

SECOND REGULAR SESSION

HOUSE BILL NO. 1743

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BYRD.

Read 1st time April 20, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5055L.011

AN ACT

To repeal sections 2.030, 2.040, 2.050, 2.060, 3.130, 105.711, 211.031, 211.141, 211.327, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.490, 429.540, 452.340, 452.420, 452.423, 478.266, 478.320, 478.725, 479.020, 482.330, 483.550, 488.429, 488.2275, 491.300, 494.400, 494.425, 494.430, 494.431, 494.450, 494.460, 512.180, 513.430, 513.440, 526.010, 526.020, 535.020, 535.030, 535.040, 537.046, 542.276, 544.020, 570.030, 570.200, 570.210, 590.120, 595.045, 595.050, 610.100 and 630.130, RSMo, and to enact in lieu thereof sixty-one new sections relating to court procedures and court personnel, with penalty provisions, an expiration date for certain sections, and an emergency clause for certain sections.

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

Section A. Sections 2.030, 2.040, 2.050, 2.060, 3.130, 105.711, 211.031, 211.141, 211.327, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.490, 429.540, 452.340, 452.420, 452.423, 478.266, 478.320, 478.725, 479.020, 482.330, 483.550, 488.429, 488.2275, 491.300, 494.400, 494.425, 494.430, 494.431, 494.450, 494.460, 512.180, 513.430, 513.440, 526.010, 526.020, 535.020, 535.030, 535.040, 537.046, 542.276, 544.020, 570.030, 570.200, 570.210, 590.120, 595.045, 595.050, 610.100 and 630.130, RSMo, are repealed and sixty-one new sections enacted in lieu thereof, to be known as sections 2.030, 2.040, 2.050, 2.060, 3.130, 105.711, 211.031, 211.141, 211.327, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.490, 429.540, 452.025, 452.340, 452.423, 472.075, 476.800, 476.810, 476.820, 478.266, 478.320, 479.020, 482.330, 483.537, 483.550, 488.429, 488.2275, 488.5020, 494.400, 494.425, 494.430, 494.432, 494.450, 494.460, 512.180, 513.430, 513.440,

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

12 526.010, 535.020, 535.030, 535.040, 537.046, 542.276, 544.020, 570.030, 570.200, 570.210,
13 589.313, 590.118, 590.120, 595.045, 595.050, 610.100, 630.130 and 1, to read as follows:

2.030. The [sixty-fourth general assembly and each general assembly thereafter, whether
2 in regular or extraordinary session, shall by concurrent resolution adopted by both houses,
3 provide for collating, indexing, printing and binding] **joint committee on legislative research**
4 **shall annually collate, index, print, and bind** all laws and resolutions [of the session] **passed**
5 **or adopted by the general assembly** and all measures approved by the people since the last
6 publication of the **session laws** [and resolutions in the manner directed by the resolution. The
7 general assembly may by concurrent resolution require that all laws passed by the general
8 assembly and all resolutions adopted prior to any recess of the general assembly for a period of
9 thirty days or more shall be collated, indexed, bound and distributed as provided by law, and].
10 Any edition **of the session laws** published pursuant to [the concurrent resolution] **this section**
11 is a part of the official laws and resolutions of the general assembly at which the laws and
12 resolutions were passed.

2.040. The joint committee on legislative research shall provide copies of all laws,
2 measures and resolutions duly enacted by the general assembly and all amendments to the
3 constitution and all measures approved by the people since the last publication of [such laws and
4 resolutions] **the session laws pursuant to section 2.030**, giving the date of the approval or
5 adoption thereof [for printing in accordance with the directions of the general assembly as given
6 by concurrent resolution]. The joint committee on legislative research shall [edit,] headnote,
7 collate, index the laws, resolutions and constitutional amendments, and [shall] compare the proof
8 sheets of the printed copies with the original rolls[, note all errors which have been committed,
9 if any, and cause errata thereof to be annexed to the completed printed copies, and]. The revisor
10 of statutes shall insert therein an attestation under the revisor's hand that the revisor has
11 compared the laws, resolutions, constitutional amendments and measures therein contained with
12 the original rolls and copies in the office of the secretary of state and that the same are true copies
13 of such laws, measures, resolutions and constitutional amendments as the same appear in the
14 original rolls in the office of the secretary of state. The joint committee on legislative research
15 shall cause the completed laws, resolutions and constitutional amendments to be printed and
16 bound.

2.050. The complete printed copies of laws, resolutions, constitutional amendments and
2 measures when printed and bound shall be delivered to the revisor of statutes who shall distribute
3 [copies without cost in the same number and to the same] **one copy without cost to each**
4 **member of the general assembly and one copy each, without cost, to every county circuit**
5 **clerk, circuit judge, prosecuting attorney, and sheriff. One copy each, without cost, shall**
6 **be delivered to other** officers, institutions and agencies who are entitled to copies of the Revised

7 Statutes of Missouri under section 3.130, RSMo, **if requested.**

2.060. [1.] The revisor of statutes may sell copies of the laws and resolutions, not
2 required by this chapter to be distributed without charge, at actual cost of printing and binding,
3 as determined by the [secretary of state] **joint committee on legislative research**, plus the cost
4 of delivery, and the money received therefor shall be paid to the director of revenue and
5 deposited in the state treasury to the credit of the statutory revision fund.

6 [2. The revisor of statutes shall also supply the clerk of the circuit court of each county
7 order blanks in a number sufficient to meet the public demand. The blanks may be used by the
8 public to order copies which shall be sold by the revisor of statutes as provided in subsection 1.]

3.130. 1. Such number of copies of each volume of each edition of the revised statutes
2 of Missouri and annotations thereto and such number of the supplements or pocket parts thereto
3 as may be necessary to meet the demand as determined by the committee shall be printed[,] **and**
4 **bound, and also produced in an electronic format**, and delivered to the revisor of statutes, who
5 shall execute and file a receipt therefor with the director of revenue. The revisor of statutes shall
6 distribute the copies, **in either version or combination**, without charge as follows:

7 (1) To each state department, and each division and bureau thereof, one copy **as**
8 **requested in writing specifying the version;**

9 (2) To each member of the general assembly when first elected, [three copies] **one**
10 **bound version and, if requested, one copy in the electronic version;** and at each general
11 assembly thereafter, [three copies] **one printed version and one copy in the electronic version**
12 if so requested in writing; each member to receive [three copies] **one printed version and, if**
13 **requested, one copy in the electronic version** of each supplement and of each new edition of
14 the revised statutes when published;

15 (3) To each judge of the supreme court, the court of appeals and to each judge of the
16 circuit courts, except municipal judges, one copy **in either version;**

17 (4) To the probate divisions of the circuit courts of Jackson County, St. Louis County
18 and the city of St. Louis, four additional copies each **in either version or combination**, and to
19 the probate divisions of the circuit courts of those counties where the judge of the probate
20 division sits in more than one city, one additional copy each **in either version;**

21 (5) To the law library of the supreme court, ten copies **in either version or**
22 **combination;**

23 (6) To the law libraries of each district of the court of appeals, six copies each **in either**
24 **version or combination;**

25 (7) To the library of the United States Supreme Court, one copy **in either version;**

26 (8) To the United States district courts and circuit court of appeals for Missouri, two
27 copies each **in either version or combination;**

- 28 (9) To the state historical society, two copies **in either version or combination**;
29 (10) To the libraries of the state university at Columbia, at St. Louis, at Kansas City and
30 at Rolla, [three copies] **one bound version and one electronic version** each;
31 (11) To the state colleges, Lincoln University, the [junior] **community** colleges,
32 Missouri Western **State** College, **Linn State Technical College**, and Missouri Southern **State**
33 College, [four copies] **one bound version and one electronic version** each;
34 (12) To the public school library of St. Louis, two copies **in either version or**
35 **combination**;
36 (13) To the Library of Congress, one copy **in either version**;
37 (14) To the Mercantile Library of St. Louis, [two copies] **one bound version and one**
38 **electronic version**;
39 (15) To each public library in the state, if requested, one copy **in either version**;
40 (16) To the law libraries of St. Louis, St. Louis County, Kansas City and St. Joseph,
41 [three copies] **one bound version and one electronic version** each;
42 (17) To the law schools of the state university, St. Louis University, and Washington
43 University, [three copies] **one bound version and one electronic version** each;
44 (18) To the circuit clerk of each county of the state for distribution [of one copy] to each
45 county officer, to be by him **or her** delivered to his **or her** successor in office, one copy **in either**
46 **version as requested in writing**;
47 (19) To the director of the committee on legislative research, such number of copies **in**
48 **either version or combination** as may be required by such committee for the performance of
49 its duties;
50 (20) To any county law library, when requested by the circuit clerk, [two copies] **one**
51 **bound version and one electronic version**;
52 (21) To each county library, one copy **of either version**, when requested **in writing**;
53 (22) To any committee of the senate or house of representatives, as designated and
54 requested by the accounts committee of the respective house.
55 2. The revisor of statutes shall also provide the librarians of the supreme court library[,
56 of] **and** the committee on legislative research[, of the law schools of the state university] such
57 copies **in either version or combination** as may be necessary, not exceeding fifty-one each, to
58 enable them to exchange the copies for like compilations or revisions of the statute laws of other
59 states and territories.

105.711. 1. There is hereby created a "State Legal Expense Fund" which shall consist
2 of moneys appropriated to the fund by the general assembly and moneys otherwise credited to
3 such fund pursuant to section 105.716.

4 2. Moneys in the state legal expense fund shall be available for the payment of any claim

5 or any amount required by any final judgment rendered by a court of competent jurisdiction
6 against:

7 (1) The state of Missouri, or any agency of the state, pursuant to section 536.050 or
8 536.087, RSMo, or section 537.600, RSMo;

9 (2) Any officer or employee of the state of Missouri or any agency of the state, including,
10 without limitation, elected officials, appointees, members of state boards or commissions and
11 members of the Missouri national guard upon conduct of such officer or employee arising out
12 of and performed in connection with his or her official duties on behalf of the state, or any
13 agency of the state, provided that moneys in this fund shall not be available for payment of
14 claims made under chapter 287, RSMo; or

15 (3) (a) Any physician, psychiatrist, pharmacist, podiatrist, dentist, nurse or other health
16 care provider licensed to practice in Missouri under the provisions of chapter 330, 332, 334, 335,
17 336, 337 or 338, RSMo, who is employed by the state of Missouri or any agency of the state,
18 under formal contract to conduct disability reviews on behalf of the department of elementary
19 and secondary education or provide services to patients or inmates of state correctional facilities
20 **or county jails** on a part-time basis;

21 (b) Any physician licensed to practice medicine in Missouri under the provisions of
22 chapter 334, RSMo, and his professional corporation organized pursuant to chapter 356, RSMo,
23 who is employed by or under contract with a city or county health department organized under
24 chapter 192, RSMo, or chapter 205, RSMo, or a city health department operating under a city
25 charter, or a combined city-county health department to provide services to patients for medical
26 care caused by pregnancy, delivery and child care, if such medical services are provided by the
27 physician pursuant to the contract without compensation or the physician is paid from no other
28 source than a governmental agency except for patient co-payments required by federal or state
29 law or local ordinance;

30 (c) Any physician licensed to practice medicine in Missouri under the provisions of
31 chapter 334, RSMo, who is employed by or under contract with a federally funded community
32 health center organized under Section 315, 329, 330 or 340 of the Public Health Services Act (42
33 U.S.C. 216, 254c) to provide services to patients for medical care caused by pregnancy, delivery
34 and child care, if such medical services are provided by the physician pursuant to the contract
35 or employment agreement without compensation or the physician is paid from no other source
36 than a governmental agency or such a federally funded community health center except for
37 patient co-payments required by federal or state law or local ordinance. In the case of any claim
38 or judgment that arises under this paragraph, the aggregate of payments from the state legal
39 expense fund shall be limited to a maximum of one million dollars for all claims arising out of
40 and judgments based upon the same act or acts alleged in a single cause against any such

41 physician, and shall not exceed one million dollars for any one claimant;

42 (d) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or
43 registered pursuant to chapter 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who
44 provides medical, dental or nursing treatment within the scope of his license or registration at
45 a city or county health department organized under chapter 192, RSMo, or chapter 205, RSMo,
46 a city health department operating under a city charter, or a combined city-county health
47 department, or a nonprofit community health center qualified as exempt from federal taxation
48 under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, if such treatment is
49 restricted to primary care and preventive health services, provided that such treatment shall not
50 include the performance of an abortion, and if such medical, dental or nursing services are
51 provided by the physician, dentist, physician assistant, dental hygienist or nurse without
52 compensation. In the case of any claim or judgment that arises under this paragraph, the
53 aggregate of payments from the state legal expense fund shall be limited to a maximum of five
54 hundred thousand dollars, for all claims arising out of and judgments based upon the same act
55 or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one
56 claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall
57 be limited to five hundred thousand dollars; or

58 (e) Any physician, nurse, physician assistant, dental hygienist, or dentist licensed or
59 registered to practice medicine, nursing or dentistry or to act as a physician assistant or dental
60 hygienist in Missouri under the provisions of chapter 332, RSMo, chapter 334, RSMo, or chapter
61 335, RSMo, who provides medical, nursing or dental treatment within the scope of his license
62 or registration to students of a school whether a public, private or parochial elementary or
63 secondary school, if such physician's treatment is restricted to primary care and preventive health
64 services and if such medical, dental or nursing services are provided by the physician, dentist,
65 physician assistant, dental hygienist, or nurse without compensation. In the case of any claim
66 or judgment that arises under this paragraph, the aggregate of payments from the state legal
67 expense fund shall be limited to a maximum of five hundred thousand dollars, for all claims
68 arising out of and judgments based upon the same act or acts alleged in a single cause and shall
69 not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased
70 pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars;
71 or

72 (4) Staff employed by the juvenile division of any judicial circuit; or

73 **(5) Any attorney licensed to practice law in the state of Missouri who practices law**
74 **at or through a nonprofit community social services center qualified as exempt from**
75 **federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended,**
76 **or through any agency of any federal, state, or local government, if such legal practice is**

provided by the attorney without compensation. In the case of any claim or judgment that arises under this subdivision, the aggregate of payments from the state legal expense fund shall be limited to a maximum of five hundred thousand dollars for all claims arising out of and judgments based upon the same act or acts alleged in a single cause and shall not exceed five hundred thousand dollars for any one claimant, and insurance policies purchased pursuant to the provisions of section 105.721 shall be limited to five hundred thousand dollars.

3. The department of health and senior services shall promulgate rules regarding contract procedures and the documentation of care provided under paragraphs (b), (c), (d), and (e) of subdivision (3) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to the provisions of section 105.721, provided in subsection [5] 6 of this section, shall not apply to any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. Any claim or judgment arising under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721, to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance obtained and maintained in force by any physician, dentist, physician assistant, dental hygienist, or nurse for coverage concerning his or her private practice and assets shall not be considered available under subsection [5] 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section. However, a physician, nurse, dentist, physician assistant, or dental hygienist may purchase liability or malpractice insurance for coverage of liability claims or judgments based upon care rendered under paragraphs (c), (d), and (e) of subdivision (3) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under those paragraphs. Even if paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is repealed or modified, the state legal expense fund shall be available for damages which occur while the pertinent paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section is in effect.

