

FIRST REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE COMMITTEE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 103

102ND GENERAL ASSEMBLY

2023

0795H.04T

AN ACT

To repeal sections 217.785, 475.040, 475.275, 476.055, 485.060, 488.650, 509.520, 565.240, and 595.209, RSMo, and to enact in lieu thereof twenty-nine new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 217.785, 475.040, 475.275, 476.055,
2 485.060, 488.650, 509.520, 565.240, and 595.209, RSMo, are
3 repealed and twenty-nine new sections enacted in lieu thereof,
4 to be known as sections 210.1360, 361.749, 431.204, 436.550,
5 436.552, 436.554, 436.556, 436.558, 436.560, 436.562, 436.564,
6 436.566, 436.568, 436.570, 436.572, 475.040, 475.275, 476.055,
7 476.1300, 476.1302, 476.1304, 476.1306, 476.1308, 476.1310,
8 476.1313, 485.060, 509.520, 565.240, and 595.209, to read as
9 follows:

210.1360. 1. **Any personally identifiable information**
2 **regarding any child under eighteen years of age receiving**
3 **child care from any provider or applying for or receiving**
4 **any services through a state program shall not be subject to**
5 **disclosure except as otherwise provided by law.**

2. **This section shall not prohibit any state agency**
7 **from disclosing personally identifiable information to**
8 **governmental entities or its agents, vendors, grantees, and**

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

9 contractors in connection to matters relating to its
10 official duties. The provisions of this section shall not
11 apply to any state, county, or municipal law enforcement
12 agency acting in its official capacity.

13 3. This section shall not prevent a parent or legal
14 guardian from accessing the parent's or legal guardian's
15 child's records.

361.749. 1. As used in this section, unless the
2 context clearly indicates otherwise, the following terms
3 mean:

- 4 (1) "Consumer", any individual;
- 5 (2) "Consumer-directed wage access services", the
6 business of offering or providing earned wage access
7 services directly to a consumer based on the consumer's
8 representation and the provider's reasonable determination
9 of the consumer's earned but unpaid income;
- 10 (3) "Director", the director of the division of
11 finance within the department of commerce and insurance;
- 12 (4) "Division", the Missouri division of finance
13 within the department of commerce and insurance;
- 14 (5) "Earned but unpaid income", salary, wages,
15 compensation, or other income that a consumer or an employer
16 has represented, and that a provider has reasonably
17 determined, has been earned or has accrued to the benefit of
18 the consumer in exchange for the consumer's provision of
19 services to the employer or on behalf of the employer,
20 including on an hourly, project-based, piecework, or other
21 basis and including where the consumer is acting as an
22 independent contractor of the employer, but has not, at the
23 time of the payment of proceeds, been paid to the consumer
24 by the employer;

25 (6) "Earned wage access services", the business of
26 providing consumer-directed wage access services, employer-
27 integrated wage access services, or both;

28 (7) "Employer":

29 (a) A person who employs a consumer; or

30 (b) Any other person who is contractually obligated to
31 pay a consumer earned but unpaid income in exchange for a
32 consumer's provision of services to the employer or on
33 behalf of the employer, including on an hourly, project-
34 based, piecework, or other basis and including where the
35 consumer is acting as an independent contractor with respect
36 to the employer.

37 "Employer" does not include a customer of an employer or any
38 other person whose obligation to make a payment of salary,
39 wages, compensation, or other income to a consumer is not
40 based on the provision of services by that consumer for or
41 on behalf of such person;

42 (8) "Employer-integrated wage access services", the
43 business of delivering to consumers access to earned but
44 unpaid income that is based on employment, income, and
45 attendance data obtained directly or indirectly from an
46 employer;

47 (9) "Fee":

48 (a) A fee imposed by a provider for delivery or
49 expedited delivery of proceeds to a consumer;

50 (b) A subscription or membership fee imposed by a
51 provider for a bona fide group of services that includes
52 earned wage access services; or

53 (c) An amount paid by an employer to a provider on a
54 consumer's behalf, which entitles the consumer to receive
55 proceeds at reduced or no cost to the consumer.

56 A voluntary tip, gratuity, or donation shall not be deemed a
57 fee;

58 (10) "Outstanding proceeds", a payment of proceeds to
59 a consumer by a provider that has not yet been repaid to
60 that provider;

61 (11) "Person", a partnership, corporation,
62 association, sole proprietorship, limited liability company,
63 or nonprofit or governmental entity;

64 (12) "Proceeds", a payment of funds to a consumer by a
65 provider that is based on earned but unpaid income;

66 (13) "Provider", a person who is in the business of
67 offering and providing earned wage access services to
68 consumers.

69 2. (1) No person shall engage in the business of
70 earned wage access services in this state without first
71 registering as an earned wage access services provider with
72 the division.

73 (2) The annual registration fee shall be one thousand
74 dollars payable to the division as of the first day of July
75 of each year. The division may establish a biennial
76 registration arrangement, but in no case shall the
77 registration fee be payable for more than one year at a time.

78 (3) Registration shall be made on forms prepared by
79 the director and shall contain the following information:

80 (a) Name, business address, and telephone number of
81 the earned wage access services provider;

82 (b) Name and business address of corporate officers
83 and directors or principals or partners;

84 (c) A sworn statement by an appropriate officer,
85 principal, or partner of the earned wage access services
86 provider that:

87 a. The provider is financially capable of engaging in
88 the business of earned wage access services; and

89 b. If a corporation, that the corporation is
90 authorized to transact business in this state.

91 If any material change occurs in the information contained
92 in the registration form, a revised statement shall be
93 submitted to the director.

94 (4) A certificate of registration shall be issued by
95 the director within thirty calendar days after the date on
96 which all registration materials have been received by the
97 director and shall not be assignable or transferable, except
98 as approved by the director.

99 (5) Each certificate of registration shall remain in
100 full force and effect until surrendered, revoked, or
101 suspended.

102 3. This section shall not apply to:

103 (1) A bank or savings and loan association whose
104 deposits or accounts are eligible for insurance by the
105 Federal Deposit Insurance Corporation, or a subsidiary of
106 such a bank or savings and loan association;

107 (2) A credit union doing business in this state; or

108 (3) A person authorized to make loans or extensions of
109 credit under the laws of this state or the United States,
110 who is subject to regulation and supervision by this state
111 or the United States.

112 4. Each provider shall:

113 (1) Develop and implement policies and procedures to
114 respond to questions raised by consumers and address
115 complaints from consumers in an expedient manner;

116 (2) Before entering into an agreement with a consumer
117 for the provision of earned wage access services, provide a

118 consumer with a written paper or electronic document, which
119 can be included as part of the contract to provide earned
120 wage access services and which meets all of the following
121 requirements:

122 (a) Informs the consumer of his or her rights under
123 the agreement; and

124 (b) Fully and clearly discloses all fees associated
125 with the earned wage access services;

126 (3) Inform the consumer of the fact of any material
127 changes to the terms and conditions of the earned wage
128 access services before implementing those changes for that
129 consumer;

130 (4) Provide proceeds to a consumer by any means
131 mutually agreed upon by the consumer and provider;

132 (5) Comply with all local, state, and federal privacy
133 and information security laws;

134 (6) In any case in which the provider will seek
135 repayment of outstanding proceeds, fees, or other payments,
136 including voluntary tips, gratuities, or other donations
137 from a consumer's account at a depository institution and
138 including via electronic funds transfer:

139 (a) Comply with applicable provisions of the federal
140 Electronic Funds Transfer Act and its implementing
141 regulations; and

142 (b) Reimburse the consumer for the full amount of any
143 overdraft or nonsufficient funds fees imposed on a consumer
144 by the consumer's depository institution that were caused by
145 the provider attempting to seek payment of any outstanding
146 proceeds, fees, voluntary tips, gratuities, or other
147 donations on a date before, or in an incorrect amount from,
148 the date or amount disclosed to the consumer.

149 The provisions of this subdivision shall not apply with
150 respect to payments of outstanding proceeds, fees, tips,
151 gratuities, or other donations incurred by a consumer
152 through fraudulent or other means; and

153 (7) If a provider solicits, charges, or receives a
154 tip, gratuity, or donation from a consumer:

155 (a) Clearly and conspicuously disclose to the consumer
156 immediately prior to each transaction that a tip, gratuity,
157 or donation amount may be zero and is voluntary;

158 (b) Clearly and conspicuously disclose in its service
159 contract with the consumer and elsewhere that tips,
160 gratuities, or donations are voluntary and that the offering
161 of earned wage access services, including the amount of the
162 proceeds a consumer is eligible to request and the frequency
163 with which proceeds are provided to a consumer, is not
164 contingent on whether the consumer pays any tip, gratuity,
165 or donation or on the size of any tip, gratuity, or donation;

166 (c) Refrain from misleading or deceiving consumers
167 about the voluntary nature of such tips, gratuities, or
168 donations; and

169 (d) Refrain from making representations that tips or
170 gratuities will benefit any specific, individual person.

