motion for modification with the  
20 director. Such motion shall be in writing, shall set forth the  
21 reasons for modification, and shall state the address of the  
22 moving party. The motion shall be served by the moving party in  
23 the manner provided for in subsection 5 of section 454.465 upon  
24 the obligated parent or the party holding the support rights, as  
25 appropriate. In addition, if the support rights are held by the  
26 family support division on behalf of the state, a true copy of  
27 the motion shall be mailed by the moving party by certified mail  
28 to the person having custody of the dependent child at the last

1 known address of that person. The obligated parent or the party  
2 holding the support rights shall file a pleading in response to  
3 the motion to modify. A hearing on the motion shall then be  
4 provided in the same manner, and determinations shall be based on  
5 considerations set out in section 454.475, unless the party  
6 served fails to respond within thirty days, in which case the  
7 director may enter an order by default. If the child for whom  
8 the order applies is no longer in the custody of a person  
9 receiving public assistance or receiving support enforcement  
10 services from the department, or a division thereof, pursuant to  
11 section 454.425, the director may certify the matter for hearing  
12 to the circuit court in which the order was filed pursuant to  
13 section 454.490 in lieu of holding a hearing pursuant to section  
14 454.475. If the director certifies the matter for hearing to the  
15 circuit court, service of the motion to modify shall be had in  
16 accordance with the provisions of subsection 5 of section  
17 452.370. If the director does not certify the matter for hearing  
18 to the circuit court, service of the motion to modify shall be  
19 considered complete upon personal service, or on the date of  
20 mailing, if sent by certified mail. For the purpose of 42 U.S.C.  
21 Section 666(a)(9)(C), the director shall be considered the  
22 appropriate agent to receive the notice of the motion to modify  
23 for the obligee or the obligor, but only in those instances in  
24 which the matter is not certified to circuit court for hearing,  
25 and only when service of the motion is attempted on the obligee  
26 or obligor by certified mail.

27 2. A motion for modification made pursuant to this section  
28 shall not stay the director from enforcing and collecting upon

1 the existing order pending the modification proceeding unless so  
2 ordered by the court.

3 3. Only payments accruing subsequent to the service of the  
4 motion for modification upon all named parties to the motion may  
5 be modified. Modification may be granted only upon a showing of  
6 a change of circumstances so substantial and continuing as to  
7 make the terms unreasonable. In a proceeding for modification of  
8 any child support award, the director, in determining whether or  
9 not a substantial change in circumstances has occurred, shall  
10 consider all financial resources of both parties, including the  
11 extent to which the reasonable expenses of either party are, or  
12 should be, shared by a spouse or other person with whom he or she  
13 cohabits, and the earning capacity of a party who is not  
14 employed. If the application of the guidelines and criteria set  
15 forth in supreme court rule 88.01 to the financial circumstances  
16 of the parties would result in a change of child support from the  
17 existing amount by twenty percent or more, then a prima facie  
18 showing has been made of a change of circumstances so substantial  
19 and continuing as to make the present terms unreasonable.

20 4. If the division has entered an order under section  
21 454.470 or 454.500, and an additional child or children not the  
22 subject of the order are born to the parties, the division may,  
23 following the filing of a motion to modify, service of process,  
24 and opportunity for a hearing pursuant to this section, modify  
25 the underlying child support order to include a single child  
26 support obligation for all children of the parties in conformity  
27 with the criteria set forth in supreme court rule 88.01.

28 5. The circuit court may, upon such terms as may be just,

1     relieve a parent from an administrative order entered against  
2     that parent because of mistake, inadvertence, surprise, or  
3     excusable neglect.

4             6. No order entered pursuant to section 454.476 shall be  
5     modifiable pursuant to this section, except that an order entered  
6     pursuant to section 454.476 shall be amended by the director to  
7     conform with any modification made by the court that entered the  
8     court order upon which the director based his or her order.

9             7. When the party seeking modifications has met the burden  
10    of proof set forth in subsection 3 of this section, then the  
11    child support shall be determined in conformity with the criteria  
12    set forth in supreme court rule 88.01.

13            8. The last four digits of the Social Security number of  
14    the parents shall be recorded on any order entered pursuant to  
15    this section. The full Social Security number of each party and  
16    each child shall be retained in the manner required by section  
17    509.520.

18            456.1-103. In sections 456.1-101 to 456.11-1106:

19            (1) "Action," with respect to an act of a trustee, includes  
20    a failure to act;

21            (2) "Ascertainable standard" means a standard relating to  
22    an individual's health, education, support, or maintenance within  
23    the meaning of Section 2041(b)(1)(A) or Section 2541(c)(1) of the  
24    Internal Revenue Code;

25            (3) "Beneficiary" means a person that:

26            (a) has a present or future beneficial interest in a trust,  
27    vested or contingent; or

28            (b) in a capacity other than that of trustee, holds a power

1 of appointment over trust property;

2 (4) "Charitable trust" means a trust, or portion of a  
3 trust, created for a charitable purpose described in subsection 1  
4 of section 456.4-405;

5 (5) "Conservator" means a person described in subdivision  
6 (3) of section 475.010. This term does not include a conservator  
7 ad litem;

8 (6) "Conservator ad litem" means a person appointed by the  
9 court pursuant to the provisions of section 475.097;

10 (7) "Directed trust", means any trust, including a split  
11 interest trust, where the trust instrument authorizes a trust  
12 protector to instruct or direct the trustee or that charges a  
13 trust protector with any responsibilities regarding the trust or  
14 that grants the trust protector one or more powers over the  
15 trust;

16 (8) "Environmental law" means a federal, state, or local  
17 law, rule, regulation, or ordinance relating to protection of the  
18 environment;

19 [(8)] (9) "Financial institution" means a non-foreign  
20 bank, savings and loan or trust company chartered, regulated and  
21 supervised by the Missouri division of finance, the office of the  
22 comptroller of the currency, the office of thrift supervision,  
23 the National Credit Union Administration, or the Missouri  
24 division of credit union supervision. The term "non-foreign  
25 bank" shall mean a bank that is not a foreign bank within the  
26 meaning of subdivision (1) of section 361.005;

27 [(9)] (10) "Guardian" means a person described in  
28 subdivision (7) of section 475.010. The term does not include a

1 guardian ad litem;

2 [(10)] (11) "Interested persons" include beneficiaries and  
3 any others having a property right in or claim against a trust  
4 estate which may be affected by a judicial proceeding. It also  
5 includes fiduciaries and other persons representing interested  
6 persons. The meaning as it relates to particular persons may  
7 vary from time to time and must be determined according to the  
8 particular purposes of, and matter involved in, any proceeding;

9 [(11)] (12) "Interests of the beneficiaries" means the  
10 beneficial interests provided in the terms of the trust;

11 [(12)] (13) "Internal Revenue Code" means the United  
12 States Internal Revenue Code of 1986, as in effect on January 1,  
13 2005, or as later amended;

14 [(13)] (14) "Jurisdiction," with respect to a geographic  
15 area, includes a state or country;

16 [(14)] (15) "Person" means an individual, corporation,  
17 business trust, estate, trust, partnership, limited liability  
18 company, association, joint venture, government; governmental  
19 subdivision, agency, or instrumentality; public corporation, or  
20 any other legal or commercial entity;

21 [(15)] (16) "Permissible distributee" means a beneficiary  
22 who is currently eligible to receive distributions of trust  
23 income or principal, whether mandatory or discretionary;

24 [(16)] (17) "Power of withdrawal" means a presently  
25 exercisable power of a beneficiary to withdraw assets from the  
26 trust without the consent of the trustee or any other person;

27 [(17)] (18) "Principal place of administration" of a trust  
28 is the trustee's usual place of business where the records

1 pertaining to the trust are kept, or the trustee's residence if  
2 the trustee has no such place of business, unless otherwise  
3 designated by the terms of the trust as provided in section  
4 456.1-108. In the case of cotrustees, the principal place of  
5 administration is, in the following order of priority:

6 (a) The usual place of business of the corporate trustee if  
7 there is but one corporate cotrustee;

8 (b) The usual place of business or residence of the trustee  
9 who is a professional fiduciary if there is but one such trustee  
10 and no corporate cotrustee; or

11 (c) The usual place of business or residence of any of the  
12 cotrustees;

13 [(18)] (19) "Professional fiduciary" means an individual  
14 who represents himself or herself to the public as having  
15 specialized training, experience or skills in the administration  
16 of trusts;

17 [(19)] (20) "Property" means anything that may be the  
18 subject of ownership, whether real or personal, legal or  
19 equitable, or any interest therein;

20 [(20)] (21) "Qualified beneficiary" means a beneficiary  
21 who, on the date the beneficiary's qualification is determined:

22 (a) is a permissible distributee;

23 (b) would be a permissible distributee if the interests of  
24 the permissible distributees described in paragraph (a) of this  
25 subdivision terminated on that date; or

26 (c) would be a permissible distributee if the trust  
27 terminated on that date;

28 [(21)] (22) "Record" means information that is inscribed

1 on a tangible medium or that is stored in an electronic or other  
2 medium and is retrievable in perceivable form;

3 [(22)] (23) "Revocable," as applied to a trust, means that  
4 the settlor has the legal power to revoke the trust without the  
5 consent of the trustee or a person holding an adverse interest,  
6 regardless of whether the settlor has the mental capacity to do  
7 so in fact;

8 [(23)] (24) "Settlor" means a person, including a  
9 testator, who creates, or contributes property to, a trust. If  
10 more than one person creates or contributes property to a trust,  
11 each person is a settlor of the portion of the trust property  
12 attributable to that person's contribution except to the extent  
13 another person has the power to revoke or withdraw that portion  
14 pursuant to the terms of the trust;

15 [(24)] (25) "Sign" means, with present intent to  
16 authenticate or adopt a record:

17 (a) to execute or adopt a tangible symbol; or

18 (b) to attach to or logically associate with the record an  
19 electronic sound, symbol, or process;

20 [(25)] (26) "Spendthrift provision" means a term of a  
21 trust which restrains either the voluntary or involuntary  
22 transfer or both the voluntary and involuntary transfer of a  
23 beneficiary's interest;

24 [(26)] (27) "State" means a state of the United States,  
25 the District of Columbia, Puerto Rico, the United States Virgin  
26 Islands, or any territory or insular possession subject to the  
27 jurisdiction of the United States. The term includes an Indian  
28 tribe or band recognized by federal law or formally acknowledged

1 by a state;

2 [(27)] (28) "Terms of a trust" means the manifestation of  
3 the settlor's intent regarding a trust's provisions as expressed  
4 in the trust instrument or as may be established by other  
5 evidence that would be admissible in a judicial proceeding;

6 [(28)] (29) "Trust instrument" means an instrument  
7 executed by the settlor that contains terms of the trust,  
8 including any amendments thereto;

9 [(29)] (30) "Trust protector", means any person, group of  
10 persons or entity not serving as a trustee and not the settlor or  
11 a beneficiary, designated in a trust instrument to instruct or  
12 direct the trustee or charged in the trust instrument with any  
13 responsibilities regarding the trust or expressly granted in the  
14 trust instrument one or more powers over the trust. The term  
15 "trust protector" includes but is not limited to persons or  
16 entities identified in the trust instrument as trust advisors,  
17 trust directors, distribution advisers, or investment advisers;

18 (31) "Trustee" includes an original, additional, and  
19 successor trustee, and a cotrustee.

20 456.4-414. 1. After notice to the qualified beneficiaries,  
21 the trustee of a trust consisting of trust property having a  
22 total value less than [one hundred thousand] two hundred fifty  
23 thousand dollars may terminate the trust if the trustee concludes  
24 that the value of the trust property is insufficient to justify  
25 the cost of administration.

26 2. The court may modify or terminate a trust or remove the  
27 trustee and appoint a different trustee if it determines that the  
28 value of the trust property is insufficient to justify the cost

1 of administration.

2 3. Upon termination of a trust under this section, the  
3 trustee shall distribute the trust property in a manner  
4 consistent with the purposes of the trust.

5 4. This section does not apply to an easement for  
6 conservation or preservation.

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

15 2. The petition described in subsection 1 of this section  
16 shall be verified under oath. The petition may be filed by an  
17 interested person either as a separate judicial proceeding, or  
18 brought with other claims for relief in a single judicial  
19 proceeding, all in the manner prescribed generally for such  
20 proceedings under this chapter. If a petition is joined with  
21 other claims for relief, the court shall enter its order or  
22 judgment on the petition before proceeding any further with any  
23 other claim for relief joined therein. In ruling on such a  
24 petition, the court shall consider the text of the clause, the  
25 context to the terms of the trust instrument as a whole, and in  
26 the context of the verified factual allegations in the petition.  
27 No evidence beyond the pleadings and the trust instrument shall  
28 be taken except as required to resolve an ambiguity in the no-

1 contest clause.

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

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

25 5. An order or judgment shall have effect only as to the  
26 specific trust terms and factual basis recited in the petition.  
27 If claims are later filed that are materially different than  
28 those upon which the order or judgment is based, then to the

1 extent such new claims are raised, the party in whose favor the  
2 order or judgment was entered shall have no protection from  
3 enforcement of the no-contest clause otherwise afforded by the  
4 order and judgment entered under this section.

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

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

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

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

28 (3) Filing a motion, petition, or other claim for relief

1 under chapter 475 concerning the appointment of a guardian or  
2 conservator for the settlor;

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

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

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

12 (7) Filing a motion, pleading, or other claim for relief  
13 concerning a breach of trust by a trustee including, but not  
14 limited to, a claim under section 456.10-1001. For purposes of  
15 this subdivision, "breach of trust" means a trustee's violation  
16 of the terms of a trust instrument, a violation of the trustee's  
17 general fiduciary obligations, or a trustee's violation of a duty  
18 that equity imposes on a trustee;

19 (8) Filing a motion, pleading, or other claim for relief  
20 concerning removal of a trustee including, but not limited to, a  
21 claim for removal under section 456.7-706;

22 (9) To the extent a petition under subsection 1 of this  
23 section is limited to the procedure and purpose described  
24 therein.

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

28 456.8-808. 1. While a trust is revocable, the trustee may

1 follow a direction of the settlor that is contrary to the terms  
2 of the trust.

3 2. A trust instrument may provide for [the appointment of a  
4 trust protector. For purposes of this section, a "trust  
5 protector", whether referred to in the trust instrument by that  
6 name or by some other name, is a person, other than the settlor,  
7 a trustee, or a beneficiary, who is expressly granted in the  
8 trust instrument one or more powers over the trust] one or more  
9 persons, not then serving as a trustee and not the settlor or a  
10 beneficiary, to be given any powers over the trust as expressly  
11 granted in the trust instrument. Any such person may be  
12 identified and appointed as a trust protector or similar term.  
13 Whenever a trust instrument names, appoints, authorizes, or  
14 otherwise designates a trust protector, the trust shall be deemed  
15 a directed trust.

16 3. A trust protector appointed in the trust instrument  
17 shall have only the powers granted to the trust protector by the  
18 express terms of the trust instrument, and a trust protector is  
19 only authorized to act within the scope of the authority  
20 expressly granted in the trust instrument. Without limiting the  
21 authority of the settlor to grant powers to a trust protector,  
22 the express powers that may be granted include, but are not  
23 limited to, the following:

24 (1) Remove and appoint a trustee or a trust protector or  
25 name a successor trustee or trust protector;

26 (2) Modify or amend the trust instrument to:

27 (a) Achieve favorable tax status or respond to changes in  
28 the Internal Revenue Code or state law, or the rulings and

1 regulations under such code or law;

2 (b) Reflect legal changes that affect trust administration;

3 (c) Correct errors or ambiguities that might otherwise  
4 require court construction; or

5 (d) Correct a drafting error that defeats a grantor's  
6 intent;

7 (3) Increase, decrease, modify, or restrict the interests  
8 of the beneficiary or beneficiaries of the trust;

9 (4) Terminate the trust in favor of the beneficiary or  
10 beneficiaries of the trust;

11 (5) Change the applicable law governing the trust and the  
12 trust situs; or

13 (6) Such other powers as are expressly granted to the trust  
14 protector in the trust instrument.

15 4. Notwithstanding any provision in the trust instrument to  
16 the contrary, a trust protector shall have no power to modify a  
17 trust to:

18 (1) Remove a requirement from a trust created to meet the  
19 requirements of 42 U.S.C. Section 1396p(d) (4) to pay back a  
20 governmental entity for benefits provided to the permissible  
21 beneficiary of the trust at the death of that beneficiary; or

22 (2) Reduce or eliminate an income interest of the income  
23 beneficiary of any of the following types of trusts:

24 (a) A trust for which a marital deduction has been taken  
25 for federal tax purposes under Section 2056 or 2523 of the  
26 Internal Revenue Code or for state tax purposes under any  
27 comparable provision of applicable state law, during the life of  
28 the settlor's spouse;

1 (b) A charitable remainder trust under Section 664 of the  
2 Internal Revenue Code, during the life of the noncharitable  
3 beneficiary;

4 (c) A grantor retained annuity trust under Section 2702 of  
5 the Internal Revenue Code, during any period in which the settlor  
6 is a beneficiary; or

7 (d) A trust for which an election as a qualified Sub-  
8 Chapter S Trust under Section 1361(d) of the Internal Revenue  
9 Code is currently in place.

10 5. Except to the extent otherwise provided in a trust  
11 instrument specifically referring to this subsection, the trust  
12 protector shall not exercise a power in a way that would result  
13 in a taxable gift for federal gift tax purposes or cause the  
14 inclusion of any assets of the trust in the trust protector's  
15 gross estate for federal estate tax purposes.