4. **The attorney general shall promulgate rules regarding contract procedures and the documentation of legal practice provided under subdivision (5) of subsection 2 of this section. The limitation on payments from the state legal expense fund or any policy of insurance procured pursuant to section 105.721 as provided in subsection 6 of this section shall not apply to any claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured**

pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages which occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a physician, dentist, physician assistant, dental hygienist, or nurse described in paragraph (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this section **or against an attorney in subdivision (5) of subsection 2 of this section** shall only be made for services rendered in accordance with the conditions of such paragraphs.

[5.] 6. Except as provided in subsection 3 of this section, in the case of any claim or judgment that arises under sections 537.600 and 537.610, RSMo, against the state of Missouri, or an agency of the state, the aggregate of payments from the state legal expense fund and from any policy of insurance procured pursuant to the provisions of section 105.721 shall not exceed the limits of liability as provided in sections 537.600 to 537.610, RSMo. No payment shall be made from the state legal expense fund or any policy of insurance procured with state funds pursuant to section 105.721 unless and until the benefits provided to pay the claim by any other policy of liability insurance have been exhausted.

[6.] 7. The provisions of section 33.080, RSMo, notwithstanding, any moneys remaining to the credit of the state legal expense fund at the end of an appropriation period shall not be transferred to general revenue.

[7.] 8. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 105.711 to 105.726 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking

149 authority and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

211.031. 1. Except as otherwise provided in this chapter, the juvenile court or the family
2 court in circuits that have a family court as provided in sections 487.010 to 487.190, RSMo, shall
3 have exclusive original jurisdiction in proceedings:

4 (1) Involving any child or person seventeen years of age who may be a resident of or
5 found within the county and who is alleged to be in need of care and treatment because:

6 (a) The parents, or other persons legally responsible for the care and support of the child
7 or person seventeen years of age, neglect or refuse to provide proper support, education which
8 is required by law, medical, surgical or other care necessary for his or her well-being; except that
9 reliance by a parent, guardian or custodian upon remedial treatment other than medical or
10 surgical treatment for a child or person seventeen years of age shall not be construed as neglect
11 when the treatment is recognized or permitted pursuant to the laws of this state;

12 (b) The child or person seventeen years of age is otherwise without proper care, custody
13 or support; or

14 (c) The child or person seventeen years of age was living in a room, building or other
15 structure at the time such dwelling was found by a court of competent jurisdiction to be a public
16 nuisance pursuant to section 195.130, RSMo;

17 (d) The child or person seventeen years of age is a child in need of mental health services
18 and the parent, guardian or custodian is unable to afford or access appropriate mental health
19 treatment or care for the child;

20 (2) Involving any child who may be a resident of or found within the county and who is
21 alleged to be in need of care and treatment because:

22 (a) The child while subject to compulsory school attendance is repeatedly and without
23 justification absent from school; or

24 (b) The child disobeys the reasonable and lawful directions of his or her parents or other
25 custodian and is beyond their control; or

26 (c) The child is habitually absent from his or her home without sufficient cause,
27 permission, or justification; or

28 (d) The behavior or associations of the child are otherwise injurious to his or her welfare
29 or to the welfare of others; or

30 (e) The child is charged with an offense not classified as criminal, or with an offense
31 applicable only to children; except that, the juvenile court shall not have jurisdiction over any
32 child fifteen and one-half years of age who is alleged to have violated a state or municipal traffic
33 ordinance or regulation, the violation of which does not constitute a felony, or any child who is
34 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or
35 use of any tobacco product;

36 (3) Involving any child who is alleged to have violated a state law or municipal
37 ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior
38 to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of
39 the circuit in which the child or person resides or may be found or in which the violation is
40 alleged to have occurred; except that, the juvenile court shall not have jurisdiction over any child
41 fifteen and one-half years of age who is alleged to have violated a state or municipal traffic
42 ordinance or regulation, the violation of which does not constitute a felony, or any child who is
43 alleged to have violated a state or municipal ordinance or regulation prohibiting possession or
44 use of any tobacco product, **and except that the juvenile court shall have concurrent**
45 **jurisdiction with the municipal court over any child who is alleged to have violated a**
46 **municipal curfew ordinance;**

47 (4) For the adoption of a person;

48 (5) For the commitment of a child or person seventeen years of age to the guardianship
49 of the department of social services as provided by law.

50 2. Transfer of a matter, proceeding, jurisdiction or supervision for a child or person
51 seventeen years of age who resides in a county of this state shall be made as follows:

52 (1) Prior to the filing of a petition and upon request of any party or at the discretion of
53 the juvenile officer, the matter in the interest of a child or person seventeen years of age may be
54 transferred by the juvenile officer, with the prior consent of the juvenile officer of the receiving
55 court, to the county of the child's residence or the residence of the person seventeen years of age
56 for future action;

57 (2) Upon the motion of any party or on its own motion prior to final disposition on the
58 pending matter, the court in which a proceeding is commenced may transfer the proceeding of
59 a child or person seventeen years of age to the court located in the county of the child's residence
60 or the residence of the person seventeen years of age, or the county in which the offense pursuant
61 to subdivision (3) of subsection 1 of this section is alleged to have occurred for further action;

62 (3) Upon motion of any party or on its own motion, the court in which jurisdiction has
63 been taken pursuant to subsection 1 of this section may at any time thereafter transfer jurisdiction
64 of a child or person seventeen years of age to the court located in the county of the child's
65 residence or the residence of the person seventeen years of age for further action with the prior
66 consent of the receiving court;

67 (4) Upon motion of any party or upon its own motion at any time following a judgment
68 of disposition or treatment pursuant to section 211.181, the court having jurisdiction of the cause
69 may place the child or person seventeen years of age under the supervision of another juvenile
70 court within or without the state pursuant to section 210.570, RSMo, with the consent of the
71 receiving court;

72 (5) Upon the transfer of any matter, proceeding, jurisdiction or supervision of a child or
73 person seventeen years of age, certified copies of all legal and social documents and records
74 pertaining to the case on file with the clerk of the transferring juvenile court shall accompany the
75 transfer.

76 3. In any proceeding involving any child or person seventeen years of age taken into
77 custody in a county other than the county of the child's residence or the residence of a person
78 seventeen years of age, the juvenile court of the county of the child's residence or the residence
79 of a person seventeen years of age shall be notified of such taking into custody within
80 seventy-two hours.

211.141. 1. When a child is taken into custody as provided in section 211.131, the
2 person taking the child into custody shall, unless it has been otherwise ordered by the court,
3 return the child to his **or her** parent, guardian or legal custodian on the promise of such person
4 to bring the child to court, if necessary, at a stated time or at such times as the court may direct.
5 The court may also impose other conditions relating to activities of the child. If these additional
6 conditions are not met, the court may order the child detained as provided in section 211.151.
7 If additional conditions are imposed, the child shall be notified that failure to adhere to the
8 conditions may result in the court imposing more restrictive conditions or ordering the detention
9 of the child. If the person taking the child into custody believes it desirable, he may request the
10 parent, guardian or legal custodian to sign a written promise to bring the child into court and
11 acknowledging any additional conditions imposed on the child.

12 2. If the child is not released as provided in subsection 1 of this section, he **or she** may
13 be conditionally released or detained in any place of detention specified in section 211.151 but
14 only on order of the court specifying the reason for the conditional release or the detention. The
15 parent, guardian or legal custodian of the child shall be notified of the terms of the conditional
16 release or the place of detention as soon as possible.

17 3. The juvenile officer may conditionally release or detain a child for a period not to
18 exceed twenty-four hours if it is impractical to obtain a written order from the court because of
19 the unreasonableness of the hour or the fact that it is a Sunday or holiday. The conditional
20 release shall be as provided in subsection 1 of this section, and the detention shall be as provided
21 in section 211.151. A written record of such conditional release or detention shall be kept and
22 a report in writing filed with the court. In the event that the judge is absent from his circuit, or
23 is unable to act, the approval of another circuit judge of the same or adjoining circuit must be
24 obtained as a condition or continuing the conditional release or detention of a child for more than
25 twenty-four hours.

26 4. In any matter referred to the juvenile court pursuant to section 211.031, the juvenile
27 officer shall make [an] **a risk and needs** assessment of the child and, before the disposition of

28 the matter, shall report the results of the assessment to the juvenile court. The assessment shall
 29 be written on a standardized form [developed and provided] **approved** by the [division of youth
 30 services] **office of state courts administrator**.

31 5. The division, in cooperation with juvenile officers and juvenile courts, shall at least
 32 biennially review a random sample of assessments of children and the disposition of each child's
 33 case to recommend assessment and disposition equity throughout the state. Such review shall
 34 identify any evidence of racial disparity in certification. Such review shall be conducted in a
 35 manner which protects the confidentiality of the cases examined.

211.327. The juvenile court shall:

2 (1) Provide to the state courts administrator **the results from the risk and needs**
 3 **assessment and the** outcome data for youth receiving formal and informal services on forms
 4 developed by the state courts administrator;

5 (2) Require new juvenile court professional personnel to have orientation training as
 6 provided in section 211.326;

7 (3) Require existing professional personnel to have continuing education as provided in
 8 section 211.326.

429.032. 1. When multiple lots, tracts or parcels are the subject of one mechanic's lien
 2 created by virtue of sections 429.010 to 429.340, it shall be permissible for every mechanic or
 3 other person who has a lien upon such multiple lots, tracts or parcels to release one or more of
 4 the lots, tracts or parcels from the mechanic's lien. The lots, tracts or parcels released, and the
 5 amount of mechanic's lien debt attributable to such lot, tract or parcel so released shall be
 6 specified by the mechanic's lien claimant.

7 2. Whenever a mechanic's lien filed upon multiple lots, tracts or parcels is partially
 8 released as to one or more of the lots, tracts or parcels, it shall be the duty of the mechanic's lien
 9 claimant to acknowledge upon the record or the margin thereof, in the office of the clerk [of the
 10 circuit court] **recorder of deeds clerk**, the portion of the mechanic's lien debt that is satisfied
 11 and the lots, tracts or parcels which are being released. The acknowledgment shall be sufficient
 12 if filed with the [clerk of the circuit court] **recorder of deeds** in the following form:

13 PARTIAL RELEASE OF MECHANIC'S LIEN

14 STATE OF MISSOURI)

15)SS.

16 COUNTY OF)

17 COMES NOW, (name of lien claimant) the lien claimant and does hereby
 18 partially release its mechanic's lien filed on, (date lien filed) and filed for record as lien
 19 number (lien number or book and page numbers)

20 The amount of the original mechanic's lien debt is \$

21 The amount of the original mechanic's lien debt which is now satisfied is

22 \$

23 The lots, tracts or parcels which are being released are more fully described as follows:

24 (Legal description of lots, tracts or

25 parcels which are being released)

26

27 Lien Claimant

28 By

29 (Signature of authorized

30 representative)

31 (FOR INDIVIDUAL LIEN CLAIMANT)

32 On this day of, 20...., before me personally appeared, to me

33 known to be the person described in and who executed the foregoing instrument, and

34 acknowledged that he/she executed the same as his/her free act and deed.

35 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal

36 in the county and state aforesaid, the day and year first above written.

37

38 Notary Public

39 My commission expires:

40

41 OR

42 (FOR CORPORATE LIEN CLAIMANT)

43 On this day of, 20....., before me personally appeared,

44 to me personally known, who, being by me duly sworn, did say that he is the of

45, a Missouri corporation, and that the seal affixed to the foregoing corporation,

46 and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and

47 that said instrument was signed and sealed on behalf of said corporation by authority of its board

48 of directors; and said acknowledged said instrument to be the free act and deed of

49 said corporation.

50 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal

51 in the county and state aforesaid, the day and year first above written.

52

53 Notary Public

54 My commission expires:

55

429.080. It shall be the duty of every original contractor, every journeyman and day

2 laborer, and every other person seeking to obtain the benefit of the provisions of sections
3 429.010 to 429.340, within six months after the indebtedness shall have accrued to file with the
4 [clerk of the circuit court] **recorder of deeds** of the proper county a just and true account of the
5 demand due him or them after all just credits have been given, which is to be a lien upon such
6 building or other improvements, and a true description of the property, or so near as to identify
7 the same, upon which the lien is intended to apply, with the name of the owner or contractor, or
8 both, if known to the person filing the lien, which shall, in all cases, be verified by the oath of
9 himself or some credible person for him.

429.090. It shall be the duty of the [clerk of the circuit court] **recorder of deeds** to
2 endorse upon every account the date of its filing, and maintain an abstract thereof, containing the
3 date of its filing, the name of the person seeking to enforce the lien, the amount claimed, the
4 name of the person against whose property the lien is filed, and a description of the property
5 charged with the same.

429.120. Whenever any debt, which is a lien upon any building or other improvement,
2 shall be paid or satisfied, the creditor, if required, shall file an acknowledgment of such
3 satisfaction with the [clerk of the circuit court] **recorder of deeds**.

429.160. Any two or more persons having filed in the [clerk's] **recorder of deeds'** office
2 mechanics' liens may assign to each other or to any other person all their right, title and interest
3 in and to such mechanics' liens, and the assignee thereof may bring suit in his name and enforce
4 all such assigned liens as fully as if the same had not been assigned.

429.270. Any and all liens in sections 429.010 to 429.340 provided for may be
2 adjudicated and determined and the rights of all parties interested in the same and in the property
3 and of any of the property against which the same is claimed may be adjudicated, determined and
4 enforced in one action which may be brought by any such lien claimant after the statement for
5 such lien is filed in the office of the [clerk of court] **recorder of deeds**, as herein provided, or
6 such action may be brought by any owner or lessee of the property or any of it to be affected, or
7 mortgagee or holder of any other encumbrance thereon. Such action shall be an equitable action
8 for the purpose of determining the various rights, interest and liens of the various mechanics' lien
9 claimants and claimants of other liens and owner of any interest in or leasehold upon said
10 property and for enforcing the rights of any and all such persons in, to or against the property,
11 being the lands and buildings and either of the same and for sale of such property, land and
12 buildings or either of the same and for marshalling and distribution of the proceeds thereof
13 among the parties according to their respective legal and equitable rights therein. Such action
14 shall be an equitable action for the purpose of determining, establishing and enforcing the
15 various and respective rights of the parties thereto and for the purpose of marshaling, applying
16 and distributing the proceeds of the sale of such property that may be ordered and decreed in said

17 action.

429.460. It shall be the duty of all persons claiming the benefit of such lien, within ninety
2 days next after the completion of the work, or after the materials are furnished, to file in the
3 office of the [circuit clerk] **recorder of deeds** of any county through which said railroad is
4 located a just and true account of the amount due after all just credits have been given, which
5 account shall state the amount claimed as due, the general nature of the work, amount of labor
6 performed or of materials furnished, the dates when the work was done and when materials were
7 furnished, and the place or places at which said labor and work was performed or said materials
8 were furnished, the name or names of the parties with whom the contract for said work or
9 furnishing said materials was made, and also the name of the railroad against which said lien is
10 intended to apply; and it shall be the duty of all persons claiming said lien, within said ninety
11 days, to serve a copy of the above account on the person or corporation owning or operating or
12 having charge of said road or of the property to which said lien attaches, which said copy of
13 account may be served in the same manner as now provided by law for the service of summons
14 on corporations.