171 5. A provider shall not:

172 (1) Share with an employer any fees, voluntary tips,
173 gratuities, or other donations that were received from or
174 charged to a consumer for earned wage access services;

175 (2) Charge interest for failure to repay outstanding
176 proceeds, fees, voluntary tips, gratuities, or other
177 donations;

178 (3) Report any information about the consumer
179 regarding the inability of the provider to be repaid
180 outstanding proceeds, fees, voluntary tips, gratuities, or

181 other donations to a consumer credit reporting agency or a
182 debt collector;

183 (4) Require a consumer's credit report or credit score
184 to determine a consumer's eligibility for earned wage access
185 services;

186 (5) Accept payment from a consumer of outstanding
187 proceeds, fees, voluntary tips, gratuities, or other
188 donations via credit card or charge card; or

189 (6) Compel or attempt to compel repayment by a
190 consumer of outstanding proceeds, fees, voluntary tips,
191 gratuities, or other donations through any of the following
192 means:

193 (a) A suit against the consumer in a court of
194 competent jurisdiction;

195 (b) Use of a third party to pursue collection from the
196 consumer on the provider's behalf; or

197 (c) Sale of outstanding amounts to a third-party
198 collector or debt buyer for collection from the consumer.

199 The provisions of this subdivision shall not apply to
200 payments of outstanding proceeds, fees, tips, gratuities, or
201 other donations incurred by a consumer through fraudulent or
202 other means or preclude a provider from pursuing an employer
203 for breach of its contractual obligations to the provider.

204 6. For purposes of the laws of this state:

205 (1) Earned wage access services offered and provided
206 by a registered provider shall not be considered to be any
207 of the following:

208 (a) A violation of or noncompliance with the laws
209 governing the sale or assignment of or an order for earned
210 but unpaid income;

211 (b) A loan or other form of credit, and the provider
212 shall not be considered a creditor or a lender;

213 (c) Money transmission, and the provider shall not be
214 considered a money transmitter;

215 (2) Fees, voluntary tips, gratuities, or other
216 donations shall not be considered interest or finance
217 charges.

218 7. The director, or his or her duly authorized
219 representative, may make such investigation as is deemed
220 necessary and, to the extent necessary for this purpose, may
221 examine the registrant or any other person having personal
222 knowledge of the matters under investigation, and shall have
223 the power to compel the production of all relevant books,
224 records, accounts, and documents by registrants.

225 8. (1) An earned wage access services provider shall
226 maintain records of its earned wage access services
227 transactions and shall preserve its records for at least two
228 years after the final date on which it provides proceeds to
229 a consumer.

230 (2) Records required by this section may be maintained
231 electronically.

232 9. The division may promulgate rules as may be
233 necessary for the administration of this section. Any rule
234 or portion of a rule, as that term is defined in section
235 536.010, that is created under the authority delegated in
236 this section shall become effective only if it complies with
237 and is subject to all of the provisions of chapter 536 and,
238 if applicable, section 536.028. This section and chapter
239 536 are nonseverable and if any of the powers vested with
240 the general assembly pursuant to chapter 536 to review, to
241 delay the effective date, or to disapprove and annul a rule
242 are subsequently held unconstitutional, then the grant of

243 rulemaking authority and any rule proposed or adopted after
244 August 28, 2023, shall be invalid and void.

245 10. (1) Any provider registered pursuant to this
246 section who fails, refuses, or neglects to comply with the
247 provisions of this section or commits any criminal act may
248 have its registration suspended or revoked by the director,
249 after a hearing before the director on an order of the
250 director to show cause why such order of suspension or
251 revocation should not be entered specifying the grounds
252 therefor, which shall be served on the registrant at least
253 ten days prior to the hearing.

254 (2) Whenever it shall appear to the director that any
255 provider registered pursuant to this section is failing,
256 refusing, or neglecting to make a good faith effort to
257 comply with the provisions of this section, the director may
258 issue an order to cease and desist, which order may be
259 enforceable by a civil penalty of not more than one thousand
260 dollars per day for each day that the neglect, failure, or
261 refusal shall continue. The penalty shall be assessed and
262 collected by the director. In determining the amount of the
263 penalty, the director shall take into account the
264 appropriateness of the penalty with respect to the gravity
265 of the violation, the history of previous violations, and
266 such other matters as justice may require.

267 11. All revenues collected by or paid to the director
268 pursuant to this section shall be forwarded immediately to
269 the director of revenue, who shall deposit them in the
270 division of finance fund.

271 12. Any earned wage access services provider knowingly
272 and willfully violating the provisions of this section shall
273 be guilty of a class A misdemeanor.

274 13. If there is a conflict between the provisions of
275 this section and any other state statute, the provisions of
276 this section shall control.

 431.204. 1. A reasonable covenant in writing
2 promising not to solicit, recruit, hire, induce, persuade,
3 encourage, or otherwise interfere with, directly or
4 indirectly, the employment of one or more employees or
5 owners of a business entity shall be presumed to be
6 enforceable and not a restraint of trade pursuant to
7 subsection 1 of section 416.031 if it is between a business
8 entity and the owner of the business entity and does not
9 continue for more than two years following the end of the
10 owner's business relationship with the business entity.

11 2. A reasonable covenant in writing promising not to
12 solicit, induce, direct, or otherwise interfere with,
13 directly or indirectly, a business entity's customers,
14 including any reduction, termination, or transfer of any
15 customer's business, in whole or in part, for the purposes
16 of providing any product or any service that is competitive
17 with those provided by the business entity shall be presumed
18 to be enforceable and not a restraint of trade pursuant to
19 subsection 1 of section 416.031 if the covenant is limited
20 to customers with whom the owner dealt and if the covenant
21 is between a business entity and an owner, so long as the
22 covenant does not continue for more than five years
23 following the end of the owner's business relationship with
24 the business entity.

25 3. A provision in writing by which an owner promises
26 to provide prior notice of the owner's intent to terminate,
27 sell, or otherwise dispose of such owner's ownership
28 interest in the business entity shall be presumed to be

29 enforceable and not a restraint of trade pursuant to
30 subsection 1 of section 416.031.

31 4. If a covenant is overbroad, overlong, or otherwise
32 not reasonably necessary to protect the protectable business
33 interests of the business entity seeking enforcement of the
34 covenant, a court shall modify the covenant, enforce the
35 covenant as modified, and grant only the relief reasonably
36 necessary to protect such interests.

37 5. Nothing in this section is intended to create or to
38 affect the validity or enforceability of covenants not to
39 compete, other types of covenants, or nondisclosure or
40 confidentiality agreements, except as expressly provided in
41 this section.

42 6. Except as provided in subsection 3 of this section,
43 nothing in this section shall be construed to limit an
44 owner's ability to seek or accept employment with another
45 business entity immediately upon, or at any time subsequent
46 to, termination of the owner's business relationship with
47 the business entity, whether such termination was voluntary
48 or nonvoluntary.

436.550. Sections 436.550 to 436.572 shall be known
2 and may be cited as the "Consumer Legal Funding Act".

436.552. As used in sections 436.550 to 436.572, the
2 following terms mean:

3 (1) "Advertise", publishing or disseminating any
4 written, electronic, or printed communication or any
5 communication by means of recorded telephone messages or
6 transmitted on radio, television, the internet, or similar
7 communications media, including film strips, motion
8 pictures, and videos, published, disseminated, circulated,
9 or placed before the public, directly or indirectly, for the

10 purpose of inducing a consumer to enter into a consumer
11 legal funding contract;

12 (2) "Affiliate", as defined in section 515.505;

13 (3) "Charges", the amount of moneys to be paid to the
14 consumer legal funding company by or on behalf of the
15 consumer above the funded amount provided by or on behalf of
16 the company to a consumer under sections 436.550 to
17 436.572. Charges include all administrative, origination,
18 underwriting, or other fees, no matter how denominated;

19 (4) "Consumer", a natural person who has a legal claim
20 and resides or is domiciled in Missouri;

21 (5) "Consumer legal funding company" or "company", a
22 person or entity that enters into a consumer legal funding
23 contract with a consumer for an amount less than five
24 hundred thousand dollars. The term shall not include:

25 (a) An immediate family member of the consumer;

26 (b) A bank, lender, financing entity, or other special
27 purpose entity:

28 a. That provides financing to a consumer legal funding
29 company; or

30 b. To which a consumer legal funding company grants a
31 security interest or transfers any rights or interest in a
32 consumer legal funding; or

33 (c) An attorney or accountant who provides services to
34 a consumer;

35 (6) "Consumer legal funding contract", a nonrecourse
36 contractual transaction in which a consumer legal funding
37 company purchases and a consumer assigns to the company a
38 contingent right to receive an amount of the potential
39 proceeds of a settlement, judgment, award, or verdict
40 obtained in the consumer's legal claim, so long as all of
41 the following apply:

42 (a) The consumer, at their sole discretion, shall use
43 the funds to address personal needs or household expenses;

44 (b) The consumer shall not use the funds to pay for
45 attorneys' fees, legal filings, legal marketing, legal
46 document preparation or drafting, appeals, expert testimony,
47 or other litigation-related expenses;

48 (7) "Director", the director of the division of
49 finance within the department of commerce and insurance;

50 (8) "Division", the division of finance within the
51 department of commerce and insurance;

52 (9) "Funded amount", the amount of moneys provided to
53 or on behalf of the consumer in the consumer legal funding
54 contract. "Funded amount" shall not include charges;

55 (10) "Funding date", the date on which the funded
56 amount is transferred to the consumer by the consumer legal
57 funding company either by personal delivery, via wire,
58 automated clearing house transfer, or other electronic
59 means, or by insured, certified, or registered United States
60 mail;

61 (11) "Immediate family member", a parent; sibling;
62 child by blood, adoption, or marriage; spouse; grandparent;
63 or grandchild;

64 (12) "Legal claim", a bona fide civil claim or cause
65 of action;

66 (13) "Medical provider", any person or business
67 providing medical services of any kind to a consumer
68 including, but not limited to, physicians, nurse
69 practitioners, hospitals, physical therapists,
70 chiropractors, or radiologists as well as any of their
71 employees or contractors or any practice groups,
72 partnerships, or incorporations of the same;

73 (14) "Resolution date", the date the amount funded to
74 the consumer, plus the agreed-upon charges, is delivered to
75 the consumer legal funding company.

