

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 834, Page 1, Section A, Line 5, by inserting after said section and line the following:

3
4 "43.650. 1. The patrol shall, subject to appropriation, maintain a web page on the internet
5 which shall be open to the public and shall include a registered sexual offender and registered
6 violent offender search capability.

7 2. Except as provided in subsections 4 and 5 of this section, the registered sexual offender
8 and registered violent offender search shall make it possible for any person using the internet to
9 search for and find the information specified in subsection 4 of this section, if known, on offenders
10 registered in this state pursuant to sections 589.400 to 589.425 or section 589.437.

11 3. The registered sexual offender and registered violent offender search shall include the
12 capability to search for sexual offenders by name, by zip code, and by typing in an address and
13 specifying a search within a certain number of miles radius from that address. The search shall also
14 have the capability to filter results by sexual offenders or violent offenders.

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

17 (1) The name and any known aliases of the offender;

18 (2) The date of birth and any known alias dates of birth of the offender;

19 (3) A physical description of the offender;

20 (4) The residence, temporary, work, and school addresses of the offender, including the
21 street address, city, county, state, and zip code;

22 (5) Any photographs of the offender;

23 (6) A physical description of the offender's vehicles, including the year, make, model, color,
24 and license plate number;

25 (7) The nature and dates of all offenses qualifying the offender to register, including the tier
26 level assigned to the offender under sections 589.400 to 589.425;

27 (8) The date on which the offender was released from the department of mental health,
28 prison, or jail[;] or placed on parole, supervised release, or probation for the offenses qualifying the
29 offender to register;

30 (9) Compliance status of the sexual or violent offender with the provisions of [section]

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1 sections 589.400 to 589.425; and

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

6 5. Juveniles required to register under subdivision (5) of subsection 1 of section 589.400
7 shall be exempt from public notification to include any adjudications from another state, territory,
8 the District of Columbia, or foreign country or any federal, tribal, or military jurisdiction."; and
9

10 Further amend said bill, Page 12, Section 217.947, Line 9, by inserting after said section and line the
11 following:

12
13 "455.073. 1. By July 1, 1996, the supreme court of the state of Missouri shall:

14 (1) Develop and adopt uniform forms for petitions and orders of protection; and

15 (2) Provide the forms to each circuit clerk.

16 2. The following statements shall be printed in bold faced type or in capital letters on the
17 order of protection:

18 (1) "Violation of this order may be punished by confinement in jail for as long as five years
19 and by a fine of as much as five thousand dollars"; and

20 (2) "If so ordered by the court, the respondent is forbidden to enter or stay at the petitioner's
21 residence".

22 3. The form prescribed by the supreme court for the notice of hearing required by subsection
23 2 of section 455.040 shall list all potential relief that can be granted by the court in any proceeding
24 pursuant to sections 455.010 to 455.085 as described in section 455.050, and shall advise the
25 respondent that such relief may be granted if the court finds for the petitioner, or if the respondent
26 defaults to the petition.

27 4. If a full order of protection is granted, all temporary orders shall continue in the full order
28 of protection and shall remain in full force and effect unless otherwise ordered by the court.

29 5. All orders of protection shall be issued on the form adopted pursuant to subsection 1 of
30 this section.

31 455.075. The court may order a party to pay a reasonable amount to the other party for
32 attorney's fees incurred prior to the commencement of the proceeding ~~or~~, throughout the
33 proceeding, and after entry of judgment. The court shall consider all relevant factors, including the
34 financial resources of both parties, and may order that the amount be paid directly to the attorney,
35 who may enforce the order in his name.

36 455.085. 1. When a law enforcement officer has probable cause to believe a party has
37 committed a violation of law amounting to domestic violence, as defined in section 455.010, against
38 a family or household member, the officer may arrest the offending party whether or not the
39 violation occurred in the presence of the arresting officer. When the officer declines to make arrest

1 pursuant to this subsection, the officer shall make a written report of the incident completely
2 describing the offending party, giving the victim's name, time, address, reason why no arrest was
3 made and any other pertinent information. Any law enforcement officer subsequently called to the
4 same address within a twelve-hour period, who shall find probable cause to believe the same
5 offender has again committed a violation as stated in this subsection against the same or any other
6 family or household member, shall arrest the offending party for this subsequent offense. The
7 primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of
8 the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an
9 official complaint against the violator shall not prevent an arrest under this subsection.

10 2. When a law enforcement officer has probable cause to believe that a party, against whom
11 a protective order has been entered and who has notice of such order entered, has committed an act
12 of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or
13 not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an
14 official complaint against the violator shall not prevent an arrest under this subsection.

15 3. When an officer makes an arrest, the officer is not required to arrest two parties involved
16 in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to
17 identify and shall arrest the party the officer believes is the primary physical aggressor. The term
18 "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The
19 law enforcement officer shall consider any or all of the following in determining the primary
20 physical aggressor:

- 21 (1) The intent of the law to protect victims from continuing domestic violence;
22 (2) The comparative extent of injuries inflicted or serious threats creating fear of physical
23 injury;
24 (3) The history of domestic violence between the persons involved.

