

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 72

AN ACT

To repeal sections 193.265, 217.785, 347.143, 435.014, 455.010, 455.035, 455.513, 475.010, 475.040, 475.045, 475.050, 475.275, 476.055, 485.060, 487.110, 488.426, 488.2300, 491.075, 492.304, 494.455, 509.520, 537.528, 552.020, 552.030, 552.040, 552.080, 558.031, 559.125, 565.240, 566.151, 567.030, 595.045, 595.209, and 600.042, RSMo, and to enact in lieu thereof eighty-two new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 193.265, 217.785, 347.143, 435.014,  
2 455.010, 455.035, 455.513, 475.010, 475.040, 475.045, 475.050,  
3 475.275, 476.055, 485.060, 487.110, 488.426, 488.2300, 491.075,  
4 492.304, 494.455, 509.520, 537.528, 552.020, 552.030, 552.040,  
5 552.080, 558.031, 559.125, 565.240, 566.151, 567.030, 595.045,  
6 595.209, and 600.042, RSMo, are repealed and eighty-two new  
7 sections enacted in lieu thereof, to be known as sections  
8 193.265, 347.143, 431.204, 435.300, 435.303, 435.306, 435.309,  
9 435.312, 436.550, 436.552, 436.554, 436.556, 436.558, 436.560,  
10 436.562, 436.564, 436.566, 436.568, 436.570, 436.572, 455.010,  
11 455.035, 455.513, 474.540, 474.542, 474.544, 474.546, 474.548,  
12 474.550, 474.552, 474.554, 474.556, 474.558, 474.560, 474.562,

13 474.564, 474.600, 475.010, 475.040, 475.045, 475.050, 475.063,  
14 475.275, 476.055, 476.1300, 476.1302, 476.1304, 476.1306,  
15 476.1308, 476.1310, 476.1313, 485.060, 487.110, 488.426,  
16 488.2300, 491.075, 492.304, 494.455, 509.520, 510.500, 510.503,  
17 510.506, 510.509, 510.512, 510.515, 510.518, 510.521, 537.529,  
18 544.453, 547.500, 552.020, 552.030, 552.040, 552.080, 558.031,  
19 559.125, 565.240, 566.151, 567.030, 595.045, 595.209, and  
20 600.042, to read as follows:

193.265. 1. For the issuance of a certification or  
2 copy of a death record, the applicant shall pay a fee of  
3 fourteen dollars for the first certification or copy and a  
4 fee of eleven dollars for each additional copy ordered at  
5 that time. For the issuance of a certification or copy of a  
6 birth, marriage, divorce, or fetal death record, the  
7 applicant shall pay a fee of fifteen dollars. No fee shall  
8 be required or collected for a certification of birth,  
9 death, or marriage if the request for certification is made  
10 by the children's division, the division of youth services,  
11 a guardian ad litem, or a juvenile officer on behalf of a  
12 child or person under twenty-one years of age who has come  
13 under the jurisdiction of the juvenile court under section  
14 211.031. All fees collected under this subsection shall be  
15 deposited to the state department of revenue. Beginning  
16 August 28, 2004, for each vital records fee collected, the  
17 director of revenue shall credit four dollars to the general  
18 revenue fund, five dollars to the children's trust fund, one  
19 dollar shall be credited to the endowed care cemetery audit  
20 fund, one dollar for each certification or copy of death  
21 records to the Missouri state coroners' training fund  
22 established in section 58.208, and three dollars for the  
23 first copy of death records and five dollars for birth,  
24 marriage, divorce, and fetal death records shall be credited  
25 to the Missouri public health services fund established in

26 section 192.900. Money in the endowed care cemetery audit  
27 fund shall be available by appropriation to the division of  
28 professional registration to pay its expenses in  
29 administering sections 214.270 to 214.410. All interest  
30 earned on money deposited in the endowed care cemetery audit  
31 fund shall be credited to the endowed care cemetery fund.  
32 Notwithstanding the provisions of section 33.080 to the  
33 contrary, money placed in the endowed care cemetery audit  
34 fund shall not be transferred and placed to the credit of  
35 general revenue until the amount in the fund at the end of  
36 the biennium exceeds three times the amount of the  
37 appropriation from the endowed care cemetery audit fund for  
38 the preceding fiscal year. The money deposited in the  
39 public health services fund under this section shall be  
40 deposited in a separate account in the fund, and moneys in  
41 such account, upon appropriation, shall be used to automate  
42 and improve the state vital records system, and develop and  
43 maintain an electronic birth and death registration system.  
44 For any search of the files and records, when no record is  
45 found, the state shall be entitled to a fee equal to the  
46 amount for a certification of a vital record for a five-year  
47 search to be paid by the applicant. For the processing of  
48 each legitimation, adoption, court order or recording after  
49 the registrant's twelfth birthday, the state shall be  
50 entitled to a fee equal to the amount for a certification of  
51 a vital record. Except whenever a certified copy or copies  
52 of a vital record is required to perfect any claim of any  
53 person on relief, or any dependent of any person who was on  
54 relief for any claim upon the government of the state or  
55 United States, the state registrar shall, upon request,  
56 furnish a certified copy or so many certified copies as are  
57 necessary, without any fee or compensation therefor.

58           2. For the issuance of a certification of a death  
59 record by the local registrar, the applicant shall pay a fee  
60 of fourteen dollars for the first certification or copy and  
61 a fee of eleven dollars for each additional copy ordered at  
62 that time. For each fee collected under this subsection,  
63 one dollar shall be deposited to the state department of  
64 revenue and the remainder shall be deposited to the official  
65 city or county health agency. The director of revenue shall  
66 credit all fees deposited to the state department of revenue  
67 under this subsection to the Missouri state coroners'  
68 training fund established in section 58.208.

69           3. For the issuance of a certification or copy of a  
70 birth, marriage, divorce, or fetal death record, the  
71 applicant shall pay a fee of fifteen dollars; except that,  
72 in any county with a charter form of government and with  
73 more than six hundred thousand but fewer than seven hundred  
74 thousand inhabitants, a donation of one dollar may be  
75 collected by the local registrar over and above any fees  
76 required by law when a certification or copy of any marriage  
77 license or birth certificate is provided, with such  
78 donations collected to be forwarded monthly by the local  
79 registrar to the county treasurer of such county and the  
80 donations so forwarded to be deposited by the county  
81 treasurer into the housing resource commission fund to  
82 assist homeless families and provide financial assistance to  
83 organizations addressing homelessness in such county. The  
84 local registrar shall include a check-off box on the  
85 application form for such copies. All fees collected under  
86 this subsection, other than the donations collected in any  
87 county with a charter form of government and with more than  
88 six hundred thousand but fewer than seven hundred thousand  
89 inhabitants for marriage licenses and birth certificates,

90 shall be deposited to the official city or county health  
91 agency.

92 4. A certified copy of a death record by the local  
93 registrar can only be issued within twenty-four hours of  
94 receipt of the record by the local registrar. Computer-  
95 generated certifications of death records may be issued by  
96 the local registrar after twenty-four hours of receipt of  
97 the records. The fees paid to the official county health  
98 agency shall be retained by the local agency for local  
99 public health purposes.

100 5. No fee under this section shall be required or  
101 collected from a parent or guardian of a homeless child or  
102 homeless youth, as defined in subsection 1 of section  
103 167.020, or an unaccompanied youth, as defined in 42 U.S.C.  
104 Section 11434a(6), for the issuance of a certification, or  
105 copy of such certification, of birth of such child or  
106 youth. An unaccompanied youth shall be eligible to receive  
107 a certification or copy of his or her own birth record  
108 without the consent or signature of his or her parent or  
109 guardian; provided, that only one certificate under this  
110 provision shall be provided without cost to the  
111 unaccompanied or homeless youth. For the issuance of any  
112 additional certificates, the statutory fee shall be paid.

113 6. No fee shall be required or collected for a  
114 certification of birth, death, or marriage if the request  
115 for certification is made by a prosecuting attorney, a  
116 circuit attorney, or the attorney general.

347.143. 1. A limited liability company may be  
2 dissolved involuntarily by a decree of the circuit court for  
3 the county in which the registered office of the limited  
4 liability company is situated in an action filed by the  
5 attorney general when it is established that the limited  
6 liability company:

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

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

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

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

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

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

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

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

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

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

431.204. 1. A reasonable covenant in writing  
2 promising not to solicit, recruit, hire, induce, persuade,  
3 encourage, or otherwise interfere with, directly or  
4 indirectly, the employment of one or more employees or  
5 owners of a business entity shall be presumed to be  
6 enforceable and not a restraint of trade pursuant to  
7 subsection 1 of section 416.031 if it is between a business

8 entity and the owner of the business entity and does not  
9 continue for more than two years following the end of the  
10 owner's business relationship with the business entity.

11 2. A reasonable covenant in writing promising not to  
12 solicit, induce, direct, or otherwise interfere with,  
13 directly or indirectly, a business entity's customers,  
14 including any reduction, termination, or transfer of any  
15 customer's business, in whole or in part, for the purposes  
16 of providing any product or any service that is competitive  
17 with those provided by the business entity shall be presumed  
18 to be enforceable and not a restraint of trade pursuant to  
19 subsection 1 of section 416.031 if the covenant is limited  
20 to customers with whom the owner dealt and if the covenant  
21 is between a business entity and an owner, so long as the  
22 covenant does not continue for more than five years  
23 following the end of the owner's business relationship with  
24 the business entity.

25 3. A provision in writing by which an owner promises  
26 to provide prior notice of the owner's intent to terminate,  
27 sell, or otherwise dispose of such owner's ownership  
28 interest in the business entity shall be presumed to be  
29 enforceable and not a restraint of trade pursuant to  
30 subsection 1 of section 416.031.

31 4. If a covenant is overbroad, overlong, or otherwise  
32 not reasonably necessary to protect the protectable business  
33 interests of the business entity seeking enforcement of the  
34 covenant, a court shall modify the covenant, enforce the  
35 covenant as modified, and grant only the relief reasonably  
36 necessary to protect such interests.

37 5. Nothing in this section is intended to create or to  
38 affect the validity or enforceability of covenants not to  
39 compete, other types of covenants, or nondisclosure or

40 confidentiality agreements, except as expressly provided in  
41 this section.

42 6. Except as provided in subsection 3 of this section,  
43 nothing in this section shall be construed to limit an  
44 owner's ability to seek or accept employment with another  
45 business entity immediately upon, or at any time subsequent  
46 to, termination of the owner's business relationship with  
47 the business entity, whether such termination was voluntary  
48 or nonvoluntary.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

63           (14) "Proceeding", a judicial, administrative,  
64 arbitral, or other adjudicative process, including related  
65 prehearing and posthearing motions, conferences, hearings,  
66 and discovery;

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

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

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

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

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

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

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

15           (2) Notify the court that all of the parties have  
16 agreed to delay such process until a date certain, which  
17 date may be subsequently modified by the court, to allow for  
18 the exchange of specified information, the identification of  
19 representatives with authority, or another identified action  
20 or event related to the ability of the parties to  
21 participate effectively in that process; or

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

39           3. In an action referred to a nonbinding alternative  
40 dispute resolution process, discovery may proceed as in any  
41 other action before, during, and after the nonbinding  
42 alternative dispute resolution process is held. The court

43 may stay discovery in whole or in part during the pendency  
44 of an alternative dispute resolution process in order to  
45 promote savings in time and expense without sacrificing the  
46 quality of justice.

47 4. A neutral who is appointed by the court or  
48 requested by the parties to serve in a nonbinding  
49 alternative dispute resolution process under sections  
50 435.300 to 435.312 shall avoid any conflict of interest. If  
51 the neutral believes that no disqualifying conflict exists,  
52 the neutral shall:

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

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

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

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

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

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

75           6. Any party who believes a court-appointed neutral  
76 has a conflict of interest may request that the neutral  
77 recuse himself or herself if a conflict is disclosed or  
78 otherwise discovered. If the neutral declines, the party  
79 may timely file a motion with the court for disqualification  
80 of the neutral. Failure to file a motion waives that  
81 objection. On its own motion, the court may also review the  
82 choice of a neutral in any alternative dispute resolution  
83 process involving a party that is not represented by counsel  
84 and require a change of neutral if necessary to protect the  
85 rights of the unrepresented party.

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

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

15           3. A court may determine to admit an alternative  
16 dispute resolution communication upon motion of a party,  
17 which motion shall not reveal the substance of the  
18 communication, and following a hearing only if the court  
19 finds that one or more of the exceptions under this  
20 subsection apply and the communication is otherwise relevant  
21 and admissible. The party seeking admission shall ensure  
22 that timely notice is given to the neutral and parties that

23 participated in the alternative dispute resolution process  
24 in which the alternative dispute resolution communication  
25 was made. Such hearing shall be conducted in camera if  
26 requested by a party or if the court determines on its own  
27 motion that an in camera proceeding is necessary to ensure  
28 the confidentiality of the communications that are the  
29 subject to the hearing. The only exceptions to the general  
30 rule of nonadmissibility of alternative dispute resolution  
31 communications stated under subsection 1 of this section are  
32 as follows:

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

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

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

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

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

55           5. Any participant in an alternative dispute  
56 resolution process has standing to intervene in any  
57 proceeding to object to the admissibility of an alternative  
58 dispute resolution communication made by that person during  
59 or relating to that alternative dispute resolution process.  
60 A neutral who participated in an alternative dispute  
61 resolution process also has standing to intervene in any  
62 proceeding to object to the admissibility of an alternative  
63 dispute resolution communication made by the neutral or an  
64 agent or employee of a neutral or of an organization through  
65 which the neutral provided the alternative dispute  
66 resolution services for such process, but the neutral is  
67 under no requirement to do so.

68           6. Except as provided under subsection 7 of this  
69 section, no neutral, agent or employee of that neutral, or  
70 agent or employee of an organization through which the  
71 neutral provided alternative dispute resolution services  
72 shall be subpoenaed or otherwise compelled to disclose any  
73 alternative dispute resolution communication, including any  
74 alternative dispute resolution communication that would  
75 otherwise fall within the exceptions identified under  
76 subsection 3 of this section. No neutral who is a licensed  
77 attorney, or an agent or employee of such neutral or of an  
78 organization through which the neutral provided alternative  
79 dispute resolution services under sections 435.300 to  
80 435.312, shall be required to disclose any alternative  
81 dispute resolution communication to which a reporting  
82 obligation might otherwise apply under the rules regulating  
83 the professional conduct of attorneys.

84           7. A neutral, an agent or employee of that neutral, or  
85 an agent or employee of an organization through which the  
86 neutral provided the alternative dispute resolution services  
87 may be subpoenaed in an action to enforce a written

88 agreement as described under subsection 2 of section  
89 435.309, but only for the limited purpose of testifying that  
90 the written agreement was signed by the parties in the  
91 presence of the neutral.

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

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

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

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



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

435.312. 1. Except as provided under subsection 6 of  
2 this section, sections 435.300 to 435.312 shall apply only  
3 when the court has referred an individual civil case or  
4 category of cases to a nonbinding alternative dispute  
5 resolution process, either by rule or court order, or when  
6 the parties enter into a written agreement to resolve their  
7 dispute through a nonbinding alternative dispute resolution  
8 process expressly providing that sections 435.300 to 435.312  
9 shall apply to such alternative dispute resolution process.

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

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

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

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

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

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

38 6. If the court has not referred a case to a  
39 nonbinding dispute resolution process pursuant to section  
40 435.303 and if the parties do not elect to use sections  
41 435.300 to 435.312, the process shall be regarded as  
42 settlement negotiations and subject to the rules of  
43 confidentiality that generally apply to such negotiations.

44 If the parties to the dispute have agreed in writing to  
45 submit their dispute to that alternative dispute resolution  
46 process but have not invoked the protections of sections  
47 435.300 to 435.312, no person who serves as a neutral in  
48 such process, nor any agent or employee of that person or of  
49 an organization through which the neutral provided the  
50 alternative dispute resolution process, shall be subpoenaed  
51 or otherwise compelled to disclose any matter revealed in  
52 the process of setting up or conducting such alternative  
53 dispute resolution process. All settlement agreements are  
54 required to be in writing as described under sections  
55 435.300 to 435.312.

2 436.550. Sections 436.550 to 436.572 shall be known  
and may be cited as the "Consumer Legal Funding Act".

2 436.552. As used in sections 436.550 to 436.572, the  
following terms mean:

3 (1) "Advertise", publishing or disseminating any  
4 written, electronic, or printed communication or any  
5 communication by means of recorded telephone messages or  
6 transmitted on radio, television, the internet, or similar

7 communications media, including film strips, motion  
8 pictures, and videos, published, disseminated, circulated,  
9 or placed before the public, directly or indirectly, for the  
10 purpose of inducing a consumer to enter into a consumer  
11 legal funding contract;

12 (2) "Affiliate", as defined in section 515.505;

13 (3) "Charges", the amount of moneys to be paid to the  
14 consumer legal funding company by or on behalf of the  
15 consumer above the funded amount provided by or on behalf of  
16 the company to a consumer under sections 436.550 to  
17 436.572. Charges include all administrative, origination,  
18 underwriting, or other fees, no matter how denominated;

19 (4) "Consumer", a natural person who has a legal claim  
20 and resides or is domiciled in Missouri;

21 (5) "Consumer legal funding company" or "company", a  
22 person or entity that enters into a consumer legal funding  
23 contract with a consumer for an amount less than five  
24 hundred thousand dollars. The term shall not include:

25 (a) An immediate family member of the consumer;

26 (b) A bank, lender, financing entity, or other special  
27 purpose entity:

28 a. That provides financing to a consumer legal funding  
29 company; or

30 b. To which a consumer legal funding company grants a  
31 security interest or transfers any rights or interest in a  
32 consumer legal funding; or

33 (c) An attorney or accountant who provides services to  
34 a consumer;

35 (6) "Consumer legal funding contract", a nonrecourse  
36 contractual transaction in which a consumer legal funding  
37 company purchases and a consumer assigns to the company a  
38 contingent right to receive an amount of the potential  
39 proceeds of a settlement, judgment, award, or verdict

40 obtained in the consumer's legal claim, so long as all of  
41 the following apply:

42 (a) The consumer, at their sole discretion, shall use  
43 the funds to address personal needs or household expenses;

44 (b) The consumer shall not use the funds to pay for  
45 attorneys' fees, legal filings, legal marketing, legal  
46 document preparation or drafting, appeals, expert testimony,  
47 or other litigation-related expenses;

48 (7) "Director", the director of the division of  
49 finance within the department of commerce and insurance;

50 (8) "Division", the division of finance within the  
51 department of commerce and insurance;

52 (9) "Funded amount", the amount of moneys provided to  
53 or on behalf of the consumer in the consumer legal funding  
54 contract. "Funded amount" shall not include charges;

55 (10) "Funding date", the date on which the funded  
56 amount is transferred to the consumer by the consumer legal  
57 funding company either by personal delivery, via wire,  
58 automated clearing house transfer, or other electronic  
59 means, or by insured, certified, or registered United States  
60 mail;

61 (11) "Immediate family member", a parent; sibling;  
62 child by blood, adoption, or marriage; spouse; grandparent;  
63 or grandchild;

64 (12) "Legal claim", a bona fide civil claim or cause  
65 of action;

66 (13) "Medical provider", any person or business  
67 providing medical services of any kind to a consumer  
68 including, but not limited to, physicians, nurse  
69 practitioners, hospitals, physical therapists,  
70 chiropractors, or radiologists as well as any of their  
71 employees or contractors or any practice groups,  
72 partnerships, or incorporations of the same;

73           (14) "Resolution date", the date the amount funded to  
74 the consumer, plus the agreed-upon charges, is delivered to  
75 the consumer legal funding company.