 436.554. 1. All consumer legal funding contracts
2 shall meet the following requirements:

3 (1) The contract shall be completely filled in when
4 presented to the consumer for signature;

5 (2) The contract shall contain, in bold and boxed
6 type, a right of rescission allowing the consumer to cancel
7 the contract without penalty or further obligation if,
8 within ten business days after the funding date, the
9 consumer either:

10 (a) Returns the full amount of the disbursed funds to
11 the consumer legal funding company by delivering the
12 company's uncashed check to the company's office in person;
13 or

14 (b) Mails a notice of cancellation by insured,
15 certified, or registered United States mail to the address
16 specified in the contract and includes a return of the full
17 amount of disbursed funds in such mailing in the form of the
18 company's uncashed check or a registered or certified check
19 or money order;

20 (3) The contract shall contain the initials of the
21 consumer on each page; and

22 (4) The contract shall require the consumer to give
23 nonrevocable written direction to the consumer's attorney
24 requiring the attorney to notify the consumer legal funding
25 company when the legal claim has been resolved. Once the
26 consumer legal funding company confirms in writing the
27 amount due under the contract, the consumer's attorney shall
28 pay, from the proceeds of the resolution of the legal claim,

29 the consumer legal funding company the amount due within ten
30 business days.

31 2. The consumer legal funding company shall provide
32 the consumer's attorney with a written notification of the
33 consumer legal funding contract provided to the consumer
34 within three business days of the funding date by way of
35 postal mail, courier service, facsimile, or other means of
36 proof of delivery method.

37 3. A consumer legal funding contract shall be entered
38 into only if the contract involves an existing legal claim
39 in which the consumer is represented by an attorney.

436.556. No consumer legal funding company shall:

2 (1) Pay or offer to pay commissions, referral fees, or
3 other forms of consideration to any attorney, law firm,
4 medical provider, chiropractor, or physical therapist or any
5 of their employees for referring a consumer to the company;

6 (2) Accept any commissions, referral fees, rebates, or
7 other forms of consideration from an attorney, law firm,
8 medical provider, chiropractor, or physical therapist or any
9 of their employees;

10 (3) Intentionally advertise materially false or
11 misleading information regarding its products or services;

12 (4) Refer, in furtherance of an initial legal funding,
13 a customer or potential customer to a specific attorney, law
14 firm, medical provider, chiropractor, or physical therapist
15 or any of their employees. However, the company may refer
16 the customer to a local or state bar association referral
17 service if a customer needs legal representation;

18 (5) Fail to promptly supply a copy of the executed
19 contract to the consumer's attorney;

20 (6) Knowingly provide funding to a consumer who has
21 previously assigned or sold a portion of the right to

22 proceeds from the consumer's legal claim unless the consumer
23 legal funding company pays or purchases the entire
24 unsatisfied funded amount and contracted charges from the
25 prior consumer legal funding company or the two companies
26 agree to a lesser amount in writing. However, multiple
27 companies may agree to contemporaneously provide funding to
28 a consumer, provided that the consumer and the consumer's
29 attorney consent to the arrangement in writing;

30 (7) Receive any right to or make any decisions with
31 respect to the conduct of the underlying legal claim or any
32 settlement or resolution thereof. The right to make such
33 decisions shall remain solely with the consumer and the
34 attorney in the legal claim;

35 (8) Knowingly pay or offer to pay for court costs,
36 filing fees, or attorney's fees either during or after the
37 resolution of the legal claim by using funds from the
38 consumer legal funding contract. The consumer legal funding
39 contract shall include a provision advising the consumer
40 that the funding shall not be used for such costs or fees; or

41 (9) Sell a consumer litigation funding contract in
42 whole or in part to a third party. However, if the consumer
43 legal funding company retains responsibility for collecting
44 payment, administering, and otherwise enforcing the consumer
45 legal funding contract, the provisions of this subdivision
46 shall not apply to any of the following:

47 (a) An assignment to a wholly owned subsidiary of the
48 consumer legal funding company;

49 (b) An assignment to an affiliate of the consumer
50 legal funding company that is under common control;

51 (c) The granting of a security interest under Article
52 9 of the Uniform Commercial Code, or as otherwise permitted
53 by law.

436.558. 1. The contracted amount to be paid to the
2 consumer legal funding company shall be set as a
3 predetermined amount based upon intervals of time from the
4 funding date to the resolution date and shall not be
5 determined as a percentage of the recovery from the legal
6 claim.

7 2. No consumer legal funding contract shall be valid
8 if its terms exceed a period of forty-eight months. No
9 consumer legal funding contract shall be automatically
10 renewed.

436.560. All consumer legal funding contracts shall
2 contain the disclosures specified in this section, which
3 shall constitute material terms of the contract. Unless
4 otherwise specified, the disclosures shall be typed in at
5 least twelve-point bold-type font and be placed clearly and
6 conspicuously within the contract, as follows:

7 (1) On the front page under appropriate headings,
8 language specifying:

9 (a) The funded amount to be paid to the consumer by
10 the consumer legal funding company;

11 (b) An itemization of one-time charges;

12 (c) The total amount to be assigned by the consumer to
13 the company, including the funded amount and all charges; and

14 (d) A payment schedule to include the funded amount
15 and charges, listing all dates and the amount due at the end
16 of each six-month period from the funding date until the
17 date the maximum amount due to the company by the consumer
18 to satisfy the amount due pursuant to the contract;

19 (2) Within the body of the contract, in accordance
20 with the provisions under subdivision (2) of subsection 1 of
21 section 436.554: "Consumer's Right to Cancellation: You may
22 cancel this contract without penalty or further obligation

23 within ten business days after the funding date if you
24 either:

25 (a) Return the full amount of the disbursed funds to
26 the consumer legal funding company by delivering the
27 company's uncashed check to the company's office in person;
28 or

29 (b) Mail a notice of cancellation by insured,
30 certified, or registered United States mail to the company
31 at the address specified in the contract and include a
32 return of the full amount of disbursed funds in such mailing
33 in the form of the company's uncashed check or a registered
34 or certified check or money order.";

35 (3) Within the body of the contract, a statement that
36 the company has no influence over any aspect of the
37 consumer's legal claim or any settlement or resolution of
38 the consumer's legal claim and that all decisions related to
39 the consumer's legal claim remain solely with the consumer
40 and the consumer's attorney;

41 (4) Within the body of the contract, in all capital
42 letters and in at least twelve-point bold-type font
43 contained within a box: "THE FUNDED AMOUNT AND AGREED-UPON
44 CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL
45 CLAIM AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE
46 AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. IF THERE IS NO
47 RECOVERY OF ANY DAMAGES FROM YOUR LEGAL CLAIM OR IF THERE IS
48 NOT ENOUGH MONEY TO PAY BACK THE CONSUMER LEGAL FUNDING
49 COMPANY IN FULL, YOU WILL NOT BE OBLIGATED TO PAY THE
50 CONSUMER LEGAL FUNDING COMPANY ANYTHING IN EXCESS OF YOUR
51 RECOVERY UNLESS YOU HAVE VIOLATED THIS CONTRACT. YOU WILL
52 NOT OWE (INSERT NAME OF THE CONSUMER LEGAL FUNDING COMPANY)
53 ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM
54 UNLESS YOU OR YOUR ATTORNEY HAVE VIOLATED ANY MATERIAL TERM

55 OF THIS CONTRACT OR UNLESS YOU HAVE COMMITTED FRAUD AGAINST
56 THE CONSUMER LEGAL FUNDING COMPANY."; and

57 (5) Located immediately above the place on the
58 contract where the consumer's signature is required, in
59 twelve-point font: "Do not sign this contract before you
60 read it completely or if it contains any blank spaces. You
61 are entitled to a completely filled-in copy of the
62 contract. Before you sign this contract, you should obtain
63 the advice of an attorney. Depending on the circumstances,
64 you may want to consult a tax, public or private benefits
65 planning, or financial professional. You acknowledge that
66 your attorney in the legal claim has provided no tax, public
67 or private benefit planning, or financial advice regarding
68 this transaction.".

436.562. 1. Nothing in sections 436.550 to 436.572
2 shall be construed to restrict the exercise of powers or the
3 performance of the duties of the state attorney general that
4 he or she is authorized to exercise or perform by law.

5 2. If a court of competent jurisdiction determines
6 that a consumer legal funding company has intentionally
7 violated the provisions of sections 436.550 to 436.572 in a
8 consumer legal funding contract, the consumer legal funding
9 contract shall be voided.

436.564. 1. The contingent right to receive an amount
2 of the potential proceeds of a legal claim is assignable.

3 2. Nothing contained in sections 436.550 to 436.572
4 shall be construed to cause any consumer legal funding
5 contract conforming to sections 436.550 to 436.572 to be
6 deemed a loan or to be subject to any of the provisions
7 governing loans. A consumer legal funding contract that
8 complies with sections 436.550 to 436.572 is not subject to
9 any other statutory or regulatory provisions governing loans

10 or investment contracts. To the extent that sections
11 436.550 to 436.572 conflict with any other law, such
12 sections shall supersede the other law for the purposes of
13 regulating consumer legal funding in this state.