16 6. Except to the extent otherwise provided in the trust  
17 instrument and in subsection 7 of this section, and  
18 notwithstanding any provision of sections 456.1-101 to 456.11-  
19 1106 to the contrary:

20 (1) A trust protector shall act in a fiduciary capacity in  
21 carrying out the powers granted to the trust protector in the  
22 trust instrument, and shall have such duties to the  
23 beneficiaries, the settlor, or the trust as set forth in the  
24 trust instrument; provided, however, that the trust instrument  
25 may provide that the trust protector shall act in a nonfiduciary  
26 capacity. A trust protector is not a trustee, and is not liable  
27 or accountable as a trustee when performing or declining to  
28 perform the express powers given to the trust protector in the

1 trust instrument. A trust protector is not liable for the acts  
2 or omissions of any fiduciary or beneficiary under the trust  
3 instrument;

4 (2) A trust protector is exonerated from any and all  
5 liability for the trust protector's acts or omissions, or arising  
6 from any exercise or nonexercise of the powers expressly  
7 conferred on the trust protector in the trust instrument, unless  
8 it is established by a preponderance of the evidence that the  
9 acts or omissions of the trust protector were done or omitted in  
10 breach of the trust protector's duty, in bad faith or with  
11 reckless indifference;

12 (3) A trust protector is authorized to exercise the express  
13 powers granted in the trust instrument at any time and from time  
14 to time after the trust protector acquires knowledge of their  
15 appointment as trust protector and of the powers granted. The  
16 trust protector may take any action, judicial or otherwise,  
17 necessary to carry out the duties given to the trust protector in  
18 the trust instrument;

19 (4) A trust protector is entitled to receive, from the  
20 assets of the trust for which the trust protector is acting,  
21 reasonable compensation, and reimbursement of the reasonable  
22 costs and expenses incurred, in determining whether to carry out,  
23 and in carrying out, the express powers given to the trust  
24 protector in the trust instrument;

25 (5) A trust protector is entitled to receive, from the  
26 assets of the trust for which the trust protector is acting,  
27 reimbursement of the reasonable costs and expenses, including  
28 attorney's fees, of defending any claim made against the trust

1 protector arising from the acts or omissions of the trust  
2 protector acting in that capacity unless it is established by  
3 clear and convincing evidence that the trust protector was acting  
4 in bad faith or with reckless indifference; and

5 (6) The express powers granted in the trust instrument  
6 shall not be exercised by the trust protector for the trust  
7 protector's own personal benefit.

8 7. If a trust protector is granted a power in the trust  
9 instrument to direct, consent to, or disapprove a trustee's  
10 actual or proposed investment decision, distribution decision, or  
11 other decision of the trustee required to be performed under  
12 applicable trust law in carrying out the duties of the trustee in  
13 administering the trust, then only with respect to such power,  
14 excluding the powers identified in subsection 3 of this section,  
15 the trust protector shall have the same duties and liabilities as  
16 if serving as a trustee under the trust instrument unless the  
17 trust instrument expressly provides otherwise. In carrying out  
18 any written directions given to the trustee by the trust  
19 protector concerning actual or proposed investment decisions, the  
20 trustee shall not be subject to the provisions of sections  
21 469.900 to 469.913. For purposes of this subsection, "investment  
22 decisions" means, with respect to any investment, decisions to  
23 retain, purchase, sell, exchange, tender, or otherwise engage in  
24 transactions affecting the ownership of investments or rights  
25 therein, and, with respect to nonpublicly traded investments, the  
26 valuation thereof.

27 8. Any trustee of a directed trust shall not be accountable  
28 under the law or equity for any act or omission of a trust

1 protector and shall stand absolved from liability for executing  
2 the decisions or instructions from a trust protector, or for  
3 monitoring the actions or inactions of a trust protector. A  
4 trustee shall take reasonable steps to facilitate the activity of  
5 a trust protector in a directed trust. A trustee shall carry out  
6 the written directions given to the trustee by a trust protector  
7 acting within the scope of the powers expressly granted to the  
8 trust protector in the trust instrument. Except [in cases of bad  
9 faith or reckless indifference on the part of the trustee, or] as  
10 otherwise provided in the trust instrument, the trustee shall not  
11 be liable for any loss resulting directly or indirectly from any  
12 act taken or omitted as a result of the written direction of the  
13 trust protector or the failure of the trust protector to provide  
14 consent. Except as otherwise provided in the trust instrument,  
15 the trustee shall have no duty to monitor the conduct of the  
16 trust protector, provide advice to or consult with the trust  
17 protector, or communicate with or warn or apprise any beneficiary  
18 concerning instances in which the trustee would or might have  
19 exercised the trustee's own discretion in a manner different from  
20 the manner directed by the trust protector. Except as otherwise  
21 provided in the trust instrument, any actions taken by the  
22 trustee at the trust protector's direction shall be deemed to be  
23 administrative actions taken by the trustee solely to allow the  
24 trustee to carry out the instructions of the trust protector, and  
25 shall not be deemed to constitute an act by the trustee to  
26 monitor the trust protector or otherwise participate in actions  
27 within the scope of the trust protector's authority.

28 9. Except to the extent otherwise expressly provided in the

1 trust instrument, the trust protector shall be entitled to  
2 receive information regarding the administration of the trust as  
3 follows:

4 (1) Upon the request of the trust protector, unless  
5 unreasonable under the circumstances, the trustee shall promptly  
6 provide to the trust protector any and all information related to  
7 the trust that may relate to the exercise or nonexercise of a  
8 power expressly granted to the trust protector in the trust  
9 instrument. The trustee has no obligation to provide any  
10 information to the trust protector except to the extent a trust  
11 protector requests information under this section;

12 (2) The request of the trust protector for information  
13 under this section shall be with respect to a single trust that  
14 is sufficiently identified to enable the trustee to locate the  
15 records of the trust; and

16 (3) If the trustee is bound by any confidentiality  
17 restrictions with respect to an asset of a trust, a trust  
18 protector who requests information under this section about such  
19 asset shall agree to be bound by the confidentiality restrictions  
20 that bind the trustee before receiving such information from the  
21 trustee.

22 10. A trust protector may resign by giving thirty days'  
23 written notice to the trustee and any successor trust protector.  
24 A successor trust protector, if any, shall have all the powers  
25 expressly granted in the trust instrument to the resigning trust  
26 protector unless such powers are expressly modified for the  
27 successor trust protector.

28 11. A trust protector of a trust having its principal place

1 of administration in this state submits personally to the  
2 jurisdiction of the courts of this state during any period that  
3 the principal place of administration of the trust is located in  
4 this state and the trust protector is serving in such capacity.  
5 The trust instrument may also provide that a trust protector is  
6 subject to the personal jurisdiction of the courts of this state  
7 as a condition of appointment.

8 472.400. Sections 472.400 to 472.490 shall be known and may  
9 be cited as the "Missouri Fiduciary Access to Digital Assets  
10 Act".

11 472.405. As used in sections 472.400 to 472.490, the  
12 following terms mean:

13 (1) "Access", includes view, marshal, manage, copy,  
14 distribute, or delete;

15 (2) "Account", an arrangement under a terms-of-service  
16 agreement in which a custodian carries, maintains, processes,  
17 receives, or stores a digital asset of the user or provides goods  
18 or services to the user;

19 (3) "Agent", an attorney-in-fact granted authority under a  
20 durable or nondurable power of attorney;

21 (4) "Carries", engages in the transmission of electronic  
22 communications;

23 (5) "Catalogue of electronic communications", information  
24 that identifies each person with which a user has had an  
25 electronic communication, the time and date of the communication,  
26 and the electronic address of the person;

27 (6) "Conservator", a person appointed by a court to have  
28 the care and custody of the estate of a minor or a disabled

1 person. A "limited conservator" is one whose duties or powers  
2 are limited. The term "conservator", as used in sections 472.400  
3 to 472.490, includes limited conservator unless otherwise  
4 specified or apparent from the context;

5 (7) "Content of an electronic communication", information  
6 concerning the substance or meaning of the communication which:

7 (a) Has been sent or received by a user;

8 (b) Is in electronic storage by a custodian providing an  
9 electronic-communication service to the public or is carried or  
10 maintained by a custodian providing a remote-computing service to  
11 the public; and

12 (c) Is not readily accessible to the public;

13 (8) "Court", any court with competent jurisdiction within  
14 this state;

15 (9) "Custodian", a person that carries, maintains,  
16 processes, receives, or stores a digital asset of a user;

17 (10) "Designated recipient", a person chosen by a user  
18 using an online tool to administer digital assets of the user;

19 (11) "Digital asset", an electronic record in which an  
20 individual has a right or interest. The term does not include an  
21 underlying asset or liability unless the asset or liability is  
22 itself an electronic record;

23 (12) "Electronic", relating to technology having  
24 electrical, digital, magnetic, wireless, optical,  
25 electromagnetic, or similar capabilities;

26 (13) "Electronic communication", has the same meaning as  
27 set forth in 18 U.S.C. Section 2510(12), as amended;

28 (14) "Electronic-communication service", a custodian that

1 provides to a user the ability to send or receive an electronic  
2 communication;

3 (15) "Fiduciary", an original, additional, or successor  
4 personal representative, conservator, agency, or trustee;

5 (16) "Information", data, text, images, videos, sounds,  
6 codes, computer programs, software, databases, or the like;

7 (17) "Online tool", an electronic service provided by a  
8 custodian that allows the user, in an agreement distinct from the  
9 terms-of-service agreement between the custodian and user, to  
10 provide directions for disclosure or nondisclosure of digital  
11 assets to a third person;

12 (18) "Person", an individual, estate, trust, business or  
13 nonprofit entity, public corporation, government or governmental  
14 subdivision, agency, instrumentality, or other legal entity;

15 (19) "Personal representative", executor or administrator,  
16 including an administrator with the will annexed, an  
17 administrator de bonis non, an administrator pending contest, an  
18 administrator during minority or absence, and any other type of  
19 administrator of the estate of a decedent whose appointment is  
20 permitted, or any person who performs substantially the same  
21 function under the law of Missouri, including without limitation  
22 an affiant who has filed a small estate affidavit under section  
23 473.097. It does not include an executor de son tort;

24 (20) "Power of attorney", a record that grants an agent  
25 authority to act in the place of a principal;

26 (21) "Principal", an individual who grants authority to an  
27 agent in a power of attorney;

28 (22) "Protected person", an individual for whom a

1 conservator has been appointed, including a protectee, a disabled  
2 person, and an individual for whom an application for the  
3 appointment of a conservator is pending;

4 (23) "Record", information that is inscribed on a tangible  
5 medium or that is stored in an electronic or other medium and is  
6 retrievable in perceivable form;

7 (24) "Remote-computing service", a custodian that provides  
8 to a user computer processing services or the storage of digital  
9 assets by means of an electronic communications system, as  
10 defined in 18 U.S.C. Section 2510(14), as amended;

11 (25) "Terms-of-service agreement", an agreement that  
12 controls the relationship between a user and a custodian;

13 (26) "Trustee", a fiduciary with legal title to property  
14 pursuant to an agreement or declaration that creates a beneficial  
15 interest in another, including an original, additional, and  
16 successor trustee, and a co-trustee;

17 (27) "User", a person that has an account with a custodian;

18 (28) "Will", includes a testamentary instrument, a codicil,  
19 a testamentary instrument that only appoints an executor, and  
20 instrument that revokes or revises a testamentary instrument.

21 472.410. 1. Sections 472.400 to 472.490 shall apply to:

22 (1) A fiduciary or agent acting under a will or power of  
23 attorney executed before, on, or after the effective date of  
24 sections 472.400 to 472.490;

25 (2) A personal representative acting for a decedent who  
26 dies before, on, or after the effective date of sections 472.400  
27 to 472.490;

28 (3) A conservatorship proceeding commenced before, on, or

1 after the effective date of sections 472.400 to 472.490; and

2 (4) A trustee acting under a trust created before, on, or  
3 after the effective date of sections 472.400 to 472.490.

4 2. Sections 472.400 to 472.490 shall apply to a custodian  
5 if the user resides in this state or resided in this state at the  
6 time of the user's death.

7 3. Sections 472.400 to 472.490 shall not apply to a digital  
8 asset of an employer used by an employee in the ordinary course  
9 of the employer's business.

10 472.415. 1. A user may use an online tool to direct the  
11 custodian to disclose to a designated recipient or not to  
12 disclose some or all of the user's digital assets, including the  
13 content of electronic communications. If the online tool allows  
14 the user to modify or delete a direction at all times, a  
15 direction regarding disclosure using an online tool overrides a  
16 contrary direction by the user in a will, trust, power of  
17 attorney, or other record.

18 2. If a user has not used an online tool to give direction  
19 under subsection 1 of this section or if the custodian has not  
20 provided an online tool, the user may allow or prohibit in a  
21 will, trust, power of attorney, or other record, disclosure to a  
22 fiduciary of some or all of the user's digital assets, including  
23 the content of electronic communications sent or received by the  
24 user.

25 3. A user's direction under subsection 1 or 2 of this  
26 section overrides a contrary provision in a terms-of-service  
27 agreement that does not require the user to act affirmatively and  
28 distinctly from the user's assent to the terms-of-service.

1       472.420. 1. Sections 472.400 to 472.490 shall not change  
2 or impair a right of a custodian or a user under a terms-of-  
3 service agreement to access and use digital assets of the user.

4       2. Sections 472.400 to 472.490 shall not give a fiduciary  
5 or a designated recipient any new or expanded rights other than  
6 those held by the user for whom, or for whose estate, the  
7 fiduciary or designated recipient acts or represents.

8       3. A fiduciary's or a designated recipient's access to  
9 digital assets may be modified or eliminated by a user, by  
10 federal law, or by a terms-of-service agreement if the user has  
11 not provided direction under section 472.415.

12       472.425. 1. When disclosing digital assets of a user under  
13 sections 472.400 to 472.490, the custodian may at its sole  
14 discretion:

15       (1) Grant a fiduciary or designated recipient full access  
16 to the user's account;

17       (2) Grant a fiduciary or designated recipient partial  
18 access to the user's account sufficient to perform the tasks with  
19 which the fiduciary or designated recipient is charged; or

20       (3) Provide a fiduciary or designated recipient a copy in a  
21 record of any digital asset that, on the date the custodian  
22 received the request for disclosure, the user could have accessed  
23 if the user were alive and had full capacity and access to the  
24 account.

25       2. A custodian may assess a reasonable administrative  
26 charge for the cost of disclosing digital assets under sections  
27 472.400 to 472.490.

28       3. A custodian shall not disclose under sections 472.400 to

1 472.490 a digital asset deleted by a user.

2 4. If a user directs or a fiduciary requests a custodian to  
3 disclose under sections 472.400 to 472.490 some, but not all, of  
4 the user's digital assets, the custodian need not disclose the  
5 assets if segregation of the assets would impose an undue burden  
6 on the custodian. If the custodian believes the direction or  
7 request imposes an undue burden, the custodian or fiduciary may  
8 seek an order from the court to disclose:

9 (1) A subset limited by date of the user's digital assets;

10 (2) All of the user's digital assets to the fiduciary or  
11 designated recipient;

12 (3) None of the user's digital assets; or

13 (4) All of the user's digital assets to the court for  
14 review in camera.

15 472.430. If a deceased user consented or a court directs  
16 disclosure of the contents of electronic communications of the  
17 user, the custodian shall disclose to the personal representative  
18 of the estate of the user the content of an electronic  
19 communication sent or received by the user if the representative  
20 gives the custodian:

21 (1) A written request for disclosure in physical or  
22 electronic form;

23 (2) A certified copy of the death certificate of the user;

24 (3) A certified copy of the letters testamentary or letters  
25 of administration of the representative or a certified copy of  
26 the certificate of clerk in connection with a small estate  
27 affidavit or court order;

28 (4) Unless the user provided direction using an online

1 tool, then in the case of user consent to disclosure, a copy of  
2 the user's will, trust, power of attorney, or other record  
3 evidencing the user's consent to disclosure of the content of  
4 electronic communications; and

5 (5) If requested by the custodian for the purpose of  
6 identifying the correct account of the user:

7 (a) A number, username, address, or other unique subscriber  
8 or account identifier assigned by the custodian to identify the  
9 user's account;

10 (b) Evidence linking the account to the user; or

11 (c) A finding by the court that:

12 a. The user had a specific account with the custodian,  
13 identifiable by the information specified in paragraph (a) of  
14 this subdivision;

15 b. Disclosure of the content of electronic communications  
16 of the user would not violate 18 U.S.C. Section 2701 et seq., as  
17 amended, 47 U.S.C. Section 222, as amended, or other applicable  
18 law;

19 c. Unless the user provided direction using an online tool,  
20 the user consented to disclosure of the content of electronic  
21 communications; or

22 d. Disclosure of the content of electronic communications  
23 of the user is reasonably necessary for administration of the  
24 estate.

25 472.435. Unless the user prohibited disclosure of digital  
26 assets or the court directs otherwise, a custodian shall disclose  
27 to the personal representative of the estate of a deceased user a  
28 catalogue of electronic communications sent or received by the

1 user and digital assets, other than the content of electronic  
2 communications, of the user, if the representative gives the  
3 custodian:

4 (1) A written request for disclosure in physical or  
5 electronic form;

6 (2) A certified copy of the death certificate of the user;

7 (3) A certified copy of the letters testamentary or letters  
8 of administration of the representative or a certified copy of  
9 certificate of clerk in connection with a small estate affidavit  
10 or court order; and

11 (4) If requested by the custodian for the purpose of  
12 identifying the correct account of the correct user:

13 (a) A number, username, address, or other unique subscriber  
14 or account identifier assigned by the custodian to identify the  
15 user's account;

16 (b) Evidence linking the account to the user;

17 (c) An affidavit stating that disclosure of the user's  
18 digital assets is reasonably necessary for administration of the  
19 estate; or

20 (d) A finding by the court that:

21 a. The user had a specific account with the custodian,  
22 identifiable by the information specified in paragraph (a) of  
23 this subdivision; or

24 b. Disclosure of the user's digital assets is reasonably  
25 necessary for administration of the estate.

