

FIRST REGULAR SESSION

SENATE BILL NO. 352

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

0124S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 347.143, 435.014, 452.705, 452.730, 452.885, 455.010, 455.035, 455.513, 478.001, 478.010, 478.330, 478.610, 478.625, 487.110, 488.040, 488.426, 491.075, 492.304, 494.455, 509.520, 537.528, 559.125, 566.151, 567.030, 575.205, and 595.045, RSMo, and to enact in lieu thereof fifty-nine new sections relating to judicial proceedings, with penalty provisions.

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

Section A. Sections 347.143, 435.014, 452.705, 452.730, 2 452.885, 455.010, 455.035, 455.513, 478.001, 478.010, 478.330, 3 478.610, 478.625, 487.110, 488.040, 488.426, 491.075, 492.304, 4 494.455, 509.520, 537.528, 559.125, 566.151, 567.030, 575.205, 5 and 595.045, RSMo, are repealed and fifty-nine new sections 6 enacted in lieu thereof, to be known as sections 347.143, 7 435.300, 435.303, 435.306, 435.309, 435.312, 452.705, 452.730, 8 452.885, 452.1100, 452.1102, 452.1104, 452.1106, 452.1108, 9 452.1110, 452.1112, 452.1114, 452.1118, 452.1120, 452.1122, 10 455.010, 455.035, 455.513, 478.001, 478.010, 478.330, 478.376, 11 478.610, 478.625, 487.110, 488.040, 488.426, 491.075, 492.304, 12 494.455, 509.520, 510.500, 510.503, 510.506, 510.509, 510.512, 13 510.515, 510.518, 510.521, 537.529, 537.1300, 537.1302, 14 537.1304, 537.1306, 537.1308, 537.1310, 537.1312, 537.1314, 15 537.1316, 559.125, 566.151, 567.030, 575.205, and 595.045, to 16 read as follows:

347.143. 1. A limited liability company may be 2 dissolved involuntarily by a decree of the circuit court for

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

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.**

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 pursuant
13 to subsection 2 of section 435.303 or subsection 8 of
14 section 435.306 or a written agreement as described in
15 section 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 familial, 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 pursuant to the provisions of
38 section 192.2405, 192.2475, 198.070, 208.912, 210.115,
39 352.400, 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 in
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 in subdivision (15) of this section,
76 including electronic signatures as permitted by section
77 432.230, 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 any other
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 pursuant
7 to subsection 1 of this section, or such longer time as may
8 be 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 alternative dispute resolution process
17 until a date certain, which date may be subsequently

18 modified by the court, to allow for the exchange of
19 specified information, the identification of representatives
20 with authority, or any other identified action or event
21 related to the ability of the parties to participate
22 effectively in the alternative dispute resolution process; or

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

40 3. In an action referred to an alternative dispute
41 resolution process, discovery may proceed as in any other
42 action before, during, and after the alternative dispute
43 resolution process is held. The court may stay discovery in
44 whole or in part during the pendency of an alternative
45 dispute resolution process in order to promote savings in
46 time and expense without sacrificing the quality of justice.

47 4. A neutral who is appointed by the court or
48 requested by the parties to serve in an alternative dispute
49 resolution process pursuant to sections 435.300 to 435.312

50 shall avoid any conflict of interest. Even if the neutral
51 believes that no disqualifying conflict exists, the neutral
52 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:

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 pursuant to the rules
72 of 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 in 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 pursuant to sections
12 610.010 to 610.035, shall not become inadmissible or
13 protected from discovery solely by reason of its disclosure
14 or use in an alternative dispute resolution process.

15 3. A court may admit an alternative dispute resolution
16 communication upon motion of a party, which motion shall not
17 reveal the substance of the communication, and following a
18 hearing, only if the court finds that one or more of the
19 exceptions in this subsection applies and that the
20 communication is otherwise relevant and admissible. The
21 party seeking admission shall ensure that timely notice is
22 given to the neutral and parties that participated in the
23 alternative dispute resolution process in which the
24 alternative dispute resolution communication was made. The
25 hearing shall be conducted in camera if requested by a party
26 or if the court determines on its own motion that an in
27 camera proceeding is necessary to ensure the confidentiality
28 of the communications that are the subject to the hearing.

29 The only exceptions to the general rule of nonadmissibility
30 of alternative dispute resolution communications stated in
31 subsection 1 of this section are as follows:

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

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

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

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

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

54 5. Any participant in an alternative dispute
55 resolution process has standing to intervene in any
56 proceeding to object to the admissibility of an alternative
57 dispute resolution communication made by that participant
58 during or relating to that alternative dispute resolution
59 process. A neutral who participated in an alternative
60 dispute resolution process also has standing to intervene in

61 any proceeding to object to the admissibility of an
62 alternative dispute resolution communication made by the
63 neutral or an agent or employee of a neutral or of an
64 organization through which the neutral provided the
65 alternative dispute resolution services for such process,
66 but the neutral is under no requirement to do so.

67 6. Except as provided in subsection 7 of this section,
68 no neutral, agent or employee of that neutral, or agent or
69 employee of an organization through which the neutral
70 provided alternative dispute resolution services shall be
71 subpoenaed or otherwise compelled to disclose any
72 alternative dispute resolution communication, including any
73 alternative dispute resolution communication that would
74 otherwise fall within the exceptions identified in
75 subsection 3 of this section. No neutral who is a licensed
76 attorney, nor an agent or employee of such neutral or of an
77 organization through which the neutral provided alternative
78 dispute resolution services pursuant to sections 435.300 to
79 435.312, shall be required to disclose any alternative
80 dispute resolution communication to which a reporting
81 obligation might otherwise apply under the rules regulating
82 the professional conduct of attorneys.

83 7. A neutral, an agent or employee of that neutral, or
84 an agent or employee of an organization through which the
85 neutral provided the alternative dispute resolution services
86 may be subpoenaed in an action to enforce a written
87 agreement as described in subsection 2 of section 435.309,
88 but only for the limited purpose of testifying that the
89 written agreement was signed by the parties in the presence
90 of the neutral.

91 8. The court may request that the neutral or the
92 parties provide the court with progress reports on

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

102 9. The court may order the party or parties seeking
103 admission of an alternative dispute resolution communication
104 to pay the costs and fees of the neutral or other person
105 participating in an alternative dispute resolution process
106 who intervenes to contest the disclosure and admission of
107 alternative dispute resolution communication or who responds
108 to a subpoena prohibited by subsection 6 of this section or
109 a subpoena pursuant to 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 pursuant to 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 in subsection 6 of
2 this section, sections 435.300 to 435.312 shall apply only
3 to those alternative dispute resolution processes referred
4 by rule or court order, or when the parties enter into a

5 written agreement to resolve their dispute through an
6 alternative dispute resolution process expressly providing
7 that sections 435.300 to 435.312 shall apply to such
8 alternative dispute resolution process.

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

20 3. Nothing in sections 435.300 to 435.312 shall
21 preclude any court from referring any individual matter to a
22 nonbinding alternative dispute resolution process so as to
23 effectuate the timely, fair, and efficient administration of
24 justice, subject only to the provisions of subsection 2 of
25 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 the case to an
39 alternative dispute resolution process pursuant to section
40 435.303 or 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 such 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 shall
54 be in writing as described in sections 435.300 to 435.312.

