

FIRST REGULAR SESSION

[CORRECTED]

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1259

103RD GENERAL ASSEMBLY

2709H.02P

JOSEPH ENGLER, Chief Clerk

---

## AN ACT

To repeal sections 143.081, 143.341, 217.825, 217.827, 217.829, 217.831, 217.833, 217.835, 217.837, 217.839, 217.841, 456.1-108, 456.10-1005, 478.700, 478.705, 632.305, and 650.058, RSMo, and to enact in lieu thereof twenty-three new sections relating to civil jurisprudence.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 143.081, 143.341, 217.825, 217.827, 217.829, 217.831, 217.833, 2 217.835, 217.837, 217.839, 217.841, 456.1-108, 456.10-1005, 478.700, 478.705, 632.305, 3 and 650.058, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be 4 known as sections 143.081, 143.341, 456.008, 456.1-108, 456.10-1005, 474.540, 474.542, 5 474.544, 474.546, 474.548, 474.550, 474.552, 474.554, 474.556, 474.558, 474.560, 474.562, 6 474.564, 474.600, 478.700, 478.705, 632.305, and 650.058, to read as follows:

143.081. 1. A resident individual, resident estate, and resident trust shall be allowed a 2 credit against the tax otherwise due pursuant to sections 143.005 to 143.998 for the amount of 3 any income tax imposed for the taxable year by another state of the United States (or a 4 political subdivision thereof) or the District of Columbia on income derived from sources 5 therein and which is also subject to tax pursuant to sections 143.005 to 143.998. For purposes 6 of this subsection, the phrase "income tax imposed" shall be that amount of tax before any 7 income tax credit allowed by such other state or the District of Columbia if the other state or 8 the District of Columbia authorizes a reciprocal benefit for residents of this state.

9 2. The credit provided pursuant to this section shall not exceed an amount which 10 bears the same ratio to the tax otherwise due pursuant to sections 143.005 to 143.998 as the

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 amount of the taxpayer's Missouri adjusted gross income derived from sources in the other  
12 jurisdiction bears to the taxpayer's Missouri adjusted gross income derived from all sources.  
13 In applying the limitation of the previous sentence to an estate or trust, Missouri taxable  
14 income shall be substituted for Missouri adjusted gross income. If the tax of more than one  
15 other jurisdiction is imposed on the same item of income, the credit shall not exceed the  
16 limitation that would result if the taxes of all the other jurisdictions applicable to the item  
17 were deemed to be of a single jurisdiction. The provisions of this subsection shall apply to  
18 any credit allowed under this section, **provided that such credit shall be allowed under this**  
19 **section with respect to any estate or trust to the extent its Missouri adjusted gross**  
20 **income is excluded from Missouri taxable income pursuant to the subtraction set forth**  
21 **in subsection 3 of section 143.341.**

22         3. (1) For the purposes of this section, in the case of an S corporation, each resident S  
23 shareholder shall be considered to have paid a tax imposed on the shareholder in an amount  
24 equal to the shareholder's pro rata share of any net income tax paid by the S corporation to a  
25 state which does not measure the income of shareholders on an S corporation by reference to  
26 the income of the S corporation or where a composite return and composite payments are  
27 made in such state on behalf of the S shareholders by the S corporation.

28         (2) A resident S shareholder shall be eligible for a credit issued pursuant to this  
29 section in an amount equal to the individual income tax imposed pursuant to this chapter on  
30 such shareholder's share of the S corporation's income derived from sources in another state  
31 of the United States or the District of Columbia, and which is subject to income tax pursuant  
32 to this chapter but is not subject to income tax in such other jurisdiction or a political  
33 subdivision thereof.

34         4. For purposes of subsection 3 of this section, in the case of an S corporation that is a  
35 bank chartered by a state, the Office of Thrift Supervision, or the comptroller of currency,  
36 each Missouri resident S shareholder of such out-of-state bank shall qualify for the  
37 shareholder's pro rata share of any net tax paid, including a bank franchise tax based on the  
38 income of the bank, by such S corporation where bank payment of taxes are made in such  
39 state on behalf of the S shareholders by the S bank to the extent of the tax paid.

143.341. 1. The Missouri taxable income of a resident estate or trust means its  
2 federal taxable income subject to the modifications in this section.

3         2. There shall be subtracted the amount if any that the federal personal exemption  
4 deduction allowable to the estate or trust exceeds its federal taxable income without its  
5 personal exemption deduction.

6         **3. For all tax years beginning on or after January 1, 2026, there shall be**  
7 **subtracted that amount included in Missouri taxable income of the estate or trust that**  
8 **would not be included as Missouri taxable income if said estate or trust were considered**

9 **a nonresident estate or trust as defined in section 143.371. This subtraction shall only**  
10 **apply to the extent it is not a determinant of the federal distributable net income of the**  
11 **estate or trust.**

12 ~~[3-]~~ 4. There shall be added or subtracted, as the case may be, the modifications  
13 described in sections 143.121 and 143.141, and there shall be subtracted the federal income  
14 tax deduction provided in section 143.171. These additions and subtractions shall only apply  
15 to the extent that they are not determinants of the federal distributable net income of the estate  
16 or trust.

17 ~~[4-]~~ 5. There shall be added or subtracted, as the case may be, the share of the estate  
18 or trust in the fiduciary adjustment determined under section 143.351.

**456.008. Before real property is placed in a trust, a title search of the real**  
2 **property shall be conducted to ensure there are no claims, liens, or other issues with the**  
3 **real property being placed in the trust.**

456.1-108. 1. Without precluding other means for establishing a sufficient  
2 connection with the designated jurisdiction, terms of a trust designating the principal place of  
3 administration are valid and controlling if:

4 (1) a trustee's principal place of business is located in or a trustee is a resident of the  
5 designated jurisdiction; or

6 (2) all or part of the administration occurs in the designated jurisdiction.

