

SECOND REGULAR SESSION

HOUSE BILL NO. 2420

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KANDER (Sponsor), KEENEY, LIPKE, HOLSMAN, ATKINS,
DUSENBERG, KIRKTON, MOLENDORP AND SCHIEFFER (Co-sponsors).

4134L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 210.1012, 455.040, and 544.457, RSMo, and to enact in lieu thereof five new sections relating to child protection, with a penalty provision.

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

Section A. Sections 210.1012, 455.040, and 544.457, RSMo, are repealed and five new
2 sections enacted in lieu thereof, to be known as sections 210.1010, 210.1012, 455.040, 455.087,
3 and 544.457, to read as follows:

210.1010. This act shall be known as "Sam and Lindsey's Law".

210.1012. 1. There is hereby created a statewide program called the "Amber Alert
2 System" referred to in this section as the "system" to aid in the identification and location of an
3 abducted child.

4 2. For the purposes of this section, "abducted child" means a child whose whereabouts
5 are unknown and who is:

6 (1) Less than eighteen years of age and reasonably believed to be the victim of the crime
7 of kidnapping as defined by section 565.110, RSMo, as determined by local law enforcement;

8 (2) Reasonably believed to be the victim of the crime of child kidnapping as defined by
9 section 565.115, RSMo, as determined by local law enforcement; or

10 (3) Less than eighteen years of age and at least fourteen years of age and who, if under
11 the age of fourteen, would otherwise be reasonably believed to be a victim of child kidnapping
12 as defined by section 565.115, RSMo, as determined by local law enforcement.

13 3. The department of public safety shall develop regions to provide the system. The
14 department of public safety shall coordinate local law enforcement agencies and public

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.

15 commercial television and radio broadcasters to provide an effective system. In the event that
16 a local law enforcement agency opts not to set up a system and an abduction occurs within the
17 jurisdiction, it shall notify the department of public safety who will notify local media in the
18 region.

19 4. The Amber alert system shall include all state agencies capable of providing urgent
20 and timely information to the public together with broadcasters and other private entities that
21 volunteer to participate in the dissemination of urgent public information. At a minimum, the
22 Amber alert system shall include the department of public safety, highway patrol, department of
23 transportation, department of health and senior services, and Missouri lottery.

24 5. The department of public safety shall have the authority to notify other regions upon
25 verification that the criteria established by the oversight committee has been met.

26 6. Participation in an Amber alert system is entirely at the option of local law
27 enforcement agencies and federally licensed radio and television broadcasters.

28 7. **Whenever a request for an Amber alert is denied, the local law enforcement**
29 **agency which denied the request shall immediately notify the state Amber alert coordinator**
30 **or his or her designee.**

31 8. Any person who knowingly makes a false report that triggers an alert pursuant to this
32 section is guilty of a class A misdemeanor.

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
34 granted, **enter information contained in the order including but not limited to any orders**
35 **regarding child custody or visitation and all specifics as to times and dates of custody or**
36 **visitation that are provided in the order.** A notice of expiration or of termination of any order
37 of protection **or any change in child custody or visitation within that order** shall be issued
38 to the local law enforcement agency and to the law enforcement agency responsible for
39 maintaining MULES or any other comparable law enforcement system. The law enforcement
40 agency responsible for maintaining the applicable law enforcement system shall enter such
41 information in the system. The information contained in an order of protection may be entered
42 in the Missouri uniform law enforcement system or comparable law enforcement system using
43 a direct automated data transfer from the court automated system to the law enforcement system.

455.087. 1. Anytime a law enforcement officer has stopped, detained or arrested
2 **a person such officer shall, prior to releasing such person, check or cause a check to be**
3 **made of the MULES system to determine if such person has a valid order of protection**
4 **entered against them which designates child custody or visitation. If the officer finds that**
5 **the person does have a valid order of protection entered against them and that order**
6 **contains child custody or visitation provisions the officer shall check the child custody or**
7 **visitation provisions to determine if such person currently has custody or visitation rights**
8 **as of the time and date of the stop, detention or arrest. If the officer determines that such**
9 **person is supposed to currently have the children and the children are with such person**
10 **the officer shall check the welfare of the children. If the officer determines that such**

11 person is supposed to currently have the children and the children are not with such
12 person the officer shall proceed to check the welfare of such children in accordance with
13 the policy developed by the law enforcement agency which employs the officer and shall
14 not release such person until that policy has been satisfied. However, in no event shall any
15 such person be detained on the basis of the provisions of this section for more than twenty
16 hours from the time of the stop, detention or arrest.

17 2. Every law enforcement agency in this state shall develop a policy detailing how
18 its officers should proceed to check the welfare of children under the provisions of
19 subsection 1 of this section when such children are, according to the order of protection,
20 supposed to currently be with such person but are not currently with the person who was
21 stopped, detained or arrested.

544.457. 1. Notwithstanding the provisions of section 20 of article I of the Missouri
2 Constitution to the contrary, upon a showing that the defendant poses a danger to a crime victim,
3 the community, or any other person, the court may use such information in determining the
4 appropriate amount of bail, to increase the amount of bail, to deny bail entirely or impose any
5 special conditions which the defendant and surety shall guarantee.

6 2. Notwithstanding the provisions of section 20 of article I of the Missouri
7 Constitution to the contrary, in any case where the defendant has been arrested for
8 violating the provisions of section 565.110 when the victim is a child less than eighteen
9 years of age or for violating the provisions of section 565.115, 565.113, or 565.156, and
10 upon a showing that the defendant poses a danger to himself, the child victim, the
11 community or any other person, the court shall deny bail entirely until the child victim has
12 been found.

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