

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HCS/House Bill Nos. 2637 & 3155, Page 2, Section A, Line 29,

2 by inserting after all of said line the following:

3 "27.117. A prosecuting or circuit attorney may request
 4 assistance from the attorney general, or one of his or her
 5 assistants, to assist in the prosecution of a violation of
 6 sections 565.090, 565.091, 565.225, 565.227, 565.400,
 7 565.405, 573.570 or 573.575, where the offense occurred in
 8 more than one jurisdiction of the state. The prosecuting or
 9 circuit attorney may request any resource or capability of
 10 the attorney general when prosecuting such cases."; and

11 Further amend said bill, page 18, section 56.265, line
 12 135, by inserting after all of said line the following:

13 "57.540. 1. The sheriff of the City of St. Louis may
 14 employ an attorney at law to aid and advise him in the
 15 discharge of his duties and to represent him in court[,
 16 which said attorney shall be known as "sheriff's attorney",
 17 and who shall receive as compensation for his services as
 18 such sheriff's attorney a sum of not less than three
 19 thousand dollars and not more than fifteen thousand dollars
 20 per annum, payable in semimonthly installments]. The
 21 sheriff shall set the compensation for an attorney hired
 22 pursuant to this section and such compensation shall be paid
 23 out of the same funds and revenue as the sheriff of such
 24 city is paid.

25 2. The attorney employed by a sheriff pursuant to
26 subsection 1 of this section shall be employed at the
27 pleasure of the sheriff."; and

28 Further amend said bill, page 62, section 217.760, line
29 34, by inserting after all of said line the following:

30 "455.050. 1. Any full or ex parte order of protection
31 granted pursuant to sections 455.010 to 455.085 shall be to
32 protect the petitioner from cyberstalking, domestic
33 violence, stalking, or sexual assault and may include such
34 terms as the court reasonably deems necessary to ensure the
35 petitioner's safety, including but not limited to:

36 (1) Temporarily enjoining the respondent from
37 committing or threatening to commit cyberstalking, domestic
38 violence, molesting, stalking, sexual assault, or disturbing
39 the peace of the petitioner, including violence against a
40 pet;

41 (2) Temporarily enjoining the respondent from entering
42 the premises of the dwelling unit of the petitioner when the
43 dwelling unit is:

44 (a) Jointly owned, leased or rented or jointly
45 occupied by both parties; or

46 (b) Owned, leased, rented or occupied by petitioner
47 individually; or

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

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

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

59 2. Mutual orders of protection are prohibited unless
60 both parties have properly filed written petitions and
61 proper service has been made in accordance with sections
62 455.010 to 455.085.

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

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

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

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

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

78 (5) Order respondent to make or to continue to make
79 rent or mortgage payments on a residence occupied by the
80 petitioner if the respondent is found to have a duty to
81 support the petitioner or other dependent household members;

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

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

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

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

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

101 (11) Order the respondent to pay court costs;

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

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

110 4. A verified petition seeking orders for maintenance,
111 support, custody, visitation, payment of rent, payment of
112 monetary compensation, possession of personal property,
113 prohibiting the transfer, encumbrance, or disposal of
114 property, or payment for services of a shelter for victims
115 of domestic violence, shall contain allegations relating to
116 those orders and shall pray for the orders desired.

117 5. In making an award of custody, the court shall
118 consider all relevant factors including the presumption that
119 the best interests of the child will be served by placing

120 the child in the custody and care of the nonabusive parent,
121 unless there is evidence that both parents have engaged in
122 abusive behavior, in which case the court shall not consider
123 this presumption but may appoint a guardian ad litem or a
124 court-appointed special advocate to represent the children
125 in accordance with chapter 452 and shall consider all other
126 factors in accordance with chapter 452.

127 6. The court shall grant to the noncustodial parent
128 rights to visitation with any minor child born to or adopted
129 by the parties, unless the court finds, after hearing, that
130 visitation would endanger the child's physical health,
131 impair the child's emotional development or would otherwise
132 conflict with the best interests of the child, or that no
133 visitation can be arranged which would sufficiently protect
134 the custodial parent from further domestic violence. The
135 court may appoint a guardian ad litem or court-appointed
136 special advocate to represent the minor child in accordance
137 with chapter 452 whenever the custodial parent alleges that
138 visitation with the noncustodial parent will damage the
139 minor child.

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

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

151 9. (1) The court may, in order to ensure that a
152 petitioner can maintain an existing wireless telephone

153 number or numbers, issue an order, after notice and an
154 opportunity to be heard, directing a wireless service
155 provider to transfer the billing responsibility for and
156 rights to the wireless telephone number or numbers to the
157 petitioner, if the petitioner is not the wireless service
158 accountholder.

159 (2) (a) The order transferring billing responsibility
160 for and rights to the wireless telephone number or numbers
161 to the petitioner shall list the name and billing telephone
162 number of the accountholder, the name and contact
163 information of the person to whom the telephone number or
164 numbers will be transferred, and each telephone number to be
165 transferred to that person. The court shall ensure that the
166 contact information of the petitioner is not provided to the
167 accountholder in proceedings held under this chapter.

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

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

182 a. The accountholder has already terminated the
183 account;

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

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

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

196 (b) This section shall not preclude a wireless service
197 provider from applying any routine and customary
198 requirements for account establishment to the petitioner as
199 part of this transfer of billing responsibility for a
200 wireless telephone number or numbers and any devices
201 attached to that number or numbers including, but not
202 limited to, identification, financial information, and
203 customer preferences.

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

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

212 (6) As used in this section and section 455.523, a
213 "wireless service provider" means a provider of commercial
214 mobile service under Section 332(d) of the Federal
215 [Telecommunications Act of 1996] Communications Act of 1934
216 (47 U.S.C. Section [151, et seq.] 332).

217 455.098. 1. Upon the request of the victim or the
218 prosecuting or circuit attorney, a court shall have

219 jurisdiction at the time of sentencing to enter a lifetime
220 protection order restraining or enjoining the defendant from
221 contacting the victim if the defendant has been found guilty
222 of a dangerous felony, as defined in section 556.061. The
223 protection order shall be effective immediately and shall be
224 served on the defendant at the time of sentencing. An order
225 issued pursuant to this section shall not expire and is
226 valid for the defendant's lifetime unless:

227 (1) The defendant makes a showing to the court that
228 the victim has died or the conviction has been dismissed,
229 expunged, or overturned or the defendant has been pardoned;
230 or

231 (2) The victim submits a written request to the court
232 for an early expiration upon which the court may hold a
233 hearing to terminate the order.