452.705. As used in sections 452.700 to 452.930:

2 (1) "Abandoned" means left without provision for
3 reasonable and necessary care or supervision;

4 (2) "Child" means an individual who has not attained
5 eighteen years of age;

6 (3) "Child custody determination" means a judgment,
7 decree, or other order of a court providing for the legal
8 custody, physical custody, or visitation with respect to a
9 child. The term includes a permanent, temporary, initial,
10 or modification order. The term shall not include an order
11 relating to child support or other monetary obligation of an
12 individual;

13 (4) "Child custody proceeding" means a proceeding in
14 which legal custody, physical custody, or visitation with
15 respect to a child is an issue. The term includes a
16 proceeding for divorce, separation, neglect, abuse,
17 dependency, guardianship, paternity, termination of parental
18 rights, and protection from domestic violence in which the
19 issue may appear. The term shall not include a proceeding
20 involving juvenile delinquency, contractual emancipation, or
21 enforcement under sections 452.850 to 452.915;

22 (5) "Commencement" means the filing of the first
23 pleading in a proceeding;

24 (6) "Court" means an entity authorized under the law
25 of a state to establish, enforce, or modify a child custody
26 determination;

27 (7) "Decree" or "custody decree" means a custody
28 determination contained in a judicial decree or order made
29 in a custody proceeding, and includes an initial decree and
30 a modification decree;

31 (8) "Home state" means the state in which a child has
32 lived with a parent or a person acting as a parent for at
33 least six consecutive months immediately prior to the
34 commencement of a child custody proceeding. In the case of
35 a child less than six months of age, the term means the
36 state in which the child has lived from birth with any of
37 the persons mentioned. A period of temporary absence of any
38 of the mentioned persons is part of such period;

39 (9) "Initial determination" means the first child
40 custody determination concerning a particular child;

41 (10) "Issuing court" means the court making a child
42 custody determination for which enforcement is sought under
43 sections 452.700 to 452.930;

44 (11) "Issuing state" means the state in which a child
45 custody determination is made;

46 (12) "Litigant" means a person, including a parent,
47 grandparent, or stepparent, who claims a right to custody or
48 visitation with respect to a child;

49 (13) "Modification" means a child custody
50 determination that changes, replaces, supersedes or is
51 otherwise made after a previous determination concerning the
52 same child, whether or not it is made by the court that made
53 the previous determination;

54 (14) "Person" includes government, a governmental
55 subdivision, agency or instrumentality, or any other legal
56 or commercial entity;

57 (15) "Person acting as a parent" means a person, other
58 than a parent, who:

59 (a) Has physical custody of the child or has had
60 physical custody for a period of six consecutive months,
61 including any temporary absence, within one year immediately
62 prior to the commencement of a child custody proceeding; and

63 (b) Has been awarded legal custody by a court or
64 claims a right to legal custody under the law of this state;

65 (16) "Physical custody" means the physical care and
66 supervision of a child;

67 (17) "State" means a state of the United States, the
68 District of Columbia, Puerto Rico, the United States Virgin
69 Islands, or any territory or insular possession subject to
70 the jurisdiction of the United States;

71 (18) "Warrant" means an order issued by a court
72 authorizing law enforcement officers to take physical
73 custody of a child;

74 **(19) "Wrongful removal" means the taking of a child**
75 **that breaches rights of custody or visitation given or**
76 **recognized under the laws of this state.**

 452.730. 1. A court of this state may communicate
2 with a court in another state concerning a proceeding
3 arising under sections 452.700 to 452.930 **or arising under**
4 **sections 452.1100 to 452.1122.**

5 2. The court may allow the parties to participate in
6 the communication. If the parties are not able to
7 participate in the communication, the parties shall be given
8 the opportunity to present facts and legal arguments before
9 a decision on jurisdiction is made.

10 3. A communication between courts on schedules,
11 calendars, court records, and similar matters may occur
12 without informing the parties. A record need not be made of
13 such communication.

14 4. Except as provided in subsection 3 of this section,
15 a record shall be made of the communication. The parties
16 shall be informed promptly of the communication and granted
17 access to the record.

18 5. For the purposes of this section, "record" means
19 information that is inscribed on a tangible medium, or that
20 which is stored in an electronic or other medium and is
21 retrievable in perceivable form. A record includes notes or
22 transcripts of a court reporter who listened to a conference
23 call between the courts, an electronic recording of a
24 telephone call, a memorandum or an electronic record of the
25 communication between the courts, or a memorandum or an
26 electronic record made by a court after the communication.

 452.885. 1. **(1)** Upon the filing of a petition
2 seeking enforcement of a child custody determination[, the
3 petitioner may file] **with** a verified application for the

4 issuance of a warrant to take physical custody of the child
5 or upon the filing of a petition under sections 452.1100 to
6 452.1122, the court may issue an ex parte warrant to take
7 physical custody of the child if the court finds, upon
8 review of the petition or verified application or upon the
9 testimony of the petitioner or other witnesses, that the
10 child is likely to suffer serious imminent physical harm or
11 there is a credible risk that the child is imminently likely
12 to suffer wrongful removal [from this state].

13 (2) Prior to issuing a warrant in response to a
14 petition filed under sections 452.1100 to 452.1122 and
15 before determining the placement of the child after the
16 warrant is executed, the court may order a search of the
17 relevant databases of the National Crime Information Center
18 system and similar state databases to determine if the
19 petitioner or respondent has a history of domestic violence,
20 stalking, or child abuse or neglect.

21 2. [If the court, upon the testimony of the petitioner
22 or other witnesses, finds that the child is likely to suffer
23 serious imminent physical harm or be imminently removed from
24 this state, the court may issue a warrant to take physical
25 custody of the child. The petition shall be heard on the
26 next judicial day after the warrant is executed. The
27 warrant shall include the statements required under
28 subsection 2 of section 452.870.

29 3.] A warrant to take physical custody of a child
30 shall:

31 (1) Recite the facts upon which a [conclusion]
32 determination of serious imminent physical harm or a
33 credible risk of imminent wrongful removal from the
34 jurisdiction is based;

35 (2) Direct law enforcement officers to take physical
36 custody of the child immediately; [and]

37 (3) **State the date and time for the hearing on the**
38 **petition;**

39 (4) Provide for the **safe interim** placement of the
40 child pending **further order of the court or** final relief; **and**

41 (5) **Include the statements required under subsection 2**
42 **of section 452.870 if a warrant is issued in response to a**
43 **petition seeking enforcement of a child custody**
44 **determination.**

45 [4.] 3. The respondent shall be served with the
46 petition, warrant and order immediately after the child is
47 taken into physical custody.

48 4. **The respondent shall be afforded an opportunity to**
49 **be heard at the earliest possible time after the ex parte**
50 **warrant is executed but no later than the next judicial day**
51 **unless a hearing on that date is impossible. In that event,**
52 **the court shall hold the hearing on the first judicial day**
53 **possible.**

54 5. **If the court finds, after a hearing, that a**
55 **petitioner sought a warrant under subsection 1 of this**
56 **section for the purpose of harassment or in bad faith, the**
57 **court may award the respondent reasonable attorney's fees,**
58 **costs, and expenses.**

59 [5.] 6. A warrant to take physical custody of a child
60 is enforceable throughout this state. If the court finds on
61 the basis of the testimony of the petitioner or other
62 witness that a less intrusive remedy is not effective, the
63 court may authorize law enforcement officers to enter
64 private property to take physical custody of the child. If
65 required by the exigency of the case, the court may

66 authorize law enforcement officers to make a forcible entry
67 at any hour.

68 [6.] 7. The court may impose conditions on the
69 placement of a child to ensure the appearance of the child
70 and the child's custodian.

71 8. This section does not affect the availability of
72 relief allowed under the laws of this state other than
73 sections 452.700 to 452.930 and sections 452.1100 to
74 452.1122.

452.1100. Sections 452.1100 to 452.1122 shall be known
2 and may be cited as the "Uniform Child Abduction Prevention
3 Act".