26 472.440. To the extent a power of attorney expressly grants  
27 an agent authority over the content of electronic communications  
28 sent or received by the principal and unless directed otherwise

1 by the principal or the court, a custodian shall disclose to the  
2 agent the content if the agent gives the custodian:

3 (1) A written request for disclosure in physical or  
4 electronic form;

5 (2) An original or copy of the power of attorney expressly  
6 granting the agent authority over the content of electronic  
7 communications of the principal;

8 (3) A certification by the agent, under penalty of perjury,  
9 that the power of attorney is in effect; and

10 (4) If requested by the custodian for the purpose of  
11 identifying the correct account of the correct user:

12 (a) A number, username, address, or other unique subscriber  
13 or account identifier assigned by the custodian to identify the  
14 principal's account; or

15 (b) Evidence linking the account to the principal.

16 472.445. Unless otherwise ordered by the court, directed by  
17 the principal, or provided by a power of attorney, a custodian  
18 shall disclose to an agent with specific authority over digital  
19 assets or general authority to act on behalf of a principal a  
20 catalogue of electronic communications sent or received by the  
21 principal and digital assets, other than the content of  
22 electronic communications, of the principal if the agent gives  
23 the custodian:

24 (1) A written request for disclosure in physical or  
25 electronic form;

26 (2) An original or a copy of the power of attorney that  
27 gives the agent specific authority over digital assets or general  
28 authority to act on behalf of the principal;

1       (3) A certification by the agent, under penalty of perjury,  
2 that the power of attorney is in effect; and

3       (4) If requested by the custodian for the purpose of  
4 identifying the correct account of the correct user:

5       (a) A number, username, address, or other unique subscriber  
6 or account identifier assigned by the custodian to identify the  
7 principal's account; or

8       (b) Evidence linking the account to the principal.

9       472.450. Unless otherwise ordered by the court or provided  
10 in a trust, a custodian shall disclose to a trustee that is an  
11 original user of an account any digital asset of the account held  
12 in trust, including a catalogue of electronic communications of  
13 the trustee and the content of the electronic communications.

14       472.455. Unless otherwise ordered by the court, directed by  
15 the user, or provided in a trust, a custodian shall disclose to a  
16 trustee that is not an original user of an account the content of  
17 an electronic communication sent or received by an original or  
18 successor user and carried, maintained, processed, received, or  
19 stored by the custodian in the account of the trust if the  
20 trustee gives the custodian:

21       (1) A written request for disclosure in physical or  
22 electronic form;

23       (2) A certified copy of the trust instrument or a  
24 certification of the trust under section 456.10-1013 that  
25 includes consent to disclosure of the content of electronic  
26 communications to the trustee;

27       (3) A certification by the trustee, under penalty of  
28 perjury, that the trust exists and the trustee is a currently

1 acting trustee of the trust; and

2 (4) If requested by the custodian for the purpose of  
3 identifying the correct account of the correct user:

4 (a) A number, username, address, or other unique subscriber  
5 or account identifier assigned by the custodian to identify the  
6 trust's account; or

7 (b) Evidence linking the account to the trust.

8 472.460. Unless otherwise ordered by the court, directed by  
9 the user, or provided in a trust, a custodian shall disclose, to  
10 a trustee that is not an original user of an account, a catalogue  
11 of electronic communications sent or received by an original or  
12 successor user and stored, carried, or maintained by the  
13 custodian in an account of the trust and any digital assets,  
14 other than the content of electronic communications, in which the  
15 trust has a right or interest if the trustee gives the custodian:

16 (1) A written request for disclosure in physical or  
17 electronic form;

18 (2) A certified copy of the trust instrument or a  
19 certification of the trust under section 456.10-1013;

20 (3) A certification by the trustee, under penalty of  
21 perjury, that the trust exists and the trustee is a currently  
22 acting trustee of the trust; and

23 (4) If requested by the custodian for the purpose of  
24 identifying the correct account of the correct user:

25 (a) A number, username, address, or other unique subscriber  
26 or account identifier assigned by the custodian to identify the  
27 trust's account; or

28 (b) Evidence linking the account to the trust.

1           472.465. 1. After an opportunity for a hearing under  
2 Missouri conservatorship law, the court may grant a conservator  
3 access to the digital assets of a protected person.

4           2. Unless otherwise ordered by the court or directed by the  
5 user, a custodian shall disclose to a conservator the catalogue  
6 of electronic communications sent or received by a protected  
7 person and any digital assets, other than the content of  
8 electronic communications, in which the protected person has a  
9 right or interest if the conservator gives the custodian:

10           (1) A written request for disclosure in physical or  
11 electronic form;

12           (2) A certified copy of the court order that gives the  
13 conservator authority over the digital assets of the protected  
14 person; and

15           (3) If requested by the custodian for the purpose of  
16 identifying the correct account of the correct user:

17           (a) A number, username, address, or other unique subscriber  
18 or account identifier assigned by the custodian to identify the  
19 account of the protected person; or

20           (b) Evidence linking the account to the protected person.

21           3. A conservator with general authority to manage the  
22 assets of a protected person may request a custodian of the  
23 digital assets of the protected person to suspend or terminate an  
24 account of the protected person for good cause. A request made  
25 under this subsection shall be accompanied by a certified copy of  
26 the court order giving the conservator authority over the  
27 protected person's property.

28           472.470. 1. The legal duties imposed on a fiduciary

1 charged with managing tangible property apply to the management  
2 of digital assets, including:

- 3 (1) The duty of care;
- 4 (2) The duty of loyalty; and
- 5 (3) The duty of confidentiality.

6 2. A fiduciary's or designated recipient's authority with  
7 respect to a digital asset of a user:

8 (1) Except as otherwise provided in section 472.415, is  
9 subject to the applicable terms-of-service agreement;

10 (2) Is subject to other applicable law, including copyright  
11 law;

12 (3) In the case of a fiduciary, is limited by the scope of  
13 the fiduciary's duties; and

14 (4) May not be used to impersonate the user.

15 3. A fiduciary with authority over the property of a  
16 decedent, protected person, principal, or settlor has the right  
17 to access any digital asset in which the decedent, protected  
18 person, principal, or settlor had a right or interest and that is  
19 not held by a custodian or subject to a terms-of-service  
20 agreement.

21 4. A fiduciary acting within the scope of the fiduciary's  
22 duties is an authorized user of the property of the decedent,  
23 protected person, principal, or settlor for the purpose of  
24 applicable computer-fraud and unauthorized-computer-access laws,  
25 including Missouri law on unauthorized computer access.

26 5. A fiduciary with authority over the tangible, personal  
27 property of a decedent, protected person, principal, or settlor:

- 28 (1) Has the right to access the property and any digital

1 asset stored in it; and

2 (2) Is an authorized user for the purpose of computer-fraud  
3 and unauthorized-computer-access laws, including Missouri law on  
4 unauthorized computer access.

5 6. A custodian may disclose information in an account to a  
6 fiduciary of the user when the information is required to  
7 terminate an account used to access digital assets licensed to  
8 the user.

9 7. A fiduciary of a user may request a custodian to  
10 terminate the user's account. A request for termination shall be  
11 in writing, in either physical or electronic form, and  
12 accompanied by:

13 (1) If the user is deceased, a certified copy of the death  
14 certificate of the user;

15 (2) A certified copy of the letter of testamentary or  
16 letters of administration of the representative or a certified  
17 copy of the certificate of clerk in connection with a small  
18 estate affidavit or court order, power of attorney, or trust  
19 giving the fiduciary authority over the account; and

20 (3) If requested by the custodian for the purpose of  
21 identifying the correct account of the correct user:

22 (a) A number, username, address, or other unique subscriber  
23 or account identifier assigned by the custodian to identify the  
24 user's account;

25 (b) Evidence linking the account to the user; or

26 (c) A finding by the court that the user had a specific  
27 account with the custodian, identifiable by the information  
28 specified in paragraph (a) of this subdivision.

1       472.475. 1. Not later than sixty days after receipt of the  
2 information required under sections 472.430 to 472.470, a  
3 custodian shall comply with a request under sections 472.400 to  
4 472.490 from a fiduciary or designated recipient to disclose  
5 digital assets or terminate an account. If the custodian fails  
6 to comply, the fiduciary or designated recipient may apply to the  
7 court for an order directing compliance.

8       2. An order under subsection 1 of this section directing  
9 compliance shall contain a finding that compliance is not in  
10 violation of 18 U.S.C. Section 2702, as amended.

11       3. A custodian may notify the user that a request for  
12 disclosure or to terminate an account was made under sections  
13 472.400 to 472.490.

14       4. A custodian may deny a request under sections 472.400 to  
15 472.490 from a fiduciary or designated recipient for disclosure  
16 of digital assets or to terminate an account if the custodian is  
17 aware of any lawful access to the account following the receipt  
18 of the fiduciary's request.

19       5. Sections 472.400 to 472.490 do not limit a custodian's  
20 ability to obtain or require a fiduciary or designated recipient  
21 requesting disclosure or termination under such sections to  
22 obtain a court order which:

23       (1) Specifies that an account belongs to the protected  
24 person or principal;

25       (2) Specifies that there is sufficient consent from the  
26 protected person or principal to support the requested  
27 disclosure; and

28       (3) Contains a finding required by law other than as

1 provided under sections 472.400 to 472.490.

2 6. A custodian and its officers, employees, and agents are  
3 immune from liability for an act or omission done in good faith  
4 in compliance with sections 472.400 to 472.490.

5 472.480. In applying and construing sections 472.400 to  
6 472.490, consideration may be given to the need to promote  
7 uniformity of the law with respect to its subject matter among  
8 states that enact similar provisions.

9 472.485. Sections 472.400 to 472.490 modify, limit, or  
10 supersede the Electronic Signatures in Global and National  
11 Commerce Act, 15 U.S.C. Section 7001 et seq., but do not modify,  
12 limit, or supersede Section 101(c) of that act, 15 U.S.C. Section  
13 7001(c), or authorize electronic delivery of any of the notices  
14 described in Section 103(b) of that act, 15 U.S.C. Section  
15 7003(b).

16 472.490. If any provision of sections 472.400 to 472.490 or  
17 the application of such sections to any person or circumstance is  
18 held invalid, the invalidity does not affect other provisions or  
19 application of sections 472.400 to 472.490 which can be given  
20 effect without the invalid provision or application, and to this  
21 end the provisions of sections 472.400 to 472.490 are severable.

22 475.084. If a guardian has been appointed for a minor under  
23 the provisions of subdivision (2) of subsection 4 of section  
24 475.030, then a parent of the minor may petition the court for  
25 periods of visitation. The court may order visitation if  
26 visitation is in the best interest of the child.

27 475.600. Sections 210.1109, 475.600, 475.602, and 475.604  
28 shall be known and may be cited as the "Supporting and

1 Strengthening Families Act".

2 475.602. 1. A parent or legal custodian of a child may, by  
3 a properly executed power of attorney as provided under section  
4 475.604, delegate to an attorney-in-fact for a period not to  
5 exceed one year, except as provided under subsection 7 of this  
6 section, any of the powers regarding the care and custody of the  
7 child, except the power to consent to marriage or adoption of the  
8 child, the performance or inducement of an abortion on or for the  
9 child, or the termination of parental rights to the child. A  
10 delegation of powers under this section shall not be construed to  
11 change or modify any parental or legal rights, obligations, or  
12 authority established by an existing court order or deprive the  
13 parent or legal custodian of any parental or legal rights,  
14 obligations, or authority regarding the custody, visitation, or  
15 support of the child.

16 2. The parent or legal custodian of the child shall have  
17 the authority to revoke or withdraw the power of attorney  
18 authorized in subsection 1 of this section at any time. Except  
19 as provided in subsection 7 of this section, if the delegation of  
20 authority lasts longer than one year, the parent or legal  
21 custodian of the child shall execute a new power of attorney for  
22 each additional year that the delegation exists. If a parent  
23 withdraws or revokes the power of attorney, the child shall be  
24 returned to the custody of the parents as soon as reasonably  
25 possible.

26 3. Unless the authority is revoked or withdrawn by the  
27 parent, the attorney-in-fact shall exercise parental or legal  
28 authority on a continuous basis without compensation for the

1 duration of the power of attorney authorized by subsection 1 of  
2 this section and shall not be subject to any statutes dealing  
3 with the licensing or regulation of foster care homes.

4 4. Except as otherwise provided by law, the execution of a  
5 power of attorney by a parent or legal custodian as authorized in  
6 subsection 1 of this section shall not constitute abandonment,  
7 abuse, or neglect as defined in law unless the parent or legal  
8 guardian fails to take custody of the child or execute a new  
9 power of attorney after the one-year time limit has elapsed.  
10 However, it shall be a violation of section 453.110 for a parent  
11 or legal custodian to execute a power of attorney with the  
12 intention of permanently avoiding or divesting himself or herself  
13 of parental and/or legal responsibility for the care of the  
14 child.

15 5. Under a delegation of powers as authorized by subsection  
16 1 of this section, the child or children subject to the power of  
17 attorney shall not be considered placed in foster care as  
18 otherwise defined in law and the parties shall not be subject to  
19 any of the requirements or licensing regulations for foster care  
20 or other regulations relating to community care for children.

21 6. A community service program that offers support services  
22 for families in crisis under this section shall ensure that a  
23 background check is completed for the attorney-in-fact and any  
24 adult members of his or her household prior to the placement of  
25 the child. A background check performed under this section shall  
26 include:

27 (1) A national and state fingerprint-based criminal history  
28 check;

1           (2) A sex offender registry check; and

2           (3) A child abuse and neglect registry, as established  
3 pursuant to section 210.109, check.

4           7. A parent or legal custodian who is a member of the Armed  
5 Forces of the United States including any reserve component  
6 thereof, the commissioned corps of the National Oceanic and  
7 Atmospheric Administration, the Public Health Service of the  
8 United States Department of Health and Human Services detailed by  
9 proper authority for duty with the Armed Forces of the United  
10 States, or who is required to enter or serve in the active  
11 military service of the United States under a call or order of  
12 the President of the United States or to serve on state active  
13 duty may delegate the powers designated in subsection 1 of this  
14 section for a period longer than one year if on active duty  
15 service. The term of delegation shall not exceed the term of  
16 active duty service plus thirty days.

17           8. Nothing in this section shall conflict or set aside the  
18 preexisting residency requirements under section 167.020. An  
19 attorney-in-fact to whom powers are delegated under a power of  
20 attorney authorized by this section shall make arrangements to  
21 ensure that the child attends classes at an appropriate school  
22 based upon residency or waiver of such residency requirements by  
23 the school.

24           9. As soon as reasonably possible upon execution of a power  
25 of attorney for the temporary care of a child as authorized under  
26 this section, the child's school shall be notified of the  
27 existence of the power of attorney and be provided a copy of the  
28 power of attorney as well as the contact information for the

1 attorney-in-fact. While the power of attorney is in force, the  
2 school shall communicate with both the attorney-in-fact and any  
3 parent or legal custodian with parental or legal rights,  
4 obligations, or authority regarding the custody, visitation, or  
5 support of the child. The school shall also be notified of the  
6 expiration, termination, or revocation of the power of attorney  
7 as soon as reasonably possible following such expiration,  
8 termination, or revocation and shall no longer communicate with  
9 the attorney-in-fact regarding the child upon the receipt of such  
10 notice.

11 10. No delegation of powers under this section shall  
12 operate to modify a child's eligibility for benefits the child is  
13 receiving at the time of the execution of the power of attorney  
14 including, but not limited to, eligibility for free or reduced  
15 lunch, health care costs, or other social services, except as may  
16 be inconsistent with federal or state law governing the relevant  
17 program or benefit.

18 475.604. Any form for the delegation of powers authorized  
19 under section 475.602 shall be witnessed by a notary public and  
20 contain the following information:

21 (1) The full name of any child for whom parental and legal  
22 authority is being delegated;

23 (2) The date of birth of any child for whom parental and  
24 legal authority is being delegated;

25 (3) The full name and signature of the attorney-in-fact;

26 (4) The address and telephone number of the attorney-in-  
27 fact;

28 (5) The full name and signature of the parent or legal

1 guardian;

2 (6) One of the following statements:

3 (a) "I delegate to the attorney-in-fact all of my power and  
4 authority regarding the care, custody, and property of each minor  
5 child named above including, but not limited to, the right to  
6 enroll the child in school, inspect and obtain copies of  
7 education and other records concerning the child, the right to  
8 give or withhold any consent or waiver with respect to school  
9 activities, medical and dental treatment, and any other activity,  
10 function, or treatment that may concern the child. This  
11 delegation shall not include the power or authority to consent to  
12 marriage or adoption of the child, the performance or inducement  
13 of an abortion on or for the child, or the termination of  
14 parental rights to the child."; or

15 (b) "I delegate to the attorney-in-fact the following  
16 specific powers and responsibilities (insert list). This  
17 delegation shall not include the power or authority to consent to  
18 marriage or adoption of the child, the performance or inducement  
19 of an abortion on or for the child, or the termination of  
20 parental rights to the child."; and

21 (7) A description of the time for which the delegation is  
22 being made and an acknowledgment that the delegation may be  
23 revoked at any time.

24 478.463. There shall be nineteen circuit judges in the  
25 sixteenth judicial circuit consisting of the county of Jackson.  
26 These judges shall sit in nineteen divisions. Divisions one,  
27 three, four, six, seven, eight, nine, ten, eleven, [twelve,]  
28 thirteen, fourteen, fifteen, and eighteen shall sit at the city

1 of Kansas City and divisions two, five, twelve, sixteen, and  
2 seventeen shall sit at the city of Independence. Division  
3 nineteen shall sit at both the city of Kansas City and the city  
4 of Independence. Notwithstanding the foregoing provisions, the  
5 judge of the probate division shall sit at both the city of  
6 Kansas City and the city of Independence.