234 2. A copy of any order of protection granted pursuant
235 to this section shall be issued to the victim and to the
236 local law enforcement agency in the jurisdiction where the
237 victim resides. The court shall provide all necessary
238 information, including the defendant's relationship to the
239 victim, for entry of the order of protection into the
240 Missouri Uniform Law Enforcement System (MULES) and the
241 National Crime Information Center (NCIC). Upon receiving
242 the order under this subsection, the sheriff shall make the
243 entry into MULES within twenty-four hours. MULES shall
244 forward the order information to NCIC, which will in turn
245 make the order viewable within the National Instant Criminal
246 Background Check System (NICS). The sheriff shall enter
247 information contained in the order, including, but not
248 limited to, any orders regarding child custody or visitation
249 and all specifics as to times and dates of custody or
250 visitation that are provided in the order. A notice of
251 termination of any order of protection or any change in

252 child custody or visitation within that order shall be
253 issued to the local law enforcement agency for entry into
254 MULES or any other comparable law enforcement system. The
255 information contained in an order of protection may be
256 entered into MULES or any other comparable law enforcement
257 system using a direct automated data transfer from the court
258 automated system to the law enforcement system."; and

259 Further amend said bill and page, section 527.270, line
260 15, by inserting after all of said line the following:

261 "544.667. In addition to the forfeiture of any
262 security which was given or pledged for a person's release,
263 any person who, having been released upon a recognizance or
264 bond pursuant to any other provisions of law while pending
265 preliminary hearing, trial, sentencing, appeal, probation or
266 parole revocation, or any other stage of a criminal matter
267 against him or her, knowingly violates any condition of
268 release that imposes no contact with specific individuals
269 shall be guilty of a class A misdemeanor."; and

270 Further amend said bill, page 118, section 559.115,
271 line 117, by inserting after all of said line the following:

272 "565.002. As used in this chapter, unless a different
273 meaning is otherwise plainly required the following terms
274 mean:

275 (1) "Adequate cause", cause that would reasonably
276 produce a degree of passion in a person of ordinary
277 temperament sufficient to substantially impair an ordinary
278 person's capacity for self-control;

279 (2) "Bodily harm", physical pain or injury, illness,
280 or any impairment of physical condition;

281 (3) "Child", a person under seventeen years of age;

282 [(3)] (4) "Conduct", includes any act or omission;

283 [(4)] (5) "Course of conduct", a pattern of conduct

284 composed of two or more acts, which may include

285 communication by any means, over a period of time, however
286 short, evidencing a continuity of purpose. Constitutionally
287 protected activity is not included within the meaning of
288 course of conduct. Such constitutionally protected activity
289 includes picketing or other organized protests;

290 [(5)] (6) "Deliberation", cool reflection for any
291 length of time no matter how brief;

292 [(6)] (7) "Domestic victim", a household or family
293 member as the term "family" or "household member" is defined
294 in section 455.010, including any child who is a member of
295 the household or family;

296 [(7)] (8) "Emotional distress", something markedly
297 greater than the level of uneasiness, nervousness,
298 unhappiness, or the like which are commonly experienced in
299 day-to-day living;

300 [(8)] (9) "Full or partial nudity", the showing of all
301 or any part of the human genitals, pubic area, buttock, or
302 any part of the nipple of the breast of any female person,
303 with less than a fully opaque covering;

304 [(9)] (10) "Great bodily harm", bodily injury which
305 creates a high probability of death, or which causes serious
306 permanent or protracted loss or impairment of function of
307 any bodily member or organ, or other serious bodily harm;

308 (11) "Legal custody", the right to the care, custody
309 and control of a child;

310 [(10)] (12) "Parent", either a biological parent or a
311 parent by adoption;

312 [(11)] (13) "Person having a right of custody", a
313 parent or legal guardian of the child;

314 [(12)] (14) "Photographs" or "films", the making of
315 any photograph, motion picture film, videotape, or any other
316 recording or transmission of the image of a person;

317 [(13)] (15) "Place where a person would have a
318 reasonable expectation of privacy", any place where a
319 reasonable person would believe that a person could disrobe
320 in privacy, without being concerned that the person's
321 undressing was being viewed, photographed or filmed by
322 another;

323 [(14)] (16) "Special victim", any of the following:

324 (a) A law enforcement officer assaulted in the
325 performance of his or her official duties or as a direct
326 result of such official duties;

327 (b) Emergency personnel, any paid or volunteer
328 firefighter, emergency room, hospital, or trauma center
329 personnel, or emergency medical technician, assaulted in the
330 performance of his or her official duties or as a direct
331 result of such official duties;

332 (c) A probation and parole officer assaulted in the
333 performance of his or her official duties or as a direct
334 result of such official duties;

335 (d) An elderly person;

336 (e) A person with a disability;

337 (f) A vulnerable person;

338 (g) Any jailer or corrections officer of the state or
339 one of its political subdivisions assaulted in the
340 performance of his or her official duties or as a direct
341 result of such official duties;

342 (h) A highway worker in a construction or work zone as
343 the terms "highway worker", "construction zone", and "work
344 zone" are defined under section 304.580;

345 (i) Any utility worker, meaning any employee of a
346 utility that provides gas, heat, electricity, water, steam,
347 telecommunications services, or sewer services, whether
348 privately, municipally, or cooperatively owned, while in the

349 performance of his or her job duties, including any person
350 employed under a contract;

351 (j) Any cable worker, meaning any employee of a cable
352 operator, as such term is defined in section 67.2677,
353 including any person employed under contract, while in the
354 performance of his or her job duties; and

355 (k) Any employee of a mass transit system, including
356 any employee of public bus or light rail companies, while in
357 the performance of his or her job duties;

358 [(15)] (17) "Substantial bodily harm", bodily injury
359 which involves a temporary but substantial disfigurement, or
360 which causes temporary but substantial loss or impairment of
361 the function of any bodily member or organ, or which causes
362 a fracture of any bodily member;

363 (18) "Sudden passion", passion directly caused by and
364 arising out of provocation by the victim or another acting
365 with the victim which passion arises at the time of the
366 offense and is not solely the result of former provocation;

367 [(16)] (19) "Technological abuse conduct", an act or
368 pattern of behavior that is intended to harm, threaten,
369 intimidate, control, stalk, harass, monitor, except as
370 otherwise permitted by law, another person, that occurs
371 using any form of technology, including internet enabled
372 devices, online platforms, computers, mobile devices,
373 cameras and imaging programs, apps, location tracking
374 devices, or any other emerging technologies;

375 (20) "Trier", the judge or jurors to whom issues of
376 fact, guilt or innocence, or the assessment and declaration
377 of punishment are submitted for decision;

378 [(17)] (21) "Views", the looking upon of another
379 person, with the unaided eye or with any device designed or
380 intended to improve visual acuity, for the purpose of
381 arousing or gratifying the sexual desire of any person.

382 565.050. 1. A person commits the offense of assault
383 in the first degree if he or she attempts to kill or
384 knowingly causes or attempts to cause [serious physical
385 injury] great bodily harm to another person.

386 2. The offense of assault in the first degree is a
387 class B felony unless in the course thereof the person
388 inflicts [serious physical injury] great bodily harm on the
389 victim, or if the victim of such assault is a special
390 victim, as the term "special victim" is defined under
391 section 565.002, in which case it is a class A felony.

392 565.052. 1. A person commits the offense of assault
393 in the second degree if he or she:

394 (1) Attempts to kill or knowingly causes or attempts
395 to cause [serious physical injury] great bodily harm to
396 another person under the influence of sudden passion arising
397 out of adequate cause; or

398 (2) Attempts to cause or knowingly causes [physical
399 injury] bodily harm to another person by means of a deadly
400 weapon or dangerous instrument; or

401 (3) Recklessly causes [serious physical injury] great
402 bodily harm to another person; or

403 (4) Recklessly causes [physical injury] bodily harm to
404 another person by means of discharge of a firearm.