452.1102. As used in sections 452.1100 to 452.1122,
2 the following terms mean:

3 (1) "Abduction", the wrongful removal or wrongful
4 retention of a child;

5 (2) "Child", an unemancipated individual who is less
6 than eighteen years of age;

7 (3) "Child abduction prevention measures", measures
8 and conditions that are reasonably calculated to prevent the
9 abduction of a child, including provisions of subsections 3,
10 4, and 5 of section 452.1114, and other measures that the
11 court deems appropriate to prevent the abduction of a child;

12 (4) "Child-custody determination", a judgment, decree,
13 or other order of a court providing for the legal custody,
14 physical custody, or visitation with respect to a child.
15 The term "child-custody determination" includes a permanent,
16 temporary, initial, and modification order;

17 (5) "Child custody proceeding", a proceeding in which
18 legal custody, physical custody, or visitation with respect
19 to a child is at issue. The term "child custody proceeding"
20 includes a proceeding for divorce, dissolution of marriage,

21 separation, neglect, abuse, dependency, guardianship,
22 paternity, termination of parental rights, or protection
23 from domestic violence;

24 (6) "Court", an entity authorized under the law of a
25 state to establish, enforce, or modify a child-custody
26 determination;

27 (7) "Petition", includes a motion or its equivalent;

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

31 (9) "State", a state of the United States, the
32 District of Columbia, Puerto Rico, the United States Virgin
33 Islands, or any territory or insular possession subject to
34 the jurisdiction of the United States. The term "state"
35 includes a federally recognized Indian tribe or nation;

36 (10) "Travel document", records relating to a travel
37 itinerary, including travel tickets, passes, reservations
38 for transportation, or accommodations. The term "travel
39 document" does not include a passport or visa;

40 (11) "Warrant", an order issued by a court authorizing
41 law enforcement officers to take physical custody of a child;

42 (12) "Wrongful removal", the taking of a child that
43 breaches rights of custody or visitation given or recognized
44 under the law of this state;

45 (13) "Wrongful retention", the keeping or concealing
46 of a child that breaches rights of custody or visitation
47 given or recognized under the law of this state.

48 452.1104. Sections 452.730, 452.735, and 452.820 of
2 the uniform child custody jurisdiction and enforcement act
3 apply to cooperation and communications among courts in
4 proceedings under sections 452.1100 to 452.1122.

452.1106. 1. A court on its own motion may order
2 abduction prevention measures in a child custody proceeding
3 if the court finds that the evidence establishes a credible
4 risk of abduction of the child.

5 2. A party to a child custody determination or another
6 individual or entity having a right under the law of this
7 state or any other state to seek a child custody
8 determination for the child may file a petition seeking
9 abduction prevention measures to protect the child under
10 sections 452.1100 to 452.1122.

11 3. A prosecutor or public authority designated under
12 section 452.910 may seek a warrant to take physical custody
13 of a child under section 452.885 or other appropriate
14 prevention measures.

452.1108. 1. A petition under sections 452.1100 to
2 452.1122 may be filed only in a court that has jurisdiction
3 to make a child custody determination with respect to the
4 child at issue under sections 452.700 to 452.930.

5 2. A court of this state has temporary emergency
6 jurisdiction under section 452.755 if the court finds a
7 credible risk of abduction.

452.1110. A petition under sections 452.1100 to
2 452.1122 shall be verified and include a copy of any
3 existing child custody determination, if available. The
4 petition shall specify the risk factors for abduction,
5 including the relevant factors described in section
6 452.1112. Subject to subsection 5 of section 452.780, if
7 reasonably ascertainable, the petition shall contain:

8 (1) The name, date of birth, and sex of the child;

9 (2) The customary address and current physical
10 location of the child;

11 (3) The identity, customary address, and current
12 physical location of the respondent;

13 (4) A statement of whether a prior action to prevent
14 abduction or domestic violence has been filed by a party or
15 other individual or entity having custody of the child, and
16 the date, location, and disposition of the action;

17 (5) A statement of whether a party to the proceeding
18 has been arrested for a crime related to domestic violence,
19 stalking, or child abuse or neglect, and the date, location,
20 and disposition of the case; and

21 (6) Any other information required to be submitted to
22 the court for a child custody determination under section
23 452.780.

 452.1112. 1. In determining whether there is a
2 credible risk of abduction of a child, the court shall
3 consider any evidence that the petitioner or respondent:

4 (1) Has previously abducted or attempted to abduct the
5 child;

6 (2) Has threatened to abduct the child;

7 (3) Has recently engaged in activities that may
8 indicate a planned abduction, including:

9 (a) Abandoning employment;

10 (b) Selling a primary residence;

11 (c) Terminating a lease;

12 (d) Closing bank or other financial management
13 accounts, liquidating assets, hiding or destroying financial
14 documents, or conducting any unusual financial activities;

15 (e) Applying for a passport or visa or obtaining
16 travel documents for the respondent, a family member, or the
17 child; or

18 (f) Seeking to obtain the child's birth certificate or
19 school or medical records;

20 (4) Has engaged in domestic violence, stalking, or
21 child abuse or neglect;

22 (5) Has refused to follow a child-custody
23 determination;

24 (6) Lacks strong familial, financial, emotional, or
25 cultural ties to the state or the United States;

26 (7) Has strong familial, financial, emotional, or
27 cultural ties to another state or country;

28 (8) Is likely to take the child to a country that:

29 (a) Is not a party to the Hague Convention on the
30 Civil Aspects of International Child Abduction and does not
31 provide for the extradition of an abducting parent or for
32 the return of an abducted child;

33 (b) Is a party to the Hague Convention on the Civil
34 Aspects of International Child Abduction but:

35 a. The Hague Convention on the Civil Aspects of
36 International Child Abduction is not in force between the
37 United States and that country;

38 b. Is noncompliant according to the most recent
39 compliance report issued by the United States Department of
40 State; or

41 c. Lacks legal mechanisms for immediately and
42 effectively enforcing a return order under the Hague
43 Convention on the Civil Aspects of International Child
44 Abduction;

45 (c) Poses a risk that the child's physical or
46 emotional health or safety would be endangered in the
47 country because of specific circumstances relating to the
48 child or because of human rights violations committed
49 against children;

50 (d) Has laws or practices that would:

- 51 a. Enable the respondent, without due cause, to
52 prevent the petitioner from contacting the child;
- 53 b. Restrict the petitioner from freely traveling to or
54 exiting from the country because of the petitioner's sex,
55 nationality, marital status, or religion; or
- 56 c. Restrict the child's ability legally to leave the
57 country after the child reaches the age of majority because
58 of a child's sex, nationality, or religion;
- 59 (e) Is included by the United States Department of
60 State on a current list of state sponsors of terrorism;
- 61 (f) Does not have an official United States diplomatic
62 presence in the country; or
- 63 (g) Is engaged in active military action or war,
64 including a civil war, to which the child may be exposed;
- 65 (9) Is undergoing a change in immigration or
66 citizenship status that would adversely affect the
67 respondent's ability to remain in the United States legally;
- 68 (10) Has had an application for United States
69 citizenship denied;
- 70 (11) Has forged or presented misleading or false
71 evidence on government forms or supporting documents to
72 obtain or attempt to obtain a passport, a visa, travel
73 documents, a Social Security card, a driver's license, or
74 other government-issued identification card or has made a
75 misrepresentation to the United States government;
- 76 (12) Has used multiple names to attempt to mislead or
77 defraud; or
- 78 (13) Has engaged in any other conduct the court
79 considers relevant to the risk of abduction.
- 80 2. In the hearing on a petition under sections
81 452.1100 to 452.1122, the court shall consider any evidence
82 that the respondent believed in good faith that the

83 respondent's conduct was necessary to avoid imminent harm to
84 the child or respondent and any other evidence that may be
85 relevant to whether the respondent may be permitted to
86 remove or retain the child.

