

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1231

AN ACT

To repeal sections 56.807, 105.711, 302.065, 408.040, 452.556, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152, 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320, 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014, 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080, 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and 650.120, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the administration of justice, with penalty provisions and an effective date for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 56.807, 105.711, 302.065, 408.040,
2 452.556, 455.007, 456.950, 476.445, 477.081, 477.082, 477.152,
3 477.160, 477.170, 477.180, 477.181, 477.190, 477.191, 478.320,
4 478.437, 478.464, 478.513, 478.600, 478.610, 483.140, 488.014,
5 488.026, 488.305, 516.140, 516.350, 525.040, 525.070, 525.080,
6 525.230, 525.310, 575.153, 578.501, 578.502, 578.503, and
7 650.120, RSMo, are repealed and thirty-nine new sections enacted
8 in lieu thereof, to be known as sections 21.880, 56.807, 105.711,
9 302.065, 302.067, 408.040, 452.556, 455.007, 456.950, 456.4-420,
10 474.395, 477.160, 477.170, 477.180, 478.320, 478.437, 478.464,

1 478.513, 478.600, 478.610, 478.740, 483.140, 488.014, 488.026,
2 488.305, 488.2206, 488.2245, 516.140, 516.350, 525.040, 525.070,
3 525.080, 525.230, 525.310, 537.602, 574.160, 575.153, 632.520,
4 and 650.120, to read as follows:

5 21.880. 1. There is hereby established a permanent joint
6 committee of the general assembly, which shall be known as the
7 "Joint Committee on the Justice System" and shall be composed of
8 the following members:

9 (1) The chairs of the senate and house committees on the
10 judiciary;

11 (2) The ranking minority members of the senate and house
12 committees on the judiciary;

13 (3) Two members of the senate appointed by the president
14 pro tempore of the senate, one of whom shall be a member of the
15 senate committee on appropriations;

16 (4) The chair of the house committee with jurisdiction over
17 matters relating to criminal laws, law enforcement, and public
18 safety;

19 (5) The chair of the house committee with jurisdiction over
20 matters relating to state correctional institutions;

21 (6) A member of the senate appointed by the minority floor
22 leader of the senate;

23 (7) A member of the house of representatives appointed by
24 the minority floor leader of the house of representatives;

25 (8) Three nonvoting ex officio members who shall be the
26 chief justice of the Missouri supreme court, the state auditor,
27 and the attorney general, or their designees.

28 2. No more than three members from each house shall be of

1 the same political party.

2 3. The joint committee shall meet within thirty days after
3 its creation and organize by selecting a chair and vice chair,
4 one of whom shall be the senate judiciary chair and one of whom
5 shall be the house judiciary chair. The positions of chair and
6 vice chair shall alternate every two years thereafter between the
7 senate and house. After its organization, the committee shall
8 meet regularly, at least twice a year, at such time and place as
9 the chair designates, including locations other than Jefferson
10 City. A majority of the members of the committee shall
11 constitute a quorum, but the concurrence of a majority of the
12 members, other than the ex officio members, shall be required for
13 the determination of any matter within the committee's duties.

14 4. In order to promote the effective administration of
15 justice and public safety, it shall be the duty of the joint
16 committee to:

17 (1) Review and monitor:

18 (a) The state's justice system;

19 (b) The state's criminal laws, law enforcement, and public
20 safety;

21 (c) The state's correctional institutions and penal and
22 correctional issues; and

23 (d) All state government efforts related to terrorism,
24 bioterrorism, and homeland security;

25 (2) Receive reports from the judicial branch, state or
26 local government agencies or departments, and any entities
27 attached to them for administrative purposes;

28 (3) Conduct an ongoing study and analysis of the state's

1 justice system and related issues;

2 (4) Determine the need for changes in statutory law, rules,
3 policies, or procedures;

4 (5) Make any recommendations to the general assembly for
5 legislative action; and

6 (6) Perform other duties authorized by concurrent
7 resolution of the general assembly.

8 5. By January 15, 2016, and every year thereafter, it shall
9 be the duty of the joint committee to file with the general
10 assembly a report of its activities, along with any findings or
11 recommendations the committee may have for legislative action.

12 6. The joint committee shall establish a permanent
13 subcommittee on the Missouri criminal code, which shall conduct
14 and supervise a continuing program of revision designed to
15 maintain the cohesiveness, consistency, and effectiveness of the
16 criminal laws of the state. In connection with this program, the
17 committee may select an advisory committee on the Missouri
18 criminal code, composed of a representative of the Missouri
19 supreme court, a representative of the office of the attorney
20 general, and other individuals known to be interested in the
21 improvement of the state's criminal laws, and may authorize the
22 payment of any actual and necessary expenses incurred by such
23 members while attending meetings with the committee or the
24 subcommittee on the Missouri criminal code. The subcommittee on
25 the Missouri criminal code shall present to the general assembly
26 in each tenth year such criminal code revision bills as it finds
27 appropriate to accomplish its purpose.

28 7. The joint committee may make reasonable requests for

staff assistance from the research and appropriations staffs of the senate and house and the joint committee on legislative research, and may employ such personnel as it deems necessary to carry out the duties imposed by this section, within the limits of any appropriation for such purpose. In the performance of its duties, the committee may request assistance or information from all branches of government and state departments, agencies, boards, commissions, and offices.

8. The members of the committee shall serve without compensation, but any actual and necessary expenses incurred in the performance of the committee's official duties by the joint committee, its members, and any staff assigned to the committee shall be paid from the joint contingent fund.

56.807. 1. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, the funds for prosecuting attorneys and circuit attorneys provided for in subsection 2 of this section shall be paid from county or city funds.

2. Beginning August 28, 1989, and continuing monthly thereafter until August 27, 2003, each county treasurer shall pay to the system the following amounts to be drawn from the general revenues of the county:

(1) For counties of the third and fourth classification except as provided in subdivision (3) of this subsection, three hundred seventy-five dollars;

(2) For counties of the second classification, five hundred forty-one dollars and sixty-seven cents;

(3) For counties of the first classification, counties

1 which pursuant to section 56.363 elect to make the position of
2 prosecuting attorney a full-time position after August 28, 2001,
3 or whose county commission has elected a full-time retirement
4 benefit pursuant to subsection 3 of section 56.363, and the city
5 of St. Louis, one thousand two hundred ninety-one dollars and
6 sixty-seven cents.

7 3. Beginning August 28, 1989, and continuing until August
8 27, 2003, the county treasurer shall at least monthly transmit
9 the sums specified in subsection 2 of this section to the
10 Missouri office of prosecution services for deposit to the credit
11 of the "Missouri Prosecuting Attorneys and Circuit Attorneys'
12 Retirement System Fund", which is hereby created. All moneys
13 held by the state treasurer on behalf of the system shall be paid
14 to the system within ninety days after August 28, 1993. Moneys
15 in the Missouri prosecuting attorneys and circuit attorneys'
16 retirement system fund shall be used only for the purposes
17 provided in sections 56.800 to 56.840 and for no other purpose.

18 4. Beginning August 28, 2003, the funds for prosecuting
19 attorneys and circuit attorneys provided for in this section
20 shall be paid from county or city funds and the surcharge
21 established in this section and collected as provided by this
22 section and sections 488.010 to 488.020.

23 5. Beginning August 28, 2003, each county treasurer shall
24 pay to the system the following amounts to be drawn from the
25 general revenues of the county:

26 (1) For counties of the third and fourth classification
27 except as provided in subdivision (3) of this subsection, one
28 hundred eighty-seven dollars;

1 (2) For counties of the second classification, two hundred
2 seventy-one dollars;

3 (3) For counties of the first classification, counties
4 which pursuant to section 56.363 elect to make the position of
5 prosecuting attorney a full-time position after August 28, 2001,
6 or whose county commission has elected a full-time retirement
7 benefit pursuant to subsection 3 of section 56.363, and the city
8 of St. Louis, six hundred forty-six dollars.

9 6. Beginning August 28, 2003, the county treasurer shall at
10 least monthly transmit the sums specified in subsection 5 of this
11 section to the Missouri office of prosecution services for
12 deposit to the credit of the Missouri prosecuting attorneys and
13 circuit attorneys' retirement system fund. Moneys in the
14 Missouri prosecuting attorneys and circuit attorneys' retirement
15 system fund shall be used only for the purposes provided in
16 sections 56.800 to 56.840, and for no other purpose.

17 7. Beginning August 28, 2003, the following surcharge for
18 prosecuting attorneys and circuit attorneys shall be collected
19 and paid as follows:

20 (1) There shall be assessed and collected a surcharge of
21 four dollars in all criminal cases filed in the courts of this
22 state including violation of any county ordinance ~~[or],~~ any
23 violation of criminal or traffic laws of this state, including
24 infractions, and against any person who has pled guilty for any
25 violation and paid a fine through a fine collection center, but
26 no such surcharge shall be assessed when the costs are waived or
27 are to be paid by the state, county, or municipality or when a
28 criminal proceeding or the defendant has been dismissed by the

1 court [or against any person who has pled guilty and paid their
2 fine pursuant to subsection 4 of section 476.385]. For purposes
3 of this section, the term "county ordinance" shall include any
4 ordinance of the city of St. Louis;

5 (2) The clerk responsible for collecting court costs in
6 criminal cases shall collect and disburse such amounts as
7 provided by sections 488.010 to 488.026. Such funds shall be
8 payable to the prosecuting attorneys and circuit attorneys'
9 retirement fund. Moneys credited to the prosecuting attorneys
10 and circuit attorneys' retirement fund shall be used only for the
11 purposes provided for in sections 56.800 to 56.840 and for no
12 other purpose.

13 8. The board may accept gifts, donations, grants and
14 bequests from private or public sources to the Missouri
15 prosecuting attorneys and circuit attorneys' retirement system
16 fund.

17 9. No state moneys shall be used to fund section 56.700 and
18 sections 56.800 to 56.840 unless provided for by law.

19 105.711. 1. There is hereby created a "State Legal Expense
20 Fund" which shall consist of moneys appropriated to the fund by
21 the general assembly and moneys otherwise credited to such fund
22 pursuant to section 105.716.

