

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Bill No. 2, Page 7, Section 313.220, Line 19, by inserting after said
2 section and line the following:

3
4 "455.050. 1. Any full or ex parte order of protection granted pursuant to sections 455.010 to
5 455.085 shall be to protect the petitioner from domestic violence, stalking, or sexual assault and
6 may include such terms as the court reasonably deems necessary to ensure the petitioner's safety,
7 including but not limited to:

8 (1) Temporarily enjoining the respondent from committing or threatening to commit
9 domestic violence, molesting, stalking, sexual assault, or disturbing the peace of the petitioner;

10 (2) Temporarily enjoining the respondent from entering the premises of the dwelling unit of
11 the petitioner when the dwelling unit is:

12 (a) Jointly owned, leased or rented or jointly occupied by both parties; or

13 (b) Owned, leased, rented or occupied by petitioner individually; or

14 (c) Jointly owned, leased, rented or occupied by petitioner and a person other than
15 respondent; provided, however, no spouse shall be denied relief pursuant to this section by reason of
16 the absence of a property interest in the dwelling unit; or

17 (d) Jointly occupied by the petitioner and a person other than respondent; provided that the
18 respondent has no property interest in the dwelling unit; or

19 (3) Temporarily enjoining the respondent from communicating with the petitioner in any
20 manner or through any medium.

21 2. Mutual orders of protection are prohibited unless both parties have properly filed written
22 petitions and proper service has been made in accordance with sections 455.010 to 455.085.

23 3. When the court has, after a hearing for any full order of protection, issued an order of
24 protection, it may, in addition:

25 (1) Award custody of any minor child born to or adopted by the parties when the court has
26 jurisdiction over such child and no prior order regarding custody is pending or has been made, and
27 the best interests of the child require such order be issued;

28 (2) Establish a visitation schedule that is in the best interests of the child;

29 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

30 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in
31 accordance with chapter 452;

32 (5) Order respondent to make or to continue to make rent or mortgage payments on a
33 residence occupied by the petitioner if the respondent is found to have a duty to support the
34 petitioner or other dependent household members;

35 (6) Order the respondent to pay the petitioner's rent at a residence other than the one
36 previously shared by the parties if the respondent is found to have a duty to support the petitioner

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1 and the petitioner requests alternative housing;

2 (7) Order that the petitioner be given temporary possession of specified personal property,
3 such as automobiles, checkbooks, keys, and other personal effects;

4 (8) Prohibit the respondent from transferring, encumbering, or otherwise disposing of
5 specified property mutually owned or leased by the parties;

6 (9) Order the respondent to participate in a court-approved counseling program designed to
7 help batterers stop violent behavior or to participate in a substance abuse treatment program;

8 (10) Order the respondent to pay a reasonable fee for housing and other services that have
9 been provided or that are being provided to the petitioner by a shelter for victims of domestic
10 violence;

11 (11) Order the respondent to pay court costs;

12 (12) Order the respondent to pay the cost of medical treatment and services that have been
13 provided or that are being provided to the petitioner as a result of injuries sustained to the petitioner
14 by an act of domestic violence committed by the respondent.

15 4. If the court issues, after a hearing for any full order of protection, an order of protection,
16 the court shall also:

17 (1) Prohibit the respondent from knowingly possessing or purchasing any firearm while the
18 order is in effect;

19 (2) Inform the respondent of such prohibition in writing and, if the respondent is present,
20 orally; and

21 (3) Forward the order to the state highway patrol so that the state highway patrol can update
22 the respondent's record in the National Instant Criminal Background Check system (NICS). Upon
23 receiving an order under this subsection, the state highway patrol shall notify the Federal Bureau of
24 Investigation within twenty-four hours.

25 5. A verified petition seeking orders for maintenance, support, custody, visitation, payment
26 of rent, payment of monetary compensation, possession of personal property, prohibiting the
27 transfer, encumbrance, or disposal of property, or payment for services of a shelter for victims of
28 domestic violence, shall contain allegations relating to those orders and shall pray for the orders
29 desired.

