

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 12, Page 1, Section A, Line 4, by inserting
2 after all of said section and line the following:

3
4 "32.056. Except for uses permitted under 18 U.S.C. Section 2721(b)(1), the department of
5 revenue shall not release the home address of or any information that identifies any vehicle owned or
6 leased by any person who is a county, state or federal parole officer, a federal pretrial officer, a peace
7 officer pursuant to section 590.010, a person vested by article V, section 1 of the Missouri
8 Constitution with the judicial power of the state, a member of the federal judiciary, or a member of
9 such person's immediate family contained in the department's motor vehicle or driver registration
10 records, based on a specific request for such information from any person. Any such person may
11 notify the department of his or her status and the department shall protect the confidentiality of the
12 home address and vehicle records on such a person and his or her immediate family as required by
13 this section. [If such member of the judiciary's status changes and he or she and his or her immediate
14 family do not qualify for the exemption contained in this subsection, such person shall notify the
15 department and the department's records shall be revised.] This section shall not prohibit the
16 department from releasing information on a motor registration list pursuant to section 32.055 or from
17 releasing information on any officer who holds a class A, B or C commercial driver's license
18 pursuant to the Motor Carrier Safety Improvement Act of 1999, as amended, 49 U.S.C. 31309.

19 43.518. 1. There is hereby established within the department of public safety a "Criminal
20 Records and Justice Information Advisory Committee" whose purpose is to:

21 (1) Recommend general policies with respect to the philosophy, concept and operational
22 principles of the Missouri criminal history record information system established by sections 43.500
23 to 43.530, in regard to the collection, processing, storage, dissemination and use of criminal history
24 record information maintained by the central repository;

25 (2) Assess the current state of electronic justice information sharing; and

26 (3) Recommend policies and strategies, including standards and technology, for promoting
27 electronic justice information sharing, and coordinating among the necessary agencies and
28 institutions; and

29 (4) Provide guidance regarding the use of any state or federal funds appropriated for
30 promoting electronic justice information sharing.

31 2. The committee shall be composed of the following officials or their designees: the director
32 of the department of public safety; the director of the department of corrections and human
33 resources; the attorney general; the director of the Missouri office of prosecution services; the
34 president of the Missouri prosecutors association; the president of the Missouri court clerks
35 association; the chief clerk of the Missouri state supreme court; the director of the state courts
36 administrator; the chairman of the state judicial record committee; the chairman of the [circuit court
37 budget] court automation committee; the presidents of the Missouri peace officers association; the

Action Taken _____ Date _____

Missouri sheriffs association; the Missouri police chiefs association or their successor agency; the superintendent of the Missouri highway patrol; the chiefs of police of agencies in jurisdictions with over two hundred thousand population; except that, in any county of the first class having a charter form of government, the chief executive of the county may designate another person in place of the police chief of any countywide police force, to serve on the committee; and, at the discretion of the director of public safety, as many as three other representatives of other criminal justice records systems or law enforcement agencies may be appointed by the director of public safety. The director of the department of public safety will serve as the permanent chairman of this committee.

3. The committee shall meet as determined by the director but not less than semiannually to perform its duties. A majority of the appointed members of the committee shall constitute a quorum.

4. No member of the committee shall receive any state compensation for the performance of duties associated with membership on this committee.

5. Official minutes of all committee meetings will be prepared by the director, promptly distributed to all committee members, and filed by the director for a period of at least five years.

43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] website on the internet which shall be open to the public and shall include a registered sexual offender search capability.

2. The registered sexual offender search shall make it possible for any person using the internet to search for and find the information specified in subsection 4 of this section, if known, on offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons who have been convicted of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website.

3. The registered sexual offender search shall include the capability to search for sexual offenders by name, zip code, and by typing in an address and specifying a search within a certain number of miles radius from that address.

4. Only the information listed in this subsection shall be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;
- (4) The residence, temporary, work, and school addresses of the offender, including the street address, city, county, state, and zip code;
- (5) Any photographs of the offender;
- (6) A physical description of the offender's vehicles, including the year, make, model, color, and license plate number;
- (7) The nature and dates of all offenses qualifying the offender to register;
- (8) The date on which the offender was released from the department of mental health, prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the offender to register;
- (9) Compliance status of the offender with the provisions of section 589.400 to 589.425; and
- (10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the [web page] website and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

5. Beginning August 28, 2013, no offender's information whose offense was committed in the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender under section 589.400, based on an offense that occurred when such

1 offender was a juvenile shall be immediately removed from the website. For purposes of this
 2 subsection, "juvenile" shall mean any person under eighteen years of age."; and
 3

4 Further amend said bill, Section 56.807, Page 3, Line 74, by inserting after all of said section and
 5 line the following:
 6

7 "57.095. Notwithstanding section 537.600, sheriffs or any other law enforcement officers
 8 shall have immunity from any liability, civil or criminal, while conducting service of process at the
 9 direction of any court to the extent that the officers' actions do not violate clearly established
 10 statutory or constitutional rights of which a reasonable person would have known.

11 432.047. 1. For the purposes of this section, the term "credit agreement" means an
 12 agreement to lend or forbear repayment of money, to otherwise extend credit, or to make any other
 13 financial accommodation.

14 2. A debtor may not maintain an action upon or a defense, regardless of legal theory in which
 15 it is based, in any way related to a credit agreement unless the credit agreement is in writing,
 16 provides for the payment of interest or for other consideration, [and] sets forth the relevant terms and
 17 conditions, and the credit agreement is executed by the debtor and the lender.

18 3. (1) [If] When a written credit agreement has been signed by a debtor, subsection 2 of this
 19 section shall not apply to any credit agreement between such debtor and creditor unless such written
 20 credit agreement contains the following language in boldface ten-point type: "Oral or unexecuted
 21 agreements or commitments to loan money, extend credit or to forbear from enforcing repayment of
 22 a debt including promises to extend or renew such debt are not enforceable, regardless of the legal
 23 theory upon which it is based that is in any way related to the credit agreement. To protect you
 24 (borrower(s)) and us (creditor) from misunderstanding or disappointment, any agreements we reach
 25 covering such matters are contained in this writing, which is the complete and exclusive statement of
 26 the agreement between us, except as we may later agree in writing to modify it."

27 (2) Notwithstanding any other law to the contrary in this chapter, the provisions of this
 28 section shall apply to commercial credit agreements only and shall not apply to credit agreements for
 29 personal, family, or household purposes.

30 4. Nothing contained in this section shall affect the enforceability by a creditor of any
 31 promissory note, guaranty, security agreement, deed of trust, mortgage, or other instrument,
 32 agreement, or document evidencing or creating an obligation for the payment of money or other
 33 financial accommodation, lien, or security interest.