14 3. Only attorney's liens related to the legal claim,
15 Medicare, or other statutory liens related to the legal
16 claim shall take priority over claims to proceeds from the
17 consumer legal funding company. All other liens and claims
18 shall take priority by normal operation of law.

19 4. No consumer legal funding company shall report a
20 consumer to a credit reporting agency if insufficient funds
21 remain from the net proceeds to repay the company.

436.566. An attorney or law firm retained by the
2 consumer in the legal claim shall not have a financial
3 interest in the consumer legal funding company offering
4 consumer legal funding to that consumer. Additionally, any
5 practicing attorney who has referred the consumer to his or
6 her retained attorney shall not have a financial interest in
7 the consumer legal funding company offering consumer legal
8 funding to that consumer.

436.568. No communication between the consumer's
2 attorney in the legal claim and the consumer legal funding
3 company necessary to ascertain the status of a legal claim
4 or a legal claim's expected value shall be discoverable by a
5 party with whom the claim is filed or against whom the claim
6 is asserted. This section does not limit, waive, or
7 abrogate the scope or nature of any statutory or common-law
8 privilege, including the work-product doctrine and attorney-
9 client privilege.

436.570. 1. A consumer legal funding company shall
2 not engage in the business of consumer legal funding in this

3 state unless it has first obtained a license from the
4 division of finance.

5 2. A consumer legal funding company's initial or
6 renewal license application shall be in writing, made under
7 oath, and on a form provided by the director.

8 3. Every consumer legal funding company, at the time
9 of filing a license application, shall pay the sum of five
10 hundred fifty dollars for the period ending the thirtieth
11 day of June next following the date of payment; thereafter,
12 a like fee shall be paid on or before June thirtieth of each
13 year and shall be credited to the division of finance fund
14 established under section 361.170.

15 4. A consumer legal funding license shall not be
16 issued unless the division of finance, upon investigation,
17 finds that the character and fitness of the applicant
18 company, and of the officers and directors thereof, are such
19 as to warrant belief that the business shall operate
20 honestly and fairly within the purposes of sections 436.550
21 to 436.572.

22 5. Every applicant shall also, at the time of filing
23 such application, file a bond satisfactory to the division
24 of finance in an amount not to exceed fifty thousand
25 dollars. The bond shall provide that the applicant shall
26 faithfully conform to and abide by the provisions of
27 sections 436.550 to 436.572, to all rules lawfully made by
28 the director under sections 436.550 to 436.572, and the bond
29 shall act as a surety for any person or the state for any
30 and all amount of moneys that may become due or owing from
31 the applicant under and by virtue of sections 436.550 to
32 436.572, which shall include the result of any action that
33 occurred while the bond was in place for the applicable

34 period of limitations under statute and so long as the bond
35 is not exhausted by valid claims.

36 6. If an action is commenced on a licensee's bond, the
37 director may require the filing of a new bond. Immediately
38 upon any recovery on the bond, the licensee shall file a new
39 bond.

40 7. To ensure the effective supervision and enforcement
41 of sections 436.550 to 436.572, the director may, under
42 chapter 536:

43 (1) Deny, suspend, revoke, condition, or decline to
44 renew a license for a violation of sections 436.550 to
45 436.572, rules issued under sections 436.550 to 436.572, or
46 order or directive entered under sections 436.550 to 436.572;

47 (2) Deny, suspend, revoke, condition, or decline to
48 renew a license if an applicant or licensee fails at any
49 time to meet the requirements of sections 436.550 to
50 436.572, or withholds information or makes a material
51 misstatement in an application for a license or renewal of a
52 license;

53 (3) Order restitution against persons subject to
54 sections 436.550 to 436.572 for violations of sections
55 436.550 to 436.572; and

56 (4) Order or direct such other affirmative action as
57 the director deems necessary.

58 8. Any letter issued by the director and declaring
59 grounds for denying or declining to grant or renew a license
60 may be appealed to the circuit court of Cole County. All
61 other matters presenting a contested case involving a
62 licensee may be heard by the director under chapter 536.

63 9. Notwithstanding the prior approval requirement of
64 subsection 1 of this section, a consumer legal funding
65 company that has applied with the division of finance

66 between the effective date of sections 436.550 to 436.572,
67 or when the division of finance has made applications
68 available to the public, whichever is later, and six months
69 thereafter may engage in consumer legal funding while the
70 license application of the company or an affiliate of the
71 company is awaiting approval by the division of finance and
72 until such time as the applicant has pursued all appellate
73 remedies and procedures for any denial of such application.
74 All funding contracts in effect prior to the effective date
75 of sections 436.550 to 436.572 are not subject to the terms
76 of sections 436.550 to 436.572.

77 10. If it appears to the director that any consumer
78 legal funding company is failing, refusing, or neglecting to
79 make a good faith effort to comply with the provisions of
80 sections 436.550 to 436.572, or any laws or rules relating
81 to consumer legal funding, the director may issue an order
82 to cease and desist, which may be enforceable by a civil
83 penalty of not more than one thousand dollars per day for
84 each day that the neglect, failure, or refusal continues.
85 The penalty shall be assessed and collected by the
86 director. In determining the amount of the penalty, the
87 director shall take into account the appropriateness of the
88 penalty with respect to the gravity of the violation, any
89 history of previous violations, and any other matters
90 justice may require.

91 11. If any consumer legal funding company fails,
92 refuses, or neglects to comply with the provisions of
93 sections 436.550 to 436.572, or of any laws or rules
94 relating to consumer legal funding, its license may be
95 suspended or revoked by order of the director after a
96 hearing before said director on any order to show cause why
97 such order of suspension or revocation should not be entered

98 and that specifies the grounds therefor. Such an order
99 shall be served on the particular consumer legal funding
100 company at least ten days prior to the hearing. Any order
101 made and entered by the director may be appealed to the
102 circuit court of Cole County.

103 12. (1) The division shall conduct an examination of
104 each consumer funding company at least once every twenty-
105 four months and at such other times as the director may
106 determine.

107 (2) For any such investigation or examination, the
108 director and his or her representatives shall have free and
109 immediate access to the place or places of business and the
110 books and records, and shall have the authority to place
111 under oath all persons whose testimony may be required
112 relative to the affairs and business of the consumer legal
113 funding company.

114 (3) The director may also make such special
115 investigations or examination as the director deems
116 necessary to determine whether any consumer legal funding
117 company has violated any of the provisions of sections
118 436.550 to 436.572 or rules promulgated thereunder, and the
119 director may assess the reasonable costs of any
120 investigation or examination incurred by the division to the
121 company.

122 13. The division of finance shall have the authority
123 to promulgate rules to carry out the provisions of sections
124 436.550 to 436.572. Any rule or portion of a rule, as that
125 term is defined in section 536.010, that is created under
126 the authority delegated in this section shall become
127 effective only if it complies with and is subject to all of
128 the provisions of chapter 536 and, if applicable, section
129 536.028. This section and chapter 536 are nonseverable and

130 if any of the powers vested with the general assembly
131 pursuant to chapter 536 to review, to delay the effective
132 date, or to disapprove and annul a rule are subsequently
133 held unconstitutional, then the grant of rulemaking
134 authority and any rule proposed or adopted after August 28,
135 2023, shall be invalid and void.

436.572. A consumer legal funding contract is a fact
2 subject to the usual rules of discovery.

475.040. If it appears to the court, acting on the
2 petition of the guardian, the conservator, the respondent or
3 of a ward over the age of fourteen, or on its own motion, at
4 any time before the termination of the guardianship or
5 conservatorship, that the proceeding was commenced in the
6 wrong county, or that the domicile [or residence] of the
7 ward or protectee has [been] changed to another county, or
8 in case of conservatorship of the estate that it would be
9 for the best interest of the ward or disabled person and his
10 estate, the court may order the proceeding with all papers,
11 files and a transcript of the proceedings transferred to the
12 probate division of the circuit court of another county.
13 The court to which the transfer is made shall take
14 jurisdiction of the case, place the transcript of record and
15 proceed to the final settlement of the case as if the
16 appointment originally had been made by it.

475.275. 1. The conservator, at the time of filing
2 any settlement with the court, shall exhibit all securities
3 or investments held by him to an officer of the bank or
4 other depository wherein the securities or investments are
5 held for safekeeping or to an authorized representative of
6 the corporation which is surety on his bond, or to the judge
7 or clerk of a court of record in this state, or upon request
8 of the conservator or other interested party, to any other

9 reputable person designated by the court, who shall certify
10 in writing that he has examined the securities or
11 investments and identified them with those described in the
12 account and shall note any omission or discrepancies. If
13 the depository is the conservator, the certifying officer
14 shall not be the officer verifying the account. The
15 conservator may exhibit the securities or investments to the
16 judge of the court, who shall endorse on the account and
17 copy thereof, a certificate that the securities or
18 investments shown therein as held by the conservator were
19 each in fact exhibited to him and that those exhibited to
20 him were the same as those in the account and noting any
21 omission or discrepancy. The certificate, and the
22 certificate of an official of the bank in which are
23 deposited any funds for which the conservator is
24 accountable, showing the amount on deposit, shall be
25 prepared and signed in duplicate and one of each shall be
26 filed by the conservator with his account.