405 2. The defendant shall have the burden of injecting
406 the issue of influence of sudden passion arising from
407 adequate cause under subdivision (1) of subsection 1 of this
408 section.

409 3. The offense of assault in the second degree is a
410 class D felony, unless the victim of such assault is a
411 special victim, as the term "special victim" is defined
412 under section 565.002, in which case it is a class B felony.

413 565.054. 1. A person commits the offense of assault
414 in the third degree if he or she knowingly causes [physical
415 injury] bodily harm to another person.

416 2. The offense of assault in the third degree is a
417 class E felony, unless the victim of such assault is a
418 special victim, as the term "special victim" is defined
419 under section 565.002, in which case it is a class D felony.

420 565.056. 1. A person commits the offense of assault
421 in the fourth degree if:

422 (1) The person attempts to cause or recklessly causes
423 [physical injury, physical pain, or illness] bodily harm to
424 another person;

425 (2) With criminal negligence the person causes
426 [physical injury] bodily harm to another person by means of
427 a firearm;

428 (3) The person purposely places another person in
429 apprehension of immediate [physical injury] bodily harm;

430 (4) The person recklessly engages in conduct which
431 creates a substantial risk of death or [serious physical
432 injury] great bodily harm to another person;

433 (5) The person knowingly causes or attempts to cause
434 physical contact with a person with a disability, which a
435 reasonable person, who does not have a disability, would
436 consider offensive or provocative; or

437 (6) The person knowingly causes physical contact with
438 another person knowing the other person will regard the
439 contact as offensive or provocative.

440 2. Except as provided in subsection 3 of this section,
441 assault in the fourth degree is a class A misdemeanor.

442 3. Violation of the provisions of subdivision (3) or
443 (6) of subsection 1 of this section is a class C misdemeanor
444 unless the victim is a special victim, as the term "special

445 victim" is defined under section 565.002, in which case a
446 violation of such provisions is a class A misdemeanor.

447 565.072. 1. A person commits the offense of domestic
448 assault in the first degree if he or she attempts to kill or
449 knowingly causes or attempts to cause [serious physical
450 injury] great bodily harm to a domestic victim, as the term
451 "domestic victim" is defined under section 565.002.

452 2. The offense of domestic assault in the first degree
453 is a class B felony unless in the course thereof the person
454 inflicts serious physical injury on the victim, in which
455 case it is a class A felony.

456 565.073. 1. A person commits the offense of domestic
457 assault in the second degree if the act involves a domestic
458 victim, as the term "domestic victim" is defined under
459 section 565.002, and he or she:

460 (1) Knowingly causes [physical injury] bodily harm to
461 such domestic victim by any means, including but not limited
462 to, use of a deadly weapon or dangerous instrument, or by
463 choking or strangulation; or

464 (2) Recklessly causes [serious physical injury] great
465 bodily harm to such domestic victim; or

466 (3) Recklessly causes [physical injury] bodily harm to
467 such domestic victim by means of any deadly weapon.

468 2. The offense of domestic assault in the second
469 degree is a class D felony.

470 565.074. 1. A person commits the offense of domestic
471 assault in the third degree if he or she attempts to cause
472 [physical injury] substantial bodily harm or knowingly
473 causes [physical pain or illness] bodily harm to a domestic
474 victim, as the term "domestic victim" is defined under
475 section 565.002.

476 2. The offense of domestic assault in the third degree
477 is a class E felony.

478 565.076. 1. A person commits the offense of domestic
479 assault in the fourth degree if the act involves a domestic
480 victim, as the term "domestic victim" is defined under
481 section 565.002, and:

482 (1) The person attempts to cause or recklessly causes
483 [physical injury, physical pain, or illness] bodily harm to
484 such domestic victim;

485 (2) With criminal negligence the person causes
486 [physical injury] bodily harm to such domestic victim by
487 means of a deadly weapon or dangerous instrument;

488 (3) The person purposely places such domestic victim
489 in apprehension of immediate [physical injury] bodily harm
490 by any means;

491 (4) The person recklessly engages in conduct which
492 creates a substantial risk of death or [serious physical
493 injury] great bodily harm to such domestic victim;

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

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

502 2. The offense of domestic assault in the fourth
503 degree is a class A misdemeanor, unless the person has
504 previously been found guilty of the offense of domestic
505 assault, of any assault offense under this chapter, or of
506 any offense against a domestic victim committed in violation
507 of any county or municipal ordinance in any state, any state
508 law, any federal law, or any military law which if committed
509 in this state two or more times would be a violation of this
510 section, in which case it is a class E felony. The offenses

511 described in this subsection may be against the same
512 domestic victim or against different domestic victims.

513 565.090. 1. A person commits the offense of
514 harassment in the first degree if he or she, without good
515 cause, engages in any act with the purpose to cause
516 emotional distress to another person, and such act does
517 cause such person to suffer emotional distress.

518 2. The offense of harassment in the first degree is a
519 class E felony, unless the defendant has previously been
520 found guilty of a violation of this section or section
521 565.091, or any offense committed in another jurisdiction
522 which, if committed in this state, would be chargeable or
523 indictable as a violation of any offense listed in this
524 section or section 565.091, in which case harassment in the
525 first degree is a class D felony.

526 3. This section shall not apply to activities of
527 federal, state, county, or municipal law enforcement
528 officers conducting investigations of violation of federal,
529 state, county, or municipal law.

530 565.091. 1. A person commits the offense of
531 harassment in the second degree if he or she, without good
532 cause, engages in any act with the purpose to cause
533 emotional distress to another person.

534 2. The offense of harassment in the second degree is a
535 class A misdemeanor, unless the [person has previously
536 pleaded guilty to or been found guilty of a violation of
537 this section, of any offense committed in violation of any
538 county or municipal ordinance in any state, any state law,
539 any federal law, or any military law which if committed in
540 this state would be chargeable or indictable as a violation
541 of any offense listed in this subsection, in which case it
542 is a class E felony] defendant has previously been found
543 guilty of a violation of this section or section 565.090, or

544 of any offense committed in another jurisdiction which, if
 545 committed in this state, would be chargeable or indictable
 546 as a violation of any offense listed in this section or
 547 section 565.090, in which case harassment in the second
 548 degree is a class E felony.

549 3. This section shall not apply to activities of
 550 federal, state, county, or municipal law enforcement
 551 officers conducting investigations of violations of federal,
 552 state, county, or municipal law.

553 565.225. 1. [As used in this section and section
 554 565.227, the term "disturbs" shall mean to engage in a
 555 course of conduct directed at a specific person that serves
 556 no legitimate purpose and that would cause a reasonable
 557 person under the circumstances to be frightened,
 558 intimidated, or emotionally distressed.

