

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 91
101ST GENERAL ASSEMBLY

0456H.09C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 37.710, 49.310, 160.261, 210.145, 210.152, 211.181, 211.435, 211.438, 211.439, 447.541, 451.040, 452.410 455.010, 475.050, 476.083, 478.600, 485.060, 494.455, 566.150, 575.040, 575.050, 575.160, 575.270, 575.280, and 576.030, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, and to enact in lieu thereof thirty-three new sections relating to judicial proceedings, with penalty provisions and an emergency clause for certain sections.

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

Section A. Sections 37.710, 49.310, 160.261, 210.145, 210.152, 211.181, 211.435, 211.438, 211.439, 447.541, 451.040, 452.410, 455.010, 475.050, 476.083, 478.600, 485.060, 494.455, 566.150, 575.040, 575.050, 575.160, 575.270, 575.280, and 576.030, RSMo, section 49.266 as enacted by senate bill no. 672, ninety-seventh general assembly, second regular session, and section 49.266 as enacted by house bill no. 28, ninety-seventh general assembly, first regular session, are repealed and thirty-three new sections enacted in lieu thereof, to be known as sections 21.403, 21.405, 37.710, 37.717, 49.266, 49.310, 160.261, 210.145, 210.152, 211.012, 211.181, 211.435, 447.541, 451.040, 452.410, 455.010, 475.050, 476.083, 478.600, 479.162, 485.060, 488.016, 491.016, 494.455, 550.125, 566.150, 575.040, 575.050, 575.160, 575.270, 575.280, 575.330, and 576.030, to read as follows:

21.403. 1. If an individual who has been subpoenaed to testify or provide other information at a proceeding before a body of the general assembly has refused to give or provide such testimony or other information on the basis of his or her privilege against

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 self-incrimination, the president pro tempore or speaker of the originating body of the
5 general assembly may request the court to issue an order requiring such individual to
6 testify or provide other information, and if the court finds that such request has been
7 approved by an affirmative vote of a three-fifths majority of the members of such body of
8 the general assembly, the court shall issue an order requiring such individual to give such
9 testimony or provide other information requested or subpoenaed by such body of the
10 general assembly, which shall become effective as provided under this section.

11 2. After being provided written notice that an order has been issued under this
12 section, the witness shall not refuse to comply with the order on the basis of his or her
13 privilege against self-incrimination. However, no testimony or other information
14 compelled under such order, or any information directly or indirectly derived from such
15 testimony or other information, shall be used against the witness in any criminal
16 proceeding except for perjury, giving false statement, or otherwise failing to comply with
17 such order.

21.405. 1. If a witness is summoned by a body of the general assembly and such
2 witness:

3 (1) Willfully fails to appear to testify;

4 (2) After having appeared, refuses to answer any question pertinent to the question
5 under inquiry; or

6 (3) Fails to produce required documents,

7
8 a statement of facts constituting such failure or refusal may be reported to and filed with
9 the president pro tempore or speaker of the originating body of the general assembly.
10 Upon receipt of such statement of facts, the president pro tempore or the speaker may
11 certify such statement of facts to the prosecuting attorney or such other attorney having
12 jurisdiction for prosecution under section 575.330. The state attorney general shall have
13 concurrent original jurisdiction to commence such criminal action throughout the state
14 where such violation has occurred.

15 2. Upon request by the president pro tempore or speaker of the originating body
16 of the general assembly who has certified a statement of facts under this section, the court
17 shall within fifteen days of the request appoint independent counsel, who shall have
18 jurisdiction to prosecute under section 575.330. In the event independent counsel is
19 appointed under this section, such independent counsel shall have sole jurisdiction to
20 prosecute under section 575.330.

37.710. 1. The office shall have access to the following information:

(1) The names and physical location of all children in protective services, treatment, or other programs under the jurisdiction of the children's division, the department of mental health, and the juvenile court;

(2) All written reports of child abuse and neglect; and

(3) All current records required to be maintained pursuant to chapters 210 and 211.

2. The office shall have the authority:

(1) To communicate privately by any means possible with any child under protective services and anyone working with the child, including the family, relatives, courts, employees of the department of social services and the department of mental health, and other persons or entities providing treatment and services;

(2) To have access, including the right to inspect, copy and subpoena records held by the clerk of the juvenile or family court, juvenile officers, law enforcement agencies, institutions, public or private, and other agencies, or persons with whom a particular child has been either voluntarily or otherwise placed for care, or has received treatment within this state or in another state;

(3) To work in conjunction with juvenile officers and guardians ad litem;

(4) To file any findings or reports of the child advocate regarding the parent or child with the court, and issue recommendations regarding the disposition of an investigation, which may be provided to the court and to the investigating agency;

(5) To file amicus curiae briefs on behalf of the interests of the parent or child, or to file such pleadings necessary to intervene on behalf of the child at the appropriate judicial level using the resources of the office of the attorney general;

(6) To initiate meetings with the department of social services, the department of mental health, the juvenile court, and juvenile officers;

(7) To take whatever steps are appropriate to see that persons are made aware of the services of the child advocate's office, its purpose, and how it can be contacted;

(8) To apply for and accept grants, gifts, and bequests of funds from other states, federal, and interstate agencies, and independent authorities, private firms, individuals, and foundations to carry out his or her duties and responsibilities. The funds shall be deposited in a dedicated account established within the office to permit moneys to be expended in accordance with the provisions of the grant or bequest;

(9) Subject to appropriation, to establish as needed local panels on a regional or county basis to adequately and efficiently carry out the functions and duties of the office, and address complaints in a timely manner; and

(10) To mediate between alleged victims of sexual misconduct and school districts or charter schools as provided in subsection 1 of section 160.262.

38 3. For any information obtained from a state agency or entity under sections 37.700 to
39 37.730, the office of child advocate shall be subject to the same disclosure restrictions and
40 confidentiality requirements that apply to the state agency or entity providing such information
41 to the office of child advocate. For information obtained directly by the office of child advocate
42 under sections 37.700 to 37.730, the office of child advocate shall be subject to the same
43 disclosure restrictions and confidentiality requirements that apply to the children's division
44 regarding information obtained during a child abuse and neglect investigation resulting in an
45 unsubstantiated report. **Nothing in this section shall preclude the office of child advocate**
46 **from releasing findings regarding the professional performance of any individual member**
47 **of the multidisciplinary team as described in section 660.520.**

37.717. 1. The office shall create a safety reporting system in which employees of
2 **the children's division may report information regarding the safety of those served by the**
3 **children's division and the safety of such division's employees.**

4 **2. The identity of any individual who reports to or participates in the reporting**
5 **system under subsection 1 of this section shall:**

6 **(1) Be sealed from inspection by the public or any other entity or individual who**
7 **is otherwise provided access to the department of social services' confidential records;**

8 **(2) Not be subject to discovery or introduction into evidence in any civil**
9 **proceeding; and**

10 **(3) Be disclosed only as necessary to carry out the purpose of the reporting system**
11 **under subsection 1 of this section.**

12 **3. Any criminal act reported into the reporting system under subsection 1 of this**
13 **section shall be disclosed by the office of child advocate to the appropriate law enforcement**
14 **agency or prosecuting or city attorney.**

15 **4. Any investigation conducted as a result of a report made under this section shall**
16 **be conducted by an unbiased and disinterested investigator.**

~~[49.266. 1. The county commission in all noncharter counties may by~~
2 ~~order or ordinance promulgate reasonable regulations concerning the use of~~
3 ~~county property, the hours, conditions, methods and manner of such use and the~~
4 ~~regulation of pedestrian and vehicular traffic and parking thereon.~~

5 ~~2. Violation of any regulation so adopted under subsection 1 of this~~
6 ~~section is an infraction.~~

7 ~~3. Upon a determination by the state fire marshal that a burn ban order~~
8 ~~is appropriate for a county because:~~

9 ~~(1) An actual or impending occurrence of a natural disaster of major~~
10 ~~proportions within the county jeopardizes the safety and welfare of the~~
11 ~~inhabitants of such county; and~~

12 ~~————— (2) The U.S. Drought Monitor has designated the county as an area of~~
13 ~~severe, extreme, or exceptional drought, the county commission may adopt an~~
14 ~~order or ordinance issuing a burn ban, which may carry a penalty of up to a class~~
15 ~~A misdemeanor. State agencies responsible for fire management or suppression~~
16 ~~activities and persons conducting agricultural burning using best management~~
17 ~~practices shall not be subject to the provisions of this subsection. The ability of~~
18 ~~an individual, organization, or corporation to sell fireworks shall not be affected~~
19 ~~by the issuance of a burn ban. The county burn ban may prohibit the explosion~~
20 ~~or ignition of any missile or skyrocket as the terms "missile" and "skyrocket" are~~
21 ~~defined by the 2012 edition of the American Fireworks Standards Laboratory, but~~
22 ~~shall not ban the explosion or ignition of any other consumer fireworks as the~~
23 ~~term "consumer fireworks" is defined under section 320.106.~~

24 ~~————— 4. The regulations so adopted shall be codified, printed and made~~
25 ~~available for public use and adequate signs concerning smoking, traffic and~~
26 ~~parking regulations shall be posted.]~~
27

49.266. 1. The county commission in all **noncharter** counties ~~[of the first, second or~~
2 ~~fourth classification]~~ may by order or ordinance promulgate reasonable regulations concerning
3 the use of county property, the hours, conditions, methods and manner of such use and the
4 regulation of pedestrian and vehicular traffic and parking thereon.

5 2. Violation of any regulation so adopted under subsection 1 of this section is an
6 infraction.

7 3. Upon a determination by the state fire marshal that a burn ban order is appropriate for
8 a county because:

9 (1) An actual or impending occurrence of a natural disaster of major proportions within
10 the county jeopardizes the safety and welfare of the inhabitants of such county; and

11 (2) The U.S. Drought Monitor has designated the county as an area of severe, extreme,
12 or exceptional drought, the county commission may adopt an order or ordinance issuing a burn
13 ban, which may carry a penalty of up to a class A misdemeanor. State agencies responsible for
14 fire management or suppression activities and persons conducting agricultural burning using best
15 management practices shall not be subject to the provisions of this subsection. The ability of an
16 individual, organization, or corporation to sell fireworks shall not be affected by the issuance of
17 a burn ban. The county burn ban may prohibit the explosion or ignition of any missile or
18 skyrocket as the terms "missile" and "skyrocket" are defined by the 2012 edition of the American
19 Fireworks Standards Laboratory, but shall not ban the explosion or ignition of any other
20 consumer fireworks as the term "consumer fireworks" is defined under section 320.106.

21 4. The regulations so adopted shall be codified, printed and made available for public
22 use and adequate signs concerning smoking, traffic and parking regulations shall be posted.

49.310. 1. Except as provided in sections 221.400 to 221.420 and subsection 2 of this section, the county commission in each county in this state shall erect and maintain at the established seat of justice a good and sufficient courthouse, jail and necessary fireproof buildings for the preservation of the records of the county; except that in counties having a special charter, the jail or workhouse may be located at any place within the county. In pursuance of the authority herein delegated to the county commission, the county commission may acquire a site, construct, reconstruct, remodel, repair, maintain and equip the courthouse and jail, and in counties wherein more than one place is provided by law for holding of court, the county commission may buy and equip or acquire a site and construct a building or buildings to be used as a courthouse and jail, and may remodel, repair, maintain and equip buildings in both places. The county commission may issue bonds as provided by the general law covering the issuance of bonds by counties for the purposes set forth in this section. In bond elections for these purposes in counties wherein more than one place is provided by law for holding of court, a separate ballot question may be submitted covering proposed expenditures in each separate site described therein, or a single ballot question may be submitted covering proposed expenditures at more than one site, if the amount of the proposed expenditures at each of the sites is specifically set out therein.

2. The county commission in all counties of the fourth classification and any county of the third, second, or first classification may provide for the erection and maintenance of a good and sufficient jail or holding cell facility at a site in the county other than at the established seat of justice.

