

HB 1743 -- Court Procedures and Court Personnel

Sponsor: Byrd

This bill changes the laws relating to court procedures and court personnel. In its major provisions, the bill:

- (1) Specifies that the Joint Committee on Legislative Research annually collate, index, print, and bind all laws and resolutions passed or adopted by the General Assembly;
- (2) Revises the requirements for the publication and distribution of all laws and resolutions by the joint committee;
- (3) Requires that each edition of the Revised Statutes of Missouri and its annotations be produced in an electronic format and allows the Revisor of Statutes to distribute the revised statutes in either the electronic version or the bound version, or both;
- (4) Specifies that the State Legal Expense Fund is available for health care providers who serve in county jails and any attorney licensed to practice law in the State of Missouri who practices law at a non-profit community social services center qualified as exempt from federal taxation, or through any federal, state, or local government agency;
- (5) Specifies that the juvenile court has concurrent jurisdiction with the municipal court over any child who is alleged to have violated a municipal curfew ordinance;
- (6) Requires the juvenile officer to make a risk and needs assessment, which will be written on a standardized form approved by the Office of State Courts Administrator;
- (7) Revises the filing provisions of the mechanic's lien statutes to require its filing with the recorder of deeds;
- (8) Allows the court to issue a direct payment order for guardian ad litem fees in a dissolution or separation proceeding;
- (9) Specifies that the clerk and other non-judicial personnel of the probate division of the 22nd judicial circuit will be appointed by the judge of the probate division with the consent of the court en banc, unless otherwise provided by local court rule;
- (10) Establishes an exception to the current requirement that a person is disqualified from serving as a juror if that person is unable to read, speak, and understand English, when the

disability is due to a vision or hearing impairment which can be adequately compensated for through the use of auxiliary aids or services;

(11) Specifies that the judge of the probate court appoints the deputy probate commissioner in the 16th, 21st, and 22nd judicial circuits;

(12) Specifies that the number of associate circuit judge positions in a county can be decreased if the population in the county has decreased;

(13) Allows court clerks to collect a fee for processing passport applications and allocates part of the fee to the county where the application was processed;

(14) Adds a \$5 surcharge to any felony criminal proceeding involving Chapters 195, 565, 566, 569, 570, and 571, RSMo, except for those in which the case has been dismissed or the court costs are paid by the state, county, or municipality;

(15) Requires the judge of the court to make the decision as to whether the juror can be excused for physical or financial hardship reasons. It also specifies when an exemption for extreme physical or financial hardship is warranted;

(16) Specifies when individuals may request a postponement of their jury service;

(17) Specifies that a person who fails to appear for jury service and has failed to obtain a postponement is in civil contempt of court. It also allows the court to impose a fine not exceeding \$500 and to order the prospective juror to complete a period of community service;

(18) Specifies that an employee is not required to use vacation, sick, or personal leave for jury duty. It also requires a court to reschedule the service of a summoned juror of an employer with five or fewer employees if another employee has been summoned to appear during the same period;

(19) Adds certain types of property to the list of property that is exempt from attachment and execution;

(20) Provides that in rent and possession actions pursuant to Chapter 535, the strict notice requirements for termination of month-to-month tenancies in Section 441.060 are not applicable; and cases will be heard by a court without a jury;

(21) Revises the statute of limitations for a civil action for

recovery of damages suffered as a result of childhood sexual abuse from five to 10 years after the victim reached the age of 21 or within three years of when the victim discovered that the injury or illness was caused by childhood sexual abuse;

(22) Allows for the application and issuance of search warrants by facsimile or other electronic means;

(23) Adds documents of historical significance to the list of items specified in Section 570.030, relating to stealing;

(24) Revises the definition of "library" and revises the crime of library theft;

(25) Establishes the GREAT Fund within the state treasury to fund a gang resistance education and training program and an after-school reading retreat program within the Department of Elementary and Secondary Education;

(26) Specifies that certain records of investigations by peace officers must be made available to hiring law enforcement agencies;

(27) Increases the number of officers on the Peace Officer Standards and Training Commission from nine to 11 and provides that two members of the commission must be rank-and-file peace officers;

(28) Revises provisions relating to the Crime Victims' Compensation Fund;

(29) Allows the release of law enforcement incident and investigative reports to family members if the person involved is deceased or incompetent;

(30) Allows court-appointed legal counsel in electroconvulsive therapy cases to be awarded reasonable attorney fees; and

(31) Allows real estate licensees to be immune from civil liability for statements made by engineers, surveyors, geologists, and inspectors in certain situations.

An emergency clause applies to the provisions relating to the publication of laws and resolutions passed by the General Assembly.