

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/HCS/House Bill Nos. 85 & 310, Page 1, Section TITLE, Lines 3-5,

2 by striking "the sole purpose of adding additional
 3 protections to the right to bear arms" and inserting in lieu
 4 thereof the following: "firearms"; and

5 Further amend said bill, page 9, Section 1.485, line 7,
 6 by inserting after all of said line the following:

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

13 (1) Temporarily enjoining the respondent from
 14 committing or threatening to commit domestic violence,
 15 molesting, stalking, sexual assault, or disturbing the peace
 16 of the petitioner;

17 (2) Temporarily enjoining the respondent from entering
 18 the premises of the dwelling unit of the petitioner when the
 19 dwelling unit is:

20 (a) Jointly owned, leased or rented or jointly
 21 occupied by both parties; or

22 (b) Owned, leased, rented or occupied by petitioner
 23 individually; or

24 (c) Jointly owned, leased, rented or occupied by
 25 petitioner and a person other than respondent; provided,
 26 however, no spouse shall be denied relief pursuant to this

27 section by reason of the absence of a property interest in
28 the dwelling unit; or

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

32 (3) Temporarily enjoining the respondent from
33 communicating with the petitioner in any manner or through
34 any medium.

35 2. Mutual orders of protection are prohibited unless
36 both parties have properly filed written petitions and
37 proper service has been made in accordance with sections
38 455.010 to 455.085.

39 3. When the court has, after a hearing for any full
40 order of protection, issued an order of protection, it may,
41 in addition:

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

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

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

51 (4) Award maintenance to petitioner when petitioner
52 and respondent are lawfully married in accordance with
53 chapter 452;

54 (5) Order respondent to make or to continue to make
55 rent or mortgage payments on a residence occupied by the
56 petitioner if the respondent is found to have a duty to
57 support the petitioner or other dependent household members;

58 (6) Order the respondent to pay the petitioner's rent
59 at a residence other than the one previously shared by the

60 parties if the respondent is found to have a duty to support
61 the petitioner and the petitioner requests alternative
62 housing;

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

66 (8) Prohibit the respondent from transferring,
67 encumbering, or otherwise disposing of specified property
68 mutually owned or leased by the parties;

69 (9) Order the respondent to participate in a court-
70 approved counseling program designed to help batterers stop
71 violent behavior or to participate in a substance abuse
72 treatment program;

73 (10) Order the respondent to pay a reasonable fee for
74 housing and other services that have been provided or that
75 are being provided to the petitioner by a shelter for
76 victims of domestic violence;

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

78 (12) Order the respondent to pay the cost of medical
79 treatment and services that have been provided or that are
80 being provided to the petitioner as a result of injuries
81 sustained to the petitioner by an act of domestic violence
82 committed by the respondent.

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

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

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

90 (3) Forward the order to the state highway patrol so
91 that the state highway patrol can update the respondent's
92 record in the National Instant Criminal Background Check

93 System (NICS). Upon receiving an order under this
94 subsection, the state highway patrol shall notify the
95 Federal Bureau of Investigation within twenty-four hours.

96 5. A verified petition seeking orders for maintenance,
97 support, custody, visitation, payment of rent, payment of
98 monetary compensation, possession of personal property,
99 prohibiting the transfer, encumbrance, or disposal of
100 property, or payment for services of a shelter for victims
101 of domestic violence, shall contain allegations relating to
102 those orders and shall pray for the orders desired.

103 ~~[5.]~~ 6. In making an award of custody, the court shall
104 consider all relevant factors including the presumption that
105 the best interests of the child will be served by placing
106 the child in the custody and care of the nonabusive parent,
107 unless there is evidence that both parents have engaged in
108 abusive behavior, in which case the court shall not consider
109 this presumption but may appoint a guardian ad litem or a
110 court-appointed special advocate to represent the children
111 in accordance with chapter 452 and shall consider all other
112 factors in accordance with chapter 452.