429.490. Whenever any debt, which is a lien upon any building or other improvement,
2 shall be paid and satisfied, the creditor, if required, shall file an acknowledgment of such
3 satisfaction with the [clerk of the circuit court] **recorder of deeds**, which satisfaction shall be
4 certified by the [clerk] **recorder** to the secretary of state within ten days after the same has been
5 entered upon the records in his office; and the [clerks of the circuit courts] **recorder of deeds**
6 and the secretary of state shall receive as full compensation for services performed by them as
7 is provided for under this chapter for mechanics' liens.

429.540. In all cases where judgments have been rendered and a sale has been ordered,
2 and the property sold to which said liens attach, the proceeds arising from such sale, if not
3 sufficient to discharge all the liens on which judgments have been rendered before such sale shall
4 be made, shall be distributed pro rata upon such judgments as if the filing of the said liens had
5 been all the same date; and when such judgments have been by such sales or otherwise wholly
6 or partially paid, and satisfied, the [clerks] **recorder** shall enter upon the records the amount or
7 amounts so paid, with a correct description of the real property sold, and within the time and in
8 like manner certify the same to the secretary of state, as heretofore provided.

**452.025. 1. All pleadings required to be verified under this chapter may at the time
2 of execution be made by the acknowledgment thereof by the petitioner or respondent made
3 before an officer authorized to administer oaths under the laws of this state, and evidenced
4 by the officer's certificate, under official seal, attached or annexed to the pleading in form
5 and content substantially as follows:**

6 **THE STATE OF**

7 **COUNTY OF**

8 **(The undersigned), of lawful age, being duly sworn on his/her oath, states that**
9 **he/she is the petitioner/respondent named above and that the facts stated in the are**
10 **true according to his/her best knowledge and belief.**

11
12 **Petitioner/Respondent**

13

14 Subscribed and sworn to before me this day of, 20...

15

16 **My commission expires:**

17 **Notary Public**

18 **2. All references in this chapter regarding a "verified" document shall be satisfied**
19 **by compliance with the requirements of subsection 1 of this section.**

452.340. 1. In a proceeding for dissolution of marriage, legal separation or child support,
2 the court may order either or both parents owing a duty of support to a child of the marriage to
3 pay an amount reasonable or necessary for the support of the child, including an award
4 retroactive to the date of filing the petition, without regard to marital misconduct, after
5 considering all relevant factors including:

- 6 (1) The financial needs and resources of the child;
- 7 (2) The financial resources and needs of the parents;
- 8 (3) The standard of living the child would have enjoyed had the marriage not been
9 dissolved;
- 10 (4) The physical and emotional condition of the child, and the child's educational needs;
- 11 (5) The child's physical and legal custody arrangements, including the amount of time
12 the child spends with each parent and the reasonable expenses associated with the custody or
13 visitation arrangements; and
- 14 (6) The reasonable work-related child care expenses of each parent.

2. The obligation of the parent ordered to make support payments shall abate, in whole or in part, for such periods of time in excess of thirty consecutive days that the other parent has voluntarily relinquished physical custody of a child to the parent ordered to pay child support, notwithstanding any periods of visitation or temporary physical and legal or physical or legal custody pursuant to a judgment of dissolution or legal separation or any modification thereof. In a IV-D case, the division of child support enforcement may determine the amount of the abatement pursuant to this subsection for any child support order and shall record the amount of abatement in the automated child support system record established pursuant to chapter 454, RSMo. If the case is not a IV-D case and upon court order, the circuit clerk shall record the

24 amount of abatement in the automated child support system record established in chapter 454,
25 RSMo.

26 3. Unless the circumstances of the child manifestly dictate otherwise and the court
27 specifically so provides, the obligation of a parent to make child support payments shall
28 terminate when the child:

29 (1) Dies;

30 (2) Marries;

31 (3) Enters active duty in the military;

32 (4) Becomes self-supporting, provided that the custodial parent has relinquished the child
33 from parental control by express or implied consent;

34 (5) Reaches age eighteen, unless the provisions of subsection 4 or 5 of this section apply;
35 or

36 (6) Reaches age twenty-two, unless the provisions of the child support order specifically
37 extend the parental support order past the child's twenty-second birthday for reasons provided
38 by subsection 4 of this section.

39 4. If the child is physically or mentally incapacitated from supporting himself **or herself**
40 and insolvent and unmarried, the court may extend the parental support obligation past the child's
41 eighteenth birthday.

42 5. If when a child reaches age eighteen, the child is enrolled in and attending a secondary
43 school program of instruction, the parental support obligation shall continue, if the child
44 continues to attend and progresses toward completion of said program, until the child completes
45 such program or reaches age twenty-one, whichever first occurs. If the child is enrolled in an
46 institution of vocational or higher education not later than October first following graduation
47 from a secondary school or completion of a graduation equivalence degree program and so long
48 as the child enrolls for and completes at least twelve hours of credit each semester, not including
49 the summer semester, at an institution of vocational or higher education and achieves grades
50 sufficient to reenroll at such institution, the parental support obligation shall continue until the
51 child completes his or her education, or until the child reaches the age of twenty-two, whichever
52 first occurs. To remain eligible for such continued parental support, at the beginning of each
53 semester the child shall submit to each parent a transcript or similar official document provided
54 by the institution of vocational or higher education which includes the courses the child is
55 enrolled in and has completed for each term, the grades and credits received for each such
56 course, and an official document from the institution listing the courses which the child is
57 enrolled in for the upcoming term and the number of credits for each such course. If the
58 circumstances of the child manifestly dictate, the court may waive the October first deadline for
59 enrollment required by this subsection. If the child is enrolled in such an institution, the child

60 or parent obligated to pay support may petition the court to amend the order to direct the
61 obligated parent to make the payments directly to the child. As used in this section, an
62 "institution of vocational education" means any postsecondary training or schooling for which
63 the student is assessed a fee and attends classes regularly. "Higher education" means any junior
64 college, community college, college, or university at which the child attends classes regularly.
65 A child who has been diagnosed with a learning disability, or whose physical disability or
66 diagnosed health problem limits the child's ability to carry the number of credit hours prescribed
67 in this subsection, shall remain eligible for child support so long as such child is enrolled in and
68 attending an institution of vocational or higher education, and the child continues to meet the
69 other requirements of this subsection. A child who is employed at least fifteen hours per week
70 during the semester may take as few as nine credit hours per semester and remain eligible for
71 child support so long as all other requirements of this subsection are complied with.

72 6. The court shall consider ordering a parent to waive the right to claim the tax
73 dependency exemption for a child enrolled in an institution of vocational or higher education in
74 favor of the other parent if the application of state and federal tax laws and eligibility for
75 financial aid will make an award of the exemption to the other parent appropriate.

76 7. The general assembly finds and declares that it is the public policy of this state that
77 frequent, continuing and meaningful contact with both parents after the parents have separated
78 or dissolved their marriage is in the best interest of the child except for cases where the court
79 specifically finds that such contact is not in the best interest of the child. In order to effectuate
80 this public policy, a court with jurisdiction shall enforce visitation, custody and child support
81 orders in the same manner. A court with jurisdiction may abate, in whole or in part, any past or
82 future obligation of support and may transfer the physical and legal or physical or legal custody
83 of one or more children if it finds that a parent has, without good cause, failed to provide
84 visitation or physical and legal or physical or legal custody to the other parent pursuant to the
85 terms of a judgment of dissolution, legal separation or modifications thereof. The court shall
86 also award, if requested and for good cause shown, reasonable expenses, attorney's fees and court
87 costs incurred by the prevailing party.

88 8. The Missouri supreme court shall have in effect a rule establishing guidelines by
89 which any award of child support shall be made in any judicial or administrative proceeding.
90 Said guidelines shall contain specific, descriptive and numeric criteria which will result in a
91 computation of the support obligation. The guidelines shall address how the amount of child
92 support shall be calculated when an award of joint physical custody results in the child or
93 children spending substantially equal time with both parents. Not later than October 1, 1998, the
94 Missouri supreme court shall publish child support guidelines and specifically list and explain
95 the relevant factors and assumptions that were used to calculate the child support guidelines.

96 Any rule made pursuant to this subsection shall be reviewed by the promulgating body not less
97 than once every [three] **four** years to ensure that its application results in the determination of
98 appropriate child support award amounts.

99 9. There shall be a rebuttable presumption, in any judicial or administrative proceeding
100 for the award of child support, that the amount of the award which would result from the
101 application of the guidelines established pursuant to subsection 8 of this section is the correct
102 amount of child support to be awarded. A written finding or specific finding on the record in a
103 judicial or administrative proceeding that the application of the guidelines would be unjust or
104 inappropriate in a particular case, after considering all relevant factors, including the factors set
105 out in subsection 1 of this section, is required if requested by a party and shall be sufficient to
106 rebut the presumption in the case. The written finding or specific finding on the record shall
107 detail the specific relevant factors that required a deviation from the application of the guidelines.

108 10. Pursuant to this or any other chapter, when a court determines the amount owed by
109 a parent for support provided to a child by another person, other than a parent, prior to the date
110 of filing of a petition requesting support, or when the director of the division of child support
111 enforcement establishes the amount of state debt due pursuant to subdivision (2) of subsection
112 1 of section 454.465, RSMo, the court or director shall use the guidelines established pursuant
113 to subsection 8 of this section. The amount of child support resulting from the application of the
114 guidelines shall be applied retroactively for a period prior to the establishment of a support order
115 and the length of the period of retroactivity shall be left to the discretion of the court or director.
116 There shall be a rebuttable presumption that the amount resulting from application of the
117 guidelines under subsection 8 of this section constitutes the amount owed by the parent for the
118 period prior to the date of the filing of the petition for support or the period for which state debt
119 is being established. In applying the guidelines to determine a retroactive support amount, when
120 information as to average monthly income is available, the court or director may use the average
121 monthly income of the noncustodial parent, as averaged over the period of retroactivity, in
122 determining the amount of presumed child support owed for the period of retroactivity. The
123 court or director may enter a different amount in a particular case upon finding, after
124 consideration of all relevant factors, including the factors set out in subsection 1 of this section,
125 that there is sufficient cause to rebut the presumed amount.

126 11. The obligation of a parent to make child support payments may be terminated as
127 follows:

128 (1) Provided that the child support order contains the child's date of birth, the obligation
129 shall be deemed terminated without further judicial or administrative process when the child
130 reaches age twenty-two if the child support order does not specifically require payment of child
131 support beyond age twenty-two for reasons provided by subsection 4 of this section;

(2) The obligation shall be deemed terminated without further judicial or administrative process when the parent receiving child support furnishes a sworn statement or affidavit notifying the obligor parent of the child's emancipation in accordance with the requirements of subsection 4 of section 452.370, and a copy of such sworn statement or affidavit is filed with the court which entered the order establishing the child support obligation, or the division of child support enforcement;

(3) The obligation shall be deemed terminated without further judicial or administrative process, when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the division of child support enforcement, stating that the child is emancipated and reciting the factual basis for such statement; which statement or affidavit is served by the court or division on the child support obligee; and which is either acknowledged and affirmed by the child support obligee in writing, or which is not responded to in writing within thirty days of receipt by the child support obligee;

(4) The obligation shall be terminated as provided by this subdivision by the court which entered the order establishing the child support obligation, or the division of child support enforcement, when the parent paying child support files a sworn statement or affidavit with the court which entered the order establishing the child support obligation, or the division of child support enforcement, stating that the child is emancipated and reciting the factual basis for such statement; and which statement or affidavit is served by the court or division on the child support obligee. If the obligee denies the statement or affidavit, the court or division shall thereupon treat the sworn statement or affidavit as a motion to modify the support obligation pursuant to section 452.370 or section 454.496, RSMo, and shall proceed to hear and adjudicate such motion as provided by law; provided that the court may require the payment of a deposit as security for court costs and any accrued court costs, as provided by law, in relation to such motion to modify.

12. The court may enter a judgment terminating child support pursuant to subdivisions (1) to (3) of subsection 11 of this section without necessity of a court appearance by either party. The clerk of the court shall mail a copy of a judgment terminating child support entered pursuant to subsection 11 of this section on both the obligor and obligee parents. The supreme court may promulgate uniform forms for sworn statements and affidavits to terminate orders of child support obligations for use pursuant to subsection 11 of this section and subsection 4 of section 452.370.

452.423. 1. In all proceedings for child custody or for dissolution of marriage or legal separation where custody, visitation, or support of a child is a contested issue, the court may appoint a guardian ad litem. The court shall appoint a guardian ad litem in any proceeding in which child abuse or neglect is alleged. Disqualification of a guardian ad litem shall be ordered in any legal proceeding only pursuant to chapter 210, RSMo, or this chapter, upon the filing of

6 a written application by any party within ten days of appointment, or within ten days of August
7 28, 1998, if the appointment occurs prior to August 28, 1998. Each party shall be entitled to one
8 disqualification of a guardian ad litem in each proceeding, except a party may be entitled to
9 additional disqualifications of a guardian ad litem for good cause shown.

10 2. The guardian ad litem shall:

11 (1) Be the legal representative of the child at the hearing, and may examine,
12 cross-examine, subpoena witnesses and offer testimony;

13 (2) Prior to the hearing, conduct all necessary interviews with persons having contact
14 with or knowledge of the child in order to ascertain the child's wishes, feelings, attachments and
15 attitudes. If appropriate, the child should be interviewed;

16 (3) Request the juvenile officer to cause a petition to be filed in the juvenile division of
17 the circuit court if the guardian ad litem believes the child alleged to be abused or neglected is
18 in danger.

19 3. The appointing judge shall require the guardian ad litem to faithfully discharge such
20 guardian ad litem's duties, and upon failure to do so shall discharge such guardian ad litem and
21 appoint another. The judge in making appointments pursuant to this section shall give preference
22 to persons who served as guardian ad litem for the child in the earlier proceeding, unless there
23 is a reason on the record for not giving such preference.

24 4. The guardian ad litem shall be awarded a reasonable fee for such services to be set by
25 the court. The court, in its discretion, may:

26 (1) **Issue a direct payment order to the parties. If a party fails to comply with the**
27 **court's direct payment order, the court may find such party to be in contempt of court; or**

28 (2) Award such fees as a judgment to be paid by any party to the proceedings or from
29 public funds. Such an award of guardian fees shall constitute a final judgment in favor of the
30 guardian ad litem. Such final judgment shall be enforceable against the parties in accordance
31 with chapter 513, RSMo.

32 5. The court may designate volunteer advocates, who may or may not be attorneys
33 licensed to practice law, to assist in the performance of the guardian ad litem duties for the court.
34 The volunteer advocate shall be provided with all reports relevant to the case made to or by any
35 agency or person and shall have access to all records of such agencies or persons relating to the
36 child or such child's family members. Any such designated person shall receive no compensation
37 from public funds. This shall not preclude reimbursement for reasonable expenses.