7 479.020. 1. Any city, town or village, including those  
8 operating under a constitutional or special charter, may, and  
9 cities with a population of four hundred thousand or more shall,  
10 provide by ordinance or charter for the selection, tenure and  
11 compensation of a municipal judge or judges consistent with the  
12 provisions of this chapter who shall have original jurisdiction  
13 to hear and determine all violations against the ordinances of  
14 the municipality. The method of selection of municipal judges  
15 shall be provided by charter or ordinance. Each municipal judge  
16 shall be selected for a term of not less than two years as  
17 provided by charter or ordinance.

18 2. Except where prohibited by charter or ordinance, the  
19 municipal judge may be a part-time judge and may serve as  
20 municipal judge in more than one municipality.

21 3. No person shall serve as a municipal judge of any  
22 municipality with a population of seven thousand five hundred or  
23 more or of any municipality in a county of the first class with a  
24 charter form of government unless the person is licensed to  
25 practice law in this state unless, prior to January 2, 1979, such  
26 person has served as municipal judge of that same municipality  
27 for at least two years.

28 4. Notwithstanding any other statute, a municipal judge

1 need not be a resident of the municipality or of the circuit in  
2 which the municipal judge serves except where ordinance or  
3 charter provides otherwise. Municipal judges shall be residents  
4 of Missouri.

5 5. Judges selected under the provisions of this section  
6 shall be municipal judges of the circuit court and shall be  
7 divisions of the circuit court of the circuit in which the  
8 municipality, or major geographical portion thereof, is located.  
9 The judges of these municipal divisions shall be subject to the  
10 rules of the circuit court which are not inconsistent with the  
11 rules of the supreme court. The presiding judge of the circuit  
12 shall have general administrative authority over the judges and  
13 court personnel of the municipal divisions within the circuit.

14 6. No municipal judge shall hold any other office in the  
15 municipality which the municipal judge serves as judge. The  
16 compensation of any municipal judge and other court personnel  
17 shall not be dependent in any way upon the number of cases tried,  
18 the number of guilty verdicts reached or the amount of fines  
19 imposed or collected.

20 7. Municipal judges shall be at least twenty-one years of  
21 age. No person shall serve as municipal judge after that person  
22 has reached that person's seventy-fifth birthday.

23 8. Within six months after selection for the position, each  
24 municipal judge who is not licensed to practice law in this state  
25 shall satisfactorily complete the course of instruction for  
26 municipal judges prescribed by the supreme court. The state  
27 courts administrator shall certify to the supreme court the names  
28 of those judges who satisfactorily complete the prescribed

1 course. If a municipal judge fails to complete satisfactorily  
2 the prescribed course within six months after the municipal  
3 judge's selection as municipal judge, the municipal judge's  
4 office shall be deemed vacant and such person shall not  
5 thereafter be permitted to serve as a municipal judge, nor shall  
6 any compensation thereafter be paid to such person for serving as  
7 municipal judge.

8 9. No municipal judge shall serve as a municipal judge in  
9 more than five municipalities at one time. A court that serves  
10 more than one municipality shall be treated as a single  
11 municipality for purposes of this subsection.

12 479.170. 1. If, in the progress of any trial before a  
13 municipal judge, it shall appear to the judge that the accused  
14 ought to be put upon trial for an offense against the criminal  
15 laws of the state and not cognizable before him as municipal  
16 judge, he shall immediately stop all further proceedings before  
17 him as municipal judge and cause the complaint to be made before  
18 some associate circuit judge within the county.

19 2. For purposes of this section, any offense involving the  
20 operation of a motor vehicle in an intoxicated condition as  
21 defined in section 577.001 shall not be cognizable in municipal  
22 court, if the defendant has been convicted, found guilty, or pled  
23 guilty to two or more previous intoxication-related traffic  
24 offenses as defined in section ~~[577.023]~~ 577.001, or has had two  
25 or more previous alcohol-related enforcement contacts as defined  
26 in section 302.525.

27 479.353. 1. Notwithstanding any provisions to the  
28 contrary, the following conditions shall apply to minor traffic

1 violations and municipal ordinance violations:

2 (1) The court shall not assess a fine, if combined with the  
3 amount of court costs, totaling in excess of:

4 (a) Two hundred twenty-five dollars for minor traffic  
5 violations; and

6 (b) For municipal ordinance violations committed within a  
7 twelve-month period beginning with the first violation: two  
8 hundred dollars for the first municipal ordinance violation, two  
9 hundred seventy-five dollars for the second municipal ordinance  
10 violation, three hundred fifty dollars for the third municipal  
11 ordinance violation, and four hundred fifty dollars for the  
12 fourth and any subsequent municipal ordinance violations;

13 (2) The court shall not sentence a person to confinement,  
14 except the court may sentence a person to confinement for any  
15 violation involving alcohol or controlled substances, violations  
16 endangering the health or welfare of others, or eluding or giving  
17 false information to a law enforcement officer;

18 (3) A person shall not be placed in confinement for failure  
19 to pay a fine unless such nonpayment violates terms of probation  
20 or unless the due process procedures mandated by Missouri supreme  
21 court rule 37.65 or its successor rule are strictly followed by  
22 the court;

23 (4) Court costs that apply shall be assessed against the  
24 defendant unless the court finds that the defendant is indigent  
25 based on standards set forth in determining such by the presiding  
26 judge of the circuit. Such standards shall reflect model rules  
27 and requirements to be developed by the supreme court; and

28 (5) No court costs shall be assessed if the defendant is

1 found to be indigent under subdivision (4) of this section or if  
2 the case is dismissed.

3 2. When an individual has been held in custody on a notice  
4 to show cause warrant for an underlying minor traffic violation,  
5 the court, on its own motion or on the motion of any interested  
6 party, may review the original fine and sentence and waive or  
7 reduce such fine or sentence when the court finds it reasonable  
8 given the circumstances of the case.

9 479.354. For any notice to appear in court, citation, or  
10 summons on a minor traffic violation, the date and time the  
11 defendant is to appear in court shall be given when such notice  
12 to appear in court, citation, or summons is first provided to the  
13 defendant. Failure to provide such date and time shall render  
14 such notice to appear in court, citation, or summons void.

15 488.029. There shall be assessed and collected a surcharge  
16 of one hundred fifty dollars in all criminal cases for any  
17 violation of chapter 195 or chapter 579 in which a crime  
18 laboratory makes analysis of a controlled substance, but no such  
19 surcharge shall be assessed when the costs are waived or are to  
20 be paid by the state or when a criminal proceeding or the  
21 defendant has been dismissed by the court. The moneys collected  
22 by clerks of the courts pursuant to the provisions of this  
23 section shall be collected and disbursed as provided by sections  
24 488.010 to 488.020. All such moneys shall be payable to the  
25 director of revenue, who shall deposit all amounts collected  
26 pursuant to this section to the credit of the state forensic  
27 laboratory account to be administered by the department of public  
28 safety pursuant to section 650.105.

1           488.2206. 1. In addition to all court fees and costs  
2 prescribed by law, a surcharge of up to ten dollars shall be  
3 assessed as costs in each court proceeding filed in any court  
4 within [the thirty-first judicial circuit] any judicial circuit  
5 composed of a single noncharter county in all civil and criminal  
6 cases including violations of any county or municipal ordinance  
7 or any violation of a criminal or traffic law of the state,  
8 including an infraction, except that no such surcharge shall be  
9 collected in any proceeding in any court when the proceeding or  
10 defendant has been dismissed by the court or when costs are to be  
11 paid by the state, county, or municipality. For violations of  
12 the general criminal laws of the state or county ordinances, no  
13 such surcharge shall be collected unless it is authorized, by  
14 order, ordinance, or resolution by the county government where  
15 the violation occurred. For violations of municipal ordinances,  
16 no such surcharge shall be collected unless it is authorized by  
17 order, ordinance, or resolution by the municipal government where  
18 the violation occurred. Such surcharges shall be collected and  
19 disbursed by the clerk of each respective court responsible for  
20 collecting court costs in the manner provided by sections 488.010  
21 to 488.020, and shall be payable to the treasurer of the  
22 political subdivision authorizing such surcharge, who shall  
23 deposit the funds in a separate account known as the "justice  
24 center fund", to be established and maintained by the political  
25 subdivision.

26           2. Each county or municipality shall use all funds received  
27 pursuant to this section only to pay for the costs associated  
28 with the land assemblage and purchase, planning, construction,

1 maintenance, and operation of any county or municipal judicial  
2 facility or justice center including, but not limited to,  
3 architectural, engineering, and other plans and studies, debt  
4 service, utilities, maintenance, and building security. The  
5 county or municipality shall maintain records identifying [such  
6 operating costs, and any moneys not needed for the operating  
7 costs of the county or municipal judicial facility shall be  
8 transmitted quarterly to the general revenue fund of the county  
9 or municipality respectively] all funds received and expenditures  
10 made from their respective center funds.

11 488.2250. 1. For all appeal transcripts of testimony given  
12 [or proceedings in any circuit court], the court reporter shall  
13 receive the sum of three dollars and fifty cents per legal page  
14 for the preparation of a paper and an electronic version of the  
15 transcript.

16 2. In criminal cases where an appeal is taken by the  
17 defendant and it appears to the satisfaction of the court that  
18 the defendant is unable to pay the costs of the transcript for  
19 the purpose of perfecting the appeal, the court reporter shall  
20 receive a fee of two dollars and sixty cents per legal page for  
21 the preparation of a paper and an electronic version of the  
22 transcript.

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

28 4. For purposes of this section, a legal page, other than

1 the first page and the final page of the transcript, shall be  
2 twenty-five lines, approximately eight and one-half inches by  
3 eleven inches in size, with the left-hand margin of approximately  
4 one and one-half inches, and with the right-hand margin of  
5 approximately one-half inch.

6 5. Notwithstanding any law to the contrary, the payment of  
7 court reporter's fees provided in subsections 2 and 3 of this  
8 section shall be made by the state upon a voucher approved by the  
9 court. The cost to prepare all other transcripts of testimony or  
10 proceedings shall be borne by the party requesting their  
11 preparation and production, who shall reimburse the court  
12 reporter [the sum provided in subsection 1 of this section].

13 488.5050. 1. In addition to any other surcharges  
14 authorized by statute, the clerk of each court of this state  
15 shall collect the surcharges provided for in subsection 2 of this  
16 section.

17 2. A surcharge of thirty dollars shall be assessed as costs  
18 in each circuit court proceeding filed within this state in all  
19 criminal cases in which the defendant is found guilty of a  
20 felony, except when the defendant is found guilty of a class B  
21 felony, class A felony, or an unclassified felony, under chapter  
22 195 or chapter 579, in which case, the surcharge shall be sixty  
23 dollars. A surcharge of fifteen dollars shall be assessed as  
24 costs in each court proceeding filed within this state in all  
25 other criminal cases, except for traffic violation cases in which  
26 the defendant is found guilty of a misdemeanor.

27 3. Notwithstanding any other provisions of law, the moneys  
28 collected by clerks of the courts pursuant to the provisions of

1 subsection 1 of this section shall be collected and disbursed in  
2 accordance with sections 488.010 to 488.020, and shall be payable  
3 to the state treasurer.

4 4. The state treasurer shall deposit such moneys or other  
5 gifts, grants, or moneys received on a monthly basis into the  
6 "DNA Profiling Analysis Fund", which is hereby created in the  
7 state treasury. The fund shall be administered by the department  
8 of public safety. The moneys deposited into the DNA profiling  
9 analysis fund shall be used only by the highway patrol crime lab  
10 to fulfill the purposes of the DNA profiling system pursuant to  
11 section 650.052. Notwithstanding the provisions of section  
12 33.080 to the contrary, any moneys remaining in the fund at the  
13 end of the biennium shall not revert to the credit of the general  
14 revenue fund.

15 5. The provisions of subsections 1 and 2 of this section  
16 shall expire on August 28, 2019.

17 513.430. 1. The following property shall be exempt from  
18 attachment and execution to the extent of any person's interest  
19 therein:

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

25 (2) A wedding or engagement ring not to exceed one thousand  
26 five hundred dollars in value and other jewelry held primarily  
27 for the personal, family or household use of such person or a  
28 dependent of such person, not to exceed five hundred dollars in

1 value in the aggregate;

2 (3) Any other property of any kind, not to exceed in value  
3 **[six hundred]** one thousand two hundred dollars in the aggregate;

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

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

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

12 (7) Any one or more unmatured life insurance contracts  
13 owned by such person, other than a credit life insurance  
14 contract, and up to fifteen thousand dollars of any matured life  
15 insurance proceeds for actual funeral, cremation, or burial  
16 expenses where the deceased is the spouse, child, or parent of  
17 the beneficiary;

18 (8) The amount of any accrued dividend or interest under,  
19 or loan value of, any one or more unmatured life insurance  
20 contracts owned by such person under which the insured is such  
21 person or an individual of whom such person is a dependent;  
22 provided, however, that if proceedings under Title 11 of the  
23 United States Code are commenced by or against such person, the  
24 amount exempt in such proceedings shall not exceed in value one  
25 hundred fifty thousand dollars in the aggregate less any amount  
26 of property of such person transferred by the life insurance  
27 company or fraternal benefit society to itself in good faith if  
28 such transfer is to pay a premium or to carry out a nonforfeiture

1 insurance option and is required to be so transferred  
2 automatically under a life insurance contract with such company  
3 or society that was entered into before commencement of such  
4 proceedings. No amount of any accrued dividend or interest  
5 under, or loan value of, any such life insurance contracts shall  
6 be exempt from any claim for child support. Notwithstanding  
7 anything to the contrary, no such amount shall be exempt in such  
8 proceedings under any such insurance contract which was purchased  
9 by such person within one year prior to the commencement of such  
10 proceedings;

11 (9) Professionally prescribed health aids for such person  
12 or a dependent of such person;

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

14 (a) A Social Security benefit, unemployment compensation or  
15 a public assistance benefit;

16 (b) A veteran's benefit;

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

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

20 (e) Any payment under a stock bonus plan, pension plan,  
21 disability or death benefit plan, profit-sharing plan, nonpublic  
22 retirement plan or any plan described, defined, or established  
23 pursuant to section 456.014, the person's right to a participant  
24 account in any deferred compensation program offered by the state  
25 of Missouri or any of its political subdivisions, or annuity or  
26 similar plan or contract on account of illness, disability,  
27 death, age or length of service, to the extent reasonably  
28 necessary for the support of such person and any dependent of

1 such person unless:

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

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

7 c. Such plan or contract does not qualify under Section  
8 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue  
9 Code of 1986, as amended, (26 U.S.C. Section 401(a), 403(a),  
10 403(b), 408, 408A or 409);

11  
12 except that, any such payment to any person shall be subject to  
13 attachment or execution pursuant to a qualified domestic  
14 relations order, as defined by Section 414(p) of the Internal  
15 Revenue Code of 1986, as amended, issued by a court in any  
16 proceeding for dissolution of marriage or legal separation or a  
17 proceeding for disposition of property following dissolution of  
18 marriage by a court which lacked personal jurisdiction over the  
19 absent spouse or lacked jurisdiction to dispose of marital  
20 property at the time of the original judgment of dissolution;

21 (f) Any money or assets, payable to a participant or  
22 beneficiary from, or any interest of any participant or  
23 beneficiary in, a retirement plan, profit-sharing plan, health  
24 savings plan, or similar plan, including an inherited account or  
25 plan, that is qualified under Section 401(a), 401(k), 403(a),  
26 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as  
27 amended, whether such participant's or beneficiary's interest  
28 arises by inheritance, designation, appointment, or otherwise,

1    except as provided in this paragraph or any type of individual  
2    retirement arrangement as defined by Publication 590 of the  
3    Internal Revenue Service including, but not limited to, a  
4    traditional individual income retirement account (IRA), a ROTH  
5    IRA, a SEP IRA, and a simple IRA. The exemption amount for  
6    individual retirement arrangements shall be unlimited if allowed  
7    by federal law and otherwise limited to the maximum exemption  
8    allowed under federal law, including the Bankruptcy Abuse  
9    Prevention and Consumer Protection Act of 2005, as amended. Any  
10   plan or arrangement described in this paragraph shall not be  
11   exempt from the claim of an alternate payee under a qualified  
12   domestic relations order; however, the interest of any and all  
13   alternate payees under a qualified domestic relations order shall  
14   be exempt from any and all claims of any creditor, other than the  
15   state of Missouri through its department of social services. As  
16   used in this paragraph, the terms "alternate payee" and  
17   "qualified domestic relations order" have the meaning given to  
18   them in Section 414(p) of the Internal Revenue Code of 1986, as  
19   amended. If proceedings under Title 11 of the United States Code  
20   are commenced by or against such person, no amount of funds shall  
21   be exempt in such proceedings under any such plan, contract, or  
22   trust which is fraudulent as defined in subsection 2 of section  
23   428.024 and for the period such person participated within three  
24   years prior to the commencement of such proceedings. For the  
25   purposes of this section, when the fraudulently conveyed funds  
26   are recovered and after, such funds shall be deducted and then  
27   treated as though the funds had never been contributed to the  
28   plan, contract, or trust;

1           (11) The debtor's right to receive, or property that is  
2 traceable to, a payment on account of the wrongful death of an  
3 individual of whom the debtor was a dependent, to the extent  
4 reasonably necessary for the support of the debtor and any  
5 dependent of the debtor;

6           (12) Firearms, firearm accessories, and ammunition, not to  
7 exceed one thousand five hundred dollars in value in the  
8 aggregate.

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

16           513.440. Each head of a family may select and hold, exempt  
17 from execution, any other property, real, personal or mixed, or  
18 debts and wages, not exceeding in value the amount of one  
19 thousand ~~two~~ six hundred fifty dollars plus ~~three~~ four  
20 hundred fifty dollars for each of such person's unmarried  
21 dependent children under the age of twenty-one years or dependent  
22 as defined by the Internal Revenue Code of 1986, as amended,  
23 determined to be disabled by the Social Security Administration,  
24 except ten percent of any debt, income, salary or wages due such  
25 head of a family.

