

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SS/SCS/House Bill Nos. 2697, et al., Page 1, Section A, Line 14,

2 by inserting after all of said line the following:

3 "1.487. The repeal of sections 1.450, 1.460, 1.470,  
 4 and 1.480 by the one hundred first general assembly, second  
 5 regular session, shall be known and may be cited as the  
 6 "Back the Blue Act"."; and

7 Further amend said bill, page 26, Section 407.1700,  
 8 line 271, by inserting after all of said line the following:

9 "455.050. 1. Any full or ex parte order of protection  
 10 granted pursuant to sections 455.010 to 455.085 shall be to  
 11 protect the petitioner from domestic violence, stalking, or  
 12 sexual assault and may include such terms as the court  
 13 reasonably deems necessary to ensure the petitioner's  
 14 safety, including but not limited to:

15 (1) Temporarily enjoining the respondent from  
 16 committing or threatening to commit domestic violence,  
 17 molesting, stalking, sexual assault, or disturbing the peace  
 18 of the petitioner, including violence against a pet;

19 (2) Temporarily enjoining the respondent from entering  
 20 the premises of the dwelling unit of the petitioner when the  
 21 dwelling unit is:

22 (a) Jointly owned, leased or rented or jointly  
 23 occupied by both parties; or

24 (b) Owned, leased, rented or occupied by petitioner  
 25 individually; or

(c) Jointly owned, leased, rented or occupied by petitioner and a person other than respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of the absence of a property interest in the dwelling unit; or

(d) Jointly occupied by the petitioner and a person other than respondent; provided that the respondent has no property interest in the dwelling unit; or

(3) Temporarily enjoining the respondent from communicating with the petitioner in any manner or through any medium.

2. Mutual orders of protection are prohibited unless both parties have properly filed written petitions and proper service has been made in accordance with sections 455.010 to 455.085.

3. When the court has, after a hearing for any full order of protection, issued an order of protection, it may, in addition:

(1) Award custody of any minor child born to or adopted by the parties when the court has jurisdiction over such child and no prior order regarding custody is pending or has been made, and the best interests of the child require such order be issued;

(2) Establish a visitation schedule that is in the best interests of the child;

(3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

(4) Award maintenance to petitioner when petitioner and respondent are lawfully married in accordance with chapter 452;

(5) Order respondent to make or to continue to make rent or mortgage payments on a residence occupied by the

petitioner if the respondent is found to have a duty to support the petitioner or other dependent household members;

(6) Order the respondent to pay the petitioner's rent at a residence other than the one previously shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner requests alternative housing;

(7) Order that the petitioner be given temporary possession of specified personal property, such as automobiles, checkbooks, keys, and other personal effects;

(8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of specified property mutually owned or leased by the parties;

(9) Order the respondent to participate in a court-approved counseling program designed to help batterers stop violent behavior or to participate in a substance abuse treatment program;

(10) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the petitioner by a shelter for victims of domestic violence;

(11) Order the respondent to pay court costs;

(12) Order the respondent to pay the cost of medical treatment and services that have been provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner by an act of domestic violence committed by the respondent;

(13) Award possession and care of any pet, along with any moneys necessary to cover medical costs that may have resulted from abuse of the pet.

4. If the court issues, after a hearing for any full order of protection, an order of protection, the court shall also:

91       (1) Prohibit the respondent from knowingly possessing  
92 or purchasing any firearm while the order is in effect;

93       (2) Inform the respondent of such prohibition in  
94 writing and, if the respondent is present, orally; and

95       (3) Forward the order to the state highway patrol so  
96 that the state highway patrol can update the respondent's  
97 record in the National Instant Criminal Background Check  
98 System (NICS). Upon receiving an order under this  
99 subsection, the state highway patrol shall notify the  
100 Federal Bureau of Investigation within twenty-four hours.

101       5. A verified petition seeking orders for maintenance,  
102 support, custody, visitation, payment of rent, payment of  
103 monetary compensation, possession of personal property,  
104 prohibiting the transfer, encumbrance, or disposal of  
105 property, or payment for services of a shelter for victims  
106 of domestic violence, shall contain allegations relating to  
107 those orders and shall pray for the orders desired.