436.554. 1. All consumer legal funding contracts  
2 shall meet the following requirements:

3           (1) The contract shall be completely filled in when  
4 presented to the consumer for signature;

5           (2) The contract shall contain, in bold and boxed  
6 type, a right of rescission allowing the consumer to cancel  
7 the contract without penalty or further obligation if,  
8 within ten business days after the funding date, the  
9 consumer either:

10          (a) Returns the full amount of the disbursed funds to  
11 the consumer legal funding company by delivering the  
12 company's uncashed check to the company's office in person;  
13 or

14          (b) Mails a notice of cancellation by insured,  
15 certified, or registered United States mail to the address  
16 specified in the contract and includes a return of the full  
17 amount of disbursed funds in such mailing in the form of the  
18 company's uncashed check or a registered or certified check  
19 or money order;

20          (3) The contract shall contain the initials of the  
21 consumer on each page; and

22          (4) The contract shall require the consumer to give an  
23 irrevocable written direction to the consumer's attorney  
24 requiring the attorney to notify the consumer legal funding  
25 company when the legal claim has been resolved. Once the  
26 consumer legal funding company confirms in writing the  
27 amount due under the contract, the consumer's attorney shall  
28 pay, from the proceeds of the resolution of the legal claim,  
29 the consumer legal funding company the amount due within ten  
30 business days.

31           2. The consumer legal funding company shall provide  
32 the consumer's attorney with a written notification of the  
33 consumer legal funding contract provided to the consumer  
34 within three business days of the funding date by way of  
35 postal mail, courier service, facsimile, or other means of  
36 proof of delivery method.

37           3. A consumer legal funding contract shall be entered  
38 into only if the contract involves an existing legal claim  
39 in which the consumer is represented by an attorney.

436.556. No consumer legal funding company shall:

2           (1) Pay or offer to pay commissions, referral fees, or  
3 other forms of consideration to any attorney, law firm,  
4 medical provider, chiropractor, or physical therapist or any  
5 of their employees for referring a consumer to the company;

6           (2) Accept any commissions, referral fees, rebates, or  
7 other forms of consideration from an attorney, law firm,  
8 medical provider, chiropractor, or physical therapist or any  
9 of their employees;

10          (3) Intentionally advertise materially false or  
11 misleading information regarding its products or services;

12          (4) Refer, in furtherance of an initial legal funding,  
13 a customer or potential customer to a specific attorney, law  
14 firm, medical provider, chiropractor, or physical therapist  
15 or any of their employees. However, the company may refer  
16 the customer to a local or state bar association referral  
17 service if a customer needs legal representation;

18          (5) Fail to promptly supply a copy of the executed  
19 contract to the consumer's attorney;

20          (6) Knowingly provide funding to a consumer who has  
21 previously assigned or sold a portion of the right to  
22 proceeds from the consumer's legal claim unless the consumer  
23 legal funding company pays or purchases the entire  
24 unsatisfied funded amount and contracted charges from the

25 prior consumer legal funding company or the two companies  
26 agree to a lesser amount in writing. However, multiple  
27 companies may agree to contemporaneously provide funding to  
28 a consumer, provided that the consumer and the consumer's  
29 attorney consent to the arrangement in writing;

30 (7) Receive any right to or make any decisions with  
31 respect to the conduct of the underlying legal claim or any  
32 settlement or resolution thereof. The right to make such  
33 decisions shall remain solely with the consumer and the  
34 attorney in the legal claim;

35 (8) Knowingly pay or offer to pay for court costs,  
36 filing fees, or attorney's fees either during or after the  
37 resolution of the legal claim by using funds from the  
38 consumer legal funding contract. The consumer legal funding  
39 contract shall include a provision advising the consumer  
40 that the funding shall not be used for such costs or fees; or

41 (9) Sell a consumer litigation funding contract in  
42 whole or in part to a third party. However, if the consumer  
43 legal funding company retains responsibility for collecting  
44 payment, administering, and otherwise enforcing the consumer  
45 legal funding contract, the provisions of this subdivision  
46 shall not apply to any of the following:

47 (a) An assignment to a wholly owned subsidiary of the  
48 consumer legal funding company;

49 (b) An assignment to an affiliate of the consumer  
50 legal funding company that is under common control;

51 (c) The granting of a security interest under Article  
52 9 of the Uniform Commercial Code, or as otherwise permitted  
53 by law.

2 436.558. 1. The contracted amount to be paid to the  
3 consumer legal funding company shall be set as a  
4 predetermined amount based upon intervals of time from the  
5 funding date to the resolution date and shall not be

5 determined as a percentage of the recovery from the legal  
6 claim.

7 2. No consumer legal funding contract shall be valid  
8 if its terms exceed a period of forty-eight months. No  
9 consumer legal funding contract shall be automatically  
10 renewed.

436.560. All consumer legal funding contracts shall  
2 contain the disclosures specified in this section, which  
3 shall constitute material terms of the contract. Unless  
4 otherwise specified, the disclosures shall be typed in at  
5 least twelve-point bold-type font and be placed clearly and  
6 conspicuously within the contract, as follows:

7 (1) On the front page under appropriate headings,  
8 language specifying:

9 (a) The funded amount to be paid to the consumer by  
10 the consumer legal funding company;

11 (b) An itemization of one-time charges;

12 (c) The total amount to be assigned by the consumer to  
13 the company, including the funded amount and all charges; and

14 (d) A payment schedule to include the funded amount  
15 and charges, listing all dates and the amount due at the end  
16 of each six-month period from the funding date until the  
17 date the maximum amount due to the company by the consumer  
18 to satisfy the amount due pursuant to the contract;

19 (2) Within the body of the contract, in accordance  
20 with the provisions under subdivision (2) of subsection 1 of  
21 section 436.554: "Consumer's Right to Cancellation: You may  
22 cancel this contract without penalty or further obligation  
23 within ten business days after the funding date if you  
24 either:

25 (a) Return the full amount of the disbursed funds to  
26 the consumer legal funding company by delivering the



27 company's uncashed check to the company's office in person;  
28 or

29 (b) Mail a notice of cancellation by insured,  
30 certified, or registered United States mail to the company  
31 at the address specified in the contract and include a  
32 return of the full amount of disbursed funds in such mailing  
33 in the form of the company's uncashed check or a registered  
34 or certified check or money order.";

35 (3) Within the body of the contract, a statement that  
36 the company has no influence over any aspect of the  
37 consumer's legal claim or any settlement or resolution of  
38 the consumer's legal claim and that all decisions related to  
39 the consumer's legal claim remain solely with the consumer  
40 and the consumer's attorney;

41 (4) Within the body of the contract, in all capital  
42 letters and in at least twelve-point bold-type font  
43 contained within a box: "THE FUNDED AMOUNT AND AGREED-UPON  
44 CHARGES SHALL BE PAID ONLY FROM THE PROCEEDS OF YOUR LEGAL  
45 CLAIM AND SHALL BE PAID ONLY TO THE EXTENT THAT THERE ARE  
46 AVAILABLE PROCEEDS FROM YOUR LEGAL CLAIM. IF THERE IS NO  
47 RECOVERY OF ANY DAMAGES FROM YOUR LEGAL CLAIM OR IF THERE IS  
48 NOT ENOUGH MONEY TO PAY BACK THE CONSUMER LEGAL FUNDING  
49 COMPANY IN FULL, YOU WILL NOT BE OBLIGATED TO PAY THE  
50 CONSUMER LEGAL FUNDING COMPANY ANYTHING IN EXCESS OF YOUR  
51 RECOVERY UNLESS YOU HAVE VIOLATED THIS CONTRACT. YOU WILL  
52 NOT OWE (INSERT NAME OF THE CONSUMER LEGAL FUNDING COMPANY)  
53 ANYTHING IF THERE ARE NO PROCEEDS FROM YOUR LEGAL CLAIM  
54 UNLESS YOU OR YOUR ATTORNEY HAVE VIOLATED ANY MATERIAL TERM  
55 OF THIS CONTRACT OR UNLESS YOU HAVE COMMITTED FRAUD AGAINST  
56 THE CONSUMER LEGAL FUNDING COMPANY."; and

57 (5) Located immediately above the place on the  
58 contract where the consumer's signature is required, in  
59 twelve-point font: "Do not sign this contract before you

60 read it completely or if it contains any blank spaces. You  
61 are entitled to a completely filled-in copy of the  
62 contract. Before you sign this contract, you should obtain  
63 the advice of an attorney. Depending on the circumstances,  
64 you may want to consult a tax, public or private benefits  
65 planning, or financial professional. You acknowledge that  
66 your attorney in the legal claim has provided no tax, public  
67 or private benefit planning, or financial advice regarding  
68 this transaction.".

2 436.562. 1. Nothing in sections 436.550 to 436.572  
3 shall be construed to restrict the exercise of powers or the  
4 performance of the duties of the state attorney general that  
5 he or she is authorized to exercise or perform by law.

6 2. If a court of competent jurisdiction determines  
7 that a consumer legal funding company has intentionally  
8 violated the provisions of sections 436.550 to 436.572 in a  
9 consumer legal funding contract, the consumer legal funding  
10 contract shall be voided.

11 436.564. 1. The contingent right to receive an amount  
12 of the potential proceeds of a legal claim is assignable.

13 2. Nothing contained in sections 436.550 to 436.572  
14 shall be construed to cause any consumer legal funding  
15 contract conforming to sections 436.550 to 436.572 to be  
16 deemed a loan or to be subject to any of the provisions  
17 governing loans. A consumer legal funding contract that  
18 complies with sections 436.550 to 436.572 is not subject to  
19 any other statutory or regulatory provisions governing loans  
20 or investment contracts. To the extent that sections  
21 436.550 to 436.572 conflict with any other law, such  
22 sections shall supersede the other law for the purposes of  
23 regulating consumer legal funding in this state.

24 3. Only attorney's liens related to the legal claim,  
25 Medicare, or other statutory liens related to the legal

16 claim shall take priority over claims to proceeds from the  
17 consumer legal funding company. All other liens and claims  
18 shall take priority by normal operation of law.

19 4. No consumer legal funding company shall report a  
20 consumer to a credit reporting agency if insufficient funds  
21 remain from the net proceeds to repay the company.

436.566. An attorney or law firm retained by the  
2 consumer in the legal claim shall not have a financial  
3 interest in the consumer legal funding company offering  
4 consumer legal funding to that consumer. Additionally, any  
5 practicing attorney who has referred the consumer to his or  
6 her retained attorney shall not have a financial interest in  
7 the consumer legal funding company offering consumer legal  
8 funding to that consumer.

436.568. No communication between the consumer's  
2 attorney in the legal claim and the consumer legal funding  
3 company necessary to ascertain the status of a legal claim  
4 or a legal claim's expected value shall be discoverable by a  
5 party with whom the claim is filed or against whom the claim  
6 is asserted. This section does not limit, waive, or  
7 abrogate the scope or nature of any statutory or common-law  
8 privilege, including the work-product doctrine and attorney-  
9 client privilege.

436.570. 1. A consumer legal funding company shall  
2 not engage in the business of consumer legal funding in this  
3 state unless it has first obtained a license from the  
4 division of finance.

5 2. A consumer legal funding company's initial or  
6 renewal license application shall be in writing, made under  
7 oath, and on a form provided by the director.

8 3. Every consumer legal funding company, at the time  
9 of filing a license application, shall pay the sum of five  
10 hundred fifty dollars for the period ending the thirtieth

11 day of June next following the date of payment; thereafter,  
12 a like fee shall be paid on or before June thirtieth of each  
13 year and shall be credited to the division of finance fund  
14 established under section 361.170.

15 4. A consumer legal funding license shall not be  
16 issued unless the division of finance, upon investigation,  
17 finds that the character and fitness of the applicant  
18 company, and of the officers and directors thereof, are such  
19 as to warrant belief that the business shall operate  
20 honestly and fairly within the purposes of sections 436.550  
21 to 436.572.

22 5. Every applicant shall also, at the time of filing  
23 such application, file a bond satisfactory to the division  
24 of finance in an amount not to exceed fifty thousand  
25 dollars. The bond shall provide that the applicant shall  
26 faithfully conform to and abide by the provisions of  
27 sections 436.550 to 436.572, to all rules lawfully made by  
28 the director under sections 436.550 to 436.572, and the bond  
29 shall act as a surety for any person or the state for any  
30 and all amount of moneys that may become due or owing from  
31 the applicant under and by virtue of sections 436.550 to  
32 436.572, which shall include the result of any action that  
33 occurred while the bond was in place for the applicable  
34 period of limitations under statute and so long as the bond  
35 is not exhausted by valid claims.

36 6. If an action is commenced on a licensee's bond, the  
37 director may require the filing of a new bond. Immediately  
38 upon any recovery on the bond, the licensee shall file a new  
39 bond.

40 7. To ensure the effective supervision and enforcement  
41 of sections 436.550 to 436.572, the director may, under  
42 chapter 536:

43 (1) Deny, suspend, revoke, condition, or decline to  
44 renew a license for a violation of sections 436.550 to  
45 436.572, rules issued under sections 436.550 to 436.572, or  
46 order or directive entered under sections 436.550 to 436.572;

47 (2) Deny, suspend, revoke, condition, or decline to  
48 renew a license if an applicant or licensee fails at any  
49 time to meet the requirements of sections 436.550 to  
50 436.572, or withholds information or makes a material  
51 misstatement in an application for a license or renewal of a  
52 license;

53 (3) Order restitution against persons subject to  
54 sections 436.550 to 436.572 for violations of sections  
55 436.550 to 436.572; and

56 (4) Order or direct such other affirmative action as  
57 the director deems necessary.

58 8. Any letter issued by the director and declaring  
59 grounds for denying or declining to grant or renew a license  
60 may be appealed to the circuit court of Cole County. All  
61 other matters presenting a contested case involving a  
62 licensee may be heard by the director under chapter 536.

63 9. Notwithstanding the prior approval requirement of  
64 subsection 1 of this section, a consumer legal funding  
65 company that has applied with the division of finance  
66 between the effective date of sections 436.550 to 436.572,  
67 or when the division of finance has made applications  
68 available to the public, whichever is later, and six months  
69 thereafter may engage in consumer legal funding while the  
70 license application of the company or an affiliate of the  
71 company is awaiting approval by the division of finance and  
72 until such time as the applicant has pursued all appellate  
73 remedies and procedures for any denial of such application.  
74 All funding contracts in effect prior to the effective date

75 of sections 436.550 to 436.572 are not subject to the terms  
76 of sections 436.550 to 436.572.

77 10. If it appears to the director that any consumer  
78 legal funding company is failing, refusing, or neglecting to  
79 make a good faith effort to comply with the provisions of  
80 sections 436.550 to 436.572, or any laws or rules relating  
81 to consumer legal funding, the director may issue an order  
82 to cease and desist, which may be enforceable by a civil  
83 penalty of not more than one thousand dollars per day for  
84 each day that the neglect, failure, or refusal continues.  
85 The penalty shall be assessed and collected by the  
86 director. In determining the amount of the penalty, the  
87 director shall take into account the appropriateness of the  
88 penalty with respect to the gravity of the violation, any  
89 history of previous violations, and any other matters  
90 justice may require.

91 11. If any consumer legal funding company fails,  
92 refuses, or neglects to comply with the provisions of  
93 sections 436.550 to 436.572, or of any laws or rules  
94 relating to consumer legal funding, its license may be  
95 suspended or revoked by order of the director after a  
96 hearing before said director on any order to show cause why  
97 such order of suspension or revocation should not be entered  
98 and that specifies the grounds therefor. Such an order  
99 shall be served on the particular consumer legal funding  
100 company at least ten days prior to the hearing. Any order  
101 made and entered by the director may be appealed to the  
102 circuit court of Cole County.

103 12. (1) The division shall conduct an examination of  
104 each consumer funding company at least once every twenty-  
105 four months and at such other times as the director may  
106 determine.

107           (2) For any such investigation or examination, the  
108 director and his or her representatives shall have free and  
109 immediate access to the place or places of business and the  
110 books and records, and shall have the authority to place  
111 under oath all persons whose testimony may be required  
112 relative to the affairs and business of the consumer legal  
113 funding company.

114           (3) The director may also make such special  
115 investigations or examination as the director deems  
116 necessary to determine whether any consumer legal funding  
117 company has violated any of the provisions of sections  
118 436.550 to 436.572 or rules promulgated thereunder, and the  
119 director may assess the reasonable costs of any  
120 investigation or examination incurred by the division to the  
121 company.

122           13. The division of finance shall have the authority  
123 to promulgate rules to carry out the provisions of sections  
124 436.550 to 436.572. Any rule or portion of a rule, as that  
125 term is defined in section 536.010, that is created under  
126 the authority delegated in this section shall become  
127 effective only if it complies with and is subject to all of  
128 the provisions of chapter 536 and, if applicable, section  
129 536.028. This section and chapter 536 are nonseverable and  
130 if any of the powers vested with the general assembly  
131 pursuant to chapter 536 to review, to delay the effective  
132 date, or to disapprove and annul a rule are subsequently  
133 held unconstitutional, then the grant of rulemaking  
134 authority and any rule proposed or adopted after August 28,  
135 2023, shall be invalid and void.

436.572. A consumer legal funding contract is a fact  
2 subject to the usual rules of discovery.

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

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

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

14           (b) "Assault", purposely or knowingly placing or  
15 attempting to place another in fear of physical harm;

16           (c) "Battery", purposely or knowingly causing physical  
17 harm to another with or without a deadly weapon;

18           (d) "Coercion", compelling another by force or threat  
19 of force to engage in conduct from which the latter has a  
20 right to abstain or to abstain from conduct in which the  
21 person has a right to engage;

22           (e) "Harassment", engaging in a purposeful or knowing  
23 course of conduct involving more than one incident that  
24 alarms or causes distress to an adult or child and serves no  
25 legitimate purpose. The course of conduct must be such as  
26 would cause a reasonable adult or child to suffer  
27 substantial emotional distress and must actually cause  
28 substantial emotional distress to the petitioner or child.  
29 Such conduct might include, but is not limited to:

30           a. Following another about in a public place or places;

31           b. Peering in the window or lingering outside the  
32 residence of another; but does not include constitutionally  
33 protected activity;



34 (f) "Sexual assault", causing or attempting to cause  
35 another to engage involuntarily in any sexual act by force,  
36 threat of force, duress, or without that person's consent;

37 (g) "Unlawful imprisonment", holding, confining,  
38 detaining or abducting another person against that person's  
39 will;

40 (2) "Adult", any person [seventeen] eighteen years of  
41 age or older or otherwise emancipated;

42 (3) "Child", any person under [seventeen] eighteen  
43 years of age unless otherwise emancipated;

44 (4) "Court", the circuit or associate circuit judge or  
45 a family court commissioner;

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

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

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

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

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

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

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

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

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

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

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

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

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

455.035. 1. Upon the filing of a verified petition  
2 pursuant to sections 455.010 to 455.085 and for good cause  
3 shown in the petition, the court may immediately issue an ex  
4 parte order of protection. An immediate and present danger  
5 of domestic violence to the petitioner or the child on whose  
6 behalf the petition is filed shall constitute good cause for  
7 purposes of this section. An ex parte order of protection  
8 entered by the court shall take effect when entered and  
9 shall remain in effect until there is valid service of  
10 process and a hearing is held on the motion. The court  
11 shall deny the ex parte order and dismiss the petition if  
12 the petitioner is not authorized to seek relief pursuant to  
13 section 455.020.

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

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

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

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

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

9 An immediate and present danger of domestic violence,  
10 including danger to the child's pet, stalking, or sexual  
11 assault to a child shall constitute good cause for purposes  
12 of this section. An ex parte order of protection entered by  
13 the court shall be in effect until the time of the hearing.  
14 The court shall deny the ex parte order and dismiss the  
15 petition if the petitioner is not authorized to seek relief  
16 pursuant to section 455.505.

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

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

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

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

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

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

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

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

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

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

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

(a) Execute or adopt a tangible symbol; or

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

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

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

474.544. An electronic will is a will for all purposes  
2 of the law of this state. The law of this state applicable  
3 to wills and principles of equity applies to an electronic  
4 will except as modified by sections 474.540 to 474.564.

