

SENATE BILL NO. 897

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

3759S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 347.143, 435.014, 455.010, 455.035, 455.513, 456.1-108, 475.010, 475.045, 475.050, 487.110, 488.040, 488.426, 488.2300, 491.075, 492.304, 494.455, 537.528, 559.125, 566.151, 567.030, and 595.045, RSMo, and to enact in lieu thereof fifty-one 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 347.143, 435.014, 455.010, 455.035, 2 455.513, 456.1-108, 475.010, 475.045, 475.050, 487.110, 3 488.040, 488.426, 488.2300, 491.075, 492.304, 494.455, 537.528, 4 559.125, 566.151, 567.030, and 595.045, RSMo, are repealed and 5 fifty-one new sections enacted in lieu thereof, to be known as 6 sections 67.137, 347.143, 435.300, 435.303, 435.306, 435.309, 7 435.312, 455.010, 455.035, 455.513, 456.1-108, 474.540, 8 474.542, 474.544, 474.546, 474.548, 474.550, 474.552, 474.554, 9 474.556, 474.558, 474.560, 474.562, 474.564, 474.600, 475.010, 10 475.045, 475.050, 475.063, 476.413, 487.110, 488.040, 488.426, 11 488.2300, 491.075, 492.304, 494.455, 510.500, 510.503, 510.506, 12 510.509, 510.512, 510.515, 510.518, 510.521, 534.157, 537.529, 13 559.125, 566.151, 567.030, and 595.045, to read as follows:

67.137. No county, municipality, or other political
2 **subdivision shall impose or otherwise enforce a moratorium**
3 **on eviction proceedings unless specifically authorized by**
4 **state law.**

347.143. 1. A limited liability company may be
2 dissolved involuntarily by a decree of the circuit court for

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

3 the county in which the registered office of the limited
4 liability company is situated in an action filed by the
5 attorney general when it is established that the limited
6 liability company:

7 (1) Has procured its articles of organization through
8 fraud;

9 (2) Has exceeded or abused the authority conferred
10 upon it by law;

11 (3) Has carried on, conducted, or transacted its
12 business in a fraudulent or illegal manner; or

13 (4) By the abuse of its powers contrary to the public
14 policy of the state, has become liable to be dissolved.

15 2. On application by or for a member, the circuit
16 court for the county in which the registered office of the
17 limited liability company is located may decree dissolution
18 of a limited liability company [whenever] **if the court**
19 **determines:**

20 (1) It is not reasonably practicable to carry on the
21 business in conformity with the operating agreement;

22 (2) **Dissolution is reasonably necessary for the**
23 **protection of the rights or interests of the complaining**
24 **members;**

25 (3) **The business of the limited liability company has**
26 **been abandoned;**

27 (4) **The management of the limited liability company is**
28 **deadlocked or subject to internal dissension; or**

29 (5) **Those in control of the limited liability company**
30 **have been found guilty of, or have knowingly countenanced,**
31 **persistent and pervasive fraud, mismanagement, or abuse of**
32 **authority.**

435.300. As used in sections 435.300 to 435.312, the
2 following terms mean:

3 (1) "Alternative dispute resolution communication", a
4 statement, whether communicated orally, in writing, or by
5 nonverbal conduct, that is either:

6 (a) Related to the subject matter of the dispute and
7 made during an alternative dispute resolution process; or

8 (b) Made as part of considering, conducting,
9 participating in, initiating, continuing, or reconvening an
10 alternative dispute resolution process.

11 The term "alternative dispute resolution communication"
12 shall not include the notifications or reports made pursuant
13 to subsection 2 of section 435.303 or subsection 8 of
14 section 435.306 or a written agreement as described in
15 section 435.312;

16 (2) "Alternative dispute resolution process",
17 mediation, arbitration, or early neutral evaluation used in
18 conjunction with a pending civil action, and any other
19 alternative to trial that has been included in a local court
20 rule applicable to a civil dispute;

21 (3) "Arbitration", a procedure in which a neutral or
22 panel of neutrals hears and decides a dispute between two or
23 more parties;

24 (4) "Conflict of interest", any direct or indirect
25 financial or personal interest in the outcome of a dispute
26 or any existing or prior financial, business, professional,
27 familial, or social relationship with any participant in an
28 alternative dispute resolution process that is likely to
29 affect the impartiality of the neutral or that may
30 reasonably create an appearance of partiality or bias;

31 (5) "Early neutral evaluation", a process in which a
32 neutral provides parties to a dispute with a nonbinding
33 assessment of their dispute;

34 (6) "In camera", a proceeding held in a judge's
35 chambers or in a courtroom from which the public is excluded;

36 (7) "Mandated reporter", an individual who is required
37 to report abuse or neglect pursuant to the provisions of
38 sections 192.2405, 192.2475, 198.070, 208.912, 210.115,
39 352.400, 630.162, or 630.165;

40 (8) "Mediation", a process in which a neutral
41 facilitates communications among the parties and assists the
42 parties in their efforts to reach a voluntary agreement
43 regarding the dispute;

44 (9) "Mediator", a neutral who conducts mediation;

45 (10) "Neutral", an individual who, acting
46 independently and not as a representative, agent, or
47 advocate of any of the parties, assists the parties in their
48 efforts to reach a resolution of their dispute through an
49 alternative dispute resolution process;

50 (11) "Participant", any person or entity, including
51 any neutral or party, who participates in an alternative
52 dispute resolution process;

53 (12) "Party", an individual or entity named as a party
54 in a pending civil action, or in an agreement to use an
55 alternative dispute resolution process as described in
56 sections 435.309 and 435.312;

57 (13) "Person", an individual; a public or private
58 corporation, business trust, estate, trust, partnership,
59 limited liability company, or insurance company; an
60 association; a joint venture; a governmental unit,
61 subdivision, agency, or instrumentality of the state; or any
62 other legal or commercial entity;

63 (14) "Proceeding", a judicial, administrative,
64 arbitral, or other adjudicative process, including related

65 prehearing and posthearing motions, conferences, hearings,
66 and discovery;

67 (15) "Writing" or "written", a tangible or electronic
68 record of a communication or representation, including
69 handwriting, typewriting, printing, photostating,
70 photography, audio or video recording, and electronic
71 communication;

72 (16) "Written agreement", a writing that:

73 (a) Contains the essential terms of an agreement; and

74 (b) Is signed, executed, or adopted by the parties, by
75 any process described in subdivision (15) of this section,
76 including electronic signatures as permitted by section
77 432.230, with the intent to sign and be bound by the
78 writing, and attached to or logically associated with the
79 writing.

435.303. 1. A court may refer any individual civil
2 case or category of civil cases to mediation or any other
3 nonbinding alternative dispute resolution process, either by
4 rule or court order.

5 2. Within thirty days of referral by a court to a
6 nonbinding alternative dispute resolution process pursuant
7 to subsection 1 of this section, or such longer time as may
8 be set by the court, or with leave of the court, the parties
9 may:

10 (1) Notify the court that all of the parties have
11 chosen to pursue an alternative dispute resolution process
12 different from the nonbinding alternative dispute resolution
13 process ordered by the court if such choice is evidenced in
14 a written agreement between the parties;

15 (2) Notify the court that all of the parties have
16 agreed to delay such alternative dispute resolution process
17 until a date certain, which date may be subsequently

18 modified by the court, to allow for the exchange of
19 specified information, the identification of representatives
20 with authority, or any other identified action or event
21 related to the ability of the parties to participate
22 effectively in the alternative dispute resolution process; or

23 (3) If any party, after conferring with all other
24 parties, concludes that referral to a nonbinding alternative
25 dispute resolution process has no reasonable chance of
26 helping the parties to better understand or resolve one or
27 more of the procedural or substantive issues in the matter
28 or there is a compelling circumstance for not participating
29 in the alternative dispute resolution process, the party may
30 file a motion for relief from the referral, setting forth
31 the reasons for not participating. Once a motion for relief
32 has been filed, the alternative dispute resolution process
33 ordered by the court shall not occur until the court has
34 ruled on the motion. If the court grants the motion, the
35 matter shall not thereafter be referred by the court to an
36 alternative dispute resolution process without compelling
37 circumstances, which shall be set out by the court in any
38 order referring the matter to an alternative dispute
39 resolution process.

40 3. In an action referred to an alternative dispute
41 resolution process, discovery may proceed as in any other
42 action before, during, and after the alternative dispute
43 resolution process is held. The court may stay discovery in
44 whole or in part during the pendency of an alternative
45 dispute resolution process in order to promote savings in
46 time and expense without sacrificing the quality of justice.

47 4. A neutral who is appointed by the court or
48 requested by the parties to serve in an alternative dispute
49 resolution process pursuant to sections 435.300 to 435.312

50 shall avoid any conflict of interest. Even if the neutral
51 believes that no disqualifying conflict exists, the neutral
52 shall:

53 (1) Make a reasonable inquiry to determine whether
54 there are any facts that would cause a reasonable person to
55 believe that the neutral has an actual or potential conflict
56 of interest before agreeing to serve in a matter;

57 (2) Disclose to the parties, as soon as practicable,
58 facts and information relevant to any actual or potential
59 conflicts of interest that are reasonably known to the
60 neutral; and

61 (3) If, after accepting a designation by the parties
62 or the court, the neutral learns of any previously
63 undisclosed information that could reasonably suggest a
64 conflict of interest, promptly disclose the information to
65 the parties.

66 5. After the neutral's disclosure of a conflict, the
67 alternative dispute resolution process may proceed if:

68 (1) All parties agree in writing to service by the
69 neutral; or

70 (2) An organization independently administering the
71 alternative dispute resolution process pursuant to the rules
72 of procedure that were adopted by a written agreement of the
73 parties determines under such rules that the neutral may
74 continue to serve.

75 6. Any party who believes a court-appointed neutral
76 has a conflict of interest may request that the neutral
77 recuse himself or herself if a conflict is disclosed or
78 otherwise discovered. If the neutral declines, the party
79 may timely file a motion with the court for disqualification
80 of the neutral. Failure to file a motion waives that
81 objection. On its own motion, the court may also review the

82 choice of a neutral in any alternative dispute resolution
83 process involving a party that is not represented by counsel
84 and require a change of neutral if necessary to protect the
85 rights of the unrepresented party.

435.306. 1. Alternative dispute resolution
2 communications shall not be admissible as evidence in any
3 proceeding or subject to discovery, except as otherwise
4 provided in subsections 2, 3, and 7 of this section.
5 Exceptions shall be narrowly construed and only the portion
6 of the communication necessary for the application of the
7 exception to the general rule of nonadmissibility shall be
8 admitted.

9 2. Evidence or information that is otherwise
10 admissible or subject to discovery, including information
11 that would be available to the public pursuant to sections
12 610.010 to 610.035, shall not become inadmissible or
13 protected from discovery solely by reason of its disclosure
14 or use in an alternative dispute resolution process.

15 3. A court may admit an alternative dispute resolution
16 communication upon motion of a party, which motion shall not
17 reveal the substance of the communication, and following a
18 hearing, only if the court finds that one or more of the
19 exceptions in this subsection applies and that the
20 communication is otherwise relevant and admissible. The
21 party seeking admission shall ensure that timely notice is
22 given to the neutral and parties that participated in the
23 alternative dispute resolution process in which the
24 alternative dispute resolution communication was made. The
25 hearing shall be conducted in camera if requested by a party
26 or if the court determines on its own motion that an in
27 camera proceeding is necessary to ensure the confidentiality
28 of the communications that are the subject to the hearing.

29 The only exceptions to the general rule of nonadmissibility
30 of alternative dispute resolution communications stated in
31 subsection 1 of this section are as follows:

32 (1) The alternative dispute resolution communication
33 was made in the presence of a mandated reporter and pertains
34 to abuse or neglect that such mandated reporter is required
35 by state law or regulation to report;

36 (2) The alternative dispute resolution communication
37 is a substantial threat or statement of a plan to inflict
38 bodily injury capable of causing death or substantial bodily
39 harm that is reasonably certain to occur;

40 (3) The alternative dispute resolution communication
41 is intentionally used to plan a crime, attempt to commit a
42 crime, or to conceal an ongoing crime or ongoing criminal
43 activity; or

44 (4) The alternative dispute resolution communication
45 is necessary to establish or defend against a claim of
46 professional misconduct or malpractice that is filed against
47 or on behalf of a participant based on conduct occurring
48 during the alternative dispute resolution process.