3. In the absence of a local agreement otherwise, for any courthouse that contains both county offices and court facilities, the presiding judge of the circuit may establish rules and procedures for court facilities and areas necessary for court-related ingress, court-related egress and other reasonable court-related usage, but the county commission shall have authority over all other areas of the courthouse.

160.261. 1. The local board of education of each school district shall clearly establish a written policy of discipline, including the district's determination on the use of corporal punishment and the procedures in which punishment will be applied. A written copy of the district's discipline policy and corporal punishment procedures, if applicable, shall be provided to the pupil and parent or legal guardian of every pupil enrolled in the district at the beginning of each school year and also made available in the office of the superintendent of such district, during normal business hours, for public inspection. All employees of the district shall annually receive instruction related to the specific contents of the policy of discipline and any interpretations necessary to implement the provisions of the policy in the course of their duties, including but not limited to approved methods of dealing with acts of school violence,

11 disciplining students with disabilities and instruction in the necessity and requirements for
12 confidentiality.

13 2. The policy shall require school administrators to report acts of school violence to all
14 teachers at the attendance center and, in addition, to other school district employees with a need
15 to know. For the purposes of this chapter or chapter 167, "need to know" is defined as school
16 personnel who are directly responsible for the student's education or who otherwise interact with
17 the student on a professional basis while acting within the scope of their assigned duties. As
18 used in this section, the phrase "act of school violence" or "violent behavior" means the exertion
19 of physical force by a student with the intent to do serious physical injury as defined in section
20 556.061 to another person while on school property, including a school bus in service on behalf
21 of the district, or while involved in school activities. The policy shall at a minimum require
22 school administrators to report, as soon as reasonably practical, to the appropriate law
23 enforcement agency any of the following crimes, or any act which if committed by an adult
24 would be one of the following crimes:

- 25 (1) First degree murder under section 565.020;
- 26 (2) Second degree murder under section 565.021;
- 27 (3) Kidnapping under section 565.110 as it existed prior to January 1, 2017, or
28 kidnapping in the first degree under section 565.110;
- 29 (4) First degree assault under section 565.050;
- 30 (5) Rape in the first degree under section 566.030;
- 31 (6) Sodomy in the first degree under section 566.060;
- 32 (7) Burglary in the first degree under section 569.160;
- 33 (8) Burglary in the second degree under section 569.170;
- 34 (9) Robbery in the first degree under section 569.020 as it existed prior to January 1,
35 2017, or robbery in the first degree under section 570.023;
- 36 (10) Distribution of drugs under section 195.211 as it existed prior to January 1, 2017,
37 or manufacture of a controlled substance under section 579.055;
- 38 (11) Distribution of drugs to a minor under section 195.212 as it existed prior to January
39 1, 2017, or delivery of a controlled substance under section 579.020;
- 40 (12) Arson in the first degree under section 569.040;
- 41 (13) Voluntary manslaughter under section 565.023;
- 42 (14) Involuntary manslaughter under section 565.024 as it existed prior to January 1,
43 2017, involuntary manslaughter in the first degree under section 565.024, or involuntary
44 manslaughter in the second degree under section 565.027;
- 45 (15) Second degree assault under section 565.060 as it existed prior to January 1, 2017,
46 or second degree assault under section 565.052;

- 47 (16) Rape in the second degree under section 566.031;
48 (17) Felonious restraint under section 565.120 as it existed prior to January 1, 2017, or
49 kidnapping in the second degree under section 565.120;
50 (18) Property damage in the first degree under section 569.100;
51 (19) The possession of a weapon under chapter 571;
52 (20) Child molestation in the first degree pursuant to section 566.067 as it existed prior
53 to January 1, 2017, or child molestation in the first, second, or third degree pursuant to section
54 566.067, 566.068, or 566.069;
55 (21) Sodomy in the second degree pursuant to section 566.061;
56 (22) Sexual misconduct involving a child pursuant to section 566.083;
57 (23) Sexual abuse in the first degree pursuant to section 566.100;
58 (24) Harassment under section 565.090 as it existed prior to January 1, 2017, or
59 harassment in the first degree under section 565.090; or
60 (25) Stalking under section 565.225 as it existed prior to January 1, 2017, or stalking in
61 the first degree under section 565.225;
62
63 committed on school property, including but not limited to actions on any school bus in service
64 on behalf of the district or while involved in school activities. The policy shall require that any
65 portion of a student's individualized education program that is related to demonstrated or
66 potentially violent behavior shall be provided to any teacher and other school district employees
67 who are directly responsible for the student's education or who otherwise interact with the
68 student on an educational basis while acting within the scope of their assigned duties. The policy
69 shall also contain the consequences of failure to obey standards of conduct set by the local board
70 of education, and the importance of the standards to the maintenance of an atmosphere where
71 orderly learning is possible and encouraged.
72 3. The policy shall provide that any student who is on suspension for any of the offenses
73 listed in subsection 2 of this section or any act of violence or drug-related activity defined by
74 school district policy as a serious violation of school discipline pursuant to subsection 9 of this
75 section shall have as a condition of his or her suspension the requirement that such student is not
76 allowed, while on such suspension, to be within one thousand feet of any school property in the
77 school district where such student attended school or any activity of that district, regardless of
78 whether or not the activity takes place on district property unless:
79 (1) Such student is under the direct supervision of the student's parent, legal guardian,
80 or custodian and the superintendent or the superintendent's designee has authorized the student
81 to be on school property;

82 (2) Such student is under the direct supervision of another adult designated by the
83 student's parent, legal guardian, or custodian, in advance, in writing, to the principal of the school
84 which suspended the student and the superintendent or the superintendent's designee has
85 authorized the student to be on school property;

86 (3) Such student is enrolled in and attending an alternative school that is located within
87 one thousand feet of a public school in the school district where such student attended school;
88 or

89 (4) Such student resides within one thousand feet of any public school in the school
90 district where such student attended school in which case such student may be on the property
91 of his or her residence without direct adult supervision.

92 4. Any student who violates the condition of suspension required pursuant to subsection
93 3 of this section may be subject to expulsion or further suspension pursuant to the provisions of
94 sections 167.161, 167.164, and 167.171. In making this determination consideration shall be
95 given to whether the student poses a threat to the safety of any child or school employee and
96 whether such student's unsupervised presence within one thousand feet of the school is disruptive
97 to the educational process or undermines the effectiveness of the school's disciplinary policy.
98 Removal of any pupil who is a student with a disability is subject to state and federal procedural
99 rights. This section shall not limit a school district's ability to:

100 (1) Prohibit all students who are suspended from being on school property or attending
101 an activity while on suspension;

102 (2) Discipline students for off-campus conduct that negatively affects the educational
103 environment to the extent allowed by law.

104 5. The policy shall provide for a suspension for a period of not less than one year, or
105 expulsion, for a student who is determined to have brought a weapon to school, including but
106 not limited to the school playground or the school parking lot, brought a weapon on a school bus
107 or brought a weapon to a school activity whether on or off of the school property in violation of
108 district policy, except that:

109 (1) The superintendent or, in a school district with no high school, the principal of the
110 school which such child attends may modify such suspension on a case-by-case basis; and

111 (2) This section shall not prevent the school district from providing educational services
112 in an alternative setting to a student suspended under the provisions of this section.

113 6. For the purpose of this section, the term "weapon" shall mean a firearm as defined
114 under 18 U.S.C. Section 921 and the following items, as defined in section 571.010: a blackjack,
115 a concealable firearm, an explosive weapon, a firearm, a firearm silencer, a gas gun, a knife,
116 knuckles, a machine gun, a projectile weapon, a rifle, a shotgun, a spring gun or a switchblade
117 knife; except that this section shall not be construed to prohibit a school board from adopting a

policy to allow a Civil War reenactor to carry a Civil War era weapon on school property for educational purposes so long as the firearm is unloaded. The local board of education shall define weapon in the discipline policy. Such definition shall include the weapons defined in this subsection but may also include other weapons.

7. All school district personnel responsible for the care and supervision of students are authorized to hold every pupil strictly accountable for any disorderly conduct in school or on any property of the school, on any school bus going to or returning from school, during school-sponsored activities, or during intermission or recess periods.

8. Teachers and other authorized district personnel in public schools responsible for the care, supervision, and discipline of schoolchildren, including volunteers selected with reasonable care by the school district, shall not be civilly liable when acting in conformity with the established policies developed by each board, including but not limited to policies of student discipline or when reporting to his or her supervisor or other person as mandated by state law acts of school violence or threatened acts of school violence, within the course and scope of the duties of the teacher, authorized district personnel or volunteer, when such individual is acting in conformity with the established policies developed by the board. Nothing in this section shall be construed to create a new cause of action against such school district, or to relieve the school district from liability for the negligent acts of such persons.

9. Each school board shall define in its discipline policy acts of violence and any other acts that constitute a serious violation of that policy. "Acts of violence" as defined by school boards shall include but not be limited to exertion of physical force by a student with the intent to do serious bodily harm to another person while on school property, including a school bus in service on behalf of the district, or while involved in school activities. School districts shall for each student enrolled in the school district compile and maintain records of any serious violation of the district's discipline policy. Such records shall be made available to teachers and other school district employees with a need to know while acting within the scope of their assigned duties, and shall be provided as required in section 167.020 to any school district in which the student subsequently attempts to enroll.

10. Spanking, when administered by certificated personnel and in the presence of a witness who is an employee of the school district, or the use of reasonable force to protect persons or property, when administered by personnel of a school district in a reasonable manner in accordance with the local board of education's written policy of discipline, is not abuse within the meaning of chapter 210. ~~[The provisions of sections 210.110 to 210.165 notwithstanding, the children's division shall not have jurisdiction over or investigate any report of alleged child abuse arising out of or related to the use of reasonable force to protect persons or property when administered by personnel of a school district or any spanking administered in a reasonable~~

manner by any certificated school personnel in the presence of a witness who is an employee of the school district pursuant to a written policy of discipline established by the board of education of the school district, as long as no allegation of sexual misconduct arises from the spanking or use of force.

~~11. If a student reports alleged sexual misconduct on the part of a teacher or other school employee to a person employed in a school facility who is required to report such misconduct to the children's division under section 210.115, such person and the superintendent of the school district shall report the allegation to the children's division as set forth in section 210.115. Reports made to the children's division under this subsection shall be investigated by the division in accordance with the provisions of sections 210.145 to 210.153 and shall not be investigated by the school district under subsections 12 to 20 of this section for purposes of determining whether the allegations should or should not be substantiated. The district may investigate the allegations for the purpose of making any decision regarding the employment of the accused employee.~~

~~12.] 11. Upon receipt of any reports of child abuse by the children's division [other than reports provided under subsection 11 of this section], pursuant to sections 210.110 to 210.165 which allegedly involve personnel of a school district, the children's division shall notify the superintendent of schools of the district or, if the person named in the alleged incident is the superintendent of schools, the president of the school board of the school district where the alleged incident occurred.~~

~~[13. If, after an initial investigation, the superintendent of schools or the president of the school board finds that the report involves an alleged incident of child abuse other than the administration of a spanking by certificated school personnel or the use of reasonable force to protect persons or property when administered by school personnel pursuant to a written policy of discipline or that the report was made for the sole purpose of harassing a public school employee, the superintendent of schools or the president of the school board shall immediately refer the matter back to the children's division and take no further action. In all matters referred back to the children's division, the division shall treat the report in the same manner as other reports of alleged child abuse received by the division.~~

~~14. If the report pertains to an alleged incident which arose out of or is related to a spanking administered by certificated personnel or the use of reasonable force to protect persons or property when administered by personnel of a school district pursuant to a written policy of discipline or a report made for the sole purpose of harassing a public school employee, a notification of the reported child abuse shall be sent by the superintendent of schools or the president of the school board to the law enforcement in the county in which the alleged incident occurred.~~

~~15. The report shall be jointly investigated by the law enforcement officer and the superintendent of schools or, if the subject of the report is the superintendent of schools, by a law enforcement officer and the president of the school board or such president's designee.~~