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

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

474.548. 1. An electronic will shall be:

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

5           (2) Signed by:

6           (a) The testator; or

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

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

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

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

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

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

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

12           State of \_\_\_\_\_

13           County (and/or City) of \_\_\_\_\_

14           I, the undersigned notary, certify that \_\_\_\_\_, the  
15 testator, and the witnesses, whose names are  
16 signed to the attached or foregoing instrument,  
17 having personally appeared before me by remote  
18 online means, and having been first duly sworn,  
19 each then declared to me that the testator signed  
20 and executed the instrument as the testator's last  
21 will, and that the testator had willingly signed  
22 or willingly directed another to sign for the  
23 testator, and that the testator executed it as the  
24 testator's free and voluntary act for the purposes  
25 therein expressed; and that each of the witnesses,  
26 in the presence and hearing of the testator,  
27 signed the will as witness and that to the best of

28 the witnesses' knowledge the testator was at that  
29 time eighteen or more years of age, of sound mind,  
30 and under no constraint or undue influence.

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

34 (official signature and seal  
35 of notary)

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

3 2. All or part of an electronic will is revoked by:

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

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

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

13 3. If there is evidence that a testator signed an  
14 electronic will and neither an electronic will nor a  
15 certified paper copy of the electronic will can be located  
16 after a testator's death, there is a presumption that the  
17 testator revoked the electronic will even if no instrument  
18 or later will revoking the electronic will can be located.

474.554. Without further notice, at any time during  
2 the administration of the estate or, if there is no grant of  
3 administration, upon such notice and in such manner as the  
4 court directs, the court may issue an order under sections  
5 472.400 to 472.490 for a custodian of an account held under  
6 a terms-of-service agreement to disclose digital assets for  
7 the purposes of obtaining an electronic will from the



8 account of a deceased user. If there is no grant of  
9 administration at the time the court issues the order, the  
10 court's order shall grant disclosure to the petitioner who  
11 is deemed a personal representative under sections 472.400  
12 to 472.490.

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

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

2 474.558. In applying and construing sections 474.540  
3 to 474.564, consideration shall be given to the need to  
4 promote uniformity of the law with respect to its subject  
5 matter among states that enact it.

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

- 9 (1) A power of attorney or durable power of attorney;
- 10 (2) A health care declaration;
- 11 (3) An advance directive;

12           (4) A power of attorney for health care or durable  
13 power of attorney for health care;

14           (5) A revocable trust or amendment thereto, or  
15 modification or revocation thereof;

16           (6) An irrevocable trust;

17           (7) A beneficiary deed;

18           (8) A nonprobate transfer; or

19           (9) A document modifying, amending, correcting, or  
20 revoking any written estate planning document.

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

28           (2) The effect of attribution of a document or  
29 signature to a person under subdivision (1) of this  
30 subsection shall be determined from the context and  
31 surrounding circumstances at the time of its creation,  
32 execution, or adoption and as provided by other law.

33           3. (1) Unless otherwise provided under its terms, any  
34 electronic estate planning document may be signed in one or  
35 more counterparts, and each separate counterpart may be an  
36 electronic document or a paper document, provided that all  
37 signed counterpart pages of each document are incorporated  
38 into, or attached to, the document.

39           (2) An individual may create a certified paper copy of  
40 any such electronic estate planning document by affirming  
41 under penalty of perjury that a paper copy of the electronic  
42 estate planning document is a complete, true, and accurate  
43 copy of such document. If a rule of law or procedure  
44 requires an estate planning document to be presented or

45 retained in its original form or provides consequences for  
46 the information not being presented or retained in its  
47 original form, such rule of law or procedure shall be  
48 satisfied by a certified paper copy of an electronic  
49 document.

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

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

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

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

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

474.564. The provisions of sections 474.540 to 474.564  
2 shall apply to the will of a decedent who dies on or after  
3 August 28, 2023, and to each other written estate planning  
4 document signed or remotely witnessed on or after August 28,  
5 2023.

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

3 (1) "Applicable state of emergency", the period  
4 between April 6, 2020, and December 31, 2021, during which a  
5 state of emergency existed due to a COVID-19 public health  
6 threat, as proclaimed by the governor, and during which  
7 executive orders 20-08, 20-10, 20-12, 20-14, 20-19, 21.07,  
8 and 21.09 temporarily suspended the physical appearance  
9 requirements under chapter 474 and authorized the use of  
10 audio-visual technology to the extent that any Missouri  
11 statute required the physical presence of any testator,  
12 settlor, principal, witness, notary, or other person  
13 necessary for the effective execution of any estate planning  
14 document such as a will, trust, or power of attorney, or a  
15 self-proving affidavit of the execution of such document, if  
16 the conditions set forth in the executive orders were met;

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

- 19 (a) A will;  
20 (b) A codicil;  
21 (c) A power of attorney or durable power of attorney;  
22 (d) A health care declaration;  
23 (e) An advance directive;  
24 (f) A power of attorney for health care or a durable  
25 power of attorney for health care;  
26 (g) A revocable trust or amendment thereto, or  
27 modification or revocation thereof;  
28 (h) An irrevocable trust;  
29 (i) A beneficiary deed;  
30 (j) A nonprobate transfer; or  
31 (k) A document modifying, amending, correcting, or  
32 revoking any written estate planning document;

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

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

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

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

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

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

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

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

63           3. The requirements of subdivisions (1) to (5) of  
64 subsection 2 of this section shall be deemed satisfied if an  
65 attorney who is licensed or authorized to practice law in

66 Missouri and who was present at the remote execution signs a  
67 written acknowledgment made before an officer authorized to  
68 administer oaths under the laws of this state, and evidenced  
69 by the officer's certificate, under official seal, affixed  
70 to or logically associated with the acknowledgment. The  
71 form and content of the acknowledgment shall be  
72 substantially as follows:

73 State of \_\_\_\_\_  
74 County of \_\_\_\_\_

75 AFFIDAVIT OF REMOTE EXECUTION OF DOCUMENTS

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

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

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

87 \_\_\_\_\_, a witness;

88 \_\_\_\_\_, a second witness; and

89 \_\_\_\_\_ a notary public.

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

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

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

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

113 (Signed)

114 \_\_\_\_\_

115 (SEAL)

116 \_\_\_\_\_

117 (Official capacity of officer)

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

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

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

14 (3) "Conservator", one appointed by a court to have  
15 the care and custody of the estate of a minor or a disabled  
16 person. A "limited conservator" is one whose duties or  
17 powers are limited. The term "conservator", as used in this

18 chapter, includes limited conservator unless otherwise  
19 specified or apparent from the context;

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

25 (5) "Custodial parent", the parent of a minor who has  
26 been awarded sole or joint physical custody of such minor,  
27 or the parent of an incapacitated person who has been  
28 appointed as guardian of such person, by an order or  
29 judgment of a court of this state or of another state or  
30 territory of the United States, or if there is no such order  
31 or judgment, the parent with whom the minor or incapacitated  
32 person primarily resides;

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

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

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

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

47 (8) "Guardian", one appointed by a court to have the  
48 care and custody of the person of a minor or of an  
49 incapacitated person. A "limited guardian" is one whose  
50 duties or powers are limited. A "standby guardian" is one



51 approved by the court to temporarily assume the duties of  
52 guardian of a minor or of an incapacitated person under  
53 section 475.046. The term guardian, as used in this  
54 chapter, includes limited guardian and standby guardian  
55 unless otherwise specified or apparent from the context;

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

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

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

79 (12) "Interested persons", spouses, children, parents,  
80 persons acting as parents, adult members of a ward's or  
81 protectee's family, creditors or any others having a  
82 property right or claim against the estate of a protectee  
83 being administered, trustees of a trust of which the ward or

84 protectee is a beneficiary, agents of a durable power of  
85 attorney for a ward or protectee, and children of a  
86 protectee who may have a property right or claim against or  
87 an interest in the estate of a protectee. This meaning may  
88 vary at different stages and different parts of a proceeding  
89 and shall be determined according to the particular purpose  
90 and matter involved;

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

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

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

110 (14) "Manage financial resources", either those  
111 actions necessary to obtain, administer, and dispose of real  
112 and personal property, intangible property, business  
113 property, benefits, income or any assets, or those actions  
114 necessary to prevent waste, loss or dissipation of property,  
115 or those actions necessary to provide for the care and  
116 support of such person or anyone legally dependent upon such

117 person by a person of ordinary skills and intelligence  
118 commensurate with his or her training and education;

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

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

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

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

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

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

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

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

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

152           (21) "Protectee", a person for whose estate a  
153 conservator or limited conservator has been appointed or  
154 with respect to whose estate a transaction has been  
155 authorized by the court under section 475.092 without  
156 appointment of a conservator or limited conservator;

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

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

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

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

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

          475.040. If it appears to the court, acting on the  
2 petition of the guardian, the conservator, the respondent or  
3 of a ward over the age of fourteen, or on its own motion, at  
4 any time before the termination of the guardianship or  
5 conservatorship, that the proceeding was commenced in the  
6 wrong county, or that the domicile [or residence] of the  
7 ward or protectee has [been] changed to another county, or

8 in case of conservatorship of the estate that it would be  
9 for the best interest of the ward or disabled person and his  
10 estate, the court may order the proceeding with all papers,  
11 files and a transcript of the proceedings transferred to the  
12 probate division of the circuit court of another county.  
13 The court to which the transfer is made shall take  
14 jurisdiction of the case, place the transcript of record and  
15 proceed to the final settlement of the case as if the  
16 appointment originally had been made by it.

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

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

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

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

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

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

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

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

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

11           (2) Any eligible person nominated in a durable power  
12 of attorney executed by the incapacitated or disabled  
13 person, or in an instrument in writing signed by the  
14 incapacitated or disabled person and by two witnesses who  
15 signed at the incapacitated or disabled person's request,  
16 before the inception of the person's incapacity or  
17 disability;

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

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

25           2. The court shall not appoint an unrelated third  
26 party as a guardian or conservator unless there is no  
27 relative suitable and willing to serve or if the appointment  
28 of a relative or nominee is otherwise contrary to the best

29 interests of the incapacitated or disabled person. If the  
30 incapacitated or disabled person is a minor under the care  
31 of the children's division or a person acting as a parent  
32 and is entering adult guardianship or conservatorship, it  
33 shall be a rebuttable presumption that he or she has no  
34 relative suitable and willing to serve as guardian or  
35 conservator.

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

41 4. Except for those individuals specified in  
42 subdivisions (1) and (2) of this subsection, the court shall  
43 require all guardians and conservators who are seeking  
44 appointment and who have a fiduciary responsibility to a  
45 ward, an incapacitated person, or a disabled person to  
46 submit at their own expense to a background screening that  
47 shall include the disqualification lists of the departments  
48 of mental health, social services, and health and senior  
49 services; the abuse and neglect registries for adults and  
50 children; a Missouri criminal record review; and the sexual  
51 offender registry. Individuals seeking appointment as a  
52 conservator shall also submit, at their own expense, to a  
53 credit history investigation. The nominated guardian or  
54 conservator shall file the results of the reports with the  
55 court at least ten days prior to the appointment hearing  
56 date unless waived or modified by the court for good cause  
57 shown by an affidavit filed simultaneously with the petition  
58 for appointment or in the event the protected person  
59 requests an expedited hearing. The provisions of this  
60 subsection shall not apply to:

61 (1) Public administrators; or

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

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

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

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



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

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

(2) Except as otherwise provided by law, a clerk under the supervision of a circuit clerk shall provide assistance to a petitioner who is not represented by counsel with the procedures for filing all forms and pleadings necessary for the presentation of the petitioner's petition under this section. Notice of the fact that a clerk will provide such assistance shall be conspicuously posted in the clerk's office. The location of the office where a petition may be filed shall be conspicuously posted in the court building. The performance of duties prescribed in this section shall not constitute the practice of law as defined in section 484.010.

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

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

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

475.275. 1. The conservator, at the time of filing any settlement with the court, shall exhibit all securities

3 or investments held by him to an officer of the bank or  
4 other depository wherein the securities or investments are  
5 held for safekeeping or to an authorized representative of  
6 the corporation which is surety on his bond, or to the judge  
7 or clerk of a court of record in this state, or upon request  
8 of the conservator or other interested party, to any other  
9 reputable person designated by the court, who shall certify  
10 in writing that he has examined the securities or  
11 investments and identified them with those described in the  
12 account and shall note any omission or discrepancies. If  
13 the depository is the conservator, the certifying officer  
14 shall not be the officer verifying the account. The  
15 conservator may exhibit the securities or investments to the  
16 judge of the court, who shall endorse on the account and  
17 copy thereof, a certificate that the securities or  
18 investments shown therein as held by the conservator were  
19 each in fact exhibited to him and that those exhibited to  
20 him were the same as those in the account and noting any  
21 omission or discrepancy. The certificate, and the  
22 certificate of an official of the bank in which are  
23 deposited any funds for which the conservator is  
24 accountable, showing the amount on deposit, shall be  
25 prepared and signed in duplicate and one of each shall be  
26 filed by the conservator with his account.

27       2. (1) As used in and pursuant to this section, a  
28 "pooled account" is an account within the meaning of this  
29 section and means any account maintained by a fiduciary for  
30 more than one principal and is established for the purpose  
31 of managing and investing and to manage and invest the funds  
32 of such principals. No fiduciary shall or may place funds  
33 into a pooled account unless the account meets the following  
34 criteria:

35 (a) The pooled account is maintained at a bank or  
36 savings and loan institution;

37 (b) The pooled account is titled in such a way as to  
38 reflect that the account is being held by a fiduciary in a  
39 custodial capacity;

40 (c) The fiduciary maintains, or causes to be  
41 maintained, records containing information as to the name  
42 and ownership interest of each principal in the pooled  
43 account;

44 (d) The fiduciary's records contain a statement of all  
45 accretions and disbursements; and

46 (e) The fiduciary's records are maintained in the  
47 ordinary course of business and in good faith.

48 (2) The public administrator of any county [with a  
49 charter form of government and with more than six hundred  
50 thousand but less than seven hundred thousand inhabitants]  
51 serving as a conservator or personal representative and  
52 using and utilizing pooled accounts for the investing[,  
53 investment,] and management of [conservatorship] estate  
54 funds shall have any such accounts [audited] examined on at  
55 least an annual basis [and no less than one time per year]  
56 by an independent certified public accountant. [The audit  
57 provided shall review the records of the receipts and  
58 disbursements of each estate account. Upon completion of  
59 the investigation, the certified public accountant shall  
60 render a report to the judge of record in this state showing  
61 the receipts, disbursements, and account balances as to each  
62 estate and as well as the total assets on deposit in the  
63 pooled account on the last calendar day of each year.] The  
64 examination shall:

65 (a) Compare the pooled account's year-end bank  
66 statement and obtain the reconciliation of the pooled

67 account from the bank statement to the fiduciary's general  
68 ledger balance on the same day;

69 (b) Reconcile the total of individual accounts in the  
70 fiduciary's records to the reconciled pooled account's  
71 balance and note any difference;

72 (c) Confirm if collateral is pledged to secure amounts  
73 on deposit in the pooled account in excess of Federal  
74 Deposit Insurance Corporation coverage; and

75 (d) Confirm the account balance with the financial  
76 institution.

77 (3) A public administrator using and utilizing pooled  
78 accounts as provided by this section shall certify by  
79 affidavit that he or she has met the conditions for  
80 establishing a pooled account as set forth in subdivision  
81 (2) of this subsection.

82 (4) The county shall provide for the expense of [such  
83 audit] the report. If and where the public administrator  
84 has provided the judge with [the audit] the report pursuant  
85 to and required by this subsection and section, the public  
86 administrator shall not be required to obtain the written  
87 [certification] verification of an officer of a bank or  
88 other depository on any estate asset maintained within the  
89 pooled account as otherwise required in and under subsection  
90 1 of this section.

476.055. 1. There is hereby established in the state  
2 treasury the "Statewide Court Automation Fund". All moneys  
3 collected pursuant to section 488.027, as well as gifts,  
4 contributions, devises, bequests, and grants received  
5 relating to automation of judicial record keeping, and  
6 moneys received by the judicial system for the dissemination  
7 of information and sales of publications developed relating  
8 to automation of judicial record keeping, shall be credited  
9 to the fund. Moneys credited to this fund may only be used

10 for the purposes set forth in this section and as  
11 appropriated by the general assembly. Any unexpended  
12 balance remaining in the statewide court automation fund at  
13 the end of each biennium shall not be subject to the  
14 provisions of section 33.080 requiring the transfer of such  
15 unexpended balance to general revenue[; except that, any  
16 unexpended balance remaining in the fund on September 1,  
17 2023, shall be transferred to general revenue].

18 2. The statewide court automation fund shall be  
19 administered by a court automation committee consisting of  
20 the following: the chief justice of the supreme court, a  
21 judge from the court of appeals, four circuit judges, four  
22 associate circuit judges, four employees of the circuit  
23 court, two employees who work full time in a municipal  
24 division of a circuit court, the commissioner of  
25 administration, two members of the house of representatives  
26 appointed by the speaker of the house, two members of the  
27 senate appointed by the president pro tem of the senate, the  
28 executive director of the Missouri office of prosecution  
29 services, the director of the state public defender system,  
30 and two members of the Missouri Bar. The judge members and  
31 employee members shall be appointed by the chief justice.  
32 The commissioner of administration shall serve ex officio.  
33 The members of the Missouri Bar shall be appointed by the  
34 board of governors of the Missouri Bar. Any member of the  
35 committee may designate another person to serve on the  
36 committee in place of the committee member.

37 3. The committee shall develop and implement a plan  
38 for a statewide court automation system. The committee  
39 shall have the authority to hire consultants, review systems  
40 in other jurisdictions and purchase goods and services to  
41 administer the provisions of this section. The committee  
42 may implement one or more pilot projects in the state for

43 the purposes of determining the feasibility of developing  
44 and implementing such plan. The members of the committee  
45 shall be reimbursed from the court automation fund for their  
46 actual expenses in performing their official duties on the  
47 committee.

48 4. Any purchase of computer software or computer  
49 hardware that exceeds five thousand dollars shall be made  
50 pursuant to the requirements of the office of administration  
51 for lowest and best bid. Such bids shall be subject to  
52 acceptance by the office of administration. The court  
53 automation committee shall determine the specifications for  
54 such bids.

55 5. The court automation committee shall not require  
56 any circuit court to change any operating system in such  
57 court, unless the committee provides all necessary  
58 personnel, funds and equipment necessary to effectuate the  
59 required changes. No judicial circuit or county may be  
60 reimbursed for any costs incurred pursuant to this  
61 subsection unless such judicial circuit or county has the  
62 approval of the court automation committee prior to  
63 incurring the specific cost.

64 6. Any court automation system, including any pilot  
65 project, shall be implemented, operated and maintained in  
66 accordance with strict standards for the security and  
67 privacy of confidential judicial records. Any person who  
68 knowingly releases information from a confidential judicial  
69 record is guilty of a class B misdemeanor. Any person who,  
70 knowing that a judicial record is confidential, uses  
71 information from such confidential record for financial gain  
72 is guilty of a class E felony.

73 7. On the first day of February, May, August and  
74 November of each year, the court automation committee shall

75 file a report on the progress of the statewide automation  
76 system with:

- 77 (1) The chair of the house budget committee;
- 78 (2) The chair of the senate appropriations committee;
- 79 (3) The chair of the house judiciary committee; and
- 80 (4) The chair of the senate judiciary committee.

81 8. [Section 488.027 shall expire on September 1,  
82 2023.] The court automation committee established pursuant  
83 to this section may continue to function until completion of  
84 its duties prescribed by this section[, but shall complete  
85 its duties prior to September 1, 2025.

86 9. This section shall expire on September 1, 2025].

476.1300. 1. Sections 476.1300 to 476.1310 shall be  
2 known and may be cited as the "Judicial Privacy Act".