49 4. The admission of evidence in a proceeding under any
50 of the exceptions stated in subsection 3 of this section
51 shall not in itself render the evidence or any other
52 alternative dispute resolution communication discoverable or
53 admissible for any other purpose or proceeding.

54 5. Any participant in an alternative dispute
55 resolution process has standing to intervene in any
56 proceeding to object to the admissibility of an alternative
57 dispute resolution communication made by that participant
58 during or relating to that alternative dispute resolution
59 process. A neutral who participated in an alternative
60 dispute resolution process also has standing to intervene in

61 any proceeding to object to the admissibility of an
62 alternative dispute resolution communication made by the
63 neutral or an agent or employee of a neutral or of an
64 organization through which the neutral provided the
65 alternative dispute resolution services for such process,
66 but the neutral is under no requirement to do so.

67 6. Except as provided in subsection 7 of this section,
68 no neutral, agent or employee of that neutral, or agent or
69 employee of an organization through which the neutral
70 provided alternative dispute resolution services shall be
71 subpoenaed or otherwise compelled to disclose any
72 alternative dispute resolution communication, including any
73 alternative dispute resolution communication that would
74 otherwise fall within the exceptions identified in
75 subsection 3 of this section. No neutral who is a licensed
76 attorney, nor an agent or employee of such neutral or of an
77 organization through which the neutral provided alternative
78 dispute resolution services pursuant to sections 435.300 to
79 435.312, shall be required to disclose any alternative
80 dispute resolution communication to which a reporting
81 obligation might otherwise apply under the rules regulating
82 the professional conduct of attorneys.

83 7. A neutral, an agent or employee of that neutral, or
84 an agent or employee of an organization through which the
85 neutral provided the alternative dispute resolution services
86 may be subpoenaed in an action to enforce a written
87 agreement as described in subsection 2 of section 435.309,
88 but only for the limited purpose of testifying that the
89 written agreement was signed by the parties in the presence
90 of the neutral.

91 8. The court may request that the neutral or the
92 parties provide the court with progress reports on

93 alternative dispute resolution processes related to pending
94 civil actions, except such reports shall be limited to a
95 statement that the matter has been resolved in its entirety,
96 partially resolved, or not resolved and whether future dates
97 for an alternative dispute resolution process are
98 scheduled. A neutral may also report to the court that a
99 payment has not been received from one or more parties. A
100 court shall not require the disclosure of alternative
101 dispute resolution communication in any such report.

102 9. The court may order the party or parties seeking
103 admission of an alternative dispute resolution communication
104 to pay the costs and fees of the neutral or other person
105 participating in an alternative dispute resolution process
106 who intervenes to contest the disclosure and admission of
107 alternative dispute resolution communication or who responds
108 to a subpoena prohibited by subsection 6 of this section or
109 a subpoena pursuant to subsection 7 of this section.

435.309. 1. Unless the parties have entered into a
2 written agreement providing for entry into a binding
3 alternative dispute resolution process, all alternative
4 dispute resolution processes pursuant to sections 435.300 to
5 435.312 shall be nonbinding.

6 2. In order to be binding on the parties, a settlement
7 agreement that is reached in an alternative dispute
8 resolution process shall be in a written agreement.

9 3. Alternative dispute resolution processes included
10 in consumer contracts for goods or services shall be
11 independently administered.

435.312. 1. Except as provided in subsection 6 of
2 this section, sections 435.300 to 435.312 shall apply only
3 to those alternative dispute resolution processes referred
4 by rule or court order, or when the parties enter into a

5 written agreement to resolve their dispute through an
6 alternative dispute resolution process expressly providing
7 that sections 435.300 to 435.312 shall apply to such
8 alternative dispute resolution process.

9 2. The parties to a dispute may enter into a written
10 agreement to attempt to resolve their differences through an
11 alternative dispute resolution process and may agree that
12 sections 435.300 to 435.312 will apply to such alternative
13 dispute resolution process before the filing of an action or
14 after the entry of a judgment, as well as during the
15 pendency of an action. If the matter resolves and the
16 parties file a case to present the settlement for approval
17 by the court, the case shall be exempted from any local rule
18 that refers a class of cases to any alternative dispute
19 resolution process.

20 3. Nothing in sections 435.300 to 435.312 shall
21 preclude any court from referring any individual matter to a
22 nonbinding alternative dispute resolution process so as to
23 effectuate the timely, fair, and efficient administration of
24 justice, subject only to the provisions of subsection 2 of
25 section 435.303.

26 4. Nothing in sections 435.300 to 435.312 is intended
27 to undermine the right of litigants to a jury trial in the
28 event that a resolution satisfactory to the parties is not
29 achieved through a nonbinding alternative dispute resolution
30 process.

31 5. Nothing in sections 435.300 to 435.312 shall be
32 deemed to require:

33 (1) Any party or party representative who appears at
34 an alternative dispute resolution process in compliance with
35 a court order to settle all or part of any claim; or

36 (2) Any party to attend a mediation with counsel if
37 such party is self-represented.

38 6. If the court has not referred the case to an
39 alternative dispute resolution process pursuant to section
40 435.303 or if the parties do not elect to use sections
41 435.300 to 435.312, the process shall be regarded as
42 settlement negotiations and subject to the rules of
43 confidentiality that generally apply to such negotiations.
44 If the parties to the dispute have agreed in writing to
45 submit their dispute to such alternative dispute resolution
46 process but have not invoked the protections of sections
47 435.300 to 435.312, no person who serves as a neutral in
48 such process, nor any agent or employee of that person or of
49 an organization through which the neutral provided the
50 alternative dispute resolution process, shall be subpoenaed
51 or otherwise compelled to disclose any matter revealed in
52 the process of setting up or conducting such alternative
53 dispute resolution process. All settlement agreements shall
54 be in writing as described in sections 435.300 to 435.312.

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

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

10 (a) "Abusing a pet", purposely or knowingly causing,
11 attempting to cause, or threatening to cause physical injury
12 to a pet with the intent to control, punish, intimidate, or
13 distress the petitioner;

- 14 (b) "Assault", purposely or knowingly placing or
15 attempting to place another in fear of physical harm;
- 16 (c) "Battery", purposely or knowingly causing physical
17 harm to another with or without a deadly weapon;
- 18 (d) "Coercion", compelling another by force or threat
19 of force to engage in conduct from which the latter has a
20 right to abstain or to abstain from conduct in which the
21 person has a right to engage;
- 22 (e) "Harassment", engaging in a purposeful or knowing
23 course of conduct involving more than one incident that
24 alarms or causes distress to an adult or child and serves no
25 legitimate purpose. The course of conduct must be such as
26 would cause a reasonable adult or child to suffer
27 substantial emotional distress and must actually cause
28 substantial emotional distress to the petitioner or child.
29 Such conduct might include, but is not limited to:
- 30 a. Following another about in a public place or places;
- 31 b. Peering in the window or lingering outside the
32 residence of another; but does not include constitutionally
33 protected activity;
- 34 (f) "Sexual assault", causing or attempting to cause
35 another to engage involuntarily in any sexual act by force,
36 threat of force, duress, or without that person's consent;
- 37 (g) "Unlawful imprisonment", holding, confining,
38 detaining or abducting another person against that person's
39 will;
- 40 (2) "Adult", any person [seventeen] **eighteen** years of
41 age or older or otherwise emancipated;
- 42 (3) "Child", any person under [seventeen] **eighteen**
43 years of age unless otherwise emancipated;
- 44 (4) "Court", the circuit or associate circuit judge or
45 a family court commissioner;

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

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

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

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

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

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

69 (11) "Pet", a living creature maintained by a
70 household member for companionship and not for commercial
71 purposes;

72 (12) "Petitioner", a family or household member who
73 has been a victim of domestic violence, or any person who
74 has been the victim of stalking or sexual assault, or a
75 person filing on behalf of a child pursuant to section
76 455.503 who has filed a verified petition pursuant to the
77 provisions of section 455.020 or section 455.505;

78 (13) "Respondent", the family or household member
79 alleged to have committed an act of domestic violence, or
80 person alleged to have committed an act of stalking or
81 sexual assault, against whom a verified petition has been
82 filed or a person served on behalf of a child pursuant to
83 section 455.503;

84 (14) "Sexual assault", as defined under subdivision
85 (1) of this section;

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

92 (a) "Alarm", to cause fear of danger of physical harm;
93 and

94 (b) "Course of conduct", two or more acts that serve
95 no legitimate purpose including, but not limited to, acts in
96 which the stalker directly, indirectly, or through a third
97 party follows, monitors, observes, surveils, threatens, or
98 communicates to a person by any action, method, or device.

 455.035. 1. Upon the filing of a verified petition
2 pursuant to sections 455.010 to 455.085 and for good cause
3 shown in the petition, the court may immediately issue an ex
4 parte order of protection. An immediate and present danger
5 of domestic violence to the petitioner or the child on whose
6 behalf the petition is filed shall constitute good cause for
7 purposes of this section. An ex parte order of protection
8 entered by the court shall take effect when entered and
9 shall remain in effect until there is valid service of
10 process and a hearing is held on the motion. The court
11 shall deny the ex parte order and dismiss the petition if

12 the petitioner is not authorized to seek relief pursuant to
13 section 455.020.

14 2. Failure to serve an ex parte order of protection on
15 the respondent shall not affect the validity or
16 enforceability of such order. If the respondent is less
17 than [seventeen] **eighteen** years of age, unless otherwise
18 emancipated, service of process shall be made upon a
19 custodial parent or guardian of the respondent, or upon a
20 guardian ad litem appointed by the court, requiring that the
21 person appear and bring the respondent before the court at
22 the time and place stated.

23 3. If an ex parte order is entered and the respondent
24 is less than [seventeen] **eighteen** years of age, the court
25 shall transfer the case to juvenile court for a hearing on a
26 full order of protection. The court shall appoint a
27 guardian ad litem for any such respondent not represented by
28 a parent or guardian.

455.513. 1. The court may immediately issue an ex
2 parte order of protection upon the filing of a verified
3 petition under sections 455.500 to 455.538, for good cause
4 shown in the petition, and upon finding that:

5 (1) No prior order regarding custody involving the
6 respondent and the child is pending or has been made; or

7 (2) The respondent is less than [seventeen] **eighteen**
8 years of age.

9 An immediate and present danger of domestic violence,
10 including danger to the child's pet, stalking, or sexual
11 assault to a child shall constitute good cause for purposes
12 of this section. An ex parte order of protection entered by
13 the court shall be in effect until the time of the hearing.
14 The court shall deny the ex parte order and dismiss the

15 petition if the petitioner is not authorized to seek relief
16 pursuant to section 455.505.

17 2. Upon the entry of the ex parte order of protection,
18 the court shall enter its order appointing a guardian ad
19 litem or court-appointed special advocate to represent the
20 child victim.

21 3. If the allegations in the petition would give rise
22 to jurisdiction under section 211.031, the court may direct
23 the children's division to conduct an investigation and to
24 provide appropriate services. The division shall submit a
25 written investigative report to the court and to the
26 juvenile officer within thirty days of being ordered to do
27 so. The report shall be made available to the parties and
28 the guardian ad litem or court-appointed special advocate.

29 4. If the allegations in the petition would give rise
30 to jurisdiction under section 211.031 because the respondent
31 is less than [seventeen] **eighteen** years of age, the court
32 may issue an ex parte order and shall transfer the case to
33 juvenile court for a hearing on a full order of protection.
34 Service of process shall be made pursuant to section 455.035.

456.1-108. 1. Without precluding other means for
2 establishing a sufficient connection with the designated
3 jurisdiction, terms of a trust designating the principal
4 place of administration are valid and controlling if:

5 (1) a trustee's principal place of business is located
6 in or a trustee is a resident of the designated
7 jurisdiction; or

8 (2) all or part of the administration occurs in the
9 designated jurisdiction.

10 2. Without precluding the right of the court to order,
11 approve, or disapprove a transfer, the trustee may transfer
12 the trust's principal place of administration to another

13 state or to a jurisdiction outside of the United States that
14 is appropriate to the trust's purposes, its administration,
15 and the interests of the beneficiaries.