~~16. The investigation shall begin no later than forty-eight hours after notification from the children's division is received, and shall consist of, but need not be limited to, interviewing and recording statements of the child and the child's parents or guardian within two working days after the start of the investigation, of the school district personnel allegedly involved in the report, and of any witnesses to the alleged incident.~~

~~17. The law enforcement officer and the investigating school district personnel shall issue separate reports of their findings and recommendations after the conclusion of the investigation to the school board of the school district within seven days after receiving notice from the children's division.~~

~~18. The reports shall contain a statement of conclusion as to whether the report of alleged child abuse is substantiated or is unsubstantiated.~~

~~19. The school board shall consider the separate reports referred to in subsection 17 of this section and shall issue its findings and conclusions and the action to be taken, if any, within seven days after receiving the last of the two reports. The findings and conclusions shall be made in substantially the following form:~~

~~(1) The report of the alleged child abuse is unsubstantiated. The law enforcement officer and the investigating school board personnel agree that there was not a preponderance of evidence to substantiate that abuse occurred;~~

~~(2) The report of the alleged child abuse is substantiated. The law enforcement officer and the investigating school district personnel agree that the preponderance of evidence is sufficient to support a finding that the alleged incident of child abuse did occur;~~

~~(3) The issue involved in the alleged incident of child abuse is unresolved. The law enforcement officer and the investigating school personnel are unable to agree on their findings and conclusions on the alleged incident.~~

~~20. The findings and conclusions of the school board under subsection 19 of this section shall be sent to the children's division. If the findings and conclusions of the school board are that the report of the alleged child abuse is unsubstantiated, the investigation shall be terminated, the case closed, and no record shall be entered in the children's division central registry. If the findings and conclusions of the school board are that the report of the alleged child abuse is substantiated, the children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school district and shall include the information in the division's central registry. If the findings and conclusions of the school board are that the issue involved in the alleged incident of child abuse is unresolved, the~~

~~children's division shall report the incident to the prosecuting attorney of the appropriate county along with the findings and conclusions of the school board, however, the incident and the names of the parties allegedly involved shall not be entered into the central registry of the children's division unless and until the alleged child abuse is substantiated by a court of competent jurisdiction.~~

~~21. Any superintendent of schools, president of a school board or such person's designee or law enforcement officer who knowingly falsifies any report of any matter pursuant to this section or who knowingly withholds any information relative to any investigation or report pursuant to this section is guilty of a class A misdemeanor.~~

~~22.]~~ **12.** In order to ensure the safety of all students, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the purposes of the accreditation process of the Missouri school improvement plan, be considered a dropout or be included in the calculation of that district's educational persistence ratio.

210.145. 1. The division shall develop protocols which give priority to:

(1) Ensuring the well-being and safety of the child in instances where child abuse or neglect has been alleged;

(2) Promoting the preservation and reunification of children and families consistent with state and federal law;

(3) Providing due process for those accused of child abuse or neglect; and

(4) Maintaining an information system operating at all times, capable of receiving and maintaining reports **of child abuse or neglect**. This information system shall have the ability to receive reports over a single, statewide toll-free number **and electronically**. Such information system shall maintain the results of all investigations, family assessments and services, and other relevant information, **including all information needed for the reporting required under section 210.188. Such reports shall include the following information, if possible:**

(a) The names and addresses of the child and his or her parents or other persons responsible for his or her care;

(b) The child's age, sex, and race;

(c) The nature and extent of the child's injuries, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect to the child or his or her siblings;

(d) The name, age, and address of the person responsible for the injuries, abuse, or neglect;

(e) The family composition;

21 **(f) The name and address of the person making the report, the person's occupation,**
22 **and if the person may be reached. However, the division shall advise any person making**
23 **a report of child abuse or neglect that such report may be made anonymously; and**

24 **(g) The actions taken by the reporting source, including the removal or keeping of**
25 **the child, notifying the coroner or medical examiner, and other information or evidence**
26 **that the person making the report believes may be helpful in the furtherance of the**
27 **purposes of sections 210.110 to 210.165.**

28 2. (1) The division shall utilize structured decision-making protocols, including a
29 standard risk assessment that shall be completed within seventy-two hours of the report of abuse
30 or neglect, for classification purposes of all child abuse and neglect reports. The protocols
31 developed by the division shall give priority to ensuring the well-being and safety of the child.
32 All child abuse and neglect reports shall be initiated within twenty-four hours and shall be
33 classified based upon the reported risk and injury to the child. The division shall promulgate
34 rules regarding the structured decision-making protocols to be utilized for all child abuse and
35 neglect reports.

36 (2) The director of the division and the office of state courts administrator shall develop
37 a joint safety assessment tool before December 31, 2020, and such tool shall be implemented
38 before January 1, 2022. The safety assessment tool shall replace the standard risk assessment
39 required under subdivision (1) of this subsection and shall also be completed within seventy-two
40 hours of the report of abuse or neglect.

41 3. Upon receipt of a report, the division shall determine if the report merits investigation,
42 including reports which if true would constitute a suspected violation of any of the following:
43 section 565.020, 565.021, 565.023, 565.024, or 565.050 if the victim is a child less than eighteen
44 years of age, section 566.030 or 566.060 if the victim is a child less than eighteen years of age,
45 or other crimes under chapter 566 if the victim is a child less than eighteen years of age and the
46 perpetrator is twenty-one years of age or older, section 567.050 if the victim is a child less than
47 eighteen years of age, section 568.020, 568.030, 568.045, 568.050, 568.060, 573.200, or
48 573.205, section 573.025, 573.035, 573.037, or 573.040, or an attempt to commit any such
49 crimes. The division shall immediately communicate all reports that merit investigation to its
50 appropriate local office and any relevant information as may be contained in the information
51 system. The local division staff shall determine, through the use of protocols developed by the
52 division, whether an investigation or the family assessment and services approach should be used
53 to respond to the allegation. The protocols developed by the division shall give priority to
54 ensuring the well-being and safety of the child.

55 4. The division may accept a report for investigation or family assessment if either the
56 child or alleged perpetrator resides in Missouri, may be found in Missouri, or if the incident
57 occurred in Missouri.

58 5. If the division receives a report in which neither the child nor the alleged perpetrator
59 resides in Missouri or may be found in Missouri and the incident did not occur in Missouri, the
60 division shall document the report and communicate it to the appropriate agency or agencies in
61 the state where the child is believed to be located, along with any relevant information or records
62 as may be contained in the division's information system.

63 6. When the child abuse and neglect hotline receives three or more calls, within a
64 seventy-two hour period, from one or more individuals concerning the same child, the division
65 shall conduct a review to determine whether the calls meet the criteria and statutory definition
66 for a child abuse and neglect report to be accepted. In conducting the review, the division shall
67 contact the hotline caller or callers in order to collect information to determine whether the calls
68 meet the criteria for harassment.

69 7. The local office shall contact the appropriate law enforcement agency immediately
70 upon receipt of a report which division personnel determine merits an investigation and provide
71 such agency with a detailed description of the report received. In such cases the local division
72 office shall request the assistance of the local law enforcement agency in all aspects of the
73 investigation of the complaint. The appropriate law enforcement agency shall either assist the
74 division in the investigation or provide the division, within twenty-four hours, an explanation
75 in writing detailing the reasons why it is unable to assist.

76 8. The local office of the division shall cause an investigation or family assessment and
77 services approach to be initiated in accordance with the protocols established in subsection 2 of
78 this section, except in cases where the sole basis for the report is educational neglect. If the
79 report indicates that educational neglect is the only complaint and there is no suspicion of other
80 neglect or abuse, the investigation shall be initiated within seventy-two hours of receipt of the
81 report. If the report indicates the child is in danger of serious physical harm or threat to life, an
82 investigation shall include direct observation of the subject child within twenty-four hours of the
83 receipt of the report. Local law enforcement shall take all necessary steps to facilitate such direct
84 observation. Callers to the child abuse and neglect hotline shall be instructed by the division's
85 hotline to call 911 in instances where the child may be in immediate danger. If the parents of the
86 child are not the alleged perpetrators, a parent of the child must be notified prior to the child
87 being interviewed by the division. No person responding to or investigating a child abuse and
88 neglect report shall call prior to a home visit or leave any documentation of any attempted visit,
89 such as business cards, pamphlets, or other similar identifying information if he or she has a
90 reasonable basis to believe the following factors are present:

- 91 (1) (a) No person is present in the home at the time of the home visit; and
92 (b) The alleged perpetrator resides in the home or the physical safety of the child may
93 be compromised if the alleged perpetrator becomes aware of the attempted visit;
94 (2) The alleged perpetrator will be alerted regarding the attempted visit; or
95 (3) The family has a history of domestic violence or fleeing the community.
96

97 If the alleged perpetrator is present during a visit by the person responding to or investigating the
98 report, such person shall provide written material to the alleged perpetrator informing him or her
99 of his or her rights regarding such visit, including but not limited to the right to contact an
100 attorney. The alleged perpetrator shall be given a reasonable amount of time to read such written
101 material or have such material read to him or her by the case worker before the visit commences,
102 but in no event shall such time exceed five minutes; except that, such requirement to provide
103 written material and reasonable time to read such material shall not apply in cases where the
104 child faces an immediate threat or danger, or the person responding to or investigating the report
105 is or feels threatened or in danger of physical harm. If the abuse is alleged to have occurred in
106 a school or child care facility the division shall not meet with the child in any school building
107 or child-care facility building where abuse of such child is alleged to have occurred. When the
108 child is reported absent from the residence, the location and the well-being of the child shall be
109 verified. For purposes of this subsection, "child care facility" shall have the same meaning as
110 such term is defined in section 210.201.

111 9. The director of the division shall name at least one chief investigator for each local
112 division office, who shall direct the division response on any case involving a second or
113 subsequent incident regarding the same subject child or perpetrator. The duties of a chief
114 investigator shall include verification of direct observation of the subject child by the division
115 and shall ensure information regarding the status of an investigation is provided to the public
116 school district liaison. The public school district liaison shall develop protocol in conjunction
117 with the chief investigator to ensure information regarding an investigation is shared with
118 appropriate school personnel. The superintendent of each school district shall designate a
119 specific person or persons to act as the public school district liaison. Should the subject child
120 attend a nonpublic school the chief investigator shall notify the school principal of the
121 investigation. Upon notification of an investigation, all information received by the public
122 school district liaison or the school shall be subject to the provisions of the federal Family
123 Educational Rights and Privacy Act (FERPA), 20 U.S.C. Section 1232g, and federal rule 34
124 C.F.R. Part 99.

125 10. The investigation shall include but not be limited to the nature, extent, and cause of
126 the abuse or neglect; the identity and age of the person responsible for the abuse or neglect; the

127 names and conditions of other children in the home, if any; the home environment and the
128 relationship of the subject child to the parents or other persons responsible for the child's care;
129 any indication of incidents of physical violence against any other household or family member;
130 and other pertinent data.

131 11. When a report has been made by a person required to report under section 210.115,
132 the division shall contact the person who made such report within forty-eight hours of the receipt
133 of the report in order to ensure that full information has been received and to obtain any
134 additional information or medical records, or both, that may be pertinent.

135 12. Upon completion of the investigation, if the division suspects that the report was
136 made maliciously or for the purpose of harassment, the division shall refer the report and any
137 evidence of malice or harassment to the local prosecuting or circuit attorney.

138 13. Multidisciplinary teams shall be used whenever conducting the investigation as
139 determined by the division in conjunction with local law enforcement. Multidisciplinary teams
140 shall be used in providing protective or preventive social services, including the services of law
141 enforcement, a liaison of the local public school, the juvenile officer, the juvenile court, and
142 other agencies, both public and private.