3 2. As used in sections 476.1300 to 476.1310, the  
4 following terms mean:

5 (1) "Government agency", all agencies, authorities,  
6 boards, commissions, departments, institutions, offices, and  
7 any other bodies politic and corporate of the state created  
8 by the constitution or statute, whether in the executive,  
9 judicial, or legislative branch; all units and corporate  
10 outgrowths created by executive order of the governor or any  
11 constitutional officer, by the supreme court, or by  
12 resolution of the general assembly; agencies, authorities,  
13 boards, commissions, departments, institutions, offices, and  
14 any other bodies politic and corporate of a political  
15 subdivision, including school districts; and any public  
16 governmental body as that term is defined in section 610.010;

17 (2) "Home address", a judicial officer's permanent  
18 residence and any secondary residences affirmatively  
19 identified by the judicial officer, but does not include a  
20 judicial officer's work address;

21           (3) "Immediate family", a judicial officer's spouse,  
22 child, adoptive child, foster child, parent, or any  
23 unmarried companion of the judicial officer or other  
24 familial relative of the judicial officer or the judicial  
25 officer's spouse who lives in the same residence;  
26           (4) "Judicial officer", actively employed, formerly  
27 employed, or retired:  
28           (a) Justices of the Supreme Court of the United States;  
29           (b) Judges of the United States Court of Appeals;  
30           (c) Judges and magistrate judges of the United States  
31 District Courts;  
32           (d) Judges of the United States Bankruptcy Court;  
33           (e) Judges of the Missouri supreme court;  
34           (f) Judges of the Missouri court of appeals;  
35           (g) Judges and commissioners of the Missouri circuit  
36 courts, including of the divisions of a circuit court; and  
37           (h) Prosecuting or circuit attorney, or assistant  
38 prosecuting or circuit attorney;  
39           (5) "Personal information", a home address, home  
40 telephone number, mobile telephone number, pager number,  
41 personal email address, Social Security number, federal tax  
42 identification number, checking and savings account numbers,  
43 credit card numbers, marital status, and identity of  
44 children under eighteen years of age;  
45           (6) "Publicly available content", any written,  
46 printed, or electronic document or record that provides  
47 information or that serves as a document or record  
48 maintained, controlled, or in the possession of a government  
49 agency that may be obtained by any person or entity, from  
50 the internet, from the government agency upon request either  
51 free of charge or for a fee, or in response to a request  
52 pursuant to chapter 610 or the federal Freedom of  
53 Information Act, 5 U.S.C. Section 552, as amended;



54 (7) "Publicly post or display", to communicate to  
55 another or to otherwise make available to the general public;

56 (8) "Written request", written or electronic notice  
57 signed by:

58 (a) A state judicial officer and submitted to the  
59 clerk of the Missouri supreme court or the clerk's designee;  
60 or

61 (b) A federal judicial officer and submitted to that  
62 judicial officer's clerk of the court or the clerk's  
63 designee;

64 that is transmitted by the applicable clerk to a government  
65 agency, person, business, or association to request such  
66 government agency, person, business, or association refrain  
67 from posting or displaying publicly available content that  
68 includes the judicial officer's personal information.

476.1302. 1. A government agency shall not publicly  
2 post or display publicly available content that includes a  
3 judicial officer's personal information, provided that the  
4 government agency has received a written request that the  
5 agency refrain from disclosing the judicial officer's  
6 personal information. After a government agency has  
7 received a written request, the government agency shall  
8 remove the judicial officer's personal information from  
9 publicly available content within five business days. After  
10 the government agency has removed the judicial officer's  
11 personal information from publicly available content, the  
12 government agency shall not publicly post or display the  
13 judicial officer's personal information and the judicial  
14 officer's personal information shall be exempted from the  
15 provisions of chapter 610, unless the government agency has  
16 received written consent from the judicial officer to make  
17 the personal information available to the public.

18           2. If a government agency fails to comply with a  
19 written request to refrain from disclosing personal  
20 information, the judicial officer may bring an action  
21 seeking injunctive or declaratory relief in any court of  
22 competent jurisdiction. If the court grants injunctive or  
23 declaratory relief, the court may award costs and reasonable  
24 attorney's fees to the judicial officer.

25           3. The provisions of subsection 1 of this section  
26 shall not apply to any government agency created under  
27 section 43.020.

476.1304. 1. No person, business, or association  
2 shall publicly post or display on the internet publicly  
3 available content that includes a judicial officer's  
4 personal information, provided that the judicial officer has  
5 made a written request to the person, business, or  
6 association that it refrain from disclosing the personal  
7 information.

8           2. No person, business, or association shall solicit,  
9 sell, or trade on the internet a judicial officer's personal  
10 information for purposes of tampering with a judicial  
11 officer in violation of section 575.095 or with the intent  
12 to pose an imminent and serious threat to the health and  
13 safety of the judicial officer or the judicial officer's  
14 immediate family.

15           3. As prohibited in this section, persons, businesses,  
16 or associations posting, displaying, soliciting, selling, or  
17 trading a judicial officer's personal information on the  
18 internet includes, but is not limited to, internet phone  
19 directories, internet search engines, internet data  
20 aggregators, and internet service providers.

476.1306. 1. After a person, business, or association  
2 has received a written request from a judicial officer to  
3 protect the privacy of the officer's personal information,

4 that person, business, or association shall have five  
5 business days to remove the personal information from the  
6 internet.

7 2. After a person, business, or association has  
8 received a written request from a judicial officer, that  
9 person, business, or association shall ensure that the  
10 judicial officer's personal information is not made  
11 available on any website or subsidiary website controlled by  
12 that person, business, or association.

13 3. After receiving a judicial officer's written  
14 request, no person, business, or association shall make  
15 available the judicial officer's personal information to any  
16 other person, business, or association through any medium.

476.1308. A judicial officer whose personal  
2 information is made public as a result of a violation of  
3 sections 476.1304 to 476.1306 may bring an action seeking  
4 injunctive or declaratory relief in any court of competent  
5 jurisdiction. If the court grants injunctive or declaratory  
6 relief, the person, business, or association responsible for  
7 the violation shall be required to pay the judicial  
8 officer's costs and reasonable attorney's fees.

476.1310. 1. No government agency, person, business,  
2 or association shall be found to have violated any provision  
3 of sections 476.1300 to 476.1310 if the judicial officer  
4 fails to submit a written request calling for the protection  
5 of the judicial officer's personal information.

6 2. A written request shall be valid if:

7 (1) The judicial officer sends a written request  
8 directly to a government agency, person, business, or  
9 association; or

10 (2) The judicial officer complies with a Missouri  
11 supreme court rule for a state judicial officer to file the  
12 written request with the clerk of the Missouri supreme court

13 or the clerk's designee to notify government agencies and  
14 such notice is properly delivered by mail or electronic  
15 format.

16 3. In each quarter of a calendar year, the clerk of  
17 the Missouri supreme court or the clerk's designee shall  
18 provide a list of all state judicial officers who have  
19 submitted a written request under this section to the  
20 appropriate officer with ultimate supervisory authority for  
21 a government agency. The officer shall promptly provide a  
22 copy of the list to all government agencies under his or her  
23 supervision. Receipt of the written request list compiled  
24 by the clerk of the Missouri supreme court or the clerk's  
25 designee by a government agency shall constitute a written  
26 request to that government agency for the purposes of  
27 sections 476.1300 to 476.1310.

28 4. The chief clerk or circuit clerk of the court where  
29 the judicial officer serves may submit a written request on  
30 the judicial officer's behalf, provided that the judicial  
31 officer gives written consent to the clerk and provided that  
32 the clerk agrees to furnish a copy of that consent when a  
33 written request is made. The chief clerk or circuit clerk  
34 shall submit the written request as provided by subsection 2  
35 of this section.

36 5. A judicial officer's written request shall specify  
37 what personal information shall be maintained as private.  
38 If a judicial officer wishes to identify a secondary  
39 residence as a home address, the designation shall be made  
40 in the written request. A judicial officer shall disclose  
41 the identity of his or her immediate family and indicate  
42 that the personal information of those members of the  
43 immediate family shall also be excluded to the extent that  
44 it could reasonably be expected to reveal the personal  
45 information of the judicial officer. A judicial officer

46 shall make reasonable efforts to identify specific publicly  
47 available content in the possession of a government agency.

48 6. A judicial officer's written request is valid until  
49 the judicial officer provides the government agency, person,  
50 business, or association with written consent to release the  
51 personal information. A judicial officer's written request  
52 expires on such judicial officer's death.

53 7. The provisions of sections 476.1300 to 476.1310  
54 shall not apply to any disclosure of personal information of  
55 a judicial officer or a member of a judicial officer's  
56 immediate family as required by Article VIII, Section 23 of  
57 the Missouri Constitution, sections 105.470 to 105.482,  
58 section 105.498, and chapter 130.

476.1313. 1. Notwithstanding any other provision of  
2 law to the contrary, a recorder of deeds shall meet the  
3 requirements of the provisions of sections 476.1300 to  
4 476.1310 by complying with this section. As used in this  
5 section, the following terms mean:

6 (1) "Eligible documents", documents or instruments  
7 that are maintained by and located in the office of the  
8 recorder of deeds that are accessed electronically;

9 (2) "Immediate family", shall have the same meaning as  
10 in section 476.1300;

11 (3) "Indexes", indexes maintained by and located in  
12 the office of the recorder of deeds that are accessed  
13 electronically;

14 (4) "Judicial officer", shall have the same meaning as  
15 in section 476.1300;

16 (5) "Recorder of deeds", shall have the same meaning  
17 as in section 59.005;

18 (6) "Shield", "shielded", or "shielding", a  
19 prohibition against the general public's electronic access

20 to eligible documents and the unique identifier and  
21 recording date contained in indexes for eligible documents;

22 (7) "Written request", written or electronic notice  
23 signed by:

24 (a) A state judicial officer and submitted to the  
25 clerk of the Missouri supreme court or the clerk's designee;  
26 or

27 (b) A federal judicial officer and submitted to that  
28 judicial officer's clerk of the court or the clerk's  
29 designee;

30 that is transmitted electronically by the applicable clerk  
31 to a recorder of deeds to request that eligible documents be  
32 shielded.

33 2. Written requests transmitted to a recorder of deeds  
34 shall only include information specific to eligible  
35 documents maintained by that county. Any written request  
36 transmitted to a recorder of deeds shall include the  
37 requesting judicial officer's full legal name or legal alias  
38 and a document locator number for each eligible document for  
39 which the judicial officer is requesting shielding. If the  
40 judicial officer is not a party to the instrument but is  
41 requesting shielding for an eligible document in which an  
42 immediate family member is a party to the instrument, the  
43 full legal name or legal alias of the immediate family  
44 member shall also be provided.

45 3. Not more than five business days after the date on  
46 which the recorder of deeds receives the written request,  
47 the recorder of deeds shall shield the eligible documents  
48 listed in the written request. Within five business days of  
49 receipt, the recorder of deeds shall electronically reply to  
50 the written request with a list of any document locator  
51 numbers submitted under subsection 2 of this section not  
52 found in the records maintained by that recorder of deeds.

53           4. If the full legal name or legal alias of the  
54 judicial officer or immediate family member provided does  
55 not appear on an eligible document listed in the written  
56 request, the recorder of deeds may electronically reply to  
57 the written request with this information. The recorder of  
58 deeds may delay shielding such eligible document until  
59 electronic confirmation is received from the applicable  
60 court clerk or judicial officer.

61           5. In order to shield subsequent eligible documents,  
62 the judicial officer shall present to the recorder of deeds  
63 at the time of recording a copy of his or her written  
64 request. The recorder of deeds shall ensure that the  
65 eligible document is shielded within five business days.

66           6. Eligible documents shall remain shielded until the  
67 recorder of deeds receives a court order or notarized  
68 affidavit signed by the judicial officer directing the  
69 recorder of deeds to terminate shielding.

70           7. The provisions of this section shall not prohibit  
71 access to a shielded eligible document by an individual or  
72 entity that provides to the recorder of deeds a court order  
73 or notarized affidavit signed by the judicial officer.

74           8. No recorder of deeds shall be liable for any  
75 damages under this section, provided the recorder of deeds  
76 made a good faith effort to comply with the provisions of  
77 this section. No recorder of deeds shall be liable for the  
78 release of any eligible document or any data from any  
79 eligible document that was released or accessed prior to the  
80 eligible document being shielded pursuant to this section.

          485.060. 1. Each court reporter for a circuit judge  
2 shall receive an annual salary of twenty-six thousand nine  
3 hundred dollars beginning January 1, 1985, until December  
4 31, 1985, and beginning January 1, 1986, an annual salary of  
5 thirty thousand dollars.

6           2. Such annual salary shall be modified by any salary  
7 adjustment provided by section 476.405.

8           3. Beginning January 1, 2022, the annual salary, as  
9 modified under section 476.405, shall be adjusted upon  
10 meeting the minimum number of cumulative years of service as  
11 a court reporter with a circuit court of this state by the  
12 following schedule:

13           (1) For each court reporter with zero to five years of  
14 service: the annual salary shall be increased only by any  
15 salary adjustment provided by section 476.405;

16           (2) For each court reporter with six to ten years of  
17 service: the annual salary shall be increased by the whole  
18 sum of five and one-quarter percent in addition to the  
19 increase provided by subdivision (1) of this subsection;

20           (3) For each court reporter with eleven to fifteen  
21 years of service: the annual salary shall be increased by  
22 the whole sum of eight and one-quarter percent in addition  
23 to the increase provided by subdivision (2) of this  
24 subsection;

25           (4) For each court reporter with sixteen to twenty  
26 years of service: the annual salary shall be increased by  
27 the whole sum of eight and one-half percent in addition to  
28 the increase provided by subdivision (3) of this subsection;  
29 or

30           (5) For each court reporter with twenty-one or more  
31 years of service: the annual salary shall be increased by  
32 the whole sum of eight and three-quarters percent in  
33 addition to the increase provided by subdivision (4) of this  
34 subsection.

35 [A court reporter may receive multiple adjustments under  
36 this subsection as his or her cumulative years of service  
37 increase, but only one percentage listed in subdivisions (1)



38 to (5) of this subsection shall apply to the annual salary  
39 at a time.]

40 4. Salaries shall be payable in equal monthly  
41 installments on the certification of the judge of the court  
42 or division in whose court the reporter is employed. If  
43 paid by the state, the salaries of such court reporters  
44 shall be paid in semimonthly or monthly installments, as  
45 designated by the commissioner of administration.

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

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

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

21 amount not to exceed twenty dollars. A change in the fee  
22 shall become effective and remain in effect until further  
23 changed.

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

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

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

16 2. In juvenile proceedings under chapter 211, a  
17 judgment of up to thirty dollars may be assessed against the  
18 child, parent or custodian of the child, in addition to  
19 other amounts authorized by law, in informal adjustments  
20 made under the provisions of sections 211.081 and 211.083,

21 and in an order of disposition or treatment under the  
22 provisions of section 211.181. The judgment may be ordered  
23 paid to the clerk of the circuit where the assessment is  
24 imposed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

492.304. 1. In addition to the admissibility of a  
2 statement under the provisions of section 492.303, the  
3 visual and aural recording of a verbal or nonverbal  
4 statement of a child when under the age of [fourteen who is  
5 alleged to be a victim of] eighteen or a vulnerable person,

6 relating to an offense under the provisions of chapter 565,  
7 566 [or] , 568, or 573 if performed by another, is  
8 admissible into evidence if:

9 (1) No attorney for either party was present when the  
10 statement was made; except that, for any statement taken at  
11 a state-funded child assessment center as provided for in  
12 subsection 2 of section 210.001, an attorney representing  
13 the state of Missouri in a criminal investigation may, as a  
14 member of a multidisciplinary investigation team, observe  
15 the taking of such statement, but such attorney shall not be  
16 present in the room where the interview is being conducted;

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

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

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

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

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

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

35 2. If the child or vulnerable person does not testify  
36 at the proceeding, the visual and aural recording of a  
37 verbal or nonverbal statement of the child or vulnerable

38 person shall not be admissible under this section unless the  
39 recording qualifies for admission under section 491.075.

40 3. If the visual and aural recording of a verbal or  
41 nonverbal statement of a child or vulnerable person is  
42 admissible under this section and the child or vulnerable  
43 person testifies at the proceeding, it shall be admissible  
44 in addition to the testimony of the child or vulnerable  
45 person at the proceeding whether or not it repeats or  
46 duplicates the child's or vulnerable person's testimony.

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

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

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

5 2. Each grand and petit juror shall receive six  
6 dollars per day, for every day he or she may actually serve  
7 as such, and seven cents for every mile he or she may  
8 necessarily travel going from his or her place of residence  
9 to the courthouse and returning, to be paid from funds of  
10 the county or a city not within a county. The governing  
11 body of each county or a city not within a county may  
12 authorize additional daily compensation and mileage

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

42 3. (1) In any county of the first classification  
43 without a charter form of government and with a population  
44 of at least two hundred thousand inhabitants, no grand or  
45 petit juror shall receive compensation for the first two



46 days of service, but shall receive fifty dollars per day for  
47 the third day and each subsequent day he or she may actually  
48 serve as such, and seven cents for every mile he or she may  
49 necessarily travel going from his or her place of residence  
50 to the courthouse and returning, to be paid from funds of  
51 the county.

52 (2) In any county or city not within a county, upon  
53 adoption by the governing body of the county or city not  
54 within a county, no grand or petit juror shall receive  
55 compensation for the first two days of service, but shall  
56 receive fifty dollars per day for the third day and each  
57 subsequent day he or she may actually serve as such, and  
58 seven cents for every mile he or she may necessarily travel  
59 going from his or her place of residence to the courthouse  
60 and returning, to be paid from funds of the county; except  
61 that, a county commission may authorize compensation to a  
62 grand or petit juror for the first two days of service not  
63 to exceed ten dollars per day.

64 4. When each panel of jurors summoned and attending  
65 court has completed its service, the board of jury  
66 commissioners shall cause to be submitted to the governing  
67 body of the county or a city not within a county a statement  
68 of fees earned by each juror. Within thirty days of the  
69 submission of the statement of fees, the governing body  
70 shall cause payment to be made to those jurors summoned the  
71 fees earned during their service as jurors.

509.520. 1. Notwithstanding any provision of law to  
2 the contrary, beginning August 28, [2009] 2023, pleadings,  
3 attachments, [or] exhibits filed with the court in any case,  
4 as well as any judgments or orders issued by the court, or  
5 other records of the court shall not include the following  
6 confidential and personal identifying information:

7 (1) The full Social Security number of any party or  
8 any child [who is the subject to an order of custody or  
9 support];

10 (2) The full credit card number [or other], financial  
11 institution account number, personal identification number,  
12 or password used to secure an account of any party;

13 (3) The full motor vehicle operator license number;

14 (4) Victim information, including the name, address,  
15 and other contact information of the victim;

16 (5) Witness information, including the name, address,  
17 and other contact information of the witness;

18 (6) Any other full state identification number;

19 (7) The name, address, and date of birth of a minor  
20 and, if applicable, any next friend; or

21 (8) The full date of birth of any party; however, the  
22 year of birth shall be made available, except for a minor.

23 2. The information provided under subsection 1 of this  
24 section shall be provided in a confidential information  
25 filing sheet contemporaneously filed with the court or  
26 entered by the court, which shall not be subject to public  
27 inspection or availability.

28 3. Nothing in this section shall preclude an entity  
29 including, but not limited to, a financial institution,  
30 insurer, insurance support organization, or consumer  
31 reporting agency that is otherwise permitted by law to  
32 access state court records from using a person's unique  
33 identifying information to match such information contained  
34 in a court record to validate that person's record.

35 4. The Missouri supreme court shall promulgate rules  
36 to administer this section.