16 3. The trustee shall notify the qualified
17 beneficiaries of a proposed transfer of a trust's principal
18 place of administration not less than sixty days before
19 initiating the transfer. The notice of proposed transfer
20 must include:

21 (1) the name of the jurisdiction to which the
22 principal place of administration is to be transferred;

23 (2) the address and telephone number at the new
24 location at which the trustee can be contacted;

25 (3) an explanation of the reasons for the proposed
26 transfer;

27 (4) **a notice that states a change in the place of**
28 **administration may result in a change of the governing law,**
29 **which may affect the rights of any beneficiaries in ways**
30 **that are different from the current governing law;**

31 (5) the date on which the proposed transfer is
32 anticipated to occur; and

33 [(5)] (6) the date, not less than sixty days after the
34 giving of the notice, by which the qualified beneficiary
35 must notify the trustee of an objection to the proposed
36 transfer.

37 4. The authority of a trustee under this section to
38 transfer a trust's principal place of administration without
39 an order of a court terminates if a qualified beneficiary
40 notifies the trustee of an objection to the proposed
41 transfer on or before the date specified in the notice.

42 5. In connection with a transfer of the trust's
43 principal place of administration, the trustee may transfer
44 some or all of the trust property to a successor trustee

45 designated in the terms of the trust or appointed pursuant
46 to section 456.7-704.

474.540. The provisions of sections 474.540 to 474.564
2 shall be known and may be cited as the "Missouri Electronic
3 Wills and Electronic Estate Planning Documents Act".

474.542. As used in sections 474.540 to 474.564, the
2 following terms mean:

3 (1) "Electronic", technology having electrical,
4 digital, magnetic, wireless, optical, electromagnetic, or
5 similar capabilities;

6 (2) "Electronic presence", the relationship of two or
7 more individuals in different locations in real time using
8 technology enabling live, interactive audio-visual
9 communication that allows for observation, direct
10 interaction, and communication between or among the
11 individuals;

12 (3) "Electronic will", a will executed electronically
13 in compliance with subsection 1 of section 474.548;

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

17 (5) "Security procedure", a procedure to verify that
18 an electronic signature, record, or performance is that of a
19 specific person or to detect a change or error in an
20 electronic record, including a procedure that uses an
21 algorithm, code, identifying word or number, encryption, or
22 callback or other acknowledgment procedure;

23 (6) "Sign", with present intent to authenticate or
24 adopt a record to:

25 (a) Execute or adopt a tangible symbol; or

26 (b) Affix to or logically associate with the record an
27 electronic symbol or process;

28 (7) "State", a state of the United States, the
29 District of Columbia, Puerto Rico, the United States Virgin
30 Islands, a federally recognized Indian tribe, or any
31 territory or insular possession subject to the jurisdiction
32 of the United States;

33 (8) "Will", a codicil and any testamentary instrument
34 that appoints an executor, revokes or revises another will,
35 nominates a guardian, or expressly excludes or limits the
36 right of an individual or class to succeed to property of
37 the decedent passing by intestate succession.

 474.544. An electronic will shall be a will for all
2 purposes of the laws of this state. The provisions of law
3 of this state applicable to wills and principles of equity
4 shall apply to an electronic will, except as modified by
5 sections 474.540 to 474.564.

 474.546. A will executed electronically but not in
2 compliance with subsection 1 of section 474.548 shall be an
3 electronic will under the provisions of sections 474.540 to
4 474.564 if executed in compliance with the law of the
5 jurisdiction where the testator is:

- 6 (1) Physically located when the will is signed; or
7 (2) Domiciled, or where the testator resides, when the
8 will is signed or when the testator dies.

 474.548. 1. An electronic will shall be:

2 (1) A record that is readable as text at the time of
3 signing as provided in subdivision (2) of this subsection
4 and remains accessible as text for later reference;

5 (2) Signed by:

6 (a) The testator; or

7 (b) Another individual in the testator's name, in the
8 testator's physical presence, and by the testator's
9 direction; and

10 (3) Signed in the physical or electronic presence of
 11 the testator by at least two individuals after witnessing:

12 (a) The signing of the will pursuant to subdivision
 13 (2) of this subsection; or

14 (b) The testator's acknowledgment of the signing of
 15 the will pursuant to subdivision (2) of this subsection or
 16 acknowledgment of the will.

17 2. The intent of a testator that the record in
 18 subdivision (1) of subsection 1 of this section be the
 19 testator's electronic will may be established by extrinsic
 20 evidence.

21 3. In accordance with the provisions of sections
 22 474.337 or 474.550, a witness to a will shall be a resident
 23 of a state and physically located in a state at the time of
 24 signing if no self-proving affidavit is signed
 25 contemporaneously with the execution of the electronic will.

474.550. At the time of its execution or at any
 2 subsequent date, an electronic will may be made self-proved
 3 in the same manner as specified in section 474.337 or, if
 4 fewer than two witnesses are physically present in the same
 5 location as the testator at the time of such
 6 acknowledgments, before a remote online notary authorized to
 7 perform a remote online notarization in this state under the
 8 law of any state or the United States, and evidenced by a
 9 remote online notarial certificate, in form and content
 10 substantially as follows, subject to the additional
 11 requirements under section 486.1165:

12 State of _____

13 County (and/or City) of _____

14 I, the undersigned notary, certify that _____, the
 15 testator, and the witnesses, whose names are

16 signed to the attached or foregoing instrument,
 17 having personally appeared before me by remote
 18 online means, and having been first duly sworn,
 19 each then declared to me that the testator signed
 20 and executed the instrument as the testator's last
 21 will, and that the testator had willingly signed
 22 or willingly directed another to sign for the
 23 testator, and that the testator executed it as the
 24 testator's free and voluntary act for the purposes
 25 therein expressed; and that each of the witnesses,
 26 in the presence and hearing of the testator,
 27 signed the will as witness and that to the best of
 28 the witnesses' knowledge the testator was at that
 29 time eighteen or more years of age, of sound mind,
 30 and under no constraint or undue influence.

31 In witness thereof I have hereunto subscribed my
 32 name and affixed my official seal this _____
 33 (date).

34 _____ (official signature and seal
 35 of notary)

474.552. 1. An electronic will may revoke all or part
 2 of a previous will.

3 2. All or part of an electronic will shall be revoked
 4 by:

5 (1) A subsequent will that revokes all or part of the
 6 electronic will expressly or by inconsistency;

7 (2) A written instrument signed by the testator
 8 declaring the revocation; or

9 (3) A physical act, if it is established by a
 10 preponderance of the evidence that the testator, with the
 11 intent of revoking all or part of the will, performed the
 12 act or directed another individual who performed the act in
 13 the testator's physical presence.

14 3. If there is evidence that a testator signed an
 15 electronic will and neither the electronic will nor a

16 certified paper copy of the electronic will can be located
17 after a testator's death, there shall be a presumption that
18 the testator revoked the electronic will even if no
19 instrument or later will revoking the electronic will can be
20 located.

474.554. Without further notice, at any time during
2 the administration of the estate or, if there is no grant of
3 administration, upon such notice and in such manner as the
4 court directs, the court may issue an order pursuant to
5 sections 472.400 to 472.490 for a custodian of an account
6 held under a terms-of-service agreement to disclose digital
7 assets for the purposes of obtaining an electronic will from
8 the account of a deceased user. If there is no grant of
9 administration at the time the court issues the order, the
10 court's order shall grant disclosure to the petitioner who
11 is deemed a personal representative under sections 472.400
12 to 472.490.

474.556. 1. An individual may create a certified
2 paper copy of an electronic will by affirming under penalty
3 of perjury that a paper copy of the electronic will is a
4 complete, true, and accurate copy of the electronic will.
5 If the electronic will is made self-proving, the certified
6 paper copy of the will shall include a self-proving
7 affidavit as provided in sections 474.337 or 474.550.

2. If a provision of law or rule of procedure requires
9 a will to be presented or retained in its original form or
10 provides consequences for the information not being
11 presented or retained in its original form, that provision
12 or rule shall be satisfied by a certified paper copy of an
13 electronic will.

474.558. In applying and construing the provisions of
2 sections 474.540 to 474.564, consideration shall be given to

3 the need to promote uniformity of the law with respect to
4 its subject matter among states that enact similar
5 provisions.

474.560. 1. Any written estate planning document may
2 be executed electronically, and no such estate planning
3 document shall be invalid or void solely because it is in
4 electronic form or because it is signed electronically by a
5 settlor, trustee, principal, grantor, declarant, or owner,
6 or by a witness to any such person's signature. For
7 purposes of this section, "estate planning document" shall
8 include, but not be limited to:

- 9 (1) A power of attorney or durable power of attorney;
- 10 (2) A health care declaration;
- 11 (3) An advance directive;
- 12 (4) A power of attorney for health care or durable
13 power of attorney for health care;
- 14 (5) A revocable trust or amendment thereto, or
15 modification or revocation thereof;
- 16 (6) An irrevocable trust;
- 17 (7) A beneficiary deed;
- 18 (8) A nonprobate transfer; or
- 19 (9) A document modifying, amending, correcting, or
20 revoking any written estate planning document.

21 2. (1) An electronic estate planning document or an
22 electronic signature on such document shall be attributable
23 to a person if it was the act of the person. The act of the
24 person may be shown in any manner, including a showing of
25 the efficacy of a security procedure applied to determine
26 the person to which the electronic record or signature was
27 attributable.

28 (2) The effect of attribution of a document or
29 signature to a person pursuant to subdivision (1) of this

30 subsection shall be determined from the context and
31 surrounding circumstances at the time of its creation,
32 execution, or adoption and as provided by other provisions
33 of law.

34 3. (1) Unless otherwise provided under its terms, any
35 electronic estate planning document may be signed in one or
36 more counterparts, and each separate counterpart may be an
37 electronic document or a paper document, provided that all
38 signed counterpart pages of each document are incorporated
39 into, or attached to, the document.

40 (2) An individual may create a certified paper copy of
41 any such electronic estate planning document by affirming
42 under penalty of perjury that a paper copy of the electronic
43 estate planning document is a complete, true, and accurate
44 copy of such document. If a provision of law or a rule of
45 procedure requires an estate planning document to be
46 presented or retained in its original form or provides
47 consequences for the information not being presented or
48 retained in its original form, such provision or rule shall
49 be satisfied by a certified paper copy of an electronic
50 document.

51 4. Any written estate planning document, other than a
52 will, that requires one or more witnesses to the signature
53 of a principal may be witnessed by any individual or
54 individuals in the electronic presence of the principal.

55 5. A person who acts in reliance upon an
56 electronically executed written estate planning document
57 shall not be liable to any person for so relying and may
58 assume without inquiry the valid execution of the
59 electronically executed written estate planning document.

60 6. This section does not require a written estate
61 planning document to be electronically signed.

62 7. The laws of this state and principles of equity
63 applicable to any estate planning document shall apply to
64 any electronic estate planning document except as modified
65 by this section.

 474.562. The provisions of sections 474.540 to 474.564
2 modify, limit, and supersede the federal Electronic
3 Signatures in Global and National Commerce Act, 15 U.S.C.
4 Section 7001, et seq., but do not modify, limit, or
5 supersede Section 101(c) of that act, 15 U.S.C. Section
6 7001(c), or authorize electronic delivery of any of the
7 notices described in Section 103(b) of that act, 15 U.S.C.
8 Section 7003(b).

 474.564. The provisions of sections 474.540 to 474.564
2 shall apply to any will of a decedent who dies on or after
3 August 28, 2024, and to any other written estate planning
4 document, as the term "estate planning document" is defined
5 in section 474.560, signed or remotely witnessed on or after
6 August 28, 2024.

 474.600. 1. As used in this section, the following
2 terms mean:

3 (1) "Applicable state of emergency", the period
4 between April 6, 2020, and December 31, 2021, during which a
5 state of emergency existed due to a COVID-19 public health
6 threat, as proclaimed by the governor, and during which
7 executive orders 20-08, 20-10, 20-12, 20-14, 20-19, 21-07,
8 and 21-09 temporarily suspended the physical appearance
9 requirements in this chapter and authorized the use of audio-
10 visual technology to the extent that any Missouri statute
11 required the physical presence of any testator, settlor,
12 principal, witness, notary, or other person necessary for
13 the effective execution of any estate planning document such
14 as a will, trust, or power of attorney, or a self-proving

15 affidavit of the execution of such document, if the
16 conditions set forth in the executive orders were met;

17 (2) "Estate planning document", includes, but is not
18 limited to:

19 (a) A will;

20 (b) A codicil;

21 (c) A power of attorney or durable power of attorney;

22 (d) A health care declaration;

23 (e) An advance directive;

24 (f) A power of attorney for health care or a durable
25 power of attorney for health care;

26 (g) A revocable trust or amendment thereto, or
27 modification or revocation thereof;

28 (h) An irrevocable trust;

29 (i) A beneficiary deed;

30 (j) A nonprobate transfer; or

31 (k) A document modifying, amending, correcting, or
32 revoking any written estate planning document;

33 (3) "Necessary person", any testator, settlor,
34 grantor, principal, declarant, witness, notary, or other
35 person required for the effective execution of any estate
36 planning document in this state;

37 (4) "Physical presence requirement", includes, but is
38 not limited to, any requirement of physical presence under
39 section 404.705, 459.015, 474.320, or 474.337 or chapter 486.