472.075. The clerk and other non-judicial personnel of the probate division of the
2 **twenty-second judicial circuit shall be appointed by the judge of the probate division with**
3 **the consent of the court en banc, unless otherwise provided by local court rule.**

476.800. 1. As used in sections 476.800 to 476.820, the following terms mean:

(1) "NonEnglish speaking person", any person involved in a legal proceeding who cannot readily speak or understand the English language, but does not include persons who are deaf or have a hearing disability;

(2) "Appointing authority", any court required to provide an interpreter;

(3) "Court proceeding", any proceeding before a court of record;

(4) "Qualified interpreter", an impartial and unbiased person who is readily able to render a complete and accurate interpretation or translation of spoken and written English for nonEnglish speaking persons and of nonEnglish oral or written statements into spoken English.

476.810. 1. The courts shall appoint qualified interpreters and translators in all legal proceedings in which the nonEnglish speaking person is a party or a witness.

2. The appointing authority shall appoint a qualified interpreter to assist the nonEnglish speaking parent, guardian, or custodian of a juvenile brought before the court.

3. The court may accept a waiver of the right to a qualified interpreter by a nonEnglish speaking person at any point in the court proceeding if the court advises the person of the nature and effect of the waiver and determines that the waiver has been made knowingly, intelligently, and voluntarily. The nonEnglish speaking person may retract his or her waiver and request that a qualified interpreter shall be appointed.

4. An interpreter shall take an oath that he or she will make a true interpretation to the party or witness in a language that the party or witness understands and that he or she will make a true interpretation of the party or witness' answers to questions to counsel, court, or jury, in the English language, with his or her best skill and judgment. The interpreter shall not give explanations or legal advice or express personal opinions.

5. An interpreter or translator cannot be compelled to testify as to the information that would otherwise be protected by attorney-client privilege as between the party and his or her attorney.

476.820. 1. Interpreters and translators in civil, juvenile, and criminal proceedings shall be allowed a reasonable fee approved by the court and necessary travel expenses not to exceed state rates. Interpreters shall not be compensated for travel time.

2. If the person requiring an interpreter or translator during the proceeding is a party to or a witness in any criminal proceeding, such fees and expenses shall be payable by the state from funds appropriated for such purpose.

478.266. 1. [Notwithstanding the provisions of section 478.265,] On and after January 2, 1979, each county of the first class having a charter form of government and containing all or part of a city having a population of at least four hundred fifty thousand or more a majority of the circuit and associate circuit judges, meeting en banc, may appoint one person, who shall

5 possess the same qualifications as a circuit judge, to act as commissioner of the probate division
6 of the circuit court. The commissioner shall be appointed for a term of four years. The
7 compensation of the commissioner shall be the same as that of a circuit judge, payable in the
8 same manner and from the same source as the compensation of the judge who serves in the
9 probate division of the circuit court. Subject to approval or rejection by the judge of the probate
10 division, the commissioner shall have all the powers and duties of the judge **for matters within**
11 **the jurisdiction of the judge of the probate division.** [The] A judge shall by order of record
12 reject or confirm all orders, judgments and decrees of the commissioner within the time the judge
13 could set aside such orders, judgments or decrees had the same been made by him. If so
14 confirmed, the orders, judgments and decrees shall have the same effect as if made by the judge
15 on the date of their confirmation.

16 2. [The judge of the probate division of the circuit court of each county of the first class
17 having a charter form of government and containing a population of at least four hundred fifty
18 thousand inhabitants and in any city not within a county and, after January 1, 1991, in each
19 county of the first class having a charter form of government and not containing all or part of a
20 city having a population of at least four hundred fifty thousand or more] **In each of the**
21 **sixteenth, twenty-first, and twenty-second judicial circuits, the judge of the probate**
22 **division** may appoint a person to be known as deputy commissioner of the probate division of
23 the circuit court, who shall possess the same qualifications and take and subscribe a like oath as
24 [such] **an associate circuit judge. In the twenty-second judicial circuit, the deputy**
25 **commissioner shall be appointed in the manner prescribed by local court rule.** The deputy
26 commissioner shall be appointed for a term of four years. The compensation of the deputy
27 commissioner shall be the same as that of an associate circuit judge [of the circuit court in a
28 county of the first class], payable in the same manner and from the same source as the
29 compensation of an associate circuit judge [of the circuit court of a first class county]. Subject
30 to approval or rejection by the judge of the probate division, the commissioner shall have all the
31 powers and duties of the clerk of the probate division and [such] **the judge for matters within**
32 **the jurisdiction of the judge of the probate division;** but [the] a judge shall by order of record
33 reject or confirm all orders, judgments, and decrees of the deputy commissioner within the time
34 such judge could set aside such orders, judgments, or decrees, had the same been made by him;
35 and if so confirmed such orders, judgments, and decrees shall have the same effect as if made
36 by the judge on the date of such confirmation.

478.320. 1. In counties having a population of thirty thousand or less, there shall be one
2 associate circuit judge. In counties having a population of more than thirty thousand and less
3 than one hundred thousand, there shall be two associate circuit judges. In counties having a
4 population of one hundred thousand or more, there shall be three associate circuit judges and one

5 additional associate circuit judge for each additional one hundred thousand inhabitants.

6 2. For purposes of this section, notwithstanding the provisions of section 1.100, RSMo,
7 population of a county shall be determined on the basis of the last previous decennial census of
8 the United States; and, beginning after certification of the year 2000 decennial census, on the
9 basis of annual population estimates prepared by the United States Bureau of the Census,
10 provided that the number of associate circuit judge positions in a county shall be adjusted only
11 after population estimates for three consecutive years indicate population change in the county
12 to a level provided by subsection 1 of this section, **unless an associate circuit judge in a given**
13 **county either retires or dies and at the time of such judge's retirement or death the**
14 **population in that county according to the annual population estimate prepared by the**
15 **United States Bureau of the Census has decreased in comparison to the population figure**
16 **for that county from the last decennial census in which case such county shall lose one**
17 **associate circuit judge position.**

18 3. Except in circuits where associate circuit judges are selected under the provisions of
19 sections 25(a) to (g) of article V of the constitution, the election of associate circuit judges shall
20 in all respects be conducted as other elections and the returns made as for other officers.

21 4. In counties not subject to sections 25(a) to (g) of article V of the constitution, associate
22 circuit judges shall be elected by the county at large.

23 5. No associate circuit judge shall practice law, or do a law business, nor shall [he] **such**
24 **judge** accept, during his **or her** term of office, any public appointment for which [he] **such**
25 **judge** receives compensation for his **or her** services.

26 6. No person shall be elected as an associate circuit judge unless [he] **such judge** has
27 resided in the county for which he **or she** is to be elected at least one year prior to the date of
28 [his] **such judge's** election; provided that, a person who is appointed by the governor to fill a
29 vacancy may file for election and be elected notwithstanding the provisions of this subsection.

479.020. 1. Any city, town or village, including those operating under a constitutional
2 or special charter, may, and cities with a population of four hundred thousand or more shall,
3 provide by ordinance or charter for the selection, tenure and compensation of a municipal judge
4 or judges consistent with the provisions of this chapter who shall have original jurisdiction to
5 hear and determine all violations against the ordinances of the municipality. The method of
6 selection of municipal judges shall be provided by charter or ordinance. Each municipal judge
7 shall be selected for a term of not less than two years as provided by charter or ordinance.

8 2. Except where prohibited by charter or ordinance, the municipal judge may be a
9 part-time judge and may serve as municipal judge in more than one municipality.

10 3. No person shall serve as a municipal judge of any municipality with a population of
11 seven thousand five hundred or more or of any municipality in a county of the first class with a

12 charter form of government unless the person is licensed to practice law in this state unless, prior
13 to January 2, 1979, such person has served as municipal judge of that same municipality for at
14 least two years.

15 4. Notwithstanding any other statute, a municipal judge need not be a resident of the
16 municipality or of the circuit in which the municipal judge serves except where ordinance or
17 charter provides otherwise. Municipal judges shall be residents of Missouri.

18 5. Judges selected under the provisions of this section shall be municipal judges of the
19 circuit court and shall be divisions of the circuit court of the circuit in which the municipality,
20 or major geographical portion thereof, is located. The judges of these municipal divisions shall
21 be subject to the rules of the circuit court which are not inconsistent with the rules of the supreme
22 court. The presiding judge of the circuit shall have general administrative authority over the
23 judges and court personnel of the municipal divisions within the circuit. [Notwithstanding the
24 foregoing provisions of this subsection, in any city with a population of over four hundred
25 thousand with full-time municipal judges who are subject to a plan of merit selection and
26 retention, such municipal judges and court personnel of the municipal divisions shall not be
27 subject to court management and case docketing in the municipal divisions by the presiding
28 judge or the rules of the circuit court of which the municipal divisions are a part.]

29 6. No municipal judge shall hold any other office in the municipality which the
30 municipal judge serves as judge. The compensation of any municipal judge and other court
31 personnel shall not be dependent in any way upon the number of cases tried, the number of guilty
32 verdicts reached or the amount of fines imposed or collected.

33 7. Municipal judges shall be at least twenty-one years of age. No person shall serve as
34 municipal judge after that person has reached that person's seventy-fifth birthday.

35 8. Within six months after selection for the position, each municipal judge who is not
36 licensed to practice law in this state shall satisfactorily complete the course of instruction for
37 municipal judges prescribed by the supreme court. The state courts administrator shall certify
38 to the supreme court the names of those judges who satisfactorily complete the prescribed
39 course. If a municipal judge fails to complete satisfactorily the prescribed course within six
40 months after the municipal judge's selection as municipal judge, the municipal judge's office
41 shall be deemed vacant and such person shall not thereafter be permitted to serve as a municipal
42 judge, nor shall any compensation thereafter be paid to such person for serving as municipal
43 judge.

482.330. 1. No claim may be filed or prosecuted in small claims court by a party who:

2 (1) Is an assignee of the claim; or

3 (2) Has filed more than [eight] **twelve** other claims in the Missouri small claims courts
4 during the current calendar year. If the court finds that a party has filed more claims than are

5 permitted by this section, the court shall dismiss the claim without prejudice.

6 2. At the time of filing an action in small claims court, a plaintiff shall sign a statement
7 that he **or she** is not the assignee of the claim sued on and that he **or she** has not filed more than
8 **[eight] twelve** other claims in the Missouri small claims courts during the current calendar year.

9 3. Nothing in this section shall prohibit the filing or prosecution of a counterclaim
10 growing out of the same transaction or occurrence.

11 4. No claim may be filed in a small claims court unless:

12 (1) At least one defendant is a resident of the county in which the court is located or at
13 least one of the plaintiffs is a resident of the county in which the court is located and at least one
14 defendant may be found in said county; or

15 (2) The facts giving rise to the cause of action took place within the county in which the
16 court is located.

**483.537. The clerk of any state court who, by deputy or otherwise, takes or
2 processes applications for passports or their renewal shall account for the fees charged for
3 such service, and remit eighty percent of the same on the last day of each month to the
4 state, and twenty percent to the county where the application was taken.**

483.550. 1. Each circuit clerk, or person fulfilling the duties of the circuit clerk pursuant
2 to this chapter, however denominated, shall charge, collect, and be the responsible clerk for every
3 court cost accruing to such clerk's office to which such clerk may be entitled under the law,
4 except that the circuit clerk shall not be accountable or responsible for or under a duty to collect
5 the following court costs:

6 (1) Court costs in a case pending in the probate division of the circuit court;

7 (2) Court costs in a case while it pends in a municipal division of the circuit court, in
8 municipalities electing or required to have violations of municipal ordinances tried before a
9 municipal judge pursuant to section 479.020, RSMo, or to employ judicial personnel pursuant
10 to section 479.060, RSMo;

11 (3) Court costs in a case which was originally filed and pends before an associate circuit
12 judge; provided, however, that such exception with respect to cases filed and pending before an
13 associate circuit judge shall not apply (a) in the city of St. Louis and (b) when by local circuit
14 court rule it is provided that cases which are to be heard by associate circuit judges shall be
15 centrally filed and final judgments therein maintained in an office which is operated and staffed
16 by the circuit clerk and such clerk's deputies[;

17 (4) Fees to which he is entitled for services performed in preparing or completing
18 passport applications, which fees may be retained by the circuit clerk].

19 2. Each chief division clerk for the probate division of the circuit court shall charge and
20 collect every court cost accruing to the probate division of the circuit court to which it may be

21 entitled under the law.

22 3. In divisions presided over by associate circuit judges for which the circuit clerk is not
23 responsible for collecting court costs as hereinabove provided, the associate circuit judge shall
24 designate by order entered of record a division clerk who shall be responsible for the collection
25 of all court costs with respect to cases in the division; or if there be a centralized filing and
26 docketing system for two or more divisions presided over by an associate circuit judge, then a
27 division clerk or clerks shall be designated in accordance with the provisions of local circuit
28 court rule by an order which shall be entered of record, and if there be no such rule adopted, then
29 a majority of the associate circuit judges being served shall designate a division clerk or clerks
30 who shall be responsible for the collection of all court costs with respect to cases in the divisions
31 served by the centralized filing and docketing system.

32 4. Notwithstanding the provisions of subsections 1, 2 and 3 of this section, by vote of
33 all judges, circuit and associate circuit, of a circuit court, en banc, the circuit court may adopt a
34 system by local circuit rule whereby the circuit clerks within the circuit shall have administrative
35 control over and be responsible for the charging and collection of all court costs accruing to the
36 court other than court costs in a case while it pends in the municipal divisions of the circuit court,
37 in municipalities electing or required to have violations of municipal ordinances tried before a
38 municipal judge pursuant to section 479.020, RSMo, or to employ judicial personnel pursuant
39 to section 479.060, RSMo. The chief division clerk for the probate divisions of the circuit court
40 may be designated by the local circuit rule to charge and collect every court cost accruing to the
41 probate divisions of the circuit court to which it may be entitled under the law, under the
42 supervision of the circuit clerk.

43 5. The responsible clerks shall make periodic reports of delinquent court costs which are
44 due at such times and in such form as may be required by the state courts administrator.

45 6. It shall be the duty of each prosecuting attorney when such be referred to such
46 prosecuting attorney by the responsible clerk to reasonably attempt to collect such delinquent
47 court costs. In the case of delinquent court costs which are payable to the state, it shall be the
48 duty of each prosecuting attorney, and the attorney general when such be referred to the attorney
49 general by the state courts administrator to reasonably attempt to collect such delinquent court
50 costs.

488.429. 1. Moneys collected pursuant to section 488.426 shall be payable to the judges
2 of the circuit court, en banc, of the county from which such surcharges were collected, or to such
3 person as is designated by local circuit court rule as treasurer of said fund, and said fund shall
4 be applied and expended under the direction and order of the judges of the circuit court, en banc,
5 of any such county for the maintenance and upkeep of the law library maintained by the bar
6 association in any such county, or such other law library in any such county as may be designated

7 by the judges of the circuit court, en banc, of any such county; provided, that the judges of the
8 circuit court, en banc, of any such county, and the officers of all courts of record of any such
9 county, shall be entitled at all reasonable times to use the library to the support of which said
10 funds are applied.

