

SECOND REGULAR SESSION

# HOUSE BILL NO. 1957

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHOEMEHL (Sponsor), STEVENSON, HARRIS,  
FISCHER (107), PACE, WALTON GRAY, McNEIL, OXFORD, ENGLUND,  
NEWMAN AND KELLY (Co-sponsors).

4118L.01I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 455.038 and 455.040, RSMo, and to enact in lieu thereof two new sections relating to ex parte orders of protection.

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

Section A. Sections 455.038 and 455.040, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 455.038 and 455.040, to read as follows:

455.038. Every circuit clerk shall be responsible for providing information to individuals  
2 petitioning for ex parte orders of protection regarding notification of service of these orders of  
3 protection. Such notification to the petitioner is required if the petitioner has registered a  
4 telephone number with the victim notification system, established under subsection 3 of section  
5 650.310, RSMo. The petitioner shall be informed of his or her option to receive notification of  
6 service of an ex parte order of protection on the respondent by the circuit clerk and shall be  
7 provided information on how to receive notification of service of ex parte orders of protection.  
8 The local law enforcement agency or any other government agency responsible for serving ex  
9 parte orders of protection **shall enter service information into the MULES or future secure**  
10 **electronic databases that are intended for law enforcement use within twenty-four hours**  
11 **after an ex parte order is served on a respondent, or** shall notify the circuit clerk when no  
12 more service attempts are planned by that agency. The provisions of this section shall only apply  
13 to those circuit clerks able to access a statewide victim notification system designed to provide  
14 notification of service of orders of protection.

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.

455.040. 1. Not later than fifteen days after the filing of a petition pursuant to sections 2 455.010 to 455.085 a hearing shall be held unless the court deems, for good cause shown, that 3 a continuance should be granted. At the hearing, if the petitioner has proved the allegation of 4 abuse or stalking by a preponderance of the evidence, the court shall issue a full order of 5 protection for a period of time the court deems appropriate, except that the protective order shall 6 be valid for at least one hundred eighty days and not more than one year. Upon motion by the 7 petitioner, and after a hearing by the court, the full order of protection may be renewed for a 8 period of time the court deems appropriate, except that the protective order shall be valid for at 9 least one hundred eighty days and not more than one year from the expiration date of the 10 originally issued full order of protection. If for good cause a hearing cannot be held on the 11 motion to renew the full order of protection prior to the expiration date of the originally issued 12 full order of protection, an ex parte order of protection may be issued until a hearing is held on 13 the motion. Upon motion by the petitioner, and after a hearing by the court, the second full order 14 of protection may be renewed for an additional period of time the court deems appropriate, 15 except that the protective order shall be valid for at least one hundred eighty days and not more 16 than one year. For purposes of this subsection, a finding by the court of a subsequent act of 17 abuse is not required for a renewal order of protection.

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

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

37 maintaining the applicable law enforcement system shall enter such information in the system  
38 **within twenty-four hours of receipt of information evidencing such expiration or**  
39 **termination.** The information contained in an order of protection may be entered in the  
40 Missouri uniform law enforcement system or comparable law enforcement system using a direct  
41 automated data transfer from the court automated system to the law enforcement system.

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