7 2. Without precluding the right of the court to order, approve, or disapprove a  
8 transfer, the trustee may transfer the trust's principal place of administration to another state or  
9 to a jurisdiction outside of the United States that is appropriate to the trust's purposes, its  
10 administration, and the interests of the beneficiaries.

11 3. The trustee shall notify the qualified beneficiaries of a proposed transfer of a trust's  
12 principal place of administration not less than sixty days before initiating the transfer. The  
13 notice of proposed transfer must include:

14 (1) the name of the jurisdiction to which the principal place of administration is to be  
15 transferred;

16 (2) the address and telephone number at the new location at which the trustee can be  
17 contacted;

18 (3) an explanation of the reasons for the proposed transfer;

19 (4) **notice that a change in the place of administration may result in a change of**  
20 **governing law, which may affect the rights of beneficiaries in ways that are different**  
21 **from current governing law;**

22 (5) the date on which the proposed transfer is anticipated to occur; and

23 ~~[(5)]~~ (6) the date, not less than sixty days after the giving of the notice, by which the  
24 qualified beneficiary must notify the trustee of an objection to the proposed transfer.

25           4. The authority of a trustee under this section to transfer a trust's principal place of  
26 administration without an order of a court terminates if a qualified beneficiary notifies the  
27 trustee of an objection to the proposed transfer on or before the date specified in the notice.

28           5. In connection with a transfer of the trust's principal place of administration, the  
29 trustee may transfer some or all of the trust property to a successor trustee designated in the  
30 terms of the trust or appointed pursuant to section 456.7-704.

          456.10-1005. 1. A beneficiary may not commence a proceeding against a trustee for  
2 breach of trust more than one year after the last to occur of the date the beneficiary or a  
3 representative of the beneficiary was sent a report that adequately disclosed the existence of a  
4 potential claim for breach of trust and the date the trustee informed the beneficiary of the time  
5 allowed for commencing a proceeding with respect to any potential claim adequately  
6 disclosed on the report.

7           2. A report adequately discloses the existence of a potential claim for breach of trust  
8 if it provides sufficient information so that the beneficiary or representative knows of the  
9 potential claim or should have inquired into its existence.

10          3. If subsection 1 of this section does not apply, a judicial proceeding by a beneficiary  
11 against a trustee for breach of trust must be commenced within five years after the first to  
12 occur of:

13           (1) the removal, resignation, or death of the trustee;

14           (2) the **occurrence of the event causing a** termination of the beneficiary's interest in  
15 the trust; or

16           (3) the **occurrence of the event causing a** termination of the trust.

**474.540. Sections 474.540 to 474.564 shall be known and may be cited as the**  
2 **"Missouri Electronic Wills and Electronic Estate Planning Documents Act".**

**474.542. As used in sections 474.540 to 474.564, the following terms mean:**

2           (1) **"Electronic", technology having electrical, digital, magnetic, wireless,**  
3 **optical, electromagnetic, or similar capabilities;**

4           (2) **"Electronic presence", the relationship of two or more individuals in**  
5 **different locations in real time using technology enabling live, interactive audio-visual**  
6 **communication that allows for observation, direct interaction, and communication**  
7 **between or among the individuals;**

8           (3) **"Electronic will", a will executed electronically in compliance with**  
9 **subsection 1 of section 474.548;**

10          (4) **"Record", information that is inscribed on a tangible medium or that is**  
11 **stored in an electronic or other medium and is retrievable in perceivable form;**

12          (5) **"Security procedure", a procedure to verify that an electronic signature,**  
13 **record, or performance is that of a specific person or to detect a change or error in an**

14 **electronic record, including a procedure that uses an algorithm, code, identifying word**  
15 **or number, encryption, or callback or other acknowledgment procedure;**

16 **(6) "Sign", with present intent to authenticate or adopt a record, to:**

17 **(a) Execute or adopt a tangible symbol; or**

18 **(b) Affix to or logically associate with the record an electronic symbol or**  
19 **process;**

20 **(7) "State", a state of the United States, the District of Columbia, Puerto Rico,**  
21 **the United States Virgin Islands, a federally recognized Indian tribe, or any territory or**  
22 **insular possession subject to the jurisdiction of the United States;**

23 **(8) "Will", a codicil and any testamentary instrument that appoints an executor,**  
24 **revokes or revises another will, nominates a guardian, or expressly excludes or limits the**  
25 **right of an individual or class to succeed to property of the decedent passing by intestate**  
26 **succession.**

**474.544. An electronic will is a will for all purposes of the laws of this state. The**  
2 **laws of this state applicable to wills and principles of equity applies to an electronic will**  
3 **except as modified by sections 474.540 to 474.564.**

**474.546. A will executed electronically but not in compliance with subsection 1 of**  
2 **section 474.548 is an electronic will under sections 474.540 to 474.564 if executed in**  
3 **compliance with the law of the jurisdiction where the testator is:**

4 **(1) Physically located when the will is signed; or**

5 **(2) Domiciled, or where the testator resides, when the will is signed or when the**  
6 **testator dies.**

**474.548. 1. An electronic will shall be:**

2 **(1) A record that is readable as text at the time of signing under subdivision (2)**  
3 **of this subsection and remains accessible as text for later reference;**

4 **(2) Signed by:**

5 **(a) The testator; or**

6 **(b) Another individual in the testator's name, in the testator's physical presence,**  
7 **and by the testator's direction; and**

8 **(3) Signed in the physical or electronic presence of the testator by at least two**  
9 **individuals after witnessing:**

10 **(a) The signing of the will under subdivision (2) of this subsection; or**

11 **(b) The testator's acknowledgment of the signing of the will under subdivision**  
12 **(2) of this subsection or acknowledgment of the will.**

13 **2. The intent of a testator that the record under subdivision (1) of subsection 1 of**  
14 **this section be the testator's electronic will may be established by extrinsic evidence.**

15           **3. In accordance with section 474.337 or 474.550, a witness to a will shall be a**  
16 **resident of a state and physically located in a state at the time of signing if no self-**  
17 **proving affidavit is signed contemporaneously with the execution of the electronic will.**