11 2. In any county of the first classification without a charter form of government and with
12 a population of at least two hundred thousand, such fund may also be applied and expended for
13 that county's or circuit's family services and justice fund.

14 3. In any county of the third classification without a township form of government and
15 with more than forty thousand eight hundred but less than forty thousand nine hundred
16 inhabitants, in any county of the third classification without a township form of government and
17 with more than forty thousand four hundred but less than forty thousand five hundred
18 inhabitants, in any county of the third classification without a township form of government and
19 with more than thirteen thousand four hundred but less than thirteen thousand five hundred
20 inhabitants, in any county of the third classification without a township form of government and
21 with more than thirteen thousand five hundred but less than thirteen thousand six hundred
22 inhabitants, in any county of the third classification without a township form of government and
23 with more than twenty-three thousand two hundred fifty but less than twenty-three thousand
24 three hundred fifty inhabitants, in any county of the third classification without a township form
25 of government and with more than eleven thousand seven hundred fifty but less than eleven
26 thousand eight hundred fifty inhabitants, in any county of the third classification without a
27 township form of government and with more than thirty-seven thousand two hundred but less
28 than thirty-seven thousand three hundred inhabitants, in any county of the fourth classification
29 with more than fifty-five thousand six hundred but less than fifty-five thousand seven hundred
30 inhabitants, or in any county of the first classification with more than ninety-three thousand eight
31 hundred but less than ninety-three thousand nine hundred inhabitants, **other than a county on**
32 **the nonpartisan court plan**, such fund may also be applied and expended for courtroom
33 renovation and technology enhancement [in those counties].

488.2275. 1. In addition to all other court costs prescribed by law, a surcharge of ten
2 dollars shall be assessed as costs in each court proceeding filed in any court in the state located
3 within a county of the first classification with a population of at least two hundred thousand
4 inhabitants which does not adjoin any other county of the first classification, **and in any county**
5 **of the first classification having a population of at least eighty-two thousand inhabitants,**
6 **but less than eighty-two thousand one hundred inhabitants**, in all criminal cases including
7 violations of any county ordinance or any violation of criminal or traffic laws of the state,
8 including infractions, except that no such surcharge shall be collected in any proceeding
9 involving a violation of an ordinance or state law in any court when the proceeding or defendant

10 has been dismissed by the court or when costs are to be paid by the state, county or municipality.
11 For violations of the general criminal laws of the state or county ordinances, no such surcharge
12 shall be collected unless it is authorized by the county government where the violation occurred.
13 For violations of municipal ordinances, no such surcharge shall be collected unless it is
14 authorized by the municipal government where the violation occurred. Such surcharges shall be
15 collected and disbursed as provided by sections 488.010 to 488.020 and shall be payable to the
16 treasurer of the county where the violation occurred.

17 2. Each county shall use all funds received under this section only to pay for the costs
18 associated with the operation of the county judicial facility including, but not limited to, utilities,
19 maintenance and building security. The county shall maintain records identifying such operating
20 costs, and any moneys not needed for the operating costs of the county judicial facility shall be
21 transmitted quarterly to the general revenue fund of the county.

**488.5020. A surcharge of five dollars shall be assessed as costs in each court
2 proceeding filed in any court in the state in all felony criminal cases involving chapters 195,
3 565, 566, 569, 570, and 571, RSMo; except that no such surcharge shall be collected in any
4 proceeding in any court when the proceeding or the defendant has been dismissed by the
5 court or when costs are to be paid by the state, county, or municipality.**

494.400. All persons qualified for grand or petit jury service shall be citizens of the state
2 and shall be selected at random from a fair cross section of the citizens of the county or of a city
3 not within a county for which the jury may be impaneled, and all such citizens shall have the
4 opportunity to be considered for jury service and an obligation to serve as jurors when
5 summoned for that purpose, **unless excused**. A citizen of the county or of a city not within a
6 county for which the jury may be impaneled shall not be excluded from selection for possible
7 grand or petit jury service on account of race, color, religion, sex, national origin, or economic
8 status.

494.425. The following persons shall be disqualified from serving as a petit or grand
2 juror:

- 3 (1) Any person who is less than twenty-one years of age;
- 4 (2) Any person not a citizen of the United States;
- 5 (3) Any person not a resident of the county or city not within a county served by the
6 court issuing the summons;
- 7 (4) Any person who has been convicted of a felony, unless such person has been restored
8 to his civil rights;
- 9 (5) Any person unable to read, speak and understand the English language, **unless such
10 person's inability is due to a vision or hearing impairment which can be adequately
11 compensated for through the use of auxiliary aids or services;**

12 (6) Any person on active duty in the armed forces of the United States or any member
13 of the organized militia on active duty under order of the governor;

14 (7) [Any licensed attorney at law;

15 (8)] Any judge of a court of record;

16 [(9)] (8) Any person who, in the judgment of the court [or the board of jury
17 commissioners], is incapable of performing the duties of a juror because of mental or physical
18 illness or infirmity.

494.430. 1. Upon timely application to the court, the following persons shall be excused
2 from service as a petit or grand juror:

3 (1) [Any person actually performing the duties of a clergyman;

4 (2)] Any person who has served on a state or federal petit or grand jury within the
5 preceding [year] **two years**;

6 [(3)] (2) Any person whose absence from his **or her** regular place of employment would,
7 in the judgment of the court, tend materially and adversely to affect the public safety, health,
8 welfare or interest;

9 [(4)] (3) Any person upon whom service as a juror would in the judgment of the court
10 impose an **undue or extreme physical or financial** hardship[;

11 (5) Any person licensed to engage in and actively engaged in the practice of medicine,
12 osteopathy, chiropractic, dentistry or pharmacy].

13 **2. A judge of the court for which the individual was called to jury service shall**
14 **make undue or extreme physical or financial hardship determinations. The authority to**
15 **make these determinations is delegable only to court officials or personnel who are**
16 **authorized by the laws of this state to function as members of the judiciary.**

17 **3. A person asking to be excused based on a finding of undue or extreme physical**
18 **or financial hardship must take all actions necessary to have obtained a ruling on that**
19 **request by no later than the date on which the individual is scheduled to appear for jury**
20 **duty.**

21 **4. For purposes of sections 494.400 to 494.460 undue or extreme physical or**
22 **financial hardship is limited to circumstances in which an individual would:**

23 (1) **Be required to abandon a person under his or her personal care or supervision**
24 **due to the impossibility of obtaining an appropriate substitute caregiver during the period**
25 **of participation in the jury pool or on the jury; or**

26 (2) **Incur costs that would have a substantial adverse impact on the payment of the**
27 **individual's necessary daily living expenses or on those for whom he or she provides the**
28 **principal means of support; or**

29 (3) **Suffer physical hardship that would result in illness or disease.**

30 **5. Undue or extreme physical or financial hardship does not exist solely based on**
31 **the fact that a prospective juror will be required to be absent from his or her place of**
32 **employment.**

33 **6. A person asking a judge to grant an excuse based on undue or extreme physical**
34 **or financial hardship shall be required to provide the judge with documentation, such as**
35 **but not limited to, federal and state income tax returns, medical statements from licensed**
36 **physicians, proof of dependency or guardianship, and similar documents, which the judge**
37 **finds to clearly support the request to be excused. Failure to provide satisfactory**
38 **documentation shall result in a denial of the request to be excused.**

39 **7. After two years, a person excused from jury service shall become eligible once**
40 **again for qualification as a juror unless the person was excused from service permanently.**
41 **A person is excused from jury service permanently only when the deciding judge**
42 **determines that the underlying grounds for being excused are of a permanent nature.**

494.432. 1. Individuals scheduled to appear for jury service have the right to
2 **postpone the date of their initial appearance for jury service one time only for reasons**
3 **other than undue influence or extreme physical or financial hardship. When requested,**
4 **postponements shall be granted, provided that:**

5 **(1) The prospective juror has not previously been granted a postponement;**

6 **(2) The prospective juror appears in person or contacts the board of jury**
7 **commissioners by telephone, electronic mail, or in writing to request a postponement; and**

8 **(3) Prior to the grant of a postponement with the concurrence of the board of jury**
9 **commissioners, the prospective juror fixes a date certain on which he or she will appear**
10 **for jury service that is not more than six months after the date on which the prospective**
11 **juror originally was called to serve and on which date the court will be in session.**

12 **2. A subsequent request to postpone jury service may be approved by a judicial**
13 **officer only in the event of an extreme emergency, such as a death in the family, sudden**
14 **grave illness, or a natural disaster or national emergency in which the prospective juror**
15 **is personally involved, that could not have been anticipated at the time the initial**
16 **postponement was granted. Prior to the grant of a second postponement, the prospective**
17 **juror must fix a date certain on which the individual will appear for jury service within six**
18 **months of the postponement on a date when the court will be in session.**

494.450. A person who is summoned for jury service and who willfully fails to appear
2 **and who has failed to obtain a postponement in compliance with section 494.432 or as an**
3 **excuse pursuant to section 494.430, or to respond to the juror qualification form [is guilty of**
4 **criminal] shall be in civil contempt of court, enforceable by an order directing him or her to**
5 **show cause for his or her failure to comply with the summons and the juror qualification form[,]**

6 and upon conviction may be fined not more than two hundred and fifty dollars].
7 **Following an order to show cause hearing, the court may impose a fine not to exceed five**
8 **hundred dollars. The prospective juror may be excused from paying sanctions for good**
9 **cause shown or in the interests of justice. In addition to, or in lieu of, the fine, the court**
10 **may order that the prospective juror complete a period of community service for a period**
11 **of no less than if the prospective juror would have completed jury service, and require that**
12 **he or she provide proof of completion of such community service to the court.**

494.460. 1. An employer shall not terminate, discipline, threaten or take adverse actions
2 against an employee on account of that employee's receipt of or response to a jury summons.

3 2. An employee discharged in violation of this section may bring civil action against his
4 **or her** employer within ninety days of discharge for recovery of lost wages and other damages
5 caused by the violation and for an order directing reinstatement of the employee. If [he] **the**
6 **employee** prevails, the employee shall be entitled to receive a reasonable attorney's fee.

7 **3. An employee may not be required or requested to use annual, vacation, personal,**
8 **or sick leave for time spent responding to a summons for jury duty, time spent**
9 **participating in the jury selection process, or time spent actually serving on a jury.**
10 **Nothing in this provision shall be construed to require an employer to provide annual,**
11 **vacation, personal, or sick leave to employees under the provisions of this statute who**
12 **otherwise are not entitled to such benefits under company policies.**

13 **4. A court shall automatically postpone and reschedule the service of a summoned**
14 **juror of an employer with five or fewer full-time employees, or their equivalent, if another**
15 **employee of that employer has been previously summoned to appear during the same**
16 **period. Such postponement will not effect an individual's right to one automatic**
17 **postponement pursuant to section 494.432.**

512.180. 1. Any person aggrieved by a judgment in a civil case tried without a jury
2 before an associate circuit judge, other than an associate circuit judge sitting in the probate
3 division or who has been assigned to hear the case on the record under procedures applicable
4 before circuit judges, shall have the right of a trial de novo in all cases [where the pleading
5 claims damages not to exceed three thousand dollars] **tried under the provisions of chapters**
6 **479, 482, and 536, RSMo.**

7 2. In all other contested civil cases tried with or without a jury before an associate circuit
8 judge or on assignment under such procedures applicable before circuit judges or in any
9 misdemeanor case or county ordinance violation case a record shall be kept, and any person
10 aggrieved by a judgment rendered in any such case may have an appeal upon that record to the
11 appropriate appellate court. At the discretion of the judge, but in compliance with the rules of
12 the supreme court, the record may be a stenographic record or one made by the utilization of

13 electronic, magnetic, or mechanical sound or video recording devices.

513.430. 1. The following property shall be exempt from attachment and execution to
2 the extent of any person's interest therein:

3 (1) Household furnishings, household goods, wearing apparel, appliances, books,
4 animals, crops or musical instruments that are held primarily for personal, family or household
5 use of such person or a dependent of such person, not to exceed [one] **three** thousand dollars in
6 value in the aggregate;

7 (2) **A wedding ring not to exceed one thousand five hundred dollars in value and**
8 **other** jewelry held primarily for the personal, family or household use of such person or a
9 dependent of such person, not to exceed five hundred dollars in value in the aggregate;

10 (3) Any other property of any kind, not to exceed in value [four] **six** hundred dollars in
11 the aggregate;

12 (4) Any implements[,] **or** professional books or tools of the trade of such person or the
13 trade of a dependent of such person not to exceed [two] **three** thousand dollars in value in the
14 aggregate;

15 (5) Any motor vehicle **in the aggregate**, not to exceed [one] **three** thousand dollars in
16 value;

17 (6) Any mobile home used as the principal residence **but not on or attached to real**
18 **property in which the debtor has an interest**, not to exceed [one] **five** thousand dollars in
19 value;

20 (7) Any one or more unmaturred life insurance contracts owned by such person, other
21 than a credit life insurance contract;

22 (8) The amount of any accrued dividend or interest under, or loan value of, any one or
23 more unmaturred life insurance contracts owned by such person under which the insured is such
24 person or an individual of whom such person is a dependent; provided, however, that if
25 proceedings under Title 11 of the United States Code are commenced by or against such person,
26 the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand
27 dollars in the aggregate less any amount of property of such person transferred by the life
28 insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a
29 premium or to carry out a nonforfeiture insurance option and is required to be so transferred
30 automatically under a life insurance contract with such company or society that was entered into
31 before commencement of such proceedings. No amount of any accrued dividend or interest
32 under, or loan value of, any such life insurance contracts shall be exempt from any claim for
33 child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such
34 proceedings under any such insurance contract which was purchased by such person within one
35 year prior to the commencement of such proceedings;

36 (9) Professionally prescribed health aids for such person or a dependent of such person;
37 (10) Such person's right to receive:

38 (a) A Social Security benefit, unemployment compensation or a local public assistance
39 benefit;

40 (b) A veteran's benefit;

41 (c) A disability, illness or unemployment benefit;

42 (d) Alimony, support or separate maintenance, not to exceed [five] **seven** hundred **fifty**
43 dollars a month;

44 (e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan,
45 profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established
46 pursuant to section 456.072, RSMo, the person's right to a participant account in any deferred
47 compensation program offered by the state of Missouri or any of its political subdivisions, or
48 annuity or similar plan or contract on account of illness, disability, death, age or length of
49 service, to the extent reasonably necessary for the support of such person and any dependent of
50 such person unless:

51 a. Such plan or contract was established by or under the auspices of an insider that
52 employed such person at the time such person's rights under such plan or contract arose;

53 b. Such payment is on account of age or length of service; and

54 c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A
55 or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b),
56 408, 408A or 409);

57

58 except that any such payment to any person shall be subject to attachment or execution pursuant
59 to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue
60 Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or
61 legal separation or a proceeding for disposition of property following dissolution of marriage by
62 a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to
63 dispose of marital property at the time of the original judgment of dissolution;

64 (f) Any money or assets, payable to a participant or beneficiary from, or any interest of
65 any participant or beneficiary in, a retirement plan or profit-sharing plan that is qualified under
66 Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as
67 amended, except as provided in this paragraph. Any plan or arrangement described in this
68 paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic
69 relations order; however, the interest of any and all alternate payees under a qualified domestic
70 relations order shall be exempt from any and all claims of any creditor, other than the state of
71 Missouri through its division of family services. As used in this paragraph, the terms "alternate

72 payee" and "qualified domestic relations order" have the meaning given to them in Section
73 414(p) of the Internal Revenue Code of 1986, as amended.