40 2. With respect to the execution of an estate planning
41 document, a necessary person shall be deemed to have
42 satisfied any physical presence requirement under Missouri
43 law during the applicable state of emergency if the
44 following requirements were met:

45 (1) The signer affirmatively represented that the
46 signer was physically situated in the state of Missouri;

47 (2) The notary was physically located in the state of
48 Missouri and stated in which county the notary was
49 physically located for the jurisdiction on the
50 acknowledgment;

51 (3) The notary identified the signers to the
52 satisfaction of the notary and Missouri law;

53 (4) Any person whose signature was required appeared
54 using video conference software where live, interactive
55 audio-visual communication between the principal, notary,
56 and any other necessary person allowed for observation,
57 direct interaction, and communication at the time of
58 signing; and

59 (5) The notary recorded in the notary's journal the
60 exact time and means used to perform the notarial act, along
61 with all other required information, absent the wet
62 signatures.

63 3. The requirements of subdivisions (1) to (5) of
64 subsection 2 of this section shall be deemed satisfied if an
65 attorney who is licensed or authorized to practice law in
66 Missouri and who was present at the remote execution signs a
67 written acknowledgment made before an officer authorized to
68 administer oaths under the laws of this state, and evidenced
69 by the officer's certificate, under official seal, affixed
70 to or logically associated with the acknowledgment. The
71 form and content of the acknowledgment shall be
72 substantially as follows:

73 State of _____

74 County of _____

75 AFFIDAVIT OF REMOTE EXECUTION OF DOCUMENTS

76 I, _____, am an attorney licensed or
77 authorized to practice law in the state of
78 Missouri.

79 On _____ (date), I convened with the following
80 individuals via video conference software that
81 allowed for live, interactive audio-visual
82 communication between the parties to the conference
83 and that also allowed for observation, direction,
84 interaction, and communication between:

85 _____, the (testator, settlor, grantor,
86 principal, or declarant);

87 _____, a witness;

88 _____, a second witness; and

89 _____, a notary public.

90 During the conference, _____, the (testator,
91 settlor, grantor, principal, or declarant) signed
92 the following estate planning document or
93 documents: (a will, codicil, power of attorney,
94 durable power of attorney, health care declaration,
95 advance directive, health care power of attorney,
96 revocable trust, irrevocable trust, beneficiary
97 deed, nonprobate transfer, self-proving affidavit
98 of the execution of a will, or a document
99 modifying, amending, correcting, or revoking one of
100 these estate planning documents).

101 All the parties to the conference represented that
102 they were physically located in the state of
103 Missouri at the time of the signing.

104 I have reviewed and am familiar with the
105 requirements of the applicable executive order or
106 orders in effect at the time and affirm that the
107 remote execution of the estate planning document or
108 documents met all the requirements of the
109 applicable executive order or orders.

110 In witness whereof I, an officer authorized to
111 administer oaths, have hereunto subscribed my name
112 and affixed my official seal this _____ (date).

113 (Signed) _____

114 (SEAL)

115

(Official capacity of officer)

475.010. When used in this chapter, unless otherwise
2 apparent from the context, the following terms mean:

3 (1) "Adult", a person who has reached the age of
4 eighteen years;

5 (2) "Claims", liabilities of the protectee arising in
6 contract, in tort or otherwise, before or after the
7 appointment of a conservator, and liabilities of the estate
8 which arise at or after the adjudication of disability or
9 after the appointment of a conservator of the estate,
10 including expenses of the adjudication and of
11 administration. The term does not include demands or
12 disputes regarding title of the protectee to specific assets
13 alleged to be included in the estate;

14 (3) "Conservator", one appointed by a court to have
15 the care and custody of the estate of a minor or a disabled
16 person. A "limited conservator" is one whose duties or
17 powers are limited. The term "conservator", as used in this
18 chapter, includes limited conservator unless otherwise
19 specified or apparent from the context;

20 (4) "Conservator ad litem", one appointed by the court
21 in which particular litigation is pending regarding the
22 management of financial resources on behalf of a minor, a
23 disabled person, or an unborn person in that particular
24 proceeding or as otherwise specified in this chapter;

25 (5) "Custodial parent", the parent of a minor who has
26 been awarded sole or joint physical custody of such minor,
27 or the parent of an incapacitated person who has been
28 appointed as guardian of such person, by an order or
29 judgment of a court of this state or of another state or

30 territory of the United States, or if there is no such order
31 or judgment, the parent with whom the minor or incapacitated
32 person primarily resides;

33 (6) "Disabled" or "disabled person", one who is:

34 (a) Unable by reason of any physical, mental, or
35 cognitive condition to receive and evaluate information or
36 to communicate decisions to such an extent that the person
37 lacks ability to manage the person's financial resources; or

38 (b) The term disabled or disabled person, as used in
39 this chapter includes the terms partially disabled or
40 partially disabled person unless otherwise specified or
41 apparent from the context;

42 (7) "Eligible person" or "qualified person", a natural
43 person, social service agency, corporation or national or
44 state banking organization qualified to act as guardian of
45 the person or conservator of the estate pursuant to the
46 provisions of section 475.055;

47 (8) "Guardian", one appointed by a court to have the
48 care and custody of the person of a minor or of an
49 incapacitated person. A "limited guardian" is one whose
50 duties or powers are limited. A "standby guardian" is one
51 approved by the court to temporarily assume the duties of
52 guardian of a minor or of an incapacitated person under
53 section 475.046. The term guardian, as used in this
54 chapter, includes limited guardian and standby guardian
55 unless otherwise specified or apparent from the context;

56 (9) "Guardian ad litem", one appointed by a court, in
57 which particular litigation is pending on behalf of a minor,
58 an incapacitated person, a disabled person, or an unborn
59 person in that particular proceeding or as otherwise
60 specified in this code;

61 (10) "Habilitation", a process of treatment, training,
62 care, or specialized attention that seeks to enhance and
63 maximize the ability of a person with an intellectual
64 disability or a developmental disability to cope with the
65 environment and to live as determined by the person as much
66 as possible, as is appropriate for the person considering
67 his or her physical and mental condition and financial means;

68 (11) "Incapacitated person", one who is unable by
69 reason of any physical, mental, or cognitive condition to
70 receive and evaluate information or to communicate decisions
71 to such an extent that the person, even with appropriate
72 services and assistive technology, lacks capacity to manage
73 the person's essential requirements for food, clothing,
74 shelter, safety or other care such that serious physical
75 injury, illness, or disease is likely to occur. The term
76 incapacitated person as used in this chapter includes the
77 term partially incapacitated person unless otherwise
78 specified or apparent from the context;

79 (12) "Interested persons", spouses, children, parents,
80 **persons acting as parents**, adult members of a ward's or
81 protectee's family, creditors or any others having a
82 property right or claim against the estate of a protectee
83 being administered, trustees of a trust of which the ward or
84 protectee is a beneficiary, agents of a durable power of
85 attorney for a ward or protectee, and children of a
86 protectee who may have a property right or claim against or
87 an interest in the estate of a protectee. This meaning may
88 vary at different stages and different parts of a proceeding
89 and shall be determined according to the particular purpose
90 and matter involved;

91 (13) "Least restrictive alternative", with respect to
92 the guardianship order and the exercise of power by the

93 guardian, a course of action or an alternative that allows
94 the incapacitated person to live, learn, and work with
95 minimum restrictions on the person, as are appropriate for
96 the person considering his or her physical and mental
97 condition and financial means. Least restrictive
98 alternative also means choosing the decision or approach
99 that:

100 (a) Places the least possible restriction on the
101 person's personal liberty and exercise of rights and that
102 promotes the greatest possible inclusion of the person into
103 his or her community, as is appropriate for the person
104 considering his or her physical and mental condition and
105 financial means; and

106 (b) Is consistent with meeting the person's essential
107 requirements for health, safety, habilitation, treatment,
108 and recovery and protecting the person from abuse, neglect,
109 and financial exploitation;

110 (14) "Manage financial resources", either those
111 actions necessary to obtain, administer, and dispose of real
112 and personal property, intangible property, business
113 property, benefits, income or any assets, or those actions
114 necessary to prevent waste, loss or dissipation of property,
115 or those actions necessary to provide for the care and
116 support of such person or anyone legally dependent upon such
117 person by a person of ordinary skills and intelligence
118 commensurate with his or her training and education;

119 (15) "Minor", any person who is under the age of
120 eighteen years;

121 (16) "Parent", the biological or adoptive mother or
122 father of a child whose parental rights have not been
123 terminated under chapter 211, including:

124 (a) A person registered as the father of the child by
125 reason of an unrevoked notice of intent to claim paternity
126 under section 192.016;

127 (b) A person who has acknowledged paternity of the
128 child and has not rescinded that acknowledgment under
129 section 193.215; and

130 (c) A person presumed to be the natural father of the
131 child under section 210.822;

132 (17) "Partially disabled person", one who is unable by
133 reason of any physical, mental, or cognitive condition to
134 receive and evaluate information or to communicate decisions
135 to such an extent that such person lacks capacity to manage,
136 in part, his or her financial resources;

137 (18) "Partially incapacitated person", one who is
138 unable by reason of any physical, mental, or cognitive
139 condition to receive and evaluate information or to
140 communicate decisions to the extent that such person lacks
141 capacity to meet, in part, essential requirements for food,
142 clothing, shelter, safety, or other care without court-
143 ordered assistance;

144 (19) **"Persons acting as parents" or "person acting as**
145 **a parent", a person, other than a parent, who has physical**
146 **custody of the child or has had physical custody for a**
147 **period of six consecutive months, including any temporary**
148 **absence, immediately prior to the commencement of a**
149 **guardianship or conservatorship under this chapter;**

150 (20) **"Physical custody", the physical care and**
151 **supervision of a child;**

152 (21) "Protectee", a person for whose estate a
153 conservator or limited conservator has been appointed or
154 with respect to whose estate a transaction has been

155 authorized by the court under section 475.092 without
156 appointment of a conservator or limited conservator;

157 [(20)] (22) "Seriously ill", a significant likelihood
158 that a person will become incapacitated or die within twelve
159 months;

160 [(21)] (23) "Social service agency", a charitable
161 organization organized and incorporated as a not-for-profit
162 corporation under the laws of this state and which qualifies
163 as an exempt organization within the meaning of Section
164 501(c)(3), or any successor provision thereto of the federal
165 Internal Revenue Code;

166 [(22)] (24) "Standby guardian", one who is authorized
167 to have the temporary care and custody of the person of a
168 minor or of an incapacitated person under the provisions of
169 section 475.046;

170 [(23)] (25) "Treatment", the prevention, amelioration
171 or cure of a person's physical and mental illnesses or
172 incapacities;

173 [(24)] (26) "Ward", a minor or an incapacitated person
174 for whom a guardian, limited guardian, or standby guardian
175 has been appointed.

475.045. 1. Except in cases where they fail or refuse
2 to give required security or are adjudged unfit for the
3 duties of guardianship or conservatorship, or waive their
4 rights to be appointed, the following persons, if otherwise
5 qualified, shall be appointed as guardians or conservators
6 of minors:

7 (1) The parent or parents of the minor, except as
8 provided in section 475.030 or 475.050;

9 (2) **A person acting as a parent for the minor entering**
10 **adult guardianship or conservatorship;**

11 (3) If any minor over the age of fourteen years has no
12 qualified parent living, a person nominated by the minor,
13 unless the court finds appointment contrary to the best
14 interests of the minor;

15 [(3)] (4) Where both parents of a minor are dead, any
16 person appointed under this section or section 475.046 by
17 the will of the last surviving parent, who has not been
18 adjudged unfit or incompetent for the duties of guardian or
19 conservator.

20 2. Unfitness of any of the persons mentioned in
21 subsection 1 for the duties of guardianship or
22 conservatorship may be adjudged by the court after due
23 notice and hearing.

24 3. If no appointment is made under subsection 1 of
25 this section, the court shall appoint as guardian or
26 conservator of a minor the most suitable person who is
27 willing to serve and whose appointment serves the best
28 interests of the child to a stable and permanent placement.