559 2.] A person commits the offense of stalking in the
 560 first degree if he or she [purposely] knowingly, through
 561 [his or her] a course of conduct[, disturbs or follows with
 562 the intent of disturbing] that is directed at another person
 563 [and] or through technological abuse conduct, engages in
 564 conduct that would cause a reasonable person under similar
 565 circumstances to:

566 (1) [Makes a threat communicated with the intent to
 567 cause the person who is the target of the threat to
 568 reasonably] Fear [for his or her safety, the safety of his
 569 or her family or household member, or the safety of domestic
 570 animals or livestock as defined in section 276.606 kept at
 571 such person's residence or on such person's property. The
 572 threat shall be against the life of, or a threat to cause
 573 physical] death or bodily injury to[, or the kidnapping of]
 574 the person[,];

575 (2) Fear that an offense will be committed against a
 576 member of the person's family or household members, or [the

577 person's domestic animals or livestock as defined in section
578 276.606 kept at such person's residence or on such person's
579 property] an individual with whom the person has a dating
580 relationship; [or

581 (2) At least one of the acts constituting the course
582 of conduct is in violation of an order of protection and the
583 person has received actual notice of such order; or]

584 (3) [At least one of the actions constituting the
585 course of conduct is in violation of a condition of
586 probation, parole, pretrial release, or release on bond
587 pending appeal] Fear that an offense will be committed
588 against the person's property; or

589 (4) [At any time during the course of conduct, the
590 other person is seventeen years of age or younger and the
591 person disturbing the other person is twenty-one years of
592 age or older; or

593 (5) He or she has previously been found guilty of
594 domestic assault, violation of an order of protection, or
595 any other crime where the other person was the victim; or

596 (6) At any time during the course of conduct, the
597 other person is a participant of the address confidentiality
598 program under sections 589.660 to 589.681, and the person
599 disturbing the other person knowingly accesses or attempts
600 to access the address of the other person] Feel harassed,
601 terrified, or intimidated.

602 [3.] 2. Any law enforcement officer may arrest,
603 without a warrant, any person he or she has probable cause
604 to believe has violated the provisions of this section.

605 [4.] 3. This section shall not apply to activities of
606 federal, state, county, or municipal law enforcement
607 officers conducting investigations of any violation of
608 federal, state, county, or municipal law.

609 [5.] 4. The offense of stalking in the first degree is
610 a class E felony, unless the defendant has previously been
611 found guilty of a violation of this section or section
612 565.227, or any offense committed in another jurisdiction
613 which, if committed in this state, would be chargeable or
614 indictable as a violation of any offense listed in this
615 section or section 565.227, or unless the victim is
616 intentionally targeted as a law enforcement officer, as
617 defined in section 556.061, or the victim is targeted
618 because he or she is a relative within the second degree of
619 consanguinity or affinity to a law enforcement officer, in
620 which case stalking in the first degree is a class D felony.

621 565.227. 1. A person commits the offense of stalking
622 in the second degree if he or she [purposely, through his or
623 her course of] knowingly engages in a course of conduct[,
624 disturbs, or follows with the intent to disturb another
625 person] directed at a specific person or technological abuse
626 conduct which would cause a reasonable person under the
627 circumstances to feel harassed, terrified, or intimidated.

628 2. This section shall not apply to activities of
629 federal, state, county, or municipal law enforcement
630 officers conducting investigations of any violation of
631 federal, state, county, or municipal law.

632 3. Any law enforcement officer may arrest, without a
633 warrant, any person he or she has probable cause to believe
634 has violated the provisions of this section.

635 4. The offense of stalking in the second degree is a
636 class A misdemeanor, unless the defendant has previously
637 been found guilty of a violation of this section or section
638 565.225, or of any offense committed in another jurisdiction
639 which, if committed in this state, would be chargeable or
640 indictable as a violation of any offense listed in this
641 section or section 565.225, or unless the victim is

642 intentionally targeted as a law enforcement officer, as
643 defined in section 556.061, or the victim is targeted
644 because he or she is a relative within the second degree of
645 consanguinity or affinity to a law enforcement officer, in
646 which case stalking in the second degree is a class E felony.

647 565.260. 1. Except as provided in subsection 2 of this
648 section, a person commits the offense of unlawful tracking
649 of a motor vehicle if the person knowingly installs,
650 conceals, or otherwise places an electronic tracking device
651 in or on a motor vehicle without the consent of all owners
652 of the vehicle for the purpose of monitoring or following an
653 occupant or occupants of the vehicle. As used in this
654 section, "person" does not include the manufacturer of the
655 motor vehicle.

656 2. (1) It shall not be an offense under this section
657 if the installing, concealing, or placing of an electronic
658 tracking device in or on a motor vehicle is by, or at the
659 direction of, a law enforcement officer in furtherance of a
660 criminal investigation and such investigation is carried out
661 in accordance with applicable state and federal law.

662 (2) If the installing, concealing, or placing of an
663 electronic tracking device in or on a motor vehicle is by,
664 or at the direction of, a parent or legal guardian who owns
665 or leases the vehicle, and if the device is used solely for
666 the purpose of monitoring the minor child of the parent or
667 legal guardian when the child is an occupant of the vehicle,
668 the installation, concealment, or placement of the device in
669 or on the vehicle without the consent of any or all
670 occupants of the vehicle shall not be an offense under this
671 section.

672 (3) It shall not be an offense under this section if
673 the installing, concealing, or placing of an electronic
674 tracking device in or on a motor vehicle is for the purpose

675 of tracking the location of stolen goods being transported
676 in the vehicle or for the purpose of tracking the location
677 of the vehicle if the motor vehicle is stolen.

678 (4) It shall not be an offense under this section if
679 the installing, concealing, or placing of an electronic
680 tracking device in or on a motor vehicle is by a legally
681 authorized representative of a vulnerable adult. As used in
682 this subdivision, "vulnerable adult" means any person
683 eighteen years of age or older who is impaired by reason of
684 mental illness, intellectual or developmental disability,
685 physical illness or disability, or other causes, including
686 age, to the extent the adult lacks sufficient understanding
687 or capacity to make, communicate, or carry out reasonable
688 decisions concerning his or her well-being or has one or
689 more limitations that substantially impair the adult's
690 ability to independently provide for his or her daily needs
691 or safeguard his or her person, property, or legal interests.

692 (5) If the installing, concealing, or placing of an
693 electronic tracking device in or on a motor vehicle is by,
694 or at the direction of, a person who obtains consent from
695 all owners of the vehicle, the installation, concealment, or
696 placement of the device in or on the vehicle shall not be an
697 offense under this section.

698 (6) It shall not be an offense under this section if
699 the installing, concealing, or placing of an electronic
700 tracking device in or on a motor vehicle is by a vehicle
701 rental, sharing, or leasing company that rents motor
702 vehicles for the purpose of tracking or managing the motor
703 vehicles owned by such company or providing services to
704 customers.

705 (7) It shall not be an offense under this section if
706 the installing, concealing, or placing of an electronic
707 tracking device in or on a motor vehicle is by a lienholder

708 or agent of a lienholder acting to track the movement or
709 location of a motor vehicle in order to repossess the motor
710 vehicle.

711 (8) It shall not be an offense under this section if
712 the installing, concealing, or placing of an electronic
713 tracking device in or on a motor vehicle is for any party to
714 participate in a voluntary usage-based insurance program.
715 "Voluntary usage-based insurance program" shall mean any
716 program implemented by, or on behalf of, an insurance
717 company that collects, records, or transmits information
718 relating to driving behavior of an insured party.