452.1114. 1. If a petition is filed under sections
2 452.1100 to 452.1122, the court may enter an order that
3 shall include:

4 (1) The basis for the court's exercise of jurisdiction;

5 (2) The manner in which notice and opportunity to be
6 heard were given to the persons entitled to notice of the
7 proceeding;

8 (3) A detailed description of each party's custody and
9 visitation rights and residential arrangements for the child;

10 (4) A provision stating that a violation of the order
11 may subject the party in violation to civil and criminal
12 penalties; and

13 (5) Identification of the child's country of habitual
14 residence at the time of the issuance of the order.

15 2. If, at a hearing on a petition under sections
16 452.1100 to 452.1122 or on the court's own motion, the
17 court, after reviewing the evidence, finds a credible risk
18 of abduction of the child, the court shall enter an
19 abduction prevention order. The order shall include the
20 provisions required by subsection 1 of this section and
21 measures and conditions, including those in subsections 3,
22 4, and 5 of this section, that are reasonably calculated to
23 prevent abduction of the child, giving due consideration to
24 the potential harm to the child from an abduction, the legal
25 and practical difficulties of returning the child to the
26 jurisdiction if abducted, and the reasons for the potential
27 abduction, including evidence of domestic violence,
28 stalking, or child abuse or neglect.

29 3. An abduction prevention order may include one or
30 more of the following:

31 (1) An imposition of travel restrictions that require
32 that a party traveling with the child outside a designated
33 geographical area provide the other party with the following:

34 (a) The travel itinerary of the child;

35 (b) A list of physical addresses and telephone numbers
36 at which the child can be reached at specified times; and

37 (c) Copies of all travel documents;

38 (2) A prohibition of the respondent directly or
39 indirectly:

40 (a) Removing the child from this state, the United
41 States, or another geographic area without permission of the
42 court or the petitioner's written consent;

43 (b) Removing or retaining the child in violation of a
44 child custody determination;

45 (c) Removing the child from school or a child care or
46 similar facility; or

47 (d) Approaching the child at any location other than a
48 site designated for supervised visitation;

49 (3) A requirement that a party register the order in
50 another state as a prerequisite to allowing the child to
51 travel to that state;

52 (4) With regard to the child's passport:

53 (a) A direction that the petitioner place the child's
54 name in the United States Department of State's Child
55 Passport Issuance Alert Program;

56 (b) A requirement that the respondent surrender to the
57 court or the petitioner's attorney any United States or
58 foreign passport issued in the child's name, including a
59 passport issued in the name of both the parent and the
60 child; and

61 (c) A prohibition upon the respondent from applying on
62 behalf of the child for a new or replacement passport or
63 visa;

64 (5) As a prerequisite to exercising custody or
65 visitation, a requirement that the respondent provide:

66 (a) To the United States Department of State Office of
67 Children's Issues and the relevant foreign consulate or
68 embassy, an authenticated copy of the order detailing
69 passport and travel restrictions for the child;

70 (b) To the court:

71 a. Proof that the respondent has provided the
72 information in paragraph (a) of this subdivision; and

73 b. An acknowledgment in a record from the relevant
74 foreign consulate or embassy that no passport application
75 has been made, or passport issued, on behalf of the child;

76 (c) To the petitioner, proof of registration with the
77 United States Embassy or other United States diplomatic
78 presence in the destination country and with the Central
79 Authority for the Hague Convention on the Civil Aspects of
80 International Child Abduction, if that Convention is in
81 effect between the United States and the destination
82 country, unless one of the parties objects; and

83 (d) A written waiver under 5 U.S.C. Section 552a of
84 the Privacy Act of 1974, as amended, with respect to any
85 document, application, or other information pertaining to
86 the child authorizing its disclosure to the court and the
87 petitioner; and

88 (6) Upon the petitioner's request, a requirement that
89 the respondent obtain an order from the relevant foreign
90 country containing terms identical to the child custody
91 determination issued in the United States.

92 4. In an abduction prevention order, the court may
93 impose conditions on the exercise of custody or visitation
94 that:

95 (1) Limit visitation or require that visitation with
96 the child by the respondent be supervised until the court
97 finds that supervision is no longer necessary and order the
98 respondent to pay the costs of supervision;

99 (2) Require the respondent to post a bond or provide
100 other security in an amount sufficient to serve as a
101 financial deterrent to abduction, the proceeds of which may
102 be used to pay for the reasonable expenses of recovery of
103 the child, including reasonable attorneys' fees and costs if
104 there is an abduction; and

105 (3) Require the respondent to obtain education on the
106 potentially harmful effects to the child from abduction.

107 5. To prevent imminent abduction of a child, a court
108 may:

109 (1) Issue a warrant to take physical custody of the
110 child;

111 (2) Direct the use of law enforcement to take any
112 action reasonably necessary to locate the child, obtain
113 return of the child, or enforce a custody determination
114 under sections 452.1100 to 452.1122 or the law of this state
115 other than sections 452.1100 to 452.1122; or

116 (3) Grant any other relief allowed under the law of
117 this state other than sections 452.1100 to 452.1122.

118 6. The remedies provided in sections 452.1100 to
119 452.1122 are cumulative and do not affect the availability
120 of other remedies to prevent abduction.

 452.1118. An abduction prevention order remains in
2 effect until the earliest of:

3 (1) The time stated in the order;

- 4 (2) The emancipation of the child;
- 5 (3) The child's attaining eighteen years of age; or
- 6 (4) The time the order is modified, revoked, vacated,
- 7 or superseded by a court with jurisdiction under sections
- 8 452.740, 452.745, and 452.750 and applicable law of this
- 9 state.

 452.1120. In applying and construing sections 452.1100

2 to 452.1122, consideration shall be given to the need to

3 promote uniformity of the law with respect to its subject

4 matter among states that enact it.

 452.1122. Sections 452.1100 to 452.1122 modifies,

2 limits, and supersedes the federal Electronic Signatures in

3 Global and National Commerce Act, 15 U.S.C. Section 7001 et

4 seq., but does not modify, limit, or supersede Section

5 101(c) of the act, 15 U.S.C. Section 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).

 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.

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

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

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.

478.001. 1. For purposes of sections 478.001 to
2 478.009, the following terms shall mean:

3 (1) "Adult treatment court", a treatment court focused
4 on addressing the substance use disorder or co-occurring
5 disorder of defendants charged with a criminal offense;

6 (2) "Community-based substance use disorder treatment
7 program", an agency certified by the department of mental
8 health as a substance use disorder treatment provider;

9 (3) "Co-occurring disorder", the coexistence of both a
10 substance use disorder and a mental health disorder;

11 (4) "DWI court", a treatment court focused on
12 addressing the substance use disorder or co-occurring

13 disorder of defendants who have pleaded guilty to or been
14 found guilty of driving while intoxicated or driving with
15 excessive blood alcohol content;

16 (5) "Family treatment court", a treatment court
17 focused on addressing a substance use disorder or co-
18 occurring disorder existing in families in the juvenile
19 court, family court, or criminal court in which a parent or
20 other household member has been determined to have a
21 substance use disorder or co-occurring disorder that impacts
22 the safety and well-being of the children in the family;

23 (6) "Juvenile treatment court", a treatment court
24 focused on addressing the substance use disorder or co-
25 occurring disorder of juveniles in the juvenile court;

26 (7) "Medication-assisted treatment", the use of
27 pharmacological medications, in combination with counseling
28 and behavioral therapies, to provide a whole-patient
29 approach to the treatment of substance use disorders;

30 (8) "Mental health disorder", any organic, mental, or
31 emotional impairment that has substantial adverse effects on
32 a person's cognitive, volitional, or emotional function and
33 that constitutes a substantial impairment in a person's
34 ability to participate in activities of normal living;

35 (9) **"Mental health treatment court", a treatment court**
36 **focused on addressing the mental health disorder or co-**
37 **occurring disorder of defendants charged with a criminal**
38 **offense;**