143 14. For all family support team meetings involving an alleged victim of child abuse or
144 neglect, the parents, legal counsel for the parents, foster parents, the legal guardian or custodian
145 of the child, the guardian ad litem for the child, and the volunteer advocate for the child shall be
146 provided notice and be permitted to attend all such meetings. Family members, other than
147 alleged perpetrators, or other community informal or formal service providers that provide
148 significant support to the child and other individuals may also be invited at the discretion of the
149 parents of the child. In addition, the parents, the legal counsel for the parents, the legal guardian
150 or custodian and the foster parents may request that other individuals, other than alleged
151 perpetrators, be permitted to attend such team meetings. Once a person is provided notice of or
152 attends such team meetings, the division or the convenor of the meeting shall provide such
153 persons with notice of all such subsequent meetings involving the child. Families may determine
154 whether individuals invited at their discretion shall continue to be invited.

155 15. If the appropriate local division personnel determine after an investigation has begun
156 that completing an investigation is not appropriate, the division shall conduct a family
157 assessment and services approach. The division shall provide written notification to local law
158 enforcement prior to terminating any investigative process. The reason for the termination of
159 the investigative process shall be documented in the record of the division and the written
160 notification submitted to local law enforcement. Such notification shall not preclude nor prevent
161 any investigation by law enforcement.

162 16. If the appropriate local division personnel determines to use a family assessment and
163 services approach, the division shall:

164 (1) Assess any service needs of the family. The assessment of risk and service needs
165 shall be based on information gathered from the family and other sources;

166 (2) Provide services which are voluntary and time-limited unless it is determined by the
167 division based on the assessment of risk that there will be a high risk of abuse or neglect if the
168 family refuses to accept the services. The division shall identify services for families where it
169 is determined that the child is at high risk of future abuse or neglect. The division shall
170 thoroughly document in the record its attempt to provide voluntary services and the reasons these
171 services are important to reduce the risk of future abuse or neglect to the child. If the family
172 continues to refuse voluntary services or the child needs to be protected, the division may
173 commence an investigation;

174 (3) Commence an immediate investigation if at any time during the family assessment
175 and services approach the division determines that an investigation, as delineated in sections
176 210.109 to 210.183, is required. The division staff who have conducted the assessment may
177 remain involved in the provision of services to the child and family;

178 (4) Document at the time the case is closed, the outcome of the family assessment and
179 services approach, any service provided and the removal of risk to the child, if it existed.

180 17. (1) Within forty-five days of an oral report of abuse or neglect, the local office shall
181 update the information in the information system. The information system shall contain, at a
182 minimum, the determination made by the division as a result of the investigation, identifying
183 information on the subjects of the report, those responsible for the care of the subject child and
184 other relevant dispositional information. The division shall complete all investigations within
185 forty-five days, unless good cause for the failure to complete the investigation is specifically
186 documented in the information system. Good cause for failure to complete an investigation shall
187 include, but not be limited to:

188 (a) The necessity to obtain relevant reports of medical providers, medical examiners,
189 psychological testing, law enforcement agencies, forensic testing, and analysis of relevant
190 evidence by third parties which has not been completed and provided to the division;

191 (b) The attorney general or the prosecuting or circuit attorney of the city or county in
192 which a criminal investigation is pending certifies in writing to the division that there is a
193 pending criminal investigation of the incident under investigation by the division and the issuing
194 of a decision by the division will adversely impact the progress of the investigation; or

195 (c) The child victim, the subject of the investigation or another witness with information
196 relevant to the investigation is unable or temporarily unwilling to provide complete information

197 within the specified time frames due to illness, injury, unavailability, mental capacity, age,
198 developmental disability, or other cause.

199

200 The division shall document any such reasons for failure to complete the investigation.

201 (2) If a child fatality or near-fatality is involved in a report of abuse or neglect, the
202 investigation shall remain open until the division's investigation surrounding such death or near-
203 fatal injury is completed.

204 (3) If the investigation is not completed within forty-five days, the information system
205 shall be updated at regular intervals and upon the completion of the investigation, which shall
206 be completed no later than ninety days after receipt of a report of abuse or neglect, or one
207 hundred twenty days after receipt of a report of abuse or neglect involving sexual abuse, or until
208 the division's investigation is complete in cases involving a child fatality or near-fatality. The
209 information in the information system shall be updated to reflect any subsequent findings,
210 including any changes to the findings based on an administrative or judicial hearing on the
211 matter.

212 18. A person required to report under section 210.115 to the division and any person
213 making a report of child abuse or neglect made to the division which is not made anonymously
214 shall be informed by the division of his or her right to obtain information concerning the
215 disposition of his or her report. Such person shall receive, from the local office, if requested,
216 information on the general disposition of his or her report. Such person may receive, if
217 requested, findings and information concerning the case. Such release of information shall be
218 at the discretion of the director based upon a review of the reporter's ability to assist in protecting
219 the child or the potential harm to the child or other children within the family. The local office
220 shall respond to the request within forty-five days. The findings shall be made available to the
221 reporter within five days of the outcome of the investigation. If the report is determined to be
222 unsubstantiated, the reporter may request that the report be referred by the division to the office
223 of child advocate for children's protection and services established in sections 37.700 to 37.730.
224 Upon request by a reporter under this subsection, the division shall refer an unsubstantiated
225 report of child abuse or neglect to the office of child advocate for children's protection and
226 services.

227 19. The division shall provide to any individual who is not satisfied with the results of
228 an investigation information about the office of child advocate and the services it may provide
229 under sections 37.700 to 37.730.

230 20. In any judicial proceeding involving the custody of a child the fact that a report may
231 have been made pursuant to sections 210.109 to 210.183 shall not be admissible. However:

(1) Nothing in this subsection shall prohibit the introduction of evidence from independent sources to support the allegations that may have caused a report to have been made; and

(2) The court may on its own motion, or shall if requested by a party to the proceeding, make an inquiry not on the record with the children's division to determine if such a report has been made.

If a report has been made, the court may stay the custody proceeding until the children's division completes its investigation.

21. Nothing in this chapter shall be construed to prohibit the children's division from coinvestigating a report of child abuse or neglect or sharing records and information with child welfare, law enforcement, or judicial officers of another state, territory, or nation if the children's division determines it is appropriate to do so under the standard set forth in subsection 4 of section 210.150 and if such receiving agency is exercising its authority under the law.

22. In any judicial proceeding involving the custody of a child where the court determines that the child is in need of services under paragraph (d) of subdivision (1) of subsection 1 of section 211.031 and has taken jurisdiction, the child's parent, guardian or custodian shall not be entered into the registry.

23. The children's division is hereby granted the authority to promulgate rules and regulations pursuant to the provisions of section 207.021 and chapter 536 to carry out the provisions of sections 210.109 to 210.183.

24. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and void.

210.152. 1. All information, including telephone reports reported pursuant to section 210.145, relating to reports of abuse or neglect received by the division shall be retained by the division or removed from the records of the division as follows:

(1) For investigation reports contained in the central registry, the report and all information shall be retained by the division;

(2) (a) For investigation reports initiated against a person required to report pursuant to section 210.115, where insufficient evidence of abuse or neglect is found by the division and where the division determines the allegation of abuse or neglect was made maliciously, for

9 purposes of harassment, or in retaliation for the filing of a report by a person required to report,
10 identifying information shall be expunged by the division within forty-five days from the
11 conclusion of the investigation;

12 (b) For investigation reports, where insufficient evidence of abuse or neglect is found
13 by the division and where the division determines the allegation of abuse or neglect was made
14 maliciously, for purposes of harassment, or in retaliation for the filing of a report, identifying
15 information shall be expunged by the division within forty-five days from the conclusion of the
16 investigation;

17 (c) For investigation reports initiated by a person required to report under section
18 210.115, where insufficient evidence of abuse or neglect is found by the division, identifying
19 information shall be retained for ten years from the conclusion of the investigation. For all other
20 investigation reports where insufficient evidence of abuse or neglect is found by the division,
21 identifying information shall be retained for five years from the conclusion of the investigation.
22 Such reports shall include any exculpatory evidence known by the division, including
23 exculpatory evidence obtained after the closing of the case. At the end of such time period, the
24 identifying information shall be removed from the records of the division and destroyed;

25 (d) For investigation reports where the identification of the specific perpetrator or
26 perpetrators cannot be substantiated and the division has specific evidence to determine that a
27 child was abused or neglected, the division shall retain the report and all information but shall
28 not place an unknown perpetrator on the central registry. The division shall retain all
29 information. The division shall retain and disclose information and findings in the same manner
30 as the division retains and discloses family assessments. If the division made a finding of abuse
31 or neglect against an unknown perpetrator prior to August 28, 2017, the division shall remove
32 the unknown perpetrator from the central registry but shall retain and utilize all information as
33 otherwise provided in this section;

34 (3) For reports where the division uses the family assessment and services approach,
35 information shall be retained by the division;

36 (4) For reports in which the division is unable to locate the child alleged to have been
37 abused or neglected, information shall be retained for eighteen years from the date of the report
38 and then shall be removed from the records by the division.

39 2. Within ninety days, or within one hundred twenty days in cases involving sexual
40 abuse, or until the division's investigation is complete in cases involving a child fatality or near-
41 fatality, after receipt of a report of abuse or neglect that is investigated, the alleged perpetrator
42 named in the report and the parents of the child named in the report, if the alleged perpetrator is
43 not a parent, shall be notified in writing of any determination made by the division based on the
44 investigation. The notice shall advise either:

45 (1) That the division has determined by a probable cause finding prior to August 28,
46 2004, or by a preponderance of the evidence after August 28, 2004, that abuse or neglect exists
47 and that the division shall retain all information regarding the abuse or neglect; that such
48 information shall remain confidential and will not be released except to law enforcement
49 agencies, prosecuting or circuit attorneys, or as provided in section 210.150; that the alleged
50 perpetrator has sixty days from the date of receipt of the notice to seek reversal of the division's
51 determination through a review by the child abuse and neglect review board as provided in
52 subsection 4 of this section;

53 (2) That the division has not made a probable cause finding or determined by a
54 preponderance of the evidence that abuse or neglect exists; or

55 (3) The division has been unable to determine the identity of the perpetrator of the abuse
56 or neglect. The notice shall also inform the child's parents and legal guardian that the division
57 shall retain, utilize, and disclose all information and findings as provided in family assessment
58 and services cases.

59 3. The children's division may reopen a case for review if new, specific, and credible
60 evidence is obtained.

61 4. Any person named in an investigation as a perpetrator who is aggrieved by a
62 determination of abuse or neglect by the division as provided in this section may seek an
63 administrative review by the child abuse and neglect review board pursuant to the provisions of
64 section 210.153. Such request for review shall be made within sixty days of notification of the
65 division's decision under this section. In those cases where criminal charges arising out of facts
66 of the investigation are pending, the request for review shall be made within sixty days from the
67 court's final disposition or dismissal of the charges. **Nothing in this section shall preclude the**
68 **office of child advocate from releasing findings regarding the professional performance of**
69 **any individual member of the multidisciplinary team as described in section 660.520.**

70 5. In any such action for administrative review, the child abuse and neglect review board
71 shall sustain the division's determination if such determination was supported by evidence of
72 probable cause prior to August 28, 2004, or is supported by a preponderance of the evidence after
73 August 28, 2004, and is not against the weight of such evidence. The child abuse and neglect
74 review board hearing shall be closed to all persons except the parties, their attorneys and those
75 persons providing testimony on behalf of the parties.

76 6. If the alleged perpetrator is aggrieved by the decision of the child abuse and neglect
77 review board, the alleged perpetrator may seek de novo judicial review in the circuit court in the
78 county in which the alleged perpetrator resides and in circuits with split venue, in the venue in
79 which the alleged perpetrator resides, or in Cole County. If the alleged perpetrator is not a
80 resident of the state, proper venue shall be in Cole County. The case may be assigned to the

81 family court division where such a division has been established. The request for a judicial
82 review shall be made within sixty days of notification of the decision of the child abuse and
83 neglect review board decision. In reviewing such decisions, the circuit court shall provide the
84 alleged perpetrator the opportunity to appear and present testimony. The alleged perpetrator may
85 subpoena any witnesses except the alleged victim or the reporter. However, the circuit court
86 shall have the discretion to allow the parties to submit the case upon a stipulated record.