34 443.723. 1. To meet the annual continuing education requirements referred to in sections
 35 443.701 to 443.893, a licensed mortgage loan originator shall complete at least eight hours of
 36 education approved in accordance with subsection 2 of this section, which shall include at least:

37 (1) Three hours of federal law and regulations;

38 (2) Two hours of ethics, which shall include instruction on fraud, consumer protection, and
 39 fair lending issues; [and]

40 (3) Two hours of training related to lending standards for the nontraditional mortgage
 41 product marketplace; and

42 (4) One hour of Missouri law and regulations.

43 2. For purposes of subsection 1 of this section, continuing education courses shall be
 44 reviewed, and approved by the NMLSR based upon reasonable standards. Review and approval of a
 45 continuing education course shall include review and approval of the course provider.

46 3. Nothing in this section shall preclude any education course, as approved by the NMLSR,
 47 that is provided by the employer of the mortgage loan originator or person who is affiliated with the
 48 mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or

1 person.

2 4. Continuing education may be offered either in a classroom, online, or by any other means
3 approved by the NMLSR.

4 5. A licensed mortgage loan originator:

5 (1) Shall only receive credit for a continuing education course in the year in which the
6 course is taken except in the case of an expired license and under subsection 9 of this section; and

7 (2) Shall not take the same approved course in the same or successive years to meet the
8 annual requirements for continuing education.

9 6. A licensed mortgage loan originator who is an approved instructor of an approved
10 continuing education course may receive credit for the licensed mortgage loan originator's own
11 annual continuing education requirement at the rate of two hours credit for every one hour taught.

12 7. A person having successfully completed the education requirements approved by the
13 NMLSR in subdivisions (1) to (3) of subsection 1 of this section for any state shall be accepted as
14 credit towards completion of continuing education requirements in Missouri.

15 8. A licensed mortgage loan originator who subsequently becomes unlicensed shall complete
16 the continuing education requirements for the last year in which the license was held prior to
17 issuance of a new or renewed license.

18 9. A person meeting the requirements of subdivisions (1) and (3) of subsection 2 of section
19 443.719 may make up any deficiency in continuing education as established by rule of the director.

20 452.400. 1. (1) A parent not granted custody of the child is entitled to reasonable visitation
21 rights unless the court finds, after a hearing, that visitation would endanger the child's physical health
22 or impair his or her emotional development. The court shall enter an order specifically detailing the
23 visitation rights of the parent without physical custody rights to the child and any other children for
24 whom such parent has custodial or visitation rights. In determining the granting of visitation rights,
25 the court shall consider evidence of domestic violence. If the court finds that domestic violence has
26 occurred, the court may find that granting visitation to the abusive party is in the best interests of the
27 child.

28 (2) (a) The court shall not grant visitation to the parent not granted custody if such parent or
29 any person residing with such parent has been found guilty of or pled guilty to any of the following
30 offenses when a child was the victim:

31 a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064,
32 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206,
33 566.209, 566.212, or 566.215;

34 b. A violation of section 568.020;

35 c. A violation of subdivision (2) of subsection 1 of section 568.060;

36 d. A violation of section 568.065;

37 e. A violation of section 568.080;

38 f. A violation of section 568.090; or

39 g. A violation of section 568.175.

40 (b) For all other violations of offenses in chapters 566 and 568 not specifically listed in
41 paragraph (a) of this subdivision or for a violation of an offense committed in another state when a
42 child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the court
43 may exercise its discretion in granting visitation to a parent not granted custody if such parent or any
44 person residing with such parent has been found guilty of, or pled guilty to, any such offense.

45 (3) The court shall consider the parent's history of inflicting, or tendency to inflict, physical
46 harm, bodily injury, assault, or the fear of physical harm, bodily injury, or assault on other persons
47 and shall grant visitation in a manner that best protects the child and the parent or other family or
48 household member who is the victim of domestic violence, and any other children for whom the

parent has custodial or visitation rights from any further harm.

(4) The court, if requested by a party, shall make specific findings of fact to show that the visitation arrangements made by the court best protect the child or the parent or other family or household member who is the victim of domestic violence, or any other child for whom the parent has custodial or visitation rights from any further harm.

2. (1) The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child, but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical health or impair his or her emotional development.

(2) (a) In any proceeding modifying visitation rights, the court shall not grant unsupervised visitation to a parent if the parent or any person residing with such parent has been found guilty of or pled guilty to any of the following offenses when a child was the victim:

a. A felony violation of section 566.030, 566.032, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.090, 566.100, 566.111, 566.151, 566.203, 566.206, 566.209, 566.212, or 566.215;

b. A violation of section 568.020;

c. A violation of subdivision (2) of subsection 1 of section 568.060;

d. A violation of section 568.065;

e. A violation of section 568.080;

f. A violation of section 568.090; or

g. A violation of section 568.175.

(b) For all other violations of offenses in chapters 566 and 568 not specifically listed in paragraph (a) of this subdivision or for a violation of an offense committed in another state when a child is the victim that would be a violation of chapter 566 or 568 if committed in Missouri, the division may exercise its discretion regarding the placement of a child taken into the custody of the state in which a parent or any person residing in the home has been found guilty of, or pled guilty to, any such offense.

(3) When a court restricts a parent's visitation rights or when a court orders supervised visitation because of allegations of abuse or domestic violence, a showing of proof of treatment and rehabilitation shall be made to the court before unsupervised visitation may be ordered. "Supervised visitation", as used in this section, is visitation which takes place in the presence of a responsible adult appointed by the court for the protection of the child.

3. The court shall mandate compliance with its order by all parties to the action, including parents, children and third parties. In the event of noncompliance, the aggrieved person may file a verified motion for contempt. If custody, visitation or third-party custody is denied or interfered with by a parent or third party without good cause, the aggrieved person may file a family access motion with the court stating the specific facts which constitute a violation of the judgment of dissolution, [or] legal separation or judgment of paternity. The state courts administrator shall develop a simple form for pro se motions to the aggrieved person, which shall be provided to the person by the circuit clerk. Clerks, under the supervision of a circuit clerk, shall explain to aggrieved parties the procedures for filing the form. Notice of the fact that clerks will provide such assistance shall be conspicuously posted in the clerk's offices. The location of the office where the family access motion may be filed shall be conspicuously posted in the court building. The performance of duties described in this section shall not constitute the practice of law as defined in section 484.010. Such form for pro se motions shall not require the assistance of legal counsel to prepare and file. The cost of filing the motion shall be the standard court costs otherwise due for instituting a civil action in the circuit court.