39 (10) "Risk and needs assessment", an actuarial tool,
40 approved by the treatment courts coordinating commission and
41 validated on a targeted population of drug-involved adult
42 offenders, scientifically proven to determine a person's
43 risk to recidivate and to identify criminal risk factors

44 that, when properly addressed, can reduce that person's
45 likelihood of committing future criminal behavior;

46 [(10)] (11) "Substance use disorder", the recurrent
47 use of alcohol or drugs that causes clinically significant
48 impairment, including health problems, disability, and
49 failure to meet major responsibilities at work, school, or
50 home;

51 [(11)] (12) "Treatment court commissioner", a person
52 appointed by a majority of the circuit and associate circuit
53 judges in a circuit to preside as the judicial officer in
54 the treatment court division;

55 [(12)] (13) "Treatment court division", a specialized,
56 nonadversarial court division with jurisdiction over cases
57 involving substance-involved offenders and making extensive
58 use of comprehensive supervision, drug or alcohol testing,
59 and treatment services. Treatment court divisions include,
60 but are not limited to, the following specialized courts:
61 adult treatment court, DWI court, family treatment court,
62 juvenile treatment court, **mental health treatment court**,
63 veterans treatment court, or any combination thereof;

64 [(13)] (14) "Treatment court team", the following
65 members who are assigned to the treatment court: the judge
66 or treatment court commissioner, treatment court
67 administrator or coordinator, prosecutor, public defender or
68 member of the criminal defense bar, a representative from
69 the division of probation and parole, a representative from
70 law enforcement, substance use disorder **or mental health**
71 **disorder** treatment providers, and any other person selected
72 by the treatment court team;

73 [(14)] (15) "Veterans treatment court", a treatment
74 court focused on substance use disorders, co-occurring
75 disorders, or mental health disorders of defendants charged

76 with a criminal offense who are military veterans or current
77 military personnel.

78 2. A treatment court division shall be established,
79 prior to August 28, 2021, by any circuit court pursuant to
80 sections 478.001 to 478.009 to provide an alternative for
81 the judicial system to dispose of cases which stem from, or
82 are otherwise impacted by, a substance use **disorder or**
83 **mental health disorder**. The treatment court division may
84 include, but not be limited to, cases assigned to an adult
85 treatment court, DWI court, family treatment court, juvenile
86 treatment court, **mental health treatment court**, veterans
87 treatment court, or any combination thereof. A treatment
88 court shall combine judicial supervision, drug or alcohol
89 testing, and treatment of participants. Except for good
90 cause found by the court, a treatment court making a
91 referral for substance use disorder **or mental health**
92 **disorder** treatment, when such program will receive state or
93 federal funds in connection with such referral, shall refer
94 the person only to a program which is certified by the
95 department of mental health, unless no appropriate certified
96 treatment program is located within the same county as the
97 treatment court. Upon successful completion of the
98 treatment court program, the charges, petition, or penalty
99 against a treatment court participant may be dismissed,
100 reduced, or modified, unless otherwise stated. **Except for**
101 **those costs waived pursuant to section 488.016**, any fees
102 received by a court from a defendant as payment for
103 **[substance]** treatment programs shall not be considered court
104 costs, charges or fines.

105 3. An adult treatment court may be established by any
106 circuit court **[under sections 478.001 to 478.009]** to provide

107 an alternative for the judicial system to dispose of cases
108 which stem from substance use.

109 4. [Under sections 478.001 to 478.009,] A DWI court
110 may be established by any circuit court to provide an
111 alternative for the judicial system to dispose of cases that
112 stem from driving while intoxicated.

113 5. A family treatment court may be established by any
114 circuit court. The juvenile division of the circuit court
115 or the family court, if one is established under section
116 487.010, may refer one or more parents or other household
117 members subject to its jurisdiction to the family treatment
118 court if he or she has been determined to have a substance
119 use disorder or co-occurring disorder that impacts the
120 safety and well-being of the children in the family.

121 6. A juvenile treatment court may be established by
122 the juvenile division of any circuit court. The juvenile
123 division may refer a juvenile to the juvenile treatment
124 court if the juvenile is determined to have committed acts
125 that violate the criminal laws of the state or ordinances of
126 a municipality or county and a substance use disorder or co-
127 occurring disorder contributed to the commission of the
128 offense.

129 7. The general assembly finds and declares that it is
130 the public policy of this state to encourage and provide an
131 alternative method for the disposal of cases for military
132 veterans and current military personnel with substance use
133 disorders, mental health disorders, or co-occurring
134 disorders. In order to effectuate this public policy, a
135 veterans treatment court may be established by any circuit
136 court, or combination of circuit courts upon agreement of
137 the presiding judges of such circuit courts, to provide an
138 alternative for the judicial system to dispose of cases that

139 stem from a substance use disorder, mental health disorder,
140 or co-occurring disorder of military veterans or current
141 military personnel. A veterans treatment court shall
142 combine judicial supervision, drug or alcohol testing, and
143 substance use and mental health disorder treatment to
144 participants who have served or are currently serving the
145 United States Armed Forces, including members of the
146 Reserves or National Guard, with preference given to
147 individuals who have combat service. For the purposes of
148 this section, combat service shall be shown through military
149 service documentation that reflects service in a combat
150 theater, receipt of combat service medals, or receipt of
151 imminent danger or hostile fire pay or tax benefits. Except
152 for good cause found by the court, a veterans treatment
153 court shall make a referral for substance use or mental
154 health disorder treatment, or a combination of substance use
155 and mental health disorder treatment, through the Department
156 of Defense health care, the Veterans Administration, or a
157 community-based substance use disorder treatment program.
158 Community-based programs utilized shall receive state or
159 federal funds in connection with such referral and shall
160 only refer the individual to a program certified by the
161 department of mental health, unless no appropriate certified
162 treatment program is located within the same circuit as the
163 veterans treatment court.

164 **8. A mental health treatment court may be established**
165 **by any circuit court to provide an alternative for the**
166 **judicial system to dispose of cases that stem from a mental**
167 **health disorder or co-occurring disorder.**

478.010. 1. Except as provided in Section 25 of
2 Article V of the Constitution of Missouri, the circuit
3 judges of the various judicial circuits shall be elected at

4 the general elections as herein provided and at the general
5 election every six years thereafter, and shall enter upon
6 the duties of their office on the first day in January next
7 following their election[; provided, however, that any terms
8 commencing in 1981 and 1983 shall commence on the first
9 Monday in January].

10 2. The circuit judge of judicial circuit number one
11 shall be elected in 1980.

12 3. The circuit judge of judicial circuit number thirty-
13 six shall be elected in 1984.

14 4. The circuit judges of the remaining judicial
15 circuits, except those covered by sections 478.370 through
16 [478.715] **478.750**, shall be elected in 1982.

478.330. 1. When an annual judicial performance
2 report submitted pursuant to section 477.405 indicates for
3 three consecutive calendar years the need for two or more
4 full-time judicial positions in any judicial circuit there
5 shall be one additional circuit judge position authorized in
6 such circuit, subject to [appropriations] **an initial**
7 **appropriation** made for that purpose. **The clerk of the**
8 **supreme court shall notify the revisor of statutes of any**
9 **new circuit judgeships authorized pursuant to this section,**
10 **and the revisor of statutes shall publish a footnote to this**
11 **section listing the authorized judgeships and corresponding**
12 **judicial circuits.**

13 2. **Except in circuits where circuit judges are**
14 **selected under the provisions of Sections 25(a) to 25(g) of**
15 **Article V of the Constitution of Missouri, a circuit judge**
16 **authorized pursuant to subsection 1 of this section shall be**
17 **elected at the next general election after the**
18 **authorization, and every six years thereafter. Such**
19 **judicial position shall not be considered vacant or filled**

20 **by appointment until the first day in January next following**
21 **the authorization.** Except in circuits where circuit judges
22 are selected under the provisions of Sections 25(a) to 25(g)
23 of Article V of the [Missouri] Constitution **of Missouri,** the
24 election of circuit judges authorized by this section shall
25 be conducted in accordance with chapter 115.