719 3. The provisions of this section shall not apply to a
720 tracking system installed by the manufacturer of a motor
721 vehicle.

722 4. The offense of unlawful tracking of a motor vehicle
723 is a class A misdemeanor for a first offense and a class E
724 felony for any second or subsequent offense.

725 565.400. 1. A person commits the offense of
726 cyberharassment if such person purposely or knowingly
727 engages in a threatening, aggressive, or otherwise fear-
728 inducing, course of conduct by using digital technology,
729 internet service providers, electronic service providers or
730 other electronic communications and devices cause reasonable
731 fear, alarm, anxiety, undo stress, or terror to others by
732 repeated contact with no legitimate purpose.

733 2. The first offense of cyberharassment shall be a
734 class B misdemeanor. A second and any subsequent offense
735 shall be a class A misdemeanor.

736 565.405. 1. A person commits the offense of
737 cyberstalking if such person purposely or knowingly engages
738 in a threatening, aggressive, or otherwise fear-inducing,
739 course of conduct by using digital technology, internet
740 service providers, electronic service providers or other

741 electronic communications and devices to enhance the ability
742 to intimidate, track, follow or cause reasonable fear,
743 alarm, anxiety, undo stress, or terror to another person.

744 2. The first offense of cyberstalking shall be a class
745 A misdemeanor. A second and any subsequent offense shall be
746 a class E felony."; and

747 Further amend said bill, page 144, section 568.060,
748 line 117, by inserting after all of said line the following:

749 "573.570. 1. As used in this section, the following
750 terms mean:

751 (1) "Depicted individual", an individual who, as a
752 result of digitization or by means of digital manipulation,
753 appears in whole or in part in an intimate digital depiction
754 and who is identifiable by virtue of the individual's face,
755 likeness, or other distinguishing characteristic, such as a
756 unique birthmark or other recognizable feature, or from
757 information displayed in connection with the digital
758 depiction;

759 (2) "Digital depiction", a realistic visual depiction
760 of an individual that has been created or altered using
761 digital manipulation;

762 (3) "Information content providers", any person or
763 entity that is responsible, in whole or in part, for the
764 creation or development of information provided through the
765 internet or any other interactive computer service;

766 (4) "Intimate digital depiction", a digital depiction
767 of an individual that has been created or altered using
768 digital manipulation and that depicts:

769 (a) The uncovered genitals, pubic area, anus, or
770 postpubescent female nipple of an identifiable individual;

771 (b) The display or transfer of bodily sexual fluids:

772 a. Onto any part of the body of an identifiable
773 individual; or

774 b. From the body of an identifiable individual; or
775 (c) An identifiable individual engaging in sexually
776 explicit conduct;

777 (5) "Sexually explicit conduct", actual or simulated:

778 (a) Sexual intercourse, including genital-genital,
779 oral-genital, anal-genital, or oral-anal, whether between
780 persons of the same or opposite sex;

781 (b) Bestiality;

782 (c) Masturbation;

783 (d) Sadistic or masochistic abuse; or

784 (e) Lascivious exhibition of the genitals or pubic
785 area of any person.

786 2. A person commits the offense of disclosure of an
787 intimate digital depiction if the person:

788 (1) Discloses an intimate digital depiction:

789 (a) With the intent to harass, annoy, threaten, alarm,
790 or cause substantial harm to the finances or reputation of
791 the depicted individual; or

792 (b) With the actual knowledge that, or reckless
793 disregard for whether, such disclosure will cause physical,
794 emotional, reputational, or economic harm to the depicted
795 individual; or

796 (2) Threatens to disclose an intimate digital
797 depiction:

798 (a) With the intent to harass, annoy, threaten, alarm,
799 or cause substantial harm to the finances or reputation of
800 the depicted individual; or

801 (b) With the actual knowledge that, or reckless
802 disregard for whether, such threatened disclosure will cause
803 physical, emotional, reputational, or economic harm to the
804 depicted individual.

805 3. (1) A violation of subdivision (1) of subsection 2
806 of this section shall be a class D felony.

807 (2) A violation of subdivision (2) of subsection 2 of
808 this section shall be a class E felony.

809 (3) A violation of subsection 2 of this section shall
810 be a class C felony if:

811 (a) The violation is a second or other subsequent
812 violation of subsection 2 of this section; or

813 (b) The violation is such that the digital depiction
814 could be reasonably expected to:

815 a. Affect the conduct of any administrative,
816 legislative, or judicial proceeding of a federal, state,
817 local, or tribal government agency, including the
818 administration of an election or the conduct of foreign
819 relations; or

820 b. Facilitate violence.

821 4. It shall not be a defense to an offense of
822 disclosure of an intimate digital depiction under this
823 section that there is a disclaimer stating that the intimate
824 digital depiction of the depicted individual was
825 unauthorized or that the depicted individual did not
826 participate in the creation or development of the digital
827 depiction.

828 5. For the purposes of this section, a provider of an
829 interactive computer service shall not be held to have
830 committed the offense of disclosure of an intimate digital
831 depiction due to:

832 (1) Any action voluntarily taken in good faith to
833 restrict access to or availability of intimate digital
834 depictions; or

835 (2) Any action taken to enable or make available to
836 information content providers or other persons the technical
837 means to restrict access to intimate digital depictions.

838 573.575. 1. A person commits the offense of sadistic
839 online exploitation if he or she:

840 (1) Uses the internet to manipulate, intimidate, hurt,
841 scare, control, or threaten a victim to undergo suffering
842 through forcing their submission, use of violence, self-
843 harm, or destruction for sadistic or sinister purposes;

844 (2) Coerces a victim into performing self-harm, animal
845 harm, harming another person, sharing person information, or
846 suicidal actions or ideations;

847 (3) Uses non-physical forms of coercion, manipulation,
848 shame or fear to extort another person into providing
849 sexually explicit content then using such content to further
850 extort, threaten, or control the victim; or

851 (4) Uses intimate depictions as devices to threaten or
852 coerce a victim by demanding any kind of financial gain.

853 2. The offense of sadistic online exploitation shall
854 be a class E felony."; and

855 Further amend said bill, page 219, section 589.902,
856 line 23, by inserting after all of said line the following:

857 "590.192. 1. There is hereby established the
858 "Critical Incident Stress Management Program" within the
859 department of public safety. The program shall provide
860 services for peace officers and first responders to assist
861 in coping with stress and potential psychological trauma
862 resulting from a response to a critical incident or
863 emotionally difficult event. Such services may include
864 consultation, risk assessment, education, intervention, and
865 other crisis intervention services provided by the
866 department to peace officers and first responders affected
867 by a critical incident. For purposes of this section, a
868 "critical incident" shall mean any event outside the usual
869 realm of human experience that is markedly distressing or
870 evokes reactions of intense fear, helplessness, or horror
871 and involves the perceived threat to a person's physical
872 integrity or the physical integrity of someone else. For

873 purposes of this section, the term "first responder" shall
874 have the same meaning as first responder in section 190.1010.

