HCS SB 1067 -- CIVIL JURISPRUDENCE

SPONSOR: Henderson

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on Judiciary by a vote of 11 to 0. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 8 to 0.

The following is a summary of the House Committee Substitute for SB 1067.

SHERIFF OF ST. LOUIS (Section 57.540)

Currently, compensation for the attorney for the sheriff of the City of St. Louis must be not less than $3,000 and not more than $15,000 per year. This bill provides that the sheriff will set the rate of compensation for the attorney, and the attorney will be employed at the pleasure of the sheriff.

WORKERS' COMPENSATION (Sections 287.200 & 287.470)

The bill permits the Labor and Industrial Relations Commission to change the name, information, or fee arrangement of the attorney or law firm representing a claimant upon the filing of a written agreement, signed by both the claimant and the attorney and the new attorney, with the Commission.

LIMITED LIABILITY COMPANIES (Sections 347.044, 347.143 & 347.186)

This bill allows for any person to apply to the Secretary of State (SOS) for a certificate of good standing for a domestic limited liability company (LLC) or a foreign LLC. The requirements to receive a certificate of good standing from the SOS are outlined in the bill. A certificate of good standing issued by the SOS will be prima facie evidence that the domestic or foreign LLC exists and is authorized to transact business in this State.

Current law allows an LLC to establish one or more designated series with separate rights, powers, and liabilities. Each series can hold assets and incur debts that are enforceable only against the assets of that series.

Further, the current law allows an operating agreement to establish one or more designated series of members, managers, or interests, each of which may have separate rights, powers,

duties, business purposes, investment objectives, and liabilities distinct from the LLC or other series. Debts, liabilities, and obligations incurred by a series are enforceable only against the assets of that series if the records of the series are maintained separately and the articles of organization contain notice of such limitation.

This bill requires that no later than January 31, 2027, each series to be individually profiled and searchable on the SOS's business entity database and authorizes a series to obtain a separate certificate of good standing.

Currently, a limited liability company (LLC) can be dissolved by a decree of the circuit court located in the county of the registered office of the LLC upon application by or for a member of the LLC when it is not reasonably practicable to carry on business in conformity with the operating agreement.

This bill expands this provision to also allow the court to dissolve an LLC:

(1) When dissolution is reasonably necessary for protection of the rights or interests of complaining members;

(2) When the business of the LLC has been abandoned;

(3) The management of the LLC is deadlocked or subject to internal dissension;

(4) The business operations of the LLC are substantially impaired; or

(6) Those in control of the LLC have been found guilty of, or have knowingly allowed, persistent and pervasive fraud, mismanagement, or abuse of authority.

COURT OPERATIONS (Sections 476.055, 483.005, 483.082, 488.012 & 509.520)

The bill makes technical changes to the Statewide Court Automation Fund, increases the court fee directed to the statewide court automation fund from $7 to $10, and makes changes to the makeup of the Court Automation Committee, including:

(1) Requiring the judicial members of the Committee to be appointed by the Chief Justice of the Missouri Supreme Court;

(2) Modifying the language concerning the two members of the Missouri Bar appointed by the board of governors of the Missouri Bar. The bill repeals a provision designating the two members from the Bar as ex officio members of the Committee;

(3) Requiring that, of the members on the Committee from the Senate and the House of Representatives, one member from each chamber must be from the majority party and one must be from the minority party;

(4) Adding two ex officio members: one being the Chief Justice of the Missouri Supreme Court or his or her designee, and the other being the Commissioner of Administration or his or her designee.

(5) Changing the Director of the State Public Defender System to be an ex officio member.

The bill specifies that members of the Committee will serve for two-year terms and will be reimbursed from the Statewide Court Automation Fund for their actual expenses in performing their official committee duties. The bill authorizes the Committee to implement pilot projects in the State at any time. The Committee is required to submit a report on the progress of the court automation system electronically by the 15th of January of each year to the chairs of the committees specified in the bill, or their successor committees.

The bill creates definitions for the statutes related to court records and the statewide court automation system. The definitions include, among others, "case record", "confidential information", "confidential record", and "minor child". The bill requires confidential information and confidential records in a case record to be inaccessible to the general public, as provided under Missouri Supreme Court Rules, and repeals previous confidentiality requirements.

The bill makes changes to the information that must not be included in court documents, including pleadings, attachments, and exhibits.

Currently, such documents must not contain the full Social Security number of any party or any child. This bill provides that such documents must not contain the Social Security number of any party or any child only when that party or child is the subject of an order of custody or support.

The bill clarifies financial information that must not be included in such documents and repeals provisions that prevented specified information from appearing in such documents.

TREATMENT COURT ADMINISTRATORS (Section 478.003)

This bill requires judicial circuits that have a treatment court division but no treatment court administrator or commissioner to employ a treatment court administrator, subject to appropriations or other available funds. If the compensation of an administrator employed under these provisions is provided from funds other than state funds, the source of the funds will pay to and reimburse the state for the actual costs of the salary and benefits of the administrator.