478.376. There shall be three circuit judges in the
2 **sixth judicial circuit.**

478.610. 1. [There shall be three circuit judges in
2 the thirteenth judicial circuit consisting of the counties
3 of Boone and Callaway. These judges shall sit in divisions
4 numbered one, two and three. Beginning on January 1, 2007,]
5 There shall be [four] **five** circuit judges in the thirteenth
6 judicial circuit and these judges shall sit in divisions
7 numbered one, two, three, [and] four, **and thirteen.**

8 2. The circuit judge in division two shall be elected
9 in 1980. The circuit judges in divisions one and three
10 shall be elected in 1982. The circuit judge in division
11 four shall be elected in [2006 for a two-year term and
12 thereafter in] 2008 [for a full six-year term], **and every**
13 **six years thereafter. The circuit judge in division**
14 **thirteen shall be elected in 2030, and every six years**
15 **thereafter.**

16 3. Beginning August 28, 2001, there shall be one more
17 additional associate circuit judge position in Boone County
18 than is provided pursuant to section 478.320.

478.625. 1. [Beginning on January 1, 2003,] There
2 shall be [three] **four** circuit judges in the nineteenth
3 judicial circuit [consisting of the county of Cole].

4 2. One circuit judge shall be first elected in 1982.
5 The second circuit judge shall be first elected in 1984.
6 The third circuit judge shall be first elected in 2002. **The**

7 **fourth circuit judge shall be elected in 2030, and every six**
8 **years thereafter.**

9 3. Effective January 1, 2021, in compliance with
10 section 478.320, there shall be two associate circuit judges
11 in Cole County. The second associate circuit judge shall be
12 first elected in 2020.

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.

488.040. [1.] Each grand and petit juror shall[,
2 pursuant to the provisions of section 494.455, receive six
3 dollars per day for every day he or she may actually serve
4 as such and seven cents for every mile he or she may
5 necessarily travel going from his or her place of residence
6 to the courthouse and returning, to be paid from funds of
7 the county or a city not within a county.

2. Provided that a county or a city not within a
9 county authorizes daily compensation payable from county or
10 city funds for jurors who serve in that county pursuant to
11 subsection 3 of this section in the amount of at least six
12 dollars per day in addition to the amount required by
13 subsection 1 of this section, a person shall receive an
14 additional six dollars per day, pursuant to the provisions
15 of section 494.455, to be reimbursed by the state of
16 Missouri so that the total compensation payable shall be at
17 least eighteen dollars, plus mileage as indicated in
18 subsection 1 of this section, for each day that the person
19 actually serves as a petit juror in a particular case; or
20 for each day that a person actually serves as a grand juror
21 during a term of a grand jury. The state shall reimburse

22 the county for six dollars of the additional juror
23 compensation provided by this subsection.

24 3. The governing body of each county or a city not
25 within a county may authorize additional daily compensation
26 and mileage allowance for jurors, which additional
27 compensation shall be paid from the funds of the county or a
28 city not within a county. The governing body of each county
29 or a city not within a county may authorize additional daily
30 compensation and mileage allowance for jurors attending a
31 coroner's inquest. Jurors may receive the additional
32 compensation and mileage allowance authorized by this
33 subsection only if the governing body of the county or the
34 city not within a county authorizes the additional
35 compensation. The provisions of this subsection authorizing
36 additional compensation shall terminate upon the issuance of
37 a mandate by the Missouri supreme court which results in the
38 state of Missouri being obligated or required to pay any
39 such additional compensation even if such additional
40 compensation is formally approved or authorized by the
41 governing body of a county or a city not within a county.

42 4. When each panel of jurors summoned and attending
43 court has completed its service, the board of jury
44 commissioners shall cause to be submitted to the governing
45 body of the county or a city not within a county a statement
46 of fees earned by each juror. Within thirty days of the
47 submission of the statement of fees, the governing body
48 shall cause payment to be made to those jurors summoned the
49 fees earned during their service as jurors] **receive daily**
50 **compensation and mileage allowance in the amount provided by**
51 **law pursuant to section 494.455.**

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.]

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 admissible
8 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 a minimum**
6 **of six dollars per day, for every day [he or she] the juror**
7 **may actually serve as [such] a juror, and [seven cents] the**
8 **mileage rate as provided by section 33.095 for state**
9 **employees for every mile [he or she] the juror may**
10 **necessarily travel going from [his or her] the juror's place**
11 **of residence to the courthouse and returning, to be paid**
12 **from funds of the county or a city not within a county.**
13 **Each county or city not within a county may elect to**
14 **compensate its jurors pursuant to subsection 2 of this**
15 **section, except as otherwise provided in subsection 3 of**
16 **this section.**

17 **2.** The governing body of each county or a city not
18 within a county may authorize additional daily compensation
19 and mileage allowance for jurors, which additional
20 compensation shall be paid from the funds of the county or a

21 city not within a county. The governing body of each county
22 or a city not within a county may authorize additional daily
23 compensation and mileage allowance for jurors attending a
24 coroner's inquest. Jurors may receive the additional
25 compensation and mileage allowance authorized by this
26 subsection only if the governing body of the county or the
27 city not within a county authorizes the additional
28 compensation. The provisions of this subsection authorizing
29 additional compensation shall terminate upon the issuance of
30 a mandate by the Missouri supreme court which results in the
31 state of Missouri being obligated or required to pay any
32 such additional compensation even if such additional
33 compensation is formally approved or authorized by the
34 governing body of a county or a city not within a county.
35 Provided that a county or a city not within a county
36 authorizes daily compensation payable from county or city
37 funds for jurors who serve in that county pursuant to this
38 subsection in the amount of at least six dollars per day in
39 addition to the amount required by [this] subsection **1 of**
40 **this section**, a person shall receive an additional six
41 dollars per day to be reimbursed by the state of Missouri so
42 that the total compensation payable shall be at least
43 eighteen dollars, plus mileage for each day that the person
44 actually serves as a petit juror in a particular case; or
45 for each day that a person actually serves as a grand juror
46 during a term of a grand jury. The state shall reimburse
47 the county for six dollars of the additional juror
48 compensation provided by this subsection.

49 3. [In any county of the first classification without
50 a charter form of government and with a population of at
51 least two hundred thousand inhabitants, no grand or petit
52 juror shall receive compensation for the first two days of

53 service, but shall receive fifty dollars per day for the
54 third day and each subsequent day he or she may actually
55 serve as such, and seven cents for every mile he or she may
56 necessarily travel going from his or her place of residence
57 to the courthouse and returning, to be paid from funds of
58 the county] **Notwithstanding the provisions of subsections 1
59 or 2 of this section to the contrary, by a majority vote,
60 the governing body of a county or a city not within a county
61 may adopt a system for juror compensation in the county or a
62 city not within a county as follows: each grand or petit
63 juror shall receive fifty dollars per day for the third day
64 the juror may actually serve as a juror and for each
65 subsequent day of actual service, and the mileage rate as
66 provided by section 33.095 for state employees for every
67 mile the juror may necessarily travel from the juror's place
68 of residence to the courthouse and returning, to be paid
69 from funds of the county or a city not within a county;
70 provided that no grand or petit juror shall receive
71 compensation for the first two days the juror may actually
72 serve as such.**

73 4. When each panel of jurors summoned and attending
74 court has completed its service, the board of jury
75 commissioners shall cause to be submitted to the governing
76 body of the county or a city not within a county a statement
77 of fees earned by each juror. Within thirty days of the
78 submission of the statement of fees, the governing body
79 shall cause payment to be made to those jurors summoned the
80 fees earned during their service as jurors.