**474.550. At the time of its execution or at any subsequent date, an electronic will**  
2 **may be made self-proved in the same manner as specified in section 474.337 or, if fewer**  
3 **than two witnesses are physically present in the same location as the testator at the time**  
4 **of such acknowledgments, before a remote online notary authorized to perform a**  
5 **remote online notarization in this state under the law of any state or the United States,**  
6 **and evidenced by a remote online notarial certificate, in form and content substantially**  
7 **as follows, subject to the additional requirements under section 486.1165:**

8  
9 **State of \_\_\_\_\_**

10  
11 **County (and/or City) of \_\_\_\_\_**

12  
13 **I, the undersigned notary, certify that \_\_\_\_\_, the testator, and the witnesses, whose**  
14 **names are signed to the attached or foregoing instrument, having personally appeared**  
15 **before me by remote online means, and having been first duly sworn, each then declared**  
16 **to me that the testator signed and executed the instrument as the testator's last will, and**  
17 **that the testator had willingly signed or willingly directed another to sign for the**  
18 **testator, and that the testator executed it as the testator's free and voluntary act for the**  
19 **purposes therein expressed; and that each of the witnesses, in the presence and hearing**  
20 **of the testator, signed the will as witness and that to the best of the witnesses' knowledge**  
21 **the testator was at that time eighteen or more years of age, of sound mind, and under no**  
22 **constraint or undue influence.**

23  
24 **In witness thereof I have hereunto subscribed my name and affixed my official seal this**  
25 **\_\_\_\_\_ (date).**

26  
27 **\_\_\_\_\_ (official signature and seal of notary)**

- 474.552. 1. An electronic will may revoke all or part of a previous will.**  
2           **2. All or part of an electronic will is revoked by:**  
3           **(1) A subsequent will that revokes all or part of the electronic will expressly or**  
4 **by inconsistency;**  
5           **(2) A written instrument signed by the testator declaring the revocation; or**

6           **(3) A physical act, if it is established by a preponderance of the evidence that the**  
7 **testator, with the intent of revoking all or part of the will, performed the act or directed**  
8 **another individual who performed the act in the testator's physical presence.**

9           **3. If there is evidence that a testator signed an electronic will and neither an**  
10 **electronic will nor a certified paper copy of the electronic will can be located after a**  
11 **testator's death, there is a presumption that the testator revoked the electronic will even**  
12 **if no instrument or later will revoking the electronic will can be located.**

**474.554. Without further notice, at any time during the administration of the**  
2 **estate or, if there is no grant of administration, upon such notice and in such manner as**  
3 **the court directs, the court may issue an order under sections 472.400 to 472.490 for a**  
4 **custodian of an account held under a terms-of-service agreement to disclose digital**  
5 **assets for the purposes of obtaining an electronic will from the account of a deceased**  
6 **user. If there is no grant of administration at the time the court issues the order, the**  
7 **court's order shall grant disclosure to the petitioner who is deemed a personal**  
8 **representative under sections 472.400 to 472.490.**

**474.556. 1. An individual may create a certified paper copy of an electronic will**  
2 **by affirming under penalty of perjury that a paper copy of the electronic will is a**  
3 **complete, true, and accurate copy of the electronic will. If the electronic will is made**  
4 **self-proving, the certified paper copy of the will shall include the self-proving affidavit**  
5 **under section 474.337 or 474.550.**

6           **2. If a rule of law or procedure requires a will to be presented or retained in its**  
7 **original form or provides consequences for the information not being presented or**  
8 **retained in its original form, that rule of law or procedure shall be satisfied by a**  
9 **certified paper copy of an electronic will.**

**474.558. In applying and construing sections 474.540 to 474.564, consideration**  
2 **shall be given to the need to promote uniformity of the law with respect to its subject**  
3 **matter among states that enact it.**

**474.560. 1. Any written estate planning document may be executed**  
2 **electronically, and no such estate planning document shall be invalid or void solely**  
3 **because it is in electronic form or because it is signed electronically by a settlor, trustee,**  
4 **principal, grantor, declarant, or owner, or by a witness to any such person's signature.**  
5 **For purposes of this section, "estate planning document" shall include, but not be**  
6 **limited to:**

- 7           **(1) A power of attorney or durable power of attorney;**  
8           **(2) A health care declaration;**  
9           **(3) An advance directive;**

10           **(4) A power of attorney for health care or durable power of attorney for health**  
11 **care;**

12           **(5) A revocable trust or amendment thereto, or modification or revocation**  
13 **thereof;**

14           **(6) An irrevocable trust;**

15           **(7) A beneficiary deed;**

16           **(8) A nonprobate transfer; or**

17           **(9) A document modifying, amending, correcting, or revoking any written estate**  
18 **planning document.**

19           **2. (1) An electronic estate planning document or an electronic signature on such**  
20 **document shall be attributable to a person if it was the act of the person. The act of the**  
21 **person may be shown in any manner, including a showing of the efficacy of a security**  
22 **procedure applied to determine the person to which the electronic record or signature**  
23 **was attributable.**

24           **(2) The effect of attribution of a document or signature to a person under**  
25 **subdivision (1) of this subsection shall be determined from the context and surrounding**  
26 **circumstances at the time of its creation, execution, or adoption and as provided by**  
27 **other law.**

28           **3. (1) Unless otherwise provided under its terms, any electronic estate planning**  
29 **document may be signed in one or more counterparts, and each separate counterpart**  
30 **may be an electronic document or a paper document, provided that all signed**  
31 **counterpart pages of each document are incorporated into, or attached to, the**  
32 **document.**

33           **(2) An individual may create a certified paper copy of any such electronic estate**  
34 **planning document by affirming under penalty of perjury that a paper copy of the**  
35 **electronic estate planning document is a complete, true, and accurate copy of such**  
36 **document. If a rule of law or procedure requires an estate planning document to be**  
37 **presented or retained in its original form or provides consequences for the information**  
38 **not being presented or retained in its original form, such rule of law or procedure shall**  
39 **be satisfied by a certified paper copy of an electronic document.**