30 [5-] 6. In making an award of custody, the court shall consider all relevant factors including
31 the presumption that the best interests of the child will be served by placing the child in the custody
32 and care of the nonabusive parent, unless there is evidence that both parents have engaged in
33 abusive behavior, in which case the court shall not consider this presumption but may appoint a
34 guardian ad litem or a court-appointed special advocate to represent the children in accordance with
35 chapter 452 and shall consider all other factors in accordance with chapter 452.

36 [6-] 7. The court shall grant to the noncustodial parent rights to visitation with any minor
37 child born to or adopted by the parties, unless the court finds, after hearing, that visitation would
38 endanger the child's physical health, impair the child's emotional development or would otherwise
39 conflict with the best interests of the child, or that no visitation can be arranged which would
40 sufficiently protect the custodial parent from further domestic violence. The court may appoint a
41 guardian ad litem or court-appointed special advocate to represent the minor child in accordance
42 with chapter 452 whenever the custodial parent alleges that visitation with the noncustodial parent
43 will damage the minor child.

44 [7-] 8. The court shall make an order requiring the noncustodial party to pay an amount
45 reasonable and necessary for the support of any child to whom the party owes a duty of support
46 when no prior order of support is outstanding and after all relevant factors have been considered, in
47 accordance with Missouri supreme court rule 88.01 and chapter 452.

48 [8-] 9. The court may grant a maintenance order to a party for a period of time, not to exceed
49 one hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter

1 452.

2 [9.] 10. (1) The court may, in order to ensure that a petitioner can maintain an existing
3 wireless telephone number or numbers, issue an order, after notice and an opportunity to be heard,
4 directing a wireless service provider to transfer the billing responsibility for and rights to the
5 wireless telephone number or numbers to the petitioner, if the petitioner is not the wireless service
6 accountholder.

7 (2) (a) The order transferring billing responsibility for and rights to the wireless telephone
8 number or numbers to the petitioner shall list the name and billing telephone number of the
9 accountholder, the name and contact information of the person to whom the telephone number or
10 numbers will be transferred, and each telephone number to be transferred to that person. The court
11 shall ensure that the contact information of the petitioner is not provided to the accountholder in
12 proceedings held under this chapter.

13 (b) Upon issuance, a copy of the full order of protection shall be transmitted, either
14 electronically or by certified mail, to the wireless service provider's registered agent listed with the
15 secretary of state, or electronically to the email address provided by the wireless service provider.
16 Such transmittal shall constitute adequate notice for the wireless service provider acting under this
17 section and section 455.523.

18 (c) If the wireless service provider cannot operationally or technically effectuate the order
19 due to certain circumstances, the wireless service provider shall notify the petitioner within three
20 business days. Such circumstances shall include, but not be limited to, the following:

- 21 a. The accountholder has already terminated the account;
- 22 b. The differences in network technology prevent the functionality of a device on the
- 23 network; or
- 24 c. There are geographic or other limitations on network or service availability.

25 (3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number
26 or numbers to the petitioner under this subsection by a wireless service provider, the petitioner shall
27 assume all financial responsibility for the transferred wireless telephone number or numbers,
28 monthly service costs, and costs for any mobile device associated with the wireless telephone
29 number or numbers.

30 (b) This section shall not preclude a wireless service provider from applying any routine and
31 customary requirements for account establishment to the petitioner as part of this transfer of billing
32 responsibility for a wireless telephone number or numbers and any devices attached to that number
33 or numbers including, but not limited to, identification, financial information, and customer
34 preferences.

35 (4) This section shall not affect the ability of the court to apportion the assets and debts of
36 the parties as provided for in law, or the ability to determine the temporary use, possession, and
37 control of personal property.

38 (5) No cause of action shall lie against any wireless service provider, its officers, employees,
39 or agents, for actions taken in accordance with the terms of a court order issued under this section.

40 (6) As used in this section and section 455.523, a "wireless service provider" means a
41 provider of commercial mobile service under Section 332(d) of the federal [Telecommunications]
42 Communications Act of [1996] 1934 (47 U.S.C. Section [151, et seq.] 332).