4. Within five court days after the filing of the family access motion pursuant to subsection 3

of this section, the clerk of the court shall issue a summons pursuant to applicable state law, and applicable local or supreme court rules. A copy of the motion shall be personally served upon the respondent by personal process server as provided by law or by any sheriff. Such service shall be served at the earliest time and shall take priority over service in other civil actions, except those of an emergency nature or those filed pursuant to chapter 455. The motion shall contain the following statement in boldface type:

"PURSUANT TO SECTION 452.400, RSMO, YOU ARE REQUIRED TO RESPOND TO THE CIRCUIT CLERK WITHIN TEN DAYS OF THE DATE OF SERVICE. FAILURE TO RESPOND TO THE CIRCUIT CLERK MAY RESULT IN THE FOLLOWING:

- (1) AN ORDER FOR A COMPENSATORY PERIOD OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY AT A TIME CONVENIENT FOR THE AGGRIEVED PARTY NOT LESS THAN THE PERIOD OF TIME DENIED;
- (2) PARTICIPATION BY THE VIOLATOR IN COUNSELING TO EDUCATE THE VIOLATOR ABOUT THE IMPORTANCE OF PROVIDING THE CHILD WITH A CONTINUING AND MEANINGFUL RELATIONSHIP WITH BOTH PARENTS;
- (3) ASSESSMENT OF A FINE OF UP TO FIVE HUNDRED DOLLARS AGAINST THE VIOLATOR;
- (4) REQUIRING THE VIOLATOR TO POST BOND OR SECURITY TO ENSURE FUTURE COMPLIANCE WITH THE COURT'S ORDERS;
- (5) ORDERING THE VIOLATOR TO PAY THE COST OF COUNSELING TO REESTABLISH THE PARENT-CHILD RELATIONSHIP BETWEEN THE AGGRIEVED PARTY AND THE CHILD; AND
- (6) A JUDGMENT IN AN AMOUNT NOT LESS THAN THE REASONABLE EXPENSES, INCLUDING ATTORNEY'S FEES AND COURT COSTS ACTUALLY INCURRED BY THE AGGRIEVED PARTY AS A RESULT OF THE DENIAL OF CUSTODY, VISITATION OR THIRD-PARTY CUSTODY."

5. If an alternative dispute resolution program is available pursuant to section 452.372, the clerk shall also provide information to all parties on the availability of any such services, and within fourteen days of the date of service, the court may schedule alternative dispute resolution.

6. Upon a finding by the court pursuant to a motion for a family access order or a motion for contempt that its order for custody, visitation or third-party custody has not been complied with, without good cause, the court shall order a remedy, which may include, but not be limited to:

- (1) A compensatory period of visitation, custody or third-party custody at a time convenient

1 for the aggrieved party not less than the period of time denied;

2 (2) Participation by the violator in counseling to educate the violator about the importance of
3 providing the child with a continuing and meaningful relationship with both parents;

4 (3) Assessment of a fine of up to five hundred dollars against the violator payable to the
5 aggrieved party;

6 (4) Requiring the violator to post bond or security to ensure future compliance with the
7 court's access orders; and

8 (5) Ordering the violator to pay the cost of counseling to reestablish the parent-child
9 relationship between the aggrieved party and the child.

10 7. The reasonable expenses incurred as a result of denial or interference with custody or
11 visitation, including attorney's fees and costs of a proceeding to enforce visitation rights, custody or
12 third-party custody, shall be assessed, if requested and for good cause, against the parent or party
13 who unreasonably denies or interferes with visitation, custody or third-party custody. In addition,
14 the court may utilize any and all powers relating to contempt conferred on it by law or rule of the
15 Missouri supreme court.

16 8. Final disposition of a motion for a family access order filed pursuant to this section shall
17 take place not more than sixty days after the service of such motion, unless waived by the parties or
18 determined to be in the best interest of the child. Final disposition shall not include appellate review.

19 9. Motions filed pursuant to this section shall not be deemed an independent civil action
20 from the original action pursuant to which the judgment or order sought to be enforced was entered.

21
22 453.040. The consent to the adoption of a child is not required of:

23 (1) A parent whose rights with reference to the child have been terminated pursuant to law,
24 including section 211.444 or section 211.447 or other similar laws in other states;

25 (2) A parent of a child who has legally consented to a future adoption of the child;

26 (3) A parent whose identity is unknown and cannot be ascertained at the time of the filing of
27 the petition;

28 (4) A man who has not been established to be the father and who is not presumed by law to
29 be the father, and who, after the conception of the child, executes a verified statement denying
30 paternity and disclaiming any interest in the child and acknowledging that this statement is
31 irrevocable when executed and follows the consent as set forth in section 453.030;

32 (5) A parent or other person who has not executed a consent and who, after proper service of
33 process, fails to file an answer or make an appearance in a proceeding for adoption or for termination
34 of parental rights at the time such cause is heard;

35 (6) A parent who has a mental condition which is shown by competent evidence either to be
36 permanent or such that there is no reasonable likelihood that the condition can be reversed and which
37 renders the parent unable to knowingly provide the child the necessary care, custody and control;

38 (7) A parent who has for a period of at least six months, for a child one year of age or older,
39 or at least sixty days, for a child under one year of age, immediately prior to the filing of the petition
40 for adoption, willfully abandoned the child or, for a period of at least six months immediately prior
41 to the filing of the petition for adoption, willfully, substantially and continuously neglected to
42 provide him with necessary care and protection;

43 (8) A man who has reason to believe he is the biological father of an unborn child and who
44 attempted to coerce the mother of the child to obtain an abortion;

45 (9) A parent whose rights to the child may be terminated for any of the grounds set forth in
46 section 211.447 and whose rights have been terminated after hearing and proof of such grounds as
47 required by sections 211.442 to 211.487. Such petition for termination may be filed as a count in an
48 adoption petition.

476.057. 1. The state courts administrator shall determine the amount of the projected total collections of fees pursuant to section 488.015, payable to the state pursuant to section 488.023, or subdivision (4) of subsection 2 of section 488.018; and the amount of such projected total collections of fees required to be deposited into the fund in order to maintain the fund required pursuant to subsection 2 of this section. The amount of fees payable for court cases may thereafter be adjusted pursuant to section 488.015, as provided by said section. All proceeds of the adjusted fees shall thereupon be collected and deposited to the state general revenue fund as otherwise provided by law, subject to the transfer of a portion of such proceeds to the fund established pursuant to subsection 2 of this section.

2. There is hereby established in the state treasury a special fund for purposes of providing training and education for judicial personnel, including any clerical employees of each circuit court clerk. Moneys from collected fees shall be annually transferred by the state treasurer into the fund from the state general revenue fund in the amount of no more than two percent of the amount expended for personal service by state and local government entities for judicial personnel as determined by the state courts administrator pursuant to subsection 1 of this section. Any unexpended balance remaining in the fund at the end of each biennium shall be exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to the state general revenue fund, until the amount in the fund exceeds two percent of the amounts expended for personal service by state and local government for judicial personnel.