26           514.040. 1. Except as provided in subsection 3 of this  
27 section, if any court shall, before or after the commencement of  
28 any suit pending before it, be satisfied that the plaintiff is a

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

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

20 3. Where a party is represented in a civil action by a  
21 legal aid society or a legal services or other nonprofit  
22 organization funded in whole or substantial part by moneys  
23 appropriated by the general assembly of the state of Missouri,  
24 which has as its primary purpose the furnishing of legal services  
25 to indigent persons, by a law school clinic which has as its  
26 primary purpose educating law students through furnishing legal  
27 services to indigent persons, or by private counsel working on  
28 behalf of or under the auspices of such society, all costs and

1 expenses, except guardian ad litem fees as provided by this  
2 subsection, related to the prosecution of the suit may be waived  
3 without the necessity of a motion and court approval, provided  
4 that a determination has been made by such society or  
5 organization that such party is unable to pay the costs, fees and  
6 expenses necessary to prosecute or defend the action, and that a  
7 certification that such determination has been made is filed with  
8 the clerk of the court. In the event an action involving the  
9 appointment of a guardian ad litem goes to trial, an updated  
10 certification shall be filed prior to the trial commencing. The  
11 waiver of guardian ad litem fees for a party who has filed a  
12 certification may be reviewed by the court at the conclusion of  
13 the action upon the motion of any party requesting the court to  
14 apportion guardian ad litem fees.

15 4. Any party may present additional evidence on the  
16 financial condition of the parties. Based upon that evidence, if  
17 the court finds the certifying party has the present ability to  
18 pay, the court may enter judgment ordering the certifying party  
19 to pay a portion of the guardian ad litem fees.

20 5. Any failure to pay guardian ad litem fees shall not  
21 preclude a certifying party from filing future suits, including  
22 motions to modify, and shall not be used as a basis to limit the  
23 certifying party's prosecution or defense of the action.

24 515.575. 1. Except as otherwise ordered by the court, the  
25 entry of an order appointing a general receiver shall operate as  
26 a stay, applicable to all persons, of:

27 (1) The commencement or continuation, including the  
28 issuance, employment, or service of process, of a judicial,

1 administrative, or other action or proceeding against the debtor  
2 that was or could have been commenced before the entry of the  
3 order of appointment, or to recover a claim against the debtor  
4 that arose before the entry of the order of appointment;

5 (2) The enforcement against the debtor or any estate  
6 property of a judgment obtained before the order of appointment;

7 (3) Any act to obtain possession of estate property from  
8 the receiver, or to interfere with, or exercise control over,  
9 estate property;

10 (4) Any act to create, perfect, or enforce any lien or  
11 claim against estate property except by exercise of a right of  
12 setoff, to the extent that the lien secures a claim against the  
13 debtor that arose before the entry of the order of appointment;  
14 or

15 (5) Any act to collect, assess, or recover a claim against  
16 the debtor that arose before the entry of the order of  
17 appointment.

18 2. The stay shall automatically expire as to the acts  
19 specified in subdivisions (1), (2), and ~~[(3)]~~ (5) of subsection 1  
20 of this section sixty days after the entry of the order of  
21 appointment unless before the expiration of the sixty-day period  
22 the debtor or receiver, for good cause shown, obtains an order of  
23 the court extending the stay, after notice and a hearing. A  
24 person whose action or proceeding is stayed by motion to the  
25 court may seek relief from the stay for good cause shown. Any  
26 judgment obtained against the debtor or estate property following  
27 the entry of the order of appointment is not a lien against  
28 estate property unless the receivership is terminated prior to a

1 conveyance of the property against which the judgment would  
2 otherwise constitute a lien.

3 3. The entry of an order appointing a receiver does not  
4 operate as a stay of:

5 (1) The commencement or continuation of a criminal  
6 proceeding against the debtor;

7 (2) The commencement or continuation of an action or  
8 proceeding to establish paternity, or to establish or modify an  
9 order for alimony, maintenance, or support, or to collect  
10 alimony, maintenance, or support under any order of a court;

11 (3) Any act to perfect or to maintain or continue the  
12 perfection of an interest in estate property pursuant to any  
13 generally applicable Missouri law that permits perfection of an  
14 interest in property to be effective against an entity that  
15 acquires rights in such property before the date of perfection.  
16 Such right to perfect an interest in estate property includes any  
17 act to perfect an interest in purchase money collateral pursuant  
18 to sections 400.9-301 to 400.9-339, perfection of a lien that may  
19 be placed against real property under the provisions of chapter  
20 429, or the assertion of a right to continue in possession of any  
21 estate property that is in the possession of a person entitled to  
22 retain possession of such property pending payment for work  
23 performed with respect to such property. If perfection of an  
24 interest would otherwise require seizure of the property involved  
25 or the commencement of an action, the perfection shall instead be  
26 accomplished by filing, and by serving upon the receiver, or  
27 receiver's counsel, if any, notice of the interest within the  
28 time fixed by law for seizure or commencement;

1           (4) The commencement or continuation of an action or  
2 proceeding by a governmental unit to enforce its police or  
3 regulatory power;

4           (5) The enforcement of a judgment, other than a money  
5 judgment, obtained in an action or proceeding by a governmental  
6 unit to enforce its police or regulatory power, or with respect  
7 to any licensure of the debtor;

8           (6) The exercise of a right of setoff, including but not  
9 limited to, any right of a commodity broker, forward contract  
10 merchant, stockbroker, financial institution, or securities  
11 clearing agency to set off a claim for a margin payment or  
12 settlement payment arising out of a commodity contract, forward  
13 contract, or securities contract against cash, securities, or  
14 other property held or due from the commodity broker, forward  
15 contract merchant, stockbroker, financial institution, or  
16 securities clearing agency to margin, guarantee, secure, or  
17 settle the commodity contract, forward contract, or securities  
18 contract, and any right of a swap participant to set off a claim  
19 for a payment due to the swap participant under or in connection  
20 with a swap agreement against any payment due from the swap  
21 participant under or in connection with the swap agreement or  
22 against cash, securities, or other property of the debtor held by  
23 or due from the swap participant to guarantee, secure, or settle  
24 the swap agreement;

25           (7) The establishment by a governmental unit of any tax  
26 liability and any appeal thereof; or

27           (8) Any action pending in a court other than that in which  
28 the receiver is appointed until transcription of the order

1 appointing the receiver or extending the stay is made to the  
2 other court in which an action against the debtor is pending.

3 4. For the purposes of subdivision (8) of subsection 3 of  
4 this section, the receiver or any party in interest is authorized  
5 to cause to be transcribed any order appointing a receiver or  
6 extending the stay to any and all courts in which any action  
7 against a debtor is pending in this state. A court that receives  
8 a transcript of an order of receivership or extension of stay may  
9 on its own order sua sponte transfer the matter before the court  
10 to the court issuing an order of receivership.

11 515.635. To the extent that funds are available in the  
12 estate for distribution to creditors in a general receivership,  
13 the holder of an allowed noncontingent, liquidated claim is  
14 entitled to receive interest at the legal rate or other  
15 applicable rate from the date of appointment of the receiver or  
16 the date on which the claim became a noncontingent, liquidated  
17 claim. If there are ~~[sufficient]~~ insufficient funds in the  
18 estate to fully pay all interest owing to all members of the  
19 class, then interest shall be paid proportionately to each member  
20 of the class.

21 552.020. 1. No person who as a result of mental disease or  
22 defect lacks capacity to understand the proceedings against him  
23 or her or to assist in his or her own defense shall be tried,  
24 convicted or sentenced for the commission of an offense so long  
25 as the incapacity endures.

26 2. Whenever any judge has reasonable cause to believe that  
27 the accused lacks mental fitness to proceed, ~~[he]~~ the judge  
28 shall, upon his or her own motion or upon motion filed by the

1 state or by or on behalf of the accused, by order of record,  
2 appoint one or more private psychiatrists or psychologists, as  
3 defined in section 632.005, or physicians with a minimum of one  
4 year training or experience in providing treatment or services to  
5 persons with an intellectual disability or developmental  
6 disability or mental illness, who are neither employees nor  
7 contractors of the department of mental health for purposes of  
8 performing the examination in question, to examine the accused;  
9 or shall direct the director to have the accused so examined by  
10 one or more psychiatrists or psychologists, as defined in section  
11 632.005, or physicians with a minimum of one year training or  
12 experience in providing treatment or services to persons with an  
13 intellectual disability, developmental disability, or mental  
14 illness. The order shall direct that a written report or reports  
15 of such examination be filed with the clerk of the court. No  
16 private physician, psychiatrist, or psychologist shall be  
17 appointed by the court unless he or she has consented to act.  
18 The examinations ordered shall be made at such time and place and  
19 under such conditions as the court deems proper; except that, if  
20 the order directs the director of the department to have the  
21 accused examined, the director, or his or her designee, shall  
22 determine the time, place and conditions under which the  
23 examination shall be conducted. The order may include provisions  
24 for the interview of witnesses and may require the provision of  
25 police reports to the department for use in evaluations. The  
26 department shall establish standards and provide training for  
27 those individuals performing examinations pursuant to this  
28 section and section 552.030. No individual who is employed by or

1 contracts with the department shall be designated to perform an  
2 examination pursuant to this chapter unless the individual meets  
3 the qualifications so established by the department. Any  
4 examination performed pursuant to this subsection shall be  
5 completed and filed with the court within sixty days of the order  
6 unless the court for good cause orders otherwise. Nothing in  
7 this section or section 552.030 shall be construed to permit  
8 psychologists to engage in any activity not authorized by chapter  
9 337. One pretrial evaluation shall be provided at no charge to  
10 the defendant by the department. All costs of subsequent  
11 evaluations shall be assessed to the party requesting the  
12 evaluation.

13 3. A report of the examination made under this section  
14 shall include:

15 (1) Detailed findings;

16 (2) An opinion as to whether the accused has a mental  
17 disease or defect;

18 (3) An opinion based upon a reasonable degree of medical or  
19 psychological certainty as to whether the accused, as a result of  
20 a mental disease or defect, lacks capacity to understand the  
21 proceedings against him or her or to assist in his or her own  
22 defense;

23 (4) A recommendation as to whether the accused should be  
24 held in custody in a suitable hospital facility for treatment  
25 pending determination, by the court, of mental fitness to  
26 proceed; and

27 (5) A recommendation as to whether the accused, if found by  
28 the court to be mentally fit to proceed, should be detained in

1 such hospital facility pending further proceedings.

2 4. If the accused has pleaded lack of responsibility due to  
3 mental disease or defect or has given the written notice provided  
4 in subsection 2 of section 552.030, the court shall order the  
5 report of the examination conducted pursuant to this section to  
6 include, in addition to the information required in subsection 3  
7 of this section, an opinion as to whether at the time of the  
8 alleged criminal conduct the accused, as a result of mental  
9 disease or defect, did not know or appreciate the nature,  
10 quality, or wrongfulness of his or her conduct or as a result of  
11 mental disease or defect was incapable of conforming his or her  
12 conduct to the requirements of law. A plea of not guilty by  
13 reason of mental disease or defect shall not be accepted by the  
14 court in the absence of any such pretrial evaluation which  
15 supports such a defense. In addition, if the accused has pleaded  
16 not guilty by reason of mental disease or defect, and the alleged  
17 crime is not a dangerous felony as defined in section 556.061, or  
18 those crimes set forth in subsection 11 of section 552.040, or  
19 the attempts thereof, the court shall order the report of the  
20 examination to include an opinion as to whether or not the  
21 accused should be immediately conditionally released by the court  
22 pursuant to the provisions of section 552.040 or should be  
23 committed to a mental health or developmental disability  
24 facility. If such an evaluation is conducted at the direction of  
25 the director of the department of mental health, the court shall  
26 also order the report of the examination to include an opinion as  
27 to the conditions of release which are consistent with the needs  
28 of the accused and the interest of public safety, including, but

1 not limited to, the following factors:

2 (1) Location and degree of necessary supervision of  
3 housing;

4 (2) Location of and responsibilities for appropriate  
5 psychiatric, rehabilitation and aftercare services, including the  
6 frequency of such services;

7 (3) Medication follow-up, including necessary testing to  
8 monitor medication compliance;

9 (4) At least monthly contact with the department's forensic  
10 case monitor;

11 (5) Any other conditions or supervision as may be warranted  
12 by the circumstances of the case.

13 5. If the report contains the recommendation that the  
14 accused should be committed to or held in a suitable hospital  
15 facility pending determination of the issue of mental fitness to  
16 proceed, and if the accused is not admitted to bail or released  
17 on other conditions, the court may order that the accused be  
18 committed to or held in a suitable hospital facility pending  
19 determination of the issue of mental fitness to proceed.

20 6. The clerk of the court shall deliver copies of the  
21 report to the prosecuting or circuit attorney and to the accused  
22 or his or her counsel. The report shall not be a public record  
23 or open to the public. Within ten days after the filing of the  
24 report, both the defendant and the state shall, upon written  
25 request, be entitled to an order granting them an examination of  
26 the accused by a psychiatrist or psychologist, as defined in  
27 section 632.005, or a physician with a minimum of one year  
28 training or experience in providing treatment or services to

1 persons with an intellectual disability or developmental  
2 disability or mental illness, of their own choosing and at their  
3 own expense. An examination performed pursuant to this  
4 subsection shall be completed and a report filed with the court  
5 within sixty days of the date it is received by the department or  
6 private psychiatrist, psychologist or physician unless the court,  
7 for good cause, orders otherwise. A copy shall be furnished the  
8 opposing party.

9 7. If neither the state nor the accused nor his or her  
10 counsel requests a second examination relative to fitness to  
11 proceed or contests the findings of the report referred to in  
12 subsections 2 and 3 of this section, the court may make a  
13 determination and finding on the basis of the report filed or may  
14 hold a hearing on its own motion. If any such opinion is  
15 contested, the court shall hold a hearing on the issue. The  
16 court shall determine the issue of mental fitness to proceed and  
17 may impanel a jury of six persons to assist in making the  
18 determination. The report or reports may be received in evidence  
19 at any hearing on the issue but the party contesting any opinion  
20 therein shall have the right to summon and to cross-examine the  
21 examiner who rendered such opinion and to offer evidence upon the  
22 issue.

23 8. At a hearing on the issue pursuant to subsection 7 of  
24 this section, the accused is presumed to have the mental fitness  
25 to proceed. The burden of proving that the accused does not have  
26 the mental fitness to proceed is by a preponderance of the  
27 evidence and the burden of going forward with the evidence is on  
28 the party raising the issue. The burden of going forward shall

1 be on the state if the court raises the issue.

2 9. If the court determines that the accused lacks mental  
3 fitness to proceed, the criminal proceedings shall be suspended  
4 and the court shall commit him or her to the director of the  
5 department of mental health. After the person has been  
6 committed, legal counsel for the department of mental health  
7 shall have standing to file motions and participate in hearings  
8 on the issue of involuntary medications.

9 10. Any person committed pursuant to subsection 9 of this  
10 section shall be entitled to the writ of habeas corpus upon  
11 proper petition to the court that committed him or her. The  
12 issue of the mental fitness to proceed after commitment under  
13 subsection 9 of this section may also be raised by a motion filed  
14 by the director of the department of mental health or by the  
15 state, alleging the mental fitness of the accused to proceed. A  
16 report relating to the issue of the accused's mental fitness to  
17 proceed may be attached thereto. If the motion is not contested  
18 by the accused or his or her counsel or if after a hearing on a  
19 motion the court finds the accused mentally fit to proceed, or if  
20 he or she is ordered discharged from the director's custody upon  
21 a habeas corpus hearing, the criminal proceedings shall be  
22 resumed.

23 11. The following provisions shall apply after a commitment  
24 as provided in this section:

25 (1) Six months after such commitment, the court which  
26 ordered the accused committed shall order an examination by the  
27 head of the facility in which the accused is committed, or a  
28 qualified designee, to ascertain whether the accused is mentally

1 fit to proceed and if not, whether there is a substantial  
2 probability that the accused will attain the mental fitness to  
3 proceed to trial in the foreseeable future. The order shall  
4 direct that written report or reports of the examination be filed  
5 with the clerk of the court within thirty days and the clerk  
6 shall deliver copies to the prosecuting attorney or circuit  
7 attorney and to the accused or his or her counsel. The report  
8 required by this subsection shall conform to the requirements  
9 under subsection 3 of this section with the additional  
10 requirement that it include an opinion, if the accused lacks  
11 mental fitness to proceed, as to whether there is a substantial  
12 probability that the accused will attain the mental fitness to  
13 proceed in the foreseeable future;

14 (2) Within ten days after the filing of the report, both  
15 the accused and the state shall, upon written request, be  
16 entitled to an order granting them an examination of the accused  
17 by a psychiatrist or psychologist, as defined in section 632.005,  
18 or a physician with a minimum of one year training or experience  
19 in providing treatment or services to persons with an  
20 intellectual disability or developmental disability or mental  
21 illness, of their own choosing and at their own expense. An  
22 examination performed pursuant to this subdivision shall be  
23 completed and filed with the court within thirty days unless the  
24 court, for good cause, orders otherwise. A copy shall be  
25 furnished to the opposing party;

26 (3) If neither the state nor the accused nor his or her  
27 counsel requests a second examination relative to fitness to  
28 proceed or contests the findings of the report referred to in

1 subdivision (1) of this subsection, the court may make a  
2 determination and finding on the basis of the report filed, or  
3 may hold a hearing on its own motion. If any such opinion is  
4 contested, the court shall hold a hearing on the issue. The  
5 report or reports may be received in evidence at any hearing on  
6 the issue but the party contesting any opinion therein relative  
7 to fitness to proceed shall have the right to summon and to  
8 cross-examine the examiner who rendered such opinion and to offer  
9 evidence upon the issue;

10 (4) If the accused is found mentally fit to proceed, the  
11 criminal proceedings shall be resumed;

12 (5) If it is found that the accused lacks mental fitness to  
13 proceed but there is a substantial probability the accused will  
14 be mentally fit to proceed in the reasonably foreseeable future,  
15 the court shall continue such commitment for a period not longer  
16 than six months, after which the court shall reinstitute the  
17 proceedings required under subdivision (1) of this subsection;

18 (6) If it is found that the accused lacks mental fitness to  
19 proceed and there is no substantial probability that the accused  
20 will be mentally fit to proceed in the reasonably foreseeable  
21 future, the court shall dismiss the charges without prejudice and  
22 the accused shall be discharged, but only if proper proceedings  
23 have been filed under chapter 632 or chapter 475, in which case  
24 those sections and no others will be applicable. The probate  
25 division of the circuit court shall have concurrent jurisdiction  
26 over the accused upon the filing of a proper pleading to  
27 determine if the accused shall be involuntarily detained under  
28 chapter 632, or to determine if the accused shall be declared

1 incapacitated under chapter 475, and approved for admission by  
2 the guardian under section 632.120 or 633.120, to a mental health  
3 or developmental disability facility. When such proceedings are  
4 filed, the criminal charges shall be dismissed without prejudice  
5 if the court finds that the accused is mentally ill and should be  
6 committed or that he or she is incapacitated and should have a  
7 guardian appointed. The period of limitation on prosecuting any  
8 criminal offense shall be tolled during the period that the  
9 accused lacks mental fitness to proceed.