25 No law enforcement officer investigating an incident of domestic violence shall threaten the arrest
26 of all parties for the purpose of discouraging requests or law enforcement intervention by any party.
27 Where complaints are received from two or more opposing parties, the officer shall evaluate each
28 complaint separately to determine whether the officer should seek a warrant for an arrest.

29 4. In an arrest in which a law enforcement officer acted in good faith reliance on this
30 section, the arresting and assisting law enforcement officers and their employing entities and
31 superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment
32 or malicious prosecution.

33 5. When a person against whom an order of protection has been entered fails to surrender
34 custody of minor children to the person to whom custody was awarded in an order of protection, the
35 law enforcement officer shall arrest the respondent, and shall turn the minor children over to the
36 care and custody of the party to whom such care and custody was awarded.

37 6. The same procedures, including those designed to protect constitutional rights, shall be
38 applied to the respondent as those applied to any individual detained in police custody.

1 7. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual
2 assault, child custody, communication initiated by the respondent or entrance upon the premises of
3 the petitioner's dwelling unit or place of employment or school, or being within a certain distance of
4 the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent
5 has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty to or
6 has been found guilty in any division of the circuit court of violating an ex parte order of protection
7 or a full order of protection within five years of the date of the subsequent violation, in which case
8 the subsequent violation shall be a class E felony. Evidence of prior pleas of guilty or findings of
9 guilt shall be heard by the court out of the presence of the jury prior to submission of the case to the
10 jury. If the court finds the existence of such prior pleas of guilty or finding of guilt beyond a
11 reasonable doubt, the court shall decide the extent or duration of sentence or other disposition and
12 shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the
13 punishment as a part of its verdict.

14 8. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual
15 assault, child custody, communication initiated by the respondent or entrance upon the premises of
16 the petitioner's dwelling unit or place of employment or school, or being within a certain distance of
17 the petitioner or a child of the petitioner, of a full order of protection shall be a class A
18 misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any
19 division of the circuit court of violating an ex parte order of protection or a full order of protection
20 within five years of the date of the subsequent violation, in which case the subsequent violation shall
21 be a class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the court
22 out of the presence of the jury prior to submission of the case to the jury. If the court finds the
23 existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the court shall
24 decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to
25 the range of punishment or allow the jury to assess and declare the punishment as a part of its
26 verdict. For the purposes of this subsection, in addition to the notice provided by actual service of
27 the order, a party is deemed to have notice of an order of protection if:

28 (1) The law enforcement officer responding to a call of a reported incident of domestic
29 violence, stalking, sexual assault, or violation of an order of protection presented a copy of the order
30 of protection to the respondent; or

31 (2) Notice is given by actual communication to the respondent in a manner reasonably likely
32 to advise the respondent.

33 9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering
34 with a witness or victim tampering under section 575.270.

35 10. Nothing in this section shall be interpreted as creating a private cause of action for
36 damages to enforce the provisions set forth herein.

37 546.262. A court shall not compel a victim or member of the victim's family testifying in a
38 criminal proceeding for a violation of sections 565.072 to 565.076 to disclose a residential address
39 or place of employment on the record in open court unless the court finds that disclosure of the

1 address or place of employment is necessary.

2 546.263. 1. A person may testify by video conference at a civil trial involving an offense
 3 under sections 565.072 to 565.076 if the person testifying is the victim of the offense. The circuit
 4 and associate circuit court judges for each circuit shall develop local rules and instructions for
 5 appearances by video conference permitted under this subsection, which shall be posted on the
 6 circuit court's internet website.

7 2. The circuit and associate circuit court judges for each circuit shall provide, and post on
 8 the circuit court's internet website, a telephone number for the public to call for assistance regarding
 9 appearances by video conference."; and

10
 11 Further amend said bill, Page 18, Section 559.115, Line 77, by inserting after said section and line
 12 the following:

13
 14 "589.437. 1. For purposes of this section and section 43.650, the following persons shall be
 15 known as violent offenders:

16 (1) Any person who is on probation or parole for:

17 (a) The offense of murder in the first degree under section 565.020;

18 (b) The offense of murder in the second degree under section 565.021; or

19 (c) An offense in a jurisdiction outside of this state that would qualify under paragraph (a)
 20 or (b) of this subdivision if the offense were to have been committed in this state; and

21 (2) Any person who was found not guilty by reason of mental disease or defect of an offense
 22 listed under subdivision (1) of this subsection.

23 2. The division of probation and parole of the department of corrections, or the department
 24 of mental health if the person qualifies as a violent offender under subdivision (2) of subsection 1 of
 25 this section, shall notify the Missouri state highway patrol if a violent offender is placed on
 26 probation or parole, is removed from probation or parole, or relocates to this state under the
 27 interstate compact for adult offender supervision, sections 589.500 to 589.569, so that the Missouri
 28 state highway patrol can update the offender registry under section 43.650."; and

29
 30 Further amend said bill, Page 19, Section 589.565, Line 19, by inserting after said section and line
 31 the following:

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 33 "595.320. If a judge orders a person who has been convicted of an offense under sections
 34 565.072 to 565.076 to attend any batterer intervention program, as defined in section 455.549, the
 35 person shall be financially responsible for any costs associated with attending such class."; and

36
 37 Further amend said bill by amending the title, enacting clause, and intersectional references
 38 accordingly.