108       [5.] 6. In making an award of custody, the court shall  
109 consider all relevant factors including the presumption that  
110 the best interests of the child will be served by placing  
111 the child in the custody and care of the nonabusive parent,  
112 unless there is evidence that both parents have engaged in  
113 abusive behavior, in which case the court shall not consider  
114 this presumption but may appoint a guardian ad litem or a  
115 court-appointed special advocate to represent the children  
116 in accordance with chapter 452 and shall consider all other  
117 factors in accordance with chapter 452.

118       [6.] 7. The court shall grant to the noncustodial  
119 parent rights to visitation with any minor child born to or  
120 adopted by the parties, unless the court finds, after  
121 hearing, that visitation would endanger the child's physical  
122 health, impair the child's emotional development or would  
123 otherwise conflict with the best interests of the child, or

that no visitation can be arranged which would sufficiently protect the custodial parent from further domestic violence. The court may appoint a guardian ad litem or court-appointed special advocate to represent the minor child in accordance with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent will damage the minor child.

**[7.] 8.** The court shall make an order requiring the noncustodial party to pay an amount reasonable and necessary for the support of any child to whom the party owes a duty of support when no prior order of support is outstanding and after all relevant factors have been considered, in accordance with Missouri supreme court rule 88.01 and chapter 452.

**[8.] 9.** The court may grant a maintenance order to a party for a period of time, not to exceed one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

**[9.] 10.** (1) The court may, in order to ensure that a petitioner can maintain an existing wireless telephone number or numbers, issue an order, after notice and an opportunity to be heard, directing a wireless service provider to transfer the billing responsibility for and rights to the wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless service accountholder.

(2) (a) The order transferring billing responsibility for and rights to the wireless telephone number or numbers to the petitioner shall list the name and billing telephone number of the accountholder, the name and contact information of the person to whom the telephone number or numbers will be transferred, and each telephone number to be transferred to that person. The court shall ensure that the

contact information of the petitioner is not provided to the  
accountholder in proceedings held under this chapter.

(b) Upon issuance, a copy of the full order of  
protection shall be transmitted, either electronically or by  
certified mail, to the wireless service provider's  
registered agent listed with the secretary of state, or  
electronically to the email address provided by the wireless  
service provider. Such transmittal shall constitute  
adequate notice for the wireless service provider acting  
under this section and section 455.523.

(c) If the wireless service provider cannot  
operationally or technically effectuate the order due to  
certain circumstances, the wireless service provider shall  
notify the petitioner within three business days. Such  
circumstances shall include, but not be limited to, the  
following:

a. The accountholder has already terminated the  
account;

b. The differences in network technology prevent the  
functionality of a device on the network; or

c. There are geographic or other limitations on  
network or service availability.

(3) (a) Upon transfer of billing responsibility for  
and rights to a wireless telephone number or numbers to the  
petitioner under this subsection by a wireless service  
provider, the petitioner shall assume all financial  
responsibility for the transferred wireless telephone number  
or numbers, monthly service costs, and costs for any mobile  
device associated with the wireless telephone number or  
numbers.

(b) This section shall not preclude a wireless service  
provider from applying any routine and customary  
requirements for account establishment to the petitioner as

190 part of this transfer of billing responsibility for a  
191 wireless telephone number or numbers and any devices  
192 attached to that number or numbers including, but not  
193 limited to, identification, financial information, and  
194 customer preferences.

195 (4) This section shall not affect the ability of the  
196 court to apportion the assets and debts of the parties as  
197 provided for in law, or the ability to determine the  
198 temporary use, possession, and control of personal property.

199 (5) No cause of action shall lie against any wireless  
200 service provider, its officers, employees, or agents, for  
201 actions taken in accordance with the terms of a court order  
202 issued under this section.

203 (6) As used in this section and section 455.523, a  
204 "wireless service provider" means a provider of commercial  
205 mobile service under Section 332(d) of the Federal  
206 Telecommunications Communications Act of 1996 1934 (47  
207 U.S.C. Section 151, et seq. 332).

208 455.523. 1. Any full order of protection granted  
209 under sections 455.500 to 455.538 shall be to protect the  
210 victim from domestic violence, including danger to the  
211 child's pet, stalking, and sexual assault may include such  
212 terms as the court reasonably deems necessary to ensure the  
213 petitioner's safety, including but not limited to:

214 (1) Temporarily enjoining the respondent from  
215 committing domestic violence or sexual assault, threatening  
216 to commit domestic violence or sexual assault, stalking,  
217 molesting, or disturbing the peace of the victim;

218 (2) Temporarily enjoining the respondent from entering  
219 the family home of the victim, except as specifically  
220 authorized by the court;

221 (3) Temporarily enjoining the respondent from  
222 communicating with the victim in any manner or through any  
223 medium, except as specifically authorized by the court.