40           **4. Any written estate planning document, other than a will, that requires one or**  
41 **more witnesses to the signature of a principal may be witnessed by any individual or**  
42 **individuals in the electronic presence of the principal.**

43           **5. A person who acts in reliance upon an electronically executed written estate**  
44 **planning document shall not be liable to any person for so relying and may assume**  
45 **without inquiry the valid execution of the electronically executed written estate planning**  
46 **document.**



47           **6. This section does not require a written estate planning document to be**  
48 **electronically signed.**

49           **7. The laws of this state and principles of equity applicable to any estate**  
50 **planning document shall apply to any electronic estate planning document except as**  
51 **modified by this section.**

**474.562. The provisions of sections 474.540 to 474.564 modify, limit, and**  
2 **supersede the federal Electronic Signatures in Global and National Commerce Act, 15**  
3 **U.S.C. Section 7001 et seq., but do not modify, limit, or supersede Section 101(c) of that**  
4 **act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in**  
5 **Section 103(b) of that act, 15 U.S.C. Section 7003(b).**

**474.564. The provisions of sections 474.540 to 474.564 shall apply to the will of a**  
2 **decedent who dies on or after August 28, 2025, and to each other written estate planning**  
3 **document signed or remotely witnessed on or after August 28, 2025.**

**474.600. 1. As used in this section, the following terms mean:**

2           **(1) "Applicable state of emergency", the period between April 6, 2020, and**  
3 **December 31, 2021, during which a state of emergency existed due to a COVID-19**  
4 **public health threat, as proclaimed by the governor, and during which executive orders**  
5 **20-08, 20-10, 20-12, 20-14, 20-19, 21.07, and 21.09 temporarily suspended the physical**  
6 **appearance requirements under this chapter and authorized the use of audio-visual**  
7 **technology to the extent that any Missouri statute required the physical presence of any**  
8 **testator, settlor, principal, witness, notary, or other person necessary for the effective**  
9 **execution of any estate planning document such as a will, trust, or power of attorney, or**  
10 **a self-proving affidavit of the execution of such document, if the conditions set forth in**  
11 **the executive orders were met;**

12           **(2) "Estate planning document", includes, but is not limited to:**

- 13           **(a) A will;**  
14           **(b) A codicil;**  
15           **(c) A power of attorney or durable power of attorney;**  
16           **(d) A health care declaration;**  
17           **(e) An advance directive;**  
18           **(f) A power of attorney for health care or a durable power of attorney for health**  
19 **care;**  
20           **(g) A revocable trust or amendment thereto, or modification or revocation**  
21 **thereof;**  
22           **(h) An irrevocable trust;**  
23           **(i) A beneficiary deed;**  
24           **(j) A nonprobate transfer; or**

25 (k) A document modifying, amending, correcting, or revoking any written estate  
26 planning document;

27 (3) "Necessary person", any testator, settlor, grantor, principal, declarant,  
28 witness, notary, or other person required for the effective execution of any estate  
29 planning document in this state;

30 (4) "Physical presence requirement", includes, but is not limited to, any  
31 requirement of physical presence under section 404.705, 459.015, 474.320, or 474.337 or  
32 chapter 486.

33 2. With respect to the execution of an estate planning document, a necessary  
34 person shall be deemed to have satisfied any physical presence requirement under  
35 Missouri statute during the applicable state of emergency if the following requirements  
36 were met:

37 (1) The signer affirmatively represented that the signer was physically located in  
38 the state of Missouri;

39 (2) The notary was physically located in the state of Missouri and stated in which  
40 county the notary was physically located for the jurisdiction on the acknowledgment;

41 (3) The notary identified the signers to the satisfaction of the notary and current  
42 law;

43 (4) Any person whose signature was required appeared using video conference  
44 software where live, interactive audio-visual communication between the principal,  
45 notary, and any other necessary person allowed for observation, direct interaction, and  
46 communication at the time of signing; and

47 (5) The notary recorded in the notary's journal the exact time and means used to  
48 perform the notarial act, along with all other required information, absent the wet  
49 signatures.

50 3. The requirements of subdivisions (1) to (5) of subsection 2 of this section shall  
51 be deemed satisfied if an attorney who is licensed or authorized to practice law in  
52 Missouri and who was present at the remote execution signs a written acknowledgment  
53 made before an officer authorized to administer oaths under the laws of this state, and  
54 evidenced by the officer's certificate, under official seal, affixed to or logically associated  
55 with the acknowledgment. The form and content of the acknowledgment shall be  
56 substantially as follows:

57  
58 State of \_\_\_\_\_

59  
60 County of \_\_\_\_\_

62

63 I, \_\_\_\_\_, am an attorney licensed or authorized to practice law in the state of  
64 Missouri.

65

66 On \_\_\_\_ (date), I convened with the following individuals via video conference software  
67 that allowed for live, interactive audio-visual communication between the parties to the  
68 conference and that also allowed for observation, direction, interaction, and  
69 communication between:

70

71 \_\_\_\_\_, the (testator, settlor, grantor, principal, or declarant);

72

73 \_\_\_\_\_, a witness;

74

75 \_\_\_\_\_, a second witness; and

76

77 \_\_\_\_\_ a notary public.

78

79 During the conference, \_\_\_\_\_, the (testator, settlor, grantor, principal, or  
80 declarant) signed the following estate planning document or documents: (a will,  
81 codicil, power of attorney, durable power of attorney, health care declaration, advance  
82 directive, health care power of attorney, revocable trust, irrevocable trust, beneficiary  
83 deed, nonprobate transfer, self-proving affidavit of the execution of a will, or a  
84 document modifying, amending, correcting, or revoking one of these estate planning  
85 documents).

86

87 All the parties to the conference represented that they were physically located in the  
88 state of Missouri at the time of the signing.