23 2. Moneys in the state legal expense fund shall be
24 available for the payment of any claim or any amount required by
25 any final judgment rendered by a court of competent jurisdiction
26 against:

27 (1) The state of Missouri, or any agency of the state,
28 pursuant to section 536.050 or 536.087 or section 537.600;

1 (2) Any officer or employee of the state of Missouri or any
2 agency of the state, including, without limitation, elected
3 officials, appointees, members of state boards or commissions,
4 and members of the Missouri National Guard upon conduct of such
5 officer or employee arising out of and performed in connection
6 with his or her official duties on behalf of the state, or any
7 agency of the state, provided that moneys in this fund shall not
8 be available for payment of claims made under chapter 287;

9 (3) (a) Any physician, psychiatrist, pharmacist,
10 podiatrist, dentist, nurse, or other health care provider
11 licensed to practice in Missouri under the provisions of chapter
12 330, 332, 334, 335, 336, 337 or 338 who is employed by the state
13 of Missouri or any agency of the state under formal contract to
14 conduct disability reviews on behalf of the department of
15 elementary and secondary education or provide services to
16 patients or inmates of state correctional facilities on a
17 part-time basis, and any physician, psychiatrist, pharmacist,
18 podiatrist, dentist, nurse, or other health care provider
19 licensed to practice in Missouri under the provisions of chapter
20 330, 332, 334, 335, 336, 337, or 338 who is under formal contract
21 to provide services to patients or inmates at a county jail on a
22 part-time basis;

23 (b) Any physician licensed to practice medicine in Missouri
24 under the provisions of chapter 334 and his professional
25 corporation organized pursuant to chapter 356 who is employed by
26 or under contract with a city or county health department
27 organized under chapter 192 or chapter 205, or a city health
28 department operating under a city charter, or a combined

1 city-county health department to provide services to patients for
2 medical care caused by pregnancy, delivery, and child care, if
3 such medical services are provided by the physician pursuant to
4 the contract without compensation or the physician is paid from
5 no other source than a governmental agency except for patient
6 co-payments required by federal or state law or local ordinance;

7 (c) Any physician licensed to practice medicine in Missouri
8 under the provisions of chapter 334 who is employed by or under
9 contract with a federally funded community health center
10 organized under Section 315, 329, 330 or 340 of the Public Health
11 Services Act (42 U.S.C. 216, 254c) to provide services to
12 patients for medical care caused by pregnancy, delivery, and
13 child care, if such medical services are provided by the
14 physician pursuant to the contract or employment agreement
15 without compensation or the physician is paid from no other
16 source than a governmental agency or such a federally funded
17 community health center except for patient co-payments required
18 by federal or state law or local ordinance. In the case of any
19 claim or judgment that arises under this paragraph, the aggregate
20 of payments from the state legal expense fund shall be limited to
21 a maximum of one million dollars for all claims arising out of
22 and judgments based upon the same act or acts alleged in a single
23 cause against any such physician, and shall not exceed one
24 million dollars for any one claimant;

25 (d) Any physician licensed pursuant to chapter 334 who is
26 affiliated with and receives no compensation from a nonprofit
27 entity qualified as exempt from federal taxation under Section
28 501(c)(3) of the Internal Revenue Code of 1986, as amended, which

1 offers a free health screening in any setting or any physician,
2 nurse, physician assistant, dental hygienist, dentist, or other
3 health care professional licensed or registered under chapter
4 330, 331, 332, 334, 335, 336, 337, or 338 who provides health
5 care services within the scope of his or her license or
6 registration at a city or county health department organized
7 under chapter 192 or chapter 205, a city health department
8 operating under a city charter, or a combined city-county health
9 department, or a nonprofit community health center qualified as
10 exempt from federal taxation under Section 501(c)(3) of the
11 Internal Revenue Code of 1986, as amended, excluding federally
12 funded community health centers as specified in paragraph (c) of
13 this subdivision and rural health clinics under 42 U.S.C.
14 1396d(1)(1), if such services are restricted to primary care and
15 preventive health services, provided that such services shall not
16 include the performance of an abortion, and if such health
17 services are provided by the health care professional licensed or
18 registered under chapter 330, 331, 332, 334, 335, 336, 337, or
19 338 without compensation. MO HealthNet or Medicare payments for
20 primary care and preventive health services provided by a health
21 care professional licensed or registered under chapter 330, 331,
22 332, 334, 335, 336, 337, or 338 who volunteers at a [free]
23 community health clinic is not compensation for the purpose of
24 this section if the total payment is assigned to the [free]
25 community health clinic. For the purposes of the section,
26 "[free] community health clinic" means a nonprofit community
27 health center qualified as exempt from federal taxation under
28 Section 501(c)(3) of the Internal Revenue Code of 1987, as

1 amended, that provides primary care and preventive health
2 services to people without health insurance coverage [for the
3 services provided without charge]. In the case of any claim or
4 judgment that arises under this paragraph, the aggregate of
5 payments from the state legal expense fund shall be limited to a
6 maximum of five hundred thousand dollars, for all claims arising
7 out of and judgments based upon the same act or acts alleged in a
8 single cause and shall not exceed five hundred thousand dollars
9 for any one claimant, and insurance policies purchased pursuant
10 to the provisions of section 105.721 shall be limited to five
11 hundred thousand dollars. Liability or malpractice insurance
12 obtained and maintained in force by or on behalf of any health
13 care professional licensed or registered under chapter 330, 331,
14 332, 334, 335, 336, 337, or 338 shall not be considered available
15 to pay that portion of a judgment or claim for which the state
16 legal expense fund is liable under this paragraph;

17 (e) Any physician, nurse, physician assistant, dental
18 hygienist, or dentist licensed or registered to practice
19 medicine, nursing, or dentistry or to act as a physician
20 assistant or dental hygienist in Missouri under the provisions of
21 chapter 332, 334, or 335, or lawfully practicing, who provides
22 medical, nursing, or dental treatment within the scope of his
23 license or registration to students of a school whether a public,
24 private, or parochial elementary or secondary school or summer
25 camp, if such physician's treatment is restricted to primary care
26 and preventive health services and if such medical, dental, or
27 nursing services are provided by the physician, dentist,
28 physician assistant, dental hygienist, or nurse without

1 compensation. In the case of any claim or judgment that arises
2 under this paragraph, the aggregate of payments from the state
3 legal expense fund shall be limited to a maximum of five hundred
4 thousand dollars, for all claims arising out of and judgments
5 based upon the same act or acts alleged in a single cause and
6 shall not exceed five hundred thousand dollars for any one
7 claimant, and insurance policies purchased pursuant to the
8 provisions of section 105.721 shall be limited to five hundred
9 thousand dollars; or

10 (f) Any physician licensed under chapter 334, or dentist
11 licensed under chapter 332, providing medical care without
12 compensation to an individual referred to his or her care by a
13 city or county health department organized under chapter 192 or
14 205, a city health department operating under a city charter, or
15 a combined city-county health department, or nonprofit health
16 center qualified as exempt from federal taxation under Section
17 501(c)(3) of the Internal Revenue Code of 1986, as amended, or a
18 federally funded community health center organized under Section
19 315, 329, 330, or 340 of the Public Health Services Act, 42
20 U.S.C. Section 216, 254c; provided that such treatment shall not
21 include the performance of an abortion. In the case of any claim
22 or judgment that arises under this paragraph, the aggregate of
23 payments from the state legal expense fund shall be limited to a
24 maximum of one million dollars for all claims arising out of and
25 judgments based upon the same act or acts alleged in a single
26 cause and shall not exceed one million dollars for any one
27 claimant, and insurance policies purchased under the provisions
28 of section 105.721 shall be limited to one million dollars.

1 Liability or malpractice insurance obtained and maintained in
2 force by or on behalf of any physician licensed under chapter
3 334, or any dentist licensed under chapter 332, shall not be
4 considered available to pay that portion of a judgment or claim
5 for which the state legal expense fund is liable under this
6 paragraph;

7 (4) Staff employed by the juvenile division of any judicial
8 circuit;

9 (5) Any attorney licensed to practice law in the state of
10 Missouri who practices law at or through a nonprofit community
11 social services center qualified as exempt from federal taxation
12 under Section 501(c)(3) of the Internal Revenue Code of 1986, as
13 amended, or through any agency of any federal, state, or local
14 government, if such legal practice is provided by the attorney
15 without compensation. In the case of any claim or judgment that
16 arises under this subdivision, the aggregate of payments from the
17 state legal expense fund shall be limited to a maximum of five
18 hundred thousand dollars for all claims arising out of and
19 judgments based upon the same act or acts alleged in a single
20 cause and shall not exceed five hundred thousand dollars for any
21 one claimant, and insurance policies purchased pursuant to the
22 provisions of section 105.721 shall be limited to five hundred
23 thousand dollars;

24 (6) Any social welfare board created under section 205.770
25 and the members and officers thereof upon conduct of such officer
26 or employee while acting in his or her capacity as a board member
27 or officer, and any physician, nurse, physician assistant, dental
28 hygienist, dentist, or other health care professional licensed or

1 registered under chapter 330, 331, 332, 334, 335, 336, 337, or
2 338 who is referred to provide medical care without compensation
3 by the board and who provides health care services within the
4 scope of his or her license or registration as prescribed by the
5 board; or

6 (7) Any person who is selected or appointed by the state
7 director of revenue under subsection 2 of section 136.055 to act
8 as an agent of the department of revenue, to the extent that such
9 agent's actions or inactions upon which such claim or judgment is
10 based were performed in the course of the person's official
11 duties as an agent of the department of revenue and in the manner
12 required by state law or department of revenue rules.

13 3. The department of health and senior services shall
14 promulgate rules regarding contract procedures and the
15 documentation of care provided under paragraphs (b), (c), (d),
16 (e), and (f) of subdivision (3) of subsection 2 of this section.
17 The limitation on payments from the state legal expense fund or
18 any policy of insurance procured pursuant to the provisions of
19 section 105.721, provided in subsection 7 of this section, shall
20 not apply to any claim or judgment arising under paragraph (a),
21 (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of
22 this section. Any claim or judgment arising under paragraph (a),
23 (b), (c), (d), (e), or (f) of subdivision (3) of subsection 2 of
24 this section shall be paid by the state legal expense fund or any
25 policy of insurance procured pursuant to section 105.721, to the
26 extent damages are allowed under sections 538.205 to 538.235.
27 Liability or malpractice insurance obtained and maintained in
28 force by any health care professional licensed or registered

1 under chapter 330, 331, 332, 334, 335, 336, 337, or 338 for
2 coverage concerning his or her private practice and assets shall
3 not be considered available under subsection 7 of this section to
4 pay that portion of a judgment or claim for which the state legal
5 expense fund is liable under paragraph (a), (b), (c), (d), (e),
6 or (f) of subdivision (3) of subsection 2 of this section.

7 However, a health care professional licensed or registered under
8 chapter 330, 331, 332, 334, 335, 336, 337, or 338 may purchase
9 liability or malpractice insurance for coverage of liability
10 claims or judgments based upon care rendered under paragraphs
11 (c), (d), (e), and (f) of subdivision (3) of subsection 2 of this
12 section which exceed the amount of liability coverage provided by
13 the state legal expense fund under those paragraphs. Even if
14 paragraph (a), (b), (c), (d), (e), or (f) of subdivision (3) of
15 subsection 2 of this section is repealed or modified, the state
16 legal expense fund shall be available for damages which occur
17 while the pertinent paragraph (a), (b), (c), (d), (e), or (f) of
18 subdivision (3) of subsection 2 of this section is in effect.