10 12. If the question of the accused's mental fitness to  
11 proceed was raised after a jury was impaneled to try the issues  
12 raised by a plea of not guilty and the court determines that the  
13 accused lacks the mental fitness to proceed or orders the accused  
14 committed for an examination pursuant to this section, the court  
15 may declare a mistrial. Declaration of a mistrial under these  
16 circumstances, or dismissal of the charges pursuant to subsection  
17 11 of this section, does not constitute jeopardy, nor does it  
18 prohibit the trial, sentencing or execution of the accused for  
19 the same offense after he or she has been found restored to  
20 competency.

21 13. The result of any examinations made pursuant to this  
22 section shall not be a public record or open to the public.

23 14. No statement made by the accused in the course of any  
24 examination or treatment pursuant to this section and no  
25 information received by any examiner or other person in the  
26 course thereof, whether such examination or treatment was made  
27 with or without the consent of the accused or upon his or her  
28 motion or upon that of others, shall be admitted in evidence

1 against the accused on the issue of guilt in any criminal  
2 proceeding then or thereafter pending in any court, state or  
3 federal. A finding by the court that the accused is mentally fit  
4 to proceed shall in no way prejudice the accused in a defense to  
5 the crime charged on the ground that at the time thereof he or  
6 she was afflicted with a mental disease or defect excluding  
7 responsibility, nor shall such finding by the court be introduced  
8 in evidence on that issue nor otherwise be brought to the notice  
9 of the jury.

10 557.035. 1. For all violations of section 565.054 or  
11 565.090, subdivision (1) of subsection 1 of section 569.100, or  
12 subdivision (1), (2), (3), (4), (6), (7) or (8) of subsection 1  
13 of section 571.030, which the state believes to be knowingly  
14 motivated because of race, color, religion, national origin, sex,  
15 sexual orientation or disability of the victim or victims, the  
16 state may charge the offense or offenses under this section, and  
17 the violation is a class D felony.

18 2. For all violations of section ~~[565.054]~~ 565.056;  
19 ~~[subdivisions (1), (3) and (4) of subsection 1 of section~~  
20 ~~565.090;]~~ subdivision (1) of subsection 1 of section 569.090;  
21 subdivision (1) of subsection 1 of section 569.120; section  
22 569.140; or section 574.050; which the state believes to be  
23 knowingly motivated because of race, color, religion, national  
24 origin, sex, sexual orientation or disability of the victim or  
25 victims, the state may charge the offense or offenses under this  
26 section, and the violation is a class E felony.

27 3. The court shall assess punishment in all of the cases in  
28 which the state pleads and proves any of the motivating factors

1 listed in this section.

2 565.076. 1. A person commits the offense of domestic  
3 assault in the fourth degree if the act involves a domestic  
4 victim, as the term "domestic victim" is defined under section  
5 565.002, and:

6 (1) The person attempts to cause or recklessly causes  
7 physical injury, physical pain, or illness to such domestic  
8 victim;

9 (2) With criminal negligence the person causes physical  
10 injury to such domestic victim by means of a deadly weapon or  
11 dangerous instrument;

12 (3) The person purposely places such domestic victim in  
13 apprehension of immediate physical injury by any means;

14 (4) The person recklessly engages in conduct which creates  
15 a substantial risk of death or serious physical injury to such  
16 domestic victim;

17 (5) The person knowingly causes physical contact with such  
18 domestic victim knowing he or she will regard the contact as  
19 offensive; or

20 (6) The person knowingly attempts to cause or causes the  
21 isolation of such domestic victim by unreasonably and  
22 substantially restricting or limiting his or her access to other  
23 persons, telecommunication devices or transportation for the  
24 purpose of isolation.

25 2. The offense of domestic assault in the fourth degree is  
26 a class A misdemeanor, unless the person has previously been  
27 found guilty of the offense of domestic assault [of a domestic  
28 victim], of any assault offense under this chapter, or of any

1 offense against a domestic victim committed in violation of any  
2 county or municipal ordinance in any state, any state law, any  
3 federal law, or any military law which if committed in this state  
4 two or more times[,] would be a violation of this section, in  
5 which case it is a class E felony. The offenses described in  
6 this subsection may be against the same domestic victim or  
7 against different domestic victims.

8 565.091. 1. A person commits the offense of harassment in  
9 the second degree if he or she, without good cause, engages in  
10 any act with the purpose to cause emotional distress to another  
11 person.

12 2. The offense of harassment in the second degree is a  
13 class A misdemeanor, unless the person has previously pleaded  
14 guilty to or been found guilty of a violation of this section, of  
15 any offense committed in violation of any county or municipal  
16 ordinance in any state, any state law, any federal law, or any  
17 military law which if committed in this state would be chargeable  
18 or indictable as a violation of any offense listed in this  
19 subsection, in which case it is a class E felony.

20 3. This section shall not apply to activities of federal,  
21 state, county, or municipal law enforcement officers conducting  
22 investigations of violations of federal, state, county, or  
23 municipal law.

24 566.010. As used in this chapter and chapter 568, the  
25 following terms mean:

26 (1) "Aggravated sexual offense", any sexual offense, in the  
27 course of which, the actor:

28 (a) Inflicts serious physical injury on the victim; [or]

1 (b) Displays a deadly weapon or dangerous instrument in a  
2 threatening manner; [or]

3 (c) Subjects the victim to sexual intercourse or deviate  
4 sexual intercourse with more than one person; [or]

5 (d) Had previously been found guilty of an offense under  
6 this chapter or under section 573.200, child used in sexual  
7 performance; section 573.205, promoting sexual performance by a  
8 child; section 573.023, sexual exploitation of a minor; section  
9 573.025, promoting child pornography in the first degree; section  
10 573.035, promoting child pornography in the second degree;  
11 section 573.037, possession of child pornography; or section  
12 573.040, furnishing pornographic materials to minors; or has  
13 previously been found guilty of an offense in another  
14 jurisdiction which would constitute an offense under this chapter  
15 or said sections;

16 (e) Commits the offense as part of an act or series of acts  
17 performed by two or more persons as part of an established or  
18 prescribed pattern of activity; or

19 (f) Engages in the act that constitutes the offense with a  
20 person the actor knows to be, without regard to legitimacy, the  
21 actor's:

22 a. Ancestor or descendant by blood or adoption;

23 b. Stepchild while the marriage creating that relationship  
24 exists;

25 c. Brother or sister of the whole or half blood; or

26 d. Uncle, aunt, nephew, or niece of the whole blood;

27 (2) "Commercial sex act", any sex act on account of which  
28 anything of value is given to or received by any person;

1           (3) "Deviate sexual intercourse", any act involving the  
2 genitals of one person and the hand, mouth, tongue, or anus of  
3 another person or a sexual act involving the penetration, however  
4 slight, of the penis, female genitalia, or the anus by a finger,  
5 instrument or object done for the purpose of arousing or  
6 gratifying the sexual desire of any person or for the purpose of  
7 terrorizing the victim;

8           (4) "Forced labor", a condition of servitude induced by  
9 means of:

10           (a) Any scheme, plan, or pattern of behavior intended to  
11 cause a person to believe that, if the person does not enter into  
12 or continue the servitude, such person or another person will  
13 suffer substantial bodily harm or physical restraint; or

14           (b) The abuse or threatened abuse of the legal process;

15           (5) "Sexual conduct", sexual intercourse, deviate sexual  
16 intercourse or sexual contact;

17           (6) "Sexual contact", any touching of another person with  
18 the genitals or any touching of the genitals or anus of another  
19 person, or the breast of a female person, or such touching  
20 through the clothing, for the purpose of arousing or gratifying  
21 the sexual desire of any person or for the purpose of terrorizing  
22 the victim;

23           (7) "Sexual intercourse", any penetration, however slight,  
24 of the female genitalia by the penis.

25           570.095. 1. A person commits the offense of filing false  
26 documents if:

27           (1) With the intent to defraud, deceive, harass, alarm, or  
28 negatively impact financially, or in such a manner reasonably

1 calculated to deceive, defraud, harass, alarm, or negatively  
2 impact financially, he or she files, causes to be filed or  
3 recorded, or attempts to file or record, creates, uses as  
4 genuine, transfers or has transferred, presents, or prepares with  
5 knowledge or belief that it will be filed, presented, recorded,  
6 or transferred to the secretary of state or his or her designee,  
7 or any county or independent city recorder of deeds or his or her  
8 designee, any municipal, county, district, or state government  
9 entity, division, agency, or office, or any credit bureau or  
10 financial institution any of the following types of documents:

11 (a) Common law lien;

12 (b) Uniform commercial code filing or record;

13 (c) Real property recording;

14 (d) Financing statement;

15 (e) Contract;

16 (f) Warranty, special, or quitclaim deed;

17 (g) Quiet title claim or action;

18 (h) Deed in lieu of foreclosure;

19 (i) Legal affidavit;

20 (j) Legal process;

21 (k) Legal summons;

22 (l) Bills and due bills;

23 (m) Criminal charging documents or materially false  
24 criminal charging documents;

25 (n) Any other document not stated in this subdivision that  
26 is related to real property; or

27 (o) Any state, county, district, federal, municipal, credit  
28 bureau, or financial institution form or document; and

1       (2) Such documents listed in subdivision (1) of this  
2 subsection contain materially false information, or are  
3 fraudulent, or are a forgery, as defined in section 570.090, or  
4 lack the consent of all parties listed in documents where mutual  
5 consent is required, or are invalid under Missouri law.

6       2. Filing false documents under this section is a class D  
7 felony for the first offense except under the following  
8 circumstances where filing false documents is a class C felony:

9       (1) The defendant has been previously found guilty or  
10 pleaded guilty to a violation of this section;

11       (2) The victim or named party in the matter:

12       (a) Is an official elected to municipal, county, district,  
13 federal, or statewide office;

14       (b) Is an official who was appointed to municipal, county,  
15 district, federal, or statewide office; or

16       (c) Is an employee of an official who has been elected or  
17 appointed to municipal, county, district, federal, or statewide  
18 office;

19       (3) The victim or named party in the matter is a judge or  
20 magistrate of:

21       (a) Any court or division of the court in this or any other  
22 state or an employee of any court of this state or any other  
23 state; or

24       (b) Any court system of the United States or is an employee  
25 of any court of the United States;

26       (4) The victim or named party in the matter is a full-time,  
27 part-time, or reserve or auxiliary peace officer, as defined in  
28 section 590.010, licensed in this state or any other state;

1       (5) The victim or named party in the matter is a full-time,  
2 part-time, or volunteer firefighter in this state or any other  
3 state;

4       (6) The victim or named party in the matter is an officer  
5 of federal job class 1811 who is empowered to enforce United  
6 States laws;

7       (7) The victim or named party in the matter is a law  
8 enforcement officer of the United States as defined in 5 U.S.C.  
9 8401(17) (A) or (D);

10       (8) The victim or named party in the matter is an employee  
11 of any law enforcement or legal prosecution agency in this state  
12 or any other state or the United States;

13       (9) The victim or named party in the matter is an employee  
14 of a federal agency that has agents or officers who are of job  
15 class 1811 who are empowered to enforce United States laws or is  
16 an employee of a federal agency that has law enforcement officers  
17 as defined in 5 U.S.C. 8401(17) (A) or (D);

18       (10) The victim or named party in the matter is an officer  
19 of the railroad police as defined in section 388.600.

20       3. For a penalty enhancement as described in subsection 2  
21 of this section to apply, the occupation of the victim or named  
22 party shall be material to the subject matter of the document or  
23 documents filed or the relief sought by the document or documents  
24 filed, and the occupation of the victim or named party shall be  
25 materially connected to the apparent reason that the victim has  
26 been named, victimized, or involved. For purposes of this  
27 subsection and subsection 2 of this section, a person who has  
28 retired or resigned from any agency, institution, or occupation

1 listed under subsection 2 of this section shall be considered the  
2 same fashion as a person who remains in employment and shall also  
3 include the following family members of a person listed under  
4 subdivisions (2) to (9) of subsection 2 of this section:

5 (1) Such person's spouse;

6 (2) Such person or such person's spouse's ancestor or  
7 descendant by blood or adoption; or

8 (3) Such person's stepchild, while the marriage creating  
9 that relationship exists.

10 4. Any person who pleads guilty or is found guilty under  
11 subsections 1 to 3 of this section shall be ordered by the court  
12 to make full restitution to any person or entity that has  
13 sustained actual losses or costs as a result of the actions of  
14 the defendants. Such restitution shall not be paid in lieu of  
15 jail or prison time, but rather in addition to any jail or prison  
16 time imposed by the court.

17 5. (1) Nothing in this section shall limit the power of  
18 the state to investigate, charge, or punish any person for any  
19 conduct that constitutes a crime by any other statute of this  
20 state or the United States.

21 (2) There is no requirement under this section that the  
22 filing or record be retained by the receiving entity for  
23 prosecution under this section. A filing or record being  
24 rejected by the receiving entity shall not be used as an  
25 affirmative defense.

26 6. (1) Any statewide or county agency or similar agency  
27 that functions in independent cities of this state, which is  
28 responsible for or receives document filings or records,

1 including county recorders of deeds and the office of secretary  
2 of state, shall, by January 1, 2018, impose a system in which the  
3 documents that have been submitted to the receiving agency or in  
4 the case of the secretary of state those filings rejected under  
5 its legal authority are logged or noted in a ledger, spreadsheet,  
6 or similar recording method if the filing or recording officer or  
7 employee believes the filings or records appear to be fraudulent  
8 or contain suspicious verbiage. The receiving agency shall make  
9 available noted documents for review by the:

10 (a) Jurisdictional prosecuting or circuit attorney or his  
11 or her designee;

12 (b) County sheriff or his or her designee;

13 (c) County police chief or his or her designee;

14 (d) City police chief or his or her designee in independent  
15 cities; or

16 (e) Commissioned peace officers as defined in section  
17 590.010.

18  
19 Review of such documents is permissible for the agent or agencies  
20 under this subdivision without the need of a grand jury subpoena  
21 or court order. No fees or monetary charges shall be levied on  
22 the investigative agents or agencies for review of documents  
23 noted in the ledger or spreadsheet. The ledger or spreadsheet  
24 and its contents shall be retained by the agency that controls  
25 entries into such ledger or spreadsheet for a minimum of three  
26 years from the earliest entry listed in the ledger or  
27 spreadsheet.

28 (2) The receiving entity shall, upon receipt of a filing or

1 record that has been noted as a suspicious filing or record,  
2 notify the chief law enforcement officer of the county or his or  
3 her designee and the prosecutor of the county or his or her  
4 designee of the filing's or record's existence. Timely  
5 notification shall be made upon receipt of the filing or record.  
6 Notification may be accomplished via electronic mail or via paper  
7 memorandum.

8 (3) There shall be no requirement imposed by this section  
9 that the agency receiving the filing or record make notification  
10 to the person conducting the filing or record that the filing or  
11 record has been entered as a logged or noted filing or record.

12 (4) Reviews to ensure compliance with the provisions of  
13 this section shall be the responsibility of any commissioned  
14 peace officer. Findings of noncompliance shall be reported to  
15 the jurisdictional prosecuting or circuit attorney or his or her  
16 designee by any commissioned peace officer who has probable cause  
17 to believe that the noncompliance has taken place purposely,  
18 knowingly, recklessly, or with criminal negligence, as described  
19 under section 562.016.

20 7. To petition for a judicial review of a filing or record  
21 that is believed to be fraudulent, false, misleading, forged, or  
22 contains materially false information, a petitioner may file a  
23 probable cause statement which delineates the cause to believe  
24 that the filing or record is materially false, contains  
25 materially false information, is a forgery, is fraudulent, or is  
26 misleading. This probable cause statement shall be filed in the  
27 associate or circuit court of the county in which the original  
28 filing or record was transferred, received, or recorded.

1           8. A filed petition under this section shall have an  
2 initial hearing date within twenty business days of the petition  
3 being filed with the court. A court ruling of "invalid" shall be  
4 evidence that the original filing or record was not accurate,  
5 true, or correct. A court ruling of "invalid" shall be retained  
6 or recorded at the original receiving entity. The receiving  
7 entity shall waive all filing or recording fees associated with  
8 the filing or recording of the court ruling document in this  
9 subsection. This ruling may be forwarded to credit bureaus or  
10 other institutions at the request of the petitioner via motion to  
11 the applicable court at no additional cost to the petitioner.

12           9. If a filing or record is deemed invalid, court costs and  
13 fees are the responsibility of the party who originally initiated  
14 the filing or record. If the filing or record is deemed valid,  
15 no court costs or fees, in addition to standard filing fees,  
16 shall be assessed.