27 2. (1) As used in and pursuant to this section, a
28 "pooled account" is an account within the meaning of this
29 section and means any account maintained by a fiduciary for
30 more than one principal and is established for the purpose
31 of managing and investing and to manage and invest the funds
32 of such principals. No fiduciary shall or may place funds
33 into a pooled account unless the account meets the following
34 criteria:

35 (a) The pooled account is maintained at a bank or
36 savings and loan institution;

37 (b) The pooled account is titled in such a way as to
38 reflect that the account is being held by a fiduciary in a
39 custodial capacity;

40 (c) The fiduciary maintains, or causes to be
41 maintained, records containing information as to the name
42 and ownership interest of each principal in the pooled
43 account;

44 (d) The fiduciary's records contain a statement of all
45 accretions and disbursements; and

46 (e) The fiduciary's records are maintained in the
47 ordinary course of business and in good faith.

48 (2) The public administrator of any county [with a
49 charter form of government and with more than six hundred
50 thousand but less than seven hundred thousand inhabitants]
51 serving as a conservator **or personal representative** and
52 using and utilizing pooled accounts for the investing[,
53 investment,] and management of [conservatorship] **estate**
54 funds shall have any such accounts [audited] **examined** on at
55 least an annual basis [and no less than one time per year]
56 by an independent certified public accountant. [The audit
57 provided shall review the records of the receipts and
58 disbursements of each estate account. Upon completion of
59 the investigation, the certified public accountant shall
60 render a report to the judge of record in this state showing
61 the receipts, disbursements, and account balances as to each
62 estate and as well as the total assets on deposit in the
63 pooled account on the last calendar day of each year.] **The**
64 **examination shall:**

65 (a) **Compare the pooled account's year-end bank**
66 **statement and obtain the reconciliation of the pooled**
67 **account from the bank statement to the fiduciary's general**
68 **ledger balance on the same day;**

69 (b) **Reconcile the total of individual accounts in the**
70 **fiduciary's records to the reconciled pooled account's**
71 **balance and note any difference;**

72 (c) Confirm if collateral is pledged to secure amounts
73 on deposit in the pooled account in excess of Federal
74 Deposit Insurance Corporation coverage; and

75 (d) Confirm the account balance with the financial
76 institution.

77 (3) A public administrator using and utilizing pooled
78 accounts as provided by this section shall certify by
79 affidavit that he or she has met the conditions for
80 establishing a pooled account as set forth in subdivision
81 (2) of this subsection.

82 (4) The county shall provide for the expense of [such
83 audit] the report. If and where the public administrator
84 has provided the judge with [the audit] the report pursuant
85 to and required by this subsection and section, the public
86 administrator shall not be required to obtain the written
87 [certification] verification of an officer of a bank or
88 other depository on any estate asset maintained within the
89 pooled account as otherwise required in and under subsection
90 1 of this section.

476.055. 1. There is hereby established in the state
2 treasury the "Statewide Court Automation Fund". All moneys
3 collected pursuant to section 488.027, as well as gifts,
4 contributions, devises, bequests, and grants received
5 relating to automation of judicial record keeping, and
6 moneys received by the judicial system for the dissemination
7 of information and sales of publications developed relating
8 to automation of judicial record keeping, shall be credited
9 to the fund. Moneys credited to this fund may only be used
10 for the purposes set forth in this section and as
11 appropriated by the general assembly. Any unexpended
12 balance remaining in the statewide court automation fund at
13 the end of each biennium shall not be subject to the

14 provisions of section 33.080 requiring the transfer of such
15 unexpended balance to general revenue[; except that, any
16 unexpended balance remaining in the fund on September 1,
17 2023, shall be transferred to general revenue].

18 2. The statewide court automation fund shall be
19 administered by a court automation committee consisting of
20 the following: the chief justice of the supreme court, a
21 judge from the court of appeals, four circuit judges, four
22 associate circuit judges, four employees of the circuit
23 court, **two employees who work full-time in a municipal**
24 **division of a circuit court**, the commissioner of
25 administration, two members of the house of representatives
26 appointed by the speaker of the house, two members of the
27 senate appointed by the president pro tem of the senate, the
28 executive director of the Missouri office of prosecution
29 services, the director of the state public defender system,
30 and two members of the Missouri Bar. The judge members and
31 employee members shall be appointed by the chief justice.
32 The commissioner of administration shall serve ex officio.
33 The members of the Missouri Bar shall be appointed by the
34 board of governors of the Missouri Bar. Any member of the
35 committee may designate another person to serve on the
36 committee in place of the committee member.

37 3. The committee shall develop and implement a plan
38 for a statewide court automation system. The committee
39 shall have the authority to hire consultants, review systems
40 in other jurisdictions and purchase goods and services to
41 administer the provisions of this section. The committee
42 may implement one or more pilot projects in the state for
43 the purposes of determining the feasibility of developing
44 and implementing such plan. The members of the committee
45 shall be reimbursed from the court automation fund for their

46 actual expenses in performing their official duties on the
47 committee.

48 4. Any purchase of computer software or computer
49 hardware that exceeds five thousand dollars shall be made
50 pursuant to the requirements of the office of administration
51 for lowest and best bid. Such bids shall be subject to
52 acceptance by the office of administration. The court
53 automation committee shall determine the specifications for
54 such bids.

55 5. The court automation committee shall not require
56 any circuit court to change any operating system in such
57 court, unless the committee provides all necessary
58 personnel, funds and equipment necessary to effectuate the
59 required changes. No judicial circuit or county may be
60 reimbursed for any costs incurred pursuant to this
61 subsection unless such judicial circuit or county has the
62 approval of the court automation committee prior to
63 incurring the specific cost.

64 6. Any court automation system, including any pilot
65 project, shall be implemented, operated and maintained in
66 accordance with strict standards for the security and
67 privacy of confidential judicial records. Any person who
68 knowingly releases information from a confidential judicial
69 record is guilty of a class B misdemeanor. Any person who,
70 knowing that a judicial record is confidential, uses
71 information from such confidential record for financial gain
72 is guilty of a class E felony.

73 7. On the first day of February, May, August and
74 November of each year, the court automation committee shall
75 file a report on the progress of the statewide automation
76 system with:

77 (1) The chair of the house budget committee;

- 78 (2) The chair of the senate appropriations committee;
79 (3) The chair of the house judiciary committee; and
80 (4) The chair of the senate judiciary committee.

81 8. [Section 488.027 shall expire on September 1,
82 2023.] The court automation committee established pursuant
83 to this section may continue to function until completion of
84 its duties prescribed by this section[, but shall complete
85 its duties prior to September 1, 2025].

86 9. This section shall expire on September 1, 2025].

**476.1300. 1. Sections 476.1300 to 476.1310 shall be
2 known and may be cited as the "Judicial Privacy Act".**

3 **2. As used in sections 476.1300 to 476.1310, the
4 following terms mean:**

5 (1) "Government agency", all agencies, authorities,
6 boards, commissions, departments, institutions, offices, and
7 any other bodies politic and corporate of the state created
8 by the constitution or statute, whether in the executive,
9 judicial, or legislative branch; all units and corporate
10 outgrowths created by executive order of the governor or any
11 constitutional officer, by the supreme court, or by
12 resolution of the general assembly; agencies, authorities,
13 boards, commissions, departments, institutions, offices, and
14 any other bodies politic and corporate of a political
15 subdivision, including school districts; and any public
16 governmental body as that term is defined in section 610.010;

17 (2) "Home address", a judicial officer's permanent
18 residence and any secondary residences affirmatively
19 identified by the judicial officer, but does not include a
20 judicial officer's work address;

21 (3) "Immediate family", a judicial officer's spouse,
22 child, adoptive child, foster child, parent, or any
23 unmarried companion of the judicial officer or other

24 familial relative of the judicial officer or the judicial
25 officer's spouse who lives in the same residence;

26 (4) "Judicial officer", actively employed, formerly
27 employed, or retired:

28 (a) Justices of the Supreme Court of the United States;

29 (b) Judges of the United States Court of Appeals;

30 (c) Judges and magistrate judges of the United States
31 District Courts;

32 (d) Judges of the United States Bankruptcy Court;

33 (e) Judges of the Missouri supreme court;

34 (f) Judges of the Missouri court of appeals;

35 (g) Judges and commissioners of the Missouri circuit
36 courts, including of the divisions of a circuit court; and

37 (h) Prosecuting or circuit attorney, or assistant
38 prosecuting or circuit attorney;

39 (5) "Personal information", a home address, home
40 telephone number, mobile telephone number, pager number,
41 personal email address, Social Security number, federal tax
42 identification number, checking and savings account numbers,
43 credit card numbers, marital status, and identity of
44 children under eighteen years of age;

45 (6) "Publicly available content", any written,
46 printed, or electronic document or record that provides
47 information or that serves as a document or record
48 maintained, controlled, or in the possession of a government
49 agency that may be obtained by any person or entity, from
50 the internet, from the government agency upon request either
51 free of charge or for a fee, or in response to a request
52 pursuant to chapter 610 or the federal Freedom of
53 Information Act, 5 U.S.C. Section 552, as amended;

54 (7) "Publicly post or display", to communicate to
55 another or to otherwise make available to the general public;

56 (8) "Written request", written or electronic notice
57 signed by:

58 (a) A state judicial officer and submitted to the
59 clerk of the Missouri supreme court or the clerk's designee;
60 or

61 (b) A federal judicial officer and submitted to that
62 judicial officer's clerk of the court or the clerk's
63 designee;

64 that is transmitted by the applicable clerk to a government
65 agency, person, business, or association to request such
66 government agency, person, business, or association refrain
67 from posting or displaying publicly available content that
68 includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly
2 post or display publicly available content that includes a
3 judicial officer's personal information, provided that the
4 government agency has received a written request that the
5 agency refrain from disclosing the judicial officer's
6 personal information. After a government agency has
7 received a written request, the government agency shall
8 remove the judicial officer's personal information from
9 publicly available content within five business days. After
10 the government agency has removed the judicial officer's
11 personal information from publicly available content, the
12 government agency shall not publicly post or display the
13 judicial officer's personal information and the judicial
14 officer's personal information shall be exempted from the
15 provisions of chapter 610, unless the government agency has
16 received written consent from the judicial officer to make
17 the personal information available to the public.