37 5. Contemporaneously with the filing of every petition  
38 for dissolution of marriage, legal separation, motion for  
39 modification, action to establish paternity, and petition or

40 motion for support or custody of a minor child, the filing  
41 party shall file a confidential case filing sheet with the  
42 court which shall not be subject to public inspection and  
43 which provides:

44 (1) The name and address of the current employer and  
45 the Social Security number of the petitioner or movant, if a  
46 person;

47 (2) If known to the petitioner or movant, the name and  
48 address of the current employer and the Social Security  
49 number of the respondent; and

50 (3) The names, dates of birth, and Social Security  
51 numbers of any children subject to the action.

52 [3.] 6. Contemporaneously with the filing of every  
53 responsive pleading petition for dissolution of marriage,  
54 legal separation, motion for modification, action to  
55 establish paternity, and petition or motion for support or  
56 custody of a minor child, the responding party shall file a  
57 confidential case filing sheet with the court which shall  
58 not be subject to public inspection and which provides:

59 (1) The name and address of the current employer and  
60 the Social Security number of the responding party, if a  
61 person;

62 (2) If known to the responding party, the name and  
63 address of the current employer and the Social Security  
64 number of the petitioner or movant; and

65 (3) The names, dates of birth, and Social Security  
66 numbers of any children subject to the action.

67 [4.] 7. The full Social Security number of any party  
68 or child subject to an order of custody or support shall be  
69 retained by the court on the confidential case filing sheet  
70 or other confidential record maintained in conjunction with  
71 the administration of the case. The full credit card number  
72 or other financial account number of any party may be

73 retained by the court on a confidential record if it is  
74 necessary to maintain the number in conjunction with the  
75 administration of the case.

76 [5.] 8. Any document described in subsection 1 of this  
77 section shall, in lieu of the full number, include only the  
78 last four digits of any such number.

79 [6.] 9. Except as provided in section 452.430, the  
80 clerk shall not be required to redact any document described  
81 in subsection 1 of this section issued or filed before  
82 August 28, 2009, prior to releasing the document to the  
83 public.

84 [7.] 10. For good cause shown, the court may release  
85 information contained on the confidential case filing sheet;  
86 except that, any state agency acting under authority of  
87 chapter 454 shall have access to information contained  
88 herein without court order in carrying out their official  
89 duty.

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

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

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

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

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

12 (4) "State", a state of the United States, the  
13 District of Columbia, Puerto Rico, the United States Virgin

14 Islands, a federally recognized Indian tribe, or any  
15 territory or insular possession subject to the jurisdiction  
16 of the United States;

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

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

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

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

510.506. 1. To request issuance of a subpoena under  
2 this section, a party shall submit a foreign subpoena to a  
3 clerk of court in the county in which discovery is sought to  
4 be conducted in this state. A request for the issuance of a  
5 subpoena under sections 510.500 to 510.521 shall not  
6 constitute an appearance in the courts of this state.

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

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

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

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

510.509. A subpoena issued by a clerk of court under  
2 section 510.506 shall be served in compliance with the

3 Missouri supreme court rules of civil procedure and laws of  
4 this state.

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

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

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

2 510.521. Sections 510.500 to 510.521 apply to requests  
3 for discovery in cases pending on August 28, 2023.

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

3 2. (1) As used in this section, the following terms  
4 mean:

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

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

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

14 (2) Except as otherwise provided in subdivision (3) of  
15 this subsection, this section applies to a cause of action

16 asserted in a civil action against a person based on the  
17 person's:

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

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

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

28 (3) This section does not apply to a cause of action  
29 asserted:

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

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

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

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

47 4. (1) Except as otherwise provided in this  
48 subsection:

49           (a) All other proceedings between the moving party and  
50 responding party in an action, including discovery and a  
51 pending hearing or motion, are stayed on the filing of a  
52 motion under subsection 3 of this section; and

53           (b) On motion by the moving party, the court may stay:  
54           a. A hearing or motion involving another party if the  
55 ruling on the hearing or motion would adjudicate a legal or  
56 factual issue that is material to the motion under  
57 subsection 3 of this section; or

58           b. Discovery by another party if the discovery relates  
59 to the issue.

60           (2) A stay under subdivision (1) of this subsection  
61 remains in effect until entry of an order ruling on the  
62 motion filed under subsection 3 of this section and the  
63 expiration of the time to appeal the order.

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

68           (4) During a stay under subdivision (1) of this  
69 subsection, the court may allow limited discovery if a party  
70 shows that specific information is necessary to establish  
71 whether a party has satisfied or failed to satisfy a burden  
72 imposed by subdivision (1) of subsection 7 of this section  
73 and is not reasonably available without discovery.

74           (5) A motion for costs and expenses under subsection  
75 10 of this section shall not be subject to a stay under this  
76 section.

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

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



82           (a) A motion unrelated to the motion under subsection  
83 3 of this section; and

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

87           5. (1) The court shall hear a motion under subsection  
88 3 of this section no later than sixty days after filing of  
89 the motion, unless the court orders a later hearing:

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

92           (b) For other good cause.

93           (2) If the court orders a later hearing under  
94 paragraph (a) of subdivision (1) of this subsection, the  
95 court shall hear the motion under subsection 3 of this  
96 section no later than sixty days after the court order  
97 allowing the discovery, subject to paragraph (b) of  
98 subdivision (1) of this subsection.

99           6. In ruling on a motion under subsection 3 of this  
100 section, the court shall consider the parties' pleadings,  
101 the motion, any replies and responses to the motion, and any  
102 evidence that could be considered in ruling on a motion for  
103 summary judgment.

104           7. (1) In ruling on a motion under subsection 3 of  
105 this section, the court shall dismiss with prejudice a cause  
106 of action or part of a cause of action if:

107           (a) The moving party establishes under subdivision (2)  
108 of subsection 2 of this section that this section applies;

109           (b) The responding party fails to establish under  
110 subdivision (3) of subsection 2 of this section that this  
111 section does not apply; and

112           (c) Either:

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

116 b. The moving party establishes that:

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

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

122 (2) A voluntary dismissal without prejudice of a  
123 responding party's cause of action, or part of a cause of  
124 action, that is the subject of a motion under subsection 3  
125 of this section does not affect a moving party's right to  
126 obtain a ruling on the motion and seek costs, reasonable  
127 attorney's fees, and reasonable litigation expenses under  
128 subsection 10 of this section.

129 (3) A voluntary dismissal with prejudice of a  
130 responding party's cause of action, or part of a cause of  
131 action, that is the subject of a motion under subsection 3  
132 of this section establishes for the purpose of subsection 10  
133 of this section that the moving party prevailed on the  
134 motion.

135 8. The court shall rule on a motion under subsection 3  
136 of this section no later than sixty days after the hearing  
137 under subsection 5 of this section.

138 9. A moving party may appeal within twenty-one days as  
139 a matter of right from an order denying, in whole or in  
140 part, a motion under subsection 3 of this section.

141 10. On a motion under subsection 3 of this section,  
142 the court shall award costs, reasonable attorney's fees, and  
143 reasonable litigation expenses related to the motion:

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

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

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

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

159           13. This section applies to a civil action filed or  
160 cause of action asserted in a civil action on or after  
161 August 28, 2023.

544.453. Notwithstanding any provision of the law or  
2 court rule to the contrary, a judge or judicial officer,  
3 when setting bail or conditions of release in all courts in  
4 Missouri for any offense charged, shall consider, in  
5 addition to any factor required by law, whether:

6           (1) A defendant poses a danger to a victim of a crime,  
7 the community, any witness to the crime, or to any other  
8 person;

9           (2) A defendant is a flight risk;

10           (3) A defendant has committed a misdemeanor offense  
11 involving a crime of violence, sexual offense, or felony  
12 offense in this state or any other state in the last five  
13 years; and

14           (4) A defendant has failed to appear in court as a  
15 required condition of probation or parole for a misdemeanor  
16 involving a crime of violence or felony or a sexual offense  
17 within the last three years.

547.500. 1. The Missouri office of prosecution services may establish a conviction review unit to investigate claims of actual innocence of any defendant, including those who plead guilty.

2. The Missouri office of prosecution services shall have the power to promulgate rules and regulations to receive and investigate claims of actual innocence.

3. The Missouri office of prosecution services shall create an application process that at a minimum shall include that:

(1) Any application for review of a claim of actual innocence shall not have any excessive fees and fees shall be waived in cases of indigence;

(2) No application shall be accepted if there is any pending motion, writ, appeal, or other matter pending regarding the defendant's conviction. Any application filed shall be considered a pleading under the Missouri rules of civil procedure, and all attorneys shall comply with supreme court rule 55.03 when signing the application. The application shall be sworn and signed under penalty of perjury by the applicant. Any witness statements attached shall be sworn and signed under penalty of perjury; and

(3) Any review and investigation shall be based on newly discovered and reliable evidence of actual innocence not presented at a trial. Such newly discovered and reliable evidence shall establish by clear and convincing evidence the actual innocence of the defendant.

4. The conviction review unit shall consist of two attorneys, hired by the executive director of the Missouri office of prosecution services, who have extensive experience prosecuting and defending criminal matters, an investigator, a paralegal, and such administrative staff as is needed to efficiently and effectively process all

34 applications and claims. The executive director of the  
35 Missouri office of prosecution services shall coordinate the  
36 activities and budget of the conviction review unit and act  
37 as an ex officio member of the unit.

38 5. Once the review is complete, the conviction review  
39 unit shall present its findings and recommendations to:

40 (1) The office of the prosecuting attorney or circuit  
41 attorney who prosecuted the defendant's case, the attorney  
42 general's office if it prosecuted the case, or the special  
43 prosecutor who prosecuted the case; or

44 (2) If the review was requested by a prosecuting  
45 attorney's office, the circuit attorney's office, the  
46 attorney general, or a special prosecutor, the findings and  
47 recommendations shall be presented to the office that  
48 requested the review.

49 6. The circuit attorney, prosecuting attorney of any  
50 county, special prosecutor, attorney general's office if it  
51 prosecuted the case, Missouri office of prosecution  
52 services, or other prosecutor who prosecuted the case is not  
53 required to accept or follow the findings and  
54 recommendations of the conviction review unit.

55 7. (1) The application, investigation, reports,  
56 interviews, findings, and recommendations, and any  
57 documents, written, electronic, or otherwise, received or  
58 generated by the conviction review unit are closed records.

59 (2) The conviction review unit's findings and  
60 recommendations submitted to the prosecuting attorney,  
61 circuit attorney, the attorney general's office if it  
62 prosecuted the case, or the special prosecutor who  
63 prosecuted the case shall become open records after the  
64 receiving entity of the submission makes a decision not to  
65 pursue a motion under section 547.031 or, if such a motion

66 is filed, after the finality of all proceedings under  
67 section 547.031, including appeals authorized therein.

552.020. 1. No person who as a result of mental  
2 disease or defect lacks capacity to understand the  
3 proceedings against him or her or to assist in his or her  
4 own defense shall be tried, convicted or sentenced for the  
5 commission of an offense so long as the incapacity endures.

6 2. Whenever any judge has reasonable cause to believe  
7 that the accused lacks mental fitness to proceed, the judge  
8 shall, upon his or her own motion or upon motion filed by  
9 the state or by or on behalf of the accused, by order of  
10 record, appoint one or more private psychiatrists or  
11 psychologists, as defined in section 632.005, or physicians  
12 with a minimum of one year training or experience in  
13 providing treatment or services to persons with an  
14 intellectual disability or developmental disability or  
15 mental illness, who are neither employees nor contractors of  
16 the department of mental health for purposes of performing  
17 the examination in question, to examine the accused; or  
18 shall direct the director to have the accused so examined by  
19 one or more psychiatrists or psychologists, as defined in  
20 section 632.005, or physicians with a minimum of one year  
21 training or experience in providing treatment or services to  
22 persons with an intellectual disability, developmental  
23 disability, or mental illness. The order shall direct that  
24 a written report or reports of such examination be filed  
25 with the clerk of the court. No private physician,  
26 psychiatrist, or psychologist shall be appointed by the  
27 court unless he or she has consented to act. The  
28 examinations ordered shall be made at such time and place  
29 and under such conditions as the court deems proper; except  
30 that, if the order directs the director of the department to  
31 have the accused examined, the director, or his or her

32 designee, shall determine the time, place and conditions  
33 under which the examination shall be conducted. The order  
34 may include provisions for the interview of witnesses and  
35 may require the provision of police reports to the  
36 department for use in evaluations. The department shall  
37 establish standards and provide training for those  
38 individuals performing examinations pursuant to this section  
39 and section 552.030. No individual who is employed by or  
40 contracts with the department shall be designated to perform  
41 an examination pursuant to this chapter unless the  
42 individual meets the qualifications so established by the  
43 department. Any examination performed pursuant to this  
44 subsection shall be completed and filed with the court  
45 within sixty days of the order unless the court for good  
46 cause orders otherwise. Nothing in this section or section  
47 552.030 shall be construed to permit psychologists to engage  
48 in any activity not authorized by chapter 337. One pretrial  
49 evaluation shall be provided at no charge to the defendant  
50 by the department. All costs of subsequent evaluations  
51 shall be assessed to the party requesting the evaluation.

52 3. A report of the examination made under this section  
53 shall include:

54 (1) Detailed findings;

55 (2) An opinion as to whether the accused has a mental  
56 disease or defect;

57 (3) An opinion based upon a reasonable degree of  
58 medical or psychological certainty as to whether the  
59 accused, as a result of a mental disease or defect, lacks  
60 capacity to understand the proceedings against him or her or  
61 to assist in his or her own defense;

62 (4) An opinion, if the accused is found to lack  
63 capacity to understand the proceedings against him or her or  
64 to assist in his or her own defense, as to whether there is

65 a substantial probability that the accused will be mentally  
66 fit to proceed in the reasonably foreseeable future;

67 (5) A recommendation as to whether the accused should  
68 be held in custody in a suitable hospital facility for  
69 treatment pending determination, by the court, of mental  
70 fitness to proceed; [and

71 (5)] (6) A recommendation as to whether the accused,  
72 if found by the court to be mentally fit to proceed, should  
73 be detained in such hospital facility pending further  
74 proceedings;

75 (7) A recommendation as to whether the accused, if  
76 found by the court to lack the mental fitness to proceed,  
77 should be committed to a suitable hospital facility for  
78 treatment to restore the mental fitness to proceed or if  
79 such treatment to restore the mental fitness to proceed can  
80 be provided in a county jail or other detention facility  
81 approved by the director or designee; and

82 (8) A recommendation as to whether the accused, if  
83 found by the court to lack the mental fitness to proceed and  
84 the accused is not charged with a dangerous felony as  
85 defined in section 556.061, murder in the first degree under  
86 section 565.020, or rape in the second degree under section  
87 566.031, or the attempts thereof:

88 (a) Should be committed to a suitable hospital  
89 facility; or

90 (b) May be appropriately treated in the community; and

91 (c) Is able to comply with bond conditions as set  
92 forth by the court and is able to comply with treatment  
93 conditions and requirements as set forth by the director of  
94 the department or his or her designee.

95 4. When the court determines that the accused can  
96 comply with the bond and treatment conditions as referenced  
97 in subsection 3 of this section, the court shall order that



98 the accused remain on bond while receiving treatment until  
99 the case is disposed of as set forth by subsection 12 of  
100 this section. If, at any time, the court finds that the  
101 accused has failed to comply with the bond and treatment  
102 conditions, the court may order that the accused be taken  
103 into law enforcement custody until such time as a department  
104 inpatient bed is available to provide treatment.

105       5. If the accused has pleaded lack of responsibility  
106 due to mental disease or defect or has given the written  
107 notice provided in subsection 2 of section 552.030, the  
108 court shall order the report of the examination conducted  
109 pursuant to this section to include, in addition to the  
110 information required in subsection 3 of this section, an  
111 opinion as to whether at the time of the alleged criminal  
112 conduct the accused, as a result of mental disease or  
113 defect, did not know or appreciate the nature, quality, or  
114 wrongfulness of his or her conduct or as a result of mental  
115 disease or defect was incapable of conforming his or her  
116 conduct to the requirements of law. A plea of not guilty by  
117 reason of mental disease or defect shall not be accepted by  
118 the court in the absence of any such pretrial evaluation  
119 which supports such a defense. In addition, if the accused  
120 has pleaded not guilty by reason of mental disease or  
121 defect, and the alleged crime is not a dangerous felony as  
122 defined in section 556.061, or those crimes set forth in  
123 subsection 10 of section 552.040, or the attempts thereof,  
124 the court shall order the report of the examination to  
125 include an opinion as to whether or not the accused should  
126 be immediately conditionally released by the court pursuant  
127 to the provisions of section 552.040 or should be committed  
128 to a mental health or developmental disability facility. If  
129 such an evaluation is conducted at the direction of the  
130 director of the department of mental health, the court shall

131 also order the report of the examination to include an  
132 opinion as to the conditions of release which are consistent  
133 with the needs of the accused and the interest of public  
134 safety, including, but not limited to, the following factors:

135 (1) Location and degree of necessary supervision of  
136 housing;

137 (2) Location of and responsibilities for appropriate  
138 psychiatric, rehabilitation and aftercare services,  
139 including the frequency of such services;

140 (3) Medication follow-up, including necessary testing  
141 to monitor medication compliance;

142 (4) At least monthly contact with the department's  
143 forensic case monitor;

144 (5) Any other conditions or supervision as may be  
145 warranted by the circumstances of the case.

146 [5.] 6. If the report contains the recommendation that  
147 the accused should be committed to or held in a suitable  
148 hospital facility pending determination of the issue of  
149 mental fitness to proceed, and if the accused is not  
150 admitted to bail or released on other conditions, the court  
151 may order that the accused be committed to or held in a  
152 suitable hospital facility pending determination of the  
153 issue of mental fitness to proceed.

154 [6.] 7. The clerk of the court shall deliver copies of  
155 the report to the prosecuting or circuit attorney and to the  
156 accused or his or her counsel. The report shall not be a  
157 public record or open to the public. Within ten days after  
158 the filing of the report, both the defendant and the state  
159 shall, upon written request, be entitled to an order  
160 granting them an examination of the accused by a  
161 psychiatrist or psychologist, as defined in section 632.005,  
162 or a physician with a minimum of one year training or  
163 experience in providing treatment or services to persons

164 with an intellectual disability or developmental disability  
165 or mental illness, of their own choosing and at their own  
166 expense. An examination performed pursuant to this  
167 subsection shall be completed and a report filed with the  
168 court within sixty days of the date it is received by the  
169 department or private psychiatrist, psychologist or  
170 physician unless the court, for good cause, orders  
171 otherwise. A copy shall be furnished the opposing party.

172 [7.] 8. If neither the state nor the accused nor his  
173 or her counsel requests a second examination relative to  
174 fitness to proceed or contests the findings of the report  
175 referred to in subsections 2 and 3 of this section, the  
176 court [may] shall make a determination and finding on the  
177 basis of the report filed or [may] shall hold a hearing on  
178 its own motion. If any such opinion is contested, the court  
179 shall hold a hearing on the issue. The court shall  
180 determine the issue of mental fitness to proceed and may  
181 impanel a jury of six persons to assist in making the  
182 determination. The report or reports may be received in  
183 evidence at any hearing on the issue but the party  
184 contesting any opinion therein shall have the right to  
185 summon and to cross-examine the examiner who rendered such  
186 opinion and to offer evidence upon the issue.

187 [8.] 9. At a hearing on the issue pursuant to  
188 subsection [7] 8 of this section, the accused is presumed to  
189 have the mental fitness to proceed. The burden of proving  
190 that the accused does not have the mental fitness to proceed  
191 is by a preponderance of the evidence and the burden of  
192 going forward with the evidence is on the party raising the  
193 issue. The burden of going forward shall be on the state if  
194 the court raises the issue.

195 [9.] 10. If the court determines that the accused  
196 lacks mental fitness to proceed, the criminal proceedings

197 shall be suspended and the court shall commit him or her to  
198 the director of the department of mental health. After the  
199 person has been committed, legal counsel for the department  
200 of mental health shall have standing to file motions and  
201 participate in hearings on the issue of involuntary  
202 medications.