875 2. All peace officers and first responders shall be
876 required to meet with a program service provider once every
877 three to five years for a mental health check-in, or a
878 department established behavioral health or mental health
879 program that meets the requirements of subsection 1 of this
880 section which shall satisfy this requirement. The program
881 service provider shall send a notification to the peace
882 officer's commanding officer, or first responder's
883 commanding officer, or first responder's director or
884 supervisor that he or she completed such check-in.

885 3. Any information disclosed by a peace officer or
886 first responder shall be privileged and shall not be used as
887 evidence in criminal, administrative, or civil proceedings
888 against the peace officer or first responder unless:

889 (1) A program representative reasonably believes the
890 disclosure is necessary to prevent harm to a person who
891 received services or to prevent harm to another person;

892 (2) The person who received the services provides
893 written consent to the disclosure; or

894 (3) The person receiving services discloses
895 information that is required to be reported under mandatory
896 reporting laws.

897 4. (1) There is hereby created in the state treasury
898 the "988 Public Safety Fund", which shall consist of moneys
899 appropriated by the general assembly. The state treasurer
900 shall be custodian of the fund. In accordance with sections
901 30.170 and 30.180, the state treasurer may approve
902 disbursements. The fund shall be a dedicated fund and
903 moneys in the fund shall be used solely by the department of
904 public safety for the purposes of providing services for
905 peace officers and first responders to assist in coping with

906 stress and potential psychological trauma resulting from a
907 response to a critical incident or emotionally difficult
908 event pursuant to subsection 1 of this section. Such
909 services may include consultation, risk assessment,
910 education, intervention, and other crisis intervention
911 services provided by the department to peace officers or
912 first responders affected by a critical incident. The
913 director of public safety may prescribe rules and
914 regulations necessary to carry out the provisions of this
915 section. Any rule or portion of a rule, as that term is
916 defined in section 536.010, that is created under the
917 authority delegated in this section shall become effective
918 only if it complies with and is subject to all of the
919 provisions of chapter 536 and, if applicable, section
920 536.028. This section and chapter 536 are nonseverable and
921 if any of the powers vested with the general assembly
922 pursuant to chapter 536 to review, to delay the effective
923 date, or to disapprove and annul a rule are subsequently
924 held unconstitutional, then the grant of rulemaking
925 authority and any rule proposed or adopted after August 28,
926 2021, shall be invalid and void.

927 (2) Notwithstanding the provisions of section 33.080
928 to the contrary, any moneys remaining in the fund at the end
929 of the biennium shall not revert to the credit of the
930 general revenue fund.

931 (3) The state treasurer shall invest moneys in the
932 fund in the same manner as other funds are invested. Any
933 interest and moneys earned on such investments shall be
934 credited to the fund.

935 632.305. 1. An application for detention for
936 evaluation and treatment at a mental health facility may be
937 executed by any adult person, who need not be an attorney or
938 represented by an attorney, on a form provided by the court

939 for such purpose, and shall allege under oath[, without a
940 notarization requirement,] that the applicant has reason to
941 believe that the respondent is suffering from a mental
942 disorder and presents a likelihood of serious harm to
943 himself or herself or to others. The application shall
944 specify the factual information on which such belief is
945 based and should contain the names and addresses of all
946 persons known to the applicant who have knowledge of such
947 facts through personal observation.

948 2. The filing of a written application in court by any
949 adult person, who need not be an attorney or represented by
950 an attorney, shall authorize the applicant to bring the
951 matter before the court on an ex parte basis to determine
952 whether the respondent should be taken into custody and
953 transported to a mental health facility. The application
954 may be filed in the court having probate jurisdiction in any
955 county where the respondent may be found. If the court
956 finds that there is probable cause, either upon testimony
957 under oath or upon a review of affidavits, declarations, or
958 other supporting documentation, to believe that the
959 respondent may be suffering from a mental disorder and
960 presents a likelihood of serious harm to himself or herself
961 or others, it shall direct a peace officer to take the
962 respondent into custody and transport him or her to a mental
963 health facility for detention for evaluation and treatment
964 for a period not to exceed ninety-six hours unless further
965 detention and treatment is authorized pursuant to this
966 chapter. Nothing herein shall be construed to prohibit the
967 court, in the exercise of its discretion, from giving the
968 respondent an opportunity to be heard.

969 3. A peace officer may take a person into custody for
970 detention for evaluation and treatment at a mental health
971 facility for a period not to exceed ninety-six hours only

972 when such peace officer has reasonable cause to believe that
973 such person is suffering from a mental disorder and that the
974 likelihood of serious harm by such person to himself or
975 herself or others is imminent unless such person is
976 immediately taken into custody. Upon arrival at the mental
977 health facility, the peace officer who conveyed such person
978 or caused him or her to be conveyed shall either present the
979 application for detention for evaluation and treatment upon
980 which the court has issued a finding of probable cause and
981 the respondent was taken into custody or complete an
982 application for initial detention for evaluation and
983 treatment for a period not to exceed ninety-six hours which
984 shall be based upon his or her own personal observations or
985 investigations and shall contain the information required in
986 subsection 1 of this section.

987 4. If a person presents himself or herself or is
988 presented by others to a mental health facility and a
989 licensed physician, a registered professional nurse or a
990 mental health professional designated by the head of the
991 facility and approved by the department for such purpose has
992 reasonable cause to believe that the person is mentally
993 disordered and presents an imminent likelihood of serious
994 harm to himself or herself or others unless he or she is
995 accepted for detention, the licensed physician, the mental
996 health professional or the registered professional nurse
997 designated by the facility and approved by the department
998 may complete an application for detention for evaluation and
999 treatment for a period not to exceed ninety-six hours. The
1000 application shall be based on his or her own personal
1001 observations or investigation and shall contain the
1002 information required in subsection 1 of this section.

1003 5. (1) No notarization shall be required for an
1004 application, or for any affidavits, declarations, or other

1005 documents supporting an application, completed or executed,
 1006 by:

1007 (a) A peace officer under subsection 3 of this section;

1008 (b) A licensed physician, mental health professional,
 1009 or registered professional nurse under subsection 4 of this
 1010 section; or

1011 (c) An employee acting on behalf of a hospital, as
 1012 defined in section 197.020, under subsections 1 and 2 of
 1013 this section.

1014 (2) The application and any affidavits, declarations,
 1015 or other documents supporting the application shall be
 1016 subject to the provisions of section 492.060 allowing for
 1017 declaration under penalty of perjury."; and

1018 Further amend said bill, page 227, section 632.520,
 1019 line 30, by inserting after all of said line the following:

1020 "632.580. The definitions set forth in section 632.005
 1021 shall apply to sections 632.580 to 632.610. In addition, as
 1022 used in sections 632.580 to 632.610, unless the context
 1023 clearly requires otherwise, the following terms mean:

1024 (1) "Assisted outpatient treatment", court-ordered
 1025 involuntary outpatient mental health care services that are
 1026 provided by a mental health program under a treatment plan
 1027 developed and monitored by a master's level mental health
 1028 professional. Such services may include, but are not
 1029 limited to:

1030 (a) Case management;

1031 (b) Medication management;

1032 (c) Therapy or counseling;

1033 (d) Substance use treatment, if applicable;

1034 (e) Crisis intervention services; and

1035 (f) Assistance with housing, employment, or other
 1036 community resources necessary for an individual's stability;