89

90 I have reviewed and am familiar with the requirements of the applicable executive order  
91 or orders in effect at the time and affirm that the remote execution of the estate planning  
92 document or documents met all the requirements of the applicable executive order or  
93 orders.

94

95 In witness whereof I, an officer authorized to administer oaths, have hereunto  
96 subscribed my name and affixed my official seal this \_\_\_\_ (date).

97

98 (Signed)

99

100

101

102 (SEAL)

103

104

105

106 (Official capacity of officer)

478.700. 1. There shall be ~~[two]~~ **three** circuit judges in the twenty-fifth judicial circuit consisting of the counties of Maries, Phelps, Pulaski and Texas. These judges shall sit in divisions numbered one ~~[and]~~, two, **and three**.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982. **The governor shall appoint a circuit judge for division three and that circuit judge shall serve until January 1, 2029. A circuit judge for division three shall be elected in 2028.**

478.705. 1. There shall be three circuit judges in the twenty-sixth judicial circuit consisting of the counties of Camden, Laclede, Miller, Moniteau and Morgan. These judges shall sit in divisions numbered one, two, and three.

2. The circuit judge in division two shall be elected in 1980. The circuit judge in division one shall be elected in 1982. The governor shall appoint a judge for division three and notwithstanding the provisions of section 105.030, that judge shall serve until January 1, 2021. A judge for division three shall be elected in 2020.

**3. There shall be one additional associate circuit judge in Miller County. This associate circuit judge shall not be included in the statutory formula for authorizing additional associate circuit judges per county as provided under section 478.320. The governor shall appoint such judge, and that judge shall serve until January 1, 2029. An associate circuit judge shall be elected in 2028.**

632.305. 1. An application for detention for evaluation and treatment at a mental health facility may be executed by any adult person, who need not be an attorney or represented by an attorney, on a form provided by the court for such purpose, and shall allege under oath~~[, without a notarization requirement,]~~ that the applicant has reason to believe that the respondent is suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or to others. The application shall specify the factual information on which such belief is based and should contain the names and addresses of all persons known to the applicant who have knowledge of such facts through personal observation.

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, shall authorize the applicant to bring the matter before

11 the court on an ex parte basis to determine whether the respondent should be taken into  
12 custody and transported to a mental health facility. The application may be filed in the court  
13 having probate jurisdiction in any county where the respondent may be found. If the court  
14 finds that there is probable cause, either upon testimony under oath or upon a review of  
15 affidavits, declarations, or other supporting documentation, to believe that the respondent  
16 may be suffering from a mental disorder and presents a likelihood of serious harm to himself  
17 or herself or others, it shall direct a peace officer to take the respondent into custody and  
18 transport him or her to a mental health facility for detention for evaluation and treatment for a  
19 period not to exceed ninety-six hours unless further detention and treatment is authorized  
20 pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the  
21 exercise of its discretion, from giving the respondent an opportunity to be heard.

22         3. A peace officer may take a person into custody for detention for evaluation and  
23 treatment at a mental health facility for a period not to exceed ninety-six hours only when  
24 such peace officer has reasonable cause to believe that such person is suffering from a mental  
25 disorder and that the likelihood of serious harm by such person to himself or herself or others  
26 is imminent unless such person is immediately taken into custody. Upon arrival at the mental  
27 health facility, the peace officer who conveyed such person or caused him or her to be  
28 conveyed shall either present the application for detention for evaluation and treatment upon  
29 which the court has issued a finding of probable cause and the respondent was taken into  
30 custody or complete an application for initial detention for evaluation and treatment for a  
31 period not to exceed ninety-six hours which shall be based upon his or her own personal  
32 observations or investigations and shall contain the information required in subsection 1 of  
33 this section.

34         4. If a person presents himself or herself or is presented by others to a mental health  
35 facility and a licensed physician, a registered professional nurse or a mental health  
36 professional designated by the head of the facility and approved by the department for such  
37 purpose has reasonable cause to believe that the person is mentally disordered and presents an  
38 imminent likelihood of serious harm to himself or herself or others unless he or she is  
39 accepted for detention, the licensed physician, the mental health professional or the registered  
40 professional nurse designated by the facility and approved by the department may complete  
41 an application for detention for evaluation and treatment for a period not to exceed ninety-six  
42 hours. The application shall be based on his or her own personal observations or  
43 investigation and shall contain the information required in subsection 1 of this section.

44         5. (1) No notarization shall be required for an application, or for any affidavits,  
45 declarations, or other documents supporting an application, **completed or executed by:**

46             **(a) A peace officer under subsection 3 of this section;**

47           **(b) A licensed physician, mental health professional, or registered professional**  
48 **nurse under subsection 4 of this section; or**

49           **(c) An employee acting on behalf of a hospital, as defined in section 197.020,**  
50 **under subsections 1 and 2 of this section.**

51           **(2)** The application and any affidavits, declarations, or other documents supporting  
52 the application shall be subject to the provisions of section 492.060 allowing for declaration  
53 under penalty of perjury.

          650.058. 1. Notwithstanding the sovereign immunity of the state, any individual who  
2 was found guilty of a felony in a Missouri court and was later determined to be actually  
3 innocent of such crime solely as a result of DNA profiling analysis may be paid restitution.  
4 The individual may receive an amount of one hundred dollars per day for each day of  
5 postconviction incarceration for the crime for which the individual is determined to be  
6 actually innocent. The petition for the payment of said restitution shall be filed with the  
7 sentencing court. For the purposes of this section, the term "actually innocent" shall mean:

8           (1) The individual was convicted of a felony for which a final order of release was  
9 entered by the court;

10          (2) All appeals of the order of release have been exhausted;

11          (3) The individual was not serving any term of a sentence for any other crime  
12 concurrently with the sentence for which he or she is determined to be actually innocent,  
13 unless such individual was serving another concurrent sentence because his or her parole was  
14 revoked by a court or the parole board in connection with the crime for which the person has  
15 been exonerated. Regardless of whether any other basis may exist for the revocation of the  
16 person's probation or parole at the time of conviction for the crime for which the person is  
17 later determined to be actually innocent, when the court's or the parole board's sole stated  
18 reason for the revocation in its order is the conviction for the crime for which the person is  
19 later determined to be actually innocent, such order shall, for purposes of this section only, be  
20 conclusive evidence that their probation or parole was revoked in connection with the crime  
21 for which the person has been exonerated; and

22          (4) Testing ordered under section 547.035, or testing by the order of any state or  
23 federal court, if such person was exonerated on or before August 28, 2004, or testing ordered  
24 under section 650.055, if such person was or is exonerated after August 28, 2004,  
25 demonstrates a person's innocence of the crime for which the person is in custody.