18 2. If a government agency fails to comply with a
19 written request to refrain from disclosing personal
20 information, the judicial officer may bring an action
21 seeking injunctive or declaratory relief in any court of
22 competent jurisdiction. If the court grants injunctive or
23 declaratory relief, the court may award costs and reasonable
24 attorney's fees to the judicial officer.

25 3. The provisions of subsection 1 of this section
26 shall not apply to any government agency created under
27 section 43.020.

 476.1304. 1. No person, business, or association
2 shall publicly post or display on the internet publicly
3 available content that includes a judicial officer's
4 personal information, provided that the judicial officer has
5 made a written request to the person, business, or
6 association that it refrain from disclosing the personal
7 information.

8 2. No person, business, or association shall solicit,
9 sell, or trade on the internet a judicial officer's personal
10 information for purposes of tampering with a judicial
11 officer in violation of section 575.095 or with the intent
12 to pose an imminent and serious threat to the health and
13 safety of the judicial officer or the judicial officer's
14 immediate family.

15 3. As prohibited in this section, persons, businesses,
16 or associations posting, displaying, soliciting, selling, or
17 trading a judicial officer's personal information on the
18 internet includes, but is not limited to, internet phone
19 directories, internet search engines, internet data
20 aggregators, and internet service providers.

 476.1306. 1. After a person, business, or association
2 has received a written request from a judicial officer to

3 protect the privacy of the officer's personal information,
4 that person, business, or association shall have five
5 business days to remove the personal information from the
6 internet.

7 2. After a person, business, or association has
8 received a written request from a judicial officer, that
9 person, business, or association shall ensure that the
10 judicial officer's personal information is not made
11 available on any website or subsidiary website controlled by
12 that person, business, or association.

13 3. After receiving a judicial officer's written
14 request, no person, business, or association shall make
15 available the judicial officer's personal information to any
16 other person, business, or association through any medium.

476.1308. A judicial officer whose personal
2 information is made public as a result of a violation of
3 sections 476.1304 to 476.1306 may bring an action seeking
4 injunctive or declaratory relief in any court of competent
5 jurisdiction. If the court grants injunctive or declaratory
6 relief, the person, business, or association responsible for
7 the violation shall be required to pay the judicial
8 officer's costs and reasonable attorney's fees.

476.1310. 1. No government agency, person, business,
2 or association shall be found to have violated any provision
3 of sections 476.1300 to 476.1310 if the judicial officer
4 fails to submit a written request calling for the protection
5 of the judicial officer's personal information.

6 2. A written request shall be valid if:

7 (1) The judicial officer sends a written request
8 directly to a government agency, person, business, or
9 association; or

10 (2) The judicial officer complies with a Missouri
11 supreme court rule for a state judicial officer to file the
12 written request with the clerk of the Missouri supreme court
13 or the clerk's designee to notify government agencies and
14 such notice is properly delivered by mail or electronic
15 format.

16 3. In each quarter of a calendar year, the clerk of
17 the Missouri supreme court or the clerk's designee shall
18 provide a list of all state judicial officers who have
19 submitted a written request under this section to the
20 appropriate officer with ultimate supervisory authority for
21 a government agency. The officer shall promptly provide a
22 copy of the list to all government agencies under his or her
23 supervision. Receipt of the written request list compiled
24 by the clerk of the Missouri supreme court or the clerk's
25 designee by a government agency shall constitute a written
26 request to that government agency for the purposes of
27 sections 476.1300 to 476.1310.

28 4. The chief clerk or circuit clerk of the court where
29 the judicial officer serves may submit a written request on
30 the judicial officer's behalf, provided that the judicial
31 officer gives written consent to the clerk and provided that
32 the clerk agrees to furnish a copy of that consent when a
33 written request is made. The chief clerk or circuit clerk
34 shall submit the written request as provided by subsection 2
35 of this section.

36 5. A judicial officer's written request shall specify
37 what personal information shall be maintained as private.
38 If a judicial officer wishes to identify a secondary
39 residence as a home address, the designation shall be made
40 in the written request. A judicial officer shall disclose
41 the identity of his or her immediate family and indicate

42 that the personal information of those members of the
43 immediate family shall also be excluded to the extent that
44 it could reasonably be expected to reveal the personal
45 information of the judicial officer. A judicial officer
46 shall make reasonable efforts to identify specific publicly
47 available content in the possession of a government agency.

48 6. A judicial officer's written request is valid until
49 the judicial officer provides the government agency, person,
50 business, or association with written consent to release the
51 personal information. A judicial officer's written request
52 expires on such judicial officer's death.

53 7. The provisions of sections 476.1300 to 476.1310
54 shall not apply to any disclosure of personal information of
55 a judicial officer or a member of a judicial officer's
56 immediate family as required by Article VIII, Section 23 of
57 the Missouri Constitution, sections 105.470 to 105.482,
58 section 105.498, and chapter 130.

476.1313. 1. Notwithstanding any other provision of
2 law to the contrary, a recorder of deeds shall meet the
3 requirements of the provisions of sections 476.1300 to
4 476.1310 by complying with this section. As used in this
5 section, the following terms mean:

6 (1) "Eligible documents", documents or instruments
7 that are maintained by and located in the office of the
8 recorder of deeds that are accessed electronically;

9 (2) "Immediate family", shall have the same meaning as
10 in section 476.1300;

11 (3) "Indexes", indexes maintained by and located in
12 the office of the recorder of deeds that are accessed
13 electronically;

14 (4) "Judicial officer", shall have the same meaning as
15 in section 476.1300;

16 (5) "Recorder of deeds", shall have the same meaning
17 as in section 59.005;

18 (6) "Shield", "shielded", or "shielding", a
19 prohibition against the general public's electronic access
20 to eligible documents and the unique identifier and
21 recording date contained in indexes for eligible documents;

22 (7) "Written request", written or electronic notice
23 signed by:

24 (a) A state judicial officer and submitted to the
25 clerk of the Missouri supreme court or the clerk's designee;
26 or

27 (b) A federal judicial officer and submitted to that
28 judicial officer's clerk of the court or the clerk's
29 designee;

30 that is transmitted electronically by the applicable clerk
31 to a recorder of deeds to request that eligible documents be
32 shielded.

33 2. Written requests transmitted to a recorder of deeds
34 shall only include information specific to eligible
35 documents maintained by that county. Any written request
36 transmitted to a recorder of deeds shall include the
37 requesting judicial officer's full legal name or legal alias
38 and a document locator number for each eligible document for
39 which the judicial officer is requesting shielding. If the
40 judicial officer is not a party to the instrument but is
41 requesting shielding for an eligible document in which an
42 immediate family member is a party to the instrument, the
43 full legal name or legal alias of the immediate family
44 member shall also be provided.

45 3. Not more than five business days after the date on
46 which the recorder of deeds receives the written request,

47 the recorder of deeds shall shield the eligible documents
48 listed in the written request. Within five business days of
49 receipt, the recorder of deeds shall electronically reply to
50 the written request with a list of any document locator
51 numbers submitted under subsection 2 of this section not
52 found in the records maintained by that recorder of deeds.

53 4. If the full legal name or legal alias of the
54 judicial officer or immediate family member provided does
55 not appear on an eligible document listed in the written
56 request, the recorder of deeds may electronically reply to
57 the written request with this information. The recorder of
58 deeds may delay shielding such eligible document until
59 electronic confirmation is received from the applicable
60 court clerk or judicial officer.

61 5. In order to shield subsequent eligible documents,
62 the judicial officer shall present to the recorder of deeds
63 at the time of recording a copy of his or her written
64 request. The recorder of deeds shall ensure that the
65 eligible document is shielded within five business days.

66 6. Eligible documents shall remain shielded until the
67 recorder of deeds receives a court order or notarized
68 affidavit signed by the judicial officer directing the
69 recorder of deeds to terminate shielding.

70 7. The provisions of this section shall not prohibit
71 access to a shielded eligible document by an individual or
72 entity that provides to the recorder of deeds a court order
73 or notarized affidavit signed by the judicial officer.

74 8. No recorder of deeds shall be liable for any
75 damages under this section, provided the recorder of deeds
76 made a good faith effort to comply with the provisions of
77 this section. No recorder of deeds shall be liable for the
78 release of any eligible document or any data from any

79 **eligible document that was released or accessed prior to the**
80 **eligible document being shielded pursuant to this section.**

485.060. 1. Each court reporter for a circuit judge
2 shall receive an annual salary of twenty-six thousand nine
3 hundred dollars beginning January 1, 1985, until December
4 31, 1985, and beginning January 1, 1986, an annual salary of
5 thirty thousand dollars.

6 2. Such annual salary shall be modified by any salary
7 adjustment provided by section 476.405.