19 4. The attorney general shall promulgate rules regarding
20 contract procedures and the documentation of legal practice
21 provided under subdivision (5) of subsection 2 of this section.
22 The limitation on payments from the state legal expense fund or
23 any policy of insurance procured pursuant to section 105.721 as
24 provided in subsection 7 of this section shall not apply to any
25 claim or judgment arising under subdivision (5) of subsection 2
26 of this section. Any claim or judgment arising under subdivision
27 (5) of subsection 2 of this section shall be paid by the state
28 legal expense fund or any policy of insurance procured pursuant

1 to section 105.721 to the extent damages are allowed under
2 sections 538.205 to 538.235. Liability or malpractice insurance
3 otherwise obtained and maintained in force shall not be
4 considered available under subsection 7 of this section to pay
5 that portion of a judgment or claim for which the state legal
6 expense fund is liable under subdivision (5) of subsection 2 of
7 this section. However, an attorney may obtain liability or
8 malpractice insurance for coverage of liability claims or
9 judgments based upon legal practice rendered under subdivision
10 (5) of subsection 2 of this section that exceed the amount of
11 liability coverage provided by the state legal expense fund under
12 subdivision (5) of subsection 2 of this section. Even if
13 subdivision (5) of subsection 2 of this section is repealed or
14 amended, the state legal expense fund shall be available for
15 damages that occur while the pertinent subdivision (5) of
16 subsection 2 of this section is in effect.

17 5. All payments shall be made from the state legal expense
18 fund by the commissioner of administration with the approval of
19 the attorney general. Payment from the state legal expense fund
20 of a claim or final judgment award against a health care
21 professional licensed or registered under chapter 330, 331, 332,
22 334, 335, 336, 337, or 338, described in paragraph (a), (b), (c),
23 (d), (e), or (f) of subdivision (3) of subsection 2 of this
24 section, or against an attorney in subdivision (5) of subsection
25 2 of this section, shall only be made for services rendered in
26 accordance with the conditions of such paragraphs. In the case
27 of any claim or judgment against an officer or employee of the
28 state or any agency of the state based upon conduct of such

1 officer or employee arising out of and performed in connection
2 with his or her official duties on behalf of the state or any
3 agency of the state that would give rise to a cause of action
4 under section 537.600, the state legal expense fund shall be
5 liable, excluding punitive damages, for:

6 (1) Economic damages to any one claimant; and

7 (2) Up to three hundred fifty thousand dollars for
8 noneconomic damages.

9 The state legal expense fund shall be the exclusive remedy and
10 shall preclude any other civil actions or proceedings for money
11 damages arising out of or relating to the same subject matter
12 against the state officer or employee, or the officer's or
13 employee's estate. No officer or employee of the state or any
14 agency of the state shall be individually liable in his or her
15 personal capacity for conduct of such officer or employee arising
16 out of and performed in connection with his or her official
17 duties on behalf of the state or any agency of the state. The
18 provisions of this subsection shall not apply to any defendant
19 who is not an officer or employee of the state or any agency of
20 the state in any proceeding against an officer or employee of the
21 state or any agency of the state. Nothing in this subsection
22 shall limit the rights and remedies otherwise available to a
23 claimant under state law or common law in proceedings where one
24 or more defendants is not an officer or employee of the state or
25 any agency of the state.

26 6. The limitation on awards for noneconomic damages
27 provided for in this subsection shall be increased or decreased
28 on an annual basis effective January first of each year in

1 accordance with the Implicit Price Deflator for Personal
2 Consumption Expenditures as published by the Bureau of Economic
3 Analysis of the United States Department of Commerce. The
4 current value of the limitation shall be calculated by the
5 director of the department of insurance, financial institutions
6 and professional registration, who shall furnish that value to
7 the secretary of state, who shall publish such value in the
8 Missouri Register as soon after each January first as
9 practicable, but it shall otherwise be exempt from the provisions
10 of section 536.021.

11 7. Except as provided in subsection 3 of this section, in
12 the case of any claim or judgment that arises under sections
13 537.600 and 537.610 against the state of Missouri, or an agency
14 of the state, the aggregate of payments from the state legal
15 expense fund and from any policy of insurance procured pursuant
16 to the provisions of section 105.721 shall not exceed the limits
17 of liability as provided in sections 537.600 to 537.610. No
18 payment shall be made from the state legal expense fund or any
19 policy of insurance procured with state funds pursuant to section
20 105.721 unless and until the benefits provided to pay the claim
21 by any other policy of liability insurance have been exhausted.

22 8. The provisions of section 33.080 notwithstanding, any
23 moneys remaining to the credit of the state legal expense fund at
24 the end of an appropriation period shall not be transferred to
25 general revenue.

26 9. Any rule or portion of a rule, as that term is defined
27 in section 536.010, that is promulgated under the authority
28 delegated in sections 105.711 to 105.726 shall become effective

1 only if it has been promulgated pursuant to the provisions of
2 chapter 536. Nothing in this section shall be interpreted to
3 repeal or affect the validity of any rule filed or adopted prior
4 to August 28, 1999, if it fully complied with the provisions of
5 chapter 536. This section and chapter 536 are nonseverable and
6 if any of the powers vested with the general assembly pursuant to
7 chapter 536 to review, to delay the effective date, or to
8 disapprove and annul a rule are subsequently held
9 unconstitutional, then the grant of rulemaking authority and any
10 rule proposed or adopted after August 28, 1999, shall be invalid
11 and void.

12 302.065. 1. Notwithstanding section 32.090 or any other
13 provision of the law to the contrary, and except as provided in
14 subsection 4 of this section, the department of revenue shall not
15 retain copies, in any format, of source documents presented by
16 individuals applying for or holding driver's licenses or
17 nondriver's licenses. The department of revenue shall not use
18 technology to capture digital images of source documents so that
19 the images are capable of being retained in electronic storage in
20 a transferable format.

21 2. By December 31, 2013, the department of revenue shall
22 securely destroy so as to make irretrievable any source documents
23 that have been obtained from driver's license or nondriver's
24 license applicants after September 1, 2012.

25 3. As long as the department of revenue has the authority
26 to issue a concealed carry endorsement, the department shall not
27 retain copies of any certificate of qualification for a concealed
28 carry endorsement presented to the department for an endorsement

1 on a driver's license or nondriver's license under section
2 571.101. The department of revenue shall not use technology to
3 capture digital images of a certificate of qualification nor
4 shall the department retain digital or electronic images of such
5 certificates. The department of revenue shall merely verify
6 whether the applicant for a driver's license or nondriver's
7 license has presented a certificate of qualification which will
8 allow the applicant to obtain a concealed carry endorsement. By
9 December 31, 2013, the department of revenue shall securely
10 destroy so as to make irretrievable any copies of certificates of
11 qualification that have been obtained from driver's license or
12 nondriver's license applicants.

13 4. The provisions of this section shall not apply to:

14 (1) Original application forms, which may be retained but
15 not scanned;

16 (2) Test score documents issued by state highway patrol
17 driver examiners;

18 (3) Documents demonstrating lawful presence of any
19 applicant who is not a citizen of the United States, including
20 documents demonstrating duration of the person's lawful presence
21 in the United States; and

22 (4) Any document required to be retained under federal
23 motor carrier regulations in Title 49, Code of Federal
24 Regulations, including but not limited to documents required by
25 federal law for the issuance of a commercial driver's license and
26 a commercial driver instruction permit; and

27 (5) Any other document at the request of and for the
28 convenience of the applicant where the applicant requests the

1 department of revenue review alternative documents as proof
2 required for issuance of a [driver] driver's license, [nondriver]
3 nondriver's license, or instruction permit.

4 5. As used in this section, the term "source documents"
5 means original or certified copies, where applicable, of
6 documents presented by an applicant as required under 6 CFR Part
7 37 to the department of revenue to apply for a driver's license
8 or nondriver's license. Source documents shall also include any
9 documents required for the issuance[, renewal, or replacement] of
10 driver's licenses or nondriver's licenses by the department of
11 revenue under the provisions of this chapter or accompanying
12 regulations.

13 6. Any person harmed or damaged by any violation of this
14 section may bring a civil action for damages, including
15 noneconomic and punitive damages, as well as injunctive relief,
16 in the circuit court where that person resided at the time of the
17 violation or in the circuit court [or the circuit court] of Cole
18 County to recover such damages from the department of revenue and
19 any persons participating in such violation. Sovereign immunity
20 shall not be available as a defense for the department of revenue
21 in such an action. In the event the plaintiff prevails on any
22 count of his or her claim, the plaintiff shall be entitled to
23 recover reasonable attorney fees from the defendants.

24 302.067. Any original or certified copy, if applicable, of
25 a document presented by an applicant under this chapter and its
26 accompanying regulations as proof of lawful presence or
27 citizenship to the department of revenue to apply for a driver's
28 license, nondriver's license or instruction permit shall not be

1 required to be presented by the applicant for any subsequent new,
2 renewal, or duplicate application, except:

3 (1) Documents demonstrating lawful presence of any
4 applicant who is not a citizen of the United States, including
5 documents demonstrating duration of the person's lawful presence
6 in the United States, may be required to be presented upon each
7 subsequent application;

8 (2) The department may require the documents to be
9 presented if it is reasonably believed by the department that the
10 prior driver's license or non-driver's license was issued as a
11 result of a fraudulent act of the applicant; or

12 (3) Applicants applying for or renewing a commercial
13 driver's license or commercial driver's instruction permit.

14 408.040. 1. Judgments shall accrue interest on the
15 judgment balance as set forth in this section. The "judgment
16 balance" is defined as the total amount of the judgment awarded
17 on the day judgment is entered including, but not limited to,
18 principal, prejudgment interest, and all costs and fees. Post-
19 judgment payments or credits shall be applied first to post-
20 judgment costs, then to post-judgment interest, and then to the
21 judgment balance.

22 2. In all nontort actions, interest shall be allowed on all
23 money due upon any judgment or order of any court from the date
24 judgment is entered by the trial court until satisfaction be made
25 by payment, accord or sale of property; all such judgments and
26 orders for money upon contracts bearing more than nine percent
27 interest shall bear the same interest borne by such contracts,
28 and all other judgments and orders for money shall bear nine

1 percent per annum until satisfaction made as aforesaid.