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

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

11 (2) Any eligible person nominated in a durable power
12 of attorney executed by the incapacitated or disabled
13 person, or in an instrument in writing signed by the
14 incapacitated or disabled person and by two witnesses who

15 signed at the incapacitated or disabled person's request,
16 before the inception of the person's incapacity or
17 disability;

18 (3) The spouse, parents, **persons acting as parents**,
19 adult children, adult brothers and sisters and other close
20 adult relatives of the incapacitated or disabled person;

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

25 2. The court shall not appoint an unrelated third
26 party as a guardian or conservator unless there is no
27 relative suitable and willing to serve or if the appointment
28 of a relative or nominee is otherwise contrary to the best
29 interests of the incapacitated or disabled person. If the
30 incapacitated or disabled person is a minor under the care
31 of the children's division **or a person acting as a parent**
32 and is entering adult guardianship or conservatorship, it
33 shall be a rebuttable presumption that he or she has no
34 relative suitable and willing to serve as guardian or
35 conservator.

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

41 4. Except for those individuals specified in
42 subdivisions (1) and (2) of this subsection, the court shall
43 require all guardians and conservators who are seeking
44 appointment and who have a fiduciary responsibility to a
45 ward, an incapacitated person, or a disabled person to
46 submit at their own expense to a background screening that

47 shall include the disqualification lists of the departments
48 of mental health, social services, and health and senior
49 services; the abuse and neglect registries for adults and
50 children; a Missouri criminal record review; and the sexual
51 offender registry. Individuals seeking appointment as a
52 conservator shall also submit, at their own expense, to a
53 credit history investigation. The nominated guardian or
54 conservator shall file the results of the reports with the
55 court at least ten days prior to the appointment hearing
56 date unless waived or modified by the court for good cause
57 shown by an affidavit filed simultaneously with the petition
58 for appointment or in the event the protected person
59 requests an expedited hearing. The provisions of this
60 subsection shall not apply to:

61 (1) Public administrators; or
62 (2) **Unless requested by any party,** the ward's,
63 incapacitated person's, or disabled person's spouse,
64 parents, **persons acting as parents,** children who have
65 reached eighteen years of age, **[or]** siblings who have
66 reached eighteen years of age, **or grandparents seeking**
67 **guardianship or conservatorship of a minor grandchild unless**
68 **such background reports are requested by any other party to**
69 **the proceeding, the guardian ad litem for the minor child,**
70 **or otherwise ordered by the court on its own motion.**

71 5. **Any grandparent seeking guardianship or**
72 **conservatorship of a minor grandchild shall not be subject**
73 **to a home assessment unless the home assessment is requested**
74 **by any other party to the proceeding, the guardian ad litem**
75 **for the minor child, or otherwise ordered by the court on**
76 **its own motion.**

77 6. Guardians certified by a national accrediting
78 organization may file proof of certification in lieu of the
79 requirements of subsections 4 and [6] 7 of this section.

80 [6.] 7. An order appointing a guardian or conservator
81 shall not be signed by the judge until such reports have
82 been filed with the court and reviewed by the judge, who
83 shall consider the reports in determining whether to appoint
84 a guardian or conservator. Such reports, or lack thereof,
85 shall be certified either by an affidavit or by obtaining a
86 certified copy of the reports. No reports or national
87 criminal history record check shall be required by the court
88 upon the application of a petitioner for an emergency
89 temporary guardianship or emergency temporary
90 conservatorship. The court may waive the requirements of
91 this subsection for good cause shown. If appointed, a
92 guardian or conservator may petition the court for
93 reimbursement of the reasonable expenses of the credit
94 history investigation and background screenings.

**475.063. 1. A petition for emergency, temporary, and
2 full orders regarding a minor entering adult guardianship or
3 conservatorship shall be filed as provided in this chapter.**

4 **2. (1) A clerk of a court shall make available to a
5 petitioner uniform forms adopted by the Missouri supreme
6 court for a proceeding under this section.**

7 **(2) Except as otherwise provided by law, a clerk under
8 the supervision of a circuit clerk shall provide assistance
9 to a petitioner who is not represented by counsel with the
10 procedures for filing all forms and pleadings necessary for
11 the presentation of the petitioner's petition under this
12 section. Notice of the fact that a clerk will provide such
13 assistance shall be conspicuously posted in the clerk's
14 office. The location of the office where a petition may be**

15 filed shall be conspicuously posted in the court building.
16 The performance of duties prescribed in this section shall
17 not constitute the practice of law as defined in section
18 484.010.

19 (3) All duties of the clerk prescribed in this section
20 shall be performed without cost to the petitioner. The
21 Missouri supreme court may promulgate rules as necessary to
22 govern the conduct of a court clerk pursuant to this chapter
23 and provide forms for petitions and written instructions on
24 completing all forms and pleadings necessary for the
25 presentation of the petition to the court.

26 3. No filing fees or court costs shall be assessed to
27 the petitioner in an action commenced pursuant to this
28 section.

29 4. Any expenses incurred by the clerk under this
30 section may be reimbursed from moneys deposited into a
31 family services and justice fund under section 488.2300.

476.413. 1. By September 30, 2024, for any pending
2 action filed in this state before August 28, 2024, or for
3 any action or pleading filed on or after August 28, 2024,
4 within thirty days after the filing of an initial pleading,
5 all parties, including intervening parties, shall disclose
6 and file within a statement, separate from any pleading, the
7 following information regarding any consumer legal funding
8 contract or any other agreement with any person or entity
9 that is not a party and is providing funding for some or all
10 of the attorneys' fees and expenses for the action or
11 litigation on a nonrecourse basis in exchange for a
12 contingent financial interest based upon the results of the
13 action or litigation or a nonmonetary result that is not in
14 the nature of a personal loan, bank loan, or insurance:

15 (1) The identity of the any person, including the
16 name, address, and country of citizenship or permanent
17 residency, and if a legal entity, including a consumer legal
18 funding company, the address of the principal place of
19 business and the jurisdiction in which the legal entity was
20 incorporated or formed and date of the legal entity's
21 incorporation or formation;

22 (2) Whether the nonparty's approval is necessary for
23 material decisions regarding the action, including any
24 voluntary dismissal or settlement, and if the answer is in
25 the affirmative, the nature of the terms and conditions
26 relating to that approval; and

27 (3) A brief description of the nature of the financial
28 interest.

29 2. The parties may seek additional discovery of the
30 terms of any such consumer legal funding contract or any
31 other agreement subject to disclosure pursuant to subsection
32 1 of this section if there is a showing of good cause that:

33 (1) The nonparty has authority to make material
34 decisions regarding the action;

35 (2) The interest of the parties, or if applicable, the
36 class, are not being promoted or protected;

37 (3) Conflicts of interest may exist as a result of the
38 consumer legal funding contract or any other agreement
39 subject to disclosure pursuant to subsection 1 of this
40 section; or

41 (4) Such additional disclosure is necessary to any
42 issue in the action.

43 3. If a party learns of information that is required
44 to be disclosed pursuant to subsection 1 of this section
45 after the initial pleading or if a party learns of
46 incomplete or inaccurate information in any material aspect

47 of the statement, the party shall supplement or correct the
48 statement provided in subsection 1 of this section within
49 seven days.

50 4. If a party is joined after the date of the initial
51 pleading, such party shall provide the statement required by
52 subsection 1 of this section within thirty days of the later
53 of being served or joined, unless a different time is set by
54 stipulation or court order.

55 5. If a party fails to disclose or meet the
56 requirements of this section, the court may order sanctions
57 or other relief as may be appropriate.

58 6. Beginning on September 1, 2025, and on every
59 September first thereafter, the supreme court shall release
60 a report regarding statistics for litigation funding in
61 courts of this state. Such report shall at least include
62 the following statistics:

63 (1) The number and type of actions in each circuit or
64 appellate court with nonparty funding;

65 (2) The address and country of citizenship or
66 permanent residency or the jurisdiction of incorporation or
67 formation of any nonparty who is disclosed pursuant to this
68 section; and

69 (3) An estimation of the total amount of nonparty
70 funding used in courts of this state.

71 The supreme court may delegate the authority of the report
72 required pursuant to this subsection to the presiding judge
73 of each judicial circuit and the chief judge of each
74 district of the court of appeals to be included in the
75 report required pursuant to section 476.412, provided that
76 the statistics from each of the judicial circuits, districts
77 of the court of appeals, and the supreme court shall be

78 compiled into a single report electronically available to
79 the public on the website of the supreme court.

80 7. The terms "consumer legal funding company" and
81 "consumer legal funding contract" as used in this section
82 shall have the same meaning as such terms in section 436.552.

487.110. The uniform child custody jurisdiction **and**
2 **enforcement** act, as enacted in sections [452.440 to 452.550]
3 **452.700 to 452.930**, shall apply to all **child** custody
4 proceedings, **as defined in section 452.705**, in the family
5 court.

488.040. [1.] Each grand and petit juror shall[,
2 pursuant to the provisions of section 494.455, receive six
3 dollars per day for every day he or she may actually serve
4 as such and seven cents for every mile he or she may
5 necessarily travel going from his or her place of residence
6 to the courthouse and returning, to be paid from funds of
7 the county or a city not within a county.

8 2. Provided that a county or a city not within a
9 county authorizes daily compensation payable from county or
10 city funds for jurors who serve in that county pursuant to
11 subsection 3 of this section in the amount of at least six
12 dollars per day in addition to the amount required by
13 subsection 1 of this section, a person shall receive an
14 additional six dollars per day, pursuant to the provisions
15 of section 494.455, to be reimbursed by the state of
16 Missouri so that the total compensation payable shall be at
17 least eighteen dollars, plus mileage as indicated in
18 subsection 1 of this section, for each day that the person
19 actually serves as a petit juror in a particular case; or
20 for each day that a person actually serves as a grand juror
21 during a term of a grand jury. The state shall reimburse

22 the county for six dollars of the additional juror
23 compensation provided by this subsection.

24 3. The governing body of each county or a city not
25 within a county may authorize additional daily compensation
26 and mileage allowance for jurors, which additional
27 compensation shall be paid from the funds of the county or a
28 city not within a county. The governing body of each county
29 or a city not within a county may authorize additional daily
30 compensation and mileage allowance for jurors attending a
31 coroner's inquest. Jurors may receive the additional
32 compensation and mileage allowance authorized by this
33 subsection only if the governing body of the county or the
34 city not within a county authorizes the additional
35 compensation. The provisions of this subsection authorizing
36 additional compensation shall terminate upon the issuance of
37 a mandate by the Missouri supreme court which results in the
38 state of Missouri being obligated or required to pay any
39 such additional compensation even if such additional
40 compensation is formally approved or authorized by the
41 governing body of a county or a city not within a county.

42 4. When each panel of jurors summoned and attending
43 court has completed its service, the board of jury
44 commissioners shall cause to be submitted to the governing
45 body of the county or a city not within a county a statement
46 of fees earned by each juror. Within thirty days of the
47 submission of the statement of fees, the governing body
48 shall cause payment to be made to those jurors summoned the
49 fees earned during their service as jurors] **receive daily**
50 **compensation and mileage allowance in the amount provided by**
51 **law pursuant to section 494.455.**

488.426. 1. The judges of the circuit court, en banc,
2 in any circuit in this state may require any party filing a

3 civil case in the circuit court, at the time of filing the
4 suit, to deposit with the clerk of the court a surcharge in
5 addition to all other deposits required by law or court
6 rule. Sections 488.426 to 488.432 shall not apply to
7 proceedings when costs are waived or are to be paid by the
8 county or state or any city.

9 2. The surcharge in effect on August 28, 2001, shall
10 remain in effect until changed by the circuit court. The
11 circuit court in any circuit, except the circuit court in
12 Jackson County, **the circuit court in the city of St. Louis,**
13 or the circuit court in any circuit that reimburses the
14 state for the salaries of family court commissioners under
15 and pursuant to section 487.020, may change the fee to any
16 amount not to exceed fifteen dollars. The circuit court in
17 Jackson County, **the circuit court in the city of St. Louis,**
18 or the circuit court in any circuit that reimburses the
19 state for the salaries of family court commissioners under
20 and pursuant to section 487.020 may change the fee to any
21 amount not to exceed twenty dollars. A change in the fee
22 shall become effective and remain in effect until further
23 changed.

24 3. Sections 488.426 to 488.432 shall not apply to
25 proceedings when costs are waived or are paid by the county
26 or state or any city.