43 455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be
44 to protect the victim from domestic violence, stalking, and sexual assault may include such terms as
45 the court reasonably deems necessary to ensure the petitioner's safety, including but not limited to:

46 (1) Temporarily enjoining the respondent from committing domestic violence or sexual
47 assault, threatening to commit domestic violence or sexual assault, stalking, molesting, or disturbing
48 the peace of the victim;

49 (2) Temporarily enjoining the respondent from entering the family home of the victim,

1 except as specifically authorized by the court;

2 (3) Temporarily enjoining the respondent from communicating with the victim in any
3 manner or through any medium, except as specifically authorized by the court.

4 2. If the court issues, after a hearing for any full order of protection, an order of protection,
5 the court shall also:

6 (1) Prohibit the respondent from knowingly possessing or purchasing any firearm while the
7 order is in effect;

8 (2) Inform the respondent of such prohibition in writing and, if the respondent is present,
9 orally; and

10 (3) Forward the order to the state highway patrol so that the state highway patrol can update
11 the respondent's record in the National Instant Criminal Background Check system (NICS). Upon
12 receiving an order under this subsection, the state highway patrol shall notify the Federal Bureau of
13 Investigation within twenty-four hours.

14 3. When the court has, after hearing for any full order of protection, issued an order of
15 protection, it may, in addition:

16 (1) Award custody of any minor child born to or adopted by the parties when the court has
17 jurisdiction over such child and no prior order regarding custody is pending or has been made, and
18 the best interests of the child require such order be issued;

19 (2) Award visitation;

20 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;

21 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in
22 accordance with chapter 452;

23 (5) Order respondent to make or to continue to make rent or mortgage payments on a
24 residence occupied by the victim if the respondent is found to have a duty to support the victim or
25 other dependent household members;

26 (6) Order the respondent to participate in a court-approved counseling program designed to
27 help stop violent behavior or to treat substance abuse;

28 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her
29 treatment, together with the treatment costs incurred by the victim;

30 (8) Order the respondent to pay a reasonable fee for housing and other services that have
31 been provided or that are being provided to the victim by a shelter for victims of domestic violence;

32 (9) Order a wireless service provider, in accordance with the process, provisions, and
33 requirements set out in subdivisions (1) to (6) of subsection [9] 10 of section 455.050, to transfer the
34 billing responsibility for and rights to the wireless telephone number or numbers of any minor
35 children in the petitioner's care to the petitioner, if the petitioner is not the wireless service
36 accountholder."; and

37
38 Further amend said bill, Page 10, Section 559.600, Line 21, by inserting after said section and line
39 the following:

40
41 "565.076. 1. A person commits the offense of domestic assault in the fourth degree if the
42 act involves a domestic victim, as the term "domestic victim" is defined under section 565.002, and:

43 (1) The person attempts to cause or recklessly causes physical injury, physical pain, or
44 illness to such domestic victim;

45 (2) With criminal negligence the person causes physical injury to such domestic victim by
46 means of a deadly weapon or dangerous instrument;

47 (3) The person purposely places such domestic victim in apprehension of immediate
48 physical injury by any means;

49 (4) The person recklessly engages in conduct which creates a substantial risk of death or

1 serious physical injury to such domestic victim;

2 (5) The person knowingly causes physical contact with such domestic victim knowing he or
3 she will regard the contact as offensive; or

4 (6) The person knowingly attempts to cause or causes the isolation of such domestic victim
5 by unreasonably and substantially restricting or limiting his or her access to other persons,
6 telecommunication devices or transportation for the purpose of isolation.

7 2. The offense of domestic assault in the fourth degree is a class A misdemeanor, unless the
8 person has previously been found guilty of the offense of domestic assault, of any assault offense
9 under this chapter, or of any offense against a domestic victim committed in violation of any county
10 or municipal ordinance in any state, any state law, any federal law, or any military law which if
11 committed in this state two or more times would be a violation of this section, in which case it is a
12 class E felony. The offenses described in this subsection may be against the same domestic victim
13 or against different domestic victims.