2 [2.] 3. Notwithstanding the provisions of subsection [1] 2
3 of this section, in tort actions, interest shall be allowed on
4 all money due upon any judgment or order of any court from the
5 date [of] judgment is entered by the trial court until full
6 satisfaction. All such judgments and orders for money shall bear
7 a per annum interest rate equal to the intended Federal Funds
8 Rate, as established by the Federal Reserve Board, plus five
9 percent, until full satisfaction is made. The judgment shall
10 state the applicable interest rate, which shall not vary once
11 entered. In tort actions, if a claimant has made a demand for
12 payment of a claim or an offer of settlement of a claim, to the
13 party, parties or their representatives, and to such party's
14 liability insurer if known to the claimant, and the amount of the
15 judgment or order exceeds the demand for payment or offer of
16 settlement, then prejudgment interest shall be awarded,
17 calculated from a date ninety days after the demand or offer was
18 received, as shown by the certified mail return receipt, or from
19 the date the demand or offer was rejected without counter offer,
20 whichever is earlier. In order to qualify as a demand or offer
21 pursuant to this section, such demand must:

22 (1) Be in writing and sent by certified mail return receipt
23 requested; and

24 (2) Be accompanied by an affidavit of the claimant
25 describing the nature of the claim, the nature of any injuries
26 claimed and a general computation of any category of damages
27 sought by the claimant with supporting documentation, if any is
28 reasonably available; and

1 (3) For wrongful death, personal injury, and bodily injury
2 claims, be accompanied by a list of the names and addresses of
3 medical providers who have provided treatment to the claimant or
4 decedent for such injuries, copies of all reasonably available
5 medical bills, a list of employers if the claimant is seeking
6 damages for loss of wages or earning, and written authorizations
7 sufficient to allow the party, its representatives, and liability
8 insurer if known to the claimant to obtain records from all
9 employers and medical care providers; and

10 (4) Reference this section and be left open for ninety
11 days.
12

13 Unless the parties agree in writing to a longer period of time,
14 if the claimant fails to file a cause of action in circuit court
15 prior to a date one hundred twenty days after the demand or offer
16 was received, then the court shall not award prejudgment interest
17 to the claimant. If the claimant is a minor or incompetent or
18 deceased, the affidavit may be signed by any person who
19 reasonably appears to be qualified to act as next friend or
20 conservator or personal representative. If the claim is one for
21 wrongful death, the affidavit may be signed by any person
22 qualified pursuant to section 537.080 to make claim for the
23 death. Nothing contained herein shall limit the right of a
24 claimant, in actions other than tort actions, to recover
25 prejudgment interest as otherwise provided by law or contract.

26 [3.] 4. In tort actions, a judgment for prejudgment
27 interest awarded pursuant to this [subsection] section should
28 bear interest at a per annum interest rate equal to the intended

1 Federal Funds Rate, as established by the Federal Reserve Board,
2 plus three percent. The judgment shall state the applicable
3 interest rate, which shall not vary once entered.

4 452.556. 1. The state courts administrator shall create a
5 handbook or be responsible for the approval of a handbook
6 outlining the following:

7 (1) What is included in a parenting plan;

8 (2) The benefits of the parties agreeing to a parenting
9 plan which outlines education, custody and cooperation between
10 parents;

11 (3) The benefits of alternative dispute resolution;

12 (4) The pro se family access motion for enforcement of
13 custody or temporary physical custody;

14 (5) The underlying assumptions for supreme court rules
15 relating to child support; and

16 (6) A party's duties and responsibilities pursuant to
17 section 452.377, including the possible consequences of not
18 complying with section 452.377. The handbooks shall be
19 distributed to each court and shall be available in an
20 alternative format, including Braille, large print, or electronic
21 or audio format upon request by a person with a disability, as
22 defined by the federal Americans with Disabilities Act.

23 2. Each court shall [mail] provide a copy of the handbook
24 developed pursuant to subsection 1 of this section to each party
25 in a dissolution or legal separation action filed pursuant to
26 section 452.310, or any proceeding in modification thereof, where
27 minor children are involved, or may provide the petitioner with a
28 copy of the handbook at the time the petition is filed and direct

1 that a copy of the handbook be served along with the petition and
2 summons upon the respondent.

3 3. The court shall make the handbook available to
4 interested state agencies and members of the public.

5 455.007. Notwithstanding any other provision of law to the
6 contrary, the public interest exception to the mootness doctrine
7 shall apply to an appeal of a full order of protection which[:

8 (1)] has expired[; and

9 (2) Subjects the person against whom such order is issued
10 to significant collateral consequences by the mere existence of
11 such full order of protection after its expiration].

12 456.950. 1. As used in this section, "qualified spousal
13 trust" means a trust:

14 (1) The settlors of which are husband and wife at the time
15 of the creation of the trust; and

16 (2) The terms of which provide that during the joint lives
17 of the settlors all property or interests in property transferred
18 to, or held by, the trustee are:

19 (a) Held and administered in one trust for the benefit of
20 both settlors, revocable by either or both settlors acting
21 together while either or both are alive, and each settlor having
22 the right to receive distributions of income or principal,
23 whether mandatory or within the discretion of the trustee, from
24 the entire trust for the joint lives of the settlors and for the
25 survivor's life; or

26 (b) Held and administered in two separate shares of one
27 trust for the benefit of each of the settlors, with the trust
28 revocable by each settlor with respect to that settlor's separate

1 share of that trust without the participation or consent of the
2 other settlor, and each settlor having the right to receive
3 distributions of income or principal, whether mandatory or within
4 the discretion of the trustee, from that settlor's separate share
5 for that settlor's life; or

6 (c) Held and administered under the terms and conditions
7 contained in paragraphs (a) and (b) of this subdivision.

8 2. A qualified spousal trust may contain any other trust
9 terms that are not inconsistent with the provisions of this
10 section.

11 3. Any property or interests in property [held as tenants
12 by the entirety by a husband and wife] that [is] are at any time
13 transferred to the trustee of a qualified spousal trust of which
14 the husband and wife are the settlors, shall thereafter be [held
15 and] administered as provided by the trust terms in accordance
16 with paragraph (a), (b), or (c) of subdivision (2) of subsection
17 1 of this section[, and all such]. All trust property and
18 interests in property deemed for purposes of this section to be
19 held as tenants by the entirety, including the proceeds thereof,
20 the income thereon, and any property into which such property,
21 proceeds, or income may be converted, shall [thereafter] have the
22 same immunity from the claims of the separate creditors of the
23 settlors as would have existed if the settlors had continued to
24 hold that property as husband and wife as tenants by the
25 entirety. Property or interests in property held by a husband
26 and wife as tenants by the entirety or as joint tenants or other
27 form of joint ownership with right of survivorship shall be
28 conclusively deemed for purposes of this section to be held as

1 tenants by the entirety upon its transfer to the qualified
2 spousal trust. All such transfers shall retain said immunity, so
3 long as:

4 (1) Both settlors are alive and remain married; and

5 (2) The property, proceeds, or income continue to be held
6 in trust by the trustee of the qualified spousal trust.

7 4. Property or interests in property held by a husband and
8 wife or held in the sole name of a husband or wife that [is] are
9 not held as tenants by the entirety or deemed held as tenants by
10 the entirety for purposes of this section and [is] are
11 transferred to a qualified spousal trust shall be held as
12 directed in the qualified spousal trust's governing instrument or
13 in the instrument of transfer and the rights of any claimant to
14 any interest in that property shall not be affected by this
15 section.

16 5. Upon the death of each settlor, all property and
17 interests in property held by the trustee of the qualified
18 spousal trust shall be distributed as directed by the then
19 current terms of the governing instrument of such trust. Upon
20 the death of the first settlor to die, if immediately prior to
21 death the predeceased settlor's interest in the qualified spousal
22 trust was then held in such settlor's separate share, the
23 property or interests in property in such settlor's separate
24 share may pass into an irrevocable trust for the benefit of the
25 surviving settlor upon such terms as the governing instrument
26 shall direct, including without limitation a spendthrift
27 provision as provided in section 456.5-502.

28 6. No transfer by a husband and wife as settlors to a

1 qualified spousal trust shall affect or change either settlor's
2 marital property rights to the transferred property or interest
3 therein immediately prior to such transfer in the event of
4 dissolution of marriage of the spouses, unless both spouses
5 otherwise expressly agree in writing.

6 7. This section shall apply to all trusts which fulfill the
7 criteria set forth in this section for a qualified spousal trust
8 regardless of whether such trust was created before or after
9 August 28, 2011.

10 456.4-420. 1. If a trust instrument containing a no-
11 contest clause is or has become irrevocable, an interested person
12 may file a petition to the court for an interlocutory
13 determination whether a particular motion, petition, or other
14 claim for relief by the interested person would trigger
15 application of the no-contest clause or would otherwise trigger a
16 forfeiture that is enforceable under applicable law and public
17 policy.

18 2. The petition described in subsection 1 of this section
19 shall be verified under oath. The petition may be filed by an
20 interested person either as a separate judicial proceeding, or
21 brought with other claims for relief in a single judicial
22 proceeding, all in the manner prescribed generally for such
23 proceedings under this chapter. If a petition is joined with
24 other claims for relief, the court shall enter its order or
25 judgment on the petition before proceeding any further with any
26 other claim for relief joined therein. In ruling on such a
27 petition, the court shall consider the text of the clause, the
28 context to the terms of the trust instrument as a whole, and in

1 the context of the verified factual allegations in the petition.
2 No evidence beyond the pleadings and the trust instrument shall
3 be taken except as required to resolve an ambiguity in the no-
4 contest clause.

5 3. An order or judgment determining a petition described in
6 subsection 1 of this section shall have the effect set forth in
7 subsections 4 and 5 of this section, and shall be subject to
8 appeal as with other final judgments. If the order disposes of
9 fewer than all claims for relief in a judicial proceeding, that
10 order is subject to interlocutory appeal in accordance with the
11 applicable rules for taking such an appeal. If an interlocutory
12 appeal is taken, the court may stay the pending judicial
13 proceeding until final disposition of said appeal on such terms
14 and conditions as the court deems reasonable and proper under the
15 circumstances. A final ruling on the applicability of a no-
16 contest clause shall not preclude any later filing and
17 adjudication of other claims related to the trust.

18 4. An order or judgment, in whole or in part, on a petition
19 described in subsection 1 of this section shall result in the no-
20 contest clause being enforceable to the extent of the court's
21 ruling and shall govern application of the no-contest clause to
22 the extent that the interested person then proceeds forward with
23 the claims described therein. In the event such an interlocutory
24 order or judgment is vacated, reversed, or otherwise modified on
25 appeal, no interested person shall be prejudiced by any reliance,
26 through action, inaction, or otherwise on the order or judgment
27 prior to final disposition of the appeal.

28 5. An order or judgment shall have effect only as to the

1 specific trust terms and factual basis recited in the petition.
2 If claims are later filed that are materially different than
3 those upon which the order or judgment is based, then to the
4 extent such new claims are raised, the party in whose favor the
5 order or judgment was entered shall have no protection from
6 enforcement of the no-contest clause otherwise afforded by the
7 order and judgment entered under this section.

8 6. For purposes of this section, a "no-contest clause"
9 shall mean a provision in a trust instrument purporting to
10 rescind a donative transfer to, or a fiduciary appointment of,
11 any person or that otherwise effects a forfeiture of some or all
12 of an interested person's beneficial interest in a trust estate
13 as a result of some action taken by the beneficiary. This
14 definition shall not be construed in any way as determining
15 whether a no-contest clause is enforceable under applicable law
16 and public policy in a particular factual situation. As used in
17 this section, the term "no-contest clause" shall also mean an "in
18 terrorem clause".