27 4. In addition to any fee authorized by subsection 1
28 of this section, any county of the first classification with
29 more than one hundred one thousand but fewer than one
30 hundred fifteen thousand inhabitants may impose an
31 additional fee of ten dollars excluding cases concerning
32 adoption and those in small claims court. The provisions of
33 this subsection shall expire on December 31, 2019.

488.2300. 1. A "Family Services and Justice Fund" is
2 hereby established in each county or circuit with a family
3 court, for the purpose of aiding with the operation of the
4 family court divisions and services provided by those
5 divisions. In circuits or counties having a family court,
6 the circuit clerk shall charge and collect a surcharge of
7 thirty dollars in all proceedings falling within the
8 jurisdiction of the family court. The surcharge shall not
9 be charged when no court costs are otherwise required, shall
10 not be charged against the petitioner for actions filed
11 pursuant to the provisions of chapter 455, but may be
12 charged to the respondent in such actions, shall not be
13 charged to a government agency and shall not be charged in
14 any proceeding when costs are waived or are to be paid by
15 the state, county or municipality.

16 2. In juvenile proceedings under chapter 211, a
17 judgment of up to thirty dollars may be assessed against the
18 child, parent or custodian of the child, in addition to
19 other amounts authorized by law, in informal adjustments
20 made under the provisions of sections 211.081 and 211.083,
21 and in an order of disposition or treatment under the
22 provisions of section 211.181. The judgment may be ordered
23 paid to the clerk of the circuit where the assessment is
24 imposed.

25 3. All sums collected pursuant to this section and
26 section 487.140 shall be payable to the various county
27 family services and justice funds.

28 **4. Nothing in this section prohibits the general**
29 **assembly from appropriating moneys into the various county**
30 **family services and justice funds to be expended for the**
31 **purposes provided for in this section.**

32 5. Any moneys in the family services and justice fund
33 not expended for salaries of commissioners, family court
34 administrators and family court staff shall be used toward
35 funding the enhanced services provided as a result of the
36 establishment of a family court; however, it shall not
37 replace or reduce the current and ongoing responsibilities
38 of the counties to provide funding for the courts as
39 required by law. Moneys collected for the family services
40 and justice fund shall be expended for the benefit of
41 litigants and recipients of services in the family court,
42 with priority given to **fees incurred under subsection 5 or 7**
43 **of section 475.075 or expenses incurred under section**
44 **475.063, and to** services such as guardians ad litem,
45 mediation, counseling, home studies, psychological
46 evaluation and other forms of alternative dispute-resolution
47 services. Expenditures shall be made at the discretion of
48 the presiding judge or family court administrative judge, as
49 designated by the circuit and associate circuit judges en
50 banc, for the implementation of the family court system as
51 set forth in this section. No moneys from the family
52 services and justice fund may be used to pay for mediation
53 in any cause of action in which domestic violence is alleged.

54 [5.] 6. From the funds collected pursuant to this
55 section and retained in the family services and justice
56 fund, each circuit or county in which a family court
57 commissioner in addition to those commissioners existing as
58 juvenile court commissioners on August 28, 1993, have been
59 appointed pursuant to sections 487.020 to 487.040 shall pay
60 to and reimburse the state for the actual costs of that
61 portion of the salaries of family court commissioners
62 appointed pursuant to the provisions of sections 487.020 to
63 487.040.

64 [6.] 7. No moneys deposited in the family services and
65 justice fund may be expended for capital improvements.

491.075. 1. A statement made by a child under the age
2 of [fourteen] **eighteen**, or a vulnerable person, relating to
3 an offense under chapter 565, 566, 568 or 573, performed by
4 another, not otherwise admissible by statute or court rule,
5 is admissible in evidence in criminal proceedings in the
6 courts of this state as substantive evidence to prove the
7 truth of the matter asserted if:

8 (1) The court finds, in a hearing conducted outside
9 the presence of the jury that the time, content and
10 circumstances of the statement provide sufficient indicia of
11 reliability; and

12 (2) (a) The child or vulnerable person testifies at
13 the proceedings; or

14 (b) The child or vulnerable person is unavailable as a
15 witness; or

16 (c) The child or vulnerable person is otherwise
17 physically available as a witness but the court finds that
18 the significant emotional or psychological trauma which
19 would result from testifying in the personal presence of the
20 defendant makes the child or vulnerable person unavailable
21 as a witness at the time of the criminal proceeding.

22 2. Notwithstanding subsection 1 of this section or any
23 provision of law or rule of evidence requiring corroboration
24 of statements, admissions or confessions of the defendant,
25 and notwithstanding any prohibition of hearsay evidence, a
26 statement by a child when under the age of [fourteen]
27 **eighteen**, or a vulnerable person, who is alleged to be
28 victim of an offense under chapter 565, 566, 568 or 573 is
29 sufficient corroboration of a statement, admission or
30 confession regardless of whether or not the child or

31 vulnerable person is available to testify regarding the
32 offense.

33 3. A statement may not be admitted under this section
34 unless the prosecuting attorney makes known to the accused
35 or the accused's counsel his or her intention to offer the
36 statement and the particulars of the statement sufficiently
37 in advance of the proceedings to provide the accused or the
38 accused's counsel with a fair opportunity to prepare to meet
39 the statement.

40 4. Nothing in this section shall be construed to limit
41 the admissibility of statements, admissions or confessions
42 otherwise admissible by law.

43 5. For the purposes of this section, "vulnerable
44 person" shall mean a person who, as a result of an
45 inadequately developed or impaired intelligence or a
46 psychiatric disorder that materially affects ability to
47 function, lacks the mental capacity to consent, or whose
48 developmental level does not exceed that of an ordinary
49 child of **[fourteen] seventeen** years of age.

492.304. 1. In addition to the admissibility of a
2 statement under the provisions of section 492.303, the
3 visual and aural recording of a verbal or nonverbal
4 statement of a child when under the age of **[fourteen who is**
5 **alleged to be a victim of] eighteen or a vulnerable person,**
6 **relating to** an offense under the provisions of chapter 565,
7 566 **[or] , 568, or 573 if performed by another,** is
8 admissible into evidence if:

9 (1) No attorney for either party was present when the
10 statement was made; except that, for any statement taken at
11 a state-funded child assessment center as provided for in
12 subsection 2 of section 210.001, an attorney representing
13 the state of Missouri in a criminal investigation may, as a

14 member of a multidisciplinary investigation team, observe
15 the taking of such statement, but such attorney shall not be
16 present in the room where the interview is being conducted;

17 (2) The recording is both visual and aural and is
18 recorded on film or videotape or by other electronic means;

19 (3) The recording equipment was capable of making an
20 accurate recording, the operator of the equipment was
21 competent, and the recording is accurate and has not been
22 altered;

23 (4) The statement was not made in response to
24 questioning calculated to lead the child **or vulnerable**
25 **person** to make a particular statement or to act in a
26 particular way;

27 (5) Every voice on the recording is identified;

28 (6) The person conducting the interview of the child
29 **or vulnerable person** in the recording is present at the
30 proceeding and available to testify or be cross-examined by
31 either party; and

32 (7) The defendant or the attorney for the defendant is
33 afforded an opportunity to view the recording before it is
34 offered into evidence.

35 2. If the child **or vulnerable person** does not testify
36 at the proceeding, the visual and aural recording of a
37 verbal or nonverbal statement of the child **or vulnerable**
38 **person** shall not be admissible under this section unless the
39 recording qualifies for admission under section 491.075.

40 3. If the visual and aural recording of a verbal or
41 nonverbal statement of a child **or vulnerable person** is
42 admissible under this section and the child **or vulnerable**
43 **person** testifies at the proceeding, it shall be admissible
44 in addition to the testimony of the child **or vulnerable**

45 **person** at the proceeding whether or not it repeats or
46 duplicates the child's **or vulnerable person's** testimony.

47 4. As used in this section, a nonverbal statement
48 shall be defined as any demonstration of the child **or**
49 **vulnerable person** by his or her actions, facial expressions,
50 demonstrations with a doll or other visual aid whether or
51 not this demonstration is accompanied by words.

52 5. For the purposes of this section, "**vulnerable**
53 **person**" shall mean a person who, as a result of an
54 **inadequately developed or impaired intelligence or a**
55 **psychiatric disorder that materially affects the ability to**
56 **function, lacks the mental capacity to consent, or whose**
57 **developmental level does not exceed that of an ordinary**
58 **child of seventeen years of age.**

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

5 2.] Each grand and petit juror shall receive a **minimum**
6 **of six dollars per day, for every day [he or she] the juror**
7 **may actually serve as [such] a juror, and [seven cents] the**
8 **mileage rate as provided by section 33.095 for state**
9 **employees for every mile [he or she] the juror may**
10 **necessarily travel going from [his or her] the juror's place**
11 **of residence to the courthouse and returning, to be paid**
12 **from funds of the county or a city not within a county.**
13 **Each county or city not within a county may elect to**
14 **compensate its jurors pursuant to subsection 2 of this**
15 **section, except as otherwise provided in subsection 3 of**
16 **this section.**

17 2. The governing body of each county or a city not
18 within a county may authorize additional daily compensation

19 and mileage allowance for jurors, which additional
20 compensation shall be paid from the funds of the county or a
21 city not within a county. The governing body of each county
22 or a city not within a county may authorize additional daily
23 compensation and mileage allowance for jurors attending a
24 coroner's inquest. Jurors may receive the additional
25 compensation and mileage allowance authorized by this
26 subsection only if the governing body of the county or the
27 city not within a county authorizes the additional
28 compensation. The provisions of this subsection authorizing
29 additional compensation shall terminate upon the issuance of
30 a mandate by the Missouri supreme court which results in the
31 state of Missouri being obligated or required to pay any
32 such additional compensation even if such additional
33 compensation is formally approved or authorized by the
34 governing body of a county or a city not within a county.
35 Provided that a county or a city not within a county
36 authorizes daily compensation payable from county or city
37 funds for jurors who serve in that county pursuant to this
38 subsection in the amount of at least six dollars per day in
39 addition to the amount required by [this] subsection **1 of**
40 **this section**, a person shall receive an additional six
41 dollars per day to be reimbursed by the state of Missouri so
42 that the total compensation payable shall be at least
43 eighteen dollars, plus mileage for each day that the person
44 actually serves as a petit juror in a particular case; or
45 for each day that a person actually serves as a grand juror
46 during a term of a grand jury. The state shall reimburse
47 the county for six dollars of the additional juror
48 compensation provided by this subsection.

49 3. [In any county of the first classification without
50 a charter form of government and with a population of at

51 least two hundred thousand inhabitants, no grand or petit
52 juror shall receive compensation for the first two days of
53 service, but shall receive fifty dollars per day for the
54 third day and each subsequent day he or she may actually
55 serve as such, and seven cents for every mile he or she may
56 necessarily travel going from his or her place of residence
57 to the courthouse and returning, to be paid from funds of
58 the county] **Notwithstanding the provisions of subsections 1**
59 **or 2 of this section to the contrary, by a majority vote,**
60 **the court en banc of a judicial circuit may adopt a system**
61 **for juror compensation in a city not within a county or a**
62 **county within the circuit, as follows: each grand or petit**
63 **juror shall receive fifty dollars per day for the third day**
64 **the juror may actually serve as a juror and for each**
65 **subsequent day of actual service, and the mileage rate as**
66 **provided by section 33.095 for state employees for every**
67 **mile the juror may necessarily travel from the juror's place**
68 **of residence to the courthouse and returning, to be paid**
69 **from funds of the county or a city not within a county;**
70 **provided that no grand or petit juror shall receive**
71 **compensation for the first two days the juror may actually**
72 **serve as such.**

73 4. When each panel of jurors summoned and attending
74 court has completed its service, the board of jury
75 commissioners shall cause to be submitted to the governing
76 body of the county or a city not within a county a statement
77 of fees earned by each juror. Within thirty days of the
78 submission of the statement of fees, the governing body
79 shall cause payment to be made to those jurors summoned the
80 fees earned during their service as jurors.

510.500. Sections 510.500 to 510.521 shall be known
2 and may be cited as the "Uniform Interstate Depositions and
3 Discovery Act".

