

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 600, Page 1, Section A, Line 6,

2 by inserting after all of said line the following:

3 "455.050. 1. Any full or ex parte order of protection  
4 granted pursuant to sections 455.010 to 455.085 shall be to  
5 protect the petitioner from domestic violence, stalking, or  
6 sexual assault and may include such terms as the court reasonably  
7 deems necessary to ensure the petitioner's safety, including but  
8 not limited to:

9 (1) Temporarily enjoining the respondent from committing or  
10 threatening to commit domestic violence, molesting, stalking,  
11 sexual assault, or disturbing the peace of the petitioner;

12 (2) Temporarily enjoining the respondent from entering the  
13 premises of the dwelling unit of the petitioner when the dwelling  
14 unit is:

15 (a) Jointly owned, leased or rented or jointly occupied by  
16 both parties; or

17 (b) Owned, leased, rented or occupied by petitioner  
18 individually; or

19 (c) Jointly owned, leased, rented or occupied by petitioner  
20 and a person other than respondent; provided, however, no spouse  
21 shall be denied relief pursuant to this section by reason of the

1 absence of a property interest in the dwelling unit; or

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

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

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

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

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

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

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

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

23 (5) Order respondent to make or to continue to make rent or  
24 mortgage payments on a residence occupied by the petitioner if  
25 the respondent is found to have a duty to support the petitioner  
26 or other dependent household members;

27 (6) Order the respondent to pay the petitioner's rent at a  
28 residence other than the one previously shared by the parties if  
29 the respondent is found to have a duty to support the petitioner

1 and the petitioner requests alternative housing;

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

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

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

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

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

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

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

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

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

28 (3) Forward the order to the state highway patrol so that  
29 the state highway patrol can update the respondent's record in

1 the National Instant Criminal Background Check system (NICS).  
2 Upon receiving an order under this subsection, the state highway  
3 patrol shall notify the Federal Bureau of Investigation within  
4 twenty-four hours.

5 5. A verified petition seeking orders for maintenance,  
6 support, custody, visitation, payment of rent, payment of  
7 monetary compensation, possession of personal property,  
8 prohibiting the transfer, encumbrance, or disposal of property,  
9 or payment for services of a shelter for victims of domestic  
10 violence, shall contain allegations relating to those orders and  
11 shall pray for the orders desired.

12 [5.] 6. In making an award of custody, the court shall  
13 consider all relevant factors including the presumption that the  
14 best interests of the child will be served by placing the child  
15 in the custody and care of the nonabusive parent, unless there is  
16 evidence that both parents have engaged in abusive behavior, in  
17 which case the court shall not consider this presumption but may  
18 appoint a guardian ad litem or a court-appointed special advocate  
19 to represent the children in accordance with chapter 452 and  
20 shall consider all other factors in accordance with chapter 452.

21 [6.] 7. The court shall grant to the noncustodial parent  
22 rights to visitation with any minor child born to or adopted by  
23 the parties, unless the court finds, after hearing, that  
24 visitation would endanger the child's physical health, impair the  
25 child's emotional development or would otherwise conflict with  
26 the best interests of the child, or that no visitation can be  
27 arranged which would sufficiently protect the custodial parent  
28 from further domestic violence. The court may appoint a guardian  
29 ad litem or court-appointed special advocate to represent the

1 minor child in accordance with chapter 452 whenever the custodial  
2 parent alleges that visitation with the noncustodial parent will  
3 damage the minor child.

4 [7.] 8. The court shall make an order requiring the  
5 noncustodial party to pay an amount reasonable and necessary for  
6 the support of any child to whom the party owes a duty of support  
7 when no prior order of support is outstanding and after all  
8 relevant factors have been considered, in accordance with  
9 Missouri supreme court rule 88.01 and chapter 452.

10 [8.] 9. The court may grant a maintenance order to a party  
11 for a period of time, not to exceed one hundred eighty days. Any  
12 maintenance ordered by the court shall be in accordance with  
13 chapter 452.

14 [9.] 10. (1) The court may, in order to ensure that a  
15 petitioner can maintain an existing wireless telephone number or  
16 numbers, issue an order, after notice and an opportunity to be  
17 heard, directing a wireless service provider to transfer the  
18 billing responsibility for and rights to the wireless telephone  
19 number or numbers to the petitioner, if the petitioner is not the  
20 wireless service accountholder.

21 (2) (a) The order transferring billing responsibility for  
22 and rights to the wireless telephone number or numbers to the  
23 petitioner shall list the name and billing telephone number of  
24 the accountholder, the name and contact information of the person  
25 to whom the telephone number or numbers will be transferred, and  
26 each telephone number to be transferred to that person. The  
27 court shall ensure that the contact information of the petitioner  
28 is not provided to the accountholder in proceedings held under  
29 this chapter.