87 7. In any such action for administrative review, the child abuse and neglect review board
88 shall notify the child or the parent, guardian or legal representative of the child that a review has
89 been requested.

2 **211.012. For purposes of this chapter, section 221.044, and the original jurisdiction**
3 **of the juvenile court, a person shall not be considered a child if, at the time the alleged**
4 **offense or violation was committed, the person was considered an adult according to then-**
5 **existing law.**

2 211.181. 1. When a child is found by the court to come within the applicable provisions
3 of subdivision (1) of subsection 1 of section 211.031, the court shall so decree and make a
4 finding of fact upon which it exercises its jurisdiction over the child, and the court may, by order
5 duly entered, proceed as follows:

5 (1) Place the child under supervision in his or her own home or in the custody of a
6 relative or other suitable person after the court or a public agency or institution designated by the
7 court conducts an investigation of the home, relative or person and finds such home, relative or
8 person to be suitable and upon such conditions as the court may require;

9 (2) Commit the child to the custody of:

10 (a) A public agency or institution authorized by law to care for children or to place them
11 in family homes; except that, such child may not be committed to the department of social
12 services, division of youth services;

13 (b) Any other institution or agency which is authorized or licensed by law to care for
14 children or to place them in family homes;

15 (c) An association, school or institution willing to receive the child in another state if the
16 approval of the agency in that state which administers the laws relating to importation of children
17 into the state has been secured; or

18 (d) The juvenile officer;

19 (3) Place the child in a family home;

20 (4) Cause the child to be examined and treated by a physician, psychiatrist or
21 psychologist and when the health or condition of the child requires it, cause the child to be placed
22 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
23 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment

24 of a child whose parents or guardian in good faith are providing other remedial treatment
25 recognized or permitted under the laws of this state;

26 (5) The court may order, pursuant to subsection 2 of section 211.081, that the child
27 receive the necessary services in the least restrictive appropriate environment including home
28 and community-based services, treatment and support, based on a coordinated, individualized
29 treatment plan. The individualized treatment plan shall be approved by the court and developed
30 by the applicable state agencies responsible for providing or paying for any and all appropriate
31 and necessary services, subject to appropriation, and shall include which agencies are going to
32 pay for and provide such services. Such plan must be submitted to the court within thirty days
33 and the child's family shall actively participate in designing the service plan for the child;

34 (6) The department of social services, in conjunction with the department of mental
35 health, shall apply to the United States Department of Health and Human Services for such
36 federal waivers as required to provide services for such children, including the acquisition of
37 community-based services waivers.

38 2. When a child is found by the court to come within the provisions of subdivision (2)
39 of subsection 1 of section 211.031, the court shall so decree and upon making a finding of fact
40 upon which it exercises its jurisdiction over the child, the court may, by order duly entered,
41 proceed as follows:

42 (1) Place the child under supervision in his or her own home or in custody of a relative
43 or other suitable person after the court or a public agency or institution designated by the court
44 conducts an investigation of the home, relative or person and finds such home, relative or person
45 to be suitable and upon such conditions as the court may require;

46 (2) Commit the child to the custody of:

47 (a) A public agency or institution authorized by law to care for children or place them
48 in family homes; except that, a child may be committed to the department of social services,
49 division of youth services, only if he or she is presently under the court's supervision after an
50 adjudication under the provisions of subdivision (2) or (3) of subsection 1 of section 211.031;

51 (b) Any other institution or agency which is authorized or licensed by law to care for
52 children or to place them in family homes;

53 (c) An association, school or institution willing to receive it in another state if the
54 approval of the agency in that state which administers the laws relating to importation of children
55 into the state has been secured; or

56 (d) The juvenile officer;

57 (3) Place the child in a family home;

58 (4) Cause the child to be examined and treated by a physician, psychiatrist or
59 psychologist and when the health or condition of the child requires it, cause the child to be placed

60 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
61 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
62 of a child whose parents or guardian in good faith are providing other remedial treatment
63 recognized or permitted under the laws of this state;

64 (5) Assess an amount of up to ten dollars to be paid by the child to the clerk of the court.
65

66 Execution of any order entered by the court pursuant to this subsection, including a commitment
67 to any state agency, may be suspended and the child placed on probation subject to such
68 conditions as the court deems reasonable. After a hearing, probation may be revoked and the
69 suspended order executed.

70 3. When a child is found by the court to come within the provisions of subdivision (3)
71 of subsection 1 of section 211.031, the court shall so decree and make a finding of fact upon
72 which it exercises its jurisdiction over the child, and the court may, by order duly entered,
73 proceed as follows:

74 (1) Place the child under supervision in his or her own home or in custody of a relative
75 or other suitable person after the court or a public agency or institution designated by the court
76 conducts an investigation of the home, relative or person and finds such home, relative or person
77 to be suitable and upon such conditions as the court may require; provided that, no child who has
78 been adjudicated a delinquent by a juvenile court for committing or attempting to commit a
79 sex-related offense which if committed by an adult would be considered a felony offense
80 pursuant to chapter 566, including but not limited to rape, forcible sodomy, child molestation,
81 and sexual abuse, and in which the victim was a child, shall be placed in any residence within
82 one thousand feet of the residence of the abused child of that offense until the abused child
83 reaches the age of eighteen, and provided further that the provisions of this subdivision regarding
84 placement within one thousand feet of the abused child shall not apply when the abusing child
85 and the abused child are siblings or children living in the same home;

86 (2) Commit the child to the custody of:

87 (a) A public agency or institution authorized by law to care for children or to place them
88 in family homes;

89 (b) Any other institution or agency which is authorized or licensed by law to care for
90 children or to place them in family homes;

91 (c) An association, school or institution willing to receive it in another state if the
92 approval of the agency in that state which administers the laws relating to importation of children
93 into the state has been secured; or

94 (d) The juvenile officer;

95 (3) Beginning January 1, 1996, the court may make further directions as to placement
96 with the division of youth services concerning the child's length of stay. The length of stay order
97 may set forth a minimum review date;

98 (4) Place the child in a family home;

99 (5) Cause the child to be examined and treated by a physician, psychiatrist or
100 psychologist and when the health or condition of the child requires it, cause the child to be placed
101 in a public or private hospital, clinic or institution for treatment and care; except that, nothing
102 contained herein authorizes any form of compulsory medical, surgical, or psychiatric treatment
103 of a child whose parents or guardian in good faith are providing other remedial treatment
104 recognized or permitted under the laws of this state;

105 (6) Suspend or revoke a state or local license or authority of a child to operate a motor
106 vehicle;

107 (7) Order the child to make restitution or reparation for the damage or loss caused by his
108 or her offense. In determining the amount or extent of the damage, the court may order the
109 juvenile officer to prepare a report and may receive other evidence necessary for such
110 determination. The child and his or her attorney shall have access to any reports which may be
111 prepared, and shall have the right to present evidence at any hearing held to ascertain the amount
112 of damages. Any restitution or reparation ordered shall be reasonable in view of the child's
113 ability to make payment or to perform the reparation. The court may require the clerk of the
114 circuit court to act as receiving and disbursing agent for any payment ordered;

115 (8) Order the child to a term of community service under the supervision of the court or
116 of an organization selected by the court. Every person, organization, and agency, and each
117 employee thereof, charged with the supervision of a child under this subdivision, or who benefits
118 from any services performed as a result of an order issued under this subdivision, shall be
119 immune from any suit by the child ordered to perform services under this subdivision, or any
120 person deriving a cause of action from such child, if such cause of action arises from the
121 supervision of the child's performance of services under this subdivision and if such cause of
122 action does not arise from an intentional tort. A child ordered to perform services under this
123 subdivision shall not be deemed an employee within the meaning of the provisions of chapter
124 287, nor shall the services of such child be deemed employment within the meaning of the
125 provisions of chapter 288. Execution of any order entered by the court, including a commitment
126 to any state agency, may be suspended and the child placed on probation subject to such
127 conditions as the court deems reasonable. After a hearing, probation may be revoked and the
128 suspended order executed;

129 (9) When a child has been adjudicated to have violated a municipal ordinance or to have
130 committed an act that would be a misdemeanor if committed by an adult, assess an amount of

131 up to twenty-five dollars to be paid by the child to the clerk of the court; when a child has been
132 adjudicated to have committed an act that would be a felony if committed by an adult, assess an
133 amount of up to fifty dollars to be paid by the child to the clerk of the court.

134 4. Beginning January 1, 1996, the court may set forth in the order of commitment the
135 minimum period during which the child shall remain in the custody of the division of youth
136 services. No court order shall require a child to remain in the custody of the division of youth
137 services for a period which exceeds the child's ~~[eighteenth]~~ **nineteenth** birth date except upon
138 petition filed by the division of youth services pursuant to subsection 1 of section 219.021. In
139 any order of commitment of a child to the custody of the division of youth services, the division
140 shall determine the appropriate program or placement pursuant to subsection 3 of section
141 219.021. Beginning January 1, 1996, the department shall not discharge a child from the custody
142 of the division of youth services before the child completes the length of stay determined by the
143 court in the commitment order unless the committing court orders otherwise. The director of the
144 division of youth services may at any time petition the court for a review of a child's length of
145 stay commitment order, and the court may, upon a showing of good cause, order the early
146 discharge of the child from the custody of the division of youth services. The division may
147 discharge the child from the division of youth services without a further court order after the
148 child completes the length of stay determined by the court or may retain the child for any period
149 after the completion of the length of stay in accordance with the law.

150 5. When an assessment has been imposed under the provisions of subsection 2 or 3 of
151 this section, the assessment shall be paid to the clerk of the court in the circuit where the
152 assessment is imposed by court order, to be deposited in a fund established for the sole purpose
153 of payment of judgments entered against children in accordance with section 211.185.

211.435. 1. ~~[There is hereby created in the state treasury the]~~ A "Juvenile Justice
2 Preservation Fund"~~[, which]~~ **is hereby established in each county's circuit court for the**
3 **purpose of implementing and maintaining the expansion of juvenile court jurisdiction to**
4 **eighteen years of age. The fund** shall consist of moneys collected under subsection 2 of this
5 section and sections 488.315 and 558.003, any gifts, bequests, and donations, and any other
6 moneys appropriated by the general assembly. ~~[The state treasurer shall be custodian of the fund.~~
7 ~~In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements.~~
8 ~~The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be~~
9 ~~distributed to the judicial circuits of the state based upon the increased workload created by~~
10 ~~sections 211.021 to 211.425 solely for the administration of the juvenile justice system.~~
11 ~~Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the~~
12 ~~fund at the end of the biennium shall not revert to the credit of the general revenue fund. The~~
13 ~~state treasurer shall invest moneys in the fund in the same manner as other funds are invested.~~

14 ~~Any interest and moneys earned on such investments shall be credited to the fund. The~~
15 ~~provisions of this subsection shall expire on August 28, 2024.]~~

16 2. For all traffic violations of any county ordinance or any violation of traffic laws of this
17 state, including an infraction, in which a person has pled guilty, there shall be assessed as costs
18 a surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding
19 involving a violation of an ordinance or state law when the proceeding or defendant has been
20 dismissed by the court or when costs are to be paid by the state, county, or municipality. Such
21 surcharge shall be collected and disbursed by the clerk of the court as provided by sections
22 488.010 to 488.020. The surcharge collected under this section shall be ~~[paid into the state~~
23 ~~treasury to the credit of the]~~ **payable to the county circuit court juvenile justice preservation**
24 **fund created in this section. [The provisions of this subsection shall expire if the provisions of**
25 **subsection 1 of this section expire.] Funds held by the state treasurer in the state juvenile**
26 **justice preservation fund shall be payable and revert to the circuit court's juvenile justice**
27 **preservation fund in the county of origination.**

28 3. Expenditures from the county circuit court juvenile justice preservation fund
29 shall be made at the discretion of the juvenile office for the circuit court and shall be used
30 for the sole purpose of implementing and maintaining the expansion of juvenile court
31 jurisdiction.

