

FIRST REGULAR SESSION

SENATE BILL NO. 415

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR REHDER.

1931S.011

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 455.040, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

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

Section A. Section 455.040, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 455.040,
3 to read as follows:

455.040. 1. Not later than fifteen days after the
2 filing of a petition that meets the requirements of section
3 455.020, a hearing shall be held unless the court deems, for
4 good cause shown, that a continuance should be granted. At
5 the hearing, if the petitioner has proved the allegation of
6 domestic violence, stalking, or sexual assault by a
7 preponderance of the evidence, and the respondent cannot
8 show that his or her actions alleged to constitute abuse
9 were otherwise justified under the law, the court shall
10 issue a full order of protection for a period of time the
11 court deems appropriate, except that the protective order
12 shall be valid for at least one hundred eighty days and not
13 more than one year. Upon motion by the petitioner, and
14 after a hearing by the court, the full order of protection
15 may be renewed for a period of time the court deems
16 appropriate, except that the protective order shall be valid
17 for at least one hundred eighty days and not more than one
18 year from the expiration date of the originally issued full

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

19 order of protection. The court may, upon finding that it is
20 in the best interest of the parties, include a provision
21 that any full order of protection for one year shall
22 automatically renew unless the respondent requests a hearing
23 by thirty days prior to the expiration of the order. If for
24 good cause a hearing cannot be held on the motion to renew
25 or the objection to an automatic renewal of the full order
26 of protection prior to the expiration date of the originally
27 issued full order of protection, an ex parte order of
28 protection may be issued until a hearing is held on the
29 motion. When an automatic renewal is not authorized, upon
30 motion by the petitioner, and after a hearing by the court,
31 the second full order of protection may be renewed for an
32 additional period of time the court deems appropriate,
33 except that the protective order shall be valid for at least
34 one hundred eighty days and **up to a period of time** not [more
35 than one year] **to exceed the lifetime of the respondent.**
36 For purposes of this subsection, a finding by the court of a
37 subsequent act of domestic violence, stalking, or sexual
38 assault is not required for a renewal order of protection.

39 2. The court shall cause a copy of the petition and
40 notice of the date set for the hearing on such petition and
41 any ex parte order of protection to be served upon the
42 respondent as provided by law or by any sheriff or police
43 officer at least three days prior to such hearing. The
44 court shall cause a copy of any full order of protection to
45 be served upon or mailed by certified mail to the respondent
46 at the respondent's last known address. Notice of an ex
47 parte or full order of protection shall be served at the
48 earliest time, and service of such notice shall take
49 priority over service in other actions, except those of a
50 similar emergency nature. Failure to serve or mail a copy

51 of the full order of protection to the respondent shall not
52 affect the validity or enforceability of a full order of
53 protection.

54 3. A copy of any order of protection granted pursuant
55 to sections 455.010 to 455.085 shall be issued to the
56 petitioner and to the local law enforcement agency in the
57 jurisdiction where the petitioner resides. The clerk shall
58 also issue a copy of any order of protection to the local
59 law enforcement agency responsible for maintaining the
60 Missouri uniform law enforcement system or any other
61 comparable law enforcement system the same day the order is
62 granted. The law enforcement agency responsible for
63 maintaining MULES shall, for purposes of verification,
64 within twenty-four hours from the time the order is granted,
65 enter information contained in the order including but not
66 limited to any orders regarding child custody or visitation
67 and all specifics as to times and dates of custody or
68 visitation that are provided in the order. A notice of
69 expiration or of termination of any order of protection or
70 any change in child custody or visitation within that order
71 shall be issued to the local law enforcement agency and to
72 the law enforcement agency responsible for maintaining MULES
73 or any other comparable law enforcement system. The law
74 enforcement agency responsible for maintaining the
75 applicable law enforcement system shall enter such
76 information in the system within twenty-four hours of
77 receipt of information evidencing such expiration or
78 termination. The information contained in an order of
79 protection may be entered in the Missouri uniform law
80 enforcement system or comparable law enforcement system
81 using a direct automated data transfer from the court
82 automated system to the law enforcement system.

83 4. The court shall cause a copy of any objection filed
84 by the respondent and notice of the date set for the hearing
85 on such objection to an automatic renewal of a full order of
86 protection for a period of one year to be personally served
87 upon the petitioner by personal process server as provided
88 by law or by a sheriff or police officer at least three days
89 prior to such hearing. Such service of process shall be
90 served at the earliest time and shall take priority over
91 service in other actions except those of a similar emergency
92 nature.

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