113 ~~[6.]~~ 7. The court shall grant to the noncustodial
114 parent rights to visitation with any minor child born to or
115 adopted by the parties, unless the court finds, after
116 hearing, that visitation would endanger the child's physical
117 health, impair the child's emotional development or would
118 otherwise conflict with the best interests of the child, or
119 that no visitation can be arranged which would sufficiently
120 protect the custodial parent from further domestic
121 violence. The court may appoint a guardian ad litem or
122 court-appointed special advocate to represent the minor
123 child in accordance with chapter 452 whenever the custodial
124 parent alleges that visitation with the noncustodial parent
125 will damage the minor child.

126 [7.] 8. The court shall make an order requiring the
127 noncustodial party to pay an amount reasonable and necessary
128 for the support of any child to whom the party owes a duty
129 of support when no prior order of support is outstanding and
130 after all relevant factors have been considered, in
131 accordance with Missouri supreme court rule 88.01 and
132 chapter 452.

133 [8.] 9. The court may grant a maintenance order to a
134 party for a period of time, not to exceed one hundred eighty
135 days. Any maintenance ordered by the court shall be in
136 accordance with chapter 452.

137 [9.] 10. (1) The court may, in order to ensure that a
138 petitioner can maintain an existing wireless telephone
139 number or numbers, issue an order, after notice and an
140 opportunity to be heard, directing a wireless service
141 provider to transfer the billing responsibility for and
142 rights to the wireless telephone number or numbers to the
143 petitioner, if the petitioner is not the wireless service
144 accountholder.

145 (2) (a) The order transferring billing responsibility
146 for and rights to the wireless telephone number or numbers
147 to the petitioner shall list the name and billing telephone
148 number of the accountholder, the name and contact
149 information of the person to whom the telephone number or
150 numbers will be transferred, and each telephone number to be
151 transferred to that person. The court shall ensure that the
152 contact information of the petitioner is not provided to the
153 accountholder in proceedings held under this chapter.

154 (b) Upon issuance, a copy of the full order of
155 protection shall be transmitted, either electronically or by
156 certified mail, to the wireless service provider's
157 registered agent listed with the secretary of state, or
158 electronically to the email address provided by the wireless

159 service provider. Such transmittal shall constitute
160 adequate notice for the wireless service provider acting
161 under this section and section 455.523.

162 (c) If the wireless service provider cannot
163 operationally or technically effectuate the order due to
164 certain circumstances, the wireless service provider shall
165 notify the petitioner within three business days. Such
166 circumstances shall include, but not be limited to, the
167 following:

168 a. The accountholder has already terminated the
169 account;

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

172 c. There are geographic or other limitations on
173 network or service availability.

174 (3) (a) Upon transfer of billing responsibility for
175 and rights to a wireless telephone number or numbers to the
176 petitioner under this subsection by a wireless service
177 provider, the petitioner shall assume all financial
178 responsibility for the transferred wireless telephone number
179 or numbers, monthly service costs, and costs for any mobile
180 device associated with the wireless telephone number or
181 numbers.

182 (b) This section shall not preclude a wireless service
183 provider from applying any routine and customary
184 requirements for account establishment to the petitioner as
185 part of this transfer of billing responsibility for a
186 wireless telephone number or numbers and any devices
187 attached to that number or numbers including, but not
188 limited to, identification, financial information, and
189 customer preferences.

190 (4) This section shall not affect the ability of the
191 court to apportion the assets and debts of the parties as

192 provided for in law, or the ability to determine the
193 temporary use, possession, and control of personal property.

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

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

203 455.523. 1. Any full order of protection granted
204 under sections 455.500 to 455.538 shall be to protect the
205 victim from domestic violence, stalking, and sexual assault
206 may include such terms as the court reasonably deems
207 necessary to ensure the petitioner's safety, including but
208 not limited to:

209 (1) Temporarily enjoining the respondent from
210 committing domestic violence or sexual assault, threatening
211 to commit domestic violence or sexual assault, stalking,
212 molesting, or disturbing the peace of the victim;

213 (2) Temporarily enjoining the respondent from entering
214 the family home of the victim, except as specifically
215 authorized by the court;

216 (3) Temporarily enjoining the respondent from
217 communicating with the victim in any manner or through any
218 medium, except as specifically authorized by the court.