1037 (2) "Case manager", a mental health professional
 1038 employed by a certified community mental health center who
 1039 is assigned to a respondent to oversee the respondent's
 1040 compliance with the outpatient treatment plan ordered by the
 1041 court under sections 632.580 to 632.610;

1042 (3) "Community mental health center", the same meaning
 1043 given to the term in section 205.975;

1044 (4) "Comprehensive mental health services", the same
 1045 meaning given to the term in section 205.975;

1046 (5) "Local public health agency", a county health
 1047 center board established under chapter 205, a county health
 1048 department, a combined city and county health department or
 1049 agency, a multicounty health department or agency, or any
 1050 other county health authority;

1051 (6) "Petition", a petition for assisted outpatient
 1052 treatment filed under section 632.585 or for continued
 1053 assisted outpatient treatment filed under section 632.600;

1054 (7) "Respondent", a person who is alleged in a
 1055 petition to meet the criteria for assisted outpatient
 1056 treatment in section 632.590;

1057 (8) "Service area", the same meaning given to the term
 1058 in section 205.975.

1059 632.585. 1. A petition for an order authorizing
 1060 assisted outpatient treatment may be filed by:

1061 (1) The director, administrator, or treating physician
 1062 of a mental health program in which the respondent is
 1063 hospitalized;

1064 (2) The director, administrator, or treating physician
 1065 of an emergency receiving center in which the respondent is
 1066 receiving services;

1067 (3) A licensed physician, a registered professional
 1068 nurse designated by the community mental health center and
 1069 approved by the department of mental health, or a mental

1070 health professional from whom the respondent is receiving
1071 services;

1072 (4) The appointed guardian or limited guardian of a
1073 ward who is the respondent; or

1074 (5) The department of health and senior services, the
1075 department of mental health, or any local public health
1076 agency located within the probate jurisdiction in which the
1077 petition is filed.

1078 2. The petition may be filed in the court having
1079 probate jurisdiction in which the respondent is present or
1080 reasonably believed to be present or in the probate
1081 jurisdiction in which the respondent resides.

1082 3. The petition shall allege under oath, without a
1083 notarization requirement, that the petitioner has reason to
1084 believe that the respondent meets the criteria for assisted
1085 outpatient treatment in section 632.590. The petition shall
1086 specify factual information on which such belief is based
1087 and shall contain the names and addresses of all persons
1088 known to the petitioner who have knowledge of such facts
1089 through personal observation.

1090 4. No notarization shall be required for a petition or
1091 for any affidavits, declarations, or other documents
1092 supporting a petition. The petition and any affidavits,
1093 declarations, or other documents supporting the petition
1094 shall be subject to the provisions of section 492.060
1095 allowing for declaration under penalty of perjury.

1096 5. The prosecuting attorney of the county in which a
1097 hearing on a petition takes place shall represent the
1098 petitioner and file and prosecute in court all petitions.
1099 Such duty shall be fulfilled by the county counselor in
1100 counties having a county counselor and by the circuit
1101 attorney in any city not within a county.

1102 632.590. Following receipt of a petition and
1103 completion of the procedures required in section 632.593, a
1104 court may issue an order requiring a respondent to
1105 participate in assisted outpatient treatment if:

1106 (1) The respondent:

1107 (a) Is eighteen years of age or older;

1108 (b) Is suffering from a mental illness;

1109 (c) Will not obtain treatment in the community
1110 voluntarily; and

1111 (d) Is unable to make an informed decision to seek or
1112 to comply with voluntary treatment; and

1113 (2) Either:

1114 (a) Because of the respondent's fulfillment of the
1115 criteria of subdivision (1) of this section, the respondent
1116 requires treatment to prevent a deterioration in the
1117 respondent's mental illness that would be likely to result
1118 in serious harm to the respondent or others as described in
1119 section 632.305; or

1120 (b) The respondent has a history of a lack of
1121 compliance with treatment for the respondent's mental
1122 illness, and within the thirty-six months immediately
1123 preceding the date of the filing of the petition such lack
1124 of compliance has either:

1125 a. At least twice, been a significant factor in
1126 necessitating a civil detention period for treatment
1127 instituted under sections 632.120 or 632.305 or receipt of
1128 services in a forensic or other mental health unit of any
1129 state or local correctional facility, not including any
1130 period during which the respondent was hospitalized or
1131 incarcerated immediately preceding the date of the filing of
1132 the petition; or

1133 b. Resulted in one or more acts of violent behavior
1134 with the intention of causing serious physical injury toward

1135 self or others or threats of, or attempts of, serious
1136 physical harm to self or others, not including any period
1137 during which the respondent was hospitalized or incarcerated
1138 immediately preceding the date of the filing of the petition.

1139 632.593. 1. At the time of filing the petition, the
1140 court clerk shall set a date and time for the hearing, which
1141 shall take place within two judicial days of the filing of
1142 the petition. An attorney shall be appointed to represent
1143 the respondent as required under section 632.450 from the
1144 register of attorneys described in section 632.415. An
1145 attorney so appointed shall be entitled to attorney's fees
1146 to the same extent as allowed under section 632.415. The
1147 clerk shall promptly notify the respondent, the respondent's
1148 attorney, the petitioner, and the petitioner's attorney of
1149 the date and time for the hearing. The court shall not
1150 grant continuances except upon a showing of good and
1151 sufficient cause.

1152 2. The hearing shall be conducted in as informal a
1153 manner as may be consistent with orderly procedure and in a
1154 physical setting not likely to have a harmful effect on the
1155 respondent. The respondent shall have the following rights
1156 in addition to those specified elsewhere:

- 1157 (1) To be represented by an attorney;
1158 (2) To present evidence on his or her own behalf;
1159 (3) To cross-examine witnesses who testify against him
1160 or her;
1161 (4) To remain silent;
1162 (5) To view and copy all petitions and reports in the
1163 court file of his or her case;
1164 (6) To have the hearing open or closed to the public
1165 as he or she elects;
1166 (7) To be proceeded against according to the rules of
1167 evidence applicable to civil judicial proceedings; and

1168 (8) To have the hearing before a jury if requested by
1169 the respondent or his or her attorney.

1170 3. The respondent shall be present at the hearing
1171 unless the respondent's physical condition is such that he
1172 or she cannot be present in the courtroom or if the court
1173 determines that the respondent's conduct in the courtroom is
1174 so disruptive that the proceedings cannot reasonably
1175 continue.

1176 4. The burden of proof at the hearing shall be by
1177 clear and convincing evidence and shall be upon the
1178 petitioner.

1179 5. If the matter is tried before a jury, the jury
1180 shall determine and shall be instructed only upon the issue
1181 of whether the respondent meets the criteria for assisted
1182 outpatient treatment in section 632.590. The remaining
1183 procedures for the jury trial shall be as in other civil
1184 matters.

1185 6. The respondent shall not be required to file an
1186 answer or other responsive pleading.

1187 7. At the conclusion of the hearing, if the court or
1188 jury finds, based upon clear and convincing evidence, that
1189 the respondent meets the criteria for assisted outpatient
1190 treatment in section 632.590, and the court finds that a
1191 mental health program appropriate to handle the respondent's
1192 condition has agreed to accept the respondent, the court
1193 shall issue an order requiring the respondent to participate
1194 in assisted outpatient treatment with the mental health
1195 program for a period not to exceed two years.