32 4. No moneys deposited in the juvenile justice preservation fund shall be expended
33 for capital improvements.

34 5. To further promote the best interests of the children of the state of Missouri,
35 moneys in the juvenile justice preservation fund shall not be used to replace or reduce the
36 responsibilities of either the counties or the state to provide funding for existing and new
37 juvenile treatment services as provided in this chapter and chapter 210 or funding as
38 otherwise required by law.

447.541. 1. Within two hundred forty days from the due date of the report required by
2 section 447.539, the treasurer shall cause notice to be published at least once each week for two
3 successive weeks in a newspaper of general circulation as defined in section 493.050 in the
4 county in this state in which is located the last known address of any person to be named in the
5 notice, **or by any other method which the treasurer, in his or her discretion, deems**
6 **appropriate and consistent with the intent of this section to notify the owners of property**
7 **presumed abandoned and reported under section 447.539.** If no address is listed or if the
8 address is outside this state and the property may be subject to sale or liquidation, the notice shall
9 be published in the county in which the holder of the abandoned property has his principal place
10 of business within this state.

11 2. The published notice **required under subsection 1 of this section** shall be entitled
12 "Notice of Names of Persons Appearing to be Owners of Abandoned Property", and shall
13 contain:

14 (1) The names in alphabetical order and last known addresses, if any, of persons listed
15 in the report and entitled to notice within the county as specified in subsection 1 of this section;

16 (2) A statement that information concerning the amount or description of the property
17 and the name and address of the holder may be obtained by any persons possessing an interest
18 in the property by addressing an inquiry to the treasurer;

19 (3) A statement that if proof of claim is not presented by the owner to the holder and if
20 the owner's right to receive the property is not established to the treasurer's satisfaction within
21 one year from the date of the delivery of the property to the treasurer, the abandoned property
22 will be sold as provided in section 447.558. The treasurer is not required to publish in the notice
23 any items of less than fifty dollars unless, in the aggregate, the items total fifty or more dollars
24 for any one individual. The treasurer shall use reasonable diligence to determine if small items
25 in fact belong to the same individual.

26 3. Within one hundred twenty days from the receipt of the report required by section
27 447.539, the treasurer shall mail a notice, **or provide a notice by any other method which the**
28 **treasurer, in his or her discretion, deems appropriate and consistent with the intent of this**
29 **subsection**, to each person having an address listed therein who appears to be entitled to property
30 of the value of fifty dollars or more presumed abandoned under sections 447.500 to 447.595.

31 4. The ~~mailed~~ notice **required under subsection 3 of this section** shall contain:

32 (1) A statement that, according to a report filed with the treasurer, property is being held
33 by the treasurer to which the addressee appears entitled; and

34 (2) A statement that, if satisfactory proof of claim is not presented by the owner to the
35 treasurer by the date specified in the published notice, the property will be sold as provided in
36 section 447.558.

37 5. Subsections 1 and 4 of this section are not applicable to sums payable on traveler's
38 checks or money orders.

39 6. In addition to the above forms of notice to owners of abandoned property, the treasurer
40 shall work with other state agencies to provide notice to holders of their rights and
41 responsibilities pursuant to sections 447.500 to 447.595 by including information regarding
42 Missouri's unclaimed property laws.

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be
2 obtained from the officer authorized to issue the same, and no marriage contracted shall be
3 recognized as valid unless the license has been previously obtained, and unless the marriage is
4 solemnized by a person authorized by law to solemnize marriages.

5 2. Before applicants for a marriage license shall receive a license, and before the recorder
6 of deeds shall be authorized to issue a license, the parties to the marriage shall present an
7 application for the license, duly executed and signed in the presence of the recorder of deeds or
8 their deputy **or electronically through an online process**. If an applicant is unable to sign the
9 application in the presence of the recorder of deeds as a result of the applicant's incarceration or
10 because the applicant has been called or ordered to active military duty out of the state or
11 country, the recorder of deeds may issue a license if:

12 (1) An affidavit or sworn statement is submitted by the incarcerated or military applicant
13 on a form furnished by the recorder of deeds which includes the necessary information for the
14 recorder of deeds to issue a marriage license under this section. The form shall include, but not
15 be limited to, the following:

16 (a) The names of both applicants for the marriage license;

17 (b) The date of birth of the incarcerated or military applicant;

18 (c) An attestation by the incarcerated or military applicant that both applicants are not
19 related;

20 (d) The date the marriage ended if the incarcerated or military applicant was previously
21 married;

22 (e) An attestation signed by the incarcerated or military applicant stating in substantial
23 part that the applicant is unable to appear in the presence of the recorder of deeds as a result of
24 the applicant's incarceration or because the applicant has been called or ordered to active military
25 duty out of the state or country, which will be verified by the professional or official who directs
26 the operation of the jail or prison or the military applicant's military officer, or such professional's
27 or official's designee, and acknowledged by a notary public commissioned by the state of
28 Missouri at the time of verification. However, in the case of an applicant who is called or
29 ordered to active military duty outside Missouri, ~~acknowledgement~~ **acknowledgment** may be
30 obtained by a notary public who is duly commissioned by a state other than Missouri or by
31 notarial services of a military officer in accordance with the Uniform Code of Military Justice
32 at the time of verification;

33 (2) The completed marriage license application of the incarcerated or military applicant
34 is submitted which includes the applicant's Social Security number; except that, in the event the
35 applicant does not have a Social Security number, a sworn statement by the applicant to that
36 effect; and

37 (3) A copy of a government-issued identification for the incarcerated or military
38 applicant which contains the applicant's photograph. However, in such case the incarcerated
39 applicant does not have such an identification because the jail or prison to which he or she is

40 confined does not issue an identification with a photo his or her notarized application shall
41 satisfy this requirement.

42 3. Each application for a license shall contain the Social Security number of the
43 applicant, provided that the applicant in fact has a Social Security number, or the applicant shall
44 sign a statement provided by the recorder that the applicant does not have a Social Security
45 number. The Social Security number contained in an application for a marriage license shall be
46 exempt from examination and copying pursuant to section 610.024. After the receipt of the
47 application the recorder of deeds shall issue the license, unless one of the parties withdraws the
48 application. The license shall be void after thirty days from the date of issuance.

49 4. Any person violating the provisions of this section shall be deemed guilty of a
50 misdemeanor.

51 5. Common-law marriages shall be null and void.

52 6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall
53 the validity be in any way affected for want of authority in any person so solemnizing the
54 marriage pursuant to section 451.100, if consummated with the full belief on the part of the
55 persons, so married, or either of them, that they were lawfully joined in marriage.

56 **7. In the event a recorder of deeds utilizes an online process to accept applications**
57 **for a marriage license or to issue a marriage license and the applicants' identity has not**
58 **been verified in person, the recorder shall have a two-step identity verification process or**
59 **a process that independently verifies the identity of such applicants. Such process shall be**
60 **adopted as part of any electronic system for marriage licenses if the applicants do not**
61 **present themselves to the recorder or his or her designee in person. It shall be the**
62 **responsibility of the recorder to ensure any process adopted to allow electronic application**
63 **or issuance of a marriage license verifies the identities of both applicants. The recorder**
64 **shall not accept applications for or issue marriage licenses through the process provided**
65 **in this subsection unless both applicants are at least eighteen years of age and at least one**
66 **of the applicants is a resident of the county or city not within a county in which the**
67 **application was submitted.**

452.410. 1. Except as provided in subsection 2 of this section, the court shall not modify
2 a prior custody decree unless it has jurisdiction under the provisions of section [452.450]
3 **452.745** and it finds, upon the basis of facts that have arisen since the prior decree or that were
4 unknown to the court at the time of the prior decree, that a change has occurred in the
5 circumstances of the child or his custodian and that the modification is necessary to serve the
6 best interests of the child. Notwithstanding any other provision of this section or sections
7 452.375 and 452.400, any custody order entered by any court in this state or any other state [~~prior~~
8 ~~to August 13, 1984,~~] may, subject to jurisdictional requirements, be modified to allow for joint

9 custody **or visitation only** in accordance with section 452.375, ~~[without any further showing]~~
10 **452.400, 452.402, or 452.403.**

11 2. If either parent files a motion to modify an award of joint legal custody or joint
12 physical custody, each party shall be entitled to a change of judge as provided by supreme court
13 rule.

455.010. As used in this chapter, unless the context clearly indicates otherwise, the
2 following terms shall mean:

3 (1) "Abuse" includes but is not limited to the occurrence of any of the following acts,
4 attempts or threats against a person who may be protected pursuant to this chapter, except abuse
5 shall not include abuse inflicted on a child by accidental means by an adult household member
6 or discipline of a child, including spanking, in a reasonable manner:

7 (a) "Assault", purposely or knowingly placing or attempting to place another in fear of
8 physical harm;

9 (b) "Battery", purposely or knowingly causing physical harm to another with or without
10 a deadly weapon;

11 (c) "Coercion", compelling another by force or threat of force to engage in conduct from
12 which the latter has a right to abstain or to abstain from conduct in which the person has a right
13 to engage;

14 (d) "Harassment", engaging in a purposeful or knowing course of conduct involving
15 more than one incident that alarms or causes distress to an adult or child and serves no legitimate
16 purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer
17 substantial emotional distress and must actually cause substantial emotional distress to the
18 petitioner or child. Such conduct might include, but is not limited to:

19 a. Following another about in a public place or places;

20 b. Peering in the window or lingering outside the residence of another; but does not
21 include constitutionally protected activity;

22 (e) "Sexual assault", causing or attempting to cause another to engage involuntarily in
23 any sexual act by force, threat of force, duress, or without that person's consent;

24 (f) "Unlawful imprisonment", holding, confining, detaining or abducting another person
25 against that person's will;

26 (2) "Adult", any person seventeen years of age or older or otherwise emancipated;

27 (3) "Child", any person under seventeen years of age unless otherwise emancipated;

28 (4) "Court", the circuit or associate circuit judge or a family court commissioner;

29 (5) "Domestic violence", abuse or stalking committed by a family or household member,
30 as such terms are defined in this section;

31 (6) "Ex parte order of protection", an order of protection issued by the court before the
32 respondent has received notice of the petition or an opportunity to be heard on it;

33 (7) "Family" or "household member", spouses, former spouses, any person related by
34 blood or marriage, persons who are presently residing together or have resided together in the
35 past, any person who is or has been in a continuing social relationship of a romantic or intimate
36 nature with the victim, and anyone who has a child in common regardless of whether they have
37 been married or have resided together at any time;

38 (8) "Full order of protection", an order of protection issued after a hearing on the record
39 where the respondent has received notice of the proceedings and has had an opportunity to be
40 heard;

41 (9) "Order of protection", either an ex parte order of protection or a full order of
42 protection;

43 (10) "Pending", exists or for which a hearing date has been set;

44 (11) "Petitioner", a family or household member who has been a victim of domestic
45 violence, or any person who has been the victim of stalking or sexual assault, or a person filing
46 on behalf of a child pursuant to section 455.503 who has filed a verified petition pursuant to the
47 provisions of section 455.020 or section 455.505;

48 (12) "Respondent", the family or household member alleged to have committed an act
49 of domestic violence, or person alleged to have committed an act of stalking or sexual assault,
50 against whom a verified petition has been filed or a person served on behalf of a child pursuant
51 to section 455.503;

52 (13) "Sexual assault", as defined under subdivision (1) of this section;

53 (14) "Stalking" is when any person purposely engages in an unwanted course of conduct
54 that causes alarm to another person, or a person who resides together in the same household with
55 the person seeking the order of protection when it is reasonable in that person's situation to have
56 been alarmed by the conduct. As used in this subdivision:

57 (a) "Alarm" means to cause fear of danger of physical harm; and

58 (b) "Course of conduct" means ~~[a pattern of conduct composed of]~~ two or more acts
59 ~~[over a period of time, however short,]~~ that ~~[serves]~~ **serve** no legitimate purpose~~[- Such conduct~~
60 ~~may include, but is not limited to, following the other person or unwanted communication or~~
61 ~~unwanted contact]~~ **including, but not limited to, acts in which the stalker directly, indirectly,**
62 **or through a third party follows, monitors, observes, surveils, threatens, or communicates**
63 **to a person by any action, method, or device.**

475.050. 1. Before appointing any other eligible person as guardian of an incapacitated
2 person, or conservator of a disabled person, the court shall consider the suitability of appointing
3 any of the following persons, listed in the order of priority, who appear to be willing to serve:

4 (1) If the incapacitated or disabled person is, at the time of the hearing, able to make and
5 communicate a reasonable choice, any eligible person nominated by the person;

6 (2) Any eligible person nominated in a durable power of attorney executed by the
7 incapacitated or disabled person, or in an instrument in writing signed by the incapacitated or
8 disabled person and by two witnesses who signed at the incapacitated or disabled person's
9 request, before the inception of the person's incapacity or disability;

10 (3) The spouse, parents, adult children, adult brothers and sisters and other close adult
11 relatives of the incapacitated or disabled person;

12 (4) Any other eligible person or, with respect to the estate only, any eligible organization
13 or corporation, nominated in a duly probated will of such a spouse or relative.