3. In addition, any moneys received by or on behalf of the state courts administrator from fees, grants, or any other sources in connection with providing training to judicial personnel shall be deposited in the fund provided, however, that moneys collected in the fund in connection with a particular purpose shall be segregated and shall not be disbursed for any other purpose.

4. The state treasurer shall administer the fund and, pursuant to appropriations, shall disburse moneys from the fund to the state courts administrator in order to provide training and to purchase goods and services determined appropriate by the state courts administrator related to the training and education of judicial personnel. As used in this section, the term "judicial personnel" shall include court personnel as defined in section 476.058, and judges."; and

Further amend said bill, Section 488.026, Page 4, Line 12, by inserting after all of said section and line the following:

"488.2250. [For all transcripts of testimony given or proceedings had in any circuit court, the court reporter shall receive the sum of two dollars per twenty-five-line page for the original of the transcript, and the sum of thirty-five cents per twenty-five-line page for each carbon copy thereof; the page to be approximately eight and one-half inches by eleven inches in size, with left-hand margin of approximately one and one-half inches and the right-hand margin of approximately one-half inch; answer to follow question on same line when feasible; such page to be designated as a legal page. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings, and the court reporter's fees for making the same shall be paid by the state upon a voucher approved by the court, and taxed against the state. In criminal cases where an appeal is taken by the defendant, and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court shall order the court reporter to furnish three transcripts in duplication of the notes of the evidence, for the original of which the court reporter shall receive two dollars per legal page and for the copies twenty cents per page. The payment of court reporter's fees provided in this section shall be made by the state upon a voucher approved by the court] 1. For all appeal transcripts of testimony given or proceedings in any circuit court, the court reporter shall receive the sum of three dollars and fifty

cents per legal page for the preparation of a paper and an electronic version of the transcript.

2. In criminal cases where an appeal is taken by the defendant and it appears to the satisfaction of the court that the defendant is unable to pay the costs of the transcript for the purpose of perfecting the appeal, the court reporter shall receive a fee of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

3. Any judge, in his or her discretion, may order a transcript of all or any part of the evidence or oral proceedings and the court reporter shall receive the sum of two dollars and sixty cents per legal page for the preparation of a paper and an electronic version of the transcript.

4. For purposes of this section, a legal page, other than the first page and the final page of the transcript, shall be twenty-five lines, approximately eight and one-half inches by eleven inches in size, with the left-hand margin of approximately one and one-half inches, and with the right-hand margin of approximately one-half inch.

5. Notwithstanding any law to the contrary, the payment of court reporter's fees provided in subsections 2 and 3 of this section shall be made by the state upon a voucher approved by the court. The cost to prepare all other transcripts of testimony or proceedings shall be borne by the party requesting their preparation and production, who shall reimburse the court reporter the sum provided in subsection 1 of this section.

513.430. 1. The following property shall be exempt from attachment and execution to the extent of any person's interest therein:

(1) Household furnishings, household goods, wearing apparel, appliances, books, animals, crops or musical instruments that are held primarily for personal, family or household use of such person or a dependent of such person, not to exceed three thousand dollars in value in the aggregate;

(2) A wedding ring not to exceed one thousand five hundred dollars in value and other jewelry held primarily for the personal, family or household use of such person or a dependent of such person, not to exceed five hundred dollars in value in the aggregate;

(3) Any other property of any kind, not to exceed in value six hundred dollars in the aggregate;

(4) Any implements or professional books or tools of the trade of such person or the trade of a dependent of such person not to exceed three thousand dollars in value in the aggregate;

(5) Any motor vehicles, not to exceed three thousand dollars in value in the aggregate;

(6) Any mobile home used as the principal residence but not attached to real property in which the debtor has a fee interest, not to exceed five thousand dollars in value;

(7) Any one or more unmaturred life insurance contracts owned by such person, other than a credit life insurance contract;

(8) The amount of any accrued dividend or interest under, or loan value of, any one or more unmaturred life insurance contracts owned by such person under which the insured is such person or an individual of whom such person is a dependent; provided, however, that if proceedings under Title 11 of the United States Code are commenced by or against such person, the amount exempt in such proceedings shall not exceed in value one hundred fifty thousand dollars in the aggregate less any amount of property of such person transferred by the life insurance company or fraternal benefit society to itself in good faith if such transfer is to pay a premium or to carry out a nonforfeiture insurance option and is required to be so transferred automatically under a life insurance contract with such company or society that was entered into before commencement of such proceedings. No amount of any accrued dividend or interest under, or loan value of, any such life insurance contracts shall be exempt from any claim for child support. Notwithstanding anything to the contrary, no such amount shall be exempt in such proceedings under any such insurance contract which was purchased by such person within one year prior to the commencement of such proceedings;

(9) Professionally prescribed health aids for such person or a dependent of such person;

(10) Such person's right to receive:

(a) A Social Security benefit, unemployment compensation or a public assistance benefit;

(b) A veteran's benefit;

(c) A disability, illness or unemployment benefit;

(d) Alimony, support or separate maintenance, not to exceed seven hundred fifty dollars a month;

(e) Any payment under a stock bonus plan, pension plan, disability or death benefit plan, profit-sharing plan, nonpublic retirement plan or any plan described, defined, or established pursuant to section 456.072, the person's right to a participant account in any deferred compensation program offered by the state of Missouri or any of its political subdivisions, or annuity or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of such person and any dependent of such person unless:

a. Such plan or contract was established by or under the auspices of an insider that employed such person at the time such person's rights under such plan or contract arose;

b. Such payment is on account of age or length of service; and

c. Such plan or contract does not qualify under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408, 408A or 409); except that any such payment to any person shall be subject to attachment or execution pursuant to a qualified domestic relations order, as defined by Section 414(p) of the Internal Revenue Code of 1986, as amended, issued by a court in any proceeding for dissolution of marriage or legal separation or a proceeding for disposition of property following dissolution of marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of marital property at the time of the original judgment of dissolution;

(f) Any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan [or] , profit-sharing plan, health savings plan, or similar plan, including an inherited account or plan, that is qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue Code of 1986, as amended, whether such participant's or beneficiary's interest arises by inheritance, designation, appointment, or otherwise, except as provided in this paragraph. Any plan or arrangement described in this paragraph shall not be exempt from the claim of an alternate payee under a qualified domestic relations order; however, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state of Missouri through its division of family services. As used in this paragraph, the terms "alternate payee" and "qualified domestic relations order" have the meaning given to them in Section 414(p) of the Internal Revenue Code of 1986, as amended.

If proceedings under Title 11 of the United States Code are commenced by or against such person, no amount of funds shall be exempt in such proceedings under any such plan, contract, or trust which is fraudulent as defined in subsection 2 of section 428.024 and for the period such person participated within three years prior to the commencement of such proceedings. For the purposes of this section, when the fraudulently conveyed funds are recovered and after, such funds shall be deducted and then treated as though the funds had never been contributed to the plan, contract, or trust;

(11) The debtor's right to receive, or property that is traceable to, a payment on account of the wrongful death of an individual of whom the debtor was a dependent, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor.