14 3. Upon a conviction for the offense of domestic assault in the fourth degree, the court shall
15 forward the record of conviction to the state highway patrol so that the state highway patrol can
16 update the respondent's record in the National Instant Criminal Background Check system (NICS).
17 Upon receiving a record under this subsection, the state highway patrol shall notify the Federal
18 Bureau of Investigation within twenty-four hours.

19 565.227. 1. A person commits the offense of stalking in the second degree if he or she
20 purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb
21 another person.

22 2. This section shall not apply to activities of federal, state, county, or municipal law
23 enforcement officers conducting investigations of any violation of federal, state, county, or
24 municipal law.

25 3. Any law enforcement officer may arrest, without a warrant, any person he or she has
26 probable cause to believe has violated the provisions of this section.

27 4. The offense of stalking in the second degree is a class A misdemeanor, unless the
28 defendant has previously been found guilty of a violation of this section or section 565.225, or of
29 any offense committed in another jurisdiction which, if committed in this state, would be chargeable
30 or indictable as a violation of any offense listed in this section or section 565.225, or unless the
31 victim is intentionally targeted as a law enforcement officer, as defined in section 556.061, or the
32 victim is targeted because he or she is a relative within the second degree of consanguinity or
33 affinity to a law enforcement officer, in which case stalking in the second degree is a class E felony.

34 5. Upon a conviction for the offense of stalking in the second degree, the court shall forward
35 the record of conviction to the state highway patrol so that the state highway patrol can update the
36 respondent's record in the National Instant Criminal Background Check system (NICS). Upon
37 receiving a record under this subsection, the state highway patrol shall notify the Federal Bureau of
38 Investigation within twenty-four hours.

39 571.070. 1. A person commits the offense of unlawful possession of a firearm if such
40 person knowingly has any firearm in his or her possession and:

41 (1) Such person has been convicted of a felony under the laws of this state, or of a crime
42 under the laws of any state or of the United States which, if committed within this state, would be a
43 felony; [or]

44 (2) Such person is a fugitive from justice, is habitually in an intoxicated or drugged
45 condition, or is currently adjudged mentally incompetent;

46 (3) Such person has been convicted of a misdemeanor offense of domestic violence under
47 the laws of this state, or of a crime under the laws of any state or of the United States that, if
48 committed in this state, would be a misdemeanor offense of domestic violence; or

49 (4) Such person is subject to an order of protection granted under sections 455.010 to

1 455.095 or sections 455.500 to 455.538 that was issued after a hearing of which the person had
 2 actual notice and at which the person had an opportunity to participate or subject to an equivalent
 3 order issued under the laws of another state or the United States.

4 2. Unlawful possession of a firearm is a class D felony.

5 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the
 6 possession of an antique firearm.

7 4. As used in this section, the following terms mean:

8 (1) "Family or household member", the same meaning as such term is defined under section
 9 455.010;

10 (2) "Misdemeanor offense of domestic violence":

11 (a) Domestic assault in the fourth degree under section 565.076;

12 (b) Stalking in the second degree under section 565.227; or

13 (c) Any misdemeanor offense committed by a family or household member of the victim
 14 that involves the use or attempted use of physical force or the threatened use of a deadly weapon.;
 15 and

16
 17 Further amend said bill, Page 19, Section 590.650, Line 210, by inserting after said section and line
 18 the following:

19
 20 "Section B. Because immediate action is necessary to protect victims of domestic violence
 21 from future acts of domestic violence the repeal and reenactment of sections 455.050, 455.523,
 22 565.076, 565.227, and 571.070 of this act are deemed necessary for the immediate preservation of
 23 the public health, welfare, peace, and safety, and are hereby declared to be an emergency act within
 24 the meaning of the constitution, and the repeal and reenactment of sections 455.050, 455.523,
 25 565.076, 565.227, and 571.070 of this act shall be in full force and effect upon their passage and
 26 approval."; and

27
 28 Further amend said bill by amending the title, enacting clause, and intersectional references
 29 accordingly.