

## HCS HB 807 -- COURT PROCEEDINGS (Cornejo)

COMMITTEE OF ORIGIN: Standing Committee on Civil and Criminal Proceedings

This bill changes the laws regarding court proceedings.

### QUALIFIED SPOUSAL TRUSTS

The bill specifies that a qualified spousal trust can include without limitation a discretionary power to distribute trust property to a person in addition to a settlor. All property at any time held in a qualified spousal trust, without regard to how the property was titled prior to it being so held, must have the same immunity from the claims of a separate creditor of either settlor as if the property were held outside the trust by the settlors as tenants by the entirety, unless otherwise provided in writing by the settlor or settlors who transferred the property to the trust, and the property must be treated for that purpose, including without limitation, federal and state bankruptcy laws, as tenants by entirety property. Property held in a qualified spousal trust must cease to receive immunity from the claims of creditors upon dissolution of marriage of the settlors by the court.

The respective rights of settlors who are married to each other in any property for purposes of a dissolution of the settlors' marriage must not be affected or changed by reason the transfer of that property to, or its subsequent administration as an asset of, a qualified spousal trust during the marriage of the settlors unless both settlors expressly agree otherwise in writing.

A transfer to a qualified spousal trust cannot avoid or defeat the Missouri Uniform Fraudulent Transfer Act and any transfer of an asset to a trustee of a trust, to the trust itself, or to a share of the trust, in a manner that is reasonably calculated to identify the trust or that share of the trust, subjects that asset to the terms of the trust or that share.

### JUDICIAL CIRCUITS

The bill moves the seat of Division 12 of the 16th Judicial Circuit from Kansas City to Independence.

### INSURANCE

The bill allows an insurance policyholder to petition the court for reimbursement of insurance costs as they occur during the pendency of a dissolution of marriage or legal separation and allows as part of a motion for temporary maintenance or support or by independent

motion accompanied by affidavit either party to request the court to issue an order after a notice and hearing which reallocates or reapportions any or all insurance costs incurred during divorce or legal separation proceedings.

The bill exempts from attachment and execution up to \$15,000 of any matured life insurance proceeds to pay for actual funeral, cremation, or burial expenses for a deceased spouse, child, or parent of the beneficiary.

#### CRIMINAL OFFENSES

The bill adds the delivery or attempted delivery of a two-way communications device or its component parts to the list of items prohibited into a correctional facility with specified exceptions and makes the offense a class D felony until December 31, 2016, and a class E felony after January 1, 2017.

The bill specifies that a person commits the offense of sexual trafficking of a child if he or she knowingly advertises a commercial sex act, sexual performance, or the production of sexually explicit material involving a child and makes the offense a felony punishable by 10 years to life imprisonment if the child is 12 years old or older and life imprisonment if the child is less than 12 years old.

The bill specifies that the physical theft or attempted physical theft of property owned by or in the custody of a financial institution in order to deprive the owner or custodian of the property is a class B felony.