19 7. A no-contest clause is not enforceable against an
20 interested person in, but not limited to, the following
21 circumstances:

22 (1) Filing a motion, petition, or other claim for relief
23 objecting to the jurisdiction or venue of the court over a
24 proceeding concerning a trust or over any person joined or
25 attempted to be joined in such a proceeding;

26 (2) Filing a motion, petition, or other claim for relief
27 concerning an accounting, report, or notice that has or should
28 have been made by a trustee, provided the interested person

1 otherwise has standing to do so under applicable law including,
2 but not limited to, section 456.6-603;

3 (3) Filing a motion, petition, or other claim for relief
4 under chapter 475 concerning the appointment of a guardian or
5 conservator for the settlor;

6 (4) Filing a motion, petition, or other claim for relief
7 under chapter 404 concerning the settlor;

8 (5) Disclosure to any person of information concerning a
9 trust instrument or that is relevant to a proceeding before the
10 court concerning the trust instrument or property of the trust
11 estate, unless such disclosure is otherwise prohibited by law;

12 (6) Filing a motion, pleading, or other claim for relief
13 seeking approval of a nonjudicial settlement agreement concerning
14 a trust instrument, as set forth in section 456.1-111;

15 (7) To the extent a petition under subsection 1 of this
16 section is limited to the procedure and purpose described
17 therein.

18 8. In any proceeding brought under this section, the court
19 may award costs, expenses, and attorney's fees to any party as
20 provided in section 456.10-1004.

21 474.395. 1. If a will contains a no-contest clause, an
22 interested person may file a petition with the court for a
23 determination whether a particular motion, petition, action, or
24 other claim for relief by the interested person would trigger
25 application of the no-contest clause or would otherwise trigger a
26 forfeiture that is enforceable under applicable law and public
27 policy, which application would be adjudicated in the manner
28 prescribed in section 456.4-420, and subject to the provisions

1 set forth therein.

2 2. For purposes of this section, a "no-contest clause"
3 shall mean a provision in a will purporting to rescind a donative
4 transfer to, or a fiduciary appointment of, any person who
5 institutes a proceeding challenging the validity of all or part
6 of the will or that otherwise effects a forfeiture of some or all
7 of an interested person's beneficial interest in the estate as a
8 result of some action taken by the beneficiary. This definition
9 shall not be construed in any way as determining whether a no-
10 contest clause is enforceable under applicable law and public
11 policy in a particular factual situation. As used in this
12 section, the term "no-contest clause" shall also mean an "in
13 terrorem clause".

14 477.160. There shall be [twelve] fourteen judges of the
15 eastern district of the court of appeals.

16 477.170. There shall be [seven] eleven judges of the
17 western district of the court of appeals.

18 477.180. There shall be [five] seven judges of the southern
19 district of the court of appeals.

20 478.320. 1. In counties having a population of thirty
21 thousand or less, there shall be one associate circuit judge. In
22 counties having a population of more than thirty thousand and
23 less than one hundred thousand, there shall be two associate
24 circuit judges. In counties having a population of one hundred
25 thousand or more, there shall be three associate circuit judges
26 and one additional associate circuit judge for each additional
27 one hundred thousand inhabitants.

28 2. [When the office of state courts administrator indicates
29 in an annual judicial weighted workload model for three

1 consecutive years or more the need for four or more full-time
2 judicial positions in any judicial circuit having a population of
3 one hundred thousand or more, there shall be one additional
4 associate circuit judge position in such circuit for every four
5 full-time judicial positions needed as indicated in the weighted
6 workload model. In a multicounty circuit, the additional
7 associate circuit judge positions shall be apportioned among the
8 counties in the circuit on the basis of population, starting with
9 the most populous county, then the next most populous county, and
10 so forth.

11 **3.]** For purposes of this section, notwithstanding the
12 provisions of section 1.100, population of a county shall be
13 determined on the basis of the last previous decennial census of
14 the United States; and, beginning after certification of the year
15 2000 decennial census, on the basis of annual population
16 estimates prepared by the United States Bureau of the Census,
17 provided that the number of associate circuit judge positions in
18 a county shall be adjusted only after population estimates for
19 three consecutive years indicate population change in the county
20 to a level provided by subsection 1 of this section.

21 **[4.] 3.** Except in circuits where associate circuit judges
22 are selected under the provisions of Sections 25(a) to (g) of
23 Article V of the constitution, the election of associate circuit
24 judges shall in all respects be conducted as other elections and
25 the returns made as for other officers.

26 **[5.] 4.** In counties not subject to Sections 25(a) to (g) of
27 Article V of the constitution, associate circuit judges shall be
28 elected by the county at large.

1 [6.] 5. No associate circuit judge shall practice law, or
2 do a law business, nor shall he or she accept, during his or her
3 term of office, any public appointment for which he or she
4 receives compensation for his or her services.

5 [7.] 6. No person shall be elected as an associate circuit
6 judge unless he or she has resided in the county for which he or
7 she is to be elected at least one year prior to the date of his
8 or her election; provided that, a person who is appointed by the
9 governor to fill a vacancy may file for election and be elected
10 notwithstanding the provisions of this subsection.

11 478.437. [The circuit court of the county of St. Louis,
12 comprising circuit number twenty-one, shall be composed of
13 nineteen divisions and nineteen judges] 1. Beginning in fiscal
14 year 2015, there shall be twenty circuit judges in the twenty-
15 first judicial circuit. These judges shall sit in twenty
16 divisions, and each of the judges shall separately try causes,
17 exercise the powers and perform all the duties imposed upon
18 circuit judges.

19 2. Beginning in fiscal year 2015, there shall be one
20 additional associate circuit judge position in the twenty-first
21 judicial circuit. This associate circuit judgeship shall not be
22 included in the statutory formula for authorizing additional
23 judgeships per county under section 478.320.

24 478.464. [1.] In the sixteenth judicial circuit,
25 [associate circuit divisions shall hereafter be numbered
26 beginning with the number 25:

27 (1) Division 101 shall hereafter be division 25;

28 (2) Division 102 shall hereafter be division 26;

- 1 (3) Division 103 shall hereafter be division 27;
2 (4) Division 104 shall hereafter be division 28;
3 (5) Division 105 shall hereafter be division 29;
4 (6) Division 106 shall hereafter be division 30;
5 (7) Division 107 shall hereafter be division 31; and
6 (8) Division 108 shall hereafter be division 32.

7 2. Twelve months after construction of two new courtrooms
8 in Independence is completed, there shall be one additional
9 associate circuit judge in the sixteenth judicial circuit, to be
10 known as division 33. The presiding judge of such circuit shall
11 certify to the state of administration office the actual date of
12 completion of said construction.

13 3.] there shall be ten associate circuit judges. These
14 judges shall sit in ten divisions, which shall be numbered
15 beginning with the number 25. Divisions 25, 26, 27, 29, and 31
16 shall sit in Kansas City and divisions 28, 30, 32, and 33 shall
17 sit in Independence. Division 34 shall sit in the location
18 determined by the court en banc. The tenth associate circuit
19 judgeship shall not be included in the statutory formula for
20 authorizing additional associate circuit judgeships per county
21 under section 478.320.

22 478.513. 1. There shall be five circuit judges in the
23 thirty-first judicial circuit [consisting of the county of
24 Greene]. These judges shall sit in divisions numbered one, two,
25 three, four and five.

26 2. The circuit judge in division three shall be elected in
27 1980. The circuit judges in divisions one, four and five shall
28 be elected in 1982. The circuit judge in division two shall be

1 elected in 1984.

2 3. Beginning in fiscal year 2015, there shall be one
3 additional associate circuit judge in the thirty-first judicial
4 circuit, and there shall continue to be the associate judge
5 position authorized in fiscal year 2014. Neither associate
6 circuit judgeship shall be included in the statutory formula for
7 authorizing additional associate circuit judgeships per county
8 under section 478.320.

9 478.600. 1. There shall be four circuit judges in the
10 eleventh judicial circuit [consisting of the county of St.
11 Charles]. These judges shall sit in divisions numbered one, two,
12 three and four. Beginning on January 1, 2007, there shall be six
13 circuit judges in the eleventh judicial circuit and these judges
14 shall sit in divisions numbered one, two, three, four, five, and
15 seven. The division five associate circuit judge position and
16 the division seven associate circuit judge position shall become
17 circuit judge positions beginning January 1, 2007, and shall be
18 numbered as divisions five and seven.

19 2. The circuit judge in division two shall be elected in
20 1980. The circuit judge in division four shall be elected in
21 1982. The circuit judge in division one shall be elected in
22 1984. The circuit judge in division three shall be elected in
23 1992. The circuit judges in divisions five and seven shall be
24 elected for a six-year term in 2006.

25 3. Beginning January 1, 2007, the family court commissioner
26 positions in the eleventh judicial circuit appointed under
27 section 487.020 shall become associate circuit judge positions in
28 all respects and shall be designated as divisions nine and ten

1 respectively. These positions may retain the duties and
2 responsibilities with regard to the family court. The associate
3 circuit judges in divisions nine and ten shall be elected in 2006
4 for full four-year terms.

5 4. Beginning on January 1, 2007, the drug court
6 commissioner position in the eleventh judicial circuit appointed
7 under section 478.003 shall become an associate circuit judge
8 position in all respects and shall be designated as division
9 eleven. This position retains the duties and responsibilities
10 with regard to the drug court. Such associate circuit judge
11 shall be elected in 2006 for a full four-year term. This
12 associate circuit judgeship shall not be included in the
13 statutory formula for authorizing additional associate circuit
14 judgeships per county under section 478.320.

15 5. Beginning in fiscal year 2015, there shall be one
16 additional associate circuit judge position in the eleventh
17 judicial circuit. The associate circuit judge shall be elected
18 in 2016. This associate circuit judgeship shall not be included
19 in the statutory formula for authorizing additional circuit
20 judgeships per county under section 478.320.

21 478.610. 1. There shall be three circuit judges in the
22 thirteenth judicial circuit consisting of the counties of Boone
23 and Callaway. These judges shall sit in divisions numbered one,
24 two and three. Beginning on January 1, 2007, there shall be four
25 circuit judges in the thirteenth judicial circuit and these
26 judges shall sit in divisions numbered one, two, three, and four.

27 2. The circuit judge in division two shall be elected in
28 1980. The circuit judges in divisions one and three shall be

1 elected in 1982. The circuit judge in division four shall be
2 elected in 2006 for a two-year term and thereafter in 2008 for a
3 full six-year term.

4 3. [The authority for a majority of judges of the
5 thirteenth judicial circuit to appoint or retain a commissioner
6 pursuant to section 478.003 shall expire August 28, 2001. As of
7 such date,] Beginning August 28, 2001, there shall be one more
8 additional associate circuit judge position in Boone County than
9 is provided pursuant to section 478.320.

10 478.740. 1. There shall be two circuit judges in the
11 thirty-eighth judicial circuit. These judges shall sit in
12 divisions numbered one and two.