203 ~~[10.]~~ 11. Any person committed pursuant to subsection  
204 ~~[9]~~ 10 of this section shall be entitled to the writ of  
205 habeas corpus upon proper petition to the court that  
206 committed him or her. The issue of the mental fitness to  
207 proceed after commitment under subsection ~~[9]~~ 10 of this  
208 section may also be raised by a motion filed by the director  
209 of the department of mental health or by the state, alleging  
210 the mental fitness of the accused to proceed. A report  
211 relating to the issue of the accused's mental fitness to  
212 proceed may be attached thereto. When a motion to proceed  
213 is filed, legal counsel for the department of mental health  
214 shall have standing to participate in hearings on such  
215 motions. If the motion is not contested by the accused or  
216 his or her counsel or if after a hearing on a motion the  
217 court finds the accused mentally fit to proceed, or if he or  
218 she is ordered discharged from the director's custody upon a  
219 habeas corpus hearing, the criminal proceedings shall be  
220 resumed.

221 ~~[11.]~~ 12. The following provisions shall apply after a  
222 commitment as provided in this section:

223 (1) Six months after such commitment, the court which  
224 ordered the accused committed shall order an examination by  
225 the head of the facility in which the accused is committed,  
226 or a qualified designee, to ascertain whether the accused is  
227 mentally fit to proceed and if not, whether there is a  
228 substantial probability that the accused will attain the  
229 mental fitness to proceed to trial in the foreseeable

230 future. The order shall direct that written report or  
231 reports of the examination be filed with the clerk of the  
232 court within thirty days and the clerk shall deliver copies  
233 to the prosecuting attorney or circuit attorney and to the  
234 accused or his or her counsel. The report required by this  
235 subsection shall conform to the requirements under  
236 subsection 3 of this section with the additional requirement  
237 that it include an opinion, if the accused lacks mental  
238 fitness to proceed, as to whether there is a substantial  
239 probability that the accused will attain the mental fitness  
240 to proceed in the foreseeable future;

241 (2) Within ten days after the filing of the report,  
242 both the accused and the state shall, upon written request,  
243 be entitled to an order granting them an examination of the  
244 accused by a psychiatrist or psychologist, as defined in  
245 section 632.005, or a physician with a minimum of one year  
246 training or experience in providing treatment or services to  
247 persons with an intellectual disability or developmental  
248 disability or mental illness, of their own choosing and at  
249 their own expense. An examination performed pursuant to  
250 this subdivision shall be completed and filed with the court  
251 within thirty days unless the court, for good cause, orders  
252 otherwise. A copy shall be furnished to the opposing party;

253 (3) If neither the state nor the accused nor his or  
254 her counsel requests a second examination relative to  
255 fitness to proceed or contests the findings of the report  
256 referred to in subdivision (1) of this subsection, the court  
257 may make a determination and finding on the basis of the  
258 report filed, or may hold a hearing on its own motion. If  
259 any such opinion is contested, the court shall hold a  
260 hearing on the issue. The report or reports may be received  
261 in evidence at any hearing on the issue but the party  
262 contesting any opinion therein relative to fitness to

263 proceed shall have the right to summon and to cross-examine  
264 the examiner who rendered such opinion and to offer evidence  
265 upon the issue;

266 (4) If the accused is found mentally fit to proceed,  
267 the criminal proceedings shall be resumed;

268 (5) If it is found that the accused lacks mental  
269 fitness to proceed but there is a substantial probability  
270 the accused will be mentally fit to proceed in the  
271 reasonably foreseeable future, the court shall continue such  
272 commitment for a period not longer than six months, after  
273 which the court shall reinstitute the proceedings required  
274 under subdivision (1) of this subsection;

275 (6) If it is found that the accused lacks mental  
276 fitness to proceed and there is no substantial probability  
277 that the accused will be mentally fit to proceed in the  
278 reasonably foreseeable future, the court shall dismiss the  
279 charges without prejudice and the accused shall be  
280 discharged, but only if proper proceedings have been filed  
281 under chapter 632 or chapter 475, in which case those  
282 sections and no others will be applicable. The probate  
283 division of the circuit court shall have concurrent  
284 jurisdiction over the accused upon the filing of a proper  
285 pleading to determine if the accused shall be involuntarily  
286 detained under chapter 632, or to determine if the accused  
287 shall be declared incapacitated under chapter 475, and  
288 approved for admission by the guardian under section 632.120  
289 or 633.120, to a mental health or developmental disability  
290 facility. When such proceedings are filed, the criminal  
291 charges shall be dismissed without prejudice if the court  
292 finds that the accused is mentally ill and should be  
293 committed or that he or she is incapacitated and should have  
294 a guardian appointed. The period of limitation on

295 prosecuting any criminal offense shall be tolled during the  
296 period that the accused lacks mental fitness to proceed.

297 [12.] 13. If the question of the accused's mental  
298 fitness to proceed was raised after a jury was impaneled to  
299 try the issues raised by a plea of not guilty and the court  
300 determines that the accused lacks the mental fitness to  
301 proceed or orders the accused committed for an examination  
302 pursuant to this section, the court may declare a mistrial.  
303 Declaration of a mistrial under these circumstances, or  
304 dismissal of the charges pursuant to subsection [11] 12 of  
305 this section, does not constitute jeopardy, nor does it  
306 prohibit the trial, sentencing or execution of the accused  
307 for the same offense after he or she has been found restored  
308 to competency.

309 [13.] 14. The result of any examinations made pursuant  
310 to this section shall not be a public record or open to the  
311 public.

312 [14.] 15. No statement made by the accused in the  
313 course of any examination or treatment pursuant to this  
314 section and no information received by any examiner or other  
315 person in the course thereof, whether such examination or  
316 treatment was made with or without the consent of the  
317 accused or upon his or her motion or upon that of others,  
318 shall be admitted in evidence against the accused on the  
319 issue of guilt in any criminal proceeding then or thereafter  
320 pending in any court, state or federal. A finding by the  
321 court that the accused is mentally fit to proceed shall in  
322 no way prejudice the accused in a defense to the crime  
323 charged on the ground that at the time thereof he or she was  
324 afflicted with a mental disease or defect excluding  
325 responsibility, nor shall such finding by the court be  
326 introduced in evidence on that issue nor otherwise be  
327 brought to the notice of the jury.

552.030. 1. A person is not responsible for criminal  
conduct if, at the time of such conduct, as a result of  
mental disease or defect such person was incapable of  
knowing and appreciating the nature, quality, or  
wrongfulness of such person's conduct.

2. Evidence of mental disease or defect excluding  
responsibility shall not be admissible at trial of the  
accused unless the accused, at the time of entering such  
accused's plea to the charge, pleads not guilty by reason of  
mental disease or defect excluding responsibility, or unless  
within ten days after a plea of not guilty, or at such later  
date as the court may for good cause permit, the accused  
files a written notice of such accused's purpose to rely on  
such defense. Such a plea or notice shall not deprive the  
accused of other defenses. The state may accept a defense  
of mental disease or defect excluding responsibility,  
whether raised by plea or written notice, if the accused has  
no other defense and files a written notice to that effect.  
The state shall not accept a defense of mental disease or  
defect excluding responsibility in the absence of any  
pretrial evaluation as described in this section or section  
552.020. Upon the state's acceptance of the defense of  
mental disease or defect excluding responsibility, the court  
shall proceed to order the commitment of the accused as  
provided in section 552.040 in cases of persons acquitted on  
the ground of mental disease or defect excluding  
responsibility, and further proceedings shall be had  
regarding the confinement and release of the accused as  
provided in section 552.040.

3. Whenever the accused has pleaded mental disease or  
defect excluding responsibility or has given the written  
notice provided in subsection 2 of this section, and such  
defense has not been accepted as provided in subsection 2 of



34 this section, the court shall, after notice and upon motion  
35 of either the state or the accused, by order of record,  
36 appoint one or more private psychiatrists or psychologists,  
37 as defined in section 632.005, or physicians with a minimum  
38 of one year training or experience in providing treatment or  
39 services to persons with an intellectual disability or  
40 developmental disability or mental illness, who are neither  
41 employees nor contractors of the department of mental health  
42 for purposes of performing the examination in question, to  
43 examine the accused, or shall direct the director of the  
44 department of mental health, or the director's designee, to  
45 have the accused so examined by one or more psychiatrists or  
46 psychologists, as defined in section 632.005, or physicians  
47 with a minimum of one year training or experience in  
48 providing treatment or services to persons with an  
49 intellectual disability or developmental disability or  
50 mental illness designated by the director, or the director's  
51 designee, as qualified to perform examinations pursuant to  
52 this chapter. The order shall direct that written report or  
53 reports of such examination be filed with the clerk of the  
54 court. No private psychiatrist, psychologist, or physician  
55 shall be appointed by the court unless such psychiatrist,  
56 psychologist or physician has consented to act. The  
57 examinations ordered shall be made at such time and place  
58 and under such conditions as the court deems proper; except  
59 that, if the order directs the director of the department of  
60 mental health to have the accused examined, the director, or  
61 the director's designee, shall determine the time, place and  
62 conditions under which the examination shall be conducted.  
63 The order may include provisions for the interview of  
64 witnesses and may require the provision of police reports to  
65 the department for use in evaluation. If an examination  
66 provided in section 552.020 was made and the report of such

67 examination included an opinion as to whether, at the time  
68 of the alleged criminal conduct, the accused, as a result of  
69 mental disease or defect, did not know or appreciate the  
70 nature, quality or wrongfulness of such accused's conduct or  
71 as a result of mental disease or defect was incapable of  
72 conforming such accused's conduct to the requirements of  
73 law, such report may be received in evidence, and no new  
74 examination shall be required by the court unless, in the  
75 discretion of the court, another examination is necessary.  
76 If an examination is ordered pursuant to this section, the  
77 report shall contain the information required in subsections  
78 3 and [4] 5 of section 552.020. Within ten days after  
79 receiving a copy of such report, both the accused and the  
80 state shall, upon written request, be entitled to an order  
81 granting them an examination of the accused by an examiner  
82 of such accused's or its own choosing and at such accused's  
83 or its expense. The clerk of the court shall deliver copies  
84 of the report or reports to the prosecuting or circuit  
85 attorney and to the accused or his counsel. No reports  
86 required by this subsection shall be public records or be  
87 open to the public. Any examination performed pursuant to  
88 this subsection shall be completed and the results shall be  
89 filed with the court within sixty days of the date it is  
90 received by the department or private psychiatrist,  
91 psychologist or physician unless the court, for good cause,  
92 orders otherwise.

93 4. If the report contains the recommendation that the  
94 accused should be held in custody in a suitable hospital  
95 facility pending trial, and if the accused is not admitted  
96 to bail, or released on other conditions, the court may  
97 order that the accused be committed to or held in a suitable  
98 hospital facility pending trial.

99           5. No statement made by the accused in the course of  
100 any such examination and no information received by any  
101 physician or other person in the course thereof, whether  
102 such examination was made with or without the consent of the  
103 accused or upon the accused's motion or upon that of others,  
104 shall be admitted in evidence against the accused on the  
105 issue of whether the accused committed the act charged  
106 against the accused in any criminal proceeding then or  
107 thereafter pending in any court, state or federal. The  
108 statement or information shall be admissible in evidence for  
109 or against the accused only on the issue of the accused's  
110 mental condition, whether or not it would otherwise be  
111 deemed to be a privileged communication. If the statement  
112 or information is admitted for or against the accused on the  
113 issue of the accused's mental condition, the court shall,  
114 both orally at the time of its admission and later by  
115 instruction, inform the jury that it must not consider such  
116 statement or information as any evidence of whether the  
117 accused committed the act charged against the accused.

118           6. All persons are presumed to be free of mental  
119 disease or defect excluding responsibility for their  
120 conduct, whether or not previously adjudicated in this or  
121 any other state to be or to have been sexual or social  
122 psychopaths, or incompetent; provided, however, the court  
123 may admit evidence presented at such adjudication based on  
124 its probative value. The issue of whether any person had a  
125 mental disease or defect excluding responsibility for such  
126 person's conduct is one for the trier of fact to decide upon  
127 the introduction of substantial evidence of lack of such  
128 responsibility. But, in the absence of such evidence, the  
129 presumption shall be conclusive. Upon the introduction of  
130 substantial evidence of lack of such responsibility, the  
131 presumption shall not disappear and shall alone be

132 sufficient to take that issue to the trier of fact. The  
133 jury shall be instructed as to the existence and nature of  
134 such presumption when requested by the state and, where the  
135 issue of such responsibility is one for the jury to decide,  
136 the jury shall be told that the burden rests upon the  
137 accused to show by a preponderance or greater weight of the  
138 credible evidence that the defendant was suffering from a  
139 mental disease or defect excluding responsibility at the  
140 time of the conduct charged against the defendant. At the  
141 request of the defense the jury shall be instructed by the  
142 court as to the contents of subsection 2 of section 552.040.

143 7. When the accused is acquitted on the ground of  
144 mental disease or defect excluding responsibility, the  
145 verdict and the judgment shall so state as well as state the  
146 offense for which the accused was acquitted. The clerk of  
147 the court shall furnish a copy of any judgment or order of  
148 commitment to the department of mental health pursuant to  
149 this section to the criminal records central repository  
150 pursuant to section 43.503.

552.040. 1. For the purposes of this section, the  
2 following words mean:

3 (1) "Prosecutor of the jurisdiction", the prosecuting  
4 attorney in a county or the circuit attorney of a city not  
5 within a county;

6 (2) "Secure facility", a state mental health facility,  
7 state developmental disability facility, private facility  
8 under contract with the department of mental health, or a  
9 section within any of these facilities, in which persons  
10 committed to the department of mental health pursuant to  
11 this chapter shall not be permitted to move about the  
12 facility or section of the facility, nor to leave the  
13 facility or section of the facility, without approval by the  
14 head of the facility or such head's designee and adequate

15 supervision consistent with the safety of the public and the  
16 person's treatment, habilitation or rehabilitation plan;

17 (3) "Tried and acquitted" includes both pleas of  
18 mental disease or defect excluding responsibility that are  
19 accepted by the court and acquittals on the ground of mental  
20 disease or defect excluding responsibility following the  
21 proceedings set forth in section 552.030.

22 2. When an accused is tried and acquitted on the  
23 ground of mental disease or defect excluding responsibility,  
24 the court shall order such person committed to the director  
25 of the department of mental health for custody. The court  
26 shall also order custody and care in a state mental health  
27 or intellectual disability facility unless an immediate  
28 conditional release is granted pursuant to this section. If  
29 the accused has not been charged with a dangerous felony as  
30 defined in section 556.061, or with murder in the first  
31 degree pursuant to section 565.020, or sexual assault  
32 pursuant to section 566.040, or the attempts thereof, and  
33 the examination contains an opinion that the accused should  
34 be immediately conditionally released to the community by  
35 the court, the court shall hold a hearing to determine if an  
36 immediate conditional release is appropriate pursuant to the  
37 procedures for conditional release set out in subsections 10  
38 to 14 of this section. Prior to the hearing, the court  
39 shall direct the director of the department of mental  
40 health, or the director's designee, to have the accused  
41 examined to determine conditions of confinement in  
42 accordance with subsection ~~[4]~~ 5 of section 552.020. The  
43 provisions of subsection 16 of this section shall be  
44 applicable to defendants granted an immediate conditional  
45 release and the director shall honor the immediate  
46 conditional release as granted by the court. If the court  
47 determines that an immediate conditional release is

48 warranted, the court shall order the person committed to the  
49 director of the department of mental health before ordering  
50 such a release. The court granting the immediate  
51 conditional release shall retain jurisdiction over the case  
52 for the duration of the conditional release. This shall not  
53 limit the authority of the director of the department of  
54 mental health or the director's designee to revoke the  
55 conditional release or the trial release of any committed  
56 person pursuant to subsection 17 of this section. If the  
57 accused is committed to a mental health or developmental  
58 disability facility, the director of the department of  
59 mental health, or the director's designee, shall determine  
60 the time, place and conditions of confinement.

61 3. The provisions of sections 630.110, 630.115,  
62 630.130, 630.133, 630.135, 630.140, 630.145, 630.150,  
63 630.180, 630.183, 630.192, 630.194, 630.196, 630.198,  
64 630.805, 632.370, 632.395, and 632.435 shall apply to  
65 persons committed pursuant to subsection 2 of this section.  
66 If the department does not have a treatment or  
67 rehabilitation program for a mental disease or defect of an  
68 individual, that fact may not be the basis for a release  
69 from commitment. Notwithstanding any other provision of law  
70 to the contrary, no person committed to the department of  
71 mental health who has been tried and acquitted by reason of  
72 mental disease or defect as provided in section 552.030  
73 shall be conditionally or unconditionally released unless  
74 the procedures set out in this section are followed. Upon  
75 request by an indigent committed person, the appropriate  
76 court may appoint the office of the public defender to  
77 represent such person in any conditional or unconditional  
78 release proceeding under this section.

79 4. Notwithstanding section 630.115, any person  
80 committed pursuant to subsection 2 of this section shall be

81 kept in a secure facility until such time as a court of  
82 competent jurisdiction enters an order granting a  
83 conditional or unconditional release to a nonsecure facility.

84 5. The committed person or the head of the facility  
85 where the person is committed may file an application in the  
86 court that committed the person seeking an order releasing  
87 the committed person unconditionally; except that any person  
88 who has been denied an application for a conditional release  
89 pursuant to subsection 13 of this section shall not be  
90 eligible to file for an unconditional release until the  
91 expiration of one year from such denial. In the case of a  
92 person who was immediately conditionally released after  
93 being committed to the department of mental health, the  
94 released person or the director of the department of mental  
95 health, or the director's designee, may file an application  
96 in the same court that released the committed person seeking  
97 an order releasing the committed person unconditionally.  
98 Copies of the application shall be served personally or by  
99 certified mail upon the head of the facility unless the head  
100 of the facility files the application, the committed person  
101 unless the committed person files the application, or unless  
102 the committed person was immediately conditionally released,  
103 the director of the department of mental health, and the  
104 prosecutor of the jurisdiction where the committed person  
105 was tried and acquitted. Any party objecting to the  
106 proposed release must do so in writing within thirty days  
107 after service. Within a reasonable period of time after any  
108 written objection is filed, which period shall not exceed  
109 sixty days unless otherwise agreed upon by the parties, the  
110 court shall hold a hearing upon notice to the committed  
111 person, the head of the facility, if necessary, the director  
112 of the department of mental health, and the prosecutor of  
113 the jurisdiction where the person was tried. Prior to the

114 hearing any of the parties, upon written application, shall  
115 be entitled to an examination of the committed person, by a  
116 psychiatrist or psychologist, as defined in section 632.005,  
117 or a physician with a minimum of one year training or  
118 experience in providing treatment or services to  
119 intellectually disabled or mentally ill individuals of its  
120 own choosing and at its expense. The report of the mental  
121 condition of the committed person shall accompany the  
122 application. By agreement of all parties to the proceeding  
123 any report of the mental condition of the committed person  
124 which may accompany the application for release or which is  
125 filed in objection thereto may be received by evidence, but  
126 the party contesting any opinion therein shall have the  
127 right to summon and to cross-examine the examiner who  
128 rendered such opinion and to offer evidence upon the issue.

129         6. By agreement of all the parties and leave of court,  
130 the hearing may be waived, in which case an order granting  
131 an unconditional release shall be entered in accordance with  
132 subsection 8 of this section.

133         7. At a hearing to determine if the committed person  
134 should be unconditionally released, the court shall consider  
135 the following factors in addition to any other relevant  
136 evidence:

137             (1) Whether or not the committed person presently has  
138 a mental disease or defect;

139             (2) The nature of the offense for which the committed  
140 person was committed;

141             (3) The committed person's behavior while confined in  
142 a mental health facility;

143             (4) The elapsed time between the hearing and the last  
144 reported unlawful or dangerous act;

145             (5) Whether the person has had conditional releases  
146 without incident; and



147           (6) Whether the determination that the committed  
148 person is not dangerous to himself or others is dependent on  
149 the person's taking drugs, medicine or narcotics.