509.520. 1. Notwithstanding any provision of law to
2 the contrary, beginning August 28, 2023, pleadings,
3 attachments, exhibits filed with the court in any case, as
4 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;

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

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

13 (4) **[Victim] Information[, including the name,
14 address, and other contact information of the] concerning a
15 victim or witness in a criminal case that is confidential as
16 otherwise provided by law or as prescribed in the Missouri
17 supreme court rules of criminal procedure or Missouri
18 supreme court operating rules;**

19 (5) **[Witness information, including the name, address,
20 and other contact information of the witness;**

21 **[(6)]** Any other full state identification number;

22 **[(7)] (6)** The name, address, and date of birth of a
23 minor and, if applicable, any next friend; **[or**

24 **(8)] (7)** The full date of birth of any party; however,
25 the year of birth shall be made available, except for a
26 minor; **or**

27 **(8) Any other information redacted for good cause by
28 order of the court.**

29 2. The information provided under subsection 1 of this
30 section shall be provided in a confidential information
31 filing sheet contemporaneously filed with the court or
32 entered by the court, which shall not be subject to public
33 inspection or availability.

34 3. Nothing in this section shall preclude an entity
35 including, but not limited to, a financial institution,
36 insurer, insurance support organization, or consumer

37 reporting agency that is otherwise permitted by law to
38 access state court records from using a person's unique
39 identifying information to match such information contained
40 in a court record to validate that person's record.

41 4. The Missouri supreme court shall promulgate rules
42 to administer this section.

43 5. Contemporaneously with the filing of every petition
44 for dissolution of marriage, legal separation, motion for
45 modification, action to establish paternity, and petition or
46 motion for support or custody of a minor child, the filing
47 party shall file a confidential case filing sheet with the
48 court which shall not be subject to public inspection and
49 which provides:

50 (1) The name and address of the current employer and
51 the Social Security number of the petitioner or movant, if a
52 person;

53 (2) If known to the petitioner or movant, the name and
54 address of the current employer and the Social Security
55 number of the respondent; and

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

58 6. Contemporaneously with the filing of every
59 responsive pleading petition for dissolution of marriage,
60 legal separation, motion for modification, action to
61 establish paternity, and petition or motion for support or
62 custody of a minor child, the responding party shall file a
63 confidential case filing sheet with the court which shall
64 not be subject to public inspection and which provides:

65 (1) The name and address of the current employer and
66 the Social Security number of the responding party, if a
67 person;

68 (2) If known to the responding party, the name and
69 address of the current employer and the Social Security
70 number of the petitioner or movant; and

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

73 7. The full Social Security number of any party or
74 child subject to an order of custody or support shall be
75 retained by the court on the confidential case filing sheet
76 or other confidential record maintained in conjunction with
77 the administration of the case. The full credit card number
78 or other financial account number of any party may be
79 retained by the court on a confidential record if it is
80 necessary to maintain the number in conjunction with the
81 administration of the case.

82 8. Any document described in subsection 1 of this
83 section shall, in lieu of the full number, include only the
84 last four digits of any such number.

85 9. Except as provided in section 452.430, the clerk
86 shall not be required to redact any document described in
87 subsection 1 of this section issued or filed before August
88 28, 2009, prior to releasing the document to the public.

89 10. For good cause shown, the court may release
90 information contained on the confidential case filing sheet;
91 except that, any state agency acting under authority of
92 chapter 454 shall have access to information contained
93 herein without court order in carrying out their official
94 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.

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

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

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

510.521. Sections 510.500 to 510.521 apply to requests
2 for discovery in cases pending on August 28, 2025.

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

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

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

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

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

13 3. Except as otherwise provided in subsection 4 of
14 this section, the provisions of this section shall apply to
15 a cause of action asserted in a civil action against a
16 person based on the person's:

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

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

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

27 4. The provisions of this section shall not apply to a
28 cause of action asserted:

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

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

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

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

46 6. (1) Except as otherwise provided in this
47 subsection:

48 (a) All other proceedings between the moving party and
49 responding party in an action, including discovery and a
50 pending hearing or motion, are stayed on the filing of a
51 motion under subsection 5 of this section; and

52 (b) On motion by the moving party, the court may stay:

53 a. A hearing or motion involving another party if the
54 ruling on the hearing or motion would adjudicate a legal or
55 factual issue that is material to the motion under
56 subsection 5 of this section; or

57 b. Discovery by another party if the discovery relates
58 to a legal or factual issue that is material to the motion
59 under subsection 5 of this section.

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 5 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 5 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 9 of this section
73 and is not reasonably available without discovery.

74 (5) A motion for costs and expenses under subsection
75 12 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 5 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 7. (1) The court shall hear a motion under subsection
88 5 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 6 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 5 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 8. In ruling on a motion under subsection 5 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 9. (1) In ruling on a motion under subsection 5 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 subsection 3 of
108 this section that this section applies;

109 (b) The responding party fails to establish under
110 subsection 4 of this section that this section does not
111 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 5
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 12 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 5
132 of this section establishes for the purpose of subsection 12
133 of this section that the moving party prevailed on the
134 motion.

135 10. The court shall rule on a motion under subsection
136 5 of this section no later than sixty days after the hearing
137 under subsection 7 of this section.

138 11. A moving party may appeal within twenty-one days
139 as a matter of right from an order denying, in whole or in
140 part, a motion under subsection 5 of this section.

141 12. On a motion under subsection 5 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 13. 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 the state of
155 Missouri.

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

160 15. This section applies to a civil action filed or
161 cause of action asserted in a civil action on or after
162 August 28, 2025.

537.1300. Sections 537.1300 to 537.1316 shall be known
2 and may be cited as the "Uniform Civil Remedies for
3 Unauthorized Disclosure of Intimate Images Act".

537.1302. As used in sections 537.1300 to 537.1316,
2 the following terms mean:

3 (1) "Consent", affirmative, conscious, and voluntary
4 authorization by an individual with legal capacity to give
5 authorization;

6 (2) "Depicted individual", an individual whose body is
7 shown in whole or in part in an intimate image;

8 (3) "Disclosure", transfer, publication, or
9 distribution to another person. The term "disclose" has a
10 corresponding meaning;

11 (4) "Identifiable", recognizable by a person other
12 than the depicted individual:

13 (a) From an intimate image itself; or

14 (b) From an intimate image and identifying
15 characteristic displayed in connection with the intimate
16 image;

17 (5) "Identifying characteristic", information that may
18 be used to identify a depicted individual;

19 (6) "Individual", a human being;

20 (7) "Intimate image", a photograph, film, video
21 recording, or other similar medium that shows:

22 (a) The uncovered genitals, pubic area, anus, or
23 female postpubescent nipple of a depicted individual; or

24 (b) A depicted individual engaging in or being
25 subjected to sexual conduct;

26 (8) "Person", an individual, estate, business or
27 nonprofit entity, public corporation, government or
28 governmental subdivision, agency, or instrumentality, or
29 other legal entity;

- 30 (9) "Sexual conduct" includes:
31 (a) Masturbation;
32 (b) Genital, anal, or oral sex;
33 (c) Sexual penetration of, or with, an object;
34 (d) Bestiality; or
35 (e) The transfer of semen onto a depicted individual.

537.1304. 1. As used in this section, the following
2 terms mean:

3 (1) "Harm", includes physical harm, economic harm, and
4 emotional distress whether or not accompanied by physical or
5 economic harm;

6 (2) "Private":

7 (a) Created or obtained under circumstances in which a
8 depicted individual had a reasonable expectation of privacy;
9 or

10 (b) Made accessible through stealing, bribery,
11 extortion, fraud, false pretenses, or exceeding authorized
12 access to an account, message, file, device, resource, or
13 property.