74

75 If proceedings under Title 11 of the United States Code are commenced by or against such
76 person, no amount of funds shall be exempt in such proceedings under any such plan, contract,
77 or trust which is fraudulent as defined in section 456.630, RSMo, and for the period such person
78 participated within three years prior to the commencement of such proceedings. For the purposes
79 of this section, when the fraudulently conveyed funds are recovered and after, such funds shall
80 be deducted and then treated as though the funds had never been contributed to the plan, contract,
81 or trust;

82 (11) The debtor's right to receive, or property that is traceable to, a payment on account
83 of the wrongful death of an individual of whom the debtor was a dependent, to the extent
84 reasonably necessary for the support of the debtor and any dependent of the debtor.

85 2. Nothing in this section shall be interpreted to exempt from attachment or execution
86 for a valid judicial or administrative order for the payment of child support or maintenance any
87 money or assets, payable to a participant or beneficiary from, or any interest of any participant
88 or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal
89 Revenue Code of 1986, as amended.

513.440. Each head of a family may select and hold, exempt from execution, any other
2 property, real, personal or mixed, or debts and wages, not exceeding in value the amount of
3 [eight hundred fifty dollars plus two hundred] **one thousand two hundred fifty dollars plus**
4 **three hundred** fifty dollars for each of such person's unmarried dependent children under the
5 age of eighteen years **or dependent as defined by the Internal Revenue Code of 1986, as**
6 **amended, determined to be disabled by the Social Security Administration**, except ten
7 percent of any debt, income, salary or wages due such head of a family.

526.010. Injunctions may be granted by a circuit judge, [and if specially assigned or
2 transferred to hear the cause or if there is no circuit judge present within the county, by] **or an**
3 associate circuit judge.

535.020. Whenever any rent has become due and payable, and payment has been
2 demanded by the landlord or the landlord's agent from the lessee or person occupying the
3 premises, and payment thereof has not been made, the landlord or agent may file a statement,
4 verified by affidavit, with any associate circuit judge in the county in which the property is
5 situated, setting forth the terms on which such property was rented, and the amount of rent
6 actually due to such landlord; that the rent has been demanded from the tenant, lessee or person
7 occupying the premises, and that payment has not been made, and substantially describing the
8 property rented or leased. **Giving the notice provided in section 441.060, RSMo, is not**

9 **required prior to filing a statement or obtaining the relief provided in this chapter.** In such
10 case, the clerk of the court shall immediately issue a summons directed to such tenant or lessee
11 and to all persons occupying the premises, by name, requiring them to appear before the judge
12 upon a day to be therein named, and show cause why possession of the property should not be
13 restored to the plaintiff. The landlord or agent may, in such an action for unpaid rent, join a
14 claim for any other unpaid sums, other than property damages, regardless of how denominated
15 or defined in the lease, to be paid by or on behalf of a tenant to a landlord for any purpose set
16 forth in the lease; provided that such other sums shall not be considered rent for purposes of this
17 chapter, and judgment for the landlord for recovery of such other sums shall not by itself entitle
18 the landlord to an order for recovery of possession of the premises. The provisions of this
19 section providing for the filing of a statement before an associate circuit judge shall not preclude
20 adoption of a local circuit court rule providing for the centralized filing of such cases, nor the
21 assignment of such cases to particular circuit or associate circuit judges pursuant to local circuit
22 court rule or action by the presiding judge of the circuit. The case shall be heard and determined
23 under the practice and procedure provided in the Missouri rules of civil procedure, except where
24 otherwise provided by this chapter.

535.030. 1. Such summons shall be served as in other civil cases at least four days
2 before the court date in the summons. The summons shall include a court date which shall not
3 be more than twenty-one business days from the date the summons is issued unless at the time
4 of filing the affidavit the plaintiff or plaintiff's attorney consents in writing to a later date.

5 2. In addition to attempted personal service, the plaintiff may request, and thereupon the
6 clerk of the court shall make an order directing that the officer, or other person empowered to
7 execute the summons, shall also serve the same by securely affixing a copy of such summons and
8 the complaint in a conspicuous place on the dwelling of the premises in question at least ten days
9 before the court date in such summons, and by also mailing a copy of the summons and
10 complaint to the defendant at the defendant's last known address by ordinary mail [and by
11 certified mail, return receipt requested, deliver to addressee only,] at least ten days before the
12 court date. If the officer, or other person empowered to execute the summons, shall return that
13 the defendant is not found, or that the defendant has absconded or vacated his **or her** usual place
14 of abode in this state, and if proof be made by affidavit of the posting and of the mailing of a
15 copy of the summons and complaint, the judge shall at the request of the plaintiff proceed to hear
16 the case as if there had been personal service, and judgment shall be rendered and proceedings
17 had as in other cases, except that no money judgment shall be granted the plaintiff where the
18 defendant is in default and service is by the posting and mailing procedure set forth in this
19 section.

20 3. If the plaintiff does not request service of the original summons by posting and

21 mailing as provided in subsection 2 of this section, and if the officer, or other person empowered
22 to execute the summons, makes return that the defendant is not found, or that the defendant has
23 absconded or vacated the defendant's usual place of abode in this state, the plaintiff may request
24 the issuance of an alias summons and service of the same by posting and mailing in the time and
25 manner provided in subsection 2 of this section. In addition, the plaintiff or an agent of the
26 plaintiff who is at least eighteen years of age may serve the summons by posting and mailing a
27 copy of the summons in the time and manner provided in subsection 2 of this section. Upon
28 proof by affidavit of the posting and of the mailing of a copy of the summons or alias summons
29 and the complaint, the judge shall proceed to hear the case as if there had been personal service,
30 and judgment shall be rendered and proceedings had as in other cases, except that no money
31 judgment shall be granted the plaintiff where the defendant is in default and service is by the
32 posting and mailing procedure provided in subsection 2 of this section.

33 4. On the date judgment is rendered as provided in this section where the defendant is
34 in default, the clerk of the court shall mail to the defendant at the defendant's last known address
35 by certified mail, with a request for return receipt and with directions to deliver to the addressee
36 only, a notice informing the defendant of the judgment and the date it was entered, and stating
37 that the defendant has ten days from the date of the judgment to file a motion to set aside the
38 judgment or to file an application for a trial de novo in the circuit court, as the case may be, and
39 that unless the judgment is set aside or an application for a trial de novo is filed within ten days,
40 the judgment will become final and the defendant will be subject to eviction from the premises
41 without further notice.

535.040. Upon the return of the summons executed, the judge shall set the case on the
2 first available court date **to be heard by the court without a jury** and shall proceed to hear the
3 cause, and if it shall appear that the rent which is due has been demanded of the tenant, lessee
4 or persons occupying the property, and that payment has not been made, and if the payment of
5 such rent, with all costs, shall not be tendered before the judge, on the hearing of the cause, the
6 judge shall render judgment that the landlord recover the possession of the premises so rented
7 or leased, and also the debt for the amount of the rent then due, with all court costs and shall
8 issue an execution upon such judgment, commanding the officer to put the landlord into
9 immediate possession of the property leased or rented, and to make the debt and costs of the
10 goods and chattels of the defendant. No money judgment shall be granted to the plaintiff if the
11 defendant is in default and service was by the posting procedure provided in section 535.030
12 unless the defendant otherwise enters an appearance. The officer shall deliver possession of the
13 property to the landlord within five days from the time of receiving the execution, and the officer
14 shall proceed upon the execution to collect the debt and costs, and return the writ, as in the case
15 of other executions. If the plaintiff so elects, the plaintiff may sue for possession alone, without

16 asking for recovery of the rent due.

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

2 (1) "Childhood sexual abuse", any act committed by the defendant against the plaintiff
3 which act occurred when the plaintiff was under the age of eighteen years and which act would
4 have been a violation of section 566.030, 566.040, 566.050, 566.060, 566.070, 566.080, 566.090,
5 566.100, 566.110, or 566.120, RSMo, or section 568.020, RSMo;

6 (2) "Injury" or "illness", either a physical injury or illness or a psychological injury or
7 illness. A psychological injury or illness need not be accompanied by physical injury or illness.

8 2. [In any civil action for recovery of damages suffered as a result of childhood sexual
9 abuse, the time for commencement of the action shall be within five years of the date the plaintiff
10 attains the age of eighteen or within three years of the date the plaintiff discovers or reasonably
11 should have discovered that the injury or illness was caused by child sexual abuse, whichever
12 later occurs.] **Any action to recover damages from injury or illness caused by childhood
13 sexual abuse in an action brought pursuant to this section, shall be commenced within ten
14 years of the plaintiff attaining the age of twenty-one or within three years of the date the
15 plaintiff discovers, or reasonably should have discovered, that the injury or illness was
16 caused by childhood sexual abuse, whichever later occurs.**

17 3. This section shall apply to any action commenced on or after August 28, 1990,
18 including any action which would have been barred by the application of the statute of limitation
19 applicable prior to that date.

542.276. 1. Any peace officer or prosecuting attorney may make application under
2 section 542.271 for the issuance of a search warrant.

3 2. The application shall:

4 (1) Be in writing;

5 (2) State the time and date of the making of the application;

6 (3) Identify the property, article, material, substance or person which is to be searched
7 for and seized, in sufficient detail and particularity that the officer executing the warrant can
8 readily ascertain it;

9 (4) Identify the person, place, or thing which is to be searched, in sufficient detail and
10 particularity that the officer executing the warrant can readily ascertain whom or what he **or she**
11 is to search;

12 (5) State facts sufficient to show probable cause for the issuance of a search warrant;

13 (6) Be verified by the oath or affirmation of the applicant;

14 (7) Be filed in the proper court;

15 (8) Be signed by the prosecuting attorney of the county where the search is to take place,
16 or his **or her** designated assistant.

17 3. The application may be supplemented by a written affidavit verified by oath or
18 affirmation. Such affidavit shall be considered in determining whether there is probable cause
19 for the issuance of a search warrant and in filling out any deficiencies in the description of the
20 person, place, or thing to be searched or of the property, article, material, substance, or person
21 to be seized. Oral testimony shall not be considered. **The application may be submitted by**
22 **facsimile or other electronic means.**

23 4. The judge shall [hold a nonadversary hearing to] determine whether sufficient facts
24 have been stated to justify the issuance of a search warrant. If it appears from the application and
25 any supporting affidavit that there is probable cause to believe that property, article, material,
26 substance, or person subject to seizure is on the person or at the place or in the thing described,
27 a search warrant shall immediately be issued. The warrant shall be issued in the form of an
28 original and two copies.

29 5. The application and any supporting affidavit and a copy of the warrant shall be
30 retained in the records of the court from which the warrant was issued.

31 6. The search warrant shall:

32 (1) Be in writing and in the name of the state of Missouri;

33 (2) Be directed to any peace officer in the state;

34 (3) State the time and date the warrant is issued;

35 (4) Identify the property, article, material, substance or person which is to be searched
36 for and seized, in sufficient detail and particularity that the officer executing the warrant can
37 readily ascertain it;

38 (5) Identify the person, place, or thing which is to be searched, in sufficient detail and
39 particularity that the officer executing the warrant can readily ascertain whom or what he **or she**
40 is to search;

41 (6) Command that the described person, place, or thing be searched and that any of the
42 described property, article, material, substance, or person found thereon or therein be seized [or]
43 **and** photographed or copied [and be returned, or the photograph or copy be brought, within ten
44 days after filing of the application, to the judge who issued the warrant, to be dealt with
45 according to law] **within ten days after filing of the application, all photographs and copies**
46 **or photographs or copies of the items shall be filed with the circuit clerk;**

47 (7) Be signed by the judge, with his **or her** title of office indicated.

48 7. A search warrant issued under this section may be executed only by a peace officer.
49 The warrant shall be executed by conducting the search and seizure commanded. **The search**
50 **warrant issued under this section may be issued by facsimile or other electronic means.**

51 8. A search warrant shall be executed as soon as practicable and shall expire if it is not
52 executed and the return made within ten days after the date of the making of the application.

53 9. After execution of the search warrant, the warrant with a return thereon, signed by the
54 officer making the search, shall be delivered to the judge who issued the warrant. The return
55 shall show the date and manner of execution, what was seized, and the name of the possessor and
56 of the owner, when he **or she** is not the same person, if known. The return shall be accompanied
57 by a copy of the itemized receipt required by subsection 6 of section 542.291. The judge or clerk
58 shall, upon request, deliver a copy of such receipt to the person from whose possession the
59 property was taken and to the applicant for the warrant.

60 10. A search warrant shall be deemed invalid:

- 61 (1) If it was not issued by a judge; or
62 (2) If it was issued without a written application having been filed and verified; or
63 (3) If it was issued without probable cause; or
64 (4) If it was not issued in the proper county; or
65 (5) If it does not describe the person, place, or thing to be searched or the property,
66 article, material, substance, or person to be seized with sufficient certainty; or
67 (6) If it is not signed by the judge who issued it; or
68 (7) If it was not executed within the time prescribed by subsection 8 of this section.

 544.020. Whenever complaint shall be made, in writing and upon oath, to any associate
2 circuit judge setting forth that a felony has been committed, and the name of the person accused
3 thereof, it shall be the duty of such associate circuit judge to issue a warrant reciting the
4 accusation, and commanding the officer to whom it shall be directed forthwith to take the
5 accused and bring him before such associate circuit judge, to be dealt with according to law.
6 **The complaint may be made and the warrant may be issued via facsimile or other**
7 **electronic means.**

 570.030. 1. A person commits the crime of stealing if he or she appropriates property
2 or services of another with the purpose to deprive him or her thereof, either without his or her
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution pursuant to this
5 section on the issue of the requisite knowledge or belief of the alleged stealer:

- 6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
7 inn or boardinghouse;
8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
9 boardinghouse a check or negotiable paper on which payment was refused;
10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
11 pay for property or services;
12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage
13 from a hotel, inn or boardinghouse;

14 (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,
15 transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal
16 price code label, or possesses with intent to cheat or defraud, the device that manufactures
17 fraudulent receipts or universal price code labels.