150 The burden of persuasion for any person committed to a  
151 mental health facility under the provisions of this section  
152 upon acquittal on the grounds of mental disease or defect  
153 excluding responsibility shall be on the party seeking  
154 unconditional release to prove by clear and convincing  
155 evidence that the person for whom unconditional release is  
156 sought does not have, and in the reasonable future is not  
157 likely to have, a mental disease or defect rendering the  
158 person dangerous to the safety of himself or others.

159           8. The court shall enter an order either denying the  
160 application for unconditional release or granting an  
161 unconditional release. An order denying the application  
162 shall be without prejudice to the filing of another  
163 application after the expiration of one year from the denial  
164 of the last application.

165           9. No committed person shall be unconditionally  
166 released unless it is determined through the procedures in  
167 this section that the person does not have, and in the  
168 reasonable future is not likely to have, a mental disease or  
169 defect rendering the person dangerous to the safety of  
170 himself or others.

171           10. The committed person or the head of the facility  
172 where the person is committed may file an application in the  
173 court having probate jurisdiction over the facility where  
174 the person is detained for a hearing to determine whether  
175 the committed person shall be released conditionally. In  
176 the case of a person committed to a mental health facility  
177 upon acquittal on the grounds of mental disease or defect  
178 excluding responsibility for a dangerous felony as defined  
179 in section 556.061, murder in the first degree pursuant to

180 section 565.020, or sexual assault pursuant to section  
181 566.040, any such application shall be filed in the court  
182 that committed the person. In such cases, jurisdiction over  
183 the application for conditional release shall be in the  
184 committing court. In the case of a person who was  
185 immediately conditionally released after being committed to  
186 the department of mental health, the released person or the  
187 director of the department of mental health, or the  
188 director's designee, may file an application in the same  
189 court that released the person seeking to amend or modify  
190 the existing release. The procedures for application for  
191 unconditional releases set out in subsection 5 of this  
192 section shall apply, with the following additional  
193 requirements:

194 (1) A copy of the application shall also be served  
195 upon the prosecutor of the jurisdiction where the person is  
196 being detained, unless the released person was immediately  
197 conditionally released after being committed to the  
198 department of mental health, or unless the application was  
199 required to be filed in the court that committed the person  
200 in which case a copy of the application shall be served upon  
201 the prosecutor of the jurisdiction where the person was  
202 tried and acquitted and the prosecutor of the jurisdiction  
203 into which the committed person is to be released;

204 (2) The prosecutor of the jurisdiction where the  
205 person was tried and acquitted shall use their best efforts  
206 to notify the victims of dangerous felonies. Notification  
207 by the appropriate person or agency by certified mail to the  
208 most current address provided by the victim shall constitute  
209 compliance with the victim notification requirement of this  
210 section;

211 (3) The application shall specify the conditions and  
212 duration of the proposed release;

213 (4) The prosecutor of the jurisdiction where the  
214 person is being detained shall represent the public safety  
215 interest at the hearing unless the prosecutor of the  
216 jurisdiction where the person was tried and acquitted  
217 decides to appear to represent the public safety interest.

218 If the application for release was required to be filed in  
219 the committing court, the prosecutor of the jurisdiction  
220 where the person was tried and acquitted shall represent the  
221 public safety interest. In the case of a person who was  
222 immediately conditionally released after being committed to  
223 the department of mental health, the prosecutor of the  
224 jurisdiction where the person was tried and acquitted shall  
225 appear and represent the public safety interest.

226 11. By agreement of all the parties, the hearing may  
227 be waived, in which case an order granting a conditional  
228 release, stating the conditions and duration agreed upon by  
229 all the parties and the court, shall be entered in  
230 accordance with subsection 13 of this section.

231 12. At a hearing to determine if the committed person  
232 should be conditionally released, the court shall consider  
233 the following factors in addition to any other relevant  
234 evidence:

235 (1) The nature of the offense for which the committed  
236 person was committed;

237 (2) The person's behavior while confined in a mental  
238 health facility;

239 (3) The elapsed time between the hearing and the last  
240 reported unlawful or dangerous act;

241 (4) The nature of the person's proposed release plan;

242 (5) The presence or absence in the community of family  
243 or others willing to take responsibility to help the  
244 defendant adhere to the conditions of the release; and

245 (6) Whether the person has had previous conditional  
246 releases without incident.

247 The burden of persuasion for any person committed to a  
248 mental health facility under the provisions of this section  
249 upon acquittal on the grounds of mental disease or defect  
250 excluding responsibility shall be on the party seeking  
251 release to prove by clear and convincing evidence that the  
252 person for whom release is sought is not likely to be  
253 dangerous to others while on conditional release.

254 13. The court shall enter an order either denying the  
255 application for a conditional release or granting  
256 conditional release. An order denying the application shall  
257 be without prejudice to the filing of another application  
258 after the expiration of one year from the denial of the last  
259 application.

260 14. No committed person shall be conditionally  
261 released until it is determined that the committed person is  
262 not likely to be dangerous to others while on conditional  
263 release.

264 15. If, in the opinion of the head of a facility where  
265 a committed person is being detained, that person can be  
266 released without danger to others, that person may be  
267 released from the facility for a trial release of up to  
268 ninety-six hours under the following procedure:

269 (1) The head of the facility where the person is  
270 committed shall notify the prosecutor of the jurisdiction  
271 where the committed person was tried and acquitted and the  
272 prosecutor of the jurisdiction into which the committed  
273 person is to be released at least thirty days before the  
274 date of the proposed trial release;

275 (2) The notice shall specify the conditions and  
276 duration of the release;

277 (3) If no prosecutor to whom notice is required  
278 objects to the trial release, the committed person shall be  
279 released according to conditions and duration specified in  
280 the notice;

281 (4) If any prosecutor objects to the trial release,  
282 the head of the facility may file an application with the  
283 court having probate jurisdiction over the facility where  
284 the person is detained for a hearing under the procedures  
285 set out in subsections 5 and 10 of this section with the  
286 following additional requirements:

287 (a) A copy of the application shall also be served  
288 upon the prosecutor of the jurisdiction into which the  
289 committed person is to be released; and

290 (b) The prosecutor or prosecutors who objected to the  
291 trial release shall represent the public safety interest at  
292 the hearing; and

293 (5) The release criteria of subsections 12 to 14 of  
294 this section shall apply at such a hearing.

295 16. The department shall provide or shall arrange for  
296 follow-up care and monitoring for all persons conditionally  
297 released under this section and shall make or arrange for  
298 reviews and visits with the client at least monthly, or more  
299 frequently as set out in the release plan, and whether the  
300 client is receiving care, treatment, habilitation or  
301 rehabilitation consistent with his needs, condition and  
302 public safety. The department shall identify the  
303 facilities, programs or specialized services operated or  
304 funded by the department which shall provide necessary  
305 levels of follow-up care, aftercare, rehabilitation or  
306 treatment to the persons in geographical areas where they  
307 are released.

308 17. The director of the department of mental health,  
309 or the director's designee, may revoke the conditional

310 release or the trial release and request the return of the  
311 committed person if such director or coordinator has  
312 reasonable cause to believe that the person has violated the  
313 conditions of such release. If requested to do so by the  
314 director or coordinator, a peace officer of a jurisdiction  
315 in which a patient on conditional release is found shall  
316 apprehend and return such patient to the facility. No peace  
317 officer responsible for apprehending and returning the  
318 committed person to the facility upon the request of the  
319 director or coordinator shall be civilly liable for  
320 apprehending or transporting such patient to the facility so  
321 long as such duties were performed in good faith and without  
322 negligence. If a person on conditional release is returned  
323 to a facility under the provisions of this subsection, a  
324 hearing shall be held within ninety-six hours, excluding  
325 Saturdays, Sundays and state holidays, to determine whether  
326 the person violated the conditions of the release or whether  
327 resumption of full-time hospitalization is the least  
328 restrictive alternative consistent with the person's needs  
329 and public safety. The director of the department of mental  
330 health, or the director's designee, shall conduct the  
331 hearing. The person shall be given notice at least twenty-  
332 four hours in advance of the hearing and shall have the  
333 right to have an advocate present.

334 18. At any time during the period of a conditional  
335 release or trial release, the court which ordered the  
336 release may issue a notice to the released person to appear  
337 to answer a charge of a violation of the terms of the  
338 release and the court may issue a warrant of arrest for the  
339 violation. Such notice shall be personally served upon the  
340 released person. The warrant shall authorize the return of  
341 the released person to the custody of the court or to the

342 custody of the director of mental health or the director's  
343 designee.

344 19. The head of a mental health facility, upon any  
345 notice that a committed person has escaped confinement, or  
346 left the facility or its grounds without authorization,  
347 shall immediately notify the prosecutor and sheriff of the  
348 county wherein the committed person is detained of the  
349 escape or unauthorized leaving of grounds and the prosecutor  
350 and sheriff of the county where the person was tried and  
351 acquitted.

352 20. Any person committed to a mental health facility  
353 under the provisions of this section upon acquittal on the  
354 grounds of mental disease or defect excluding responsibility  
355 for a dangerous felony as defined in section 556.061, murder  
356 in the first degree pursuant to section 565.020, or sexual  
357 assault pursuant to section 566.040 shall not be eligible  
358 for conditional or unconditional release under the  
359 provisions of this section unless, in addition to the  
360 requirements of this section, the court finds that the  
361 following criteria are met:

362 (1) Such person is not now and is not likely in the  
363 reasonable future to commit another violent crime against  
364 another person because of such person's mental illness; and

365 (2) Such person is aware of the nature of the violent  
366 crime committed against another person and presently  
367 possesses the capacity to appreciate the criminality of the  
368 violent crime against another person and the capacity to  
369 conform such person's conduct to the requirements of law in  
370 the future.

552.080. 1. Notwithstanding any other provisions of  
2 law, the court in which the proceedings are pending shall,  
3 upon application and approval, order the payment of or tax

4 as costs the following expenses and fees, which in each case  
5 shall be reasonable, and so found by the court:

6 (1) Expenses and fees for examinations, reports and  
7 expert testimony of private psychiatrists who are neither  
8 employees nor contractors of the department of mental health  
9 for purposes of performing such services and who are  
10 appointed by the court to examine the accused under sections  
11 552.020 and 552.030;

12 (2) The expenses of conveying any prisoner from a jail  
13 to a facility of the department of mental health and the  
14 expense of returning him to a jail under the provisions of  
15 section 552.020, 552.030, 552.040 or 552.050.

16 Such expenses and fees shall be paid, no matter how taxed as  
17 costs or collected, by the state, county or defendant, when  
18 liable for such costs under the provisions of chapter 550.  
19 Such order may be made at any time before or after the final  
20 disposition of the case and whether or not the accused is  
21 convicted or sentenced to the custody of the division of  
22 corrections or county jail, as the case may be, or placed  
23 upon probation or granted parole.

24 2. The expenses and fees provided in subsection 1 of  
25 this section may be levied and collected under execution;  
26 except that, if the state or county has by inadvertence or  
27 mistake paid expenses or fees as provided in subsection 1 of  
28 this section, the political entity having made such a  
29 mistake or inadvertent payment shall be entitled to recover  
30 the same from the entity responsible for such payment.

31 3. If a person is ordered held or hospitalized by the  
32 director of the department of mental health or in one of the  
33 facilities of the department of mental health pursuant to  
34 the following provisions, the liability for hospitalization  
35 shall be paid by the person, his estate or those responsible  
36 for his support in accordance with chapter 630:



37 (1) Following determination of lack of mental fitness  
38 to proceed under subsection ~~[7]~~ 8 of section 552.020;

39 (2) Following acquittal because of lack of  
40 responsibility due to mental disease or defect under section  
41 552.030, and subsequent order of commitment to the director  
42 of the department of mental health under section 552.040.

43 4. The method of collecting the costs and expenses  
44 herein provided or otherwise incurred in connection with the  
45 custody, examination, trial, transportation or treatment of  
46 any person accused or convicted of any offense shall not be  
47 exclusive and same may be collected in any other manner  
48 provided by law.

558.031. 1. A sentence of imprisonment shall commence  
2 when a person convicted of an offense in this state is  
3 received into the custody of the department of corrections  
4 or other place of confinement where the offender is  
5 sentenced.

6 2. Such person shall receive credit toward the service  
7 of a sentence of imprisonment for all time in prison, jail  
8 or custody after ~~[conviction]~~ the offense occurred and  
9 before the commencement of the sentence, when the time in  
10 custody was related to that offense~~[, and]~~. This credit  
11 shall be based upon the certification of the sheriff as  
12 provided in subdivision (3) of subsection 2 of section  
13 217.305 and may be supplemented by a certificate of a  
14 sheriff or other custodial officer from another jurisdiction  
15 having held the person on the charge of the offense for  
16 which the sentence of imprisonment is ordered. The circuit  
17 court may, when pronouncing sentence, award additional  
18 credit for time spent in prison, jail, or custody after the  
19 offense occurred and before ~~[conviction]~~ the commencement of  
20 the sentence toward the service of the sentence of  
21 imprisonment for those offenses for which the person was

22 incarcerated but for whom no detainer or warrant was served,  
23 except:

24 (1) Such credit shall only be applied once when  
25 sentences are consecutive;

26 (2) Such credit shall only be applied if the person  
27 convicted was in custody in the state of Missouri, unless  
28 such custody was compelled exclusively by the state of  
29 Missouri's action; and

30 (3) As provided in section 559.100.

31 3. The officer required by law to deliver a person  
32 convicted of an offense in this state to the department of  
33 corrections shall endorse upon the papers required by  
34 section 217.305 both the dates the offender was in custody  
35 and the period of time to be credited toward the service of  
36 the sentence of imprisonment, except as endorsed by such  
37 officer.

38 4. If a person convicted of an offense escapes from  
39 custody, such escape shall interrupt the sentence. The  
40 interruption shall continue until such person is returned to  
41 the correctional center where the sentence was being served,  
42 or in the case of a person committed to the custody of the  
43 department of corrections, to any correctional center  
44 operated by the department of corrections. An escape shall  
45 also interrupt the jail time credit to be applied to a  
46 sentence which had not commenced when the escape occurred.

47 5. If a sentence of imprisonment is vacated and a new  
48 sentence imposed upon the offender for that offense, all  
49 time served under the vacated sentence shall be credited  
50 against the new sentence, unless the time has already been  
51 credited to another sentence as provided in subsection 1 of  
52 this section.

53 6. If a person released from imprisonment on parole or  
54 serving a conditional release term violates any of the

55 conditions of his or her parole or release, he or she may be  
56 treated as a parole violator. If the parole board revokes  
57 the parole or conditional release, the paroled person shall  
58 serve the remainder of the prison term and conditional  
59 release term, as an additional prison term, and the  
60 conditionally released person shall serve the remainder of  
61 the conditional release term as a prison term, unless  
62 released on parole.

63 7. Subsection 2 of this section shall be applicable to  
64 offenses occurring on or after August 28, [2021] 2023.

65 8. The total amount of credit given shall not exceed  
66 the number of days spent in prison, jail, or custody after  
67 the offense occurred and before the commencement of the  
68 sentence between the date of offense and commencement of  
69 sentence.

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

17 2. [Information and data obtained by a probation or  
18 parole officer shall be privileged information and shall not

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

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

565.240. 1. A person commits the offense of unlawful  
2 posting of certain information over the internet if he or  
3 she knowingly posts the name, home address, Social Security  
4 number, telephone number, or any other personally  
5 identifiable information of any person on the internet  
6 intending to cause great bodily harm or death, or  
7 threatening to cause great bodily harm or death to such  
8 person.

9 2. The offense of unlawful posting of certain  
10 information over the internet is a class C misdemeanor,  
11 unless the person knowingly posts on the internet the name,  
12 home address, Social Security number, telephone number, or  
13 any other personally identifiable information of any law  
14 enforcement officer, corrections officer, parole officer,

15 judge, commissioner, or prosecuting attorney, or of any  
16 immediate family member of such law enforcement officer,  
17 corrections officer, parole officer, judge, commissioner, or  
18 prosecuting attorney, intending to cause great bodily harm  
19 or death, or threatening to cause great bodily harm or  
20 death, in which case it is a class E felony, and if such  
21 intention or threat results in bodily harm or death to such  
22 person or immediate family member, the offense of unlawful  
23 posting of certain information over the internet is a class  
24 D felony.

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

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

11 3. Enticement of a child or an attempt to commit  
12 enticement of a child is a felony for which the authorized  
13 term of imprisonment shall be not less than five years and  
14 not more than thirty years. No person convicted under this  
15 section shall be eligible for parole, probation, conditional  
16 release, or suspended imposition or execution of sentence  
17 for a period of five calendar years.

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

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

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

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

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

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

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

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

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

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

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

595.045. 1. There is established in the state  
2 treasury the "Crime Victims' Compensation Fund". A  
3 surcharge of seven dollars and fifty cents shall be assessed  
4 as costs in each court proceeding filed in any court in the  
5 state in all criminal cases including violations of any

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

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

23 3. The director of revenue shall deposit annually the  
24 amount of two hundred fifty thousand dollars to the state  
25 forensic laboratory account administered by the department  
26 of public safety to provide financial assistance to defray  
27 expenses of crime laboratories if such analytical  
28 laboratories are registered with the federal Drug  
29 Enforcement Agency or the Missouri department of health and  
30 senior services. Subject to appropriations made therefor,  
31 such funds shall be distributed by the department of public  
32 safety to the crime laboratories serving the courts of this  
33 state making analysis of a controlled substance or analysis  
34 of blood, breath or urine in relation to a court proceeding.

35 4. The remaining funds collected under subsection 1 of  
36 this section shall be denoted to the payment of an annual  
37 appropriation for the administrative and operational costs  
38 of the office for victims of crime and, if a statewide

39 automated crime victim notification system is established  
40 pursuant to section 650.310, to the monthly payment of  
41 expenditures actually incurred in the operation of such  
42 system. Additional remaining funds shall be subject to the  
43 following provisions:

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

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

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

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

70 (1) On the first of every month, the director of  
71 revenue or the director's designee shall determine the



72 balance of the funds in the crime victims' compensation fund  
73 available to satisfy the amount of compensation payable  
74 pursuant to sections 595.010 to 595.075, excluding sections  
75 595.050 and 595.055;

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

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

86 8. In addition to the moneys collected pursuant to  
87 subsection 1 of this section, the court shall enter a  
88 judgment in favor of the state of Missouri, payable to the  
89 crime victims' compensation fund, of sixty-eight dollars  
90 upon a plea of guilty or a finding of guilt for a class A or  
91 B felony; forty-six dollars upon a plea of guilty or finding  
92 of guilt for a class C [or], D, or E felony; and ten dollars  
93 upon a plea of guilty or a finding of guilt for any  
94 misdemeanor under Missouri law except for those in chapter  
95 252 relating to fish and game, chapter 302 relating to  
96 drivers' and commercial drivers' license, chapter 303  
97 relating to motor vehicle financial responsibility, chapter  
98 304 relating to traffic regulations, chapter 306 relating to  
99 watercraft regulation and licensing, and chapter 307  
100 relating to vehicle equipment regulations. Any clerk of the  
101 court receiving moneys pursuant to such judgments shall  
102 collect and disburse such crime victims' compensation  
103 judgments in the manner provided by sections 488.010 to  
104 488.020. Such funds shall be payable to the state treasury

105 and deposited to the credit of the crime victims'  
106 compensation fund.