1196 8. At the conclusion of the hearing, if the court or
1197 jury does not find by clear and convincing evidence that the
1198 respondent meets the criteria for assisted outpatient
1199 treatment in section 632.590, the court shall dismiss the
1200 petition.

1201 9. An order requiring the respondent to participate in
1202 assisted outpatient treatment based on satisfaction of the
1203 provisions of subparagraph a. of paragraph (b) of
1204 subdivision (2) of section 632.590 shall not be issued
1205 unless the court has considered, or the jury has been
1206 instructed to consider, at least the following factors:

1207 (1) The respondent's ability to access finances in
1208 order to obtain food or medicine;

1209 (2) The respondent's ability to obtain treatment for
1210 the respondent's medical condition;

1211 (3) The respondent's ability to access necessary
1212 resources in the community without assistance;

1213 (4) The degree to which there are risks to the
1214 respondent's safety;

1215 (5) The likelihood that the respondent will
1216 decompensate without immediate care or treatment;

1217 (6) The respondent's previous attempts to inflict
1218 physical injury on self or others;

1219 (7) The respondent's history of behavioral health
1220 treatment in the community;

1221 (8) The respondent's patterns of decompensation in the
1222 past;

1223 (9) The respondent's risk of being victimized or
1224 harmed by others; and

1225 (10) The respondent's access to the means to inflict
1226 harm on self or others.

1227 10. Nothing in this section shall prevent the court or
1228 jury from considering any other factor not described in this
1229 section.

1230 11. If requested by the respondent, the court shall
1231 appoint an available licensed physician or licensed
1232 psychologist to examine the respondent and testify at the
1233 respondent's request. If the respondent or the respondent's

1234 attorney so requests, the court shall not appoint a licensed
1235 physician or licensed psychologist who is an employee of any
1236 entity in which the respondent is hospitalized or receiving
1237 services or who is an employee of any entity that filed the
1238 petition. The appointment procedures in section 632.420
1239 shall apply to any appointment under this subsection.

1240 12. The physician-patient privilege recognized by
1241 section 491.060 and the psychologist-patient privilege
1242 recognized by section 337.055 shall be deemed waived in
1243 proceedings under sections 632.580 to 632.610. The fact
1244 that such privileges have been waived in accordance with
1245 this section shall not by itself waive the privileges in any
1246 other proceeding, civil or criminal. The waiver of the
1247 privileges shall extend only to that evidence that is
1248 directly material and relevant to the proceedings under
1249 sections 632.580 to 632.610.

1250 13. Appeals from court orders under this section may
1251 be made as described in section 632.430.

1252 14. Assisted outpatient treatment shall not be deemed
1253 outpatient detention for purposes of this chapter, and no
1254 provision of this chapter relating to the requirements for
1255 inpatient or outpatient detention proceedings shall apply to
1256 assisted outpatient treatment under sections 632.580 to
1257 632.610 unless such provision has been specifically
1258 incorporated into sections 632.580 to 632.610 by reference
1259 or otherwise.

1260 15. The provisions of section 632.440 shall apply to
1261 assisted outpatient treatment under sections 632.580 to
1262 632.610.

1263 632.595. 1. The court shall assign a case manager
1264 from a certified community behavioral health clinic to each
1265 respondent ordered to participate in assisted outpatient
1266 treatment.

1267 2. The case manager and the respondent shall report to
1268 the court at least once every ninety days. The court may,
1269 at its discretion, request more frequent appearances. The
1270 case manager shall immediately report to the court a
1271 substantial failure of the respondent or the mental health
1272 program providing the assisted outpatient treatment to
1273 comply with the conditions of the assisted outpatient
1274 treatment.

1275 632.600. 1. The court order for assisted outpatient
1276 treatment shall expire at the end of the period specified in
1277 the order unless a petition for an extension has been
1278 filed. If any person or entity authorized to file a
1279 petition under section 632.585 determines that a respondent
1280 requires further involuntary assisted outpatient treatment,
1281 the person or entity shall file a petition for continued
1282 assisted outpatient treatment before the expiration of the
1283 involuntary assisted outpatient treatment ordered by the
1284 court.

1285 2. The procedure for obtaining an extension shall be
1286 the same as for obtaining the original order, except that
1287 the thirty-six-month time period provided in paragraph (b)
1288 of subdivision (2) of section 632.590 shall not be
1289 applicable in determining the appropriateness of an
1290 extension.

1291 632.605. 1. During the period of an order for
1292 assisted outpatient treatment, if the mental health program
1293 or mental health professional who is providing the
1294 respondent's assisted outpatient treatment determines that
1295 the respondent is not complying with the court order, the
1296 mental health program or mental health professional shall
1297 notify the court immediately.

1298 2. If it comes to the attention of the court that a
1299 respondent subject to an order of assisted outpatient

1300 treatment is not complying with the order, the court may
1301 require one or more of the following, without a hearing:

1302 (1) That the respondent be taken for evaluation to a
1303 community mental health center providing comprehensive
1304 mental health services to individuals residing in the
1305 service area in which the respondent resides;

1306 (2) That the respondent be hospitalized in a
1307 psychiatric hospital for a period of not more than ten days;
1308 and

1309 (3) Upon recommendation by the community mental health
1310 center providing comprehensive mental health services to
1311 individuals residing in the service area in which the
1312 respondent resides, that the individual be hospitalized for
1313 a period of more than ten days, but not longer than the
1314 duration of the order for assisted outpatient treatment, or
1315 not longer than ninety days, whichever is less.

1316 3. The court may direct peace officers to transport
1317 the respondent to a designated facility or a community
1318 mental health center, as applicable, and the court may
1319 specify conditions under which the respondent may return to
1320 assisted outpatient treatment before the order expires.
1321 Reimbursement for transportation costs shall be allowed as
1322 provided under section 632.312.

1323 4. A respondent hospitalized without a hearing as
1324 provided in subsection 2 of this section may object to the
1325 hospitalization. Upon transfer of the respondent to the
1326 hospital, the hospital shall notify the respondent of his or
1327 her right to object under this section. Upon receipt of an
1328 objection to the hospitalization, the court shall schedule a
1329 hearing for a determination that the individual requires
1330 hospitalization. The respondent shall have all rights
1331 specified in section 632.593 at the hearing. The court
1332 shall order the respondent discharged from hospitalization

1333 unless the court or jury finds, based upon clear and
1334 convincing evidence, that the respondent requires
1335 hospitalization as a result of the respondent's failure to
1336 comply with the order for assisted outpatient treatment.

1337 632.610. Beginning December 1, 2028, the office of
1338 state courts administrator shall submit an annual report to
1339 the general assembly summarizing:

1340 (1) The number of individuals subject to orders for
1341 assisted outpatient treatment;

1342 (2) Statistics on compliance and noncompliance rates
1343 with assisted outpatient treatment; and

1344 (3) Any impact that assisted outpatient treatment has
1345 on hospitalization and incarceration rates."; and

1346 Further amend the title and enacting clause accordingly.