18 3. Notwithstanding any other provision of law, any offense in which the value of
19 property or services is an element is a class C felony if:

20 (1) The value of the property or services appropriated is five hundred dollars or more but
21 less than twenty-five thousand dollars; or

22 (2) The actor physically takes the property appropriated from the person of the victim;
23 or

24 (3) The property appropriated consists of:

25 (a) Any motor vehicle, watercraft or aircraft; or

26 (b) Any will or unrecorded deed affecting real property; or

27 (c) Any credit card or letter of credit; or

28 (d) Any firearms; or

29 (e) A United States national flag designed, intended and used for display on buildings
30 or stationary flagstaffs in the open; or

31 (f) Any original copy of an act, bill or resolution, introduced or acted upon by the
32 legislature of the state of Missouri; or

33 (g) Any pleading, notice, judgment or any other record or entry of any court of this state,
34 any other state or of the United States; or

35 (h) Any book of registration or list of voters required by chapter 115, RSMo; or

36 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or

37 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or

38 (k) Any controlled substance as defined by section 195.010, RSMo; or

39 (l) Anhydrous ammonia; [or]

40 (m) Ammonium nitrate; or

41 **(n) Any document of historical significance.**

42 4. If an actor appropriates any material with a value less than five hundred dollars in
43 violation of this section with the intent to use such material to manufacture, compound, produce,
44 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such
45 violation is a class D felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,
46 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class C felony.
47 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail
48 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

49 5. The theft of any item of property or services pursuant to subsection 3 of this section

50 which exceeds five hundred dollars may be considered a separate felony and may be charged in
51 separate counts.

52 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection
53 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection
54 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars
55 is guilty of a class B felony.

56 7. Any offense in which the value of property or services is an element is a class B felony
57 if the value of the property or services equals or exceeds twenty-five thousand dollars.

58 8. Any violation of this section for which no other penalty is specified in this section is
59 a class A misdemeanor.

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

3 (1) "Library", any public library or any library of an educational, historical or
4 eleemosynary institution, organization or society; **any museum; any repository of public or**
5 **institutional records; or any archive;**

6 (2) "Library card", a card or other device utilized by a library for purposes of identifying
7 a person authorized to borrow library material, subject to all limitations and conditions imposed
8 on such borrowing by the library issuing or honoring such card;

9 (3) "Library material", any book, plate, picture, photograph, engraving, painting,
10 sculpture, artifact, drawing, map, newspaper, microform, sound recording, audiovisual material,
11 magnetic or other tape, electronic data processing record or other document, written or printed
12 material, regardless of physical form or characteristic, which is a constituent element of a
13 library's collection or any part thereof, belonging to, on loan to, or otherwise in the custody of
14 a library;

15 (4) "Notice in writing", any notice deposited as certified or registered mail in the United
16 States mail and addressed to the person at his address as it appears on the library card or to his
17 last known address. The notice shall contain a statement that failure to return the library material
18 within ten days of receipt of the notice may subject the user to criminal prosecution;

19 (5) "Premises of a library", a building structure or other enclosure in which a library is
20 located or in which the library keeps, displays and makes available for inspection, borrowing or
21 return of library materials.

570.210. 1. A person commits the crime of library theft if with the purpose to deprive,
2 [he] **such person:**

3 (1) Knowingly removes any library material from the premises of a library without
4 authorization; or

5 (2) Borrows or attempts to borrow any library material from a library by use of a library

6 card:

7 (a) Without the consent of the person to whom it was issued; or

8 (b) Knowing that the library card is revoked, canceled or expired; or

9 (c) Knowing that the library card is falsely made, counterfeit or materially altered; or

10 (3) Borrows library material from any library pursuant to an agreement or procedure
11 established by the library which requires the return of such library material and, with the purpose
12 to deprive the library of the library material, fails to return the library material to the library; or

13 **(4) Knowingly writes on, injures, defaces, tears, cuts, mutilates, or destroys a book,**
14 **document, or other library material belonging to, on loan to, or otherwise in the custody**
15 **of a library.**

16 2. It shall be prima facie evidence of the person's purpose to deprive the library of the
17 library materials if, within ten days after notice in writing deposited as certified mail from the
18 library demanding the return of such library material, [he] **such person** without good cause
19 shown fails to return the library material. A person is presumed to have received the notice
20 required by this subsection if the library mails such notice to the last address provided to the
21 library by such person. **Payment to the library, in an amount equal to the fair market value**
22 **of an item of no historical significance shall be considered returning the item for purposes**
23 **of this subsection.**

24 3. The crime of library theft [is a class C felony if the value of the library material is five
25 hundred dollars or more; otherwise, library theft] is a class C misdemeanor **if the value of the**
26 **library materials is less than five hundred dollars. The crime of library theft is a class C**
27 **felony if the value of the library material is between five hundred dollars and twenty-five**
28 **thousand dollars. The crime of library theft is a class B felony if the value of the library**
29 **material is greater than twenty-five thousand dollars.**

30 4. **The crime of library theft pursuant to subsection 1 of this section is a class C**
31 **felony if the value of the library material is five hundred dollars or more but less than**
32 **twenty-five thousand dollars, and it is a class B felony if the value of the library material**
33 **is equal to or more than twenty-five thousand dollars.**

589.313. 1. There is hereby created in the state treasury the "GREAT Fund". The
2 fund shall consist of one-half of the money collected pursuant to section 488.5020, RSMo,
3 in addition to money appropriated by the general assembly, charges, gifts, grants, bequests
4 from federal, private, or other sources and investment income on the fund. The provisions
5 of section 33.080, RSMo, to the contrary notwithstanding, moneys in the GREAT fund
6 shall not be transferred and placed to the credit of the general revenue fund. The
7 remaining one-half of the funds collected pursuant to section 488.5020, RSMo, shall be
8 used to fund the after-school reading retreat program as described in section 167.680,

9 **RSMo.**

10 **2. This fund shall be administered by the department of elementary and secondary**
11 **education in accordance with the provisions of this section.**

12 **3. The department of elementary and secondary education in conjunction with local**
13 **law enforcement who agree to participate shall, develop a "Gang Resistance Education and**
14 **Training Program" (GREAT) for school districts which the department of elementary and**
15 **secondary education determines are in need of such programs. GREAT shall be designed**
16 **to help children set goals, resolve conflicts without violence, resist school bullying, and**
17 **understand how gangs and youth violence impacts individuals and communities. The**
18 **funds received annually by the GREAT fund shall be distributed to the gang resistance**
19 **education and training program (GREAT) to be used to promote the program. The**
20 **department of elementary and secondary education shall work together to develop criteria**
21 **for local law enforcement and local public school districts, working together, to receive**
22 **funds to carry out the goals of GREAT.**

23 **4. The department of elementary and secondary education shall develop a grant**
24 **program to provide school districts with matching grants to fund the after-school reading**
25 **retreat program as described in section 167.680, RSMo. The after-school reading retreat**
26 **program shall put emphasis on improving the reading skills of children who attend the**
27 **program along with other instruction. The department of elementary and secondary**
28 **education with the approval of the state board of education shall develop the criteria for**
29 **public school districts to receive said funds.**

590.118. 1. All completed investigations of alleged acts of a peace officer shall be
2 **made available to any hiring law enforcement agency. The transfer of any law**
3 **enforcement agency record to another law enforcement agency does not make the record**
4 **a public record.**

5 **2. Any law enforcement agency with information showing a peace officer's**
6 **unfitness for certification shall provide such information to the peace officer's standards**
7 **and training commission.**

590.120. 1. There is hereby established within the department of public safety a "Peace
2 **Officer Standards and Training Commission" which shall be composed of [nine] eleven**
3 **members, including a voting public member, appointed by the governor, by and with the advice**
4 **and consent of the senate, from a list of qualified candidates submitted to the governor by the**
5 **director of the department of public safety. No member of the POST commission shall reside**
6 **in the same congressional district as any other at the time of their appointments but this provision**
7 **shall not apply to the public member. Three members of the POST commission shall be police**
8 **chiefs, three members shall be sheriffs, one member shall represent a state law enforcement**

9 agency covered by the provisions of this chapter, and one member shall be a chief executive
10 officer of a certified training academy. The public member shall be at the time of appointment
11 a registered voter; a person who is not and never has been a member of any profession certified
12 or regulated under this chapter or the spouse of such person; and a person who does not have and
13 never has had a material financial interest in either the providing of the professional services
14 regulated by this chapter, or an activity or organization directly related to any profession certified
15 or regulated under this chapter. **Two members shall be police officers, one from a police**
16 **department with thirty or more officers and one from a police department with fewer than**
17 **thirty officers.** Each member of the POST commission shall have been at the time of his
18 appointment a citizen of the United States and a resident of this state for a period of at least one
19 year, and members who are peace officers shall be qualified as established by this chapter. No
20 member of the POST commission serving a full term of three years may be reappointed to the
21 POST commission until at least one year after the expiration of his most recent term.

22 2. Three of the original members of the POST commission shall be appointed for terms
23 of one year, three of the original members shall be appointed for terms of two years, and three
24 of the original members shall be appointed for terms of three years. Thereafter the terms of the
25 members of the POST commission shall be for three years or until their successors are appointed.
26 The director may remove any member of the POST commission for misconduct or neglect of
27 office. Any member of the POST commission may be removed for cause by the director but
28 such member shall first be presented with a written statement of the reasons thereof, and shall
29 have a hearing before the POST commission if the member so requests. Any vacancy in the
30 membership of the commission shall be filled by appointment for the unexpired term.

31 3. Annually the director shall appoint one of the members as chairperson. The POST
32 commission shall meet at least twice each year as determined by the director or a majority of the
33 members to perform its duties. A majority of the members of the POST commission shall
34 constitute a quorum.

35 4. No member of the POST commission shall receive any compensation for the
36 performance of his official duties.

37 5. The POST commission shall guide and advise the director concerning duties pursuant
38 to this chapter.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation
2 Fund". A surcharge of seven dollars and fifty cents shall be assessed as costs in each court
3 proceeding filed in any court in the state in all criminal cases including violations of any county
4 ordinance or any violation of criminal or traffic laws of the state, including an infraction and
5 violation of a municipal ordinance; except that no such fee shall be collected in any proceeding
6 in any court when the proceeding or the defendant has been dismissed by the court or when costs

7 are to be paid by the state, county, or municipality. A surcharge of seven dollars and fifty cents
8 shall be assessed as costs in a juvenile court proceeding in which a child is found by the court
9 to come within the applicable provisions of subdivision (3) of subsection 1 of section 211.031,
10 RSMo.

11 2. Notwithstanding any other provision of law to the contrary, the moneys collected by
12 clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected
13 and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to
14 the director of the department of revenue.

15 3. The director of revenue shall deposit annually the amount of two hundred fifty
16 thousand dollars to the state forensic laboratory account administered by the department of public
17 safety to provide financial assistance to defray expenses of crime laboratories if such analytical
18 laboratories are registered with the federal Drug Enforcement Agency or the Missouri department
19 of health and senior services. Subject to appropriations made therefor, such funds shall be
20 distributed by the department of public safety to the crime laboratories serving the courts of this
21 state making analysis of a controlled substance or analysis of blood, breath or urine in relation
22 to a court proceeding.

23 4. The remaining funds collected under subsection 1 of this section shall be denoted to
24 the payment of an annual appropriation for the administrative and operational costs of the office
25 for victims of crime and, if a statewide automated crime victim notification system is established
26 pursuant to section 650.310, RSMo, to the monthly payment of expenditures actually incurred
27 in the operation of such system. Additional remaining funds shall be subject to the following
28 provisions:

29 (1) On the first of every month, the director of revenue or the director's designee shall
30 determine the balance of the funds in the crime victims' compensation fund available to satisfy
31 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
32 595.050 and 595.055;

33 (2) Beginning on [October 1, 1996] **September 1, 2004**, and on the first of each month,
34 [if the balance of the funds available exceeds one million dollars plus one hundred percent of the
35 previous twelve months' actual expenditures, excluding the immediate past calendar month's
36 expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and
37 595.055, then] the director of revenue or the director's designee shall deposit fifty percent **of the**
38 **balance of funds available** to the credit of the crime victims' compensation fund and fifty
39 percent to the services to victims' fund established in section 595.100[;

40 (3) Beginning on October 1, 1996, and on the first of each month, if the balance of the
41 funds available is less than one million dollars plus one hundred percent of the previous twelve
42 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid

43 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
44 director of revenue or the director's designee shall deposit seventy-five percent to the credit of
45 the crime victims' compensation fund and twenty-five percent to the services to victims' fund
46 established in section 595.100].

47 5. The director of revenue or such director's designee shall at least monthly report the
48 moneys paid pursuant to this section into the crime victims' compensation fund and the services
49 to victims fund to the division of workers' compensation and the department of public safety,
50 respectively.

51 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this
52 section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo.
53 Five percent of such moneys shall be payable to the city treasury of the city from which such
54 funds were collected. The remaining ninety-five percent of such moneys shall be payable to the
55 director of revenue. The funds received by the director of revenue pursuant to this subsection
56 shall be distributed as follows:

57 (1) On the first of every month, the director of revenue or the director's designee shall
58 determine the balance of the funds in the crime victims' compensation fund available to satisfy
59 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections
60 595.050 and 595.055;

61 (2) Beginning on [October 1, 1996] **September 1, 2004**, and on the first of each month[,
62 if the balance of the funds available exceeds one million dollars plus one hundred percent of the
63 previous twelve months' actual expenditures, excluding the immediate past calendar month's
64 expenditures, paid pursuant to sections 595.010 to 595.075, excluding sections 595.050 and
65 595.055, then] the director of revenue or the director's designee shall deposit fifty percent **of the**
66 **balance of funds available** to the credit of the crime victims' compensation fund and fifty
67 percent to the services to victims' fund established in section 595.100];

68 (3) Beginning on October 1, 1996, and on the first of each month, if the balance of the
69 funds available is less than one million dollars plus one hundred percent of the previous twelve
70 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid
71 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the
72 director of revenue or the director's designee shall deposit seventy-five percent to the credit of
73 the crime victims' compensation fund and twenty-five percent to the services to victims' fund
74 established in section 595.100].

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

78 8. In addition to the moneys collected pursuant to subsection 1 of this section, the court

79 shall enter a judgment in favor of the state of Missouri, payable to the crime victims'
80 compensation fund, of sixty-eight dollars [if the conviction is] **upon a plea of guilty or a**
81 **finding of guilt** for a class A or B felony; forty-six dollars if the conviction is for a class C or
82 D felony; and ten dollars [if the conviction is] **upon a plea of guilty or a finding of guilt** for any
83 misdemeanor under [the following] Missouri [laws]:

- 84 (1) Chapter 195, RSMo, relating to drug regulations;
- 85 (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed
86 by persons not duly licensed by the supervisor of liquor control;
- 87 (3) Chapter 491, RSMo, relating to witnesses;
- 88 (4) Chapter 565, RSMo, relating to offenses against the person;
- 89 (5) Chapter 566, RSMo, relating to sexual offenses;
- 90 (6) Chapter 567, RSMo, relating to prostitution;
- 91 (7) Chapter 568, RSMo, relating to offenses against the family;
- 92 (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;
- 93 (9) Chapter 570, RSMo, relating to stealing and related offenses;
- 94 (10) Chapter 571, RSMo, relating to weapons offenses;
- 95 (11) Chapter 572, RSMo, relating to gambling;
- 96 (12) Chapter 573, RSMo, relating to pornography and related offenses;
- 97 (13) Chapter 574, RSMo, relating to offenses against public order;
- 98 (14) Chapter 575, RSMo, relating to offenses against the administration of justice;
- 99 (15) Chapter 577, RSMo, relating to public safety offenses.] **law except for those in**
100 **chapter 252, RSMo, relating to fish and game, chapter 302, RSMo, relating to drivers' and**
101 **commercial drivers' license, chapter 303, RSMo, relating to motor vehicle financial**
102 **responsibility, chapter 304, RSMo, relating to traffic regulations, chapter 306, RSMo,**
103 **relating to watercraft regulation and licensing, and chapter 307, RSMo, relating to vehicle**
104 **equipment regulations.**

105

106 Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse
107 such crime victims' compensation judgments in the manner provided by sections 488.010 to
108 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of
109 the crime victims' compensation fund.

