

HCS SS SCS SB 71 -- ORDERS OF PROTECTION

SPONSOR: Gannon (Roberts)

COMMITTEE billION: Voted "Do Pass with HCS" by the Standing Committee on Crime Prevention by a vote of 9 to 1. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 12 to 0.

The following is a summary of the House Committee Substitute for SB 71.

This bill specifies that, adult protection orders and child protection orders, full or ex parte, may be granted to restrain or enjoin an individual from committing or threatening to commit abuse against a pet. A protection order may include an order of possession of the pet where appropriate, as well as any funds needed to cover the medical costs resulting from abuse of the pet. "Pet" is defined in this bill as a living creature maintained by a household member for companionship and not for commercial purposes. Currently, a court may issue a full adult order of protection, after a hearing, for at least 180 days and not exceeding one year. This bill specifies that, if the court finds, after an evidentiary hearing, that the respondent poses a serious danger to the physical or mental health of the petitioner or a minor household member, the protective order shall be valid for at least two years and not more than 10 years. The full order may be renewed annually for a period of at least 180 days and not more than one year from the expiration date of the previously issued order; except, in cases where the court finds the respondent poses a serious danger to the petitioner or a minor household member, then the order may be renewed periodically and shall be valid for at least two years and up to the life of the respondent. The court may include a provision that any full order of protection shall be automatically renewed for any term of renewal as set forth in this bill.

If a court finds that the respondent poses a serious risk to the petitioner or a minor household member, the court shall not modify the order until a period of at least two years from the date of the original full order of protection was issued and only after a hearing and making written findings that the respondent has shown proof of treatment and rehabilitation and no longer poses a serious danger.

Currently, the clerk issues a copy of any order of protection to the local law enforcement agency responsible for maintaining the Missouri Uniform Law Enforcement System (MULES) the same day the order is granted and the local law enforcement agency enters the information contained in the order into MULES. This bill specifies that, the court shall provide all the necessary information regarding the order of protection for entry into MULES and the National Crime Information Center (NCIC). The sheriff shall enter

the information into MULES within 24 hours and MULES shall forward that information to NCIC, thus making the order viewable in the National Instant Criminal Background Check System (NICS). The bill also specifies the sections of statute under which joint custody or visitation orders may be modified.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that adult and child protection orders can apply to pets (animals for companionship only) under this bill, while currently in Missouri there's no way to do that. The orders are not allowed for pets alone. The substitute also allows for appeals by respondents on protection orders and the petitioner does not have to reapply. Lots of foster children have witnessed the abuse of a pet and suffer trauma as a result. People who are abusers and commit domestic violence use the relationship with a pet to manipulate a person or child, so the animal is used as a pawn. Sometimes they will do things like say "I will kill your dog if you leave me again" or they will kill the dog and say "this is what will happen to you if you leave me again." Most of the time pet abuse is happening in the home, children witness it. And there was data populated about what happened with kids who witnessed animal cruelty on top of domestic violence. They are put in a category called "severe maladjustment." It's really helpful to put in protection orders that the person cannot abuse the pet. Up to 40% of women will not leave an abusive situation if the pet is still in the home. Twenty-eight states have already adopted this legislation. This is a bipartisan issue.

Testifying for the bill were Senator Gannon; Arnie C. Dienoff; Missouri Coalition Against Domestic And Sexual Violence (MCADSV); Missouri Alliance for Animal Legislation; American Society for the Prevention of Cruelty to Animals.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.