CERTAIN JUDICIAL CIRCUITS (Sections 478.385, 478.387, 478.550, 478.600, 478.630, 478.700, 478.705 & 487.020)

This bill amends various statutes related to certain judicial circuits by repealing references to the specific counties of which the individual circuits consist. The bill also adds:

(1) A circuit judge to the 7th judicial circuit beginning fiscal year 2028;

(2) An associate circuit judge to the 23rd judicial circuit beginning fiscal year 2028. The Governor will appoint the judge and that judge will serve until January 1, 2029. An associate circuit judge will be elected in 2028 and every four years thereafter. This associate circuit judgeship will not be included in the statutory formula for authorizing additional associate circuit judgeships per count;

(3) Beginning January 1, 2029, a circuit judge and, beginning fiscal year 2028, two associate circuit judges to the 11th judicial circuit. The circuit judge in division 17 will be elected in 2028 for a two-year term and in 2030 for a six-year term and every six years thereafter. The associate circuit judges will be elected in 2028 and will not be included in the statutory formula for authorizing additional associate circuit judgeships per count;

(4) An associate circuit judge to Franklin County in the 20th judicial circuit. The Governor will appoint the judge and that judge will serve until January 1, 2029. A judge will be elected in 2028 and every four years thereafter. This associate circuit

judgeship will not be included in the statutory formula for authorizing additional associate circuit judges per county;

(5) A circuit judge to the 25th judicial circuit. The judge appointed by the Governor in 2025 will serve until January 1, 2029, and a judge will be elected in 2032 and every six years thereafter; and

(6) An associate circuit judge to Miller County in the 26th judicial circuit. The Governor will appoint the judge and that judge will serve until January 1, 2029. A judge will be elected in 2028 and every four years thereafter and will not be included in the statutory formula for authorizing additional associate circuit judgeships per county.

This bill adds the 7th Judicial Circuit in Clay County to the circuit courts that can appoint a family court commissioner whose compensation does not have to be reimbursed to the State. This does not authorize the circuit to appoint additional family court commissioners on top of the number in office in the circuit as of January 1, 2027.

Beginning in fiscal year 2028, the 25th judicial circuit may appoint one additional family court commissioner.

COURT COST INCREASES (Section 488.027)

The bill provides that Beginning July 1, 2027, and on July first of each year thereafter, court costs will be adjusted annually for inflation based on the Consumer Price Index for All Urban Consumers. Such increase will apply to all cases filed on or after July first of the year in which the adjustment was made.

COURT FILING SURCHARGES (Section 488.426)

Currently, any circuit court can collect a civil case filing surcharge of an amount not to exceed $15 for the maintenance of a law library, the county's or circuit's family services and justice fund, or courtroom renovation and technology enhancement. If the circuit court reimburses the state for salaries of family court commissioners or is the circuit court in Jackson County, the surcharge can be up to $20. This bill provides that the circuit court in the City of St. Louis may charge a filing surcharge up to $20.

TECHNICAL CHANGES (Section 510.030)

This bill updates current statute to include "or her" in those rather than "his" and makes other technical changes.

UNIFORM DEPOSITIONS AND DISCOVERY ACT (Sections 510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 510.521,

This bill establishes the "Uniform Interstate Depositions and Discovery Act". The bill specifies the procedures and processes for the submission of a foreign subpoena that originates in a state other than Missouri, and the processes by which Missouri county clerks must administer foreign subpoenas.

These provisions apply to requests for discovery in cases pending August 28, 2026.

CIVIL ACTIONS TO PROTECT PUBLIC EXPRESSION (Section 537.529)

This bill establishes the "Uniform Public Expression Protection Act".

The bill relates to causes of action filed against individuals who exercise certain constitutional rights. The bill specifies that, when a person, defined in the bill as "an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity", has a cause of action filed against the person based upon the person's communication in a governmental proceeding or on an issue under consideration in a governmental proceeding, or when the person exercises the person's right of freedom of speech or of the press, the right to assemble, or the right of association, that person may file a special motion to dismiss the cause of action.

This bill establishes procedures for such special motions to dismiss. The bill specifies under which circumstances a court may award costs, reasonable attorneys' fees, and reasonable litigation expenses. The provisions of the bill apply to civil actions filed on or after August 28, 2026.

MISSOURI EXPUNGEMENT FUND (Section 610.144)

This bill creates in the State Treasury the "Missouri Expungement Fund", the funds of which will be used by the Office of State Courts Administrator, the Department of Public Safety, and the Information Technology Services Division within the Office of Administration on the statewide court automation system and the Missouri criminal history record information system for the purposes specified in the bill.

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

PROPONENTS: Supporters say that the intent of this bill is to protect the public, journalists, and public expression in general from frivolous, meritless lawsuits, and the language is based on a model act, referred to as Strategic Lawsuits Against Public Participation (SLAPP). The financial burden of defending these lawsuits precludes defendants from expressing free speech. Many people decide fighting the legislation is not worth their time so they simply allow their speech to be suppressed. This includes posts on social media.

Testifying in person for the bill were Senator Henderson; Arnie Dienoff; Missouri Right To Life; Missouri Broadcasters Association; Missouri Press Association; and Institute For Free Speech.

OPPONENTS: There was no opposition voiced to the committee.

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