110 9. The clerk of the court processing such funds shall maintain records of all dispositions
111 described in subsection 1 of this section and all dispositions where a judgment has been entered
112 against a defendant in favor of the state of Missouri in accordance with this section; all payments
113 made on judgments for alcohol-related traffic offenses; and any judgment or portion of a
114 judgment entered but not collected. These records shall be subject to audit by the state auditor.

115 The clerk of each court transmitting such funds shall report separately the amount of dollars
116 collected on judgments entered for alcohol-related traffic offenses from other crime victims'
117 compensation collections or services to victims collections.

118 10. The clerks of the court shall report all delinquent payments to the department of
119 revenue by October first of each year for the preceding fiscal year, and such sums may be
120 withheld pursuant to subsection 15 of this section.

121 11. The department of revenue shall maintain records of funds transmitted to the crime
122 victims' compensation fund by each reporting court and collections pursuant to subsection 18 of
123 this section and shall maintain separate records of collection for alcohol-related offenses.

124 12. [Notwithstanding any other provision of law to the contrary, the provisions of
125 subsections 9 and 10 of this section shall expire and be of no force and effect upon the effective
126 date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

127 13.] The state courts administrator shall include in the annual report required by section
128 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation
129 judgments entered.

130 [14.] **13.** All awards made to injured victims under sections 595.010 to 595.105 and all
131 appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and
132 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance
133 remaining in the crime victims' compensation fund at the end of each biennium shall not be
134 subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended
135 balance to the ordinary revenue fund of the state, but shall remain in the crime victims'
136 compensation fund. In the event that there are insufficient funds in the crime victims'
137 compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there
138 are no funds in the crime victims' compensation fund, then no claim shall be paid until funds
139 have again accumulated in the crime victims' compensation fund. When sufficient funds become
140 available from the fund, awards which have not been paid shall be paid in chronological order
141 with the oldest paid first. In the event an award was to be paid in installments and some
142 remaining installments have not been paid due to a lack of funds, then when funds do become
143 available that award shall be paid in full. All such awards on which installments remain due
144 shall be paid in full in chronological order before any other postdated award shall be paid. Any
145 award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid
146 due to a lack of funds in the crime victims' compensation fund.

147 [15.] **14.** When judgment is entered against a defendant as provided in this section and
148 such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement,
149 payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to
150 such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be

151 paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall
152 be entered on the court record. Under no circumstances shall the general revenue fund be used
153 to reimburse court costs or pay for such judgment. The director of the department of corrections
154 shall have the authority to pay into the crime victims' compensation fund from an offender's
155 compensation or account the amount owed by the offender to the crime victims' compensation
156 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering
157 a correctional facility of the department of corrections.

158 [16.] 15. All interest earned as a result of investing funds in the crime victims'
159 compensation fund shall be paid into the crime victims' compensation fund and not into the
160 general revenue of this state.

161 [17.] 16. Any person who knowingly makes a fraudulent claim or false statement in
162 connection with any claim hereunder is guilty of a class A misdemeanor.

163 [18.] 17. Any gifts, contributions, grants or federal funds specifically given to the
164 division for the benefit of victims of crime shall be credited to the crime victims' compensation
165 fund. Payment or expenditure of moneys in such funds shall comply with any applicable federal
166 crime victims' compensation laws, rules, regulations or other applicable federal guidelines.

595.050. 1. From funds appropriated for services to victims of crime, the director may
2 contract with public or private agencies to provide assistance to victims of crime through direct
3 services, emergency services, crisis intervention counseling and victim advocacy. Any such
4 contract may consist solely of, or may include, educational and informational services to the
5 public about the availability of services for victims of crime which are designed to alleviate the
6 results of criminal acts. Under no circumstances shall the expenditures from general revenue for
7 the purpose provided in this section exceed the amount of ninety thousand dollars each fiscal
8 year.

9 2. The director shall ensure that funds administered under section 595.055, section
10 595.105 and this section will not be used by any agency to supplant existing funds which are
11 presently being used to provide assistance to victims of crime. **This restriction shall not apply**
12 **to funds used by any not-for-profit agency.**

13 3. Each contract shall be subject to review by the director at least annually.

610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases
2 shall mean:

3 (1) "Arrest", an actual restraint of the person of the defendant, or by his or her
4 submission to the custody of the officer, under authority of a warrant or otherwise for a criminal
5 violation which results in the issuance of a summons or the person being booked;

6 (2) "Arrest report", a record of a law enforcement agency of an arrest and of any
7 detention or confinement incident thereto together with the charge therefor;

8 (3) "Inactive", an investigation in which no further action will be taken by a law
9 enforcement agency or officer for any of the following reasons:

10 (a) A decision by the law enforcement agency not to pursue the case;

11 (b) Expiration of the time to file criminal charges pursuant to the applicable statute of
12 limitations, or ten years after the commission of the offense; whichever date earliest occurs;

13 (c) Finality of the convictions of all persons convicted on the basis of the information
14 contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such
15 persons;

16 (4) "Incident report", a record of a law enforcement agency consisting of the date, time,
17 specific location, name of the victim and immediate facts and circumstances surrounding the
18 initial report of a crime or incident, including any logs of reported crimes, accidents and
19 complaints maintained by that agency;

20 (5) "Investigative report", a record, other than an arrest or incident report, prepared by
21 personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in
22 response to an incident report or in response to evidence developed by law enforcement officers
23 in the course of their duties.

24 2. Each law enforcement agency of this state, of any county, and of any municipality,
25 shall maintain records of all incidents reported to the agency, investigations and arrests made by
26 such law enforcement agency. All incident reports and arrest reports shall be open records.
27 Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6
28 of this section or section 320.083, RSMo, investigative reports of all law enforcement agencies
29 are closed records until the investigation becomes inactive. If any person is arrested and not
30 charged with an offense against the law within thirty days of the person's arrest, the arrest report
31 shall thereafter be a closed record except that the disposition portion of the record may be
32 accessed and except as provided in section 610.120.

33 3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a
34 record or document of a law enforcement officer or agency, other than an arrest report, which
35 would otherwise be open, contains information that is reasonably likely to pose a clear and
36 present danger to the safety of any victim, witness, undercover officer, or other person; or
37 jeopardize a criminal investigation, including records which would disclose the identity of a
38 source wishing to remain confidential or a suspect not in custody; or which would disclose
39 techniques, procedures or guidelines for law enforcement investigations or prosecutions, that
40 portion of the record shall be closed and shall be redacted from any record made available
41 pursuant to this chapter.

42 4. Any person, **including a family member of such person within the first degree of**
43 **consanguinity if such person is deceased or incompetent**, attorney for a person, or insurer of

44 a person involved in any incident or whose property is involved in an incident, may obtain any
45 records closed pursuant to this section or section 610.150 for purposes of investigation of any
46 civil claim or defense, as provided by this subsection. Any individual, his or her **family member**
47 **within the first degree of consanguinity if such individual is deceased or incompetent, his**
48 **or her** attorney or insurer, involved in an incident or whose property is involved in an incident,
49 upon written request, may obtain a complete unaltered and unedited incident report concerning
50 the incident, and may obtain access to other records closed by a law enforcement agency
51 pursuant to this section. Within thirty days of such request, the agency shall provide the
52 requested material or file a motion pursuant to this subsection with the circuit court having
53 jurisdiction over the law enforcement agency stating that the safety of the victim, witness or
54 other individual cannot be reasonably ensured, or that a criminal investigation is likely to be
55 jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court
56 shall either order the record closed or order such portion of the record that should be closed to
57 be redacted from any record made available pursuant to this subsection.

58 5. Any person may bring an action pursuant to this section in the circuit court having
59 jurisdiction to authorize disclosure of the information contained in an investigative report of any
60 law enforcement agency, which would otherwise be closed pursuant to this section. The court
61 may order that all or part of the information contained in an investigative report be released to
62 the person bringing the action. In making the determination as to whether information contained
63 in an investigative report shall be disclosed, the court shall consider whether the benefit to the
64 person bringing the action or to the public outweighs any harm to the public, to the law
65 enforcement agency or any of its officers, or to any person identified in the investigative report
66 in regard to the need for law enforcement agencies to effectively investigate and prosecute
67 criminal activity. The investigative report in question may be examined by the court in camera.
68 The court may find that the party seeking disclosure of the investigative report shall bear the
69 reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the
70 decision of the law enforcement agency not to open the investigative report was substantially
71 unjustified under all relevant circumstances, and in that event, the court may assess such
72 reasonable and necessary costs and attorneys' fees to the law enforcement agency.

73 6. Any person may apply pursuant to this subsection to the circuit court having
74 jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest
75 reports being unlawfully closed pursuant to this section. If the court finds by a preponderance
76 of the evidence that the law enforcement officer or agency has purposely violated this section,
77 the officer or agency shall be subject to a civil penalty in an amount not to exceed five hundred
78 dollars, and the court shall order payment by such officer or agency of all costs and attorneys'
79 fees, as provided by section 610.027.

80 7. The victim of an offense as provided in chapter 566, RSMo, may request that his or
81 her identity be kept confidential until a charge relating to such incident is filed.

630.130. 1. Every patient, whether voluntary or involuntary, in a public or private
2 mental health facility shall have the right to refuse electroconvulsive therapy.

3 2. Before electroconvulsive therapy may be administered voluntarily to a patient, the
4 patient shall be informed, both orally and in writing, of the risks of the therapy and shall give his
5 express written voluntary consent to receiving the therapy.

6 3. Involuntary electroconvulsive therapy may be administered under a court order after
7 a full evidentiary hearing where the patient refusing such treatment is represented by counsel
8 who shall advocate his **or her** position. **Court-appointed counsel shall be awarded a**
9 **reasonable fee to be paid under subsection 2 of section 632.415, RSMo.** The therapy may
10 be administered on an involuntary basis only if it is shown, by clear and convincing evidence,
11 that the therapy is necessary under the following criteria:

12 (1) There is a strong likelihood that the therapy will significantly improve or cure the
13 patient's mental disorder for a substantial period of time without causing him any serious
14 functional harm; and

15 (2) There is no less drastic alternative form of therapy which could lead to substantial
16 improvement in the patient's condition. At the conclusion of such hearing, if the petitioner has
17 sustained his burden of proof, the court may order up to a specified number of involuntary
18 electroconvulsive therapy treatments to be performed over a specified period of time.

19 4. Parents of minor patients or legal guardians of incompetent patients shall be required
20 to obtain court orders authorizing electroconvulsive therapy under the procedures specified in
21 subsection 3 of this section.

22 5. Persons who are diagnosed solely as mentally retarded shall not be subject to
23 electroconvulsive therapy.

Section 1. 1. A real estate licensee shall be immune from liability for statements
2 **made by engineers, land surveyors, geologists, environmental hazard experts, wood**
3 **destroying inspection and control experts, termite inspectors, mortgage brokers, home**
4 **inspectors, or other home inspection experts unless:**

5 **(1) The statement was made by a person employed by the licensee or the broker**
6 **with whom the licensee is associated;**

7 **(2) The person making the statement was selected by and engaged by the licensee;**
8 **or**

9 **(3) The licensee knew prior to closing that the statement was false or the licensee**
10 **was reckless as to whether the statement was true or false.**

11 **2. A real estate licensee shall not be the subject of any action and no action shall be**

12 **instituted against a real estate licensee for any information contained in a seller's disclosure**
13 **for residential, commercial, industrial, farm, or vacant real estate furnished to a buyer,**
14 **unless the real estate licensee is a signatory to such or the licensee knew prior to closing**
15 **that the statement was false or the licensee was reckless as to whether the statement was**
16 **true or false.**

17 **3. A real estate licensee acting as a courier of documents referenced in this section**
18 **shall not be considered to be making the statements contained in such documents.**

2 [452.420. All proceedings authorized in chapter 452 to be
3 maintained in circuit court shall be heard by circuit judges, except
4 that said proceedings may be heard by an associate circuit judge if he
5 is assigned to hear such case or class of cases or if he is transferred to
6 hear such case or class of cases pursuant to other provisions of law or
7 section 6 of article V of the constitution.]

2 [478.725. When any person is, by the statutes of this state,
3 entitled to a lien for performing any work or labor upon or furnishing
4 any materials, fixtures, engine, boiler or machinery for any building,
5 erection or improvement upon land, or for repairing the same, in
6 Mason or Miller townships, in Marion County, under or by virtue of
7 any contract with the owner or proprietor thereof, or his agent,
8 trustee, contractor or subcontractor, and such person so entitled to
9 such lien, wishing to avail himself of the benefit of said laws, shall
10 file his lien in the office of the clerk of district number 2 of the
11 Marion County circuit court, and not elsewhere.]

2 [491.300. 1. Interpreters and translators in civil and criminal
3 cases shall be allowed a reasonable fee approved by the court.

4 2. Such fee shall be payable by the state in criminal cases
5 from funds appropriated to the office of the state courts administrator
6 if the person requiring an interpreter or translator during the court
7 proceeding is a party to or witness in the proceeding.]

2 [494.431. Any police officer subject to section 84.160,
3 RSMo, shall be excused from service as a juror, either grand or petit.]

2 [526.020. Unless an associate circuit judge is specially
3 assigned or transferred to hear the cause, before an injunction shall be
4 granted by an associate circuit judge, the applicant shall produce
5 satisfactory evidence that there is not then any circuit judge within
6 such county.]

Section B. The provisions of section A of this act are severable. If any portion of section

2 A of this act is declared unconstitutional or the application of any part of this act to any person
3 or circumstance is held invalid, the remaining portions of the act and their applicability to any
4 person or circumstance shall remain valid and enforceable.

Section C. The provisions of sections 488.5020 and 589.313 of section A of this act shall
2 terminate on December 31, 2009.

Section D. Because of the need to relieve the general assembly of time consumed with
2 routine functions of legislative committees in order to devote time to public debate and
3 discussion, the repeal and reenactment of sections 2.030, 2.040, 2.050, 2.060 and 3.130 of
4 section A of this act is deemed necessary for the immediate preservation of the public health,
5 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
6 the constitution, and the repeal and reenactment of sections 2.030, 2.040, 2.050, 2.060 and 3.130
7 of section A of this act shall be in full force and effect upon its passage and approval.