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

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

16 (2) For each court reporter with six to ten years of
17 service: the annual salary shall be increased by **the whole**
18 **sum of** five and one-quarter percent **in addition to the**
19 **increase provided by subdivision (1) of this subsection;**

20 (3) For each court reporter with eleven to fifteen
21 years of service: the annual salary shall be increased by
22 **the whole sum of** eight and one-quarter percent **in addition**
23 **to the increase provided by subdivision (2) of this**
24 **subsection;**

25 (4) For each court reporter with sixteen to twenty
26 years of service: the annual salary shall be increased by
27 **the whole sum of** eight and one-half percent **in addition to**
28 **the increase provided by subdivision (3) of this subsection;**

29 or

30 (5) For each court reporter with twenty-one or more
31 years of service: the annual salary shall be increased by
32 **the whole sum of** eight and three-quarters percent **in**
33 **addition to the increase provided by subdivision (4) of this**
34 **subsection.**

35 [A court reporter may receive multiple adjustments under
36 this subsection as his or her cumulative years of service
37 increase, but only one percentage listed in subdivisions (1)
38 to (5) of this subsection shall apply to the annual salary
39 at a time.]

40 4. Salaries shall be payable in equal monthly
41 installments on the certification of the judge of the court
42 or division in whose court the reporter is employed. If
43 paid by the state, the salaries of such court reporters
44 shall be paid in semimonthly or monthly installments, as
45 designated by the commissioner of administration.

509.520. 1. Notwithstanding any provision of law to
2 the contrary, beginning August 28, [2009] **2023**, pleadings,
3 attachments, [or] exhibits filed with the court in any case,
4 as well as any judgments **or orders** issued by the court, **or**
5 **other records of the court** shall not include **the following**
6 **confidential and personal identifying information:**

7 (1) The full Social Security number of any party or
8 any child [who is the subject to an order of custody or
9 support];

10 (2) The full credit card number [or other], financial
11 **institution** account number, **personal identification number,**
12 **or password used to secure an account** of any party;

13 (3) **The full motor vehicle operator license number;**

14 (4) **Victim information, including the name, address,**
15 **and other contact information of the victim;**

16 (5) Witness information, including the name, address,
17 and other contact information of the witness;

18 (6) Any other full state identification number;

19 (7) The name, address, and date of birth of a minor
20 and, if applicable, any next friend; or

21 (8) The full date of birth of any party; however, the
22 year of birth shall be made available, except for a minor.

23 2. The information provided under subsection 1 of this
24 section shall be provided in a confidential information
25 filing sheet contemporaneously filed with the court or
26 entered by the court, which shall not be subject to public
27 inspection or availability.

28 3. Nothing in this section shall preclude an entity
29 including, but not limited to, a financial institution,
30 insurer, insurance support organization, or consumer
31 reporting agency that is otherwise permitted by law to
32 access state court records from using a person's unique
33 identifying information to match such information contained
34 in a court record to validate that person's record.

35 4. The Missouri supreme court shall promulgate rules
36 to administer this section.

37 5. Contemporaneously with the filing of every petition
38 for dissolution of marriage, legal separation, motion for
39 modification, action to establish paternity, and petition or
40 motion for support or custody of a minor child, the filing
41 party shall file a confidential case filing sheet with the
42 court which shall not be subject to public inspection and
43 which provides:

44 (1) The name and address of the current employer and
45 the Social Security number of the petitioner or movant, if a
46 person;

47 (2) If known to the petitioner or movant, the name and
48 address of the current employer and the Social Security
49 number of the respondent; and

50 (3) The names, dates of birth, and Social Security
51 numbers of any children subject to the action.

52 **[3.] 6.** Contemporaneously with the filing of every
53 responsive pleading petition for dissolution of marriage,
54 legal separation, motion for modification, action to
55 establish paternity, and petition or motion for support or
56 custody of a minor child, the responding party shall file a
57 confidential case filing sheet with the court which shall
58 not be subject to public inspection and which provides:

59 (1) The name and address of the current employer and
60 the Social Security number of the responding party, if a
61 person;

62 (2) If known to the responding party, the name and
63 address of the current employer and the Social Security
64 number of the petitioner or movant; and

65 (3) The names, dates of birth, and Social Security
66 numbers of any children subject to the action.

67 **[4.] 7.** The full Social Security number of any party
68 or child subject to an order of custody or support shall be
69 retained by the court on the confidential case filing sheet
70 or other confidential record maintained in conjunction with
71 the administration of the case. The full credit card number
72 or other financial account number of any party may be
73 retained by the court on a confidential record if it is
74 necessary to maintain the number in conjunction with the
75 administration of the case.

76 **[5.] 8.** Any document described in subsection 1 of this
77 section shall, in lieu of the full number, include only the
78 last four digits of any such number.

79 [6.] 9. Except as provided in section 452.430, the
80 clerk shall not be required to redact any document described
81 in subsection 1 of this section issued or filed before
82 August 28, 2009, prior to releasing the document to the
83 public.

84 [7.] 10. For good cause shown, the court may release
85 information contained on the confidential case filing sheet;
86 except that, any state agency acting under authority of
87 chapter 454 shall have access to information contained
88 herein without court order in carrying out their official
89 duty.

565.240. 1. A person commits the offense of unlawful
2 posting of certain information over the internet if he or
3 she knowingly posts the name, home address, Social Security
4 number, telephone number, or any other personally
5 identifiable information of any person on the internet
6 intending to cause great bodily harm or death, or
7 threatening to cause great bodily harm or death to such
8 person.

9 2. The offense of unlawful posting of certain
10 information over the internet is a class C misdemeanor,
11 unless the person knowingly posts on the internet the name,
12 home address, Social Security number, telephone number, or
13 any other personally identifiable information of any law
14 enforcement officer, corrections officer, parole officer,
15 judge, commissioner, or prosecuting attorney, or of any
16 immediate family member of such law enforcement officer,
17 corrections officer, parole officer, judge, commissioner, or
18 prosecuting attorney, intending to cause great bodily harm
19 or death, or threatening to cause great bodily harm or
20 death, in which case it is a class E felony, **and if such**
21 **intention or threat results in bodily harm or death to such**

22 **person or immediate family member, the offense of unlawful**
23 **posting of certain information over the internet is a class**
24 **D felony.**

595.209. 1. The following rights shall automatically
2 be afforded to victims of dangerous felonies, as defined in
3 section 556.061, victims of murder in the first degree, as
4 defined in section 565.020, victims of voluntary
5 manslaughter, as defined in section 565.023, victims of any
6 offense under chapter 566, victims of an attempt to commit
7 one of the preceding crimes, as defined in section 562.012,
8 and victims of domestic assault, as defined in sections
9 565.072 to 565.076; and, upon written request, the following
10 rights shall be afforded to victims of all other crimes and
11 witnesses of crimes:

12 (1) For victims, the right to be present at all
13 criminal justice proceedings at which the defendant has such
14 right, including juvenile proceedings where the offense
15 would have been a felony if committed by an adult, even if
16 the victim is called to testify or may be called to testify
17 as a witness in the case;

18 (2) For victims, the right to information about the
19 crime, as provided for in subdivision (5) of this subsection;

20 (3) For victims and witnesses, to be informed, in a
21 timely manner, by the prosecutor's office of the filing of
22 charges, preliminary hearing dates, trial dates,
23 continuances and the final disposition of the case. Final
24 disposition information shall be provided within five days;

25 (4) For victims, the right to confer with and to be
26 informed by the prosecutor regarding bail hearings, guilty
27 pleas, pleas under chapter 552 or its successors, hearings,
28 sentencing and probation revocation hearings and the right
29 to be heard at such hearings, including juvenile

30 proceedings, unless in the determination of the court the
31 interests of justice require otherwise;

32 (5) The right to be informed by local law enforcement
33 agencies, the appropriate juvenile authorities or the
34 custodial authority of the following:

35 (a) The status of any case concerning a crime against
36 the victim, including juvenile offenses;

37 (b) The right to be informed by local law enforcement
38 agencies or the appropriate juvenile authorities of the
39 availability of victim compensation assistance, assistance
40 in obtaining documentation of the victim's losses,
41 including, but not limited to and subject to existing law
42 concerning protected information or closed records, access
43 to copies of complete, unaltered, unedited investigation
44 reports of motor vehicle, pedestrian, and other similar
45 accidents upon request to the appropriate law enforcement
46 agency by the victim or the victim's representative, and
47 emergency crisis intervention services available in the
48 community;

49 (c) Any release of such person on bond or for any
50 other reason;

51 (d) Within twenty-four hours, any escape by such
52 person from a municipal detention facility, county jail, a
53 correctional facility operated by the department of
54 corrections, mental health facility, or the division of
55 youth services or any agency thereof, and any subsequent
56 recapture of such person;

57 (6) For victims, the right to be informed by
58 appropriate juvenile authorities of probation revocation
59 hearings initiated by the juvenile authority and the right
60 to be heard at such hearings or to offer a written
61 statement, video or audio tape, counsel or a representative

62 designated by the victim in lieu of a personal appearance,
63 the right to be informed by the board of probation and
64 parole of probation revocation hearings initiated by the
65 board and of parole hearings, the right to be present at
66 each and every phase of parole hearings, the right to be
67 heard at probation revocation and parole hearings or to
68 offer a written statement, video or audio tape, counsel or a
69 representative designated by the victim in lieu of a
70 personal appearance, and the right to have, upon written
71 request of the victim, a partition set up in the probation
72 or parole hearing room in such a way that the victim is
73 shielded from the view of the probationer or parolee, and
74 the right to be informed by the custodial mental health
75 facility or agency thereof of any hearings for the release
76 of a person committed pursuant to the provisions of chapter
77 552, the right to be present at such hearings, the right to
78 be heard at such hearings or to offer a written statement,
79 video or audio tape, counsel or a representative designated
80 by the victim in lieu of personal appearance;