14 2. The court shall not appoint an unrelated third party as a guardian or conservator unless
15 there is no relative suitable and willing to serve or if the appointment of a relative or nominee
16 is otherwise contrary to the best interests of the incapacitated or disabled person. If the
17 incapacitated or disabled person is a minor under the care of the children's division and is
18 entering adult guardianship or conservatorship, it shall be a rebuttable presumption that he or she
19 has no relative suitable and willing to serve as guardian or conservator.

20 3. Except for good cause shown, the court shall make its appointment in accordance with
21 the incapacitated or disabled person's most recent valid nomination of an eligible person
22 qualified to serve as guardian of the person or conservator of the estate.

23 4. Except for those individuals specified in subdivisions (1) and (2) of this subsection,
24 the court shall require all guardians and conservators who are seeking appointment and who have
25 a fiduciary responsibility to a ward, an incapacitated person, or a disabled person to submit at
26 their own expense to a background screening that shall include the disqualification lists of the
27 departments of mental health, social services, and health and senior services; the abuse and
28 neglect registries for adults and children; a Missouri criminal record review; and the sexual
29 offender registry. Individuals seeking appointment as a conservator shall also submit, at their
30 own expense, to a credit history investigation. The nominated guardian or conservator shall file
31 the results of the reports with the court at least ten days prior to the appointment hearing date
32 unless waived or modified by the court for good cause shown by an affidavit filed simultaneously
33 with the petition for appointment or in the event the protected person requests an expedited
34 hearing. The provisions of this subsection shall not apply to:

35 (1) Public administrators; or

36 (2) The ward's, incapacitated person's, or disabled person's spouse, parents, children who
37 have reached eighteen years of age, ~~or~~ siblings who have reached eighteen years of age, **or**
38 **grandparents seeking guardianship or conservatorship of a minor grandchild, unless such**

39 **background reports are requested by any other party to the proceeding, the guardian ad**
40 **litem for the minor child, or otherwise ordered by the court on its own motion.**

41 5. Guardians certified by a national accrediting organization may file proof of
42 certification in lieu of the requirements of subsections 4 and 6 of this section.

43 6. An order appointing a guardian or conservator shall not be signed by the judge until
44 such reports have been filed with the court and reviewed by the judge, who shall consider the
45 reports in determining whether to appoint a guardian or conservator. Such reports, or lack
46 thereof, shall be certified either by an affidavit or by obtaining a certified copy of the reports.
47 No reports or national criminal history record check shall be required by the court upon the
48 application of a petitioner for an emergency temporary guardianship or emergency temporary
49 conservatorship. The court may waive the requirements of this subsection for good cause shown.
50 If appointed, a guardian or conservator may petition the court for reimbursement of the
51 reasonable expenses of the credit history investigation and background screenings.

476.083. 1. In addition to any appointments made pursuant to section 485.010, the
2 presiding judge of each circuit containing one or more facilities operated by the department of
3 corrections with an average total inmate population in all such facilities in the circuit over the
4 previous two years of more than two thousand five hundred inmates or containing, as of January
5 1, 2016, a diagnostic and reception center operated by the department of corrections and a mental
6 health facility operated by the department of mental health which houses persons found not guilty
7 of a crime by reason of mental disease or defect under chapter 552 and provides sex offender
8 rehabilitation and treatment services (SORTS) may appoint a circuit court marshal to aid the
9 presiding judge in the administration of the judicial business of the circuit by overseeing the
10 physical security of ~~[the courthouse,]~~ **court facilities, including courtrooms, jury rooms, and**
11 **chambers or offices of the court;** serving court-generated papers and orders~~;~~ ; and assisting
12 the judges of the circuit as the presiding judge determines appropriate. Such circuit court
13 marshal appointed pursuant to the provisions of this section shall serve at the pleasure of the
14 presiding judge. The circuit court marshal authorized by this section is in addition to staff
15 support from the circuit clerks, deputy circuit clerks, division clerks, municipal clerks, and any
16 other staff personnel which may otherwise be provided by law.

17 2. The salary of a circuit court marshal shall be established by the presiding judge of the
18 circuit within funds made available for that purpose, but such salary shall not exceed ninety
19 percent of the salary of the highest paid sheriff serving a county wholly or partially within that
20 circuit. Personnel authorized by this section shall be paid from state funds or federal grant
21 moneys which are available for that purpose and not from county funds.

22 3. Any person appointed as a circuit court marshal pursuant to this section shall have at
23 least five years' prior experience as a law enforcement officer. In addition, any such person shall

24 within one year after appointment, or as soon as practicable, attend a court security school or
25 training program operated by the United States Marshal Service. In addition to all other powers
26 and duties prescribed in this section, a circuit court marshal may:

- 27 (1) Serve process;
28 (2) Wear a concealable firearm; and
29 (3) Make an arrest based upon local court rules and state law, and as directed by the
30 presiding judge of the circuit.

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

7 2. The circuit judge in division two shall be elected in 1980. The circuit judge in
8 division four shall be elected in 1982. The circuit judge in division one shall be elected in 1984.
9 The circuit judge in division three shall be elected in 1992. The circuit judges in divisions five
10 and seven shall be elected for a six-year term in 2006.

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

16 4. Beginning on January 1, 2007, the treatment court commissioner position in the
17 eleventh judicial circuit appointed under section 478.003 shall become an associate circuit judge
18 position in all respects and shall be designated as division eleven. This position ~~[retains]~~ **may**
19 **retain** the duties and responsibilities with regard to the treatment court. Such associate circuit
20 judge shall be elected in 2006 for a full four-year term. This associate circuit judgeship shall not
21 be included in the statutory formula for authorizing additional associate circuit judgeships per
22 county under section 478.320.

23 5. Beginning in fiscal year 2015, there shall be one additional associate circuit judge
24 position in the eleventh judicial circuit. The associate circuit judge shall be elected in 2016.
25 This associate circuit judgeship shall not be included in the statutory formula for authorizing
26 additional circuit judgeships per county under section 478.320. Beginning in fiscal year 2019,
27 there shall be one additional associate circuit judge position in the eleventh judicial circuit. The
28 associate circuit judge shall be elected in 2020. This associate circuit judgeship shall not be

29 included in the statutory formula for authorizing additional circuit judgeships per county under
30 section 478.320.

**479.162. Notwithstanding any provision of law, supreme court rule, or court
2 operating rule, in a proceeding for a municipal ordinance violation or any other proceeding
3 before a municipal court if the charge carries the possibility of fifteen days or more in jail
4 or confinement, a defendant shall not be charged any fee for obtaining a police report or
5 probable cause statement. Such police report or probable cause statement shall be
6 provided by the prosecutor upon written request by the defendant for discovery.**

485.060. **1. Each court reporter for a circuit judge shall receive an annual salary of
2 twenty-six thousand nine hundred dollars beginning January 1, 1985, until December 31, 1985,
3 and beginning January 1, 1986, an annual salary of thirty thousand dollars.**

**4 2. Such annual salary shall be modified by any salary adjustment provided by section
5 476.405[.] .**

**6 3. Beginning January 1, 2022, the annual salary, as modified under section 476.405,
7 shall be adjusted upon meeting the minimum number of cumulative years of service as a
8 court reporter with a circuit court of this state by the following schedule:**

**9 (1) For each court reporter with zero to five years of service: the annual salary
10 shall be increased only by any salary adjustment provided by section 476.405;**

**11 (2) For each court reporter with six to ten years of service: the annual salary shall
12 be increased by five and one-quarter percent;**

**13 (3) For each court reporter with eleven to fifteen years of service: the annual salary
14 shall be increased by eight and one-quarter percent;**

**15 (4) For each court reporter with sixteen to twenty years of service: the annual
16 salary shall be increased by eight and one-half percent; or**

**17 (5) For each court reporter with twenty-one or more years of service: the annual
18 salary shall be increased by eight and three-quarters percent.**

19

**20 A court reporter may receive multiple adjustments under this subsection as his or her
21 cumulative years of service increase, but only one percentage listed in subdivisions (1) to
22 (5) of this subsection shall apply to the annual salary at a time.**

**23 4. Salaries shall be payable in equal monthly installments on the certification of the
24 judge of the court or division in whose court the reporter is employed. [When] If paid by the
25 state, the salaries of such court reporters shall be paid in semimonthly or monthly installments,
26 as designated by the commissioner of administration.**

**488.016. Notwithstanding any supreme court rule or any provision of law to the
2 contrary, costs shall be fully waived for any person who is an honorably discharged**

3 **veteran of any branch of the Armed Forces of the United States and who successfully**
4 **completes a veterans treatment court, as defined under section 478.001.**

491.016. 1. A statement made by a witness that is not otherwise admissible is
2 **admissible in evidence in a criminal proceeding as substantive evidence to prove the truth**
3 **of the matter asserted if, after a hearing, the court finds, by a preponderance of the**
4 **evidence, that:**

5 **(1) The defendant engaged in or acquiesced to wrongdoing with the purpose of**
6 **causing the unavailability of the witness;**

7 **(2) The wrongdoing in which the defendant engaged or acquiesced has caused or**
8 **substantially contributed to cause the unavailability of the witness;**

9 **(3) The state exercised due diligence to secure by subpoena or other means the**
10 **attendance of the witness at the proceeding, or the witness is unavailable because the**
11 **defendant caused or acquiesced in the death of the witness; and**

12 **(4) The witness fails to appear at the proceeding.**

13 **2. In a jury trial, the hearing and finding to determine the admissibility of the**
14 **statement shall be held and found outside the presence of the jury and before the case is**
15 **submitted to the jury.**

494.455. 1. Each county or city not within a county may elect to compensate its jurors
2 **pursuant to subsection 2 of this section except as otherwise provided in subsection 3 of this**
3 **section.**

4 **2. Each grand and petit juror shall receive six dollars per day, for every day he or she**
5 **may actually serve as such, and seven cents for every mile he or she may necessarily travel going**
6 **from his or her place of residence to the courthouse and returning, to be paid from funds of the**
7 **county or a city not within a county. The governing body of each county or a city not within a**
8 **county may authorize additional daily compensation and mileage allowance for jurors, which**
9 **additional compensation shall be paid from the funds of the county or a city not within a county.**
10 **The governing body of each county or a city not within a county may authorize additional daily**
11 **compensation and mileage allowance for jurors attending a coroner's inquest. Jurors may receive**
12 **the additional compensation and mileage allowance authorized by this subsection only if the**
13 **governing body of the county or the city not within a county authorizes the additional**
14 **compensation. The provisions of this subsection authorizing additional compensation shall**
15 **terminate upon the issuance of a mandate by the Missouri supreme court which results in the**
16 **state of Missouri being obligated or required to pay any such additional compensation even if**
17 **such additional compensation is formally approved or authorized by the governing body of a**
18 **county or a city not within a county. Provided that a county or a city not within a county**
19 **authorizes daily compensation payable from county or city funds for jurors who serve in that**

20 county pursuant to this subsection in the amount of at least six dollars per day in addition to the
21 amount required by this subsection, a person shall receive an additional six dollars per day to be
22 reimbursed by the state of Missouri so that the total compensation payable shall be at least
23 eighteen dollars, plus mileage for each day that the person actually serves as a petit juror in a
24 particular case; or for each day that a person actually serves as a grand juror during a term of a
25 grand jury. The state shall reimburse the county for six dollars of the additional juror
26 compensation provided by this subsection.