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

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

224 (2) Inform the respondent of such prohibition in
225 writing and, if the respondent is present, orally; and
226 (3) Forward the order to the state highway patrol so
227 that the state highway patrol can update the respondent's
228 record in the National Instant Criminal Background Check
229 System (NICS). Upon receiving an order under this
230 subsection, the state highway patrol shall notify the
231 Federal Bureau of Investigation within twenty-four hours.

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

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

240 (2) Award visitation;

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

243 (4) Award maintenance to petitioner when petitioner
244 and respondent are lawfully married in accordance with
245 chapter 452;

246 (5) Order respondent to make or to continue to make
247 rent or mortgage payments on a residence occupied by the
248 victim if the respondent is found to have a duty to support
249 the victim or other dependent household members;

250 (6) Order the respondent to participate in a court-
251 approved counseling program designed to help stop violent
252 behavior or to treat substance abuse;

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

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

260 (9) Order a wireless service provider, in accordance
261 with the process, provisions, and requirements set out in
262 subdivisions (1) to (6) of subsection ~~[9]~~ 10 of section
263 455.050, to transfer the billing responsibility for and
264 rights to the wireless telephone number or numbers of any
265 minor children in the petitioner's care to the petitioner,
266 if the petitioner is not the wireless service accountholder.

267 565.076. 1. A person commits the offense of domestic
268 assault in the fourth degree if the act involves a domestic
269 victim, as the term "domestic victim" is defined under
270 section 565.002, and:

271 (1) The person attempts to cause or recklessly causes
272 physical injury, physical pain, or illness to such domestic
273 victim;

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

277 (3) The person purposely places such domestic victim
278 in apprehension of immediate physical injury by any means;

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

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

285 (6) The person knowingly attempts to cause or causes
286 the isolation of such domestic victim by unreasonably and
287 substantially restricting or limiting his or her access to

288 other persons, telecommunication devices or transportation
289 for the purpose of isolation.

290 2. The offense of domestic assault in the fourth
291 degree is a class A misdemeanor, unless the person has
292 previously been found guilty of the offense of domestic
293 assault, of any assault offense under this chapter, or of
294 any offense against a domestic victim committed in violation
295 of any county or municipal ordinance in any state, any state
296 law, any federal law, or any military law which if committed
297 in this state two or more times would be a violation of this
298 section, in which case it is a class E felony. The offenses
299 described in this subsection may be against the same
300 domestic victim or against different domestic victims.

301 3. Upon a conviction for the offense of domestic
302 assault in the fourth degree, the court shall forward the
303 record of conviction to the Missouri state highway patrol so
304 that the Missouri state highway patrol can update the
305 offender's record in the National Instant Criminal
306 Background Check System (NICS). Upon receiving a record
307 under this subsection, the Missouri state highway patrol
308 shall notify the Federal Bureau of Investigation within
309 twenty-four hours.

310 571.070. 1. A person commits the offense of unlawful
311 possession of a firearm if such person knowingly has any
312 firearm in his or her possession and:

313 (1) Such person has been convicted of a felony under
314 the laws of this state, or of a crime under the laws of any
315 state or of the United States which, if committed within
316 this state, would be a felony; [or]

317 (2) Such person is a fugitive from justice, is
318 habitually in an intoxicated or drugged condition, or is
319 currently adjudged mentally incompetent; or

320 (3) Such person has been convicted of a misdemeanor
321 offense of domestic violence under the laws of this state,
322 or of a crime under the laws of any state or of the United
323 States that if committed in this state would be a
324 misdemeanor offense of domestic violence.

325 2. Unlawful possession of a firearm is a class D
326 felony, unless a person has been convicted of a dangerous
327 felony as defined in section 556.061, in which case it is a
328 class C felony.

329 3. The provisions of subdivision (1) of subsection 1
330 of this section shall not apply to the possession of an
331 antique firearm.

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

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

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

336 (a) Domestic assault in the fourth degree under
337 section 565.076; or

338 (b) Any misdemeanor offense committed by a family or
339 household member of the victim that involves the use or
340 attempted use of a physical force or the threatened use of a
341 deadly weapon."; and

342 Further amend the title and enacting clause accordingly.