

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 92, Page 18, Line 30, by inserting after all of said line the following:

"Further amend said bill, Page 31, Section 348.274, Line 158, by inserting after all of said section and line the following:

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

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

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

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

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

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

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

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

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

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

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

Action Taken _____ Date _____

1 interests of the child require such order be issued;

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

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

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

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

9 (6) Order the respondent to pay the petitioner's rent at a residence other than the one previously
10 shared by the parties if the respondent is found to have a duty to support the petitioner and the petitioner
11 requests alternative housing;

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

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

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

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

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

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

24 (13) Award possession and care of any pet, along with any moneys necessary to cover medical costs
25 that may have resulted from abuse of the pet.

26 4. If, after a hearing for any full order of protection, the court issues an order of protection, the court
27 may also:

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

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

31 (3) Forward the order to the Missouri state highway patrol so that the Missouri state highway patrol
32 can update the respondent's record in the National Instant Criminal Background Check System (NICS).

33 Upon receiving an order under this subsection, the Missouri state highway patrol shall notify the Federal
34 Bureau of Investigation within twenty-four hours.

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

39 [5-] 6. In making an award of custody, the court shall consider all relevant factors including the

1 presumption that the best interests of the child will be served by placing the child in the custody and care of
2 the nonabusive parent, unless there is evidence that both parents have engaged in abusive behavior, in which
3 case the court shall not consider this presumption but may appoint a guardian ad litem or a court-appointed
4 special advocate to represent the children in accordance with chapter 452 and shall consider all other factors
5 in accordance with chapter 452.

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

13 ~~[7-]~~ 8. The court shall make an order requiring the noncustodial party to pay an amount reasonable
14 and necessary for the support of any child to whom the party owes a duty of support when no prior order of
15 support is outstanding and after all relevant factors have been considered, in accordance with Missouri
16 supreme court rule 88.01 and chapter 452.

17 ~~[8-]~~ 9. The court may grant a maintenance order to a party for a period of time, not to exceed one
18 hundred eighty days. Any maintenance ordered by the court shall be in accordance with chapter 452.

19 ~~[9-]~~ 10. (1) The court may, in order to ensure that a petitioner can maintain an existing wireless
20 telephone number or numbers, issue an order, after notice and an opportunity to be heard, directing a wireless
21 service provider to transfer the billing responsibility for and rights to the wireless telephone number or
22 numbers to the petitioner, if the petitioner is not the wireless service accountholder.

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

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

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

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

38 (3) (a) Upon transfer of billing responsibility for and rights to a wireless telephone number or
39 numbers to the petitioner under this subsection by a wireless service provider, the petitioner shall assume all

1 financial responsibility for the transferred wireless telephone number or numbers, monthly service costs, and
 2 costs for any mobile device associated with the wireless telephone number or numbers.

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

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

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

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

15 455.523. 1. Any full order of protection granted under sections 455.500 to 455.538 shall be to
 16 protect the victim from domestic violence, including danger to the child's pet, stalking, and sexual assault
 17 may include such terms as the court reasonably deems necessary to ensure the petitioner's safety, including
 18 but not limited to:

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

22 (2) Temporarily enjoining the respondent from entering the family home of the victim, except as
 23 specifically authorized by the court;

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

26 2. If, after a hearing for any full order of protection, the court issues an order of protection, the court
 27 may also:

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

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

31 (3) Forward the order to the Missouri state highway patrol so that the Missouri state highway patrol
 32 can update the respondent's record in the National Instant Criminal Background Check System (NICS).

33 Upon receiving an order under this subsection, the Missouri state highway patrol shall notify the Federal
 34 Bureau of Investigation within twenty-four hours.

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

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

- 1 (2) Award visitation;
- 2 (3) Award child support in accordance with supreme court rule 88.01 and chapter 452;
- 3 (4) Award maintenance to petitioner when petitioner and respondent are lawfully married in
- 4 accordance with chapter 452;
- 5 (5) Order respondent to make or to continue to make rent or mortgage payments on a residence
- 6 occupied by the victim if the respondent is found to have a duty to support the victim or other dependent
- 7 household members;
- 8 (6) Order the respondent to participate in a court-approved counseling program designed to help stop
- 9 violent behavior or to treat substance abuse;
- 10 (7) Order the respondent to pay, to the extent that he or she is able, the costs of his or her treatment,
- 11 together with the treatment costs incurred by the victim;
- 12 (8) Order the respondent to pay a reasonable fee for housing and other services that have been
- 13 provided or that are being provided to the victim by a shelter for victims of domestic violence;
- 14 (9) Order a wireless service provider, in accordance with the process, provisions, and requirements
- 15 set out in subdivisions (1) to (6) of subsection 9 of section 455.050, to transfer the billing responsibility for
- 16 and rights to the wireless telephone number or numbers of any minor children in the petitioner's care to the
- 17 petitioner, if the petitioner is not the wireless service account holder;
- 18 (10) Award possession and care of any pet, along with any moneys necessary to cover medical costs
- 19 that may have resulted from abuse of the pet."; and

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21 Further amend said bill, Page 41, Section 620.3530, Line 66, by inserting after all of said section and line the
22 following:

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24 "Section 1. The person must be a licensed dealer to sell firearm ammunition for semi-automatic
25 weapons."; and"; and

26
27 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

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29 THIS AMENDMENT AMENDS 1210H06.06H.