81 (7) For victims and witnesses, upon their written
82 request, the right to be informed by the appropriate
83 custodial authority, including any municipal detention
84 facility, juvenile detention facility, county jail,
85 correctional facility operated by the department of
86 corrections, mental health facility, division of youth
87 services or agency thereof if the offense would have been a
88 felony if committed by an adult, postconviction or
89 commitment pursuant to the provisions of chapter 552 of the
90 following:

91 (a) The projected date of such person's release from
92 confinement;

93 (b) Any release of such person on bond;

94 (c) Any release of such person on furlough, work
95 release, trial release, electronic monitoring program, or to
96 a community correctional facility or program or release for
97 any other reason, in advance of such release;

98 (d) Any scheduled parole or release hearings,
99 including hearings under section 217.362, regarding such
100 person and any changes in the scheduling of such hearings.
101 No such hearing shall be conducted without thirty days'
102 advance notice;

103 (e) Within twenty-four hours, any escape by such
104 person from a municipal detention facility, county jail, a
105 correctional facility operated by the department of
106 corrections, mental health facility, or the division of
107 youth services or any agency thereof, and any subsequent
108 recapture of such person;

109 (f) Any decision by a parole board, by a juvenile
110 releasing authority or by a circuit court presiding over
111 releases pursuant to the provisions of chapter 552, or by a
112 circuit court presiding over releases under section 217.362,
113 to release such person or any decision by the governor to
114 commute the sentence of such person or pardon such person;

115 (g) Notification within thirty days of the death of
116 such person;

117 (8) For witnesses who have been summoned by the
118 prosecuting attorney and for victims, to be notified by the
119 prosecuting attorney in a timely manner when a court
120 proceeding will not go on as scheduled;

121 (9) For victims and witnesses, the right to reasonable
122 protection from the defendant or any person acting on behalf
123 of the defendant from harm and threats of harm arising out
124 of their cooperation with law enforcement and prosecution
125 efforts;

126 (10) For victims and witnesses, on charged cases or
127 submitted cases where no charge decision has yet been made,
128 to be informed by the prosecuting attorney of the status of
129 the case and of the availability of victim compensation
130 assistance and of financial assistance and emergency and
131 crisis intervention services available within the community
132 and information relative to applying for such assistance or
133 services, and of any final decision by the prosecuting
134 attorney not to file charges;

135 (11) For victims, to be informed by the prosecuting
136 attorney of the right to restitution which shall be
137 enforceable in the same manner as any other cause of action
138 as otherwise provided by law;

139 (12) For victims and witnesses, to be informed by the
140 court and the prosecuting attorney of procedures to be
141 followed in order to apply for and receive any witness fee
142 to which they are entitled;

143 (13) When a victim's property is no longer needed for
144 evidentiary reasons or needs to be retained pending an
145 appeal, the prosecuting attorney or any law enforcement
146 agency having possession of the property shall, upon request
147 of the victim, return such property to the victim within
148 five working days unless the property is contraband or
149 subject to forfeiture proceedings, or provide written
150 explanation of the reason why such property shall not be
151 returned;

152 (14) An employer may not discharge or discipline any
153 witness, victim or member of a victim's immediate family for
154 honoring a subpoena to testify in a criminal proceeding,
155 attending a criminal proceeding, or for participating in the
156 preparation of a criminal proceeding, or require any
157 witness, victim, or member of a victim's immediate family to

158 use vacation time, personal time, or sick leave for honoring
159 a subpoena to testify in a criminal proceeding, attending a
160 criminal proceeding, or participating in the preparation of
161 a criminal proceeding;

162 (15) For victims, to be provided with creditor
163 intercession services by the prosecuting attorney if the
164 victim is unable, as a result of the crime, temporarily to
165 meet financial obligations;

166 (16) For victims and witnesses, the right to speedy
167 disposition of their cases, and for victims, the right to
168 speedy appellate review of their cases, provided that
169 nothing in this subdivision shall prevent the defendant from
170 having sufficient time to prepare such defendant's defense.
171 The attorney general shall provide victims, upon their
172 written request, case status information throughout the
173 appellate process of their cases. The provisions of this
174 subdivision shall apply only to proceedings involving the
175 particular case to which the person is a victim or witness;

176 (17) For victims and witnesses, to be provided by the
177 court, a secure waiting area during court proceedings and to
178 receive notification of the date, time and location of any
179 hearing conducted by the court for reconsideration of any
180 sentence imposed, modification of such sentence or recall
181 and release of any defendant from incarceration;

182 (18) For victims, the right to receive upon request
183 from the department of corrections a photograph taken of the
184 defendant prior to release from incarceration.

185 2. The provisions of subsection 1 of this section
186 shall not be construed to imply any victim who is
187 incarcerated by the department of corrections or any local
188 law enforcement agency has a right to be released to attend
189 any hearing or that the department of corrections or the

190 local law enforcement agency has any duty to transport such
191 incarcerated victim to any hearing.

192 3. Those persons entitled to notice of events pursuant
193 to the provisions of subsection 1 of this section shall
194 provide the appropriate person or agency with their current
195 addresses, **electronic mail addresses**, and telephone numbers
196 or the addresses, **electronic mail addresses**, or telephone
197 numbers at which they wish notification to be given.

198 4. Notification by the appropriate person or agency
199 utilizing the statewide automated crime victim notification
200 system as established in section 650.310 shall constitute
201 compliance with the victim notification requirement of this
202 section. If notification utilizing the statewide automated
203 crime victim notification system cannot be used, then
204 written notification shall be sent by certified mail **or**
205 **electronic mail** to the most current address **or electronic**
206 **mail address** provided by the victim.

207 5. Victims' rights as established in Section 32 of
208 Article I of the Missouri Constitution or the laws of this
209 state pertaining to the rights of victims of crime shall be
210 granted and enforced regardless of the desires of a
211 defendant and no privileges of confidentiality shall exist
212 in favor of the defendant to exclude victims or prevent
213 their full participation in each and every phase of parole
214 hearings or probation revocation hearings. The rights of
215 the victims granted in this section are absolute and the
216 policy of this state is that the victim's rights are
217 paramount to the defendant's rights. The victim has an
218 absolute right to be present at any hearing in which the
219 defendant is present before a probation and parole hearing
220 officer.

2 [217.785. 1. As used in this section, the
3 term "Missouri postconviction drug treatment
4 program" means a program of noninstitutional and
5 institutional correctional programs for the
6 monitoring, control and treatment of certain
7 drug abuse offenders.

8 2. The department of corrections shall
9 establish by regulation the "Missouri
10 Postconviction Drug Treatment Program". The
11 program shall include noninstitutional and
12 institutional placement. The institutional
13 phase of the program may include any offender
14 under the supervision and control of the
15 department of corrections. The department shall
16 establish rules determining how, when and where
17 an offender shall be admitted into or removed
18 from the program.

19 3. Any first-time offender who has been
20 found guilty of violating the provisions of
21 chapter 195 or 579, or whose controlled
22 substance abuse was a precipitating or
23 contributing factor in the commission of his
24 offense, and who is placed on probation may be
25 required to participate in the noninstitutional
26 phase of the program, which may include
27 education, treatment and rehabilitation
28 programs. Persons required to attend a program
29 pursuant to this section may be charged a
30 reasonable fee to cover the costs of the
31 program. Failure of an offender to complete
32 successfully the noninstitutional phase of the
33 program shall be sufficient cause for the
34 offender to be remanded to the sentencing court
35 for assignment to the institutional phase of the
36 program or any other authorized disposition.

37 4. A probationer shall be eligible for
38 assignment to the institutional phase of the
39 postconviction drug treatment program if he has
40 failed to complete successfully the
41 noninstitutional phase of the program. If space
42 is available, the sentencing court may assign
43 the offender to the institutional phase of the
44 program as a special condition of probation,
45 without the necessity of formal revocation of
46 probation.

47 5. The availability of space in the
48 institutional program shall be determined by the
49 department of corrections. If the sentencing
50 court is advised that there is no space
51 available, then the court shall consider other
52 authorized dispositions.

53 6. Any time after ninety days and prior to
54 one hundred twenty days after assignment of the
55 offender to the institutional phase of the
56 program, the department shall submit to the
57 court a report outlining the performance of the
58 offender in the program. If the department

58 determines that the offender will not
59 participate or has failed to complete the
60 program, the department shall advise the
61 sentencing court, who shall cause the offender
62 to be brought before the court for consideration
63 of revocation of the probation or other
64 authorized disposition. If the offender
65 successfully completes the program, the
66 department shall release the individual to the
67 appropriate probation and parole district office
68 and so advise the court.

69 7. Time spent in the institutional phase
70 of the program shall count as time served on the
71 sentence.]

2 [488.650. There shall be assessed as costs
3 a surcharge in the amount of two hundred fifty
4 dollars on all petitions for expungement filed
5 under the provisions of section 610.140. The
6 judge may waive the surcharge if the petitioner
7 is found by the judge to be indigent and unable
8 to pay the costs. Such surcharge shall be
9 collected and disbursed by the clerk of the
10 court as provided by sections 488.010 to
11 488.020. Moneys collected from this surcharge
shall be payable to the general revenue fund.]

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