13 2. The circuit judge in division two shall be elected in
14 2016, and such judicial position shall not be considered vacant
15 or filled until January 1, 2017. The judge in division one shall
16 be elected in 2018.

17 483.140. It shall be the special duty of every judge of a
18 court of record to examine into and superintend the manner in
19 which the rolls and records of the court are made up and kept; to
20 prescribe orders that will procure uniformity, regularity and
21 accuracy in the transaction of the business of the court; to
22 require that the records and files be properly maintained and
23 entries be made at the proper times as required by law or supreme
24 court rule, and that the duties of the clerks be performed
25 according to law and supreme court rule; and if any clerk fail to
26 comply with the law, the court shall proceed against him as for a
27 misdemeanor. The provisions of this section shall not be
28 construed to permit the adoption of any local court rule that

1 grants a judge the discretion to remove or direct the removal of
2 any pleading, file, or communication from a court file or record
3 without the agreement of all parties.

4 488.014. No court of record in this state, municipal
5 division of the circuit court, or any entity collecting court
6 costs on their behalf shall be required to refund any overpayment
7 of court costs in an amount not exceeding five dollars or to
8 collect any due court costs in an amount of less than five
9 dollars. Any such overpaid funds may be retained by the county
10 for the operation of the circuit court, except any overpaid funds
11 owed to a municipal division of the circuit court may be retained
12 by the municipality for the operation of the municipal court.

13 488.026. As provided by section 56.807, there shall be
14 assessed and collected a surcharge of four dollars in all
15 criminal cases filed in the courts of this state, including
16 violations of any county ordinance ~~[or]~~, any violation of
17 criminal or traffic laws of this state, including infractions, or
18 against any person who has pled guilty of a violation and paid a
19 fine through a fine collection center, but no such surcharge
20 shall be assessed when the costs are waived or are to be paid by
21 the state, county, or municipality or when a criminal proceeding
22 or the defendant has been dismissed by the court ~~[or against any~~
23 ~~person who has pled guilty and paid their fine pursuant to~~
24 ~~subsection 4 of section 476.385]~~. For purposes of this section,
25 the term "county ordinance" shall include any ordinance of the
26 city of St. Louis. The clerk responsible for collecting court
27 costs in criminal cases shall collect and disburse such amounts
28 as provided by sections 488.010 to 488.020. Such funds shall be

1 payable to the prosecuting attorneys and circuit attorneys'
2 retirement fund.

3 488.305. 1. The clerk of the circuit court shall charge
4 and collect fees for the clerk's duties as prescribed by sections
5 429.090 and 429.120 in such amounts as are determined pursuant to
6 sections 488.010 to 488.020.

7 2. The clerk of the circuit court may charge and collect in
8 cases where a garnishment is granted, a surcharge not to exceed
9 ten dollars for the clerk's duties. Any moneys collected under
10 this subsection shall be placed in a fund to be used at the
11 discretion of the circuit clerk to maintain and improve case
12 processing and record preservation.

13 488.2206. 1. In addition to all court fees and costs
14 prescribed by law, a surcharge of up to ten dollars shall be
15 assessed as costs in each court proceeding filed in any court
16 within the thirty-first judicial circuit in all criminal cases
17 including violations of any county or municipal ordinance or any
18 violation of a criminal or traffic law of the state, including an
19 infraction, except that no such surcharge shall be collected in
20 any proceeding in any court when the proceeding or defendant has
21 been dismissed by the court or when costs are to be paid by the
22 state, county, or municipality. For violations of the general
23 criminal laws of the state or county ordinances, no such
24 surcharge shall be collected unless it is authorized, by order,
25 ordinance, or resolution by the county government where the
26 violation occurred. For violations of municipal ordinances, no
27 such surcharge shall be collected unless it is authorized, by
28 order, ordinance, or resolution by the municipal government where

1 the violation occurred. Such surcharges shall be collected and
2 disbursed by the clerk of each respective court responsible for
3 collecting court costs in the manner provided by sections 488.010
4 to 488.020, and shall be payable to the treasurer of the
5 political subdivision authorizing such surcharge.

6 2. Each county or municipality shall use all funds received
7 pursuant to this section only to pay for the costs associated
8 with the land assemblage and purchase, construction, maintenance,
9 and operation of any county or municipal judicial facility
10 including, but not limited to, debt service, utilities,
11 maintenance, and building security. The county or municipality
12 shall maintain records identifying such operating costs, and any
13 moneys not needed for the operating costs of the county or
14 municipal judicial facility shall be transmitted quarterly to the
15 general revenue fund of the county or municipality respectively.

16 488.2245. 1. In addition to all other court costs for
17 municipal ordinance violations, any home rule city with more than
18 fifty-two thousand but fewer than sixty-four thousand inhabitants
19 and located in any county with a charter form of government and
20 with more than nine hundred fifty thousand inhabitants may
21 provide for additional court costs in an amount up to ten dollars
22 per case for each municipal ordinance violation case filed before
23 a municipal division judge or associate circuit judge.

24 2. Such cost shall be collected by the clerk and disbursed
25 to the city at least monthly. The city shall use such additional
26 costs only for the land assemblage and purchase, construction,
27 maintenance, and upkeep of a municipal courthouse. The costs
28 collected may be pledged to directly or indirectly secure bonds

1 for the cost of land assemblage and purchase, construction,
2 maintenance, and upkeep of the courthouse.

3 516.140. Within two years: An action for libel, slander,
4 injurious falsehood, assault, battery, false imprisonment,
5 criminal conversation, malicious prosecution or actions brought
6 under section 290.140. An action by an employee for the payment
7 of unpaid minimum wages, unpaid overtime compensation or
8 liquidated damages by reason of the nonpayment of minimum wages
9 or overtime compensation, and for the recovery of any amount
10 under and by virtue of the provisions of the Fair Labor Standards
11 Act of 1938 and amendments thereto, such act being an act of
12 Congress, shall be brought within two years after the cause
13 accrued.

14 516.350. 1. Every judgment, order or decree of any court
15 of record of the United States, or of this or any other state,
16 territory or country, except for any judgment, order, or decree
17 awarding child support or maintenance or dividing pension,
18 retirement, life insurance, or other employee benefits in
19 connection with a dissolution of marriage, legal separation or
20 annulment which mandates the making of payments over a period of
21 time or payments in the future, shall be presumed to be paid and
22 satisfied after the expiration of ten years from the date of the
23 original rendition thereof, or if the same has been revived upon
24 personal service duly had upon the defendant or defendants
25 therein, then after ten years from and after such revival, or in
26 case a payment has been made on such judgment, order or decree,
27 and duly entered upon the record thereof, after the expiration of
28 ten years from the last payment so made, and after the expiration

1 of ten years from the date of the original rendition or revival
2 upon personal service, or from the date of the last payment, such
3 judgment shall be conclusively presumed to be paid, and no
4 execution, order or process shall issue thereon, nor shall any
5 suit be brought, had or maintained thereon for any purpose
6 whatever. An action to emancipate a child, and any personal
7 service or order rendered thereon, shall not act to revive the
8 support order.

9 2. In any judgment, order, or decree awarding child support
10 or maintenance, each periodic payment shall be presumed paid and
11 satisfied after the expiration of ten years from the date that
12 periodic payment is due, unless the judgment has been otherwise
13 revived as set out in subsection 1 of this section. This
14 subsection shall take effect as to all such judgments, orders, or
15 decrees which have not been presumed paid pursuant to subsection
16 1 of this section as of August 31, 1982.

17 3. In any judgment, order, or decree dividing pension,
18 retirement, life insurance, or other employee benefits in
19 connection with a dissolution of marriage, legal separation or
20 annulment, each periodic payment shall be presumed paid and
21 satisfied after the expiration of ten years from the date that
22 periodic payment is due, unless the judgment has been otherwise
23 revived as set out in subsection 1 of this section. This
24 subsection shall take effect as to all such judgments, orders, or
25 decrees which have not been presumed paid pursuant to subsection
26 1 of this section as of August 28, 2001.

27 4. In any judgment, order or decree awarding child support
28 or maintenance, payment duly entered on the record as provided in

1 subsection 1 of this section shall include recording of payments
2 or credits in the automated child support system created pursuant
3 to chapter 454 by the division of child support enforcement or
4 payment center pursuant to chapter 454.

5 5. Any judgment, order, or decree awarding unpaid rent may
6 be revived upon publication consistent with the publication
7 requirements of section 506.160 and need not be personally served
8 on the defendant.

9 525.040. 1. Notice of garnishment, served as provided in
10 sections 525.010 to 525.480 shall have the effect of attaching
11 all personal property, money, rights, credits, bonds, bills,
12 notes, drafts, checks or other choses in action of the defendant
13 in the garnishee's possession or charge, or under his or her
14 control at the time of the service of the garnishment, or which
15 may come into his or her possession or charge, or under his or
16 her control, or be owing by him or her, between that time and the
17 time of filing his or her answer, or in the case of a continuous
18 wage garnishment, until the judgment is paid in full or until the
19 employment relationship is terminated, whichever occurs first;
20 but he or she shall not be liable to a judgment in money on
21 account of such bonds, bills, notes, drafts, checks or other
22 choses in action, unless the same shall have been converted into
23 money since the garnishment, or he or she [fail] fails, in such
24 time as the court may prescribe, to deliver them into court, or
25 to the sheriff or other person designated by the court.

26 2. Writs of garnishment which would otherwise have equal
27 priority shall have priority according to the date of service on
28 the garnishee. If the employee's wages have been attached by

1 more than one writ of garnishment, the employer shall inform the
2 inferior garnisher of the existence and case number of all senior
3 garnishments.

4 525.070. Whenever any property, effects, money or debts,
5 belonging or owing to the defendant, shall be confessed, or found
6 by the court or jury, to be in the hands of the garnishee, the
7 garnishee may, at any time before final judgment, discharge
8 himself or herself, by paying or delivering the same, or so much
9 thereof as the court shall order, to the sheriff [or], to the
10 court, or if applicable, to the attorney for the party on whose
11 behalf the order of garnishment was issued, from all further
12 liability on account of the property, money or debts so paid or
13 delivered.

14 525.080. 1. If it appear that a garnishee, at or after his
15 or her garnishment, was possessed of any property of the
16 defendant, or was indebted to him or her, the court, or judge in
17 vacation, may order the delivery of such property, or the payment
18 of the amount owing by the garnishee, to the sheriff [or], into
19 court, or to the attorney for the party on whose behalf the order
20 of garnishment was issued, at such time as the court may direct;
21 or may permit the garnishee to retain the same, upon his or her
22 executing a bond to the plaintiff, with security, approved by the
23 court, to the effect that the property shall be forthcoming, or
24 the amount paid, as the court may direct. Upon a breach of the
25 obligation of such bond, the plaintiff may proceed against the
26 obligors therein, in the manner prescribed in the case of a
27 delivery bond given to the sheriff.