17           575.280. 1. A person commits the offense of acceding to  
18 corruption if he or she:

19           (1) Is a judge, juror, special master, referee or  
20 arbitrator and knowingly solicits, accepts, or agrees to accept  
21 any benefit, direct or indirect, on the representation or  
22 understanding that it will influence his or her official action  
23 in a judicial proceeding pending in any court or before such  
24 official or juror;

25           (2) Is a witness or prospective witness in any official  
26 proceeding and knowingly solicits, accepts, or agrees to accept  
27 any benefit, direct or indirect, on the representation or  
28 understanding that he or she will disobey a subpoena or other

1 legal process, absent himself or herself, avoid subpoena or other  
2 legal process, withhold evidence, information or documents, or  
3 testify falsely.

4 2. The offense of acceding to corruption under subdivision  
5 ~~[(2)]~~ (1) of subsection 1 of this section ~~[is a class A~~  
6 misdemeanor. The offense, when committed under subdivision (1)  
7 of subsection 1 of this section,~~]~~ is a class C felony~~;~~ unless  
8 the offense is committed in a felony prosecution, or on the  
9 representation or understanding of testifying falsely, in which  
10 case it is a class E felony]. The offense of acceding to  
11 corruption under subdivision (2) of subsection 1 of this section  
12 in a felony prosecution or on the representation or understanding  
13 of testifying falsely is a class D felony. Otherwise acceding to  
14 corruption is a class A misdemeanor.

15 577.001. As used in this chapter, the following terms mean:

16 (1) "Aggravated offender", a person who has been found  
17 guilty of:

18 (a) Three or more intoxication-related traffic offenses  
19 committed on separate occasions; or

20 (b) Two or more intoxication-related traffic offenses  
21 committed on separate occasions where at least one of the  
22 intoxication-related traffic offenses is an offense committed in  
23 violation of any state law, county or municipal ordinance, any  
24 federal offense, or any military offense in which the defendant  
25 was operating a vehicle while intoxicated and another person was  
26 injured or killed;

27 (2) "Aggravated boating offender", a person who has been  
28 found guilty of:

1 (a) Three or more intoxication-related boating offenses; or

2 (b) Two or more intoxication-related boating offenses

3 committed on separate occasions where at least one of the  
4 intoxication-related boating offenses is an offense committed in  
5 violation of any state law, county or municipal ordinance, any  
6 federal offense, or any military offense in which the defendant  
7 was operating a vessel while intoxicated and another person was  
8 injured or killed;

9 (3) "All-terrain vehicle", any motorized vehicle  
10 manufactured and used exclusively for off-highway use which is  
11 fifty inches or less in width, with an unladen dry weight of one  
12 thousand pounds or less, traveling on three, four or more low  
13 pressure tires, with a seat designed to be straddled by the  
14 operator, or with a seat designed to carry more than one person,  
15 and handlebars for steering control;

16 (4) "Court", any circuit, associate circuit, or municipal  
17 court, including traffic court, but not any juvenile court or  
18 drug court;

19 (5) "Chronic offender", a person who has been found guilty  
20 of:

21 (a) Four or more intoxication-related traffic offenses  
22 committed on separate occasions; or

23 (b) Three or more intoxication-related traffic offenses  
24 committed on separate occasions where at least one of the  
25 intoxication-related traffic offenses is an offense committed in  
26 violation of any state law, county or municipal ordinance, any  
27 federal offense, or any military offense in which the defendant  
28 was operating a vehicle while intoxicated and another person was

1 injured or killed; or

2 (c) Two or more intoxication-related traffic offenses  
3 committed on separate occasions where both intoxication-related  
4 traffic offenses were offenses committed in violation of any  
5 state law, county or municipal ordinance, any federal offense, or  
6 any military offense in which the defendant was operating a  
7 vehicle while intoxicated and another person was injured or  
8 killed;

9 (6) "Chronic boating offender", a person who has been found  
10 guilty of:

11 (a) Four or more intoxication-related boating offenses; or

12 (b) Three or more intoxication-related boating offenses  
13 committed on separate occasions where at least one of the  
14 intoxication-related boating offenses is an offense committed in  
15 violation of any state law, county or municipal ordinance, any  
16 federal offense, or any military offense in which the defendant  
17 was operating a vessel while intoxicated and another person was  
18 injured or killed; or

19 (c) Two or more intoxication-related boating offenses  
20 committed on separate occasions where both intoxication-related  
21 boating offenses were offenses committed in violation of any  
22 state law, county or municipal ordinance, any federal offense, or  
23 any military offense in which the defendant was operating a  
24 vessel while intoxicated and another person was injured or  
25 killed;

26 (7) "Continuous alcohol monitoring", automatically testing  
27 breath, blood, or transdermal alcohol concentration levels and  
28 tampering attempts at least once every hour, regardless of the

1 location of the person who is being monitored, and regularly  
2 transmitting the data. Continuous alcohol monitoring shall be  
3 considered an electronic monitoring service under subsection 3 of  
4 section 217.690;

5 (8) "Controlled substance", a drug, substance, or immediate  
6 precursor in schedules I to V listed in section 195.017;

7 (9) "Drive", "driving", "operates" or "operating", [means]  
8 physically driving or operating a vehicle or vessel;

9 (10) "Flight crew member", the pilot in command, copilots,  
10 flight engineers, and flight navigators;

11 (11) "Habitual offender", a person who has been found  
12 guilty of:

13 (a) Five or more intoxication-related traffic offenses  
14 committed on separate occasions; or

15 (b) Four or more intoxication-related traffic offenses  
16 committed on separate occasions where at least one of the  
17 intoxication-related traffic offenses is an offense committed in  
18 violation of any state law, county or municipal ordinance, any  
19 federal offense, or any military offense in which the defendant  
20 was operating a vehicle while intoxicated and another person was  
21 injured or killed; or

22 (c) Three or more intoxication-related traffic offenses  
23 committed on separate occasions where at least two of the  
24 intoxication-related traffic offenses were offenses committed in  
25 violation of any state law, county or municipal ordinance, any  
26 federal offense, or any military offense in which the defendant  
27 was operating a vehicle while intoxicated and another person was  
28 injured or killed; [or

1 (d) While driving while intoxicated, the defendant acted  
2 with criminal negligence to:

3 a. Cause the death of any person not a passenger in the  
4 vehicle operated by the defendant, including the death of an  
5 individual that results from the defendant's vehicle leaving a  
6 highway, as defined by section 301.010, or the highway's right-  
7 of-way; or

8 b. Cause the death of two or more persons; or

9 c. Cause the death of any person while he or she has a  
10 blood alcohol content of at least eighteen-hundredths of one  
11 percent by weight of alcohol in such person's blood;]

12 (12) "Habitual boating offender", a person who has been  
13 found guilty of:

14 (a) Five or more intoxication-related boating offenses; or

15 (b) Four or more intoxication-related boating offenses  
16 committed on separate occasions where at least one of the  
17 intoxication-related boating offenses is an offense committed in  
18 violation of any state law, county or municipal ordinance, any  
19 federal offense, or any military offense in which the defendant  
20 was operating a vessel while intoxicated and another person was  
21 injured or killed; or

22 (c) Three or more intoxication-related boating offenses  
23 committed on separate occasions where at least two of the  
24 intoxication-related boating offenses were offenses committed in  
25 violation of any state law, county or municipal ordinance, any  
26 federal offense, or any military offense in which the defendant  
27 was operating a vessel while intoxicated and another person was  
28 injured or killed; or

1 (d) While boating while intoxicated, the defendant acted  
2 with criminal negligence to:

3 a. Cause the death of any person not a passenger in the  
4 vessel operated by the defendant, including the death of an  
5 individual that results from the defendant's vessel leaving the  
6 water; or

7 b. Cause the death of two or more persons; or

8 c. Cause the death of any person while he or she has a  
9 blood alcohol content of at least eighteen-hundredths of one  
10 percent by weight of alcohol in such person's blood;

11 (13) "Intoxicated" or "intoxicated condition", when a  
12 person is under the influence of alcohol, a controlled substance,  
13 or drug, or any combination thereof;

14 (14) "Intoxication-related boating offense", operating a  
15 vessel while intoxicated; boating while intoxicated; operating a  
16 vessel with excessive blood alcohol content or an offense in  
17 which the defendant was operating a vessel while intoxicated and  
18 another person was injured or killed in violation of any state  
19 law, county or municipal ordinance, any federal offense, or any  
20 military offense;

21 (15) "Intoxication-related traffic offense", driving while  
22 intoxicated, driving with excessive blood alcohol content,  
23 driving under the influence of alcohol or drugs in violation of a  
24 state law, county or municipal ordinance, any federal offense, or  
25 any military offense, or an offense in which the defendant was  
26 operating a vehicle while intoxicated and another person was  
27 injured or killed in violation of any state law, county or  
28 municipal ordinance, any federal offense, or any military

1 offense;

2 (16) "Law enforcement officer" or "arresting officer",  
3 includes the definition of law enforcement officer in section  
4 556.061 and military policemen conducting traffic enforcement  
5 operations on a federal military installation under military  
6 jurisdiction in the state of Missouri;

7 (17) "Operate a vessel", to physically control the movement  
8 of a vessel in motion under mechanical or sail power in water;

9 (18) "Persistent offender", a person who has been found  
10 guilty of:

11 (a) Two or more intoxication-related traffic offenses  
12 committed on separate occasions; or

13 (b) One intoxication-related traffic offense committed in  
14 violation of any state law, county or municipal ordinance,  
15 federal offense, or military offense in which the defendant was  
16 operating a vehicle while intoxicated and another person was  
17 injured or killed;

18 (19) "Persistent boating offender", a person who has been  
19 found guilty of:

20 (a) Two or more intoxication-related boating offenses  
21 committed on separate occasions; or

22 (b) One intoxication-related boating offense committed in  
23 violation of any state law, county or municipal ordinance,  
24 federal offense, or military offense in which the defendant was  
25 operating a vessel while intoxicated and another person was  
26 injured or killed;

27 (20) "Prior offender", a person who has been found guilty  
28 of one intoxication-related traffic offense, where such prior

1 offense occurred within five years of the occurrence of the  
2 intoxication-related traffic offense for which the person is  
3 charged;

4 (21) "Prior boating offender", a person who has been found  
5 guilty of one intoxication-related boating offense, where such  
6 prior offense occurred within five years of the occurrence of the  
7 intoxication-related boating offense for which the person is  
8 charged.

9 577.010. 1. A person commits the offense of driving while  
10 intoxicated if he or she operates a vehicle while in an  
11 intoxicated condition.

12 2. The offense of driving while intoxicated is:

13 (1) A class B misdemeanor;

14 (2) A class A misdemeanor if:

15 (a) The defendant is a prior offender; or

16 (b) A person less than seventeen years of age is present in  
17 the vehicle;

18 (3) A class E felony if:

19 (a) The defendant is a persistent offender; or

20 (b) While driving while intoxicated, the defendant acts  
21 with criminal negligence to cause physical injury to another  
22 person;

23 (4) A class D felony if:

24 (a) The defendant is an aggravated offender;

25 (b) While driving while intoxicated, the defendant acts  
26 with criminal negligence to cause physical injury to a law  
27 enforcement officer or emergency personnel; or

28 (c) While driving while intoxicated, the defendant acts

1 with criminal negligence to cause serious physical injury to  
2 another person;

3 (5) A class C felony if:

4 (a) The defendant is a chronic offender;

5 (b) While driving while intoxicated, the defendant acts  
6 with criminal negligence to cause serious physical injury to a  
7 law enforcement officer or emergency personnel; or

8 (c) While driving while intoxicated, the defendant acts  
9 with criminal negligence to cause the death of another person;

10 (6) A class B felony if:

11 (a) The defendant is a habitual offender; [or]

12 (b) While driving while intoxicated, the defendant acts  
13 with criminal negligence to cause the death of a law enforcement  
14 officer or emergency personnel;

15 (c) While driving while intoxicated, the defendant acts  
16 with criminal negligence to cause the death of any person not a  
17 passenger in the vehicle operated by the defendant, including the  
18 death of an individual that results from the defendant's vehicle  
19 leaving a highway, as defined in section 301.010, or the  
20 highway's right-of-way;

21 (d) While driving while intoxicated, the defendant acts  
22 with criminal negligence to cause the death of two or more  
23 persons; or

24 (e) While driving while intoxicated, the defendant acts  
25 with criminal negligence to cause the death of any person while  
26 he or she has a blood alcohol content of at least eighteen-  
27 hundredths of one percent by weight of alcohol in such person's  
28 blood;

1           (7) A class A felony if the defendant [is a habitual  
2 offender as a result of being] has previously been found guilty  
3 of an [act described under paragraph (d) of subdivision (11) of  
4 section 577.001] offense under paragraphs (a) to (e) of  
5 subdivision (6) of this subsection and is found guilty of a  
6 subsequent violation of such [paragraph] paragraphs.

7           3. Notwithstanding the provisions of subsection 2 of this  
8 section, a person found guilty of the offense of driving while  
9 intoxicated as a first offense shall not be granted a suspended  
10 imposition of sentence:

11           (1) Unless such person shall be placed on probation for a  
12 minimum of two years; or

13           (2) In a circuit where a DWI court or docket created under  
14 section 478.007 or other court-ordered treatment program is  
15 available, and where the offense was committed with fifteen-  
16 hundredths of one percent or more by weight of alcohol in such  
17 person's blood, unless the individual participates and  
18 successfully completes a program under such DWI court or docket  
19 or other court-ordered treatment program.

20           4. If a person is found guilty of a second or subsequent  
21 offense of driving while intoxicated, the court may order the  
22 person to submit to a period of continuous alcohol monitoring or  
23 verifiable breath alcohol testing performed a minimum of four  
24 times per day as a condition of probation.

25           5. If a person is not granted a suspended imposition of  
26 sentence for the reasons described in subsection 3 of this  
27 section:

28           (1) If the individual operated the vehicle with fifteen-

1 hundredths to twenty-hundredths of one percent by weight of  
2 alcohol in such person's blood, the required term of imprisonment  
3 shall be not less than forty-eight hours;

4 (2) If the individual operated the vehicle with greater  
5 than twenty-hundredths of one percent by weight of alcohol in  
6 such person's blood, the required term of imprisonment shall be  
7 not less than five days.

8 6. A person found guilty of the offense of driving while  
9 intoxicated:

10 (1) As a prior offender, persistent offender, aggravated  
11 offender, chronic offender, or habitual offender shall not be  
12 granted a suspended imposition of sentence or be sentenced to pay  
13 a fine in lieu of a term of imprisonment, section 557.011 to the  
14 contrary notwithstanding;

15 (2) As a prior offender shall not be granted parole or  
16 probation until he or she has served a minimum of ten days  
17 imprisonment:

18 (a) Unless as a condition of such parole or probation such  
19 person performs at least thirty days of community service under  
20 the supervision of the court in those jurisdictions which have a  
21 recognized program for community service; or

22 (b) The offender participates in and successfully completes  
23 a program established under section 478.007 or other court-  
24 ordered treatment program, if available, and as part of either  
25 program, the offender performs at least thirty days of community  
26 service under the supervision of the court;

27 (3) As a persistent offender shall not be eligible for  
28 parole or probation until he or she has served a minimum of

1 thirty days imprisonment:

2 (a) Unless as a condition of such parole or probation such  
3 person performs at least sixty days of community service under  
4 the supervision of the court in those jurisdictions which have a  
5 recognized program for community service; or

6 (b) The offender participates in and successfully completes  
7 a program established under section 478.007 or other court-  
8 ordered treatment program, if available, and as part of either  
9 program, the offender performs at least sixty days of community  
10 service under the supervision of the court;

11 (4) As an aggravated offender shall not be eligible for  
12 parole or probation until he or she has served a minimum of sixty  
13 days imprisonment;

14 (5) As a chronic or habitual offender shall not be eligible  
15 for parole or probation until he or she has served a minimum of  
16 two years imprisonment; and

17 (6) Any probation or parole granted under this subsection  
18 may include a period of continuous alcohol monitoring or  
19 verifiable breath alcohol testing performed a minimum of four  
20 times per day.

21 577.011. 1. This section shall be known and may be cited  
22 as "Toby's Law".

23 2. In addition to other terms and conditions imposed on a  
24 person who has been found guilty of driving while intoxicated  
25 under section 577.010, such person shall complete a victim impact  
26 program approved by the court. Attendance in such program shall  
27 be in person unless there are extraordinary circumstances  
28 preventing in-person attendance. Such person shall be

1 responsible for any charges imposed by the victim impact program.

2 577.037. 1. Upon the trial of any person for any criminal  
3 offense or violations of county or municipal ordinances, or in  
4 any license suspension or revocation proceeding pursuant to the  
5 provisions of chapter 302, arising out of acts alleged to have  
6 been committed by any person while operating a vehicle, vessel,  
7 or aircraft, or acting as a flight crew member of any aircraft,  
8 while in an intoxicated condition or with an excessive blood  
9 alcohol content, the amount of alcohol in the person's blood at  
10 the time of the act, as shown by any chemical analysis of the  
11 person's blood, breath, saliva, or urine, is admissible in  
12 evidence and the provisions of subdivision (5) of section 491.060  
13 shall not prevent the admissibility or introduction of such  
14 evidence if otherwise admissible.

15 2. If a chemical analysis of the defendant's breath, blood,  
16 saliva, or urine demonstrates there was eight-hundredths of one  
17 percent or more by weight of alcohol in the person's blood, this  
18 shall be prima facie evidence that the person was intoxicated at  
19 the time the specimen was taken. If a chemical analysis of the  
20 defendant's breath, blood, saliva, or urine demonstrates that  
21 there was less than eight-hundredths of one percent of alcohol in  
22 the defendant's blood, any charge alleging a criminal offense  
23 related to the operation of a vehicle, vessel, or aircraft while  
24 in an intoxicated condition shall be dismissed with prejudice  
25 unless one or more of the following considerations cause the  
26 court to find a dismissal unwarranted:

27 (1) There is evidence that the chemical analysis is  
28 unreliable as evidence of the defendant's intoxication at the

1 time of the alleged violation due to the lapse of time between  
2 the alleged violation and the obtaining of the specimen;

3 (2) There is evidence that the defendant was under the  
4 influence of a controlled substance, or drug, or a combination of  
5 either or both with or without alcohol; or

6 (3) There is substantial evidence of intoxication from  
7 physical observations of witnesses or admissions of the  
8 defendant.