2. Nothing in this section shall be interpreted to exempt from attachment or execution for a valid judicial or administrative order for the payment of child support or maintenance any money or assets, payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified pursuant to Section 408A of the Internal Revenue Code of

1 1986, as amended.

2 537.602. 1. As used in this section the following terms shall mean:

3 (1) "Community service work", any work which is performed without compensation and is
4 required in exchange for deferred prosecution of any criminal charge by any federal, state, or local
5 prosecutor under a written agreement;

6 (2) "Entity", includes any person, for profit or not-for-profit business, agency, group, charity,
7 organization, or any unit of federal, state or local government or any of their employees.

8 2. Any entity which supervises community service work performed as a requirement for
9 deferment of any criminal charge under a written agreement with a federal, state, or local prosecutor,
10 or any entity which derives benefits from the performance of community service work shall be
11 immune from any suit by the person performing the community service work or by any person
12 deriving a cause of action from the person performing the community service work if that cause of
13 action arises from the supervision of the work performed, except that the entity supervising the work
14 shall not be immune from any suit for gross negligence or for an intentional tort.

15 3. Community service work shall not be deemed employment within the meaning of the
16 provisions of chapter 288 and a person performing community service work under the provisions of
17 this section shall not be deemed an employee within the meaning of the provisions of chapter 287.
18 545.417. Any party who takes a deposition in any criminal case shall be responsible for the costs of
19 providing one copy of the transcript of such deposition to the opposing party."; and

20
21 Further amend said bill, Page 4, Section 537.865, Line 6, by inserting after all of said section and
22 line the following:

23
24 "541.033. 1. Persons accused of committing offenses against the laws of this state, except as
25 may be otherwise provided by law, shall be prosecuted:

26 (1) In the county in which the offense is committed; or

27 (2) If the offense is committed partly in one county and partly in another, or if the elements of
28 the crime occur in more than one county, then in any of the counties where any element of the
29 offense occurred.

30 2. Persons accused of committing the offenses of identity theft against the laws of this state in
31 sections 570.223, 570.224, and 575.120 shall be prosecuted:

32 (1) In the county in which the offense is committed;

33 (2) If the offense is committed partly in one county and partly in another, or if the elements of
34 the offense occur in more than one county, then in any of the counties where any element of the
35 offense occurred;

36 (3) In the county in which the victim resides; or

37 (4) In the county in which the property obtained or attempted to be obtained was located.

38 3. Persons accused of committing the offense of making a terrorist threat against a school
39 under section 574.115 shall be prosecuted:

40 (1) In the county in which the offense is committed;

41 (2) If the offense is committed partly in one county and partly in another, or if the elements of
42 the offense occur in more than one county, then in any of the counties where any element of the
43 offense occurred;

44 (3) In the county in which the school that was the target of the threat is located; or

45 (4) In the county in which accused resides."; and

46
47 Further amend said bill, Page 6, Section 559.105, Line 28, by inserting after all of said section and
48 line the following:

1
2 "565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes
3 the death of another person after deliberation upon the matter.

4 2. Murder in the first degree is a class A felony, and, if a person has reached his or her
5 eighteenth birthday at the time of the commission of the crime, the punishment shall be either death
6 or imprisonment for life without eligibility for probation or parole, or release except by act of the
7 governor; except that, if a person has not reached his or her [sixteenth] eighteenth birthday at the
8 time of the commission of the crime, the punishment shall be either imprisonment for life without
9 eligibility for probation or parole, or release except by act of the governor, or life imprisonment with
10 eligibility for parole after fifty years.

11 3. If the person has not reached his or her eighteenth birthday at the time of the commission
12 of the crime, the court shall hold a hearing upon the motion of the prosecuting attorney to determine
13 whether the mandatory sentence of life imprisonment should be without the possibility of parole or
14 with eligibility for parole after fifty years. Such motion shall be filed within fourteen days of the
15 person's conviction. In the event the prosecuting attorney does not file such a motion within
16 fourteen days, the sentence shall be life with eligibility for parole after fifty years.

17 4. The motion of the prosecuting attorney shall specify the basis on which he or she believes
18 the proper sentence shall be life without the possibility of parole.

19 5. At such hearing, the court shall consider both the statutory aggravating circumstances
20 under subsection 2 of section 565.032 and the statutory mitigating circumstances under subsection 3
21 of section 565.032.

22 6. At the sentencing, the court shall specify on the record the statutory aggravating
23 circumstances and the statutory mitigating circumstances considered by the court, and the court's
24 reasons supporting the sentence imposed. The court may consider evidence presented at trial
25 together with any new evidence presented at the sentencing hearing.

26 7. The procedures specified in subsections 3, 4, 5 and 6 of this section shall not apply to any
27 case that is final for purposes of appeal on or before the enactment date of this section. A case is
28 final for purposes of appeal when the time for filing an appeal in the Missouri Court of Appeals has
29 expired; if an appeal was filed in the Missouri Court of Appeals, when the time for filing an
30 application for transfer to the Missouri Supreme Court has expired; if an application for transfer to
31 the Missouri Supreme Court has been filed, when the application for transfer was denied or when a
32 timely filed motion for rehearing was denied; or if the Missouri Supreme Court granted transfer,
33 when the Missouri Supreme Court rendered its decision or when a timely filed motion for rehearing
34 was denied.

35 8. Any person sentenced to imprisonment for life without the eligibility for probation or
36 parole for a crime committed before the person reached his or her eighteenth birthday, and who was
37 sentenced prior to the effective date of this section, may file a motion in the sentencing court for a
38 sentencing hearing. Such sentencing hearing shall be heard by the judge. The sole purpose of the
39 sentencing hearing shall be to determine if the sentence of imprisonment for life without the
40 eligibility for probation or parole which was originally imposed shall remain or should be amended
41 to life with eligibility for parole after fifty years.

