

CCS HCS SCS SB 420 & 344 -- JUDICIAL PROCEDURES AND PERSONNEL

This bill changes the laws regarding judicial procedures and personnel. In its main provisions, the bill:

(1) Specifies that health professionals who volunteer to be deployed during a state emergency may be deployed to assist with the emergency;

(2) Adds physicians, psychiatrists, pharmacists, podiatrists, dentists, nurses, and other health care providers who provide services to patients or inmates in county jails under a formal contract to the list of providers covered by the State Legal Expense Fund;

(3) Specifies that the State Legal Expense Fund is liable for claims against state employees based on the conduct of the employee arising out of and performed in connection with his or her official duties on behalf of the state for economic damages to any one plaintiff and up to \$350,000 in non-economic damages. The fund is the exclusive remedy and precludes other civil actions. There is an adjustment for inflation for non-economic damages;

(4) Specifies that moneys in the fund are not available for claims against any board of police commissioners;

(5) Provides that private contractors who receive money from the Children's Division in the Department of Social Services will have qualified immunity from civil liability for providing services to children and their families. This provision does not apply if a private contractor knowingly violates a stated or written policy of the division, any rule promulgated by the division, or any state law directly related to child abuse and neglect;

(6) Clarifies the provisions allowing the division to exercise discretion in awarding custody or visitation or placing a child back in the home of a parent, or any person residing in the home, who has been found guilty or plead guilty to specified offenses;

(7) Revises the Safe Place for Newborns Act of 2002 to apply to the voluntary relinquishment of a child no more than one year old. Current law applies to children between six days of age and 30 days of age;

(8) Clarifies the provisions prohibiting a child under the care of the state or the jurisdiction of a juvenile court from being reunited with a parent or being placed back in the home with a parent who has been found guilty or plead guilty to specific crimes of sexual offenses or offenses against the family when the child was the victim;

- (9) Establishes the Task Force on Alternative Sentencing within the Department of Corrections and specifies its duties;
- (10) Requires a verified petition to be submitted in order to form a transportation district;
- (11) Allows the court to enter a judgment abating child support for a period of up to five months for any semester in which a child completes at least six but less than 12 credit hours when a child has had continuous attendance at an institution of higher learning and has demonstrated evidence of a plan to continue the attendance. The five-month period of abatement may only be granted once for each child;
- (12) Changes the review of the child support guidelines from every three years to every four years;
- (13) Specifies that child orders of protection may be issued for at least 180 days and up to one year;
- (14) Allows the court to retain jurisdiction over a full order of protection for a child for the duration of the order and to schedule compliance review hearings to monitor compliance with the order;
- (15) Specifies that the term "owner" when used to define a person having a right to create a beneficiary deed will include any person, regardless of the terminology used to refer to the owner in the deed. This provision will apply to all beneficiary deeds, including those executed prior to August 28, 2005;
- (16) Provides for the replacement of a disqualified probate judge;
- (17) Provides for six circuit court judges in the 11th and 23rd judicial circuits beginning January 1, 2007;
- (18) Specifies that the family court commissioner and the drug court commissioner positions in the 11th and 23rd judicial circuits will become associate circuit judge positions beginning January 1, 2007;
- (19) Provides that there will be one additional associate circuit judge in Cass County beginning January 1, 2007;
- (20) Requires clerks who process passport applications and collect a fee for the processing to account for the expenditure of the fee in an annual report to the presiding judge and the Office of State Courts Administrator. The fees may only be used for the maintenance of the courthouse or to fund operations of the circuit court;

(21) Adds attorneys licensed to practice law in this state to the definition of "notary public";

(22) Specifies that courts or entities collecting court costs on their behalf are not required to refund the overpayment of court costs if it is less than \$5. The overpaid funds may be retained by the court for the operation of the circuit court;

(23) Allows circuit courts to contract with private entities operating under a contract with a state agency or the Office of State Courts Administrator to collect past due court-ordered penalties or fines;

(24) Specifies that health care providers and employees of religious institutions may be excused from jury duty upon timely application to the court;

(25) Requires courts to specify the date a prospective juror will appear for jury service before granting a postponement;

(26) Specifies that actions regarding prevailing wage under Chapter 288, RSMo, are subject to a three-year statute of limitations;

(27) Specifies that the service of summons in an unlawful detainer action will be delivered by ordinary mail, rather than certified. If the officer assigned to execute the summons returns to the court with information that the defendant cannot be found and with proof by affidavit that the summons was mailed, the judge will proceed to hear the matter as if personal service had been made;

(28) Allows sheriffs to agree as to which county will house a defendant after a change of venue;

(29) Prohibits the release of personal information of elected officials on the Internet;

(30) Creates a state-funded family court commissioner position in the 29th Judicial Circuit;

(31) Creates a state-funded drug court commissioner position in the 42nd Judicial Circuit; and

(32) Specifies that any drug court commissioner appointed in the 23rd Judicial Circuit will be a state-funded position.