224 2. If the court issues, after a hearing for any full  
225 order of protection, an order of protection, the court shall  
226 also:

227 (1) Prohibit the respondent from knowingly possessing  
228 or purchasing any firearm while the order is in effect;

229 (2) Inform the respondent of such prohibition in  
230 writing and, if the respondent is present, orally; and

231 (3) Forward the order to the state highway patrol so  
232 that the state highway patrol can update the respondent's  
233 record in the National Instant Criminal Background Check  
234 System (NICS). Upon receiving an order under this  
235 subsection, the state highway patrol shall notify the  
236 Federal Bureau of Investigation within twenty-four hours.

237 3. When the court has, after hearing for any full  
238 order of protection, issued an order of protection, it may,  
239 in addition:

240 (1) Award custody of any minor child born to or  
241 adopted by the parties when the court has jurisdiction over  
242 such child and no prior order regarding custody is pending  
243 or has been made, and the best interests of the child  
244 require such order be issued;

245 (2) Award visitation;

246 (3) Award child support in accordance with supreme  
247 court rule 88.01 and chapter 452;

248 (4) Award maintenance to petitioner when petitioner  
249 and respondent are lawfully married in accordance with  
250 chapter 452;

251 (5) Order respondent to make or to continue to make  
252 rent or mortgage payments on a residence occupied by the



victim if the respondent is found to have a duty to support the victim or other dependent household members;

(6) Order the respondent to participate in a court-approved counseling program designed to help stop violent behavior or to treat substance abuse;

(7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment, together with the treatment costs incurred by the victim;

(8) Order the respondent to pay a reasonable fee for housing and other services that have been provided or that are being provided to the victim by a shelter for victims of domestic violence;

(9) Order a wireless service provider, in accordance with the process, provisions, and requirements set out in subdivisions (1) to (6) of subsection ~~[9]~~ 10 of section 455.050, to transfer the billing responsibility for and rights to the wireless telephone number or numbers of any minor children in the petitioner's care to the petitioner, if the petitioner is not the wireless service accountholder;

(10) Award possession and care of any pet, along with any moneys necessary to cover medical costs that may have resulted from abuse of the pet."; and

Further amend said bill, page 40, Section 558.019, line 186, by inserting after all of said line the following:

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

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

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

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

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

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

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

2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the person has previously been found guilty of the offense of domestic assault, of any assault offense under this chapter, or of any offense against a domestic victim committed in violation of any county or municipal ordinance in any state, any state law, any federal law, or any military law which if committed in this state two or more times would be a violation of this section, in which case it is a class E felony. The offenses described in this subsection may be against the same domestic victim or against different domestic victims.

3. Upon a conviction for the offense of domestic assault in the fourth degree, the court shall forward the record of conviction to the Missouri state highway patrol so that the Missouri state highway patrol can update the offender's record in the National Instant Criminal Background Check System (NICS). Upon receiving a record

317 under this subsection, the Missouri state highway patrol  
 318 shall notify the Federal Bureau of Investigation within  
 319 twenty-four hours."; and

320 Further amend said bill, page 65, Section 571.070, line  
 321 7, by striking "or"; and further amend line 10, by inserting  
 322 immediately after "incompetent" the following: "; or

323 (3) Such person has been convicted of a misdemeanor  
 324 offense of domestic violence under the laws of this state,  
 325 or of a crime under the laws of any state or of the United  
 326 States that if committed in this state would be a  
 327 misdemeanor offense of domestic violence"; and

328 Further amend said bill and section, page 66, line 18,  
 329 by inserting after all of said line the following:

330 "4. As used in this section, the following terms mean:

331 (1) "Family or household member", the same meaning as  
 332 such term is defined under section 455.010;

333 (2) "Misdemeanor offense of domestic violence":

334 (a) Domestic assault in the fourth degree under  
 335 section 565.076; or

336 (b) Any misdemeanor offense committed by a family or  
 337 household member of the victim that involves the use or  
 338 attempted use of a physical force or the threatened use of a  
 339 deadly weapon."; and

340 Further amend said bill, page 92, Section 630.155, line  
 341 27, by inserting after all of said line the following:

342 "[1.450. No entity or person, including  
 343 any public officer or employee of this state or  
 344 any political subdivision of this state, shall  
 345 have the authority to enforce or attempt to  
 346 enforce any federal acts, laws, executive  
 347 orders, administrative orders, rules,  
 348 regulations, statutes, or ordinances infringing  
 349 on the right to keep and bear arms as described  
 350 under section 1.420. Nothing in sections 1.410  
 351 to 1.480 shall be construed to prohibit Missouri  
 352 officials from accepting aid from federal  
 353 officials in an effort to enforce Missouri laws.]

