

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 360

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAXWELL.

Read 1st time January 27, 1999, and 1,000 copies ordered printed.

Read 2nd time February 2, 1999, and referred to the Committee on Civil and Criminal Jurisprudence.

Reported from the Committee February 15, 1999, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up February 24, 1999. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

S1294.01P

AN ACT

To repeal sections 455.067 and 455.083, RSMo Supp. 1998, relating to interstate orders of protection, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 455.067 and 455.083, RSMo Supp. 1998, are repealed and two new sections enacted in lieu thereof, to be known as sections 455.067 and 455.083, to read as follows:

455.067. 1. Any order of protection issued by any other state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, shall be given full faith and credit throughout the state [in the manner provided by this section,] in all courts, and by all law enforcement officials and agencies, and all public officials.

2. A person entitled to protection under a foreign order of protection as described in subsection 1 of this section may file a petition seeking registration of the foreign order in the circuit court having jurisdiction. A certified copy of the foreign order of protection shall be attached to such petition. The petition shall set forth the date of the entry of the foreign order of protection and a record of any subsequent orders affecting such foreign order of protection, and shall state that to the best of such person's knowledge, the order filed with the petition is in effect. The court shall receive and consider such petition in the manner provided by sections

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

455.025 to 455.035, and its inquiry shall be limited to whether and the extent that the foreign order of protection is in effect. If the court decides such issues in the affirmative, the court shall issue an order giving full faith and credit to the foreign order of protection throughout the state, as if such foreign order was originally issued by a court of this state. A foreign order of protection as described in subsection 1 of this section shall be enforceable in this state so long as it is in effect in the issuing state.

3. A copy of the Missouri court's order recognizing a foreign order of protection shall be sent by the court to the respondent by certified mail, at his last known address, with a copy of the petition and foreign order of protection. At any time during the duration of the order recognizing the foreign order of protection, the respondent may move the court to modify or set aside its order recognizing the foreign order of protection. Such motion shall be heard only if a copy of the motion and a summons indicating a date and time certain for such hearing is personally served on the petitioner, and the respondent shall not be entitled to a continuance of such hearing. Such motion shall be sustained only if the respondent demonstrates to the court by clear and convincing evidence that the Missouri court's order was not issued in compliance with this section. The petitioner shall not be required to appear or to deny or rebut the allegations or evidence submitted by respondent in order for the court to deny respondent's motion.

4. Registration and a Missouri court order recognizing a foreign order of protection shall not be required for the enforcement of a certified foreign order of protection in this state.

455.083. A law enforcement officer in this state may rely upon a copy of any order of protection issued under sections 455.010 to 455.085 or a **certified** foreign order of protection [registered pursuant to section 455.067,] which has been provided to the peace officer from any source, in determining action to be taken pursuant to sections 455.080 and 455.085.

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