26

27 Any individual who receives restitution under this section shall be prohibited from seeking  
28 any civil redress from the state, its departments and agencies, or any employee thereof, or any  
29 political subdivision or its employees. This section shall not be construed as a waiver of  
30 sovereign immunity for any purposes other than the restitution provided for herein. The

31 department of corrections shall determine the aggregate amount of restitution owed during a  
32 fiscal year. If insufficient moneys are appropriated each fiscal year to pay restitution to such  
33 persons, the department shall pay each individual who has received an order awarding  
34 restitution a pro rata share of the amount appropriated. Provided sufficient moneys are  
35 appropriated to the department, the amounts owed to such individual shall be paid on June  
36 thirtieth of each subsequent fiscal year, until such time as the restitution to the individual has  
37 been paid in full. However, no individual awarded restitution under this subsection shall  
38 receive more than thirty-six thousand five hundred dollars during each fiscal year. No interest  
39 on unpaid restitution shall be awarded to the individual. ~~[No individual who has been~~  
40 ~~determined by the court to be actually innocent shall be responsible for the costs of care under~~  
41 ~~section 217.831.]~~

42 2. If the results of the DNA testing confirm the person's guilt, then the person filing  
43 for DNA testing under section 547.035, shall:

44 (1) Be liable for any reasonable costs incurred when conducting the DNA test,  
45 including but not limited to the cost of the test. Such costs shall be determined by the court  
46 and shall be included in the findings of fact and conclusions of law made by the court; and

47 (2) Be sanctioned under the provisions of section 217.262.

48 3. A petition for payment of restitution under this section may only be filed by the  
49 individual determined to be actually innocent or the individual's legal guardian. No claim or  
50 petition for restitution under this section may be filed by the individual's heirs or assigns. An  
51 individual's right to receive restitution under this section is not assignable or otherwise  
52 transferrable. The state's obligation to pay restitution under this section shall cease upon the  
53 individual's death. Any beneficiary designation that purports to bequeath, assign, or  
54 otherwise convey the right to receive such restitution shall be void and unenforceable.

55 4. An individual who is determined to be actually innocent of a crime under this  
56 chapter shall automatically be granted an order of expungement from the court in which he or  
57 she pled guilty or was sentenced to expunge from all official records all recordations of his or  
58 her arrest, plea, trial or conviction. Upon granting of the order of expungement, the records  
59 and files maintained in any administrative or court proceeding in an associate or circuit  
60 division of the court shall be confidential and only available to the parties or by order of the  
61 court for good cause shown. The effect of such order shall be to restore such person to the  
62 status he or she occupied prior to such arrest, plea or conviction and as if such event had never  
63 taken place. No person as to whom such order has been entered shall be held thereafter under  
64 any provision of any law to be guilty of perjury or otherwise giving a false statement by  
65 reason of his or her failure to recite or acknowledge such arrest, plea, trial, conviction or  
66 expungement in response to any inquiry made of him or her for any purpose whatsoever and  
67 no such inquiry shall be made for information relating to an expungement under this section.

2 ~~[217.825. Sections 217.825 to 217.841 shall be known and may be~~  
~~cited as the "Missouri Incarceration Reimbursement Act".]~~

2 ~~[217.827. As used in sections 217.825 to 217.841, the following terms~~  
~~shall mean:~~

3 ~~(1) (a) "Assets", property, tangible or intangible, real or personal,~~  
~~belonging to or due an offender or a former offender, including income or~~  
~~payments to such offender from Social Security, workers' compensation,~~  
~~veterans' compensation, pension benefits, previously earned salary or wages,~~  
~~bonuses, annuities, retirement benefits, or from any other source whatsoever,~~  
~~including any of the following:~~

9 ~~a. Money or other tangible assets received by the offender as a result~~  
~~of a settlement of a claim against the state, any agency thereof, or any claim~~  
~~against an employee or independent contractor arising from and in the scope of~~  
~~said employee's or contractor's official duties on behalf of the state or any~~  
~~agency thereof;~~

14 ~~b. A money judgment received by the offender from the state as a~~  
~~result of a civil action in which the state, an agency thereof or any state~~  
~~employee or independent contractor where such judgment arose from a claim~~  
~~arising from the conduct of official duties on behalf of the state by said~~  
~~employee or subcontractor or for any agency of the state;~~

19 ~~c. A current stream of income from any source whatsoever, including a~~  
~~salary, wages, disability, retirement, pension, insurance or annuity benefits or~~  
~~similar payments;~~

22 ~~(b) "Assets" shall not include:~~

23 ~~a. The homestead of the offender up to fifty thousand dollars in value;~~

24 ~~b. Money saved by the offender from wages and bonuses up to two~~  
~~thousand five hundred dollars paid the offender while he or she was confined~~  
~~to a state correctional center;~~

27 ~~(2) "Cost of care", the cost to the department of corrections for~~  
~~providing transportation, room, board, clothing, security, medical, and other~~  
~~normal living expenses of offenders under the jurisdiction of the department,~~  
~~as determined by the director of the department;~~