42 9. This section shall have an emergency clause and shall be effective upon signature by the
43 governor."; and

44
45 Further amend said bill, Page 8, Section 570.120, Line 78, by inserting after all of said section and
46 line the following:

47
48 "589.400. 1. Sections 589.400 to 589.425 shall apply to:

(1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is a minor, unless such person is [exempted] exempt from registering under subsection [8] 9 of this section; or

(2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to commit one or more of the following offenses: kidnapping when the victim was a child and the defendant was not a parent or guardian of the child; abuse of a child under section 568.060 when such abuse is sexual in nature; felonious restraint when the victim was a child and the defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a resident of a nursing home, under section 565.200; endangering the welfare of a child under section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child, under section 568.065; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; use of a child in a sexual performance; or promoting sexual performance by a child; or

(3) Any person who, since July 1, 1979, has been committed to the department of mental health as a criminal sexual psychopath; or

(4) Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

(5) Any juvenile certified as an adult and transferred to a court of general jurisdiction who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to committing, attempting to commit, or conspiring to commit a felony under chapter 566 which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(6) Any juvenile fourteen years of age or older at the time of the offense who has been adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;

(7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state, or foreign country, or under federal, tribal, or military jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if committed in this state, would be a violation of chapter 566, or a felony violation of any offense listed in subdivision (2) of this subsection or has been or is required to register in another state or has been or is required to register under tribal, federal, or military law unless such person's name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section; or

(8) Any person who has been or is required to register in another state or has been or is required to register under tribal, federal, or military law and who works or attends an educational institution, whether public or private in nature, including any secondary school, trade school, professional school, or institution of higher education on a full-time or on a part-time basis or has a temporary residence in Missouri unless such person's name has been removed from the registry pursuant to subsection 4 of this section and such person has not been found guilty of a subsequent offense requiring registration under this section. "Part-time" in this subdivision means for more than

1 seven days in any twelve-month period.

2 2. Any person to whom sections 589.400 to 589.425 apply shall, within three days of
3 conviction, release from incarceration, or placement upon probation, register with the chief law
4 enforcement official of the county or city not within a county in which such person resides unless
5 such person has already registered in that county for the same offense. Any person to whom sections
6 589.400 to 589.425 apply if not currently registered in their county of residence shall register with
7 the chief law enforcement official of such county or city not within a county within three days. The
8 chief law enforcement official shall forward a copy of the registration form required by section
9 589.407 to a city, town, village, or campus law enforcement agency located within the county of the
10 chief law enforcement official, if so requested. Such request may ask the chief law enforcement
11 official to forward copies of all registration forms filed with such official. The chief law
12 enforcement official may forward a copy of such registration form to any city, town, village, or
13 campus law enforcement agency, if so requested.

14 3. The registration requirements of sections 589.400 through 589.425 are lifetime
15 registration requirements unless:

16 (1) All offenses requiring registration are reversed, vacated or set aside;

17 (2) The registrant is pardoned of the offenses requiring registration;

18 (3) The registrant is no longer required to register and his or her name shall be removed from
19 the registry under the provisions of subsection 6 of this section; or

20 (4) The registrant may petition the court for removal or exemption from the registry under
21 subsection [7 or 8] 4, 8, or 9 of this section and the court orders the removal or exemption of such
22 person from the registry.

23 4. Any person on the sexual offender registry under subdivision (5) or (6) of subsection 1 of
24 this section may file a petition for removal from the registry after five years have passed from the
25 later of the date the offender was found guilty of the offense that requires registration or the date the
26 person was released from custody for such offense. The petition may be filed in the circuit court in
27 the county in which the person was found guilty of the offense, or, if the offense was adjudicated
28 outside the state, the person may file a petition in the circuit court in the county in which the person
29 resides after such person has been a resident of Missouri for at least five years prior to filing the
30 petition. The court shall grant the petition and enter an order directing the removal of the petitioner's
31 name and information from the sexual offender registry unless it finds that the petitioner, in this state
32 or any other state, territory, the District of Columbia, foreign country, or federal, tribal, or military
33 jurisdiction:

34 (1) Has been adjudicated of, or has charges pending, for failure to register;

35 (2) Has been adjudicated of, or has charges pending for, any additional offense which would
36 require registration as a sexual offender under this section, or section 211.425, and which occurred
37 after the date such person initially registered as a sexual offender;

38 (3) Has not successfully completed any required period of supervised release, probation, or
39 parole; or

40 (4) If the petitioner's offense was adjudicated outside the state, such person has not been a
41 resident of Missouri for at least five years prior to filing the petition.

42
43 If the petition was not granted solely because the petitioner had charges pending for failure to
44 register or an additional offense that would require registration and such charges are subsequently
45 dismissed or the petitioner is acquitted of the pending charges, the person may file a new petition at
46 any time after the dismissal or acquittal of the pending charges. If the denial is based on a finding of
47 guilt for an offense that would require registration under this section, or section 211.425, no
48 successive petition shall be filed. If the denial is based on a finding of guilt for failure to register, the

1 person may file a new petition after five years have passed from the date the person was found guilty
 2 for failure to register. If the denial is based on the petitioner not completing a required period of
 3 supervised release, probation, or parole and the petitioner subsequently completes the period of
 4 supervised release, probation, or parole, then the person may file a new petition at any time after
 5 completing such period of release, probation, or parole. If the petition is denied because the
 6 petitioner's offense was adjudicated outside the state and the petitioner has not been a resident of
 7 Missouri for at least five years prior to filing the petition, such person may file a new petition at any
 8 time after residing in the state for the required five-year period. Beginning August 28, 2013,
 9 information regarding any person whose offense was committed in Missouri, or in any other state,
 10 when such person was under eighteen years of age shall be immediately removed from the highway
 11 patrol's website created under section 43.650 and any local law enforcement website allowed under
 12 section 589.402 regardless of whether such person has a petition granted under this subsection.

13 5. For processing an initial sex offender registration the chief law enforcement officer of the
 14 county or city not within a county may charge the offender registering a fee of up to ten dollars.

15 [5.] 6. For processing any change in registration required pursuant to section 589.414 the
 16 chief law enforcement official of the county or city not within a county may charge the person
 17 changing their registration a fee of five dollars for each change made after the initial registration.

18 [6.] 7. Any person currently on the sexual offender registry for being convicted of, found
 19 guilty of, or pleading guilty or nolo contendere to committing, attempting to commit, or conspiring
 20 to commit, felonious restraint when the victim was a child and he or she was the parent or guardian
 21 of the child, nonsexual child abuse that was committed under section 568.060, or kidnapping when
 22 the victim was a child and he or she was the parent or guardian of the child shall be removed from
 23 the registry. However, such person shall remain on the sexual offender registry for any other offense
 24 for which he or she is required to register under sections 589.400 to 589.425.

25 [7.] 8. Any person currently on the sexual offender registry for having been convicted of,
 26 found guilty of, or having pleaded guilty or nolo contendere to committing, attempting to commit, or
 27 conspiring to commit promoting prostitution in the second degree, promoting prostitution in the third
 28 degree, public display of explicit sexual material, statutory rape in the second degree, and no
 29 physical force or threat of physical force was used in the commission of the crime may file a petition
 30 in the civil division of the circuit court in the county in which the offender was convicted or found
 31 guilty of or pled guilty or nolo contendere to committing, attempting to commit, or conspiring to
 32 commit the offense or offenses for the removal of his or her name from the sexual offender registry
 33 after ten years have passed from the date he or she was required to register.