27 3. **(1)** In any county of the first classification without a charter form of government and
28 with a population of at least two hundred thousand inhabitants, no grand or petit juror shall
29 receive compensation for the first two days of service, but shall receive fifty dollars per day for
30 the third day and each subsequent day he or she may actually serve as such, and seven cents for
31 every mile he or she may necessarily travel going from his or her place of residence to the
32 courthouse and returning, to be paid from funds of the county.

33 **(2)** Except as provided in subdivision (1) of this subsection, in any county, upon
34 adoption by the county commission, no grand or petit juror shall receive compensation for
35 the first two days of service, but shall receive fifty dollars per day for the third day and
36 each subsequent day he or she may actually serve as such, and seven cents for every mile
37 he or she may necessarily travel going from his or her place of residence to the courthouse
38 and returning, to be paid from funds of the county; except that, a county commission may
39 authorize compensation to a grand or petit juror for the first two days of service not to
40 exceed ten dollars.

41 4. When each panel of jurors summoned and attending court has completed its service,
42 the board of jury commissioners shall cause to be submitted to the governing body of the county
43 or a city not within a county a statement of fees earned by each juror. Within thirty days of the
44 submission of the statement of fees, the governing body shall cause payment to be made to those
45 jurors summoned the fees earned during their service as jurors.

550.125. 1. There is hereby created in the state treasury the "Change of Venue for
2 Capital Cases Fund", which shall consist of moneys appropriated to the fund by the
3 general assembly. The office of state courts administrator shall administer and disburse
4 moneys in the fund in accordance with subsection 2 of this section. The fund shall be a
5 dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the
6 administration of this section. Notwithstanding the provisions of section 33.080, any
7 moneys remaining in the fund at the end of the biennium shall not revert to the credit of
8 the general revenue fund. The state treasurer shall invest moneys in the fund in the same
9 manner as other funds are invested. Any interest and moneys earned on such investments
10 shall be credited to the fund.

11 **2. In a capital case in which a change of venue is taken from one county to any**
12 **other county, at the conclusion of such case the county from which the case was transferred**
13 **may apply to the office of state courts administrator for the county to which the case was**
14 **transferred to be reimbursed from the change of venue for capital cases fund any costs**
15 **associated with the sequestering of jurors. The costs of reimbursement shall not exceed the**
16 **then-approved state rates for travel reimbursement for lodging and meals.**

17 **3. Except as provided under subsection 4 of this section, the office of state courts**
18 **administrator shall develop an application process and other procedures to determine if**
19 **a county is eligible for reimbursement under this section. If a county is eligible for**
20 **reimbursement, the office of state courts administrator shall disburse such moneys to the**
21 **county as provided under subsection 4 of this section. In the event the amount disbursed**
22 **is less than the county's actual costs associated with sequestering jurors, the original county**
23 **shall reimburse the county to which the case was transferred for the difference. If the**
24 **office of state courts administrator determines a county is not eligible for reimbursement**
25 **under this section, the county in which the capital case originated shall be responsible for**
26 **reimbursement.**

27 **4. Applications for reimbursement shall be submitted by May first of the current**
28 **fiscal year, and disbursements shall be made by June thirtieth of the current fiscal year.**
29 **Applications submitted after May first of the current fiscal year shall be reimbursed in the**
30 **following fiscal year. If the total dollar amount of the claims in a given year exceeds the**
31 **amount of money in the fund in the same year, the claims shall be reimbursed on a pro rata**
32 **basis.**

33 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
34 **created under the authority delegated in this section shall become effective only if it**
35 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
36 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
37 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
38 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
39 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,**
40 **shall be invalid and void.**

566.150. 1. Any person who has been found guilty of:

2 (1) Violating any of the provisions of this chapter or the provisions of section 568.020,
3 incest; section 568.045, endangering the welfare of a child in the first degree; section 573.200,
4 use of a child in a sexual performance; section 573.205, promoting a sexual performance by a
5 child; section 573.023, sexual exploitation of a minor; section 573.025, promoting child
6 pornography; or section 573.040, furnishing pornographic material to minors; or

7 (2) Any offense in any other jurisdiction which, if committed in this state, would be a
8 violation listed in this section;

9

10 shall not knowingly be present in or loiter within five hundred feet of any real property
11 comprising any public park with playground equipment, a public swimming pool, ~~[or]~~ **athletic**
12 **complex or athletic fields if such facilities exist for the primary use of recreation for**
13 **children**, any museum if such museum holds itself out to the public as and exists with the
14 primary purpose of entertaining or educating children under eighteen years of age, **or Missouri**
15 **department of conservation nature or education center properties.**

16 2. The first violation of the provisions of this section is a class E felony.

17 3. A second or subsequent violation of this section is a class D felony.

18 **4. Any person who has been found guilty of an offense under subdivision (1) or (2)**
19 **of subsection 1 of this section who is the parent, legal guardian, or custodian of a child**
20 **under the age of eighteen attending a program on the property of a nature or education**
21 **center of the Missouri department of conservation may receive permission from the nature**
22 **or education center manager to be present on the property with the child during the**
23 **program.**

575.040. 1. A person commits the offense of perjury if, with the purpose to deceive, he
2 or she knowingly testifies falsely to any material fact upon oath or affirmation legally
3 administered, in any official proceeding before any court, public body, notary public or other
4 officer authorized to administer oaths.

5 2. A fact is material, regardless of its admissibility under rules of evidence, if it could
6 substantially affect, or did substantially affect, the course or outcome of the cause, matter or
7 proceeding.

8 3. Knowledge of the materiality of the statement is not an element of this crime, and it
9 is no defense that:

10 (1) The person mistakenly believed the fact to be immaterial; or

11 (2) The person was not competent, for reasons other than mental disability or immaturity,
12 to make the statement.

13 4. It is a defense to a prosecution under subsection 1 of this section that the person
14 retracted the false statement in the course of the official proceeding in which it was made
15 provided he or she did so before the falsity of the statement was exposed. Statements made in
16 separate hearings at separate stages of the same proceeding, including but not limited to
17 statements made before a grand jury, at a preliminary hearing, at a deposition or at previous trial,
18 are made in the course of the same proceeding.

19 5. The defendant shall have the burden of injecting the issue of retraction under
20 subsection 4 of this section.

21 6. The offense of perjury committed in any proceeding not involving a felony charge is
22 a class E felony.

23 7. The offense of perjury committed in any proceeding involving a felony charge is a
24 class D felony unless:

25 (1) It is committed during a criminal trial for the purpose of securing the conviction of
26 an accused for any felony except murder, in which case it is a class B felony; or

27 (2) It is committed during a criminal trial for the purpose of securing the conviction of
28 an accused for murder, in which case it is a class A felony.

29 **8. The offense of perjury committed in any proceeding before a body of the general**
30 **assembly is a class D felony.**

 575.050. 1. A person commits the offense of making a false affidavit if, with purpose
2 to mislead any person, he or she, in any affidavit, swears falsely to a fact which is material to the
3 purpose for which said affidavit is made.

4 2. The provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions
5 under subsection 1 of this section.

6 3. It is a defense to a prosecution under subsection 1 of this section that the person
7 retracted the false statement by affidavit or testimony but this defense shall not apply if the
8 retraction was made after:

9 (1) The falsity of the statement was exposed; or

10 (2) Any person took substantial action in reliance on the statement.

11 4. The defendant shall have the burden of injecting the issue of retraction under
12 subsection 3 of this section.

13 5. The offense of making a false affidavit is a class C misdemeanor, unless done for the
14 purpose of misleading a public servant in the performance of his or her duty, in which case it is
15 a class A misdemeanor.

16 **6. The offense of making a false affidavit when done in any proceeding before a**
17 **body of the general assembly is a class A misdemeanor.**

 575.160. 1. A person commits the offense of interference with legal process if, knowing
2 another person is authorized by law to serve process, he or she interferes with or obstructs such
3 person for the purpose of preventing such person from effecting the service of any process.

4 2. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant,
5 or other process or order of a court **or body of the general assembly.**

6 3. The offense of interference with legal process is a class B misdemeanor.

 575.270. 1. A person commits the offense of tampering with a witness or victim if:

2 (1) With the purpose to induce a witness or a prospective witness to disobey a subpoena
3 or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold
4 evidence, information, or documents, or testify falsely, he or she:

5 (a) Threatens or causes harm to any person or property; or

6 (b) Uses force, threats or deception; or

7 (c) Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness;
8 or

9 (d) Conveys any of the foregoing to another in furtherance of a conspiracy; or

10 (2) He or she purposely prevents or dissuades or attempts to prevent or dissuade any
11 person who has been a victim of any crime or a person who is acting on behalf of any such
12 victim from:

13 (a) Making any report of such victimization to any peace officer, state, local or federal
14 law enforcement officer, prosecuting agency, or judge;

15 (b) Causing a complaint, indictment or information to be sought and prosecuted or
16 assisting in the prosecution thereof;

17 (c) Arresting or causing or seeking the arrest of any person in connection with such
18 victimization.

19 2. The offense of tampering with a witness or victim is a class A misdemeanor, unless
20 the original charge is a felony, in which case tampering with a witness or victim is a class D
21 felony. Persons convicted under this section shall not be eligible for parole.

22 **3. The offense of tampering with a witness subpoenaed in a proceeding before a**
23 **body of the general assembly is a class E felony.**

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

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

6 (2) Is a witness or prospective witness in any official proceeding and knowingly solicits,
7 accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding
8 that he or she will disobey a subpoena or other legal process, absent himself or herself, avoid
9 subpoena or other legal process, withhold evidence, information or documents, or testify falsely.

10 2. The offense of acceding to corruption under subdivision (1) of subsection 1 of this
11 section is a class C felony. The offense of acceding to corruption under subdivision (2) of
12 subsection 1 of this section in a felony prosecution [or], on the representation or understanding
13 of testifying falsely, **or in a proceeding before a body of the general assembly** is a class D
14 felony. Otherwise acceding to corruption is a class A misdemeanor.

575.330. 1. A person commits the offense of contempt of a body of the general assembly if he or she was subpoenaed as a witness by a body of the general assembly to give testimony or to produce documents or provide other information upon any matter under inquiry before the body of the general assembly and he or she willfully:

(1) Fails to appear to testify;

(2) After having appeared, refuses to answer any question pertinent to the question under inquiry; or

(3) Fails to produce required documents.

2. The offense of contempt of a body of the general assembly is a class A misdemeanor.

3. The offense of contempt of a body of the general assembly after an order has been issued under section 21.403 is a class E felony.

576.030. 1. A person commits the offense of obstructing government operations if he or she purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of harm, intimidation, coercion, violence, force, or other physical interference or obstacle.

2. The offense of obstructing government operations is a class [B] A misdemeanor, unless committed against a body of the general assembly, in which case it is a class E felony.

~~[211.438. Expanding services from seventeen years of age to eighteen years of age is a new service and shall not be effective until an appropriation sufficient to fund the expanded service is provided therefor.]~~

~~[211.439. The repeal and reenactment of sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.321, 211.421, 211.425, 211.431, and 221.044 shall become effective on January 1, 2021.]~~

Section B. Because immediate action is necessary to expand services from seventeen years of age to eighteen years of age, the enactment of section 211.012, the repeal and reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act are deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and the enactment of section 211.012, the repeal and reenactment of sections 211.181 and 211.435, and the repeal of sections 211.438 and 211.439 of section A of this act shall be in full force and effect upon its passage and approval.

✓