9 3. Percent by weight of alcohol in the blood shall be based  
10 upon grams of alcohol per one hundred milliliters of blood or  
11 grams of alcohol per two hundred ten liters of breath.

12 4. The foregoing provisions of this section shall not be  
13 construed as limiting the introduction of any other competent  
14 evidence bearing upon the question of whether the person was  
15 intoxicated.

16 5. A chemical analysis of a person's breath, blood, saliva  
17 or urine, in order to give rise to the presumption or to have the  
18 effect provided for in subsection 2 of this section, shall have  
19 been performed as provided in sections 577.020 to 577.041 and in  
20 accordance with methods and standards approved by the state  
21 department of health and senior services.

22 6. For any criminal offense, violation of a county or  
23 municipal ordinance, or in any license suspension or revocation  
24 proceeding under the provisions of chapter 302 arising out of  
25 acts alleged to have been committed by any person while operating  
26 a vehicle, vessel, or aircraft, or acting as a flight crew member  
27 of any aircraft, while in an intoxicated condition or with an  
28 excessive blood alcohol content occurring on or between the dates

1 of December 30, 2012, and April 4, 2014, notwithstanding any  
2 other provision of law or regulation, a relevant chemical  
3 analysis of a person's breath shall be admissible in all  
4 proceedings after the effective date of this section if the  
5 standard simulator solutions used to verify and calibrate  
6 evidential breath analyzers had a vapor concentration within five  
7 percent of the following values:

8 (1) One-tenth of one percent;

9 (2) Eight-hundredths of one percent; or

10 (3) Four-hundredths of one percent;

11 and otherwise were in accordance with methods and standards  
12 approved by the department of health and senior services. This  
13 provision is a procedural rule and applies to all actions in  
14 progress whether commenced before or after the effective date of  
15 this section. Such chemical breath analysis shall be admissible  
16 in all proceedings after the effective date of this section even  
17 if the offense occurred before the effective date of this  
18 section.

19 7. It is the intent of the legislature to reverse,  
20 overturn, and abrogate earlier case law interpretations related  
21 to the admissibility of chemical breath analyses to include, but  
22 not be limited to, holdings in Stiers v. Dir. of Revenue, 477  
23 S.W.3d 611, (Mo. 2016); and Stiers v. Dir. of Revenue, ED 101407,  
24 2015 WL 343310 (Mo.App. E.D. Jan. 27, 2015).

25 577.060. 1. A person commits the offense of leaving the  
26 scene of an accident when:

27 (1) Being the operator of a vehicle or a vessel involved in  
28 an accident resulting in injury or death or damage to property of

1 another person; and

2 (2) Having knowledge of such accident he or she leaves the  
3 place of the injury, damage or accident without stopping and  
4 giving the following information to the other party or to a law  
5 enforcement officer, or if no law enforcement officer is in the  
6 vicinity, then to the nearest law enforcement agency:

7 (a) His or her name;

8 (b) His or her residence, including city and street number;

9 (c) The registration or license number for his or her  
10 vehicle or vessel; and

11 (d) His or her operator's license number, if any.

12 2. For the purposes of this section, all law enforcement  
13 officers shall have jurisdiction, when invited by an injured  
14 person, to enter the premises of any privately owned property for  
15 the purpose of investigating an accident and performing all  
16 necessary duties regarding such accident.

17 3. The offense of leaving the scene of an accident is:

18 (1) A class A misdemeanor; **[or]**

19 (2) A class E felony if:

20 (a) Physical injury was caused to another party; or

21 (b) Damage in excess of one thousand dollars was caused to  
22 the property of another person; or

23 (c) The defendant has previously been found guilty of any  
24 offense in violation of this section; or committed in another  
25 jurisdiction which, if committed in this state, would be a  
26 violation of an offense of this section; or

27 (3) A class D felony if a death has occurred as a result of  
28 the accident.

1           4. A law enforcement officer who investigates or receives  
2 information of an accident involving an all-terrain vehicle and  
3 also involving the loss of life or serious physical injury shall  
4 make a written report of the investigation or information  
5 received and such additional facts relating to the accident as  
6 may come to his or her knowledge, mail the information to the  
7 department of public safety, and keep a record thereof in his or  
8 her office.

9           5. The provisions of this section shall not apply to the  
10 operation of all-terrain vehicles when property damage is  
11 sustained in sanctioned all-terrain vehicle races, derbies and  
12 rallies.

13           589.664. 1. If an individual is a participant in the  
14 Address Confidentiality Program pursuant to section 589.663, no  
15 person or entity shall be compelled to disclose the participant's  
16 actual address during the discovery phase of or during a  
17 proceeding before a court or other tribunal unless the court or  
18 tribunal first finds, on the record, that:

19           (1) There is a reasonable belief that the address is needed  
20 to obtain information or evidence without which the  
21 investigation, prosecution, or litigation cannot proceed; and

22           (2) There is no other practicable way of obtaining the  
23 information or evidence.

24           2. The court shall first provide the program participant  
25 and the secretary of state notice that address disclosure is  
26 sought.

27           3. The program participant shall have an opportunity to  
28 present evidence regarding the potential harm to the safety of

1 the program participant if the address is disclosed. In  
2 determining whether to compel disclosure, the court shall  
3 consider whether the potential harm to the safety of the  
4 participant is outweighed by the interest in disclosure.

5 4. Notwithstanding any other provision in law to the  
6 contrary, no court shall order an individual who has had his or  
7 her application accepted by the secretary to disclose his or her  
8 actual address or location of his or her residence without giving  
9 the secretary proper notice. The secretary shall have the right  
10 to intervene in any civil proceeding in which a court is  
11 considering ordering a participant to disclose his or her actual  
12 address.

13 5. Disclosure of a participant's actual address under this  
14 section shall be limited under the terms of the order to ensure  
15 that the disclosure and dissemination of the actual address will  
16 be no wider than necessary for the purposes of the investigation,  
17 prosecution, or litigation.

18 6. Nothing in this section shall be construed to prevent  
19 the court or any other tribunal from issuing a protective order  
20 to prevent disclosure of information, other than the  
21 participant's actual address, that could reasonably lead to the  
22 discovery of the program participant's location.

23 595.045. 1. There is established in the state treasury the  
24 "Crime Victims' Compensation Fund". A surcharge of seven dollars  
25 and fifty cents shall be assessed as costs in each court  
26 proceeding filed in any court in the state in all criminal cases  
27 including violations of any county ordinance or any violation of  
28 criminal or traffic laws of the state, including an infraction

1 and violation of a municipal ordinance; except that no such fee  
2 shall be collected in any proceeding in any court when the  
3 proceeding or the defendant has been dismissed by the court or  
4 when costs are to be paid by the state, county, or municipality.  
5 A surcharge of seven dollars and fifty cents shall be assessed as  
6 costs in a juvenile court proceeding in which a child is found by  
7 the court to come within the applicable provisions of subdivision  
8 (3) of subsection 1 of section 211.031.

9 2. Notwithstanding any other provision of law to the  
10 contrary, the moneys collected by clerks of the courts pursuant  
11 to the provisions of subsection 1 of this section shall be  
12 collected and disbursed in accordance with sections 488.010 to  
13 488.020 and shall be payable to the director of the department of  
14 revenue.

15 3. The director of revenue shall deposit annually the  
16 amount of two hundred fifty thousand dollars to the state  
17 forensic laboratory account administered by the department of  
18 public safety to provide financial assistance to defray expenses  
19 of crime laboratories if such analytical laboratories are  
20 registered with the federal Drug Enforcement Agency or the  
21 Missouri department of health and senior services. Subject to  
22 appropriations made therefor, such funds shall be distributed by  
23 the department of public safety to the crime laboratories serving  
24 the courts of this state making analysis of a controlled  
25 substance or analysis of blood, breath or urine in relation to a  
26 court proceeding.

27 4. The remaining funds collected under subsection 1 of this  
28 section shall be denoted to the payment of an annual

1 appropriation for the administrative and operational costs of the  
2 office for victims of crime and, if a statewide automated crime  
3 victim notification system is established pursuant to section  
4 650.310, to the monthly payment of expenditures actually incurred  
5 in the operation of such system. Additional remaining funds  
6 shall be subject to the following provisions:

7 (1) On the first of every month, the director of revenue or  
8 the director's designee shall determine the balance of the funds  
9 in the crime victims' compensation fund available to satisfy the  
10 amount of compensation payable pursuant to sections 595.010 to  
11 595.075, excluding sections 595.050 and 595.055;

12 (2) Beginning on September 1, 2004, and on the first of  
13 each month, the director of revenue or the director's designee  
14 shall deposit fifty percent of the balance of funds available to  
15 the credit of the crime victims' compensation fund and fifty  
16 percent to the services to victims' fund established in section  
17 595.100.

18 5. The director of revenue or such director's designee  
19 shall at least monthly report the moneys paid pursuant to this  
20 section into the crime victims' compensation fund and the  
21 services to victims fund to the department of public safety.

22 6. The moneys collected by clerks of municipal courts  
23 pursuant to subsection 1 of this section shall be collected and  
24 disbursed as provided by sections 488.010 to 488.020. Five  
25 percent of such moneys shall be payable to the city treasury of  
26 the city from which such funds were collected. The remaining  
27 ninety-five percent of such moneys shall be payable to the  
28 director of revenue. The funds received by the director of

1 revenue pursuant to this subsection shall be distributed as  
2 follows:

3 (1) On the first of every month, the director of revenue or  
4 the director's designee shall determine the balance of the funds  
5 in the crime victims' compensation fund available to satisfy the  
6 amount of compensation payable pursuant to sections 595.010 to  
7 595.075, excluding sections 595.050 and 595.055;

8 (2) Beginning on September 1, 2004, and on the first of  
9 each month the director of revenue or the director's designee  
10 shall deposit fifty percent of the balance of funds available to  
11 the credit of the crime victims' compensation fund and fifty  
12 percent to the services to victims' fund established in section  
13 595.100.

14 7. These funds shall be subject to a biennial audit by the  
15 Missouri state auditor. Such audit shall include all records  
16 associated with crime victims' compensation funds collected, held  
17 or disbursed by any state agency.

18 8. In addition to the moneys collected pursuant to  
19 subsection 1 of this section, the court shall enter a judgment in  
20 favor of the state of Missouri, payable to the crime victims'  
21 compensation fund, of sixty-eight dollars upon a plea of guilty  
22 or a finding of guilt for a class A or B felony; forty-six  
23 dollars upon a plea of guilty or finding of guilt for a class C  
24 [or], D, or E felony; and ten dollars upon a plea of guilty or a  
25 finding of guilt for any misdemeanor under Missouri law except  
26 for those in chapter 252 relating to fish and game, chapter 302  
27 relating to drivers' and commercial drivers' license, chapter 303  
28 relating to motor vehicle financial responsibility, chapter 304

1 relating to traffic regulations, chapter 306 relating to  
2 watercraft regulation and licensing, and chapter 307 relating to  
3 vehicle equipment regulations. Any clerk of the court receiving  
4 moneys pursuant to such judgments shall collect and disburse such  
5 crime victims' compensation judgments in the manner provided by  
6 sections 488.010 to 488.020. Such funds shall be payable to the  
7 state treasury and deposited to the credit of the crime victims'  
8 compensation fund.

9         9. The clerk of the court processing such funds shall  
10 maintain records of all dispositions described in subsection 1 of  
11 this section and all dispositions where a judgment has been  
12 entered against a defendant in favor of the state of Missouri in  
13 accordance with this section; all payments made on judgments for  
14 alcohol-related traffic offenses; and any judgment or portion of  
15 a judgment entered but not collected. These records shall be  
16 subject to audit by the state auditor. The clerk of each court  
17 transmitting such funds shall report separately the amount of  
18 dollars collected on judgments entered for alcohol-related  
19 traffic offenses from other crime victims' compensation  
20 collections or services to victims collections.

21         10. The department of revenue shall maintain records of  
22 funds transmitted to the crime victims' compensation fund by each  
23 reporting court and collections pursuant to subsection 16 of this  
24 section and shall maintain separate records of collection for  
25 alcohol-related offenses.

26         11. The state courts administrator shall include in the  
27 annual report required by section 476.350 the circuit court  
28 caseloads and the number of crime victims' compensation judgments

1 entered.

2 12. All awards made to injured victims under sections  
3 595.010 to 595.105 and all appropriations for administration of  
4 sections 595.010 to 595.105, except sections 595.050 and 595.055,  
5 shall be made from the crime victims' compensation fund. Any  
6 unexpended balance remaining in the crime victims' compensation  
7 fund at the end of each biennium shall not be subject to the  
8 provision of section 33.080 requiring the transfer of such  
9 unexpended balance to the ordinary revenue fund of the state, but  
10 shall remain in the crime victims' compensation fund. In the  
11 event that there are insufficient funds in the crime victims'  
12 compensation fund to pay all claims in full, all claims shall be  
13 paid on a pro rata basis. If there are no funds in the crime  
14 victims' compensation fund, then no claim shall be paid until  
15 funds have again accumulated in the crime victims' compensation  
16 fund. When sufficient funds become available from the fund,  
17 awards which have not been paid shall be paid in chronological  
18 order with the oldest paid first. In the event an award was to  
19 be paid in installments and some remaining installments have not  
20 been paid due to a lack of funds, then when funds do become  
21 available that award shall be paid in full. All such awards on  
22 which installments remain due shall be paid in full in  
23 chronological order before any other postdated award shall be  
24 paid. Any award pursuant to this subsection is specifically not  
25 a claim against the state, if it cannot be paid due to a lack of  
26 funds in the crime victims' compensation fund.

27 13. When judgment is entered against a defendant as  
28 provided in this section and such sum, or any part thereof,

1 remains unpaid, there shall be withheld from any disbursement,  
2 payment, benefit, compensation, salary, or other transfer of  
3 money from the state of Missouri to such defendant an amount  
4 equal to the unpaid amount of such judgment. Such amount shall  
5 be paid forthwith to the crime victims' compensation fund and  
6 satisfaction of such judgment shall be entered on the court  
7 record. Under no circumstances shall the general revenue fund be  
8 used to reimburse court costs or pay for such judgment. The  
9 director of the department of corrections shall have the  
10 authority to pay into the crime victims' compensation fund from  
11 an offender's compensation or account the amount owed by the  
12 offender to the crime victims' compensation fund, provided that  
13 the offender has failed to pay the amount owed to the fund prior  
14 to entering a correctional facility of the department of  
15 corrections.

16 14. All interest earned as a result of investing funds in  
17 the crime victims' compensation fund shall be paid into the crime  
18 victims' compensation fund and not into the general revenue of  
19 this state.

20 15. Any person who knowingly makes a fraudulent claim or  
21 false statement in connection with any claim hereunder is guilty  
22 of a class A misdemeanor.

23 16. The department may receive gifts and contributions for  
24 the benefit of crime victims. Such gifts and contributions shall  
25 be credited to the crime victims' compensation fund as used  
26 solely for compensating victims under the provisions of sections  
27 595.010 to 595.075.

28 595.219. 1. In addition to the court's authority to order

1 a defendant to make restitution for the damage or loss caused by  
2 his or her offense as provided in section 559.105, the court may  
3 enter a judgment of restitution against the offenders convicted  
4 of official misconduct in the first or second degrees pursuant to  
5 the provisions of this section.

6 2. The court may order the defendant to make restitution  
7 to:

8 (1) The victim;

9 (2) Any governmental entity; or

10 (3) A third-party payor, including an insurer that has made  
11 payment to the victim to compensate the victim for a property  
12 loss or a pecuniary loss.

13 3. Restitution payments to the victim have priority over  
14 restitution payments to a third-party payor. If the victim has  
15 been compensated for the victim's loss by a third-party payor,  
16 the court may order restitution payments to the third-party payor  
17 in the amount that the third-party payor compensated the victim.

18 4. Payment of restitution to a victim under this section  
19 has priority over payment of restitution to any governmental  
20 entity.

21 5. A restitution hearing to determine the liability of the  
22 defendant shall be held not later than thirty days after final  
23 disposition of the case and may be extended by the court for good  
24 cause. In the restitution hearing, a written statement or bill  
25 for medical, dental, hospital, funeral, or burial expenses shall  
26 be prima facie evidence that the amount indicated on the written  
27 statement or bill represents a fair and reasonable charge for the  
28 services or materials provided. The burden of proving that the

1 amount indicated on the written statement or bill is not fair and  
2 reasonable shall be on the person challenging the fairness and  
3 reasonableness of the amount.

4 6. A judgment of restitution against a defendant may not be  
5 entered unless the defendant has been afforded a reasonable  
6 opportunity to be heard and to present appropriate evidence in  
7 his or her behalf. The defendant shall be advised of his or her  
8 right to obtain counsel for representation at the hearing. A  
9 hearing under this section may be held as part of a final  
10 disposition hearing for the case.

11 7. The judgment may be enforced in the same manner as  
12 enforcing monetary judgments by the prosecuting attorney on  
13 behalf of the victim.

14 8. A judgment of restitution ordered pursuant to this  
15 section against a defendant shall not be a bar to a proceeding  
16 against the defendant pursuant to section 537.045 or section  
17 8.150 for the balance of the damages not paid pursuant to this  
18 section.

19 [475.024. A parent of a minor, by a properly  
20 executed power of attorney, may delegate to another  
21 individual, for a period not exceeding one year, any of  
22 his or her powers regarding care or custody of the  
23 minor child, except his or her power to consent to  
24 marriage or adoption of the minor child.]  
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Bob Dixon

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Rebecca Roeber