34 [8.] 9. Effective August 28, 2009, any person on the sexual offender registry for having been
 35 convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under
 36 subsection 1 of this section may file a petition after two years have passed from the date the offender
 37 was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the
 38 civil division of the circuit court in the county in which the offender was convicted or found guilty of
 39 or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the
 40 registry if such person was nineteen years of age or younger and the victim was thirteen years of age
 41 or older at the time of the offense and no physical force or threat of physical force was used in the
 42 commission of the offense, unless such person meets the qualifications of this subsection, and such
 43 person was eighteen years of age or younger at the time of the offense, and is convicted or found
 44 guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or
 45 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a
 46 petition to remove or exempt his or her name from the registry upon his or her conviction or finding
 47 or pleading of guilty or nolo contendere to such offense.

48 [9.] 10. (1) The court may grant such relief under subsection [7] 8 or [8] 9 of this section if

1 such person demonstrates to the court that he or she has complied with the provisions of this section
 2 and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court
 3 in which the petition is filed must be given notice, by the person seeking removal or exemption from
 4 the registry, of the petition to present evidence in opposition to the requested relief or may otherwise
 5 demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or
 6 exemption from the registry to notify the prosecuting attorney of the petition shall result in an
 7 automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or
 8 she shall make reasonable efforts to notify the victim of the crime for which the person was required
 9 to register of the petition and the dates and times of any hearings or other proceedings in connection
 10 with that petition.

11 (2) If the petition is denied, such person shall wait at least twelve months before petitioning
 12 the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts
 13 such person's name from the registry, a certified copy of the written findings or order shall be
 14 forwarded by the court to the chief law enforcement official having jurisdiction over the offender
 15 and to the Missouri state highway patrol in order to have such person's name removed or exempted
 16 from the registry.

17 [10.] 11. Any nonresident worker or nonresident student shall register for the duration of
 18 such person's employment or attendance at any school of higher education and is not entitled to relief
 19 under the provisions of subsection [9] 10 of this section. Any registered offender from another state
 20 who has a temporary residence in this state and resides more than seven days in a twelve-month
 21 period shall register for the duration of such person's temporary residency and is not entitled to the
 22 provisions of subsection [9] 10 of this section.

23 [11.] 12. Any person whose name is removed or exempted from the sexual offender registry
 24 under subsection [7] 8 or [8] 9 of this section shall no longer be required to fulfill the registration
 25 requirements of sections 589.400 to 589.425, unless such person is required to register for
 26 committing another offense after being removed from the registry.

27 589.402. 1. The chief law enforcement officer of the county or city not within a county may
 28 maintain a [web page] website on the internet, which shall be open to the public and shall include a
 29 registered sexual offender search capability.

30 2. The registered sexual offender search shall make it possible for any person using the
 31 internet to search for and find the information specified in subsection 3 of this section, if known, on
 32 offenders registered in this state pursuant to sections 589.400 to 589.425, except that only persons
 33 who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or
 34 conspiring to commit sexual offenses shall be included on this website.

35 3. Only the information listed in this subsection shall be provided to the public in the
 36 registered sexual offender search:

- 37 (1) The name and any known aliases of the offender;
- 38 (2) The date of birth and any known alias dates of birth of the offender;
- 39 (3) A physical description of the offender;
- 40 (4) The residence, temporary, work, and school addresses of the offender, including the
 41 street address, city, county, state, and zip code;
- 42 (5) Any photographs of the offender;
- 43 (6) A physical description of the offender's vehicles, including the year, make, model, color,
 44 and license plate number;
- 45 (7) The nature and dates of all offenses qualifying the offender to register;
- 46 (8) The date on which the offender was released from the department of mental health,
 47 prison, or jail, or placed on parole, supervised release, or probation for the offenses qualifying the
 48 offender to register;

(9) Compliance status of the offender with the provisions of sections 589.400 to 589.425;
and

(10) Any online identifiers, as defined in section 43.651, used by the person. Such online identifiers shall not be included in the general profile of an offender on the [web page] website and shall only be available to a member of the public by a search using the specific online identifier to determine if a match exists with a registered offender.

4. The chief law enforcement officer of any county or city not within a county may publish in any newspaper distributed in the county or city not within a county the sexual offender information provided under subsection 3 of this section for any offender residing in the county or city not within a county.

5. Beginning August 28, 2013, no offender's information whose offense was committed in the state of Missouri, or in any other state, when such offender was a juvenile shall be listed on the website. Effective August 28, 2013, any offender currently on the website who was required to register as a sex offender under section 589.400, based on an offense that occurred when such offender was a juvenile shall be immediately removed from the website. For purposes of this subsection, "juvenile" shall mean any person under eighteen years of age."; and

Further amend said bill, Page 8, Section 600.042, Line 3, by deleting the phrase "he and the chief deputy director" and inserting in lieu thereof the phrase "he or she and the [chief] deputy director or directors"; and

FURTHER amend said Substitute, Page 9, said Section, Line 23, by deleting the word "providing" and insert in lieu thereof the phrase "[providing] provision"; and

FURTHER amend said Substitute, said Page, said Section, Lines 29-31, by deleting all of said Lines and inserting in lieu thereof the following:

"instructions consistent with this chapter defining the organization of [his office] the state public defender system and the responsibilities of [public] division directors, district defenders, [assistant public] deputy district defenders, [deputy] assistant public defenders and other personnel"; and

FURTHER amend said Substitute, said Page, said Section, Line 36, by deleting the open bracket "["; and

FURTHER amend said Substitute, Page 10, said Section, Lines 39-51, by deleting all of said Lines and inserting in lieu thereof the following:

"(11) With the approval and on behalf of the commission, contract with private attorneys for the collection and enforcement of liens and other judgments owed to the state for services rendered by the state public defender system;

(12) Prepare a plan to establish district offices, the boundaries of which shall coincide with existing judicial circuits. Any district office may contain more than one judicial circuit within its boundaries, but in no event shall any district office boundary include any geographic region of a judicial circuit without including the entire judicial circuit. The director shall submit the plan to the chair of the house of representatives judiciary committee and the chair of the senate judiciary committee, with fiscal estimates, by December 31, 2014. The plan shall be implemented by December 31, 2018."; and

FURTHER amend said Substitute, said Page, said Section, Line 60, by deleting said Line and

1 inserting in lieu thereof the following:

2 "4. The director and defenders shall"; and

3
4 FURTHER amend said Substitute, said Page, said Section, Line 62, by deleting the phrase "class A
5 or B"; and

6
7 FURTHER amend said Substitute, said Page, said Section, Line 64, by deleting the open bracket "[";
8 and

9
10 FURTHER amend said Substitute, said Page, said Section, Line 66, by inserting immediately after
11 the word "case" the following:

12 ", unless the prosecuting or circuit attorney has waived a jail sentence"; and

13
14 FURTHER amend said Substitute, said Page, said Section, Line 67, by deleting said Line and
15 inserting in lieu thereof the following:

16 "(3) Who is [detained or] charged with a violation of probation [or parole] when it has been
17 determined by a judge that the appointment of counsel is necessary to protect the person's due
18 process rights under section 559.036"; and

19 FURTHER amend said Substitute, said Page, said Section, Lines 68-69, by deleting all of said Lines
20 and inserting in lieu thereof the following:

21 "(4) Who has been taken into custody pursuant to section 632.489, including appeals from";
22 and

23
24 FURTHER amend said Substitute, said Page, said Section, Line 72, by deleting the phrase "[~~(5)~~] (4)"
25 and inserting in lieu thereof the number "(5)"; and

26
27 FURTHER amend said Substitute, Page 11, said Section, Line 74, by deleting said Line and inserting
28 in lieu thereof the following:

29 "(6) [For whom] Who is charged in a case in which he or she faces a loss or deprivation of
30 liberty, and in which the federal or the state constitution or any law"; and

31
32 FURTHER amend said Substitute, said Page, said Section, Line 77, by inserting after the word
33 "ordinances" the following:

34 ", or misdemeanor offenses except as provided in this section"; and

35
36 FURTHER amend said Substitute, said Page, said Section, Line 79, by deleting the open bracket "[";
37 and

38
39 FURTHER amend said Substitute, said Page, said Section, Line 81, by deleting the closed bracket
40 "]""; and

41
42 FURTHER amend said Substitute, said Page, said Section, Lines 82-92, by deleting all of said Lines
43 and insert in lieu thereof the following:

44 "indigency determinations and assigning counsel"; and

45
46 FURTHER amend said Substitute, Section 600.053, Page 12, Line 3, by inserting immediately after
47 said Line the following:

1 "600.062. Notwithstanding the provisions of sections 600.017 and 600.042 to the contrary,
 2 neither the director nor the commission shall have the authority to limit the availability of a district
 3 office or any division director, district defender, deputy district defender, or assistant public defender
 4 to accept cases based on a determination that the office has exceeded a caseload standard. The
 5 director, commission, any division director, district defender, deputy district defender, or assistant
 6 public defender may not refuse to provide representation required under this chapter without prior
 7 approval from a court of competent jurisdiction.

8 600.063. 1. Upon approval by the director or the commission, any district defender may file a
 9 motion to request a conference to discuss caseload issues involving any individual public defender or
 10 defenders, but not the entire office, with the presiding judge of any circuit court served by the district
 11 office. The motion shall state the reasons why the individual public defender or public defenders will
 12 be unable to provide effective assistance of counsel due to caseload concerns. When a motion to
 13 request a conference has been filed, the clerk of the court shall immediately provide a copy of the
 14 motion to the prosecuting or circuit attorney who serves the circuit court.

15 2. If the presiding judge approves the motion, a date for the conference shall be set within
 16 thirty days of the filing of the motion. The court shall provide notice of the conference date and time
 17 to the district defender and the prosecuting or circuit attorney.

18 3. Within thirty days of the conference, the presiding judge shall issue an order either
 19 granting or denying relief. If relief is granted, it shall be based upon a finding that the individual
 20 public defender or defenders will be unable to provide effective assistance of counsel due to caseload
 21 issues. The judge may order one or more of the following types of relief in any appropriate
 22 combination:

23 (1) Appoint private counsel to represent any eligible defendant pursuant to the provisions of
 24 section 600.064;

25 (2) Investigate the financial status of any defendant determined to be eligible for public
 26 defender representation under section 600.086 and make findings regarding the eligibility of such
 27 defendants;

28 (3) Determine, with the express concurrence of the prosecuting or circuit attorney, whether
 29 any cases can be disposed of without the imposition of a jail or prison sentence and allow such cases
 30 to proceed without the provision of counsel to the defendant;

31 (4) Modify the conditions of release ordered in any case in which the defendant is being
 32 represented by a public defender, including, but not limited to, reducing the amount of any bond
 33 required for release;

34 (5) Place cases on a waiting list for defender services, taking into account the seriousness of
 35 the case, the incarceration status of the defendant, and such other special circumstances as may be
 36 brought to the attention of the court by the prosecuting or circuit attorney, the district defender, or
 37 other interested parties; and

38 (6) Grant continuances.

39 4. Upon receiving the order, the prosecuting or circuit attorney and the district defender shall
 40 have ten days to file an application for review to the appropriate appellate court. Such appeal shall be
 41 expedited by the court in every manner practicable.

42 5. Nothing in this section shall deny any party the right to seek any relief authorized by law
 43 nor shall any provisions of this section be construed as providing a basis for a claim for post
 44 conviction relief by a defendant.

45 6. The commission and the supreme court may make such rules and regulations to implement
 46 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 47 by the commission under the authority delegated in this section shall become effective only if it
 48 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section

536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

600.064. 1. Before a circuit court judge appoints private counsel to represent an indigent defendant, the judge shall:

(1) Investigate the defendant's financial status to verify that the defendant does not have the means to obtain counsel; and

(2) Provide each appointed lawyer, upon request, with an evidentiary hearing as to the propriety of the appointment, taking into consideration the lawyer's right to earn a livelihood and be free from involuntary servitude. If the judge determines after the hearing that the appointment will cause any undue hardship to the lawyer, the judge shall appoint another lawyer.

(3) Determine whether the private counsel to be appointed possesses the necessary experience, education, and expertise in criminal defense to provide effective assistance of counsel.

2. No judge shall require a lawyer to advance personal funds in any amount for the payment of litigation expenses to prepare a proper defense for an indigent defendant.

3. If an employee of the general assembly is appointed to represent an indigent defendant during the time period beginning January first and ending June first of each year, or whenever the general assembly is in a veto session or special session or is holding out-of-session committee hearings, the judge who made the appointment shall postpone the trial and all other proceedings of any kind or nature to a date that does not fall within such time period or appoint a different lawyer who is not an employee of the general assembly to represent the defendant.

4. Private counsel appointed to represent an indigent defendant may seek payment of litigation expenses from the public defender system. Such litigation expenses shall not include counsel fees and shall be limited to those expenses approved in advance by the director as reasonably necessary for the proper defense of the defendant."; and

Further amend said bill, Section C, Page 14, Lines 1-6, by deleting all of said section and lines and inserting in lieu there of the following:

"Section C. Because immediate action is necessary to protect public safety and to ensure the constitutionality of statutes regarding criminal procedure for juvenile offenders and quality of representation of indigent criminal defendants the enactment of sections 537.865, 565.020, and 600.053 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 537.865, 565.020, and 600.053 of section A of this act shall be in full force and effect upon its passage and approval."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.