354 [1.460. 1. Any political subdivision or  
 355 law enforcement agency that employs a law

enforcement officer who acts knowingly, as defined under section 562.016, to violate the provisions of section 1.450 or otherwise knowingly deprives a citizen of Missouri of the rights or privileges ensured by Amendment II of the Constitution of the United States or Article I, Section 23 of the Constitution of Missouri while acting under the color of any state or federal law shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress, and subject to a civil penalty of fifty thousand dollars per occurrence. Any person injured under this section shall have standing to pursue an action for injunctive relief in the circuit court of the county in which the action allegedly occurred or in the circuit court of Cole County with respect to the actions of such individual. The court shall hold a hearing on the motion for temporary restraining order and preliminary injunction within thirty days of service of the petition.

2. In such actions, the court may award the prevailing party, other than the state of Missouri or any political subdivision of the state, reasonable attorney's fees and costs.

3. Sovereign immunity shall not be an affirmative defense in any action pursuant to this section.]

[1.470. 1. Any political subdivision or law enforcement agency that knowingly employs an individual acting or who previously acted as an official, agent, employee, or deputy of the government of the United States, or otherwise acted under the color of federal law within the borders of this state, who has knowingly, as defined under section 562.016, after the adoption of this section:

(1) Enforced or attempted to enforce any of the infringements identified in section 1.420; or

(2) Given material aid and support to the efforts of another who enforces or attempts to enforce any of the infringements identified in section 1.420;

shall be subject to a civil penalty of fifty thousand dollars per employee hired by the political subdivision or law enforcement agency. Any person residing in a jurisdiction who believes that an individual has taken action that would violate the provisions of this section shall have standing to pursue an action.

2. Any person residing or conducting business in a jurisdiction who believes that an individual has taken action that would violate the provisions of this section shall have

standing to pursue an action for injunctive relief in the circuit court of the county in which the action allegedly occurred or in the circuit court of Cole County with respect to the actions of such individual. The court shall hold a hearing on the motion for a temporary restraining order and preliminary injunction within thirty days of service of the petition.

3. In such actions, the court may award the prevailing party, other than the state of Missouri or any political subdivision of the state, reasonable attorney's fees and costs.

4. Sovereign immunity shall not be an affirmative defense in any action pursuant to this section.]

[1.480. 1. For sections 1.410 to 1.485, the term "law-abiding citizen" shall mean a person who is not otherwise precluded under state law from possessing a firearm and shall not be construed to include anyone who is not legally present in the United States or the state of Missouri.

2. For the purposes of sections 1.410 to 1.480, "material aid and support" shall include voluntarily giving or allowing others to make use of lodging; communications equipment or services, including social media accounts; facilities; weapons; personnel; transportation; clothing; or other physical assets. Material aid and support shall not include giving or allowing the use of medicine or other materials necessary to treat physical injuries, nor shall the term include any assistance provided to help persons escape a serious, present risk of life-threatening injury.

3. It shall not be considered a violation of sections 1.410 to 1.480 to provide material aid to federal officials who are in pursuit of a suspect when there is a demonstrable criminal nexus with another state or country and such suspect is either not a citizen of this state or is not present in this state.

4. It shall not be considered a violation of sections 1.410 to 1.480 to provide material aid to federal prosecution for:

(1) Felony crimes against a person when such prosecution includes weapons violations substantially similar to those found in chapter 570 or 571 so long as such weapons violations are merely ancillary to such prosecution; or

(2) Class A or class B felony violations substantially similar to those found in chapter 579 when such prosecution includes weapons violations substantially similar to those found in chapter 570 or 571 so long as such weapons

467 violations are merely ancillary to such  
468 prosecution.

469 5. The provisions of sections 1.410 to  
470 1.485 shall be applicable to offenses occurring  
471 on or after August 28, 2021.]" ; and

472 Further amend the title and enacting clause accordingly.