28 2. Notwithstanding subsection 1 of this section, when

1 property is protected from garnishment by state or federal law
2 including but not limited to federal restrictions on the
3 garnishment of earnings in Title 15, U.S.C. Sections 1671 to 1677
4 and Old Age, Survivors and Disability Insurance benefits as
5 provided in Title 42, U.S.C. Section 407, such property need not
6 be delivered to the court, or to any other person, by the
7 garnishee to the extent such protection or preemption is
8 applicable.

9 525.230. [1. The court shall make the garnishee a
10 reasonable allowance] The garnishee may deduct a one-time sum not
11 to exceed twenty dollars, or the fee previously agreed upon
12 between the garnishee and judgment debtor if the garnishee is a
13 financial institution, for his or her trouble and expenses in
14 answering the interrogatories and withholding the funds, to be
15 [paid out of the funds or proceeds of the property or effects
16 confessed in his or her hands. The reasonable allowances shall
17 include any court costs, attorney's fees and any other bona fide
18 expenses of the garnishee.

19 2. The court also shall allow the garnishee, in addition to
20 the reasonable allowance for his or her trouble and expenses in
21 answering the interrogatories, to collect an administrative fee
22 consisting of the greater of eight dollars or two percent of the
23 amount required to be deducted by any court-ordered garnishment
24 or series of garnishments arising out of the same judgment debt.
25 Such fee shall be for the trouble and expenses in administering
26 the notice of garnishment and paying over any garnished funds
27 available to the court. The fee shall be withheld by the
28 employer from the employee, or by any other garnishee from any

1 fund garnished, in addition to the moneys withheld to satisfy the
2 court-ordered judgment. Such fee shall not be a credit against
3 the court-ordered judgment and shall be collected first] withheld
4 from any funds garnished, in addition to the moneys withheld to
5 satisfy the court-ordered judgment. Such fee shall not be a
6 credit against the court-ordered judgment and shall be collected
7 first. The garnishee may file a motion with the court for
8 additional costs, including attorney's fees, reasonably incurred
9 in answering the interrogatories in which case the court may make
10 such award as it deems reasonable. The motion shall be filed on
11 or before the date the garnishee makes payment or delivers
12 property subject to garnishment to the court.

13 525.310. 1. [When a judgment has been rendered against an
14 officer, appointee or employee of the state of Missouri, or any
15 municipal corporation or other political subdivision of the
16 state, the judgment creditor, or his attorney or agent, may file
17 in the office of the clerk of the court before whom the judgment
18 was rendered, an application setting forth such facts, and that
19 the judgment debtor is employed by the state, or a municipal
20 corporation or other political subdivision of the state, with the
21 name of the department of state or the municipal corporation or
22 other political subdivision of the state which employs the
23 judgment debtor, and the name of the treasurer, or the name and
24 title of the paying, disbursing or auditing officer of the state,
25 municipal corporation or other political subdivision of the
26 state, charged with the duty of payment or audit of such salary,
27 wages, fees or earnings of such employee, and upon the filing of
28 such application the clerk shall issue a writ of sequestration

1 directed to the sheriff or other officer authorized to execute
2 writs in the county in which such paying, disbursing or auditing
3 officer may be found and the sheriff or other officer to whom the
4 writ is directed shall serve a true copy thereof upon such
5 paying, disbursing or auditing officer named therein, which shall
6 have the effect of attaching any and all salary, wages, fees or
7 earnings of the judgment debtor, which are not made exempt by
8 virtue of the exemption statutes of this state and are not in
9 excess of the amount due on the judgment and costs, then due and
10 payable, from the date of the writ to the return day thereof.

11 2. The paying, disbursing or auditing officer charged with
12 the duty of payment or audit of the salary, wages, fees or
13 earnings of the judgment debtor shall deliver to the sheriff or
14 officer serving the writ the amount, not to exceed the amount due
15 upon the judgment and costs, of the salary, wages, fees or
16 earnings of the judgment debtor not made exempt by virtue of the
17 exemption statutes of this state, as the same shall become due to
18 the judgment debtor. The paying, disbursing or auditing officer
19 shall pay to the judgment debtor the remaining portion of his
20 salary, wages, fees or earnings, as the same shall become due to
21 the judgment debtor. The sheriff, or officer serving the writ,
22 shall provide to the paying, disbursing or auditing officer along
23 with the writ sufficient information to compute the amount which
24 shall be delivered to the sheriff or officer serving the writ.
25 Neither the state, municipal corporation or other political
26 subdivision of the state, nor the paying, disbursing or auditing
27 officer shall be liable for the payment of any amount above the
28 amount delivered to the sheriff or officer serving the writ if

1 the computation of the amount delivered is in accordance with the
2 information provided with the writ.

3 3. The sheriff or officer serving such writ shall endorse
4 thereon the day and date he received the same, and upon receiving
5 any amount in connection with the writ, shall issue his receipt
6 to such paying, disbursing or auditing officer therefor. All
7 amounts delivered to the sheriff, or officer serving said writ,
8 in connection with the writ, or so much thereof as shall be
9 necessary therefor, shall be applied to the payment of the
10 judgment debt, interest and costs in the same manner as in the
11 case of garnishment under execution. The sheriff or other
12 officer serving the writ shall make his return to the writ
13 showing the manner of serving the same, and he shall be allowed
14 the same fees therefor as provided for levy of execution, and the
15 writ shall be returnable in the same manner as the execution
16 issued out of the court in which the judgment was rendered.
17 Nothing in this section shall deprive the judgment debtor of any
18 exemptions to which he may be entitled under the exemption laws
19 of this state, and the same may be claimed by him to the sheriff
20 or other officer serving the writ at any time on or before the
21 return day of the writ in the manner provided under the exemption
22 laws of this state. It shall be the duty of such sheriff or
23 other officer serving the writ, at the time of the service
24 thereof, to apprise the judgment debtor of his exemption rights,
25 either in person or by registered letter directed to the judgment
26 debtor to his last known address.] The state, municipal, or other
27 political subdivision employer served with a garnishment shall
28 have the same duties and obligations as those imposed upon a

1 private employer when served with a garnishment.

2 2. Pay of any officer, appointee, or employee of the state
3 of Missouri, or any municipal corporation or other political
4 subdivision of the state, shall be subject to garnishment to the
5 same extent as in any other garnishment. All garnishments
6 against such employee shall proceed in the same manner as any
7 other garnishment.

8 3. Service of legal process to which a department,
9 municipal corporation, or other political subdivision of the
10 state is subject under this section may be accomplished by
11 personal service upon the paying, disbursing, or auditing officer
12 of the state, municipal corporation, or other political
13 subdivision of the state, charged with the duty of payment or
14 audit of such salary, wages, fees, or earnings of such employees.

15 537.602. 1. As used in this section the following terms
16 shall mean:

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

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

25 2. Any entity which supervises community service work
26 performed as a requirement for deferment of any criminal charge
27 under a written agreement with a federal, state, or local
28 prosecutor, or any entity which derives benefits from the

1 performance of community service work shall be immune from any
2 suit by the person performing the community service work or by
3 any person deriving a cause of action from the person performing
4 the community service work if that cause of action arises from
5 the supervision of the work performed, except that the entity
6 supervising the work shall not be immune from any suit for gross
7 negligence or for an intentional tort.

8 3. Community service work shall not be deemed employment
9 within the meaning of the provisions of chapter 288 and a person
10 performing community service work under the provisions of this
11 section shall not be deemed an employee within the meaning of the
12 provisions of chapter 287.

13 574.160. 1. A person commits the offense of unlawful
14 funeral protest if he or she pickets or engages in other protest
15 activities within three hundred feet of any residence, cemetery,
16 funeral home, church, synagogue, or other establishment during or
17 within one hour before or one hour after the conducting of any
18 actual funeral or burial service at that place.

19 2. For purposes of this section, "other protest activities"
20 means any action that is disruptive or undertaken to disrupt or
21 disturb a funeral or burial service.

22 3. For purposes of this section, "funeral" and "burial
23 service" mean the ceremonies and memorial services held in
24 conjunction with the burial or cremation of the dead, but this
25 section does not apply to processions while they are in transit
26 beyond any three-hundred-foot zone that is established under
27 subsection 1 of this section.

28 4. The offense of unlawful funeral protest is a class B

1 misdemeanor, unless committed by a person who has previously been
2 found guilty of a violation of this section, in which case it is
3 a class A misdemeanor.

4 575.153. 1. A person commits the crime of disarming a
5 peace officer, as defined in section [590.100] 590.010, or a
6 correctional officer if such person intentionally:

7 (1) Removes a firearm [or other], deadly weapon, or less-
8 lethal weapon, to include blunt impact, chemical or conducted
9 energy devices, used in the performance of his or her official
10 duties from the person of a peace officer or correctional officer
11 while such officer is acting within the scope of his or her
12 official duties; or

13 (2) Deprives a peace officer or correctional officer of
14 such officer's use of a firearm [or], deadly weapon, or any other
15 equipment described in subdivision (1) of this subsection while
16 the officer is acting within the scope of his or her official
17 duties.

18 2. The provisions of this section shall not apply when:

19 (1) The defendant does not know or could not reasonably
20 have known that the person he or she disarmed was a peace officer
21 or correctional officer; or

22 (2) The peace officer or correctional officer was engaged
23 in an incident involving felonious conduct by the peace officer
24 or correctional officer at the time the defendant disarmed such
25 officer.

26 3. Disarming a peace officer or correctional officer is a
27 class C felony.

1 632.520. 1. For purposes of this section, the following
2 terms mean:

3 (1) "Employee of the department of mental health", a person
4 who is an employee of the department of mental health, an
5 employee or contracted employee of a subcontractor of the
6 department of mental health, or an employee or contracted
7 employee of a subcontractor of an entity responsible for
8 confining offenders as authorized by section 632.495;

9 (2) "Offender", a person ordered to the department of
10 mental health after a determination by the court that the person
11 meets the definition of a sexually violent predator, a person
12 ordered to the department of mental health after a finding of
13 probable cause under section 632.489, or a person committed for
14 control, care, and treatment by the department of mental health
15 under sections 632.480 to 632.513;

16 (3) "Secure facility", a facility operated by the
17 department of mental health or an entity responsible for
18 confining offenders as authorized by section 632.495.

19 2. No offender shall knowingly commit violence to an
20 employee of the department of mental health or to another
21 offender housed in a secure facility. Violation of this
22 subsection shall be a class B felony.

23 3. No offender shall knowingly damage any building or other
24 property owned or operated by the department of mental health.
25 Violation of this subsection shall be a class C felony.