510.503. As used in sections 510.500 to 510.521, the
2 following terms mean:

3 (1) "Foreign jurisdiction", a state other than this
4 state;

5 (2) "Foreign subpoena", a subpoena issued under
6 authority of a court of record of a foreign jurisdiction;

7 (3) "Person", an individual, corporation, business
8 trust, estate, trust, partnership, limited liability
9 company, association, joint venture, public corporation,
10 government or political subdivision, agency or
11 instrumentality, or any other legal or commercial entity;

12 (4) "State", a state of the United States, the
13 District of Columbia, Puerto Rico, the United States Virgin
14 Islands, a federally recognized Indian tribe, or any
15 territory or insular possession subject to the jurisdiction
16 of the United States;

17 (5) "Subpoena", a document, however denominated,
18 issued under authority of a court of record requiring a
19 person to:

20 (a) Attend and give testimony at a deposition;

21 (b) Produce and permit inspection and copying of
22 designated books, documents, records, electronically stored
23 information, or tangible items in the possession, custody,
24 or control of the person; or

25 (c) Permit inspection of premises under the control of
26 the person.

510.506. 1. To request issuance of a subpoena under
2 this section, a party shall submit a foreign subpoena to a
3 clerk of court in the county in which discovery is sought to

4 be conducted in this state. A request for the issuance of a
5 subpoena under sections 510.500 to 510.521 shall not
6 constitute an appearance in the courts of this state.

7 2. If a party submits a foreign subpoena to a clerk of
8 court in this state, the clerk, in accordance with such
9 court's procedure, shall promptly issue a subpoena for
10 service upon the person to which the foreign subpoena is
11 directed.

12 3. A subpoena under subsection 2 of this section shall:

13 (1) Incorporate the terms used in the foreign
14 subpoena; and

15 (2) Contain or be accompanied by the names, addresses,
16 and telephone numbers of all counsel of record in the
17 proceeding to which the subpoena relates and of any party
18 not represented by counsel.

510.509. A subpoena issued by a clerk of court under
2 section 510.506 shall be served in compliance with the
3 Missouri supreme court rules of civil procedure and laws of
4 this state.

510.512. The Missouri supreme court rules of civil
2 procedure and laws of this state, and any amendments
3 thereto, apply to subpoenas issued under section 510.506.

510.515. An application to the court for a protective
2 order or to enforce, quash, or modify a subpoena issued by a
3 clerk of court under section 510.506 shall comply with the
4 Missouri supreme court rules of civil procedure and the laws
5 of this state and be submitted to the court in the county in
6 which discovery is to be conducted.

510.518. In applying and construing sections 510.500
2 to 510.521, consideration shall be given to the need to
3 promote uniformity of the law with respect to its subject
4 matter among states that enact it.

510.521. Sections 510.500 to 510.521 apply to requests
2 for discovery in cases pending on August 28, 2024.

534.157. All transfers of title of real property for
2 rental properties with outstanding collectible judgments
3 shall be filed in the circuit court within thirty days after
4 transfer of title.

537.529. 1. This section shall be known and may be
2 cited as the "Uniform Public Expression Protection Act".

3 2. As used in this section, the following terms mean:

4 (1) "Goods or services", does not include a dramatic,
5 literary, musical, political, journalistic, or artistic work;

6 (2) "Governmental unit", any city, county, or other
7 political subdivision of this state, or any department,
8 division, board, or other agency of any political
9 subdivision of this state;

10 (3) "Person", an individual, estate, trust,
11 partnership, business or nonprofit entity, governmental
12 unit, or other legal entity.

13 3. Except as otherwise provided in subsection 4 of
14 this section, the provisions of this section shall apply to
15 a cause of action asserted in a civil action against a
16 person based on the person's:

17 (1) Communication in a legislative, executive,
18 judicial, administrative, or other governmental proceeding;

19 (2) Communication on an issue under consideration or
20 review in a legislative, executive, judicial,
21 administrative, or other governmental proceeding; or

22 (3) Exercise of the right of freedom of speech or of
23 the press, the right to assemble or petition, or the right
24 of association, guaranteed by the Constitution of the United
25 States or the Constitution of the state of Missouri, on a
26 matter of public concern.

27 4. The provisions of this section shall not apply to a
28 cause of action asserted:

29 (1) Against a governmental unit or an employee or
30 agent of a governmental unit acting or purporting to act in
31 an official capacity;

32 (2) By a governmental unit or an employee or agent of
33 a governmental unit acting in an official capacity to
34 enforce a law to protect against an imminent threat to
35 public health or safety; or

36 (3) Against a person primarily engaged in the business
37 of selling or leasing goods or services if the cause of
38 action arises out of a communication related to the person's
39 sale or lease of the goods or services.

40 5. No later than sixty days after a party is served
41 with a complaint, crossclaim, counterclaim, third-party
42 claim, or other pleading that asserts a cause of action to
43 which this section applies, or at a later time on a showing
44 of good cause, the party may file a special motion to
45 dismiss the cause of action or part of the cause of action.

46 6. (1) Except as otherwise provided in this
47 subsection:

48 (a) All other proceedings between the moving party and
49 responding party in an action, including discovery and a
50 pending hearing or motion, are stayed on the filing of a
51 motion under subsection 5 of this section; and

52 (b) On motion by the moving party, the court may stay:

53 a. A hearing or motion involving another party if the
54 ruling on the hearing or motion would adjudicate a legal or
55 factual issue that is material to the motion under
56 subsection 5 of this section; or

57 b. Discovery by another party if the discovery relates
58 to a legal or factual issue that is material to the motion
59 under subsection 5 of this section.

60 (2) A stay under subdivision (1) of this subsection
61 remains in effect until entry of an order ruling on the
62 motion filed under subsection 5 of this section and the
63 expiration of the time to appeal the order.

64 (3) If a party appeals from an order ruling on a
65 motion under subsection 5 of this section, all proceedings
66 between all parties in an action are stayed. The stay
67 remains in effect until the conclusion of the appeal.

68 (4) During a stay under subdivision (1) of this
69 subsection, the court may allow limited discovery if a party
70 shows that specific information is necessary to establish
71 whether a party has satisfied or failed to satisfy a burden
72 imposed by subdivision (1) of subsection 9 of this section
73 and is not reasonably available without discovery.

74 (5) A motion for costs and expenses under subsection
75 12 of this section shall not be subject to a stay under this
76 section.

77 (6) A stay under this subsection does not affect a
78 party's ability to voluntarily dismiss a cause of action or
79 part of a cause of action or move to sever a cause of action.

80 (7) During a stay under this section, the court for
81 good cause may hear and rule on:

82 (a) A motion unrelated to the motion under subsection
83 5 of this section; and

84 (b) A motion seeking a special or preliminary
85 injunction to protect against an imminent threat to public
86 health or safety.

87 7. (1) The court shall hear a motion under subsection
88 5 of this section no later than sixty days after filing of
89 the motion, unless the court orders a later hearing:

90 (a) To allow discovery under subdivision (4) of
91 subsection 6 of this section; or

92 (b) For other good cause.

93 (2) If the court orders a later hearing under
94 paragraph (a) of subdivision (1) of this subsection, the
95 court shall hear the motion under subsection 5 of this
96 section no later than sixty days after the court order
97 allowing the discovery, subject to paragraph (b) of
98 subdivision (1) of this subsection.

99 8. In ruling on a motion under subsection 5 of this
100 section, the court shall consider the parties' pleadings,
101 the motion, any replies and responses to the motion, and any
102 evidence that could be considered in ruling on a motion for
103 summary judgment.

104 9. (1) In ruling on a motion under subsection 5 of
105 this section, the court shall dismiss with prejudice a cause
106 of action or part of a cause of action if:

107 (a) The moving party establishes under subsection 3 of
108 this section that this section applies;

109 (b) The responding party fails to establish under
110 subsection 4 of this section that this section does not
111 apply; and

112 (c) Either:

113 a. The responding party fails to establish a prima
114 facie case as to each essential element of the cause of
115 action; or

116 b. The moving party establishes that:

117 (i) The responding party failed to state a cause of
118 action upon which relief can be granted; or

119 (ii) There is no genuine issue as to any material fact
120 and the party is entitled to judgment as a matter of law on
121 the cause of action or part of the cause of action.

122 (2) A voluntary dismissal without prejudice of a
123 responding party's cause of action, or part of a cause of
124 action, that is the subject of a motion under subsection 5
125 of this section does not affect a moving party's right to
126 obtain a ruling on the motion and seek costs, reasonable
127 attorney's fees, and reasonable litigation expenses under
128 subsection 12 of this section.

129 (3) A voluntary dismissal with prejudice of a
130 responding party's cause of action, or part of a cause of
131 action, that is the subject of a motion under subsection 5
132 of this section establishes for the purpose of subsection 12
133 of this section that the moving party prevailed on the
134 motion.

135 10. The court shall rule on a motion under subsection
136 5 of this section no later than sixty days after the hearing
137 under subsection 7 of this section.

138 11. A moving party may appeal within twenty-one days
139 as a matter of right from an order denying, in whole or in
140 part, a motion under subsection 5 of this section.

141 12. On a motion under subsection 5 of this section,
142 the court shall award costs, reasonable attorney's fees, and
143 reasonable litigation expenses related to the motion:

144 (1) To the moving party if the moving party prevails
145 on the motion; or

146 (2) To the responding party if the responding party
147 prevails on the motion and the court finds that the motion
148 was frivolous or filed solely with intent to delay the
149 proceeding.

150 13. This section shall be broadly construed and
151 applied to protect the exercise of the right of freedom of
152 speech and of the press, the right to assemble and petition,
153 and the right of association, guaranteed by the Constitution
154 of the United States or the Constitution of the state of
155 Missouri.

156 14. In applying and construing this section,
157 consideration shall be given to the need to promote
158 uniformity of the law with respect to its subject matter
159 among states that enact it.

160 15. This section applies to a civil action filed or
161 cause of action asserted in a civil action on or after
162 August 28, 2024.

559.125. 1. The clerk of the court shall keep in a
2 permanent file all applications for probation or parole by
3 the court, and shall keep in such manner as may be
4 prescribed by the court complete and full records of all
5 presentence investigations requested, probations or paroles
6 granted, revoked or terminated and all discharges from
7 probations or paroles. All court orders relating to any
8 presentence investigation requested and probation or parole
9 granted under the provisions of this chapter and sections
10 558.011 and 558.026 shall be kept in a like manner, and, if
11 the defendant subject to any such order is subject to an
12 investigation or is under the supervision of the division of
13 probation and parole, a copy of the order shall be sent to
14 the division of probation and parole. In any county where a
15 parole board ceases to exist, the clerk of the court shall
16 preserve the records of that parole board.

17 2. [Information and data obtained by a probation or
18 parole officer shall be privileged information and shall not
19 be receivable in any court] **Except in criminal proceedings,**

20 **information and data obtained by a probation or parole**
21 **officer is privileged information not receivable in any**
22 **court unless for lawful criminal matters.** Such information
23 shall not be disclosed directly or indirectly to anyone
24 other than the members of a parole board and the judge
25 entitled to receive reports, except the court, the division
26 of probation and parole, or the parole board may in its
27 discretion permit the inspection of the report, or parts of
28 such report, by the defendant, or offender or his or her
29 attorney, or other person having a proper interest therein.

30 3. The provisions of subsection 2 of this section
31 notwithstanding, the presentence investigation report shall
32 be made available to the state and all information and data
33 obtained in connection with preparation of the presentence
34 investigation report may be made available to the state at
35 the discretion of the court upon a showing that the receipt
36 of the information and data is in the best interest of the
37 state.

566.151. 1. A person twenty-one years of age or older
2 commits the offense of enticement of a child if he or she
3 persuades, solicits, coaxes, entices, or lures whether by
4 words, actions or through communication via the internet or
5 any electronic communication, any person who is less than
6 **[fifteen] seventeen** years of age for the purpose of engaging
7 in sexual conduct.

8 2. It is not a defense to a prosecution for a
9 violation of this section that the other person was a peace
10 officer masquerading as a minor.

11 3. Enticement of a child or an attempt to commit
12 enticement of a child is a felony for which the authorized
13 term of imprisonment shall be not less than five years and
14 not more than thirty years. No person convicted under this

15 section shall be eligible for parole, probation, conditional
16 release, or suspended imposition or execution of sentence
17 for a period of five calendar years.

567.030. 1. A person commits the offense of
2 patronizing prostitution if he or she:

3 (1) Pursuant to a prior understanding, gives something
4 of value to another person as compensation for having
5 engaged in sexual conduct with any person; or

6 (2) Gives or agrees to give something of value to
7 another person with the understanding that such person or
8 another person will engage in sexual conduct with any
9 person; or

10 (3) Solicits or requests another person to engage in
11 sexual conduct with any person in return for something of
12 value.