31 ~~(3) "Department", the department of corrections of this state;~~

32 ~~(4) "Director", the director of the department;~~

33 ~~(5) "Offender", any person who is under the jurisdiction of the~~  
~~department and is confined in any state correctional center or is under the~~  
~~continuing jurisdiction of the department;~~

36 ~~(6) "State correctional center", a facility or institution which houses an~~  
~~offender population under the jurisdiction of the department. State~~  
~~correctional center includes a correctional camp, community correction~~  
~~center, honor center, or state prison.]~~

2 ~~[217.829. 1. The department shall develop a form which shall be used~~  
~~by the department to obtain information from all offenders regarding their~~  
~~assets.~~

4 ~~2. The form shall be submitted to each offender as of the date the form~~  
~~is developed and to every offender who thereafter is sentenced to~~



6 ~~imprisonment under the jurisdiction of the department. The form may be~~  
7 ~~resubmitted to an offender by the department for purposes of obtaining current~~  
8 ~~information regarding assets of the offender.~~

9 ~~3. Every offender shall complete the form or provide for completion of~~  
10 ~~the form and the offender shall swear or affirm under oath that to the best of~~  
11 ~~his or her knowledge the information provided is complete and accurate. Any~~  
12 ~~person who shall knowingly provide false information on said form to state~~  
13 ~~officials or employees shall be guilty of the crime of making a false affidavit~~  
14 ~~as provided by section 575.050.~~

15 ~~4. Failure by an offender to fully, adequately and correctly complete~~  
16 ~~the form may be considered by the parole board for purposes of a parole~~  
17 ~~determination, and in determining an offender's parole release date or~~  
18 ~~eligibility and shall constitute sufficient grounds for denial of parole.~~

19 ~~5. Prior to release of any offender from imprisonment, and again prior~~  
20 ~~to release from the jurisdiction of the department, the department shall request~~  
21 ~~from the offender an assignment of ten percent of any wages, salary, benefits~~  
22 ~~or payments from any source. Such an assignment shall be valid for the longer~~  
23 ~~period of five years from the date of its execution, or five years from the date~~  
24 ~~that the offender is released from the jurisdiction of the department or any of~~  
25 ~~its divisions or agencies. The assignment shall secure payment of the total cost~~  
26 ~~of care of the offender executing the assignment. The restrictions on the~~  
27 ~~maximum amount of earnings subject to garnishment contained in section~~  
28 ~~525.030 shall apply to earnings subject to assignments executed pursuant to~~  
29 ~~this subsection.]~~

2 ~~[217.831. 1. The director shall forward to the attorney general a report~~  
3 ~~on each offender containing a completed form pursuant to the provisions of~~  
4 ~~section 217.829 together with all other information available on the assets of~~  
5 ~~the offender and an estimate of the total cost of care for that offender.~~

6 ~~2. The attorney general may investigate or cause to be investigated all~~  
7 ~~reports furnished pursuant to the provisions of subsection 1 of this section.~~  
8 ~~This investigation may include seeking information from any source that may~~  
9 ~~have relevant information concerning an offender's assets. The director shall~~  
10 ~~provide all information possessed by the department and its divisions and~~  
11 ~~agencies, upon request of the attorney general, in order to assist the attorney~~  
12 ~~general in completing his duties pursuant to sections 217.825 to 217.841.~~

13 ~~3. If the attorney general upon completing the investigation under~~  
14 ~~subsection 2 of this section has good cause to believe that an offender or~~  
15 ~~former offender has sufficient assets to recover not less than ten percent of the~~  
16 ~~estimated cost of care of the offender or ten percent of the estimated cost of~~  
17 ~~care of the offender for two years, whichever is less, or has a stream of income~~  
18 ~~sufficient to pay such amounts within a five year period, the attorney general~~  
19 ~~may seek to secure reimbursement for the expense of the state of Missouri for~~  
20 ~~the cost of care of such offender or former offender.~~

21 ~~4. The attorney general, or any prosecuting attorney on behalf of the~~  
22 ~~attorney general, shall not bring an action pursuant to this section against an~~  
23 ~~offender or former offender after the expiration of five years after his release~~  
~~from the jurisdiction of the department.]~~

2 ~~[217.833. 1. Not more than ninety percent of the value of the assets of~~  
3 ~~the offender may be used for purposes of securing costs and reimbursement~~  
4 ~~pursuant to the provisions of sections 217.825 to 217.841.~~

5 ~~2. The amount of reimbursement sought from an offender shall not be~~  
6 ~~in excess of the per capita cost for care for maintaining offenders in the state~~  
7 ~~correctional center in which the offender is housed for the period or periods~~  
~~such offender is an offender in a state correctional center.]~~

2 ~~[217.835. 1. The circuit court shall have exclusive jurisdiction over all~~  
3 ~~proceedings seeking reimbursement from offenders pursuant to the provisions~~  
4 ~~of sections 217.825 to 217.841. The attorney general may file a complaint in~~  
5 ~~the circuit court for the county or city from which a prisoner was sentenced or~~  
6 ~~in the circuit court in the county or city of the office of the director of the~~  
7 ~~department, against any person under the jurisdiction of the department stating~~  
8 ~~that the person is or has been an offender in a state correctional center, that~~  
9 ~~there is good cause to believe that the person has assets, and praying that the~~  
10 ~~assets be used to reimburse the state for the expenses incurred or to be~~  
11 ~~incurred, or both, by the state for the cost of care of the person as an offender.~~

12 ~~2. Upon the filing of the complaint under subsection 1 of this section,~~  
13 ~~the court shall issue an order to show cause why the prayer of the complainant~~  
14 ~~should not be granted. The complaint and order shall be served upon the~~  
15 ~~person personally, or, if the person is confined in a state correctional center, by~~  
16 ~~registered mail addressed to the person in care of the chief administrator of the~~  
17 ~~state correctional center where the person is housed, at least thirty days before~~  
18 ~~the date of hearing on the complaint and order.~~