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

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

13           a. The accountholder has already terminated the account;

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

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

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

25           (b) This section shall not preclude a wireless service  
26 provider from applying any routine and customary requirements for  
27 account establishment to the petitioner as part of this transfer  
28 of billing responsibility for a wireless telephone number or  
29 numbers and any devices attached to that number or numbers

1 including, but not limited to, identification, financial  
2 information, and customer preferences.

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

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

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

16 455.523. 1. Any full order of protection granted under  
17 sections 455.500 to 455.538 shall be to protect the victim from  
18 domestic violence, stalking, and sexual assault may include such  
19 terms as the court reasonably deems necessary to ensure the  
20 petitioner's safety, including but not limited to:

21 (1) Temporarily enjoining the respondent from committing  
22 domestic violence or sexual assault, threatening to commit  
23 domestic violence or sexual assault, stalking, molesting, or  
24 disturbing the peace of the victim;

25 (2) Temporarily enjoining the respondent from entering the  
26 family home of the victim, except as specifically authorized by  
27 the court;

28 (3) Temporarily enjoining the respondent from communicating  
29 with the victim in any manner or through any medium, except as

1 specifically authorized by the court.

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

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

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

8 (3) Forward the order to the state highway patrol so that  
9 the state highway patrol can update the respondent's record in  
10 the National Instant Criminal Background Check system (NICS).

11 Upon receiving an order under this subsection, the state highway  
12 patrol shall notify the Federal Bureau of Investigation within  
13 twenty-four hours.

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

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

20 (2) Award visitation;

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

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

25 (5) Order respondent to make or to continue to make rent or  
26 mortgage payments on a residence occupied by the victim if the  
27 respondent is found to have a duty to support the victim or other  
28 dependent household members;

29 (6) Order the respondent to participate in a court-approved



1 counseling program designed to help stop violent behavior or to  
2 treat substance abuse;

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

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

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

17 Further amend said bill, page 17, section 562.014, line 10,  
18 by inserting after all of said line the following:

19 "565.076. 1. A person commits the offense of domestic  
20 assault in the fourth degree if the act involves a domestic  
21 victim, as the term "domestic victim" is defined under section  
22 565.002, and:

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

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

29 (3) The person purposely places such domestic victim in

1 apprehension of immediate physical injury by any means;

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

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

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

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

24 3. Upon a conviction for the offense of domestic assault in  
25 the fourth degree, the court shall forward the record of  
26 conviction to the state highway patrol so that the state highway  
27 patrol can update the respondent's record in the National Instant  
28 Criminal Background Check system (NICS). Upon receiving a record  
29 under this subsection, the state highway patrol shall notify the

1 Federal Bureau of Investigation within twenty-four hours.

2 565.227. 1. A person commits the offense of stalking in  
3 the second degree if he or she purposely, through his or her  
4 course of conduct, disturbs, or follows with the intent to  
5 disturb another person.

6 2. This section shall not apply to activities of federal,  
7 state, county, or municipal law enforcement officers conducting  
8 investigations of any violation of federal, state, county, or  
9 municipal law.

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

13 4. The offense of stalking in the second degree is a class  
14 A misdemeanor, unless the defendant has previously been found  
15 guilty of a violation of this section or section 565.225, or of  
16 any offense committed in another jurisdiction which, if committed  
17 in this state, would be chargeable or indictable as a violation  
18 of any offense listed in this section or section 565.225, or  
19 unless the victim is intentionally targeted as a law enforcement  
20 officer, as defined in section 556.061, or the victim is targeted  
21 because he or she is a relative within the second degree of  
22 consanguinity or affinity to a law enforcement officer, in which  
23 case stalking in the second degree is a class E felony.

24 5. Upon a conviction for the offense of stalking in the  
25 second degree, the court shall forward the record of conviction  
26 to the state highway patrol so that the state highway patrol can  
27 update the respondent's record in the National Instant Criminal  
28 Background Check system (NICS). Upon receiving a record under  
29 this subsection, the state highway patrol shall notify the

1 Federal Bureau of Investigation within twenty-four hours." and

2 Further amend said bill, page 20, section 571.070, line 5,  
3 by inserting immediately after "incompetent" the following: ";

4 (3) Such person has been convicted of a misdemeanor offense  
5 of domestic violence under the laws of this state, or of a crime  
6 under the laws of any state or of the United States that, if  
7 committed in this state, would be a misdemeanor offense of  
8 domestic violence; or

9 (4) Such person is subject to an order of protection  
10 granted under sections 455.010 to 455.095 or sections 455.500 to  
11 455.538 that was issued after a hearing of which the person had  
12 actual notice and at which the person had an opportunity to  
13 participate or subject to an equivalent order issued under the  
14 laws of another state or the United States"; and further amend  
15 line 11, by inserting after all of said line the following:

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

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

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

20 (a) Domestic assault in the fourth degree under section  
21 565.076;

22 (b) Stalking in the second degree under section 565.227; or

23 (c) Any misdemeanor offense committed by a family or  
24 household member of the victim that involves the use or attempted  
25 use of physical force or the threatened use of a deadly weapon.";

26 and

27 Further amend the title and enacting clause accordingly.