26 650.120. 1. There is hereby created in the state treasury
27 the "Cyber Crime Investigation Fund". The treasurer shall be
28 custodian of the fund and may approve disbursements from the fund

1 in accordance with sections 30.170 and 30.180. [Beginning with
2 the 2010 fiscal year and in each subsequent fiscal year, the
3 general assembly shall appropriate three million dollars to the
4 cyber crime investigation fund.] The department of public safety
5 shall be the administrator of the fund. Moneys in the fund shall
6 be used solely for the administration of the grant program
7 established under this section. Notwithstanding the provisions
8 of section 33.080 to the contrary, any moneys remaining in the
9 fund at the end of the biennium shall not revert to the credit of
10 the general revenue fund. The state treasurer shall invest
11 moneys in the fund in the same manner as other funds are
12 invested. Any interest and moneys earned on such investments
13 shall be credited to the fund.

14 2. The department of public safety shall create a program
15 to distribute grants to multijurisdictional Internet cyber crime
16 law enforcement task forces, multijurisdictional enforcement
17 groups, as defined in section 195.503, that are investigating
18 Internet sex crimes against children, and other law enforcement
19 agencies. The program shall be funded by the cyber crime
20 investigation fund created under subsection 1 of this section.
21 Not more than three percent of the money in the fund may be used
22 by the department to pay the administrative costs of the grant
23 program. The grants shall be awarded and used to pay the
24 salaries of detectives, assistant prosecuting and circuit
25 attorneys, and computer forensic personnel whose focus is
26 investigating Internet sex crimes against children, including but
27 not limited to enticement of a child, possession or promotion of
28 child pornography, provide funding for the training of law

1 enforcement personnel and prosecuting and circuit attorneys as
2 well as their assistant prosecuting and circuit attorneys, and
3 purchase necessary equipment, supplies, and services. The
4 funding for such training may be used to cover the travel
5 expenses of those persons participating.

6 3. A panel is hereby established in the department of
7 public safety to award grants under this program and shall be
8 comprised of the following members:

9 (1) The director of the department of public safety, or his
10 or her designee;

11 (2) Two members [shall be] appointed by the director of the
12 department of public safety from a list of six nominees submitted
13 by the Missouri Police Chiefs Association;

14 (3) Two members [shall be] appointed by the director of the
15 department of public safety from a list of six nominees submitted
16 by the Missouri Sheriffs' Association;

17 (4) Two members of the state highway patrol [shall be]
18 appointed by the director of the department of public safety from
19 a list of six nominees submitted by the Missouri State Troopers
20 Association;

21 (5) One member of the house of representatives [who shall
22 be] appointed by the speaker of the house of representatives;
23 [and]

24 (6) One member of the senate [who shall be] appointed by
25 the president pro tem; and

26 (7) The executive director of the Missouri office of
27 prosecution services, or his or her designee.
28

1 The panel members who are appointed under subdivisions (2), (3),
2 and (4) of this subsection shall serve a four-year term ending
3 four years from the date of expiration of the term for which his
4 or her predecessor was appointed. However, a person appointed to
5 fill a vacancy prior to the expiration of such a term shall be
6 appointed for the remainder of the term. Such members shall hold
7 office for the term of his or her appointment and until a
8 successor is appointed. The members of the panel shall receive
9 no additional compensation but shall be eligible for
10 reimbursement for mileage directly related to the performance of
11 panel duties.

12 4. Local matching amounts, which may include new or
13 existing funds or in-kind resources including but not limited to
14 equipment or personnel, are required for multijurisdictional
15 Internet cyber crime law enforcement task forces and other law
16 enforcement agencies to receive grants awarded by the panel.
17 Such amounts shall be determined by the state appropriations
18 process or by the panel.

19 5. When awarding grants, priority should be given to newly
20 hired detectives and computer forensic personnel.

21 6. The panel shall establish minimum training standards for
22 detectives and computer forensic personnel participating in the
23 grant program established in subsection 2 of this section.

24 7. Multijurisdictional Internet cyber crime law enforcement
25 task forces and other law enforcement agencies participating in
26 the grant program established in subsection 2 of this section
27 shall share information and cooperate with the highway patrol and
28 with existing Internet crimes against children task force

1 programs.

2 8. The panel may make recommendations to the general
3 assembly regarding the need for additional resources or
4 appropriations.

5 9. The power of arrest of any peace officer who is duly
6 authorized as a member of a multijurisdictional Internet cyber
7 crime law enforcement task force shall only be exercised during
8 the time such peace officer is an active member of such task
9 force and only within the scope of the investigation on which the
10 task force is working. Notwithstanding other provisions of law
11 to the contrary, such task force officer shall have the power of
12 arrest, as limited in this subsection, anywhere in the state and
13 shall provide prior notification to the chief of police of a
14 municipality or the sheriff of the county in which the arrest is
15 to take place. If exigent circumstances exist, such arrest may
16 be made and notification shall be made to the chief of police or
17 sheriff as appropriate and as soon as practical. The chief of
18 police or sheriff may elect to work with the multijurisdictional
19 Internet cyber crime law enforcement task force at his or her
20 option when such task force is operating within the jurisdiction
21 of such chief of police or sheriff.

22 10. Under section 23.253 of the Missouri sunset act:

23 (1) The provisions of the new program authorized under this
24 section shall [sunset automatically six years after June 5, 2006]
25 be reauthorized on August 28, 2014, and shall expire on December
26 31, 2024, unless reauthorized by an act of the general assembly;
27 and

28 (2) If such program is reauthorized, the program authorized

1 under this section shall sunset automatically twelve years after
2 the effective date of the reauthorization of this section; and

3 (3) This section shall terminate on September first of the
4 calendar year immediately following the calendar year in which
5 the program authorized under this section is sunset.

6 [476.445. 1. Any commissioner of the supreme court or
7 commissioner of a court of appeals who is unable to
8 discharge the duties of his office with efficiency by reason
9 of continued sickness or physical or mental infirmity shall
10 be retired from office upon the en banc order of the court
11 appointing him.

12 2. No order retiring a commissioner shall be entered
13 without the commissioner involved having been given due
14 notice and an opportunity to be heard and without a finding
15 by a majority of the court involved that the commissioner's
16 disability is permanent.

17 3. Any commissioner retired under the provisions of
18 this section shall receive as compensation during such
19 retirement and until the end of the term for which he was
20 appointed a sum equal to one-half of the regular
21 compensation for that office.

22 4. Any commissioner retired under the provisions of
23 this section shall not be eligible to be made, constituted
24 and appointed a special commissioner as provided in sections
25 476.450 to 476.510 (nor to receive the compensation provided
26 therefor by sections 476.450 to 476.510) during the period
27 of his retirement under the provisions of this section but
28 upon the completion of such period he shall be and become
29 eligible to be made, constituted and appointed a special
30 commissioner as provided in sections 476.450 to 476.510 if
31 he be otherwise qualified as to age and length of service.]

32
33 [477.081. From January 1, 1972, no new commissioner
34 shall be appointed by the supreme court or the court of
35 appeals. All commissioners serving on January 1, 1972, are
36 eligible for reappointment for additional four-year terms
37 until they reach compulsory retirement age, or die, resign
38 or are removed. Each commissioner shall possess the same
39 qualifications, take and subscribe a like oath, and receive
40 the same compensation payable in the same manner as judges
41 of the court appointing them. The commissioners are subject
42 to the rules and orders of the court appointing them and
43 shall provide such services as the court may require.]

44
45 [477.082. From January 1, 1972, the commissioners of
46 the supreme court, in addition to their other duties, by
47 order of the supreme court, may be temporarily assigned for

1 the performance of judicial duties as special judges of the
2 supreme court, of any district of the court of appeals, or
3 of any circuit court when their services are required for
4 the prompt and efficient administration of justice. During
5 such temporary assignments, subject to the supervision of
6 the regular judge or judges of the court, the commissioners
7 shall exercise the same powers, duties, and responsibilities
8 as are vested by law in the regular judges of the court to
9 which they are assigned.】

10
11 [477.152. Whenever a vacancy occurs after September 3,
12 1970, in the office of commissioner of the supreme court, a
13 judge shall be appointed in the manner prescribed by
14 sections 25(a)-(g), article V of the Constitution of
15 Missouri to serve on the court of appeals. Appointments
16 under this section shall be made to the districts of the
17 court of appeals in the following order: eastern, western,
18 southern, eastern, western, eastern.】

19
20 [477.181. 1. On July 1, 1979, the number of judges of
21 the southern district of the court of appeals shall be
22 increased by one judge.

23 2. The judge appointed pursuant to the provisions of
24 this section shall be in addition to any other judges
25 appointed to the southern district of the court of appeals
26 pursuant to other provisions of law.】

27
28 [477.190. The judgeships authorized by sections
29 477.160, 477.170 and 477.180 shall be in addition to those
30 newly authorized after January 1, 1978, by the provisions of
31 section 477.152 or by any other law enacted at or after the
32 second regular session of the seventy-ninth general
33 assembly.】

34
35 [477.191. 1. On January 1, 1979, the western district
36 of the Missouri court of appeals shall be increased by three
37 judges.

38 2. The judges appointed pursuant to the provisions of
39 this section shall be in addition to any other judges
40 appointed to the western district of the Missouri court of
41 appeals under the provisions of any other law.】

42
43 [578.501. 1. This section shall be known as
44 "Sp. Edward Lee Myers' Law".

45 2. It shall be unlawful for any person to engage
46 in picketing or other protest activities in front of or
47 about any location at which a funeral is held, within
48 one hour prior to the commencement of any funeral, and
49 until one hour following the cessation of any funeral.
50 Each day on which a violation occurs shall constitute a

1 separate offense. Violation of this section is a class
2 B misdemeanor, unless committed by a person who has
3 previously pled guilty to or been found guilty of a
4 violation of this section, in which case the violation
5 is a class A misdemeanor.

6 3. For the purposes of this section, "funeral"
7 means the ceremonies, processions and memorial services
8 held in connection with the burial or cremation of the
9 dead.]

10
11 [578.502. 1. This section shall be known as
12 "Spc. Edward Lee Myers' Law".

13 2. It shall be unlawful for any person to engage
14 in picketing or other protest activities within three
15 hundred feet of or about any location at which a
16 funeral is held, within one hour prior to the
17 commencement of any funeral, and until one hour
18 following the cessation of any funeral. Each day on
19 which a violation occurs shall constitute a separate
20 offense. Violation of this section is a class B
21 misdemeanor, unless committed by a person who has
22 previously pled guilty to or been found guilty of a
23 violation of this section, in which case the violation
24 is a class A misdemeanor.

25 3. For purposes of this section, "funeral" means
26 the ceremonies, processions, and memorial services held
27 in connection with the burial or cremation of the
28 dead.]

29
30 [578.503. The enactment of section 578.502 shall
31 become effective only on the date the provisions of
32 section 578.501 are finally declared void or
33 unconstitutional by a court of competent jurisdiction
34 and upon notification by the attorney general to the
35 revisor of statutes.]

36
37 Section B. The repeal and reenactment of sections 408.040,
38 488.305, 525.040, 525.070, 525.080, 525.230, and 525.310 of this
39 act shall become effective on January 15, 2015.