

HCS SB 1211 -- COURT PERSONNEL AND COURT PROCEDURES

SPONSOR: Wheeler (Byrd)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 16 to 0.

This substitute changes the laws regarding court procedures and court personnel. In its major provisions, the substitute:

- (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 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) Specifies the form for verified pleadings in proceedings under Chapter 452, RSMo;
- (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 filing of a parenting plan for a child over the age of 18 is not required in a proceeding involving the establishment or modification of custody, visitation, or support;
- (10) Revises the definitions of "stalking" and "course of conduct" and adds definitions for "repeated" and "alarm" as they relate to the adult abuse and child order of protection statutes;

(11) Allows the court to retain jurisdiction over a full order of protection for its entire duration and schedule regular compliance reviews. The terms of an order of protection are enforceable by all remedies available at law for the enforcement of a judgment;

(12) Specifies that the clerk and other non-judicial personnel of the probate division of the circuit court of any city not within a county 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;

(13) 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;

(14) 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;

(15) Removes a provision that exempted municipal judges and court personnel in Jackson County from the court management and case docketing rules of the Jackson County circuit court;

(16) Requires the judge of the court to make the decision as to whether the juror can be excused for physical or financial hardship reasons and specifies when an exemption for extreme physical or financial hardship is warranted or when individuals may request a postponement of their jury service. A person who fails to appear for jury service and has failed to obtain a postponement is in civil contempt of court and the court may impose a fine not exceeding \$500 and order the prospective juror to complete a period of community service;

(17) Specifies that an employee is not required to use vacation, sick, or personal leave for jury duty and 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;

(18) Increases the maximum number of small claims cases that a party can file in one year from eight to 12;

(19) Allows law library fees to be used for courtroom renovation and for debt service on bonds in any county not on the nonpartisan court plan;

- (20) Allows Cass County to assess a \$10 surcharge in criminal cases to fund the operation of the county judicial facility;
- (21) Adds certain types of property to the list of property that is exempt from attachment and execution;
- (22) 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;
- (23) Allows for an appeal of denials of class action certification;
- (24) Revises provisions relating to trial de novo in small claims court and landlord tenant actions;
- (25) Allows injunctions to be granted by a circuit judge or an associate circuit judge;
- (26) Revises the provisions relating to the public notice of a name change for individuals who are victims of a crime involving domestic violence or child abuse;
- (27) Removes the requirement that the notice in landlord tenant proceedings be made by certified mail;
- (28) 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;
- (29) Allows for the application and issuance of search warrants and arrest warrants by facsimile or other electronic means;
- (30) Adds documents of historical significance with a fair market value of \$500 or more to the items specified in Section 570.030, relating to stealing;
- (31) Revises the definition of "library" and the crime of library theft;
- (32) Specifies that certain records of investigations by peace officers must be made available to hiring law enforcement agencies;
- (33) 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;

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

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

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

(37) Requires the Chief Justice of the Missouri Supreme Court to designate 10 circuits with the lowest number of filings per judge each year. Court reporters in these circuits may be assigned to prepare transcripts from other circuits; and

(38) 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.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$1,500 to Unknown in FY 2005, FY 2006, and FY 2007. Estimated Effect on Other State Funds of a cost of Unknown to an income of More than \$1,463,244 in FY 2005, a cost of Unknown to an income of More than \$1,762,944 in FY 2006, and a cost of Unknown to an income of More than \$1,762,944 in FY 2007.

PROPOSERS: Supporters say that the bill will simplify the process for landlords taking action against tenants who are delinquent in their rent and eliminates the requirement to send certified mail. The bill will save circuit courts time and money.

Testifying for the bill were Senator Wheeler; Judicial Conference of Missouri; Office of State Courts Administrator; Missouri Association of Realtors; and Associate Circuit Judge Association.

OPPOSERS: There was no opposition voiced to the committee.

Amy Woods, Legislative Analyst