13 2. It shall not be a defense that the person believed
14 that the individual he or she patronized for prostitution
15 was eighteen years of age or older.

16 3. The offense of patronizing prostitution is a class
17 B misdemeanor, unless the individual who the person
18 patronizes is less than eighteen years of age but older than
19 **[fourteen] fifteen** years of age, in which case patronizing
20 prostitution is a class E felony.

21 4. The offense of patronizing prostitution is a class
22 **[D] B** felony if the individual who the person patronizes is
23 **[fourteen] fifteen** years of age or younger. Nothing in this
24 section shall preclude the prosecution of an individual for
25 the offenses of:

26 (1) Statutory rape in the first degree pursuant to
27 section 566.032;

28 (2) Statutory rape in the second degree pursuant to
29 section 566.034;

30 (3) Statutory sodomy in the first degree pursuant to
31 section 566.062; or

32 (4) Statutory sodomy in the second degree pursuant to
33 section 566.064.

 595.045. 1. There is established in the state
2 treasury the "Crime Victims' Compensation Fund". A
3 surcharge of seven dollars and fifty cents shall be assessed
4 as costs in each court proceeding filed in any court in the
5 state in all criminal cases including violations of any
6 county ordinance or any violation of criminal or traffic
7 laws of the state, including an infraction and violation of
8 a municipal ordinance; except that no such fee shall be
9 collected in any proceeding in any court when the proceeding
10 or the defendant has been dismissed by the court or when
11 costs are to be paid by the state, county, or municipality.
12 A surcharge of seven dollars and fifty cents shall be
13 assessed as costs in a juvenile court proceeding in which a
14 child is found by the court to come within the applicable
15 provisions of subdivision (3) of subsection 1 of section
16 211.031.

17 2. Notwithstanding any other provision of law to the
18 contrary, the moneys collected by clerks of the courts
19 pursuant to the provisions of subsection 1 of this section
20 shall be collected and disbursed in accordance with sections
21 488.010 to 488.020 and shall be payable to the director of
22 the department of revenue.

23 3. The director of revenue shall deposit annually the
24 amount of two hundred fifty thousand dollars to the state
25 forensic laboratory account administered by the department
26 of public safety to provide financial assistance to defray
27 expenses of crime laboratories if such analytical
28 laboratories are registered with the federal Drug

29 Enforcement Agency or the Missouri department of health and
30 senior services. Subject to appropriations made therefor,
31 such funds shall be distributed by the department of public
32 safety to the crime laboratories serving the courts of this
33 state making analysis of a controlled substance or analysis
34 of blood, breath or urine in relation to a court proceeding.

35 4. The remaining funds collected under subsection 1 of
36 this section shall be denoted to the payment of an annual
37 appropriation for the administrative and operational costs
38 of the office for victims of crime and, if a statewide
39 automated crime victim notification system is established
40 pursuant to section 650.310, to the monthly payment of
41 expenditures actually incurred in the operation of such
42 system. Additional remaining funds shall be subject to the
43 following provisions:

44 (1) On the first of every month, the director of
45 revenue or the director's designee shall determine the
46 balance of the funds in the crime victims' compensation fund
47 available to satisfy the amount of compensation payable
48 pursuant to sections 595.010 to 595.075, excluding sections
49 595.050 and 595.055;

50 (2) Beginning on September 1, 2004, and on the first
51 of each month, the director of revenue or the director's
52 designee shall deposit fifty percent of the balance of funds
53 available to the credit of the crime victims' compensation
54 fund and fifty percent to the services to victims' fund
55 established in section 595.100.

56 5. The director of revenue or such director's designee
57 shall at least monthly report the moneys paid pursuant to
58 this section into the crime victims' compensation fund and
59 the services to victims fund to the department of public
60 safety.

61 6. The moneys collected by clerks of municipal courts
62 pursuant to subsection 1 of this section shall be collected
63 and disbursed as provided by sections 488.010 to 488.020.
64 Five percent of such moneys shall be payable to the city
65 treasury of the city from which such funds were collected.
66 The remaining ninety-five percent of such moneys shall be
67 payable to the director of revenue. The funds received by
68 the director of revenue pursuant to this subsection shall be
69 distributed as follows:

70 (1) On the first of every month, the director of
71 revenue or the director's designee shall determine the
72 balance of the funds in the crime victims' compensation fund
73 available to satisfy the amount of compensation payable
74 pursuant to sections 595.010 to 595.075, excluding sections
75 595.050 and 595.055;

76 (2) Beginning on September 1, 2004, and on the first
77 of each month the director of revenue or the director's
78 designee shall deposit fifty percent of the balance of funds
79 available to the credit of the crime victims' compensation
80 fund and fifty percent to the services to victims' fund
81 established in section 595.100.

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

86 8. In addition to the moneys collected pursuant to
87 subsection 1 of this section, the court shall enter a
88 judgment in favor of the state of Missouri, payable to the
89 crime victims' compensation fund, of sixty-eight dollars
90 upon a plea of guilty or a finding of guilt for a class A or
91 B felony; forty-six dollars upon a plea of guilty or finding
92 of guilt for a class C [or], D, or E felony; and ten dollars

93 upon a plea of guilty or a finding of guilt for any
94 misdemeanor under Missouri law except for those in chapter
95 252 relating to fish and game, chapter 302 relating to
96 drivers' and commercial drivers' license, chapter 303
97 relating to motor vehicle financial responsibility, chapter
98 304 relating to traffic regulations, chapter 306 relating to
99 watercraft regulation and licensing, and chapter 307
100 relating to vehicle equipment regulations. Any clerk of the
101 court receiving moneys pursuant to such judgments shall
102 collect and disburse such crime victims' compensation
103 judgments in the manner provided by sections 488.010 to
104 488.020. Such funds shall be payable to the state treasury
105 and deposited to the credit of the crime victims'
106 compensation fund.

107 9. The clerk of the court processing such funds shall
108 maintain records of all dispositions described in subsection
109 1 of this section and all dispositions where a judgment has
110 been entered against a defendant in favor of the state of
111 Missouri in accordance with this section; all payments made
112 on judgments for alcohol-related traffic offenses; and any
113 judgment or portion of a judgment entered but not
114 collected. These records shall be subject to audit by the
115 state auditor. The clerk of each court transmitting such
116 funds shall report separately the amount of dollars
117 collected on judgments entered for alcohol-related traffic
118 offenses from other crime victims' compensation collections
119 or services to victims collections.

120 10. The department of revenue shall maintain records
121 of funds transmitted to the crime victims' compensation fund
122 by each reporting court and collections pursuant to
123 subsection 16 of this section and shall maintain separate
124 records of collection for alcohol-related offenses.

125 11. The state courts administrator shall include in
126 the annual report required by section 476.350 the circuit
127 court caseloads and the number of crime victims'
128 compensation judgments entered.

129 12. All awards made to injured victims under sections
130 595.010 to 595.105 and all appropriations for administration
131 of sections 595.010 to 595.105, except sections 595.050 and
132 595.055, shall be made from the crime victims' compensation
133 fund. Any unexpended balance remaining in the crime
134 victims' compensation fund at the end of each biennium shall
135 not be subject to the provision of section 33.080 requiring
136 the transfer of such unexpended balance to the ordinary
137 revenue fund of the state, but shall remain in the crime
138 victims' compensation fund. In the event that there are
139 insufficient funds in the crime victims' compensation fund
140 to pay all claims in full, all claims shall be paid on a pro
141 rata basis. If there are no funds in the crime victims'
142 compensation fund, then no claim shall be paid until funds
143 have again accumulated in the crime victims' compensation
144 fund. When sufficient funds become available from the fund,
145 awards which have not been paid shall be paid in
146 chronological order with the oldest paid first. In the
147 event an award was to be paid in installments and some
148 remaining installments have not been paid due to a lack of
149 funds, then when funds do become available that award shall
150 be paid in full. All such awards on which installments
151 remain due shall be paid in full in chronological order
152 before any other postdated award shall be paid. Any award
153 pursuant to this subsection is specifically not a claim
154 against the state, if it cannot be paid due to a lack of
155 funds in the crime victims' compensation fund.

156 13. When judgment is entered against a defendant as
157 provided in this section and such sum, or any part thereof,
158 remains unpaid, there shall be withheld from any
159 disbursement, payment, benefit, compensation, salary, or
160 other transfer of money from the state of Missouri to such
161 defendant an amount equal to the unpaid amount of such
162 judgment. Such amount shall be paid forthwith to the crime
163 victims' compensation fund and satisfaction of such judgment
164 shall be entered on the court record. Under no
165 circumstances shall the general revenue fund be used to
166 reimburse court costs or pay for such judgment. The
167 director of the department of corrections shall have the
168 authority to pay into the crime victims' compensation fund
169 from an offender's compensation or account the amount owed
170 by the offender to the crime victims' compensation fund,
171 provided that the offender has failed to pay the amount owed
172 to the fund prior to entering a correctional facility of the
173 department of corrections.

174 14. All interest earned as a result of investing funds
175 in the crime victims' compensation fund shall be paid into
176 the crime victims' compensation fund and not into the
177 general revenue of this state.

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

181 16. The department may receive gifts and contributions
182 for the benefit of crime victims. Such gifts and
183 contributions shall be credited to the crime victims'
184 compensation fund as used solely for compensating victims
185 under the provisions of sections 595.010 to 595.075.

2 [435.014. 1. If all the parties to a
3 dispute agree in writing to submit their dispute
 to any forum for arbitration, conciliation or

4 mediation, then no person who serves as
5 arbitrator, conciliator or mediator, nor any
6 agent or employee of that person, shall be
7 subpoenaed or otherwise compelled to disclose
8 any matter disclosed in the process of setting
9 up or conducting the arbitration, conciliation
10 or mediation.

11 2. Arbitration, conciliation and mediation
12 proceedings shall be regarded as settlement
13 negotiations. Any communication relating to the
14 subject matter of such disputes made during the
15 resolution process by any participant, mediator,
16 conciliator, arbitrator or any other person
17 present at the dispute resolution shall be a
18 confidential communication. No admission,
19 representation, statement or other confidential
20 communication made in setting up or conducting
21 such proceedings not otherwise discoverable or
22 obtainable shall be admissible as evidence or
23 subject to discovery.]

[537.528. 1. Any action against a person
2 for conduct or speech undertaken or made in
3 connection with a public hearing or public
4 meeting, in a quasi-judicial proceeding before a
5 tribunal or decision-making body of the state or
6 any political subdivision of the state is
7 subject to a special motion to dismiss, motion
8 for judgment on the pleadings, or motion for
9 summary judgment that shall be considered by the
10 court on a priority or expedited basis to ensure
11 the early consideration of the issues raised by
12 the motion and to prevent the unnecessary
13 expense of litigation. Upon the filing of any
14 special motion described in this subsection, all
15 discovery shall be suspended pending a decision
16 on the motion by the court and the exhaustion of
17 all appeals regarding the special motion.

18 2. If the rights afforded by this section
19 are raised as an affirmative defense and if a
20 court grants a motion to dismiss, a motion for
21 judgment on the pleadings or a motion for
22 summary judgment filed within ninety days of the
23 filing of the moving party's answer, the court
24 shall award reasonable attorney fees and costs
25 incurred by the moving party in defending the
26 action. If the court finds that a special
27 motion to dismiss or motion for summary judgment
28 is frivolous or solely intended to cause
29 unnecessary delay, the court shall award costs
30 and reasonable attorney fees to the party
31 prevailing on the motion.

32 3. Any party shall have the right to an
33 expedited appeal from a trial court order on the
34 special motions described in subsection 2 of
35 this section or from a trial court's failure to
36 rule on the motion on an expedited basis.

37 4. As used in this section, a "public
38 meeting in a quasi-judicial proceeding" means
39 and includes any meeting established and held by
40 a state or local governmental entity, including
41 without limitations meetings or presentations
42 before state, county, city, town or village
43 councils, planning commissions, review boards or
44 commissions.

45 5. Nothing in this section limits or
46 prohibits the exercise of a right or remedy of a
47 party granted pursuant to another
48 constitutional, statutory, common law or
49 administrative provision, including civil
50 actions for defamation.

51 6. If any provision of this section or the
52 application of any provision of this section to
53 a person or circumstance is held invalid, the
54 invalidity shall not affect other provisions or
55 applications of this section that can be given
56 effect without the invalid provision or
57 application, and to this end the provisions of
58 this section are severable.

59 7. The provisions of this section shall
60 apply to all causes of actions.]

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