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

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

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

129         12. All awards made to injured victims under sections  
130 595.010 to 595.105 and all appropriations for administration  
131 of sections 595.010 to 595.105, except sections 595.050 and  
132 595.055, shall be made from the crime victims' compensation  
133 fund. Any unexpended balance remaining in the crime  
134 victims' compensation fund at the end of each biennium shall  
135 not be subject to the provision of section 33.080 requiring  
136 the transfer of such unexpended balance to the ordinary  
137 revenue fund of the state, but shall remain in the crime

138 victims' compensation fund. In the event that there are  
139 insufficient funds in the crime victims' compensation fund  
140 to pay all claims in full, all claims shall be paid on a pro  
141 rata basis. If there are no funds in the crime victims'  
142 compensation fund, then no claim shall be paid until funds  
143 have again accumulated in the crime victims' compensation  
144 fund. When sufficient funds become available from the fund,  
145 awards which have not been paid shall be paid in  
146 chronological order with the oldest paid first. In the  
147 event an award was to be paid in installments and some  
148 remaining installments have not been paid due to a lack of  
149 funds, then when funds do become available that award shall  
150 be paid in full. All such awards on which installments  
151 remain due shall be paid in full in chronological order  
152 before any other postdated award shall be paid. Any award  
153 pursuant to this subsection is specifically not a claim  
154 against the state, if it cannot be paid due to a lack of  
155 funds in the crime victims' compensation fund.

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

171 provided that the offender has failed to pay the amount owed  
172 to the fund prior to entering a correctional facility of the  
173 department of corrections.

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

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

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

595.209. 1. The following rights shall automatically  
2 be afforded to victims of dangerous felonies, as defined in  
3 section 556.061, victims of murder in the first degree, as  
4 defined in section 565.020, victims of voluntary  
5 manslaughter, as defined in section 565.023, victims of any  
6 offense under chapter 566, victims of an attempt to commit  
7 one of the preceding crimes, as defined in section 562.012,  
8 and victims of domestic assault, as defined in sections  
9 565.072 to 565.076; and, upon written request, the following  
10 rights shall be afforded to victims of all other crimes and  
11 witnesses of crimes:

12 (1) For victims, the right to be present at all  
13 criminal justice proceedings at which the defendant has such  
14 right, including juvenile proceedings where the offense  
15 would have been a felony if committed by an adult, even if  
16 the victim is called to testify or may be called to testify  
17 as a witness in the case;

18           (2) For victims, the right to information about the  
19 crime, as provided for in subdivision (5) of this subsection;

20           (3) For victims and witnesses, to be informed, in a  
21 timely manner, by the prosecutor's office of the filing of  
22 charges, preliminary hearing dates, trial dates,  
23 continuances and the final disposition of the case. Final  
24 disposition information shall be provided within five days;

25           (4) For victims, the right to confer with and to be  
26 informed by the prosecutor regarding bail hearings, guilty  
27 pleas, pleas under chapter 552 or its successors, hearings,  
28 sentencing and probation revocation hearings and the right  
29 to be heard at such hearings, including juvenile  
30 proceedings, unless in the determination of the court the  
31 interests of justice require otherwise;

32           (5) The right to be informed by local law enforcement  
33 agencies, the appropriate juvenile authorities or the  
34 custodial authority of the following:

35           (a) The status of any case concerning a crime against  
36 the victim, including juvenile offenses;

37           (b) The right to be informed by local law enforcement  
38 agencies or the appropriate juvenile authorities of the  
39 availability of victim compensation assistance, assistance  
40 in obtaining documentation of the victim's losses,  
41 including, but not limited to and subject to existing law  
42 concerning protected information or closed records, access  
43 to copies of complete, unaltered, unedited investigation  
44 reports of motor vehicle, pedestrian, and other similar  
45 accidents upon request to the appropriate law enforcement  
46 agency by the victim or the victim's representative, and  
47 emergency crisis intervention services available in the  
48 community;

49           (c) Any release of such person on bond or for any  
50 other reason;

51           (d) Within twenty-four hours, any escape by such  
52 person from a municipal detention facility, county jail, a  
53 correctional facility operated by the department of  
54 corrections, mental health facility, or the division of  
55 youth services or any agency thereof, and any subsequent  
56 recapture of such person;

57           (6) For victims, the right to be informed by  
58 appropriate juvenile authorities of probation revocation  
59 hearings initiated by the juvenile authority and the right  
60 to be heard at such hearings or to offer a written  
61 statement, video or audio tape, counsel or a representative  
62 designated by the victim in lieu of a personal appearance,  
63 the right to be informed by the board of probation and  
64 parole of probation revocation hearings initiated by the  
65 board and of parole hearings, the right to be present at  
66 each and every phase of parole hearings, the right to be  
67 heard at probation revocation and parole hearings or to  
68 offer a written statement, video or audio tape, counsel or a  
69 representative designated by the victim in lieu of a  
70 personal appearance, and the right to have, upon written  
71 request of the victim, a partition set up in the probation  
72 or parole hearing room in such a way that the victim is  
73 shielded from the view of the probationer or parolee, and  
74 the right to be informed by the custodial mental health  
75 facility or agency thereof of any hearings for the release  
76 of a person committed pursuant to the provisions of chapter  
77 552, the right to be present at such hearings, the right to  
78 be heard at such hearings or to offer a written statement,  
79 video or audio tape, counsel or a representative designated  
80 by the victim in lieu of personal appearance;

81           (7) For victims and witnesses, upon their written  
82 request, the right to be informed by the appropriate  
83 custodial authority, including any municipal detention

84 facility, juvenile detention facility, county jail,  
85 correctional facility operated by the department of  
86 corrections, mental health facility, division of youth  
87 services or agency thereof if the offense would have been a  
88 felony if committed by an adult, postconviction or  
89 commitment pursuant to the provisions of chapter 552 of the  
90 following:

91 (a) The projected date of such person's release from  
92 confinement;

93 (b) Any release of such person on bond;

94 (c) Any release of such person on furlough, work  
95 release, trial release, electronic monitoring program, or to  
96 a community correctional facility or program or release for  
97 any other reason, in advance of such release;

98 (d) Any scheduled parole or release hearings,  
99 including hearings under section 217.362, regarding such  
100 person and any changes in the scheduling of such hearings.  
101 No such hearing shall be conducted without thirty days'  
102 advance notice;

103 (e) Within twenty-four hours, any escape by such  
104 person from a municipal detention facility, county jail, a  
105 correctional facility operated by the department of  
106 corrections, mental health facility, or the division of  
107 youth services or any agency thereof, and any subsequent  
108 recapture of such person;

109 (f) Any decision by a parole board, by a juvenile  
110 releasing authority or by a circuit court presiding over  
111 releases pursuant to the provisions of chapter 552, or by a  
112 circuit court presiding over releases under section 217.362,  
113 to release such person or any decision by the governor to  
114 commute the sentence of such person or pardon such person;

115 (g) Notification within thirty days of the death of  
116 such person;

117           (8) For witnesses who have been summoned by the  
118 prosecuting attorney and for victims, to be notified by the  
119 prosecuting attorney in a timely manner when a court  
120 proceeding will not go on as scheduled;

121           (9) For victims and witnesses, the right to reasonable  
122 protection from the defendant or any person acting on behalf  
123 of the defendant from harm and threats of harm arising out  
124 of their cooperation with law enforcement and prosecution  
125 efforts;

126           (10) For victims and witnesses, on charged cases or  
127 submitted cases where no charge decision has yet been made,  
128 to be informed by the prosecuting attorney of the status of  
129 the case and of the availability of victim compensation  
130 assistance and of financial assistance and emergency and  
131 crisis intervention services available within the community  
132 and information relative to applying for such assistance or  
133 services, and of any final decision by the prosecuting  
134 attorney not to file charges;

135           (11) For victims, to be informed by the prosecuting  
136 attorney of the right to restitution which shall be  
137 enforceable in the same manner as any other cause of action  
138 as otherwise provided by law;

139           (12) For victims and witnesses, to be informed by the  
140 court and the prosecuting attorney of procedures to be  
141 followed in order to apply for and receive any witness fee  
142 to which they are entitled;

143           (13) When a victim's property is no longer needed for  
144 evidentiary reasons or needs to be retained pending an  
145 appeal, the prosecuting attorney or any law enforcement  
146 agency having possession of the property shall, upon request  
147 of the victim, return such property to the victim within  
148 five working days unless the property is contraband or  
149 subject to forfeiture proceedings, or provide written



150 explanation of the reason why such property shall not be  
151 returned;

152 (14) An employer may not discharge or discipline any  
153 witness, victim or member of a victim's immediate family for  
154 honoring a subpoena to testify in a criminal proceeding,  
155 attending a criminal proceeding, or for participating in the  
156 preparation of a criminal proceeding, or require any  
157 witness, victim, or member of a victim's immediate family to  
158 use vacation time, personal time, or sick leave for honoring  
159 a subpoena to testify in a criminal proceeding, attending a  
160 criminal proceeding, or participating in the preparation of  
161 a criminal proceeding;

162 (15) For victims, to be provided with creditor  
163 intercession services by the prosecuting attorney if the  
164 victim is unable, as a result of the crime, temporarily to  
165 meet financial obligations;

166 (16) For victims and witnesses, the right to speedy  
167 disposition of their cases, and for victims, the right to  
168 speedy appellate review of their cases, provided that  
169 nothing in this subdivision shall prevent the defendant from  
170 having sufficient time to prepare such defendant's defense.  
171 The attorney general shall provide victims, upon their  
172 written request, case status information throughout the  
173 appellate process of their cases. The provisions of this  
174 subdivision shall apply only to proceedings involving the  
175 particular case to which the person is a victim or witness;

176 (17) For victims and witnesses, to be provided by the  
177 court, a secure waiting area during court proceedings and to  
178 receive notification of the date, time and location of any  
179 hearing conducted by the court for reconsideration of any  
180 sentence imposed, modification of such sentence or recall  
181 and release of any defendant from incarceration;

182           (18) For victims, the right to receive upon request  
183 from the department of corrections a photograph taken of the  
184 defendant prior to release from incarceration.

185           2. The provisions of subsection 1 of this section  
186 shall not be construed to imply any victim who is  
187 incarcerated by the department of corrections or any local  
188 law enforcement agency has a right to be released to attend  
189 any hearing or that the department of corrections or the  
190 local law enforcement agency has any duty to transport such  
191 incarcerated victim to any hearing.

192           3. Those persons entitled to notice of events pursuant  
193 to the provisions of subsection 1 of this section shall  
194 provide the appropriate person or agency with their current  
195 addresses, electronic mail addresses, and telephone numbers  
196 or the addresses, electronic mail addresses, or telephone  
197 numbers at which they wish notification to be given.

198           4. Notification by the appropriate person or agency  
199 utilizing the statewide automated crime victim notification  
200 system as established in section 650.310 shall constitute  
201 compliance with the victim notification requirement of this  
202 section. If notification utilizing the statewide automated  
203 crime victim notification system cannot be used, then  
204 written notification shall be sent by certified mail or  
205 electronic mail to the most current address or electronic  
206 mail address provided by the victim.

207           5. Victims' rights as established in Section 32 of  
208 Article I of the Missouri Constitution or the laws of this  
209 state pertaining to the rights of victims of crime shall be  
210 granted and enforced regardless of the desires of a  
211 defendant and no privileges of confidentiality shall exist  
212 in favor of the defendant to exclude victims or prevent  
213 their full participation in each and every phase of parole  
214 hearings or probation revocation hearings. The rights of

215 the victims granted in this section are absolute and the  
216 policy of this state is that the victim's rights are  
217 paramount to the defendant's rights. The victim has an  
218 absolute right to be present at any hearing in which the  
219 defendant is present before a probation and parole hearing  
220 officer.

600.042. 1. The director shall:

2 (1) Direct and supervise the work of the deputy  
3 directors and other state public defender office personnel  
4 appointed pursuant to this chapter; and he or she and the  
5 deputy director or directors may participate in the trial  
6 and appeal of criminal actions at the request of the  
7 defender;

8 (2) Submit to the commission, between August fifteenth  
9 and September fifteenth of each year, a report which shall  
10 include all pertinent data on the operation of the state  
11 public defender system, the costs, projected needs, and  
12 recommendations for statutory changes. Prior to October  
13 fifteenth of each year, the commission shall submit such  
14 report along with such recommendations, comments,  
15 conclusions, or other pertinent information it chooses to  
16 make to the chief justice, the governor, and the general  
17 assembly. Such reports shall be a public record, shall be  
18 maintained in the office of the state public defender, and  
19 shall be otherwise distributed as the commission shall  
20 direct;

21 (3) With the approval of the commission, establish  
22 such divisions, facilities and offices and select such  
23 professional, technical and other personnel, including  
24 investigators, as he deems reasonably necessary for the  
25 efficient operation and discharge of the duties of the state  
26 public defender system under this chapter;

27           (4) Administer and coordinate the operations of  
28 defender services and be responsible for the overall  
29 supervision of all personnel, offices, divisions and  
30 facilities of the state public defender system, except that  
31 the director shall have no authority to direct or control  
32 the legal defense provided by a defender to any person  
33 served by the state public defender system;

34           (5) Develop programs and administer activities to  
35 achieve the purposes of this chapter;

36           (6) Keep and maintain proper financial records with  
37 respect to the provision of all public defender services for  
38 use in the calculating of direct and indirect costs of any  
39 or all aspects of the operation of the state public defender  
40 system;

41           (7) Supervise the training of all public defenders and  
42 other personnel and establish such training courses as shall  
43 be appropriate;

44           (8) With approval of the commission, promulgate  
45 necessary rules, regulations and instructions consistent  
46 with this chapter defining the organization of the state  
47 public defender system and the responsibilities of division  
48 directors, district defenders, deputy district defenders,  
49 assistant public defenders and other personnel;

50           (9) With the approval of the commission, apply for and  
51 accept on behalf of the public defender system any funds  
52 which may be offered or which may become available from  
53 government grants, private gifts, donations or bequests or  
54 from any other source. Such moneys shall be deposited in  
55 the [state general revenue] public defender-federal and  
56 other fund;

57           (10) Contract for legal services with private  
58 attorneys on a case-by-case basis and with assigned counsel  
59 as the commission deems necessary considering the needs of

60 the area, for fees approved and established by the  
61 commission;

62 (11) With the approval and on behalf of the  
63 commission, contract with private attorneys for the  
64 collection and enforcement of liens and other judgments owed  
65 to the state for services rendered by the state public  
66 defender system.

67 2. No rule or portion of a rule promulgated under the  
68 authority of this chapter shall become effective unless it  
69 has been promulgated pursuant to the provisions of section  
70 536.024.

71 3. The director and defenders shall, within guidelines  
72 as established by the commission and as set forth in  
73 subsection 4 of this section, accept requests for legal  
74 services from eligible persons entitled to counsel under  
75 this chapter or otherwise so entitled under the constitution  
76 or laws of the United States or of the state of Missouri and  
77 provide such persons with legal services when, in the  
78 discretion of the director or the defenders, such provision  
79 of legal services is appropriate.

80 4. The director and defenders shall provide legal  
81 services to an eligible person:

82 (1) Who is detained or charged with a felony,  
83 including appeals from a conviction in such a case;

84 (2) Who is detained or charged with a misdemeanor  
85 which will probably result in confinement in the county jail  
86 upon conviction, including appeals from a conviction in such  
87 a case, unless the prosecuting or circuit attorney has  
88 waived a jail sentence;

89 (3) Who is charged with a violation of probation when  
90 it has been determined by a judge that the appointment of  
91 counsel is necessary to protect the person's due process  
92 rights under section 559.036;

93 (4) Who has been taken into custody pursuant to  
94 section 632.489, including appeals from a determination that  
95 the person is a sexually violent predator and petitions for  
96 release, notwithstanding any provisions of law to the  
97 contrary;

98 (5) For whom the federal constitution or the state  
99 constitution requires the appointment of counsel; and

100 (6) Who is charged in a case in which he or she faces  
101 a loss or deprivation of liberty, and in which the federal  
102 or the state constitution or any law of this state requires  
103 the appointment of counsel; however, the director and the  
104 defenders shall not be required to provide legal services to  
105 persons charged with violations of county or municipal  
106 ordinances, or misdemeanor offenses except as provided in  
107 this section.

108 5. The director may:

109 (1) Delegate the legal representation of an eligible  
110 person to any member of the state bar of Missouri;

111 (2) Designate persons as representatives of the  
112 director for the purpose of making indigency determinations  
113 and assigning counsel.

114 6. There is hereby created within the state treasury  
115 the "Public Defender-Federal and Other Fund", which shall be  
116 funded annually by appropriation and which shall contain  
117 moneys received from any other funds from government grants,  
118 private gifts, donations, bequests, or any other source to  
119 be used for the purpose of funding local offices of the  
120 office of state public defender. The state treasurer shall  
121 be the custodian of the fund and shall approve disbursements  
122 from the fund upon the request of the director of the office  
123 of state public defender. Any interest or other earnings  
124 with respect to amounts transferred to the fund shall be  
125 credited to the fund. Notwithstanding the provisions of

126 section 33.080 to the contrary, any unexpended balances in  
127 the fund at the end of any fiscal year shall not be  
128 transferred to the general revenue fund or any other fund.

2 [217.785. 1. As used in this section, the  
3 term "Missouri postconviction drug treatment  
4 program" means a program of noninstitutional and  
5 institutional correctional programs for the  
6 monitoring, control and treatment of certain  
7 drug abuse offenders.

8 2. The department of corrections shall  
9 establish by regulation the "Missouri  
10 Postconviction Drug Treatment Program". The  
11 program shall include noninstitutional and  
12 institutional placement. The institutional  
13 phase of the program may include any offender  
14 under the supervision and control of the  
15 department of corrections. The department shall  
16 establish rules determining how, when and where  
17 an offender shall be admitted into or removed  
18 from the program.

19 3. Any first-time offender who has been  
20 found guilty of violating the provisions of  
21 chapter 195 or 579, or whose controlled  
22 substance abuse was a precipitating or  
23 contributing factor in the commission of his  
24 offense, and who is placed on probation may be  
25 required to participate in the noninstitutional  
26 phase of the program, which may include  
27 education, treatment and rehabilitation  
28 programs. Persons required to attend a program  
29 pursuant to this section may be charged a  
30 reasonable fee to cover the costs of the  
31 program. Failure of an offender to complete  
32 successfully the noninstitutional phase of the  
33 program shall be sufficient cause for the  
34 offender to be remanded to the sentencing court  
35 for assignment to the institutional phase of the  
36 program or any other authorized disposition.

37 4. A probationer shall be eligible for  
38 assignment to the institutional phase of the  
39 postconviction drug treatment program if he has  
40 failed to complete successfully the  
41 noninstitutional phase of the program. If space  
42 is available, the sentencing court may assign  
43 the offender to the institutional phase of the  
44 program as a special condition of probation,  
45 without the necessity of formal revocation of  
46 probation.

47 5. The availability of space in the  
48 institutional program shall be determined by the  
49 department of corrections. If the sentencing  
50 court is advised that there is no space  
51 available, then the court shall consider other  
52 authorized dispositions.

53 6. Any time after ninety days and prior to  
54 one hundred twenty days after assignment of the  
55 offender to the institutional phase of the

55 program, the department shall submit to the  
56 court a report outlining the performance of the  
57 offender in the program. If the department  
58 determines that the offender will not  
59 participate or has failed to complete the  
60 program, the department shall advise the  
61 sentencing court, who shall cause the offender  
62 to be brought before the court for consideration  
63 of revocation of the probation or other  
64 authorized disposition. If the offender  
65 successfully completes the program, the  
66 department shall release the individual to the  
67 appropriate probation and parole district office  
68 and so advise the court.  
69 7. Time spent in the institutional phase  
70 of the program shall count as time served on the  
71 sentence.]

2 [435.014. 1. If all the parties to a  
3 dispute agree in writing to submit their dispute  
4 to any forum for arbitration, conciliation or  
5 mediation, then no person who serves as  
6 arbitrator, conciliator or mediator, nor any  
7 agent or employee of that person, shall be  
8 subpoenaed or otherwise compelled to disclose  
9 any matter disclosed in the process of setting  
10 up or conducting the arbitration, conciliation  
11 or mediation.]

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

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



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

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

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

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

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

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

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Curtis Trent

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Phil Christofanelli