14 2. Except as otherwise provided in 537.1306, a
15 depicted individual who is identifiable and who suffers harm
16 from a person's intentional disclosure or threatened
17 disclosure of an intimate image that was private without the
18 depicted individual's consent has a cause of action against
19 the person if the person knew or acted with reckless
20 disregard for whether:

21 (1) The depicted individual did not consent to the
22 disclosure;

23 (2) The intimate image was private; and

24 (3) The depicted individual was identifiable.

25 3. The following conduct by a depicted individual does
26 not establish by itself that the individual consented to the

27 disclosure of the intimate image that is the subject of an
28 action under sections 537.1300 to 537.1316 or that the
29 individual lacked a reasonable expectation of privacy:

- 30 (1) Consent to creation of the image; or
- 31 (2) Previous consensual disclosure of the image.

32 4. A depicted individual who does not consent to the
33 sexual conduct or uncovering of the part of the body
34 depicted in an intimate image of the individual retains a
35 reasonable expectation of privacy even if the image was
36 created when the individual was in a public place.

537.1306. 1. As used in this section, the following
2 terms mean:

3 (1) "Child", an unemancipated individual who is under
4 eighteen years of age;

5 (2) "Parent", an individual recognized as a parent
6 under law of this state other than in sections 537.1300 to
7 537.1316.

8 2. A person is not liable under sections 537.1300 to
9 537.1316 if the person proves that disclosure of, or a
10 threat to disclose, an intimate image was:

11 (1) Made in good faith in:

- 12 (a) Law enforcement;
- 13 (b) A legal proceeding; or
- 14 (c) Medical education or treatment;

15 (2) Made in good faith in the reporting or
16 investigation of:

- 17 (a) Unlawful conduct; or
- 18 (b) Unsolicited and unwelcome conduct;
- 19 (3) Related to a matter of public concern or public
20 interest; or

21 (4) Reasonably intended to assist the depicted
22 individual.

23 3. Subject to subsection 4 of this section, a
24 defendant who is a parent, legal guardian, or individual
25 with legal custody of a child is not liable under sections
26 537.1300 to 537.1316 for a disclosure or threatened
27 disclosure of an intimate image of the child.

28 4. If a defendant asserts an exception to liability
29 under subsection 3 of this section, the exception does not
30 apply if the plaintiff proves the disclosure was:

31 (1) Prohibited by law other than in sections 537.1300
32 to 537.1316; or

33 (2) Made for the purpose of sexual arousal, sexual
34 gratification, humiliation, degradation, or monetary or
35 commercial gain.

36 5. Disclosure of, or a threat to disclose, an intimate
37 image is not a matter of public concern or public interest
38 solely because the depicted individual is a public figure.

 537.1308. In an action under sections 537.1300 to
2 537.1316:

3 (1) A plaintiff may proceed using a pseudonym in place
4 of the true name of the plaintiff;

5 (2) The court may exclude or redact from all pleadings
6 and documents filed in the action other identifying
7 characteristics of the plaintiff;

8 (3) A plaintiff to whom subdivision (1) or (2) of this
9 section applies shall file with the court and serve on the
10 defendant a confidential information form that includes the
11 excluded or redacted plaintiff's name and other identifying
12 characteristics; and

13 (4) The court may make further orders as necessary to
14 protect the identity and privacy of a plaintiff.

 537.1310. 1. In an action under sections 537.1300 to
2 537.1316, a prevailing plaintiff may recover:

3 (1) The greater of:

4 (a) Economic and noneconomic damages proximately
5 caused by the defendant's disclosure or threatened
6 disclosure, including damages for emotional distress whether
7 or not accompanied by other damages; or

8 (b) Statutory damages not to exceed ten thousand
9 dollars against each defendant found liable under sections
10 537.1300 to 537.1316 for all disclosures and threatened
11 disclosures by the defendant of which the plaintiff knew or
12 reasonably should have known when filing the action or which
13 became known during the pendency of the action. In
14 determining the amount of statutory damages under this
15 paragraph, consideration shall be given to the age of the
16 parties at the time of the disclosure or threatened
17 disclosure, the number of disclosures or threatened
18 disclosures made by the defendant, the breadth of
19 distribution of the image by the defendant, and other
20 exacerbating or mitigating factors;

21 (2) An amount equal to any monetary gain made by the
22 defendant from disclosure of the intimate image; and

23 (3) Punitive damages as allowed under law of this
24 state other than under sections 537.1300 to 537.1316.

25 2. In an action under sections 537.1300 to 537.1316,
26 the court may award a prevailing plaintiff:

27 (1) Reasonable attorney's fees and costs; and

28 (2) Additional relief, including injunctive relief.

29 3. Sections 537.1300 to 537.1316 do not affect a right
30 or remedy available under law of this state other than under
31 sections 537.1300 to 537.1316.

537.1312. 1. An action under subsection 2 of section
2 537.1304 for:

3 (1) An unauthorized disclosure shall not be brought
4 later than four years from the date the disclosure was
5 discovered or should have been discovered with the exercise
6 of reasonable diligence; and

7 (2) A threat to disclose shall not be brought later
8 than four years from the date of the threat to disclose.

9 2. Except as otherwise provided in subsection 3 of
10 this section, this section is subject to the tolling
11 statutes of this state.

12 3. In an action under subsection 2 of section 537.1304
13 by a depicted individual who was a minor on the date of the
14 disclosure or threat to disclose, the time specified in
15 subsection 1 of this section does not begin to run until the
16 depicted individual attains the age of majority.

 537.1314. Sections 537.1300 to 537.1316 shall be
2 construed to be consistent with the Communications Decency
3 Act of 1996, 47 U.S.C. Section 230.

 537.1316. In applying and construing sections 537.1300
2 to 537.1316, consideration shall be given to the need to
3 promote uniformity of the law with respect to its subject
4 matter among states that enact it.

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

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

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.

575.205. 1. A person commits the offense of tampering
2 with electronic monitoring equipment if he or she
3 intentionally removes, alters, tampers with, damages, [or]
4 destroys, **fails to charge, or otherwise disables** electronic
5 monitoring equipment which a court, the division of
6 probation and parole or the parole board has required such
7 person to wear.

8 2. This section does not apply to the owner of the
9 equipment or an agent of the owner who is performing
10 ordinary maintenance or repairs on the equipment.

11 3. The offense of tampering with electronic monitoring
12 equipment is a class D felony.

13 **4. The offense of tampering with electronic monitoring**
14 **equipment if a person fails to charge or otherwise disables**
15 **electronic monitoring equipment is a class E felony, unless**
16 **the offense for which the person was placed on electronic**
17 **monitoring was a misdemeanor, in which case it is a class A**
18 **misdemeanor.**

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.

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
proceedings shall be regarded as settlement

13 negotiations. Any communication relating to the
14 subject matter of such disputes made during the
15 resolution process by any participant, mediator,
16 conciliator, arbitrator or any other person
17 present at the dispute resolution shall be a
18 confidential communication. No admission,
19 representation, statement or other confidential
20 communication made in setting up or conducting
21 such proceedings not otherwise discoverable or
22 obtainable shall be admissible as evidence or
23 subject to discovery.]

[537.528. 1. Any action against a person
2 for conduct or speech undertaken or made in
3 connection with a public hearing or public
4 meeting, in a quasi-judicial proceeding before a
5 tribunal or decision-making body of the state or
6 any political subdivision of the state is
7 subject to a special motion to dismiss, motion
8 for judgment on the pleadings, or motion for
9 summary judgment that shall be considered by the
10 court on a priority or expedited basis to ensure
11 the early consideration of the issues raised by
12 the motion and to prevent the unnecessary
13 expense of litigation. Upon the filing of any
14 special motion described in this subsection, all
15 discovery shall be suspended pending a decision
16 on the motion by the court and the exhaustion of
17 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.]

✓