19 ~~3. At the time of the hearing on the complaint and order, if it appears~~  
20 ~~that the person has any assets which ought to be subjected to the claim of the~~  
21 ~~state pursuant to the provisions of sections 217.825 to 217.841, the court shall~~  
22 ~~issue an order requiring any person, corporation, or other legal entity~~  
23 ~~possessed or having custody of such assets, to appropriate and apply such~~  
24 ~~assets or a portion thereof to satisfy such claim.~~

25 ~~4. At the hearing on the complaint and order and before entering any~~  
26 ~~order on behalf of the state against the defendant, the court shall take into~~  
27 ~~consideration any legal obligation of the defendant to support a spouse, minor~~  
28 ~~children, or other dependents and any moral obligation to support dependents~~  
29 ~~to whom the defendant is providing or has in fact provided support.~~

30 ~~5. If the person, corporation, or other legal entity shall neglect or~~  
31 ~~refuse to comply with an order issued pursuant to subsection 3 of this section,~~  
32 ~~the court shall order the person, corporation, or other legal entity to appear~~  
33 ~~before the court at such time as the court may direct and to show cause why the~~  
34 ~~person, corporation, or other legal entity should not be considered in contempt~~  
35 ~~of court.~~

36 ~~6. If, in the opinion of the court, the assets of the prisoner are sufficient~~  
37 ~~to pay the cost of the proceedings undertaken pursuant to the provisions of~~  
38 ~~sections 217.825 to 217.841, the prisoner shall be liable for those costs upon~~  
~~order of the court.]~~

2 ~~[217.837. 1. Except as provided in subsection 3 of this section, the~~  
3 ~~attorney general may use any remedy, interim order, or enforcement procedure~~  
4 ~~allowed by law or court rule including an ex parte restraining order to restrain~~  
5 ~~the prisoner or any other person or legal entity in possession or having custody~~  
6 ~~of the estate of the prisoner from disposing of certain property in avoidance of~~  
7 ~~an order issued pursuant to the provisions of section 217.835.~~

8 ~~2. To protect and maintain assets pending resolution of proceedings~~  
9 ~~initiated pursuant to the provisions of section 217.835, the court, upon request,~~  
10 ~~may appoint a receiver.~~

11 ~~3. The attorney general or a prosecuting attorney shall not enforce any~~  
12 ~~judgment obtained pursuant to the provisions of section 217.835 by means of~~  
13 ~~execution against the homestead of the prisoner.~~

14 ~~4. The state's right to recover the cost of incarceration pursuant to an~~  
15 ~~order issued pursuant to the provisions of section 217.835 shall have priority~~  
16 ~~over all other liens, debts, or other incumbrances against real property or any~~  
~~other assets which are part of a prisoner's estate.]~~

2 ~~[217.839. 1. The attorney general of this state shall enforce the~~  
3 ~~provisions of sections 217.825 to 217.841, except that the attorney general~~  
4 ~~may request the prosecuting attorney of the county or city in which the~~  
5 ~~offender was sentenced or the prosecuting attorney of the county or city in~~  
6 ~~which any asset of an offender is located to make an investigation or assist in~~  
7 ~~legal proceedings undertaken pursuant to the provisions of sections 217.825 to~~  
8 ~~217.841.~~

9 ~~2. The sentencing judge, the sheriff, the county or city, the chief~~  
10 ~~administrator of the state correctional center, and the state treasurer shall~~  
11 ~~furnish to the attorney general or prosecuting attorney all information and~~  
12 ~~assistance possible to enable the attorney general or prosecuting attorney to~~  
13 ~~secure reimbursement for the state pursuant to the provisions of sections~~  
14 ~~217.825 to 217.841.~~

15 ~~3. Notwithstanding the provisions of any other law protecting the~~  
16 ~~confidentiality of any information possessed by the state, its officials and~~  
17 ~~agencies, the secretary of state, the director of the department of revenue, the~~  
18 ~~director of the department of social services, the director of the department of~~  
19 ~~corrections, the director of the department of labor and industrial relations, the~~  
20 ~~director of the department of public safety, and the commissioner of~~  
21 ~~administration, and each division or agency within or assigned to such~~  
22 ~~departments, shall provide the attorney general or prosecuting attorney with all~~  
23 ~~information requested pursuant to the provisions of sections 217.825 to~~  
24 ~~217.841.~~

25 ~~4. Any county or municipal official having custody of records of the~~  
26 ~~estate or real property of any offender or former offender shall surrender said~~  
27 ~~records or certified copies thereof without fee to the attorney general or~~  
28 ~~prosecuting attorney who request such records pursuant to the provisions of~~  
~~sections 217.825 to 217.841.]~~

2 ~~[217.841. 1. The costs of any investigations shall be paid from the~~  
~~reimbursements secured pursuant to the provisions of sections 217.825 to~~

3       ~~217.841. The investigative costs shall be presumed to be twenty percent of the~~  
4       ~~reimbursements recovered, unless the attorney general shall demonstrate to the~~  
5       ~~court otherwise. All reimbursements collected shall be paid to the "Inmate~~  
6       ~~Incarceration Reimbursement Act Revolving Fund", which is hereby~~  
7       ~~established in the state treasury. Moneys in the inmate incarceration~~  
8       ~~reimbursement act revolving fund shall be appropriated to the attorney general~~  
9       ~~in order to defray the costs of the attorney general in connection with his duties~~  
10       ~~provided by sections 217.825 to 217.841; and all remaining balances shall be~~  
11       ~~appropriated to the department for purposes of construction and operation of~~  
12       ~~state correctional facilities. The provisions of section 33.080 notwithstanding,~~  
13       ~~moneys in the inmate incarceration reimbursement act revolving fund shall not~~  
14       ~~lapse, be transferred or appropriated to or placed to the credit of the general~~  
15       ~~revenue fund or any other fund of the state.~~

16       ~~2. The state treasurer may determine the amount due the state for the~~  
17       ~~cost of care of an offender and render statements thereof and such sworn~~  
18       ~~statements shall be considered prima facie evidence of the amount due.]~~

✓