

FIRST REGULAR SESSION

HOUSE BILL NO. 51

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SATER.

Pre-filed December 4, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0120L.01I

AN ACT

To repeal section 455.040, RSMo, and to enact in lieu thereof one new section relating to orders of protection.

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

Section A. Section 455.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 455.040, to read as follows:

455.040. 1. Not later than fifteen days after the filing of a petition pursuant to sections 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that a continuance should be granted. At the hearing, if the petitioner has proved the allegation of abuse or stalking by a preponderance of the evidence, the court shall issue a full order of protection for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year. Upon motion by the petitioner, and after a hearing by the court, the full order of protection may be renewed **without limit** for a period of time the court deems appropriate, except that the protective order shall be valid for at least one hundred eighty days and not more than one year from the expiration date of the [originally] **immediately preceding** issued full order of protection. If for good cause a hearing cannot be held on the motion to renew the full order of protection prior to the expiration date of the [originally] **immediately preceding** issued full order of protection, an ex parte order of protection may be issued until a hearing is held on the motion. [Upon motion by the petitioner, and after a hearing by the court, the second full order of protection may be renewed for an additional period of time the court deems appropriate, except that the protective order shall

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

16 be valid for at least one hundred eighty days and not more than one year.] For purposes of this
17 subsection, a finding by the court of a subsequent act of abuse is not required for a renewal order
18 of protection.

19 2. The court shall cause a copy of the petition and notice of the date set for the hearing
20 on such petition and any ex parte order of protection to be served upon the respondent as
21 provided by law or by any sheriff or police officer at least three days prior to such hearing. Such
22 notice shall be served at the earliest time, and service of such notice shall take priority over
23 service in other actions, except those of a similar emergency nature. The court shall cause a copy
24 of any full order of protection to be served upon or mailed by certified mail to the respondent at
25 the respondent's last known address. Failure to serve or mail a copy of the full order of
26 protection to the respondent shall not affect the validity or enforceability of a full order of
27 protection.

28 3. A copy of any order of protection granted pursuant to sections 455.010 to 455.085
29 shall be issued to the petitioner and to the local law enforcement agency in the jurisdiction where
30 the petitioner resides. The clerk shall also issue a copy of any order of protection to the local law
31 enforcement agency responsible for maintaining the Missouri uniform law enforcement system
32 or any other comparable law enforcement system the same day the order is granted. The law
33 enforcement agency responsible for maintaining MULES shall enter information contained in
34 the order for purposes of verification within twenty-four hours from the time the order is granted.
35 A notice of expiration or of termination of any order of protection shall be issued to the local law
36 enforcement agency and to the law enforcement agency responsible for maintaining MULES or
37 any other comparable law enforcement system. The law enforcement agency responsible for
38 maintaining the applicable law enforcement system shall enter such information in the system.
39 The information contained in an order of protection may be entered in the Missouri uniform law
40 enforcement system or comparable law enforcement system using a direct automated data
41 transfer from the court automated system to the law enforcement system.

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